

Chapter 12 -Section 12.07

Residential Modification Committee

Policy:

The Rotonda West Association is authorized by Florida Statutes {720 and {617 to organize according to the needs of the Association. The RWA By-Laws, Article II, Section 10, allow the Board of Directors to establish committees in order to facilitate the over-all operations of the association.

The Residential Modification Committee is hereby authorized as a Required Standing Operating Committee according to the Rotonda West Association's Policy for Committees, Section 12.0, to carry out the purposes stated in the Charter below. The Committee is also authorized to make recommendations to the Board of Directors as may reasonably be necessary to advance the interests of the RWA. The Board has the option of modifying the Charter at any time.

Charter:

The RMC is a committee authorized by Florida State Statutes and the Rotonda West Deed Restrictions and appointed by the Board for the purpose of reviewing and approving new construction of Residential Improvements constructed on a Lot/Tract after the receipt of a certificate of occupancy for the Dwelling on the same Lot/Tract and additions, alterations or modifications to Dwellings actually used as residences and Residential Improvements but not Dwellings used as model homes or builders' speculation houses, Dwellings owned by the Grantor/Developer or on Commercial Improvements.

- 12.07.01 Committee Authority and Function
- 12.07.02 RMC Guidelines as recorded on 11-30-2012
- 12.07.03 Review
- 12.07.04 Other activities

12.07.01 COMMITTEE AUTHORITY & FUNCTION:

- a) The RMC shall be comprised of no less than three (3) members to be named by the Board of Directors. One (1) of the members shall be an active member of the Deed Restriction Committee. A majority shall constitute a quorum.
- b) The RMC shall review and approve/disapprove all applications relative to construction of Residential Improvements constructed on a Lot/Tract after the receipt of a certificate of occupancy for the Dwelling on the same Lot/Tract and additions, alterations and modifications to existing Dwellings and Residential Improvements. The RMC may not review additions, alterations or modifications to Dwellings used as model homes or builders' speculation houses or Dwellings owned by Grantor/Developer or Commercial Improvements.
- c) No construction of Residential Improvements constructed on a Lot/Tract after the receipt of a certificate of occupancy for the Dwelling on the same Lot/Tract or additions, alterations or modifications to a Dwelling or Residential Improvements shall be made without the prior written approval of the RMC. In seeking such approval, the Owner must submit a set of construction plans and specifications, including working drawings, a site plan, in a form reasonably satisfactory to the RMC, showing the location of the Dwelling(s) and all Residential Improvements, together with landscaping, parking spaces, mailboxes, irrigation and utility lines, property lines and setbacks, and adequate assurances demonstrating that the proposed construction or alteration meets the requirements of the Governing Documents and all building, zoning, plumbing, electrical and other codes in effect at the time of construction of such Residential Improvement or addition, alteration or modification to such Dwelling or Residential Improvement. The RMC reserves the right to require proof of project completion funding from the Owner.
- d) The Association may establish and from time to time modify Residential Modification Guidelines, subject to Grantor/Developer approval. The Association may not establish or modify Residential Modification Guidelines for the control of the design of, and additions, alterations and modifications to, Dwellings used as model homes or builders' speculation houses or Dwellings owned by Grantor/Developer or Commercial Improvements. Residential Modification Guidelines established or modified by the RMC must be adopted by the Association through its Board of Directors and subject to Grantor/Developer approval prior to enforcement by the RMC.
- e) Approval or disapproval of an application by the RMC, which shall be in writing, shall be based on the standards set forth in these Restrictions together with those in the Residential Modification Guidelines. In the event the RMC fails to approve or disapprove an application within forty five (45) days after the RMC has received all documentation required by this Section, together with that required by the Residential Modification Guidelines, approval shall be deemed to have been given.
- f) The Association may establish a schedule of fees and/or deposits to cover costs related to review of applications and plans, together with on-going inspections throughout the construction process, relative to new construction of Residential Improvements and additions, alterations and modifications to Dwellings and Residential Improvements.

- g) The application, plans and other specifications required by the RMC shall be submitted in writing and hand-delivered or mailed to RMC, ROTONDA WEST ASSOCIATION, INC., 3754 Cape Haze Drive, Rotonda West, FL 33947. The Association reserves the right to change the address from time to time.
- h) Permanent approved additions to a Dwelling which match the color and texture of the Dwelling and are approved by the RMC will not be construed as a shed even if used for storage.
- i) Grantor/Developer and the Association reserve the right, but not the obligation, to inspect construction as it proceeds in order to insure that the Improvements are being constructed according to the plans and specifications and site plan. Such inspections, if undertaken by the Grantor/Developer or the Association, shall be solely for the purpose of determining that construction is in compliance with the approved plans and specifications, site plan and these deed restrictions. Said inspections shall not be deemed trespass.
- j) If inspections show that the building is not being constructed in accordance with the approved plans and specifications, the site plan or these Restrictions, then a letter shall be delivered to the contractor with a copy of same to the Lot/Tract Owner setting forth said objections. This letter shall be issued by the Grantor/Developer or Association, as appropriate, for deed restriction non-compliance. Upon receipt, the work shall stop until the objections shall have been complied with or resolved in writing. The issuance of a building permit or other license or substantial completion of improvements which may be in contravention of the plans and specifications, the site plan or these restrictions, shall not prevent the Association from enforcing these provisions.
- k) Non-liability. The review and approval or disapproval of all plans and specifications submitted for any proposed construction, improvement, modification, alteration, or addition shall not be deemed approval or certification of the proposed construction for structural safety or conformance with building or other County, State or Federal codes. The Grantor/Developer, Association, Board of Directors, officers and any members of the committees shall not be liable to any Owner or any other person or entity for any loss, damage, or injury arising out of or in any way connected with the performance or nonperformance of the duties hereunder or the approval or disapproval of any plans or specifications.

12.07.02 RMC GUIDELINES AS RECORDED ON 11-30-2012

The 9 page recorded RMC Guidelines can be found herein in Chapter 10, Section 10.2 or on the Association's web site: www.rotondawest.org

12.07.03 REVIEW:

The RMC shall work with the Board of Directors, the Association's Attorneys, The Developer, and the Manager in reviewing changes to Florida Statutes {720 and {617, as well as other state and county legislative and policy actions in identifying changes that are required to be made to the deed restrictions. The Committee shall propose those changes to the Board for forwarding to the Developer for final adoption. Such procedures shall occur at least annually, or as often as required.

12.07.04 OTHER ACTIVITIES:

The Residential Modification Committee shall carry out other activities as directed by the Board by holding periodic meetings and making reports to the Board.

Committee Authorization Resolution Follows

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