



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 5 (p. 2): 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:

Vehicle Repairs. No lot, driveway or limited common property shall be used for the purpose of vehicle repair or maintenance. All repairs and maintenance should be performed in the garage.

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.

Parking Restrictions, cont.

- (f) No parking on sidewalks (Fla. Stat. § 316.1945) or yards including grass between sidewalk and street (right-of-way).
 - (g) No parking in a manner that obstructs a driveway or the view of a driveway including parallel parking adjacent to, directly across from or on a driveway apron.
 - (h) No parking within 15 feet of a fire hydrant or 30 feet of a stop sign or crosswalk.
 - (i) No parking in such a manner as to block access to garbage cans, recycle bins, or yard waste by city vehicles or employees.
 - (j) No parking adjacent to a cluster mailbox or blocking access by USPS employees or residents.
 - (k) No commercial vehicles (Fla. Stat. § 320.01(25)) shall be parked on privately owned driveways or property within residential districts except for loading or unloading purposes, or when parked within a completely enclosed garage.
 - (l) Vehicles that are unsightly, inoperable or that do not have a current and valid license plate and validation sticker affixed to the license plate are prohibited within the city, unless stored in a completely enclosed structure.
 - (m)No parking of a boat, trailer, house trailer, mobile home, camper, RV, or other similar vehicle on a street or right-of-way. These vehicle types may be parked in driveways for loading or unloading not to exceed a total of 24 hours in a 7-day period.
 - (n) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window or other entrance or exit from the dwelling.
 - (o) See also *Section IV Parking Enforcement and Towing* of this document.
3. **Right-of-Way Maintenance.** HO is responsible for maintaining the right-of-way adjacent to their lot in a neat and attractive condition and at all times allowing for safe passage of vehicles and pedestrians.
- (a) Grass will be kept mowed and edged.

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- (b) Leaves naturally landing in this area are the responsibility of the adjacent lot owner. No leaves will be intentionally blown into the street, gutters or storm drains.
 - (c) Cluster mailbox pads will be surrounded on all sides by mowed and edged grass.
 - (d) All landscaping changes must be approved by the ARC.
 - (e) Landscaping in the right-of-way will not exceed 24 inches in height so all fire hydrants are clearly visible from the street.
 - (f) Owners will be required to remove or modify landscaping or hardscape in this area if left unmaintained or creates a safety issue.
 - (g) Disregard for the maintenance responsibilities of an adjacent right-of-way by dumping trash, yard waste or household items in this area will be deemed a violation. After 24 hours, the FEHOA may remove the items at the owner's expense.
 - (h) FEHOA will make repairs to sidewalks, driveway aprons, storm drains and street gutters due to normal deterioration or force majeure.
 - (i) FEHOA, at its own discretion, will repair or replace driveway aprons with poured concrete matching the size and shape of the original apron.
 - (j) HOs are responsible for any damage they or their guests and tenants make to any FEHOA Limited Common Property.
4. **Driveways, Walkways, Patios.** Driveways and front door walkways will be constructed to professional standards with poured concrete in its natural gray color to match the adjacent sidewalks and driveway aprons. No decorative coatings, stamping, staining, skimming, thin pavers, or similar are allowed on driveways or walkways to front doors. Driveways and walkways must remain the original color as installed. Any changes to the impervious coverage of a lot including replacement of or adding onto an existing paved area require ARC approval and a city permit. No patios in front or side yards. No impervious coverage will extend into lot setbacks. All lots will adhere to the PUD-res zoning regarding impervious lot coverage.
5. **Vehicle Repairs.** No lot, driveway or limited common property shall be used for the purpose of vehicle repair or maintenance. All repairs and maintenance should be performed in the garage.