

## **Heron's Forest Policies, August 5, 2024**

**(Revised and updated from Heron's Forest Policies, September 24, 2014)**

The Heron's Forest Property Owners Association (HFPOA) provides this quick reference pertaining to the policies that govern Heron's Forest. The policies are derived from these legally binding documents: Declaration of the Covenants, Conditions and Restrictions; Bylaws; and Architectural Guidelines. On August 5, 2024, the Board of Directors approved these policies listed here in alphabetical order.

### **Annual Meeting**

All Association members (property owners) are encouraged to attend the Annual Meeting in December. Notification of this meeting will be mailed to all members at least fourteen (14) days prior to the meeting. The Board of Directors is elected for three-year terms at the Annual Meeting by members of the Association. Immediately following the Annual Meeting, the newly elected Board appoints the officers. Florida Statute 720.303 governs the Board of Directors.

### **Architectural Review Committee (ARC)**

The Architectural Review Committee is charged by the Covenants, Conditions and Restrictions (CC&Rs) with the responsibility for prior approval of design of residences and any exterior alterations of any nature, including but not limited to:

- Paint color of front doors, shutters, and trim;
- Construction of fences, decks, and pools;
- Mailboxes;
- Landscaping for new residences or for updated landscaping such as the addition of patios;
- Plantings on the approved list;
- and Tree removal.

The ARC maintains liaison with the Florida Department of Environmental Protection (FDEP) on all matters related to the Greenspace and Wetlands. ARC guidelines are detailed online at [aroundheronsforest.com](http://aroundheronsforest.com) or Escambia County records. Submit all ARC approval requests to the ARC through the property manager website: [https://irp.cdn-website.com/e11f00c5/files/uploaded/Blank\\_ARC\\_Form.pdf](https://irp.cdn-website.com/e11f00c5/files/uploaded/Blank_ARC_Form.pdf).

### **Basketball Backboards**

#### *Permanent*

Must be approved by the ARC. The request should describe how it will be mounted and where it will be located.

#### *Portable*

Must be approved by the ARC. It must be placed as close to the garage as possible and must be undetectable from the street. When not in use for a period of time, move it out of sight completely. The portable basketball backboard must be in good condition. If it becomes an unsightly architectural element due to weathering, age, wear and tear,

or any other damaged condition, then the ARC shall direct the owner to remove the backboard.

### **Board of Director (BOD) Meetings**

The BOD meetings are publicly held quarterly and will be noticed forty-eight (48) hours in advance. Notice is posted on a sign just inside the entrance gate, the bulletin board at the Community Center, on our website, and via email. Only items on the agenda may be discussed, except as determined by the Board. Members may contact the BOD Secretary, [heronsforestsecretary@gmail.com](mailto:heronsforestsecretary@gmail.com), to request an item be placed on the agenda.

### **Crime and Security**

Duties of the Association are limited to maintenance of the gates and surveillance system. This will not prevent all crime, and the Association does not have the corporate power to enforce Florida or Federal laws. The Neighborhood Watch program is a separate and distinct organization from the HFPOA that works closely with the Escambia County Sheriff's office. If you observe suspicious activity or commission of a crime, contact the Sheriff's Office, 850.436.9620.

### **Flags and Flagpoles**

For specific Florida law pertaining to the display of flags and use of flagpoles refer to Florida Statute 720.304 Right of owners to peaceably assemble; display of flags; SLAPP suits prohibited: [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0700-0799/0720/Sections/0720.304.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0720/Sections/0720.304.html)

### **Gates**

Gate codes and replacement remotes are available from the property management company. These are provided only to owners or tenants currently listed in the Association directory.

The keypad at the gate is the preferred method for vendors and visitors accessing Heron's Forest. HFPOA policy prohibits giving out gate codes. Contact the property management company to have your phone number added to the directory. Once your phone number is on file, when your name is selected on the keypad, your phone will ring. When you push nine (9), the gate will open.

### **Garages**

Garage doors should remain closed for security and appearance if the occupant is not outside or in the immediate area.

### **Greenspace**

The Greenspace around us encompasses about 4.5 acres. Actually, it is a nature conservancy owned by the FDEP. The FDEP has granted HFPOA 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."

***Do you own your backyard?*** No, probably not all 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 many cases the 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?*** Our legal documents spell out deed restrictions and architectural rules. Trees larger than four inches (4") in diameter at chest height may not be cut down without written approval from the ARC. As described in the legal documents, the Association will fine owners 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 ARC c/o property management company.

### **Greenspace Maintenance**

Within the boundaries of the owners' lot lines, you are allowed to undercut the forest canopy as necessary to encourage proper growth and maintain the forest floor in a natural state. Such maintenance can yield healthier trees and strengthen the overall forest. This is particularly true where such maintenance removes invasive species such as wild grape, poison ivy, Virginia creeper, cat briar, saw greenbrier, etc.

### **Mailboxes**

Mailboxes must conform to the uniform Heron's Forest design. For information on purchasing a new mailbox, post, decals or numbers, contact the property management company. It must be maintained: clean, painted, logo decals intact, and in good condition.

### **Maintenance of property**

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. Failure to provide such maintenance shall be grounds for suit by any other property owner in the Subdivision, the Association, the ARC, and/or appropriate governmental agencies, and shall also subject each owner to the sanctions provided in Article V, section 11.

To assist owners and residents with understanding their responsibilities to maintain the look of Heron's Forest, the following minimum standards have been established and will be inspected for compliance by the management company:

1. Landscaping and lawns shall show evidence of routine maintenance.
2. Grass shall be routinely cut during the growing season and not allowed to reach an extreme length.

3. Lawns shall be edged and trimmed so that grass does not grow over curbs.
4. Yards shall be watered, fertilized, and treated with insecticide/fungicides to maintain a pleasant appearance.
5. Beds shall be cleaned and edged, and shrubs shall be neatly trimmed.
6. Mailboxes shall be maintained, and house numbers must be clearly visible.
7. Curbing, walks, and driveways must have a clean, natural cement or brick appearance.
8. Owners shall remove dead plants and trees as soon as possible for both visual and safety reasons.
9. Lawn and garden ornamentation shall be in good taste. Residents are encouraged to display seasonal decorations, holiday lights, etc. However, exceedingly garish, loud, or bright decorations are prohibited.
10. Owners of vacant lots are responsible for their maintenance. Lots must be minimally maintained and prevented from encroachment on neighboring lots and streets.

### **Parking**

Daylight parking on our streets should be temporary and infrequent. Overnight street parking is not permitted. Parking boat trailers or RVs on streets is not permitted but is allowed in your driveway for a period not more than forty-eight (48) hours. Temporary daytime boat and RV street parking for cleaning and provisioning is permitted. The Community Center (courts and swimming pool) parking lot is intended for Community Center visitors. Boat trailer and RV parking is prohibited at all times in the Community Center parking lot. Routine use of the Community Center parking is not permitted. The occasional use of the Community Center parking for your guests or workers is permitted if the property management company has been notified. Parking on unprepared surfaces (including your yard) is prohibited.

### **Pets**

Pets must be well groomed, maintained in a sanitary condition, and may not be bred for any commercial purpose. Pets are not allowed 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.

Pet excrement must be removed from Greenspace and common areas by the pet owners.

### **Playground Equipment**

The ARC must approve both permanent and portable playground equipment visible from the street. It must be in good condition. If it becomes an unsightly architectural element due to weathering, age, wear and tear, or any other damaged condition, then the ARC shall direct the owner to remove the playground equipment.

## **Rental Policy**

Owners shall be responsible for tenants/occupants' actions or misconduct and adherence to the Heron's Forest Policies. Each owner shall be responsible for providing tenants with a current copy of these policies. Particular attention should be made to policies regarding landscape maintenance, parking, speed limit, greenspace, Architectural Guidelines, and use of common areas.

The property owner shall be responsible for keeping the management company informed of any change in occupancy. Owners must provide the management company with the names of authorized rental management agents, occupants, their telephone numbers and email addresses, and lease expiration date. Access to common areas and gate codes is not authorized until this information has been reported.

If you are a property owner who decides to rent your home or to otherwise delegate your "right of enjoyment," review The Declaration of Conditions, Covenants, and Restrictions, Article IV, Section 1, Residential Use: "All lots shall be used and occupied solely for single family residential purposes."

You are required to report the names of the occupants and rental management agency to the Secretary of the Board of Directors via the form provided by the property manager within ten (10) days of tenant occupancy. The following information is required:

- A. Acknowledge in writing your tenant, lessee, or contract purchaser fully understands the Covenants, Conditions and Restrictions (CC&Rs) and has received a copy of the current Heron's Forest Policies.
- B. Acknowledge the owner will be held responsible for the actions of tenants, including any penalty assessments for violations of the policies of the Association, as well as any costs for repairing damage to the common area or other property caused by the tenants.
- C. Provide tenant/owner/rental management agency emergency information and lease expiration date on the required form available from the property management company.

*Failure to comply with these rules may result in possible fines in accordance with Florida Statute 720.3085.*

## **Satellite Dishes**

Per Article IV Section 16, the ARC must approve installation of satellite dishes. Other antennae are prohibited. Contact the property management company to request ARC approval prior to installation.

## **Signs**

No signs are allowed on any lot, except real estate and alarm system signs. Homes under construction have a variance to allow builder identification, permits, etc.

## **Solar Panels**

Solar panels must be approved by the ARC. A drawing of where the panels will be situated with the type of panel and name of company performing the installation must be included in the approval request.

## **Speed Limit**

The speed limit in Heron's Forest is 15 mph. Speeding through our street endangers children, pedestrians, and pets. The Escambia County Sheriff does not enforce speeding violations: the HFPOA does. Report speeders, including commercial and service vehicles, to the property manager.

## **Street Lights**

If a light is out or damaged, notify the property management company and it will be reported to Gulf Power. Report the number on the metal tag on the lamppost. If the light has not been repaired in two (2) weeks, call the property management company and report the same. If a street light is on your property, please trim tree branches as best you can. If you need help, contact our property management company.

## **Sports Courts**

The courts are for residents and their guests. No guest may use the court unless accompanied by a resident. No wheeled vehicles or shoes, hard soled or spiked shoes are allowed on the special court surface. The sports courts are for tennis, pickleball, and basketball only. An adult (18 years or older) must accompany children under the age of 16.

To prevent damage to the court surface, the following rules will be enforced:

- |   |                                   |
|---|-----------------------------------|
| - Tennis shoes only   | - No animals                      |
| - No harassment or nuisance behavior, including loud music, profanity, or other outbursts | - No food (including chewing gum) |
| - No one with impaired judgment   | - No glass containers             |
| - No climbing on the fence  | - No bikes                        |
| - No smoking  | - No skateboards                  |
|   | - No skates                       |

## **Swimming Pool**

The pool is an amenity available to Heron's Forest residents and their guest.

- Pool Hours: 6 am to 10 pm
- No Life Guards: Swim at your own risk.
- Pool Capacity: 36 persons

- Shower before entering the pool.
- An adult in the pool area must accompany children under the age of 16.
- Guests must be limited and accompanied by their resident host
- Restricted lap swimming: 9 am to 10 am and 9 pm to 10 pm
- Children not toilet-trained must wear swim diapers and swim suits.
- Pool participants must keep the noise level to a minimum.

The following are prohibited in the pool area:

- |                |                             |
|----------------|-----------------------------|
| - Diving       | - Smoking                   |
| - Skate boards | - Bicycles                  |
| - Animals      | - Horse Play                |
| - Running      | - Glass containers and 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.

NOTE: If you observe unauthorized people at the pool, notify the property manager as soon as possible. Report suspicious activity to the Escambia County Sheriff, 850.436.9620. Trash Cans

All garbage and trash containers shall be kept clean and sanitary and must be placed in a walled-in area or screened from the view of any lot line.

### **Trash Day**

Our trash day is Wednesday. Trash should be placed curbside after 4 pm on Tuesday, and all trash cans returned to their “hidden-from-street-view” positions by 6 pm on that Wednesday. HFPOA Board recommends subscribing to the ECUA recyclable trash cans. For all ECUA information or pickup for trash, recyclables, yard waste, large items, new cans, etc. call 850.476.0480.

### **Trout Point**

The Navy and the State of Florida have designated Trout Point 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.

The Navy Natural Resources Manager has issued the following policy:

- |                        |  |
|------------------------|--|
| - Pets must be leashed | - No Bicycles                          |
| - No Hunting           | - No Motorized Vehicles                |
| - No Camping           | - Do Not Feed or Harass Wildlife       |
| - No Swimming          | - Do Not Disturb Native Vegetation     |
| - No Fires             | - Hours 0600 to 1/2 hour before sunset |
| - No Boats             |  |

Note: "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 Article VIII. To report violations, contact Pensacola NAS Security 850.452.2453 or the Navy Natural Resource Manager 850.452.3131.

### **Violations and Fines**

Once notified of a violation and the infraction is not corrected, you may be fined or your privileges as an Association member rescinded. If you do receive a fine, you as the offending party may request to appeal at a hearing of your peers. CC&R Article IX, Section 1. These fees are subject to change.

Posting Gate Code to the Public: \$100	Pet Violations: \$50
Parking Violations: \$50	Cutting trees without approval: \$100 per tree plus restoration costs
Swimming Pool Violations: \$50	Safety violations: \$50
Community Center Courts Violations: \$50	Landscaping violations: \$50 plus restoration costs
Damage to Amenities: \$100 plus repair costs	Speeding: \$50

Wetlands/Greenspace violations, including removal of vegetation and dumping of waste, will be reported to Florida Department of Environmental Protection (FDEP) and subject to fines levied by FDEP.

### **Wetlands**

Legal Wetlands, which may not be encroached upon nor modified in any way, encompass portions of Heron's Forest. Most notably, but not limited to this area, is between Grallatorial and Rail circles. These areas must remain in their natural state. No wetlands area is located in any owner's property. A careful examination of the official plat will show the boundaries of the area over which the owner has cognizance. Maintenance in a wetlands area may from time to time be necessary, for example, a dead tree that could threaten one's residence. Should any maintenance be necessary, contact the property manager, and the ARC will consult with the FDEP before taking any action. It is illegal to deposit mulch, debris (including dead trees) or any fill in any wetlands area.

Dumping of yard waste in the Wetlands or Greenspace adjacent to your property is a violation of HFPOA policy and FDEP rules. It can lead to fines and the cost of removing any dumped yard waste. If you observe anyone dumping waste on the trails or in the woods or wetlands, notify the property manager. The FDEP will be notified and fines up to \$10,000 may be levied per Florida Statute.



## **References from HFPOA 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.

(b) 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.