# AVILA PROPERTY OWNERS' ASSOCIATION ARCHITECTURAL REVIEW PROCEDURES AND DESIGN GUIDELINES

Revised May 2014

Applications for approval and all other material necessary for the Architectural Review Committee to approve submittals should be delivered or sent to:

Architectural Review Committee
Avila Property Owners Association
*16727 Valseca de Avila*
*Tampa, Florida  33613*
*813-949-9768*
*Fax # 813-949-9765*
*Web Site www.avilaproperty.org*

Security Department
813-961-3483
Fax 813-264-0235

## I. OVERVIEW

Avila is a unique community of single-family homes, patio homes, cluster homes and villas set within natural terrain, lakes, wetlands and abundant native trees. These features, combined with the Avila Golf & Country Club featuring a Jack Nicklaus redesigned championship golf course and majestic clubhouse with tennis and swim facilities, make Avila one of the finest residential and recreational communities in the country.

Great care has been taken in the planning, design and construction phases to ensure aesthetic harmony within Avila. To this end it is of the utmost importance that this special character is further enhanced by housing and landscape designs which are creatively conceived, environmentally sensitive and architecturally correct.

## II. ARCHITECTURAL REVIEW COMMITTEE

Avila is subject to the provisions of the Declaration of Covenants, Restrictions and Assessments for Avila Subdivision, as recorded in the Public Records of Hillsborough County, Florida ("Declaration"). The Declaration provides that architectural control of Avila shall be maintained by the Architectural Review Committee.

The purpose of architectural control is to assure that the residences and any other improvements in Avila as a whole will preserve a uniformly high standard of construction that is attractive and harmonious. The power to regulate vested in the Architectural Review Committee includes the power to prohibit those buildings or improvements found to be a) inconsistent with the provisions of the Declaration or the aesthetic design or quality intended to be created and preserved thereby, or b) contrary to the best interests of the golf course, or c) detrimental to the value and desirability of Avila as a residential community with exclusive, unique, and desirable qualities.

The Declaration includes certain requirements and restrictions pertaining to building and landscape design in Avila, and also, together with the bylaws of the Avila Property Owners' Association, provides that the Architectural Review Committee shall develop and enforce such additional rules, regulations and requirements for building and landscape design and approval as it deems to be in the best interests of the community. **These Architectural Review Procedures and Design Guidelines are in addition to and supplemental to the requirements and restrictions set forth in the Declaration. For the convenience of homeowners, an Appendix (Appendix 1) is attached hereto which restates applicable sections of the Declaration.**

These Architectural Review Procedures and Design Guidelines have been established to provide property owners, architects and contractors with the procedures to be followed in order to seek the necessary review and approval of the Architectural Review Committee and a set of parameters for the preparation of their drawings and specifications. The Committee will use these Procedures and Guidelines for the purpose of reviewing projects, but may consider individually the merits of any project due to special site conditions. Any project reviewed for special consideration or variances must be shown to benefit the specific site, adjacent areas, or the community as a whole. Approval by the Committee shall not be construed to be the granting of a variance of government rule or ordinance. The Committee's goal is to maintain within the overall community pleasing aesthetic relationships of building to site and building to building, and not to restrict individual creativity or preferences.

Prior to the commencement of construction activity of any type, including new home construction and landscaping, and renovations, additions and other exterior alterations to existing buildings and landscaping, an application for approval of such work must be submitted by the property owner or owner's agent to the Architectural Review Committee. Included with the application shall be such documents and other information as outlined in these Architectural Review Procedures and Design Guidelines and/or as requested by the Committee.

**Approval by the Architectural Review Committee must be received prior to the start of any clearing, grading, construction or other work. Upon final approval, the property owner may begin work. Personnel will not be allowed through the Avila gate to work on a residence until plans have been approved**.

**It is the responsibility of the property owner and the property owner's contractors to submit complete and accurate plans and specifications for approval. Variances from these Design Guidelines or from prior submitted plans and specifications must be noted with each request for approval. Approvals given with respect to requests for approval of stated particular design features are limited to the stated design feature.**

**Notwithstanding the approval of plans and specifications by the Architectural Review Committee, the property owner and the property owner's contractors are responsible for compliance with the Declaration and other requirements listed herein, unless a variance from them has been expressly noted and expressly approved.**

During construction, the Architectural Review Committee or its agent will visit the site to ensure compliance with the approved plans and specifications, including any special conditions for approval set by the Committee.

The structural soundness, durability, quality of construction and safety of any structure and the proper functioning of any of the components and equipment, as well as

conformity to building codes, are beyond the scope of Architectural Review Committee review and/or inspections, and any such responsibility is disclaimed. Neither the architectural review process and/or inspections, nor approval of or comments in respect to plans and other information imply the assumption of any responsibility whatsoever in respect to those plans by either the Association, the Architectural Review Committee or the Developer of Avila.

## III. COMPLIANCE REQUIREMENTS; PENALTIES FOR NONCOMPLIANCE

Please note that, pursuant to Florida Statutes Section 720.305, property owners must comply with the Declaration and all other governing documents of the Association. Accordingly, all work performed following approval by the Architectural Review Committee must be in compliance with:

A. The plans, specifications, drawings and other materials and representations provided to the Architectural Review Committee as part of the property owner submittal for approval;

B. Any conditions and requirements imposed by the Architectural Review Committee upon project approval;

C. These Architectural Review Procedures and Guidelines;

D. The Declaration of Covenants, Restrictions and Assessments for Avila Subdivision and Rules and Regulations governing lots in Avila; and

E. Federal, state, local and other governing laws and ordinances.

In the event of the failure of the property owner to comply with submitted materials as approved, the Declaration, these Architectural Review Procedures and Guidelines, and any conditions and requirements for approval, etc., as described above, the Association may take any and all legal action to enforce its rights, including the imposition of fines and suspension of the use of common areas and facilities within Avila pursuant to Florida Statutes Section 720.305.

## IV. DESIGN REVIEW PROCEDURES FOR NEW HOMES AND RELATED LANDSCAPING.

The following steps apply to the construction of new homes and related landscaping. In the case of remodeling, renovations, additions and landscape revisions and changes and/or additions to previously approved plans, the Architectural Review Committee will determine whether the following review process may be abbreviated, depending upon the scope of the proposed work. Also, see Articles V and VI below for particular design review procedures applicable to such projects.

Please note that any deviation from these procedures could cause unnecessary delays or additional costs if approvals are not obtained prior to the commencement of work.

## A. Pre-Application Research: Applicable Requirements, Restrictions and Laws

It is the responsibility of the home site owner to review and comply with and to acquaint his or her building team with the requirements and restrictions for building and landscape design in Avila set forth in (i) the Declaration and (ii) these Procedures and Guidelines.

Hillsborough County has jurisdiction over the Avila community and should be contacted at the beginning of the planning process to ensure compliance with County requirements.

Compliance with all federal, state and local laws and regulations is the obligation of the homeowner.

## B. Preliminary Design Review Meeting

This meeting can be arranged at the option of the owner and can be especially helpful to owners, architects, and / or builders who do not have experience building in Avila. Reviewed would be items pertaining to the design concept, setbacks, adjoining homes, existing trees, procedures, etc. Please contact the Architectural Review Committee at 813-949-9768 ext. 23 to arrange a meeting.

## C. Preliminary Approval

Submit the following documents with two (2) copies, together with an Architectural Review Committee Application For Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto):

1. Preliminary floor plan drawn to a 1/4 " scale indicating room sizes and intended uses.

2. Proposed elevation of all sides of the proposed structure, together with roof pitches, heights of structures, chimneys, etc.

3. Preliminary site plan, indicating location of structure (s), swimming pool, walls, driveways, guest parking, enclosures, docks, decks, play systems etc. Scale to be a minimum of 20' = 1".

4. The proposed timeline for the project, including start and completion dates.

5. **Access Plan:** The proposed means of access to the work area must be submitted for Architectural Review Committee approval. Disturbance to neighbors, road blockage

and impairment of common areas, including walls, are to be avoided.

The Architectural Review Committee will provide its written response to requests for preliminary approval within 30 days following receipt.

**D. Final Approval**

Submit two (2) copies of the following documents, together with an Architectural Review Committee Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto):

1. Final floor plans at 1/4" = 1' with Site Plan and two (2) full sets of construction drawings.

2. Specifications.

3. Color chart of all exterior colors on structures(s), wall, etc. Final color approval will be pending a 4x4 ft. sample on exterior of home.

4. If the Committee deems the elevation to be unusual in design, it may require a colored rendering or scaled model of the structure.

5. Final site plan (must be at a minimum 20' = 1") indicating exact location of all structures, walls, driveways, auxiliary buildings, a/c compressors, swimming pool and its equipment; together with detailed specifications if not provided elsewhere.

6. Mailbox: Construction, design, size, materials and placement specified.

7. The timeline for the project, including start and completion dates.

The Architectural Review Committee will provide its written response to requests for final approval within 30 days following receipt.

**E. Landscape Approval**

Submit two (2) copies of landscape plans containing the following items; together with an Architectural Review Committee Application for Approval of Landscape Plans (see form attached as **Appendix 3** hereto):

1. A scaled landscape drawing at a minimum scale of 20' = 1" .

2. Lot dimensions, and square footage.

3. Location of lot corners.

4. Location of improvements (house, pool, decks, driveways, walls, pumps, air-conditioning units, etc.

5. Location, size and type of existing trees.

6. Location, size and type of proposed trees.

7. Location, size and type of proposed plant material.

8. Boundaries of sod.

9. Irrigation zones designed for the site and proposed plant material.

10. Landscape lighting plan.

11. The timeline for the project, including start and completion dates.

The Architectural Review Committee will provide its written response to requests for landscape approval within 30 days following receipt.

**F. Approval for Commencement of Work**

1. Homeowners must obtain preliminary and final approval for all work before construction begins. The commencement of work without final approval may result in the assessment of fines, and the contractor will be ordered to “Stop Construction” and their respective subcontractors will not be allowed to enter the premises of Avila.

2. In addition to receiving preliminary and final approval for work pursuant hereto, homeowners must advise their contractors to obtain a copy of the General Rules for all Avila Contractors & Service Personnel and make appropriate arrangements with the Avila Security Department prior to the commencement of work, as described in Article XIV hereof.

## V. DESIGN REVIEW PROCEDURES FOR REMODELING, RENOVATIONS, ADDITIONS AND LANDSCAPE REVISIONS

Items that require submittals include, but are not limited to, pools, pool enclosures, play systems, different roofing system, exterior house color or material, fencing, gates, landscaping additions and revisions (other than the replacement of like material due to failure), landscaping decorations, sculpture, fountains, driveway resurfacing, , flag poles and exterior lighting. Interior revisions not affecting the exterior elevation of the residence or number of bedrooms do not require a submittal.

### A. Plans

Submit two (2) copies of plans and specifications, indicating the design intent for all exterior remodeling, renovations, additions and landscape renovations, together with an Architectural Review Committee Application For Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto) or an Architectural Review Committee Application for Approval of Landscape Plans (see form attached as **Appendix 3** hereto**)**, as appropriate.

### B. 5th Bedroom

If any remodeling includes the addition of a 5th bedroom, or a room that could be converted to a 5th bedroom in the future, a minimum of a 4-car garage is required.

### C. Access Plan

The proposed means of access to the work area must be submitted for Architectural Review Committee approval. Disturbance to neighbors, road blockage and impairment of common areas, including walls, are to be avoided.

### D. Other Steps

The Committee will determine whether the review process will include other steps as listed above in Article IV, or may be abbreviated, depending upon the scope of the remodeling, renovations, additions or landscape revisions contemplated by the property owner.

## VI. DESIGN REVIEW PROCEDURES FOR CHANGES AND/OR ADDITIONS TO PREVIOUSLY APPROVED PLANS

Changes and/additions to approved plans, either before, during or after construction, must be submitted to the Architectural Review Committee for prior approval.

### A. Plans

Submit two (2) copies of the appropriate drawings and revised plans and specifications, together with an Architectural Review Committee Application For Approval of Preliminary or Final Design, Remodeling, Changes or Additions (see form attached as **Appendix 2** hereto) or an Architectural Review Committee Application for Approval of Landscape Plans (see form attached as **Appendix 3** hereto), as appropriate.

## B. Other Steps

The Committee will determine whether the review process will include other steps as listed above in Article IV, or may be abbreviated, depending upon the scope of the changes contemplated by the property owner.

## VII. DESIGN REVIEW PROCEDURES FOR HOUSE REMOVAL BY DEMOLITION

## A. Demolition Plan

Submit two (2) copies of a plan for demolition and related site work, together with an Architectural Review Committee Application for Approval of Demolition Plan (see form attached as **Appendix 4** hereto**).**

## B. Timeline

Submit the timeline for demolition and related site work, including start and completion dates.

## C. Landscaping and Maintenance of Vacant Lot

If a lot is made vacant due to demolition, it must be cleared and maintained in accordance with Avila standards and plans to install sod and other landscaping and irrigation must be submitted. The plans must be in keeping with neighboring lots. Requirements are determined using the site to site, building to building review process (see appendix 4).Existing Vacant Lots: Must be mowed and kept free of debris.

## D. Intended Use of Lot

The intended use of the lot should be described.

## VIII. DESIGN REVIEW APPEAL PROCESS

In the event any property owner disagrees with any decision by the Architectural Review Committee with respect to an Application for Approval, the following appeal process is provided:

## A. Notice of Appeal

The property owner should provide the Executive Director with a written notice of appeal (email is acceptable), briefly describing the decisions of the Architectural Review Committee that the property owner would like to be reconsidered.

### B. Meeting with Architectural Review Committee

Upon receipt of the notice of appeal, the Executive Director will forward the notice to the Architectural Review Committee and will schedule a meeting of the Committee and the property owner to attempt to resolve the issues in question.

### C. Notice of Decision

Following such appeal meeting with the Architectural Review Committee, the property owner will receive a written notice of the decision of the Committee.

### D. Appeal to Executive Committee

If the property owner is not satisfied with the decision of the Architectural Review Committee following appeal, he or she may file a written notice of appeal to the Association's Executive Committee with the Executive Director.

### E. Meeting with the Executive Committee

The Executive Director will then schedule a meeting of the Executive Committee and the property owner to discuss the open issues.

### F. Final Decision

The Executive Committee will then send a written notice to the property owner with its decision, which will be final.

## IX. Application Fees

The following fees must accompany the Architectural Review submission.

### A. New House Construction, including Landscaping

$250

### B. Remodeling, Renovations, and Additions

$150

### C. Existing Landscape Revisions

$100

**D. Demolition Fee**

**$**250 plus road fee of $250 for a total of $500

**E. Plan Revisions**

$50

## X. DESIGN GUIDELINES

It is the intent of these guidelines not to dictate specific architectural styles that must be used within the community, but rather to give property owners, their architects or designers a set of guidelines that will make the entire community a more attractive place to live. These guidelines were created to encourage a community of individually outstanding architectural statements, that when viewed together produce a pleasant environment. Architectural designs should be customized for each home site to maximize the natural features that exist. Traditional styles are preferred, but contemporary styling is also acceptable when it is consistent with traditional features such as roof-lines and materials.

Terms such as “sound design” and “good taste” are difficult to describe and even more difficult to legislate. Good architectural design should incorporate architectural elements that have withstood the test of time.

The following elements are to be encouraged: intelligent selection of details related to a well-designed floor plan, sensitive interpretation of styles within constraints of budget and site; consistency of site planning, landscaping, architecture and logical use of materials. Each architect should strive to design a home that has integrity, continuity, and a sense of proportion. . The home should be compatible with surrounding structures and have well-executed details that are consistent with the architectural style.

The following elements are to be avoided: harsh contrasts of colors and/or materials; illogical or inappropriate combinations of scale; poorly executed details and extreme interpretations of the components of each style.

**A. Building Setbacks**

Minimum Setbacks from property line:

1. Single Family - Front 50', side 15', garage side 31'. The rear set back is dependent on the specific site. All setback requirements may petition to be increased or decreased due to unique site characteristics that dictate such a change to preserve the aesthetic integrity of the particular site, the golf course or the community as a whole.

2. Crenshaw Lake- Minimum front yard setback of 40’. Side 15’, garage side 31’ and

the rear set back is dependent on the specific site. All setback requirements may petition to be increased or decreased due to unique site characteristics that dictate such a change to preserve the aesthetic integrity of the particular site, the golf course or the community as a whole

3. Patio Homes and Villas - Various setbacks depending on site and product.

## B. Easements

The installation of trees or shrubs and the building of walls, fences, or other construction may not occur within the utility easement because of the need to access telephone lines, cable, electrical lines, water and other utilities. The utility easement runs from the curb 12' into the property.

Golf Course Easements - No improvements may be placed in the Golf Course easement without prior approval of the Architectural Review Committee and Avila Golf & Country Club.

## C. Mailboxes

Mailboxes must be approved prior to construction. They should be constructed of materials similar to the home and should be no larger than the following dimensions: 24" wide, 24" deep, 5 ft. high overall. When submitting a mailbox for approval it is necessary to indicate on the site plan the placement of the mailbox.

## D Walls, Fences and Columns

Walls, fences and columns should be considered as an extension of the architecture of the residence. They should serve to make a transition between the mass of the architecture and the natural forms of the site. All walls, fences and columns should be designed to be compatible with the total surrounding environment and should not block natural views. Walls, fences and columns should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements.

All walls, fences and columns must be approved by the Committee prior to their installation. It is recommended that walls be made of solid masonry or wrought iron. Columns every 20 ft. on center and a minimum size of 16''X16'' is required. Wood fencing or chain link will not be permitted. Maximum height for walls, fences and columns is 6 ft. Any request for height variance will be reviewed on a case-by-case basis and no variances may occur without the prior approval of the Committee. It shall be the sole responsibility of the requesting property owner to determine if any variance approval is also required by government rules or ordinances.

Retaining walls, which attach to the residence, should utilize the same materials with which the wall comes in contact.

## E. Play Systems

Any play system including but not limited to, basketball systems, swings, slides, monkey bars or similar playground equipment, must be submitted and approved prior to installation.

The tallest element of any play system should not exceed 12’ above the ground. The setbacks from all property lines shall be 1’ for each foot of height measured from the highest element. The horizontal dimension from the property line is measured to the closet element of the play system to the property line (s).

The play system must incorporate dark and muted colors. No flags or pennants are permitted.

Landscaping must be installed to shield the play system from view of neighboring properties and the street.

Basketball goals, backboards, poles and supporting structures, including portable basketball systems, should be placed in a location that is least visible from the street and neighboring property. The final determination for placement shall rest solely with the Architectural Review Committee.

## F. Exterior Lighting

Exterior pool and landscape lighting must not infringe upon adjacent neighbors. Exterior lighting should be indicated on the final plans and must be approved by the Architectural Review Committee prior to installation. The Architectural Review Committee reserves the right to review exterior lighting to assure compliance with these guidelines.

## G. Tennis Courts

Tennis courts will be allowed only on lots determined in the sole opinion of the Architectural Review Committee to be of sufficient size and suitability.

Tennis courts must be located so that they will not infringe upon view corridors. Courts must be screened from any adjacent home site and windscreens should be kept to moderate height.

A plot plan showing the tennis court location and size shall be provided the Committee showing any and all proposed grading and screening. Design and color of fencing materials should blend naturally into the surrounding area and plant materials should be added to soften the visual impact. Surface colors should be restricted to colors such as soft red and green and not be highly reflective. Night lighting of tennis courts is permitted if the light does not intrude on adjacent property. Lights on tennis courts must be turned off by 10:30 p.m. Tennis courts will be permitted only when they can be constructed so they do not constitute an intrusion upon the adjoining residents. The Architectural Review Committee requires tennis courts to be set back a minimum of 10' from the side property line and the rear setback will be established on a case-by-case basis.

## H. Pools, Therapy Pools, Spas

The location of swimming pools, therapy pools and spas (including hot tubs) should address the relationships between indoor and outdoor features, setbacks, sun and other site-specific features.

The size, shape and siting of swimming pools must be carefully considered to achieve compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house and other structures in the placement, mass and detail. Pool enclosures are not allowed within the building setback areas. No encroachment is permitted into a golf course easement. Screen pool enclosures must have columns made of the same material to the home (i.e. stone, brick, stucco, etc.). Aluminum tracks may be attached to columns. All aluminum must be either bronze or white. Aluminum or sheet metal panels are not allowed.

## I. Screened Enclosure

If a pool is planned or installed, the design of the pool & screen enclosure must be submitted for review. The design of the screened pool enclosures must include columns that are compatible with the design of the house, placed at the corners of the enclosure and not more than 20 ft on center. The columns must reach the roofline of the pool enclosure. The columns must be placed so that the screen is attached to the center of the columns with the columns half in and half out of the screened enclosure. You must provide elevation drawings with this submittal to confirm the design intent.

Please note: If no screened enclosure is planned, county ordinance requires that the pool be secured within a fenced or walled area. Any such fence or wall must not only meet the requirements of county ordinance, but must also be approved in advance by the ARC.

## J. Solar Energy

Solar collectors must be aesthetically integrated into the design forms when exposed to view or they must be hidden from view. Solar collector panels should be carefully designed to relate to the architectural mass by which they are attached. Panels should be racked at the same pitch as the roof and detailed to be as unobtrusive as possible. The Committee will discourage or reject any collector of any size, shape, or color that is insensitively designed or located. All solar equipment must be screened from adjacent views in some fashion acceptable by the Architectural Review Committee.

## K. Exterior Objects, Furniture, Materials, Etc.

No objects, furniture, materials, or other elements, may be placed, erected, stored, or allowed to remain on any part of a lot exterior to the dwelling or appurtenances in Avila Subdivision if visible from the street or neighboring property, without the prior approval of the Architectural Review Committee.

## L. Height and Size Restrictions

The height and size of any proposed structure must be compatible with surrounding homes. Hillsborough County has specific height and lot coverage requirements which should be confirmed during your pre-application research.

## M. Garages

Only side-loading garages will be permitted for single-family homes in Avila. Front - loading and two car garages are restricted to villa, cluster homes and patio home sites. Home sites located on corner lots must have rear-loading or side-loading garages, which face the interior of an adjoining lot, not the street.

As a minimum a three-bay garage plus storage is required for single-family homes. If the residence contains four bedrooms, a 4-car garage is *encouraged*. For residences with 5 or more bedrooms, or rooms that can be converted to a 5th bedroom, a 4-car garage is required. Avila restrictions prohibit the use of garages for storage of boats, recreational vehicles, equipment, etc. if such use will result in any car and/or vehicles being parked outside. For example: A homeowner with three cars and a four-car garage could use one stall for the parking of a boat. See Declaration restrictions for further information. For side loading garages the Architectural Standards require adequate screening using either landscaping, a wall, fencing or a combination of these. A minimum 28' back-up distance is required for garage turnaround area with a 3' buffer for a combined total of 31' to the property line. Guest or visitor parking *for 2* automobiles on the owners' property must be provided. Guest parking area must be

screened from view of neighboring properties and the street.

**A wall that is a minimum of 3' high is required between the property line and driveway area, or a 3' wide landscape buffer.**

## N. Drainage

1. Homesites - Drainage considerations for individual sites play an important part of the overall ecological balance of the site. Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or to storm drainage facilities.

Site drainage should be detailed on the grading plan. All street flow should be channeled into swale, retention and ditch areas. Avila recommends that the finished floor elevation of the house and any outbuildings be at least 28" above the crown of the road and in no event lower than 54.5 feet elevation above sea level. Additionally, sometimes, minimum elevations should be met in order to comply with regulations of the Federal Flood Insurance Program and Hillsborough County Regulation. More information can be obtained by consulting an engineer of your choice. The Architectural Review Committee will not review drainage plans and the home site owner is fully responsible for water runoff and drainage control of his respective home site.

2. Driveway Curb Cuts - In order to maintain effective street drainage and street gutter systems, existing street gutters must stay intact when curb cuts are made for driveways. To accomplish this, a concrete saw must be used to cut the curb portion away from its gutter allowing the gutter to stay intact. The curb must be reformed to fit the elevation of the driveway and not impede the flow of the gutter. Future maintenance and the integrity of new curbing and curb material shall be responsibility of the homeowner.

3. Drainage Pipe Curb Cuts – To accomplish this concrete saw must be used to cut the existing curb. The pipe shall not interfere with the existing street gutter and must be flush with the face of the curb. Once the pipe is fitted, concrete must be installed to fit the profile of the curb. Future maintenance and the integrity of new curbing and curb material shall be responsibility of the homeowner.

## O. MATERIALS AND DETAILS

1. Exterior walls - May be of a variety of materials; however, materials incorporated into the front elevation should be carried all the way around the house. For example, a home with brick on the front must also have brick on the sides and rear. No stucco brick is allowed. If brick is to be used, a sample wall (3' tall x 4' long) must be constructed and approved on site prior to ordering and/or installing any brick.

2. Roofing - Appropriate roofing materials include cedar shakes, cedar shingles, cement and clay tile, aluminum shake, slate, and standing seamed copper. Heavy weight composition shingles may be approved if they are a minimum 40 year shingle with significant dimensional texture.

3. Siding - Wood siding is allowed provided it is a quality wood or hardy board. The following will not be allowed: Aluminum, Masonite, or composition board

4. Windows - Should be constructed of vinyl or aluminum-clad wood. Aluminum windows may be approved, but must be white or bronze. Under no circumstances are silver colored aluminum windows allowed. Any reflective type glass must be submitted and approved. As a minimum on unadorned stucco walls provide a 1" deep by 4" wide stucco trim on all sides of the window openings.

5. Frieze bands - Are required on all elevations of all elements of the residence, at those points where roof overhangs intersect with the top of walls. The dimensions of the frieze bands should be no less than 1" deep by 8 "high.

6. Flue pipes - Are required to be encased with a material similar to the house. Any metal top must be painted.

7. All electric meters, pumps, air conditioning units, generators, sanitary receptacles, tanks, wood piles and any other ancillary equipment shall be suitably screened so as not to be visible from the street or any neighboring or nearby property. The location, manufacturer and model of air conditioners, generators and other sound-producing equipment shall minimize noise impacting neighboring property owners. The proposed method of screening, and the location and type of unit shall be submitted to the Architectural Committee for review, and the Committee shall have the authority to require any modification deemed in their opinion to be in the best interest of the Association. The Architectural Review Committee shall have the right to review the noise level of equipment following installation.

8. Roof protrusion and exterior metal - Plumbing stacks, roof vents and skylights should be kept off the front roof elevations as much as possible. Any metal (except copper) used on the exterior must be painted.

9. Walks and driveways - May be constructed out of concrete, brick and/or pavers. Asphalt is not allowed. A Minimum 2- 1½ inch sleeve of PVC pipe capped and marked at both ends beneath driveway for future utility use is required.

## P. Outdoor Mosquito Misting Systems

The installation and operation of outdoor mosquito misting systems must be in compliance with state and local law. Pursuant to Florida statutes Section 487.031(13), it is unlawful for any person to apply any pesticide directly to, or in any manner cause any pesticide to drift onto, any person or area not intended to receive the pesticide; therefore, the location and operation of such systems must not result in the migration of pesticide onto neighboring properties.

# XI. LANDSCAPE GUIDELINES

## A. General

Landscape plans should include shrubs and planting beds commensurate with the size of the lot and home. All planting beds except annuals must be mulched and all landscape areas not planted must be sodded. PLEASE NOTE: red or other colors of mulch are not approved products for Avila Subdivision. Hedges should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements.

## B. Irrigation

An automatic zoned underground irrigation system with 100% coverage of all landscaped and sodded areas is mandatory. Irrigation systems must be zoned appropriately for the proposed landscaping. Reclaimed water is available and recommended for irrigation purposes.

## C. Tree Removal

Tree removal of any existing trees is subject to Hillsborough County guidelines and procedures and ARC approval.

## D. Minimum Tree Requirements

1. One tree per 2800 sq. feet of gross lot area is required as the minimum tree requirement, unless tress survey specifies otherwise.

2. If residence is located on a corner lot, additional trees and landscaping may be required at the discretion of the Architectural Committee. Any additional trees so required will be selected from the seventy-five percent category.

3. If residence is a two-story and the first floor covers less than 20 percent of lot area, the Committee will require two additional trees and these will be selected from the seventy-five percent category.

4. Seventy five percent of the required trees must be selected from the following tree list:

| TYPE | Minimum CALIBER | Minimum HEIGHT | Minimum SPREAD |
|---|---|---|---|
| Hollies | 3" | 12’ | 6’ |
| Magnolia Grandiflora | 3" | 10’ | 6’ |
| Camphor | 3" | 12’ | 6’ |
| Oaks (Quercus spp.) (Spp. Live Oak, Laurel Oak, Shumard) | 3" | 14’ | 8’ |
| Drake Elm (Vimus spp.) | 3” | 12’ | 6’ |
| Maple(Acer supp.) (Spp. Red Maple, Silver Maple) | 3" | 12’ | 6’ |
| Sycamore | 3" | 12’ | 8' |
| Red Cedar (Cedrus Deodrus) | 3” | 10’ | |
| Canary Island Date Palm (Phoenix Canariensis) | (with 8’ clear trunk) | | |
| *Senagal date Palm* (Phoenix Reclinata) | (With multiple trunks of 12-14-16’) | | |
| Paurotis *Wrightii* | (With multiple trunks of 10-12-14') | | |

*(Paurotis Palm)*

*Washington Palm*
(Washington Robosta) (With a clear trunk of 10')

*Chinese Fan Palm*
(Livistonia Chinenis) (With a clear trunk of 10')

5. The other twenty five percent of required trees may be chosen from the following list and must be a minimum of caliber and height indicated: Caliber is measured at 5' above ground.

| TYPE | Minimum CALIBER | Minimum HEIGHT | Minimum SPREAD |
|---|---|---|---|
| Ligustrum (Ligustrum Lucidum) | 2" | 5' | 8' |
| Pittosporum Tobira | 3" | 8' | 6' |
| Podocarpus (Podocarpus Maki) | 3' | 5' | 6' |
| Viburnum (Viburnum Odorotissima) | 2" | 10' | 6' |
| Dogwood (Cornus Florida) | 2" | 10' | 6' |
| Crepe Myrtle (Laegerstromia Indica) | 3" | 10' | 6' |
| Jerusalem Thorn (Parkinsonia) | 3" | 10' | 8' |
| Orchid Tree (Bauhenia) | 3" | 10' | 8' |

| | | | |
|---|---|---|---|
| Citrus (Citrus spp.) | 3” | 10’ | 8’ |
| Golden Rain Tree (Koelreuteria) | 3” | 10’ | 6’ |
| Weeping Willow (Salix Babylonica) | 2” | 10’ | 6’ |
| Cabbage Palm (Sabal Palm) | (with a clear trunk of 10’) | | |

6. Coco Plumosa palms may be proposed as a supplemental tree but will not be considered as credit toward the 75% of - 25% requirement.

7. Trees & Plants that are not allowed. Prohibited trees and plants include but not necessarily limited to:

a. Wax Myrtle
b. Brazilian Peppers
c. Punk Trees
d. Cherry Laurels

8. CREDITS FOR LARGER TREES

It is the purpose of the Committee to encourage larger tree plantings: therefore, the following credits may be considered:

a. A 4" caliber tree may be given a credit for two (2), 3" caliber trees.

b. A 6" caliber tree may be given a credit for three (3), 3” trees.

c. An 8" caliber trees may be given a credit for four (4), 5" caliber trees.

## XII. APPROVAL EXPIRATION

### A. Failure to Commence Work in a Timely Manner

The Architectural Review Committee will retain final drawings for a minimum period of one hundred eighty (180) days subsequent to approval. If work has not started or a continuance not received by the owner or owner's agent within the above time period, the approval will then automatically expire.

### B. Failure to Continue and Complete Work in a Timely Manner

All work must be continuous and performed within timelines as submitted and approved in the Architectural Review Committee Application. Failure to do so may result in fines, penalties and the pursuit of such legal remedies as are available to the Association.

## XIII. EMERGENCIES

In the event of an emergency requiring remedial activity (such as fallen trees or roof failure) covered by these Procedures and Guidelines, the property owner or contractor should contact Avila Security at 813-961-3483 immediately to notify the Association of the nature of the emergency and what action is being undertaken. In instances where there is danger to property or persons, immediate steps should be undertaken taken so prevent further damage or loss. An after the fact submittal appropriate to the circumstances is required to be filed as soon as possible.

## XIV. ADDITIONAL REQUIREMENTS FOR CONTRACTORS

### A. General Rules for all Avila Contractors & Service Personnel

Prior to the start of construction and before approval expiration, it is required that the prime contractor obtain a copy of the General Rules for all Avila Contractors & Service Personnel from the Avila Property Owners' Association Office, a copy of which is attached as **Appendix 5** hereto.

The General Rules for all Avila Contractors & Service Personnel apply to all contractors and service providers and their employees and agents while on the premises of Avila. Violations of any rule(s) may result in penalties, including fines and suspension from the property, thereby making it no longer possible to work in Avila Subdivision.

## B. Meeting with Security

A meeting must be scheduled with the Avila Security Chief to discuss the time line for the project, dumpster placement, portable sanitation, parking restrictions and other General Rules and Guidelines prior to the commencement. The Security Chief may be reached at 813-961-3483.

Attachments:

Appendix 1 Additional Design Guidelines Pursuant to Article V and Article VI of the Declaration

Appendix 2 Architectural Review Committee Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions

Appendix 3 Architectural Review Committee Application for Approval of Landscape Plans

Appendix 4 Architectural Review Committee Application for Approval of Demolition Plan

Appendix 5 General Rules for all Avila Contractors & Service Personnel

**Appendix 1**

Additional Design Guidelines Pursuant to Article V and Article VI of the Declaration

Article V.

Restrictions Upon Individual Use For the Common Good

5.1 Single Family Residential Use. No building, structure, or improvement shall be constructed, erected, altered, placed or permitted to remain on any of the Lots within the Subdivision other than single family dwellings and customary appurtenances designed for occupation by not more than one family and its domestic servants.

5.2 Lawful Use. No part of the Avila Subdivision may be used for any purpose tending to injure its reputation, nor to disturb the neighborhood, nor occupants of adjoining property within the Subdivision, nor to constitute a nuisance, nor in violation of any public law, ordinance or regulation in any way applicable thereto.

5.3 Commercial Use. None of the Lots shall be used in any way directly or indirectly for any business, commercial, manufacturing, mercantile, storing, vending or any other purpose incompatible with single family residential use.

5.4 Maintenance. All buildings and other structures within the Avila Subdivision and each portion thereof shall at all times be well and properly maintained in good condition and repair by the Owner thereof. No windows shall be covered with aluminum foil or other materials not designed for such purpose. All landscaping of every kind and character, including shrubs, trees, grass and other plantings, shall be neatly trimmed, properly cultivated and maintained continuously by the Owner thereof, in a neat and orderly condition and in a manner to enhance its appearance.

5.5 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. Notwithstanding, this provision shall not apply to Avila Unit No. 9, Lot 3.

5.6 Design. The design of all buildings which shall be erected or moved onto any Lot will be subject to the approval of the Architectural Committee. Upon written request by Lot Owners for approval of plans the Architectural Committee will have thirty (30) days to approve or disapprove plans. Failure of the Architectural Committee to act within thirty (30) days from receipt of definitive plans of the proposed improvement shall result in the plans being deemed approved provided that the design of the proposed building is in harmony with the existing structures in the section and the Owner maintains proof that the plans were delivered to the Architectural Committee. After January 1, 1982, the Architectural Committee may charge a reasonable fee to review plans. The fee shall be established by the Association's Board of Directors. The Association's Architectural Committee will have exclusive control over the exterior colors and materials which can be used in the construction of all improvements built on any property subject to the Declaration and all amendments thereto.

5.7 Time for Construction. If the purchaser of a Lot, his or her heirs, successors or assigns do not erect a dwelling upon the Lot purchased within three years from the date of original purchase from the Developer, Developer or Association shall have the right of repurchasing the property at the price paid by the Owner plus interest at the rate of 6% per annum.

5.8 Roofs. No projections of any type shall be placed or permitted to remain above the roof of the building with the exception of one or more chimneys or vent stacks. No outside television or radio pole or antenna or other electronic device shall be constructed, erected or maintained on any building nor on any property within the Avila Subdivision or connected in such manner as to be visible from the outside of any building unless and until it has been approved by the Architectural Committee.

5.9 Temporary Buildings and Building Materials.

a. No shed, tent or temporary building shall be erected, maintained or used on any property within the Avila Subdivision; provided, however, that temporary buildings for use and used for a reasonable time only for purposes incidental to the initial construction of dwellings on any property may be erected, maintained and used, provided that such erection, maintenance and use has been approved by the Architectural Committee and provided further that said temporary buildings shall be promptly removed upon the completion of such construction work and issuance of a certificate of occupancy.

b. No lumber, brick, stone, cinder block, concrete or other building materials, scaffolding, mechanical devises or any other thing used for building purposes shall be stored on any Lot, except for the purpose of construction on such Lot and shall not be stored on such Lot for longer than the length of time reasonably necessary for the construction to completion of the improvement in which same is to be used.

5.10 Garages. When garages are not in use, garage doors shall be closed. Garages shall be used only for the purpose of parking automobiles, hobbies and storing an Owner's household goods. Except for corner Lots and patio houses, no garage door shall face the street shown on the plat.

5.11 Vehicles. No mobile home, boat, truck, trailer or recreational vehicle of any kind shall be kept, stored, parked, maintained, constructed or repaired, on any property within the Subdivision in such a manner as to be visible from any neighboring property.

5.12 Animals. No animals, fowl, reptiles or poultry shall be kept within the Subdivision, except not more than two domestic dogs, cats, or birds may be kept as household pets provided that they are not kept, bred or raised thereon for commercial purposes. All animals permitted to be kept by this paragraph shall be kept on a leash within the Avila Subdivision when not within an enclosed area of a Lot.

5.13 Signs. After original occupancy no signs are permitted in the Subdivision except address and name identification signs meeting the approval of the Architectural Committee.

5.14 Rubbish.

a. No weeds, rubbish, debris, objects or materials of any kind shall be placed or permitted to accumulate upon any property within the Avila Subdivision if it renders the property unsanitary, unsightly, offensive or detrimental to any other property in the vicinity. Trash, garbage, rubbish and other waste shall be kept only in approved sanitary containers.

b. All service yards or service areas, approved sanitary containers, and storage piles on any property within the Avila Subdivision shall be enclosed or fenced in such a manner that the yards, areas, containers and piles will not be visible from any neighboring property or street.

c. Notwithstanding the foregoing, approved trash containers, recycling containers and bundled yard waste may be set out as required by the waste collection service provider for a reasonable time before and after their scheduled pickup times, as follows: (i) trash containers shall be placed for pickup at the rear or side of residences when practical and at the immediate front of residences when rear or side placement is not practical; (ii) residents with security walls or other approved barriers may set trash containers outside the wall or barrier; and (iii) recycling containers and bundled yard waste may be placed curbside. Except as expressly provided for recycling containers and bundled yard waste by the foregoing, no trash or recycling containers or yard waste shall be placed curbside at any time.

d. Determination of compliance with this section shall be made solely by a majority of the members of the Architectural Committee.

5.15 Clotheslines. Clotheslines are not permitted unless they are completely hidden from the view of persons off the Lot.

5.16 Mail. Street mailboxes shall be approved by the Architectural Committee and be of a type consistent with the character of the Avila Subdivision and shall be placed and maintained to compliment the houses in the neighborhood. Application shall be made by each Owner for a door mailbox at such time as door postal service is available. Owners shall be required to have mail boxes attached to the main dwelling structure and street mailboxes shall be removed within ten (10) days of commencement of such door postal service.

5.17 Window Air Conditioners. No window air conditioning units shall be installed without prior written approval of the Architectural Committee.

5.18 Ancillary Equipment. All oil tanks, bottle tanks, soft water tanks, pumps, condensers, woodpiles or other ancillary equipment shall be suitably screened so as not to be visible from the street or any adjacent or nearby Lots.

5.19 Electrical Installations. All service lateral entrance installations, or that portion thereof served by said underground electrical distribution system, shall be installed underground and maintained in accordance with the specifications of Tampa Electric Company for such installations.

5.20 New or Damaged Structures – Repair and Erection. The erection of a new dwelling or structure or the repair of any dwelling or structure damaged by fire or otherwise on any Lot shall be completed without unreasonable delay. Should the Owner leave a damaged dwelling or structure in an incomplete condition for period of more than six months, or should the erection of a new dwelling or structure remain incomplete after a period of two years from the date of the first construction related inspection by the appropriate governmental authority, the Association, after reasonable notice to the Owner by registered mail, giving an opportunity to be heard, may remove the structure from the premises or complete and repair it in a manner deemed appropriate by the Association's Architectural Committee, and/or assess a fine in an amount in compliance with Florida law per day for every day the repair or erection of the dwelling or structure remains incomplete after the aforementioned time limits have been reached. In either event, the expenses so incurred shall be a lien against the Lot enforceable in the same manner as other liens. The dwelling or structure shall not be considered to be complete until, in the opinion of the Board of Directors, both the construction and landscape elements are in compliance with the approved building plans and the landscape requirements of Article V, Paragraph 4 of the Declaration. An easement is hereby granted to the Association for the purposes of accomplishing the repairs, maintenance, replacement, or any other work necessary to enforce the provisions of this section.

5.21 Fences, Hedges and Landscaping.

a. All landscaping plans, including fences and hedges, must receive prior written approval from the Architectural Committee of the Association before implementation.

b. The landscaping plan for the areas of any Lot within 25 feet of the boundary of the Lot or block line adjacent to the golf fairway property shall be in general conformity with the overall landscaping pattern of the golf course fairway.

c. In connection with the development of any Lot for residential purposes, or the construction of improvements thereon, reasonable care shall be used to preserve and retain as many trees as is reasonably possible. No excavation, fill or clear cutting of trees shall be performed in violation of law, or of this Declaration.

5.22 Use and Protection of Lakes. Except with respect to Lake Chapman:

a. Use of lakes and islands in them is limited to Owners whose Lots abut that lake and their guests. Private ownership of islands and subsurface lands is subject to this right of use. No structures may be built on islands.

b. No person may use a boat over 12 feet in length on any lake. No mechanical power for boats is permitted except electric motors under 1 horsepower.

c. No docks or similar structures shall be constructed except with prior written approval from the

Architectural Committee. No water wells shall be drilled by an Owner as long as irrigation water is provided by the Association. No Owner may fill a lake nor draw water from a lake nor place any solid material or liquid in a lake. This prohibition does not apply to natural or storm drainage.

5.23 Swimming Pools. Swimming pools shall not be nearer than ten (10) feet from any Lot or golf course easement line and must be located to the rear of the main building unless a different location is authorized in writing by the Architectural Committee.

5.24 Sprinkling Systems. All Lots must have 100% underground sprinkling coverage in operable condition.

5.25 Excavation. No elevation changes shall be permitted which materially affect the surface grade of surrounding Lots.

5.26 Hardship Waiver. The Architectural Committee is authorized to grant hardship waivers to Lot Owners in the event the strict application of these restrictions presents a bona fide hardship.

5.27 Patio Homes. Patio Homes constructed on Block 7, 8, and 9 of the Avila Subdivision Plat, Unit I, are exempt from paragraph 5.5 and may be exempted from other restrictions by the Architectural Committee provided they remain compatible with the Avila Subdivision as a whole in the opinion of the Architectural Committee. Supplemental restrictions shall be filed by the Developer with respect to patio homes on these blocks before they are offered for sale.

5.28 Parking Restrictions. All vehicles including private passenger automobiles owned, leased, or otherwise in the control of a person residing in Avila must be garaged and must not be parked on any Avila street or in any driveway at any time during the day or night. Vehicles parked in an approved screened from view area qualify as being garaged. The sole exception to this restriction shall be that 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. The Board of Directors of the Association shall be empowered to grant exemptions upon written application in cases of hardship for original purchasers who shall have acquired title to land and had their plans approved by the Association on or before March 31, 1981.

5.29 Traffic Restrictions.

a. Traffic in any of the private streets and road or ways in Avila shall be subject to the provisions of the laws of the State of Florida concerning operation of motor vehicles on public streets. The traffic laws shall be enforceable by the Association as restrictive covenants hereunder.

b. Reasonable speed limits may be designated by the Board of Directors of the Association and shall be posted in Avila.

c. Only drivers licensed to operate by the State of Florida or by another state in the United States may operate any type of motor vehicle or golf cart on the streets in Avila. All golf cart owners shall maintain liability insurance with respect to Golf Carts meeting reasonable requirements of the Board of Directors of Association, and upon request, furnish evidence of such coverage and proof of payment therefor to the Association.

d. The Association is empowered to pass, administer and enforce reasonable rules and regulations for control of traffic and for security.

e. Automobiles and trucks with noisy exhaust systems shall not be operated in Avila.

f. There shall be no racing whatsoever on the streets in Avila.

g. Neither motorcycles nor mopeds shall be operated within Avila.

h. All vehicles of every kind and nature which are operated on the streets of Avila shall be operated in a careful and quiet manner, and with consideration for all Members of the community, and in a manner to be expected from a reasonable, prudent person.

5.30 Pond Restriction. Owners of all Lots contiguous to or abutting said golf course ("Golf Course Lots"), shall be restricted from using any pond, lake, or body of water, contiguous to or abutting said Lots in any manner whatsoever. This restriction shall also apply to any other property owner subject to the terms of the Declaration and any amendment thereto.

5.31 Architectural Control. Architectural control of the Avila Subdivision shall be maintained by the Association's Architectural Committee.

The purpose of architectural control is to assure that the residences and any other improvements in the Subdivision as a whole, will preserve a uniformly high standard of construction that is attractive and harmonious. The basic architectural control for regulation of all Lots is vested in the Architectural Committee. The power to regulate vested in the Architectural Committee permanently shall include the power to prohibit those buildings or improvements found to be a) inconsistent with the provisions of this Declaration, or the aesthetic design or quality intended to be created and preserved hereby, or b) contrary to the best interests of the Golf Course, or c) detrimental to the value and desirability of the Avila Subdivision as a residential community with exclusive, unique, and desirable qualities.

No building, structure or improvement shall be erected, constructed, placed or altered on any Lot until the Owner of the Lot shall submit in duplicate complete Plans and Specifications for such building, structure and/ or improvement and a detailed Site Plan showing its proposed location, and the Plan and Specifications and detailed Site Plan have been approved in writing. The approval of said Plans and Specifications may be withheld not only because of noncompliance with any of the specific easements, covenants, conditions and restrictions of this Declaration, but also by reason of the reasonable dissatisfaction with the landscaping or grading plan, the proposed location of the structure with respect to topography and finished grade elevation, the quality of workmanship and materials, the type or use of materials, the color scheme, finished design, proportions, architecture, style, shape, height, size, style or appropriateness of external design with the existing or proposed buildings, structures or improvements located or to be located upon the Lot or the Golf Course, including the heights, kind and appearance of fences, walls, any excavation or fill, change in drainage or terrain, planting, utility installation, and any other physical change or improvement to any Lot, the size, location and materials to be used in the construction of the walks and drives, and the sizes and species of landscaping materials, all of which are included within the definition of "improvements" as such word is used herein. One set of Plans and Specifications and a detailed Site Plan as finally approved may be retained by the Architectural Committee for their permanent records.

It is the intention of this provision to vest in the Association permanently thereafter the power to regulate the appearance of buildings, and improvements to be located upon each Lot, for the purposes herein set forth. Upon completion of any building, structure or improvement in accordance with approved Plans and Specifications and detailed Site Plan, no changes, alterations, additions, reconstruction, or attachments of any nature whatsoever shall be made to the exterior of the building, structure and/or improvement or to the Lot, including that portion thereof not actually occupied by the improvements thereon, unless the same are identical to the original work, without prior written approval in the manner above provided.

All of the foregoing approvals shall not be unreasonably withheld so long as such original Plans, Specifications and detailed Site Plan or such change, alteration, addition, reconstruction or attachment, as the case may be, conforms substantially to, and is in harmony with, the creation and preservation of the general plan of development intended to be created and preserved by this Declaration.

The Architectural Committee's approval, disapproval or conditional approval shall be endorsed upon the Plans and Specifications submitted by the Owner, and shall be further evidenced by a written instrument executed and acknowledged by the approver. Such written instrument shall be returned to the Applicant accompanied by one-set of the submitted documents within thirty (30) days after submission.

5.32 Exculpation of the Architectural Committee. The Architectural Committee cannot and shall not be held responsible, for any loss or damages to any person arising out of the approval or disapproval of plans, design or construction errors. Nor shall the Architectural Committee be held responsible for loss or damages to any person arising out of noncompliance with governmental land use and building regulations.

Article VI.

Special Restrictions Affecting Golf Course and Golf Course Lots

6.1 Golf Course Restrictions. This Article shall apply to the real property identified as the Avila Golf Course and shaded in the sketch attached hereto as **Exhibit D ("Golf Course")**. The use of the Golf Course shall be restricted to a golf course or open space or a combination of such uses, or as expressly authorized in Section 6.2 of this Declaration. Any construction or occupancy of any building thereon, except for golf course facilities, is expressly prohibited, it being the intent to prohibit development of the Golf Course for any purpose other than golf course or open space purposes, subject only to reasonable utility, ingress, egress and drainage easement rights retained by the Developer. In addition, as part of the general plan of development, the covenants contained in this Article shall run with the Golf Course and be binding upon the parties hereto and their successors and assigns for the duration of the operation of the restrictive covenants set forth in this Declaration.

It is expressly understood and agreed to between the parties hereto that the exact boundaries of the Golf Course are not presently available. A metes and bounds or other legal description of the Golf Course prepared by the Developer and approved by the Association pursuant to Section 8.2 of this Declaration may be added at some future date to this Declaration in substitution for the Golf Course drawing attached hereto as Exhibit D. It is hereby further recognized that the Developer may make such adjustments to the Golf Course as it deems appropriate with the approval of the Association as described in Section 8.2 of this Declaration and with the specific approval of any Member of the Association whose Lot or property abuts that portion of the Golf Course that will be adjusted. At any time that the Golf Course boundaries are legally described or adjusted, if applicable, the Developer shall execute and record a supplemental instrument to this Declaration indicating the revised boundaries of the Golf Course.

6.2 Golf Course Relationship to Subdivision. The Golf Course and related structures, including any commercial appurtenances in Exhibit D, constructed within the Avila Subdivision perimeter fence is not common property of the Avila Subdivision. It is separate and distinct from Avila and is not subject to this Declaration except as provided for in this Article. It shall be a private club separate and apart from the Association and operated under its own rules and regulations. No portion of the Golf Course shall be or become part of Avila or a Common Area, nor shall the Association or its Members have any ownership or easement rights therein except such rights as they may have by virtue of their membership in the private club which will own and operate the Golf Course, said private club being independent of the Association. The Association shall have no obligation to provide maintenance, security, or other services for any portion of the Golf Course. Developer agrees the Golf Course shall be exclusively for the Golf Course operation and any related commercial activities including but not limited to, rental villas appurtenant to the Golf Course. The Developer agrees that the Golf Course shall be used either in this fashion or maintained as open area for the duration of these deed restrictions. Nothing herein shall be construed to give any person any right, privilege, in or to the Golf Course, including the right to enter upon or use the property except under such conditions as may be established by the private club. These restrictions have reserved a means of ingress and egress to the Golf Course over the private roads of the Avila Subdivision. The Developer agrees that the owner of the Golf Course shall be obligated to pay any annual assessments to the Association for its portion of the cost of maintaining the private roads, maintaining the perimeter fence, gate security and all other services it renders. The amount of the assessments shall be mutually agreed upon by the owner of the Golf Course and the Association. If no sum can be mutually determined, the fee shall be $3000.00/annum.

6.3 Golf Course Easement. For the benefit of the Golf Course, and appurtenant to and running with the land, there are hereby created exclusive rights and easements further described and defined in Paragraphs 6.3 through 6.8 of this Article, upon that portion of each Lot adjacent to the Golf Course. The Golf Course easement area is more specifically described as the 15 feet of Blocks 8 and 9, Unit I nearest the golf course and the area within 25 feet of the Golf Course with respect to all other Lots. These easements and rights are collectively referred to as the "Golf

Course Easement".

6.4 No Walls, Fences, Etc., Bordering Golf Course. To promote an "open space" atmosphere for the benefit of the Golf Course, no solid line of fence, wall or shrubbery will be permitted on the Golf Course Easement Area.

6.5 Right of Access to Lots and Golf Course Easement Areas. Until such time as a residence is constructed on a Lot, it shall be subject to a right and easement permitting and authorizing registered Golf Course players and their caddies to enter upon all or any part of any Lot to recover or play a ball (subject to the official rules of the Golf Club) without such entering and playing being deemed a trespass. After a residence is constructed, such easement shall be limited to the Golf Course Easement Area, and for the limited purpose of retrieving and recovering or playing a golf ball, or retrieving any other object accidently coming upon such Golf Course Easement Area. Players or their caddies shall not be entitled to enter upon any such Lot, or the Golf Course Easement Area with a golf cart or other vehicle, nor spend unreasonable time on such Lot or Golf Course Easement Area, or in any way commit a nuisance, or damage, or destroy any property, plantings or foliage, while thereon. After construction of a residence on a Lot subject to the Golf Course Easement Area, "out of bounds" markers shall be placed on said Lot by the Developer anywhere within the Golf Course Easement.

6.6 Distractions Prohibited. Owners of the Lots subject to the Golf Course Easement shall be obligated to refrain from any actions which would distract from the playing qualities of the Golf Course or the development of an attractive overall landscaping plan for the entire golf course area, including the Owner's Lot. Such prohibited actions shall include, but are not limited to, such activities as an otherwise permitted burning on a Lot when the smoke would cross the fairway, the maintenance of dogs or other pets on a Lot under conditions interfering with play due to their loud barking, running on fairways, picking up balls, or other animalistic activity.

6.7 Right to Maintain Lots. There is hereby reserved a right and easement, upon, over, through and across the Golf Course Easement Area at any reasonable hour for the purpose of maintaining or landscaping the Golf Course Easement Area. Such maintenance and landscaping may include regular removal of underbrush, trees less than two inches in diameter, trash or debris, the planting of grass, trees and shrubbery, watering, application of fertilizer, and mowing. The foregoing right and easement shall apply to the entire Lot until a residence is constructed on the Lot.

6.8 Easement of Light, Air and View. There is hereby reserved the right and/or easement of light, air, and view over and across the Golf Course Easement Area.

6.9 Exculpation of Developer. Developer cannot and shall not be held responsible, for any loss or damages to any person arising out of the approval or disapproval of plans, design or construction errors. Nor shall the Developer be held responsible for loss or damages to any person arising out of noncompliance with governmental land use and building regulations.

6.10 Pond Restriction on Owners of Golf Course Lots. Notwithstanding any other provisions of this Declaration, all Golf Course Lots shall be restricted from using any pond, lake, or body of water, contiguous to or abutting said Lots in any manner whatsoever.

6.11 Design Approval. As set forth in Section 5.31 of this Declaration, to further protect, conserve, and enhance the aesthetics of the Golf Course Easement Area, the Architectural Committee shall have the power to prohibit the construction of buildings or improvements on any Lot contrary to the best interests of the Golf Course. In addition, as more specifically set forth in Section 5.31 of this Declaration, the Architectural Committee may withhold the approval of proposed Plans and Specifications for any construction or improvement not only because of noncompliance with any of the specific easements, covenants, conditions and restrictions of this Declaration, but also by reason of the reasonable dissatisfaction with the landscaping or grading plan, the proposed location of the structure with respect to topography and finished grade elevation, the quality of workmanship and materials, the type or use of materials, the color scheme, finished design, proportions, architecture, style, shape, height, size, style or appropriateness of external design with the existing or proposed buildings, structures or improvements located or to be located upon the Lot or the Golf Course, including the heights, kind and appearance of fences, walls, any excavation or fill, change in drainage or terrain, planting, utility installation, and any other physical change or improvement to any Lot, the size, location and materials to be used in the construction of the walks and drives, and

the sizes and species of landscaping materials, all of which are included within the definition of "improvements" as such word is used herein.



ARCHITECTURAL REVIEW COMMITTEE
Application for Approval of Preliminary or Final Design, Remodeling, Changes or Additions

**Owner**
**Name**:_____
_
Address of
Property:_____
Contact Number: (  ) _____
**Architect/Designer/Contractors**
**Name**:_____
Address of
Architect/Designer/Contractor:_____
_____
_____
Contact Number: (  ) _____
**CHECK ONE:**

1.) Person to be contacted for additional information:
_____ Owner  _____ Architect  _____ Contractor

2.) _____ Preliminary Submittal  _____ Final Approval

3.) _____ New Residence  _____ Remodeling/Changes/Additions

BRIEF DESCRITION OF PROJECT: _____

_____

_____

_____

_____

_____

**BUILDING EXTERIOR MATERIALS**: Specifications for all exterior materials must be noted on plans

**COLOR SCHEME**: (Necessary for Final Approval): A color sample must be provided to the Architectural Review Committee. A 4x4ft sample may be required on the exterior of the home-site.

**PLEASE NOTE THE FOLLOWING**:

- A proposed timeline indicating the start and completion date(s) must be submitted with plans for Preliminary/Final Designs, Remodel, Changes or Additions.
- The Architectural Review Committee has 30 days from the receipt of a submittal to respond in writing of their decision.
- All contractors must follow the "**General Rules for all Avila Contractors & Service Personnel"** listed in Appendix 5 of the Avila Property Owner's Architectural Review Guidelines.
- **Two complete sets of working plans and specifications must be filed with this application.**
- The ARC is permitted to walk on homeowners property for the sole purpose of reviewing the ARC submittal.

## APPLICATION FEES:

A. New House Construction, including Landscaping……..$250

B. Remodeling, Renovations, and Additions……$150

C. Existing Landscape Revisions...……$100

D. Demolition Fee……$250
plus road fee……..$250
**Total……..$500**

E. Plan Revisions.....……$50

**It is the responsibility of the property owner and the property owner's contractors to review and follow the ARC Guidelines, submit complete and accurate plans and specifications for approval. Variances from these Design Guidelines or from prior submitted plans and specifications must be noted with each request for approval. Approvals given with respect to requests for approval of stated particular design features are limited to the stated design feature.**

Signature of Owner: _____ Date: _____

Signature of Owner's Agent:_____ Date:_____



ARCHITECTURAL REVIEW COMMITTEE
Application for Approval of Landscape Plan

**Owner**
**Name**:_____
_
Address of
Property:_____
Contact Number: (  ) _____
**Architect/Designer/Contractors**
**Name**:_____
Address of
Architect/Designer/Contractor:_____
_____
_____
Contact Number: (  ) _____
**CHECK ONE:**

4.) Person to be contacted for additional information:
_____ Owner _____ Architect _____ Contractor

5.) _____ New Landscape Submittal _____ Changes to Existing Landscape

BRIEF DESCRITION OF PROJECT: _____

_____

_____

_____

_____

_____

Are there any items on these plans (other than the landscaping) for which you are requesting approval at this time" (i.e. walls, patios, etc.)?

_____ No _____ Yes, Please specifiy:_____

**PLEASE NOTE THE FOLLOWING**:

- The Architectural Review Committee has 30 days from the receipt of a submittal to respond in writing of their decision.
- All contractors must follow the "**General Rules for all Avila Contractors & Service Personnel"** listed in Appendix 5 of the Avila Property Owner's Architectural Review Guidelines.
- **Two complete sets of the landscape plan must be filed with this application.**
- Landscape plan must include but not limited to the following: plant size and quantity and location of plants
- All contractors must obtain the required permits
- The ARC is permitted to walk on homeowner's property for the sole purpose of reviewing the ARC submittal.

## APPLICATION FEES:

A. Existing Landscape Revisions.....$100

**It is the responsibility of the property owner and the property owner's contractors to review and follow the ARC Guidelines, submit complete and accurate plans and specifications for approval. Variances from these Design Guidelines or from prior submitted plans and specifications must be noted with each request for approval. Approvals given with respect to requests for approval of stated particular design features are limited to the stated design feature.**

Signature of Owner: _____ Date: _____

Signature of Owner's Agent:_____ Date:_____

ARCHITECTURAL REVIEW COMMITTEE
Application for Approval of Demolition Plan

**Owner Name**:_____
_
Address of Property:_____
Contact Number: (  ) _____
**Contractors Name**:_____
Address of Contractor:_____
_____
_____
Contact Number: (  ) _____
**CHECK ONE:**

6.) Person to be contacted for additional information:

_____ Owner  _____ Architect  _____ Contractor

Lot Size:_____ (Square feet of dry area)

IF YOU FEEL THAT ANY ITEMS REQUIRE SPECIFIC ATTENTION, PLEASE STATE SO BELOW: _____

Are there any items (other than the demolition) for which you are requesting approval at this time (i.e. walls, patios, etc.)?

No_____  Yes_____, Please Specify:_____

_____

_____

_____

**PLEASE NOTE THE FOLLOWING**:

- A proposed timeline indicating the start and completion date(s) must be submitted with demolition plan.
- The Architectural Review Committee has 30 days from the receipt of a submittal to respond in writing of their decision.
- All contractors must follow the "**General Rules for all Avila Contractors & Service Personnel"** listed in Appendix 5 of the Avila Property Owner's Architectural Review Guidelines.
- **If a lot is made vacant due to demolition, it must be cleared and maintained in accordance with Avila standards and plans to install sod and other landscaping and irrigation must be submitted**.
- **Two complete sets of working plans and specifications must be filed with this application.**
- The ARC is permitted to walk on homeowner's property for the sole purpose of reviewing the ARC submittal.

## APPLICATION FEES:

A. Demolition Fee……$250
plus road fee……$250
**Total……$500**

**It is the responsibility of the property owner and the property owner's contractors to review and follow the ARC Guidelines, submit complete and accurate plans and specifications for approval. Variances from these Design Guidelines or from prior submitted plans and specifications must be noted with each request for approval. Approvals given with respect to requests for approval of stated particular design features are limited to the stated design feature.**

Signature of Owner: _____ Date: _____

Signature of Owner's Agent:_____ Date:_____

**APPENDIX 5**

**GENERAL RULES FOR ALL AVILA CONTRACTORS & SERVICE PERSONNEL**

The following rules apply to all contractors and service providers and their employees and agents while on the premises of Avila. Violations of any rule(s) may result in penalties, including fines and suspension of access to the Avila subdivision, thereby making it no longer possible to work in the subdivision.

1. All contractor personnel are required to enter and leave through the designated Construction Gate located at the 16500 Block of North Florida Avenue (605 Guisando de Avila).

2. The Construction Gate will be open from 7:30 a.m. until 5:30 p.m., Monday through Friday, and 8:00 a.m. to 4:00 p.m. Saturdays. It is closed all day on Sunday and certain holidays. All equipment and delivery vehicles must enter and leave during these hours. If exigent or special circumstances require the moving of equipment or deliveries when the Construction gate is closed, arrangements may be made by calling Security at the telephone number listed on page 1. However, at no time will heavy construction vehicles (concrete, truss, block, sod) be allowed through the Lake Magdalene Gate. There are height and width limitations. As a matter of routine scheduling, there will be no work performed and the construction gate will be closed on Sundays or certain designated holidays. However, the Association may make reasonable exceptions for inside work under special circumstances.

3. Sand and any debris from the construction site shall be removed from the street DAILY.

4. Contractors are required to keep their job sites in a neat and clean condition at all times. Trash and discarded materials must be removed or placed in approved dumpsters or other approved containers daily. Stockpiling of building material on adjacent lots or on streets is not allowed. Trash not removed or contained as required will cause the job to be shut down until job site is brought up to standards.

A: Full dumpsters must be emptied in a timely manner.

5. Contractors will use only the utilities provided on the immediate site on which they are working.

6. Portable Sanitation Devices must be green and the location thereof must be approved by the Architectural Review Committee. Appropriate screening will be required.

7. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, etc. and shall be reported to security immediately. The damage will be repaired by Avila and any cost will be billed to the responsible contractor.

8. All traffic safety rules and posted speed limits must be obeyed. Traffic safety violations may result in penalties ranging from a $50.00 fine to suspension of driving privileges in the community.

9. The washing of vehicles at construction sites is prohibited. Concrete delivery trucks may be washed out, but only on the construction site, not on the street or neighboring property. The contractor will be responsible for the removal of concrete residue resulting from the wash.

10. Operators of delivery vehicles will be responsible for any spills within Avila, and if spillage of a load occurs, operators are responsible for cleanup. Cleanups performed by Avila personnel will be billed to responsible party. All spills small be reported to

security immediately.

11. If you cut any telephone, cable TV, electrical, water, etc. lines, it is your responsibility to report and repair such an accident to the security personnel within 30 minutes.

12. Avila has a program of vehicle search that provides for the inspection and/or search of all vehicles arriving and leaving the Avila property. This program does not require a forced search of any vehicle whose operator does not wish to comply. However, parties who do not agree to the search, if requested, will not be allowed within Avila in the future.

13. All personnel working in Avila are to ensure that they keep all areas in which they work, or travel through, free of discarded materials, such as lunch bags and odd materials. Objects should not be thrown out of cars and trucks.

14. No radios, tape players or other audio devices are permitted on work sites.

15. No short cuts across the golf course are allowed. Any contractor working on or adjacent to the course must have a full-time golf employee show them paths of access and egress.

16. Work on a site that would be considered to be disturbing to neighboring residents or the community in general, such as land clearing, the use of rivet guns, power saws, lawn movers, etc. should be scheduled to take place during reasonable day time hours, Monday through Friday, so as not to infringe on the rights of residents to enjoy peaceful evenings, early morning, and weekends. Such work should not be scheduled for a Saturday. Avila Security shall have the unrestricted right to determine if construction activity is creating an unreasonable disturbance and if so order the activity to cease immediately. If the contractor disagrees with the decision of Security, an appeal may be made to the Executive Director of the Avila Property Owners' Association. The Executive Director will make every reasonable attempt to resolve the issue in a timely fashion, however in the interim, the decision of Security remains in effect.

No contractors or their employees may remain on the premises after the Service Gate is closed and outside work may not be done before or after 7:30 a.m – 5:30 p.m. Monday thru Friday & 9:00 a.m. – 3:30 p.m. on Saturday. Saturday work is limited to quiet activity-no outdoor noise or other disruption will be allowed on Saturdays.

17. All contractor vehicles must be parked on the property on which the house is being constructed. Contractor vehicles or those making deliveries may not be parked on the street. If at some point during construction parking on the lot will be physically impossible, contact the Supervisor of Security beforehand to make other arrangements. No motorcycles/motor bikes, etc. are allowed in Avila.

Vehicles (trucks, vans, cars, etc.) may not be left in the subdivision overnight. Construction equipment may be left on the site while needed, but must not be on the streets. Vehicles left on the streets will be towed away at owners' expense.

18. Fishing in the lakes of Avila by any contractor personnel is strictly prohibited at all times.

19. No signs or advertisements are allowed on any site. The exceptions being 1.The

owner and/or builder's name and site address may be displayed on the approved permit box in order to facilitate deliveries and accommodate workers attempting to locate the site and 2. During the period of active construction, no more than two signs announcing "No Trespassing on a construction site" may be posted consistent with Florida Statute. Such signs shall be professionally printed, shall not exceed 14" x 22" in dimension and shall be placed no closer to the street than 20 feet. No telephone numbers, realtor's name, or other advertisement will be allowed.

20. Only bona fide workers are allowed in the subdivision. Anyone driving an employee to a site must not remain on property unless they are actual employees of sub-contractor.

21. Contractor personnel are not permitted to bring pets on property.

22. Prime contractors and owners/supervisors will be held responsible for the conduct/actions of their employees in Avila. They are responsible to see that all discharged employees leave the Avila property immediately.

23. Workers must travel to and from the work site by the most direct route. They shall not digress throughout the community for sight-seeing or any other purpose. Solicitation within the community is not allowed.