

MARKUP #1 ->

the grade established by Developer. There shall be no chain link, hog wire, or other type of metal fences on any Lot. No tree, fence, shrub, or other landscaping which substantially obstructs the vision of drivers of motor vehicles shall be place or permitted to remain on any corner Lot. No fence, wall or opaque hedge shall be constructed or maintained nearer to the street than the front wall of the residence constructed on the Lot (or in the case of corner Lots, nearer to either street than the front, side, or other wall of the residence constructed on said corner Lot), nor nearer than twenty (20) feet to any front Lot line, whichever would cause the fence, wall or hedge to be further from the street. The composition, location and height of any fence, hedge or wall to be constructed or maintained on any Lot shall be subject to the prior written consent of the Association.

(a) Lots adjacent to Lakes. Lake Tracts are defined to be Tracts A, B and E. No fence, hedge, or wall shall be constructed or maintained on the rear of a Lot that is adjacent to any Lake Tract within the Subdivision. For the purposes of the preceding sentence, the rear of a Lot shall include that portion of the Lot that runs perpendicular from the back wall of the dwelling to the side Lot lines, and extends to the rear Lot line.

(b) Lots adjacent to Preservation Areas. The Preservation Area is Tract D. No hedge shall be planted or maintained on the rear of a Lot that is adjacent to the Preservation Area as depicted on the Plat for the Subdivision. No wall shall be constructed or maintained on the rear of a Lot that is adjacent to the Preservation Area. No fence which is over four (4) feet in height from the grade established by the Developer, shall be constructed or maintained on the rear of a Lot that is adjacent to the Preservation Area. For the purposes of the preceding two sentences, the rear of a Lot shall include that portion of the Lot that runs perpendicular from the back wall of the dwelling to the side Lot lines and extends to the rear Lot line.

4.14 Landscaping. Landscape plans involving the use of rock, stone, sand or hard surfaces in front yards shall be approved by the ARC. Use of such materials are limited to 40% of the front yard. All lawns and landscaping shall extend to the pavement line in front of any dwelling.

4.15 Trees. The owner shall maintain any trees located on his or her Lot in good condition and replace them if required by Sarasota County or other applicable law. No person shall remove or relocate any tree installed upon any Lot, or otherwise allow, authorize or assist in such removal or relocation, without first obtaining a tree permit if required by Sarasota County.

4.16 Artificial Vegetation. No artificial grass, plants or other artificial vegetation shall be placed or maintained upon the exterior portion of any Lot, unless approved by the Association.

ISSUE #1

4.17 Vehicles. No vehicle shall be parked in the Subdivision except on a paved driveway or inside a garage. No Commercial Vehicle, other than those present on business or while providing a service, nor any trailers, may be parked in the Subdivision unless inside a garage and concealed from public view. “Commercial Vehicle” shall mean any vehicle that bears signage or advertisement identifying a business logo, name, telephone number or website, contains commercial or business equipment or supplies, such as tools, compressors, machines, racks, ladders, business supplies, lawn care equipment, pool equipment and chemicals, storage containers, etc. The Board of Directors shall determine, in its reasonable discretion, if a specific vehicle is a “Commercial Vehicle” and the Board’s determination shall be final and binding on all Lot owners, tenants, guests and invitees. Law enforcement, fire, emergency management, and other federal, state, county and city-owned vehicles shall not be deemed Commercial Vehicles. Boats, boat trailers, trailers of any kind or description, campers, non-passenger vans, motor homes, motorcycles, recreational vehicles

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 4.17 (p. 12): 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:

Vehicles. No vehicle shall be parked in the Subdivision except on a paved driveway or inside a garage. No Commercial Vehicle, other than those present on business or while providing a service, nor any trailers, may be parked in the Subdivision unless inside a garage and concealed from public view.

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.