

THE LEXINGTON STRATA CORPORATION KAS973 COMMUNITY RULES (AMENDED AS OCTOBER 16, 2012)

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**1.0** No major repairs to vehicles shall be carried out on common property. Vehicles in a state of disrepair shall not be allowed on the common property areas.

**1.1** No rain barrels or composter are allowed on limited common property or common property at Strata Corporation KAS973.

## **2.0 Vehicle and RV Parking**

**2.1** Except as may be provided for in Section 2.2 below, no overnight parking is allowed on the main common streets other than in designated parking areas.

**2.2** No, motorhome, camper, trailer, boat or equipment of any kind shall be parked on common property other than in such specific areas provided therefore, or as may be assigned in writing by the Strata Council. Such permission may be rescinded at the discretion of the Strata Council. However, notwithstanding this rule, residents may park their RV's in front of their homes, for a period not exceeding 24 hours for the purpose of loading or unloading their RV's.

**2.3** RV Parking: Spaces may be reserved for a fee of \$15.00 per month. Lots are for the sole use of Owners/tenants of 650 Lexington Drive. Owners/tenants who no longer require their spaces shall advise Strata Council or Management. The Strata Council shall maintain an RV space allocation list and a waiting list and allocate space on a first come-first serve" basis.

**2.4** Subject to availability, parking spaces are to be set aside to accommodate visitors' recreation vehicles. These spaces will be allocated on a "first come-first serve" basis. Duration of stay will be limited to 48 hours. Such vehicles are not to be used for living accommodation during the period of stay. Structures of any type shall not be erected in the RV Parking Lots.

**2.5** Illegal Parking: If verbal or written notices prove to be ineffective regarding illegal parking in common areas, the Strata Council is empowered under the Act (117(i)) to levy fines and, if necessary, have the offending vehicle towed away at the vehicle Owner's expense.

**2.6** Visitor Parking: Owners are requested to advise their visitors of the visitor parking areas within the complex.

## **3.0 Garbage Disposal:**

**3.1** Garbage disposal and containers: Residents are requested to ensure that all garbage put out for collection is deposited in animal - resistant containers. While securely tied vinyl bags are acceptable, the

recommended containers would be made of hard plastic or metal with well secured lids.

- 3.2** Whenever possible garbage should be put out for collection on the day scheduled by the City of Kelowna for refuse collection, but garbage contained in the recommended type of container may be put out the evening prior to the collection day.
- 3.3** Materials ineligible for collection by the municipal authorities e.g. appliances, toxic wastes or recyclables etc. should be removed promptly from the strata lot by, and at the expense, of the residents.
- 3.4** Empty garbage containers should be taken in as soon as possible following the garbage collection.

#### **4.0 Recreation Centre and Facilities**

- 4.1** No jumping or diving into the pool and no running in the pool area.
- 4.2** Regular pool maintenance is performed between the hours of 8:00 to 9:00 am. Monday to Friday inclusive. Residents are requested to avoid using the pool during these periods as far as possible.
- 4.3** The Recreation Centre will be open to residents and guests during the hours of 6:00 AM to 11:00 PM daily, however, the pool and hot tub will be available to residents only on a 24 hour basis. Anyone using these facilities is reminded to consider the comfort of others in the surrounding areas.
- 4.4** Children (age 16 and under) may only use the swimming pool from 11:00 AM to 2:00 PM and from 5:00 PM to 7:00 PM.

#### **5.0 Registration and the Card Entry System**

- 5.1** New resident Owners or resident renters should register with the Strata Council Secretary as soon as possible following their move into the Lexington Community. In addition to themselves they should also register any permanent resident residing with them. A person will not be considered a permanent resident unless their anticipated period of residence exceeds six calendar months.
- 5.2** During the period of their residency resident Owners and resident renters may apply to register:
  - (a) New permanent residents.
  - (b) Long term visitors.
  - (c) House Sitters.(see bylaw 11 Definitions C, E and F)

When approved, such persons will be authorized to use the resident Owner's or resident renter's entry card to the recreation centre unaccompanied. In the case of registered permanent residents only (category C) guests may be invited. Long term visitors and House Sitters will not be allowed to invite guests to the recreation centre.

## **6.0 Gardening (Grounds)**

**6.1** The Strata is responsible for the removal of dead original foliage. The grounds Chairman will determine if the removed foliage is to be replaced. The homeowner is responsible for the removal and disposal of any live foliage. The homeowner must seek permission from the grounds Chairman before live foliage is removed.

**6.2** Planting of garden vegetables is not permitted where they are visible from the road. These plants will be removed at the Owners expense.

## **7.0 Procedures, insurance replacement and return of entry card(s)**

**7.1** New residents should contact the Council Secretary as soon as possible following their purchase or occupancy of the Strata Unit. Following registration one entry card will be issued at no cost and additional cards may be purchased at \$25.00 each.

- a) A damaged entry card may be replaced at a cost of \$5.00. Damaged cards must be returned to the Secretary.
- b) If an entry card is lost a replacement card may be obtained from the Secretary at a cost of \$25.00.
- c) If the lost card is subsequently found, it should be returned to the Secretary and \$10.00 of the "replacement" cost will be refunded.
- d) Home Owner residents who have sold their Strata Unit should return card(s) on or prior to their date of leaving.
- e) Rental residents terminating their tenancy for any reason should return their entry cards on or before their date of leaving.
- f) Owners or renters returning their cards under the provisions of 6d and 6e above will be granted \$5.00 for each card returned if it is in reusable condition.

Note: Entry cards are not transferable between Owners or between Owners and renters and will be deactivated when Strata Lot Owner/renter leaves.

Note: Resident registration and all matters relating to the issuance, use, replacement and return of entry cards should be referred to the Council Secretary.

Please contact any Council member to find out who the current occupant of that position is.

**8.0** Requests, Inquiries, Suggestions and Complaints concerning the control, management and administration of the common property, except in an emergency situation, should be put in writing and addressed to the Strata Council care of Kelowna Condominium Services Ltd, 215-1511 Sutherland

Avenue, Kelowna, B.C., V1Y 5Y7, Fax - (250) 860-7227. Such communication should be in sufficient detail to enable the Council to fully evaluate the matter. Wherever possible, matters referred to Council will be dealt with at the next regularly scheduled Council Meeting.

## **9.0 PROTECTION OF ARCHITECTURAL AND LANDSCAPING FEATURES OF THE LEXINGTON**

### **Introduction**

This document is intended to assist Council when making decisions regarding written requests from residents who wish to make changes to the exterior appearance of their homes, landscaping, or any changes or additions to trees, shrubs, curbing, etc. on common area, limited common area and their residence.

It also deals with birdhouses, bird feeders, bird baths, statues and other items.

### **ALL CHANGES MUST BE MADE IN ACCORDANCE WITH EXISTING BYLAWS:**

The Council will investigate all requests for changes, all complaints regarding unapproved changes.

Council will make decisions, taking into consideration the recommendations of the Architectural Guidelines.

### **9.1 General**

- Residents wishing to make any changes must submit in writing to Council all details such as drawings or sketches (these can be manufacturers illustrated material and/or brochures), types of materials colors and any pertinent information.
- See Bylaw 2.0 and Rule 6.0
- Where trees and shrubs are concerned they must have neighbors approval when it affects the neighbor, the varieties and a description of said plants (such as color and approximate size) must be indicated on the request to Council (see Rule 6.0).
- Council Members may choose to visit the residents in order to gather more details about the planned changes.
- All requests from residents will be dealt with as quickly as possible.
- No work or changes may commence until the resident has received written approval from Council.
- Any required permits are the responsibility of the resident.

### **9.2 Patio Enclosures**

- Any type of patio enclosure is not recommended.
- If Council does approve such an addition these changes must be engineered, match existing design and unit entitlement will be increased. All costs are the homeowner's responsibility.

### **9.3 Extending an existing Concrete Patio**

- A request must be submitted on the "Application for enlargement to Limited Common Property area assigned to Strata Lot patios". These forms are available in the lobby of the Clubhouse or from the Strata Council.

### **9.4 Awnings (Patio and Window)**

- All patio awnings must be retractable.
- All colors in the awning must match as closely as possible to the existing colors of the house and trim and as approved by Council.
- Residents must present to Council plans including dimensions, colors, etc. of the planned awning. A sample of the planned awning material would be helpful to the Council.
- Patio awnings should be attached to the house in such a way that the point of attachment is under the existing roof overhang.
- The resident will be responsible for all repairs and/or damages to the house.

### **9.5 Exterior Light Fixtures (Existing)**

- Light fixtures should match the existing.
- If the original styles or light fixtures are no longer available, replacement fixtures that closely match the originals are acceptable.
- Burnt bulbs should be replaced with the white energy saving fluorescent type.

### **9.6 Decorative Exterior Lighting (Moon Lights, etc) excluding Christmas Lights**

- Of concern will be: number of moon lights, style and height (max. 18 inches), proposed location, wattage and tastefulness of lights.
- Multi coloured or blinking lights is not recommended. White is the colour of choice.

### **9.7 Christmas Lights**

- Christmas lights should not be turned on before November 15<sup>th</sup> and turned off no later than January 15<sup>th</sup>.
- Lights should not be installed on trees or shrubs until the fall pruning is completed and must be removed before the spring pruning.
- House lights must not be put up before November 1<sup>st</sup> and must be removed as soon as possible but no later than February 28<sup>th</sup>.

### **9.8 Screen Doors**

- Concealed or roll-away type screen doors are acceptable and must be made of metal (aluminum) and may be white or painted to match the house trim.

### **9.9 Trees and Shrubs**

- If the feature tree(s) that stands in **front** of most homes requires replacing, it should be replaced with a tree of the same variety. However the Grounds Chairman will consider other varieties of deciduous trees if that is the wish of the resident.

- Evergreen trees that are being replaced must be replaced by a low growth variety. However evergreen shrubs will be considered.
- Dead, dying or poor looking shrubs may be replaced with shrubs of the same variety.
- The Ground Chairmans will consider other varieties of shrubs after considering size, color etc. of the requested replacement shrub.
- Cost of replacing all trees and shrubs are as follows (see Rule 6.0).
- The Strata Corporation will replace all dead and dying trees that stand on common property. (However, every effort will first be made to save such trees by pruning, adjusting sprinkler heads etc.)
- Residents wishing to remove or replace existing, healthy trees/shrubs may do so with the Ground Chairman's approval providing the replacement is an approved variety. All costs present and future are the responsibility of the resident.
- Residents wishing to remove or replace any tree or shrub with a tree/shrub of a different variety must receive the Ground Chairman's approval and bear all costs present and future.
- Planting of additional trees, shrubs or hedges is not encouraged, however, exceptions may be considered.

#### **9.10 Curbing**

- Many different types of curbing have been installed throughout the complex in the past without Council approval. These include rocks, brocks and vinyl. Curbing is considered detracting from the overall appearance of the complex, residents will be asked to remove said curbing at their own expense.
- Installation of curbing is not recommended.

#### **9.11 Rock Landscaping**

- Use of decorative rock, lava or other types of rock around trees and or flower beds will not be allowed.
- Decorative rock may be considered in areas where growing of grass or shrubs is not feasible.
- Larger type rocks in front yards is not recommended as they do not conform to the original landscaping and it is impossible to regulate.

#### **9.12 Bird Houses, Feeders, Statues, Signs, Etc.**

- No bird houses, feeders, bird baths, statues, etc. may be placed in any front yard.
- The placing of these items in the backyard is acceptable and will be limited to two feeders, one bath. The placement of statues, gnomes, etc. must be tasteful and considerate to neighbours.

#### **9.13 Fence and Trellises**

- Council will not approve the installation of trellises.
- As existing trellises show wear they will be removed and not reinstalled.

#### **9.14 Flags and Flag Poles**

- Installation of permanent flag poles and flags are not permitted.
- Canadian flags during Canada's birthday will be allowed one week before and one week after July 1<sup>st</sup> and may be mounted to your residence with an approved bracket.

#### **9.15 Skylights, Sun Catchers, Ventilators, Etc.**

- Council **must** approve these installations and any others that will alter the look of the roof.
- The Owner is responsible for all costs pertaining to the installation, maintenance and damages resulting of the installation.

#### **9.16 Windows**

- Vinyl windows are acceptable providing they match the existing trim colour.
- Replacement windows must be of the same appearance as the originals. (i.e. front windows must have divider mullions)
- Refer to Bylaw 2.5

#### **9.17 Garage Doors**

- Replacement of existing wood garage doors must be vinyl or coated metal providing the color and the window treatment inserts match the existing color and style of door.

#### **9.18 Storage Sheds**

- Storage sheds will be allowed on patios. They must be of the plastic type similar to Rubbermaid. Two types are acceptable. Chest style with a maximum size of 50 inches long, 36 inches high and 24 inches deep (122 cm x 93 cm x 60 cm). Vertical cabinet style maximum size shall be 72 inches high, 36 wide and 24 inches deep (182 cm x 93 cm x 60 cm).
- An effort should be made to have the storage units match the color of the existing residence as close as possible.
- Units must not be attached to the patio or the building structure.

#### **9.19 Conclusion**

- The purpose of these guidelines is to assist the Strata Council in preserving the architectural and landscaping features of Lexington as closely as possible.
- Council can amend these Guidelines from time to time and submit the proposed changes to an Annual General Meeting for approval.