

November 2, 2024

These are the Covenants, Conditions and Restrictions for all properties in Windover Farms Community Association, Inc., Units III through VII inclusive, as recorded in the 18th Judicial Circuit of Brevard County official records.

The purpose of these Covenants, Conditions and Restrictions, hereinafter referred to as CCRs, is to preserve the values, amenities and rural atmosphere of all lots within Windover Farms Community Association, Inc. All properties within Windover Farms Community Association sold, conveyed and occupied are subject to the following covenants, conditions and restrictions along with the charges, assessments and liens hereafter set forth and shall run with the real property and be binding on all parties having any right, title or interest in said property or any part thereof, their heirs, assigns or successors and shall inure to the benefit of each owner thereof.

The provisions of these Covenants, Conditions and Restrictions are superior to the By-Laws and Articles of Incorporation for Windover Farms Community Association, Inc., and in instances where the provisions of these Covenants, Conditions and Restrictions conflict with either of the mentioned documents, the provisions of these Covenants, Conditions and Restrictions shall prevail.

These CCRs automatically incorporate amendments made in Florida statutes as amended from time to time.

#### **ARTICLE I: DEFINITIONS**

- A. "Association"** shall mean and refer to WINDOVER FARMS COMMUNITY ASSOCIATION, INC., A Florida corporation, its successors and assigns.
- B. "Owner"** shall mean and refer to the record Owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the existing property in Windover Farms Community Association, Inc., Units III through VII inclusive.
- C. "Lot"** shall mean and refer to the individual parcels of land of Windover Farms Community Association, Inc., Units III through VII inclusive.
- D. "Community"** shall mean and refer to Windover Farms Community Association, Inc., and shall consist of all land subject to the jurisdiction of Windover Farms Community Association, Inc.
- E. " CCRs"** shall mean and refer to the covenants, conditions and restrictions of this Declaration.
- F. "Board"** shall mean and refer to the Board of Directors of Windover Farms Community Association, Inc.

#### **ARTICLE II: PROPERTY RIGHTS**

**A. Owner's Easements of Enjoyment.** Every owner shall have a right and easement of enjoyment in and to the common area of WINDOVER FARMS, UNIT III hereinafter referred to as the "Long Lake Recreation Area". The right and easement of enjoyment of said Long Lake Recreation Area shall be appurtenant to and shall pass with the title to every Lot in Windover Farms Community Association, Inc., Units III through VII, subject to the following provisions:

1. The Association may suspend the voting rights and right to use of the recreation facilities by an owner for any period during which any assessment against the Lot remains unpaid; and for a period not to exceed thirty (30) days for an infraction of the rules of use of Long Lake Recreation Area as posted at the entrance to said area.

2. The Association shall have the right to dedicate or transfer all or any part of the common area to any public agency, authority, non-profit organization or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument agreeing to such dedication or transfer signed by two-thirds (2/3) of each class of members has been recorded.

**B. Delegation of Use:** Any Owner may delegate their right of enjoyment, as provided in Section A above, to the common area and facilities to the members of their family, tenants or purchasers who reside on the property.

### **ARTICLE III: WINDOVER FARMS COMMUNITY ASSOCIATION, INC.**

**A. Membership in the Association:** Each owner of a lot shall be a member of the Association.

**B. Voting Rights:** The Association shall have two classes of voting membership with all the rights and duties as described in paragraph 5 A of the By-Laws with which are incorporated herein by reference.

**C. Annual Membership Meeting:** Annual meetings of the Association shall be held at noon on the first Saturday in February at such place as the Board of Directors may provide. A quorum of 20% of the total voting interests attending in person, by proxy or by electronic voting means is required to conduct business at the annual association meeting. Election of Directors may be held in conjunction with the annual meeting or may be held separately as the Board of Directors may choose.

**D. Board of Directors and Officers:** The Board of Directors is elected for a two year term by the members of the Association. Officers are elected by the Board of Directors at the organization meeting as detailed in paragraph 7 B (3) of the By-laws.

**E. Voting Rights:** The Association shall have two classes of members:

(1) **Class A members** shall be owners of Lots in WINDOVER FARMS UNIT III through VII.

(2) **Class B members** shall be those persons who are not lot owners of WINDOVER FARMS, UNIT III through VII but who reside in THE HILLS, EAST HILLS, EAST HILLS II, EAST WINDS, WINDOVER FARMS, UNIT I, WINDOVER FARMS UNIT II, and WINDOVER FARMS UNIT IIA and who are members of Long Lake Recreation Area in accordance with the paragraph below.

(3) **Membership in the Long Lake Recreation Area.** All Class A members of WINDOVER FARMS UNIT III through VII shall have membership in the Long Lake Recreation Area. A single membership shall include all residents in the household. Class B members may join the Long Lake Recreation Area by complying with the following terms and conditions:

(a) Payment of an annual membership fee of 67% of the annual assessment for Class A members per year or any portion thereof. Failure to pay the annual membership fee on or before the 30th of January of each year shall cause the membership to automatically terminate.

(b) Class B members may not cast votes for election of members of the Board of Directors nor on any budgetary or governance provision item not directly related to the Long Lake Recreation Area. Class B members are subject to any special assessments specifically levied for repairs, improvements and maintenance of the Long Lake Recreation Area and are entitled to vote on same.

**B. Voting:** Each lot is entitled to one vote. The vote of the owners of a Lot owned by more than one person or by a corporation or other entity shall be cast by one person who is named on the title of the property or by a named Trustee if the lot is owned by a trust, or by an officer of the corporation if the lot is owned by a corporation.

(1) Votes may be cast in person, electronically, if electronic voting is used by the Association or by proxy.

(2) An affirmative vote of a majority of members represented at any duly called membership meeting at which a quorum is present whether in person, by proxy or via electronic voting shall be binding upon the members.

#### **ARTICLE IV: COVENANT FOR ASSESSMENTS**

**A. Creation of Lien and Personal Obligation for Assessments.** The owner of each lot by acceptance of a deed thereto is deemed to covenant with and has a duty to pay to the Association the assessments and charges contained in these CCRs. Said assessments or charges, together with interest, costs and reasonable attorney fees incurred in the collection of same shall be a charge on the land and shall be a continuing lien upon the property against which such assessment is made and shall also be a personal obligation of the owner of such property at the time the assessment fell due.

**B. Purpose of Assessments:** The assessments levied and collected by the Association shall be used exclusively to fund the necessary upkeep of the association property and promote the recreation, health, safety and welfare of the Owners in the Community, including but not limited to:

1. Payment of operating expenses of said Association.
2. Undertaking any other program, activity or project whatever, necessary or desirable in the judgment of said Association to preserve or enhance property values, eliminate health or safety hazards or be of general benefit to the Owners or occupants.
3. Ensuring compliance with the CCRs.
4. Care and maintenance of the Long Lake Recreation Area and all properties owned by the Association including plumbing, electricity, water, lawn care and structural repairs or parts replacements.
5. The preservation of a savings account to fund unforeseen costs and for future repairs and replacements.

**C. Types of Assessments:** There shall be two types of Assessments:

1. Annual Assessment: An annual assessment of \$100 per lot shall be due on January 1st of each year and shall be payable by the record owner no later than January 31st of each year at which time interest in the amount of 18% per year shall start accruing for each month, or any portion thereof.

A late fee of \$20 shall also apply for any annual assessment not paid by January 31st of each year. The annual assessment is the funding source for annual operating expenses and is part of the general fund of the Association. The annual assessment shall become a lien upon the property as of January 1st of each year.

a. The amount of the annual assessment may be adjusted downward if the Board of Directors determines a lesser amount meets the needs of the Association.

b. The amount of the annual assessment may be increased by the Board of Directors up to 15% each year, not to exceed a 45% increase in the most recent five year period. Increases will be addressed at a Board of Directors meeting for which notice has been provided to the members at least thirty days in advance that such assessment increase will be considered by the Board along with rationale for the proposed change. Enactment of such increase shall require an affirmative vote of two-thirds of the Board of Directors and an affirmative vote of the majority of the members in attendance. The results of such vote shall be binding on all lot owners.

c. Any increase of the annual assessment over 15% of the previous year assessment requires approval by a majority of the total voting interests of the Association in writing, via e-mail for members who have consented to e-mail communications, or by electronic voting if such has been enacted by the Board of Directors.

2. **Special Assessment:** The Board of Directors may levy a special assessment for such purposes as may be deemed necessary. Special assessments are applicable to that year only and do not carry forward into any future year. Special assessments require approval of a majority (50% plus one) of the total voting interests of the Association and consent to such special assessment may be given by each lot owner in writing, via e-mail if the member has consented to such, or by electronic voting if such has been enacted by the Board of Directors. Special assessments must have an announced due date.

**D. Collection of Assessments:** Assessments are vital to the operation of the Association. Each lot owner has a legal and personal obligation to pay annual or special assessments when due. In each instance where an assessment has not been paid by a lot owner by the due date, the Board shall do the following:

1. 30 days after the due date, send a letter via US Postal Service first class mail to the address of the lot owner asking for payment of the assessment and detailing any late payment fee and interest charge to date. Such letter will also offer the opportunity to the lot owner for a meeting with the Board and a suggested payment plan if the lot owner is unable to pay the entire amount due.

2. Suspend the voting rights and use privileges for Long Lake Recreation Area of the lot owner.

3. 60 days after the due date, if no response from the lot owner has been received, a second demand letter shall be sent via US Postal Service first class mail detailing the then current total amount due.

4. 90 days after the due date, if no response has been received from the lot owner, a third demand letter shall be sent to the lot owner via US Postal Service Certified Mail detailing the then current amount due, including costs for the certified mail service.

5. 120 days after the due date, if no response has been received from the lot owner, the Board shall forward the matter to the Association attorney of record for filing of a lien in the Brevard County Circuit Court against the property. Such lien shall include accumulated interest, filing fees and attorney fees for preparation of such lien.

**E. Prohibition of foreclosure action for non-payment of assessments.** No lot shall be foreclosed on for the reason of non-payment of assessments of whatever amount or duration. The filing of a lien and re-filing of such lien at the intervals defined in Florida statutes along with accumulating interest shall be the primary remedy for non-payment of assessments. Liens for non-payment of assessments may be subject to referral to a collection agent or agency. A filed lien is recorded in the Brevard County Circuit Court and is matter of public record. As a public record, the lot number and address of lots with liens may also be posted on the Association web site.

#### **ARTICLE V: DESIGN REVIEW COMMITTEE**

**A. Composition.** The Design Review Committee (or DRC) will consist of between one and three persons appointed by the Board for a term of two years. Members of the DRC are required to be members of the Association. The members of the DRC should have, but are not required to have, experience in lot grading, surface water control and general construction principles.

**B. Duties of the DRC.** The DRC shall focus on new construction and new modifications to existing properties. The duties of the DRC are restricted to the following:

1. Review of site plans for construction of new homes on undeveloped lots. Ensure lot owner is aware of permitting requirements of Brevard County concerning setbacks, driveway placement, pools, detached garages and environmental concerns such as wells, tree removal, ponds and water abatement. Provide lot owner information on any sensitive areas observed.
2. Review of new home construction plans regarding compliance with square footage requirements and placement of house relative to front and side yard areas and provide feedback to owner on possible areas of non-compliance with county codes.
3. Review of new home construction plans regarding compliance with size of required incorporated garage space and orientation of garage doors away from paved roads and provide feedback to owner on possible sensitive areas.
4. Review of any proposed excavation for the purpose of construction of a pond or water retention area and remind owner that all such areas require Brevard County permits.
5. Review of any proposal to fill any existing pond or water retention area to ensure owner is aware of any county permitting requirements.
6. Review of any proposed fencing on any lot to ensure owner is aware of Brevard County Code on fencing.
7. Review of all proposed new additions to lot such as sheds, detached garages, barns, RV housing structures and any other covered structure. Such review shall be limited to the placement of such structures in regards to drainage easements. All such structures over 100 square feet in ground area require a permit from Brevard County Zoning and Planning Office. The DRC shall provide the lot owner with any necessary information or recommendations on sensitive areas of usage and siting.
8. Review and document any agreement on deviations to lot use restrictions below.

**C. Time Limits.** The DRC must respond to any submitted requests or plans within ten business days. If the DRC fails to respond within ten business days the submitted request or plans are deemed to be approved by the DRC.

## **ARTICLE VI: RESTRICTIONS ON LOT USES**

**A. Right to Free Enjoyment:** All lots in Windover Farms Community Association, Inc., are zoned by Brevard County as "RR-1 (Rural Residential)". As such, owners are entitled to free use and enjoyment of the larger lots in the Association but are subject to the requirements and limitations of Brevard County Code of Ordinances. A non-comprehensive list of Brevard County Code of Ordinances that may be of interest to lot owners or prospective lot owners may be found at Appendix A and is provided for reference purposes only.

**B. Violation of County Ordinances:** Suspected violations of Brevard County Ordinances shall be reported to Brevard County Code Compliance office. The Board of Directors has no legal authority to enforce Brevard County Ordinances. Neither the Board of Directors nor any appointed committee may impose a fine of any nature for violation of any Brevard County Ordinance.

**C. Residential Use Only:** No lot shall be used in whole or in part for any purpose other than as a single-family residence. Home offices are permitted but in no case shall a lot owner operate a business where a large number of the general public is invited onto the lot for the purpose of selling or buying any product or service on an ongoing or regular basis.

1. In the case of home based businesses, the requirements of Brevard County Code of Ordinances Section 62-1155 shall govern concerning the types of such businesses and sales of "cottage industries" products (as defined in that ordinance). Owners shall not invite the public onto the lot except by individual appointment. In no instance shall an owner invite a group of sufficient quantity as to require parking on roadways or the creation of a traffic hazard.

2. No for-profit animal breeding facilities that have a detached structure for housing such animals are allowed.

3. No for-profit animal boarding facilities that have a detached structure for housing such animals are allowed.

4. No for-profit mechanical repair business is allowed unless conducted entirely within the confines of a fully enclosed structure.

5. Any large gathering at a lot must be limited to the amount of parking available on that lot or on neighboring lots if the owners of such lots consent to such parking. Parking on paved roadways that creates a traffic hazard to the public is not allowed.

**D. Lots shall not be subdivided.** No lot shall be subdivided or reduced in size. An exception may be made in the instance where a lot is considered unbuildable due to the existence of wetlands. Such lot may be subdivided and sold to adjoining lot owners by mutual agreement of all adjoining lot owners. Such subdivision shall require recording of all land transfers in the Brevard County Clerk of Courts official records office.

**E. Limitations on short-term rental or leases of lots.** No lot or house within Windover Farms Community Association Inc., shall be rented or leased by the owner or an agent thereof for a period of

less than six months. No lot or house shall be rented or leased more than twice within a twelve month period.

**F. No occupation outside of primary dwelling.** No dwelling may be occupied until a certificate of occupancy has been issued by the Brevard County Planning and Development Office. No temporary structure, trailer, recreational vehicle, garage, tent or out building shall be used at any time as a residence.

**G. Minimum size of dwelling.** Each single family residence shall be no less than 1,200 square feet exclusive of garages, porches and other non-living areas.

**H. Garages.** Each dwelling shall have an incorporated and attached enclosed parking garage of sufficient size to house two full sized automobiles. Garage doors shall be oriented so as to minimize exposure to adjoining paved streets.

**I. Attachments to property.** All attachments to property shall be installed and sited so as to provide unrestricted access to all easements for the individual lot as described on the originally recorded site plan.

1. Set backs and size limitations for out buildings shall be in accordance with Brevard County Code of Ordinances Chapter 62, Section 1336(5) a, b and c.

2. Mailbox design. All mailboxes installed along a road right-of-way shall comply with the requirements of the US Postal Service as to location, size and design.

3. Storm protection for individual lots. The choice of hurricane protection materials for all doors and windows are at the discretion of the individual lot owner, as is the decision on when or if to deploy such protective measures.

**J. Removal of trees.** Unless diseased or damaged by windstorm, removal of trees on any lot or on commonly owned property shall be governed by Brevard County Code of Ordinances Chapter 62, Article XIII. Diseased or damaged trees may be removed at the lot owner's discretion and does not require approval of the DRC.

**K. Yard/Garage/Estate sales.** Sales of this type, or closely related types of sales, are governed by Brevard County Code of Ordinances Section 62-2111 and are limited to two times in a twelve month period. The Association conducts semi-annual community-wide garage sales and members are encouraged to participate in these events.

**L. Signs.** Signs, for whatever purpose, may be erected by owners within the boundaries of their individual lots. No sign shall exceed four square feet and shall not exceed four feet in height. Signs for real estate sales or open house events are governed by Brevard County Code of Ordinances Section 62-3317. Signs erected on individual lots may not contain commercial advertising of any nature. Multiple signs may not exceed an aggregate size of four square feet.

**M. Fences.** All fences shall comply with the requirements of Brevard County Code of Ordinances 62-2109.

**N. Portable storage units.** In accordance with Brevard County Code of Ordinances 62-2117.5 a 2, no portable storage unit shall remain on a lot for more than fifteen days from time of delivery to time of pickup.

## **ARTICLE VII: LOT MAINTENANCE**

### **A. Owner Responsibilities.**

1. It is the responsibility of each owner of improved lots to prevent the development of any unclean, unsightly, unhealthy or unkempt condition of any structure on their lot which will affect the health, safety and beauty of the Association. Maintenance of each lot including lawns, shrubs and all vegetation shall comply with Brevard County Code of Ordinances and any applicable Florida statute. If an owner chooses to follow the landscaping guidelines contained in Florida Statute 373.185, also known as "Florida Friendly Landscaping Statute" and also sometimes referred to as "xeriscaping", such landscaping shall be maintained in such a way as to prevent the appearance of an unkempt or overgrown area.

2. Lot owners have the right to trim back vegetation and tree branches overgrowing their lots from adjoining lots. Such cutting can only go up to the property line. This provision in no way grants a waiver of trespass onto adjoining properties.

**B. Health and safety hazards.** In the event a lot owner fails to maintain their lot to the extent that it presents a health or safety hazard due to insect or rodent infestation or uncontrolled spreading of poisonous shrubbery or invasive vegetation onto adjoining lots, the Board of Directors shall issue a letter to the lot owner notifying them of the specific condition to be corrected. Such letter shall provide for a 30 day time period within which the condition must be corrected. Such letter shall also provide the lot owner the opportunity to provide a written response and such response shall be considered by the Board.

1. If no answer from the lot owner is received within 30 days, or the condition is not corrected within 30 days, the Board of Directors shall issue a second letter notifying the lot owner that the Board of Directors intends to hire a company to perform such actions as necessary to correct the condition at the cost of the lot owner and that such cost shall be considered an assessment upon the lot. Such assessment may be recorded as a lien upon the property.

2. Failure of the lot owner to reply to the notice of violation and the required specific corrective action shall constitute a waiver of trespass by the owner for members of the Board or any company hired to perform such corrective action as may be necessary.

## **ARTICLE VIII: VEHICLES**

**A. Vehicles Defined:** For purposes of this Article a vehicle shall be considered any automobile, truck, motor home, camper, motorcycle, tractor, boat, boat trailer, utility trailer, horse transport trailer, personal water craft, all-terrain vehicle, go-cart, golf cart or any other type vehicle owned or used by the lot owner or a member of his or her family.

**B. Vehicle parking and storage.** Parking and storage of all vehicles on lots within Windover Farms Community Association Inc., shall be governed by Brevard County Code of Ordinances Section 62-2117 (b). All vehicles, including recreational vehicles, parked or stored on an owner's lot must be registered in the lot owner's name or the name of a family member then resident in the lot owner's household.



**C. Commercial vehicles.** Parking of commercial vehicles on lots is prohibited pursuant to Brevard County Code of Ordinances 62-2117(c) unless Brevard County has granted a permit for same.

**D. Registered vehicles only.** No unregistered vehicles may be parked in driveways, front yards or side yards of any lot. Unregistered vehicles may be kept in rear yards or within enclosed garages or storage buildings as long as they are not visible on the nearest paved road.

**E. Vehicle repairs.** All vehicle repairs shall be conducted as soon as possible and in no case shall a vehicle under repair be left on raised jacks or jack stands forward of a line even with the front boundary of the primary residence of the lot for more than 72 hours.

**F. Junk or abandoned vehicles.** Owners are responsible for the removal of all junk or abandoned vehicles on their lots. No such vehicles shall be allowed to remain on any lot unless parked inside a fully enclosed storage building.

#### **ARTICLE IX: AMENDMENTS AND RECISSIONS**

These CCRs may be amended or rescinded by a vote of the majority of the lot owners (50% plus one) in writing, via e-mail if the member has agreed to such e-mail notification, or by recorded vote in an electronic voting application if such has been adopted for use by the Board of Directors. Such amendments or rescissions shall be recorded in the Brevard County Clerk of Courts public records.

APPENDIX A TO CCRS OF WINDOVER FARMS COMMUNITY ASSOCIATION, INC.  
REFERENCE LISTING OF BREVARD COUNTY ORDINANCES

**This list of ordinances is for reference purposes only. Members are encouraged to seek the latest updates. The Board reserves the right to amend this list as needed without vote by the members.**

Chapter	Section	Description/Content
62	Article VI Sec. 62-1336	<p><b>Windover Farms Zoning Classification.</b></p> <p>The property within the association is classified as Rural Residential Zoning, RR-1. This section defines that zoning to include permitted uses, uses with conditions, accessory building or uses, conditioned uses (i.e. allowance of farm animals), minimum lot size and floor area of home, setbacks, maximum height of structures.</p>
22	Article II - Sections 104 105 106	<p><b>Florida Building Code: Permits, Inspections, and Certificate of Occupancy.</b></p> <p>These extensive sections describe permit, inspection and certificate of occupancy requirements for construction and modifications.</p> <ul style="list-style-type: none"> <li>• <b>Electrical, plumbing, mechanical, roof or HVAC work without a permit.</b></li> <li>• <b>Interior structural work</b> (home addition, remodel, replacing interior walls).</li> <li>• <b>Exterior structures:</b> Accessory structure (shed) over 100 square feet, detached garage, fence, concrete driveway, etc. A permit is required. Sec. 22-278 (c) Permit required. Any owner, authorized agent, or contractor shall not construct, enlarge, erect, alter, repair, move, improve, remove, convert, demolish, or change the occupancy of any building or structure, or cause the same to be done, without first obtaining a building permit as required by the building code division or permits as may be required by other county agencies for such construction activities.</li> </ul>
22	Article II 22-48	<p><b>Lowest floor elevation and lot drainage.</b></p> <p>The purpose of this section is to ensure new residential construction and additions to existing residential structures increasing the floor area footprint, provide for drainage of surface water away from structures to protect buildings from flooding and to maintain ground stabilization for supporting foundations.</p>
22	Article III 22-278	<p><b>Property maintenance standards and requirements.</b></p> <p>(a) Scope. The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures and exterior property.</p> <p>(b) Responsibility. The owner of the premises shall maintain the building, structure and property in compliance with the requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this article.</p> <p>This section further describes maintenance requirements for all buildings and accessory structures, plumbing, water systems, mechanical equipment, signs, marine structures,</p>

		vacant buildings and indicates that all must be maintained, structurally sound and in good repair.
22	Article III 22-280	<p><b>Abatement of unsafe buildings and structures.</b></p> <p>All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared unlawful and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of this section</p>
22	Article VIII	<p><b>Fence Construction.</b></p> <p>This article defines the standards for the construction of fences, the types of materials that can be used and permit requirements.</p>
62	Article VI Sec. 62-2100.5	<p><b>Accessory building and accessory use standards.</b></p> <p>This section defines the number of accessory buildings permitted on a single family zoned residential lot, associated setbacks and size limitations.</p>
62	Article VI Sec. 62-2102	<p><b>Alteration of lot.</b></p> <p>This section restricts the division into parts; break or interruption of any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses or structures.</p>
62	Article VI Sec. 62-2108	<p><b>Farm animals and fowl.</b></p> <p>In all single-family residential zones, on lots of at least one-half acre minimum, up to four chickens (no roosters or other fowl) may be permitted per one-half acre of land. Housing, such as coops, that is not considered to be a barn, stall or paddock is required and must meet the setback requirements for accessory structures in accordance with the zoning classification. All fowl are for the personal, non-commercial use of the occupants only. Breeding and slaughtering of any fowl is strictly prohibited. Any person who violates the provisions of this section shall be liable in accordance with sections <a href="#">62-1105</a> and <a href="#">62-1106</a>.</p>
62	Article VI Sec. 62-2109	<p><b>Fences, walls and other obstructions.</b></p> <p>Addresses fencing heights as well as establishing that obstructing the view of traffic is not permitted. No fence or solid wall on any property shall exceed six feet in height in any residential zoning classification.</p>
62	Article VI Sec. 62-2111	<p><b>Garage Sales.</b></p> <p>A garage sale shall not be carried on for more than a 48-hour period, and no more than two such sales shall be permitted within a 12-month period from any single lot, parcel or tract of land within the unincorporated areas of the county</p>
62	Article VI Sec. 62-2112.5	<p><b>Lambs, keeping of as a youth project.</b></p> <p>The keeping of lambs as a project for FHA, FFA, 4-H or other recognized school clubs shall be permitted as an accessory use in those zoning classifications where horses are listed as an accessory use, subject to any requirements and conditions for the keeping of horses and the following additional conditions:</p> <p>(1) This use shall be limited to six months per calendar year.</p>

		(2) In no case shall the total number of horses and lambs exceed the number of horses which would be permitted.
62	Article VI Sec. 62-2113	<p><b>Limitation on keeping dogs.</b></p> <p>No more than four dogs, six months of age or older, in connection with any building erected in any zoning classification in which residential uses are permitted or in any residential unit in a multiple-family, recreational vehicle park or mobile home zoning classification.</p>
62	Article VI Sec. 62-2115	<p><b>Metal Buildings.</b></p> <p>Nothing in this section shall prohibit the use of metal buildings for accessory structures in residential land use categories.</p>
62	Article VI Sec. 62-2117	<p><b>Parking, locating and storing of recreation vehicles and equipment, commercial vehicles and heavy equipment and motor vehicles and recreational vehicles for sale.</b></p> <p>This section describes specifics of recreation vehicle and equipment use, number, location and areas based on lot size, duration of parking allowance for commercial , heavy equipment, vehicles for sale.</p> <p>The maximum number and location of recreational vehicles and recreational equipment is as follows:</p> <p>a. Where the property is greater than ½ acre in size, there is no limitation upon the number of recreational vehicles and/or recreational equipment permitted on the property.</p> <p>b. Where the property is ½ acre or less, the following requirements shall apply:</p> <ol style="list-style-type: none"> <li>1. Not more than one recreational vehicle or recreational equipment shall be permitted in the front yard area. The recreational vehicle or recreational equipment shall be parked in a driveway area, shall observe the side/side street setback requirement of the applicable zoning classification, but not less than five feet, and shall be parked perpendicular to the street upon which the driveway is accessed. The interior edge of the driveway may be expanded to accommodate the parking and storage where the required side setback cannot otherwise be met without widening the driveway area.</li> <li>2. The side yard areas may be used for the parking and storage of the recreational vehicle or recreational equipment, provided that said vehicle or equipment is parked/stored behind the front building line of the primary structure. In the event that the recreational vehicle cannot be entered or exited by the owner when parked behind the front building line, the recreational vehicle may extend forward of the front building line only to the extent to permit entry into/exit from the vehicle.</li> <li>3. The rear yard area may be used for the parking and storage of recreational vehicle or equipment.</li> <li>4. A maximum of two recreational vehicles or recreational equipment may be parked or stored on a property of ½ acre or less, in accordance with this subsection, without opaque screening. In the event that more than two recreational vehicles or recreational equipment are parked and stored on a property of ½ acre or less, said additional vehicles/equipment must be screened on all four sides by an opaque barrier.</li> </ol>

		c. There is no limit imposed for recreational vehicles or recreational equipment that are parked or stored in a garage or other completely enclosed structure.
62	Article VI Sec. 62-2119  Article XIII Division 5	<b>Residential excavations.</b>  This section pertains to digging of ponds/lakes and only provides a reference section Article XIII Division 5 of section 62, but it is important to note that the digging of ponds is an environmental matter that requires plans, evaluations, permitting and inspections.
62	Article VI Sec. 62-2123	<b>Swimming pools and screened enclosures as accessory use.</b>  Swimming pools and screened enclosures shall be set back not less than five feet from the side and rear lot lines. Swimming pools shall be setback not less than five feet to the rear of the front building line of the principal building exclusive of open porches; provided, however, that swimming pools and screened enclosures thereof shall not encroach into any drainage, utility or other easements. On corner lots screen enclosures shall be required to meet the minimum side street setback of the applicable zoning classification; however, swimming pools on corner lots shall be set back five feet in addition to the required side street setback of the applicable zoning classification.
62	Article VI Sec. 62-2125	<b>Temporary construction trailer or structure.</b>  Any person may obtain a permit for the construction and use of a temporary structure to be used as a construction shed and toolhouse for contractors and construction workers on the premises. Such temporary structure shall not be erected prior to the issuance of a building permit for the applicable construction, and shall be immediately removed upon the expiration of the building permit or the occupancy of the completed structure, or upon completion of the structure, or upon the expiration of a period of one year from the date of issuance of the applicable building permit, whichever event occurs first.
62	Article VI Sec. 62-2128	<b>Tennis courts requirements for single-family residence.</b>  In order for a tennis court to be an acceptable accessory use to a single-family residence in any residential zoning classification, a minimum of one-half acre, including the residence, shall be required for an unlighted tennis court. For a lighted tennis court as an accessory use to a single-family residence in any residential zoning classification, a minimum of one acre, including the residence, shall be required. The placement of any tennis court, backstop, nets, necessary supports and lighting shall be subject to all setback requirements applicable to an accessory structure in the particular residential zoning classification; provided, however, that the fence which serves as a backstop or enclosure for a tennis court may exceed the six-foot maximum for a fence in a residential zoning classification, provided that the backstop or enclosure shall not exceed 12 feet in height.
62	Article VI Sec. 62-2131	<b>Temporary Use agreement.</b>  Temporary parking or placing of county property on resident property.
62	Article VI Sec. 62-2132	<b>Administrative permit for commercial vehicle parking at a residence.</b>  Any residential property owner may request from the zoning official an administrative permit to park a commercial motor vehicle on a residential lot if the following conditions are met:  (1) The parcel must be a developed single-family residential lot of at least two and one-half acres in size.

		<p>(2) The commercial motor vehicle must be operated by the occupant of the residence and must be essential to the occupant's principal means of employment.</p> <p>(3) The commercial motor vehicle must be maintained in operating condition.</p> <p>(4) The commercial motor vehicle may be a tractor cab but shall not include a trailer.</p> <p>(5) The commercial motor vehicle, or any equipment or machinery on the vehicle, may not for any reason be left running for extended periods of time.</p> <p>Failure of the applicant to obtain signatures of all property owners within 200 feet will result in denial of the administrative permit.</p>
62	Article IX	<p><b>Signs.</b></p> <p>This is broad section whose purpose and intent is to provide a comprehensive set of guidelines regulating the type, number size location and maintenance of all on-premises, off-premises and temporary signs and advertising structures in order to protect the health safety welfare and general well being of the citizens of the county.</p>
62	Article IX Sec. 62-3311	<p><b>Signs blocking the view of traffic.</b></p> <p>As mentioned in several places, obstruction to line of sight is prohibited.</p>
62	Article X	<p><b>Environmental Protection and Conservation</b></p> <p><b>Although permit requirements are covered elsewhere for homeowners, this article provides great insight into the factors considered by planning, construction and inspection officials granting permits to property owners seeking changes that could affect water flow and drainage, not only to their property but adjoining properties. It also addresses viability of water retention, protection of natural wetlands and any impact to aquifer protection due to requested digging activities, including irrigation. Expectations for the removal of invasive plants/trees is explained.</b></p>
62	Article XI	<p><b>Flood Damage Protection</b></p> <p><b>Although permit requirements for homeowners are covered elsewhere, this article provides great insight into the factors considered by planning, construction and inspection officials granting permits to property owners seeking changes that could affect water flow and drainage, not only to their property but adjoining properties. It does cover the inappropriate filling in of county dug water abatement features and the placing of structures in areas meant for water shedding that could create problems for homeowners..</b></p>
94	Article II Sec. 94-47 Sec. 94-49	<p><b>Residential solid waste receptacles, improper receptacles, collection point. Yard waste collection.</b></p> <p>Requirements governing removal of solid waste from residential property.</p>
94	Article II Sec. 94-119	<p><b>Maintenance of Property.</b></p> <p>It is hereby found that flies, mosquitoes, other harmful insects, vermin, blighted conditions, noxious odors, unsanitary conditions, conditions that adversely affect and impair the economic welfare of adjacent property, or create fire hazards, environmental hazards, potential hurricane hazards, and other such conditions caused by litter, trash, junk, and/or debris that pose a safety, health, and welfare concern for the citizens of the county as determined by a code officer given reasonable normal perception to be a public nuisance. Abatement of such conditions is necessary and hereby found and</p>

		<p>declared to be a public purpose.</p> <p>Improper outdoor storage" of litter, trash, junk, or debris on any lot, tract, or parcel of land, either improved or unimproved, is hereby declared to be a public nuisance and is prohibited, unless such storage is exempt as determined by this article. Improper outdoor storage is prohibited in vacant areas, sidewalks, grass strips and contiguous alleys and curbs.</p> <p>It shall be the duty of the property owner of record, lessees, tenants and occupants to maintain their property in a litter free condition and to eliminate all litter, trash, junk or debris that is improperly stored outside or outdoors.</p>
94	Article III Sec. 94-183	<p><b>Public littering prohibited; public nuisance.</b></p> <p>(a)The disposal of solid waste, including litter and dead animals, in any manner or amount whatsoever, into or on any public or private lands or water bodies in the county, in any manner except where in compliance with this chapter is prohibited.</p> <p>(b) The removal and scattering of any contents of a solid waste, recyclable materials or litter receptacle into or on any public or private lands or water bodies in the county is prohibited, except in compliance with this chapter.</p> <p>(c) The accumulation of solid waste, including litter, on improved real properties is prohibited, except when it is accumulated on-site between regular collection days and is contained in solid waste or litter receptacles or commercial containers or compactor boxes. Accumulation of solid waste, including litter, on unimproved real properties is prohibited. Such accumulations shall be removed by the owner and disposed of in accordance with the requirements of this chapter.</p> <p>(d) The accumulation of litter or clean debris, upon any lot, tract or parcel of land, improved or unimproved, within the unincorporated area of the county, to the extent and in the manner that such lot, tract or parcel of land is or may become infested or inhabited by rats, mice, other rodents, snakes, vermin, pests or wild animals, or may furnish a breeding place or harboring place for flies, mosquitoes or other harmful insects, or threatens or endangers the public health, safety or welfare, or may cause disease, environmental hazards, potential hurricane hazards, or adversely affects and impairs the economic welfare of adjacent property, is hereby declared to be a public nuisance and thereby prohibited.</p>
94	Article V Sec. 94-311	<p><b>Storage requirements for junk or abandoned vehicles.</b></p> <p>The maximum number and storage requirements of junked or abandoned vehicles on residentially zoned and agriculturally zoned properties are as follows:</p> <p>(1) Unlimited number in a garage or other completely enclosed structure; or</p> <p>(2) No more than one per lot located in a rear yard completely screened on all four sides and which does not exceed the height of, an opaque visual barrier; or</p> <p>(3) No more than one which is visible anywhere on the lot if located in a carport with a standard cover.</p>
94	Article V Sec. 94-312	<p><b>Stored or parked, junked or abandoned vehicles or parts thereof, on private property prohibited.</b></p> <p>It shall be unlawful for any person to park, store or leave; or permit the</p>

		<p>parking, storing or leaving of any junked, inoperable, or abandoned vehicle, or part thereof, upon any private property within the unincorporated areas of the county unless such vehicle, or part thereof, is in compliance with the provisions of <a href="#">section 94-311</a>, or is completely enclosed within a building or unless such vehicle, or part thereof, is stored or parked on private property in connection with a duly licensed business or enterprise operated and conducted for the repair or storage of vehicles in full compliance with all applicable laws, ordinances and regulations.</p>
<p>114</p>	<p>Article II Sec. 114-28 (b)</p>	<p><b>Declared public purpose; public nuisance (excessive overgrowth, dead standing trees, stagnant swimming pools).</b></p> <p><b><u>a)</u></b> Purpose and intent. It is hereby found that flies, mosquitoes, other harmful insects, vermin, blighted conditions, noxious odors, unsanitary conditions, conditions that adversely affect and impair the economic welfare of adjacent property, or create fire hazards, environmental hazards, potential hurricane hazards, and other such conditions caused by excessive overgrowth, dead or non-viable standing trees or other vegetation, unsanitary stagnant swimming pools are safety, health, and welfare concerns for the citizens of the county and have been determined to be a public nuisance. Abatement of such conditions is necessary and hereby found and declared to be for a public purpose.</p> <p><b><u>b)</u></b> Excessive overgrowth prohibited.</p> <p>(1) The existence of excessive overgrowth upon any lot, tract or parcel of land, improved or unimproved, within 25 feet of any improved property within the unincorporated area of the county, or within 25 feet of any federal, state or county highway, street, road or road right-of-way is hereby declared a public nuisance and thereby prohibited. This section is not intended to apply to undisturbed lots where vegetation has not been previously removed or maintained.</p> <p>(2) It shall be the responsibility of the property owner of record, lessees, tenants and occupants to cut, clear, and remove excessive overgrowth, unless such vegetation is exempt, as determined by this section.</p> <p>(3) The maximum vegetative height of grasses or weeds permitted on non-agriculture exempt lands shall be maintained so as not to exceed 10 inches in height except for undisturbed lots in its native state or other lands certified as exempt.</p> <p>(4) Exemptions:</p> <p>a. A vacant unimproved lot that has reverted back to its native vegetative condition shall be exempt if that lot has not been cut in the past five years as determined by either a code officer given reasonable normal perception, or the Institute of Food and Agricultural Science—University of Florida (IFAS);</p> <p>b. Vegetation within wetlands and storm water retention lake littoral zones;</p> <p>c. Or shrubs, trees, palms or bushes (natural or cultivated) that extend or encroach beyond the perimeter of the owner's lot/parcel.</p> <p><b><u>c)</u></b> Dead standing trees prohibited.</p>



		<p>(1) It shall be the duty of the record property owner, lessees, tenants and occupants to cut, clear and removal all dead or seriously damaged trees from their improved lot or vacant unimproved lot that pose immediate threat to the health, safety and welfare of the property owners or the general public. Prior to removal, immediate threat should be documented to include but not be limited to (1) photographs of the tree(s) including any areas that may be damaged, diseased, or infested (2) approximate measurements including tree height, spread, dbh, and (3) distance to structure(s) or other immovable target(s) if felled. The Natural Resources Management Office shall be consulted if removal would eliminate, destroy or damage existing native vegetation, wetland habitats, floodplains, required erosion control or stormwater management systems, or endangered or threatened species or their habitats.</p> <p>(2) Where a dead standing tree is located on an undisturbed lot in its native state, it shall be the duty of the record property owner to cut, clear, and remove all dead standing trees within 25 feet of the common property line of an improved property or within 25 feet of any federal, state or county highway, street, road or road right-of-way when the tree is taller than the distance separating it/them from said abutting improved property or right-of-way.</p> <p><b>(d)</b> Unsanitary stagnant swimming pools prohibited. Unsanitary stagnant swimming pools are hereby declared a public nuisance and it shall be the duty of the record property owner, lessees, tenants and occupants to maintain a swimming pool to prevent unsanitary stagnant conditions.</p>
	<p>Referenced on County website for appropriate action on part of homeowner.</p>	<p><b>Vegetation hanging over the property line.</b> Residents have the right to trim tree branches up to the property line. Residents may not trespass onto neighboring property. Please contact your neighbor as a courtesy before pruning overhanging branches.  <a href="https://www.brevardfl.gov/PlanningAndDevelopment/CodeEnforcement/common-code-complaints">https://www.brevardfl.gov/PlanningAndDevelopment/CodeEnforcement/common-code-complaints</a></p>
		<p><b>Mailbox installation instructions:</b> <a href="https://www.usps.com/manage/mailboxes.htm">https://www.usps.com/manage/mailboxes.htm</a></p>