

**DRAFT 05/17/18**

**AVILA PROPERTY OWNERS ASSOCIATION  
CONSOLIDATED  
RULES AND REGULATIONS**

Effective \_\_\_\_\_, 2018

As a deed restricted community, Avila is governed by a recorded Declaration created by the developer in 1979, amended by the developer from time to time, and revitalized, amended and restated by the Association in 2014. The Declaration contains various restrictions designed to assure that Avila remains a safe, secure and premier community.

In addition, the Board of Directors has created various policies and procedures, guidelines, and rules based upon the growth of the community, changes in lifestyles, amenities and law, and practical experience over the past 40 years, again for the purpose of assuring that Avila remains a safe, secure and premier community.

The Rules and Regulations for Avila are a combination of the restrictions contained in the Declaration and the policies and procedures, guidelines and rules adopted by the Board of Directors.

**RULES IN THE DECLARATION**

The Declaration includes restrictions with respect to the use of Lots and Common Areas within Avila, which are Rules and Regulations for Avila. See more specifically:

A. Declaration Article 5, Restrictions Upon Individual Use for the Common Good. Declaration Article 5 is the main body of restrictions in the Declaration. It includes the following restrictions:

(i) Home and Landscape Design Restrictions. All aspects of home and landscape design, from initial construction to changes and renovations, including repainting and replacement of existing features such as roofs and landscaping and tree removal, are subject to extensive restrictions and require the prior approval of the Architectural Review Committee. Signs, mailboxes, air conditioning units, clotheslines and other ancillary equipment are subject to restrictions.

(ii) Parcelizing. No Lot shall be divided so as to accommodate more than one home per Lot, but a Lot may be combined with an adjacent Lot or Lots or with portions of adjacent Lots in order to create a home site large than one Lot.

(iii) Home and Landscape Maintenance Requirements. All homes and landscaping must be maintained in good condition and repair. The Landscape & Maintenance Committee conducts periodic tours of the community to assure that homes and landscaping in Avila are maintained in accordance with the high standards of our community.

(iv) Restrictions on Certain Vehicles. The Declaration provides that trucks, RVs and certain other types of vehicles may not be parked in open view on homesites or on the streets or other property in Avila at any time. The Board of Directors has provided for exceptions to this restriction and has clarified the types of vehicles that are restricted. Accordingly, this restriction, including such exceptions and clarification, is restated in the Additional Rules.

The Declaration also provides that motorcycles and mopeds may not be operated within Avila.

(v) Parking Restrictions. All vehicles of residents must be garaged and must not be parked on any Avila street, approved guest parking place or driveway at any time during the day or night, subject to an exception for excess vehicles. The Board of Directors has added parking restrictions for overnight guests and provided additional exceptions to this restriction. Accordingly, this restriction, including such addition and exceptions, is restated in the Additional Rules.

(vi) Garages. Garage doors are to be closed at all times other than when in active use.

(vii) Traffic Restrictions and Control. Traffic is subject to the laws of the State of Florida and further restrictions imposed by the Association.

(viii) Use and Operation of Homes and Homesites. There are restrictions on the use of homes in Avila, including the prohibition of unlawful activity, nuisances and commercial use.

(ix) Trash and Rubbish Collection. Trash and rubbish collection is subject to restrictions.

(x) Pets and Animals. Pet ownership is subject to certain restrictions, including a limitation on the number of pets per residence and the requirement of leashes for dogs.

B. Declaration Article 6, Special Restrictions Affecting Golf Course and Golf Course Lots. Lots adjoining the golf course are subject to special restrictions, including the obligation to refrain from any actions which would distract from the playing qualities of the golf course.

C. Declaration Article 10, The Villas de Avila. The Villas de Avila are unique in various respects, including party walls and shared roofs, and shared expenses and landscape maintenance, and are subject to special restrictions reflecting same.

D. Declaration Article 11, Garden Villas. The Garden Villas are unique in various respects, including party walls and shared roofs, a common area swimming pool, and shared expenses and landscape maintenance, and are subject to special restrictions reflecting same.

E. Declaration Article 12, Sedona de Avila. Sedona de Avila is subject to special restrictions.

The Declaration is available on the Association website [www.avilaproperty.org](http://www.avilaproperty.org), in the Association office and in the public records of Hillsborough County.

### **ADDITIONAL RULES ADOPTED BY THE BOARD OF DIRECTORS**

The Declaration also provides for the enactment by the Association Board of Directors of additional rules and regulations as deemed appropriate by the Board.

The Board of Directors has duly adopted the following additional Rules and Regulations. The Additional Rules do not replace the restrictions contained in the Declaration, but, rather, supplement and clarify such restrictions.

#### **1. Home and Landscape Design, Additions, Renovations and Changes.**

A. Architectural Review Procedures and Design Guidelines. Architectural Review Procedures and Design Guidelines have been created to provide guidance to residents as they seek the approval of the Architectural Review Committee for initial construction, changes and renovation, as required by the Declaration. The ARC Guidelines include additional rules and regulations for home and landscape design and changes, including exterior home and landscape lighting and tree removal. The Architectural Review Procedures and Design Guidelines include General Rules for all Avila Contractors & Service Personnel, which include restrictions on days and times that work is allowed and rules with regard to parking of employee and contractor vehicles and the location of construction equipment.

The Architectural Review Procedures and Design Guidelines and any and all amendments to them are included as Rules adopted by the Board of Directors.

Copies of the Architectural Review Procedures and Design Guidelines may be obtained from the Association office or from the Association's website at [www.avilaproperty.org](http://www.avilaproperty.org).

## **2. Home and Landscape Maintenance.**

A. Home and landscape maintenance by outside service providers shall be subject to the same restrictions applicable to contractors pursuant to the General Rules for all Avila Contractors & Service Personnel included in the Architectural Review Procedures and Design Guidelines.

B. Loud or noisy outside home and landscape maintenance by residents is not allowed (1) on Saturdays before 9:00 a.m. or after 5:00 p.m. or (2) at any time on Sundays.

C. Leaves and other surface debris may not be blown or otherwise swept onto the streets, storm drains or **Common Areas**.

## **3. Prohibited Vehicles.**

A. No mobile home, boat, truck (including cargo and other commercial vans), vehicle with commercial signage, trailer or recreational vehicle of any kind which is owned, leased, or otherwise in the control of (1) an Avila resident or (2) an overnight guest of an Avila resident shall be kept, stored, parked, maintained, constructed or repaired on any homesite in Avila in such a manner as to be visible from any neighboring property or on the street, any approved parking places or other Common Area in Avila; provided, however,

(i) mobile homes or RVs of a resident may be parked in driveways for a maximum of 48 hours when loading or unloading, and

(ii) limited period hardship exemptions to this restriction may be granted by the Association. As an example, a hardship exemption may be considered appropriate for a limited period of time if a non-resident family member does not own a vehicle other than a truck and is needed to provide emergency or health related assistance to an Avila resident.

B. The prohibition of trucks and other vehicles in Declaration Section 5.11 and in these Rules shall not include service vehicles when providing goods or services to a resident.

C. In addition to motorcycles and other vehicles prohibited by Declaration Section 5.29, motor scooters, go carts and hover boards are not permitted on the streets of Avila.

#### **4. Parking Restrictions.**

A. All vehicles which are owned, leased, or otherwise in the control of an Avila resident must be garaged and must not be parked on any Avila street, approved guest parking place or driveway at any time during the day or night; provided, however,

(i) in the event there are more vehicles than garage stalls at any one home, the number of vehicle(s) exceeding the number of garage stalls may be parked in (first priority) approved guest parking places and if not available (second priority) driveways,

(ii) resident vehicles are not subject to this restriction when visiting another resident of Avila, and

(iii) limited period hardship exemptions to this restriction may be granted by the Association. As an example, a hardship exemption may be considered appropriate for a limited period of time if construction activity at a residence impedes access to a resident's garage or driveway, the resident may be allowed to park in approved guest parking places or the street.

Vehicles parked in an approved screened from view area qualify as being garaged.

B. Vehicles of overnight guests of a resident must be parked in (first priority) the garage of the resident, or, if garage space is not available, (second priority) approved guest parking places, or, if there is neither garage nor guest parking available, (third priority) the driveway of the resident; provided, however, in the event the number of such guest vehicles exceeds the available garage, guest parking or driveway space, such excess vehicles may be parked in the street.

C. Service vehicles must be parked in the driveway of the resident, and may not be parked on streets, except in cases where there is insufficient driveway space available, in which case service vehicles may be parked on the street.

D. When parking is permitted on the street, vehicles may not be parked directly across from a driveway entrance or exit, or within 15 feet of a mailbox or intersection, or in a manner which impedes traffic, unless prior clearance has been obtained from the Association and traffic control measures are undertaken as may be required by the Association. Residents expecting greater than five (5) guest vehicles to be parked on the street are required to provide prior notice the Association office in order that appropriate traffic control measures can be taken.

E. The term vehicles in Declaration Section 5.28 and in these Rules includes golf carts.

## **5. Traffic Restrictions and Control.**

A. The speed limit throughout Avila is 25 miles per hour.

B. Only licensed drivers or drivers with an effective state permit to drive (when accompanied by a licensed driver) may operate any type of motor vehicle, including golf carts, on the streets of Avila.

## **6. Golf Carts.**

A. The Board has adopted a policy governing the operation of golf carts on the streets in Avila ("Golf Cart Policy"). The Golf Cart Policy includes the following:

(i) Operators of golf carts on any street or other Common Area within Avila must (a) be at least 16 years of age and hold a current driver's license from Florida or other jurisdiction of the United States, an international driver's license, or a valid license from their country of origin or (b) hold a learner's permit and be accompanied by an individual meeting the forgoing standards. Persons not meeting these standards are strictly prohibited from operating a golf cart on any street or other Common Area within Avila.

(ii) Golf cart owners shall register their golf carts with the Avila Property Owners' Association and have a visible, reflective number decal permanently affixed on their golf carts, as provided by the Association. Golf carts owned by residents of Avila are permitted on the streets and other Common Areas of Avila only if registered with the Association.

(iii) Golf cart owners and operators shall obey all traffic laws of the State of Florida.

(iv) Golf carts shall not be operated in Avila with more passengers than as intended by the design of the cart in question. For example, a standard golf cart is designed to carry a maximum of 3 persons, including the driver. To the extent that the design of a cart is intended to accommodate safely more persons, it will be allowed. Golf carts shall not be operated with persons standing in the back or otherwise not in the seat of the cart.

(v) Violations of any restrictions set forth in the Golf Cart Policy will result in action and fines against the owner of the golf cart for each occurrence, as provided in the Policy.

The Golf Cart Policy and any and all amendments to it are included as Rules adopted by the Board of Directors.

Copies of the Golf Cart Policy may be obtained from the Association office.

## **7. Use and Operation of Homes and Homesites.**

A. Fireworks that are illegal or constitute a fire hazard are not permitted at any time.

B. Home-Based Business Related Activity Rule. For purposes of Declaration Section 5.3 Commercial Activity, the Board has adopted a rule governing home-based business related activities, fundraising events, and social gatherings that are not compatible with single family residential use ("Home-Based Business Related Activity Rule").

The Home-Based Business Related Activity Rule Guidelines and any and all amendments to them are included as Rules adopted by the Board of Directors.

Copies of the Home-Based Business Related Activity Rule may be obtained from the Association office.

## **8. Home Rental.**

A. All leases of homes in Avila must be in writing and for a period of not less than one (1) year, except leases may be a shorter duration if the lease is included as a condition in the terms for the sale of the home. A lease is not necessary if i) an Owner is absent from his Avila home for an extended period of time not exceeding six consecutive months, and ii) family members of the Owner are staying in the home in the Owner's absence, and iii) the family members are not paying rent to the Owner.

"The terms of the lease, whether oral or written, and including any written addenda shall be fully disclosed to the Association. Any termination of a lease before the expiration of the one (1) year term shall be deemed a violation of this rule. In the event of a violation of this rule, the Association shall have the right to pursue any legal or equitable remedy against the homeowner and/or the tenant including, but not limited to the imposition of a fine. Notwithstanding the above, an early termination of a lease shall not be deemed a violation of this rule if the termination is initiated, or possession of the premises is commenced, under Chapter 83, Florida Statutes."

B. All leases must include a lease addendum in the form provided by the Association, signed by the homeowner and by the tenant, stating that:

(i) Both the homeowner and the tenant agree to comply with the Declaration, the Rules and Regulations for Avila and all other governing documents of the Association; and both the homeowner and the tenant are subject to all remedies of the Association thereunder and pursuant to law;

(ii) Both the homeowner and tenant are responsible for the tenant's compliance with the Declaration, the Rules and Regulations for Avila and all other governing documents of the Association, and in the event of any violation of the governing documents of the Association by tenant or by other occupants, guests or invitees of tenant, both the homeowner and tenant shall be subject to all fines and other remedies available to the Association pursuant to the governing documents and law, including the Association's right to evict the tenant under Chapter 83, Florida Statutes;

(iii) Pursuant to Section 720.385 (8), Florida Statutes, (a) if the homeowner is delinquent in paying any monetary obligation due to the Association, the Association may demand that the tenant pay to the Association the subsequent rental payments and continue to make such payments until all the monetary obligations of the homeowner related to the parcel have been paid in full to the Association and the Association releases the tenant or until the tenant discontinues its tenancy and (b) the tenant shall be immune from any claim by the homeowner related to rent timely paid to the Association after the Association has made written demand as provided therein; and

(iv) The Association may issue notice under Chapter 83, Florida Statutes and sue for eviction thereunder as if the Association were a landlord under part II of chapter 83 if the tenant fails to pay a monetary obligation.

(v) The lease addendum shall survive the expiration of the underlying lease and shall continue in full force and effect until the tenant vacates the home.

C. No later than ten (10) calendar days prior to the beginning of a lease, the homeowner shall provide to the Association the following:

(i) A list of the names of the tenants and other occupants of the leased home.

(ii) A copy of the lease and addendum thereto as provided herein.

D. All tenants must attend an in-person orientation with the Executive Director of Avila prior to occupancy.

E. All tenants must be given a copy of, and sign a receipt for the Rules and Regulations for Avila.

F. Entrance gate bar code stickers will be issued only to the tenant and the tenant's family in residence, and will not be issued to guests or invitees of the tenant.

## **9. Trash and Rubbish Collection.**

Trash and recycling containers and yard waste may be placed out for collection no earlier than 4:00 p.m. the day prior to collection and all trash and recycling containers must be removed and properly stored no later than midnight on day of collection.



**10. Pets and Animals; Feeding of Feral Animals.**

A. Dog feces must be removed immediately upon deposit whenever made outside the resident's property.

B. The feeding of feral animals by residents anywhere within Avila, including within homesites, common areas, or property of the Club is prohibited.

**11. Rules Affecting the Garden Villas.**

A. The Garden Villas swimming pool is available to Garden Villas residents and their guests. Rules for use of the pool and pool area are posted and in effect, and are incorporated herein.

**12. Rules with Respect to the Avila Community Park.**

A. The Avila Community Park is for the use of Avila residents and their guests only. All guests using the park must be accompanied by their resident host, except for a resident's immediate family and house guests.

B. No animals are allowed in the children's play equipment area.

C. Dogs must be on a leash unless in the designated dog park.

**13. Policies and Procedures for the Enforcement of Rules and Regulations.**

The Board of Directors has adopted policies and procedures for the enforcement of the restrictions contained in the Declaration and additional rules and regulations adopted by the Board, as follows.

A. ARC Compliance Policies and Procedures. Policies and procedures for the enforcement of Declaration restrictions and of rules and regulations regarding home and landscape design, additions, renovations and changes in Avila.

B. Property Maintenance Compliance Policies and Procedures. Policies and procedures for the enforcement of Declaration restrictions and of rules and regulations regarding home and landscape maintenance in Avila.

C. General Compliance Policies and Procedures. Policies and procedures for the enforcement of Declaration restrictions and of rules and regulations regarding matters not covered by the ARC Compliance Policies and Procedures or Property Maintenance Compliance Policies and Procedures.

The ARC Compliance Policies and Procedures, Property Maintenance Compliance Policies and Procedures and General Compliance Policies and Procedures Guidelines and any and all amendments to them are included as Rules adopted by the Board of Directors.

Copies of such policies and procedures may be obtained from the Association office.

#### **14. Uniform Collection Policy.**

The Board has adopted a policy providing a uniform and systematic procedure for dealing with delinquent assessments in a timely manner (“Uniform Collection Policy”).

The Uniform Collection Policy and any and all amendments to it are included as Rules adopted by the Board of Directors.

Copies of the Uniform Collection Policy may be obtained from the Association office.

#### **15. Member Participation at Meetings of the Board of Directors.**

A. At the commencement of a meeting of the Board of Directors, a Member may speak on any topic, whether or not the topic is on the agenda for the meeting, for up three (3) minutes.

B. Prior to Board action on a topic which is on the agenda for a meeting of the Board of Directors, a Member may speak to such agenda topic for up to 3 minutes.

#### **16. Remedies for Non-Compliance.**

Failure to comply with the Rules and Regulations can result in fines and other legal recourse of the Association as provided in the Declaration, the Rules and Regulations and other governing documents and pursuant to law. In addition to express fines and remedies set forth in the Declaration, the Rules and Regulations and other governing documents, the Association reserves any and all additional rights and remedies available pursuant to the Declaration, the Rules and Regulations and other governing documents and pursuant to law.

The Rules and Regulations adopted by the Board of Directors included herein and all other rules and regulations for Avila adopted by the Board of Directors at any time, including the Architectural Review Procedures and Design Guidelines, ARC Compliance Policies and Procedures, Property Maintenance Compliance Policies and Procedures, General Compliance Policies and Procedures, the Home-Based Business Related Activity Rule, the Golf Cart Policy and the Uniform Collection Policy are rules and regulations of the Association adopted under the authority of the recorded declaration, articles

of incorporation, or bylaws of the Association and duly adopted amendments thereto and, as such, are governing documents of the Association, as defined in Florida Statutes Section 720.301 (8), and may be amended by the Board of Directors from time to time.

DRAFT