

MARKUP #1 ->

If a Living Unit's current exterior color scheme is no longer available (i.e., has been retired), the Owner may submit an ARC application to repaint with that Living Unit's existing color scheme only if those colors were previously approved for the Living Unit by ARC in writing or were originally applied to the Living Unit by the Builder. The original Owner of a Living Unit (i.e., the first and continuous owner of the Living Unit), may submit an ARC application to repaint with the original colors only if the Owner can provide documentation to substantiate that these colors were the original colors applied to the Living Unit by the Builder and have been on the Living Unit continuously since the Living Unit's completion.

Exterior Wall Finishes

All structures must be finished from grade (footer) to underside of fascia with decorative cementitious finish, brick, or stone. No exterior finish shall be permitted to have cracks in it more than 1/8" wide.

Garage Conversions

No garage shall be enclosed or converted into habitable living space except as originally constructed by the developer/builder.

ISSUE #1

Holiday Decorations

Any Owner may display holiday decorations for a generally recognized holiday so long as they are removed within one week after the holiday with the exception of any December holiday decorations which shall be removed by January 15th. No other type of decoration shall be permitted. Holiday decorations may be installed or displayed 30 days prior to the generally recognized holiday. Any exception requires ARC approval.

Landscaping

Significant landscaping, whether done professionally or by the Owner, requires ARC approval. Significant landscaping shall be defined the modification (adding, removing, or changing) of 1 0% or more (as determined by the ARC) of the existing landscaping in the front yard and side yards visible from the street excluding periodic replacement of annuals.

Privacy hedges are subject to written ARC approval. Such privacy hedges must be set back ten feet (10') from the front corner of the Living Unit along the side, and may not be utilized as 'natural fences' on certain Lots (See section on Wall, Fences and Privacy Hedges for more information). Privacy hedges must be maintained, and may not exceed six feet (6') in height from grade level as originally set by the developer. Plant beds may

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

Sec. 1 (p. 10): Holiday decoration restriction imposes fines without the mandatory 1-week written notice cure period under HB 1203.

Statutory / Legal Reference: Fla. Stat. § 720.305(2)(b) (HB 1203)

Statutory Comparison: Under Fla. Stat. § 720.305(2)(b), an HOA may not levy a fine or suspension for leaving holiday decorations or lights on a structure or parcel longer than indicated in the governing documents unless they are left up for more than 1 week after the board provides written notice of the violation to the parcel owner.

CURRENT WORDING IN DOCUMENT:

Holiday Decorations Landscaping Living Units Outdoor Equipment, Sports, Mechanical Equipment and Structures Pets Roofs Signs, Flagpoles and Flag Displays Solar Panels, Clothes Drying and Energy Saving Devices Structural Swimming Pools and Spas Trash Receptacles and Recycle Bins Vegetable and Herb Gardens Vehicle Parking Walls, Fences and Privacy Hedges Water Conditioners Windows, Screen Enclosures, Entry Doors, and Garage Doors

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 720.305(2)(b), no fine or suspension shall be imposed for holiday decorations or lights unless such decorations remain displayed for more than one (1) week after the Board delivers written notice of the violation to the parcel owner.