

ISSUE #1

MARKUP #1 ->

Section 1: [Declaration Article VII, Section 7.14] Solar Collectors and Roof Equipment

Solar panels, solar water heaters, and associated roof-mounted equipment shall not be installed on any portion of a roof facing a street or golf course, and must be placed exclusively on the rear slope of the roof below the ridgeline where not visible from any street or adjacent Lot, regardless of roof orientation. The Architectural Review Committee may deny any solar installation that it determines detracts from the aesthetic appearance of the neighborhood.

Section 2: [Declaration Article IX, Section 9.4] Right of Self-Help Entry and Abatement

Whenever an Owner fails to maintain their Lot, lawn, exterior structure, or fence in a manner satisfactory to the Board of Directors, the Association, its agents, and contractors shall have the right, after five (5) days' written notice posted on the front door, to enter upon the Lot, forcefully remove any unauthorized improvement or sign, perform maintenance, and assess the cost plus a twenty-five percent (25%) administrative surcharge as a lien against the Lot.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Declaration Article VII, Section 7.14 (p. 1): Renewable Energy, EV Charging, Standby Generator, Hurricane Protection, Drought Landscaping, or OTARD Conflict: Clause restricts street-facing solar collectors, EV charging stations, standby generators, hurricane shutters, drought-tolerant xeriscaping, gardens, clotheslines, or wildfire defensible space in conflict with FL law.

Statutory / Legal Reference: Fla. Stat. §§ 163.04(2), 718.113(8), 720.3075; Fla. Stat. Ch. 720 (Homeowners' Association Act); 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under Fla. Stat. §§ 163.04(2), 718.113(8), 720.3075; Fla. Stat. Ch. 720 (Homeowners' Association Act), covenants and architectural rules may not ban street-facing solar collectors where required for south/east/west orientation, prohibit EV charging stations in garages/driveways/carports, ban permanent standby generators or code-approved hurricane shutters, mandate irrigated turf in violation of water-wise landscaping statutes, or penalize wildfire defensible-space clearing.

CURRENT WORDING IN DOCUMENT:

[Declaration Article VII, Section 7.14] Solar Collectors and Roof Equipment - Solar panels, solar water heaters, and associated roof-mounted equipment shall not be installed on any portion of a roof facing a street or golf course, and must be placed exclusively on the rear slope of the roof below the ridgeline where not visible from any street or adjacent Lot, regardless of roof orientation. The Architectural Review Committee may deny any solar installation that it determines detracts from the aesthetic appearance of the neighborhood.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Declaration Article VII, Section 7.14 to permit solar energy systems (including street-facing orientations within statutory efficiency safe harbors), EV charging stations, standby generators, hurricane protection, water-wise xeriscaping, solar drying lines, and OTARD antennas in accordance with Fla. Stat. §§ 163.04(2), 718.113(8), 720.3075; Fla. Stat. Ch. 720 (Homeowners' Association Act).