



RULES & REGULATIONS

Meadow Cove Subdivision



Meadow Cove Homeowners' Association, Inc.

PO Box 360348, Melbourne, FL 32936

1988-2018

Topical Index
Rules and Regulations
for
Meadow Cove Subdivision

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MEADOW COVE HOMEOWNERS' ASSOCIATION
RULES AND REGULATION AND GUIDELINES

Section I Summary of Rules:

What are the reasonable restrictions here at Meadow Cove and how can we improve our residences? The governing document is the Declaration of Covenants and Restrictions of the Meadow Cove Homeowners' Association, Inc. For situations where this document does not offer guidance, other documents take precedence. In the case of a direct conflict between any provision of this article and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

Federal Law

US Government, FCC Regulations. Federal law is the whole of the law passed by the Federal Government of this country. The Federal government is the government that runs the entirety of the country, rather than the governments at a smaller level such as State, province, or city.

Florida Laws and State Statues

The Florida Statues are the basis of many Brevard County Codes. Chapter 720 of the Florida Statues, also know as the Homeowners' Association Act, is a chapter of laws that governs certain types of homeowners' association in the State of Florida.

Brevard County Code

Building codes and permit requirements. The City of Melbourne Engineering Department oversees the following: Stormwater Utility, Capital Improvement Projects, and Traffic Engineering (example: speed humps, traffic signals, signage, etc.)

Declaration of Covenants and Restrictions (DC&Rs)

Foundation and basis for Meadow Cove rules and homeowner responsibilities. This document is filed with the State and has a higher-order of precedence than the By-Laws.

By-Laws of Meadow Cove Homeowners' Association

The document that defines the organization and administration for the Non-Profit Corporation of the Meadow Cove Homeowners' Association (MCHOA). It determines how the Board of Directors carry out their duties. While this document is not filed with the state of Florida, it is the Corporation's governing guideline for Association Meetings and the responsibility of the Board Members.

Section II What you should know:

Each Owner shall keep and maintain his Home and Lot in good order, condition and repair, and shall perform promptly all maintenance and repair work within his Home and Lot which, if omitted, would adversely affect Meadow Cove, other Owners or the Association. Maintenance obligations are more fully defined in the Declaration.

In addition to the Declaration of Covenants, Conditions and Restrictions for the Meadow Cove Subdivision (HOA) the following rules, regulations and guidelines shall be considered when evaluating requests for improvements.

Why are deed restrictions important?

There are a number of reasons, but the essence of all of them is the "Broken Windows" theory. First described in 1982 by political science professor James Q. Wilson and criminologist George Kelling, the "Broken Windows" theory states that "If a factory or office window is broken, passersby observing it will conclude that no one cares, or no one is in charge. In time, a few will begin throwing rocks to break more windows. Soon all the windows will be broken, and now passersby will think that not only is no one in charge of the building, no one is in charge of the street onto which it faces. So, more and more citizens will abandon the street to those they assume prowl it. Small disorders lead to larger ones, and perhaps even to crime."

Deed restrictions attempt to legislate-out "Broken Windows" by defining the minimum standard that a homeowner must maintain his/her home. When a homeowner enthusiastically meets or exceeds this standard, passersby assume that residence is well cared for and neighbors feel respected. When joined by a community of like-minded homeowners the entire neighborhood is buoyed to a higher level. Potential homebuyers thus favor that community over others maintaining a lesser standard. The increased demand raises the value of those properties, but more importantly the enriched environment makes that community a better place to live, raise children and entertain family and friends.

Why are Rules and Regulations for Meadow Cove obligatory?

Our intentions are to promote a well-kept, safe neighborhood in compliance with Florida State Law & Statutes, Brevard County Code, The City of Melbourne ordinances, and MCHOA Declaration of Covenants & Restrictions (DC&Rs). To maintain the common property and enforce the governing documents and preserve and protect property values.

Why does the HOA send non-compliance letters?

Quite simply enforcing our deed restrictions is one of the things that the all-volunteer board members were elected to do. If the HOA (Home Owners Association) was aware of a non-compliant situation and did nothing they themselves would be negligent. Additionally, they would expose themselves to accusations that they are unfair or biased if they were inconsistent.

Section III HOA Regulations & Guidelines

Yard Maintenance

The Meadow Cove Homeowners' Association requires that every homeowner mow, edge, and weed your yard. Removed dead trees, tree stumps and plants from your yard. Shrubs trimmed as a hedge should not be over six (6) feet in height. Keep garden hoses stored neatly and not left sprawled out in the yard. Do not let your shrubs or plants grow over the sidewalk or your neighbor's property. Keep trees trimmed of dead branches or fronds. Do not blow grass clipping in the street.

Driveways and Sidewalks

All members of the association are required to keep driveways, walkways, and sidewalks clean from mold, mildew, rust, and dirt. It is good to edge sidewalks and driveways.

Screen Enclosures

No screen enclosure shall have missing doors, torn or damaged screens. Front entrance enclosures shall not be used for storage of household items.

Other Regulations

No window air conditioning units or floor fans shall be placed in any window or any part of any dwelling or accessory structure which is visible from any street.

Recreational Vehicles

Boats, Campers, Motor homes, Flatbed Trailers, Utility Work Trailers, etc., may not be stored on the street or driveway. They may be stored in the garage or on the side yard behind a privacy fence.

Stormwater Retention Pond

Maintenance of Stormwater System

Meadow Cove's documents state the maintenance of the pond (Tract A) is the property and responsibility of the Meadow Cove Homeowners' Association.

Meadow Cove Homeowners' DC&R, Article II Section 3. Permitted Uses, Reads:

The Common Area shall be restricted to the following uses:

- (a) The common Area, Tract A, now and forever, shall be restricted hereby such that the tract shall be maintained as a retention area, with easements to the City of Melbourne so that in the event that said maintenance is not performed by the Homeowner's Association, the City will have the authority and right to enter said tracts and maintain said tracts and lien each Owner for their share of said maintenance.
- (b) Maintenance of the Common area adjacent to the Storm Water Retention Pond is the responsibility of the whole association. The first 30 years, this maintenance was done by the homeowners with property adjacent to the pond. With a clearer (2018) understanding of Meadow Cove's Declaration of Covenants and Restriction, maintenance of the Common Area (grassy area) is now and forever, the obligation of the Association. As such:
- (c) Any and all trees, plants, shrubs, bushes, undergrowth, etc. planted by a homeowner on the common area will be removed at the cost of the Association if not maintained by said homeowner. No trees, plants, shrubs, or bush of any kind shall be planted within 8 feet of the water's edge. No trees, plants, shrubs, or bush of any kind shall be planted on the common area without the approval of the Architectural Control Committee. No stumps shall be allowed to remain on the common area. All tree limbs or palm frons shall be trimmed back so as not to hang over the water's edge. As such:
- (d) The Association will have all authority and right to enter said tracts and maintain said common area.

No Swimming

Stormwater ponds are treatment systems that trap pollutants from the neighborhood watershed. In keeping with health reasons, Swimming in not permitted.

No Boating

For obvious safety and legal reason No Boats of any kind will not be permitted in the pond.

No Fishing

Due to the increasing number of non-residents intruders and owner complaints new signs (4/2018) were changed to include No Fishing. This does not apply to homeowners. Grass Carp and other wildlife that are vital to the natural balance should not be harmed or removed. Homeowners must practice “catch and release”.

Indian River Lagoon

We all have a role to play in protecting the Indian River Lagoon, especially when maintaining our lawns. Certain practices are particularly detrimental to the lagoon and have been banned in the City of Melbourne.

It is against the law to apply fertilizer to your lawn in the City of Melbourne from June 1 through September 30. This regulation was enacted in order to keep harmful nutrients found in fertilizer from washing off from lawns into storm drains and ultimately into the Indian River during the rainy summer months.

It is illegal to blow grass clippings into City of Melbourne Streets and storm drains, gutters, ponds, or water bodies. Instead blow them back into your yard or bag or compost them. Penalties include a fine of \$200 for violating these ordinances. If you have questions, call the Stormwater Hotline: (321) 608-7341

Subdivision's Walls & Fence

No plant, tree, shrub or tree roots shall be planted or permitted a distance of less than two feet from the edge of the Fence on Stewart Road & the Wall on Lake Washington. Tree limbs or frons must be cut back from touching the fence or wall. The owner of each separate interest is responsible for repairing or replacing that separate interest if damage is done due to neglect or direct actions. – Civil Code Section 4775

Homeowners shall not install a private fence that is taller than the subdivisions wall or fence. (See DC&R Section 15. Wall and Fences on page 8 of this document)

Maintenance for homeowners with a special interest in the subdivision Wall which includes painting must get approval from the ACC. Paint color and finish must be consistent with the exterior.

Section IV Waste & Recycle Receptacles

Do not place any carts or bins on the sidewalk.

Do store your empty carts behind the front building line or in the garage on non-collection days, as required by City Code.

Don't place the carts or yard waste cans at the curb until after 5p.m. the day before collection.

If you have large items including discard furniture and household junk that won't fit in the garbage cart, please call the City's Environmental Community Outreach (ECO) Division at (321) 608-5080 or Waste Management at (321) 723-4455 to schedule a bulk collection.

When yard waste will not fit into cans, it can be stacked on the road verge. The debris should not be on a curb, gutter, or water meter, and must not go into the street. Do not place yard waste over sidewalks.

Disposal of Fencing and other construction and demolition material should not be placed curbside for collection unless Waste Management collection has been scheduled.

Section V Obligations to the Architectural Control Committee (ACC)

The ACC requires homeowners to complete and submit the form Meadow Cove Application for Architectural Review before improvements or changes are done to outside of all homes.

You will need to submit an application including but not excluding:

- Room Additions or Elevation changes (with proof of City permit approval)
- Painting, staining or varnishing of the exterior of the home.
- Painting or paving walkways and driveways. (does not include sidewalks)
- Installing screen enclosures
- Installing a new fence or replace an existing fence.
- Installing a new roof
- Replacing siding

Section VII Article VII - Land Use Restriction

This section includes parts therein from Meadow Cove's Declaration of Covenants & Restrictions (DC&R) and Brevard County Code of Ordinances Chapter 46

DC&R Section 8. Nuisances

No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

Brevard County/Code of Ordinances/Part II. Code of Ordinances/Chapter 46.
Environment/Article IV. Noise section 46-130:

It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise. Loud and raucous noise shall mean any sound which, because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of unincorporated Brevard County.

DC&R Section 9. Temporary Structures.

No structure of a temporary character, basement, trailer, tent, shack, garage, barn, or other outbuildings shall be used on any Lot at any time without the consent of the Architectural Committee.

DC&R Section 10. Signs.

No signs of all kind shall be displayed to the public view on any Lot except one sign of not more than four square feet advertising the property for sale or rent.

DC&R Section 12. Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that of dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

DC&R Section 15. Wall and Fences.

Heights of any walls or fences outside of the building setback lines shall not be greater than as follows: No walls or fence may be erected on any Lot in the subdivision higher than six (6) feet above the finished grade, and provided, however, that no wall or fence shall be erected or placed within the front setback lines of any Lot. The Architectural Control Committee may, in its discretion, approve minor projections above the restricted heights for architectural features. No wall or fence of any kind whatsoever shall be constructed on any Lot until after the height, type, design, and location thereof shall have been approved in writing by the said committee.

DC&R Section 19. Enforcements.

The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section VII Parking Regulations:

The properties in Meadow Cove are close to one another which leaves limited parking on the street. Please be considerate when at all possible not to park in front of your neighbors' property. It may cause your neighbors' visitors to park farther down the street.

Parking over sidewalks, corner of a street, or on the road verge is not permitted. (See Brevard County Ordinances Sec. 106-31. - Prohibited in specified places.)

There shall be no parking on the lawn or road verge (right of way) at any time.

There shall be no parking in the driveway of any unregistered vehicles. They should be kept in the garage.

Section VIII Additional Restrictions:

Do not leave outside of property either in the front or side yard, items such as: indoor furniture, toys, grills, smokers, coolers, beach chairs, household items, wood pallets ... etc.)

Basketball hoops must be stored close to garage door or on the side of property (laying down on its side) when not being used. Outside items such as children's toys or playground equipment, or lawn equipment are not permitted to be left out to be seen from the street.

Do not plant trees, tall plants or large shrubs on a corner lot that may interfere with the line of site for traffic to pass safely. Do not plant anything in the road verge.

Dogs should not be allowed to run loose. Dogs must always be leashed. Dog waste is a health threat to our children, degrades our community, and transmits disease. It is completely unacceptable to allow your pet to defecate on the sidewalk! Please do not put poop bags in your neighbor's trash bin.

Be respectful, Leash and Clean up after your pet. It's required by law!