

# **TO BE GIVEN TO NEW OWNER PRIOR TO CLOSING**

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## **APPENDIX A**

### **RULES**

**Filed and Recorded in Marion County Florida July 2012**

**FOR**

## **Kingsland Ocala Waterway Owner's Association, Inc.**

**A Non-profit Florida Corporation**

**Membership in Kingsland Ocala Waterway Owner's Association, Inc.**

### **Foreword**

1. Pursuant to deed restrictions. Membership in the Association is mandatory for all property owners, Sections Kingsland Country Estates Unit 22, Ocala Waterway Estates Section 27 & Ocala Waterway Estates Section 34 an Unrecorded Plat.
2. Your membership in the Association is a covenant in the deed and will not end until property is no longer owned by you.
3. Members are allocated one vote for each lot/parcel in which they hold the interest.
4. Members in good standing may vote in person, by proxy or by your authorized attorney in fact.
5. Meetings of general membership are held annually in March. Time and place will be announced.
6. Membership dues are payable annually on January 1st for that calendar year, and become delinquent 90 days thereafter.
7. Violations of Marion County Code or Ordinance will be reported to the applicable Marion County Department for their enforcement with an Association Notice to the Property Owner. The Association Rules List will be cross referenced as follows where applicable to State Statutes, Marion County Ordinance or Code, Land Development Code and Developers Covenants and Restrictions Reference.
  - a. Florida State Statutes, Title Alpha Character, Chapter & paragraph #. **Example: FLS XXVI 617-0102.**
  - b. Florida building Code, **Example FBC 105.16.**
  - c. Marion County Code of Ordinance, Chapter, Section/Paragraph #. **Examples: MCO 4-10, MCO VID2 & MCO 17-IIID-2**
  - d. Marion County Land Development Code, Article & Section. **Example: LDC 5.1.R-1.**
  - e. Developer's Southern MultiCapital (SMC) Covenants and Restrictions (C&R) w/15 Amendments Article (Roman Numeral) & Section #. **Example: C&R IV 4.**
  - f. Articles of Incorporation. **Example: AI IV.**
  - g. By-Laws. **Example BL V.**

## Rules

### Article I Single Family Residence

#### Sections:

- 1. Single Family Use.** Lots are restricted to Single Family Use (**LDC 5.2-2 & C&R I-1**).
- 2. Building Area.** Associations Sub-Divisions are Zoned R-1. Permitted uses significant to the Association are as follows (**LDC 5.3.R-1 & C&R I-2**):
  - a. Site built** one single family dwellings and one family guest cottage/apartment.
  - b. Manufactured Buildings.**
  - c. Public Park** or other public recreational use.
  - d. Community Center.**
  - e. Small building** for housing personally owned dogs & cats.
  - f. One family/guest house cottage apartment.**
  - g. SPECIAL USES** as specified (**LDC 5.3.R-1-2 h**). All special uses shall have special approval by the Association and Marion County Zoning Commission and Board of County Commissioners. For example; Commercial Vehicles in excess of 10,000 lbs, Live Stock which is restricted to A-1 Zoning, Pot Bellied Pigs, Poultry, Professional Offices, and etc.
  - h.** Two car Garages are required (**C&R I-1**).
  - i. Residence** on less than .67 acres requires 1600 SF living area. Residence on greater than .67 acres requires a minimum of 2,000 SF living area (**C&R I-2**).
  - j. Swimming Pools.** A Barrier as specified in FL XXIII 515.29 is required.

### Article II General

**1. Plans & Specifications.** No building or structure, or part thereof shall, be erected, constructed or altered and no existing use, or changes of use of any building, structure or land thereof, shall be made or continued except in conformity with the provisions of State of Florida and Marion County Ordinance/Code. A permit is required. (**FBC 102.2, 105.3 & 105.16 & 1606.3.2, MCO 5.5-39, C&R II-1 & 2.**)

#### **2. Lot and building standards (LDC 5.3 .R-1 & C&R II-1 & 3).**

- a. Construction.** All construction shall meet the requirements of Building Codes of any governmental authority having jurisdiction thereof. Footing shall be concrete, reinforced by steel. The outside walls shall be masonry, block stone, brick veneer, or frame with exterior treated paneling. No manufactured or mobile home shall be placed on any lot in the property (Note there is one Mobile Home at 4800 SW 100<sup>th</sup> Street that was grandfathered into Section 27 in 1996) (PID # 3578-027-005) and a large commercial garage at 4575 SW 115<sup>th</sup> St (PID # 3579-001-234).

**(1)** Call before you dig. Call 811 from anywhere in Florida two full business days before you dig and tell the operator what you are planning. At no cost to you, they will send a locator to mark the approximate location of underground utilities. If you damage the utilities; you may be liable for cost of repair.

b. Any damage to roadway or shoulder resulting from site construction shall be repaired (**LDC 8.2-5(12) (d)**). This also applies to additional driveway access across the road drainage swale for additional parking space

**3. Setbacks (MCO 5-R-1-4-c).** No structure may be erected, placed upon or extend over any setbacks unless approved in writing by the appropriate Authority.

a. The minimum front setbacks for buildings or structures shall be 25 feet from lot line. All setbacks shall be measured from the foundation or wall.

b. The minimum side setbacks for buildings or structures shall be eight feet (8) from property line.

c. The minimum rear setback, front and back for main buildings shall be 25 feet and for accessory buildings shall be 8 feet from property line.

**4. Paving, Sewage Disposal System and Water System (FL XII 177 & 180, LDC 8, C&R II-4).** If fifty one percent (51%) of the Property Owners in a specific Section (22, 27 or 34) want to vote, and a majority approves street lighting, central water or sewage system, they may be installed. Special Assessments or County Taxes will be levied to pay for same. This is the same process that was completed for maintaining the infrastructure by MSBU in all three Sections.

**5. Animals.** No animals, livestock, or poultry of any kind may be raised, kept or bred on any lot, except that no more than three dogs, cats or comparable household pets may be kept (**LDC 5.3.R-1-2 h & C&R II-5**). Complaints pertaining to animal control shall be reported by property owners' to Marion County Department of Animal Services. Animal Control Office (**FL XLV 767 & MCO 4. at 352-671-8727**).

a. Without regard to knowledge, intent, or culpability, an owner shall prevent a domestic animal from becoming a nuisance to include running loose, using other properties for depositing bodily waste, barking, whining or howling beyond the boundaries of the owner's property (**MCO 4-11**).

b. **Control of animals.** It shall be the duty of every animal owner or anyone having custody or care of any animal to ensure that the animal is kept under humane control. Reasonable care and precaution shall be taken to prevent the animal from leaving, while unattended, the real property limits of its owner e.g. securely and humanely confined within a house, building, fence pen, other enclosure or tether with sufficient ventilation, food, water and care (**MCO 4-10**).

c. **Dangerous Dog.** It is unlawful for the owner of a dangerous dog classified in accordance with **FS XLV 767.12** to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. A proper enclosure means while on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements (**FS XLV 767.11**).

d. **Horses** are not allowed in a Residential Zoned Community without a Special Use Permit. All special uses shall have special approval by the Association and Marion County Zoning Commission and Board of County Commissioners (**LDC 5.3.R-1-2 h**).

**6. Signs: (FL XL 720.304, LDC 7 & C&R II-6).**

a. **Prohibited signs:**

(1) Signs, commonly referred to as wind signs, consisting of one or more objects or materials that move by force of wind (**LDC 7.4.2d & 7.5.2f**).

- (2) Signs, erected on public property or right of way or posted on private utility pole located on right-of-way (**LDC 7.3.2o**).

**b. Exempt signs (LDC 7.3).**

- (1) **Holiday** Lights and decorations.
- (2) **Political** signs in residential zoning shall not exceed eight square feet and shall be located behind the property line and shall not be placed in the public right-of-way. All signs shall be removed within two weeks after final election date of each candidate.
- (3) **Public warning** signs to identify the dangers of trespassing, swimming, animals or similar hazards. Security signs must be of reasonable size and placed within 10 feet on each side of the house.
- (4) Two **subdivision signs** per sub division not to exceed 64 square feet in sign areas per sign (**LDC 7.5.5**).
- (5) **Temporary signs.** Real Estate signs indicating that a property owner is actively attempting to sell, rent, or lease property on which the sign is located. 1 sign six (6) feet by three (3) feet high is authorized (**FLS XL 720.304, LDC 7.5.2c & 7.5.4b**).

**7. Fences.** Fences or walls more than 6 feet in height shall not be erected or maintained on any lot or parcel of land from the front 25 feet set back line around the house to the rear without a waiver from the Association. No fence or wall exceeding 30 inches in height shall be erected from the 25 feet set back line on the side property lines to the front property line (**C&R II 7**). Fences and/or walls must be maintained and all easements observed and have precedence over fencing. If Fences or walls are placed on the property lines without regard to easements the owner may be responsible for removal cost if in the future easements are needed.

**8. Additional Buildings and Area Coverage.**

- a. Permits are required for additional buildings, structures, sheds and etc. See **Article I 2g** above for Special Uses Permitting (**FBC 102.2, 105.3, 105.4-40 105.16 & 1606.3.2, MCO 5.5 -39, C&R II 1 & 2**).
- b. Not more than 35% of the area of each lot shall be covered by buildings. This includes one single family residence and one family/guest cottage/apartment a shed and/or driveway (**C&R II 8**).
- c. Accessory structures shall be located in the rear or side yard provided required setbacks and easements are observed (**MCO 5-R-1-4-d**). The minimum side setbacks for buildings or structures shall be eight feet from property (**MCO 5-R-1-c (2)**).
- d. Tie downs are required for additional buildings or structures to meet the Florida Statute for Wind loads (**FBC 5.5-39**).

**9. Landscaping (C&R II-9, LDC 8.2-10k (1)).** Once construction is completed, lot shall be landscaped with grass planted adjacent to sides and front of the house to any street edge including corner lots. **C&R Amendment 4, 05/11/2000** established a requirement for a Buffer Zone, wherein the rear thirty (30) feet of each lot shall not be cleared and shall remain as a natural habitat to serve as a buffer zone between properties. Many property owners' want the buffer and many do not. Facts are during high winds, sand pine trees and heavy rain causes these type trees blowing down and causing damage to roofs, pools, screen rooms, and etc. It is the position of the Association that if you want the Buffer Zone, keep it. If not, do away with it but shall replant with native shrubs, trees, grass and etc.

## 10. Care of Lots (C&R II-11+10).

- a. **Lawns**, landscaping and plantings must be kept in a reasonably neat and trimmed condition.
- b. No **garbage cans** shall be permitted to remain in view of the street or adjoining property except on scheduled trash pick up days.
- c. **Laundry lines, grills, play equipment**, including, but not limited to, swing sets, pools or trampolines are only allowed in back yards, preferably behind building, or fences.
- d. No portion of any lot shall be used as a **dumping ground** for rubbish, trash waste material, junk, worn out vehicles or vessels, unusable or abandoned personal property. If a personal restoration project on a temporary basis is undertaken, notify the association in writing, with the nature and time frame.

**11. Easements.** They are expressly reserved in perpetuity and identified on the Plat Plans filed and recorded in Marion County Public Records, Easements consisting of Road Right of Way (ROW) and Utility and Drainage Easements. In Section 34, (a private sub-division) these Easements are identified as Ingress/Egress Utility & Drainage Easements. Be advised these easements can vary from road to road and from lot to lot depending upon the Plat Plan. if you or your Contractor places anything within or on these easements you will be responsible for cost of removal if needed (LDC 8.2, MCO App A VI D2, MCO 17-IIID2 & C&R 2-11). Don't take chances. Ask before you build. If assistance is needed ask your Association.

### a. Section 22 & 27 Public Sub-Divisions:

- (1) **Road Right of Ways** (ROW) consist of 20 feet of road plus drainage swales & utility easements which vary from road to road as identified on the Marion County Plat Plan. For example: SW 103<sup>rd</sup> Street Road's ROW is 60 feet wide. Subtract 20 feet for the paved road and divide the remaining difference by 2 which means each side of road has a 20 feet drainage swale & utility easement. Usually the electric poles, phone, cable, and water distribution boxes are on the corner edge of the property lines. The front of your property will have a 25 ft set back line for building from the edge of the drainage/utility easement.
- (2) **Drainage Easements** (called D.E. or Swales). Some properties have drainage easements they share with an adjacent property with half the size on each property line. They vary in size from 20 (10 & 10) to 15 (7.5 & 7.5) feet. If in doubt call the Association for assistance before you decide to build on your side and rear property line.
  - (a) No permanent structure is authorized on a D.E. This would violate the eight (8) feet set back for buildings or accessory buildings ( See above Article II Section 3).
  - (b) Any fencing across a D.E. shall consist of a gated opening of at least ten (10) feet opening to allow access for maintenance of the drainage system. This fencing cannot block or restrict the flow of water.
  - (c) Any fencing, trees or shrubbery along the side of the easement property line shall be at least the platted width of the easement i.e. 15, 20 feet and etc to allow maintenance by the County or the Association as appropriate.
  - (d) Although this is your property and you should maintain it such as cutting grass and weeds. However, it is prescribed as a drainage easement as part of the overall development to allow storm water run off as required by South West Florida Water Management District and Marion County (SWFWMD). It also affects Flood Insurance Coverage determined by Federal Emergency Management (FEMA).

- (3) **Utilities:** Marion County has authorized utilities to use the front ROW to your property line for installation of Electric Poles and Distribution boxes for Electric, Phone, Cable and water which in many case means these utilities are directly n the center of some drainage easements.

**b. Section 34 Private Sub-Division:**

- (1) See **Art. II 11A (1)** above for calculation criteria.
- (2) If property is on a corner, each road has sixty (60) feet width Ingress/Egress, Utility, Drainage Easement of which twenty feet (20) for each road on each property. If property has a road on the Greenway, the easement is forty (40) feet. On the front of a property add 25 feet setback for a house.

- c. For property on SW 49<sup>th</sup> Avenue:** the Right of Way is 80 feet of which the East side Drainage & Utility Easement is 30 feet.

**12. Residential On & Off- Street Parking (F.S. 316.1967) Penalty.** Any person who directly or indirectly violates the provisions of this statute shall be guilty of a nonmoving violation and shall be subject to a fine of twenty-five dollars (\$25.00) for the first offence, fifty dollars (\$50.00) for the second offense, and one hundred (\$100.00) for the third or subsequent offences).

- a. A two-car garage is required (**C&R I-2**). A two-car garage or carport and driveway combination shall count as three and one-half parking spaces, provided the minimum width is 20 feet and its maximum length is 25 feet in length between the face of the garage or carport door is 30 feet to curb line (edge of road). A two-car garage with one car carport shall count as three spaces (**LDC 8.2-6**). Specifications per **LDC 8.2-6 Table 8-4** follows. Note fraction of .5 is considered as one space.

- (1) Two Bedroom or less = 1.5 = 2.
- (2) Three bedroom = 2.0.
- (3) Four bedroom = 2.5 = 3.
- (4) Five bedroom = 3.0.

- b. Parking on lawns in the sub division is prohibited except in the case of special events. No more than one motor vehicle per 1,875 square feet of surface area shall be parked outside of a permitted enclosed structure (**LDC 2.2, MCO 18-6 & 7**).
- c. Parking or driving on road (road edges) drainage swales is prohibited. Swales are not to be used as an entry to your property. In addition to driveways all parking areas and access shall be paved (**LDC 8.2-6 c**).
- d. No parking on streets and Cul-De-Sacs within the three sub-divisions. There are no curbs or sidewalks and parking on the 20 feet wide streets impedes emergency vehicles and traffic in general resulting in safety hazard (**F.S. 316.2045**).
- e. Parking or driving on Water Retention Areas (WRA) is prohibited. Trespassers' can be issued tickets by Sheriffs' Deputies and or fined by the Association. These WRAs are platted as part of the storm water run-off system, are deeded to the county and verify expensive to build and maintain and serve a critical element in storm water run off for residents.
- f. Recreational vehicles, boats, utility trailers, motor homes, and etc., are permitted on the premises which have required screening or fencing for minimal view from the street (**C&R II-12**).
- g. Vehicles for Sale: No person shall park vehicle for a continuous period of twenty-four hours after written notice (**F.S. 316.1951 & MCO 18-6**). The Association will issue violation notices if offer of sale of vehicles on private property, is for more than one (1) vehicles at one time, occurs repetitively, and becomes repetitively.

- (1) Upon a public street of highway,
- (2) Upon other public property, or
- (3) For the principal purpose of displaying the motor vehicle for sale, hire, or rental unless the display of such motor vehicle is specifically authorized on such property by municipal or county regulation and the person is licensed as a motor vehicle dealer in accordance with and the person is in compliance with all municipal or county licensing regulations (**F.S. 320.27**).

h. Parking of Commercial vehicles in excess of 10,000 lbs on residential property is not allowed without approval of the Association and a Special Use permit review by the Zoning Commission and approval of the Board of County Commissioners. This does not preclude commercial deliveries and construction vehicles for clearing lots and building houses on a temporary basis (**LDC 5.3- R-1**). Any person who directly or indirectly violates the provisions of parking in areas zoned for residential issues is considered a moving violation (**F.S. 316.1967 & MCO 18-7**).

**13. Commercial Use (LDC 5.1-R-1, LDC 5.2-7, C&R II-13).** No business or commercial enterprise is allowed. No Commercial trucks, tractors/trailers or business vehicles of any kind are allowed to park overnight on any street or properties, except: as listed in above Article I 2 g; or if kept fully within the owners' garage or other permitted structures. Uses not specifically permitted for Residential Zoning shall be determined by upon request to Association and the Marion County Zoning Director.

**14. Division of Lots.** Lots can only be consolidated or sub-divided by approval of Marion County.

**15. Leases & Rentals (C&R II-15).** Home Rentals; All leases must be in writing. The written lease must include a clause stating the Tenant(s) must follow the Association Rules. Owners' are responsible for tenants' failure to comply. All leases must be filed with the Association Office prior to occupancy by tenants or whenever a new tenant moves in.

- a. If a property is occupied by a tenant and the property owner is delinquent in paying any monetary obligation due to the association, the association may demand that the tenant pays to the association the subsequent rental payments and continues to make such payments until all the monetary obligations of the property owner related to the property have been paid in full to the association and the association releases the tenant or the tenant discontinues tenancy in the property (**F.S. 720.3085 (8)**).

### **Article III Provisions for Maintenance and Upkeep.**

**1.** Dues are collected to promote the health, safety and welfare of its members, to maintain the aesthetics of the three sections of land and do everything within its power to protect the values of the property and quality of life either through the County or private contractors (**FS 617.392, FS 617.0601(6) & (7), FS 720.301, 303, 308, AC IV, BL V, C&R III**).

**2.** Obligation. Every owner regardless of how he/she received the property is a member of the Association by successor of title from original deeds filed in the 1970s.

**3. Annual Dues (C&R III-3).**

- a. Annual dues are due and payable in advance. If not paid by March 31<sup>st</sup> they will be considered delinquent. Delinquent Dues will be charged a late fee and maximum simple interest allowed (**FS 720.3085 (3)**). An invoice of dues owed is usually

included with December announcement of the Association's Annual Meeting and periodically during the year. List of delinquent dues payers may be published in local paper and Association paper. Liens or other legal action may be commenced for recovery dues as allowed by law.

- b. The Association is not authorized to maintain reserve funds for the repair and maintenance of capital improvements not provided by Marion County. Thus the Annual Budget process will determine; the short fall from previous year, if any, and establish the annual dues accordingly (**720.303 (6) (c), 720.308 (1) (a) & C&R III 3**).

## **General Provisions**

### Procedures for Membership Rules Violations:

1. First notice of violation will be sent upon confirmation of a violation. This notice will give the property owner and/or tenant 14 days to comply or in some cases, like tall grass or overgrown underbrush during the growing season, 7 days. It will also give details regarding fines for failure to comply in a timely manner.
2. A second notice will be sent after a recheck of property shows owner or occupant has not complied. An additional 10 days will be given for issue to be rectified. This notice will again give details regarding fines for failure to comply in a timely manner.
3. The last notification will be sent in 5 days after another recheck of property confirms violation is still active. This notice will provide a 14 day opportunity for the property owner or tenant to appear before a Grievance Committee of his or her peers before imposing a fine. The property owner and/or tenant should be prepared to either show the violation has been corrected or give cause as to why the problem has not been corrected. If the owner fails to appear, the Grievance Committee shall evaluate the violation, proposed fine and vote.
4. The panel will consist of volunteers of at least three property owners appointed by the Board of Directors who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of and officer, director or employee. If the Grievance Committee by majority vote does not approve a fine or suspension, it may not be imposed. If the fine is approved, the association must provide written notice by mail or hand delivery to the parcel owner, and, if applicable to any tenant, licensee, or invitee of the parcel owner.
5. The Florida State Statute 720.3085 allows for a fine of \$100.00 per day per incident up to \$1,000.00. The panel will determine the fine, if any, that will be levied and how it will be paid. Pursuant to FS 720.3085, the tenant may be assessed and the amount deducted from the rental amount due the owner, if the amount is not paid by the property owner. If court collection action is necessary, the parties will be charged for the costs of the suit, interest and attorney fees.

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