

# **Johns Creek Homeowners Association**

## **Rules and Regulations**

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The reasonable Rules and Regulations of Johns Creek are put in place to keep uniformity within the community, keep property values high, and to protect the residents, the homeowners, and the homeowners' investments. The adopted Rules and Regulations are subject to change, as time goes on; they are not an amendment to the Declaration, Articles of Incorporation, or Bylaws. Florida Statutes, chapter 720, governs Johns Creek.

These reasonable Rules and Regulations have been adopted by the Board of Directors (BOD) and are enforced by the Compliance Committee (CC) and Management Company. Members of the BOD and CC should not be contacted at their homes, places of business, or in public places. They are not to be intimidated or threatened in relation to Association issues.

## **I. Enforcement of Rules and Regulations/Violation Notices/Fines**

- A. Each homeowner and the homeowner's tenants, guests, and invitees (including vendors and contractors) must follow the Rules and Regulations and as well as the Governing Documents of the Association.
- B. It is the responsibility of the homeowner(s) and/or their agent(s) to inform their tenants, guests, and invitees of these Rules and Regulations.
- C. All violations reported by residents, must be reported to the Management Company, in writing. If the violation is a matter that can be visually seen, a picture must be included with violation report.
- D. Violation notices:
  - 1. A First Notice of Violation will be sent as a reminder of the Rules and Regulations not being complied to. You will have 14 days, from the date of the letter, to comply, for simple matters (i.e. yard work, trash bins, pressure washing, standard clean-up of exterior property, illegal vehicles, etc.). You will have 30 days to comply with larger matters (i.e. sod replacement, fence repair/replacement, exterior painting, etc.) This period to comply is determined by the CC and BOD.
  - 2. If the violation is not cured in the period provided, a Hearing date is set. At the Hearing, you will be able to explain why you are in non-compliance. Presence at the Hearing does not ensure removal of any fine imposed.
  - 3. When a visible violation is cured, a photo must be submitted to the Management Company, showing compliance.
  - 4. If a violation is cured, but recurs, it will be considered a continuing violation and fines may be incurred.
- E. Fines may be incurred, due to non-compliance of these Rules and Regulations.
  - 1. Fines may not exceed \$100 per violation, **per day**.
  - 2. Fines may be levied against the homeowner for each day of a continuing violation.
  - 3. A fine cannot be imposed without a single notice and an opportunity for a hearing.
  - 4. Homeowners incur fines, not tenants.
  - 5. Continued non-compliance may result in legal action, at the homeowner's expense.
  - 6. A fine less than \$1000 may not become a lien against a homeowner
- F. The CC and Management Company perform monthly inspections for exterior non-compliance. Homes non-compliant to these Rules and Regulations will receive a violation notice with a picture. A copy of the violation goes to the Johns Creek residence and the homeowner's mailing address, last provided to the Association. Violations will be noted in the Minutes of the Board Meetings and added to homeowner files.
- G. After the Hearing, and in addition to fines for non-compliance, 10 days after written notice, any improvements or structures that have been added to any residential lot, without ARC permission, or if any conditions exist that are in violation of the Governing Documents or Rules and Regulations, the Association has the right, but is not obligated to, enter upon your residential lot to correct, or remove any items. This will be done at the expense of the homeowner.

- H. Waiver: The failure of the Association to enforce any covenant, restriction, obligation, right, power, privilege, authority or reservation herein contained, however long continued, shall not be deemed a waiver of the right to enforce the same thereafter as a breach or violation hereof.

## **II. Architectural Request Requirements/Review Process/Guidelines**

- A. **All changes and/or additions to the exterior of your home and/or your residential lot, MUST be approved by the ARC.**
- B. The ARC creates the design standards and guidelines for the community.
- C. The ARC approval of any proposed construction or project is within its sole discretion.
- D. The ARC Request Form can be found on the Johns Creek website or provided to you by the Management Company.
- E. Requests are to be submitted to the Management Company, via email or mail.
- F. Along with the Request Form, you must provide the following:
- Type of materials to be used and sample colors if applicable
  - Drawings, brochures, photos, etc.
  - Copy of most recent certified lot survey showing location of proposed improvement/project
  - If repainting, you must supply a photo showing the current trim and exterior wall colors, samples of new colors, color of roof, and brick or accent masonry colors.
  - If installing vinyl siding, submit sample of siding type, color sample of siding and trim colors, colors of roof and any masonry on your home.
  - If having a pool installed, you must indicate what type of access you plan to use for trucks, equipment, etc. to reach your backyard. If pool is above ground, and a deck is being added, the deck may not exceed 2ft above ground.
  - Any damage to sidewalks, curbs, roads, grasses, and common grounds of the Association must be restored to its current condition and will be the responsibility of the homeowner making this request.
- G. It is the responsibility of the owner to obtain all necessary permits and ensure compliance with all applicable governmental regulations and other requirements.
- H. Requests and plans submitted to the ARC shall comply with all applicable building codes, Zoning regulations and the requirements of all governmental entities having authority over the building project.
- I. All projects must be started within 6 months of being approved and completed within 30 days of starting the project; otherwise the request and review process must start over.
- J. The ARC assumes no responsibility regarding design or construction, including without limitation, the civil, structural, mechanical, plumbing, or electrical design, methods of construction, or technical suitability of materials.
- K. Right of way permitting: Sometimes called driveway permit, culvert permit or utility permit is required to disturb, excavate, block, obstruct, tamper with, or place any construction or other material on or in a city road, right of way or easement (Section 744.110 ordinance code)

- L. The Right of Way or Easement: It is the right to use the real property of another owner for a specific purpose. Duval County, by state statute regulates utilities and other construction on the rights of way to maintain access to utilities and ensure safety and traffic flow. Restrictions have been imposed, by the City of Jacksonville, on the rights of way, with which all owners are required to comply.
- M. Easements are also required for lake maintenance.
- N. The City of Jacksonville and utility companies are responsible for the care of the underground pipes, utilities lines, sewer, and water lines.

### **III. BOD Meetings**

- A. All homeowners attending should behave in a respectful manner. No offensive comments or behavior will be tolerated; you will be asked to leave.
- B. Only Agenda items are to be discussed at the meetings
- C. During the Open Forum section of the meeting, homeowners may discuss the topics of the Agenda. Each homeowner will have 3 minutes to discuss.
- D. Any homeowner that would like to add an item of business to the meeting's Agenda, must submit the topic in writing, to the Management Company. Items must be submitted by 5pm, on the Friday preceding the meeting.

### **IV. Compliance Hearings**

- A. All property owners of Johns Creek have the right to a hearing in front of the CC, per Florida Statutes.
- B. The Homeowner will present their case, per the Agenda of the meeting.
- C. No decision will be made at the meeting. The Committee will review the case in its merit and the decision will be given to the Management Company. The Management Company will send the decision, by mail, to the homeowner. All contact via e-mail or in writing should be directed to the Management Company.

### **V. Sales**

- A. If a home is pending a sale, any violations must be cured prior to Closing. It is the seller's/seller's agent's responsibility to address these issues. If a sale closes with the violation still active, the new owner must bring the property into compliance.
- B. FOR SALE signs, may be placed on their property. These signs may not be placed in the Common Areas.
- C. Sales agents must request an Estoppel letter from the Management Company.
- D. It is the responsibility of the seller/seller's agent and/or the buyer/buyer's agent to supply the buyer(s) with the Governing Documents of the Association and these Rules and Regulations.
- E. It is the responsibility of the homeowner to call the City for a bulk pick-up, after move-out. (904) 630-CITY (2489) or [www.coj.net](http://www.coj.net). See section XII for details.

## **VI. Rentals**

- A. All leases shall be no less than twelve (12) months.
- B. All homeowners, leasing their homes to tenants, must inform the Management Company within 7 days of renting the property.
- C. Homeowners/Agent(s) should provide the following information to the Management Company:
  - New mailing address of the homeowner
  - Management Company/Realtor contact information, if applicable
  - Rental Information Form
  - Tenant Acknowledgement and Agreement to Rules and Regulations
- D. The tenant(s) should be given a copy of these Rules and Regulations, by the homeowner or the homeowner's agent.
- E. The homeowner is responsible for making sure the property follows the Governing Documents and Rules and Regulations of the Association.
- F. The homeowner will be responsible for any fines or legal fees incurred due to violations.
- G. Each residential lot shall be used as single-family dwellings only. No businesses.
- H. FOR RENT signs, may be placed on the property.
- I. It is the responsibility of the homeowner to call the City for a bulk pick-up, after move-out. (904) 630-CITY (2489) or [www.coj.net](http://www.coj.net). See section XII for details.

## **VII. Pets**

- A. Pets must always be on a leash, when outside of the home, unless the animal is in a fenced back yard.
- B. If your pet, or any other animal in your possession, defecates on any property, other than your own, it is your responsibility to pick up and dispose of the feces properly.  
Jacksonville City Code 462.301
- C. Remove and properly dispose of animal feces on your property, as it becomes offensive to your neighbors and causes unsanitary conditions.
- D. It is unlawful for an owner of an animal or any person in control of an animal to allow the animal(s) to bark, meow, whine, howl, or make other sounds common to the species, persistently or continuously for a period of 30 minutes or longer.  
Jacksonville City Codes 462.302 and 462.304
- E. No animal(s) shall be kept on the property for commercial or breeding purposes.
- F. No more than 3 animals may be kept on the property.
- G. If any animal becomes dangerous, a nuisance, or destructive, the BOD has the right to require removal of the animal.
- H. Cats must be kept inside, always, unless in a crate or on a leash.
- I. Birds and rabbits must always be in cages.
- J. Do not feed wild animals.
- K. If you feel threatened by an animal, contact Animal Control. (904) 630-CITY (2489) or [www.coj.net](http://www.coj.net).

## **VIII. Landscaping Guidelines**

- A. ARC approval is required for any unconventional landscape changes, structural additions (fountains, paved areas, walkways, etc.), tree installations, and any changes made to the right of way and easement (front and side of house at the curb).
- B. These guidelines do not apply to the common area landscaping, which is controlled by the Association.
- C. All yards must be cut, edged, and trimmed, as needed; and down to the water's edge if on a lake.
- D. All shrubs and hedges in the front and side yard must be maintained and trimmed.
- E. Dead, brown sod/turf must be replaced.
- F. Dead shrubs, trees, and flowers must be removed.
- G. Yards must be free of weeds. We suggest treating your lawns, rather than just mowing over the weeds.
- H. Trees and shrubs may not restrict sight lines of traffic.
- I. Trees must be free of dead limbs.
- J. Tree limbs cannot encroach onto street signs, street lights, or stop signs.
- K. Trees must be maintained to the extent that if its limb(s) encroach onto a neighboring property, they will not create a hazard.
- L. Tree canopies, that hang over sidewalks, are to be raised to eight (8) feet
- M. Re-grading must not negatively impact neighboring properties.
- N. Front and side yards must be kept neat (no trash, trash cans, toys, grills, miscellaneous furniture).
- O. St. Augustine Grass is preferred.
- P. Landscaping timbers are not allowed on front yards, to be used at property dividers.
- Q. Large landscaping boulders are prohibited in the front yard.
- R. Retaining walls are prohibited.
- S. No more than 6 lawn ornaments are permitted, visible from the street.
- T. Artificial turf and other vegetation are not permitted.
- U. Landscaping design borders (the border(s) used to retain mulch, straw, etc.) may not exceed 4-6 inches in height.
- V. Hedges should be planted 3 feet inside your property line so that they do not encroach onto your neighbor's property.
- W. Hedges can be used as a screening privacy fence. They must be maintained and trimmed. The height should be six (6) feet or even with the base of the roof.
- X. The City of Jacksonville gives the authority to the Association to govern the surface area of the right of way. The Association is responsible for the enforcement of the restrictions imposed on the right of way by the City of Jacksonville.
- Y. The property owner is responsible for the maintenance of the surface areas (sod) on the rights of way, which shall be maintain in good condition, as to present a neat and orderly appearance. The city of Jacksonville and utilities companies are responsible for the care of the underground pipes, utilities lines, sewer, and water lines.

## **IX. Fences**

- A. The ARC must approve all fences.
- B. All fences must be well designed, constructed, and maintained.
- C. Fences must be clean and free of mildew, mold, and hard water stains.
- D. Fences are not permitted in front yards.
- E. Fences may not come past the front corner on the home.
- F. Styles of fences permitted: solid and open.
- G. Wood fences must be left natural, stained a natural color. Colored fences are not permitted without ARC approval.
- H. The finished side of the fence must face the street or exterior of the property.
- I. Fences shall not be taller than six (6) feet. Eight (8) for homes with a garden tub in the master bathroom.
- J. Fences in disrepair or leaning must be removed.
- K. If a fence is patched and/or repaired in some other way, the repairs must match the rest of the installed fence or be stained/painted so that the fence is cohesive; ARC approval is required.
- L. Gates shall match the design, material, color, and construction of the fence.
- M. Fences cannot encroach onto neighbor's property, into the nature preserve, or Common Areas.
- N. Fences, on lakes, may not pass the top of the lake bank and may not exceed four (4) feet in height.
- O. Fences on lakes must be black iron or aluminum, with four (4) inch spaces between pickets.

## **X. Home Exteriors**

- A. The ARC must approve all paint color changes.
- B. Paint colors must be chosen from the ARC approved color wheel. The Management Company can supply this.
- C. No dark colors are permitted.
- D. Trim, door, and garage colors must compliment the house paint color.
- E. Houses and driveways shall be maintained and in good condition.
- F. House exteriors (including siding, front doors, trim, window sills, and garage doors) should be free of mildew, mold, rust, and hard water stains.
- G. House numbers should be placed on all homes and visible from the street. Numbers shall be three (3) inches in height, per city code.
- H. Window air conditioning units are not permitted on the front windows. If they are used in other locations, they must be screened from the streets and neighboring properties.
- I. Garages may not be converted to living spaces.
- J. Garage screens may be added, if it is a style that allows for the garage door to open and close. Garage doors may not be removed.
- K. Retaining walls are not permitted in the front yard.
- L. Clotheslines must be screened from street/lake views.

- M. Room addition, screened patios, lanais, gazebos, pools (in ground and above ground), driveways, front patios, decks, balconies, and playgrounds, must be approved by the ARC.
- N. Roof shingles must match, in color and material, including metal roofs.
- O. Shutters are permitted on the front windows of your home. The shutters must complement the colors and style of the exterior of your home.

## **XI. Driveways/Sidewalks:**

- A. Driveway painting is prohibited.
- B. Large cracks must be repaired.
- C. Rust stains must be removed.
- D. No shed, trailer, mobile home, tent, or boats may be stored in the driveway, or any other location, on the residential lot, which may visible from the street.
- E. The ARC must approve driveway extensions.
- F. Sidewalks cannot be altered, changed, tiled, or re-paved.
- G. Sidewalks cannot be obstructed; pedestrians have the right to walk across any sidewalk owned by the city.
- H. Trip hazards, found on the sidewalks, should be reported to (904)630-CITY (2489).
- I. The section of the sidewalk, that is part of your driveway, should be left clear of vehicles. If this area is blocked, report to JSO Non-Emergency (904) 630-0500

## **XII. Garbage and Recycle**

- A. Collection Dates:
  - Trash: Wednesday
  - Recycle/Bulk: Every other Wednesday
  - Yard waste: Thursday
- B. **Trash and recycle bins must stay out of street view.** They may be stored on the side of your home if they are screened from street view and screened from the view of other residential lots.
- C. The bins may not be put at the curb any earlier than 6pm, the evening prior to pick up. The bins must be put back, out of view, no later than 11pm the day of pick up.
- D. No trash, rubbish, debris, waste material, etc. should be deposited or allowed to accumulate on any part of the property. Exception: hurricane/storm debris per COJ guidelines.
- E. Contact the city if your pick-up was missed or if you have bulk items. (904) 630-CITY (2489) or [www.coj.net](http://www.coj.net)
- F. Bulk items must be set out by 6am on the day of pickup. You must set up a special pick-up for tires and appliances.

## **TYPES OF HOUSEHOLD BULK**

- Mattresses, sofas, chairs, other furniture, and BBQ grills.



- Glass (mirrors, table tops)—must be wrapped and taped.
- Rolled carpet and padding—no longer than five (5) feet.
- Fencing – wire fencing must be rolled into bundles and secured, while wooden fences must be cut into sections.
- Each piece must not be longer than five (5) feet.
- Treated or painted wood – cut to six (6) feet in length or shorter.
- Place within five (5) feet of curb

### **XIII. Vehicles/Parking**

- A. All vehicles located on a residential lot, or community street, must be operational and have valid tags.
- B. Mechanical work, repairs, and body work that lasts longer than two (2) hours, is not permitted, unless in the garage.
- C. As a courtesy, please park vehicles in the driveway and/or garage. Parking in the street may be hazardous.
- D. As a courtesy, please do not park behind your neighbor’s driveway.
- E. As a courtesy, please do not park in front of your neighbor’s trash/recycle bins, or in front of the community mailboxes.
- F. Boats, recreational vehicles, and commercial vehicles must be parked in the garage or out of street view, if on the residential lot.
- G. No parking on the grass.
- H. No parking on the sidewalks.
- I. Do not obstruct traffic. City code Sec. 804.1004(a) No person shall park a vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic or in any portion of a traffic lane.

### **XIV. Signs**

- A. No signs may be displayed on any residential lot, other than FOR RENT and/or FOR SALE signs.
- B. Commercial and personal signs are prohibited.
- C. Security signs are permitted.
- D. Signs allowed on the common areas and rights of way:
  - Open House (within the community) (staked)
  - Garage sale (staked)
  - Lost pet signs
  - Community events (staked)
  - Welcome home signs for US Military troops
- E. Open House signs and Garage Sale signs must be put out the day of the event and removed within 2 hours of the event ending.

- F. Signs that may not be added to the right of way:
  - Permanent signs
  - Commercial service signs
- G. Signs may not be posted to street signs
- H. No sign should obstruct the view of on-coming traffic or hinder pedestrians from using sidewalks.

## **XV. Lakes**

- A. No Fishing with the use of nets, spears, or traps
- B. No swimming
- C. Easement restrictions can be found on your survey plat and are part of your deed.  
This easement provides the Association with the right to enter upon any portion of the residential lot which is adjacent to the surface water, to operate, maintain or repair the surface water.
- D. If an easement is part of a deed, the Association has the right to enforce this access at any given time.
- E. Only the Association has the right to remove water for purpose of irrigation.
- F. Motorized boats and other motorized vehicles, including toys, are prohibited.
- G. No bulkheads, docks, moorings, pilings, boat shelters or other structure shall be erected on or over the lakes, without written consent from the ARC.
- H. Rear fences, on lakes, shall be four (4) feet in height. Solid fences styles are prohibited.
- I. Fences shall not pass the top of the lake bank.
- J. Lake embankments: The lake embankment shall be maintained by the owner owning the lake bottom. Each applicable owner shall maintain the embankment so that the grass, planting, or other lateral support shall prevent erosion of the embankment of the lake and the height, grade and contour of such embankment should not change without the prior written consent of the ARC.
- K. The Association is responsible for the overall maintenance of the lake. A licensed lake company performs the maintenance of all the lakes; they treat the lakes for undesired, weeds, allergens, etc.
- L. Homeowners are responsible for:
  - Picking up all the trash on the part of the embankment they own.
  - Control the erosion of the embankment.
  - Cut and trim the sod around the embankment.
- M. The Association, Board members, Committee members, employees, agents, representatives, or attorneys should not be liable for any damages to personal properties, bodily injury, or death resulting from homeowners, their guests and/or tenants, trespassers or any other person fishing, swimming, or boating in any lake within the Johns Creek community.

## **XVI. Pool Access**

- A. A key fob system controls the pool access gate.
- B. One (1) key fob is provided by the Association. Additional fobs and replacement fobs are available, with a fee.
- C. Key fobs are to be used by homeowners and tenants only.
- D. Access to the pool will be suspended if the homeowner becomes 60+ days delinquent in HOA fees.
- E. Pool hours:
  - 7am-10pm March 1st-November 30th
  - 7am-7pm December 1st-February month-end

## **XVII. Basketball Goals**

- A. Portable basketball goals must be maintained in the driveway and stabilized, by filling the base with water or sand or staking per manufacturer's instructions. Alternate forms of weighting, for example, cinder blocks or bagged sand are prohibited.
- B. No more than one basketball goal will be permitted on any property
- C. Basketball goals must be placed on the homeowner driveway, at least 10 feet from the street.
- D. Basketball goals should not be placed on the streets, edge of sidewalk or edge of driveway. Reasons: For the safety of those playing and others; in high winds basketball hoops tend to fall and can cause bodily injury and damage cars or other personal properties.
- E. The addition of paving material to place basketball goals also requires ARC approval.
- F. The basketball goal should be maintained in good repair and the pole free of rust.
- G. No ARC request is required for basketball goal.