MARKUP #1 ->

4. Setback For All Structures.

(a) No building or any type or kind of permanent structure (except drives and walks) or any part of any of same, shall be erected, placed or allowed in the area of any Lot lying between the front building restriction line of 25 feet and the street on which the Lot abuts; or nearer than seven and one-half feet to any interior side line of any Lot having a width at the front setback line of less than ninety feet, nor nearer than ten feet to any interior side line of any Lot having a width at the front setback line greater than ninety feet.

(b) No building or any type or kind of permanent structure shall be placed on any river front Lot nearer than 40 feet to the back Lot line or existing bulkhead, except for docks, swimming pools, and required swimming pool enclosures, which latter shall comply with paragraph (a) above.

5. Well Limitation: Water Supply.

The central water supply system, provided by the Jacksonville Electric Authority, its successors or assigns, for service to the Properties, shall be used as the sole source of water for all water spigots and outlets located within all buildings and improvements located on each Lot, and each Owner, at his expense, shall connect his water lines to the water distribution main provided to serve that Owner's Lot and shall pay water meter charges established or approved by the appropriate regulatory authority. No individual water supply system, or well, shall be permitted on any Lot except solely to supply water for use on the Lot for air-conditioning, heating and irrigation purposes, swimming pools or other exterior use. All pumps shall be located on the side or rear yard, unless, in the discretion of the Association, and only with its approval, such positioning is made impracticable due to the positioning of the Lot. All pumps shall be adequately or ornamentally screened so as not to be visible from the street.

6. Sewage Disposal.

Each Owner, at his expense, shall connect his sewage disposal line to the sewage collection line provided to serve that Owner's Lot so as to comply with the requirements of such sewage collection and disposal service of Jacksonville Electric Authority, its successors or assigns. No septic tank or other private sewage disposal unit shall be installed or maintained on any Lots and no sewage shall be discharged onto the open ground or into any river, marsh, pond, creek, park, ravine, drainage ditch, or canal access way.

7. No Overhead Wires.

All telephone, electric, and other utility lines and connections between the main utility lines and the residence and other buildings located on each Lot shall be concealed and located underground so as not to be visible. Electric service is provided by the City of

ISSUE #1

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 7 (p. 6): 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:
located underground so as not to be visible. Electric service is provided by the City of PAGE Jacksonville, Florida, through underground primary service lines running to transformers. The Association shall have no responsibility or liability for the maintenance, operation, safety, repair, or replacement of any electrical system serving any improvements on a Lot.

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.