

MARKUP #1 ->

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

limit the authority of the Board of Directors to promulgate and enforce rules and regulations. Such rules and regulations may augment or clarify the terms of this Master Declaration or any provision, covenant, or restriction herein contained. Copies of such rules and regulations shall be made available to each Owner prior to the time same become effective

8.9 Animals and Pets. No animals, wildlife, livestock, reptiles, or poultry of any kind shall be raised, bred, or kept on any portion of the Property, except that dogs, cats, or other usual and common household pets not to exceed a total of four (4) may be permitted in a Residence or on a Lot. All pets shall be leashed when on the Common Property. Those pets which, in the sole discretion of the Association endanger health, make objectionable noise, or constitute a nuisance or inconvenience to the other Owners or the owner of any portion of the Property shall be removed upon request of the Board of Directors. No pets shall be kept, bred, or maintained for any commercial purpose. Pets shall only be permitted on the Common Property if such portions thereof are so designated by the Association. All persons bringing a pet onto the Common Property or any Property that is not their own shall be responsible for immediately removing any solid waste of said pet. See also Lake Mary city ordinance Chapter 90 on Animal Control.

8.10 Garbage, Trash, and Recyclable Items. No trash, garbage, recyclable items, or other waste material or refuse shall be placed or stored on any part of The Properties except in covered or sealed sanitary containers. All such sanitary containers must be stored within each building, buried underground, or placed within an enclosure or concealed by means of a screening wall of material similar to and compatible with that of the building. These elements shall be integrated with the concept of the building plan, shall be designed so as not to attract attention, and shall be located in the most inconspicuous manner possible. There may be no burning of trash or any other waste material, except within the confines of an incinerator, the design and location of which must be approved by the ARB.

8.11 Oil and Gas Tanks, Pool Equipment, Outdoor Equipment. All fuel tanks, oil tanks, bottled gas tanks, and swimming pool equipment and housing must be underground or placed in walled-in areas or landscaped areas so that they are not visible from any adjoining Lot or any street. Adequate landscaping must be installed and maintained by the Owner. On-site storage of gasoline or other fuels is prohibited on any part of the Property, with the exception of up to five (5) gallons of fuel stored on each Lot for emergency purposes and operations of lawn mowers or similar tools or equipment; and the Association will be permitted to store fuel for operation of maintenance vehicles, generators, and similar equipment. All of the foregoing must be approved in writing by the ARB and comply with all applicable laws, codes, and ordinances.

ISSUE #1

8.12 Parking, Storage, Repair and Vehicular Restrictions. Parking on the Property shall be restricted to private vehicles intended primarily to carry passengers and only limited cargo. No vehicle shall be parked so as to block a sidewalk, driveway, or intersection. Passenger vehicles displaying company markings shall be garaged at all times, unless such markings are obscured through the use of covers approximating the vehicle color. No owner, resident, or visitor shall conduct repairs (except in an emergency) or ~~restorations of any motor vehicle, or other vehicle upon any portion of the Property, except in an enclosed area with the doors to that area closed at all times.~~

No commercial vehicles, or campers, mobile homes, motor homes, house trailers or trailers of any type, recreational vehicles, motorcycles, mopeds, or boats shall be permitted to be parked or to be stored at any place within the Property, except in an approved garage on the Owner's Lot with the garage door closed. No Owner, resident or visitor shall keep any vehicle on the Common Property which is deemed a nuisance by the Board. For purposes of this Section, "commercial vehicles" shall mean those which are not designed and used for customary, personal/family purposes. The absence of commercial-type lettering or graphics on a vehicle shall not be dispositive of whether it is a commercial vehicle. The prohibitions on parking contained in this Section shall not apply to temporary parking of commercial vehicles such as for construction use or providing pick-up and delivery and other commercial services nor to any vehicles of the Association, nor shall the prohibitions apply to municipal, county, or federal law enforcement and emergency vehicles such as police cars, Sheriff's cars, ambulances, fire trucks, and similar government vehicles. No overnight on-street parking or parking on lawns shall be permitted.

Sec. 8.12 (p. 19): 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:

Parking, Storage, Repair and Vehicular Restrictions. Parking on the Property shall be restricted to private vehicles intended primarily to carry passengers and only limited cargo. No vehicle shall be parked so as to block a sidewalk, driveway, or intersection. Passenger vehicles displaying company markings shall be garaged at all times, unless such markings are obscured through the use of covers approximating the vehicle color.

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.