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| ISSUE #1<br>The following are permitted encroachments into side and rear yard setbacks under this Declaration unless otherwise prohibited by the City code. Limitations, such as noise attenuation, will apply under Deed Restrictions in this Declaration:(In Accordance w/ Amended DR 3)                                                                                                                                                                                                                       |  |          |  |  |
| A. Notwithstanding any approval by the City to the contrary, no building or structure shall be erected or placed:                                                                                                                                                                                                                                                                                                                                                                                                |  |          |  |  |
| (1) Air-conditioner compressor units and pool equipment, but no closer than 4 feet to the interior side-yard property line, no closer than 9 feet to the street side-yard property line for corner lots, and no closer than 10 feet to the rear-yard property line.<br>Same applies to generators.                                                                                                                                                                                                               |  | DR 3.B.1 |  |  |
| (2) Wing walls for storage of trash and recycling cans. Wing walls shall be at least 4 feet high and shall extend from the dwelling wall no more than 4 feet.                                                                                                                                                                                                                                                                                                                                                    |  | DR 3.B.2 |  |  |
| (3) Rear screen enclosures for pool and/or deck, but no closer than 10 feet to the rearyard property line (side-yard setback requirements remain as stated in subparagraph A).                                                                                                                                                                                                                                                                                                                                   |  | DR 3.B.3 |  |  |
| (4) Swimming pools with a water surface no closer than 10 feet to the landward face of the seawall cap, if the cap is more than three years old at the time of construction.                                                                                                                                                                                                                                                                                                                                     |  | DR 3.B.4 |  |  |
| Construction Restrictions DR's                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |          |  |  |
| 6. All dwellings erected in the subdivisionAll dwellings erected in the subdivision shall meet the standards of the Southern Florida Building Code, as amended from time to time by such municipality as may have jurisdiction of any lot within the subdivision except that roofs shall be of tile.                                                                                                                                                                                                             |  | DR 8     |  |  |
| 7. This Restriction and Protective Covenant (“Deed Restriction”) concerns the permitted height of dwellings Per DR-9                                                                                                                                                                                                                                                                                                                                                                                             |  |          |  |  |
| A. No part of any dwelling, or any appurtenance thereto (including but not limited to turrets, towers, or cupolas), shall be constructed more than 36 feet above the Base Flood Elevation. In the year 2006, this equates to Elevation 9 Mean Sea Level (MSL), according to the federal Flood Insurance Rate Map.                                                                                                                                                                                                |  | DR 9.A   |  |  |
| B. The roof system over the dwelling shall have a minimum pitch of 5:12 (vertical:horizontal), except that the roof over an addition or renovation to anexisting dwelling may have a pitch that matches that of the remaining pitched roof.                                                                                                                                                                                                                                                                      |  | DR 9.B   |  |  |
| C. The vertical walls at the perimeter of the dwelling shall rise from the ground only (no “stilt” houses.)                                                                                                                                                                                                                                                                                                                                                                                                      |  | DR 9.C   |  |  |
| 8. All dwellings shall have a minimum of 85% of the first-floor walls of masonry construction. The second story may be of frame construction. Garages are to be enclosed and must be large enough to accommodate at least two cars. There shall be no gravel driveways or yards. This does not preclude gravel covered flower beds abutting building walls or in the yard providing they are not used to transcend the “no gravel” yards provision of this restriction. Yards will be sodded prior to occupancy. |  | DR 10    |  |  |
| 9. All dwellings shall have a minimum of 85% of the first-floor walls of masonry construction. The second story may be of frame construction. Garages are to be enclosed and must be large enough to accommodate at least two cars. There shall be no gravel driveways or yards. This does not preclude gravel covered flower beds abutting building walls or in the yard providing they are not used to transcend the “no gravel” yards provision of this restriction. Yards will be sodded prior to occupancy. |  | DR 10    |  |  |

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 5 (p. 2): Covenant restricts storing or installing items in rear/fenced areas not visible from the parcel frontage in direct violation of Fla. Stat. § 720.3045.

Statutory / Legal Reference: Fla. Stat. § 720.3045

Statutory Comparison: Regardless of any covenants or restrictions in the governing documents, Fla. Stat. § 720.3045 prohibits an HOA from restricting parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent parcel, including artificial turf, boats, RVs, and vegetable gardens.

CURRENT WORDING IN DOCUMENT:  
The following are permitted encroachments into side and rear yard setbacks under this Declaration unless otherwise prohibited by the City code. Limitations, such as

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):  
Pursuant to Fla. Stat. § 720.3045, this restriction shall not apply to any items, artificial turf, recreational vehicles, boats, or gardens installed, displayed, or stored on a parcel that are not visible from the parcel's frontage or an adjacent parcel.