

# **AVALON BEACH ESTATES HOMEOWNERS ASSOCIATION**

## **RULES AND REGULATIONS**

Whereas the authority of the Board of Directors to establish and amend reasonable rules and regulations concerning the use of the Common Property and the facilities located thereon is given in "Article III, Section 3 of the Declaration of Covenants, Conditions and Restrictions of Avalon Beach Estates Subdivision", the Board of Directors has adopted the following Rules and Regulations governing such property. These Rules and Regulations, as amended from time to time, shall be faithfully observed by all owners of property within Avalon Beach Estates, their guests and rental guests.

The use of the property and the common elements shall be consistent with existing law, the Avalon Beach Estates Declaration and these Rules and Regulations. All of the restrictions, limitations and obligations of members as provided in the Declaration are incorporated herein by reference, but not by way of limitation.

### Article I

#### ARCHITECTURAL PROCEDURES AND GUIDELINES

Section I : All building is subject to the Covenants. No construction or clearing may begin until the Avalon Beach Architectural Review Board (ARB) has issued a written acceptance of the submitted plans.

The ARB has thirty (30) days in which to reply to a completed submission of plans. Failure to do so within the 30 day window without the submitting party granting an extension will constitute acceptance of the plans as submitted.

The 30 day window for the ARB to accept or reject plans does not begin until the following items have ALL been received by the ARB:

1. A \$2,500 construction deposit. This will be held against any construction damages not repaired by the contractor as well as any costs associated with forcing compliance with Avalon Beach Estate's Covenants and Rules & Regulations.
2. A complete set of house plans including a detailed site plan.
3. Description of the roof [type, color].
4. Siding type. Allowable sidings are stucco and brick. The first two streets must be stucco.
5. Siding and trim colors
6. Mailbox design (must match the house siding in type and color).
7. Detailed landscaping plans showing placement and types of all shrubs/bushes/trees.
8. Swimming pool plans, if applicable. May be shown on site plan.

If a plan has been rejected, the homeowner may appeal to the Board of Directors as follows:

Appeal must be in writing. Appellant will receive a maximum of 30 minutes at the next Board of Directors meeting to present their position. Lot owner must be present for the

appeal. No action will be taken at this Board meeting but the matter will be taken under consideration, with an answer given within 30 days.

Section II: Any remodeling, outside reconstruction, or additions to existing homes must also have a plan submitted and approved by the Architectural Review Board. Any remodeling project which changes the footprint of the original home, adds to the square footage of the original home or adds a pool shall also require the \$2,500 damage deposit.

Section III: Each home must have at least a two-car garage, or two one-car garages.

Section IV: Each home on a corner on Avalon Boulevard must have a 20 foot set back facing Avalon and facing the cross street.

Section V: All fencing plans must be presented to the Architectural Review Board for approval.

Section VI: Small satellite dishes may be used, but must be in an unobtrusive location

Section VII: There is a forty (40) foot height limit on all homes; this applies to both 2 and 3 story plans.

Section VIII: The 1400 square foot rule for heated and cooled space for the first floor shall also apply to 3 story homes. All homes, including 3 story homes, must have a minimum of 1400 square feet of heated and cooled space, excluding garage/storage space, on the first floor.

Section IX: The installation of a silt fence is required as soon as the site is cleared.

Section X: Policy for Easement Landscaping in Avalon Beach Estates

1. Some owners of lots in Avalon Beach Estates have suffered damage to their lawns by vehicles which turn corners too sharply. Homeowners can elect to plant landscaping items in the easement to discourage drivers from cutting across their lawns.
2. Plantings are limited to natural vegetation, not artificially constructed curbside barriers. Future construction of artificial curbside barriers is prohibited; however, those currently in use may remain or be removed at the owner's discretion.
3. Landscape vegetation designs will be limited to a height of 3 feet so as not to restrict drivers visibility. If plantings are limited to roadside easements (that area between the road and the sidewalk), no ARB approval is required.

## Article II

Section I: If approval has not been obtained for a home or any of the appurtenances; or significant outward changes have occurred in the plans without the plans being resubmitted, and the owner allows construction to commence, the Architectural Review Board can demand that the property be restored to its original condition, or the owner must modify the construction to comply with the plans and specifications as approved by the Board. The owner shall bear all costs and expenses of such restoration, including the costs and reasonable attorneys' fees of the Board.

Section II: The Architectural Review Board shall not be responsible in any way for any defects in any plans submitted, revised or approved. Nor shall it be responsible for any structural defects of any work done, or the adherence to the local building codes.

### Article III

#### MAINTENANCE OF UN-DEVELOPED LOTS

Section 1 – In accordance with the requirements of the Covenants to keep Lots in good order and repair, Owners of un-developed Lots are required to insure that underbrush/bushes/trees etc. on their Lots do not intrude or infringe on neighboring developed property.

Section 2 – Upon receipt of a complaint to the Board of Directors from a developed property owner whose property is being infringed on by growth from a neighboring un-developed lot, the Board will (1) verify the complaint and (2) initiate actions in accordance with the Covenants Article IX Section 1 to have the Owner of the offending Lot remedy the situation. If no action is taken by the offending Lot Owner, the Association, by a majority vote of the Board of Directors and twenty days after notice to the Owner, shall have right without liability to enter upon such Lot to maintain and clean up any part of the Lot and to have any objectionable items removed. All costs related to such action shall be assessed to the Owner as a special assessment imposed upon the individual Owner.

Section 3 – If an Owner desires to clean the underbrush/bushes from their Lot, this is permissible with prior notification to the Board of Directors (1) as long as there is no intention to build and (2) the cleaning is restricted to underbrush, bushes, and small trees. Trees with a main trunk diameter of 4 inches or greater must remain.

Section 4 – No Trash, yard debris or construction material is to be dumped on un-developed lots.

### Article IV - PARKING

Section I: There is to be no overnight parking on the street or unpaved portion of the right-of-way at any time. Overnight parking is defined as the hours between 11PM and 7AM. Guests are expected to use the host's garage/driveway only.

Section II: When owners/renters allow vehicles to park on the street overnight in front of their residence, the owner will receive a letter of advisement and warning from the Avalon Board of Directors. If the owner/renter continues to allow overnight parking in front of their residence, the vehicle will be subject to ticketing and fines.

Section III: If an owner/renter has guests over and anticipates they will have vehicles parked on the street for a short period of time past the 11 pm cutoff, the owner can notify the Board of Directors to prevent any action being taken. *NOTE: The Board can be notified using the "Contact Us" menu button on the association's website homepage ([www.avalonbeach.org](http://www.avalonbeach.org)).*

Section IV: Owners/renters are not to park on empty lots on a regular recurring basis

Section V. No trailer, camper, boat, bus, motor home, or truck (with the exception of a pickup truck), or, any vehicle on blocks, shall be parked on the streets or in driveways or on any lot in Avalon for more than one day.

Section VI: Vehicles are not to park (in the driveway) such that safe passage on the sidewalk or other portion of the right-of-way off the street is impeded, i.e., at least the width of the sidewalk between the vehicle and the street.

#### Article V – PETS

Section I: All pets must be in fenced yard or on a leash at all times. Dogs may be in the owners' yard without a leash if the owner is present.

Section II: Owners and guests are required to clean up after their pets.

Section III: Pet owners are to be very cognizant of their barking animals. The owner of any dog, which barks frequently and can be heard more than five minutes during the daylight hours, will be subject to complaint procedures and ultimately fines

Section IV: Habitually barking dogs at night are not tolerated.

Section V: Owners of cats are not exempt from controlling their animals. Neighbors' gardens should not be considered a litter box.

#### Article VI – Garbage Containers/Trash

To comply with the requirements of the Avalon Beach Estates Covenants, Article VIII – Section 10, the following restrictions apply:

1. All garbage will be in hard sided, sanitary containers with attached lids when put out for pick-up.
2. Garbage containers and trash will be kept so as to be “not visible” from the street except on days of scheduled pick-up.
3. All containers must be removed from the street by the end of the day of pick-up.
4. There shall be enough garbage containers to contain all accumulated garbage.
5. If an owner rents on a short term/weekly basis, they are required to arrange for garbage/trash pick-up on check out days.

#### Article VII – POOL AND TENNIS COURTS

##### POOL

Section I: The pool gate is to be closed at all times

Section II: Pets are not allowed in the pool area

Section III: Glassware is not allowed in the pool area

Section IV: Climbing on the waterfall or the fence is not allowed

Section V: There is to be no diving and no running

Section VI: Children under the age of 14 years must be accompanied at all times by a responsible adult.

Section VII: All babies must wear pool-approved diapers if not "potty trained."

Section VIII: All trash must be placed in provided trash containers or taken with you when leaving.

Section IX: No person or group shall create a nuisance or interfere with quiet enjoyment of others at the pool.

Section X: The Association's pool and beach access is for owners, their guests staying in Avalon Beach Estates or accompanied by them and renters of Avalon Beach Estates properties

Section XI: No chairs, umbrellas, tents or other beach paraphernalia are to be left at the pool overnight.

Section XII: Bathroom doors must be closed at all times in accordance with Walton County Ordinance. (Walton County Department of Health requires bathroom doors to be closed at all times. Failure to do so could result in pool closure for one week.)

### TENNIS COURTS

Section XIII: The association encourages all players to dress in proper tennis attire, including rubber soled tennis shoes when using the Avalon tennis courts.

Section XIV: Golf shoes, black soled tennis shoes and street shoes are not allowed on the courts due to possible damage that may result to the courts' surface.

Section XV: There is no age limit for anyone who wishes to use the courts, however, the association encourages parents or adults to accompany children younger than 12 who may wish to use the courts.

Section XVI: Food is not allowed inside the courts.

Section XVII: Players must ensure that all trash is cleaned from within the court fences and placed in nearby refuse containers when they are finished using the courts.

Section XVIII: Players are asked to take special care not to spill beverages onto the courts' surface in order to prevent possible damage.

Section XIX: No glass bottles are allowed on the courts at any time.

## Article VIII – BEACH, POOL AND TENNIS COURT ACCESS

The Beach, Pool and Tennis Courts are accessed through gates that are controlled with combination locks/keypads. There is a 4 digit code that will open all gates. This code is changed three times a year on or about April 1<sup>st</sup>, June 1<sup>st</sup> and August 1<sup>st</sup>. The current code can be accessed from the Members Only section of the Avalon Beach Estates HOA website at [www.avalonbeach.org](http://www.avalonbeach.org). The Association's pool, beach, and tennis courts are for owners, their guests staying in Avalon Beach Estates or accompanied by them and renters of Avalon Beach Estates properties. *Giving the code to others is strictly forbidden.*

## Article IX – BEACH

Section I: The Beach gate is to remain closed at all times, and may not be propped open.

Section II: Advance umbrella/chair setups on Avalon Beach will be limited to 2 umbrellas & 4 chairs per owner. Advance setups in excess of 2 umbrellas & 4 chairs are prohibited. [*Note to Members: The advance setup zone runs from the Maravilla/Avalon property to 10 feet past the Avalon Beach walkover stairs, for a total distance of 75 feet*]

Section III: Additional chair/umbrella setups per owner/guests are permitted, but they can only be set up or purchased one day at a time, on the day of intended use. The umbrella and chairs, once setup, may be left in place for the duration of the day.

Section IV: No Jet Ski, Wind Surfing operations or Jet Ski lanes are permitted on Avalon Beach.

Section V: Beach tents/canopies are allowed on Avalon Beach but they must be set up behind the main area where umbrellas and beach chairs are set up. All umbrellas and beach tents/canopies must be taken down if it appears high winds from storms are likely.

Section VI: Under Walton County Ordinances, no unattended chairs, umbrellas, tents or other beach paraphernalia are to be left at the beach overnight. All such unattended equipment left on Avalon Beach overnight is subject to removal and confiscation.

Section VII: No dogs are allowed on Avalon Beach or any Walton County beach without a Walton County Permit. Only Avalon Beach real property owners or permanent residents of Walton County are eligible for such permits.

## Article X RENTAL

### PROPERTY

Section I: It is the responsibility of the rental owner or manager to follow the guidelines set forth in Sections II through V below and to ensure that renters likewise follow these guidelines.

Section II: Any group bookings, regardless of the number, shall not rent to anyone under 25 years of age, unless accompanied by a parent or guardian. There must be at least one parent or guardian for every four occupants under 25 years of age.

Section III: All owners and management companies must abide by occupancy guidelines set forth by the fire code. No more occupants in a home than beds provided (no temporary bedding permitted). Example: Four bedroom home with king or queen beds in three bedrooms and one bedroom having two sets of bunk beds, plus a sleeper sofa in the living room. Maximum occupancy is 12.

Section IV: There will be zero tolerance of misbehavior. Owners are strongly encouraged to have eviction procedures in place. Where applicable, fines will be imposed for misbehavior and/or disturbances, i.e., owners are responsible for their tenants, invitees, and/or guests' behavior.

Section V: Owners who rent their homes are responsible for providing this information to their rental management company and/or guests.

## Article XI

### REMEDY FOR NON-COMPLIANCE WITH COVENANTS OR RULES - FLORIDA STATUTE §720.305

Violator will be expected to pay for any legal expenses incurred by the Homeowner's Association while it attempts to enforce the Covenants or the Rules.

The Association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests or invitees, to use common areas and facilities and may levy reasonable fines, not to exceed \$100 per violation, against any member. A fine may be levied on the basis of each day or a continuing violation, with a single notice and an opportunity for hearing, except that no such fine shall exceed \$1,000 in the aggregate.

A fine or suspension may not be imposed without notice of at least 14 days to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the Board of Directors who are not officers, directors, or employees of the association, or the spouse, parent, child, brother or sister of an officer, director or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.

Each owner, family members of owners and owner's guests and tenants shall conform and abide by the Covenants and the Rules & Regulations. Each owner shall be responsible for assuring such compliance, and any violation by family members, guests, or tenants may be considered to be a violation by the owner.

Adopted 10/01/2018