

MARKUP #1 ->

Rule #3 – REPAIR OR RESTORATION

No repair or restoration of any kind on motor vehicles or anything else that may be used on a road for transportation is permitted, except for emergency repairs thereto, and then only to the extent necessary to enable movement therefrom to a proper facility.

Rule #4 – RESIDENTIAL USE/SALE/LEASE/RENTAL

All Lots are intended and to be used for residential purposes only. Owners shall notify the Association’s management of their tenant’s/lessee’s name. Owners who lease their Lots are responsible for the conduct of their tenants. Each Owner must provide their tenants with all Association governing documents, including a copy of the Rules.

Rule #5 – STORAGE

All personal belongings shall be stored inside the home or its lanai on a Lot. One grill and one garbage bin both of personal use size maybe stored adjacent to and abutting the home on a Lot, but not on porches. Grilling is prohibited within ten (10) feet of any structure.

Rule #6 – GARBAGE

~~Properly secured bagged or boxed garbage shall be set at the Lot’s curbside on pavement only on designated pick-up days (currently Monday and Thursday). If a holiday falls on one of these days, pick-up shall occur the following day.~~

Rule #7 – ALTERATIONS TO LOTS

No changes to the exterior of a home on a Lot, including paint color and/or changing windows and doors, are allowed without the prior approval of the Association’s Architectural Control Committee (hereafter “ACC”). ~~The ACC application includes instructions on how to submit an ACC Request for Exterior Modifications.~~ The ACC has adopted color schemes for all exterior improvements. A Lot’s lanai may be screened and/or enclosed upon proper ACC approval. Nothing may be attached to the metal or flat roofs, the home on a Lot, or on Common Areas which includes the ground. Satellite dishes or the like no wider than forty inches (40”) in diameter may be relocated to the fascia or to a lanai’s roof, but any damages caused by or arising out of their installation or removal shall be the responsibility of the Owner.

All construction to a home on a Lot shall be performed by a licensed contractor when required by law, and all licensed and/or unlicensed contractors shall carry insurance with minimum limits of \$500,000.00/\$1,000,000.00 in general liability coverage and \$250,000.00 in property damage coverage.

Owners shall routinely inspect their Lots for leaks and other things that may cause damage to a Lot and/or building. Upon discovery of any damages to a Lot and/or building, Owners shall immediately notify the Association in writing without delay.

Rule #8 – LANDSCAPING (Declaration, Article II, Section 5)

Landscaping on Common Areas adjacent to an Owner’s Lot must be consistent with the overall scheme of the community and approved in advance by the Association. All landscaping is done at the Owner’s risk and any damages caused and/or incurred whether to person and/or property shall be the Owner’s responsibility. All landscaping is subject to removal if deemed inappropriate, problematic, and/or for any other reason in the sole discretion of the Association. Landscaping must not affect the drainage of water and must not be permanent, e.g., patio bricks are allowed, poured concrete is not.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. i (p. 2): Holiday decoration restriction imposes fines without the mandatory 1-week written notice cure period under HB 1203.

Statutory / Legal Reference: Fla. Stat. § 720.305(2)(b) (HB 1203)

Statutory Comparison: Under Fla. Stat. § 720.305(2)(b), an HOA may not levy a fine or suspension for leaving holiday decorations or lights on a structure or parcel longer than indicated in the governing documents unless they are left up for more than 1 week after the board provides written notice of the violation to the parcel owner.

CURRENT WORDING IN DOCUMENT:

designated pick-up days (currently Monday and Thursday). If a holiday falls on one of these days, pick-up shall occur the following day. Rule #7 - ALTERATIONS TO LOTS No changes to the exterior of a home on a Lot, including paint color and/or changing windows and doors, are allowed without the prior approval of the Association’s Architectural Control Committee (hereafter “ACC”).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.305(2)(b), no fine or suspension shall be imposed for holiday decorations or lights unless such decorations remain displayed for more than one (1) week after the Board delivers written notice of the violation to the parcel owner.

ISSUE #1