



PORT MALABAR HOLIDAY PARK
MOBILE HOME PARK RECREATION DISTRICT

215 Holiday Park Boulevard NE
Palm Bay, Florida 32907-2196

BOARD OF TRUSTEES

MEETING AGENDA / Special Meeting Deed of Restrictions

March 19, 2014 - 3:00 PM

Joanne Gaughan
Chairman

Rebecca "Becky" Earnest
1st Vice-Chairman

Harald Albinus
2nd Vice-Chairman

Marion "Molly" Stone
Secretary

Allison Kelly
Assistant Secretary

Philius Matton
Treasurer

Marilyn Spall
Assistant Treasurer

Rodney "Rod" Lindsay
Trustee

Daniel "Dan" O'Connell
Trustee

Cheryl Ennis
District Manager

Karl Bohne, Jr.
District's Attorney

* To comment on an item, after you have been recognized by the Chair, please go to the microphone and clearly give your name and address for the record. You may speak for up to three minutes. Note: If formal action is to be taken on an item by the Board, public comment will be requested prior to the vote.

NOTE: MINUTES OF BOARD MEETING ARE PREPARED IN SUMMARY FORM ONLY. PER CHAPTER 286.0105 FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL A DECISION OF THE BOARD HE/SHE SHOULD ARRANGE FOR A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY IN EVIDENCE ON WHICH THE APPEAL IS MADE.

"A community intended and operated for persons 55 and older"

1. **Call to order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **Review of restated Deed of Restrictions to date - attached**
6. **Discussion - Deed of Restriction "Vehicles" item #3 –E, F, & L changes/updates**
 - Trustee comment
 - Public comment
 - Motion to approve changes/updates
 - Call for vote/votes
7. **Public Comment**
8. **Trustees remarks**
9. **Adjournment**

DOR's 2/10/14

Restated

PORT MALABAR HOLIDAY PARK shall be a mobile/modular home community. Each and every mobile /modular home placed or installed upon any lot within the PORT MALABAR HOLIDAY PARK, as a whole shall:

1. Conform to the Architectural Control Committee rules and regulations approved by the Board of Trustees and
 - (a) Be of a width of not less than sixteen (16) feet and
 - (b) Be inspected and approved by a majority of members of the District Architectural Control Committee as to the age, appearance, condition, and structural standards and
 - (c) Appearance relating to color of mobile or modular home and sheds install on a lot shall be in keeping with Florida color palate as state in the Architectural Control Committee rules and regulations and
 - (d) Be installed on the lot only by an authorized installation agency approved by the District's Board of Trustees and in the manor designated by the District's Architectural Control Committee. Installation as used in this subparagraph shall include, but not be limited to leveling, blocking, tying down, removal or masking of hitch, skirting, and installation of an approved set of steps.

3. With respect to each residential lot:

Restated:

(a) No structure, add-on or accessory may be placed thereon without the prior written consent and approval of the GRANTOR'S Architectural Control Committee as to location, position, set-back and architectural quality. In considering whether to grant such approval, the GRANTOR's Architectural Control Committee shall consider, among other things, the general aesthetic appearance of any such structure, add-on or accessory, its effect upon neighboring lot owners, and its effect upon the PORT MALABAR HOLIDAY PARK, UNIT ONE community, as a whole.

3. With respect to each residential lot:

Restated - 2/10/14

CLOTHESPOLE

- (d) No clotheslines or clothes poles may be placed on any lot, except for one "umbrella-type" clothes pole for each lot, which shall be placed in the rear of the lot. Clothes pole shall be removed when owner is not in residence.

3. With respect to each residential lot:

Restated: 2/24/14

- (g) No signs permitted on lots, except real estate signs or political signs(s), in window or planter. Political signs may only be displayed beginning four weeks prior to any election and may only be a total of four (4) square feet and must be removed no later than 24 hours after the election is finalized. No lot may display more than two (2) political signs. Small signs setting forth the owner's name and street address shall be permitted. A small sign announcing "yard sale" may be temporary placed on owner's property but shall not remain longer than 24 hours. The foregoing provision shall not be construed to prohibit temporary or permanent placement by the District of street signs, promotional signs, directional signs, or area identification signs, etc.

3. With respect to each residential lot:

RESTATED - 2/10/14

(h) All numbered lots in PORT MALABAR HOLIDAY PARK are designated as residential lots which shall not be used for any other purpose than the housing of one single family.

3. With respect to each residential lot:

Restated 2/10/14

- (i) No animals, snakes, other reptiles, livestock, or poultry of any kind shall be kept, raised or bred on any residential lot, except that aquarium fish and caged birds shall be permitted to be kept as pets on a residential lot. Provided, however, household pets shall not, at any time, be permitted to become a public or private nuisance. The term "Household pets" shall be deemed to mean small dogs, cats, and rabbits not to exceed 25 pounds mature weight. No household pet shall be permitted to run at large and shall be restrained by a leash whenever the owner thereof removes same from the individual lot or lots occupied by the owner. No more than more than two (2) such household pets may be maintained on the owner's property at one time. Pets should not be allowed to stray onto property other than that of the pets' owner. Owners are responsible for cleaning up after their pets. Owners shall also abide by the rules and regulations set by Brevard County Animal Services. No pets shall be allowed in the Recreation Building however an exception is made for service animals.

3. With respect to each residential lot:

Restated (O & P):

Owners/Renters

PORT MALABAR HOLIDAY PARK is a community intended and operated as “housing for older persons” within the meaning of the Fair Housing Amendments Act of 1988, 42 U.S.C. Sections 3601, et seq. Each non-vacant lot shall be occupied by at least one (1) person fifty-five(55) years of age or older provided, however, all other occupants residing in the mobile must be at least forty (40) years of age. The age of prospective occupants shall be verified through a birth certificate, picture identification, or Valid Driver’s License. Notwithstanding the above, if a lot previously occupied by a family and ceases to meet the requirements of this provision as a result of death or permanent institutionalization of the occupant aged 55 or older, the remaining occupants shall be allowed to continue to occupy the lot, however, the provisions of this paragraph shall apply to any subsequent tenant, sale, lease, rental, devise, transfer, or other conveyance of the lot on which the remaining family resides. For purposes of this subparagraph, an individual shall be deemed to be permanently institutionalized if said individual is committed to or placed into a nursing home or a mental or physical health institution upon suggestion or recommendation of a licensed medical physician, for a period of time exceeding eight (8) weeks.

CAREGIVER

The District Manager shall approve a caregiver’s occupancy if the services of a caregiver are required and/or recommended to the resident individual by a licensed medical physician. (A “Caregiver’s Application” is available in the District office for authorizing this service). A “bona fide caregiver” shall be defined as at least eighteen (18) years of age and an individual legally authorized to provide medical care to other individuals, family members, lot owner or renter who is unable to reasonably function without the caregiver’s services. If the owner or renter dies or is permanently institutionalized, the caregiver shall no longer be allowed to reside in the unit.

Unforeseen circumstances

Should unforeseen circumstance exit thereby preventing an owner from meeting the age requirements of Holiday Park an application to the Board of Trustees will be provided to the lot owner where the lot owner will have the opportunity to submit there hardship claim to the Board of Trustees who has the authority to approve such occupancy.