

Tamarind Architectural Guidelines Review

August 25, 2022

Rules & Regulations

Paragraph 19

19. **Additions, Alterations and Repairs.** (See Architectural Guidelines, Addendum 4) All additions, alterations and structural repairs, except for the interior of units, are the responsibility of the Association. No work of any kind is to be done on the exterior building walls, interior boundary walls, balconies or terraces, without the approval of the Association. The Property Manager must be notified of all exterior repairs/replacements (A/C units, windows, doors, etc.) prior to commencement of work.

Architectural Guidelines

Purpose & Jurisdiction

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.

Architectural Guidelines

Alterations, Windows and Doors

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.

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.

Declaration of Condominium

XIX **ALTERATIONS, ADDITIONS AND IMPROVEMENTS** **TO COMMON ELEMENTS**

The Association shall have the right to make or cause to be made substantial and material alterations, improvements and additions to the common elements, in accordance with the following provisions:

1. A special meeting of all the unit owners may be called for the purpose of acting upon the proposal for such substantial alteration, improvement or addition, upon not less than fourteen (14) days nor more than sixty (60) days notice.
2. A vote of three-fourths (3/4) of the total number of voting interest holders present and voting, in person or by proxy, at a meeting of members in which a quorum is present shall be required to approve and adopt the provisions allowing such alteration, improvements or additions.
3. The cost of such alteration, improvement or addition shall be assessed and collected as a common expense and each unit owner shall bear the same portion or share of such cost as is the share of the common elements appurtenant to his unit, as such shares are set forth in Article No. VI of this Declaration.

Where do we go from here?

- The Documents are clear regarding changes to common and limited common elements.
- Precedent has been set regarding approval of changes by membership vote
- Voting on individual changes results in deviations to the uniform appearance stressed in the documents
- Voting on individual requests carries risk of unequal treatment

Proposed Path forward

- Future requests should be made in the form of a rule change
 - This would allow for equal treatment of similar requests
 - Saves time and duplication of effort
- Documents will have to be updated accordingly
 - Declaration will need to reflect that changes will be governed by the Architectural Rules
 - Declaration will need to be amended to clarify who will carry the costs