

MARKUP #1 ->

2.5.3 Other Ornamental Items: Such items including, but not limited to statues, benches, fountains, decorative yard art and flags, bird baths, lawn furniture, bird feeders, etc. are NOT allowed in any mulched area in the front or sides of a residence where they are visible from the street or in/on any common area. Such items are allowed directly in the area under the roof of the entryway.

2.5.4 Landscape Lighting: Such lighting, commonly including low voltage and solar types, is permitted only upon submission of an ACR form to the Board for approval. The Board reserves the authority to control quantity, design and placement of such lighting. Homeowner landscape lighting is not allowed in any common areas.

NOTE: ITEMS COVERED UNDER THIS YARD ORNAMENTATION PARAGRAPH (2.5) MAY BECOME FLYING OBJECTS IN THE HEAVY WINDS THAT ARE COMMON IN FLORIDA’S TROPICAL STORMS AND OCCUR DURING HURRICANES. PLEASE BE ATTENTIVE TO THIS SAFETY CONCERN AT ALL TIMES.

3.0 Storm and Hurricane Protection.

~~For homeowners who wish to protect their dwelling, the installation and removal of hurricane/storm shutters and other protective applications shall be governed as follows.~~

3.1 Protection During the Hurricane Season: From **JUNE 1 through NOVEMBER 30** (the generally accepted hurricane season) hurricane/storm shutters and other protective applications may be installed on any residence provided the protective package has been previously submitted to the Architectural Review Committee (ARC) and subsequently approved by the Board. The shutters or other protective applications, subject to Board approval, ~~shall be one or a combination of the following materials:~~

- Clear, wind and impact resistant panels
- Metal panels, e.g. accordion, roll-down, or corrugated, with a finished surface as applied by the panel manufacturer and compatible with the house body color (white not allowed)
- Metal or wood panels painted by the homeowner to match the house body color (white not allowed)
- Wind resistant mesh panels made from heavy-duty storm fabric
- Clear, hurricane or safety protective window films/glass.

3.2 Imminent Storm/Hurricane Protection (Temporary Install Without Board Approval): When the threat of a hurricane or tropical storm is imminent, hurricane/storm shutters may be installed and other storm precautions may be taken to protect the residence without prior Board approval **but such measures shall be only temporary in nature.** Choice of materials and finishes is at homeowner discretion. Homeowners are allowed to take action to protect their dwelling as soon as the National Weather Service announces that Sarasota County is in the “cone of probability” which is normally announced from 96 hours to five (5) days in advance of an event. All such shutters and other exterior alterations or additions installed as a storm precaution shall be promptly **removed within 14 days** after the watch/warning is terminated.

3.3 Non-Storm Related Deployment/Use: Storm protective applications shall not be used for non-storm related purposes e.g. sun protection, security during absences, etc. or for any other non-tropical storm or non- hurricane watch/warning periods or purposes.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 3.1 (p. 8): Clause purports to prohibit or arbitrarily deny hurricane protection systems.

Statutory / Legal Reference: Fla. Stat. § 720.3035(6) (HB 293 / HB 1203)

Statutory Comparison: Under Fla. Stat. § 720.3035(6) (HB 293 / HB 1203), association boards are legally required to adopt hurricane protection specifications and cannot prohibit owners from installing hurricane shutters, impact glass, or code-compliant storm mitigation hardware.

CURRENT WORDING IN DOCUMENT:

Protection During the Hurricane Season: From JUNE 1 through NOVEMBER 30 (the generally accepted hurricane season) hurricane/storm shutters and other protective applications may be installed on any residence provided the protective package has been previously submitted to the Architectural Review Committee (ARC) and subsequently approved by the Board.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Owners may install hurricane shutters, impact glass, or other hurricane protection products complying with the Florida Building Code and the Association's adopted specifications, pursuant to Fla. Stat. § 720.3035(6) (HB 293 / HB 1203).

ISSUE #1