

**KEYWAY PLACE**  
**HOMEOWNERS ASSOCIATION**  
**9904 SHELTERING SPRUCE STREET**  
**ENGLEWOOD, FL 34223**  
**RULES AND REGULATIONS**

**FIRST ADOPTED**  
**XXXXXXX, 2021**

**BACKGROUND**

Keyway Place (KWP) is a Deed Restricted Community Homeowners Association (HOA). Development started in 2013 with the Ryland Group performing the initial infrastructure and home building. Ryland then merged with Cal Atlantic Corporation, who then merged with Lennar Corporation. KWP includes 70 homes on private lots, along with a pool, cabana, walking trails, and three small ponds on common areas. The largest pond provides all of the irrigation water for the community. The two smaller ponds are for water retention to protect our roads and common areas during periods of heavy rain. The last of the 70 homes was transferred in 2018, and Lennar transferred control of the HOA to the owners on June 29, 2018. Five members of the HOA were elected to the Board of Directors effective June 29, 2018 to represent all of the owners in the management of the day-to-day operations. The Directors terms of office are described in the Bylaws.

**PURPOSE OF THE RULES AND REGULATIONS DOCUMENT**

The authority to develop a Rules and Regulation (R & R) document is established in the Declaration Article 3.13.

The purpose of these RULES AND REGULATIONS is to supplement and provide a summary of those items set forth in the ARCHITECTURAL CONTROL STANDARDS and MASTER DECLARATION OF THE KEYWAY PLACE HOMEOWNERS ASSOCIATION (“Declaration”) that apply to everyday standards of living and property maintenance in the Community. The standards and criteria presented in these Rules and Regulations document are not necessarily all of the requirements applicable to a specific topic. Further details

on many items covered here are available in the documents listed above. Compliance with the Community standards, rules and regulations will be verified through a routine, periodic inspection program. Enforcement is by the authority of the Home Owners Association (HOA). All capitalized terms used but not otherwise defined herein shall have the meaning ascribed thereto in the Declaration. In the event that these Rules & Regulations conflict with language in the Declaration, the language in the Declaration shall govern the issue. In accordance with the Master Documents of the Keyway Place Home Owners Association. Any changes made to the exterior of your property and grounds requires ARC approval BEFORE the work can be performed. Exterior modifications CANNOT begin unless there is ARC Approval of an Application filed by the homeowner. Please review the ARC Standards and Rules Regulations of the Keyway Place Homeowners Association (HOA). When in doubt, fill out an application.

## **RULES AND REGULATIONS**

### **PARTS I, II, and III**

#### **I. ARTICLES OF DECLARATION REQUIREMENTS**

**Article I:** Refer to Article 1 for definitions

**Article II: Private vs Common areas**

Private areas are the 70 titled single family residential deeded house lots. Common areas are all other property within KWP.

**Article III: Property Rights**

#### **3.2. Easement descriptions**

A. Public Ingress / Egress Easement – 12' sidewalk along 776

B. Landscape, Irrigation & Drainage Utility Easement – 15' inside KWP property boundaries

C. Private Utility Easement – 10' from edge of sidewalk into each private lot

D. Private Drainage Utility Easement – 10' at rear of private lots

E. AS described in Book48, pg. 42, Sarasota County public records

#### **3.3. Synopsis of 3.3.1.1 to 3.3.1.4**

A. use of common properties is limited to owners, families and guests.

- B. The HOA may suspend voting and enjoyment of common properties due to unpaid assessments, or assess fines for violations of the Covenants.
- C. the HOA has the right to impose restrictions on use of common properties.

**3.10. General Use Restrictions**

All KWP documents are assigned to the legal successors in title. These include the Covenants and Restrictions, Rules and Regulations document, and the ARC Guidelines.

**3.11. Leases:**

Basic lease restrictions are as follows: Owner shall notify HOA prior to renting/leasing their home. All Rental/Leases shall be for a period of not less than seven (7) consecutive months. No more than two (2) rentals/leases shall be permitted in any rolling twelve (12) month period. Read Declaration Article 3.11 for the entire list of rental/lease restrictions.

**3.12.1.4. HOA Manages Irrigation**

KWP HOA manages and maintains all community irrigation.

**3.12.1.5. Signs and Flags: RESERVED**

**3.12.1.6. Disability Act Followed: RESERVED**

**3.12.1.8. FCC and Satellite Dishes**

Satellite dishes, aerials and antennas require ARC approval only because it is a modification to exterior of house.

**3.12.1.11. Animals and Pets**

No more than three (3) common household pets are allowed per Lot. Owners must pick up when their dogs leave stools. See 3.12.1.11.1-4 for details. Dogs must be confined to common areas and must be on a leash at all times.

**3.12.1.12. Parking and Vehicular Restrictions**

Owners automobiles shall be parked in garage, driveway or in roadway fronting their lot.

Owners should notify BOD if visitors vehicle will be parked longer than one overnight. Request extended stay up to two weeks. No "commercial" vehicle shall be parked outside a garage overnight. Reference 3.12.1.12.5 for definition of commercial vehicle.

**3.12.1.12.10. Authority to Promulgate Rules and Restrictions:**  
Provides the BOD the authority to develop, approve, amend, and enforce a Rules and Regulations document.

**3.12.1.14. Driveways**

ARC approval is required to alter driveways

**3.12.1.15. Trash: Garbage Containers**

Garbage placed out for collection the evening prior to pick up must be in containers with secure lids.

**3.12.1.16 Sewage Disposal; Septic Tanks**

Septic tanks are not allowed on property

**3.12.1.17. Temporary Structures**

No additional structures are allowed on any Owners lot, except for canopies and tents used for social events such as birthday parties or wedding receptions, and which must be removed within 48 hours. No camping tents permitted.  
See Article for clarification

**3.12.1.22. Swimming Pools**

In-ground swimming pools require ARC approval.  
Above ground swimming pools are NOT allowed.

**3.12.1.24. Lighting Reserved**

**3.12.1.26.1 to .26.6 Fences, Walls, and Hedges RESERVED**

**3.12.1.27.** Owner responsible for all governmental and KWP rules. The BOD shall promulgate and ARC shall be required to utilize these Standards in any Lot Owner request.

**3.12.1.28. Yards and Trees RESERVED**

**3.12.1.29. Exterior Artificial Vegetation, Sculptures, etc.**

ARC approval is required for all exterior changes or additions

**3.12.1.30. On-Site Fuel Storage**

All fuel storage on any Owner's lot requires ARC approval, with the exception of 3(three) 5-gallon gas cans or propane tanks (maximum of 20 pounds each) for gas grill, generator, or fire pit use. Except as described above no above or below ground fuel tanks for storage of heating fuel for heating or for generator use is allowed.

### **3.12.1.31. Outside Window Coverings**

Reflective window coverings are prohibited. All permanent awnings, canopies or shutters require ARC approval.

### **3.12.2. Home Business Use**

No trade or business may be conducted from any home. "Working from home" is allowed as long as it is not visible from outside of the house.

#### **3.12.2.1. Extended Vacation or Absence**

Lot Owner agrees the HOA has no duty/responsibility to unoccupied homes during owner's absence.

#### **3.12.2.2. Storm Shutters**

All storm shutters, except those supplied by the builder, require ARC approval.

No hurricane shutters of any kind may be deployed on the side walls or the front of a home, or on the rear of the home outside of the lanai screened area, except when an official tropical storm or hurricane watch or warning has been issued for Sarasota County. These shutters must be removed within 14 days after the warning or watch period has expired.

#### **3.12.2.3. Garage Sales**

Community Garage sales are limited to 1 per twelve-month period. Must be approved by BOD.

Estate sales are permitted with BOD approval.

#### **3.12.2.4. Sound Transmission**

Sound levels/requirements per Sarasota County regulations No. 2014-022.

#### **3.12.2.5. Basketball Goals**

Portable basketball hoops are only allowed on Homeowners lot.

#### **3.12.2.6. Swing Sets / Playground Equipment**

All playground types of equipment require ARC approval

#### **3.12.2.8. Clothes Hanging Outside**

All outdoor clothes drying shall not be visible from the road fronting the home.

#### **3.12.2.9. Wells**

All underground wells are prohibited on any Owners lot

#### **3.12.2.10 Front Porch & Garage Screens**

Require ARC approval

**3.12.2.11 Door Screens**

Require ARC approval

**3.13. Rules and Regulations**

Provides the authorization for the HOA to develop and enforce an approved and recorded R & R document

**3.17. Pond and Wetland Use Restrictions**

Per the Southwest Florida Water Management District, all alterations, disruptions, removals of vegetation for any purpose are strictly prohibited. This includes all KWP Common Area property surrounding the large pond

**Article IV: Architectural Control**

**4.1. ARC Guidelines RESERVED**

**4.2. ARCHITECTURAL CONTROL**

4.2.1 Describes the purpose and membership

4.2.2 ARC members and alternates shall be appointed by the BOD. Up to two (2) alternate members may be appointed at any one time.

4.2.3 Restricts building or improvements, and signs recreation equipment etc. without ARC approval

4.2.3.1 Refer to ARC Guidelines for external modifications that do not require ARC approval.

4.2.4 Authorizes ARC to request detailed information. All requests which include extending any part of the structure, lanai, or to relocate A/C or pool pump units requires that the plan be submitted on a copy of the specific unit's recorded site plan to ensure easement and setback requirements are met.

**REVIEW FACTORS: FORMERLY PART OF 4.3 RESERVED**

**4.4 Timelines:** The Arc has 30 days from submittal of final and complete application within which to vote to approve or disapprove. If the applicant notifies the ARC of this failure, and the ARC does not vote within an additional 30 days of said notice, the applications is deemed to be approved.

The ARC must notify the applicant of decision within 10 days after the vote. Refer to Declaration Article 4.4 for the details of the process to follow for a denial.

**4.5 Application Review Fees**

None at this time

**4.6 Published Standards**

The BOD may publish certain standards such as this Rules and Regulations which is required to be followed, and the ARC Guidelines to be used as a reference.

**4.7 Damage Restitution**

Any damages must be repaired by applicant or HOA will repair at applicants' expense

**4.8 Liability of ARC and BOD**

ARC has the right, but not obligation to act on any application without any liability. Refer to Declaration for the details on this section. ARC Plan approvals shall not be deemed to determine the following:

**4.8.1** Are complete or do not contain defects

**4.8.2** Plans meet standards etc.

**4.8.3** Are aesthetically appropriate etc.

**4.8.4** Comply with government requirements

**4.9 Completion of Work Remedy**

The ARC has the right to notify the owner and take the appropriate action if there is no progress or work is not completed within 60 days. See Declaration for full details.

**Article V: Membership and Voting Rights**

**5.1** Membership: If title to a lot is held by more than one owner, each is a member.

**5.2** Voting: There is only one class of voting membership

**5.3** Only one owner in a co-ownership title is entitled to vote. Owner must notify HOA which one will vote.

**Article VI: Association Rights and Obligations**

**6.1** Association shall govern, make rules and regulations, control, maintain and manage the Lots and Common Areas pursuant to The Association Covenants. See Declaration Article VI for complete details.

**Article VII: Maintenance by Lot Owners**

**7.1** Except as otherwise provided in the Covenants, each lot owner is responsible for the maintenance, replacement, and repair of all improvements on their lot

**7.2** If the lot owner fails to maintain lot and improvements, HOA has the right correct the deficiencies and to charge the owner.

Refer to the HOA Declaration for the following Articles:  
Articles VIII through Article XVI.

**II. BY-LAWS**

**Article I: Name and Location**

See title page above

**Article II: Definitions**

See Definitions listed in the Declaration

**Article III: Meetings of Members**

**Section 1:** Annual Meetings shall be held in Sarasota County

**Section 2.** Notice of Annual Meetings: Annual meetings must be held in the fourth quarter. All agendas and other material to be discussed at the meeting must be posted/mailed at least 14 days in advance.

**Section 3.** Special Meetings for any purpose can be called by the President, Secretary, a majority vote of the BOD, or be 20% of the owners.

**Section 4.** Notice of Special Meetings: Only business posted in advance can be addressed at a special meeting. Notice of meeting must be sent not less than 30 days, nor more than 60 days prior to meeting.

**Section 5.** Quorum: 30% of owners present in person or by proxy constitutes a quorum.

**Section 6.** A majority of the votes cast in person or by proxy, when there is a quorum shall decide any question brought forth.

**Section 7.** Order of Business must follow the posted agenda



**Section 8.** Action without a meeting: An action taken without a legal meeting provided that a proposal of the action is mailed to all members with a request to approve or disapprove it. Unless prohibited by law a proposed action can be approved by a majority vote of the responding members.

**Section 9.** Voting: Each unit can cast one vote on issues at hand. For units with more than one owner, only one owner can cast a vote. The owners must sign a form designating which owner can vote.

**Section 10.** Presiding Officers: The president, or in his/her absence, the vice president shall preside over the meeting.

**Section 11.** Right to Speak: Each member has the right to speak for up to 3 minutes for each agenda item discussed.

#### **Article IV: Directors**

**Section 1.** No longer applies

**Section 2.** Election of Directors:

(a) Directors are elected at the Annual Meeting

(b) Shall be by ballot.

(c) Unless a BOD member is removed by the members all vacancies that occur between annual meetings shall be filled by a majority of the remaining BOD members.

(d) See Bylaws for details on BOD members removed by the members.

(e) No longer applies

(f) All election disputes shall be resolved in accordance with the ACT (FL 720).

**Section 3.** Term of Office. See Section 4

**Section 4.** Composition of BOD members: There shall be 5 members on the board. The term for all board members is two (2) years. All officers shall be deemed to be members of the Association so as to qualify to become a director.

**Section 5.** Notice of BOD meeting to Members: Notices must be posted on our two bulletin boards not less than 48 hours prior to a BOD meeting, except 14 days' notice is required to vote to raise assessment obligations, and for a Rules and Regulations vote by the board

**Section 6. Right to Speak: See Article III Section 11 for rights.**

**Section 7.** Annual Organizational Meeting: Meeting should be held as soon as possible after the Annual meeting. It is preferable to hold this meeting immediately after the Annual Meeting closes.

**Section 8.** Meeting to determine Assessments: See Section 5 above.

**Section 9.** Meeting to determine Rule & Regulations. Must be a written notice concerning changes to the rules that regulate the use of homes will take place.

**Section 10.** Special Meetings: Requires not less than 3 days' notice when 2/3rds of the directors call for it.

Section 11. Petition by members to Board to address item of Business: If 20 % of the members request an item to be discussed, the BOD at its next, not to exceed 60 days, meeting after the request is submitted shall provide 14 days written notice of meeting. Board is not obligated to take any action on request.

**Section 12.** Waiver of Notice: Any director may waive notice of meeting before or after a meeting. Attendance is a waiver of notice.

**Section 13.** Quorum and Voting: A majority of the board is a quorum. Unless prohibited by other laws, acts approved by the majority carry.

**Section 14.** Adjourned Meetings: If less than a quorum is present, a majority present may adjourn the meeting. No further notice of adjourned agenda items is required for future meetings.

**Section 15.** Joinder in Meeting by Approval of Minutes: The joinder of a director by signing and concurring in the minutes shall constitute the presence of said director.

**Section 16.** Presiding Officer and Secretary for meetings: The president shall preside. If president is absent the Vice President

shall preside. The Secretary shall be secretary for meetings of the directors.

**Section 17. Compensation:** No director shall receive compensation.

**Section 18. Committees:** The Board may appoint committees.

**Section 19. Attendance by Telephone:** Any member shall be deemed to be present and voting by means of a conference telephone or online audio/video conferencing system.

**Section 20. Action Without a Meeting:** Any action permitted to be taken at a meeting may be taken without a meeting if written consent of the action is signed by all board members, and is submitted with the minutes of the proceedings.

**Section 21. Powers:** The board shall have the powers set forth in the Declaration and FL 720, including but not limited to:

- (a) Adopt and promulgate rules and regulations governing community by the Declaration, and to establish penalties for infractions.
- (b) The Board may suspend the right of a member, tenant, guest, or invitee to use the common areas. See the full description in the Bylaws.
- (c) Exercise for the Association all powers duties and authority in the Covenants, except those reserved for the Membership.
- (d) employ a manager, independent contractor, or employees.

**Section 22. Duties:** Refer to the Bylaws Article IV Section 22.

**Refer to the full Bylaws Articles VI through IX for details**

## **Article V      Officers**

### **Section 3.    President**

With the exception of emergencies, the president is not allowed to spend in excess of Five Hundred dollars (\$500.00) without Board of Director approval

### **Section 6. Treasurer**

With the exception of emergencies, the treasurer is not allowed to spend in excess of Five Hundred dollars (\$500.00) without Board of Director approval

## **III. RULES AND REGULATIONS NOT BASED ON COVENANTS**

The following rules and regulations have been adopted by the majority vote of the Board of Directors, after properly posting (14 days required) for an open meeting to discuss the proposed rule or regulation prior to the vote.

1. Speed Limit within all of KWP is 15MPH
2. No Smoking permitted inside the pool fenced in area
3. Confines of KWP is Private Property