

MARKUP #1 ->

DATE: March 2017

TO: Bartram Plantation Homeowners

FROM: Graham Argott, President of Bartram Plantation HOA Board of Directors

SUBJECT: Boats, Trailers and RVs

We would like to provide some discussion surrounding an issue we are managing in our neighborhood.

In general, homeowners are following most covenants, especially since compliance keeps the neighborhood appearance up and contributes to the overall value of the homes. Some covenants have been deemed to be overly restrictive, and in those cases the Board of Directors has chosen to be flexible in the enforcement of these areas. For example, our covenants state that garage doors should remain closed.

Another example of this is section VII, I, which requires that all vehicles be parked and stored within garages. Although, most homes in Bartram Plantation have three car garages, we have generally decided that this is too restrictive for many homeowners, especially as our children reach driving age. In general, this has caused no issues amongst homeowners.

This same section states that no boats, commercial vehicles, trailers or recreational vehicles may be stored or parked within the Property except wholly within a closed garage. Our BOD has allowed homeowners to bring boats and RVs to their homes for short periods (1-2 days) to clean or load/unload. At no time is any vehicle authorized to be parked on yards in front or to the side of the homes, or behind the home if it is a lake view residence (even for short periods). We have allowed homeowners to have boats or trailers behind privacy fences on their back property, if they are not visible from the street.

The allowance for short stays for boats and RVs will be rescinded if it is abused. In other words, it is not reasonable for homeowners to repeatedly park boats or RVs at their homes for several days at a time, more than simple cleaning, load/unload time. Our neighborhood was not built to house boats and RVs within the property on a regular basis and owners must plan to house their recreational vehicles in appropriate storage facilities.

Vehicles, trailers, RVs, etc. are not authorized to be parked/stored on community property. If vehicles are found on community property, we will attempt to identify and notify the owner. If it is not removed, the vehicle will be towed and disposed of at the owner's expense.

The specific covenant modifications/clarifications mentioned above are authorized in accordance with Section VII, U. of our covenants. This section allows the BOD and ARB to adopt and amend rules and regulations governing the details of the operation, use, maintenance and control of the Residences, Lots, Common Property and any facilities or services made available to the Owners.

The covenants are made available to all prospective homeowners by their realtors, and are available for download on our neighborhood website, www.bartramplantation.net. This letter will also be posted to the website.

Thank you for your support in helping to keep our neighborhood looking its best.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. VII (p. 1): Covenant restricts storing or installing items in rear/fenced areas not visible from the parcel frontage in direct violation of Fla. Stat. § 720.3045.

Statutory / Legal Reference: Fla. Stat. § 720.3045

Statutory Comparison: Regardless of any covenants or restrictions in the governing documents, Fla. Stat. § 720.3045 prohibits an HOA from restricting parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent parcel, including artificial turf, boats, RVs, and vegetable gardens.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.3045, this restriction shall not apply to any items, artificial turf, recreational vehicles, boats, or gardens installed, displayed, or stored on a parcel that are not visible from the parcel's frontage or an adjacent parcel.

ISSUE #1