

SECTION A: COMMUNITY CODE OF CONDUCT

- 1. Owners and other residents** (their lessees, tenants, invitees, and guests) must not engage in any abusive, pejorative, or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other Members, residents, guests, occupants, invitees, or directed at the Board of Directors or Management, its agents, its employees, or vendors.

Owners, other residents (their lessees, tenants, invitees, and guests) and Board Members acting on behalf of the Association, must not engage in any intimidation of any other persons through the display or discharge of a firearm, or the display of any other weapon (edge weapon, blunt force weapon, etc.) while on common areas, nor may any Board Member use such means to enforce any of the Association's Covenants, Restrictions, Rules, or Regulations. If such action is taken, then the Owner, Board Member or resident must indemnify and hold harmless the Association from any lawsuit or other legal proceeding brought against it and, in the case of a Board Member, such Board Member must be immediately removed from the Board for cause.

Be respectful of your neighbors. Large parties in Units (over six (6) people, including the Owners/residents of a Unit), loud music and noises, disorderly conduct, running, horseplay, nuisances, public intoxication, underage drinking, and illicit drug use will not be tolerated. The Association or any Owner or resident may summon the police to address disturbances of the peace. Damages to common areas or injuries to other persons or property caused by an Owner or the Owner's tenant, lessee, guest, or invitee, are at the expense of the offending Owner.

- 2. Trash disposal is restricted by Florida Health Code, Sec. 11-12. Dumpsters on the Village Drive property are for the exclusive use of Village Drive Owners Association residents and are for HOUSEHOLD GARBAGE ONLY! All garbage must be bagged, and the plastic lids to the dumpsters must be kept closed. NO EXCEPTIONS!**

- a. The dumpsters are NOT for furniture, appliances, or anything other than BAGGED garbage.** The disposal of these items is the responsibility of the resident discarding them. An enclosed staging area for such bulk items is located at the entrance of Village Drive adjacent to the dumpster enclosure.
- b. Cardboard** may be placed in the dumpster **ONLY** if **completely broken down and flat. NO EXCEPTIONS!** Cardboard may also be placed in the recycling bins.
- c. City of Flagler Beach Ordinance 86-19 prohibits Sanitation crews from picking up any waste defined as the following: EARTH, TREES, CONSTRUCTION MATERIALS OR DEBRIS, ROOFING MATERIAL, PLASTER, CONCRETE, or any other substance that may accumulate as a result of building operations or repairs, or as a result of clearing lots or tree removal. No hazardous materials, such as paint, motor oil, batteries, tires, etc., are to be placed in any dumpster or dumpster enclosures, staging area enclosure or recycling bins.**
- d. All HOA dumpsters are under video surveillance, and a courtesy notice in the form of a large orange sign is provided to note these rules; therefore, violators may be fined a MINIMUM of \$100 per offense, and/or charged back for the costs to remedy the violation.** Use of these dumpsters by non-residents shall be subject to criminal prosecution.

- 3. Lot(s)** shall be used for residential purposes only. In accordance with the City of Flagler Beach code, no more than a single family may reside in a Lot at any one time. "Family" shall mean one or more person(s) related by blood, adoption, marriage, or other domestic relationship, living and cooking together as a single housekeeping Unit within a Lot. Due to fire code, occupancy of any Lot is limited to two (2) persons per bedroom.

4. **Occupancy and Lease Information Requirements:** OCCUPANCY INFORMATION IS REQUIRED ANNUALLY AND WITH EACH OCCUPANCY CHANGE and must be kept up to date with respect to resident and vehicle information. RENTAL LEASES are **NOT to be written for less than six months**. A COPY OF ALL LEASES IS REQUIRED. **Occupancy and Lease information SHALL BE SUBMITTED** on the Occupancy Information page on the community website: <https://www.village-drive.com/>.
- a. **Any new lease or lease extension addendum, change of occupancy information, and/or any additional required information specific to individual occupants must be provided to the Association or Management PRIOR to the occupancy of the Unit.** This information is required to secure the safety and well-being of all residents and property. **FAILURE TO PROVIDE REQUIRED INFORMATION TO THE ASSOCIATION WITHIN 10 DAYS OF A NEW AND/OR ADDITIONAL OCCUPANCY MAY RESULT IN A FINE AND/OR SUSPENSION.**
 - b. **Owners must perform background checks of tenants by a LICENSED SCREENING COMPANY and attach a receipt to the Occupancy Information page with the lease.** A referral from an individual shall not suffice as the required background check.
5. **TENANTS ARE NOT PERMITTED TO HAVE PETS.** Owners are permitted to have no more than two (2) household pets and **shall be responsible for curbing their animal(s) and for removal of animal feces. NO EXCEPTIONS.** No animals, including cats, shall be permitted to roam at large, and must be leashed on a lead no longer than 8 feet in length and be in constant, direct control of the Owner. Tethers are not to be used on the property.
- a. **As posted on the property, all residents shall comply with current Flagler Beach Ord. Sec. 5-16, "pets must be leashed, and their waste picked up, bagged, and disposed of properly."** Plastic bags and receptacles are provided on the property for disposal of dog waste.
 - b. **It is prohibited to feed or house feral animals, such as cats, raccoons, squirrels, etc., anywhere on the property.** These animals become dependent on the food and housing provided, which is detrimental to their health, and cause trash to be scattered throughout the property. These animals may become a liability to the Association, as well as become a health hazard to residents of the community.
6. **Each Unit has a designated parking space.** The first vehicle must be parked in the Unit's designated parking space, and the second vehicle, if any, must be parked in an unassigned or visitor parking space within the area(s) designated. Parking in another Unit's designated parking space without written permission on file with the Association or Management is subject to towing at the vehicle Owner's expense. Designated parking spaces are to be used for operating licensed motor vehicles only. Anything other than motor vehicles will be removed or towed at the Owner's expense. Parking on the grass or on manhole covers is strictly prohibited; violations may result in fines, and/or suspensions and/or towing at the Owner's expense. Please advise all guests of parking restrictions; **there is a 48-hour parking limit for all visitors.**
- a. **Parking of commercial vehicles, mobile homes, trailers, golf carts, boats, etc., is strictly prohibited, with the following exception:** There is a 48-hour parking limit of such vehicles in the parking area by the pool located at 72 Forest Road.
 - b. **Improperly parked vehicles or vehicles with expired license plates or no license plates will be towed at the Owner's expense.**

- c. **Commercial Vehicles.** Commercial vehicles prohibited are defined as: 1) any truck or vehicle with tonnage in excess of one (1) ton that may or may not have advertising signage; 2) any vehicle used for the purpose of transporting persons for hire; 3) any vehicle designated, used or maintained primarily for the transportation of property incident to a business; 4) any vehicle used for providing services to another person or entity for a fee or profit; 5) any other vehicle of a size that would not fit in a standard 9x18-foot garage; vehicle length shall not exceed the parking stall depth of the Unit's designated parking space so as to encumber the flow of traffic behind said vehicle. Oversized vehicles may be parked in the visitor parking stalls at the pool, located at 72 Forest Road for no more than 48 hours.
- d. **Vehicles unmaintained and/or in a state of disrepair are prohibited on the property.** Servicing or repair is strictly prohibited on the property. **Motor vehicle owners must clean up any oil or other vehicle fluid leaks immediately.** Any motor vehicle leaking any type of automotive fluid must be repaired to prevent any future leaks that may damage the concrete parking areas. The Association is not responsible for the cleaning and/or removal of any automotive fluid leaks.
- e. **Vehicle washing and cleaning** should be done only on concrete parking areas. Precautionary measures should be taken to prevent any cleaning solution and/or water overspray from contacting adjacent vehicles or Unit siding and trim.

7. As posted at the entrances to the Village Drive and Forest Road properties, the following shall not be permitted:

- a. Exceeding the **speed limit of 15 MPH**
- b. **Skateboarding:** Riding **any/all** skateboards, scooters (manual or automatic), electric or gas toys, hover boards, skates, etc., is strictly prohibited on the property.
- c. **Soliciting**
- d. **Thru-traffic:** Unauthorized vehicles or vessels will be towed at vehicle Owner's expense, 24-hours a day, 7 days a week.

8. Bicycle riding is at the rider's risk. Bike storage for all biking items and other sports or camping equipment, including bicycles, skateboards, scooters, etc., is strictly prohibited in the front of the Units or areas visible from the street. In the interest of protecting every Owner, resident, and visitor's property, throwing any type of ball or other item of any type which could become a projectile is strictly prohibited within *100 feet* of any building or parked vehicle. Note: Wadsworth Park, located across from Palm Drive, is a public facility and provides adequate skating and sports areas, free of charge.

9. All outside structures, such as tents, canopies, hammocks, sheds, play structures, etc., are strictly prohibited on the property. **Retractable clotheslines** are permitted on screened lanais only. No clotheslines are permitted outside of the lanai or dwelling.

New installation of a satellite dish or antenna must be approved in writing by the Owner, and the location of the dish must be approved by the Association or Management through the submission of the Architectural Review Committee Application, or ARC Application page on the community website: <https://www.village-drive.com>, or mailed to the Association or Management. Approved satellite dishes and antennae must be removed upon vacancy of the premises or change of tenancy. Failure to do so will be cause for the Association to remove satellite dish or antenna from the roof-plate at the Owner's expense.

- 10. Effective June 1, 2006, pursuant to the FLORIDA FIRE PREVENTION CODE 1:10.11.6.2, OPEN FLAMES, GRILLS OF ANY TYPE, FIREPITS, KINDLED DEVICES, ETC., and LIQUIFIED PROPANE GASES OF ANY TYPE, ARE NOT ALLOWED TO BE USED WITHIN 10 FEET OF ANY MULTI-DWELLING BUILDING ON VILLAGE DRIVE PROPERTY. Storage of liquified propane gas of any type is prohibited on Village Drive Property.**

- 11. Noise should be restricted after 10 PM until 7 AM.** Please keep radios, TV's, stereos, musical instruments, etc., at a level that will not disturb other residents. **Noxious or offensive activities and behavior that may be constituted as a nuisance or annoyance to other residents, including outside sales or soliciting of any kind, is strictly prohibited on the property.**

- 12. Pursuant to the Declaration, Article III, Section 7, no signs are permitted, except temporary "for sale" or "for lease" signs.** The Architectural Review Committee has the right, but not the duty, to regulate the size, shape, color and lettering of the sale or rental sign. Notwithstanding anything to the contrary, street numbers identifying the street number of a Dwelling Unit, security signs, and signs required by law may be placed on the exterior of the Dwelling Unit, but the ARC may regulate the size and type of such numbers or signs and may require their removal should they not comply with the ARC Guidelines.
 - a. **An ARC application** must be submitted to the community website PRIOR to placement of "for sale" or "for lease" signs that must be no further from the building than the drip line of the Unit, or 3 feet; lockboxes are permitted, provided the screen door closes properly.

- 13. Any Owner may display one portable, removable United States flag** or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 3 feet by 5 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag.

- 14. Repetitive violations** of these rules and regulations will be referred to the Enforcement Committee for Imposition of Fines and Suspensions and/or to the Association attorney for further action.

SECTION B: POOL RULES

- 15. IN ACCORDANCE WITH THE DEPARTMENT OF HEALTH IN FLAGLER COUNTY, FBC SECTIONS 454.1.2.3.5 and 454.1.8.13, pool rules are as follows and posted at the pool, located at 72 Forest Road. Rules are subject to change in the interest of safety and Association facilitation. All food, glass containers, cooking devices, unscheduled parties, and all dogs are strictly prohibited in and around the pool and pool deck (except service dogs as may be required by law). Please contact the Association or Management to schedule the Pool House for a small party or event. Scheduled events will be posted on the Community Calendar on the website.**
- a. **POOL HOURS ARE 6 A.M UNTIL 10 PM.** Residents may swim or sit at the pool or in the clubhouse no later than 10 PM. **ANY PERSON WHO ENTERS THE POOL DOES SO AT HIS OR HER OWN RISK. NO LIFEGUARD IS ON DUTY. CALL 911 IN THE EVENT OF AN EMERGENCY. POOL MAXIMUM DEPTH is 6 FEET therefore DIVING is NOT ALLOWED.**
 - b. **The pool is for the use of VILLAGE DRIVE OWNERS AND AUTHORIZED RESIDENTS.** Owners and Authorized Residents may bring guests to the pool area if the pool capacity (11 persons) is not exceeded. Such guests must always be accompanied by an Owner or Authorized Resident eighteen (18) years of age or older who shall assume responsibility for the actions of their guests. Babies, toddlers, and non-swimmers using swim aids must have constant supervision. Please be courteous of others while using the pool. Please do not sit on tabletops or stand children on them for dressing. Our facilities are not intended to provide a recreational place for the people living nearby. All posted rules must be observed. **Trespassers will be prosecuted.**
 - c. **The pool key is a security key and cannot be duplicated.** It is available from Management. Only owners or their designees may obtain the key. **Photo identification** will be required when the key is picked up. If the key is lost, the cost for a replacement is \$25.00. If the key is lost a second time, the cost of the key will be \$50.00. If it is lost a third time, it will not be replaced for a minimum of 12 months. **THE POOL GATE IS TO BE CLOSED AND LOCKED EXCEPT WHILE AUTHORIZED ATTENDEES ARE ENTERING OR LEAVING THE POOL AREA.**
 - d. **SHOWER BEFORE ENTERING THE POOL.** No one should enter the pool wearing suntan oil or lotion. Oil floats on the surface of the water, soils the walls of the pool, and clogs the filters.
 - e. **NO FOOD OR BEVERAGES ARE PERMITTED IN THE POOL OR ON POOL WET DECK (the area within four feet of the pool).** **COMMERCIALY BOTTLED WATER IN PLASTIC BOTTLES IS ALLOWED ON THE POOL WET DECK FOR POOL PATRON HYDRATION.** Beverages are permitted in the pool area in paper, plastic, or metal containers only. No glass of any nature is allowed. All trash must be placed in the trash containers provided **NO CHEWING GUM IS ALLOWED IN THE POOL AREA, and FOOD MUST BE CONSUMED IN THE CLUBHOUSE. NO SMOKING IN THE POOL AREA.**
 - f. **Pursuant to the Florida health code, no pets are permitted in the pool area, except for Service Dogs, and no animals are permitted in the pool at all.**
 - g. **Life-saving equipment** is for emergency use only. Playing with any pool equipment or throwing pool cleaning equipment into the pool is not permitted. **NO RUNNING OR ROUGHHOUSING ALLOWED ON POOL DECK OR IN THE POOL.**
 - h. **All persons not fully in control of their bowels must wear an appropriate swim diaper in the pool.** Persons who soil the pool are responsible for a cleaning fee of \$350.00, or more as may be deemed necessary by the Board, to clean and sanitize the pool. Do not dispose of diapers in the trash bins. Please be considerate and discard diapers in the community dumpsters.

Village Drive Owners Association
Flagler Beach, FL 32136
<https://www.village-drive.com/>

- i. **Violations of the pool rules (except item 15 h.) are subject to the following fine schedule:**
1. First Notice - \$25.00 if paid within 15 days after postmarked date of notice.
 2. Second Notice - \$30.00 (\$25.00 + \$5.00 late fine) if paid within 15 days after postmarked date of notice.
 3. Third Notice - \$40.00 (\$25.00 + \$5.00 late fine + \$5.00 certified mail and handling) if paid within 15 days after postmarked date of notice.
- j. **Floats** may be used if not more than 4 persons are using the pool, and if no one objects; toy balls or Frisbees are not permitted in the pool area. Radios are permitted, but the volume must be kept to a level so as not to disturb others. Anyone using foul language or otherwise being disorderly will be asked to leave the pool area at once.
- k. **PLEASE BE ADVISED THAT A VIOLATION OF ANY OF THE POOL RULES IS CAUSE FOR FORFEITURE OF POOL PRIVILEGES AND A FINE.**

SECTION C: ARCHITECTURAL STANDARDS

- 16. EXTERIOR MODIFICATIONS**, including, (but not limited to), additional landscaping by Owners and placement of realty signs, must be presented to and approved by the Association, or the Architectural Review Committee, as is appropriate. Exterior painting and shingles must conform to the approved standards. An Architectural Review Committee application should be submitted on the community website: <https://www.village-drive.com/>.

PAINT COLOR STANDARDS shall be as follows: Note: *Semi-Gloss Paint* seals the siding and repels water so it is recommended.

Custom Paint Codes are for 1 Gallon Clark + Kensington® Exterior Semi-Gloss Paint. If an alternate brand of paint is to be used, a paint sample must be submitted to the Association or Management.

Exterior- Light Tanned Brown:		Oz:	Shots:	1/8 Shots:
109B433	R3	-	17	6
Gallon	S1	1	3	4
	Y3	2	14	1

Exterior Trim- Dark Brown:				
109B440	M1	1	15	1
Gallon	R3	1	27	2
	S1	8	19	2
	W1	2	2	-

FRONT DOOR: Almond in Color: Doors must be a six-panel door with two optional windows. Doors shall be maintained in a clean and operable condition, and free from obstructions that would hinder access to or from the Unit in case of an emergency.

STORM DOORS (REQUIRED), SLIDERS AND WINDOWS: Brown or Bronze in Trim Color: Windows, sliders, and storm doors shall be maintained in a clean and operable condition and free from obstructions that would hinder access to or from the Unit in case of an emergency. Windows and lanais shall be shaded or curtained in white or beige blinds or curtains. Exterior walls of the Units which are within a lanai shall be Exterior Light Tanned Brown custom color detailed in the paint standards.

WINDOW AND DOOR ADORNMENTS: Adornments on windows and doors are allowed for **the following holidays** and may be placed on windows and doors no more than 21 calendar days prior to the date of the holiday and shall be removed within 7 calendar days after the holiday: New Year's Day, President's Day, Martin Luther King Day, Valentine's Day, St. Patrick's Day, Mardi Gras, Easter, Passover, Ramadan, Memorial Day, Independence Day, Labor Day, Halloween, Veteran's Day, Thanksgiving, Christmas, Hanukkah, and Kwanzaa. Other holidays will be considered on a case-by-case basis through the submission of an Architectural Review Committee application on the community website. Lights must be turned off by 10:00 p.m.

HURRICANE SHUTTERS: Hurricane shutters are permitted and encouraged. The shutters must be brown, bronze, or clear. The cornice or valance shall be brown or bronze to blend with the color scheme of the building. The permanently installed shutters may be deployed any time the Owner is absent, so that the property will be protected in case of a storm. Permanent shutters must be installed by a licensed and insured contractor, following approval by the Architectural Review Committee application. Temporary types of shutters such as plywood panels may only be used in an emergency and then for no more than two weeks before a named storm and for two weeks after a named storm.

ROOFING STANDARDS:

ROOF SHINGLES: shall be Atlas Pinnacle® Pristine Tan architectural shingles or an Association-approved equal.

FLAT ROOFING: shall be upon approval of a submitted Architectural Review Committee application.

SOLAR PANELS: Solar panels may not be visible from the street and may be installed only upon written approval of the Architectural Review Committee by a licensed and insured contractor.

GUTTERS, DOWNSPOUTS AND SOFFITS: Gutters and downspouts must be brown to match the trim color; underlying soffits must be tan to match the exterior siding. Gutter downspouts must discharge at least five (5) feet from the foundation of the dwelling. Water catchment systems (rain barrels, etc.) must be a closed system, connecting directly to gutters to aid in mosquito control, and must be tan or brown, depending on placement, to blend with the color of the dwelling. No standing water is permitted.

EXTERIOR WALL REPAIR/REPLACEMENT STANDARDS:

The following minimum standards for exterior wall repair, scope, and purpose will apply to all exterior walls¹:

EXTERIOR SIDING REPAIR:

The exterior siding "T1-11" of any individual Unit may only have (1) repair or "patch" per "EXTERIOR WALL ELEVATION."² The repair/patch must be made with T1-11 and performed in a manner so that the outside edges of the repair are smooth, blended in, and structurally sound, with the final resulting appearance to be such that a reasonable person would not see the edges of the repair and blending from twenty (20) feet. No single "patch or repair" may exceed 576 square inches in total and may not have a horizontal width of greater than 36 inches. PATCHES OR REPAIRS EXCEEDING 576 SQ IN in total OR 36 INCHES IN WIDTH require that the entire sheet of T1-11 be replaced.

SHEETING REPLACEMENT:

In that T1-11 is manufactured with a vertical joint to be of "shiplap" design³, and that the placement of the joint MUST be at a stud, the ONLY acceptable and proper repair requires that the entire sheet in question be replaced.

APPROVED ALTERNATIVE METHODS AND PRODUCTS FOR SHEETING REPLACEMENT:

In that individual sheeting replacement is labor and cost intensive, and that T1-11 is an inferior building product obtained at a premium price, the following prescribed method and alternatives have been approved, a) – f):

- a) Removal of ALL trim pieces and all rotten areas of siding.
- b) Replace and fill rotted areas with 5/8" plywood or structurally rated equal.

¹ Great liberties have been taken through the years with respect to exterior siding repair or replacement that have resulted in a "quilted" pattern of repairs: patches of siding and trim that have caused an overall degradation of the appearance of the complex and value of each and every property within. Henceforth the following minimum standards will apply to all exterior wall repairs.

² Elevation is a view of a building seen from one side, a flat representation of one façade. This is the most common view used to describe the external appearance of a building. Each elevation is labelled in relation to the compass direction it faces, e.g. looking toward the north you would be seeing the southern elevation of the building. Buildings are rarely a simple rectangular shape in plan, so a typical elevation may show all the parts of the building that are seen from a particular direction.

³ SHIPLAP: Wooden siding rabbeted so that the edge of one board overlaps the one next to it in a flush joint.

- c) Wrap the entire wall with an approved vapor barrier: Tyvek® or equivalent.
- d) Re-side with either LP Smartside®⁴ or Hardie® vertical siding⁵.
- e) Replace all trim pieces with composite material when sizes are available.
- f) Caulk, prime where needed, and paint to proper colors.

APPROVALS AND PERMITS:

Whereas any siding replacement of an area greater than 32 square feet, OR any roofing replacement of more than 100 square feet requires issuance of a BUILDING PERMIT, a copy of the permit and "NOTICE TO OWNER" MUST BE PROVIDED TO THE ASSOCIATION BEFORE COMMENCEMENT OF ANY WORK.

Upon final inspection, the Board MUST be notified, and a compliance inspection shall be conducted by no less than two (2) Board members to ascertain that the architectural standards have been met. Either a final approval or a failure, shall be provided IN WRITING within 30 days by the Association or Management. In such case as a failure determination, the Owner shall have 30 days to appeal the failure to the entire Board. A one-time extension of 30 days to cure the non-compliance will be allowed. If the failing cause is not properly cured, the Board may, at its discretion, cure the failing cause at the Owner's expense.

- 17. Any demising fence *between* the rear area of each Unit shall be 6' high, tongue & groove, tan vinyl fencing. Fencing materials and placement must be approved by the Association.**
- 18. No potted plants, yard art, item or device may be placed in front of, or on any Lot or on a common area without submission and approval of an Architectural Review Committee Application.** Any in-ground plantings already in place within 5 feet of the roof drip line shall: 1) be maintained by the Owner, 2) remain at or below 5 feet in height, 3) not impinge the roof or building siding or trim. Failure to maintain potted plants or in-ground plantings may be cured by the Association, subject to removal, with all related costs billed to the Owner.
- 19. Exterior porch light bulbs shall be clear or white. Exterior lighting shall not interfere with neighbors' peaceful enjoyment of their property.**

⁴ <https://lpcorp.com/products/exterior>

⁵ <https://www.jameshardie.com/products/hardiepanel-vertical-siding>

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1st day of July 2022 by Karen Jones, Secretary of Village Drive Owners Association, who is personally known to me or who has produced FLDL as identification.

Karen Jones *Karen Jones*

Notary of State of Florida *Ashley Moore*

My commission expires: 3/24/24





Receipt # 2022025273
Transaction # 1346667
Cashier By: Jannet
Cashier Date: July 1, 2022

Name: VILLAGE DRIVE OWNERS ASSOCIATION

DOCUMENTS

Restrictions	CFN: 2022033904	Book: 2702	Page: 256	Total Fees:	\$86.50
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Credit Card	ab94c1da	Amount:	\$86.50
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Total Fees:	\$86.50
Total Payments:	\$86.50

Credit Card Amount	\$86.50	nCourt Processing Fee	\$3.03
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