

Heritage Oaks Property Owners' Association, Inc.
Covenants and Restrictions
"Covenants Guidelines"
(~~November 3,~~ December 23, 20198)

Purpose:

This document contains guidelines to supplement and expand upon the official Heritage Oaks Property Owners' Association (HOPOA) First Amended Covenants and Restrictions ("Covenants" for short), including any Amendments thereto, to give Property Owners (POs) and tenants guidance and directions on what is permissible and, in some cases, what it not, in cases where the Covenants are not explicit. Any reference to Covenants and Restrictions shall mean the First Amended Covenants and Restrictions, including any Amendments thereto.

Authority:

These Covenants Guidelines have been approved by the HOPOA Board of Directors (BoD) and are enforceable as extensions to the Covenants and have the full force and effect of the Covenants.

Amendments:

Formal amendments to the Covenants require approval of a simple majority of POs; however, the BoD, at the recommendation of any HOPOA standing committee, or upon request from a PO, may amend these Covenants Guidelines after 30 days' notice to all POs of the intended change. If any PO takes exception to the proposed change(s) in writing (e-mail is acceptable) within the 30-day review period, the following procedure will be followed:

1. The BoD will schedule a meeting to hear the exception and render a decision. If the decision is still not acceptable to the appellant, the next step will be taken.
2. A Special Meeting of the POs will be called to debate the issue. A simple majority of those POs attending the meeting, or providing proxy to a PO present, will then decide the issue, which will be binding.

Interpretation of Covenants and Covenants Guidelines:

In the event there is a conflict between the Covenants and these Covenants Guidelines, the interpretation according to the Covenants shall prevail. Any PO has the right to appeal or seek interpretations of any provision in this document by filing an application with the Architectural Review Board (ARB). The ARB shall render a decision in writing to any request for appeal or interpretation within 20 days of receipt of the application. The PO can appeal the decision of the ARB as specified in Section 7.11 of the Covenants.

In a case of interpretation of judgement issues (such as acceptable landscaping, lawn maintenance, and the like), which results in a citation to the PO, the ARB will render a determination of the interpretation, if requested by the PO. If the ARB's decision is against the PO, the PO has the same right of appeal described above.

Commented [CEW1]: To provide a process for interpretation of such judgement issues.

General Exemptions:

All work approved/built prior to the effective date of this document are exempt from the restrictions in the Covenants and/or this document, including total replacement of a partially or fully destroyed Dwelling Unit, so long as the reconstruction is strictly consistent with the previous state. Any new or future changes or improvements require ARB approval; except, however, if the work is to **replace** a previously approved improvement (e.g., fence, pool, etc.), ARB approval is not needed as long as the replacement is similar to the original. POs are encouraged that if a planned work is in doubt, they should enquire of the ARB prior to commencing work.

Covenants Guidelines:

The following sections provide the specific guidance. The section numbers refer to the Articles and Sections in the Covenants. All such sections are not supplemented, so there are gaps in the numbering.

Exceptions to precedents – several provisions in the following article permit an Owner to make certain improvements that have previously been approved for other properties without prior ARB approval, that is they are “authorized by precedent.” Such prior approval is not granted in the case of architectural standards, specifically the provisions of Section 2.39 of the Covenants, particularly for new house and/or fence construction.

ARTICLE 2. USE RESTRICTIONS**Buildings and Appearance of Lots:**

ARB approval is required to change the external appearance of an approved structure (house, fence, shed, garage, etc.). The following guidelines address the sections indicated.

While prior ARB approval is not required in many instances, it may be advisable to seek approval, or at least inform the ARB, anyway. Prior ARB approval or notice will eliminate any chance of dispute at a later date as said approval puts the onus of compliance on the ARB and removes it from the Owner.

- 2.3. Rental Properties** – The only Lots currently approved as Rentable Lots are Lots 24 and 54. The maximum number of permissible Rentable Lots in Phase I is five (5), based on 54 lots. In Phase II, the maximum number shall be 10 percent of the completed Dwelling Units at any given time, with a maximum of four (4) when Phase II is built out, based on 44 lots. Each new Rentable Lot must be approved by the Board of Directors prior to renting or leasing to any party, except as follows. In the event a Dwelling Unit is occupied by family members of the Owner, the Lot thus occupied will not be considered as a rental, even if the family member pays rent.

Until the Covenants is amended to correct the conflicting lease agreement limits between Sections 2.3 and 2.36, the shorter of the two will govern, namely, three (3) months.

2.6. No Temporary or Accessory Structures – Temporary structures such as exterior storage buildings may be approved by the ARB. The acceptable guidelines are as follows:

- Structures may be permitted in the Rear Yard only, it should not be visible from the front of the house, and the yard must be fenced in accordance with these Covenants Guidelines.
- The roof of the structure should not protrude more than 18 inches above the fence if visible from the front.
- Pergolas measuring no more than 12 feet by 12 feet and no higher than 12 feet at the highest point may be constructed in Rear Yards without requesting approval from the ARB.
- Trellises standing no higher than 9 feet high may be constructed in Rear Yards without requesting approval from the ARB
- Children's Jungle Gyms, slides, forts, etc. standing no higher than 12 feet at the highest point may be constructed in Rear Yards without requesting approval from the ARB.
- Any other such addition requires ARB approval.

2.7. Livestock and Animal Restrictions – The following expands the provisions of the Covenants:

- Only "conventional, inside" pets are normally permitted, such as dogs, cats, caged birds, fish, hamsters, guinea pigs, gerbils, reptiles, etc.
- Pets may not be a nuisance or bother to neighbors.
- Pets that are normally leashed (namely dogs) may be allowed free in fenced back yards only, but must be kept leashed, or under direct voice control of the owner when in Front Yards, and leashed when off the owner's lot. Violations of this requirement will be treated as follows:
 - First report: The Property Manager (PM) or ARB will issue a "friendly" reminder, usually by e-mail, to the dog's owners, warning them of the violation.
 - Second report: The PM or ARB will issue a formal violation in the form of the Association's Violation Sheet, which also informs them that the act is a violation of both the county and Covenants.
 - Third report: The PM or ARB will notify the owners that the incident has been reported to Alachua County Animal Services and that fines may be assessed by the Association.
 - This policy took effect April 1, 2017, with no past violations being counted, but severity of past violations may be considered in the future.
- Dogs must not be allowed to roam the neighborhood at any time.
- Owners must clean up after their pet.

- No animal commonly considered livestock/game animals may be kept, which includes, but not limited to: chickens, ducks, pigs, sheep, goats, turkeys, pheasants, quail, horses, cattle, snakes, or emus/ostriches.
- Certified service animals are exempted from this restriction.

2.8. Restriction on Activity – Minor vehicle repairs such as tire and oil changes may be conducted on the driveway of a property, specifically:

- No repair may be conducted on the street or common areas.
- Repair to vehicles on the driveway must be completed in three days or less.
- All automotive fluids must be disposed of offsite, and owners are required to clean all visible stains from driveways and streets.

Celebrations and other community activities that produce excessive noise shall only be conducted in the Common Area in the center of Phase I (known as Drainage Retention Area, or DRA#4, and Playground area), and shall not be conducted among the residential lots or streets. Excessive noise shall be ended by 9:00 PM. [Note that Alachua County Ordinances 91-23 and 02-34, Noise Control, do not explicitly address this issue, but it is consistent with the spirit of the ordinances to end at 9 PM.] This same restriction shall apply to the operation of model aircraft, including those commonly called drones, and may not be operated in hours of darkness.

Similarly, construction activities creating excessive noise shall not be commenced prior to 7:00 AM on weekdays and 8:00 AM on weekends and shall end by 9:00 PM daily.

As for louder private vehicles, including sports vehicles, motorcycles and boats, be courteous and mindful of neighbors and avoid revving engines or creating excessive noise while in the neighborhood during the hours of 9:00 PM – 7:00 AM.

2.9. Restrictions on Walls, Fences or Hedges – Guidelines on fences are as follows:

- All new or reconstructed fences must be approved by the ARB and plans must be submitted.
- Fences are restricted to Rear and Side Yards only and must be set back at least 10 feet (beginning 4/12/18: 15 feet for lots on cul-de-sacs) from the front-most face of the house, excluding a protruding porch, and preferably should not hinder access to utility meters. There must be at least one gate through the fence, but gates may be locked for security. Fences are prohibited in Front Yards unless approved by the ARB for safety or security reasons.
- Fences must:
 - Be constructed of wood.
 - Be of “Shadow Box” design.

- Have gates constructed in the same manner as the main fence.
- Not exceed 6 feet in height (unless additional fencing needs to be added to the bottom of a fence to span depressions); however, back fences facing buffer areas, retention basins, and other natural areas not usually accessible must be at least 3.5 feet in height.
- Be constructed on-site, board by board, they may not be prefabricated,
- Plans for fences submitted for approval shall indicate the setback from the front of the house in feet.
- Plans should also include the location of utility meters and take into account that if the fence encloses the meter(s), arrangements may have to be made with the utility provider to ensure convenient access.
- Fences may be stained—but not painted—without ARB approval within ARB guidelines (see Appendix A) but otherwise must be approved by the ARB.

2.10. Garages – All garages shall be minimum two-vehicle capacity. Garages may be connected to the main dwelling or separated. For front-facing garages, the front plane of the garage shall be set back from the plane of the forward-most reach of the dwelling unit or porch by at least 11 feet, unless approved by the ARB.

2.13. Exterior Antennas – Exterior Television Antennas (Satellite or other) may be installed without prior ARB approval; however:

- Satellite dishes must not exceed 1 meter (39.37") in diameter without approval.
- It is preferred that all antennas should be placed in a location not visible from the street/public areas whenever possible and still maintain signal access.
- All antennas must meet all applicable City, County, State, and Federal codes, rules, regulations, statutes, and laws.
- Antennas for AM/FM radio, amateur ("HAM") radio, Citizens Band ("CB") radio, and Digital Audio Radio Services ("DARS") are not permitted without ARB approval.
- Satellite dishes that are not in active use or in disrepair must be removed.

2.14. Exterior Paint – Structures may be repainted the original color, or any existing ARB-approved color without requesting ARB approval.

- All trim, soffits, gutters, downspouts, and the like shall always be white.
- All painted areas shall be maintained in an attractive condition. Fading or chipped surfaces must be restored to the original appearance, including power-washing and/or repainting the entire Dwelling Unit, as necessary.

Commented [CEW2]: To provide a rule for deteriorating colors and surfaces.

2.15. Signs – Stand-alone signs on homes or in yards are generally prohibited with the following exceptions:

- Allowed one real estate sign per lot, no larger than 18 x 30 inches.
- Political signs:
 - Allowed one per candidate per campaign,
 - No larger than 18 x 30 inches,
 - May not be posted earlier than three weeks prior to election date, and

- Must be removed within one week post-election.
- Small, legal no-trespassing and security signs are permitted.

2.17. Allowable Trim and Decoration – Sports-related or similar decorations (e.g., signs, banners, flags, spinners, statuettes, etc.) are permitted in Front Yards.

- Functional trim such as gutters and downspouts may be added without prior ARB approval, provided they are made of metal and white in color.
 - These must be maintained and if they become dysfunctional, the ARB shall have the authority to require them to be repaired or removed.
 - Owners of Dwelling Units with metal roofs may apply to the ARB for an exception to this restriction.

Commented [CEW3]: Punctuation

2.18. Window Tinting – exterior windows and French doors that are visible from the outside, in addition to the restrictions stated in Section 2.18 of the Covenants, should have window treatments as detailed in Appendix A. Newly occupied dwellings may use non-standard window treatments for a period not to exceed 30 days from occupancy; however, garish colors or designs shall not be used.

2.19. Unit Air Conditioners and Solar Panels – Solar panels may be installed with approval of the ARB, and the request must be accompanied by the external installation plans. The panels should not be mounted on roof facing the front of the dwelling unit, nor if visible from streets (side streets and alleys exempted), unless necessary to operate, in accordance with Title XI, Chapter 163, Section 163.04(2) of the Florida Statutes. Certification from the installer must include such justification.

2.21. Tree Removal Restrictions – Removal of trees greater than 8" diameter measured 2 feet above grade requires ARB approval. If an owner violates this and removes such a tree without ARB approval, he/she is bound to replace the tree with another one, and its location, acceptable to the ARB.

- Approval shall be granted for dead/dying trees.
- Removal of healthy trees may be contingent on replacing with new trees at the ARB's discretion.
- Planting of new trees is permissible without ARB approval provided:
 - New trees may be any deciduous or small leafed tree. Flowering trees are desirable.
 - Cedar trees are acceptable, but pine and palm trees (other than sago palms) are not desired. (The cabbage palm is the state tree.)
 - Trees must be planted with the proper recommended spacing to allow healthy growth.
 - Trees shall not be planted in locations where the root systems are likely to damage sidewalks.
 - No tree, or other landscaping, may not be planted by a Member in a Common Area, including the strips between sidewalks and curbs, without ARB approval. As an exception, small plants may be planted around

mailbox posts and/or borders along the sidewalk or curb, as long as they are well maintained.

- Removal of dead/dying trees on vacant, undeveloped Lots is permitted without approval of the ARB. Removal of healthy trees on vacant Lots being developed are permitted within 10 feet of the slab, porches, decks, driveways, and sidewalks as part of the required approval of the new construction under Section 7.4 of the Covenants.
- All remains of any tree removed, including stumps, shall be removed from the Property completely, and may not be discarded on undeveloped Lots, including Phase II.
- All county and city ordinances relating to tree removal shall apply.

2.22. Vehicles – The following restrictions apply to vehicles:

- Must be parked in accordance with Covenants.
- Temporary/visitor parking:
 - May be on-street so as not to obstruct traffic flow.
 - Parking prohibited on lawns, sidewalks, common areas, and sidewalk access ramps.
 - No parking within roundabouts.
- Overnight parking:
 - Parking is permitted in the owners' driveways; however, parked vehicles may not block the public sidewalks.
 - No on-street parking at any time may impede traffic flow, block driveways or access to fire hydrants, mailboxes, or trash bins (on trash collection days).
 - On-street parking is permitted only in approved areas of Phase I as indicated in the map attached as Appendix B.
 - In Phase II, overnight parking is prohibited on the streets, except temporary short-term parking by house guests and the like for a period not to exceed three consecutive days/two nights—once only in a rolling seven-day period—anywhere on the street in question. See Appendix C for a map of Phase II.
 - The dead-end stub between Lots 14 and 15 may be used for parking as well.
- Recreational/non-passenger vehicle (commercial trucks, RVs, campers, boats, trailers, etc.), and long-term parking (unless otherwise approved by the ARB):
 - May not be consistently or continually parked on the street.
 - Should be kept in garage or in an ARB-approved enclosure.
 - Should not be visible from ground level.
 - Temporary parking for up to three days/two nights—once only in a rolling seven-day period—is permissible in designated on-street parking areas (only) in Phase I and on-street in Phase II, so long as traffic and other access points are not impeded, particularly for emergency and service vehicles.
- All vehicles must be operational and licensed.

Commented [CEW4]: Grammar, correcting insertion done 10/15/12.

- Repeat violations of parking restrictions after warning(s) and/or citation(s) may result in the offending vehicle(s) being towed at the expense of the vehicle(s) owner(s). Failure to reimburse the Association for towing fees will result in fines.
- Off-road (i.e., racing, collector, etc.) vehicles may be kept, provided storage location meets parking requirements for recreational/non-passenger vehicles.
- Vehicle repair and maintenance:
 - Major repairs/maintenance may be conducted within a (normally) closed garage.
 - Vehicle, parts, all tools, and related refuse must be completely contained within a closed garage overnight.
 - Noise and odors associated with maintenance must not disturb neighbors.
 - No non-emergency maintenance/repairs may be conducted on the street or on common areas.
- All vehicles operated within the neighborhood must be street-legal and licensed.
- No vehicle shall be operated on the sidewalks or on the common areas:
 - Exception to the foregoing: children's electric- or pedal-powered vehicles may be driven on sidewalks, but parents, responsible adult, or sitter must be present to supervise and ensure safety.

Commented [CEW5]: To authorized HOPOA to have repeat parking violations to be towed.

Repeated violations of any of these restrictions for which three or more citations have been issued may result in fines.

2.25. Grassed Areas and Yards – The following apply to yards:

Standard Practice Regarding Rear/Side Yards – All Covenants and Restrictions apply to rear and Side Yards, even if those areas are behind privacy fencing; however, privacy fencing does not 100% restrict viewing of these areas from common areas or from other properties/dwellings. Therefore, the standard for action shall be if there is something visible from common ground or another property/dwelling without the need for “extraordinary action” (i.e., peering around fence boards, standing on tip toes, climbing fences, etc.), then the ARB (and BoD if appropriate) is obligated to consider action in cases of violations of the Covenants. Other provisions:

- Plantings/hardscaping do not require ARB approval except for specific situations as indicated below:
 - Generally, Rear Yard areas not readily visible from grade level common areas or from another property dwelling do not require ARB approval for plantings/hardscaping.
- Front and Side Yards:
 - ~~Should~~ Must be kept mowed.
 - Lawn area must be living grass.
 - ~~Should~~ Must be kept treated to control weeds and pests.
 - ~~Should~~ Must be edged around all non-grass areas.
 - Primary ground covers other than grass must be approved by the ARB.

Commented [CEW6]: Here and below, to strengthen these requirements.

Commented [CEW7]: Grammar

- Each Property Owner is responsible for maintaining the grassed strip between sidewalks and curbs, the sidewalk itself and any retaining wall present. The latter two items refer to esthetics, such as removing discoloration, mold, etc.; blowing acorns and the like; and periodic power washing—but excludes any structural issues.
- Rear Yards (or Side Yards behind fencing):
 - Less restrictive.
 - Must be kept controlled and may not “spread” into common areas or other properties.
 - Grass under fence lines shall be well maintained.
 - Each Property Owner with a rear alley is responsible for maintaining the grassed strip between any fence line and the surface of the alley. This strip may be grass, ground cover, or landscaping, but must be maintained in an attractive fashion.
- Planting Beds:
 - Should be kept mulched.
 - Shall be kept weeded.
- “Hardscaping” (e.g., pavers, walks, edging):
 - Should be concrete, wood, stone, or plastic.
 - Should be “natural” or brick color.
 - “Tinted” and/or “pressed” concrete in Front or Side Yards require ARB approval.
- Patios, Decks:
 - Shall be in Rear Yard only.
 - Decks shall be constructed of wood or composite/synthetics such as TREX, and no higher than 30” above grade without ARB approval.
 - Elevated decks shall have a trellis type barrier obscuring the underside/substructure of the deck, if visible from outside the yard at ground level.
 - Patios- Should be constructed of concrete pavers, cobbles, stone, poured concrete, or similar.
 - Blacktop/tar/macadam is not permitted.
 - Shall not have screen enclosures unless explicitly approved by the ARB as in conjunction with a pool enclosure (also requiring ARB approval).
 - Decks and patios complying with these standards do not require ARB approval.
 - Any variations from these standards require prior ARB approval.
- Screens:
 - Screened enclosures around pools shall not be installed without ARB approval.
 - Front porches shall not be screened.
 - Rear porches (i.e., lanai) may be screened without requesting ARB approval provided the framing of the enclosure is constructed of white or black metal.

Commented [CEW8]: To add these items to the POs’ responsibilities.

- Screens must be maintained in an intact condition. Missing, damaged, or hanging screen material must be repaired/replaced within 60 days of being notified.
- Shrubbery:
 - Should not be allowed to “crawl” into grassy areas.
 - Should be kept trimmed and pruned.
 - Should be kept watered and fertilized to maintain healthy condition.
- Dead landscaping plants:
 - Should be removed promptly.
 - Some time will be allowed to see if a plant will “come back,” at the ARB’s discretion.

Florida has water-friendly landscaping guidelines or statutes that are applicable and should be followed to the extent they are consistent with the stated Covenants Guidelines.

2.27. Pools – All pools require ARB approval and must meet acceptable criteria:

- In-ground pools are preferred.
- Above ground pools may be approved, depending on construction, installed decking, etc.:
 - Should be constructed of metal.
 - Should be surrounded by wood/composite decking so as to conceal the pool structure.
 - Temporary pools are prohibited.
 - “Kiddie Pools” of less than 24” depth are allowed in Rear Yards, but may be in driveway, Front (or Side) Yard on a daily basis provided they are drained/removed overnight.
- Pools must be maintained so as not to constitute a health hazard (e.g., filtered, treated, fenced, etc.).
- Pool enclosures, including screening, require ARB approval.
- Hot tubs or spas are permitted without ARB approval in fenced Back Yards or on decks.

2.28. Setback Requirements and Building Location – Setbacks are established in City of Alachua Ordinance 05 12, or any subsequent ordinance superseding this ordinance.

2.30. Household Garbage and Yard Trash – Garbage and/or lawn trash may be placed at the curb on the day prior to collection and all empty cans must be removed from the curb by the day following collection day. Exception: lawn trimmings from a weekend may be placed at the curb when trimmed. According to City Ordinances, yard trash should be placed in paper trash bags (available from lawn-supply stores) or in trash cans. If not contained, limbs (but not loose leaves and other trash that can be blown away) should be piled no more than 4 x 5 ft and 4 ft high. Limbs may not exceed 4 ft in length and should be bound if

possible. For excessive loads (e.g., furniture, large limbs, many bags, etc.), contact the collection service to arrange a special pick-up.

- Recycling materials may be placed in recycle containers provided by a waste collection company. Recycle containers must be placed at least 2 ft from the regular trash can, mailbox, or fire hydrant.
- Any remaining trash on the street must be cleaned up by the occupants.

2.32. Gardens and Prohibited Plants – The following apply to plants:

- Fruits and vegetables:
 - Should be in Rear/Side Yard out of clear view from public or other homeowners.
 - Fruit trees may be in the Front/Side Yard.
- Growing of illegal plants is prohibited.

2.34. Driveways – All dwelling units must have driveways extending from the street or alley to the front of the garage and shall be at least as wide as the garage opening itself, unless the garage is forward-facing in the rear of the house. Driveways may have decorative openings (e.g., for grass, stone, mulch, or red brick) within each lane of the driveway. The driveways shall flare out by 6-8 feet total, equally divided on each side, at the street or ally, and the curbs shall taper from full height at the edge of the flare to about halfway to a line extending from the edges of the driveway. When constructed, the driveway shall be saw cut (i.e., grooved) in a manner to channel cracking within this groove and thus avoiding unsightly random cracking.

2.35. Mailboxes – New mailboxes with wooden posts consistent with the prevalent design used in the Property need not require ARB approval, but are otherwise required to follow the provisions of the original Covenants.

Commented [CEW9]: Grammar, and elsewhere as needed.

2.38. Motorized Vehicles – No vehicle shall be operated on the sidewalks or on the common areas, except for children's vehicles as noted in Section 2.22 above.

2.39. Architectural Standards –As specified in the Covenants and Restrictions, all new dwelling units in Heritage Oaks shall additionally conform to the following specifications:

- As a further clarification for Item 3, Wall Plates: if a bonus (or guest) room or suite is an extension of the garage on the same level, it shall not have a lower wall plate than the garage, unless the ARB approves a variation for cause.
- Gables: For houses with the main roofline running perpendicular to the front street, the front of the dwelling unit should have distinct gables (including the garage). The primary front-facing gable, if any, should have a window (if the ceiling inside is high enough) or inactive (i.e., faux) window in the gable. Secondary gables facing to the front or sides should have wooden or equivalent vents. If the main roofline of the dwelling runs parallel to the front street, a minimum of two window gables shall be installed facing the front

street. All gables shall have a minimum overhang of 1 foot, except the window gables may have an overhang of 6 inches.

- **Porches:** All dwellings must have a front porch with the main area of the porch having a minimum dimension of 10 feet wide by 8 feet deep. All dwellings must have a rear (or side) porch or lanai having a minimum dimension of 10 feet wide by 6 feet deep, unless otherwise approved by the ARB. All porches and lanais must be covered by the main structure of the house, or by a slopped roof extending from the main structure. All porches and lanais must have columns of no less than 5 feet, or more than 10 feet spacing. In the event that the full width of the porch or lanai is 10 feet, there shall be at least two columns located near the extremes of the porch or lanai. All cross-sections of columns shall be round or square. Columns may be tapered from bottom to top and may be trimmed in wood or red brick on the bottom. Front porches should be trimmed in red brick if the porch is 8 inches or more above ground level. Protective rails are required as per applicable city building codes, including the steps to the porch. All porch rails shall be white PVC or white-painted wood.

ARTICLE 3. PROPERTY SUBJECT TO THIS DECLARATION, ANNEXATIONS; PROPERTY RIGHTS

Section 3.5. Easement for Access and Drainage. This section erroneously refers to the "Southwest Florida Water Management System," while it should have referred to the "Suwannee River Water Management District." Until the Covenants are officially amended, the latter will be the interpretation of this section.

ARTICLE 4. MEMBERSHIP AND VOTING RIGHTS

- 4.2. Voting Rights.** If a lot is undeveloped and is being assessed at a reduced fee, the lot owner's Membership voting rights—and any other privileges—shall be in proportion to the fee assessment at the time of the vote or other event. In the event of transfer of ownership of a lot, the transfer of voting rights for such lot is effective upon the closing date of the property transfer.

ARTICLE 6. COLLECTION OF ASSESSMENTS

- 6.1.1. Monetary Defaults and Collection of Assessments** – The imposition of late fees began January 1, 2017. After that date, late fees stipulated in the Covenants are assessed in the payment period following the missed payment, even if a partial payment was received. Late fees are applied once only for each deadline missed. Beginning July 1, 2017, if, after the payment period following the initial imposition of a late fee, the total amount in arrears remains unpaid, including late fees, the total amount in arrears will be charged interest as stipulated in the Covenants. If multiple payments subject to the application of late fees and interest are in arrears, or are only partially paid, interest will continue to accrue based on the unpaid balance. The Board will set the interest rate, which, as

stated in the Covenants, may be up to that rate allowed by State Law. The Board may make variations of these policies for cause.

6.3. Fines – In accordance with this section of the Covenants, the Board has determined the following schedule of fines for Covenants/Guidelines violations for the reasons stated:

- For premature starts of new construction without ARB approval, an initial fine of \$100 will be levied for the violation, which is triggered by laying formwork for foundations, followed by \$50 per day until resolved (in accordance with Section 6.3 of the Covenants), with a cap of \$1000.
- For other improvements or violation of restrictions, an initial fine of \$50 will be levied for the violation, which is triggered by the beginning of construction/work, followed by \$10 per day until resolved, with a cap of \$1000. Prior to imposing fines, the ARB or Property Manager will send a “friendly” warning message to the PO, and based on the response, the ARB/BoD will decide whether to proceed with the fine. For example, if the offense was simply an oversight, the action may be forgiven.
- For late payment of assessments, the late fee (fine) is 10 percent of the amount for the period missed, or \$10, whichever is greater. As noted in Section 6.1.1. above, interest at up to a rate permitted by Florida Statute may be charged for the total amount in arrears.
- For violations of minor restrictions, such as excessive noise, the BoD may impose fines not to exceed \$25 per incident.

ARTICLE 7. ARCHITECTURAL REVIEW

7.4. The architectural design of all new homes in Heritage Oaks after the initial effective date of these Guidelines shall conform to the styles of the initial houses and shall meet the requirements otherwise set forth in the Covenants and Restrictions and these Guidelines. Variances from these standards and guidelines based on earlier variations are not permitted without ARB approval.

ARTICLE 9. ASSESSMENTS

9.1. Variable Assessments – In the event that new properties are added to the Association, The Board may adopt a (generally two-) tiered assessment schedule to account for differing degrees of participation by the new Property Owners. The initial assessment occurred immediately upon the property being annexed into the Association, which occurred on February 16, 2017. The full assessment on each lot will take place upon permitting to build new construction on the property. Increased assessments shall be imposed at the beginning of the quarter following the triggering event.

Heritage Oaks Property Owners' Association Address

Please direct all official correspondence with the Association to the Registered Agent, currently:

HOPOA Registered Agent
Burgess Management Services
PO Box 969
Alachua, FL 32616

Phone: 386.418.1001
E-mail: sandy@burgessms.com

Approvals:

First draft approved by the HOPOA Covenants and Compliance Committee 10/3/13 and 11/26/13

First draft approved by the HOPOA Architectural Review Board 11/26/13

First draft approved by the HOPOA Board of Directors 11/26/13

Legal review completed 1/27/14

Approved by the Joint Committees (above) 1/28/14

Distributed to POs 1/19/14

Approved by vote (40) of the Members (36 required) 2/28/14

First revision approved jointly by the BoD on 5/3/16 and the ARB via e-mail, 5/18/16

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APPENDIX A. HOPOA EXTERIOR COLOR PALETTES AND WINDOW TREATMENTS

House Siding and Colors:

All houses in Heritage Oaks shall use hardi-plank lapping panels as the siding. Brick and stone shall not be used on any part of the siding; however, red brick veneer is recommended for the stem walls on the front of the house. Poured stem walls without brick veneer shall be stuccoed or similarly finished, but not left with a natural, unfinished concrete State.

All houses shall have columns on the porches, and the columns shall be wood or faux wood and shall be painted non-gloss white, except that columns may have a base of painted wood or red brick.

Houses shall have one basic color for the siding. The primary house color shall be approved by the ARB. Exposed stem walls shall be the same color as the siding or a slightly darker version of the same color.

New construction or repainting of a house in a different color requires ARB approval. The builder or property owner (PO) shall present a sample of the proposed color, which may be accomplished by painting several panels (3 x 3 feet) of Hardi-Plank lapping panels board (or like material) and displaying on the property.

Fence Stains:

Fences may be stained or re-stained in natural or brown colors without ARB approval. If individual boards are replaced, the board(s), or the entire section of fence if necessary, shall be stained to ensure color uniformity. If the fence is unstained, the PO shall move weathered inside boards to the outside surface.

Shutter and Accents:

All such accents shall be approved by the ARB.

Gutters and Downspouts:

- Gutters and downspouts shall be constructed of metal and painted white.
- Gutters and downspouts in compliance with this standard may be installed without requesting ARB approval.
- Any variation from this standard requires approval from the ARB.

Trim:

All exterior trim (e.g., corner edges, windows and doors, flashing, soffits, columns, etc.) shall be non-gloss white.

Roofs:

Either metallic or asphalt shingles are permitted. Metallic roofs shall be one of the following non-glossy colors, unless otherwise approved by the ARB:

- Natural aluminum
- Pewter
- Silver

Asphalt shingles may be either slate or shake (single or double width) and may be any of the following colors (dark of medium, no light):

- Black
- Gray
- Brown
- Green
- Tan

Garage Doors

Vehicular garage doors shall be opaque, and painted either non-gloss white or, for doors opening on to alleys (only), the same color as the house siding.

Replacement Roofing, Repainting and Re-Staining

If a PO replaces a roof with the same type and color, repaints the house in the same color (including accents), or re-stains a fence in the same color, ARB approval is not required; however, the PO should inform the ARB of the intent to take the action, to avoid unnecessary inquiries.

Window and French Door Treatments

Windows and French doors should have standard treatments that are professionally manufactured for this purpose without approval of the ARB. These typically may be curtains, Venetian blinds, mini blinds, micro blinds, panel blinds, pleated shades, cellular shades, Roman shades, vertical blinds, and/or plantation blinds. Windows, and particularly French doors that are not easily seen from outside the dwelling (such as facing the Rear Yard), may be left without treatments. Other treatments must be approved by the ARB. Solar shades, or other reflective materials) are not permitted

Retractable (only) outdoor shades may be installed over windows, porches, patios, and decks in the Rear or side doors only without ARB approval.

APPENDIX B. PERMITTED ON-STREET PARKING ZONES IN PHASE I



Appendix C. Heritage Oaks Phase II Site Plan

