

TIMBERWOOD PROPERTY OWNER'S ASSOCIATION
RULES AND REGULATIONS
(PROPOSED BY COMMITTEE & BOARD APPROVED TO BE AMENDED & RESTATED)
PRESENTED TO OWNERS APRIL 2023
EFFECTIVE JUNE 1ST 2023

The Declaration of Protective Covenants and the By-Laws governing the Timberwood Property Owner's Association (TPOA) are designed to further the enjoyment and quality of life inherent with a first class residential community. The Declaration requires the Board to establish fair and reasonable rules and regulations concerning the Property and its use by owners, their guests and invitees. The Board has the responsibility to promulgate, distribute and amend, if necessary, these rules and regulations. Owners are reminded, in addition to all TPOA governing documents that local, state and federal laws may apply. These rules and regulations help clarify existing covenants and provide consistent wording to be utilized on TPOA correspondence.

I. VEHICLE USE

- A. Posted speeds and stop signs shall be observed by all drivers throughout Timberwood.
- B. Owners are responsible to see that all owned and guest vehicles are parked on their property. Parking on roadside is permitted only in an overflow situation, and then only temporarily (not to exceed 24 hours). Parking of vehicles is not permitted on developed or landscaped properties.
- C. Vehicle repairs/maintenance requiring more than 24 hours may not be conducted openly and without proper storage while on owner's property and must be away from public view.

II. BOATS, RECREATIONAL VEHICLES, TRAILERS (ENCLOSED AND OPEN), ETC.

- A. Recreational Vehicles (motor homes, campers, trailers, boats) may be parked in driveway for up to 24 hours for loading, unloading or cleaning.
- B. All recreational vehicles must be stored in a garage and/or at the rear of the property. Rear of the property is defined in part VIII.D. Storing at the front of the home or yard is not permitted.
- C. Vehicles of this type should not be occupied while on property.

III. ANIMAL CONTROL

- A. Dogs and cats are not permitted to run free in Timberwood. Dogs must be on a leash and under direct control of the owner when not on personal property.
- B. Owners shall not permit their pets to soil anyone's yard or property, nor the TPOA common areas. However, should this occur, it is the pet owner's responsibility to clean up any soiled area immediately. Courtesy to others must be adhered.
- C. Should the Board receive a complaint regarding either of these issues noted in III.A or B, a notice of violation will be delivered with a \$50 fine for the 2nd offense or each additional offense.

IV. DETACHED STRUCTURES AND OBJECTS (REQUIRES BOARD APPROVAL)

- A. No detached buildings, structures or objects shall be placed on property until reviewed and approved by the Board of Directors and/or the Architectural Review Committee (ARC). **No second residence or dwelling is permissible.**
- B. Typical examples of some, but not all, detached structures or objects are as follows: Detached garage, workshops, greenhouses, swimming pools, sheds, fencing & privacy fencing, including non-permanent (window-unit style) air conditioners and other similar structures as determined by the Board of Directors and/or Architectural Review Committee (ARC).
- C. Detached buildings and non-habitational structures shall NOT be more than 2,000 square feet and NOT greater than a height of 25 feet.

V. DWELLING & STRUCTURE MAINTENANCE

- A. All homes and their detached structures must be maintained free of mildew, with paint in good condition and structure in good repair. This helps the community maintain and grow the market and property values and the overall appearance and tranquility of the community.
- B. The property owner must provide curb appeal with landscaping to meet the community standards.

VI. FENCING AND LAWN/YARD MAINTENANCE

- A. All fencing must be 3-board black wood fencing encompassing the entire perimeter of property, directly on the property line. Additional black wire fencing may be used in conjunction with 3-board wood fencing to maintain control of family pets, but must be maintained as black.
- B. Fencing must be in good condition at all times. Examples of fencing in disrepair may include but not be limited to the following: broken or missing boards, fading or peeling paint, missing or broken posts, broken or peeling gates. Interior 3-board fence must remain in good order, painted black on both sides.
- C. Properties are not required to have gates to fully enclose property; however, if owner chooses to affix gate or gates to fencing, they must be black and remain in full working order and repair.
- D. Lawn/yard care shall consist of trimming grass to the roadway, trimming and maintaining any and all foliage located within the barrier of properties fencing. If owner has foliage outside of fence, it shall be their responsibility to maintain this as well. Grass at the road shall be trimmed and kept neat. No lawn or grass should encroach onto the asphalt of the street.
- E. It is noted that the grassy area between the front property line fence and the road is a county-owned easement; however, it is included in the area the property owner must maintain.
- F. As stated in IV.B, it is restated that any other type of fencing, except the 3-board black wood fence, must be submitted for approval to the Board of Directors and/or Architectural Review Committee (ARC).

VII. TRASH AND MISCELLANEOUS ITEMS FOR PICK UP

- A. All trash cans shall be placed by the roadside no sooner than the evening before trash pickup and all containers shall be returned to their proper storage by the following evening (ie 24 hours maximum).

VIII. GUIDELINES FOR LOT REVIEWS – INCLUDING PARKING

- A. This document now becomes an integral part of these Rules & Regulations. The *Guidelines for Lot Reviews* was developed and approved in July 2014 to implement the same equal standards for all property owners regardless of the layout of their dwelling and lot. This helps maintain the overall appearance, enjoyment and harmony of the Timberwood community.
Consistent wording, as example:
- B. Parking of vehicles - standard definitions:
 - 1. Park on Hard - Surfaced Areas, defined as, all vehicles parked on a lot must be parked entirely on concrete or other approved hard-surface material.
 - 2. Parking on lawns, ditches, open space areas, direct, gravel or grassy areas is prohibited.
 - 3. Additional hard-surface materials (driveway extensions and parking pads) must be applied for and approved by the Board prior to installation. All driveways & parking pads must be concrete and county permitted. The only exception may be easement to keyhole lot(s).
 - 4. Vehicles should be parked in an area so as not to cause an unsightly appearance from adjoining streets or lots. Note, no long-term parking in grassy area between the front fence & road.
- C. Understanding there may be an overflow of vehicles with social gatherings or during holidays (with leniency), this should be on a short-term limited basis only (ie 24-48 hours).
- D. In the past and recently, the Board of Directors has concurred that "... at the rear of the residence" will be interpreted as behind the rear corner of the dwelling. A simpler approach would be to state within the rear yard, maintaining previous Board interpretations and recommended as the primary standard to establish the rear yard.

(continued ...)

IX. PROTECTIVE COVENANTS & BY-LAWS

- A. TPOA Covenants and By-Law can override any City or County ordinance or permitting, if it is equal or more restrictive.
- B. Property Owners are responsible to obtain appropriate permit or variance approval from City or County, as applicable; however, final approval subject to review by the Board of Directors and/or the Architectural Review Committee (ARC).

X. NOTIFICATIONS /LEASING RESTRICTIONS

- A. Owners selling or leasing their property/properties are responsible to advise their realtor and/or potential buyers of our website containing the TPOA Covenants, By-Laws, and the Rules & Regulations.
- B. Owners renting/leasing their property are responsible to advise their tenant(s) of the Property Owners Association, the TPOA Covenants and By-Laws, these Rules & Regulations and confirm their compliance.
- C. No lease (whether written or verbal) shall be allowed or provided for a term of less than three (3) months. No residence may be leased for more than two (2) occasions in any one calendar year unless pre-approved by the association (Board or Committee) in the case of hardship. This directly applies to newly titled owners effective June 1, 2023 (effective date of these Rules and Regulations) or later, with reference to 2022 Florida Statutes 720.306.1(h)1.
- D. Owners are fully responsible for the actions and the compliance of their tenants (whether short or long term lease), regardless of property management contracts. Owners are subject to penalties of violations and/or damages as allowed by law and may be responsible to immediately evict the tenant based on the violation. Refer to page 4, excerpts from Florida Statutes 720.305 regarding levy of fines.
- E. The Board is legally responsible to communicate with the Property Owner only. The Board has no legal obligation to communicate direct to tenant(s).

XI. REGULATIONS, ZONING, ORDINANCES & STATUTES

- A. TPOA Protective Covenants, By-Laws, and Rules & Regulations (aka **TPOA documents**) may be more restrictive and will override local regulations or zoning ordinances. If local zoning is more restrictive, then local zoning will override.
- B. Florida Statutes 720 (and all sections and subsections) for Homeowner-type associations is applicable to Timberwood, laying the basis for a deed-restricted community. However, the TPOA documents enhance and add to the Florida Statutes providing more specific regulations to Timberwood.
- C. The Board of Directors anticipates all property owners (including their tenants & guests, if applicable) to maintain compliance with all TPOA documents. If non-compliance after a written violation notice, the Board of Directors will proceed with legal actions as provided in the Florida Statute 720.305,2,2b:
"... fines up to \$100 per violation ... each day of a continuing violation ... not exceed \$1,000 ..."

- **RULES & REGULATIONS UPDATES ARE SUBMITTED BY COMMITTEE, SUBJECT TO OPEN DISCUSSION.**
- **RULES & REGULATIONS ARE ESTABLISHED BY THE BOARD PER FLORIDA STATUTES.**
- **THESE RULES & REGULATIONS REPLACE LAST RULES & REGULATIONS (REPLACES NOV 2018).**
- **COMMITTEE'S PROPOSED UPDATES WERE DISCUSSED AT 2023 BOARD OF DIRECTORS MEETING ON TUESDAY, APRIL 4TH 2023.**
- **APPROVED CHANGES/ADDITIONS ARE HIGHLIGHTED, AND SENT TO OWNERS PRIOR TO EFFECTIVE DATES (45-DAY NOTICE).**
- **EFFECTIVE JUNE 1ST 2023**

Emailed or Mailed/Hand-delivered (if no email on file) to current property owners of Timberwood as of April 15th, 2023.

EXCERPTS from FLORIDA STATUTE 720.305(1), (2) and (2b):

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.—

- (1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and **must comply** with, this chapter, the governing documents of the community, and the rules of the association.

(see 720.305(1) for full wording of this section)

- (2) An association may levy reasonable fines. A fine may not exceed **\$100 per violation** against any member or any member's tenants, guest, or invitee . . . for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may **not exceed \$1,000** in the aggregate unless otherwise provided in the governing documents.

(see 720.305(2) for full wording of this section)

- (b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least **14 days' notice** to the parcel owner . . .

(see 720.305(2b) for full wording of this section)

Timberwood is a Deed Restricted community with an active HOA.