

EXHIBIT B - RESTRICTIONS -RESIDENT MARKUP #1 ->

EXHIBIT B
RESTRICTIVE COVENANTS FOR RESIDENTIAL LOTS
FOR
RAINBOW SPRINGS

ARTICLE I
RESIDENTIAL LOT USE RESTRICTIONS

Section 1. Applicability. The provisions of this Article shall be applicable to the Residential Lots.

Section 2. Set Back restrictions. No single family building shall be located (a) on Acre Lots nearer to a street line than fifty (50) feet, to a side lot line than twenty-five (25) feet and to a rear lot line than twenty-five (25) feet, (b) on Half Acre Lots nearer to a street line than twenty-five (25) feet, to a side lot line than eight (8) feet and to rear lot line than twenty-five (25) feet, (c) on Quarter Acre Lots, nearer to a street line than twenty-five (25) feet, to a side lot line than eight (8) feet, and to a rear lot line than twenty-five (25) feet, (d) on Patio Lots, nearer to a street line than ten (10) feet, to a side lot line than ten (10) feet and to a rear lot line than ten (10) feet. The side yard restriction for a Patio Lot may be reduced to zero feet. For the purpose of this covenant, eaves, steps and open porches not covered by structure shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building or construction on any lot to encroach upon any lot.

Section 3. Minimum Size. No single family detached residential building may be constructed on an Acre Lot, a Half Acre Lot or a Quarter Acre Lot unless it shall contain at least 1280 square feet of living space and on a Patio Lot unless said building shall contain at least 850 square feet of living space.

Any such building which exceeds one story height shall have not less that sixty percent (60%) of the total square feet of living space on the ground floor. No such building shall exceed thirty (30) feet in height but nothing herein contained shall be construed as preventing the location on said property of residential buildings designed as "split level". Such buildings being ones in which floor levels of habitable spaces are separated so that ground levels are in different elevations, and part of said dwelling is three stories in height. In the case of split level buildings there shall be not less than sixty (60) percent of the total square feet of living space on the two ground floor elevations.

Section 4. Temporary Structures. No structure of a temporary character, or trailer, tent, mobile home or recreational vehicle shall be permanently resided on any lot; temporary, vacation type residence may be permitted but only with the prior written approval by the ACB.

Section 5. Parking and Storage of Recreational Vehicles, etc. Recreational vehicles, mobile homes, trucks with sleeping accommodations or facilities, and boats, (collectively hereafter called "vehicles") may be parked and stored on Lots only with the prior written approval of the ACB, which shall consider, in making its decision, among other things, the size and number of vehicles or the size of the Lot, the location and screening of the parking space. The ACB may limit the parking or storage of such vehicles to Lots containing a minimum number of square feet. If Declarant shall elect to include a storage area for vehicles within the Properties, the ACB, in its sole discretion may require the parking and storage of said vehicles in such area. Notwithstanding the foregoing an Owner may park and store a vehicle in an enclosed roofed garage on his Lot.

Section 6. Gas Tanks. No gas tank, gas container, or gas cylinder shall be permitted to be placed on or about the outside of any house or ancillary building, and all gas tanks, gas containers and gas cylinders shall be installed underground in every instance where gas is used. In the alternative, gas containers may be placed above ground if enclosed on all sides by a decorative safety wall approved by the ACB.

Section 7. Signs. No sign of any kind shall be displayed to the public view on a lot except one sign of not more than one square foot used to indicate the name of the resident; or, after the Declarant has sold all of the lots, one sign of not more than five square feet advertising the lot for sale' or any sign used by the builder or lender to advertise during the construction sales period. The Declarant shall have the right to place signs upon any lot which Declarant deems necessary or proper in connection with the sale thereof.

Section 8. Pets, Livestock and Poultry. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets and horses may be kept, subject to rules and regulations of the ACB, provided that they are not kept, bred or maintained for any commercial purpose, and provided that they do not become a nuisance or annoyance to any neighbor. No pets shall be permitted to have excretions on any lot, or anywhere else within the properties except in locations designated by the Association in its rules and regulations.

Section 9. Commercial Trucks. No commercial trucks shall be permitted to be parked or to be stored at any place on any lot, except as approved by the ACB. The ACB in its sole discretion shall establish rules regulating the parking of Owners' personal use trucks and commercial trucks used by Owners to travel to and from work. By way of illustration and not limitations the ACB may limit the size of each truck and the number of trucks parked on a Lot and the ACB may establish different rules for different sized Lots. This prohibition on parking shall not apply to temporary parking of trucks and commercial vehicles, such as for pick-up, delivery, and other commercial services.

Section 10. Fences. No fence, wall or other structure shall be erected in the front yard, back yard, or side yard setback areas, except as originally installed by Declarant and except any approved by the ACB.

Section 11. Light, Noise and Odors. No light, noise or odor shall be permitted on or emanating from any Lot which causes an annoyance or nuisance to any other Lot or Owner.

Section 12. Subdivision. No lot shall be subdivided, either by plat or by sale in parts or its boundary lines changed, except with the written consent of Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns, the right to replat any Lot or Lots shown on the plat of any said subdivision in order to create a modified building lot or lots; and to take such other steps as are reasonably necessary to make such replatted Lots suitable as a building site to include, but not be limited to, the relocation of easements, walkways, rights-of-way, roads, bridges, parks, recreational facilities and other amenities to conform to the new boundaries of said platted Lots, provided that no new lot originally

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

Sec. 9. (p. 11): 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 Trucks. No commercial trucks shall be permitted to be parked or to be stored at any place on any lot, except as approved by the ACB. The ACB in its sole discretion shall establish rules regulating the parking of Owners' personal use trucks and commercial trucks used by Owners to travel to and from work.

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.

ISSUE #1