

MARKUP #1 ->

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

4.1.1. Residential Use

Only one single-family Residential Unit may be constructed upon any platted lot and no Residential Unit may be used for any trade, business, professional or commercial activity nor shall any other non-residential use be conducted upon any Residential Unit.

4.1.2. Residential Unit Conformity:

No Residential Unit or any addition thereto shall be permitted which is inconsistent in costs, quality, size, materials and appearance with the surrounding Residential Units. The ground floor area of any Residential Unit located upon the Subject Property shall not be less than 1200 square feet exclusive of porches and garages. All front, side and rear yard set-backs shall conform to the municipal zoning requirements in effect at the time of the construction of such Residential Unit.

4.1.3. Trash and Refuse:

Garbage, trash, refuse or waste materials shall not be burned on any portion of the Subject Property or within any Residential Unit. Refuse or refuse containers shall not be stored or placed upon any Residential Unit where they may be visible from the street except for a period of up to twenty four (24) hours immediately preceeding the scheduled collection of such refuse. No noxious or offensive odor shall be permitted to emanate from any portion of the Subject Property or any Residential Unit.

4.1.4. Signs:

No sign of any kind shall be displayed to the public view upon any Residential Unit except for one (1) professionally designed and prepared sign of not more than one (1) square foot announcing the name of the occupant and/or the house number of the dwelling and one (1) professionally designed and prepared sign of not more than three (3) square feet indicating that the dwelling is for sale or rent. The foregoing provisions shall not apply to any sign utilized by the Declarant herein or its successors and assigns with respect to any sales efforts of the Subject Property or any portion thereof.

4.1.5. Vehicles:

Except in cases of delivery of materials for the performance of maintenance or repair work, no vehicle may be parked or located at or upon any Residential Unit unless it shall be road-worthy, currently registered with a current license plate and less than twenty two (22) feet in length. No boat may be parked or located at or upon the exterior of any Residential Unit. No unsightly vehicles including, but not limited to spraying rigs, cranes and/or other similar commercial vehicles shall be parked or located at or upon any Residential Unit at any time or times; provided, however, this last stated provision shall not prohibit the parking or locating of commercial "pick-up" trucks or panel trucks upon any Residential Unit.

4.1.6. Animals and Pets:

No animals of any kind shall be permitted upon or within any Residential Unit, except for domestic household pets. No animals may be kept, bred or maintained for commercial purposes and no pets shall constitute an unreasonable nuisance or annoyance to the other Owners.

4.1.7. Clotheslines:

No clotheslines or clothes poles shall be erected, maintained or permitted within the exterior of any Residential Unit and there shall be no outside drying of clothing.

Sec. 4.1.7 (p. 5): Covenant prohibits clotheslines in direct violation of Fla. Stat. § 163.04.

Statutory / Legal Reference: Fla. Stat. § 163.04

Statutory Comparison: Florida Statute § 163.04 renders null, void, and unenforceable any deed restriction, covenant, or rule that prohibits or has the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources.

CURRENT WORDING IN DOCUMENT:

Clotheslines: No clotheslines or clothes poles shall be erected, maintained or permitted within the exterior of any Residential Unit and there shall be no outside drying of clothing. 5 13957PAGE 649 0333N

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 163.04, solar collectors and clotheslines shall not be prohibited, subject only to reasonable architectural guidelines regarding placement that do not impair performance.

ISSUE #1

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