

**EXPANSION OF RULES AND REGULATIONS TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND
ARB STANDARDS FOR
CLUB HOMES I @ HERITAGE GREENS**

BOARD APPROVED MAY 2016

In response to many questions, misunderstandings or violations on key points throughout the years, the intent of this document is to clearly identify, expand upon, and provide guidance on the regulations, and limitations contained within the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for Club Homes I at Heritage Greens. This document is intended to add clarity to specific sections referenced in the Declaration. All sections of the Declaration and these Rules and Regulations are strictly enforced by the Board of Directors, Club Homes I. NOTE: The contents of this document pertain ONLY TO CLUB HOMES I, HOMEOWNERS/RENTERS.

- 1. RESIDENTIAL USE**
 - a. Every residence within Club Homes I may only be used by one family and its temporary guest, and for no other use purpose. Multiple family cohabitation is not permitted. No time-sharing, business, or commercial activity shall be conducted in or from any home or garage.**
 - b. No person may regularly occupy a Club Homes I villa solely on a current owner's desire, even if family, without Board approval. All regular, full time residents of Club Homes I must be registered and approved for occupancy by the Association Board of Directors prior to occupancy.**
 - c. Persons occupying the villa more than 60 consecutive days in a calendar year are not considered guests, they are occupants, and must be registered and approved by the Board of Directors prior to taking occupancy.**

At the time of application, all individuals over the age of eighteen (18) intending to live in the unit on a regular basis must be:

 - Listed on the legal paperwork filed with Neighborhood Association and Property Management firm for that Association.**
 - Cleared by a background check and received sub-Association Board of Director approval before permitted occupancy**
 - Any other person(s) planning to regularly occupy the unit on a full-time basis must submit an application for residency and be approved in advance of moving in, by the Board of Directors. Non-registered occupants are not entitled to use the Commons facilities, receive a gate sticker for admission into the Community, and may be subject to eviction without further consideration of occupancy.**

2. **GUESTS**
 - a. **Temporary Guests who will occupy a villa when the owner/tenant are also in occupancy may stay on a temporary basis for no more than 60 days in the aggregate in any calendar year. Since these are special, extended stay circumstances (beyond 7 days) the Board of Directors must be notified of extended stay guests, and their pets, prior to their extended visit for the purposes of registering these guests. This is adhered to for security purposes so the Board is informed at all times of guests within Club Homes I community, and to permit guests to use the common facilities.**
 - b. **Guests, short term or extended stay, are not provided with security gate stickers into the front gates, but must be registered with the Guard/security system organization to be permitted entrance into the Community. The other option is for Guests to be admitted by the owner via the keyed in number on the owner keypad and the owner to provide entrance via use of the smartphone system.**
 - c. **As a further extension to ensure neighborhood security, if any guests who are to stay in the villa when the villa owner is not in residence, the owner must notify the Board of Directors in advance how many guests will be staying in the villa and the dates of the stay. The Board reserves the right to limit the number of guests who may reside at the villa at the same time.**
 - d. **Guest(s) of villa owners in occupancy at the same time with villa owners where the visit is of a short duration (7 days or less) may bring one pet of the same description permissible to villa owners (type of pet and size/weight limitations). The Board must be informed of instances of pets being brought into the villa with villa owner present. The same set rules and regulations apply to guest's pets.**
 - e. **Guests staying for up to 60 cumulative days in a calendar year while the owner is in occupancy, may not exceed the 7-day pet rule. Anyone planning to stay longer than 60-cumulative days in a calendar year is not classified as a guest, and must make application to the Board of Director to obtain approval as a resident of Club Homes I.**
3. **SELF HELP REMEDIES (DECLARATION 12.2):**
 - a. **Violation of any conditions or restrictions or breach of any covenants contained in the Governing Documents shall give the Association and its authorized agents or representatives the right to enter upon the Lot where such violation or breach exists and summarily abate and remove, at the expense of the Lot owners, any construction or other violation that may be or exist thereon. The Association and its authorized agents shall not thereby become personally liable in any manner for trespass, abatement or removal of said violation.**
4. **LEASING/RENTING OF VILLA UNITS**

- a. No leases will be approved if the villa owner is delinquent in payment for Association fees or assessments.
 - b. Leases must be for a minimum of 30 consecutive days. Leases for periods shorter than 30 days are prohibited.
 - c. Any owner taking title after March 2016 must own their villa for at least 24 consecutive months before the Board may approve a lease application. Any owner in title prior to March 2016 of this rule is not bound by this restriction.
 - d. There is a leasing threshold within Club Homes I of 15% of total units (8 units) in an annual period. Total active leases may not exceed 8 in Club Homes I. Check with the property management firm to ensure there is an open spot before committing your property for lease.
 - e. Guests of villa renters may not bring their pets to the villa.
 - f. Owners intending to lease their villa must give the Board at least 20 day written notice prior to the first day of occupancy and must follow the remaining 11.3 Leasing terms called out in the Declaration Section for Leasing the unit. Check with the property management firm to ensure there is an open spot before committing your property for lease.
 - g. Renters are bound by the same set of rules and regulations as owners.
 - h. The Board has the authority on behalf of the owners to enforce rules with their tenants. Furthermore, the Board has the authority to terminate any lease and evict the tenant in the event of rules and regulation violations by the tenant. Homeowners take responsibility to communicate all notifications and rules to their renters. The Board only communicates with renters during emergency situations.
 - i. Renters are NOT permitted to make modifications, or any additions or removal, to the outside landscaping without first asking the villa owner they are renting from to submit an ARB, and following the standard steps for permission all homeowners of Club Homes I must follow. The same procedural steps governing the process for ARB permission will apply to a renter's requests for landscaping.
 - j. Renters may not keep pets of any type during the lease term.
5. PETS (see Declaration Section, ll.14)
- a. The ability of a villa owner to keep pets in their residence is a privilege, not a right. With this privilege comes certain rules so everyone is treated fairly and similarly, without exception. Owners with pets must notify Club homes I Board of Directors of the number, and type, of pet kept at their villa. The Board of Directors is empowered to remove any pet which becomes a source of unreasonable annoyance to other owners/residents, or when there is failure to comply with the pet Rules and Regulations.

- b. Dogs that exceed the limits of size/weight but were owned by members who were villa owners prior to MAY 2016 are “grandfathered” and may remain in the villa, as long as all other Rules and Regulations in relation to that/these pet(s) are met. If there is failure to comply with the Rules and Regulations in relation to the/these dog(s), the dog(s) The Board has the right to order the pet permanently removed from the villa.**
- c. Any dog, or dogs, acquired by villa owners on or after issuance of this modified Pet Ruling (MAY 2016) must conform to the size/weight limitations stated in “e” below.**
- d. Owners may have a limit of two (2) small pets of a normal domesticated household type, such as a dog or cat. Reptiles or birds of any type are not permitted. If in doubt, submit a written request to the Board for prior permission for that pet type. You will receive a reply from The Board.**
- e. For dogs, “small” dogs are defined as those falling under the AKC definition of Small and Tiny dogs, or a cross mix of those breeds (these groups include close to fifty different breeds). No dog may exceed the weight of 25 pounds, 24 inches in length at maturity measured from shoulder to rear, 14 inches in height at maturity measured from shoulder to paw. When grandfathered dogs die, or circumstances cause the pet owner to voluntarily remove this pet, owners may only acquire a replacement dog within the limitations of acceptable size/weight stated herein.**
- f. The pet owner is responsible for cleaning up after the pet when walking the pet outside. Under no circumstances may feces be left on common areas or another homeowner’s property.**
- g. Cats may be of any breed, but may not exceed 25 pounds. Cats owned must only be “indoor” cats and are not permitted to wander the outdoor property freely (often referred to as an “outdoor” cat). If taken outside by the owner, the cat must be leached or carried.**
- h. Renters may not keep pets of any type in Club Homes I villas. It is the villa owners’ responsibility to enforce this strict rule, not renting their villa to pet owners. Fines will be levied to villa owners when violations occur with renters keeping pets in the owner’s villa.**
- i. Seeing eye, hearing, or other classifiable service dogs are permitted for those owners (or renters) holding a Certification of Necessity filed with Club Homes I Board of Directors. This rule is strictly enforced. The vest of service animal certification must be worn when the dog is outside. Legal counsel for the Association has the right to**

- investigate the validity of certification and necessity of claimed service animals.
- j. Pet owners must comply with the Collier County ordinances concerning pets. Pets must be leashed or hand carried at all times while outside the owner's villa.**
 - k. Owners must prevent damage by their pets to private and Association property, including shrubbery and lawns.**
 - l. Private property must be respected when walking pets. Pets are not allowed on any other owner's private property without permission. Both dogs and cats must be leashed and curbed when outside. Under no circumstances may a pet be let "free" to roam outdoors or tied up outside.**
 - m. Pet owners must insure that their pets do not create a disturbance, nor interfere with the rights, comforts, and enjoyment of other villa residents. Related to this, excessive, and steady, barking is considered a disturbance to surrounding owners/residents and interferes with their enjoyment of our peaceful Community.**
 - n. In cases where excessive dog barking occurs, residents being inconvenienced are encouraged to privately speak with the dog owner in an attempt to resolve. Subsequent to the discussion with the dog owner, those inconvenienced may report offenses to The Board in writing or in attendance at a monthly Board meeting. A first violation will result in written notification to the dog owner. Repeat offenses will necessitate The Board imposing a fine. A number of repeat offenses will necessitate The Board taking the final steps for permanent removal of that dog.**
 - o. Pet owners should refrain from leaving dogs for long periods of time on either of the lanais without the dog owner being home. Leaving the dog on a lanai unattended encourages barking and disturbs surrounding homeowners and may result in actions taken by the Board.**
 - p. No dog runs, animal pens, or fences of any kind shall be permitted on exterior common grounds of any villa site or anywhere in the Association common areas.**
- 6. PARKING:**
- a. Parking or storing vehicles on the grassed or landscaped areas throughout the Community is prohibited, and parking violations will result in the vehicle being towed at the owner's expense.**
 - b. Vehicles may not be left parked in the street overnight, vehicles left overnight (1:00 a.m. to 6:00a.m.) may be towed at the vehicle owner's expense. This rule is strictly enforced by the CDD.**
 - c. Motor vehicles must not bear any exterior commercial or advertising signage and parked in sight to other residents.**

- Commercial vehicles/signage belonging to the villa must be parked within the garage at all times.
7. **OUTDOOR EQUIPMENT**
 - a. Outdoor equipment, such as hose reels, must not be visible from the street
 8. **OUTDOOR GRILLS**

The Fire Department prohibits storage and usage of grills on either the front or back lanais. This is a Fire Department rule since considered a fire hazard. Grills may only be stored within the garage (out of sight) and used beyond 10 feet of the building structure. If you intend to use your grill on your driveway it is recommended you place a vinyl tablecloth, or the like, under the grill to catch grease drippings, or may be used on the lawn. Grills may not be left out doors, they must be stored within the garage.
 9. **REFUSE CONTAINERS**
 - a. Garbage containers must not be put out to curb before 6pm the night before scheduled pickup days and shall be removed from curbside by 8pm the day of garbage pickup.
 10. **WINDOW AIR CONDITIONS/WINDOW FANS**
 - a. No window or wall air conditioners or fans are permitted
 11. **SIGNS/BANNERS/FLAGS**
 - a. No signs, banners, billboards, or advertisements of any kind are allowed to be posted on homeowner's property including construction/contractor signs, political signs, or religious banners or signs (outside of holiday periods) are prohibited when visible to the street. Security signs (i.e. ADT) may be displayed. Holiday decoration signs, banners or flags must be small in size and only displayed during the holiday period for which they apply and securely affixed to prevent nuisance to surrounding neighbors.
 12. **OPEN HOUSES (real estate)**
 - a. OPEN HOUSES ARE ONLY ALLOWED ON SATURDAY'S AND SUNDAYS. Open house signs are permitted to be displayed during the hours of open house but must be removed daily when the open house concludes that day.
 13. **YARD DECORATIONS/STATUTES/ORNAMENTATION/HANGING BASKET BRACKETS OR POLES:**
 - a. Any of these items may be on display in villa courtyards or flower beds close to the villa and discrete to limit visibility from the street. These items are permitted for the enjoyment of residents of Club Homes I to permit individualization of courtyard and flower bed/tree bed space on your property but must be reasonable in number and type to obtain permission.
 14. **HOLIDAY DECORATIONS**
 - a. Holiday decorations are allowed in the month the holiday occurs, must meet the size rules for the community to be displayed and secured to prevent obstruction to surrounding properties, and

- decorations must be taken down 14 days after the holiday concludes.
- b. **Size of any banners, flags or signs of holiday decoration nature must be small and conforming to the holiday period for which the holiday applies. In cases where size of the holiday decoration is in dispute, the determination of the Board of Directors shall be controlling. Flags, banners, or signs must be securely fastened to contain these items to their own property and not represent a nuisance to the neighbors.**
15. **FLAGS**
- a. **Display of the American flag is permitted according to Section 720.304(2). Small decorative yard flags may be displayed but should only be displayed in the courtyard area close to the villa with limited visibility from the street. Flag types other than the American Flag are not permitted for display openly to the street in accordance with the Community Association guidelines.**
16. **YARD SALES**
- a. **Yard and garage sales are permitted only during the entire Community Association sponsored and scheduled dates and times which shall be set by the Community Association Board of Directors – once in the Spring and once in the Fall. There shall be no other, individual or neighborhood yard sales within the community throughout the year.**
17. **OTHER RULES:**
- a. **No above, or below ground, pools shall be erected, constructed, or installed outside on any Club Homes I villa commons property. This rule even applies to kiddy pools placed outside onto common grounds.**
 - b. **No outdoor clothesline shall be installed**
 - c. **With the exception of hurricane shutters, no awning, canopy, shutter, or other projections off the villa shall be attached or placed on the outside walls or doors of the villa.**
 - d. **Pools, including kiddy pools, may not be installed on villa property.**
18. **EXPANSION OF DRIVEWAY** – is no longer permitted. The Board recognizes certain aged expansions had been granted in past years and those properties are grandfathered.
19. **AWNINGS** – are not permitted on Club Homes properties.
20. **SOLAR PANELS** – are not permitted on Club Homes properties. Any installed prior to the May 2016 for these new rules and regulations are grandfathered.
21. **TREE MAINTENANCE:** Palms and oak trees are on a scheduled maintenance program with our tree arborist and managed by the Board

ARB STANDARDS AND PROCEDURES:

22. **GENERAL RULES FOR ARBs:**

- a. **The Club Homes I Board of Directors and the Architectural Review Board (ARB) of the Association have jurisdiction within Club Homes I to review and approve material modifications or alterations on any outside portion of the property, and any structural changes to the property. Requests for any such modifications must first be made via an ARB form obtained from the Master Architectural Review Board (or office at Community Center) prior to the homeowner commencing or ordering any such work to start. No individual homeowner work may be made WITHOUT APPROVAL of the ARB from both the Club Homes I Board or the Neighborhood ARB Committee, and approval at the Master's ARB Committee level.**
 - a. **A renter may not make changes to the exterior without first going through the homeowner to obtain their approval. The homeowner will then process the ARB through the normal channels.**
- b. **Procedural steps govern the process for ARBs, and outcomes that may arise, are explained below:**
 - a. **The ARB Section of the declaration commands forming of an ARB Committee consisting of at least 3 persons. In absence of resident interest to volunteer for this Committee, the Board of Directors may serve in the capacity of an ARB Committee. This changes the rule outlined in 5.3 "The Association ARB".**
 - b. **The homeowner completes the ARB form (found on our website) and submits the ARB form to one of the presiding Club Homes I, Board of Directors (see Association Directory). In turn the Board of Directors submits to the ARB Committee, if one is currently in existence.**
 - c. **When there are ARBs for discussion, the subject of the ARB will be reviewed, discussed and voted on at the next scheduled/monthly Board of Director meeting, or separate meeting of the ARB Committee. Dates of meetings are posted at a conspicuous place 48 hours in advance of meeting.**
 - d. **At the discretion of the Board of Directors, a Special Meeting (see guidelines for Special Meetings in the By-Laws) may be called and noticed to review and approve ARBs when a regularly scheduled Board meeting will delay approval of ARBs.**
 - e. **A majority vote on a homeowner submitted ARB constitutes a decision of the "entire" Board/ARB Committee. Either the Neighborhood Board President or Vice President will be assigned to follow up with the ARB applicant, and to follow through during the process described below. The vote taken at the Board meeting may result in one of the following outcomes.**
 - i. **The ARB may be accepted, as is, and will be forwarded to the Master ARB committee with signature of the President or Vice President stating approval of the ARB, and date of the approval.**

- ii. **The ARB may not be accepted, as is, but a recommended substitute suggestion offered to the homeowners. In these cases, the presiding Secretary of Club Homes I will return the original ARB to the homeowner with a cover letter explaining the Board's rationale for the recommended changes. The homeowner has the option to respond in either of the following manners (the goal is to accomplish this approval process within 2 weeks from the Board meeting date):**
 - 1. **Accept and re-submit the ARB with the Board's recommendation to contact the appointed Board President/Vice President referenced in the letter, who will subsequently forwarded to the ARB committee at the earliest possible date, or**
 - 2. **Rebuttal in writing, offering another substitution of homeowner's own choosing, to be re-visited by the appointed President/Vice President, approved and forwarded to the ARB committee, or denied and homeowner is again informed of the Board's decision via a letter/email**
 - 3. **Drop the request all together at the decision of the homeowner**
- 23. **Sub-Association Colors** must adhere to their own community approved color palette when the Board schedules painting building exteriors, adhering to the color palette of the Community Association Board standards. In all cases the Sub-Associations choose the colors for the exterior of their buildings, this is not a homeowner choice. An ARB is required by all Sub-Association Boards to paint buildings and the color being used for the exterior of the building must be stated. A homeowner may not alter the exterior painting color.
- 24. **Resurfacing and Painting of driveway and sidewalk to house/front door** – Accepted materials and look for driveways shall be cement. Pavers or stamped concrete may not be used. The color palette for driveways and walkways is as follows:
 - a. Painted concrete driveways and sidewalks may only be light, Dove grey to be harmonious with other driveways painted within the community. Driveway painting is at the homeowner's expense.
 - b. Painting of driveways is discouraged for Club Homes properties due to their upkeep, responsibility of the homeowner if they choose to paint their driveway. Discuss this with the Board of Directors prior to submitting an ARB.
- 25. **Roof Materials and colors:** Installation or change to roof materials requires an ARB. The Board of Directors decides the timing of roof replacement, contractor used, and materials. All roof materials shall be

- consistent (i.e. of the same material and style throughout); no mix/match of materials, colors or styles is permitted for all buildings. Installation must be installed by a licensed and insured contractor.
26. **Hurricane shutters** – If the homeowner chooses to install hurricane shutters an ARB is required prior to work commencing. Accepted materials for hurricane/window protection include metal, plastic, accordion, electric or manual roll-down or fabric material. Hurricane/window protection must be installed by licensed and insured contractor. The accepted colors are: white or clear in color. Can be single removable panels, accordion, or electric rolldown. Window/door protection can be fabric coverings in either white or beige. Other than during hurricane season, closure of hurricane shutters for short absences for security purposes is allowed, if approved by the Board. Please advise the Board of your duration for closing the shutter.
 27. **Lanai Screen cage** – An ARB is required to change or install replacement screens or the screen cage structure since this is a homeowner expense. Accepted colors for screen cages must be white metal structure with black or grey screens. If a structure is in disrepair or damaged/torn down by casualty (i.e. hurricane, tornado, major wind event), it must be replaced to its original condition and type by the homeowner within 6 months of damage. Modifying the footprint of the lanai is not permitted, which includes closing in the lanai with windows or sliding doors.
 28. **Entry Doors** – All front entry doors into the villa, including screen doors and frames, requiring a change or replacement, requires an ARB and must be harmonious with the Club Homes I community and at the homeowner's expense to replace. Entry doors may be solid, 6-panel raised or have glass inserts in the door conforming to other properties within the entire Community. Entry doors must be painted to comply with the exterior color palette for that building.
 29. **Garage Door** – Replacement or change to garage door requires an ARB approval and replacement is at the homeowner's expense. Accepted style of garage door must be raised panel, same as what is currently there. The door color must be painted with the same color palette for the residence on record with the Master Community ARB Committee.
 30. **Gutters** – Installation of new, or replacement, gutters are taken care of by the Association. Gutters must be white.
 31. **Security cameras/devices** – Subject to ARB application and approval, security camera and wiring shall be attached to the external structure of the dwelling and be discrete to the residence with limited visibility to the street. This is a homeowner expense.
 32. **Exterior antennas (Direct TV)** – ARB application and approval required and must be attached to the house structure, soffits or secure on the ground. If the antenna is located on the ground it cannot be visible from the road. This is a homeowner's expense.

33. **Landscaping** – Any landscape changes, modifications or additions requires written ARB approval with complete documentation as stated above. Included with approval for landscape re-design is the understanding that homeowners/sub-associations will maintain any and all landscape additions (including watering those, trimming, mulching and weeding of beds). Potted plants in reasonable numbers may be placed in courtyard areas or in tree/flower beds, and must be maintained by the homeowner/renter. These are not maintained by the landscape contractor. Anything not maintained may be removed by the Association or landscaper. The Association has the authority to remove any landscaping installed by any homeowner if deemed to be invasive or requiring removal due to its size, requires excessive maintenance, or special attention that the landscaper does not consider part of their maintenance contract. Landscaping added by the homeowner/renter are understood to be an individualized touch to make the property look homey, but must also be in keeping with the over theme of the Community. It is best to discuss plans for plantings with Board of Directors to receive approval before planting or adding potted plants. Renters are not permitted to add or remove landscaping without permission from the homeowner.
34. **Tree Removal** will be in accordance with county guidelines. County guidelines state that there must be 1 hardwood/native tree per every 3,000 square feet. If a tree planted by the homeowner/sub-association, whether it be an original planting by the builder or subsequently ARB approved planting, is diseased, the sub-Association will remove it at Association expense. The ARB Committee will determine if replacement is needed according to county guidelines; this includes any palm trees and native hardwood trees that were part of original plantings by the builder. Refer to Collier County guidelines for an approved list of replacement Florida native canopy hardwood trees.
- a. If the homeowner wants a hardwood tree removed, it is the homeowner's responsibility to pay for the removal and planting of a conforming new tree, unless otherwise stated in sub-Association guidelines. Certain hardwood trees fall within the easement for the CDD (Community Development District) and will require their approval in writing to remove in addition to ARB approval. The CDD written approval must be attached to the ARB application.
 - b. The Association approved list of replacement Florida native canopy hardwood trees must be in accordance with the Collier County recommended list.
35. **Irrigation Considerations:**
- a. Maintenance of irrigation is an Association responsibility. Degradation to the irrigation on any property can negatively impact surrounding properties; this includes broken heads and irrigation lines that cause pressure issues along the system. Any changes to

current irrigation systems must have ARB approval (additional heads and lines) as these additions or increases may negatively impact neighboring water pressure.

36. **Water Drainage Fix:** Additional mulch or optional small pebble stone is allowed to extend from foundation out, up to 4 feet, to provide proper water drainage around the perimeter of the foundation of the residence. However, this should not be undertaken without first discussing with the Board to determine other alternative measures. An ARB must be approved in these instances.
37. **Tree and Flower Beds:**
 - a. Expansion or re-design of flowerbeds and tree beds will require ARB approval. The guidelines state that stone, gravel or paving may not be used as a substitute for grass in a lawn.
 - b. Tree beds must be maintained to a three (3) foot radius from center of tree and may only be covered with mulch.