



# Architectural Control Committee

## Rules and Regulations

**PROPERTY OWNERS ASSOCIATION OF ONO ISLAND, INC.**

**Amended as of March 2022**

---

# Table of Contents

<b>Article 1</b>	<b>Purpose, Enactment and Title</b>	<b>Page 5-6</b>
Section 1.1	Purpose	
1.2	Short Title	
1.3	Conflict with Other Laws	
1.4	Disclaimer of Liability	
1.5	Amendments	
1.6	Adoption	
<b>Article 2</b>	<b>Introduction</b>	<b>Page 6-7</b>
Section 2.1	Generally	
2.1.1	Authority	
2.1.2	Premise Inspections	
2.1.3	Characteristics	
2.1.4	Plans and Specifications	
2.1.5	Changes and Additions	
2.1.6	Term ACC	
2.1.7	Document Submitted to ACC	
<b>Article 3</b>	<b>Definitions</b>	<b>Page 7</b>
Section 3.1	Usage	
Section 3.2	Words and Terms Defined	
<b>Article 4</b>	<b>Guidelines for Construction</b>	<b>Page 15</b>
Section 4.1	Generally	
4.1.1	Permitting and Planning Prior to a Project	
4.1.2	Roofing	
4.1.3	Emergency Repair	
4.1.4	ACC Pre-Approval Before Applying with Federal & State Agencies	
4.1.5	Setbacks	
4.1.6	Erosion Control	
4.1.7	Fines for erosion control violation	
4.1.8	Job Identification Sign	
4.1.9	Portable toilet facilities	
4.1.10	Line Locating Services	
4.1.11	Dumpsters	
4.1.12	As-Built Surveys	
4.1.13	Road and Bridge Impact Fees	

<b>Article 5</b>	<b>Temporary Structures and Uses</b>	Page 20
<b>Article 6</b>	<b>Yard Setback Requirements</b>	Page 20
<b>Article 7</b>	<b>Yard and Weed Ordinance</b>	Page 20
7.1	Generally	
7.2	Definitions	
7.3	Weeds, debris, etc. on private property and adjacent sidewalks generally	
7.3.1	Prohibited conditions	
7.4	Inspection	
7.5	Notice to abate	
7.6	Unsafe Structures	
7.7	Failure to Comply	
<b>Article 8</b>	<b>Accessory Uses and Structures: Accessory Dwellings</b>	Page 22
8.1	Generally	
8.2	Units	
8.3	Accessory Dwellings	
<b>Article 9</b>	<b>Landscaping</b>	Page 23
9.1	Generally	
9.2	Plans and Permitting	
9.3	Coverage/Permitting	
<b>Article 10</b>	<b>Nonconformities</b>	Page 25
10.1	Generally	
10.2	Rules Applicable to Nonconformities	
10.2.1	Incompatibility and enlargement	
10.2.2	Work in progress	
10.2.3	Nonconforming use of buildings	
10.3	Determining the Extent of Damage	
10.4	Nonconforming accessory uses and structures	
10.5	Illegal use and structures prohibited	

**Article 11 Contractor/Worker Rules** Page 28

Section 11.1-31 Contractor(s) and their employees

**Article 12 Sign Regulations** Page 30

**Article 13 Piers and Boathouses** Page 31

Section 13.1 General requirements

Section 13.2 Bayou St. John and Old River

Section 13.3 Canal Lots

Section 13.4 Pier and Boathouse Compliance Inspections

**Article 14 Administration** Page 35

Section 14.1 Administration, Interpretations and Enforcement

Section 14.2 Permits

14.2.1 Authorization

14.2.2 Minor Interior Work

14.2.3 Application procedure

14.2.4 Application submittal

14.2.5 Conditions and restrictions on approval

14.2.6 Revocation of permit

14.2.7 Right of appeal

14.2.8 Inspections

**Article 15 Maximum Load Limits** Page 39

Section 15.1 Maximum Bridge Load Limit Schedule & Pre-Authorization Requirements

**Article 16 Variances** Page 39

Section 16.1 Generally

Section 16.2 Standards for approval

**Article 17 Appeals** Page 41

Section 17.1 Appeal of administrative decision

Section 17.2 Appeal application procedures

Section 17.3 Appeal of Security Citation  
Section 17.4 Appeal of the Architectural Control Committee

**Article 18 Enforcement Procedures**

Page 42

Section 18.1 Generally  
Section 18.2 Violations  
Section 18.3 Notice of ACC Violations & Fine Schedule  
Section 18.4 Additional Penalties  
Section 18.5 Appeals

**Article 19 Amendments to the Rules and Regulations**

Page 46

# **Article 1 Purpose, Enactment and Title**

## **Section 1.1 Purpose**

The intent of these rules and regulations is to encourage the use of lots on Ono Island in accordance with their character; to limit their improper use; to provide for orderly development; to establish the location size and specific uses for which dwellings, buildings and structures may hereafter be erected or altered; to provide for the maintenance and repair of certain structures; to support the most advantageous uses of land, resources and properties for the general good of and benefit to the people of Ono Island; and to preserve and enhance the aesthetic qualities, natural beauty and tranquility of the Island consistent with cautious residential development.

## **Section 1.2 Short Title**

These rules and regulations shall be known and may be cited as the Property Owners Association of Ono Island, Inc., Rules and Regulations of the Architectural Control Committee (sometimes hereinafter "ACC Rules and Regulations" or "Rules and Regulations").

## **Section 1.3 Conflict with Other Laws**

Whenever the requirements of these rules and regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the more restrictive, or that imposing the higher standards, shall govern.

## **Section 1.4 Disclaimer of Liability**

These rules and regulations shall not create liability on any officer, member or employee of the Property Owners Association of Ono Island, Inc. (Sometimes hereinafter "POA") or any member of the Architectural Control Committee ("ACC") thereof for any damages that may result from reliance on these rules and regulations or any administrative decision lawfully made hereunder.

## **Section 1.5 Amendments**

These rules and regulations may be amended from time to time as the need arises, provided amendments are recommended for approval to the Board of Directors of the Property Owners Association, Inc. by the Architectural Control Committee according to the terms and conditions of the general covenants for the Island.

These Rules and Regulations may be amended, added to, or modified from time to time and any such amendment, modification, addition or deletion to these Rules and Regulations does not implicitly modify, repeal or rescind any other provision in these rule and regulation not expressly modified, repealed or rescinded. Likewise, any inadvertent omission of any rule or regulations from this booklet does not repeal or rescind any such rule or regulation without an express resolution adopted by the Board of Directors of the Association. Any rule or regulation inadvertently omitted from this booklet shall still remain in full force and effect. This booklet is published as a convenience to owners. Any owner who plans to engage in any kind of construction activity on Ono Island is advised to contact the Association Administrator for guidance concerning the Rules and Regulations and the application for a building permit.

This book is quite detailed but there are unique situations that do not always fit these categories and those scenarios will be reviewed and decided on by the ACC on a case-by-case and individual basis.

## Section 1.6 Adoption

These rules and regulations were amended by the Architectural Control Committee on the 22<sup>nd</sup> day of February and recommended for approval by the Board of Directors, which hereby approves same on the 24<sup>th</sup> day of March, 2022.

\*Island Administrator shall update and/or correct grammatical errors as needed without requiring Board approval so long as the meaning/intent are not changed.

IV Mashburn  
IV Mashburn - Architectural Control, Chairman

Katie Chamblee  
Katie Chamblee - Board of Directors, President

Shannon Harrison  
Shannon Harrison – POA Island Administrator

## Article 2 Introduction

### Section 2.1 Generally

2.1.1 The Declaration of General Covenants, as defined in Article VI provides authority for the activities of the Architectural Control Committee (ACC) and its Guidelines.

2.1.2 The ACC and/or its designated appointee(s) shall have the authority to periodically inspect the premises of "The Properties" and/or the waters adjacent thereto, and if the same are determined by said committee or its designated appointee(s) to be unsafe, in need of repair, or in such condition that the adjoining property may be adversely affected thereby, then said committee or appointee(s), after providing said owner with reasonable notice and an opportunity to be heard, may cause the owner of said property to correct any such conditions, and/or said committee or appointee(s) shall have the authority to enter upon said property and correct the same at the expense of the owner and; no such entry nor any action taken pursuant to the covenants shall be deemed a trespass.

2.1.3 Property characteristics, which include construction, exterior changes and landscaping, shall not be altered in any respect without the ACC's or its designee's written approval. Any work that will modify the exterior dimension or appearance of your property must be submitted to the ACC for prior approval.

2.1.4 Any owner, authorized agent, or contractor who plans to construct, enlarge, alter, repair, replace, paint, move, or demolish a building structure on Ono Island must submit plans and specifications for such action to the Architectural Control Committee for approval prior to undertaking such work.

2.1.5 Any changes to these Rules and Regulations must be approved by the Board of Directors of the POA.

2.1.6 The terms "Ono Island Architectural Control Committee", "Architectural Control Committee", or "Committee" and the acronym "ACC" shall all have the same meaning.

2.1.7 *Notice Regarding Documents Submitted to the ACC: The ACC and its members, as well as the POA and its officers, Board and Staff, rely exclusively on the complete accuracy of all plans, surveys, permits, reports and other documents submitted in connection with the issuance of any Permit issued by it, and assumes the professional competence of those persons preparing any such documents. The ACC does not conduct any independent investigation of such matters and DISCLAIMS any responsibility for the accuracy of such document or the competence of those persons preparing them. Permits issued by the ACC are for the sole benefit of the Property Owner's Association of Ono Island, Inc. and no third party is authorized to rely on the issuance of such Permits for any purpose.*

## **Article 3     Definitions**

### **Section 3.1 Usage**

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense, and the future tense includes the present tense. The singular number includes the plural, and the plural includes the singular. The word "person" includes a firm, corporation, association, organizations, trust, or partnership. The word "building" includes "structure." The words "shall" and "will" are always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### **Section 3.2 Words and Terms Defined**

As used in these rules and regulations, the following words and terms shall have the meaning defined:

*Abutting/contiguous property.* Any property that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

*Accessory dwelling.* A second dwelling unit contained entirely within the structure of a single-family dwelling for use as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use and shall not exceed sixty percent (60%) of the size, in square feet, of the principal single-family dwelling.

*Accessory structure.* A subordinate structure detached from but located on the same lot and the use of which is incidental and accessory to that of the principal single-family dwelling. Bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered accessory structures for purposes of the rules and regulations of the Architectural Control Committee.

*Alteration.* Any material change in structural parts, stairways, type of construction, light or ventilation, means of ingress and egress, or other change affecting or regulated by the building



code, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

*Alteration, structural.* Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building.

*Architectural Control Committee, ACC Committee and acronym ACC shall all have the same meaning.*

*Base flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year.

*Base flood elevation.* The elevation for which there is a one (1) percent chance in any given year that flood levels will equal or exceed it.

*Board of Adjustment.* A board appointed by the County Commission to hear and decide appeals, special exceptions and variances from the terms of the Baldwin County Zoning Ordinances.

*Boathouse.* A structure constructed over water designed or intended to be used for the purpose of docking, storing and protecting one or more watercraft.

*Boathouse Maximum Size Allowance.* When measuring the size of a boathouse for the purpose of determining whether or not it exceeds the maximum allowable size; the measurements shall include all decking, pilings, overhangs, roofing material, catwalks, finger pier (adjacent or non-adjacent to dock), etc. in all directions. This shall be measured from the widest measurement point to the widest measurement point in each direction. (Only Mooring pilings on Old River and Bayou St. John may be excluded).

*Boat slip.* A facility for the mooring of watercraft.

*Building.* Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

*Building height.* There shall be no limit on the number of habitable stories for a single family dwelling provided that a maximum building height shall not exceed forty (40) feet and the ridge of the roof shall not exceed forty-five (45) feet measured from the proposed finished grade.

*Catwalk.* Any pier type structure or walkway. These are in addition to the primary access pier allowed between the shore and connects to over water structure.

*Certificate of occupancy.* Official certification that a premise conforms to provisions of the Baldwin County zoning ordinances and building code, and may be used or occupied. Such certificate is issued for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

*Common open space.* Open space within a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and/or enjoyment of the residents of the development and their guests.

*Conditional use.* A use that, owing to some special characteristics attendant to its operation or installation, is permitted subject to approval by the Baldwin County Planning Commission, and may be subject to special requirements.

*Construction sign.* Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon. See Article 12

*Cupola.* A small structure connected but built upon the top of a roof – Not to exceed three feet in height and a maximum area of 5'x5' size.

*Deck.* A flat uncovered area generally adjoining a house, building, or pool which may be used as an outdoor sitting or recreation area.

*Development.* The construction, reconstruction, repair, demolition, conversion, structural alteration, relocation, removal, or enlargement of any building or structure; any extension of utilities; any construction of streets; any construction of drainage structures; any mine, excavation, land fill, or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

*Duplex.* See definition of Dwelling, two-family.

*Dwelling.* A building or portion thereof used exclusively for residential purposes.

*Dwelling, single-family.* A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

*Dwelling, two-family.* A building designed for or occupied by two families only, with separate toilets and facilities for cooking and sleeping for each dwelling unit, separated by a common wall and sharing a common roof and foundation. A two-family dwelling (duplex) is prohibited on Ono Island per the General Covenants. Accessory dwellings, *as defined herein in the definitions for the Architectural Control Committee Rule & Regulations*, are allowed.

*Dwelling unit.* Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate toilets and facilities for cooking and sleeping, either permanently or temporarily.

*Edge of Pavement.* The dirt or grass edge abutting the edge of the asphalt.

*Erect a sign.* To construct, reconstruct, build, relocate, raise, assembly, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

*Erected.* The word “erected” includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations fill, drainage, and the like shall be considered a part of erection.

*Excavation.* Any mechanical removal of rock, sand, gravel or other unconsolidated materials from a location. Any changes that require fill, excavation or changes to drainage.

*Expansion, building or use.* The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

*Extended Property Lines.* The property lines extended straight out into the water (by the surveyor). This is to be used for proposed site plan and when assessing boathouse placement and for showing required setbacks.

*Fence,* A barrier, railing or other upright structure, typically of wood or metal, enclosing an area of ground to mark a boundary, control access or prevent escape. Chain-link is prohibited (Fencing information can typically be found in the unit covenants)

*Finger Pier,* Any pier type structure or walkway. These are in addition to the primary access pier between the shore that connects to over water structure.

*Floating pier/dock.* A dock that floats on the water and can be partly submerged to permit entry of a boat or jet ski(s) and raised to keep the boat or jet ski(s) high and dry —called also *floating dry dock*

*Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters.

(b) the unusual and rapid accumulation of runoff of surface waters from any source.

*Flood insurance rate map (FIRM).* An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

*Floodplain.* Those areas defined by the U. S. Geological Survey or the U. S. Army Corps of Engineers as subject to flooding once in 100 years, based on topography.

*Floor area, gross.* The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

*Garage, private.* A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

*Generalized Wetland Map.* Refers to the National Wetland Inventory (NWI) Maps, the Baldwin County Digital Wetland layer and/or any other digital data depicting the general locations of wetlands or hydric soils and their degree of functionality within the jurisdiction of Baldwin County.

*Home occupation.* Any occupation for gain or support customarily conducted entirely within a residential dwelling unit and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

*Impervious surface.* Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to: building roofs; streets; sidewalks; parking and driveway areas paved

with asphalt, concrete, gravel, limestone, oyster shells, sand, clay or similar materials; and paved recreation areas.

*Impervious surface ration (ISR).* A ration derived by dividing the total of all impervious surfaces on a lot by the lot area.

*Improved Lot.* A lot that has any type of improvement added, including but not limited to the addition of a residential structure, pier, boathouse, driveway, parking area, boat or boat trailer parking area, landscaping, retaining wall, etc. Anything beyond a completely natural state lot. Property assessment status is updated as soon as improvement is noted or permitted.

*Jurisdictional determination.* An official, written statement or map signed by the U. S. Army Corps of Engineers.

*Jurisdictional wetland.* A wetland area that is regulated by the U. S. Army Corps of Engineers under Section 404 of the Clean Water Act. It can meet the definitional requirements for wetlands (i.e. hydrophilic vegetation, hydric soils and hydrology) as determined by the U. S. Corps of Engineers, 1987 Federal Wetland Delineation Manual.

*Land use certificate.* Certificate issued by the Baldwin County Zoning Administrator indicating that a proposed use of land is in conformity with the zoning ordinances, a prerequisite to issuance of a building permit.

*Lateral riparian rights.* The apportionment of riparian rights between adjoining riparian owners is made by extending lines from the ends of the side lines at right angles to the line of the water front if the latter is straight or substantially so, subject to variation where the line of navigation is not parallel with the shoreline, without regard to the directions of the dividing line of the upland parcels. In case of a decided convexity or concavity of the shore, riparian rights are apportioned ratably between the riparian owners, as by straight lines drawn out to the line of navigability at such points as will divide the latter proportionately to the several frontages on the shore, or by line perpendicular to a tangent drawn on a circular shore.

*Licensed Engineer.* An engineer properly licensed and registered in the State of Alabama.

*Lot.* A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in these zoning ordinances, or as are intended to be used with such piece, parcel, or plot of land.

*Lot area.* The total horizontal area within the lot lines of a lot.

*Lot, corner.* A lot abutting upon 2 or more streets at their intersection or upon 2 parts of a street which form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

*Lot depth.* The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

*Lot, interior.* A lot other than a corner lot.

*Lot line.* The boundary line of a lot.

*Lot line, front.* On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; or on a waterfront lot, the lot line abutting the water.

*Lot line, rear.* The lot line opposite and most distance from the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

*Lot of record.* A lot which is a part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

*Lot width.* The horizontal distance between side lot lines, measured at the required front setback line.

*Nonconforming structure.* A structure lawfully occupying a site that does not conform with the standards of the zone in which it is located, including, but not limited to: front setback; side setbacks; rear setback; height; coverage; exceeds the maximum size allowance; minimum size requirements; distances between structures and parking facilities.

*Nonconforming uses.* The use of a structure or premises, existing at the effective date of these ordinances, or any amendment thereto, for any purpose not permitted for a new use in the in which it is located.

*Nonplatted Lot.* Any lot within the boundaries of Ono Island that may or may not be found on the original unit platting but are within the common scheme of development are still bound by the Ono Island POA General Covenants, By Laws, ACC and Rules and Regulations.

*Osprey Nest.* An Osprey nest is typically a raised platform allowing Osprey to build a nest. The same nest is re-used each year adding material resulting in huge nests. The request for installation of an Osprey Nest requires a variance to allow adjacent property owners the opportunity for feedback prior to review because Osprey although beautiful can be considered a nuisance and harmful to small animals.

*Pier.* A deck structure, pile supported, extending across the required setback and out into the water from the shore. Pier is the structure that provides access from the property to the boathouse or boat lift.

*Porch.* A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior wall(s) to which it is attached. Open mesh screening shall not be considered an enclosure. Porches shall be considered as a part of the main building and shall not project into a required front yard.

*Principal structure.* A building in which the primary use of the lot on which the building is located is conducted.

*Propane Tank.* Storage container for propane in its liquid form and are available in many different sizes being engineered and designed for propane containment at high pressures. They are designed for installation at a customer location and are filled on-site. Proposed propane tanks must be buried (and meet all local and state regulations) when installed. New installations and replacements must be permitted and buried.

*Properties, The.* All those parts of Ono Island located in Baldwin County, Alabama, contained within the existing plats of subdivision for the Ono Island Subdivision, as duly recorded in Baldwin County, Alabama, and such additions thereto as may hereinafter be brought within the jurisdiction



of the Association by annexation as provided in Article II of the Declaration of General Covenants. Lands not included within the perimeter boundaries of a recorded plat executed or approved by the original developer of the Subdivision, or by the Association, as aforesaid shall not be included within the meaning of "The Properties" as used unless and until the same are annexed.

*Recreational Vehicle.* A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes travel trailers, campers, camping trailers, motor homes, small mobile homes used for vacation purposes and similar transient residential vehicles.

*Residential dock or pier.* A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.

*Rezoning.* An amendment to the Baldwin County Zoning District boundaries as delineated on the Baldwin County Zoning Map.

*Right-of-way.* A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

*Roof line.* A horizontal line intersecting the highest point or points of a roof.

*Roof* – The structure forming the upper covering of a building. \*All roofing material must match in both color and material; for all structures located on and extending from the taxable property parcel including but not limited to the residence, the boathouse and any accessory structures.

*Setback line.* A line defining the limits of a yard in which no building or structure, may be located.

*Sign face area.* The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

*Sign structure.* Any construction used or designed to support a sign.

*Site plan.* The development plan for one or more lots on which is shown property lines and required setbacks in relation to all existing and proposed structures, including measurements and distances to each.

*Special flood hazard areas.* Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

*Storm water management.* The process of ensuring that the magnitude and frequency of storm water runoff do not increase the hazards associated with flooding and that water quality is not compromised by untreated storm water flow.

*Story.* That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

*Story, habitable.* A story having its floor elevated at or above base flood elevation as determined from the flood insurance rate maps, regardless of the intended use of the story or its floor area.

*Story, half (1/2).* A space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than

one-half (1/2) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

**Structure.** Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground. Except bulkheads, fences, walls, retaining walls, fountains, trellises, pergolas, air conditioner platforms, walkways and similar features which provide a decorative, security or support function shall not be considered structures for purposes of these zoning ordinances.

**Swimming Pool.** A man made artificial pool for swimming; must be constructed within the building setback limitations of the plat &/or covenants. Permanently constructed pools only authorized by permit.

**Unimproved Lot.** *A completely natural state lot with no improvements, additions, or disturbance.*

**Use.** The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

**Variance, Baldwin County.** A departure from the provisions of these ordinances relating to building and other structural setbacks, lot dimensions such as width, depth, or area structure, or building height, open space, buffers, parking or loading requirements, lot coverage, impervious areas, landscaping, and similar type ordinances. A variance may not involve the actual use of the property, building or structures, procedural requirements or definitions.

**Variance, Ono Island Architectural Control Committee.** The Architectural Control Committee shall authorize upon application in specific cases such variance from the terms of the Rules and Regulations as are appropriate under the conditions set forth in Article 16.

**Waterway.** Any body of water, including any canal, river, bay, natural or artificial.

**Wetlands.** Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**Yard.** A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and in compliance with applicable building codes.

**Yard, front.** An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the principal building to the waterfront property line.

**Yard, rear.** An open space on the same lot with the principal building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the principal building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

*Yard, required.* A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky and may be otherwise set forth in the restrictive covenants of the unit in which the lot is identified in a subdivision.

*Yard, side.* An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

## **Article 4 Guidelines for Construction**

Section 4.1 *Generally.* All ACC Rules and Regulations are requirements of the Property Owners Association of Ono Island. These Guidelines are in addition to and in no way relieves any contractor or owner from requirements as set forth in any of the requirements of any unit on Ono Island, or any Federal, State or County regulations. If the ACC Rules and Regulations, Unit Covenants, Baldwin County Planning & Zoning, or Building Codes are different, the stricter of the two shall apply.

**4.1.1 Permitting and planning prior to a project** *Is the responsibility of the Property Owner. An ACC Permit is required for most projects on Ono Island (excluding: Emergency Repairs, Electrical, Plumbing and HVAC; please note Baldwin County may still require permitting and it is the homeowner and contractors responsibly to obtain if applicable). The homeowner shall be responsible for submitting a complete application with plenty of lead time ahead of projected start date to allow staff and the Architectural Control Committee sufficient time to perform a site inspection if necessary and review the application thoroughly prior to issuance of the permit. Once submitted most applications will be placed on the next available agenda for review by the Architectural Control Committee in accordance with the application deadline. However, if the application can be reviewed administratively; staff will be happy to do so, after having ample time to review the application. There is no guarantee of receiving a permit the same day an application is presented so please plan accordingly as they do take time to process and gather all necessary information.*

**4.1.2 Roofing** – Anytime a roof on the property is being re-roofed ALL roofs on the property including but not limited to residence, boathouse, etc. must be made to match upon completion in both color and material. If the separate roofs cannot be matched in both and material upon completion of the project, then the owner is responsible for permitting and re-roofing all structures in order to guarantee ALL structures on and attached to the property match in both color and material. All Roofs on the property are to be the same color and material upon completion of any roofing project. The project shall not extend more than six (6) months from start to completion. The final interpretation of color and material in this matter is up to the ACC and their sole discretion.

**4.1.3 Emergency Repair** It is highly recommended by the Architectural Control Committee that anytime a resident is having work performed, even in emergency situations; the owner should make contact (via phone call or email) with a staff member at Ono House to provide the details to avoid any misunderstanding at the security gate. If a



permit application is necessary staff will be happy to help you with that process. In the event an ACC application or permit is not needed the communication ahead of time with Ono House will allow staff to appropriately note the activity in the database so that Security is aware of potential contractors and/or delivery personnel needing to be admitted to the island. If the Ono House is closed please contact Security ahead of emergency vendors arrival.

**4.1.4 Preapproval for Pier / Boathouse, etc. Prior to Submitting to State and Federal Agencies** When proposing work over water and/or wetland grasses the owner and contractor are responsible for obtaining approval from the Ono Island Architectural Control Committee prior to submitting applications to State and Federal agencies. The Ono Island pre-approval will be held at the Ono House until a copy of the signed State and Federal Approvals have been submitted to the Ono House; at which time the ACC permit can then be issued with supporting documentation verifying approvals from all required agencies.

**4.1.5 Setbacks.** All building setbacks must be observed for each phase and unit (unless a specific variance has been approved by the ACC) before construction begins. No permanent structures are permitted beyond a required setback with the exception of a pier and boathouse. \*Several Units have 20' side setbacks over the water so please be sure you have the proper information before project planning.

#### **4.1.6 Erosion Control**

- a) It is the policy of the Architectural Control Committee to prevent erosion from home construction sites (as required by Baldwin County) and siltation of canals, Old River and Bayou St. John to the maximum extent possible. \*Silt Fencing is required with all land disturbance\*
- b) All applications for new construction will include a boundary survey, topographic survey, and where more than six (6") of earth is moved, fill is brought in, excess earth is removed, or dredged earth is placed on property. This storm water management plan (aka water distribution with topography) survey must be performed and approved by an Alabama Registered Engineer who practices in hydrology. An acknowledgment form is also required to be signed by the property owner, the contractor and the Engineer responsible for the project.
- c) Silt fencing will be installed on all sides of the property necessary to contain area of disturbed earth immediately after trees are removed, before earth is disturbed, and shall be maintained throughout construction, and removed after living ground cover is established. Silt fences shall also be maintained around drainage inlets and outlets. \*Construction sites require silt fencing from beginning to end of the project to prevent erosion, trespassing, property line encroachments, prevent debris from blowing beyond the property boundary.
- d) Best Management Practices (BMP's) shall be maintained at all times for all new construction. A construction fence, silt fencing, hay bales or similar type practices must, at a minimum, be erected on the building setback lines on a minimum of 3 sides of the property prior to start of construction and must be maintained throughout project completion.

#### **4.1.7 Fines for erosion control violation (Refer to Article 18 Fine Schedule)**

#### *4.1.8 Job Identification Sign*

After final approval from the ACC to begin construction, a job identification sign may be erected on the job site during construction. Only the primary general contractor may place a sign on the construction site. An architect and general contractor may place a combined sign on the property if it does not exceed four (4) square feet during the active construction. Baldwin County Building Permit and Ono Island Building Permit signs are authorized however any further contractor signs on site could cause a violation of contractor rules. \*Excludes Uniform for Sale/Lease Signs are not authorized during construction\*

#### *4.1.9 Portable toilet facilities*

Portable toilet facilities must be provided on construction sites in an inconspicuous location, and at least 10-feet from the edge of the pavement or the edge of the sidewalk. They are not permitted to be on the road right-of-way. Portable toilet facilities must be serviced weekly during the duration of new construction.

#### *4.1.10 Line Locating Services*

The property owners and their contractors are responsible for scheduling a Line Locating Service (Dial 811) prior to digging especially in any right-of-way. This shall be done in advance to be sure the locations of all buried lines are located and marked prior to digging. No disturbance of soil is permitted in the right-of-way until all lines have been properly located and marked by the line locating company. Once the project is complete all line locating flags, markers, etc. shall be removed and disposed of properly within (7) seven days of project completion.

#### *4.1.11 Dumpsters*

- a) A dumpster/waste container for construction debris and waste must be provided on the construction site. For jobs lasting less than three (3) days debris may be hauled off of the island daily. Use of others dumpsters on the island is prohibited.
- b) Dumpsters must be at least 20 feet from the edge of the pavement or edge of sidewalk (whichever is further from the road)
- c) Construction debris, garbage or the like that is found to be over the actual height (or top rim) of a dumpster is considered full and must be removed or emptied within three (3) days.
- d) Household garbage and paint cans, empty or partially full, are prohibited in construction site dumpsters.
- e) The property owner of any dumpster that violates the above rules will be fined in accordance with the schedule in Article 18.
- f) Dumping of any type on a property owned by the POA, in a private dumpster on a private parcel of another is considered trespassing and dumping in another is a violation. A citation will be issued accordingly.

#### *4.1.12 As-Built Survey*

- a) A deposit for an as-built survey for construction of a new residence, addition, swimming pool, pier and boathouse shall be required to be paid prior to issuance of a permit. Owners must submit an As-Built Survey upon completion and once a final inspection is performed to verify that the structure has been built in compliance with the permit approved and Rules and Regulations of the ACC then the deposit may be refunded to the owner. Contractors with multiple completed projects and no final shall not be issued further permits until such time as they have closed out previous permits that are complete.

- b) The following is the “as-built survey” deposit fee schedule:

As-Built Survey’s required Upon Completion

New single family dwelling	\$ 1500.00
Additions to single family dwelling	\$ 750.00
New pier and boathouse (Old River/Bayou St. John)	\$ 1000.00
New pier and boathouse (Canals)	\$ 750.00
Addition to pier and boathouse (Old River & Bayou St. John)	\$ 500.00
Addition to pier and boathouse (Canals)	\$ 500.00
Swimming pools	\$ 1000.00

- c) An original as-built survey performed by an Alabama Registered Surveyor shall be performed after construction has been completed. It shall be delivered to the POA Office within 90 days of completion (and with Single Family Residence it should be submitted along with a copy of the Baldwin County Building Inspection Certificate of Occupancy) in order to finalize the original permit. \*Fines apply if not submitted see Fine Schedule Article 18.3.8\*

#### 4.1.13 Road and Bridge Impact Fees

- a) The applicant shall be required to pay an impact fee according to the current schedule of fees established by the Architectural Control Committee, and approved by the Board of Directors to cover impacts on road and bridges from large trucks transporting concrete, base dirt, sand, rock, gravel, heavy equipment, building materials, pavers, major/minor landscape materials and any other material deemed necessary as determined by the Architectural Control Committee. This impact fee shall be paid prior to issuance of a permit by Staff after a complete review by the Architectural Control Committee or, in some instances, the Administrator. No work is authorized to commence prior to payment of Impact Fees, As-Built Deposits, Grass Bonds (if applicable) and issuance of the permit.

- b) Schedule of Road and Bridge Impact Fees:

<u>DESCRIPTION</u>	<u>IMPACT FEE</u>
Demolition – Single Family Dwelling	\$ 1000.00
Demolition – Partial Single Family Dwelling	\$ 500.00

Single Family Dwellings:

New ICF Single Family Dwelling, \$3.00 sq. ft.	\$9000.00 <i>Minimum</i>
New Single Family Dwelling, \$1.50 sq. ft.	\$3000.00 <i>Minimum</i>
Addition to Single Family, \$1.50 sq. ft. ( <i>heated &amp; cooled</i> )	\$1500.00 <i>Minimum</i>
Addition to Single Family, \$1.50 sq. ft. ( <i>non-heated or cooled</i> )	
Repairs	\$ 100.00

Re-Roof (must match boathouse if applicable)	\$ 100.00
Outdoor enclosures (underneath, decks, porches, etc.)	\$ 50.00
Cargo lift additions	\$ 50.00
Outside enclosed elevator	\$ 100.00

Boathouses: (\*)

New pier and boathouse – Bayou St. John/Old River (*)	\$ 1000.00
New pier and boathouse – Canal Lots (*)	\$ 500.00
Pier only	\$ 150.00
Mooring pilings only	\$ 50.00
Mooring pilings only (by water)	\$ -
Re-roof existing boathouse (*must match house)	\$ 50.00
New boatlift – Delivered by road	\$ 50.00
New boatlift – Delivered by water	\$ -
Replace boatlift – delivered by road	\$ 50.00
Replace boatlift – delivered by water	\$ -
Replace boatlift – no new pilings or delivered by water	\$ -
Replace pilings only – delivered by road	\$ 50.00
Replace pilings only – delivered by water	\$ -
Dredging	\$ 50.00 <i>Minimum</i>
Addition to pier and boathouse (*Roof must match)	\$ 100.00 <i>Minimum</i>
Demolition of pier and boathouse (Old River/Bayou St. John)	\$ 250.00 <i>Minimum</i>
Demolition of pier and boathouse (canals)	\$ 100.00 <i>Minimum</i>

**\*Boathouse & Residence Roofs must match in Both Color & Material\***

Landscaping:

Major Landscaping (\$50/per truckload may be applicable)	\$ 250.00+
Minor Landscaping	\$ 100.00
New irrigation system only	\$ 50.00
Lot clearing	\$ 200.00
Topsoil and plants only	\$ 50.00 <i>Per truckload</i>
Sod	\$ 50.00 <i>Per truckload</i>

Other:

New swimming pools	\$ 1000.00
Driveway (Concrete, Rock & Pavers)	\$ 50.00 <i>Per truckload</i>
Parking Areas (Concrete, Rock & Pavers)	\$ 50.00 <i>Per truckload</i>
Removing Concrete, Rock & Pavers	\$ 50.00 <i>Per truckload</i>
New retainer walls	\$ 150.00 <i>Minimum</i>
Sand	\$ 50.00 <i>Per truckload</i>
Concrete	\$ 50.00 <i>Per truckload</i>
Tree removal (6 inches or greater in diameter)	\$ 50.00 <i>per tree</i>
Dead tree removal	\$ -----
New fences	\$ 50.00 <i>Minimum</i>
Storm shutters	\$ 50.00

Minimum Fee – for all uses not specifically listed    \$ 50.00 or By Truck Load  
*(determined on a case by case basis)*

Variances and Appeals

Variance application fee	\$ 500.00
Secondary Variance Level (16.2.3)	\$ 100.00

Appeal application fee (Maybe subject to a \$100 fee if advertising is necessary)

## **Article 5 Temporary Structures and Uses**

Section 5.1 Temporary structures for use incidental to construction work are permitted during the period that construction work is in process for the purpose of storing tools and equipment.

Section 5.2 No temporary structure shall be occupied either temporarily or permanently while the principal or an accessory structure is under construction.

Section 5.3 No temporary structure shall be connected to any utilities such as water, sewer, electrical or the like.

Section 5.4 A temporary structure shall not be parked or stored within a required front, rear or side yard.

Section 5.5 The owner/contractor must take appropriate measures to ensure that the temporary structure shall not be a nuisance to a neighboring property.

## **Article 6 Yard Building Setback Requirements**

Section 6.1 Every part of a required yard / building setback shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimney's, flues, and eaves, provided such projections shall not extend more than 2-feet beyond the yard area requirements.

Section 6.2 Yard requirements shall be modified subject to the following conditions:

6.2.1 Decks and unroofed porches may project into a required front yard for a distance not to exceed 5-feet and a required rear yard not to exceed 10-feet.

6.2.2 Uncovered steps and handicap ramps may project into a required front or side yard for a distance not to exceed 5-feet and a rear yard not to exceed 10-feet.

6.2.3 On a corner lot, the side yard from the side lot line which abuts a street shall be a minimum of 20-feet unless otherwise specified on the recorded plat of the Unit.

## **Article 7 Yard and Weed Ordinance**

Section 7.1 *Generally.* The following provisions are intended to: preserve the unique natural beauty of Ono Island; guarantee the future protection of the existing yards and vegetation; preserve the environmental integrity, and esthetic harmony with the natural terrain; and protect and promote the value of the improved and unimproved properties of Ono Island.

Section 7.2 *Definitions.* The following terms when used in this Article shall have the meanings set forth below, unless the context clearly indicates otherwise.

a) *Bulk refuse.*

1. Trash generated by lot or land clearing or major land cleanup operations;
2. Refuse and debris resulting from construction, renovation, or repair work to buildings or other structures.



b) *Nonresidential property.* Any property other than a “residence”.

c) *Occupant.* The person exercising direct control over a property, whether as owner, owner’s agent, lessee or renter.

d) *Residence.* A detached single family dwelling unit.

e) *Trash*

1. Trees and tree limbs;
2. Bagged or un-bagged leaves, grass clippings, pine cones, pine straw, shrub trimmings and the like.

Section 7.3 Weeds, debris, etc. on private property and adjacent sidewalks generally.

*7.3.1 Prohibited conditions:*

1.) On any Lot it shall be unlawful for any owner of any lot, parcel or area of land on Ono Island, other than a natural state lot, parcel or area of land to permit such lot, parcel or area of land, or upon any sidewalk abutting the same, any weeds, untrimmed grass, litter, trash, deleterious or unhealthful growths, dead trees/shrubs, other noxious matter, or other debris of any kind which may: a) in any way impair the visibility of persons using the private streets or b) emit foul or unhealthful odors; or are unsightly in the opinion of the ACC and/or Board of Directors or; c) serve as a place for the breeding of flies, mosquitoes, or other insects of a destructive nature; or d) serve as the haven or refuse of mice (other than species declared endangered under state or federal law), rats, snakes, or other animals and reptiles of a destructive nature and generally odious to humans; or which may constitute a fire hazard; e) which may constitute an impediment on or over-hanging the sidewalks along the private streets; f) be generally disagreeable, obnoxious, or constitute a nuisance to the residents in the immediate vicinity of any lot, parcel or area of land from which such weeds, untrimmed grass, litter, trash, deleterious or unhealthful growths, other noxious matter or other debris of any kind may exist, or g) may constitute a public nuisance or health hazard.

2.) Natural State Lots. It shall be unlawful for any owner of any natural state lot, parcel or area of land on Ono Island, or the agent of such owner, to permit on such lot, parcel or area of land, or upon any sidewalk abutting the same, any weeds, untrimmed grass, litter, trash, deleterious or unhealthful growths, other noxious matter, or other debris of any kind; a) which may in any way impair the visibility of persons using the private streets and may contribute to the danger of such users thereof; or b) which may constitute a fire hazard; or c) which may constitute an impediment on or overhanging the sidewalks along any of the private streets; or d) which may constitute a nuisance or health hazard.

3.) Swimming Pools and Spas that become a health concern or nuisance from lack of maintenance which may become unsightly or a breeding ground for rodents, pests, etc. or unsightly and are not in harmony with the intended design of the Ono Island community are prohibited.

4.) An “exempted natural state lot, parcel, or area of land on Ono Island” shall mean any lot, parcel, or area of land which has never been improved in anyway:

- a) Exists in a natural, unimproved condition;
- b) Presents no hazard, danger, or deleterious condition of a kind and degree not normally present on land of the same type in a natural, unimproved condition.

5.) Action to abate. Nothing contained herein is intended to limit or disparage the right of private parties otherwise available under law to pursue an action to abate a private nuisance existing or alleged to exist on or in connection with any lot, parcel, or area of land on Ono Island.

6.) Canal Banks present an exception to the above described weed control. Natural or planted cord grass, sea oats, and other wild grasses growing at or near the water's edge on canal banks are never to be cut or trimmed. No grass cutting or trimming is allowed within 2 feet horizontally or vertically of the shoreline. Wild grasses and marsh grass should populate most of the lower portion of all Ono canal banks, and cord grass that has been disturbed or destroyed during boathouse and pier construction must be restored at the conclusion of construction.

7) Wetland and SAV Protection Perimeter lots – Landscaping and clearing are not permitted without a Corp Permit in these areas.

**Section 7.4 Inspection.** The Architectural Control Committee or any agent or subordinate official designated to act in its behalf, is empowered to enter and inspect each lot, parcel or area of land to determine if same is being kept in a clean and neat condition free from weeds, untrimmed grass, litter, trash, deleterious or unhealthful growths, other noxious matter, or other debris of any kind.

**Section 7.5 Notice to abate.** Whenever it shall appear to the Architectural Control Committee that the terms and conditions herein are being violated, it shall, in writing, notify the owner of any such lot, parcel or area of land on Ono Island, or the agent of such owner, to cut, destroy, or remove any such weeds, untrimmed grass, litter, trash, deleterious or unhealthful growths, other noxious matter, or other debris of any kind, found growing, lying or located on such owner's lot, parcel or area of land, or upon the sidewalk abutting same. Such notice will be served by registered or certified mail (or via email to registered email address) allowing the owner, or it's agent, no more than thirty (30) days to comply.

**Section 7.6 Structures unsafe due to lack of maintenance.** Any portion of a structure that becomes physically unsafe or unlawful due to lack of repairs and/or maintenance, and which is declared unsafe by the Ono Island Site Inspector or ACC Representative or unlawful by a duly authorized county official, but which the owner wishes to repair, restore or rebuild, must be repaired, restored or rebuilt in conformance with the provisions of the current Rules and Regulations, in effect at the time of such repair, restoration or rebuild. Notice shall be sent to the property owner providing a timeline for expected repairs or demo to make the property safe. (See also Article 10.3.5)

#### **Section 7.7 Failure to comply**

- a) If a property owner, or it's agent fails to timely comply after receipt of registered or certified notice, or read receipt email within the time allowed, a final notice will be sent whereby the Architectural Control Committee or it's designated official levying a fine according to the fine schedule in Section 18.3.8.
- b) After such time, as allowed above the Architectural Control Committee or its designated official shall enter upon the property and have such lot brought into compliance, with all associated cost the responsibility of the lot owner. For all non-payments, a lien will be placed on the property in accordance to the terms and conditions set forth in the General Covenants of the Property Owners Association.

## **Article 8    Accessory Uses and Structures; Accessory Dwellings**

Section 8.1 *Generally*. Any use may be established as an accessory use provided that such accessory uses:

- a) Comply with the general covenants of the particular Unit in which the lot is located;
- b) Are not hazardous to and do not impair the use or enjoyment of nearby property to a greater degree than the principal use with which it is associated;
- c) Does not create levels of noise, odors, vibration lighting, or traffic congestion, dust pollutants, or other undesirable attributes to a greater degree than customarily created by the principle use;
- d) Is not located in a required yard.

Section 8.2 *Units*. In any unit an accessory use or structure shall:

- a) Comply with the rules as established in the general and other applicable covenants of the particular Unit;
- b) Not be allowed beyond any required front, side or rear lot building setback lines, and must be in accordance with the covenants of the specific unit in which the structure will be built.
- c) Not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- d) Not exceed the height limit for Ono Island and may not occupy more than 30 % of the rear yard.
- e) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.
- f) No detached accessory structure shall be located between the residence and the street side setback. Excluding garage if allowed by unit covenants and permitting.
- g) All accessory structures must be harmonious with the primary structure and their roofs must match the primary structure in both color and material.

Section 8.3 *Accessory Dwellings*. Accessory dwellings are permitted by right provided they; a) are contained entirely within the structure of a single family dwelling and b) do not exceed sixty percent (60%) of the size, in square feet, of the principal single family dwelling. An affidavit shall be required from the Property Owner stating that the accessory dwelling shall not be for rental or leasing purposes and shall be for family members or their guests use only. In addition, the owner must certify that the required Land Use Certificate and Building Permit has been obtained from Baldwin County verifying that the structure will be in full compliance with all land use and building code requirements.

## **Article 9    Landscaping**

Section 9.1 *Generally*. The following guidelines for permitting landscaping projects are intended: to preserve the unique natural beauty of Ono Island and guarantee the future protection of existing



dunes and grasslands; to maintain the Island's environmental integrity, and esthetic harmony with the natural terrain; and to protect and promote the value of the properties of Ono Island.

**Section 9.2 *Plans and Permits.*** A landscaping plan on a topographical survey is required for all new construction. Such plan must be submitted in conjunction with an application for an Architectural Control Committee permit. The plan shall clearly indicate the following and shall be prepared by a professional licensed landscape architect or contractor and must show:

- a) Existing trees, shrubbery, and other vegetation that will be retained, and that which will be removed, as well as the trees, shrubbery, and other vegetation that will be added to complete the landscaping of the property.
- b) Irrigation Plan.

In addition, to the above requires for new construction a landscaping permit shall be required for:

- a) Any project requiring excavation of fill by mechanical means (i.e. not done by hand).
- b) Any project outside of the building setback lines as established by a covenant or recorded plat.
- c) Any project for which a commercial landscaper is retained as a consultant, contractor, sub-contractor or in any other capacity.

### **Section 9.3 *Coverage and Permitting***

**9.3.1 *Landscape Limits In Required Setback*** - Coverage is limited to fifty percent (50%) of the area outside of the building setback lines.

**9.3.2 *Must Permit Irrigation and Water Wells*** - Permitting is required for irrigation systems and irrigation wells.

**9.3.3** Outside of the building setback lines, fill or excavation may not be greater than six (6) inches without a variance and the plan must be designed by an Alabama Registered Engineer and Landscape Architect.

**9.3.4 *Crest of Dune*** - Those units whose front building setback is defined as the "crest of the dune" (Units 1, 3, 4, 20, 22, 23 and 26) may not change or alter in any manner the face of the primary dune.

**9.3.5 *Landscaping in Right-of-Way at Owners Own Risk*** - Landscaping in the road right-of-way is at the owner's own risk and will be considered for permitting. However, no permanent structures such as fences, curbs, and concealment of utility boxes and fire hydrants are allowed. Owners must recognize the rights of utility companies to maintain their installations in the right-of-way without obligation to restore landscaping. Right-of-way is POA Owned Property.

**9.3.6** All Changes to a permitted project including but not limited to, size, shape, height, appearance, footprint, positioning on the property etc., must be approved by the Architectural Control Committee. A "stop work order" will be issued for violations and fines levied for the dollar amount necessary to correct the unauthorized work plus damages.

**9.3.7** Major Landscaping constitutes anything that requires more than two loads of landscaping materials. Minor Landscaping is typically brought in as one load.

9.3.8 Removal of sand from the Island is prohibited.

9.3.9 Fire Hydrants. Nothing shall be within 3 feet of, or obstruct fire hydrants.

## **Article 10 Nonconformities**

Section 10.1 Generally On the Island, there exists uses, structures and combinations of such which were established or built prior to the adoption of these rules and regulations, and amendments thereto but which would be prohibited, regulated or restricted under the terms of the rules and regulations or amendments thereto. It is the intent of this Article to permit them to continue with restrictions until they are removed or destroyed, but not to encourage their survival. It is further the intent of these rules and regulations that such nonconformities shall not be enlarged, expanded or intensified, nor shall they be used as grounds for adding other structures. Changes in nonconformities other than their discontinuance shall be discouraged.

### **Section 10.2 Rules Applicable to Nonconformities**

*10.2.1 Incompatibility and enlargement.* Nonconforming uses are declared by these rules and regulations to be incompatible with permitted uses within the Unit involved. A nonconforming use of a structure or a nonconforming use of a structure and land or water in combination, shall not be extended, enlarged or intensified except in conformance with the rules and regulations of a particular unit or by the Architectural Control Committee. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendments of the rules and regulations of the Architectural Control Committee. Replacement of nonconforming structures shall be prohibited.

*10.2.2 Work in progress.* To avoid undue hardship, nothing in these rules and regulations shall require a change in plans or construction on which a building permit has been properly issued prior to the adoption of the rules and regulations and amendments thereto. If actual construction has not begun under a permit properly issued before the adoption of these rules and regulations or amendments thereto, within six (6) months of the date of issuance of the permit, said permit shall become invalid and shall not be renewed except in conformity with the rules and regulations.

*10.2.3 Nonconforming use of buildings.* Except as otherwise provided herein, the lawful use of a building existing at the effective date of these rules and regulations or amendments thereto may be continued although such use does not conform to the provisions contained herein.

### **Section 10.3 Destruction, repair or alteration of nonconforming building use or structure.**

*10.3.1 Cost of Repair/Replacement/Alteration Equal to or Greater than 50% of Value.* No nonconforming building or structure which for any reason is to be repaired, replaced or altered such that the cost of repair/replacement/alteration is equal to or greater than 50% of the fair market value of the building or structure immediately prior to the event giving cause for the, repair, replacement or alteration, shall be repaired, replaced or altered in conformance with these ACC rules and regulations, and the respective covenant for the Unit, in effect as of the time of the permit for repair/replace/alteration. In the event of any conflict between these Rules and Regulations and the covenants for the Unit, the more

restrictive rule or regulation shall apply. Moreover, any and all rights as a nonconforming use or structure shall be deemed terminated immediately after the occurrence of the event giving rise to said repair, replacement or alteration. However, if the building or structure has been declared unsafe per Section 7.6, the provisions of 7.6 shall control.

10.3.2 Cost of Repair/Replacement/Alteration – Less than 50% of the fair market value. If a nonconforming building or structure is to be repaired, replaced or altered such that the cost of repair/replacement/alteration is less than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage to the structure then the structure may be eligible for repair if such damage is being proposed for repair to the size and use as before the time of replaced, altered provided that such repair of is complete within one (1) calendar year or 365 consecutive days of the date of the event giving rise to such repair, replacement or alteration. New structures may not be built out of compliance with the current regulations unless a variance is granted by the ACC. However, if the building or structure has been declared unsafe per Section 7.6, the provisions of 7.6 shall control.

10.3.3 Determining the Extent of Damage. Upon determination by the Architectural Control Committee or its Administrator that a building or structure may potentially be damaged, to such extent that it may be subject to the provision of whether or not Article

10.3.1 is applicable; However, if the building or structure has been declared unsafe per Section 7.6, the provisions of 7.6 shall control.

- a) The said fair market value shall be determined using the Baldwin County Revenue Commission Tax Appraisal for the structure in question for the year prior to the event giving rise to the said repair, replacement or alteration (PLUS 20%). If such records are not available, similar documentation may be considered, and/or an appraisal may be conducted to assist in determining the said fair market value.
- b) A disinterested licensed contractor shall perform a cost estimate to repair the structure to the condition it was in immediately prior to the event giving rise to said repair, replacement or alteration, not including alterations that would bring the structure into compliance with the Rules and Regulations as of the time of the repairs are made. The contractor shall supply an official quote for said repairs to the structure and submit an official copy of the quote in addition to an affidavit stating that the repairs to this structure will not exceed the quote as submitted to the Administrator.
- c) The Administrator shall prepare a report, including the appraisal (or similar documentation as referenced above) and the cost estimate and shall submit to the Architectural Control Committee for a final determination.
- d) The Architectural Control Committee shall make a determination or may request additional information if any is deemed necessary to make a final determination.
- e) Nothing herein shall be construed to excuse any owner, occupant or contractor from compliance with building codes, zoning ordinances or any other health or safety requirements imposed by local, state or federal laws, or ordinances, rules and regulations in effect at the time of the repair or rebuilding.
- f) The owner/applicant shall be responsible for all costs associated with a determination.

- g) If repairs are deemed approved to the noncompliant structure and the ACC Rules in effect at the time the structure was built were followed, the property owner and contractor must sign the noncompliant form showing the cost of repairs and what the cost would have been had the current Rules and Regulations been followed and include percentage of repairs being approved.
- h) Repairs are cumulative and once the total repair costs are equal to or greater than 50% of the fair market value of the building or structure as of the time repairs are to be undertaken, the building/structure must be brought into compliance with the current Architectural Control Committee Rules and Regulations.
- i) The following items do not require noncompliant procedures; although they do require ACC permitting and before/after site inspections:
  - \*Wrapping of Pilings
  - \*Under Roof Lift Replacement
  - \*Under Roof Replacement of 15 or fewer pieces of lumber
  - \*THESE ITEMS REQUIRE A BEFORE AND AFTER SITE INSPECTION IN ORDER TO QUALIFY FOR THE EXCEPTION
  - \*THESE ITEMS STILL REQUIRE AN ACC PERMIT

*10.3.4 Repairs and maintenance and nonconforming structures.* On any nonconforming structure or portion of a nonconforming structure, work may be done on ordinary repairs, only to replace or repair, provided that the cubic content of the structure shall not be increased. Ordinary repairs may include painting, roofing, siding, replacement of landscape elements and other like activities. These items nevertheless require an ACC Permit.

*10.3.5 Nonconforming structures unsafe due to lack of maintenance.* Any portion of a nonconforming structure that becomes physically unsafe or unlawful due to lack of repairs and/or maintenance, and which is declared unsafe by the Ono Island Site Inspector or ACC Representative or unlawful by a duly authorized county official, but which the owner wishes to repair, restore or rebuild, must be repaired, restored or rebuilt in conformance with the provisions of the current rules and regulations, in effect at the time of such repair, restoration or rebuild, unless the unsafe area may be made safe by repair or rebuilding in conformity with the Rules and Regulations. (See also section 7.6)

#### Section 10.4 Nonconforming accessory uses and structures.

*10.4.1* No nonconforming accessory use or structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure is made to conform to the current Ono Island ACC Rules and Regulations.

*10.4.2* Any nonconforming accessory use or accessory structure shall be brought into conformity with these Rules and Regulations whenever a substantial improvement to, addition to or change in principal use or structure on the property is approved.

*10.4.3* Any part of a nonconforming accessory use or accessory structure which is destroyed or damaged to an extent of more than fifty percent (50%) of the fair market value of the building or structure immediately prior to damage, shall not be restored except



in conformity with these regulations, in effect at the time of said restoration, and all rights as a nonconforming use or structure shall be terminated as of said destruction.

**Section 10.5 Effective Date.** All of the forgoing provisions relating to nonconforming uses and structures shall apply to all nonconforming uses or structures existing or created on the original effective date of these regulations and to all uses and structures which become nonconforming by reason of any amendment thereof. The provisions shall not apply, however, to any use established, or structures erected or expanded, in violation regardless of the time of establishment or erection.

## **Article 11 Contractor/Owner Worker Rules**

**Section 11.1** All Contractor(s) *and their employees shall adhere to the following rules*, the violation of which may result in fines assessed and/or penalties imposed against contractor/worker (and owner authorizing their entry):

11.1.1 Work is allowed between 7 a.m. and 5 p.m., Monday through Saturday only. No contractor work of any kind is allowed on Sunday, legal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) or any other specified day, except for emergencies. Work restrictions for legal holidays will be posted in advance of the holiday in the guard house.

11.1.2 Deliveries of building materials are allowed between 7:00 a.m. and 4:00 p.m., Monday through Saturday only. No deliveries are permitted on Sunday or specified holidays. The delivery of appliances, cabinets, etc. associated with a new residence and/or a remodel will be considered building materials.

11.1.3 Upon deliveries of building material, furnishings or the like, if automobiles are to be moved and parked near the roadway during such time, the Contractor shall notify the Ono House POA Office & Security prior to the event so that Security Personnel may be present and/or avoid citations being issued during such time. A flagger is required to be present at all times during this process. Parking Plan is to be followed at all times even during deliveries.

11.1.4 A neat construction site must be maintained throughout the construction process. Loose trash and debris must be contained on the construction site by silt fencing on a minimum of three (3) sides of the property. The site must be cleaned up on a daily basis prior to leaving the site.

11.1.5 Burning of trash and debris is prohibited. Dumping on the property; or in dumpsters belonging to others is prohibited.

11.1.6 Building material and/or equipment shall not be stored on a lot that is not the subject of an ACC permit. Use of others property is only permitted with written permission on file at the Ono House.

11.1.7 Contractor/worker vehicles, trailers, and equipment of any kind may not be left on the road right-of-way after 6:00 p.m.

11.1.8 All heavy equipment operating within 20 feet of the road edge must be flagged. Heavy equipment may not be left parked within 20 feet from the road edge (pavement).

11.1.9 Building materials and supplies of any kind (including landscaping materials) shall not be placed on the road right-of-way, sidewalk, roadway or other common property, such as the boat launch area, at any time or under any circumstance.

11.1.10 All contractors and workers shall adhere to the posted speed limits and traffic regulations of Ono Island and the State of Alabama.

11.1.11 Parking must be confined to the property on which the construction/work is being conducted unless written permission has been obtained ahead of time from the POA.

11.1.12 Parking is permitted on an adjacent property only with prior written approval of the owner of such property and a copy must be on file at the Ono House.

11.1.13 Parking is not permitted on or over any portion of the sidewalk. Do not drive across the sidewalk to park. Vehicles must be parked at least two (2) feet from the asphalt road edge. Parking on and driving over sidewalk is prohibited.

11.1.14 Parking of vehicles at work sites for the purpose of advertising is not permitted.

11.1.15 Contractors and/or their employees are not permitted to use any of the common facilities/amenities of Ono Island, i.e. beaches, lakes, canals, dunes, piers, boat launch, etc.

11.1.16 The use of properties neighboring a construction/work site is not allowed without written permission of the owners of those properties. This is considered trespassing on private property.

11.1.17 Workmen's radios must not be played so loudly as to create a nuisance to neighbors.

11.1.18 Workers shall not engage in conversation that contains profanity and/or is loud enough to disturb neighbors, nor are there to be any other unnecessary disturbing noises on the job site.

11.1.19 Family members and friends of contractors and/or workers are not allowed to visit the construction/work site.

11.1.20 Contractors/workers are not permitted to bring children or pets onto the Island.

11.1.21 Contractors/workers are not permitted to bring firearms onto the Island.

11.1.22 Contractors/workers may not remain at a construction site overnight.

11.1.23 Contractors/workers may not consume alcoholic beverages or use illegal drugs of any type while on the Island.

11.1.24 The Boat ramp is not for Contractor/Worker Use. Contractors/workers may not use the boat ramp for any purpose including landing or launching boats, storage of material, tying up of barges or boats. Builders of waterfront structures are not permitted to store material, tie-up barges and boats, launch or leave construction scraps/debris or vehicles or trailers in the area of the boat launching ramp. Homeowners who are also contractors are not authorized to use the boat ramp for business purposes or for any business-related vessels and/or equipment launch.

11.1.25 Construction scraps and debris must be retrieved from the water.

11.1.26 No riding vibrating compactors are to be used for homeowner driveways. Smaller non-riding compactors are authorized with permit.

11.1.27 Sand is not to be hauled off the Island under any circumstance. If sand needs to be removed from a lot then a permit is to be obtained with the details of where it will be placed on another lot on Ono Island. Lot clearing debris and sand are to be separated prior to loading debris for removal from the island.

11.1.28 No work may commence until an ACC Approved permit has been issued. This includes payment of any road and bridge impact fees, As-Built Deposits, etc. A Building Permit sign will be provided by the Ono House and shall be placed in the yard prior to starting work. (ACC Permit does not pertain to emergency repairs, electrical, plumbing and HVAC; however owner and contractor are responsible for checking with Baldwin County to see if County permits are required).

11.1.29 In the event an ACC Permit is required; delivery of construction material is considered part of the construction project. For these projects construction equipment and/or construction material deliveries shall not be authorized entrance at the Security Gate until there is an Approved ACC Permit on file. You are welcome and encouraged to contact Ono House should you have any questions prior to scheduling delivery of materials and/or construction equipment.

11.1.30 The owner for whom the contractor/worker is working shall be responsible for insuring that all contractors and workers receive a copy of these Rules and Regulations.

11.1.31 All work over water requires the contractor performing the work to come to the Ono House and get a Work Authorized Permit that is site specific prior to starting work over water or scheduling pre-site inspection.

## **Article 12 Sign Regulations**

Section 12.1 Any sign located on a platted lot may be no more than four (4) square feet and no higher than six (6) feet in total height above the ground.

Section 12.2 *Uniform Real Sign Policy* - Only one FOR SALE or FOR RENT or contractor FOR DEVELOPMENT or WILL BUILD sign may be placed on the property at any time, unless said property is waterfront in which case one (1) additional sign may be placed on the waterfront. Therefore, if a house is being advertised both FOR SALE and FOR RENT, a combination sign must be used to advertise. All real estate agents/companies shall be responsible for purchasing their own signs according to the specifications provided below. The specifications provided herein for Uniform signs shall apply to "For Rent", "For Development" and "Will Build" signs. SIZE: 12"X18" COLOR: *Top Portion* Royal Blue Background with Royal Blue background (example available at Ono House); white lettering, Ono Logo (logo to be "white" with no border) *Bottom Portion* White background with Royal Blue outline. Company name and telephone number to be in Royal Blue and in the same font. OTHER: Signs are to be printed on one (1) side only on 3 mil PVC board; NO RIDER of any sort. To be hung/mounted on two leg Black Powder Coated Angle Iron frame.

Section 12.3 Only the primary general contractor may place a sign on the construction site during the construction of the home. An architect and general contractor may place a combined sign on the property if it does not exceed four (4) square feet during the active construction. It is

permissible for SOLD, OFFER PENDING, OPEN HOUSE or WILL BUILD small signs to be attached to the primary FOR SALE sign if the total sign area does not exceed four (4) square feet.

Section 12.4 Contractor and contractor/architect signs must be removed from the construction site within thirty (30) days after receipt of the Certificate of Occupancy.

Section 12.5 No commercial sign may be lighted in any manner.

Section 12.6 The FOR SALE/SOLD sign must be removed within two (2) days after the closing occurs.

Section 12.7 No signs are permitted on the road right-of-way.

Section 12.8 All signs must be placed parallel to the roadway.

Section 12.9 No subcontractor or architect signs of any nature may be placed on the property.

Section 12.10 Signs announcing OPEN HOUSE are allowed the day before and the day of the Open House. Directional signs leading to an Open House are allowed one hour prior to the event and must be removed within one hour after the Open House. Banners are not permitted.

Section 12.11 No sign, neither Realtor nor contractor may be placed on any property without specific permission from the owner.

Section 12.12 Property owner personal signs that note a residence name shall not be subject to the aforementioned regulations. This does not, however, preclude Board action if said sign is, in the Board's sole opinion, intrusive or in poor taste and detracts from the unique character of Ono Island. The personal sign must be within the property boundaries.

Section 12.13 Security alarm signs can be placed in the front yard and/or rear yard and it must be integrated into the landscaping. The size of the sign cannot exceed one (1) square foot and will be limited to one sign at the front or rear. Those homes situated on a waterfront may have two security alarm signs but will be limited to one sign at the front and/or one sign at the rear of the residence for a maximum of two security signs per waterfront home.

Section 12.14.A Political signs, a maximum of one per race, may be placed on private property 30 days prior to the election and must be removed within 3 days after the election. Signs cannot be larger than 18" x 24".

Section 12.14.B Political Flags can be considered "Yard Art" just like an SEC Flag with the following conditions ONLY: a) Flag cannot indicate an election date/year; b) Flag cannot indicate a political office; c) Flag shall not exceed 4'x6' in size; d) Maximum of ONE shall be authorized and visible from the street side of the property; e) Maximum of ONE shall be visible on the water side of the property. Clarification: Flags that include election date, year, political office are considered political signage and must meet the requirements of such.

Section 12.15 No other signs of any type shall be erected or maintained on Ono Island or on any Lot, at any time by anyone, except as noted herein or which has been specifically approved in writing by the Board of Directors.

Section 12.16 Penalties for violation of the above policies: Designated representative(s) of the Board of Directors will remove and dispose of any and all signs.

## **Article 13 Piers and Boathouses**



### Section 13.1 General requirements

- a) *State and Federal regulations.* All regulations and specifications of the Army Corps of Engineers, ADEM, EPA, and Alabama State Docks relating to the construction of docks, piers, boat slips, decks, boathouses and related structures shall be followed in all regards. Must obtain pre-approval from Ono Island ACC for the project PRIOR to submitting application to State and Federal agencies.
- b) *Setbacks.* Piers and related structures including mooring pilings shall be setback a minimum of 10-feet from the lateral riparian rights line, unless otherwise noted specifically in the covenants for the particular unit in which a permit is being applied for. Units 5, 9, 12, 13, 20 & OE have twenty (20') foot side setbacks over water.
- c) *Height and width.* A pier or walkway extending from the waterside setback to connect the boathouse shall not exceed 5-feet in width for Old River, Bayou St. John and 4-feet for all canal lots, unless herein specified otherwise. In crossing marsh fringe grasses the pier or walkway must be at least 5-feet above the marsh surface, unless herein specified otherwise.
- d) *Length.* The overall length of a pier and boathouse extending from the waterside setback to and including the boathouse is limited to 150 feet on Old River and Bayou St. John. If a greater length is required because of special circumstances for Bayou St. John the Architectural Control Committee will give careful consideration for permitting.
- e) *Navigable Channel.* All piers and boathouses shall be constructed so as not to obstruct the navigable channel. For Ono canals, such channel is required to be a minimum of 30 feet wide.
- f) *No Dumping of Carcasses.* Fish carcasses are not permitted to be dumped in or around Old River, Bayou St. John or any Ono Island Canal.

### Section 13.2 Bayou St. John and Old River

- 1. *Number of piers.* A maximum of one pier shall be permitted per lot.
- 2. *Number of boat slips.* A maximum of 3 boat slips shall be permitted per lot.
- 3. *Number of boathouses and pier decks.* A maximum of one boathouse and one pier deck shall be permitted per lot.
- 4. *Boathouse decking area.* Boathouse and decking jointly and in total shall be a maximum of 40 feet in length and 40 feet in width measured from decking to decking, outside of piling to outside of piling, or from roof overhang to roof overhang (including roof material), whichever is greater. Boathouse and decking may or may not be covered with a roof and measured according to the length and width requirements as previously stated. The maximum area enclosed with solid walls shall not exceed 10 percent of the total boathouse square footage under roof.
- 5. Pier, decking and boathouses may not be screened.

6. A flat roof with a safety rail on all sides may be utilized as a sundeck, but restricted to 20 feet in height from the top of the rail to the mean high water line. No roof is permitted above the sundeck.
7. Roofs are to be of the same material and color as that of the residence with a suggested slope of 4 in 12. In cases where the pier and boathouse structure is constructed prior to the residence, at the time the residence is built the roof of the residence must be of the same material and color as the boathouse. The maximum boathouse roof height is 20 feet above mean high water. The height limits for boathouses do not include cupolas that may be up to three feet higher than the main roof peak. The cupola roof is to be of the same pitch as the boathouse roof.
8. Separate mooring pilings are permitted provided they do not encroach within the required extended property lines and extended setback lines per unit covenants.
9. The overall length of a pier and boathouse is limited to 150 feet. If a greater length is required because of special circumstances, the Architectural Control Committee will give the request careful consideration for permitting.
10. The maximum allowable width of a pier and walkway beyond the waterside setback is five (5) feet. If you wish to have trim boards, they are to be included within the maximum five (5) feet measurement.
11. A dredge distribution (sand) plan must be provided.
12. Floating piers/docks are prohibited.
13. A drop-down side measured from finished eave is permitted so long as it does not exceed 24 inches (overhang is included in the total footprint measurement of the boathouse). Enclosed soffits are permitted.

### **Section 13.3 Canal lots**

1. *Location.* All boat slips must be parallel to the shoreline.
2. *Maximum size.* The maximum length of a canal lot pier and related structures shall be determined by multiplying the width of the lot measured at the water side (front) property edge along the shoreline (as determined by survey) by 0.375. The width of a canal lot pier and related structures shall not exceed 14-feet measured from decking to decking, outside of piling to outside of piling, or from roof overhang to roof overhang (including roof material), whichever is greater. All length and width dimensions include any and all mooring pilings. Decks may be covered with a roof having a maximum dimension equal to the length and width requirements of the structure as indicated above. Maximum roof height shall be 16 ½ feet above mean high tide. The height limits for boathouses do not include cupolas that may be up to three feet higher than the main roof peak. The cupola roof is to be of the same pitch, color and material as the boathouse roof.
3. *Enclosed areas.* There shall be no enclosed area on piers and related structures except dock boxes which shall not exceed three (3) feet in height.
4. No shoreline indentations are permitted on 60 feet wide platted canals.

5. Shoreline indentions *are required* on 40 feet wide platted canals. The maximum depth of the indentation (into the shoreline) is 10 feet. The mouth of the indented boat slip shall be located 15 feet from the property lines as extended into the canal.
6. Piers and boathouses must be located at least 12 inches from the underwater grass fringe along the canal.
7. Maximum intrusion of the outside piling face of the pier, boathouse, roof overhang, or mooring pilings into the canal shall be 15 feet or greater from the canal centerline.
8. The maximum allowable width of a pier and walkway beyond the waterside setback is four (4) feet on Ono Island Canals.
9. Roofs are to be of the same material and color as that of the residence with a suggested slope of 4 in 12. In cases where the pier and boathouse structure is constructed prior to the residence, at the time the residence is built the roof of the residence must be of same material and color as the boathouse.
10. A flat roof with a safety rail on all sides may be utilized as a sundeck, but restricted to no more than 16 1/2 feet in height from the top of the rail to the mean high water line. No roof is permitted above the sundeck.
11. A drop-down side measured from finished eave is permitted so long as it does not exceed 24 inches (overhang is included in the total footprint measurement of the boathouse). Enclosed soffits are permitted.
12. Vertical storage closets are not permitted. Overhead storage and dock boxes are allowed.
13. Fish cleaning facilities are prohibited.
14. Floating piers, docks, or slips are prohibited.
15. On *40 feet wide canals*, the marsh grass fringe (underwater grass) must be reconstructed in accordance with the Ono Island ACC and Corps of Engineers current regulations. To guarantee that this is accomplished; a promissory note or grass bond in the amount of \$2000.00 must be paid to the POA at the time the permit is issued by the Architectural Control Committee. The note/bond will be kept in the property account until the Corps of Engineers inspects and approves the reconstruction. If the reconstruction is not completed and approved by the Corps within 24 months, the note/bond will be exercised by the POA to accomplish the reconstruction.
16. All shorelines of the manmade Ono Island Canal Systems are considered living shorelines. The "mounds" also known as "islands" within the Ono Island Canal Systems are to be protected as they were put there to increase the amount of living shoreline in the canal system. There is to be no docking, mooring vessels to, walking, playing, parking, or construction of any kind on these mounds or islands within the Ono Island Canal System.
17. Ono Island Canal Waterways shall be left clear for navigation. No vessel shall be moored in such a way that could impede canal traffic and/or cause a safety issue. There is to be a 30-foot-wide unobstructed channel of navigability at all times.
18. Ono canal banks. Natural or planted cord grass, sea oats, and other wild grasses growing at or near the water's edge on canal banks are never to be cut or trimmed. No grass cutting or trimming is allowed within 2 feet horizontally or vertically from the

shoreline. Wild grasses and marsh grass should populate most of the lower portion of all Ono canal banks, and cord grass that has been disturbed or destroyed during boathouse and pier construction must be restored at the conclusion of construction.

19. Shoreline Indentations. If the property is not being fully landscaped to prevent erosion into the canal a plan must be submitted and approved by the COA (Canal Owners Association) and ACC along with the request for the boathouse construction along the 40' platted canal.

#### **Section 13.4 Pier and Boathouse Compliance Inspections**

The following is a list of inspections that shall be required for piers and boathouses located on Bayou St. John, Old River and all canal lots. These Inspections shall be performed by the Island's Site Inspector or ACC Authorized Agent in addition to random site inspections performed during construction to ensure the structure is built in accordance with the Ono Island Rules and Regulations. The owner and contractor are responsible for construction in accordance with the approved site plan, requesting inspections and meeting any conditions or provisions of the permit approval.

Required Inspections:

- Pre-Site Inspection (Before work begins the contractor and owner should schedule a time to meet with the Site Inspector.
- Piling Placement Verification (The piling placement is to be verified by the surveyor prior to proceeding to be sure the pilings are placed in accordance with the approved site plan). Verification from the surveyor should be sent to the Site Inspector prior to proceeding. A bond maybe considered in the place of this step if the performance bond is submitted for the cost of construction prior to pre-site inspection.
- Banding/Roof Inspection – Roof must match residence roof in color and material.
- Final Inspection – (See 13.4.1 & 13.4.2)

##### **13.4.1 Inspections – General**

A final inspection is required per Section 13.4.2 for piers and boathouses and all construction over water. Random site inspection may also be performed during construction to ensure the structure is built in accordance with these Rules and Regulations and the permit issued. The owner and contractor are responsible for construction in accordance with the approved site plan and all conditions of the approved permit. These inspections will be performed by the Island Site Inspector, the ACC or representatives.

##### **13.4.2 Inspections - Final**

A final inspection must be requested in writing by the owner/contractor upon completion of the project directed to the Site Inspector (As-Built Survey is required to be submitted within 60 days of completion for New Construction & Additions). The final inspection will include but is not limited to:

- Check side yard setbacks for compliance with ACC approved plan.
- Check boathouse footprint for compliance with ACC approved plan.
- Check pier width for compliance with ACC approved plan.
- Check roof height for compliance with ACC approved plan.
- Composition of Roof material and color to be sure it matches the residence.
- Any other inspection necessary to check for compliance with all Ono Island ACC Rules and Regulations or conditions of the approved Permit.

## **Article 14 Administration**

### **Section 14.1 Administration, Interpretation and Enforcement**

14.1.1 The duty of administering, interpreting and enforcing the provisions of these rules and regulations is hereby conferred upon the Administrator.

14.1.2 In administering, interpreting and enforcing these rules and regulations the Administrator is authorized and empowered to receive applications, inspect sites, issue permits and take appropriate action.

14.1.3 The Administrator shall keep records of all permits and certificates, and any other documents with notations of all special conditions involved. He/she shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his/her office and shall be made available upon request to the current property owner.

## Section 14.2 Permits

14.2.1 *Authorization.* A permit must be obtained from the Architectural Control Committee or designee prior to the commencement of the following work: i.e. new construction, additions, exterior remodeling, repairs to existing structures (such as exterior painting, roofing, siding, repairs, etc.), storm shutters, fences, driveways, swimming pools, piers, boathouses, topography changes, landscaping; noncompliant structure repair (see Article 10); and any other work as to which the ACC working with the Administrator deems a permit necessary.

14.2.2 **Minor Interior Work** does not require a permit if a dumpster is not required however the Administrator, Security Gate and Ono House must be notified in advance by the property owner that interior work is planned and that the contractor will have need to enter the Island. The Interior work intended to be excluded from the requirement of a permit includes, but is not limited to items such as: Flooring (carpet, tile, laminate, etc.), Painting, Wallpaper, Bathroom Fixtures, Cabinets, Appliances, Kitchen Fixtures, Attic Insulation and Furniture delivery. \*For any project not mentioned please contact Ono House in advance to see if it will require permitting or simply fill out an application and submit it to Ono House. **ALL NONCOMPLIANT STRUCTURE REPAIRS REQUIRE A PERMIT APPLICATION.**

### 14.2.3 *Permit Application procedure.*

- a) The Administrator shall receive the application for a permit; upon determining that it complies with all applicable submission requirements.
- b) Completed applications, with all submission requirements must be submitted by 4:00 p.m. Five business days before the regularly scheduled meeting of the Architectural Control Committee in order to be placed on its next agenda.
- c) It shall be the responsibility for the contractor and owner of property to obtain necessary approvals from: Baldwin County Planning & Zoning, Baldwin County Building Inspection Department, Army Corps of Engineers, AL State Land Division, Ono North POA, Ono Harbour POA, Canal Owner's Association, Ono Mar POA or any other required authority and such approvals as are required must be submitted as part of the required application materials in order to be complete, as stated above.
- d) No changes to the application shall be accepted during the ACC Meeting (or after the meeting submission deadline). If changes to a site plan are necessary after



the deadline submission date, the application shall be withdrawn from the current agenda and moved to the next available ACC meeting agenda.

- e) Permit Application must be specific to the request and must match the proposed site plan submitted for review. If there is a discrepancy between the application and the site plan; the application request is what will be considered for review regardless of any additional notations on the proposed site plan.

#### 14.2.4 Permit Application submittal

- a) *Application form.* The permit shall be on a form provided by the Architectural Control Committee. (Available at Ono House or [www.onoislandpoa.com](http://www.onoislandpoa.com))
- b) *Parking and Dumpster plan.* Each application shall be accompanied by a parking plan showing the areas being requested for the contractor and his/her employees and subs to park during construction. The plan shall include a site plan and will be approved by the ACC on a case by case basis. The dumpster location shall also be shown on the parking plan (including how far it will be from the street). If plans are to park on adjacent properties, a written approval must be received from the owner of said properties by the Ono House POA Office prior to commencement of construction.
- c) *Plans and specifications.* Each application for a permit shall be accompanied by a survey performed by an Alabama Registered Surveyor drawn to scale showing: the actual shape, dimensions and size of the lot; the size, shape, height, floor area and location of any proposed buildings to be erected; dimensions and locations of existing buildings; width of front, side and rear yards; existing and proposed parking; ingress to and egress from the site; all four required setback lines, corner of structures on adjacent lots, trees over six (6) inches in diameter measured three (3) feet above the ground; walkways, distance to each property line (including center line of canal) from the proposed structure(s); and any such other information as may be reasonably required to determine compliance with these rules and regulations including but not limited to a landscaping plan, erosion control plan, and storm water management plan (aka Water Distribution Survey).
- d) *Topographic Survey.* A topographic survey with a water distribution plan, performed by an Alabama Registered Engineer who practices in hydrology, shall be submitted in the case where more than six (6) inches of earth is moved, fill is brought in, excess earth is removed, or dredged earth is placed on the property. Notwithstanding the above, a topographic survey shall be submitted for all new construction.
- e) *Construction Plans.* A complete sets of building plans (stamped digital set preferred) showing name of the Designer, with Designer's signature and date shall be required to be submitted for all new construction. Must include approved stamped Construction plans from the Baldwin County Planning and Zoning Department, as well as the Baldwin County Building Department. Plans submitted on graph paper shall be to a scale of ¼ inch = 1 foot.
- f) Regarding all roofing permit applications, a 12"x12" (or one tile square) sample must be submitted to the Ono House for color and material approval. \*All roofs on or extending from the property are required to match in both color and material upon roofing project completion; roofing project must be completed within six (6) months from the time the permit is approved. If all roofs on the property are being

roofed at the same time the approval process can be completed much quicker however if there are structures the owner is trying to match in color and material to re-roof only one structure on the property the inspection and approval process will take longer so please plan accordingly. \*Painting a roof surface to match another will not be considered compliant\*

- g) *State and Federal permits.* Signed approvals for all required agencies showing compliance with ordinances of the Corp of Engineers (COE) and Alabama Department of Environmental Management (ADEM) shall be submitted prior to issuance of the Ono Island ACC Permit however Conditional Pre-Approval from the ACC is required prior to applying with other agencies.
- h) *Road and Bridge Impact Fee.* Upon approval of a permit by the ACC the applicant for the permit must pay a road and bridge impact fee according to the current fee schedule as established by the Architectural Control Committee and approved by the Board of Directors. This fee is nonrefundable.
- i) One or more of the above requirement may be waived by the Administrator, after conferring with the ACC, as necessary, in the event that the nature and size of the project is such that one or more of these requirements are not necessary.

*14.2.5 Conditions and restrictions on approval.* A permit shall be valid for 180 days after issuance. If construction is not completed within that time a new permit must be obtained. \*Single Family Residence is the only exception and they have 12 months to complete\* ACC may extend permit for three month increments upon written request, review and approval. Fees are not required to request extension\*

*14.2.6 Revocation of permit.* The Architectural Control Committee and Administrator may revoke a permit issued and have a stopwork order issued in the event that there has been a false statement or misrepresentation in the application or on the site plan for which the permit was issued, or the applicant has failed to comply with the requirements of these rules and regulations after a documented warning has been issued. The ACC shall hold a hearing regarding same and the property owner may present his/her defense. The permit may be revoked notwithstanding the fact that the work for which the permit was issued is well in process. In the event that such a permit is revoked after work has begun, the owner must restore the property to its condition prior to the commencement of work or to a condition acceptable to the ACC. However, if the false statement was innocently made, the ACC may take other appropriate action.

*14.2.7 Right of appeal.* The applicant may appeal the decision of the ACC or the Administrator to the Board of Directors in writing within thirty (30) calendar days after the decision or revocation of a permit or a stop-work order has been placed on site.

*14.2.8 Inspections.* On-site inspections by the Site Inspector and/or Administrator, as provided below, shall be required on all permits for new construction, additions, piers, boathouses, swimming pools, and other projects as deemed necessary by the Architectural Control Committee or Administrator. The inspections may include the following:

- *Pre-Site Inspection.* Before Work Starts this must be scheduled to discuss Parking, Dumpster, Port-a-let and BMP Inspection.
- *Stake-Out Inspection.* Required for new construction, addition, pool, etc.
- *Final Inspection.* - A final inspection must be requested upon completion of the project. As-Built Survey is required to be submitted within 60 days of completion for New Construction and any project that requires an As-Built Deposit. Final Inspection will include but not be limited to:

- Check side yard setbacks for compliance with ACC approved plan.
- Check construction for compliance with ACC approved plan.
- Check constructed size, pier width and boathouse measurement for compliance with ACC approved plan.
- Check roof height for compliance with ACC approved plan.
- Composition of Roof material and color to be sure it matches the residence.
- Any other inspection necessary to check the compliance of all Ono Island Architectural Control Committee Rules and Regulations of Ono Island POA.

*(Note: The above inspections are not intended and do not relieve the owner/contractor from obtaining the necessary inspections by the Baldwin County Inspection Department. All inspections are to ensure compliance with approved permit issued by the Architectural Control Committee according to the Rules and Regulations.*

## **Article 15 Maximum Load Limits**

Section 15.1 Effective January 1, 2017

A copy of weight tickets must be submitted to the Security Gate before entrance will be permitted onto Ono Island

<b>MAXIMUM LOAD LIMIT</b>	<b>VEHICLE DESCRIPTION</b>	<b>CLARIFICATIONS</b>
<b>20 Tons (40,000 lbs.)</b>	2-Axle	----
<b>25 Tons (50,000 lbs.)</b>	3-4 Axle Less than 30'	Concrete, Sand, Gravel Trucks and other delivery
<b>30 Tons (60,000 lbs.)</b>	3-4 Axle Pumper/Crane	*Pumpers and Cranes weighing 30 Tons or less are allowed on the Island without Engineer's Approval. Equipment exceeding these limits will be subject to Engineer's approval, Engineering Fees and may need to be transported onto the Island on an approved Tractor/Low Boy Rig
<b>35 Tons (70,000 lbs.)</b>	4 Axle	Minimum wheelbase 35'
<b>40 Tons (80,000 lbs.)</b>	5-6 Axle	Minimum wheelbase to be 42'

\*Three-Days (3-day) Notice shall be required for these prior to arrival and approval must be granted by the Island Administrator. There will be no exceptions. If Security Personnel does not have an approved application from the Island Administrator, and a weight ticket and photograph of the equipment, drivers are to be turned around. Pre-Approval Applications are available at [www.onoislandpoa.com](http://www.onoislandpoa.com) or at Ono House during regular business hours.

## **Article 16 Variances**



**Section 16.1 Generally.** The Architectural Control Committee shall authorize upon application in specific cases such variance from the terms of the Rules and Regulations where, owing to special conditions, a literal enforcement of these Rules and Regulations would result in undue hardship to the property owner seeking the variance; and would not substantially impair other property owners, enjoyment of their property. In administering this provision, the spirit of the Rules and Regulations shall be observed and substantial justice done. However, the foregoing provisions shall not authorize the Architectural Control Committee to approve a use or structure in an area restricted against such use or structure.

**Section 16.2 *Standards for approval***

16.2.1 A variance may be authorized based upon the existence of one or more of the following conditions; however, a variance will not be granted based on the fact that a previous variance was granted for a similar condition, as each property and request is considered separate and unique. All variance applications shall list at least one of the following standards for approval of a variance:

- a) Exceptional narrowness, shallowness or shape of the property;
- b) Exceptional topographic conditions or other extraordinary situation or condition of the property;
- c) That the granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience;
- d) Reasonable medical cause submitted in writing from a licensed physician stating that the proposed use and location of requested variance would substantially assist regarding a specific medical need of the property owner;
- e) Any other cause or reason reviewed and approved by the Architectural Control Committee.

16.2.2 All variance requests must, in addition to meeting one or more of the above criteria: not impair an adequate supply of light and air to adjacent property; not increase the danger of fire; imperil the safety, or unreasonably diminish the values of neighboring properties; and not impair the health, safety, comfort, morals or general welfare of the inhabitants of Ono Island.

16.2.3 *Two Exceptional Conditions. There are two conditions that are processed as a variance but do not require the same proof of hardship as above:*

- (a) The first exception is a variance request to install an Osprey Nest. The variance process is required to provide the adjacent property owners notice of the proposed installation of the Osprey Nest via public notice and an opportunity to object. Any objection should be directed to the Administrator.
- (b) The second exception is a variance request to install a lift only (on Bayou St John or Old River), within a location adjacent to the existing boathouse. The location must be a location that would allow the installation of mooring pilings that would otherwise not require a variance (i.e., no setback or property line encroachments). However proper permitting with all required agencies remains a requirement. This variance process is for the purpose of providing the adjacent property owners, as well as others, notice of the proposed lift via public notice and an opportunity to object. Any objection should be directed to the Administrator.

#### 16.2.4 Variance application procedures

- a) Any application for a variance must be submitted to the Ono House POA at least fifteen (15) calendar days prior to the regularly scheduled meeting of the Architectural Control Committee meeting.
- b) The Administrator shall, upon determination that the application is complete shall schedule it for a public hearing by the Architectural Control Committee.
- c) The Administrator shall, five (5) days before the scheduled public hearing by the Architectural Control Committee provide notice of such hearing by certified mail to adjacent property owners as their names appear in the county tax records.
- d) The Architectural Control Committee shall render a decision within a reasonable time following the hearing or within 45 days from the date of the hearing if it is determined that action must be deferred to allow for additional input and review.
- e) Any application may be withdrawn prior to action thereon by the Architectural Control Committee at the discretion of the applicant. The withdrawal is effective upon delivery of written notice to the Administrator prior to action on the application by the ACC.
- f) See Article 17.4 for appeal of the ACC decision.

#### 16.2.5 Submission requirements

- a) *Application form.* The application must be submitted on forms to be provided by the Ono House POA.
- b) *Plans and specifications.* Each application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.
- c) *State and Federal permits (if applicable).* The application must receive approval from Ono Island ACC for the project PRIOR to submitting application to State and Federal agencies. However, an approved copy of the signed permit from all required permitting agencies showing compliance with regulations of the Corps of Engineers, Alabama Department of Environmental Management and State Lands must be submitted to the Administrator prior to issuance of permit.
- d) *Application fee.* The applicant shall be required to pay an application fee according to the current fee schedule of the Architectural Control Committee (See Article 4.1.13). This fee shall be nonrefundable regardless of the final disposition of the application by the ACC.

16.2.6 *Conditions and restrictions on approval.* Variances approved shall be valid for 180 days after issuance. . If permitting is not completed within that time a new variance must be obtained.

### Article 17 Appeals

17.1 *Appeal of administrative decision.* Any person(s) aggrieved by a decision of the Administrator may file an appeal, made on forms provided by the Ono House POA to the Architectural Control Committee. An appeal must be filed within fifteen (15) calendar days of the date of the decision appealed. An appeal is deemed filed with the Architectural Control Committee when received by the Administrator.

**17.2 Appeal application procedures.** An appeal is processed in the same manner as a variance. (Refer to Variance application procedures 16.2.4)

**17.3 Appeal of Security Citation.** Any person aggrieved by a citation issued by Security Personnel may file an appeal, made on forms provided by the Ono House POA to the Architectural Control Committee or Security Committee (whichever committee oversees the violation in question) within fifteen (15) calendar days of the date the citation was issued. An appeal is deemed filed with the Architectural Control Committee when received by the Administrator or his/her designee. The ACC shall hold a hearing where the aggrieved person shall have an opportunity to be heard. A ruling shall be issued by the ACC within 21 days of this hearing.

**17.4 Appeal of the Architectural Control Committee (or Security Committee) decision.** In exercising its authority, the Board of Directors may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such order, requirement decisions or determination as the Board deems proper and, to that end, shall have all the powers of the Architectural Control Committee (or appropriate committee) from whom the appeal is taken. The majority of the members present of the Board shall be necessary to reverse, affirm or modify any order, requirement, decisions or determination of any such decision of the Architectural Control Committee or to decide in favor of the appellant on any matter upon which it is required to act. An appeal must be submitted within fifteen (15) calendar days of the date of the Architectural Control Committee's decision. An appeal fee may be required. See Article 4.1.13. The Board of Directors may or may not hold a hearing in its sole discretion. Decisions of the Board of Directors shall be made in Executive Session and the appellant will be notified within ten (10) days after the decision had been made.

## **Article 18 Enforcement Procedures**

**Section 18.1 Generally.** Whenever a violation of these Rules and Regulations is identified or is alleged to have occurred, any person aggrieved may file a complaint. Such complaint shall fully state the cause and basis thereof and shall be filed with the Administrator.

Whenever the Administrator or his/her designee has knowledge of a violation or an alleged violation, a thorough investigation shall be initiated, including an opportunity for the alleged offender to be heard. After such investigation, and upon the finding of a violation, the violation procedures contained in this Article shall be initiated.

### **Section 18.2 Violations**

**18.2.1 Persons in violation.** Any person(s), whether the owner, lessee, principal agent, employee, or occupant of any lot or part thereof, and any architect, engineer, builder, contractor, agent or other person who does or participates in any of the following shall be in violation and subject to enforcement procedures: (a) violates any provision of the Rules and Regulations, (b) permits, participates, assists, directs, creates or maintains any such violation, (c) fails to comply with any of the requirements hereof, including conditions, stipulations, or safeguards attached to any approval, permit, variance, special exception, conditional use or the like, or (d) erects, constructs or reconstructs any building or structure, or uses any building, structure or land in violation of any written statement or plan submitted and approved pursuant to these Rules and Regulations, shall be in violation.

**18.2.2** Any person(s) in violation of these Rules and Regulation shall be held responsible for such violation and be subject to the penalties and remedies as provided herein and as provided by law.

18.2.3 *Separate violation.* Each and every person who commits, permits, participates in, assists, directs, creates or maintains a violation may be found individually in violation of a separate offense. Each day that any violation continues to exist after due notice, opportunity to be heard and the exhaustion of all appellate procedures shall constitute an additional and separate violation.

### Section 18.3 Notice of Violation

18.3.1 *Issuance of Notice of Violation.* The Administrator or his/her designee shall issue a written Notice of Violation ("Notice") upon receipt of a complaint or knowledge of violation, to all persons in violation. The Notice shall be served on the lot owner by certified mail and return receipt requested (or via electronic notice with read receipt). The Notice of Violation shall allow a reasonable time to correct or abate such violation.

18.3.2 *Notice requirements.* The Notice shall clearly identify the property, the particulars of the alleged violation, the action necessary to correct it, the time permitted for such correction, and penalties for failure to comply. The Notice shall include but not be limited to:

- a) A description of the location of property, either by street address or by Unit and Lot Number.
- b) A statement indicating the nature of the violation.
- c) A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than 10 days nor more than 60 days from the date of such written Notice.
- d) The name of the person(s) upon whom the Notice of Violation is served.
- e) A statement advising that upon the failure to comply with requirements of the Notice, such enforcement procedures as may be required under these articles shall be taken.

18.3.3 *Evidence of Diligent efforts to comply.* When, after issuance of a Notice of Violation but prior to commencement of any further proceedings by the ACC or Board of Directors, the Administrator determines that the person allegedly in violation is making a diligent effort to comply with the requirements of the Notice, the Administrator may issue a written stay of further enforcement actions pending full compliance. The stay shall list the diligent efforts to comply and shall be provided to the violator(s). No enforcement action shall be stayed longer than (60) days.

18.3.4 *Evidence of Compliance Submitted by alleged Violator.* The person in alleged violation may formally respond to the Administrator and submit evidence of compliance with these Rules and Regulations. If the Administrator deems such evidence sufficient, he/she shall deem the alleged violation resolved and compliance achieved.

18.3.5 *Finding of Noncompliance and Appeal.* If the Administrator determines that the violation has occurred and has not been corrected or abated by end of the prescribed time period, he/she shall issue a written notice forwarding the matter to the ACC with a copy to the lot owner, who may reply thereto in the time set by the ACC, which may, in its discretion, set a hearing date. The ACC will promptly issue its decision, which may be appealed to the Board of Directors within 14 days after the date of the decision of the ACC. The Board shall determine whether a hearing is necessary and shall rule on the matter.

18.3.6 *Repeat Violations.* When a Notice of Violation is issued to any person and such person was earlier found to be in violation, no period shall be allowed for correction or abatement of the violation. Rather, in such event the Administrator shall immediately



cause the matter to be forwarded to the Architectural Control Committee. and, in due course, to the Board of Directors, as set forth in Article 18.3.5.

**18.3.7 Fines.** Any person(s) violating any of the provisions herein may be fined according to the Architectural Control Committee fine schedule. The fines provided for herein shall commence and accrue upon receipt of the Notice of Violation or the expiration of the allowed period for correction, whichever is later. Said fines shall continue to accrue until paid but shall not accrue on days during which the violation is properly on appeal.

**18.3.8 Fine Schedule.** The Architectural Control Committee has established the following fine schedule for violations of the Rules and Regulations of the Association for construction activities within Ono Island Subdivision(s). The fines may be levied by the Administrator against the owner and/or contractor depending upon their culpability.

<b><u>*Violation</u></b>	<b><u>*Fine and/or Assessment</u></b>
A - Stop Work Order	Stop Work Order Fine of \$250 for the 1 <sup>st</sup> (and \$500 for each subsequent) violation. In addition, If the owner/contractor knowingly continues work after a stop-work order has been placed, there will be a \$150 per day fine until the cessation of unapproved work and/or—the conformance of the work performed to appropriate work that has been authorized.
B - Substantive changes to Work Authorized	\$250 per day for the first violation; \$500 per day for each subsequent violation of the terms of the permit. The fines continue until work performed is in compliance with the approved permit.
C - Project completed with obvious and intentional unpermitted changes from approved site plan and permit.	\$1500 first violation (per change to approved plan); \$3000 second violation (per change to approved plan) Fines are in addition to putting the property in the condition it would be in if project completed as permitted.
D - Damage caused to Common Area property	\$250 per day for the first violation; \$500 per day for each subsequent violation until the cessation of unapproved work and/or damage has been repaired. Plus in either event, the cost of repairing the damage in question.
E – Dumpster and Dumping Violation (4.1.11)	\$300 per Violation
F - Dune Destruction/Damage	\$250 per day for the first violation; \$500 for each subsequent violation until dune restored
G - Tree Cutting – Without Obtaining Permit	\$150 per day tree for the first violation; \$250 per tree for each subsequent violation
H - Failure to provide Proper Insurance	\$100 per day
I - Failure to Comply with Code Compliance Officer's Directives	\$250 for the 1 <sup>st</sup> Offense and \$500 for each subsequent offense



J - Working without Obtaining an ACC Permit	<b>Owner Penalty:</b> Charge Impact Fee PLUS Fine of Double the Impact Fee for the work undertaken without a permit <b>Contractor Penalty:</b> 1 <sup>st</sup> Offense Contractor receives separate independent fine equal to owner Impact fee + the penalty. 2 <sup>nd</sup> Offense Contractor may be banned from working on Ono Island for a one-year term
K - Failure to provide ACC Permitting Information after staff requests both written and verbal have been made in good faith effort with 30 days' notice to resolve an issue on behalf of the ACC	\$50 daily fine
L - Failure to bring property into compliance with the approved permit (or satisfying other compliance issues) within 30 days of certified notice or email with read receipt from the acting Administrator on behalf of the ACC	\$50 daily fine
M - Failure to provide final "As-Built" Survey and Certificate of Occupancy by Baldwin County and/or within 60 days of completion of construction	\$1500
N – Yard, Weed and Pool Ordinance	\$500 for failure to comply within 30 days after receipt of certified notice.
O - Erosion Control – Non-Compliance	\$250 per day
P - Erosion Control – Maintenance Failure	\$150 per day
Q - Violation of Contractor Rules (applies to General Contractor(s) and all Sub-Contractors	\$150 for the first violation; \$250 for subsequent violations
R - Contractor with Continued &/or Multiple Substantial Violations of ACC Rules & Regulations (Obvious & Complete Disregard to Regulations)	\$250 for the first violation; \$350 for second violation; for third violation contractor /worker is subject to immediate ban from Ono Island and/or \$500 fine. If banned from island; may make appeal to allow completion of any project started; if owner so requests.
S - Deceiving the POA/ACC by requesting a pass for another property address with the intent of taking material to be used on an unpermitted project site. This applies to any owner, contractor or sub who participates in this deception with knowledge that the pass has been issued for property A, while the owner/contractor intends to use the material on property B, which is unpermitted.	Worker/Contractor Violation: \$350 for the first violation; \$500 for subsequent violations and subject to immediate ban from the Ono Island, but owner may request an appeal to finish any project started prior to ban. Owner Violation: \$500 for the first violation; \$1000 for subsequent violations.
T – Failure to maintain and keep jobsite clean and tidy – Site should be maintained daily	\$150 per day
U – Contractor starting or performing work over water prior to stopping at Ono House and getting a 'Work Authorization Permit' for the specific site and project *New Construction, Addition, Setting Pilings and Major Repairs*	1 <sup>st</sup> Offense: Requires contractor to appear before the ACC for non-compliant review 2 <sup>nd</sup> Offense: Fine and/or possible 1 year suspension from working on Ono Island.

V – Failure to Schedule required inspections (Pre-Site/Stake Out/Piling/Banding/Final)	1 <sup>st</sup> Offense: Warning and fine up to \$250 per inspection Subsequent Offense: \$1000 fine and/or possible 1 year suspension from working on Ono Island
--	--

*\*Violation fines and/or fees are due in addition to the cost of retroactive impact fees*

*\*Violation fines and/or fees are in addition to rectifying noncompliance*

*\*Planning ahead should prevent any of the above violations*

#### Section 18.4 Additional Penalties

**18.4.1 Stop Work Order.** The Administrator may issue, or cause to be issued a Stop Work Order as regards any work that the Administrator reasonable believes: to be in violation of any provision of these Rules and Regulations or is being conducted in a dangerous or unsafe manner. A Stop Work Order may be issued in place of or in conjunction with any other actions and procedures identified in these Rules and Regulations. Such Order shall be in writing and shall be given to the owner of the property, or to his agent, and to the person doing the work, and shall state conditions under which work may be resumed. Upon receipt of a Stop Work Order, all work associated with the violation shall immediately cease. Any person who continues to work shall be in further violation of the Rules and Regulations and subject to additional penalties and remedies contained herein. The Stop Work Order may be appealed to the Architectural Control Committee.

**18.4.2 Revocation of permits.** The Administrator may revoke, or cause the revocation of, permits or approvals in those cases where an administrative determination has been duly made that false statements or misrepresentations of material fact(s) were made in the application or plans upon which the permit or approval was based.

#### Section 18.5 Appeals

**18.5.1 Appeal of administrative enforcement decision.** Any person(s) aggrieved by a decision of the Administrator or his or her designee may file an appeal to the ACC, on forms provided by the Architectural Control Committee. An appeal must be filed within fifteen (15) calendar days of the date of receipt of the Notice of Violation. An appeal is deemed filed when received by the Administrator or his/her office.

**18.5.2 Appeal of the Architectural Control Committee.** In exercising its authority, the Board of Directors may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed to it, from the ACC and may make such order, requirement, decision or determination as the Board deems proper and, to that end, shall have all the powers of the officer from whom the appeal is taken. The majority of the Board members present shall be necessary to reverse, affirm or modify any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to act.

### ARTICLE 19

#### ARCHITECTURAL CONTROL COMMITTEE RULES AND REGULATION AMENDMENTS

Original: October 24, 2013

Amendment	ACC	Board of Directors
-----------	-----	--------------------

<b>Resolution No. 14-002</b> Article 3 Definition of Dwelling, Two Family (also known as Duplex)	February 19, 2014	February 27, 2014
<b>Resolution No. 14-004</b> Article 8, Section 8.3 Accessory Dwellings requiring an affidavit for rental/leasing to a second party	March 19, 2014	March 27, 2014
<b>Resolution No. 14-005</b> Article 3 Definition of Recreational Vehicle	March 19, 2014	March 27, 2014
<b>Resolution 14-006</b> Article 4, Section 4.1.7 a. & b. As-built surveys for Piers and Boathouses; Article 7, Section 7.3.5, Exception to weed control on Ono Canal banks	May 21, 2014	July 24, 2014
<b>Resolution 14-007</b> Article 14, Section 14.2.7 Inspections; Article 17, Section 17.3.8 Fine Schedule; and minor corrections to the entire document	July 16, 2014	July 24, 2014
<b>Resolution 14-008</b> Article 14, Section 14.2.3 b. Contractors providing a parking plan for all new construction	August 6, 2014	March 26, 2015
<b>Resolution 14-009</b> Article 12, Section 12.4 Contractor Signs	September 3, 2014	March 26, 2015
<b>Resolution 15-001</b> Article 2, Section 2.1.2 ACC Authority to inspect "The Properties" premises; Article 3 Section 3.2 Definition of "The Properties"; Article 11, Section 11.1.25 Vibrating Compactors; Article 13, Section 13.4 Pier and Boathouse Inspections	March 18, 2015	March 26, 2015
<b>Resolution No. 15-002</b> Article 16, Section 16.3 Appeal of Security Citation; Article 16, Section 16.4 Appeal of Architectural Control Committee	March 18, 2015	March 26, 2015
<b>Resolution No. 15-003</b> Article 13, Section 13.2 (Bayou St. John and Old River) Maximum size of storage area on pier and boathouse	September 1, 2015	September 24, 2015
<b>Resolution No. 16-001</b> Article 13, Section 13.1 - 13.3 (Clarification of Pier Width/Clerical	May 24, 2016	May 26, 2016

<i>Error Correction - Width was not properly transferred when removed from Rules &amp; Regulation and only listed in ACC Rules &amp; Regs.)</i>		
<b>Resolution No. 17-001</b> Update Minimum Impact Fees; 11.1.27 Sand Regulation Included from Covenants; 12.2 Uniform Sign Information Updated; 16.2 Variance Instruction Information Instruction Clarified; 18.3.8 New Fine for Working without a Permit	September 28, 2017	September 28, 2017
<b>Article 1 Section 1.5</b>	Recommended by Legal Counsel 11/30/2017	Ratified by the Board of Directors 12/19/2017
<b>Resolution No. 18-001</b> Article 4 – Section 4.1.1 & 4.1.2 Permitting Guidelines Updated; Section 4.1.8 Line Locating; 4.1.11 Impact Fees Due prior to Starting Work; Section 10.3.3(a) Appraised Value from Baldwin County Rev Commission for consistency; 10.4 & 10.5 Added from BC Zoning Regulations; 11.1.28 Contractor Rules Update; 13.3.8 Updated to match 13.1(c); 13.3.16 & 13.3.17 added in conjunction with Canal Owners Association Regs; 13.4 Updated Boathouse Inspection Requirements; 14.2.2(d) Update to Application Procedure; 16.2 Update to Standards for approval; 18.3.8 Fine Schedule addition of fine for Multiple Contractor Violations & Deceiving the POA/ACC	March 6, 2018	March 22, 2018
<b>Resolution No. 18-002</b> Article 13.3.7 & 13.3.17 Canal Navigation Channel; Article 14.2.2 Minor Interior Work	June 5, 2018	June 28, 2018
<b>Resolution No. 18-003</b> Article 4.1.3 Permitting; Article 13.1 (a) Pier and Boathouses; 13.3.15; Article 14.2.4 (f) Admin Permits; 16.2.2 (c) State and Federal Permits	July 10, 2018	July 26, 2018
<b>Resolution No. 18-004</b> Article 13.1(b) Setbacks over water; Definition including process for Osprey Nest Variance	December 18, 2018	December 18, 2018
<b>Resolution No. 19-001</b>	January 22, 2019	January 24, 2019

16.2.1 Variance Levels and exceptional conditions; 4.1.12 Variance fee levels		
<b>Resolution No. 19-002</b> 18.3.8 Violation Fine Updated	February 26, 2019	February 28, 2019
<b>Resolution No. 20-001</b> 18.3.8 Violation Update of Failure to Supply requested information with ample notice; Article 4.1.2 Roofs; Article 14.2.4(f) Roofing Permit Application; Roof Definition	February 18, 2020	February 27, 2020
<b>Resolution 20-002</b> Article 11 Updated Contractor/Owner Worker Rules; 11.1.3; 11.1.4; 11.1.5; 11.1.9; 11.1.13; 11.1.16; 11.1.24; 11.1.29	December 15, 2020	December 17, 2020
<b>Resolution 21-001</b> 2.1.6 Notice	February 23, 2021	February 25, 2021
<b>Resolution 22-001</b> Updated and reviewed entire R&R	February 22, 2022	March 24, 2022