

Pelican Landing Hurricane Shutters/Protection Policy

The goal of this policy is to layout the Association's specifications/requirements as provided by Florida Statue 718 Sec 113 Paragraph 5

“Each Board of Administration of a residential condominium shall adopt hurricane shutter specifications for each building within each condominium operated by the association which shall include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the applicable building code.”

To provide a Uniformed Exterior Appearance (Declaration 10.1) while protecting the soundness and safety of the common element Florida Statue 718.113 (3), also to provide for a fair transition for existing non-policy compliant hurricane shutters/protection (Grandfathered-In) to eventually be permanently removed and comply with this new hurricane shutter/protection policy.

Owners can choose between two options listed below:

- 1) **Option 1:** Hurricane rated sliders, interior mounted just inside the screening/railing of the lanai floor to ceiling and side to side of the opening with design and color to match railing (oil rubbered bronze). End units same applies to side opening of lanai.
- 2) **Option 2:** Lanai interior mounted only hurricane shutters/protection can be accordion or fabric in the color to match the exterior paint of the building or white. Must submit samples of color and style for approval. The style is to conform with creating a uniformed appearance of the building, as this allows for flexibility of different companies and/or styles that may not be exact but very close to each other, mounted just inside the lanai screen/railing, extending from floor to ceiling and from side to side and end units same applies to the side opening.

*No hurricane shutter/protection can be mounted on the exterior walls of the common element, only inside of the railing of the lanai.

- 3) Windows are part of the common element and owned by the association, so any unit owner wanting to install hurricane shutters may do so at their own expense and they must be mounted inside of the windows and that becomes part of the unit owner's responsibilities as described in the Declaration Section 8.2.3. Again, no externally mounted shutters on any windows.
- 4) “Grandfathered-In Status” - Definition: Any existing installed hurricane shutters/protection that do not meet this hurricane shutter/protection policy that were installed prior to this

policy taking control are considered to be in “Grandfathered-In Status”. Until any of the following situations listed below arise then the “Grandfathered-In Status” will be removed, and the owner must permanently remove same, along with repairing common element, per Building Committee’s directions at owner’s expense, and any future request must be in compliance with this hurricane shutter/protection policy:

- A) Any repair needed that requires the mounting framing to be removed or screws removed from the common element, or if the existing fasteners show to be loose, allowing water infiltration, or it is causing damage to the common element.
 - B) Fails a yearly inspection and it’s determined they pose a structural or soundness threat to the common element. If they do, then at that time the unit owner will be notified to permanently remove them and repair the common element at their expense.
 - C) If removal is necessary to perform justifiable/required maintenance to the building, at that time, the unit owner will lose “Grandfathered-In Status” and the protection will not be allowed to be reinstalled.
 - D) If existing hurricane shutters/protection were installed prior to this policy and did so without any approval, those units are subject to be inspected to verify that they comply with appropriate building codes and were installed properly. If it’s determined that they were installed improperly or do not meet building code or are causing damage to the common element, then that unit owner would need to immediately remove and lose any “Grandfathered-In Status”.
- 5) The only circumstance where the “Grandfathered-In Status” protection will be allowed to be repaired is if it can be done without removing the frame/mounting hardware to the common element and the existing frame attachment or anchor bolts don’t show signs of deterioration, water intrusion and/or cracking, etc., then after the appropriate committee approves, it will be sent to the board for final approval. At that point, the existing hurricane protection can be repaired and continue to be grandfathered.
- 6) Those units who choose interior mounted hurricane shutters with existing sliders have the option (through association written approval) of moving (at their expense) their existing sliders inward enough to obtain room to allow shutters to be mounted just inside the screening/railing between the sliders or just inside existing sliders. As long as this procedure doesn’t conflict with and meets the building code.
- 7) All hurricane sliders/shutters must meet or exceed building codes. Any plans related to this policy, once submitted to appropriate committees for approval, must obtain final approval by a board vote to ensure compliance with this policy. Any committee approval without board vote is deemed invalid and no verbal approvals are valid.

- 8) Upon board vote/adoptions, this hurricane shutters/protection policy takes immediate control over any/all existing committee or other approvals of hurricane protection installation or repair or related as outlined in this policy.
- 9) Installers or owners may not drill into the common element to temporarily or permanently attach anything such as scaffolding, etc., at any time without written board approval.
- 10) Anyone who has installed or replaced existing hurricane shutters/protection prior to this policy and did so without written committee approval is subject to inspection to verify that they comply with appropriate building codes and were installed properly. If it's determined that they were installed improperly, do not meet building code, or are causing damage to the common element then that unit owner would be notified to immediately permanently remove and repair common element or the association will do so at the owner's expense as outlined in the Declaration Sec. 8.2.3, and must meet the guidelines in the new policy.
- 11) Anyone who willfully installs /repairs any hurricane shutters/protection or attaches/drills into the common element after this policy takes control without written committee approval and majority board vote after determination was made that same did not meet the requirement of this policy or poses a threat to the common element will immediately need to be removed at owner's expense and receive the maximum fines allowable under Florida State Statute and Law along with any legal fees incurred by the Association.
- 12) Any application request and or submission submitted to any committee for approval for anything that involves the common element or is related to hurricane protection for installation, repair or anything requiring attachment/ drilling to the interior or exterior of the common element, or anything else that might fall under this policy must be submitted for final approval to the board along with all paperwork, application, product information, color samples, contractor information, installation procedures, check lists, and letter acknowledging responsibility under Declaration 8.2.3 from owner for review along with the board required committee questionnaires filled out. This should be done prior to the monthly meeting, giving time to review same. The application must receive a majority of the board members vote to be considered approved. The Board vote will be limited to whether the application conforms to the requirements outlined in this policy. The board vote will not be able to make exceptions to this policy, but instead ensure the policies and procedures are applied properly, evenly and fairly to all owners. If any committee approval is granted without board approval, it is deemed invalid until the board votes and approves the submission. No verbal approvals shall be granted and any unit owner who has or does purchase any protection without board final approval does so at their own financial risk. The unit owners are ultimately responsible for obtaining proper approvals. "Did not know" isn't a defense for failure to comply. If you aren't sure ask/apply to the board anyway to ensure you're in compliance.

Attached below are Florida Statutes, Pelican Landing Declaration and By-laws as written at the time of this policy was adopted:

Pelicans Landing Declaration 8.2.3 applies:

“If the unit owner makes any modifications, installation, or additions to the interior or exterior of the unit, common elements, or limited common elements, the unit owner shall be financially responsible for the insurance, maintenance, care, and preservation of the modifications, installations or additions and shall execute as the association may promulgate accepting said financial responsibility. Any modification, alteration, or addition to the condominium property made by the unit owner and duly approved by the board directors, may be required to be removed in connection with the association’s maintenance of the common elements. In such cases, the unit owner who installed the alteration, additions, or improvement (**and their successors in title**) shall be obligated to reimburse the association for any costs affiliated with removal and/or installation of the item, with said obligation being secured by a right to lien of equal dignity to the common expense lien created by this declaration. Further the association, its contractors, and agents, shall not be liable for any damage to the items arising out of its removal and/or reinstallation, unless occasioned by their gross negligence or willful misconduct of the association or its contractor or agent.”

Florida Statue 718 Sec 113 Paragraph:

(3) A unit owner shall not do anything within his or her unit or on the common elements which would adversely affect the safety or soundness of the common element.

(5) Each board of administration of a residential condominium shall adopt hurricane shutter specifications for each building within each condominium operated by the association which shall include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the applicable building code.

(5d) Notwithstanding any other provision in the residential condominium documents, if approval is required by the documents, a board may not refuse to approve the installation or replacement of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by a unit owner conforming to the specifications adopted by the board,

Declaration Section 10.1 UNIFORMITY OF APPEARANCE - All condominium units shall be and remain of like exterior design, shape, color and appearance as other condominium units of the same class or type provided, however, that alterations maybe made after prior written

approval by the Board of directors, consistent with specifications approved by the board from time to time.

Section 10.2 NUISANCES Occupants of the condominium units shall not permit, suffer or maintain in their premises loud noises, obnoxious odors, or fire hazards (noisy rattling exterior or interior mounted shutters).