

WILLOWBEND COMMUNITY ASSOCIATION, INC.

A Corporation Not-for-Profit

RULES AND REGULATIONS

Updated May 2011

AUTHORITY

The authority of the Board of Directors to promulgate rules and regulations is vested in three Willowbend Community Association founding Legal Documents:

- The **Declaration** of Protective Covenants, Conditions and Restrictions (CC&Rs). Section II, Paragraph 2.06, Management Agreement “ ...The Board shall...retain at all times the power to promulgate rules and otherwise determine matters of a non-ministerial character.”
- The **Articles** of Incorporation, Article V, Powers “...the Association shall have the specific power to: ...(c) adopt and amend rules and regulations.”
- The **Bylaws**, Article 6, Powers and Duties of the Board, Paragraph 6.05, Rules and Regulations “...may adopt, amend and rescind reasonable rules and regulations relating to the administration of the Association.”

PURPOSE

These **Rules and Regulations** shall uniformly apply to all homeowners and their tenants including family members, guests and invitees. They have been created to sustain the spirit and intent of this Deed Restricted community and are so constructed for the general good of Willowbend. They help amplify, augment and clarify key elements in our originating Legal Documents and they foster harmony among of all those who fall under the jurisdiction of the Association. They are also a translation of past experiences of governance. Ultimately they are designed to preserve and enhance community property values.

Familiarity with and abiding by these Rules and Regulations and the founding Legal Documents upon which they are based will allow your Board to focus on serving and enhancing Willowbend rather than on governing it.

ENFORCEMENT

Article 6.02 of the Bylaws empowers the Board to enforce the provisions of the Declarations, the Articles, the Bylaws and these Rules and Regulations. If the Board determines that any homeowner or the tenant, guest or invitee of a homeowner is in violation of these provisions, the Article describes the notification process, the time periods for correction of the violation(s), the limits of the fines that can be levied under the Florida Statutes and the opportunity for a hearing before the Association’s Compliance Committee.

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1.0 Exterior House Modifications and General Appearance.

To ensure that the character and appearance of Willowbend conform to the founding documents that established our original community standards, homeowners are required to provide written notification to the Board and obtain its approval for any and all alterations, additions and modifications to the exterior of their residences. Failure to comply with the approval process is considered a violation of the Deed Restrictions regardless of whether the alteration, addition or modification conforms to the applicable guidelines.

Requests for all architectural and landscaping changes, additions or modifications are to be submitted to the Property Manager's office on an *Architectural Change Request (ACR)* form available via our website www.willowbendcommunity.com or at the Property Manager's office. ACR forms are processed on the following timeline:

- The homeowner shall deliver the completed form to Property Manager by the third Friday of the month.
- By the fourth Friday of the month, Property Manager shall pass all ACRs to the Chairs/Co- Chairs of the Architectural Review Committee (ARC) or the Grounds, Lakes and Irrigation Committee (GLIC) as appropriate.
- Both Committees shall have until the second Friday of the following month to act on the requests and send their recommendations **by electronic mail** to each Board Director and the Property Manager for their information and review.
- The respective Committees shall present their report recommendations at the Board meeting on the third Thursday of the month. The Board shall only consider modifications that do not:
 - Encroach on community setbacks and easements;
 - Obstruct ingress or egress to house lots or common areas;
 - Interfere with established drainage systems and patterns;
 - Conflict with the uniform exterior appearance of the community;
 - Otherwise conflict with the CC&Rs (Section III, Use Restrictions, Para. 3.03, Community Association Restrictions), Florida Law and these Rules and Regulations.

1.1 Exterior Colors

All exterior surfaces including but not limited to doors, trim, house walls, gutters and downspouts, screening, bricks, pavers, roof tiles and driveways shall conform to color selections: (a) originally offered at the LWH Design Center at time of construction; (b) or the equivalent colors presently archived at Sherwin Williams Co. 501 N. Beneva Road, Sarasota Tel: 365-4610 and (c) the provisions of the CC&Rs, Section III, Use Restrictions, Para's. 3.01 and 3.03 (b). Exterior re-painting and re-screening of lanais/pool cages shall require submission of an ACR form for ARC approval.

1.2 Exterior Appearance Issues (CC&Rs Para. 3.03 (a)-(s))

1.2.1 Vehicle Parking. Privately owned vehicles are to be garaged to the greatest extent possible so as to enhance community appearance. Due to safety considerations on our narrow community streets, vehicles shall not be parked in other than a driveway or designated parking area except for intermittent and brief periods of time or during

occasional social gatherings. Overnight visitor vehicle parking shall only be permitted in the homeowner's driveway. Any overnight street parking is prohibited and subject to the jurisdiction of the Sheriff's Department. Vehicles shall not park within two car lengths (or 30 feet) of mailboxes (Ref. USPS Notice 38, April 2000) or at any time block access to driveways and sidewalks. Vehicles in disrepair or bearing no license plates shall be garaged.

EXCEPTIONS to the parking restrictions for overnight parking in any driveway or other parking area (other than a garage) are enumerated in the CC&Rs, Section III, Use Restrictions, Para 3.03(o) and, upon written request to the Property Manager, are permitted, with written approval, by the Board.

1.2.2 Garage Doors. Except in temporary situations, garage doors shall be closed when garage access is not in active use.

1.2.3 Signage, Windows and Exterior Doors.

The prior written consent of the Board is required to place commercial signs or symbols or otherwise treat, tint or apply anything to or in windows and on doors or on any exterior surface (the provisions of Para 1.3.9 excepted). Commercial signage is not allowed at any time excepting "For Sale" and "For Rent" signs - placed in a mulched bed - that conform to a standard design as approved by the Board. The Property Manager should be contacted to gain approved sign vendor information. Such signage is at homeowner's expense and will be promptly removed by the homeowner upon execution of the sale or rental agreement.

1.2.4 Satellite Antennas. Consistent with the stipulations of Federal Communications Commission (FCC) regulations, the Board reserves the right to approve the placement of antennas on dwellings so as to insure an unobtrusive location when considering visibility from the front (or street side on corner lots) of the dwelling. Submission of an ACR form for Board approval is required.

1.2.5 Miscellaneous Items and Equipment. Recreational equipment such as, but not limited to basketball hoops, kiddie pools, game nets, lawn furniture, bicycles etc. - when not in active use - will be removed and stored appropriately in a place not readily visible from outside the lot or where it might be hazardous to others including contractor personnel and equipment.

1.2.6 Mailboxes. Maintenance, repair and replacement of mailboxes and the structures upon which they are affixed are an Association responsibility. Homeowners are responsible for the prompt notification to the Property Manager's Office when mailbox repair or replacement is required and providing the circumstances, if known, that necessitated the action in potential cases of liability for damages.

1.2.7 Yard Post Lights. Maintenance, repair and replacement of the post light at the head of the front walkway on each house lot are homeowner responsibilities. This includes the light sensor affixed to the side of each house that controls the on/off cycle of the lamp. The light fixture is provided for safety and aesthetic purposes. Replacement light

bulbs shall be a **white**, 13-watt output (60 watt equivalent) 8000-hour compact fluorescent bulb. This bulb or its close equivalent in **color**, type and wattage is to be the standard replacement bulb. Holiday display of a colored bulb other than white is permissible providing the display is limited to the time period indicated in paragraph **1.2.9** below.

1.2.8 Flags. Any homeowner may display one portable, removable, United States flag or official flag of the State of Florida in a respectful manner consistent with Title 36 U.S.C.10 at any time including national holidays; the same applies for United States military service flags on Armed Forces Day, Memorial Day, Flag day, Independence Day and Veterans Day (Ref. Freedom to Display the American Flag Act of 2005 and FL S. 720.304 (2)). If flown after sunset, the National Flag should be illuminated. Other flags are permitted if, by a reasonable standard, they would not be considered unsightly or offensive in the opinion of the Board. Fixed flagpoles on the grounds of a house lot are not permitted whereas a bracket for the purpose of displaying a flag may be attached to the house.

1.2.9 Holiday Decorations. Exterior decorations specific to a holiday may not be displayed more than 30 days before or more than 14 days after the holiday date or period. Decorations may be attached to the house or installed within the mulched areas adjacent to the front of the dwelling. Displays, electrical wiring and tie-downs etc. shall not be placed in or across sodded areas. Consideration of neighbors and access by contractors should be exercised when decorating for any occasion. Avoid a decorative display that, in the opinion of the Board, could be considered an attractive nuisance.

1.2.10 Energy Devices. Under Florida law (S 163.04), Deed Restrictions cannot prohibit energy devices designed to operate on renewable resources. However the Association can influence the location and visibility of such devices to the extent reasonably practical and consistent with the system's operational efficiency and without increasing the installation cost. Submission of an *Architectural Change Request* form for Board approval is required.

1.2.11 Trash, Waste, Recycling and Yard Waste Receptacles. Household trash and organic waste shall be placed in solid containers with sealable/secure covers to minimize attraction and disturbance by rodents and other animals. Curbside placement of receptacles and recycling containers shall not be earlier than 6 p.m. before the day of scheduled pick-up. Once emptied, all shall be retrieved and stored **inside the dwelling** as soon as possible after collection. Florida law prohibits disposal of yard waste in lined/sanitary landfills. Yard waste is not to be commingled with household solid waste but shall be placed separately in trash bags and the like for curbside pick-up. Place yard waste at the end of the driveway opposite solid waste containers.

1.3 Exterior Surface Cleaning and Gutters and Downspouts

Power washing of exterior surfaces, including but not limited to roofs, driveways, walls of dwellings, walkways or any hard/impervious surfaces will require submission of an ACR form for ARC approval when cleaning solvents or other chemical materials are to

be used. This requirement is designed to insure that homeowners and/or their contractors utilize materials that are not harmful to landscaping and are compatible with good environmental practices. New installation or replacement of existing gutters and downspouts requires an ACR form for ARC approval

2.0 Landscaping and Irrigation.

One of the main features of this Deed Restricted community is that landscaping and irrigation services are provided maintenance free. Thus all related basic maintenance, repairs and modifications on house lots and common areas are administrated by the Association and funded by homeowner fees (CC&Rs, Para. 3.04, Maintenance Provisions). Willowbend, as the State's first *Florida Yards and Neighborhoods* Community, embraces guidelines and methodologies that support the principles of the FYN program. Among the following rules, 2.1 through 2.4 are designed to insure that only Florida-friendly plantings that require little irrigation and fertilizer, are low maintenance and attract wildlife are employed. Rule 2.5 is to insure a uniform exterior appearance that maintains the character of the Community and protects and enhances property values.

2.1 Alterations.

Homeowners may not alter the landscape or irrigation systems on house lots or common areas without Board approval. Requests for changes, additions and modifications must be forwarded through the Property Manager to the Board via an *Architectural Change Request (ACR)* form available at our website www.willowbendcommunity.com or the Property Manager's office.

2.2 Irrigation System.

The Association shall control the irrigation system throughout the entire community. No owner/resident is permitted to adjust, modify or otherwise tamper with the locked residential irrigation controller mounted on the house exterior or any related irrigation appurtenances on the house lot. Willowbend must conform to the County's Water Efficient Landscaping Regulations, therefore unauthorized tampering may be subject to both County penalties and Association fines. Fines levied against residents may include, but not be limited to, contractor costs to re-set and/or repair the system, incidental excess water consumption charges, added wear and tear on water well equipment and plant and turf replacement costs etc.

2.3 Purchases and Installation of Plants, Shrubs, and Trees.

All plantings outside the perimeter of each residence and its pool/lanai enclosure, whether they are new or replacements for existing plants, shrubs, and trees require the prior approval of the Board via the ARC process. (Para 1.0). **This includes removal, relocation and replacement of like with like including but not limited to replacement of environmentally damaged plantings such as frost damaged plants.** No plant, shrub, or trees may be installed in these areas that are not consistent with the "Florida Yards and Neighborhoods Program" guidelines found on the Willowbend website. (www.willowbendcommunity.com.) Violation of the ARC process

and/or installation of non-approved plantings could result in the plants' removal by Willowbend Board providers. The violator will be responsible for Board costs incurred for violation remediation. The purchase, installation and maintenance of all plantings interior to the house or screened area are the responsibility of the occupant.

Residents may plant annuals in pots or mulched beds adjacent to the front of the home or in mulched beds adjacent to the screened enclosure. Plants must not overhang sodded areas or interfere with the activities of the landscape provider. Annuals will not be maintained by the maintenance provider and are the responsibility of the Homeowner.

2.3A Only Pine Bark, Pine Straw, and Organic Recycled Mulch are allowed in the community.

2.4 Fruit Trees.

Residents are not allowed to plant or place in containers fruit or citrus trees on the house lots or common areas. Such trees attract rodents and insects and are susceptible to canker and other plant diseases. After due written notice, the Association reserves the right to remove such plants from the lot exterior at homeowner's expense. Exception is made for such trees only if they are kept strictly within the confines of the screened portion of the dwelling.

2.5 Yard Ornamentation.

2.5.1 Rocks. Board approval via an ACR form is required for placement of a maximum of five (5) rocks, not exceeding 36 inches on any one dimension, on house lots where the rocks are visible from the street. Rocks will not be permitted on any common areas, including but not limited to, any area between a sidewalk and street, or on any roadside easement, lake bank or preserve area. Since they will impede movement of mowing equipment, rocks shall not be placed on turf grass. No rocks are permitted between houses since there is the possibility they may affect the free flow of run-off from the lot(s) and impede contractor access.

2.5.2 Flower and Plant Pots/Vases. Such items may be placed in:

- The mulched bed directly in front of the house i.e. in the mulch bed on the house side of the band of turf grass;
- On paved, personal access areas such as walkways, driveways or front door entry areas
- In mulch beds in the rear of the house within lot lines;
- Within the screened lanai/pool cage portion of the house. All such flowers and plants are strictly the responsibility of the resident for their proper and regular care.

2.5.3 Other Ornamental Items. Such items including, but not limited to statues, benches, fountains, fixed flagpoles, decorative yard art, bird baths, lawn furniture, bird feeders,

planter poles etc. are not allowed in any mulched area in the front or sides of a residence where they are visible from the street or in/on any common area.

2.5.4 Landscape Lighting. Such lighting, commonly including low voltage and solar types, is permitted only upon submission of an ACR form to the Board for consideration and approval. The Board reserves the authority to control quantity, design and placement of such lighting. Landscape lighting is not allowed in any common areas.

NOTE: ITEMS COVERED UNDER THIS YARD ORNAMENTATION PARAGRAPH (2.5) MAY BECOME FLYING OBJECTS IN THE HEAVY WINDS THAT ARE COMMON IN FLORIDA'S TROPICAL STORMS AND OCCUR DURING HURRICANES. PLEASE BE ATTENTIVE TO THIS SAFETY CONCERN AT ALL TIMES.

3.0 Storm and Hurricane Protection.

For homeowners who wish to protect their dwelling, the installation and removal of hurricane/storm shutters and other protective applications shall be governed as follows.

3.1 Protection During the Hurricane Season (Seasonal Install With Board Approval).

Hurricane/storm shutters and other protective applications may be installed on any residence from June 1st through November 30th (the generally accepted hurricane season) provided the protective package has been previously submitted to the Architectural Review Committee (ARC) and subsequently approved by the Board. The shutters or other protective applications, subject to Board approval upon submission of an *Architectural Change Request (ACR)* form available at our website www.willowbendosprey/onlineforms or the Property Manager's office, shall be one or a combination of the following materials:

- Clear, wind and impact resistant panels
- Metal panels, e.g. accordion, roll-down, or corrugated, with a finished surface as applied by the panel manufacturer and compatible with the house trim or body color
- Metal or wood panels painted by the homeowner to match the house trim or body color
- Wind resistant mesh panels made from heavy-duty storm fabric
- Clear, hurricane or safety protective window films

3.2 Imminent Storm/Hurricane Protection (Temporary Install Without Board Approval).

When the threat of a hurricane or tropical storm is imminent, hurricane/storm shutters may be installed and other storm precautions may be taken to protect the residence without prior Board approval **but such measures shall be only temporary in nature.** Choice of materials and finishes is at homeowner discretion. A storm is deemed imminent when the National Weather Service (NWS) for the Sarasota/Bradenton/Venice area has issued a tropical storm or hurricane watch (36 hours prior notice) or warning (24 hours prior). However homeowners are allowed to taken action to protect their dwelling as soon as the NWS announces that Sarasota County is in the "cone of probability" which is normally announced from 96 hours to five (5) days in advance

of an event. All such shutters and other exterior alterations or additions installed as a storm precaution shall be promptly removed within 14 days after the watch/warning is terminated.

3.3 Out-of Season Protection.

Regardless of time of year, any protection methodologies described in Para's. 3.1 and 3.2 above may be employed when National Weather Service local storm watch/warnings are issued. All such protective measures shall be removed within 14 days after the out-of season watch/warning period is terminated.

3.4 Non-Storm Related Deployment/Use.

Storm protective applications shall not be used for non-storm related purposes e.g. sun protection, security during absences, etc. or for any other non-tropical storm or non-hurricane watch/warning periods or purposes.

4.0 Pets

No animals shall be kept on the house lot other than dogs and cats and other domestic pets normally kept inside a residence. Residents can direct nuisance complaints to the Sarasota County Sheriff's Office Animal Services Section at 941-861-9500 (see www.willowbendcommunity.com/phonenumberslinks The pertinent Chapter 14, Animals, and Article II, Animal Control, of the County Ordinance are found at http://www.animallaw.info/statutes/stusflodmiamidadecounty_sarasota.htm#sarasota

4.1 Leashing Pets

Since the Association is dependant on unrestricted access for landscape, irrigation and other contractor personnel and equipment, pets will be leashed at all times when outdoors. Unleashed pets are also subject to the jurisdiction of County authorities.

4.2 Pet Owner Clean up.

Residents and guests are required to clean up after pets regardless of location throughout the community. This is both a sanitary and aesthetic concern for residents and guests and also as a courtesy to the Association's and resident-invited contractor personnel. A further courtesy is to restrain pets from despoiling the property of fellow homeowners.

4.3 Pet Barking.

The CC&Rs (3.03 (d)) address the nuisance factor caused by objectionable noises emanating from house lots. This includes barking, howling and whining dogs, including those times when the pet owner is absent from the house leaving behind unattended animals. In the sole opinion of the Board, such noises may be declared a nuisance and are additionally subject to enforcement by County authorities.

5.0 Recreational Center and Exterior Recreational Facilities.

These facilities are available to all residents, family members and guests. Facilities include a covered dining and kitchen area, gas grills, workout room, heated swimming pool and spa, restrooms, tot lot/play area, lighted basketball court and a gazebo with picnic tables. A second gazebo is located at the intersection of Crane Prairie Way and Luminary Boulevard. Community green spaces are not included herein.

5.1 Access.

A special coded key, which cannot be duplicated, allows entry to the gated entrance, workout room and restrooms in the Center. The Property Manager will issue one key to each homeowner or tenant at no cost. One additional key per household is available at a cost of \$25.00. Replacement of a lost key costs \$75.00 and requires signature identification. All coded keys must be returned to the Property Manager upon termination of residency.

5.2 Bulletin Board. An unlocked, Homeowner Activities bulletin board is provided inside the Center's entrance for use by residents. Notices are to be limited to a single, dated, 3x5 card (provided) and removed within 30 days of the initial posting date.

5.3 Reservations for Special/Private Events.

Reservation requests may be submitted to the Property Manager to reserve, **for exclusive use, the kitchen and adjoining covered picnic area, both gas grills, and all but one of the round tables surrounding the pool deck.** A Recreational Center Reservation Request form available from the Property Manager's office or at our website www.willowbendcommunity.com must be accompanied by a \$100 deposit and is to be submitted at least seven (7) days prior to the event. The deposit is refunded if the requester/host fully complies with the responsibilities stipulated on the request form. Costs associated with the failure to do so will be charged to the resident or homeowner of record. An adult resident must be in attendance at all times during the event. The "exclusive use" must not interfere with, or place limitations on others who are using the pool, spa, workout room or restrooms etc. A Notice of Reservation, provided by the Property Manager, will be posted on the Homeowner Activities bulletin board by the requester/host a minimum of 48 hours before the event.

5.4 Facility Rules.

The following rules were adopted by the Board in June 2009 (with the exception of the bullying rule, but not changed on the web site. This is mainly for your information but as a new Board we may accept, reject, or revise any of these rules:

NOTE: Persons using the Recreational Center and Exterior Facilities do so at their own risk.

1. Only Homeowners or leaseholders or guests and family of Homeowners or leaseholders are allowed in the recreational area.
2. Pool, spa and workout room hours are from 5:00 a.m. to 10:00 p.m. daily; the entire recreation facility is closed from 10:00 p.m. to 5:00 a.m.

3. Children under the age of 16 are allowed in the pool or spa only with adult supervision; children between the ages of 12 to 16 are allowed in the workout room only with adult supervision in the room at all times. No children under the age of 12 are allowed in the workout room.
4. Since no lifeguard is on duty, residents and guests swim at their own risk.
5. No diving, running or jumping into the pool or spa.
6. Please use the outdoor shower before entering the pool or spa.
7. Suitable swimwear is required.
8. Infants and toddlers must wear double swim diapers in or around the pool or spa.
9. Persons with communicable diseases, open cuts, sores or wounds are not permitted in the pool or spa.
10. Nothing is to be put in the pool or spa water (no drinks, soap, shampoo, powder, liquid etc.).
11. No bikes, scooters, skateboards or other such equipment are permitted inside the Center or on the basketball court; skateboards are not allowed in the parking lot or adjoining pavements.
12. No pool furniture or association property is to be removed from the Center.
13. Aquatic equipment that interferes with unobstructed use by others is not permitted in the pool or spa.
14. No pets are permitted within the Center.
15. Glass containers are prohibited from all the recreational facilities.
16. The dining and kitchen area and gas grills must be cleaned after use; grill users must provide a steel brush for cleanup.
17. Food is not permitted in the workout room.
18. The workout room is a temperature-controlled environment so the doors and windows must be kept closed at all times.
19. Use of equipment is limited to one apparatus at a time. Towels, water bottles or other items must not be used to deter others from using unoccupied equipment or space.

20. TV channel selection is on a first come/first served basis. Volume control is determined by the majority. Please be considerate of others when setting the volume level.

21.. Turn off the TV and lights in the workout room upon completing your workout i.e. apply the 'Last One Out' rule.

22. Keep bathroom windows and doors closed and locked.

23. The basketball lights are inoperable after 9:00 p.m.; the gazebos and the tot lot/play area are not to be used after 9:00 p.m.

24. Use of the tot lot/play area immediately adjacent to the Recreational Center by children under nine (9) years of age shall require adult supervision.

25. Users of the gazebos, tot lot/play area and basketball court must remove their trash from these areas as no receptacles are provided.

26. Selected areas of the Recreational Center may be reserved for a private event by submitting a request to the property manager. A "Recreational Center Reservation Request" form is available on the website or at the Property Manager's office. A leaseholder or homeowner must apply and receive prior approval for any function with 8 or more nonresidents present and must be present during the entire function.

27. Report any unruly conduct or vandalism to the Sheriff's Dept. (Non-Emergency: 941-316-1201) and as soon thereafter as reasonably possible report the incident to the Property Manager. For Emergencies dial 911.

28. The poolside telephone is for emergency use only.

29. Residents must keep noise at a reasonable level and be considerate of other residents and guests.

30.. Bullying is defined as any repeated verbal, written, or physical conduct by one individual that threatens, insults, or dehumanizes another individual(s). This may take the form of threats, intimidation, noisy domineering or browbeating, stalking, physical violence, sexual or racial harassment, and/or the use of rude and profane language that intimidates or humiliates others. In order to maximize the enjoyment and benefit of the largest number of residents using the Willowbend facilities, bullying or harassment of any form (as described above) at the recreation center or in the common areas of Willowbend is against the rules of Willowbend.

6.0 Sale, Transfer or Lease.

By Para. 3.06 of the CC&Rs (Section III, Use Restrictions), whenever a dwelling is sold,

transferred or leased, the homeowner must notify the Board with the name of the new owner or tenant along with the closing date of the sale or start date of the lease. A *Notification of Sale, Lease or Transfer* form is provided at our website www.willowbendcommunity.com or is available at the Property Manager's office. A house cannot be leased for less than a three month term and more often than twice in a calendar year. All lessees and occupants shall be subject to all of the Community's Use Restrictions and the Rules and Regulations as set forth herein.