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ARCHITECTURAL CONTROL & RULES AND REGULATIONS

Pebble Creek of Melbourne
Homeowners' Association

Neighbors Helping Neighbors since 1991

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Introduction

All residents are affected by the design, construction, and maintenance of the properties composing Pebble Creek. Therefore, control of these aspects is essential to assure residents that the quality and appearance of structures and their surrounding properties will be in accordance with established standards, property values will be maintained, and overall environment will be enhanced.

The authorization to control the design, construction and maintenance and to establish architectural and maintenance standards is delegated to the Architectural Review Committee (ARC) by the Pebble Creek of Melbourne Homeowner Association, Inc. (PCM HOA) and is responsible to the Board of Directors for the discharge of the functions delegated to it.

The ARC reviews plans for all property alterations by builders, developers and homeowners for compliance with Article V of the Declaration of Covenants, Conditions and Restrictions of the PCMHOA incorporated in Brevard County. Any change to the exterior appearance of one's property, structures, or grounds, must also be submitted to and approved by the ARC. Once an alteration is approved, it must be followed exactly. Any modification of the original submittal must be resubmitted for approval.

Architectural Review Committee

Committee Structure

The ARC is composed of a Chairperson and other members as determined by the Board of Directors. Its decisions and recommendations are reviewed and its actions authorized by the Board of Directors.

Responsibilities

The ARC is charged with the responsibility of reviewing and approving all exterior alterations (remodeling and/or additions) to existing buildings and structures of Pebble Creek within the guidelines of the Architectural Control Criteria (ACC). If any request for change is not clearly stated or not covered in the ACC, the ARC shall look to the Board of Directors for interpretation and approval.

The ARC is empowered by the Association to provide design review and to administer policies, standards and guidelines, which are subject to review and approval by the Pebble Creek Board of Directors, in accordance with the following objectives:

- Enhancing the living quality and natural attributes of Pebble Creek
- Encouraging high standards of design and quality construction
- Working with members of the Association for the establishment of design criteria
- Assuring a harmonious relationship between the design of individual buildings and sites
- Determining compliance of exterior design review applications with the Declaration of Covenants and the ACC.
- Promoting consistent and harmonious landscape plans, architectural motifs and exterior colors, materials and finishes
- Ensuring proper maintenance of all structures and properties within Pebble Creek in accordance with the ACC.

Meeting and Approval Schedules

The ARC meets as necessary. Under normal circumstances, the ARC will endeavor to review applications within two weeks of receipt. However, in such cases, applicant shall be solely liable and responsible for compliance with all recorded Covenants and Restrictions and the ACC.

Review Decisions

Upon receipt of a properly completed application for variance, the ARC will review applicant's plans and specifications and render one of four types of decisions:

- Approved with or without comments
- Approved subject to limiting conditions
- Disapproved pending receipt of requested submittal
- Disapproved with reasons listed

Architectural Control Criteria

The ACC are developed pursuant to the authority granted by the provisions of the Declaration of Covenants, Conditions, and Restrictions, and the By-Laws of the PCM HOA. Failure to comply with the ACC can result in financial penalties, fines and/or legal enforcement and attorney's fees.

Applicant's Responsibilities

General

The PCM HOA and ARC assume no liability for and applicants accept full responsibility for all aspects of building plans including but not limited to the following:

- Compliance with all Covenants and Restrictions and ACC policies, standards and guidelines enforce covering such things as fences, paint colors, signage, etc.
- Compliance with all laws, codes and ordinances of any governmental agency with jurisdiction over the development and construction of residential buildings such as building permits, pool permits, fence installation and electrical code.
- Determination of and compliance with restrictions of flood hazards, drainage and grading requirements and all surface and sub-surface soil conditions.
- Determination of and compliance with structural, mechanical, electrical and other technical aspects of proposed plans.
- Accuracy of all stakeouts and surveys.
- Work of any contractor, subcontractor, or their employees.

ARC Scope

The ARC shall notify all residents of violations within the scope of visibility from any and all roadways, i.e., Wickham Road, Wickham Forest Subdivision, Pebble Creek Street, Rivermist Drive and all roads constructed hereafter including but not limited to roadways in Pineda Springs Subdivision.

Request for Variances

Request for variances to the PCM HOA Covenants and Restrictions and to ACC shall be submitted to the PCM HOA Board of Directors for approval or disapproval. The ARC will review and will make a recommendation to the Board of Directors concerning the request.

Design Review Process

- Application for modifications or additions must be completed and approved by the ARC prior to commencement of construction.
- Within 30 days of receipt of all items submitted for review, the ARC will provide written notice to applicants indicating approval, disapproval, or the need to provide more information.
- The ARC reserves the right to review construction periodically for compliance with approved plans and the applicant agrees to cooperate fully with members of the ARC and to obtain approval prior to any changes or deviations in the approved design documents.

In the event applications are disapproved pending receipt of further information or changes, applicants must resubmit the requested information or make appropriate changes and resubmit for another review.

Written Approvals

Submitted plans and specifications will be retained by the ARC. The ARC's decision, comments and limiting conditions (if any) will be submitted to the applicant within thirty days of receipt. No payment should be made, contracts signed or construction shall begin until written approval is in hand. Oral statements do not constitute approval.

Approval Expiration

Construction must begin within ninety (90) days of review approval or within ninety (90) days of a predetermined date. Failure to do so will automatically revoke approval without prior notice from the ARC. Time extensions may be granted by the ARC if written requests are received within ninety (90) days of approval.

Construction Changes

All construction must be in accordance with approved plans. If prior to or during construction a change to the exterior of the building or approved plan is desired, such change shall be submitted in writing to the ARC for approval before implementing the changes.

Completion Date

Construction of approved plans must be completed within one year of final approval by the ARC unless an extended completion date is granted in writing. It is the responsibility of the applicant to ensure that construction is carried out diligently and continuously with full compliance of this provision. The ARC may grant time extensions under special circumstances. Requests shall state in writing the construction history, causes for delay and new completion date.

Professional Services

Applicants are encouraged to use professional architects, engineers, landscape designers, and professional tradesmen for each modification or addition.

Guidelines for Additions and Modifications

Exterior Design

Architectural motif and exterior elevations will be reviewed for aesthetic appearance in terms of the overall dwelling unit and its relationship to other dwelling units based on location, size, quality and price range within the community. Applicants are discouraged from submitting plans addressing only frontal surface treatments, unless such details are part of the total design approach of the dwelling unit. Approval of exterior design will be based on architectural theme and will consider mass and scale; materials, textures, colors, and finishes, continuity between primary design elements and secondary surface treatments, placement of windows, doors and openings; and vertical and horizontal lines.

Exterior Material

The selection of exterior material shall be harmonious with the architectural motif of each dwelling unit and the community development as a whole.

Depending on particular applications, the following materials have been approved by the ARC:

- Factory colored Vinyl or metal siding
- Stucco textured the same as existing structure
- Natural stone or brick, concrete block with approved surface treatment.
- Windows shall be the same or improved quality and type as existing windows
- The following exterior materials are not approved for construction:

concrete block (except as a subsurface wall), fiberglass, plastic or asphalt siding, logs (imitation or otherwise except for landscaping purposes).

Exterior Colors or Trim

Large areas of color and trim should generally be white or earth tones for stucco, brick, stone and most wood and vinyl and or aluminum siding. A sample of the paint colors must be submitted to the ARC for approval prior to painting even if you are painting your home in the original builder's color and quality scheme. A book of approved color chips is maintained by the ARC and is available for review. The following colors will no longer be approved by the ARC:

- Any shade of Pink, including Mauve
- Any shade of bright Blue
- Any shade of bright Green
- Any shade of Bright or Neon Yellow
- Any shade of Violet
- Any shade of Turquoise
- Some shades of light blue may be approved for trim only.

Fencing

All fences must comply with city ordinances and have written ARC approval before installation. Fencing design criteria are as follows:

- A fence or hedge shall be maintained at the maximum height of six (6) feet.
- No wall or fence shall be erected or placed within the front setback lines of any lot, unless said fence shall be ornamental and shall not in any manner impair the general scheme of said property. Fences can begin at the outermost edge of the home structure.
- The recommended material for fences is cedar or pressure treated pine.
- Wooden fences will be shadow box, stockade, or board on board design and must be treated before or within ninety (90) days after installation. Treatment may be factory pressurized treatment, stained clear, colored, or painted. If colored or painted, the colors must be approved by the ARC.
- Wooden fence construction must include 4 x 4 posts, 1 in. slats and 2 x 4 runners.
- Wrought aluminum, plastic, and masonry will be considered.

Chain link fences or wire fences are not permitted.

Landscaping

Existing specimens shall be protected where possible for the benefit of future residents. All developers and contractors shall make a diligent effort to protect all remaining trees during any construction. A minimum of two (2) trees/palms of an approved type are required. Sculptured/bedding areas shall remain free of weeds and overgrowth.

Sod must be Bahia or St. Augustine. Permanently installed irrigation systems are suggested.

Easements shall be maintained by all homeowners with respect to sod requirements and weed control.

Pumping irrigation water from Pebble Creek's retention pond is prohibited except for irrigation of the common area around the detention pond.

Lighting

Any lighting elements or structural materials installed on a residential site shall not cast or reflect glare or light beyond the boundaries of the site.

Lighting directed towards the property line of adjacent neighbors shall be of color in nature (i.e. Green) to reduce the glare (if any).

Light installation shall be consistent with the scheme of the residence. No flood lights will be permitted for front illumination, only standard house lighting will be permitted.

Pools and Spas

Above ground swimming pools (excluding children and animal wading pools) must be fenced with at least a six-foot privacy fence. Spas (above ground and in-ground) must be placed within a screened enclosure.

Children and animal wadding pools are not permitted for more than 24 hours in the front yard, otherwise they must be within the back yard of a residence.

In-ground pool designs will be submitted for the ARC review. The request should include a landscape plan, drainage plan, location of pool equipment and method to be used to conceal equipment.

Roofing

Approved roofing materials include tile, and fiberglass shingles (220# minimum). Fungus resistant shingles are recommended. Flat roofs, ~~metal roofs~~, and tar and gravel surfaces are not permitted.

All other forms of roofing material will be considered on a case by case basis.

Roof venting systems will be approved according to the style of the house. Turbine vents generally will not be approved. Power attic ventilators will be considered on a case-by-case basis.

Fiberglass or plastic panels are not allowed for porch roofing.

Maintenance

Normal maintenance shall be considered as any routine maintenance and upkeep of all existing exterior structure and landscaping and shall not require ARC approval. Routine maintenance includes but is not limited to the following:

- Landscape replacement or restoration to original condition.
- Roof replacement of original materials and colors. (Any changes in materials, colors or configuration must be submitted for ARC review.)

Guideline for Maintenance

Building Exterior

Building exterior must be kept in good repair, e.g. free of mildew, rust, flaking paint, damaged walls, broken windows, etc. When surfaces need to be painted, a sample of the proposed paint colors must be submitted to the ARC for approval. A book of approved color chips is maintained by the ARC and is available for review.

If paint is chipping the entire residence is in need of re-painting. Touch-up painting will not be permitted as color tone will not match the prior paint scheme of the residence due to fading.

House Numbers

All homes shall bear the residence's house number in accordance with the Brevard County Code Enforcement and shall be black, gold, brown, ceramic, white, or dark colored numbers on the exterior of the residence located above the garage or in another conspicuous location on the residence front exterior.

Fencing

Fences are to be maintained in good condition by the property owner, i.e. no missing panels, rotting boards, leaning sections or molded surfaces.

Roofs

Roofs shall be kept in proper repair, i.e. no damaged or missing shingles free of mildew, debris, etc.

Sidewalks and Driveways

Sidewalks and driveways shall be cleaned of mildew, rust and any other stains detracting from the natural finish. No sidewalks or driveways may be painted, stained or stamped without ARC approval. Colors and stamping will be approved on a case by case basis.

Landscaping

Owners are required to maintain their lawns and shrubs in an acceptable manner. It is recommended to mow each lawn every seven during the period May 15 to October 15 and as needed thereafter. Grass height shall not exceed four inches.

All sidewalks and driveways are to be edged and kept free of grass, leaves and debris. Dead limbs and trees are to be cut and removed from the lot. Any shrubbery or tree limbs extending over any portion of the sidewalk shall be at a height of no less than seven feet.

Lawns shall be free of weeds and shall be treated for chinch bugs during the summer season (June, July & August).

Property owners with ditch easements shall be responsible for the regular maintenance of said ditches including but not limited to mowing and trash removal.

Antennas

Exterior antennas are not permitted except for satellite TV reception systems. Attachment of the antennas should be in the most inconspicuous locations (the back of the residence). Dishes should not be seen from any view of the roadway or adjacent property.

Exterior satellite dishes must be maintained in proper condition, i.e. no rust or broken parts or dangling wires.

Auxiliary Air Conditioners

No window air conditioner shall be allowed.

Attached and Unattached Structures

All storage buildings, utility sheds, green houses, and other similar structures not made an integral part of the architectural design of the main structure shall be fenced and obscured from view in all directions.

Basketball Installations

The entire assembly, net, post and backboard, is to be factory manufactured and properly maintained (including a complete net). Installation requires ARC approval.

Christmas Decorations

Exterior Christmas decorations such as blow up decorations, Christmas lights, Christmas wreaths, Santa and reindeer and garlands are limited to the period between Thanksgiving through the 10th of January of the subsequent year.

Clothes Lines

No clothing or other household fabrics shall be hung in the open on a lot unless from an umbrella or retractable clothesline, which is screened from view when in use and promptly removed when not in use.

Flags

A maximum of two flags may be displayed except for occasional “open house” flags. The kind of flags permitted are:

- United States National flag
- United States Service flag from the following:
 - US Air Force;
 - US Army;
 - US. Coast Guard
 - US. Marine Corps;
 - US Navy;
- Schools
- Historical
- Other types of flags as approved by the Pebble Creek ARC

Maximum flag length is six (6) feet.

One flagpole from one of the following types may be installed at each residence:

- Permanent vertical flagpole, maximum height of twenty-five (25) feet
- Permanent or temporary sloping flagpole with maximum length of six (6) feet, affixed to the mailbox post or house.

Proper flag protocol must be observed for all installations.

Garage Doors

It is recommended that garage doors be of a reinforced metal construction. The door design shall be in harmony with the exterior design of the house and surrounding community architecture. Garage doors shall be kept in proper working condition, i.e. no broken or dented panels, no collapsed sections.

Mail Boxes

The mailbox location, height and size must be as approved by the U. S. Postal Service. It shall be maintained in non-deteriorating and operational condition and in the correct vertical and horizontal alignment.

Mailboxes shall be free of mildew, bent or broken poles and shall bear the house number indicated thereon.

Outdoor Containers and Equipment

All trash, garbage or other yard waste shall not be kept on any lot except in sanitary containers or in garbage compactor units. Garbage containers, if any, shall be kept in a clean and sanitary condition and shall be so placed or screened as not to be visible from any road or adjacent property. Proper placement shall be in the garage to avoid animal infestation.

Trash refuse and garbage shall not be placed at the curbside earlier than 6:00 p.m., in the evening prior to the scheduled pickup and shall be returned to its appropriate area no later than 7:00 p.m., on the day of pick up.

Storage of personal property or construction or home repair materials shall not be permitted in visible sight of the roadway or adjacent property.

Air conditioner compressors, well pumps, water softeners, pool pump equipment etc. shall be located on the side or rear yards and shall be placed or screened as not to be visible from any road or adjacent property within sight distance of the lot.

Playground Equipment

The ARC must approve installation of playground or portable equipment, including configuration and color. Location shall be shown on a lot survey. All equipment must be obscured when viewing the yard from the front or side yard.

Lawn Furniture

Lawn furniture to be placed in view from the street must be submitted to the ARC for approval and shall be kept in good repair at all times.

Storm Shutters

All new installations required the approval of the ARC, prior to installation. Disapproval may be solely on the grounds of aesthetics.

Shutters may be:

- Removable direct mount metal or Plexiglass panels;
- Removable plywood (But it is discouraged);
- Permanently mounted accordion;
- Permanently mounted roll down;
- Permanently mounted colonial.

All permanent shutters must be white or match the house or trim color.

No storm shutters (roller shutters excluded) shall be installed until a hurricane watch or warning is issued by the Nation Weather Bureau and must be removed within 5 days after the hurricane threat has passed.

Screens

Charcoal or black screening is approved for use on windows, doors, and screened enclosures. Any other color is not permitted.

Window and Door Coverings

Reflective mirror film or foil installation is not permitted on any windows or doors. Blinds, drapes, etc., that can be seen from the street shall be properly maintained. No sheet, blankets and the like are permitted.

Signs

Six types of non-governmental signs are permitted in Pebble Creek:

1. Pebble Creek permanent neighborhood identification signs.
2. For Sale signs (maximum of one per home or lot). For Sale signs must be one of two types as defined herein are permitted in all areas.
3. A professionally lettered realtor's "For Sale" sign not exceeding 24" x 24" in size. If hung from a side-arm post, the height of the side-arm above the ground may not exceed 48". The side-arm post may be either wood or metal. There shall be no more than one "rider" per sign.
4. For Sale by Owner sign professionally printed not to exceed 24" X 24".
5. Builder's and subcontractor's signs (maximum size 24" X 24"), which are placed on a lot while construction is in progress. Only one sign per home per contractor is permitted.
6. Open house signs or banners. The maximum sign and banner size is 24" X 24" and 60" x

26” respectively. With a minimum of one sign by the owner/realtor only during the actual hours of the open house. At the latest, it must be removed by 8:00 p.m. of the day on which they are displayed. The property address must be displayed on the sign

7. Standard small 6” X 12” maximum-security signs affixed to a window or emplaced in the yard nearby the house. Maximum height of an external is 18” above the ground surfaces (two (2) per property).
8. Garage sale signs must not exceed 24” X 24” and must be professionally or commercially printed. One garage sale sign may be displayed on the property holding the sale and at the intersection of Pebble Creek Street and Wickham Road.

Solar Panels

All solar panels will be considered on a case-by-case basis. Panels should blend into the structure as much as possible. They should lie flat on the roof and not be tilted up at a greater pitch than the roof unless design provisions are made to blend it into the structure.

Solar panels constructed of tubing that lies flat on the roof shall not be visible from the street.

Rules and Regulations

Parking and Storage of Vehicles and Equipment

No vehicle shall be parked in any right of way or roadway from Midnight to 7:00 a.m. Overnight parking of vehicles shall be permitted in driveways and garages only. No vehicles shall be parked on any lawn, yard, easement, and travel area of the streets or other areas not intended for vehicular use.

Vehicles of a category different from everyday transportation must be stored in the garage or at an area on the owner’s property that is not visible from any road or adjacent property within sight distance of the lot. These vehicles and equipment include but are not limited to travel trailers, motor coaches, campers, boats, tractor trailer cabs, trailers, business trucks or vans larger than three-quarter ton, camper caps, etc.

All recreational and or utility vehicles and or equipment, including all types of boats that cannot be parked in the garage with the garage door shut, will not be permitted to be stored in Pebble Creek for more than 72 hours.

No inoperative vehicle and or a vehicle with expired tags or no tags shall be stored and or parked on a lot within view from any street, adjacent residence or common property.

No vehicle shall be parked on any improved lawn, yard, right-of-way or portion thereof, any empty lot or any other area not intended for vehicular use or permanent parking or storage.

All disassembled vehicles such as cars, trucks, boats, trailers shall not be stored in view of any neighbor, nor remain in view of neighbors for more than a three-day grace period.

It is encouraged that all major mechanical repairs be done by a professional garage when possible.

Animal Control

Dogs and cats must be kept on and confined to the homeowner's individual lot, dwelling or patio areas, except that such pets may be exercised on the streets and common areas of the association. Whenever dogs and cats are exercised off the homeowner's property, the pet must be controlled by means of a leash. Furthermore any pet feces deposited on private property, streets or common areas of the association must be promptly removed and disposed of by the pet owner.

Amendment filed May 10, 2016 (in blue):

Homeowners shall be responsible for the conduct of their dog. The homeowner shall be liable for any damage, personal or otherwise, caused by their dog.

Use of Drones

The use of Association common areas for take off, landing or flying over by a drone is strictly prohibited.

Residential Renting or Leasing Rules

The rental or lease of a home within Pebble Creek shall be made to a one (1) family household, the members of which are all related by blood.

All rentals or leases shall be for a term of no less than six months and there shall not be more than two (2) leases per household for any given twelve (12) month period of time. Subleasing shall not be permitted.

"Tenant Information" shall be provided to the BOD prior to move in and the current lessees or renters shall sign an agreement regarding receiving PCHOA Rules and Regulations and their obligation to abide by the Rules and Regulations.

The authorization representative of the Pebble Creek Board of Directors shall review the information and Rules and Regulations with the proposed tenants prior to occupancy.

All persons occupying the property in Pebble Creek are required to observe the Covenants and Restrictions of Pebble Creek of Melbourne Homeowners' Association, Inc., and the ARC regulation including all amendments thereto. Copies of the Covenants are to be provided by the landlord.

Lake Usage

Except for installation or maintenance no one is allowed on the lake in or on any type of flotation gear.

No swimming, fishing or underwater exploration is allowed.

Feeding of the ducks is prohibited.

Bulletin Boards

The Association bulletin boards are to be used for the posting of monthly BOD meetings and special events and for matters of interest for the good of the community.

Penalties

If any property is in violation of the ACC, the homeowner will be given a written notice describing the discrepancy and the time allowed for correction. If there are extenuating circumstances, as agreed to by the homeowner and a Review Committee appointed by and separate from the PCM HOA, the corrective period may be lengthened.

Should an ACC violation not be corrected in the time frame agreed to by the homeowner and Review Committee, the homeowner becomes liable as follows:

In accordance with the Association's Articles of Incorporation, By-Laws and Declaration of Covenants, Condition and Restriction, and in accordance with Florida Statutes Chapter 720, A Special Assessment Meeting will be scheduled. The meeting will consist of three (3) non-members of the BOD and can result in the maximum fines being assessed in the amount of \$100.00 per day per violation. If the Special Review Committee finds the homeowner in violation or non-compliance a fine will be assessed, mediation will be scheduled at the owner's expense and/or a personal judgment will be sought by means of filing a civil lawsuit against the owner including costs, fines and attorney's fees.

Penalties Outside of ARC

Authority of the Special Magistrate

The Code Enforcement Section of the Permitting and Enforcement is responsible for ensuring compliance with those ordinances and portions of the Brevard County Code dealing with non-criminal matters such as public nuisances, zoning violations, solid waste disposal violations, adult entertainment violations and turtle lighting violations.

Florida Statute § 162 enables the Board of County Commissioners to establish a Code Enforcement Board and/or a Code Enforcement Special Magistrate. The purpose of these entities is to provide an equitable, expeditious, effective and inexpensive method of enforcing the technical codes in force in Brevard County, Florida. The Board of County Commissioners further determined that the creation of a Code Enforcement Board/Special Magistrate for the unincorporated areas of Brevard would serve to promote, protect and improve the health, safety and welfare of the citizens of the County. The Special Magistrate has the power to subpoena alleged violators and witnesses to its hearings; to subpoena records (including public records, surveys, plats and all other documentary evidence) deemed relevant by the Special Magistrate; to take testimony under oath; to issue orders having the force and effect of law; and commanding whatever steps necessary to bring a violation into compliance.

Additionally, the Special Magistrate, pursuant to the provisions of chapter 2-175 of the Code of Ordinances of Brevard County, Florida, may levy fines of up to \$1,000.00 for each day a violation continues past the date set by the Special Magistrate for compliance. This penalty, if not paid, will become a lien on the property, which can be satisfied by foreclosure, and sale of said property. Also pursuant to chapter 2-175 of the Code of Ordinances of Brevard County, Florida, if the County prevails in prosecuting a code violation case the Respondent may be required to pay all costs incurred by the County to bring this matter before the Special Magistrate. The costs may also be attached as a lien on the property.

NOTE: Pursuant to Chapter 2-176 (b)(1) of the Code of Ordinances of Brevard County, Florida, when the Special Magistrate rules in favor of the County and the violation occurs again on the same property, it becomes a repeat violation and the Code Enforcement Officer may, without giving the person reasonable time to correct the violation, issue a notice of hearing to appear. A fine may be assessed up to \$5,000.00 per day for a repeat violation.

Additionally, an aggrieved party, including Brevard County, may appeal a final administrative order of the Special Magistrate to the Circuit Court. Any such appeal must be filed within thirty (30) days of the date of the order.