

ISSUE #1

MARKUP #1 ->

22. Vehicles, Commercial Vehicles, Boats and Trailers:

No commercial vehicle shall be placed, parked, left or stored on any Lot, street or the Common Areas; provided, however, that with regard to any Lot, this provision shall not apply to any such vehicle or device, being kept in an enclosed garage. For purposes of this Section, a “commercial vehicle” is.

- a. A truck, delivery van, service van, trailer used for transporting commercial equipment, or bus (except that trucks not in excess of 3/4 ton are permitted, provided they have no camper top, or other appendage attached to it);
- b. A vehicle bearing commercial lettering, graphics or other commercial insignia;
- c. A recreational vehicle (RV) including a camper, mobile and motor home, all terrain vehicle (ATV or ATC) or dune buggy;
- d. A derelict vehicle, including a vehicle with no current license plate or a vehicle incapable of self propulsion.

No inoperative and/or unregistered cars, trucks, trailers, or other types of vehicles shall be allowed to remain on or adjacent to any Lot for a period in excess of forty-eight (48) hours; provided, however, that this provision shall not apply to any such vehicle being kept in an enclosed garage, or behind a fence or screened wall of a minimum height of six (6) feet. There shall be no major repair performed on any motor vehicle on or adjacent to any Lot in the community. All vehicles shall have current license plates. Moreover, no stripped, unsightly, offensive, wrecked, junked, or dismantled vehicles or portions thereof, shall be parked, stored or located upon any Lot at any time. No portion of the Common Areas may be used for parking of such inoperative vehicles.

No boats, boat or utility trailers, RVs or similar machinery shall be allowed to remain on or adjacent to any Lot, except for loading or unloading purposes for a period in excess of forty-eight (48) hours; provided, however, that this provision shall not apply to any such vehicle being kept in an enclosed garage, or behind a fence or screened wall of a minimum height of six (6) feet.

23. Easements:

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat, or as hereinbefore granted by the Developer and at this time a part of the Public Records of Orange County, Florida. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of low or drainage channels in the easements, or which may obstruct or retard the flow of water through the drainage channels in the easements or which are or might be prohibited by the public authority to whom said easement is given.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 9 (p. 8): 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:

Vehicles, Commercial Vehicles, Boats and Trailers: No commercial vehicle shall be placed, parked, left or stored on any Lot, street or the Common Areas; provided, however, that with regard to any Lot, this provision shall not apply to any such vehicle or device, being kept in an enclosed garage.

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.