

## **THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION FOR GLENWOOD SPRINGS**

Having been properly voted on and approved by the membership of the Glenwood Springs Homeowners Association on Dec. 1, 2013, this Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Glenwood Springs is being made and executed as of the 1<sup>st</sup> day of January, 2014, by the Glenwood Springs Homeowners Association, whose mailing address is 1190 Pelican Bay Dr., Daytona Beach, FL 32119. Amendments to Article III of the Declaration of Covenants, Conditions and Restrictions approved by the members on Dec. 4, 2013, are hereby incorporated into the Declaration and Article III is revised and amended to henceforth read as follows:

**Please read all Rules and Regulations. Failure to read rules will not prevent a violation and fine being imposed.**

### **ARTICLE III** **RULES AND REGULATIONS** **Revised and Approved Aug. 16, 2016**

#### **Section 3.1 – Residential Use**

Each lot shall be used for single-family residential purposes only, and no trade or business of any kind may be carried on therein other than home-based office work which otherwise complies with applicable zoning and other governmental regulations and which would not generate vehicular or pedestrian traffic in excess of that ordinarily generated by usual and customary residential use of the lot. The lease or rental of a residence shall not constitute a violation of this covenant; provided, any tenant will be subject to this Declaration and the rules and regulations of the Association. No signs advertising or promoting home-based businesses shall be visible from outside the home.

#### **Section 3.2 – Antennas**

Homeowners may not install any antenna for the receiving or sending of electronic signals that extends above the ridgeline of the home.

#### **Section 3.3 – Clothes Drying Area**

Only the backyard of any lot may be used as a drying or hanging area for laundry and then only if the area is visually screened by a fence, hedge or wall otherwise meeting the requirements of this Declaration.

#### **Section 3.4 – Prohibition of Damage and Certain Activities**

Nothing shall be done or kept on any lot or in the Common Area which would be in violation of any statute, rule, ordinance, regulation, permit or other validly imposed requirement of any governmental body. No damage to, or waste of, the Common Area shall be committed by any

owner or any tenant or invitee of any owner; and each owner shall indemnify and hold the Association and other owners harmless against all loss resulting from any such damage or waste caused by him or his tenants or invitees, to the Association or other owners. No noxious, destructive or offensive activity shall be permitted on any lot or in the Common Area, nor shall anything be done therein which may be or may become an annoyance or nuisance to any other owner or to any other person at any time lawfully residing on the property.

### **Section 3.5 – Signs Prohibited**

Signs are not allowed in common areas, including the front entrance to the subdivision at the intersection of Grantham Way and Spring Garden, except for signs placed by the developer or HOA to announce meetings of the board or other HOA-sponsored activities. No signs shall be allowed in front or side yards, except:

1. Political signs no more than 4.5 sq. ft. in size. Political signs must be removed within three days following an election.
2. Real estate signs no more than 4.5 sq. ft. in size advertising the property for sale or rent.
3. A sign of reasonable size provided by a contractor for security services within 10 feet of any entrance to the home.
4. Yard sale signs no more than 4.5 sq. ft. in size. Residents also may place ONE yard sale sign, that would include their name and address on the HOA common area at the intersection of Grantham and Aldridge or on the right or left side of the entrance. NO SIGNS ARE ALLOWED

IN THE CENTER ISLAND AT THE FRONT ENTRANCE TO OUR COMMUNITY ON GRANTHAM WAY. Yard sale signs are not allowed more than one day before the sale and must be removed as soon as the sale ends.

### **Section 3.6 – Parking**

- A. No motor vehicles shall be parked or kept on any portion of the homeowner's property other than in the driveway or garage.
- B. No motor vehicle shall be parked or otherwise stored in a manner that obstructs public sidewalks.
- C. No motor vehicles shall be parked on a public street within the development for more than eight (8) hours in any 24-hour period. Parking of any vehicle is prohibited on any public street between 10pm and 6am. Violators are subject to towing at their own expense.
- D. No unlicensed or motor vehicles under repair or restoration are allowed unless they are garaged at all times. **No parking is allowed in the park or on any common area.**

#### **E. Commercial vehicles**

- a. The term "commercial vehicle" shall include, without limitation, all vehicles and trailers with permanent or temporary commercial signage, and all automobiles,

trucks, vans, SUVs and other motor vehicles generally recognized as commercial based upon common usage.

- b. No commercial vehicles shall be parked or otherwise stored on any portion of the homeowner's property for more than eight hours in any 24-hour period, except that:
  - i. Commercial vehicles may be stored in the garage so long as the garage door is fully closed while such vehicles are located therein.
  - ii. Commercial vehicles supplied to a resident by law enforcement or public safety agency may be parked in the driveway of that resident indefinitely.
- c. Commercial vehicles in the process of loading or unloading shall not be considered "parked" so long as such vehicles shall not be kept on the property overnight.

#### **F. Recreational Vehicles**

- a. Recreational vehicles are defined as Class A motorhomes, Class C motorhomes, Truck Campers, Pop-Up Campers, Travel Trailers, and Fifth Wheel trailers.
  - b. Recreational vehicles may not be parked or otherwise kept in driveways or on the street, except temporarily for loading and unloading. Loading and unloading shall not exceed two (2) hours.
  - c. Recreational vehicles may not be stored or otherwise kept on homeowner's property, except they may be stored or kept in the garage if the garage door can be fully closed.
  - d. A recreational vehicle parked or kept in violation of these rules shall be deemed to have incurred a new violation, and subject to additional fines, each time the vehicle is driven or trailered from the development and then returned and again parked or kept in violation of the rules.
- G. Utility trailers shall be kept in the garage or behind a fenced enclosure, except that trailers may be parked on the street or in the driveway of a residence for the purpose of loading or unloading. Loading and unloading shall not exceed two (2) hours.
- H. Homeowners shall not park their own vehicle(s), nor shall they allow their tenants, guests, or invitees to park vehicles in any other property owner's driveway without written permission from that property owner. This applies to all properties, including vacant homes. A copy of the written permission must be provided to the management office. Violators are subject to towing at the owners expense.

#### **Section 3.7 – Animals**

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot or the Common Area, except that dogs, cats, and other customary household pets may be kept on a lot subject to the limitation of no more than a total of four (4) domestic cats and/or dogs maintained on any lot and subject to the limitation and restriction that such animals shall not be kept, bred or maintained for any commercial purposes. Each owner shall be responsible at all times for the prompt collection and proper removal and disposal of all excrement from their pets and shall be kept on a leash that is continually under the control of the owner, or responsible person, when not confined on the owner's property. The Association may prohibit the keeping of any pet anywhere upon the

Property which the Association reasonably determines may constitute a threat to the safety or health of persons lawfully upon the Property. All owners at all times shall comply with all rules, regulations, ordinances, statutes and laws adopted, promulgated or enforced by any public agency having jurisdiction of the Property and relating to animals, and shall at no time allow such animals to constitute a nuisance within any portion of the Property.

### **Section 3.8 – Trash and Garbage**

All trash receptacles must be kept in the garage, or adjacent to the side of the residence but hidden behind a fence, wall or hedge enclosed on the front side of home. Corner lots owners must screen trash receptacles on two sides, if they chose to place them on the side facing the street. All other trash, garbage or other waste or building material must be kept inside the garage and concealed from view, and in accordance with the rules and regulations adopted by the Association.

### **Section 3.9 – Provisions Inoperable As to Initial Construction**

Nothing contained in this Declaration shall be interpreted or construed to prevent the Declarant, its transferees, or its or their contractors, or subcontractors, from doing or performing on all or any part of the Property owned or controlled by the Declarant, or its transferees, whatever they determine to be reasonably necessary or advisable in connection with the completion of the construction of improvements on a lot and the Common Area, including, without limitation:

- (a) erecting, constructing and maintaining thereon such temporary structures otherwise conforming with applicable zoning regulations of Volusia County, as may be reasonably necessary for the conduct of Declarant's business of completing such construction and establishing the Property as a residential community and disposing of the same in parcels by sale, lease, or otherwise; or
- (b) maintaining such sign or signs thereon conforming to applicable zoning regulations of Volusia County as may be reasonably necessary in connection with the sale, lease, or other transfer of the Property in parcels.

### **Section 3.10 – Recreational Equipment**

Permanently installed recreation equipment, including basketball goals, must be approved by the ARC. Such structures are allowed only in rear yards. Portable basketball goals are allowed in driveways, but may not be positioned next to the street in such a way that normal play would interfere with traffic. Portable basketball goals must be stored in the garage, rear yard, or side yard at least 10 feet behind the front corner of the home when not in use. Skateboard ramps and similar equipment are not allowed.

### **Section 3.11 – Fences, Walls, Etc.**

No fence, wall, hedge or other shrub planting which obstructs sight lines shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-feet (25') from the intersection of the street lines, or in case of a rounded property corner from the intersection of the street lines, or in case of a

rounded property corner from the intersection of the property lines extended. The same sight line limitations shall apply on any Lot within ten feet (10') from the intersection of a street property line with the edge of a driveway. Furthermore, no front yard fencing or exposed chain link fence will be permitted. No side yard fences shall extend any closer to the street than a point ten feet (10') behind the front house corner closest to the street. Side yard fences on the street side of corner lots shall be subject to the same setback requirements as established for front yard setbacks. All such fences, walls, hedges and other vertical barriers shall at all times conform to the applicable provisions of the City of Deland Zoning Ordinance as to the obstruction of vision. While the Association may consider other options, the preferred fence for visual privacy will be a six foot white PVC. PVC fences need to be power washed on an annual basis. (take out - six-foot wood stockade.) While the preferred residential fence is a six-foot white PVC fence or the Architectural Review Committee may approve other options that, in its sole discretion, ensures the harmony of design in relation to surrounding improvements and preserves the value and desirability of Glenwood Springs as a residential community. (take out All wood fences will be required to be stained with a permanent natural preservative which shall be reapplied at least bi-annually. Naturally weathered fences, fences with loose boards, or fences in need of repair will not be allowed.) Trellises are prohibited unless they are screened from view by a 6-foot privacy fence that meets association standards. Homeowners are required to submit site plans showing the location of any proposed fences, patios, walkways or major landscaping changes. If fence installation is to be done by the homeowner, copies of all required permits must be provided to the ARC before installation begins

### **Section 3.12 – Municipal Services Taxing Units**

Volusia County may require or permit the Declarant to form one or more municipal service taxing units for maintenance and operation of street lights to be installed on the Property or maintenance of storm water drainage and retention systems on the Property. All lots shall be encompassed within any such taxing unit which may be established and shall be subject to the restrictions, limitations, and assessments as may be imposed upon the property within any such taxing unit. All owners shall be bound by any agreement or resolution creating a taxing unit and all owners shall join in and execute any instrument which may be required in connection with the establishment of such taxing unit.

### **Section 3.13 – Swimming Pools & Spas**

- (a) Above-ground swimming pools are not allowed.
- (b) In-ground swimming pools and permanently installed spas and hot tubs require prior approval of the ARC.
- (c) Materials, design and construction shall meet standards generally accepted by the industry and shall comply with applicable governmental regulations.
- (d) In-ground swimming pools and permanently installed spas and hot tubs shall be enclosed by fencing screened, as set forth in Section 3.11, or a screened enclosure that meets the standards as set forth in Section 3.23.

### **Section 3.14 -- Air Conditioning Equipment**

Heating and cooling of residences with systems of active or passive solar, wind and other forms of energy other than gas or electric may be approved by the ARC. No window or wall-mounted air conditioning units shall be permitted. Solar panels shall be installed only on the rear side of the roof, but may also be installed in conformity with the provisions of Section 163.04, Florida Statutes (1999). If panels are mounted on stands, such stands shall be limited to the rear or side yards, shall not exceed six feet (6') in height, and be visually screened from public view. Exterior components of any cooling or heating system (or a combination thereof) shall be substantially screened from view from the street fronting the residence.

### **Section 3.15 – Transmission Facilities**

Neither radio or television signals nor any other form of electromagnetic radiation shall be permitted to originate from any lot to the extent that such signals or radiation may interfere with the reception of television or radio received upon any other lot.

### **Section 3.16 – Maintenance of Lots**

No lot shall be used or maintained as a dumping ground for rubbish, trash, or other waste. All trash, garbage, or other waste shall be kept in sanitary containers except during pickup, if required to be placed on the curb. All containers shall be kept within (i) a fenced, walled or shrubbed enclosure which will provide a 60% opaque visual blockage at the time of planting and a 100% visual blockage within 24 months of initial planting, or (ii) underground receptacle, either of which the SRC may require to be constructed with each home, which enclosures shall be located out of sight from the front or side streets. There shall be no burning of trash or any other waste material, except within the confines of an incinerator, the design and location of which shall be approved by the ARC.

### **Section 3.17 – Fuel Tanks**

No fuel tanks or similar storage receptacles may be exposed from view from front or side streets or adjacent properties, but may be installed within the main dwelling house or within a walled-in or screened area, and shall be approved by the ARC prior to construction.

### **Section 3.18 – Inoperative Vehicles and Repair**

No inoperative cars, trucks, trailers, or other types of vehicles shall be allowed to remain on the Property for a period in excess of twenty-four (24) hours. There shall be no major maintenance, repair or restoration performed on any motor vehicle on or adjacent to any lot in the Property; provided, however, such maintenance, repair or restoration may be done if solely within an enclosed garage. All vehicles shall have current license plates. Moreover, stripped, unsightly offensive, wrecked, junked or dismantled vehicles or portions thereof shall be parked, stored, or located upon any lot at any time. No driveway or exterior parking area shall remain soiled or discolored with excessive or unusual oil or petroleum product stains for more than seven (7) days after such staining may occur.

### **Section 3.19 Garage Conversions**

All garage doors of any home shall remain closed at all times when not in use for entry or exit. No garage door opening shall be screened. No garage space may be converted into habitable living

space within the Glenwood Springs development. Garage doors may not be removed and must be maintained as functional garage doors.

### **Section 3.20 – Outbuildings**

Outbuildings shall be located behind the plane of the rear wall of the residential structure on a Lot and then only when the entire rear yard is fully enclosed by a fence or wall approved by the ARC as provided in Article VI. No portion of an outbuilding may extend higher than the surrounding fence. An outbuilding shall be constructed in such a manner that the interior contents shall not be visible from the outside of the structure. The exterior of any outbuilding shall be painted or otherwise finished in conformity with approval of the ARC. As used herein, the term "outbuildings" shall mean a structure detached from the primary residential structure and used for storage or play, such as storage sheds, whether built commercially or site-built, or children's playhouses or structures larger than thirty-six (36) square feet with a vertical height in excess of five (5) feet.

### **Section 3.21 – Recreational Amenities**

Parks, playgrounds, playfields and other recreational amenities which may be established and constructed for the exclusive use and benefit of the Members of the Association shall be subject to rules and regulations established from time to time by the Association. The Board of Directors of the Association shall have the power and authority to implement, adjust or interpret the rules and regulations or promulgate new or additional rules and regulations as it may deem necessary or appropriate in the best interest of the Members for the promotion of their health, safety, welfare and enjoyment. Each Member shall abide by the rules and regulations and further acknowledge that they will be subject to appropriate sanctions for violation thereof as determined by the Board of Directors. Notwithstanding the nature and frequency of any such violations, each Member acknowledges the continuing obligation for payment in full for all assessments contemplated herein without reduction by reason of sanctions imposed for violation of rules and regulations applicable to the recreational amenities.

### **Section 3.22 – Rules and Regulations**

No owner shall violate the rules and regulations for used of the lots and the Common Area, as the same are from time to time adopted by the Association. The prohibitions and restrictions contained in this Article shall be self-executing without implementation by further rules and regulations; provided, however, the foregoing shall not be construed as an implied prohibition preventing the Association from extending the scope of such prohibitions and restrictions from time to time by adopting further rules and regulations not inconsistent with this Declaration. This Declaration, including, without limitation, all rules and regulations which may apply to the use of the recreational amenities established and constructed for the exclusive use of the Members, their families and guests.

### **Section 3.23 – Screened Enclosures**

Screened porches, patios and pool enclosures shall require prior approval of the ARC. Screened enclosures shall only consist of anodized aluminum structures painted black, bronze or white. Screens shall be charcoal in coloring.

### **Section 3.24 – Rental Restrictions**

The renting of houses for less than twelve (12) months is prohibited. Landlord's (Homeowner's) Responsibilities:

- Glenwood Springs' policy requires owners to provide a copy of the lease agreement with the proposed tenant to the Management Company before tenant has moved in home. Owners not providing a copy of the lease agreement are in violation of our Declaration. □ Landlord must make the Board of Directors aware of the name and address of tenant.
- Landlord must provide tenants with copies of current HOA Declaration and Supplemental Rules and Regulations at signing of lease.
- Landlords are responsible for any HOA violations incurred by tenants. The Management Company will notify both the tenant and landlord of any violations. In the event a tenant is in violation of our Supplemental Rules & Regulations or Declaration and has not addressed violation within 20 days of notification, the landlord is hereby notified that the Association will impose a fine of \$100 for each day the violation continues to the Landlord. Once the fine totals \$1,000 in the aggregate, the Association will instruct its attorney to file a Claim of Lien against the Landlord as authorized by the Florida Statute. The Landlord will also be charged additional attorney fees

An owner may only rent to one family. A family is defined as follows:

- A natural family of one or more persons who are all related to each other by law, blood, Six or fewer persons living together in a facility which is licensed by the Department of marriage or adoption. Children and Family Services in accordance with 419.002(2), Florida Statutes, or registered under 409.176, Florida Statutes.
- A maximum of two unrelated persons, together with their natural family who are related to each other by law, blood, marriage or adoption. Multiple non-family rentals are not permitted.

### **Section 3.25 – Driveways & Walkways**

Driveways and walkways shall be maintained in good repair and free of refuse, mildew and debris. Homeowners shall be required to remove excessive stains, as determined by the ARC. Homeowners shall not alter the original design of driveways, walkways, sidewalks, or aprons (sidewalk to street). Poured concrete or decorative pavers shall be maintained as originally constructed. Homeowners shall not replace any additional lawn or landscaped area with concrete, paver tiles or stone for the purpose of vehicular parking.

### **Section 3.26 – Solicitation**

Glenwood Springs is a No Soliciting community. This applies to solicitation by members of the general public and is not intended to prohibit lawful activity by any homeowners or residents of the community.

### **Section 3.27 – Fines & Suspension of Privileges**

Florida law provides that homeowners associations may levy reasonable fines against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association



bylaws, or reasonable rules of the association. Pursuant to that authority, the Association incorporates Florida statute 720.305 as adopted by the Legislature and as may be amended from time to time, into the Declaration for Glenwood Springs.

### **Section 3.28 – Boats & Personal Watercraft**

Boats and personal watercraft shall not be stored in any homeowner association common area. Boats and personal watercraft may be stored on private property as long as they are kept garaged when not in use or are screened from view by a 6-foot privacy fence that meets Association standards. Trailered boats may be kept temporarily on the street or in the owner's driveway solely for the purpose of loading and unloading of personal effects. Loading and unloading shall not exceed two (2) hours.

### **Section 3.29 – Noise Ordinance**

A Noise Ordinance has been established and added to our Supplemental Rules and Regulations. A Noise Ordinance presently exists with the City of DeLand "Noise Ordinance Chapter 20" and in the Florida Constitution "Article II, Section 7". This noise ordinance/regulation recognizes the rights of Glenwood Springs residents be protected, at all times (24/7), from excessive noise pollution. Specifically, it protects the rights of residents from the invasion of amplified music/noise when it invariably crosses from one property line to another, and interferes with the right to peaceful enjoyment/"quiet enjoyment", which is recognized by law. This ordinance preserves each resident's reasonable expectation of peacefulness, as it contributes to quality of life. The ordinance and regulation stipulate that acceptable decibel levels decrease dramatically between the hours of 10 pm to 8 am.