

**TAMARIND GULF AND BAY CONDOMINIUM ASSOCIATION
ARCHITECTURAL GUIDELINES
AND MAINTENANCE STANDARDS**

REVISED 02/22/2024

ARTICLE 1: ARCHITECTURAL GUIDELINES

SECTION 1 A CONDOMINIUM

A condominium is a form of ownership of real property that is created under the Condominium Act and is comprised of units owned individually by one or more persons together with joint ownership of and undivided share in the “common elements.” The term condominium refers to the grouping of three distinct parts, which includes the condominium unit, the “common elements” and the condominium Association. The first part is exclusive ownership of a single unit, the second part as tenants-in-common with others, of common areas; and the third part is an agreement or scheme among owners for the management and administration of the total condominium property.

SECTION 2 ARCHITECTURAL COMMITTEE

2.1 THE COMMITTEE

The committee is sanctioned by a referendum of the Board Of Administration and operates under the auspices of the Board. It's power and authority is only by that which is granted by the Board Of Administration as provided for in the Association Documents. The Committee is made up of a group of owners who volunteer to advise the Board in the establishment and enforcement of Architectural Guidelines and to inform and assist owners in the compliance of these ARCHITECTURAL Guidelines.

2.2 PURPOSE

To preserve and protect the integrity of the “common” and “limited common property” of the Association and to insure that a uniform appearance is maintained. To assure and enhance the peaceable enjoyment and living conditions of our residents.

2.3 JURISDICTION

The jurisdiction is limited to the “common elements“, “limited common elements” (common elements set aside for the exclusive use of an owner i.e. patios, roof decks, storage lockers, carports) and individual units only as provided by law for that which involves the structural integrity and appearance of the common elements or to that which may effect the peaceable enjoyment of an adjoining unit.

2.4 SCOPE

This document is supplemental to the “Declaration of Condominium,” “Articles of Incorporation” and the “Amended and Restated Bylaws commonly referred to as the Association “Documents” and the “Rules and Regulations of the Association”. The intention of this document is to introduce language where the “Documents” are silent, to clarify ambiguous language in the Documents and to expand language in the “Rules and Regulations,” as it may relate to this document. The Architectural Guidelines should be used as a partner to and in conjunction with these documents.

SECTION 3 GENERAL GUIDELINES AND REQUIREMENTS

3.1 BUILDING EXTERIOR ALTERATION

The alteration of the exterior of any building in any manner is strictly prohibited. The alteration of any “common element” of a condominium has specific legal requirements as established by the Association Documents and Florida statute and a prescribed method of approval must be adhered to. All requests to alter a “common element” or “limited common element” must first be submitted in writing to the Board Of Directors and delivered to the Association office by U. S. mail or in person.

A. Owners have the right to install a security camera that does not interfere with the reasonable, peaceful and lawful use of the common elements. The location and direction of the camera must be situated so as to not intrude upon or interfere with any owners reasonable expectation of privacy. Any exterior installation requires approval from the Architectural Review Committee (ARC).

3.2 GROUNDS

The alteration of the grounds of the Association in anyway is strictly prohibited. This shall include but not limited to the planting, removal, trimming or alteration of any plants, shrubs, trees or flowers or the placing of any pots, lawn ornaments or personal items in any of the planting beds surrounding any building.

3.3 SAFETY

It shall be understood that it is the responsibility of each owner and his agent to perform in a manner or utilize prescribed methods as may be mandated by O.S.H.A standard safety requirements to assure the safety of all residents and to preserve and protect the Common Property of the Association.

3.4 HOURS OF WORK

Unless work is being performed to address an immediate plumbing or electrical emergency, no work shall be performed before 8:00 A.M. or after 7:00 P.M. Monday through Saturday. No work shall be performed on Sunday.

SECTION 4 CONTRACTOR/OWNER REQUIREMENTS

4.1 SELECTION

The selection of a contractor is at the discretion of an individual owner. However, the hiring of a general contractor, project manager or tradesman does not negate the responsibility of the owner to assure adherence to the Association Rules & Regulations and/or the Architectural Guidelines and Requirements.

4.2 LICENSING AND CODE REQUIREMENTS

All electrical, plumbing and structural installations and or alterations must be done by a licensed and insured professional for which proof must be provided to the Board through the Association Manager. It shall be the responsibility of each owner and his agent to comply with all applicable building codes and restrictions as prescribed by state and local county regulatory officials and to obtain any required permits. **Contractors or tradesman performing work exceeding what would normally be considered minor repairs should register at the Association office and provide key contact information.**

4.3 MAINTENANCE REQUIREMENTS

- A. The staging or storing of building materials**, tools or other personal items in any hallway, walkway or stairway or upon any common property of the Association at any time is strictly prohibited. All material must be staged within the confines of the unit.
- B. The cutting or sawing of material** must be done within the confines of the unit or limited common element of the unit. The use of walkways, stairways or hallways for this purpose is strictly prohibited. The parking area may be used for this purpose, however it is the responsibility of the person or persons performing the work, and not the Association, to remove any and all debris, dust or residue by what ever means necessary. This shall be performed as frequently as necessary to maintain the appearance of the area, however this must be done no later than the end of each workday.
- C. The removal of materials due to demolition** is understood and expected. However, measures must be taken to prevent damage to common elements including stair treads and floor coverings. **All subsequent repairs and costs to repair any and all damage shall be the responsibility of the individual owner.** All debris, dust or residue must be removed from walkways, stairways, hallways and all common areas immediately by any means necessary. It is the responsibility of the owner or contractor to arrange for the disposal of these items. The placing, staging or storing of these items anywhere on the grounds is strictly prohibited. Charlotte County code Sec. 1-12-116 prohibits the staging of any material, refuse, furniture or major appliances on the outside of any dumpster or around any dumpster area.

SECTION 5. WINDOW, ENTRANCE DOOR AND PATIO DOOR REPLACEMENT

5.1 STYLE, SIZE AND COLOR REQUIREMENTS

To maintain a uniform appearance, all windows and patio doors must be replaced with the exact size, color, style and type as the existing. They must be bronze aluminum and shall not contain any decorative mutton dividers. A double hung must be replaced with a double hung, a slider with a slider, a fixed pane with a fixed pane, etc. All windows and patio doors must meet current building codes and hurricane requirements. Tinted glass and solar film is permitted but obscure or opaque glass or coating is prohibited.

Note! The reduction, expansion, elimination or alteration of any window or exterior door opening is an alteration to a “common element” and is strictly prohibited.

5.2 ROOF DECK PATIO DOORS.

A representative from the Association’s roofing company **must be present** at the time of the installation of any roof deck patio door. The owner or his agent must make prior arrangements through the Association manager to coordinate an appointed time between the roofing company representative and the installer.

5.3 INSTALLATION REQUIREMENTS

Special consideration should be used to assure that the tradesman that you select to install new windows and patio doors are skilled craftsmen familiar with the challenges and additional requirements necessary when installing in multi-story masonry construction.

5.4 CAULKING REQUIREMENTS

Only superior quality permanent architectural grade caulking shall be used such as Sonolastic Ultra by Sonneborn. Once windows are sealed, caulking must be “tooled” forming a smooth tapered bond between the window and the masonry wall.

5.5 ALUMINUM TRIM

Certain areas may require the removal or loosening of aluminum trim to facilitate the removal and installation of windows. **Only qualified aluminum contractors shall be used for the removal and installation of the aluminum trim.** The aluminum trim must be caulked with matching caulk to assure a weather tight seal and care must be exercised to maintain the integrity and appearance of the aluminum.

NOTE! Any deterioration to wood members discovered during this process must be reported to Association management.

5.6 ENTRANCE DOORS

The entrance door to an individual unit is “common property.” The replacement of an entrance door with other than an exact matching flush style door is prohibited. Personal color selection on the exterior of any entrance door is also prohibited.

Note! The maintenance and replacement of knobs and locksets is the responsibility of each individual owner, however all locks must be keyed to the Association master key and an additional key must be provided to the Association.

5.7 WINDOW MAINTENANCE

As prescribed in our documents the maintenance, cleaning and replacement of windows and patio doors in each unit is the responsibility of the unit owner. Owners requesting ingress to adjoining units in the owners absence for the purpose of access to clean the exterior of their windows must obtain permission from that owner and that owner must contact the manager and grant their permission before a key will be released.

5.8 PATIO DOOR MAINTENANCE

Rollers on patio doors should be maintained or replaced as necessary to assure quiet operation as not to unnecessarily disturb your neighbors residing in the unit below.

SECTION 6 LANAI, BALCONY AND ROOF DECKS

6.1 LANAI

The lanai or first floor is “limited common property”. Only screen enclosures of the style, size and configuration as described in Article XXXIX, Section G. of the “Certificate of Amendment to Amended and Restated Declaration of Condominium for Tamarind Gulf and Bay Condominium” is permitted. An Architectural Review Committee request is required and detailed specifications can be found in Appendix A. The enclosing of any lanai with glass, vinyl or other materials is consider an alteration to “common property” and is prohibited. The choice and selection of the installation of floor coverings and subsequent removal and replacement that may be required for substructure repairs or maintenance will be the responsibility of the individual owner. Article XVII of the “Amended and Restated Declaration of Condominium of Tamarind Gulf and Bay Condominium” defines the owner responsibility for the maintenance of individual balconies.

6.2 BALCONY

The balcony of any unit is “limited common property”. The alteration or enclosing of any balcony with glass, vinyl or any other material other than developer installed screening and framing is strictly prohibited. The choice and selection of the installation of floor coverings and subsequent removal and replacement that may be required for substructure repairs or maintenance will be the responsibility of the individual owner. Article XVII of the “Amended and Restated Declaration of Condominium of Tamarind Gulf and Bay Condominium” defines the owner responsibility for the maintenance of individual patio lanais.

6.3 ROOF DECKS

The roof deck of any unit is “limited common property”. To facilitate the exposure of the roofing membrane for maintenance purposes, the concept of modular design must be used when roof decks are replaced with a maximum panel size of 4' X 8'. Extreme caution must be used in the installation and maintenance of roof decks to assure the protection and integrity of the roofing membrane. The securing of roof deck framing to the roof or parapet walls is strictly prohibited. The installation or construction of any structure, enclosure or screen room on any roof deck is prohibited. Article XVII of the “Amended and Restated Declaration of Condominium of Tamarind Gulf and Bay Condominium” defines the owner responsibility for the maintenance of individual roof decks. Roof decks are also subject to the Maintenance Standards contained in Article II, Section 2 herein

6.4 CEILING FANS

The installation of ceiling fans on a lanai or balcony is permitted. The fan must be designed for exterior use and must be white in color. It shall be the responsibility of the unit owner to maintain the appearance of their fan.

SECTION 7 SOUNDPROOFING

7.1 HARD SURFACE FLOORING

In accordance with Florida Building Code requirements and to reduce noise transmission to adjacent units, a soundproofing underlayment is required. The underlayment must have a minimum STC rating of 50 and ICC rating of 60 as tested with an 8” concrete floor. Potential materials include ¼” cork, Insulayment (MP Global Products), Proflex 90 (Proflex Products) or alternate materials that may be recommended by your floor covering supplier. First floor units are excluded from this requirement.

7.2 FURNITURE REQUIREMENTS

As a courtesy to your neighbor residing in the unit below you, and in an effort to reduce sound transfer, all chairs located on a solid surface flooring should be equipped with soft rubber tips or if applicable hard rollers should be replaced with soft rubber rollers.

SECTION 8. LIGHT FIXTURES

8.1 LANAI, BALCONY AND ROOF DECKS

To maintain continuity of the exterior façade only light fixtures matching the existing fixtures shall be used on any lanai, balcony or roof deck or in any hallway or entrance.

SECTION 9. HURRICANE SHUTTERS

Florida statute 718.113.C.5 grants the right of a homeowner to install hurricane shutters and shall

not be deemed to be an alteration to a “common element”. This provision does not exclude the right of an Association to mandate style, type and color requirements.

9.1 SHUTTER STYLE

Painted aluminum or clear lexan “Roll” style self contained units shall be used on all openings unless the opening location or size is prohibitive such as may be the case in loft areas where small windows are often found and “clear story” windows located at ceiling level in some units. Where the location will not house the roller mechanism, aluminum framed lexan shutters may be more practical. Accordion or removable opaque solid panel style shutters are not permitted. All shutter installations must meet current code.

9.2 SHUTTER LOCATION

Shutters may be placed on any window or glass door. The placement of roll down hurricane shutters on the perimeter of a lanai or patio is also permitted.

9.3 SHUTTER COLOR

Shutter and coordinating frame color selection is limited to white, bronze or clear lexan with the color selection being determined by the location of the installation on the building. A shutter that is being installed on windows located within the bronze shingled area of the building must be bronze in color or clear lexan. Shutters and frames being installed on windows located on the white stucco portion of the building must be white in color or clear lexan.

9.4 SHUTTER MAINTENANCE

The maintenance and operation of hurricane shutters shall be the responsibility of the individual unit owner and shall be maintained to assure an attractive appearance. To maintain acceptable appearance standards or for the purpose of color continuity, the Association reserves the right to paint any hurricane shutter.

ARTICLE II: MAINTENANCE STANDARDS

Pursuant to Article XVII(A)(4) of the Amended and Restated Declaration of Condominium, the Board of Directors may establish guidelines which may be amended from time to time, setting maintenance standards and when those standards are not met by the unit owners, the Association will make the repairs necessary to assure safety and continuity in maintenance and appearance at the expense of the owner.

SECTION 1 AIR-CONDITIONING EQUIPMENT

Pursuant to Article XVII(A) of the Amended and Restated Declaration of Condominium, unit owners must take all appropriate steps to maintain, repair and when appropriate, replace the air-conditioning equipment (“A/C Equipment”), including (but not limited to) the compressor located on the Condominium building roof, which exclusively services their unit. The Association, acting by and through the Board of Directors, is empowered to establish levels of maintenance and upkeep by the unit owners as it pertains to the A/C Equipment. The failure of A/C Equipment in the units can lead to damage to the units and to the Condominium property. The Board of Directors shall have the sole discretion to determine when A/C Equipment needs to be maintained, repaired or replaced. Factors the Board of Directors may utilize to determine if A/C Equipment needs to be maintained, repaired or replaced include (but are not necessarily limited to) the following: blowing no air or warm air, loud noises, strange

odor, failure to adequately remove/regulate humidity, Freon/water leaks, exceeds lifespan, still utilizes outdated “HCFC-22” or “R-22” refrigerant, recommendation from a licensed professional/contractor, etc. The Board of Directors and their representatives shall have the right, but not the obligation, to periodically inspect the A/C Equipment. In the event the Board determines that A/C Equipment needs to be maintained, repaired or replaced by a unit owner, written notice shall be provided by the Association and, thereafter, the unit owner will have ninety (90) days, or a lesser period of time (as circumstances warrant, in the sole discretion of the Board), to complete the required corrective action. Unit owners may use the contractor of their choice to take this corrective action. Such contractor shall be properly licensed and insured in accordance with local industry custom, and the Board may require written proof of same.

SECTION 2 ROOF DECK

Pursuant to Article XVII(A) of the Amended and Restated Declaration of Condominium, unit owners must take all appropriate steps to maintain, repair and when appropriate, replace the limited common element roof deck appurtenant to their unit. The Association, acting by and through the Board of Directors, is empowered to establish levels of maintenance and upkeep by the unit owners as it pertains to the roof decks. The failure of the roof decks can lead to damage to the roofs, the units and other Condominium property. The Board of Directors shall have the sole discretion to determine when a roof deck needs to be maintained, repaired or replaced. Factors the Board of Directors may utilize to determine if a roof deck needs to be maintained, repaired or replaced include (but are not necessarily limited to) the following: rotting wood, cracks, missing slats, missing rails, distress/damage to roof, discoloration, splintering, etc. The Board of Directors and their representatives shall have the right, but not the obligation, to periodically inspect the roof decks. In the event the Board determines that a roof deck needs to be maintained, repaired or replaced by a unit owner, written notice shall be provided by the Association and, thereafter, the unit owner will have ninety (90) days, or a lesser period of time (as circumstances warrant, in the sole discretion of the Board), to complete the required corrective action. Unit owners may use the contractor of their choice to take this corrective action. Such contractor shall be properly licensed and insured in accordance with local industry custom, and the Board may require written proof of same. Roof decks are also subject to the Architectural Standards contained in Article I, Section 6.3 herein.

APPENDIX A: SPECIFICATIONS FOR SCREEN ENCLOSURES, TAMARIND FIRST FLOOR

Construction may NOT be started until an Architectural Review Committee (ARC) form has been approved. The ARC form shall include a drawing or schematic of the proposed installation.

1. All required construction permits are the responsibility of the owner/contractor.
2. The type of screening must be dark charcoal/black in color to match the second-floor screened areas.
3. For “open view” designs, Tuffscreen™ or a vinyl-coated polyester equivalent must be used.
4. The framing material is to be dark bronze aluminum to match the second-floor screened areas.
5. The door MUST BE 36 inches in width with an 8 inch kick plate.
6. Any adjacent kickplate must not exceed the height of the door kickplate (optional).
7. If a center post is used, it shall be in the middle of the patio front to match the screened or windowed area of the unit above.

8. The screening material itself must be on the outside of the supporting frame.
9. A 2" by 2" horizontal chair rail may be installed 32 inches above the floor.
10. Any removal or change in location of plants, shrubbery or sod requires written approval of the Landscape Committee and shall be at the owner's expense.
11. All work and materials must be in accordance with this specification list and materials described below:
 - a. 1" x 2" open back (.044) for ceilings, walls and floor
 - b. 2" x 2" chair rail
 - c. 2" x 3" vertical post or 3" x 3" vertical posts for "open view" installations
 - d. Charcoal color screen
 - e. Flat black spline to hold screen in place.
 - f. Stainless steel/ultra coat screws and fasteners to prevent rust/corrosion
 - g. 18-8 stainless steel concrete anchors, minimum 1.5 inch penetration installed at a minimum 3" O/C distance from the edge to prevent concrete failure.
 - h. All aluminum will be bronze.
 - i. Standard 36" door with 8-inch kick plate, lock and closer
 - j. Door is to swing out.
 - k. Optional kickplate height to match the door kickplate height
 - l. Perimeter must be caulked (urethane) bronze on the inside and outside of all mating surfaces except for the floor to allow for drainage.