Section 1: [Article I, Section 1.1] Definitions, Purpose, and Governing Covenants

This Declaration of Covenants, Conditions, and Restrictions establishes the governance framework, common area maintenance obligations, and property covenants for all Lots and Parcels within the Homeowners Association in the State of Florida.

Section 2: [Article II, Section 2.1] Membership and Lot Owner Voting Rights

Every record Owner of a fee or undivided fee interest in any Lot or Parcel shall be a mandatory Member of the Association and shall be entitled to one (1) vote per Lot in all Association affairs.

Section 3: [Article VIII, Section 8.4] Commercial Vehicles and Pickup Truck Parking Restriction

No commercial vehicle, work van, or pickup truck of any kind shall be parked overnight on any driveway, street, or parking area within KENDALLTOWN HOMEOWNERS ASSOCIATION, INC. unless kept completely inside an enclosed garage with the door

ISSUE #1

Section 4: [Article IX, Section 9.7] Backyard Storage, Sheds, and Artificial Turf Prohibition

No storage shed, boat, trailer, recreational equipment, or artificial turf may be installed or stored anywhere on a Lot in KENDALLTOWN HOMEOWNERS ASSOCIATION, INC. outside of the garage, even if located in the rear yard behind a six-foot opaque privacy fence and not visible from the street or any adjacent Lot.

Section 5: [Article XI, Section 11.2] Fining Procedure and Automatic Assessment Lien

The Board of Directors of KENDALLTOWN HOMEOWNERS ASSOCIATION, INC. may levy a fine of up to $150.00 per day upon seven (7) days written notice of a covenant violation, subject to review by a committee appointed by and including a member of the Board of Directors. Any unpaid fine of $250.00 or more shall constitute a continuing lien against the Lot enforceable by foreclosure.

Section 6: [Article V, Section 5.6] Official Records Inspection and Copying Rules

Official records of KENDALLTOWN HOMEOWNERS ASSOCIATION, INC. shall be made available for inspection within thirty (30) business days after receipt of a written request sent by certified mail. Photographing or scanning Association records with a smartphone, camera, or portable scanner is prohibited.

MARKUP #1 ->

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

Sec. Article VIII, Section 8.4 (p. 1): 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:
Commercial Vehicles and Pickup Truck Parking Restriction - No commercial vehicle, work van, or pickup truck of any kind shall be parked overnight on any driveway, street, or parking area within KENDALLTOWN HOMEOWNERS ASSOCIATION, INC. unless kept completely inside an enclosed garage with the door closed.

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.