

RULES AND REGULATIONS  
FOR THE MARSH LANDING HOMEOWNERS' ASSOCIATION (HOA)

Revised on 6/12/2018

TABLE OF CONTENTS

A. Compliance with the Rules and Regulations

B. General Regulations

1. Nuisance

2. Flags

3. Yards

C. Recording of Meetings

D. Architectural Rules and Regulations

E. General Maintenance

F. Violations and Delinquencies

## RULES AND REGULATIONS

---

### RULES AND REGULATIONS

These Rules and Regulations are part of the Marsh Landing Homeowners' Association, Inc. (herein referred to as "HOA") Governing Documents. Property includes Common Property, Lot, Dwelling and Parcel as each is defined in the Declaration of Covenants.

#### A. COMPLIANCE WITH THE RULES AND REGULATIONS

Each member and the member's tenants, guests, and invitees are responsible for full compliance with the Rules and Regulations during the time they are on or using Property.

#### B. GENERAL REGULATIONS

1. Each member and the member's tenants, guests, and invitees may not cause or allow an annoyance or nuisance to others. Excessive, unnecessary or offensive noise and/or odors will not be permitted on the Property.

2. Owners may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner. Owners may also display in a respectful manner one additional flag representing the United States Army, Navy, Air Force, Marine Corps, Coast Guard or POW/MIA. All flags shall be portable, removable and not larger than 4 ½ feet by 6 feet.

3. Yards shall not be used for storage of any kind. This includes, but is not limited to, items pertaining to gardening, recreation and construction.

4. Feeding of wildlife, excluding the use of a bird feeder, is prohibited.

5. Parking or driving vehicles on any grassy area in the community is prohibited.

6. Vehicles in driveways shall be parked in an orderly manner.

### C. RECORDING OF MEETINGS

The recording of Board of Director (BOD) meetings and meetings of the members (Annual Meeting) is permitted by a member, with the following conditions:

1. The member wishing to record a meeting shall give written notice to the BOD no less than 48 hours before the meeting to be recorded.
2. A copy of the recording shall be delivered to the BOD no later than one week after the meeting recorded.
3. The recording of committee meetings is not permitted.

### D. ARCHITECTURAL RULES AND REGULATIONS

1. PURPOSE – The purpose of the Marsh Landing Homeowners Association (MLHOA) Architectural Rules and Regulations is to establish procedures that will ensure our community maintains a uniform scheme of standards while complying with state, county, PGA Village POA and MLHOA directives.

2. AUTHORITY – Marsh Landing Declaration of Restrictions and Protective Covenants and the PGA Design Review Manual.

3. ARCHITECTURAL CHANGES & IMPROVEMENTS – No owner shall make or permit any structural modification, alteration or improvements of any kind to any building on their property without PRIOR APPROVAL of the Architectural Control Committee.

- a. Walls – No boundary walls are permitted.
- b. Signs – Signs are not permitted except for one sign of not more than one square foot to indicate the name of the resident and one sign of reasonable size provided by a contractor for security services, within 10 feet of any entrance to the home.
- c. Mailboxes – Must match existing mailboxes.
- d. Swimming Pools – Shall not be constructed or erected above ground.
- e. Storm Shutters – Must be folding or removable.
- f. Driveway & Walkways – Must be finished concrete or impressed concrete.

- g. Roof – Must be flat cement tiles, light grey or natural grey color.
- h. Rain Gutters – Must be white or the color of the house.
- i. Outside Lighting – A pole light must be in the front lawn of each home. Any other outside lighting must first have ACC approval.
- j. House Colors – ACC approval is necessary for all exterior color changes or repainting with the existing color. Exterior trim must be white or up to three shades darker or lighter than the exterior base color of the house.
- k. Pool Enclosures – Must be white or bronze.
- l. Air conditioning equipment and pool equipment shall not be visible from the road or any adjoining parcel/lot.
- m. Bird baths are not permitted.

4. LANDSCAPING CHANGES & IMPROVEMENTS – Trees, shrubs, lawns, flower beds, walkways and ground elevations shall be maintained as originally installed unless prior approval for any change is obtained.

#### 5. MARSH LANDING ARCHITECTURAL CONTROL COMMITTEE (ACC)

- a. The MLHOA Board of Directors will solicit community volunteers to serve as members of the Marsh Landing Architectural Control Committee. Board Members may volunteer to serve on this committee.
- b. The ACC shall consist of at least three voting members. Their appointment must be approved by a majority vote of the Board of Directors. The board may also approve two additional community members to serve as alternates. At any ACC Committee meeting the chairperson can invite an alternate in attendance to replace an absent primary committee member. Full voting rights will be granted to the alternate as long as they are serving in this replacement capacity.
- c. Architectural Control Committee members must be Marsh Landing property owners.
- d. The Marsh Landing Architectural Control Committee has the right to approve, approve with conditions, or disapprove all architectural and landscaping requests submitted by Marsh Landing homeowners.

6. REQUEST FOR APPROVAL FORM – Attached is a sample of the form to be used for requesting changes.

7. APPEALS – If the MLHOA ACC denies a homeowner’s application or the approval is subject to conditions that the homeowner deems unacceptable, the homeowner has seven (7) days to request a formal hearing before the MLHOA ACC.

**ARCHITECTURAL CONTROL COMMITTEE**

**REQUEST FOR APPROVAL FORM**

**MARSH LANDING HOMEOWNERS' ASSOCIATION**

---

DATE \_\_\_\_\_ OWNERS \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE # \_\_\_\_\_

WHAT IS THIS: \_\_\_\_\_ NEW STRUCTURE \_\_\_\_\_

\_\_\_\_\_ ADDITION

\_\_\_\_\_ ALTERATION

\_\_\_\_\_ IMPROVEMENT

\_\_\_\_\_ DECORATION

\_\_\_\_\_ OTHER

**Please give detailed description of what you are requesting. YOUR DESCRIPTION SHOULD INCLUDE EXACT SIZE, COLOR, (SUBMIT SAMPLES), HEIGHT, AND LOCATION.**

---

---

---

---

Send to: Pinnacle Property Management, 430 Lake Whitney Place, Port St. Lucie, FL 34986

FOR ASSOCIATION USE ONLY

\_\_\_\_\_ Approved

\_\_\_\_\_ Not Approved

\_\_\_\_\_ Re-Submittal Needed. Insufficient Information Submitted

\_\_\_\_\_ Approved with Conditions

---

---

## E. GENERAL PROPERTY MAINTENANCE

1. Exterior Maintenance – Owners are required to maintain the exterior of homes including patio, terrace, pool or similar areas.

a. Roof/Home Exterior/Driveway/Mailbox/Lamp post/Walkway Cleaning – Periodic cleaning of the roof, house, mailbox, lamp post, walkway and driveway is required as often as needed to maintain a clean appearance.

b. House Painting – Periodic house repainting is required as often as needed to maintain a clean appearance.

c. Color Changes – Owners shall obtain approval from the ACC before painting has commenced to ensure that a color change conforms to the approved colors established for the neighborhood.

d. Garage Doors – Garage doors shall be kept closed, except when performing work. Garage doors shall have a well-maintained appearance.

e. Window and wall air conditioners are prohibited.

## F. VIOLATIONS AND DELINQUENCIES

1. Violations of HOA Governing Documents, including Rules and Regulations

a. Procedures – These procedures describe the process of handling complaints addressed to the HOA. The HOA is under no obligation to settle disputes between neighbors.

b. All citations and notices of violations issued by the HOA's Officers are subject to review by the Compliance Committee.

c. Complaints by Owners regarding violations of HOA Governing Documents, including the Rules and Regulations, shall be submitted in writing to the Management Company who will undertake a finding of facts in the case. If sufficient cause is discovered to confirm a violation, the Management Company shall send a violation notice and refer the complaint to the Compliance Committee for a hearing.

2. Delinquencies

a. The Board, in its sole discretion, may suspend all rights of an Owner/Tenant with respect to voting rights and use of the common property when the delinquency has continued uncured, in whole or in part, for more than 90 days.

3. Schedule of Action/Fines:

Violation of Governing Documents:

First Notice	Written Notice
Second Notice	Written Notice establishing date to clear violation
Third & Subsequent Notice	\$100 fine

G. SEVERABILITY

Failure by the HOA to enforce any provision of these Rules and Regulations shall in no event be deemed to be a waiver of the right to do so thereafter. The provisions of these Rules and Regulations shall be deemed to be independent and severable, and the invalidity of any one or more of the provisions hereof, or any position thereof, by judgment or decree of any court of competent jurisdiction, shall in no way affect the validity or enforceability of the remaining provisions, which shall remain in full force and effect.



## COMPLIANCE COMMITTEE RULES

Pursuant to Section 720.3-5, Fla. Stat., the Board of Directors of Association hereby adopts the following Rules respecting the duties, functions and operations of the Association's Compliance Committee, as follows:

1. There shall be a Compliance Committee ("Committee") consisting of at least three (3) members of association appointed by the Board of Directors. The members may not be officers, directors or employees of Association, or the spouse, parent, child, brother or sister of an officer, director or employee of Association.
2. The minimum number of Committee members present for a quorum shall be a majority of the members of the Committee. Committee members may not participate in the meeting by speaker phone; they must be physically present. Provided a quorum is physically present, the affirmative vote of a majority of the Committee members present and voting (provided a minimum of two [2] shall cast an affirmative vote) shall be required to take any action other than to adjourn for lack of a quorum.
3. The Committee shall review all citations and approve or disapprove Sanctions proposed by the Board against an Owner and/or an Owner's spouse, guest, agent/invitee and/or tenant (collectively, "Owner"), pursuant to these Rules. If the Committee, by majority vote, does not approve a proposed Sanction, it may not be imposed. Notwithstanding the foregoing or anything to the contrary contained in these Rules, to the extent the Board has statutory authority pursuant to Section 720, Florida Statutes (the "Statute"), as the same may be amended or modified from time to time, to levy any fine or suspension without review, approval and/or a hearing of the Committee, the Board may levy any such fine or suspension pursuant to the Statute and without involvement of the Committee. This exception is intended to specifically include, without limitation, the authority under Sections 720.305 (3), (4) and (5) for the Board: (i) to levy suspensions without notice and hearing requirements for owners that are more than ninety (90) days delinquent in the payment of any monetary obligation to the Association; and (ii) to suspend owners' voting rights without notice and hearing requirements for owners that are more than ninety (90) days delinquent in the payment of any monetary obligation to the Association.

4. Prior to imposing any Sanction the Board must provide notice of the Committee hearing to the Owner, which notice must be provided at least fourteen (14) days in advance of the hearing. The notice of a hearing shall contain:

- a. The nature of the alleged violation;
- b. The time and place of the hearing, which time shall not be less than fourteen (14) days from the giving of the notice;
- c. The invitation to attend the hearing and produce any statement, evidence and witnesses on the Owner's behalf;
- d. The proposed Sanction to be imposed.

5. The hearing shall be pursuant to the notice and shall afford the alleged violator a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing and the Sanction imposed, if any. If the Committee approves any proposed Sanction, the Association must provide written notice to the Owner of the Sanction by mail or hand deliver, or such other method as permitted under the Statute.

6. The Committee may adopt ad hoc rules for the hearing in order to ensure an orderly proceeding, provided same may not contradict these Rules.

7. The only persons who may be present at a hearing conducted by the Committee shall be: (i) the Committee members themselves; (ii) staff and counsel as the Committee may determine; (iii) witnesses and parties as called by the Committee; and (iv) the owner, the Owner's counsel and witnesses called by the Owner. If the owner intends to bring counsel, the Owner must provide notice of such intent as early as possible to the Association, but at least three (3) business days prior to the hearing, so that the Association may arrange to have its own counsel attend the hearing.

8. The chairperson of the Committee shall control the order and extent of all questioning.

9. Before hearing from the Owner and witnesses, the Committee shall consider whether or not any member of the Committee should recuse himself or herself from a specific matter. Committee members who have not recused themselves may not abstain from voting on the matters before the Committee.

10. The Committee shall permit the Owner and/or its counsel to make an opening statement.

11. The Committee shall hear one witness at a time. Owner or Owner's counsel may only be present when the Owner or a witness presented by the Owner is to be heard.

12. Committee members are not subject to questioning by Owner or Owner's counsel.

13. All written materials to be made a part of the record shall first be submitted to Committee's counsel (if Committee chooses to have counsel present), then, upon counsel's approval, submitted and distributed to all members of the Committee. Said materials shall be placed in the record of the proceeding.

14. The course of the hearing shall be limited to the matter raised before the Committee.

15. Committee proceedings are administrative, not operational. Accordingly, Committee meetings are not noticed to the general membership of Association, nor are members of Association generally permitted to attend or participate in Committee proceedings, except as may be provided in Paragraph 7 above.

16. Neither the Committee nor any member thereof shall be liable to the Association or to any Owner or any other person or entity for any loss, damage or injury arising out of or in any way connected with the performance or non-performance of the Committee's duties hereunder.