



Return to:

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SPACE ABOVE THIS LINE FOR PROCESSING DATA

**CERTIFICATE OF RECORDING
THE HERITAGE OAKS HOME OWNERS, INC.
RULES AND REGULATIONS**

THIS CERTIFICATE OF RECORDING THE HERITAGE OAKS HOME OWNERS, INC. RULES AND REGULATIONS (this "Certificate") is made this 17th day of November, 2020 by **THE HERITAGE OAKS HOME OWNERS, INC.**, a Florida not for profit corporation (the "Association"), as follows:

RECITALS

WHEREAS, the Declaration of Protective Covenants, Restrictions, Reservations, Servitudes, and Easements Affecting All Lots Contained in the Plat of Heritage Oaks is recorded, as revived, in the Official Records of Martin County, Florida in Official Records Book 3087, Page 2788, together with the Amended and Restated Articles of Incorporation of The Heritage Oaks Home Owners, Inc. (the "Articles*"); and

WHEREAS, The Heritage Oaks Home Owners, Inc. Rules and Regulations are recorded in the Official Records of Martin County, Florida in Official Records Book 3145, Page 2694 (the "Rules and Regulations"); and

WHEREAS, in accordance with Article IV, Section (d) of the Articles, the Association's Board of Directors (the "Board") has the power to promulgate restrictions, rules, and regulations to effectuate all of the purposes for which the Association is organized; and

WHEREAS, at a properly noticed Board meeting held on Tuesday, October 13, 2020, the Board amended and restated in their entirety the Rules and Regulations in accordance with Article IV, Section (d) of the Articles as set forth in the Heritage Oaks Home Owners, Inc. Rules and Regulations, attached hereto and incorporated as if fully set forth herein as Exhibit "A" (the "Revised Rules and Regulations"); and

WHEREAS, in accordance with section 720.306(1) (e), Florida Statutes, the Revised Rules and Regulations are hereby recorded among the Official Records of Martin County, Florida.

NOW, THEREFORE, the undersigned hereby certifies that the following Revised Rules and Regulations are a true and correct copy of the Revised Rules and Regulations adopted by the Board:

1. Preface. The foregoing recitals are true and correct and are hereby incorporated as if fully set forth herein.
2. Rules. The Revised Rules and Regulations, attached hereto and incorporated as if fully set forth herein as Exhibit "A", evidence the current rules and regulations of the Association. Substantial rewording. See governing documents for current text.

IN WITNESS WHEREFORE, this Certificate of Recording has been signed by the Association on the date set forth below.

**Signed, Sealed and Delivered
in the presence of**

Philip C. Danford
Print Name: Philip C. Danford
Walter Hackenjos

THE HERITAGE OAKS HOME OWNERS, INC.,
A Florida not for Profit Corporation

By: Walter Hackenjos
Walter Hackenjos, its President
Date: 11-17-20

Print Name: Walter Hackenjos

STATE OF FLORIDA)

COUNTY OF MARTIN)

The foregoing instrument was acknowledged before me by means of a physical appearance or an online notarization, this 17th day of November, 2020, by Walter Hackenjos as President for The Heritage Oaks Home Owners, Inc., a Florida not for profit corporation, who ☐ is personally known to me or a produced _____ as identification, and did not take an oath,



My Commission Expires:

not a
Diane Mangold
Notary Public, State of Florida
Diane Mangold
lic

Print Name of Notary Public

HERITAGE OAKS HOME OWNERS, INC. RULES AND REGULATIONS

Revised
August 14, 2023

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I. INTRODUCTION

Since 1979, Heritage Oaks has been one of the premier residential communities in Northern Palm Beach County and Southern Martin County. It is the responsibility of every homeowner in Heritage Oaks to do their part in maintaining the property values and curb appeal of homes in the community. To help guide the homeowners to maintain a high level of standards and compliance that will continue to improve property values, safety and integrity of the community, the Board Directors recently reviewed and updated the Heritage Oaks Rules & Regulations. The Board hopes you will adhere to and respect the Rules and Regulations outlined in this document for the common good of our community.

Heritage Oaks' Rules & Regulations are a very important component of our Governing Documents and are necessary in a community environment where we all agree to comply with certain basic rules and regulations for the good of the community as a whole. It should be noted that our owners, by virtue of their purchasing a home in Heritage Oaks, have explicitly agreed, under Florida law, to comply with the provisions of the Protective Covenants and these Rules and Regulations.

The Heritage Oaks Declaration of Protective Covenants and Bylaws authorize the Board of Directors to establish Rules and Regulations that help clarify and enforce the Declaration. This document sets forth those Rules and Regulations adopted by the Board on October 13, 2020.

II. USAGE RESTRICTIONS

1. The speed limit in Heritage Oaks is 20 mph for all vehicles including golf carts and bicycles. The roadways of the community are our sidewalks. To ensure pedestrian safety, the Homeowners Association ("HOA") will, at its discretion, periodically monitor traffic and enforce the speed limit using radar and other means available.
2. No motorized watercraft shall be used on any interior lake or body of water adjacent to any lot. Swimming is prohibited in all interior lakes. (This rule is to protect residents from potential hazards that cannot be adequately controlled by the Association such as water quality conducive to swimming or the water being free of alligators or other dangerous wildlife.)
3. Disposal of any refuse into the lakes, river or onto vacant lots, including grass clippings or shrubbery debris, is prohibited.
4. Mangroves along the river are protected by the State of Florida environmental law. Damage or cutting of the mangroves is prohibited unless the required county/state permit has been secured and provided to the Architectural Review Committee ("ARC").
5. Fishing in the lake is limited to homeowners and guests only from their own property or common area.
6. The lakes within Heritage Oaks shall not be used at any time by a homeowner as a source of water for irrigation or as a point of discharge for swimming pools,
7. No burning of any kind is allowed in Heritage Oaks.

8. Nuisance will not be allowed in the community. Nuisance includes any source of annoyance which interferes with the peaceful nature of the community and the right of residents to the peaceful enjoyment of their property. In addition, residents are expected to act in a respectful manner toward other residents. Examples of sources of annoyance include, but are not limited to, security lights left on beyond 12:00am, excessively loud parties or music, use of outdoor machinery or noise generating machinery after 8:00pm, or flying of drones over neighbor's property. In the spirit of maintaining a peaceful community, contractor work on weekends is strictly limited and requires Association approval to ensure it will not be a nuisance to neighbors.
9. Business or commercial activity shall not be permitted on any lot except for home offices not involving visiting business associates or customers.
10. Exterior Displays. No sign, advertisement, notice, equipment, or any other object whatsoever shall be placed, erected, displayed affixed, attached, or hung upon any Home or Property that is visible from a Street contiguous to the Property without the prior written approval of the ARC. Notwithstanding the foregoing, the official flag of the United States, the State of Florida, and the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or POW-MIA may be displayed in accordance with and subject to the Homeowners' Association Act; and or any U.S. military unit and regimental Colors. Additionally, reasonable religious and seasonal displays and lights are permitted subject to any rules and regulations as may be adopted by the Board.

III. MAINTENANCE YARD (Behind Tennis Facility)

The community's maintenance yard is used for resident trash disposal, storage of common ground maintenance equipment, storage of resident owned watercraft and recreational vehicles, as well as Clubhouse/Tennis overflow parking. The Board of Directors may designate additional uses for this area, as necessary.

1. The trash containers located in the maintenance yard are for residents' home-generated trash only. No outside trash is permitted. Contractors, gardeners, roofers, builders, cabinet installers are not allowed to use the trash containers.
 - a. The seven smaller containers with lids are to be used only for normal household trash and small furniture or appliances.
 - b. The two large open containers are for the disposal of garden debris, such as grass clippings, tree limbs, vegetation, and other such items. They can also be used for the disposal of large furniture pieces, appliances, large pieces of lumber, piping, shutters and other large items. These items do not have to be placed in separate containers.
 - c. The Recyclable Waste container with sliding doors should only be used for the disposal of recyclable items such as paper, glass, metal cans and "approved" plastic items. These items do not need to be separated but they must be removed from any bag that they were stored in. Waste Management will not remove them from the bag and will simply add them to the general dump. Large cardboard boxes must be "broken down" before placement into the containers.

2. All trash, including large items such as appliances, furniture grills, TV's, etc., must be placed in the appropriate containers. No items are to be left on the ground near the container. ***If a homeowner is unable to place a large item in any of the trash containers, the homeowner should contact the Heritage Oaks office to make arrangements for assistance in properly disposing of the item, including removing them from your home. A small fee will be imposed for this service.***
3. The watercraft and RV storage area is for the exclusive use of homeowners. Spaces will be assigned on a first-come first-served basis for a monthly fee. Heritage Oaks will not accept any liability for any loss or damage for such service. Owners can contact the office for additional information. Homeowners who park vehicles without a contract or who fail to make timely payments will have their Vehicles towed away at their expense.
4. The Board of Directors is authorized to install security measures, such as cameras and gates, to enforce the safety and maintenance of the yard area and other areas. Violators are subject to fines.

IV. PROPERTY MAINTENANCE REQUIREMENTS

All Heritage Oaks homeowners are required to maintain their homes and property to a professional level of quality and condition, as determined by the Board of Directors. The general concept is that all homes and properties meet a minimum standard that is considered to be attractive and have curb appeal appropriate for our community (the "community standard").

A. HOUSES OUT-BUILDINGS AND OTHER STRUCTURES

1. All roofs shall be kept free of mold, mildew or other stains.
2. Cracked or missing roof tiles must be replaced with the same existing roof color and roof tile style to match existing roof.
3. Rust stains on walls, fences, mailbox posts, and driveways are not appropriate for curb appeal and shall be removed.
4. Houses with faded or peeling paint shall be repainted.
5. Homeowners must keep pool screens free from tears and rips and in good repair. Corroded metal frames and doors and observable pool algae must be corrected.
6. Mailboxes must be well maintained with regard to paint color, construction and condition. The ARC must approve new mailboxes before being installed. See "Auxiliary Structures" section for mailbox requirements.

B. YARD AND LANDSCAPING

1. Weeds shall be controlled; hedges, trees and bushes must be properly pruned and maintained, replacing old/worn out plant material. Homeowners must keep their yards well maintained, with lawns mowed at 4" or lower and watered on a regular basis. The overall appearance and curb appeal of lawns and landscaping should represent the look of being professionally maintained.

2. If a homeowner is replacing existing material, i.e. bushes, small trees or grass with like or similar products or putting in annuals, no approval by the ARC is needed.
3. If a homeowner is making minor to moderate changes to their property, i.e. changing location of beds, putting in new small trees, bushes, or other material, the resident should submit a work request to the ARC for approval. This request should be accompanied with either a picture or hand drawing of the changes. Drawings do not have to be professionally designed.
4. ARC approval is required if a homeowner is making major changes to the landscaping of their property, i.e. changing a significant portion of their existing landscaping, removal of the current foliage and replacing it with new or different trees, bushes, mounds, etc. The resident should submit a request to the ARC for approval. This should include professional or detailed drawings and descriptions of the work to be done including description of new materials.

C. LANDSCAPING LIGHTING

This policy establishes guidelines for the installation and use of outdoor landscape lighting to minimize light pollution, protect the environment, protect the safety of residents and visitors, and protect neighbors' enjoyment of their property.

1. Outdoor lighting must be designed to minimize light pollution. This means that lights must be directed downward and/or away from neighboring properties and the sky. Outdoor lighting of trees along the perimeter of roads must be positioned toward the home and up toward the top of the trees.
2. Light must not reflect into a neighbor's yard and/or be so bright that it disturbs neighbors' sleep or enjoyment of their property. This includes lights on docks and lights that attract fish, bug zappers, and lights used at night to distract animals.
3. Lights should be of the smallest size that is effective for the purpose intended.

V. HOME PAINT COLORS (EXTERIOR)

1. Exterior house paint color selections and roof color must be approved by the ARC. If a homeowner requests to repaint their home with the original paint and color, they must submit the proper ARC form with color samples painted on the home's exterior as explained on the form.
2. The preferred colors for exterior walls include; white, off-white, beige, tan, yellow and gray. In certain cases, depending on the particular style of the home and overall color scheme, certain shades of blue and green will be allowed. In general, exterior walls should have a 'soft color' appearance with lighter and medium paint tones. Exterior trim, shutters and doors may be painted in a wider range of colors which must be compatible with the color of the exterior wall color. The ARC may approve other similar colors if it feels the color meets the above criteria. Home colors schemes, including exterior walls, trim, door, shutters and roofs, must, in the opinion of the ARC, be harmonious, look attractive on the particular home and fit in with the overall look and feel of the Heritage Oaks community.

3. Because the choice of paint colors is personal and somewhat subjective, the ARC will maintain a binder with photos of color schemes and pantone numbers* believed to be appropriate for Heritage Oaks homes and those judged inappropriate. Homeowners are encouraged to discuss painting plans in advance with the ARC or the property manager and to refer to the paint color binder before submitting a paint request to the ARC.

Foot Note:

The Pantone Color Matching System is largely a standardized color reproduction system. By standardizing the colors, different manufacturers in different locations can all refer to the Pantone system to make sure colors match without direct contact with one another.

VI. AUXILIARY STRUCTURE RESTRICTIONS

The construction, erection or installation of any exterior structure requires prior approval of the ARC. No structure shall be erected nearer than 15 feet from the side property line, 30 feet from the rear property line or 60 feet from the centerline of the fronting street, unless an exception is granted by the ARC and approved by the Board of Directors. In addition, the ARC will enforce the following standards.

A. FENCES

Approval of a fence is based upon the review of an appropriate drawing (usually a site plan or survey) detailing the specific location of the fence, the material of the fence and the landscaping. Fences shall meet the following requirements:

1. Fence material may be decorative type (aluminum), wood, or vinyl coated chain link. Fences shall be white, brown, black or green in color.
2. The minimum height of a fence is 4 feet. The maximum height will be determined by ARC, the project, and the location of the fence.
3. If located along side property line, a fence shall be installed 3 feet on the homeowner's side of the property line.
4. A chain link fence must always be 100% landscaped with a hedge type material so that none of the fence is in view. A decorative type fence material should be landscaped but may be allowed to be exposed (in view) to some degree based on type of fence and its location. Hedges shall be planted on the fence owner's property along the outboard side of fence. The entire hedge shall be maintained as required by the fence owner. Hedges shall cover, at a minimum, 50% of fence height upon installation and 100% of fence height after the end of one growing season. Hedges must hide any fence from view from street, and neighbors at all times.
5. If the neighboring home has hedges alongside the property line that adequately conceal a fence from view (as required), it may not be required to plant additional hedges along the fence. **However, fences must still be 3 feet from the property line to allow the adjacent homeowner access to maintain their hedges.**
6. Using a licensed professionals versus handyman is recommended.

B. GYM SETS

1. Gym sets, playhouses, swing sets, tree houses, zip lines, putting greens, and other similar play equipment must be located so it cannot be directly seen from the street or adjacent neighbors' yards. For houses located on an interior lake, the equipment shall not be seen directly from other homes on the lake. Such equipment may be screened with landscape plantings. When such items are no longer in use, they should be permanently removed. Installation of such equipment must be approved by the ARC.
2. Basketball hoops, swings hanging from trees, trampolines and other smaller play items should be located, whenever possible, so they cannot be seen directly from any street or neighbor's property. Smaller movable items should be stored inside when not in use.

C. SATTELITE AND SERVICE ANTENNAS

1. The Telecommunications Act of 1966 allows the installation of antennas used to receive video programming. This Act allows community associations to proscribe reasonable restrictions on the placement and appearance of such antennas.
2. Satellite dishes may be no larger than 1 meter in diameter. The dish shall be located, to the greatest degree possible, so that it cannot be seen from the street in front of the home or by a neighbor. All satellite dishes installation must be approved by the ARC.

D. MAILBOXES

1. All mailbox installations must be approved by the ARC prior to installation. Failure to submit a request to ARC for a mailbox or installing a mailbox before the ARC acts upon a request, will result in a monetary fine to be determined and executed by the Board. If a mailbox is installed without ARC approval that does **not** conform with Heritage Oaks rules, the homeowner will be required to remove the mailbox at their expense. Using licensed professionals versus handymen is recommended for the installation.
2. The mailbox style must be consistent with the general look and feel of most mailboxes in the Heritage Oaks community and must, in the opinion of the ARC, be appropriate for our neighborhood and an overall goal of the gradual upgrading of mailbox quality in the community over time. Refer to the diagram that provides detailed specs.
 - a. Mailboxes must be made of metal or a sturdy plastic (polypropylene or polycarbonate) that is coated to resist fading and must **not** be decorative or unusual.
 - b. The material for a mailbox post is cedar, metal, or architectural PVC synthetic.
 - c. The mailbox and post may **NOT** be made of the same plastic material that looks like one continuous piece.
 - d. Decorative animals or figures of any kind are not allowed. Painted murals, decals or non-traditional material attached (i.e., seashells) are prohibited. Permanent decorative sleeves are not permitted, however, temporary mailbox sleeves that commemorate a holiday are permitted but must be removed soon after the holiday. Temporary decorations placed on a mailbox to commemorate a holiday are permitted but must be removed soon after the event. Flower boxes, whether attached to the post or serving as a planter into which the post is placed are

prohibited.

- e. "Character" mailboxes (examples: manatees, flamingos, football helmets, wagon wheels or similar designs) are not permitted in Heritage Oaks.
 - f. Approved mailbox and mailbox post color selections are white, black, dark green, and brown. The mailbox post and box may be different colors.
 - g. The house numbers must be in a contrasting color from the color of the box or post, they must not be less than 2" high, may be metal or plastic, but may not be flat reflective number stickers, and the numbers must be on both sides of either the post or mailbox. In the case of any emergency when fire-rescue-police are called, it is easier and faster to locate a home when the house number is located on both sides of the mailbox and/or post (Martin County does not require but recommends this).
3. The placement of the mailbox must meet USPS rules for height and setbacks. To access the current USPS rules, go to <https://www.usps.com/manage/mailboxes.htm>
 4. Because the rules for mailboxes are somewhat subjective in nature, the Architectural Review Committee (ARC) will maintain a binder containing photos of mailboxes considered appropriate for Heritage Oaks and those considered inappropriate. Any homeowner who is considering replacing their home's mailbox should review this binder before submitting a request for a mailbox to the ARC. Do not order a new mailbox and post until written ARC approval is given.
 5. Mailboxes currently installed will be grandfathered in from the date of approval of the Rules' change, however, when the homeowner repairs or replaces the mailbox or post, the new regulations take effect. ARC approval is needed for repairs or replacement of a mailbox to assure compliance.

E. NEW PERMANENT OUT-BUILDING STRUCTURES

1. An out-building is a shed, barn, garage, or other permanent structure on the same property but separate from a more important one, such as a house.
2. The addition of an out-building is considered new construction and must follow Heritage Oaks' Rules and Regulations and Renovations, Improvements, Builds & Rebuilds guidelines. The exception is that this will not require a "performance deposit of \$5,000.
3. A property survey showing lot lines, existing structures, and proposed improvements. The survey must be signed and sealed by a Florida Licensed Professional Land Surveyor.
4. The addition of an out-building must be approved by the Architectural Review Committee prior to permitting and building.
5. Permitting for a new out-building is required by Martin County, and proper permits must be obtained prior to construction beginning. Using licensed professionals versus handymen is recommended.
6. An out-building will need to be designed to meet the Florida Building Code and

engineered for hurricane resistant construction.

7. An out-building must be located so it cannot be directly seen from the street or neighbor's yards. For houses located on the lake, the out building must not be able to be directly seen from other homes on the lake.
8. Adjacent neighbors must sign the ARC application that they are aware of and approve this out-building. This requirement is added to prevent an adjacent neighbor's view obstructed by the new out-building.
9. Electric Car Charging stations to be installed outside the home must be reviewed and receive approval prior to beginning the installation. Placement of the charging unit shall be in a location that minimizes its exposure from the home's frontage. A Martin County permit is required (Code 105.2).

VII. DOG RESTRICTONS

Heritage Oaks considers itself a dog-friendly community; however, the safety of our residents is paramount, therefore:

1. Each dog must, at all times, be under the effective control of a responsible person (not a child), whether on the homeowner's property or common property such that the pet provides no disturbance, annoyance or perceived risk to any person.
2. The following dog breeds are considered potentially aggressive and, therefore, are not allowed on the Heritage Oaks property (both common areas and private homes):
 - a. Rottweiler
 - b. Pit Bull
 - c. Bull Mastiff
 - d. Mixed breeds with a significant content of these breeds.
3. The Board of Directors may amend the list of prohibited dogs to add other breeds which the Board considers dangerous. If an owner currently has one of these breeds as a pet, and the pet is in compliance with the dog policy in our Restrictive Covenants, it will be grandfathered, but cannot be replaced in the future by the above mentioned restricted breeds.

VIII. HURRICANE SHUTTER RESTRICTIONS

1. Approved hurricane shutters may be put in place when the leading edge of a TROPICAL STORM (39 MPH to 73 MPH winds) or HURRICANE (74 MPH+ winds) is forecast by the National Weather Service Agency to make landfall in the Palm Beach and/or Martin County area within 7 days.
 2. Approved hurricane shutters consist of the following:
 - a. ROLL SHUTTERS
 - b. ACCORDIAN SHUTTERS
-

- c. COLONIAL SHUTTERS
 - d. BAHAMA SHUTTERS
 - e. FABRIC MESH SCREENS
 - f. ACRYLIC OR ALUMINUM PANELS.
3. The use of PLYWOOD PANELS for hurricane protection is strongly discouraged and may be used only if time does not permit the installation of any of the APPROVED means of protection. **If plywood panels are installed, they must be removed within 4 days after the storm passes.** Residents that use plywood for hurricane protection will be allowed to do so for **one** hurricane season.
 4. After the TROPICAL STORM or HURRICANE passes, ALL hurricane shutters of any type must be removed from all Heritage Oaks homes and out buildings within 10 days.
 5. ALL residents who will be away for all or any part of the summer will be required to follow the same rules as all other residents who remain in the community. These residents must make advance arrangements with a shutter company or other contractor to have their shutters installed and removed according to the HOA rules in place.
 6. A violation of the Heritage Oaks Hurricane Shutter Restrictions will be subject to fines determined by the Board of Directors based on the circumstances.

IX. BISCHOFIA TREE REMOVAL POLICY

1. Any request by a homeowner to remove a Heritage Oaks HOA Bischofia tree must be submitted to the Architectural Review Committee for approval. If approved, it will then be forwarded to the Board of Directors for review.
2. No more than 3 trees per year will be removed by the association due to budget limitations.
- 3 Homeowners can, with the approval of the ARC and the Board, remove association Bischofia trees at their own expense. However, they may be required to replace the tree with a Live Oak, size to be approved by the Board of Directors. The ARC will determine if a replacement tree is necessary.
4. If a homeowner requests more than one tree to be removed, there will be a 5-year interval period before the second tree is removed, to allow the first replacement tree to become established. However, in extreme cases the Board of Directors may authorize the removal of multiple trees on any homeowner's property.
5. The Board of Directors has final approval and can deny any request or recommendation from the ARC.

X. ARCHITECTURAL REVIEW COMMITTEE

- A. Architectural Review Committee ("ARC").
1. The ARC is authorized by the Protective Covenants. ARC members are appointed by the Board of Directors, with a Board member serving as chairperson of the ARC.
 2. The ARC will handle all routine architectural, construction and modification issues

and applications, as further described in these Rules and Regulations. The ARC will have full authority to handle these issues and applications. Applicants will have the right to appeal ARC decisions to the Board of Directors. The ARC will meet monthly. Notice of meetings will be posted 48 hours in advance and meeting minutes will be taken.

3. The design of a new home and any external modification of an existing home (and any other structures) must, in the opinion of the ARC, be attractive and fit in with the overall look and feel of the Heritage Oaks community. Factors to be taken into account include the maintenance of harmonious architectural schemes, proportionality of home size to lot size, building location, and preserving appropriate front and side yards/open spaces.

XI. ENFORCEMENT OF RULES AND REGULATIONS

A formal process is followed in dealing with owner violations. (Note that owner includes owners, family members, guests, authorized visitors, contractors, etc.). The process is separated into two general categories: minor violations and major violations.

Minor violations typically include issues like dirty roofs or driveways, speeding, minor landscaping issues, etc. These are addressed by sending letters to owners, pointing out the violation and encouraging corrective action to be taken. If an owner fails to take corrective action, additional letters follow. If not corrected within the allotted time, small fines may be assessed. The objective is not to collect money, it's to encourage compliance.

Major violations represent significant Violations of Heritage Oaks Protective Covenants and Rules and Regulation. Often these major violations continue over time. They vary from non-payment of monthly assessments to serious lack of compliance with home maintenance and landscaping appearance standards. In these cases, since the violation adversely affects the community as a whole, enforcement goes beyond simple letters, encouragement and minor fines. Enforcement can include major fines, which are not capped or subject to a maximum, and ultimately the filing of a lien on the home if such amounts due are not paid in full.

If the sums due for assessments, fines or any other payment to the HOA are not paid within fifteen (15) days of the due date, the Association will charge an administrative late fee not to exceed the greater of (i) Twenty-Five Dollars (\$25.00), (ii) five percent (5%) of the amount of each installment that is paid past the due date, or (iii) such other greater amount as may be permitted by the Homeowners' Association Act.

The following procedure covers the fining process. It is important to note that there is a specific Florida statute specifying how this must be handled by all Florida Homeowner Associations. This procedure follows the Florida law:

The Board determines that a violation has occurred and notifies the owner in writing. The Board sets a reasonable time frame for the owner to correct the situation.

If the situation is not resolved within the allotted time, the Board may levy a proposed fine at the next regular Board meeting.

The owner is notified (a) of the proposed fine and (b) that he has the right to attend a

hearing with the Mediation Committee. (Under Florida law, the Mediation Committee must have at least three members who are not on the Board of Directors or related to Board members.) The hearing date must be at least 14 days after notice to the owner. In our procedures, we will set a hearing date within 14 to 21 days. The Board will use reasonable efforts to accommodate the schedule of the owner. The purpose of the hearing is to review the position of the parties, which hopefully will lead to a compromise agreement. If no compromise is reached, the Mediation Committee must, under Florida law, vote to either approve the Board proposed fine or to not approve the fine.

If the Mediation Committee approves the fine, it will be billed to the owner on the next monthly statement.

XII. RENOVATIONS, IMPROVEMENTS, BUILDS & REBUILDS

A. APPROVAL PROCESS — NEW CONSTRUCTION OR SIGNIFICANT MODIFICATION

Property owners and prospective buyers are required to review a copy of the Heritage Oaks Protective Covenants prior to preparation of plans or the start of any new construction or significant modification to existing homes or landscaping. Proposed plans must be submitted to the ARC for approval. Design of a new home (or significant modification) must, in the opinion of both committees, be attractive and fit in with the overall look and feel of the Heritage Oaks community. Factors to be taken into account include the maintenance of harmonious architectural schemes, proportionality of home size to the lot size, building location, and preserving appropriate front and side yards/open spaces.

For new construction and major renovations, the completed property must, in the opinion of the ARC, look attractive and fit in with other properties/homes within the Heritage Oaks community. The ARC will review for attractiveness and appropriateness: the overall architectural design; roofing material; siding/exterior wall materials; window design; trim; doors; shutters; driveways and walkways; landscaping; etc. Of particular importance is the size of the home (coverage area and height) relative to the lot. All Heritage Oaks homes must be modestly sized relative to the lot, maintain adequate setbacks and have a certain spacious feel with appropriately sized front and side yards.

1. Prior to the start of construction of any new home or significant modifications to an existing home or landscaping, plans must be submitted to the Architectural Review Committee for approval. These shall include all of the following items:
 - a. Two complete sets of plans including boundary survey, site plan, foundation plan, floor plan, exterior elevations, wall sections, roof plan, HVAC, electrical and plumbing plans. Square footage of all floor areas, including deck, pool and pool enclosure, shall be clearly indicated. All finish materials and details with colors shall be indicated on plans and elevations. The boundary survey shall indicate and fix the exact location of structures and appurtenances on the lot with references to the required setbacks. Minimum scale shall be 1" = 10' for surveys; building and landscape plans shall be 1/4" = 1'-0".
 - b. Two landscaping plans prepared by a landscape designer or landscape architect indicating placement of all landscaping materials and the estimated amount of expenditures. The landscaping plan shall include the sizes and common and

botanical names of all plant, trees, and bushes. Any statues, sculptures and other non-plant lawn decorations must also be shown on the landscape plan.

- c. Plans for a patio, deck or swimming pool. Martin County requires pools to be screened or fenced. The application shall include a site plan and boundary survey, indicating all setbacks from property lines.
 - d. Samples of all exterior colors including roof tile, pavers, all exterior paint and trim colors and any decorative finishes.
 - e. Application/Review Fee: \$600.00 fee paid to Heritage Oaks Home Owners, Inc. for processing application for approval, which includes a review by an independent architect and a landscape professional.
 - f. A performance deposit of \$5,000 is required prior to the commencement of any work on a new home, including initial demolition. A similar deposit will be required for any significant modifications to an existing residence or landscaping. A "significant" modification is defined as any change costing \$10,000 or more for materials and labor. The amount of deposit for said change will be determined by the Architectural Review Committee but will be at least \$1,000. The deposit will be refunded upon completion of the work in accordance with the approved plans, the removal of all signs and debris, issuance of a Certificate of Occupancy by both Heritage Oaks and Martin County and settlement of any damages. Any damage to trees, streets, water lines or other properties will be assessed against the deposit. The Architectural Review Committee will review the project for completion and recommend the amount of refund. The refund will be paid within 30 days after the recommendation.
 - g. An impact fee may be imposed based on the scope of the plan.
- 2. A copy of this Section XII shall be obtained and drawings shall be coordinated to reflect all Heritage Oaks' requirements prior to submitting an application for review.
 - 3. Upon submittal of drawing package, the review fee is required. Also at this time all materials, samples (i.e.: roof tiles, paint colors, etc.) shall be submitted.
 - 4. Upon approval of submitted package and prior to the commencement of any work:
 - a. The owner or his designer, i.e. general contractor, will attend a pre-construction meeting with the Architectural Review Committee. The intent of this meeting is to explain the guidelines and Heritage Oaks' expectations and answer any questions or confusions as to what is required during the performance of construction. At this time the owner and/or his designer shall agree to and sign the Heritage Oaks Builder's Guidelines statement and submit it to the Heritage Oaks office.
 - b. The performance/construction fee is required.
 - c. The complete contractor/sub-contractor's workers list is required and shall be submitted to the Heritage Oaks office. The list will be forwarded to the

Guardhouse to permit access into Heritage Oaks for these individuals. Contractors, workmen, etc. will not be allowed unescorted access to Heritage Oaks until both home and landscape plans, as appropriate, are approved. Owners may supplement their original contractor list by providing appropriate information to Heritage Oaks office, not to the Guardhouse.

5. Please allow 30 days for approval, rejection or comments on plans. ARC approval is valid for 180 days. Construction, which fails to commence within that time, must be resubmitted for approval.

B. GENERAL CONSTRUCTION RULES

The following are the minimum standards for construction of, or modifications to, an existing home or landscaping in Heritage Oaks.

1. Maximum construction time is 12 months. Once construction starts, no change in design, color or construction may be made unless revised plans are submitted and approved by the Architectural Review Committee.
2. A registered professional engineer's report is required on lots that require fill in excess of 18" above road grade. Any modification to the level or topography of the building lot must have prior written approval of the Architectural Review Committee. Before this approval is granted, a written request telling the purpose and benefit of the change must be submitted. This request must be accompanied by a registered professional engineer's report which will set forth the amount of fill required, the placement of the fill, and any necessary detailed explanation to present a clear picture of the expected result.
3. Minimum air-conditioned living area: 2,200 square feet for single story homes; 2,600 square feet for two story homes. For lots 4 through 6 of Parcel C the minimum air-conditioned living area shall be 2,000 square feet for a one-story home and 2,300 square feet for a two-story home.
4. The total ground floor area of any house shall not exceed 35% of the lot area.
5. Minimum building setbacks:
 - a. 60 ft. from the centerline of street in front of lot.
 - b. 30 ft. from the rear property line.
 - c. 15 ft. from the side property lines; for corner lots, a setback of 60 ft. is required for the side of the house on the intersecting street.
 - d. On corner lots, the home may not face Heritage Drive although a home at an angle will be considered for approval; a 60-ft. setback will be required from each intersecting street.
 - e. Parcel C lots 4 through 9, setbacks are to conform to or exceed Martin County requirements, which are 50 ft. on the front from the center of the road. (20 ft. at the rear and 10 ft. on each side for a 1 story home and 15 ft., for a 2-story home).

6. A minimum of a 2-car enclosed garage is required. No open carports are allowed. Garage entrance shall not face a street adjacent to the lot or an interior waterway. Additionally, for corner lots, the garage entrance shall not face Heritage Drive.
7. Awnings, canopies or shutters fronting a street must be approved by the Architectural Review Committee.
8. Concrete driveways, stamped concrete or pavers are approved driveway materials. Blacktop is not allowed. Driveway material shall be identified on the site plan.
9. No skylights are to be visible from the road or roads on which the property fronts or sides.
10. Please refer to "Auxiliary Structures" section regarding antenna rules.
11. Mailboxes must meet approved standards. Please refer to "Auxiliary Structures" section regarding mailbox rules.
12. Minimum ceiling height to be 9' except for a two-story home which may have a ceiling height of 8' on the second floor only.
13. No roof mounted or window air-conditioning units are permitted.
14. All air-conditioner units and any outside equipment must be located on the side or the rear of the house and completely screened with landscaping.
15. Solar heating panels must be located to minimize visibility from the street or lake front, to the extent possible, and must be approved by the Architectural Review Committee.
16. All chimneys with spark arresters should have a cap that is architecturally correct and is included on the architectural plans.
17. All pool equipment, including outside showers, shall be adequately screened from view from the street or the neighbors by landscaping. Such screening shall be shown on the plans for the property.

C. ROOFING MATERIALS AND REQUIREMENTS

1. Roofs and re-roofing shall have a minimum pitch of 4.5 inches 12 feet.
2. Flat roofs or lower-slope roofs are permitted on rear porches only.
3. Roofing material must be concrete tile, clay tile, cedar shake, or metal standing seam. Approved colors for all roofing materials are available in the association's office. ARC written approval is mandatory prior to contracting for a new roof.
4. Asphalt roofing material is prohibited.

5. Metal Roof Requirements.

- a. **Appearance:** Only architectural quality Standing Seam Roofing will be considered for approval. The long edges of the panel shall extend vertically from the panel and interlock with the adjacent panel to create a finished weathertight vertical “standing seam”. Metal roofing that mimics the appearance of tile roofing, wood shake, or other roofing materials is NOT acceptable.
- b. **Roof Panel Material:** Only galvanized steel, Galvalume steel, or aluminum roofing panels will be considered. Metal roofing material must be uniform in appearance and must be of minimum material thickness to prevent distortion or “oil canning”.
- c. **Finish:** Metal Roofing panels and trim must be factory coated with a minimum 70% PVDF resin-based metal coating to achieve a minimum 20-year finish warranty against chalking, fading, or peeling. Uncoated metal roofing without a factory applied opaque finish will not be considered.
- d. **Roof Panel Dimensions:** Individual roofing panels must be no less than 14 inches and no greater than 18 inches in width. The roof panels shall be installed in one continuous length from the peak of the roof to the eave without any intermediate seams or laps.
- e. **Roof Panel Seams:** The vertical seams shall run in one direction only (parallel to the direction of the roof slope) and shall be a minimum of 1.5” tall and a maximum of 2” tall. Other visible corrugations, embossing or stiffeners on the panel face greater than ¼” tall will not be permitted.
- f. **Roof Attachment:** The completed metal roof must not have any visible fasteners or clips.
- g. **Building Code Approval:** Roof must meet the requirements of the latest edition of the Florida Building Code and shall have a valid Florida Product Approval.
- h. **COLOR Requirements for Standing Seam Metal Roof:**
The color of metal roofing needs to match the overall style of the home. A color is based on all the elements of the home’s exterior design, including the color of the stucco or brick, doors, windows, shutters, landscape, etc. As a rule of thumb, it is best to go for a roof color that bests complements the home’s existing colors, creating a unified and balanced look.

Look at the different color samples during different times of the day to make sure that a particular color complements the home’s exterior both during bright light hours, as well as when the sun is going down when colors look more subdued. The color sample used must be the actual metal panel and exact color. A picture from a brochure is NOT acceptable.

i. **Approved colors for Heritage Oaks:**

Warm earth tone colors compatible with the existing architecture of Heritage Oaks are strongly encouraged. Uncoated metal, bright, metallic, reflective, or mottled colors will not be approved. Prohibited colors: white, silver, reds, blues, greens, light greys and light tans.

Heritage Oaks will maintain a master color chart of acceptable colors. Because colors vary by manufacturers, the master list will serve as a guide to compare the requested color with an approved color regardless of the color's name or manufacturer. It is the homeowner's responsibility to bring to the Heritage Oaks' office the metal roofing sample panel in the exact color and compare it with the approved colors. The sample must remain in the office for ARC review.

j. **HOUSE STYLE/ARCHITECTURE Requirements for Standing Seam Metal Roof:**

Standing seam metal roofs have a modern look with clean lines and a sleek appearance and are not architecturally appropriate for all styles of houses and roof lines.

Standing Seam Roofs will be considered on a house-by-house basis and the ARC reserves the right to reject any metal roof if not architecturally appropriate.

k. **COLOR RENDERING OF FRONT ELEVATION – Required with ARC Application:**
REQUIRED WITH ARC Metal Roof APPLICATION: A full-color rendering of your house with the metal roof in the color requested.

This can be accomplished using an online tool such as [Metal Roof Color Visualizer westernstatesmetalroofing.com](https://www.westernstatesmetalroofing.com)

With a **Metal Roof Visualizer**, you upload a **photo** of the home to the **visualizer** (picture needs to show entire roof from front without trees blocking view, if possible). Once you've uploaded your photo and outlined the roof lines, you have full control of the visualizer design features to test out what a metal roof and different colors will look like on your home. If the homeowner is unable to do this, ask the prospective contractor to provide it.

If planning on painting the exterior of the home (including shutters, trim, garage doors) after the metal roof is installed, a professional rendering or roof color visualization in the new colors must be part of the ARC application proposal.

l. **APPLICATION, SAMPLES AND PRODUCT DATA REQUIREMENTS**
Required with ARC Application

1. Use the ARC application form for METAL ROOFS only.
2. The roofing sample brought to the Heritage Oaks' office must be a 24" long by full width roofing panel in the proposed style, color, and finish. This sample will be used by the ARC during review of the application.
3. The applicant shall also submit as an addendum to the application the complete roofing Manufacturer's Product Literature and Guarantee, and Florida Product Approvals for consideration and approval.
4. A full-color rendering of the house with the metal roof in the color requested (professional rendering or done with metal roof visualizer tool).

6. Tarpaulins may be used to mitigate roof leak issues for a period not to exceed 60 calendar days. Leaking roofs need to be repaired or replaced promptly.
7. ARC written approval is mandatory prior to contracting for a new roof. Forms are available on the association's website: theheritageoaks.net (homeowner's portal). Select the form appropriate to the type of roof material being requested.
8. All work must be done by a licensed and insured professional roofing company. A refundable deposit from the contractor must be made to the HOA office prior to starting the project.

D. LANDSCAPING AND OTHER OUTSIDE REQUIREMENTS

1. All lots must be fully landscaped and sodded with live grass or approved perennial plants from the street to the rear property line. Lots on the lakes, or the river must be sodded to the high-water line. Stones or gravel, no matter the size or color, may not line the perimeter of the homeowner's lot along the roadway. Stones may be used as a replacement for mulch in some cases and with prior approval of the ARC. The homeowner must maintain the extensive weeding of the areas where stones or gravel are used.
2. Shrubs are not to be planted closer than 3 feet of the property lines, except when shielding a fence; trees no closer than 6 feet.
3. The Homeowner's Association is responsible for maintaining (pruning, removal, replacement) Oak and Bischofia trees lining the road. If a homeowner believes such trees on their property need attention, they must notify the Heritage Oaks Property Manager in writing.
4. An automatic irrigation/sprinkle system is a requirement for all property owners of Heritage Oaks. If water to the irrigation/sprinkler system is supplied by a well, the well must be deep enough - - more than 100 ft. deep - - so that the water is iron free, or must be made iron free with a chemical filter system.
5. No faux boxwood or grass will be placed on a house, fence, or garage exterior.
6. Installation of artificial turf in the backyard is permitted with the approval of the Architectural Review Committee. The artificial turf must be located so it cannot be directly seen from the street or adjacent neighbors' yards, and if on an interior lake, the placement must meet the same standards as natural grass. Installation of artificial turf on the front or sides of the home's property is prohibited. Proper maintenance must be maintained.
7. Solar panels may be installed on a homeowner's roof with prior approval of the ARC. The application seeks information to determine the specific location where solar collectors may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south if such determination does not impair the effective operation of the solar collectors. The panels should be installed to minimize seeing them from the home's frontage. Refer to Florida Statute 163.04 for further information. Use ARC Form for Solar Panels.

E. OWNERS AND CONTRACTORS RESPONSIBILITIES

1. No excess dirt may be put into the river or the lakes.
2. No construction equipment, construction personnel, delivery of construction materials or construction vehicles of any kind are authorized to enter Heritage Oaks before 8:00 AM and after 5:00 PM Monday through Friday and at no time on weekends or legal holidays. AU construction work must cease at 5:00 PM and the workmen must be off the property by 5:30 PM.
3. The lot owners are responsible for the actions of their contractors, workmen, etc. Any damage done to other residents' property, vacant lots or common areas is to be repaired by the owner, who employed the workmen, at the owner's expense. If the repairs are not done in a timely fashion, Heritage Oaks may elect to contract the repairs and bill the owner. If the owner does not pay the bill, a lien may be placed against the property. Violation of the rules herein can result in denying access to contractors for any job, present or future, fines against the owner or billing against the owner for corrective action.
4. Only contractors and subcontractors currently involved in construction at Heritage Oaks will be allowed entry. This fact shall be confirmed by the guard with a list of authorized individuals. Those who are not listed at the gate will be turned away.
5. Roof tiles shall not be stored on a roof — they must be installed in a timely fashion, pertinent to the active installation of the roof tiles. The owner or designee is responsible to keep the worksite clean and free of debris at all times. All debris and especially sand is to be removed, swept or cleaned off adjacent streets and property each day. Debris must be collected and removed from Heritage Oaks on a daily basis, or debris must be collected daily and stored in a dumpster. For new construction, rebuilds or additions, owners or contractors are required to have a dumpster at the site at the start of construction.
6. In the event that a hurricane is within 500 miles of our coastline or three days prior to predicted landfall, all construction work must cease and the job site must be cleared of all debris or material. Any loose roofing material must be removed from the roof and stored in a safe place. Security guards will be alerted that only work to secure the property will be allowed at the job site during this time.
7. Dumpsters and the yard waste disposal area are for the private use of the residents only. Contractors and landscapers are not to use this facility. (see Section V.)
8. The Builder or Owner is required to inform the office when the residence is staked out so that the Architectural Review Committee may verify the setback dimensions for compliance with the approved drawings. This verification by the Architectural Review Committee does not relieve the owner of complying with all applicable citing requirements.
9. A copy of the "tie-in" survey shall be furnished to the Architectural Review Committee prior to pouring the slab.

10. Every builder is responsible for providing his own power and water required for construction. In an emergency, power or water may be furnished by the adjacent homeowner, but only with their permission.
11. Burning of any material (building or landscaping) is strictly prohibited in Heritage Oaks.
12. A portable toilet with regular clean out shall be provided at all construction sites. The door of the toilet should face away from the street. The unit should be placed at least five feet back from the street.
13. Signs such as "For Sale" or "Available" or "Builder's Signs" are not permitted.
14. Parking is restricted to the lot in which the contractor is working or in accordance with other arrangements. Regardless of the parking arrangements, construction vehicles are not to impede vehicular traffic or block access to any home, lot or mailbox.
15. All lots have utility maintenance easements. Please note that there are irrigation lines, running parallel to the road that must not be damaged. Builder, contractor or owner shall establish a protected entry and exit from their lot during construction.
16. All workmen must go about their work in a responsible and professional manner. Unnecessary noise, swearing or loud radios are specifically prohibited. No pets or animals are allowed on construction site.
17. All workmen must be covered by adequate liability insurance and workmen's compensation.
18. A copy of these rules is to be posted at each job site.
19. A Certificate of Occupancy (CO) must be issued by the Architectural Review Committee prior to occupancy in addition to a CO from Martin County. The contractor or owner is responsible for establishing a suitable time for inspection by the Architectural Review Committee. Moving into the dwelling prior to receipt of the Heritage Oaks CO is not allowed. This "move-in" can result in a daily fine until the CO is obtained. The Owner or Builder agrees not to apply for Martin County Certificate of Occupancy unless he has first received the Heritage Oaks Certificate of Occupancy.
20. The Owners package being submitted to the ARC shall also contain the below signed statement acknowledging they have read and understand all the Rules and Regulations contained within this document.

Signature of Owner or Designee

Date

"I hereby acknowledge receipt of copies of the Heritage Oaks Covenants and Rules and Regulations. I agree to adhere to the rules and regulations outlined therein and further agree that any violation of such will be interpreted by the Board of Directors as cause for withholding all or part of the construction deposit hereby rendered".