

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

6.3 Accessory Structures. No tents, trailers, vans, shacks, tanks (excepting portable tanks of 25 net lbs. capacity or less commonly used to fuel non-commercial barbeque grills) or temporary or accessory buildings or structures shall be erected or permitted to remain on any Lot or Common Area without the written consent of the Bay Forest Association. No structure of a temporary character including trailer, tent or shack shall be used on any Lot at any time as a Residence, either temporarily or permanently.

6.4 Television and other Outdoor Antennae. No outside antennae, satellite receiving dishes, antenna poles, antenna masts, electronic devices, antenna towers or citizen band (CB) or amateur band (ham) antennae shall be permitted, except as approved by the Bay Forest Association, or except as otherwise permitted by law as to satellite antennae one meter (39.37 inches) or less in diameter, antennae or aerials to receive over-the-air television broadcast, or antennae designated to receive multichannel, multipoint distribution service, which may be installed at a location approved in writing by the Bay Forest Association. An approved flagpole shall not be used to mount an antenna. It is the intent of this provision to protect residents from unreasonable interference with television reception, electronic devices, and the operation of home appliances, which is sometimes caused by the operation of ham radios, CB base stations or other high-powered broadcasting equipment. Owners shall be responsible for any damage or liability resulting from the installation of any device or improvement on their Unit.

ISSUE #1

6.5 Vehicles, Boats and Parking. Parking in Bay Forest shall be restricted as follows:

- (A) Restricted Vehicles.** Only operable, validly licensed, four-wheeled passenger vehicles typically used for the transportation of people and their personal belongings shall be operated on the roads in Bay Forest or be parked in view upon any Lot or Common Area. No commercial vehicles (displaying commercial signage), boats (excepting those renting storage as defined in Section 6.5(C) Boat Storage Rental), trailers, mobile homes, motor homes, recreational vehicles, mopeds, motorcycles or other restricted vehicles shall be parked in view upon any Lot or Common Area. Vans may be parked upon any Lot or Common Area only if the van is intended for use as a passenger vehicle, for personal nonbusiness purposes and the van has windows on both side panels and is equipped with seating throughout.
- (B) Exception.** Restricted vehicles may be parked or stored within a building where totally isolated from public view or in areas specifically designated by the Board for this purpose, if any. Notwithstanding the foregoing, restricted vehicles may be temporarily operated on the roads of Bay Forest for the purpose of ingress and egress and may be parked upon any Lot or Common Area for loading and unloading and for the provision of commercial services to the Association, unit owners or approved tenants during business hours.

Sec. 6.5 (p. 17): 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:

Vehicles, Boats and Parking. Parking in Bay Forest shall be restricted as follows:
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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.