



RESOLUTION FAIRWAYS HOA 2023-004
ADOPTION OF FAIRWAYS RULES AND REGULATIONS

Whereas the affairs of Fairways Homeowners Association, Inc., shall be managed by a Board of Directors

Whereas the hierarchy of controlling documents presiding over the of the Association are Federal and Florida Statutes, the recorded plat, the Fairways Declaration of Protective Covenants, and Restrictions (the Declaration), the Articles of Incorporation of the Association (Articles), the By-Laws and rules, regulations, and resolutions.

Whereas the Board of Directors are authorized in article IV, Section 4.7 of the bylaws of the association to adopt rules and regulations.

Whereas the Board of Directors has the responsibility to act with the highest degree of good faith and to place the interests of the parcel owners above the personal interests of the directors.

It Is Hereby Resolved,

- 1) The Association acting through its current Board of Directors does hereby declare the preservation and protection of the owners investments and providing a common framework for neighbors throughout the community is in the owners best interest.
- 2) Therefore, the Board hereby resolves that the attached Fairways rules and regulations shall be executed as soon as practical upon adoption of this resolution and caused to be filed in the Official Records of Bay County.

Be it Therefore Resolved that the Board of Directors at a duly called meeting held on September 7, 2023, did pass this Resolution by affirmative vote of all Board members present.

Fairways Homeowners Association at Bay Point, Inc.

By: _____


Robert A. Fletcher
President





**COMMUNITY RULES
and REGULATIONS**

Adopted: September 7, 2023



Rules and Regulations

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The Board of Directors (BOD) has adopted these reasonable rules and regulations to protect your investment as a homeowner and provide a common framework for neighbors; the BOD enforces these rules and the declaration. Members of the Board are not to be contacted at their homes, places of business, or in public places regarding Association issues. All Association issues shall be in writing and directed to the Association via the use of written correspondence sent via USPS to the address of record herein or via website forms available at <https://www.fairways-hoa.org/forms>.

I. BOD Meetings

- A. All Board meetings shall; be posted on the Associations website under notices as soon as practical before the meeting is scheduled but no later than 48 hours prior to the meeting.
- B. All homeowners attending should understand that this is a business meeting and act accordingly. No offensive comments or behavior will be tolerated; you may be asked to leave.
- C. Only Agenda items are to be discussed at the meetings.
- D. During the Open Forum section of the meeting, homeowners may discuss the topics of the agenda. Each homeowner will have 3 minutes to discuss.
- E. Any homeowner that would like to add an item of business to the meeting's Agenda, must submit the topic in writing, to the Association Board at board@fairways-hoa.org. Items must be submitted no later than 48 hours prior to the scheduled meeting.

II. Architectural Request Requirements/Review Process/Guidelines

- A. **All changes and/or additions to the exterior of your home and/or your residential lot, MUST be approved by the Architectural Review Committee (ARC) and the Board.**
- B. The ARC recommendation for approval of any proposed construction or project is within its sole discretion.
- C. The ARC Request Form can be found on the website at <https://www.fairways-hoa.org/forms>.
- D. Requests are to be submitted to the ARC, via completing and submitting the ARC Request Form online.
- E. Along with the Request Form, you must provide the following (as electronic attachments to the ARC Request Form):
 - Type of materials to be used and sample colors if applicable.
 - Drawings, brochures, photos, etc.
 - Copy of most recent certified lot survey showing location of proposed improvement/project
 - If repainting, you must supply a photo showing the current trim and exterior wall colors, samples of new colors, color of roof, and brick or accent masonry colors.



- If installing any siding product, submit sample of siding type, color sample of siding and trim colors, colors of roof and any masonry on your home.
 - If having a pool installed, you must indicate what type of access you plan to use for trucks, equipment, etc. to reach your backyard. Only in-ground pools are allowed.
 - Any damage to right-of-way, curbs, roads, grasses, and other easements must be restored to its prior condition or an approved landscaping plan and will be the responsibility of the homeowner making this request.
- G. Re-grading must not negatively impact neighboring properties. If code requires raising a lot, then a drainage plan to prevent runoff onto an adjacent lot must be provided.
- H. It is the responsibility of the owner to obtain all necessary permits and ensure compliance with all applicable governmental regulations and other requirements.
- I. Requests and plans submitted to the ARC shall comply with all applicable setbacks and the requirements of all governmental entities having authority over the building project.
- J. All projects must be started within 6 months of being approved and completed within 365 days of starting the project; otherwise, the request and review process must start over.
- K. The ARC assumes no responsibility regarding design or construction, including without limitation, the civil, structural, mechanical, plumbing, or electrical design, methods of construction, or technical suitability of materials.
- L. Right of way permitting: Sometimes called driveway permit, culvert permit or utility permit is required to disturb, excavate, block, obstruct, tamper with, or place any construction or other material on or in a Bay Point Community Association (BCPA) road, right of way or any other easement shown on the recorded plat.
- M. The Right of Way: It is the right to use the real property of another owner for a specific purpose. Bay Point Community Association regulates authorization of utilities and other construction within the road rights of way to maintain access to utilities, ensure safety and traffic flow.
- N. Stormwater Easements: It is the right to use the real property of another owner for a specific purpose. Bay Point Community Association regulates maintenance and other construction within the platted stormwater easements to manage stormwater.
- O. The City of Panama City Beach and other inhabiting utility companies are responsible for the care of the utilities lines, sewer, and water lines within the road rights of way (PCB also maintains to the street side of your meter if it lies outside the right of way as originally installed).

III. Property Sales

- A. If a home or lot is pending sale, any violations must be cured prior to closing. It is the selling owner's (or agent's) responsibility to address these issues. If a sale closes with a violation still active, the new owner(s) must bring the property into compliance.



- B. For sale signs are prohibited and the property's landscaping and pool must be maintained during any vacancy.
- C. For any sale and or transfer of named ownership; an Estoppel letter must be requested from both the Association and BCPA.
- D. It is the seller's (or agent's) responsibility to provide the buyer/buyer's agent/receiving party with the Association's governing documents.
- E. It is the seller's (or agent's) responsibility to require the closing agent/title company to have the new owner's complete both the Homeowner's Information / Update Form and the Homeowner's Consent for Electronic Notification Form on the Association's website <https://www.fairways-hoa.org/forms>.

IV. **Rentals**

- A. All leases shall be for the entire property and for a period of no less than twelve (12) months, nor shall it exceed 12 months without the Association's written approval.
- B. All homeowners leasing their homes to tenants, must inform the Association within 7 days of renting the property. Homeowners/Agent(s) should provide the following information to the Association:
 - 1. New mailing address of the homeowner
 - 2. Management Company/Realtor contact information, if applicable
 - 3. Rental Information Form
 - 4. Tenant Acknowledgement and Agreement to Rules and Regulations
- D. The tenant(s) should be given a copy of the declaration and these Rules and Regulations, by the homeowner or the homeowner's agent.
- E. The homeowner is responsible for making sure that the tenant follows the Governing Documents and Rules and Regulations of the Association.
- F. The homeowner will be responsible for any fines or legal fees incurred due to violations.
- G. Each residential lot shall be used as single-family dwellings only. No business uses (home office with no foot traffic excluded).
- H. It is the responsibility of the homeowner to arrange any bulk pick-up, after tenet moveout if required.

V. **Landscaping Guidelines**

- A. These guidelines do not apply to the common area landscaping (roadway islands), which is controlled by the BCPA.
- B. ARC approval is required for any landscape changes, structural additions (fountains, paved areas, walkways, etc.), tree installations, and any changes made to the right of way and or easements.
- C. All yards must be cut, edged, and trimmed, to the roadway(s) abutting the lot (front and side of house at the curb).
- D. All shrubs and hedges in the yard must be maintained and trimmed.
- E. Dead, brown sod/turf must be replaced.
- F. Dead shrubs, trees, and flowers must be removed.



- G. Yards must be free of weeds. This means treating your lawns, rather than just mowing over the weeds. Additionally, the owner must spray any weeds that appear in the curbing of the roadway(s) abutting the lot (front and side of house at the curb).
- H. Trees and shrubs may not restrict sight lines of traffic.
- I. Trees must be free of dead limbs.
- J. Tree limbs cannot encroach onto street signs, streetlights, or stop signs.
- K. Trees must be maintained to the extent that if its limb(s) encroach onto a neighboring property, they will not create a hazard.
- H. Tree canopies, there shall be no tree or trees limbs over the roadway and curb lower than 14-1/2 feet.
- I. Tree pruning to help create a sturdy, well-spaced framework of healthy branches with an open canopy that allows wind to flow freely through is required for storm safety. This should be done by a certified arborist.
- N. Front and side yards must be kept neat (no trash, trash cans, toys, grills, miscellaneous furniture, unused equipment).
- O. Please use a turfgrass suited for northwest Florida: centipede, St. Augustine, Bahia, Zosia and Bermuda grasses are most common.
- P. Landscaping timbers are not allowed.
- Q. Large landscaping boulders are prohibited in the front yard.
- R. Retaining wall(s) is prohibited unless required for drainage and approved by ARC / Board.
- S. No permanent lawn ornaments are permitted to be visible from the street unless approved by ARC / Board (temporary seasonal decorations are exempt).
- T. Artificial turf and other artificial vegetation are not permitted to be visible for the front of the home.
- U. Landscaping design borders (the border(s) used to retain mulch, straw, etc.) may not exceed 4-6 inches in height.
- V. Hedges should be planted 3 feet inside your property line so that they do not encroach onto your neighbor's property.
- W. Hedges can be used as a screening privacy fence. They must be maintained and trimmed. The height should not exceed the base of the roofline.
- X. The BCPA is responsible for the enforcement of the restrictions imposed on their roadways.
- Y. The property owner is responsible for the maintenance of the surface areas within the rights of way abutting the lot (front and side of house to the curb), which shall be maintained in good condition, to present a neat and orderly appearance.

VI. Home Exteriors

- A. The ARC must approve all paint color changes.
- B. Paint colors must be provided, the paint manufacture's website can supply this as an electronic picture for submittal.
- C. Trim, door, and garage colors must complement the house paint color.
- D. Houses and driveways shall be maintained and in good condition.
- E. House exteriors (including siding, front doors, trim, windowsills, and garage doors)



should be free of mildew, mold, rust, and hard water stains.

- F. Window air conditioning units are not permitted.
- G. Garages may not be converted to living spaces.
- H. Garage screens may be added, if it is a style that allows for the garage door to open and close. Garage doors may not be removed.
- I. Retaining walls may be permitted in the front yard on a case-by-case basis as part of the overall landscape plan.
- J. Clotheslines must be retractable, extended only when in use and at the rear of the home screened from street view.
- M. Room addition, screened patios, lanais, gazebos, pools (in ground), driveways, front patios, decks, balconies, and playgrounds, must be approved by the ARC.
- N. Roof shingles must match in color and material, including metal roofs.
- O. Shutters are permitted on the front windows of your home. The shutters must complement the colors and style of the exterior of your home.

VII. Fences

- A. The ARC must approve all fences.
- B. All fences must be well designed, constructed, and maintained.
- C. Fences must be clean and free of mildew, mold, and hard water stains.
- D. Fences are not permitted in front yards.
- E. Fences may not come past the front corner on the home.
- F. Styles of fences permitted: solid and open.
- G. The finished side of the fence must face the street or exterior of the property.
- H. Fences shall not be taller than six (6) feet.
- I. Fences in disrepair or leaning must be removed.
- J. If a fence is patched and/or repaired in some other way, the repairs must match the rest of the installed fence or be stained/painted so that the fence is cohesive; ARC approval is required.
- K. Gates shall match the design, material, color, and construction of the fence.
- L. Fences cannot encroach onto neighbor's property; Joint property line fence agreements are encouraged.

VIII. Driveways

- A. Driveway painting is prohibited, however concrete staining or other permanent surface coatings as approved by the ARC and Board are considered on a case-by-case basis.
- B. Large cracks must be repaired.
- C. Rust stains must be removed.
- D. No trailer, mobile home, tent, or boats may be stored in the driveway, or any other location, on the residential lot, which may be visible from the street or of the golf course behind the lot lines out the property if extended as a continuation of said side lot line.
- E. The ARC must approve driveway extensions/changes.
- F. Trip hazards, found on the curbing, drains and or roadways, should be reported to BCPA.



IX. Vehicles/Parking

- A. All vehicles located on a residential lot, or community street, must be operational and have valid tags.
- B. Mechanical work, repairs, and bodywork that lasts longer than two (2) hours, is not permitted, unless in the garage.
- C. Vehicles must be parked in the driveway and/or garage. No parking on the street (except temporary vehicles of a service provider to your property that is unable to park in your driveway).
- D. No parking on the grass.
- E. No trailers or habitable motor vehicles of any nature shall be kept on or stored on any Lot or any part of the Property, no commercial trucks of any nature shall be parked overnight on any Lot, no boats, canoes and or other watercraft whether on or off trailers may be parked on any part of the Property unless inside an enclosed garage, or behind a fence as approved by the ARC and Board on a Lot. (Note, for loading and preparation for use of a boat of habitable RV this may be allowed not to exceed three days.)
- F. As a courtesy, please do not block your neighbor's driveway.
- G. As a courtesy, please do not park in front of your neighbor's trash/recycle bins.

X. Garbage and Recycle

- A. Garbage and rubbish receptacles shall be in complete conformity with all applicable sanitary regulations. Trash and recycle bins must stay out of street view. They may be stored on the side of your home if they are screened from street view and screened from the view of the golf course behind the lot lines out the property if extended as a continuation of said side lot line.
- C. The bins may not be put at the curb any earlier than 6 pm, the evening prior to pick up. The bins must be put back, out of view, no later than 6 pm the day of pick up.
- D. No trash, rubbish, debris, waste material, etc. should be deposited or allowed to accumulate on any part of the property.
- E. Homeowners are responsible for setting up a special pick-up for any additional items not covered in your service agreement.

XI. Signs

- A. No signs may be displayed on any residential lot, other than a property address sign as approved by the ARC and Board, as well as a.
- B. Commercial and personal signs are prohibited.
- C. Security signs are permitted.
- G. Signs may not be posted to street signs.

XII. Flags

- A. Homeowner's may display in a respectful manner up to two removable flags of those listed in F.S. § 720.304, not larger than 4 1/2 feet by 6 feet.



- B. Homeowner's may choose to display a sporting team's flag as the additional flag with the United States flag; if said additional flag is equal in size to or smaller than the United States flag being displayed.

XIII. Sporting Equipment

- A. Portable sporting equipment such as basketball/soccer goals, bicycles, scooters, must be stored in the garage or on the lot out of street view when not actively being used.
- B. Basketball goals must be placed on the homeowner driveway, at least ten (10) feet from the street while in use, for the safety of those playing and others.
- C. Golf carts must be stored in the garage or on the lot outside of street view when not actively being used.

XIV. Pets

- A. Pets must always be on a leash, when outside of the home, unless the animal is in a fenced back yard.
- B. If your pet, or any other animal in your possession, defecates on any property, other than your own, it is your responsibility to pick up and dispose of the feces properly.
- C. Remove and properly dispose of animal feces on your property, as it becomes offensive to your neighbors and causes unsanitary conditions.
- E. No animal(s) shall be kept on the property for commercial or breeding purposes.
- F. If any animal becomes dangerous, a nuisance, or destructive, the Board has the right to require removal of the animal.
- J. Cats must be kept inside, always, unless in a crate or on a leash.
- K. Birds and rabbits must always be in cages.
- L. If you feel threatened by an animal, contact Bay County Animal Control Dispatch. 850-767-3333.
- M. Use caution around ponds adjacent to the community as there are alligators known to have inhabited some of them.

XV. Enforcement of Declaration and Rules and Regulations/Violation Notices/Fines

- A. Each homeowner and the homeowner's tenants, guests, and invitees (including vendors and contractors) must follow the Governing Documents of the Association, which include these Rules and Regulations.
- B. It is the responsibility of the homeowner(s) and/or their agent(s) to inform their tenants, guests, and invitees of these Rules and Regulations.
- C. All Governing Document violations reported by residents, must be reported via website forms available at <https://www.fairways-hoa.org/forms>. If the violation is a matter that can be visually seen, a picture must be attached to the website Report of Violation form.
- D. The Association's intent is to resolve violations through informing and educating the owner to achieve compliance without formal action. If this approach is not successful, then formal documentation and procedures will be used.
- E. Violation notices:



1. A First Notice of Violation will be sent as a reminder of the Rules and Regulations not being complied with. You will have 14 days, from the date of the letter, to comply, for simple matters (i.e., yard work, trash bins, pressure washing, standard clean-up of exterior property, illegal vehicles, etc.). You will have 30 days to comply with larger matters (i.e., sod replacement, fence repair/replacement, exterior painting, etc.) This period to comply is determined by the ARC and BOD.
 2. If the violation is not cured in the period provided, a Hearing date is set. At the Hearing, you will be able to explain why you are in non-compliance. Presence at the Hearing does not ensure removal of any fine imposed.
 3. When a visible violation is cured, a photo must be submitted to the Board, showing compliance.
 4. If a violation is cured, but recurs, it will be considered a continuing violation and fines may be incurred.
- E. Fines and or suspensions incurred due to non-compliance with the Declaration and or these Rules and Regulations will be at the maximum level allowed under F. S. §720 , as amended from time to time.
1. Fines may not exceed \$100 per violation, per day.
 2. Fines may be levied against the homeowner for each day of a continuing violation.
 3. A fine cannot be imposed without a single notice and an opportunity for a hearing.
 4. Homeowners shall incur fines, not tenants.
 5. Continued non-compliance may result in legal action, at the homeowner's expense.
 6. A fine less than \$1000 may not become a lien against a homeowner.
- F. The Board may perform monthly inspections for exterior noncompliance. Lots that are not compliant with the Governing Documents will receive a violation notice with a picture at the homeowner's mailing address, last provided to the Association. Violations will be noted in the Minutes of the Board Meetings and added to the association records.
- G. After the hearing, and in addition to fines for non-compliance, 10 days after written notice, any improvements or structures that have been added to any residential lot, without ARC permission, or if any conditions exist that are in violation of the Governing Documents, the Association has the right, but is not obligated to, enter upon your residential lot to correct, or remove any items. This will be done at the expense of the homeowner and become an assessment on said owners property.
- H. Waiver: The failure of the Association to enforce any covenant, restriction, obligation, right, power, privilege, authority, or reservation herein contained, however long continued, shall not be deemed a waiver of the right to enforce the same thereafter as a breach or violation hereof.

XVI. Fining Hearings

- A. All property owners have the right to at least 14 days' notice of a hearing in front of a committee established per said purpose, per Florida Statutes.
- B. The homeowner may present their case on the agenda of the committee.
- C. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days



- after the date of the committee meeting at which the fine is approved.
- D. The Association will send the decision, by mail, to the homeowner's mailing address, last provided to the Association.