

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

12.7.2 Commercial Vehicle

"Commercial Vehicle" shall mean and refer to any type or kind of truck, van, service van, utility trailer, tractor, truck tractor, semi-trailer, road roller, flatbed trucks or box trucks of any size, dumpster, pole trailer, caterpillar, bulldozer, crane, backhoe, commercial van or other vehicle of the like of any type or kind (i) with an axle carrying capacity of one (1) ton or greater; and/or (ii) bearing commercial markings, signs, logos, displays, tool racks, saddle racks, or other elements of a commercial nature or otherwise indicates a commercial use regardless if such vehicle has a cover or "topper" for the cargo-carrying area. However, "pick-up trucks" or "sport utility vehicles" with a cargo capacity of one (1) ton or less that do not otherwise satisfy the definition of a Commercial Vehicles (as herein defined) are permitted to be parked on the Lot in accordance with this Declaration and/or any rules and regulations promulgated by the APV.

12.7.3 Vehicle Covers

Vehicles may be covered with a cover fitted to the appropriate model vehicle. Tarps, drapes or other covers not fitted to the vehicle are not allowed.

12.8 Parking.

12.8.1 Permitted Vehicle Parking

All permitted vehicles shall be parked in the Owner's garage or on the Owner's driveway with rear or front car bumper facing garage or carport except where a Lot has a home with a circular driveway or in the case of a home built upon a rear Flag Lot as defined in Paragraph 13.5 hereof. No vehicle is permitted to park or drive on the lawn, landscaped or unpaved area(s) of any Lot or that portion of any adjacent Common Area or public right-of-way, lying between the Lot boundary and any street, or alley.

12.8.2 Trailers, Mobile or Motor Homes

No house trailer, mobile or motor home (except in Village Nine and other areas designated for mobile homes), camper, recreation vehicle, recreational vehicle (RV) including all-terrain vehicle (ATV or ATC), dune buggy, boat, jet skis, wave runner, boat trailer, bus, inoperable vehicle, commercial vehicle, implement of husbandry or the like of any type or kind shall be parked on any Lot or that portion of any adjacent Common Area or public right-of-way, lying between the Lot boundary and any street, or alley unless inside a garage or concealed from public view.

12.8.3 Commercial Vehicles

Commercial Vehicles are prohibited on the Lots, driveways or Common Areas; however, a Commercial Vehicle may be parked during actual continuous use, delivery, construction, repair, or development of structures or property, or the temporary servicing of or delivery to Lots, homes, and only for the duration of such activity.

Sec. 12.8.3 (p. 16): Parking clause restricts pickup trucks or authorized work vehicles in direct violation of Fla. Stat. § 720.3075(3) (HB 1203).

Statutory / Legal Reference: Fla. Stat. § 720.3075(3)

Statutory Comparison: Fla. Stat. § 720.3075 as amended by HB 1203 renders unenforceable any covenant that prohibits an owner from parking a personal vehicle, including a pickup truck, or an emergency service/work vehicle in their driveway.

CURRENT WORDING IN DOCUMENT:

Commercial Vehicles Commercial Vehicles are prohibited on the Lots, driveways or Common Areas; however, a Commercial Vehicle may be parked during actual continuous use, delivery, construction, repair, or development of structures or property, or the temporary servicing of or delivery to Lots, homes, and only for the duration of such activity.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding any provision herein to the contrary, personal pickup trucks, law enforcement vehicles, emergency services vehicles, and work vehicles operated by a resident or owner may be parked in the resident's designated driveway or parking area, pursuant to Fla. Stat. § 720.3075.

ISSUE #1