

MARKUP #1 ->

ARTICLE II

Lot Improvements, Usage, and Restrictions

1. For the purpose of insuring that Frances Arbor Villas remains a residential area of the highest quality and standard, and in order that all improvements on each lot shall present an attractive and pleasing appearance, the following minimum standards and requirements shall apply to all lots:

(a) Only one private dwelling shall be erected, constructed, placed, or maintained on any one of the lots, except that more than one lot may be used for one private dwelling;

(b) No dwelling shall be constructed on a lot unless such lot shall have an area of at least 10,000 square feet, and no such dwelling shall be constructed except in accordance with setback requirements established by city ordinances in effect at the time of construction; provided, however, that in no event shall any building be erected at a distance of less than 20 feet from the front lot line, or less than 20 feet from the rear lot line, or less than 7 1/2 feet from any side lot line other than a side lot line of a corner lot. No building situated on a corner lot shall be erected at a distance of less than 15 feet from any public or private street or right-of-way. Each dwelling constructed on a lot shall have a roof of design, type, and materials approved by the Board;

(c) No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling, not to exceed two (2) stories in height, a private garage for no more than three (3) cars, and other out-buildings approved prior to erection by the Board in writing. Garages may not be enclosed as a habitable room without leaving the overhead door intact;

(d) Other than the above-mentioned single family dwelling, no building other than an attached garage may be erected on any lot without prior written consent of said Board and no structure of a temporary nature or character shall be used as a residence. If a detached garage or out-building is built, either simultaneously with or subsequent to the erection of the dwelling house, the same shall be of the same kind of materials as the construction of the dwelling and shall be substantial and shall conform architecturally with the dwelling house;

(e) All buildings placed on any lot shall be constructed thereon according to plans and specifications which have been approved by the Board;

(f) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood;

(g) No building or structure shall be moved onto any lot, it being the intent of the imposition of these restrictions that any and all buildings or structures on any of the properties hereinbefore described shall be constructed thereon;

ISSUE #1

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. II (p. 3): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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