

## EXTERNAL DEED RESTRICTION – STANDARDS DEFINITIONS VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 9

**Purpose:** The purpose of these External Deed Restriction – Standards Definitions is to further clarify those items identified and/or defined in the Declaration of Restrictions for those properties located within the boundaries of Village Community Development District No. 9, and to clarify and interpret the adopted Rule to Bring About Deed Compliance (“Rule”) relating to the exterior appearance or use of real property within its the boundaries. You may also find further clarification in the District adopted Architectural Review Manual. The following are general interpretations of the Rule for the District:

### **Alterations, Modifications, and Changes**

The District is responsible for approving alterations, changes, or modifications to Homesites and the exterior appearance and structure of the home. No after-market change should be made to any Homesite or Home without first obtaining District approval. This includes but is not limited to: arbors, trellises, pergolas, pools, patios, screen cages, decks, awnings, fences, walls, enclosures, landscaping, driveway additions, re-paintings and room additions to the home. District approval may be via an Architectural Review Committee (ARC) created by District resolution or inter-local agreement in furtherance of the architectural review process.

It is the property owner’s responsibility to obtain all necessary permits, governmental approvals and maintain compliance with all governmental laws, water management district plans, and private restrictions, including but not limited to: Building regulations, zoning regulations, plat requirements, permitting and declaration of restrictions (collectively, the “Laws”).

### **Community Standards Department**

The department responsible for carrying out deed compliance for certain exterior deed restrictions as described in the Rule.

### **Complainant**

An individual who makes a complaint and initiates the deed compliance process.

### **Deed Compliance Staff**

Members of the District Community Standards Department who are charged with making calls, inspecting properties, and carrying out departmental duties.

### **Deed Restrictions**

Are those deed restrictions adopted by the Rule.

### **Exterior Lighting**

*Please refer to the deed restrictions specific to your property to determine any regulations pertaining to exterior lighting.*

Exterior lighting must be attached to the home or screen cage and shall be shielded and directed downward so as not to create glare, light trespass, or nuisance conditions affecting adjacent properties or common areas. Lighting shall not include flashing, chasing, strobe, rotating, or color-changing effects except during an approved Seasonal Display period. No

exterior lighting shall project illumination above the roofline or directly onto neighboring structures.

**Fence**

A fence may include but is not limited to a vertical structure or a dividing instrument.

**Garbage/Trash**

All household waste should be placed in a closed minimum 13 gallon trash bag (any color). All materials can be placed in the same bag. The trash bags should be placed together at the end of the driveway. Each bag should weigh no more than forty (40) pounds. Bags must be placed for collection before 6 AM on your collection day or the night before (no sooner than 5 PM). Collection times may vary. This criterion can change, please check with your trash service provider.

**Hedges**

Hedges are defined as a contiguous grouping of shrubs.

**Homesite and/or Lot**

Shall mean and refer to any plot of land shown upon a plat which bears a numerical designation, but shall not include tracts or other areas not intended for a residence within the District's boundaries. The terms Homesite and Lot are used interchangeably.

**Inoperable Vehicles**

Inoperable Vehicles are vehicles that: (1) are incapable of operation; (2) are not licensed and/or registered; or (3) have a flat or missing tires. Vehicles must be capable of operation and proof of such shall be demonstrated to District staff, upon request.

**Landscape Lighting**

Landscape lighting is defined as low-voltage, solar, or hardwired outdoor lighting fixtures that are installed on a residential property for the purpose of illuminating approved pathways, walkways, driveways, landscaping beds, trees, shrubs, or architectural features of the home.

The following guidelines shall apply to landscape lighting:

- Landscape lighting shall be limited to the immediate areas of the home's foundation, landscaping beds, pathways, and driveways
- Notwithstanding the foregoing, low-voltage landscape lighting used solely to illuminate trees or architectural features of the home may be directed upward, provided such lighting is of low intensity, properly shielded where practicable, and does not create glare, light trespass, or nuisance conditions affecting adjacent properties or common areas. This provision shall not affect the separate standards governing low-voltage flagpole lighting.
- Hot, electric, neon, or excessively bright colored lighting is not permitted
- Lighting shall not be installed along property lines, on walls, fences, or in a manner that would encroach upon neighboring properties or easements
- The quantity and placement of landscape lighting shall be reasonable and consistent with the size of the homesite / lot.

## **Lawn Ornaments**

Lawn ornaments, or yard art, generally refers to manmade items decorative objects used to make a yard more attractive, and which are located anywhere outside the structure or footprint of the home. However, pots and planters designed and constructed for plant use are permitted so long as they are used for their intended purpose. The inclusion or attachment of flowers or plants to a man-made ornament, not originally constructed for plant use, does not change the item from a lawn ornament to landscaping. The word 'lawn' includes areas that are mulched, concreted, sodded, rocked, landscaped, bare earth, or any other material outside the structure (footprint) of the home. The following is intended as a partial reference list of lawn ornaments: any man-made concrete or ceramic statue or figure (including religious symbols), wind chimes, plastic or silk flowers, windmill, pinwheels, train sets, deer, geese, flamingos, or any other animal or human figures. Residents may check with the Community Standards Department prior to purchase of lawn ornamentation/ landscape objects.

## **Maintenance / Neat and Clean**

Maintenance means exercising reasonable care to keep buildings, landscaping, lighting, lawns, and related improvements in good condition.

Landscaping maintenance requires following generally accepted garden-management practices to promote a healthy, weed-free environment for optimal plant growth. Mowing requirements include weed removal.

Homes and lots are expected to be kept free of external unused items, junk, construction material, and other debris. Lawns must be kept free from landscaping debris including fallen palm fronds, tree limbs, shrubbery or hedge clippings, and any other landscape vegetation not originally planted by the developer or homeowner.

## **Specific Maintenance Standards**

### **1. Mowing, Weeding and Edging Requirements**

- Standard: Mowing requirements include weed removal. Grass is considered overgrown when it reaches 8 inches in height.

### **2. Pressure Washing and Home Exterior Requirements**

- Standard: Properties must maintain clean exterior surfaces including homes, driveways, walkways, fences, and walls. Home siding must be kept clean from algae/mold growth and vine growth.

### **3. Hedge and Shrubby Requirements**

- Standard: Shrubby must be maintained so it does not extend to soffits and/or rain gutters of the home and must not obstruct entry to the front door. Hedges are defined as a contiguous grouping of shrubs. In villa units, shrubby and plantings must be

maintained at least two (2) feet away from the neighboring home. Please review your deed restrictions for required hedge height requirements for your Unit.

#### **4. Lawn and Landscaping Standards**

- Sodding Requirements: When sodding is required, acceptable turf grasses include St. Augustine, Bahia, Empire Zoysia, Bermuda, or other approved varieties. Lawns must be free of bare or dead spots exceeding approximately 1½ feet in diameter.
- Approved Alternatives: Florida-Friendly ground cover is permitted as a sod substitute. Rock or artificial turf (silk, plastic, or other materials) are not approved sod substitutes.

#### **5. Landscaping Debris and Rogue Vine Growth Requirements**

- Standard: Lawns must be kept free from landscaping debris including fallen palm fronds, tree limbs, shrubbery or hedge clippings, and any other landscape vegetation not originally planted by the developer or homeowner. Home siding and landscaping must be kept clean from rogue vine growth.

#### **Nuisance Definition**

Nuisance means any use of exterior/landscape lighting on a property that unreasonably interferes with the use and enjoyment of neighboring properties or adversely affects the public health, safety, or welfare. Exterior/landscape lighting constitutes a nuisance when it produces excessive glare, brightness, or light trespass beyond the boundaries of the property, such that it causes discomfort, distraction, or loss of visibility to adjoining property owners, occupants, or motorists. A nuisance may be found where lighting is improperly directed, unshielded, or of such intensity or duration that it disrupts normal nighttime use of adjacent properties, intrudes into residential dwellings, or alters the character of the surrounding area beyond what is reasonable under the circumstances.

#### **Owner**

Owner shall mean the owner(s) of record according to the Property Appraiser's records in the county in which the violation exists. The owner(s) may or may not be the person living in the home.

#### **Seasonal Displays**

*Note: please abide by your Unit's specific Deed Restrictions regarding Seasonal / Seasons Displays. Not all Units permit Seasonal / Seasons displays for a 30-day duration.*

Seasonal / Seasons Displays, as defined in your Deed Restrictions, allow residents to show their holiday spirit and develop esprit de corps within the community. Seasonal / Seasons Displays are temporary displays, which recognize nationally observed holidays and commonly celebrated holidays and observances.

#### **Section 1. Seasonal Display**

"Seasonal Displays" consist of temporary displays placed on the exterior area of a Homesite/Lot, including but not limited to lighting, ornaments, inflatables, figures, signage, or themed décor, which recognize or celebrate nationally observed holidays and commonly celebrated holidays and observances. Seasonal Displays are intended to remain incidental to the residential character of the

Homesite. Seasonal Displays shall not, individually or collectively, become the predominant visual feature of the Homesite or materially detract from the architectural appearance of the dwelling or the planned residential appearance of the community. In determining compliance with this Rule, the District may consider the cumulative placement, concentration, arrangement, scale, and visual impact of all exterior decorative items located upon the Homesite.

Seasonal Display does not include:

- Permanent architectural elements.
- Modifying lawn ornaments with decorative elements.

## **Section 2. Display Periods**

For purposes of enforcement, the calendar year shall be divided into four (4) display periods:

- **Winter:** December 1 – February 28/29
- **Spring:** March 1 – May 31
- **Summer:** June 1 – August 31
- **Fall:** September 1 – November 30

## **Section 3. Duration Limitation**

- Seasonal Displays shall be permitted only as established in your Unit's Deed Restrictions and this Rule.
- The time allotted for all Seasonal Displays on a Homesite/Lot within any defined display period, whether used consecutively or non-consecutively, shall not exceed a total cumulative aggregate of thirty (30) days per display period.
- For enforcement purposes, any day on which a Seasonal Display is visible at any time shall count as one (1) full day.
- The thirty (30) day maximum set forth above is a cumulative cap per display period, not a per-display or per-installation allowance. Removal and subsequent reinstallation of Seasonal Displays shall not create a new or additional thirty (30) day period within the same display period.
- Only one (1) observance may be displayed at a time.
- Unused days shall not be carried forward into a subsequent display period.

## **Section 4. Maintenance and Standards**

All Seasonal Displays must:

- Be temporary in nature;
- Be maintained in good repair;
- Not obstruct sidewalks, roadways, or drainage;
- Not create safety hazards;
- Not create a nuisance to surrounding properties;
- Not damage District property or adjacent property.

- Not supersede any limitations or circumvent limitations set forth in ARC Manual. Example: The total number of flagpoles displayed on a Homesite at any time, including those used in connection with a Seasonal Display, shall not exceed what is expressly permitted.

## Signs

No sign of any kind shall be displayed to public view on a Homesite or any dedicated or reserved area without prior written consent, except customary name and address signs and one sign advertising a property for sale or rent which shall be no larger than twelve (12) inches wide and twelve (12) inches high and which shall be located wholly within the Home and only visible through a window of a Home with the following exceptions:

- **Security:** Small decals or small signs may be placed on doors, windows and planting beds next to the home.
- **Lawn Care:** State law allows for a sign to be placed on the newly-treated lawn until dry.
- **Medical Alert Decals:** Small decal placed on the front entry glass, door, or planting beds next to the home to inform First Responders of important medical information in the event of an emergency.

## Trucks, Boats, and RV Parking

*Please refer to your specific deed restrictions for details on parking restrictions, including but not limited to trucks, boats, and recreational vehicles.*

- The tonnage of a vehicle describes the hauling capacity and not the weight of the vehicle. Example: A Ford F150 is classified as a 1/2 ton vehicle, Ford F250 is a 3/4 ton size vehicle, and a Ford F350 is a 1 ton vehicle. Anything larger than the F250, for example, Dooley or a Fifth-wheel, is considered in excess of 3/4 ton and would not be allowed to remain on the Homesite.=
- Conversion vans with hook-ups for electricity and water on the rear or side are considered recreation vehicles.
- Inoperable Vehicles – The term is defined as vehicles incapable of operation, junk vehicles or vehicles that are not licensed and/or validly registered, or a vehicle with flat or missing tire(s).

The following exceptions apply:

- **Recreational Vehicles.** A recreational vehicle is often abbreviated as an RV. An RV is any motorhome vehicle or trailer that includes living quarters designed for accommodations. Types of RV's include, but not limited to, motorhomes, campervans (also known as travel trailers), fifth-wheel trailers, popup campers and truck campers. These types of RVs are allowed on the driveway not to exceed 72 hours (3 days), provided they are not inhabited. This allowance is made in an effort to accommodate the packing and unpacking of the RV.
- **Boats** are allowed on the driveway not to exceed 72 hours (3 days) . This allowance is made in an effort to accommodate the packing, unpacking, and cleaning of the boat.

- **Vehicle Repair,** under no conditions should vehicles be repaired in the driveway except for minor repairs such as flat tire repair, tire inflation or detailing.

### **Enforcement Provisions**

- I. **Enforcement Authority:** The District retains the sole authority to interpret and enforce these Standards. The determination of whether a condition constitutes a violation shall be made in the reasonable discretion of the District or its designated hearing officer.
- II. **Continuing Violations:** Each day a violation continues after final determination may constitute a separate violation subject to fine as permitted by governing documents.
- III. **Severability:** If any provision of these Standards is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.