

**SUMMARY OF RULES AND**  
**REGULATIONS FOR**  
**MONTECITO TOWNHOME**  
**OWNERS AND**  
**TENANTS**

**FEBRUARY 2024**

## **Summary of Rules and Regulations for Montecito Townhome Owners and Renters**

This pamphlet is a concise summary of the key provisions of Article 9 (Affirmative and Restrictive Covenants) of the Declaration of Covenants, Conditions and Restrictions for Towns of Montecito. Its purpose is to serve as a quick reference guide for the day-to-day rules and regulations of our community. It is not all-inclusive and does not supersede the comprehensive legal documents (CFN 2007099118, OR BK 5769 Page 5649, recorded 04/17/2007 at 12:13 PM, Scott Ellis, Clerk of Courts, Brevard County) which were prepared by:

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The latter are available on request from the Community Association Manager and should be consulted whenever a legally definitive answer is sought.

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## **Article 9 Affirmative and Restrictive Covenants**

### **Section 9.1 Residential Use**

No Lot or Residence shall be used except for single family residential purposes. No business, commercial, industrial, trade, professional, or any non-residential activity or use of any nature or kind shall be conducted on any Lot or in any Residence. There shall be only one (1) Residence per Lot, designed for single family usage.

However, an Owner or occupant may conduct business activities within a Residence under the following conditions:

- (a) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Residence,
- (b) the business activity conforms to all zoning requirements for the Property,
- (c) the business activity does not involve door-to-door solicitation of other Owners and/or occupants of Montecito,
- (d) the business activity does not involve persons coming onto the Property who do not reside therein, and
- (e) the business activity is consistent with the residential character of the Property and does not constitute a nuisance, a hazardous or offensive use, and/or threaten the security or safety of other Owners and/or occupants of the Property.

## **Section 9.2 Obnoxious or Offensive Activity**

No activity or use shall be allowed upon any Montecito Property which is a source of annoyance, embarrassment, and/or discomfort to the Owners or tenants, occupants, invitees, and/or guests, or which interferes with the peaceful and proper use and enjoyment of the Property.

The Property shall not be used in such a manner as to cause or produce any of the following effects discernible outside any Residence:

- (a) Noise or sound that is objectionable because of its volume, duration, beat, frequency, or shrillness,
- (b) Smoke,
- (c) Noxious, toxic, or corrosive fumes, chemicals and/or gases,
- (d) Obnoxious odors,
- (e) Trash,
- (f) Debris,
- (g) Construction materials,
- (h) Dust, dirt, or flying ash,
- (i) Fire or explosive hazards,
- (j) Vibration and/or,
- (k) Interference with normal television, radio, telephone, and/or telecommunication

**Section 9.2(a) ABSOLUTELY NO FIREWORKS OR INCENDIARY DEVICES OF ANY KIND MAY BE USED IN MONTECITO AT ANY TIME.**

### **Section 9.4 Animals and Pets**

No solid waste material from any pet shall remain on any Common Area, Area of Common Responsibility, or the private property of any townhome owner.

The occupant(s) shall immediately pick up all solid waste material from their pet and dispose of it appropriately in their personal waste container.

No animals, livestock, reptiles, pets, or poultry of any kind may be kept in and/or on any Lot other than domesticated dogs, cats, fish, and/or caged birds commonly kept as household pets. The occupant(s) shall promptly pick up all solid waste material from their pet and dispose of it appropriately. No pet shall be permitted to remain on the Property if that pet disturbs the tranquility of the Property, if a pet is unlawful, dangerous, annoying, and/or a nuisance. The Board may, in its sole discretion, have any pet removed and/or banned from the Property.

### **Section 9.5 Garbage and Trash**

All residents shall place their garbage/trash containers by the street no sooner than the evening prior to collection days.

All residents shall remove their garbage/trash containers from the street by the end of collection days, and all such containers must be stored within each Residence or concealed so that the containers cannot be seen from sidewalks, streets, and/or surrounding lots.

## **Section 9.9 Vehicles and Parking**

### **b.) Permitted and Prohibited Vehicles**

- 1.) Commercial Vehicles must be parked or stored so that they will not be visible from any street and not visible from any other Lot within the Property.
- 2.) Unregistered (expired tags), derelict, and/or inoperable vehicles or trailers of any kind must be parked or stored so that they will not be visible from any street and not be visible from any other Lot within the Property.
- 3.) Recreational vehicles (RV's), including campers, mobile homes, and motor homes (no matter their size), all-terrain vehicles (ATV's or ATC's), dune buggies, scooters, go-carts, mini-motorcycles, boats, and trailers of all types must be parked or stored so that they will not be visible from any street and not visible from any other Lot within the Property.

## **Section 9.11 Flagpoles and Antennas**

Without the prior written approval of the ARB, no unscreened exterior radio, television, dish antenna, satellite television receiver, citizens band (CB) or amateur (ham) radio antenna, pole, mast, tower or any other antenna or device for sending or receiving electromagnetic or telecommunication signals may be built, placed, installed, located, erected, constructed, and/or maintained on any Lot. Without the prior written approval of the ARB, no in-ground flagpole will be permitted on any Lot.

### **Section 9.13 Temporary Structures**

No tents, trailers, vans, shacks, sheds, storage sheds, storage crates, portable storage devices, tanks, buildings, improvements, and/or structures of a temporary and/or portable character shall be visible from sidewalks, streets, and surrounding lots.

### **Section 9.15 Signs**

No signs, flags (other than those described in Section 9.11), banners, advertisements, for sale/for rent, billboards, logos, contact information, solicitation or advertising structures or materials of any kind shall be displayed and/or placed upon any Lot.

### **Section 9.22 Hedges, Walls, and Fences**

There shall be no hedge, shrubbery, fence and/or wall constructed, built, placed, planted, erected, and/or installed on any Lot or other portion of the Property unless the height, location, design, color, and component materials are first submitted to and approved in writing by the ARB.

### **Section 9.23 Yard Accessories and Play Structures**

No temporary or permanent yard accessories and/or play structures of any type may be placed, built, located, constructed, erected, and/or installed on any Lot without the prior written approval of the ARB. (Examples: basketball hoop or backboard, skateboard or bicycle ramp, swing set, jungle gym, or any other game or play structure).

### **Section 9.28 Tree Removal and Landscaping**

Existing trees/shrubs shall not be cut and/or removed without the prior written consent of the ARB. More restrictive arbor ordinances and/or environmental laws (City of Satellite Beach) shall supersede the aforementioned.

### **Section 9.34 Security Bars and Hurricane Shutters**

Unless first approved by the ARB, no security bar systems and/or hurricane shutters may be installed on the interior and/or exterior of any window or door of any Residence in the Property.

Protective window coverings of any type may be installed no sooner than three (3) days before the arrival of a named storm based on the projected arrival time of that named storm by the National Weather Service and/or the National Hurricane Center. Protective window covering of any type must be removed no later than five (5) days after the specific named storm and/or threat of that named storm has passed the Montecito area.

### **Section 9.41 Holiday Displays**

Owners shall be permitted to display religious and/or holiday decorations on their Lots **for a reasonable time**.

Examples:

Halloween decorations may be erected no sooner than October 1<sup>st</sup> and must be removed no later than November 7<sup>th</sup>.

Christmas decorations may be erected no sooner than Thanksgiving Day and must be removed no later than January 7<sup>th</sup>.

