

*Cape Gardens Owners' Association, Inc.*

# **RULES & REGULATIONS**

(Revised December 2014)

Changes are underlined and items to be removed are ~~struck through~~.

**\*\*\*\*\*This is a re-statement of the Recorded Governing Documents**

## **General Lot Use Restrictions**

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than building built by the Developer.

All garage doors must be maintained. No garage shall be converted to living quarters. Garage doors **MUST** be kept closed except when garage is in use.

No fence shall be constructed or maintained on any lot except with the prior written consent of the Association. Owner must complete and submit an "ARC" (Architectural Review Committee) form prior to any installation of fences, window awnings, windows, or storm doors. ARC forms may be found online at [www.reconcilabledifferences.net](http://www.reconcilabledifferences.net) website.

No dwelling or any part shall be used for any use except as a private dwelling, nor shall any business of any kind be conducted.

**Rentals:** Each owner shall be permitted to rent his/her home up to a maximum of three (3) times per calendar year with each rental having a minimum duration of ninety (90) days. Owners who rent their homes must notify the Association, in writing, by filling out a Rental Information Form. This form must be received by the Association at least two (2) weeks prior to the anticipated move in date of the renter.

**Air Conditioning Units:** ~~Air conditioning units and other apparatus must be screened with landscaping or appropriate fencing so it is not seen from the street. Appropriate fencing or large plants must be used to "hide" air-conditioning units from view of street, taking care to be far enough away from the a/c unit so as not to restrict air flow.~~

**Awnings:** Owner must provide drawing and detail of where and how awning will be installed, along with color choice, to the Board for written approval before work is started. For specific details, please see ARC details below.

**Storm Doors:** Owner must have Board written approval before work is started. The approved storm door must be white full view storm door. For specific details, please see ARC details below.

**Paint Color:** Front, side, and garage doors must be painted Sherwin Williams WHITE. Window and Exterior Door frames must be WHITE. All Building colors (base and trim) are on file with the Merritt Island Sherwin Williams store, next to Ace Hardware. Call them to order your paint for later pick-up, or delivery at an additional cost. Please see details below of actual paint color in the ARC details.

**Parking:** No resident shall park any vehicle on the street and/or cul-de-sac. No resident shall park any boat, motor home, trailer, commercial van or other commercial vehicle in any driveway or street overnight and are permitted for loading and unloading only. Commercial Vehicles include trucks with more than four tires or over ¾ ton, and/or vehicles with temporary or permanent signage affixed. No non-operating or non-functioning vehicle of any kind shall be permitted to be parked in the driveway of any lot or on any street in the property. No vehicles of any type shall be parked on the grass. All vehicles must be registered and drivable. There shall be no repair, except for emergency repair, performed on any motor vehicle.

**Animals:** Dogs, cats, birds or other customary household pets are allowed, provided they are not kept nor raised for business or commercial purposes. Numbers in excess of two (2) pets, except for cats and fish, shall be considered unreasonable. All domestic pets, whether dogs or cats, shall be kept on a leash and be within control at all times. Owners MUST clean up after their pets immediately. Pets shall not create a nuisance.

**Garbage:** Receptacles must be kept out of sight when not set out for pickup. Cans may be placed by the road for collection no earlier than the evening before the scheduled pick up and moved back out of sight by evening the day of pick-up. At all other times, such receptacles shall be placed on the lot so as not to be visible from the road.

**Landscaping:** No owner is permitted to alter the landscaping around their unit and no plants may be planted or removed. Owners wishing to alter landscaping must submit a plan to the Board of Directors and receive written approval before making any changes.

**Signs:** No signs are allowed on the lots except “for sale” or security monitoring signs. ~~of the lot~~ “For Sale” signs must be no larger than six (6) square feet. Security signs must not exceed a size of 4x6 inches and must be placed close to the front door. No signs are allowed in windows. Nothing should be affixed permanently or temporarily to the building without approval.

**Exterior Appearance:** The paint, coating, stains, and other exterior finishing colors on all buildings and fences shall be maintained by the owner. The owner shall also maintain, as originally installed by the Developer, the landscaping, including without limitation the trees, shrubs, lawn, flower beds, walkways, and ground elevations. Party Walls: the Cost of the usual repair and maintenance of a party wall shall be shared equally by the owners, who make use of the wall.

**Front Entryways:** The front entryways of each home must have a neat and clean appearance. No water hoses are to be stored where visible from the road or neighboring lots. Owners shall be responsible for removing oil stains on driveway.

**Post Office Box Keys:** Each home was given two post box keys in 2013. These keys must be handed over to new owners when the home is sold. Replacement post box keys cost \$25.00. If the lock is broken, replacement is \$50.00 and includes meeting with the postman to open the master lock.

**Bulletin Board:** If a resident would like to post “For Sale”, “For Rent” or informational notes, they may bring 3”x5”-sized cards to a Board Member or management. These can be posted for 30 days at a time.

**Pool:** The pool facilities of Cape Gardens/River Gardens are for residents, their immediate families and house guests. All residents are always responsible for the conduct of their guests. Facilities shall not be used by guests unless resident is on the premises. Swimming pool capacity 20 persons. No climbing on or over the fence - the amenity key must be used.

Amenity Key Replacement Fee Schedule is: First time: \$15, Second time: \$35, Third time and thereafter: \$50.

No lifeguard is on duty. Enter the pool at your own risk. Two life preservers are mounted on the fence on either side of the pool. Persons with open sores, cuts, or communicable diseases cannot enter the pool.

Children under fourteen (14) years of age must always be accompanied by an adult. Shower before entering pool; suntan lotions and oils must be washed off before re-entering pool. To protect pool furniture please cover chairs with a towel when using suntan oil.

Private swimming pools may be constructed provided any such pool shall be located at the rear of the residence and appurtenances screened from view from the street. Above ground pools are prohibited

~~Children under two (2) years of age must wear plastic pants while in the pool or pool area.~~ Non-toilet trained children and incontinent adults must wear impermeable swimming diapers in the pool. If there is an accident or cause, the parties involved will be charged for the draining, cleaning, and refilling of the pool.

Be considerate towards others in the use of pool accessories. Noodles are acceptable floats, but must be removed when you leave the pool area.

~~No glassware or any kind is permitted in pool area.~~ Food and beverages are prohibited in the pool and on the pool wet deck area; animals and glass containers are prohibited within the fenced pool area. ~~Smokers must use ashtrays. Do not throw cigarette or cigar butts on pool deck or grass.~~ No smoking within pool enclosure. Smoking is only allowed outside the fenced in area and smokers must use the ashtray for cigarette butts. No charcoal grills allowed in pool enclosure.

Bathing suits only. No cut offs. Remove all personal belongings and trash when leaving. Please close the umbrella when leaving. No running, loud noise or rough play in pool or pool area. No bicycles, carts, strollers, etc. in pool area.

The swimming pool is open from Dawn to Dusk, per County Health Code.

**\*\*It is acknowledged and agreed by all owners by purchasing said property that a violation of any of the provisions stated above shall impose irreparable harm to the other owners. Owners further agree that a reasonable assessment of damages would be \$50.00 for each day that such violation persists after an owner is notified, in writing, of such violation by a representative of the Association.**

## **CAPE GARDENS OWNERS ASSOCIATION, INC.**

**Cape Canaveral, FL**

c/o Reconcilable Differences, Inc

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# Architectural Review Committee Clarifications:

**Awnings:** Sun setter Retractable Awnings or Similar are suggested.

Approved colors are: Blackberry-3958; Mocha-3959, Ivy-3960, Wheat-3961, Merlot-3962, and Midnight blue-3963, as well as the solid colors.

Thin stripes may be allowed, however it was noted that Sun setter Navy-5941 or Savannah striped awnings would not be allowed.

Original fabricator for the awnings was: Indian River Canvas, 321-795-3112 or 321-453-2017. East Coast Awnings, at 321-633-9997, has also done work in the community.

**Storm Doors:** Suggested storm door should be similar to the Andersen 4000 Series, 36 inch white aluminum full-view storm door with nickel hardware, which may be purchased at Home Depot for approximately \$325.

**Paint:** Sherwin Williams Garage Door paint details are below:

Cape Gardens Body is Super Paint Exterior Flat and the custom match is below.

Cape Gardens trim is Super Paint Exterior Flat as Extra White.

Sherwin Williams on Merritt Island will have these on file. They are located at 1079 N. Courtenay Parkway Suite B, Merritt Island, FL.

They can be reached at (321) 453-4784.

SHERWIN-WILLIAMS 2114      12/26/14  
321-453-4784      Order# 0133739

INT/EXT      IND MAINT PART 1  
DTM ACRYLIC      ACRYLIC  
SEMI-GLOSS      STANDALONE

CAPE GARDENS GARAGE DOORS  
CUSTOM MANUAL MATCH

BAC COLORANT	OZ	32	64	128
B1-Black	-	2	-	-

ONE GALLON      EXTRA WHITE  
866480211      640517538

SHERWIN-WILLIAMS 2114      12/26/14  
321-453-4784      Order# 0133739

EXTERIOR      ARCHITECTURAL  
SUPER PAINT      LATEX  
FLAT      STANDALONE

CAPE GARDENS BODY  
CUSTOM MANUAL MATCH

CCE#COLORANT	OZ	32	64	128
B1-Black	-	2	1	1
R2-Maroon	-	-	1	1
Y3-Deep Gold	-	7	-	1

ONE GALLON      EXTRA WHITE  
8664801151      640413720

**Non Returnable Tinted Color**

CAUTION: To assure consistent color, always order enough paint to complete the job and intermix all containers of the same color before application. Mixed colors may vary slightly from color strip or color chip.



0133739-001

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