



PORT MALABAR HOLIDAY PARK  
MOBILE HOME PARK RECREATION DISTRICT  
215 Holiday Park Boulevard NE  
Palm Bay, Florida 32907-2196

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# **BOARD OF TRUSTEES**

## **SPECIAL MEETING – Deed of Restrictions**

### **March 19, 2014**

**1. Call to order**

By: Joanne Gaughan, Chairman, at 3:00 P.M.

**2. Invocation** – withheld for regularly scheduled Board Meetings

**3. Pledge of Allegiance**

Led By: Joanne Gaughan

**4. Roll Call**

By: Marion “Molly” Stone, Secretary; Joanne Gaughan, Chairman; Rebecca “Becky” Earnest, 1<sup>st</sup> Vice Chairman; Harald Albinus, 2<sup>nd</sup> Vice Chairman; Allison Kelly, Assistant Secretary; Marilyn Spall, Assistant Treasurer; Rodney “Rod” Lindsay, Trustee; and Daniel “Dan” O’Connell, Trustee. All acknowledged their presence. Allison Kelly, Assistant Secretary; Philius “Phil” Matton, Treasurer were absent. Cheryl Ennis, District Manager was present with Sharon Johnson recording.

**5. Review of restated Deed of Restrictions to date- attached**

The Board of Trustees and residents reviewed and discussed the restated DOR’s to date. Changes were recommended and updates were made as discussed. See Attached.

**6. Discussion – Deed of Restriction “Vehicles” item #3-E, F, & L changes/updates**

The Board of Trustees and residents reviewed and discussed the DOR items 3) e, f, and l. Changes and updates were recommended and discussed. The results are attached for review and further discussion.

**7. Trustees remarks**

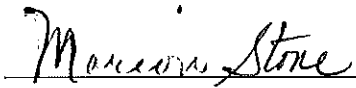
A meeting will be scheduled for April 3, at 3:00 P.M. to discuss 3c, 4 a & b.

**8. Public comment**

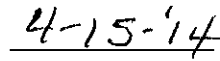
Robert Shearer asked about stickers for commercial vehicles. It was said that, as a rule, the District has not issued a sticker to a vehicle that is not registered in the owner's name. He also said that he could not vote on the new deed restriction because of the time constraint. He felt that 6 months should be the time given to remove and install a home.

**9. Adjournment**

Harald Albinus made a motion to adjourn. Becky Earnest seconded the motion. A vote was called. The meeting was adjourned at 4:15.



Marion Stone – Secretary  
Board of Trustees



Date

Restated Deed of Restrictions

Restated 2/10/14, 3/10/14, 3/19/14

PORT MALABAR HOIDAY PARK MOBILE HOME PARK RECREATION DISTICT UNIT ONE AND UNIT TWO (hereinafter referred to as the "the DISTRICT") shall be a mobile/manufactured home community. Each and every mobile/manufactured home placed or installed upon any lot within the DISTRICT as a whole shall:

1. Conform to the Architectural Control Committee (hereinafter referred to as the "A.C.C.") 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 A.C.C. as to the age, appearance, conditions, and structural standards and
  - (c) Appearance, relating to color of mobile or manufactured home and sheds installed on a lot shall be in keeping with Florida color pallete as stated in the A.C.C. 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 manner designated by the District's A.C.C. 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:
  - (a) No structure, add-on or accessory may be placed thereon without the prior written consent and approval of the DISTRICTS' A.C.C. as to location, position, set-back and architectural quality. In considering whether to grant such approval, the DISTRICTS' A.C.C. 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 community, as a whole.

CLOTHES POLE

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.

## Restated Deed of Restrictions

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- (g) No signs permitted on lots, except real estate signs or political signs(s), in a window or planter. Political signs may only be displayed beginning four weeks prior to an 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 temporarily 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.
- (h) All numbered lots in the DISTRICT are designated as residential lots which shall not be used for any other purpose than the housing of one single family.
- (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 however an exception is made for a qualified service animal as provided for in Chapter 413 of the Florida Statute. No household pet shall be permitted to run at large and shall be restrained by a leash when outside the home. No more than two (2) such household pets may be maintained on the owner's property at one time. Pets shall not be allowed to stray on to property other than that of the pet's 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.

## OWNERS/RENTERS OCCUPANCY

- (o,p) 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 and 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 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

## Restated Deed of Restrictions

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occupants shall be allowed to continue to occupy the lot. 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.

## RESIDENT 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 circumstances exist thereby preventing an owner from meeting the age requirements of the DISTRICT and application to the Board of Trustees will be provided to the lot owner where the lot owner will have the opportunity to submit their "hardship" claim to the Board of Trustees who has the authority to approve such occupancy.

Restated DOR's 3/19/14 Board Meeting

item #3-E, F, & L

### **3. VEHICLES, BOATS, BOAT TAILERS, TRAVEL TRAILERS, CAMPERS, RECREATIONAL VEHICLES**

The DISTRICT has made a provision for a storage area for boats, boat trailers, travel trailers, campers, and recreational vehicles which shall be stored within this special area provided by the DISTRICT. No boat, boat trailer, camper, or similar recreational vehicle, derelict or otherwise, may be stored, repaired or kept on any residential lot except for the purpose of loading or unloading, not to exceed 48 hours.

Commercial vehicles are a vehicle used primarily for the transport of materials or other goods used in a trade or business. Commercial vehicles, flatbeds and pickups up to ½ ton which are the sole means of transportation of the occupant of the mobile home may be kept in the carport. Any other commercial vehicles must be parked on the easterly side of the parking lot at the recreation center after permission is obtained from the District's Manager. Except as provided above no commercial vehicle shall be parked on any residential lot. Any person, property owner, non-owner occupant, or otherwise legally occupying the premises who shall permit parking or storing of such vehicles on private property shall be in violation of this section.

No derelict, disabled, unlicensed vehicles of any kind shall be kept or permitted adjacent to or upon any residential lot. No repair work shall be conducted upon any residential lot except for the necessary emergency vehicle repair such as the changing of flat tires.

Except for loading and unloading all vehicles shall be parked off the street and road of the subdivision. IF the carport or driveway is fully occupied by vehicles the owner or occupant may permit a temporary visitor to park on his or her lawn for not more than 24 hours, otherwise the parking area at the recreation hall is available for such purpose.

### **DECALS**

### **TRASH**

No trash of any description shall be kept or permitted adjacent to or upon any lot. All refuse shall be kept in containers of the type provided by the City's waste removal company and shall be kept on the carport, the rear of the home, or storage shed at all times. Trash and yard waste containers may be placed for curbside pickup not before 5:00 P.M. the day prior to pick-up and shall be removed from curbside the day of pick-up.