

F. Other Permanent and Non-permanent Structure (Play Equipment and Storm Shutters)

All other structures that cannot easily be moved, and/or are anchored to the ground are considered "permanent" and will be treated on an individual basis by the ARC. These should never be built without prior approval; as a rule, structures built without approval will have to be removed pending review for ARC approval. Temporary gym sets, play houses, removable basketball nets, (not in cement) that are professionally constructed do not require ARC pre-approval but may be subject to removal at the discretion of the ARC.

Storm/hurricane shutters require ARC pre-approval just to maintain the integrity of the community.

G. Vehicles & Boats, Repair, Parking, etc.**

C&Rs (page 1401) Article VII, Section 7.4, 7.5, and 7.6 restrict what you may park where and what repair work you may do outside of your garage.

2nd AMENDMENT to the C&Rs (page 1912) dated February 15th, 1989 amended Section 7.4 Parking. It was later determined that this was a Scrivener’s Error, since Section 7.4 is Motorized Vehicles.

5thAMENDMENT to the C&Rs (page 1385) dated October 9th, 2023 amended the above Scrivener’s Error by striking out the 4 and adding the following: **Notwithstanding anything to the contrary contained in this existing section, campers, boats, boat trailers, motor homes, recreational travel trailers, and utility trailers (excluding commercial use trailers) may be parked in the respective owner’s driveway once per week for up to thirty-six (36) consecutive hours to allow clean-up, loading, and unloading. (For the complete amendment, see pages 35-36 in these R&Rs)**

A summary of some of the key restrictions are:

- No trucks or commercial vehicles (except during the period of approved construction) are permitted to be parked or stored at any place on the lots or common areas. No vehicles are to be parked on lawns or on streets overnight. (V.C. Code 72.287(b)(3))
- However, commercial cars and light trucks that are used for personal transportation by the lot owner may be parked in the lot owner’s garage or driveway.
- Trucks, commercial vehicles, motor homes, recreational vehicles, boats and water craft of any description, boat trailers and trailers of every other description, etc. are to be stored in garages only and **not be parked on the streets, on driveways, or on lots.**
- Vehicles remaining outside of a garage must be moved every 48 hours, that is they cannot be parked and not operated. (Second Amendment to C&R's, book 3263, page 1912)
- Commercial vehicles may be parked on the streets or driveways, temporarily, for the performance of commercial services such as pick-up, delivery, and home repairs.
- You may never, even temporarily, park, or allow a guest to park, on common areas or on the grass of vacant lots anywhere in the Association, regardless of owner's permission that may have been granted to you.
- All motor vehicles are to be driven only on paved streets, and are to be maintained in proper condition to avoid creating nuisances due to noise or exhaust emissions. Adults or children are not allowed to operate unlicensed vehicles (such as ATV's, scooters and golf carts) on any Association street.
- Vehicles that are immobile for a period in excess of 48 hours or inoperative, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without current state license tags are prohibited other than in a completely enclosed garage. Following Notice and Hearing, the Association may cause the removal of such vehicle, at Lot Owner’s expense.
- No motor vehicle, camper, motor home, boat or water craft of every other description, boat trailer, or trailers of every other description is to be stored, restored or repaired outside the lot owner’s garage (except for emergency repairs).

Homeowners having a specific problem with any aspect of these rules should contact the property manager for guidance.

Florida Statute Section 720.3045 states that an Association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the street or an adjacent parcel, including but not limited to artificial turf, boats, flags and recreational vehicles.

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

Sec. 1912 (p. 21): 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:

* No motor vehicle, camper, motor home, boat or water craft of every other description, boat trailer, or trailers of every other description is to be stored, restored or repaired outside the lot owner's garage (except for emergency repairs).

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.

ISSUE #1