



MORELAND COURTS
Sophisticated Living in an Architectural Landmark

Revised Patio Policy and Procedure

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I. GENERAL PRINCIPLES

A. Definitions

1. **Amended Declaration** means the Amended and Restated Declaration of Condominium Ownership for Moreland Courts Condominium Association as may be revised.
2. **Applicable Rules** include all of the following as may be revised or amended:
 - (a) Requirements of applicable Federal, State and Local laws;
 - (b) Declaration of MCCA as amended;
 - (c) MCCA Bylaws;
 - (d) MCCA Rule Book;
 - (e) MCCA Specifications Manual;
 - (f) MCCA Remodeling and Contractor's Policies and Procedures
 - (g) All MCCA policies including, without limitation, the provisions of this policy.
3. **Board** means the MCCA Board of Directors as may be appointed from time to time.

4. **Contiguous** means accessible by the holder of an Exclusive Use License without requiring access to a common area.
5. **Declaration Patios** means patios connected to units 13415-8G4 and 13515-5B which have special rights outlined in the Amended Declaration, section III.B.4.e.iii (pg. 11) and are not subject to this Policy except as specifically noted.
6. **Exclusive Use Area** means an area designated by the Board as such subject to provisions

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of Amended Declaration section VI.C.

7. **Exclusive Use License (“EUL”)** means an exclusive but revocable license granted by the Board for use of an Exclusive Use Area.
8. **MCCA** means the Moreland Courts Condominium Association Inc. and its successors in interest.
9. **Rooftop Patio License** means an EUL granted by the Board for a rooftop patio.
10. **Rooftop Patio Licensee** means a holder of a Rooftop Patio License

B. General Principles Applicable to Rooftop Areas

1. The Amended Declaration classifies building rooftop areas as Exclusive Use Areas and states that the Board has the authority to grant an exclusive but revocable license to a Unit Owner subject to certain terms and conditions (Amended Declaration, section VI.C pg. 35-6) and the contents of this Policy, except the Declaration Patios.
2. There must be not more than one patio on a rooftop area above any single living unit.
3. There must not be more than one unit owner(s) licensee of an EUL for a rooftop patio.
4. Rooftop Patio Licenses are specific to current Unit Owners and do not automatically transfer with the sale of the Unit. Transfers are subject to procedures in Article IV of this Policy.
5. New Unit Owners who wish to become rooftop patio users must enter into a Rooftop Patio License for use of the patio.
6. A rental fee is charged in conjunction with each Rooftop Patio Licenses.
7. Any future construction of access to rooftop patio directly from a living unit is prohibited without written Board approval.

II. Procedure for Approval of Rooftop Patio License

A. Review by the Board

1. An individual seeking to obtain an EUL for a new or existing patio must present a written request to the Board. The request must include the proposed design and evidence that the proposed patio conforms to Applicable Requirements.

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2. The Board shall refer the request to the MCCA General Manager who shall consult with architectural and engineering professionals, as well as affected owners, to assess the following:
 - (a) Aesthetic compatibility with the historic character of Moreland Courts
 - (b) Minimal interference with the privacy of adjacent and/or other affected Unit Owners

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- (c) Adherence to all building and safety codes, and the MCCA Specifications Manual
 - (d) Evaluation of potential nuisance issues or future problems
 - (e) Adherence to governing document references to the construction of roof top patios.
3. The Board in its sole discretion may conditionally approve or deny a proposed site and proposed user(s) for a new or existing patio. In conducting its review, the Board shall:
 - (a) Review the recommendations from Management, and the MCCA architectural and engineering professionals.
 - (b) Consider any objections or endorsements from affected owners.
4. No EUL for a new or existing patio may be obtained or transferred without final written approval by the Board.

B. Notice

After a proposal receives conditional approval under section II.A, the MCCA General Manager shall give notice of the conditional approval and summary of the proposal to all Unit Owners via the next monthly statement. The person seeking approval shall prepare a brief summary of the proposal for distribution to all Unit Owners.

III. Requirements for Patios

A. Requirements for New Patios.

Once final approval has been conditionally granted, Unit Owners wishing to construct a new patio space must sign a Rooftop Patio License and conform to all of the following requirements to obtain final written board approval:

1. All patios must conform at all times to Applicable Requirements;
2. The Rooftop Patio Licensee is solely responsible for the cost to build, maintain and/or bring the rooftop patio up to Applicable Requirements;
3. MCCA General Manager has authority to determine scheduling of patio installations.

4. The Rooftop Patio Licensee agrees to bear the cost for any of the following for privacy or sound abatement subject to the approval of the MCCA General

Manager:

- (a) a screening fence or
- (b) an awning or
- (c) other means of enhancing privacy or noise abatement.

B. Requirements for Existing Patios

Rooftop Patio Licensees and owners of Declaration Patios shall be solely responsible for all of the following:

1. Ensuring that all building roofs are properly protected, and able to be accessed for periodic inspection and/or repair.
2. Payment of any cost incurred by MCCA to move a roof patio for any reason deemed necessary by MCCA (roof repairs, inspection, etc.);
3. Payment of repair costs due to damage caused by their patio to any or all Common Areas/Elements or Units.
4. Purchase and maintenance of both personal liability and property damage insurance coverage in accordance with the terms of the Rooftop Patio License.
5. Dogs are prohibited to be left on the patio when the owner is not physically present on the patio.
6. Smoking is prohibited on patios.
7. Creating noise on the patio capable of being heard within any unit is prohibited between 10:00 PM and 9:00 AM except as set forth in section III.B.8
8. The Board has authorized Management to implement a permit procedure whereby the Owner may occasionally entertain on the patio after 10:00 PM. A such permits will apply to unusual circumstances, with a separate permit required for each occasion. The MCCA General Manager shall notify adjacent Unit Owners if such a permit is granted.

IV. Transfer of Rooftop Patio Licenses

A. General

1. No Rooftop Patio License shall be transferred except in accordance with the requirements of this Article IV.

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2. The provisions of this Article IV do not apply to transfers of interests in Rooftop Patio Licenses by holders of Rooftop Patio Licenses as of the date of adoption of this Revised Rooftop Patio Policy, being April 25, 2023. Such

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Rooftop Patio Licensees are subject to the requirements of the Patio and Common Element Policy and Procedure in effect prior to adoption of this Revised Patio Policy. Once an existing holder of a Rooftop Patio License has transferred his or her interest in the Rooftop Patio license, this Revised Patio Policy shall apply to all subsequent transfers.

3. Unit Owners who are also Rooftop Patio Licensees who seek to transfer their interest in a Rooftop Patio License as part of the sale of their living units shall do all of the following:
 - (a) provide all prospective buyers, realtors, agents and any other person or entity reasonably related to the sale, with a disclosure form approved by the Board which includes criteria for leasing patios, parking spaces, lockers and other terms relevant to the sale.
 - (b) Seller bears burden of consequences for failure to make disclosure and agrees to hold MCCA harmless from any damages arising from failure to make such a disclosure, and will indemnify and defend MCCA for same.

B. Contiguous Patios

Owner of contiguous patios may always offer to a prospective buyer the right to enter into Rooftop Patio License for the patio which is contiguous to the unit being offered for sale.

C. Non-Contiguous Patios

A Rooftop Patio Licensee of a non-contiguous patio who seeks to sell such Licensee's living unit or to transfer the Rooftop Patio License without selling such Licensee's living unit shall be subject to all of the following requirements:

1. The holder of the Rooftop Patio License shall notify the MCCA General Manager of the following:
 - (a) The intent to transfer interest in the Rooftop Patio License and
 - (b) Statement of development costs of improvements and years such improvements were made.

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2. Within two business days after receiving such notice of intent to transfer, the MCCA General Manager will provide a notice to all owners in the building where the rooftop patio is located. The notice shall inform such owners of the

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following:

- (a) availability of the rooftop patio;
 - (b) statement of development costs of improvements and years such improvements were made;
 - (c) procedures for bidding for the Rooftop Patio License.
3. Owners who are interested in obtaining the Rooftop Patio License:
 - (a) shall be permitted to inspect the rooftop patio prior to submitting a bid;
 - (b) shall submit bids within ten business days after receiving notice provided by the MCCA General Manager.
 4. MCCA General Manager shall review the bids and inform the prospective seller of the highest and best bid.
 5. The owner who submits the highest and best bid shall have the right to enter into Rooftop Patio License subject to Applicable Requirements and approval by the Board.
 6. If no owner submits a bid within the time set forth in section IV.C.3, the prospective seller may offer to a prospective buyer the right to enter into Rooftop Patio License for the patio.

Revised May , 2023 - The Board reserves the right to revise this policy at any time in the future.