



been submitted to it, in accordance with adopted procedures, the HOA's approval will be deemed granted. The applicant may appeal an adverse ARB decision to the Board of Directors who may reverse or modify such decision by a two-thirds (2/3) vote of the Directors.

ARTICLE VII

Use of Property

Section 1. Protective Covenants.

(a) Residential Use. All property designated for residential use shall be used, improved and devoted exclusively to residential use. Nothing herein shall be deemed to prevent the Owner from leasing a Living Unit to a single family, subject to all of the provisions of the Declaration.

(b) Nuisances. No nuisance shall be permitted to exist or operate upon any property so as to be detrimental to any other property in the vicinity thereof or its occupants.

(c) Restriction of Further Subdivision. No Lot upon which a Living Unit has been constructed shall be further subdivided or separated into smaller Lots by any Owner, and no portion less than all of any such Lot, nor any easements or other interest herein, shall be conveyed or transferred by an Owner, provided that this shall not prohibit deeds of correction, deeds to resolve boundary disputes, and similar corrective instruments.

(d) Fence and Wall Restrictions. No fence or wall shall be erected, placed or altered on any Lot nearer to any street than the minimum building set back line.

(e) Size. No building shall be erected as a single-family dwelling with less than 1,600 square feet of minimum floor area.

(f) Roofs. No gravel roofs shall be permitted except on flat roof surfaces. All other roofs shall be pitched and composed of tile, slate, cedar shake shingle or asphalt shingle construction.

(g) Residence Dwelling Quality. The sides and rear of all concrete block dwellings shall be composed of stucco with no exposed block permitted; however, nothing herein shall be construed as to preclude the building of wood frame dwellings.

(h) Pools. There shall be no above-ground swimming pools.

(i) Garbage and Trash Disposal. No Lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage and other waste shall be kept in sanitary containers and, except during pick-up, if required to be placed at the curb, all garbage containers shall either be completely recessed in the ground with a lever-actuated, tight-fitting lid, or located at or near a back corner of the dwelling within a masonry-walled enclosure of such height, design and construction so that no garbage containers can be seen from the street. There shall be no burning of trash or any other waste material.

ISSUE #1

(j) Clotheslines. Exposed clotheslines are prohibited.

(k) Walls and Fences. No Owner of any Lots in this subdivision may paint or alter in any manner whatsoever any part of the entry wall without first obtaining the written consent of the ARB. Additionally, the Owner of any Lot may not construct any fence, wall or like structure parallel to and within a

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. (j) (p. 9): Covenant prohibits clotheslines in direct violation of Fla. Stat. § 163.04.

Statutory / Legal Reference: Fla. Stat. § 163.04

Statutory Comparison: Florida Statute § 163.04 renders null, void, and unenforceable any deed restriction, covenant, or rule that prohibits or has the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources.

CURRENT WORDING IN DOCUMENT:

Clotheslines. Exposed clotheslines are prohibited.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 163.04, solar collectors and clotheslines shall not be prohibited, subject only to reasonable architectural guidelines regarding placement that do not impair performance.