

Heron's Forest Policies, review and updates, March 2013

The A,B,C's of Heron's Forest Policies

The following reprint and update includes the most often ask about issues in the Forest.
To review all Covenants, Conditions and Restrictions please refer to your By-Laws, Declarations (CC&R) and Architectural Guidelines

ARC –Architectural Review Committee **Article III Sec 2** is a separate entity from the Board of Directors which is charged by the Covenants, Conditions and Restrictions declarations (CC&R) with the responsibility for prior approval of design of residences, any exterior alterations of any nature, including paint color of front doors; construction of fences, decks, and pools; mailboxes; landscaping for new residences or for updated landscaping such as the addition of patios; for plantings on the approved list; and tree removal. Check your ARC guidelines which are now online at the website or Escambia County records.

Association meetings and agendas - Board meetings must be noticed 48 hours in advance. Notice and agendas are posted on the bulletin board at the pool house and on the community website. Only items on the agenda may be discussed except for an emergency as determined by the Board. If a member has an item for the regular board meeting agenda, please contact the property management company 5 business days ahead of the meeting with the specific agenda item.

Cats and Dogs- Article IV Sec 10

We all love our dogs, cats, and other customary household pets but they may not constitute an annoyance or nuisance which includes, but is not limited to, barking dogs, dogs unattended in yards for hours, and roaming cats. Pets must be well groomed; maintained in a sanitary condition; and may not be bred for any commercial purpose. Our pets “are not permitted to be present beyond the boundaries of an Owner’s lot without being leashed or caged. When any such authorized pets are beyond the boundaries of the Owner’s Lot, the Owner shall be responsible for prompt clean up and sanitary disposal of any solid pet excrement”.

Please be considerate of the common areas and dogs urinating on the plants, bushes and grass as urine does kill vegetation. Remember common areas belong to all of us. Replanting and repairing what is destroyed may raise your annual dues!

Note: Pets are prohibited by the US Navy on the Trout Point Nature Trail

Compliance drive through- it's their job! As a part of our contract with the property management company, they are to drive through the Heron's Forest neighborhood on a frequent basis to check on the upkeep of individual owner's property and common grounds alike. If a violation is spotted on the owner's property, a letter will be sent to the owner. If you are renting, the owner and the renter, will be notified. **Tips: You'll probably get a notice if you forget to keep your lawns nicely edged along the curbs, walks and driveways. Weeding and cleaning out beds is also important, as is mulching the plant beds. Also, trash cans and irrigation pumps *must* be screened from view if outside your garage.**

Gates – There are several ways to open the gates. Gate remotes are issued to owners and renters by the property management company. At the time they are issued the management company will get information to put into the Directory Box. They will also give you a code for the Directory Box in which case you do not need to use the remote. The code can be used by your guests, contract service people, Emergency agencies and vendors approved by HFPOA . Disclosure of the code to unauthorized people is a violation of our security rules. Finally, and perhaps the easiest access, is to program your auto “homelink” system (instructions in your auto manual). Gates are open on weekdays from 6:00-8:00 am and 4:00-6:00 pm. To report gate problems call the property management company.

Garages and garage doors – Article IV Sec 9 CCR and friendly board request Feb 2004

Please refer to the CCR : Garages and the paragraph titled Street Parking in this pamphlet for the complete regulation of parking and garage usage in Heron’s Forest.

Garage doors ~ as a favor to your neighbors, and to contribute in a meaningful way to the attractiveness of our community, the Board requested in 2004 that, “whenever you are not working in your garage, you keep the door(s) closed”. This practice has been a good one and continues to be followed by all.

Greenspace –

About the “Greenspace”

You may have seen these small signs on trees around the nature trails near your home. There are about 4.5 acres around us that we call the Greenspace. Actually, it is a nature conservancy owned by the Florida Department of Environmental Protection (FDEP).

FDEP has granted us a conservation easement for limited use of the area (hiking, bird watching, etc). The purpose of the EPA easement is " ... to assure that the subject lands will be retained and maintained forever predominately in the natural vegetative and hydrological condition " Specifically prohibited, among other things, is the removal or destruction of trees, shrubs, or other vegetation. See the plat with greenspace marked in your closing papers or on the website.

Do you own your backyard?

No, probably not. Or only a small part of it. Much of the area behind (in some cases beside) our houses is called Greenspace and is common property owned by the Association. In other cases Greenspace overlaps property you may own. In the latter case there is a Greenspace deed restriction on your property. Want to know where the property line is? Check your survey or a plat of the subdivision.

Do you own the trees on your property?

In a manner of speaking, to a degree. Our legal documents spell out deed restrictions and architectural rules we have all agreed to follow. Trees larger

than 4” in diameter at breast height may not be cut down without written approval from the Architectural Review Committee. As described in the legal docs, the Association will fine for cutting trees without ARC written permission. To apply for permission to cut the trees larger than the prescribed width submit a written request to the Architectural Review Committee (ARC) c/o property management company.

Mailboxes – and maintenance, Article IV Sec 15. Our mailboxes are a uniform mailbox structure. For information on purchasing a new mailbox, post, decals or numbers please contact the property management company. Keeping them clean, painted, and in good condition will keep you from getting a non compliance letter!

Maintenance of property- Article IV Sec 25. All owners shall keep their lots and any improvements thereon (including landscaping) as well as any adjacent land areas in the road right of way between the lot line and the curb of the road, neatly, diligently and properly maintained, clean and sanitary at all times. Failure to provide such maintenance shall be grounds for suit by any other property Owner in the Development, the Association, the Declarant, the Architectural Review Committee and/or appropriate governmental agencies, and shall also subject each Owner to the sanctions provided for in Article V, section 11.

Pool – posted pool rules

- Pool Hours ~6AM – 10PM
- No Life Guards ~ swim at your own risk
- Pool Capacity : 36 persons
- Shower before entering the pool
- Children under the age of 16 must be accompanied by an adult in the pool area.
- Guests must be limited and accompanied by their resident host.
- Pool is restricted to lap swimming from 9-10 (AM & PM)
- Children not toilet trained must wear swim diapers and swim suits.
- Pool participants are asked to keep the noise level to a minimum.
- The following is not allowed in the pool area:

Diving	Skate boards	Animals
Running	Smoking	Bicycles
Horse Play	Glass containers	Food

- The pool deck may become slippery, please walk with caution.
- The pool may not be RESERVED for any activities or parties. Water aerobics and swimming classes may not monopolize the pool as the pool is always open to residents and their guests.

Our amenities are a very positive feature of our community. Feel free to use the pool and common area for a gathering as long as your guests follow the rules above. No gathering may have the exclusive use of the amenities but small parties work out well. Remember, the total capacity of the pool is 36. An owner is responsible for clean up. It's a good idea to let the property management company or a board member know of your gathering as a courtesy. Our beautiful pool is to be enjoyed.

NOTE: If you observe unauthorized people at the pool, notify the property manager as soon as possible.

Permanent Basketball Backboards (hoops)

The board has requested that anyone wanting an in-ground backboard should submit a request for it to the Architectural Review Committee c/o Property Manager. The request should describe how it will be mounted and its location on your lot. *Heron's Forest Board 7/3/2007*

Policy change: Heron's Forest Board, March 10, 2010

The Board and Arc Committee at a meeting on March 3, 2010, of several members of the Board and Arc Committee reviewed the existing policy, which disallowed portable hoops and decided a modification of the current Portable Basketball Hoops policy was in order. At the March 10, 2010 regular Board meeting the policy by unanimous vote of the Board was changed to:

Portable Basketball Hoops ("hoops") could represent an unsightly architectural element in our community. However, they may be allowed after an owner request to the ARC Committee. The "hoops" must be placed as close to the garage as possible making them out of visible sight from the street as much as possible. When not in use for a period of time, it would be a requirement to move the hoops out of sight completely. Further, the Portable Basketball Hoops must be in good condition, "like new". If the "hoops" become "an unsightly architectural element" due to weathering, age, wear and tear condition, or any other damaged condition then the ARC Committee shall have the right to rescind the approval of the request and the owner shall agree to remove the hoops.

Amendment to policy: Heron's Forest Board, March 6, 2013

All policies above also apply to Playground Equipment, both permanent and portable which is visible from the street.

Satellite Dishes- Article IV Section 16 Antennas. Satellite dishes are allowed as the dishes have been reduced in size. The appearance is not a problem if the dish is positioned towards the back of the house. Contact the property management company prior to installing for ARC approval.

Signs- Art IV Sec 12 No signs allowed except real estate and alarm system on premise. Your deed restrictions are very fussy about signs. Nothing is permitted in your yard except real estate 'for sale' or 'for rent' signs. Alarm signs, for example 'Seville Security' are permitted. Security signs act as a deterrent to crime and are not considered advertising. Homes under construction have a variance to allow builder identification, permits, etc. Sign restrictions are clear in the CCR documents and will be enforced.

Solar panels – are permissible. However, a drawing of where the panels will be situated with the type of panel (materials to be used) and name of company performing the installation, must first be submitted to the ARC committee for approval. Contact the property management company before installing.

Speeding - Just slow down...

Violations of the 15 mph speed limit are expensive in Heron's Forest. You endanger children and walkers by thoughtlessly zooming our streets. Report speeders to the property manager including commercial and service vehicles.

Street lights- If a light is out or damaged please notify the property management company and it will be reported to Gulf Power. The sooner you report the outage the better as it takes several business days for Gulf Power to respond. If the light has not been repaired in 2 weeks please call the property management company and report the same.

Street parking – streets and pool parking lot–Regulation initially passed by the Board in November 2004 , updated March 2013

Crowded streets create safety concerns for our children and walkers; impede rescue vehicles; and hamper mail delivery trucks, trash and garbage pick up vehicles and other commercial traffic. Our driveways were built for sufficient personal vehicle space to discourage street parking. Daylight parking on our streets should be temporary and infrequent. Overnight street parking is never permitted. Parking boat trailers or RVs on streets is not permitted but is permitted in your driveway for a period not more than 48 hours. Any commercial vehicle must be parked inside the garage. The pool parking lot is intended for pool and tennis visitors. Boat trailer and RV parking is prohibited at all times in the pool parking lot. Routine use of pool parking for any reason is not permitted. The occasional use of pool parking for your guests or workers is permitted if the property management company has been notified.

Bottom line -Please keep our streets open and safe by parking in your driveway. For more parking information please refer to **Art IV Sec 9 - Garages**

Tennis Courts

The courts are for residents and their guests. No guest may use the court unless a resident accompanies him/her. The tennis courts are ONLY used to play tennis. An adult must accompany children under the age of 16 at the tennis courts. The adult must be 18 years or older.

Please respect our amenities. Due to the malicious damage to the pool furniture and the tennis nets we have to toughen the rules and enforce the fines to recover expenses.

- No harassment or nuisance behavior
- No one with impaired judgment
- Only residents and guests
- Residents must accompany the guests
- ONLY used to play tennis
- Under age 16 accompanied by an adult (adult age 18 and older)
- Tennis shoes only
- No climbing on the fence
- No smoking
- No animals
- No food
- No glass containers
- No bikes
- No skateboards
- No skates
- ...just tennis

Trash cans – Art IV Sec 18 - “All garbage and trash containers...shall be kept clean and sanitary, and must be ...placed in a walled in area or screened from view so that they shall not be visible from any Lot line (except for approved garbage cans awaiting pickup by garbage services, but, in such case, only for the limited period of time of time reasonably required to accommodate such collection).”

Trash day – At this time our trash day is Wednesday. Typically trash should be put out after 4:00 pm on Tuesday and all trash cans returned to their “hidden from street view” positions by 6:00 pm on that Wednesday.

HFPOA Board recommends subscribing to the ECUA recyclable trash cans. For all ECUA information on Trash, Recyclables, Yard Trash and large items, new cans - call 476-0480

Trout Point - Please remember we, as residents of Heron’s Forest, are graciously allowed by the US Navy to enjoy access to Trout Point from Heron’s Forest. Trout Point has been designated by the Navy and the State of Florida for the express purpose of natural resource observation and education. Per Navy directive the preserve is open only if we mind our manners and respect the Navy property. Our privileges could go away if we do not adhere. Feeding and harassing wildlife (including birds) are also expressly prohibited at Trout Point.

Be aware of the sign at the site which states the following restrictions.

No Pets No Hunting No Camping
No Fires No Bicycles No Motorized Vehicles
Do Not Feed or Harass Wildlife
Do Not Disturb Native Vegetation
Hours 0600 to ½ hour before sunset

Note: The Association has no authority regarding these rules. However, “The Navy land is subject to the jurisdiction and enforcement of federal criminal laws and any prohibited activities are subject to federal criminal prosecution.” CC&R ART VIII. To report violations contact Pensacola NAS Security 452-2453

Violations and fines - Unfortunately as a means to enforce we do have fines as a way to deter violations. If you do receive a fine there is a process which would allow the offending party a hearing of their peers. **CC&R Article IX General provisions Section 1-Enforcement.** The following policy was adopted by the Board in 1999.

- Posting gate code to the public \$100
 - Parking violations: \$50
 - Pool Violations : \$50
 - Tennis violations: \$50
 - Damage to amenities: \$100 plus repair costs
 - Pet violations: \$50
 - Cutting trees without approval: \$100 per tree plus restoration costs
 - Safety violations: \$50
 - Landscaping violations: \$50 plus restoration costs
 - Speeding \$50
-
-

Again, this communication is an overview of the most asked about policies, misunderstandings, violations, and regulations here in Heron's Forest. A little knowledge goes a long way in keeping our community up to our high standards. We hope this publication will assist you.

Property Management Company- Currently the Property Management Company contracted by the Association is **Aquatic Realty Property Management, 14508 Perdido Key Drive – Office 492-4632, Cell 572-3539, Fax 492-4831, email dj.drury@cox.net** Ask for our property manager, DJ Drury.

For more information, questions or concerns, please contact Aquatic Realty Property Management or a Board member.

Dayre Lias
Chris Joyce
Pat Shannon
Cheryl Pyle

Jim Pritchard
Shawn McLaughlin
Kim Brungraber

References from legal documents

Power and Duties of the Board

Bylaws of The Heron's Forest Property Owner's Association, Inc.

Article VII – Powers and Duties of the Board of Directors

Section 7.1 Powers. The Board of Directors shall

- (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and regulating the personal conduct of the Members, their families, guests, tenants, agents and contractors in the use of the Common areas, and to establish, if appropriate, penalties for the infraction thereof.
- (c) Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty days, for infractions of published rules and regulations by the Members or their families.

Rights of the Owners and Association

Declaration of the Covenants Conditions and Restrictions for Heron's Forest

ARTICLE VI – Common Areas

Section 1. Owner's Easements of Use and Enjoyment. Every Owner shall have a right and easement of use and enjoyment in and to the Common Areas, or any part thereof which shall be appurtenant to and shall pass with the title of every Lot, subject to the following provisions:

B. The right of the Association to suspend the voting rights and the right of an Owner to use and enjoy the Common Areas or any part thereof for any period during which any assessment against his lot remains unpaid or any violation of the provisions of this Declaration remains uncured: and for a period not to exceed ninety days for any infraction of its published rules and regulations pertaining to the use and enjoyment of any such recreational facilities;

E. The right of the Association to limit the use of any Common Areas by published rules and regulations, including the number of guests and prescribing hours of usage, and to promulgate rules and requirements appropriate for the operation, maintenance, and replacement of gates and other security equipment and devices.