

BAYTOWNE WHARF NEIGHBORHOOD ASSOCIATION AMENDED AND RESTATED RULES AND REGULATIONS

These Amended Rules and Regulations were adopted by the Board of Directors for Baytowne Wharf Neighborhood Association, Inc. ("Neighborhood Association") on November 24, 2014, as authorized by the Declaration of Covenants, Conditions and Restrictions for Baytowne Wharf Neighborhood ("Declaration").

In the event of any conflict between these Rules and Regulations and the Declaration, the Declaration shall control. All references herein to capitalized terms which are not defined in these Rules and Regulations shall have the meaning ascribed thereto in the Declaration.

These Rules and Regulations apply to all members of Baytowne Wharf Neighborhood Association, their families, guests, tenants, or invitees to the Baytowne Wharf Neighborhood ("Neighborhood").

ARTICLE I GENERAL PROVISIONS

1.1 Neighborhood Common Property

- (a) No benches, chairs, tables or other personal property shall be placed on any of the Neighborhood Common Property including, without limitation, the sidewalks, pathways, plazas and boardwalks, without the prior written consent of the Neighborhood Association Executive Director.
- (b) No bicycles, skateboards, scooters, strollers, golf carts, wagons or other personal property shall be stored or parked on any of the Neighborhood Common Property including, without limitation, the sidewalks, pathways, plazas and boardwalks, except in areas that are designed for those purposes by posted signage.
- (c) Owners and their guests shall comply with all directions and instructions set forth on all Neighborhood Association signage.

1.2 Camping

- (a) No camping shall be permitted anywhere within the Neighborhood Common Property.
- (b) No recreational vehicles shall be used for overnight lodging any where within the Neighborhood Common Property including parking areas.

1.3 Animals

- (a) All pets must be kept on a leash and must be immediately cleaned up after.
- (b) No pet will be allowed to be tied up or otherwise left unattended.
- (c) No pet shall cause a nuisance or disturbance while in the Common Property of the Neighborhood.
- (d) Should any pet exhibit aggressive or biting behavior, it will be required to be removed from the Common Property of the Neighborhood.

ARTICLE II VEHICLE AND BOAT ACCESS AND PARKING/TOWING

2.1 Baytowne Wharf.

- (a) The Village of Baytowne Wharf is a pedestrian village and, except as permitted in this

Section 2.1, there shall be no vehicles of any type allowed in the Village at any time.

- (b) Within the Neighborhood, vehicles are permitted to use only the following streets and roads:
 - (i) Front parking area
 - (ii) Service Bay
 - (iii) Grand Sandestin entrance
- (c) No vehicle may be parked on any road or street within the Village of Baytowne Wharf or anywhere else within the Village, except in:
 - (i) The parking spaces located in the Village of Baytowne Wharf adjacent to the Gateway building A; or
 - (ii) Public parking areas of Gateway parking garage.
 - (iii) No construction parking is permitted without prior permit.
- (d) In addition to the other regulations set forth in this Article II, the use of moving vans, commercial delivery vehicles and trash removal vehicles within the Village at Baytowne Wharf is subject to the following restrictions.
 - (i) No such vehicle may travel on any road or street located within the Village of Baytowne Wharf between the hours of 11:00am-2:00am, unless an exception is made by the Executive Director of the Neighborhood Association.
 - (ii) No such vehicle consisting of a tractor-trailer or any other attached trailer shall make deliveries on any road except the Service Bay road.
 - (iii) No such vehicle may be parked anywhere in the Village of Baytowne Wharf except in the Service Bay Unit loading and unloading areas, unless an exception is made by the Director of the Neighborhood Association.
 - (iv) No such vehicle may remain parked in the Neighborhood Service Bay overnight or for longer than is reasonably required to make its pick-up or delivery. In no event shall any such vehicle remain parked in the Service Bay Unit for longer than one (1) hour.
- (e) The Regulations set forth in this Section 2.1 shall not apply to vehicles operated by or operated under the express authorization of the Neighborhood Association, such as maintenance vehicles and trash removal vehicles.

2.2 Violations of Vehicle Access and Parking Regulations

Upon the violation of any provision of this Article II, the Association shall have the following additional rights and remedies:

- (i) The Neighborhood Association shall have the right to have any violating vehicle towed from the Village, at the vehicle owner's expense.

- (ii) The Neighborhood Association shall have the right, through the Director or other authorized agent, to issue citations and assess fines determined by the Director or its Board of Directors.

2.3 Wharf

- (a) The Wharf use will be for temporary docking for the water shuttle operated by the Neighborhood Association business only. No short-term or long-term parking for transient boats is permitted.
- (b) Fishing will be allowed from the Wharf but diving or swimming off the pier is prohibited.

2.4 Lagoon

- (a) Recreation uses of the Lagoon include remote controlled boats and fishing.
- (b) Swimming is prohibited in the Lagoon.

ARTICLE III CONSTRUCTION AND ALTERATIONS

3.1 Construction Requirements

The owner of each site shall ensure that all construction activity that is performed on such site is performed in accordance with the following requirements.

- (a) Construction Vehicles/Access/Parking. The Unit Owner or its general contractor must prepare and submit to the Director an access plan relating to all proposed construction activity on any site ("Access Plan"). The Access Plan shall describe the proposed location of (i) access to the job site; (ii) parking for construction vehicles and workers; (iii) fencing; and (iv) all temporary structures including toilets and trash receptacles. In addition, the access plan shall include such other matters as the Director may request. The Access Plan must be approved in writing by the Director prior to the commencement of any construction on the site. Following approval, all construction activities on the site shall be conducted in accordance with the approved Access Plan. The Neighborhood Association may require the revision of any Access Plan should the plan prove to be unworkable.
- (b) Noise. Each Unit Owner shall use all reasonable efforts to minimize external noise resulting from construction activity on its Unit. Notwithstanding the foregoing, an Owner shall not be required to comply with the noise limits set forth in Article V of these Regulations during the following days and hours: Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday 7:00a.m.- 5:00p.m. At all other times, each owner shall ensure that the noise resulting from its construction activity shall not exceed the noise limits set forth in Article V of these Regulations.
- (c) Protection of Property and Roads An owner's construction activity shall be limited to the site or portion thereof for which the construction has been approved, unless the Neighborhood Association provides specific written authorization to the contrary. An

owner shall keep all roads free and clear of all materials, rubbish and debris resulting from such owner's construction activity. If an owner should cause damage to any Common Property, adjacent property or roads during its construction activity, it will be restored to the Neighborhood Association's satisfaction promptly and, in any event, within thirty (30) days after such damage occurs.

- (d) Fencing. The owner shall cause each job site to be fenced in accordance with the approved Access Plan.
- (e) Temporary Structures. Temporary structures may be maintained on a job site in accordance with the Access Plan. All temporary structures erected on a job site shall be removed within thirty (30) days of completion of the construction activity.
- (f) Water Connections and Toilets. A temporary water connection and on-site enclosed chemical toilets must be available at all times when construction activity is taking place on a site. Chemical toilets shall be located in accordance with the approved Access Plan.
- (g) Blasting Restrictions. No blasting shall be performed on any site without the Director's prior consent. Blasting may be subject to certain restrictions, which shall be determined by the Director in his or her sole and absolute discretion and which may vary from site to site.
- (h) Construction Trash Disposal. Trash generated from construction activity shall be deposited in containers designated for such purposes as shown on the approved Access Plan. Trash removal companies engaged by the owner of the site or its general contractor shall then remove trash from such trash receptacles. All such containers and the site and other areas on which the construction activity is taking place shall be kept in a clean and sanitary condition.

ARTICLE IV RETAIL OPERATIONS

This Article IV shall apply to all Non-Residential Units or Common Property kiosks/booths in which a "Retail Establishment" is operated. "Retail Establishment" means any businesses selling goods or services to the public, including, but not limited to, the restaurants, bars and shops located within the Neighborhood.

4.1 Deliveries.

All deliveries made to Retail Establishments must be made in compliance with Article II hereof.

4.2 Retail Lighting and Signage.

All Retail Establishment signage, display and interior lighting visible from the exterior must:

- (i) Remain lit at all times to add ambiance to the Neighborhood, and
- (ii) Be approved by the Neighborhood Association's Design Committee.

4.3 Grease Traps.

- (a) General Maintenance. Each grease trap shall be maintained in good condition and repair.
- (b) Cleaning. The Neighborhood Association shall arrange for each grease trap to be cleaned at the Owner's expense.

ARTICLE V NOISE REGULATION

5.1 Noise Prohibited

The making, creating or allowing of an excessive or an unusually loud noise at any location within the Neighborhood, heard and measured in a manner hereinafter set forth, shall be prohibited, except when made under and in compliance with a permit issued pursuant to Section 5.5 hereof.

5.2 Definition

An excessive or unusually loud noise shall be defined as follows:

- (a) A noise of any duration, which exceeds the allowable noise limit by 15 decibels.
- (b) A noise, one minute or more in duration out of any ten-minute period, which exceeds the allowable noise limit by 10 decibels.
- (c) A noise of five minutes in duration and a total of five minutes out of any ten-minute period, which exceeds the allowable noise limit by 5 decibels.

5.3 Measurement of Noise

For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be prohibited by this Article, the noise shall be measured on a decibel or sound level meter of standard design and quality operated on the A Weighting Scale.

- (a) If the noise source is located within a Unit, the noise shall be measured at or exterior to the entrance door to the Unit.
- (b) If the noise source is located on Neighborhood Common Property, the noise shall be measured no closer than ten feet (10') from the noise source.

5.4 Allowable Limits

The Village of Baytowne Wharf is a lively and active community that will have ambient noise at all times of the day and night. The following shall be the allowable noise limits, as currently set by Walton County for the Neighborhood for the time periods specified:

- (a) Maximum number of decibels permitted from 7:00 a.m. to noon: 60.
- (b) Maximum number of decibels permitted from noon to 2:00 a.m.: 70.
- (c) Maximum number of decibels permitted from 2:00 a.m. to 7:00 a.m.: 50.

5.5 Permits

Applications for a permit to temporarily and for a specific purpose or event, exceed noise level designations or time periods in this section may be made to the Neighborhood Association. The Director of the Neighborhood Association or his or her duly authorized representative may grant the relief as applied for if he or she finds one of the following:

- (a) That additional time is necessary for the applicant to alter or modify the activity or operation to comply with these Regulations.
- (b) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that will comply with Section 5.1.
- (c) That no other reasonable alternative is available to the applicant.

- (d) That the permit is necessary for the Neighborhood's cultural, historical or social benefit. The Director or his or her duly authorized representative may prescribe any conditions or requirements he or she deems necessary to minimize adverse affects upon the Neighborhood, including, but not limited to, specific times or functions of the noise or location of the noise source. Any permit granted by the Director or his or her duly authorized representative under this section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective.

5.6 Exceptions

The maximum permissible noise limits for the times specified in Section 5.4 and 5.5 above, shall not apply to sound emitting from the following:

- (a) Any emergency alarm;
- (b) Any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency;
- (c) Activities of a temporary duration permitted by law and for which a permit therefor has been granted by the Neighborhood Association, including, but not limited to, parades and fireworks displays;
- (d) Any construction equipment operated upon a site during the time period between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday; and between the hours of 7:00am and 5:00pm on Saturday;
- (e) Any maintenance or lawn care maintenance equipment.

5.7 Amplified Sounds

No person other than the Neighborhood Association security personnel, law enforcement or governmental agencies shall install, use, or operate within the Neighborhood a loud speaker or sound amplifying equipment in a fixed or moveable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmits or projects music to any persons or assemblage of persons in or upon any street, sidewalk, park or place or property, except with the prior written consent of the Neighborhood Association, and then in compliance with such conditions and restrictions as the Neighborhood Association may impose. The sound emanating from sound amplifying equipment shall be limited in volume and intensity: (a) for the time such sound is permitted under this Section 5.7; and (b) at the decibels levels set forth in Section 5.4 of these Regulations.

ARTICLE VI WASTE MANAGEMENT

6.1 Residential Trash and Recycle Disposal.

Trash and recyclable material generated from Residential Units within the Neighborhood shall be deposited in designated trash receptacles located in the Service Bay. Trash removal companies engaged by the Sandestin Owners Association, Inc. shall then remove trash from such receptacles. All such trash receptacles shall be kept in a clean and sanitary condition.

6.2 Commercial Trash Disposal

- (a) General. Trash, recyclable material and grease generated from Commercial Units within the Neighborhood shall be deposited in separate containers provided by the Neighborhood

Association. The Neighborhood Association shall arrange trash, recyclables and grease pick-up.

- (b) Main Pick-up. Trash and recyclable material shall be picked up from each Commercial Unit two or three times a day, as designated by the Director of the Neighborhood Association. The trash and recyclable material containers ready for pick-up shall be kept in a designated area of conditioned space inside the store or restaurant until the Neighborhood personnel pick them up.
- (c) Additional Trash and Recyclable Pick-up. Additional trash and recyclable material pickups will be available upon reasonable request to the Neighborhood Association office during normal business hours.
- (d) Grease Pick-up. Grease will be deposited into five-gallon containers. When full and with lids closed, the containers will be placed with the normal trash pick-ups.
- (e) Placement Outside. Trash, recyclable material and grease shall not be placed outside doors of any commercial space.

6.3 Storage

No trash or waste products shall be stored on the Neighborhood Common Property, except in areas designated by the Neighborhood Association for such purposes.

6.4 Recycling

The Neighborhood Association is dedicated to conserving natural resources through waste reduction and recycling.

- (a) Reduction. Owners and guests are strongly encouraged to:
 - (j) purchase minimally packaged, non-toxic products;
 - (ii) buy only recyclable containers and avoid disposables;
 - (iii) properly dispose of chemical waste and paints;
 - (iv) avoid hazardous chemicals; and
 - (v) think about how they will properly dispose of a product and it's packaging before they buy it.
- (b) Recycling. Owners and guests are strongly encouraged to deposit clean and sorted recyclable material in area collection centers and eliminate contamination in the sorting process.
- (c) Re-Use. Owners and guests are strongly encouraged to consciously purchase products and packaging made from recycled materials to close the recycling loop while ensuring a continued market for certain recyclables.

ARTICLE VII OPEN CONTAINERS

- 7.1 Open containers of alcohol are prohibited in the Common Property of Baytowne Wharf after 10 p.m. nightly. Accordingly, Unit Owners of Retail Establishments which serve alcohol shall be responsible for notifying customers of this prohibition, via signage and/or other reasonable means. Retail Establishment employees shall not permit customers to take open containers of alcohol from the

business premises between the hours of 9:45 p.m. and closing.

- 7.2 A violation of this restriction may subject the Unit Owner to a fine in accordance with the Declaration of Covenants, and pursuant to Florida Statute, Chapter 720, unless the Retail Establishment has notified security contemporaneously that despite reasonable efforts by the restaurant or bar staff to prevent it, a customer left with an open container.
- 7.3 The Neighborhood Association's Board of Directors, in its discretion, may waive the open container restriction for specific holidays and events, in which case advance notice of such waiver shall be provided to the Unit Owners, and in turn, by the Unit Owners to their tenants.

ARTICLE VIII NEW YEAR'S EVE CURFEW

- 8.1 The Village of Baytowne Wharf has become a popular destination for Owners, Guests and the general public each New Year's Eve. Large numbers of people come to the Neighborhood to stay in the Residential Units, shop, eat and drink at the Retail Establishments, and to socialize in the Common Property and watch the fireworks. Significantly increased staffing for traffic, parking and security is due to the large number of New Year's Eve visitors. Alcohol-related incidents are substantially increased during this holiday event.
- 8.2 In order to provide a reasonably safe environment for Owners, Guests and the general public while at the Village of Baytowne Wharf, and in an effort to prevent unlawful activity, including underage drinking on the Common Property premises, a curfew will be in effect for persons under the age of twenty-one (21) years of age, prohibiting such persons from remaining in the Common Property of the Neighborhood after 10:00 p.m. on December 31st and through the close of business in the early morning hours of January 1st each year unless accompanied by a legal guardian.
- 8.3 Exempted from the curfew restriction are the following persons while traversing the Common Property for the following described specific purposes:
 - (a) Employees or delivery personnel arriving at or leaving from a Retail Establishment for purposes associated with their employment or a delivery;
 - (b) Persons arriving at or leaving from a Residential Unit in Baytowne Wharf Village in which Unit the person is an authorized resident or guest for the night of December 31st.
 - (c) In the event of (a) or (b) above, the exempted person may not remain in the Common Property for any length of time. The exemption is strictly to allow for ingress and egress to the Residential Units, by those authorized to be in those units, and to/from the Retail Establishments for delivery personnel or employees working on New Year's Eve.
- 8.4 Violating members of the general public (and underage employees who have completed their work shift but remain on the Common Property other than for ingress and egress) will be escorted from the Village premises. The names of other violators identified as a family member or guest of a Residential Unit Owner, if not using the Common Property strictly for ingress or egress, will be recorded and the violator will be escorted to the unit. Fines and other enforcement remedies may be imposed on a case by case basis.

ARTICLE VIII ADMINISTRATION

8.1 General

Except as specifically provided herein and otherwise determined by the Board of Directors, the Director has the authority to answer questions regarding, interpreting and generally administering these Regulations.

8.2 Communication

All communication with and requests made to the Neighborhood Association pursuant to these Regulations shall be in writing and shall be submitted to the Director at 9100 Baytowne Wharf Blvd., Suite B-1, Sandestin, Florida 32550-7268. All communication from the Director or the Board or Directors pursuant hereto shall be in writing.

8.3 Requests for Consents, Approvals or Variances

- (a) Request. Requests for consents, approvals or variances hereunder shall be made to the Director in accordance with Section 8.2.
- (b) Review and Determination. The Director shall review each such request and the Director shall have the authority, in his or her sole discretion, to grant or deny such request, unless otherwise provided herein.

8.4 Submittals to Board of Directors

Notwithstanding anything to the contrary contained herein, in any case where the Declaration or the Regulations so require, the Director shall submit a matter to the Board of Directors. In addition, the Director, in his or her sole discretion, may elect to submit any matter regarding the Regulations, or the enforcement or interpretation thereof, to the Board of Directors. Any matter submitted to the Board of Directors shall be determined by resolution of the Board of Directors.

8.5 Exemptions and Variances

The Director shall have the authority to grant exemptions and variances to these Regulations from time-to-time in his or her discretion.

8.6 Appeals

Any determination made by the Director may be appealed to the Board of Directors, which, in its sole discretion, may review, refuse to review, affirm or overturn the Director's determination.

8.7 Amendments to Regulations

The Baytowne Wharf Neighborhood Association reserves the right to supplement, alter, amend, modify, repeal or revoke any of these Regulations by vote of the Board of Directors.

8.8 Association Records Inspection

- (a) The official records available for inspection and copying are those designated by Section 720.303(4), Florida Statutes, as amended from time to time.
- (b) Every Association member or the authorized representative of such member, as designated in writing

(hereinafter collectively referred to as "member") shall have the right to inspect or copy the official records pursuant to the following rules.

- (c) A member desiring to inspect the Association's official records shall submit a written request to the Association office. The request must state with particularity the official records requested, including pertinent dates or time periods. The request must be sufficiently detailed as to allow the Association to retrieve the official records requested. However, the Association is under no obligation to retrieve any records requested and may, in the alternative, require the member to inspect the official records as they are kept in the ordinary course of business.
- (d) No member may submit more than one (1) request for records inspection and/or copying per month.
- (e) All inspections of records shall be conducted at the Association's office or at such other location designated by the Association. No member may remove original records from the location of inspection. No alteration of the original records shall be allowed.
- (f) A member shall pay twenty-five (25) cents per page for letter or legal sized copies, payable in cash or check at the time the copies are requested. The Association shall not be obligated to undertake the photocopying of any records until payment is received by the Association. Personal checks will not constitute payment until funds clear. Should a records request be made that requires copying of more than twenty-five (25) pages, the Association may elect to have the records duplicated by a professional printing company and the member will have to pay: (i) the actual cost of copying, and (ii) any reasonable costs involving personnel fees and charges at an hourly rate for vendor or employee time to cover administrative costs to the vendor or the Association as provided by Section 720.303, Florida Statutes, as amended from time to time. Once the copies of the official records are produced pursuant to a member's request, there will be no refunds issued in the amount paid to the Association even if the member refuses to take possession of the copies.