

Sec. 16 (p. 10): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under FL and federal law.

Statutory / Legal Reference: Fla. Stat. Ch. 720 (Homeowners' Association Act); 4 U.S.C. § 5

Statutory Comparison: Under Fla. Stat. Ch. 720 (Homeowners' Association Act); 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by FL statute.

CURRENT WORDING IN DOCUMENT:

Signs: No sign of any kind shall be displayed to the public view on any lot except one (1) sign of not more than five (5) square feet to be used by the general contractor during the construction or remodeling period. The ARC must approve the sign design. The sign may only include: A. the general contractor's name, B. license number, C. telephone number, D. the name of the owner for whom the house is being constructed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 16 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Fla. Stat. Ch. 720 (Homeowners' Association Act); 4 U.S.C. § 5.

OIEPOA Specific Covenants and Restrictions

Dated: April 26, 2005

15. Protection to the Environment: Anything to the contrary notwithstanding, it is the intention of the Orchid Isle Estates Property Owner's Association, Inc. that no destruction or damage shall be suffered to the wetland vegetation or environmentally sensitive areas without the approval of local, state, and federal agencies. Property owners shall adhere to all conditions per final approved permits by all agencies.

16. Signs: No sign of *any kind* shall be displayed to the public view on any lot except *one* (1) sign of not more than *five* (5) square feet to be used by the general contractor during the construction or remodeling period. The ARC must approve the sign design. The sign may only include:

- A. the general contractors name,
- B. license number,
- C. telephone number,
- D. the name of the owner for whom the house is being constructed.

17. Mailboxes: All mailboxes shall be designed to be visually harmonious with the site and surrounding sites and maintained in good condition to compliment the upscale appearance of the subdivision.

18. Window Air-conditioning Units: No window or wall air-conditioning units shall be permitted.

19. Storm Shutter Usage – Vacant Dwellings: "Boarding up" or shuttering of vacant dwellings or homes will only be permitted during the official hurricane season, which runs from June 1 until November 30. Per the Architectural Planning Criteria, the ARC must approve *in writing* the design, color, and materials of permanent storm shutters. Temporary storm shutters made of plywood or other such materials may only be installed if a hurricane is imminent and must be removed after the storm has passed.

20. Vehicle Parking: No vehicles are allowed to be parked overnight on common property, right-of-ways, and / or empty lots.