

NOTICE OF PROPOSED AMENDMENTS TO COVENANTS

Removed language is indicated with a ~~strikethrough~~

Added language is indicated with a bolded **underline**

ARTICLE V, PARAGRAPH 1

Current Language

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and a private garage. If detached garage is constructed, it must be materials as dwelling and built to harmonize with the external design of dwelling. No carports will be allowed.

Proposed Amendment

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and a private garage. If **a** detached garage is constructed, it must be **of the same** materials as **the** dwelling **on the lot** and built to harmonize with the external design of dwelling. **For purpose of this Declaration, a detached garage is defined as a roofed and enclosed structure, free standing from and completely separate from the single-family dwelling, design to accommodate one or more motor vehicles.**

No **new** carports will be allowed. **However, all carports previously approved by the Association and installed on any lot before January 1, 2023, are granted a blanket variance to remain on a lot. The carports granted said variance shall adhere to the standards and requirements of this Declaration, and shall be subject to continued oversight and enforcement by the Association. For purposes of this Declaration, a carport**

is a covered motor vehicle parking structure accessory to the single-family dwelling unit, which does not exceed 8 feet in height and which houses only one motor vehicle. No Recreational vehicle (“RV”), travel trailer, camper van, commercial vehicle, or any motor vehicle in excess of 8 feet in height shall be parked and/or stored in any carport granted a variance hereunder.

ARTICLE V, PARAGRAPH 2

Current Language

2. No building shall be erected, placed or altered on any lot until construction plans and specifications and plans showing the location of the structure have been approved by the declarant as to structural design, workmanship and materials, and harmony of external design with existing structures. Exterior block walls may not be finished with paint only.

Proposed Amendment

2. No building, **residence, detached garage, shed or any other structure** shall be erected, placed, altered, renovated and/or removed from any lot until **all** ~~construction~~ plans and specifications for **such improvements are submitted to the Association and approved in writing by the Association** and ~~Said~~ plans **and specifications shall** showing the location **on the lot** of the proposed improvement structure ~~have been approved by the declarant as to the~~ structural design **of the proposed improvement**, workmanship and the materials **to be used in construction. The Association, and any committee appointed by the Board for such purpose, shall have sole discretion in approving or rejecting a request for improvements based on the** ~~and~~ harmony of external design with existing structures, **and overall aesthetics with the neighborhood**. Exterior block walls may not be finished with paint only.

ARTICLE V, PARAGRAPH 3

Current Language

3. The total living area of the main structures, exclusive of one story open porches and garages, shall be a minimum 1,250 square feet, unless declarant agrees.

Proposed Amendment

3. The total living area of the ~~main structures~~ **single family dwelling on any lot**, exclusive of one story open porches and garages, shall be a minimum 1,250 square feet. ~~unless declarant agrees.~~

ARTICLE V, PARAGRAPH 4

Current Language

4. No business of any kind shall be conducted on any residence with the exception of the business of declarant and the transferees of declarant in developing all of the lots as provided in Paragraph 11 below.

Proposed Amendment

4. Any business ~~of any kind shall be conducted on~~ **or from** any residence, **which involves the parking of commercial vehicles at a residence, the coming and going of employees, customers or patrons; vehicular traffic to and from the residence due to employees, customers or patrons; the use of commercial publicity or commercial signage related to the business; peer to peer sales through the habitual sale of goods through web or app providers; and any other business use on or at the residence which increases the flow of visitors and vehicular traffic from non-residents, is strictly prohibited.** ~~with the exception of the business of declarant and the transferees of declarant in developing all of the lots as provided in Paragraph 11 below.~~

ARTICLE V, PARAGRAPH 6

Current Language

6. No structure of a temporary character trailer, tent, basement, garage, barn or other outbuilding shall be used on any lot at any time as a residence permanently for more than 10 days. No semi-tractors or trailers or buses will be allowed. No vehicle with outdated license plates will be allowed to remain on property unless it is in an enclosed garage. No boats, trailers, campers, motorhomes or travel trailers shall be kept on property unless kept in enclosed garage or in rear of dwelling, with the exception of ten days for loading and/or unloading. This rule applies to visitors unless other approval is given by declarant. No outbuilding, basement, tent, shack, garage, trailer, shed or temporary building of any kind shall be used as a residence, either temporarily or permanently.

Proposed Amendment

6. **No outbuilding, basement, tent, shack, garage, trailer, shed or temporary building of any kind shall be used as a residence, either temporarily or permanently.** ~~No structure of a temporary character trailer, tent, basement, garage, barn or other outbuilding shall be used on any lot at any time as a residence permanently for more than 10 days. No semi-tractors or trailers or buses will be allowed. No vehicle with outdated license plates will be allowed to remain on **any** property unless it is in an enclosed garage. No boats, trailers, campers, motorhomes or travel trailers shall be kept on property unless kept in enclosed garage or in rear of dwelling, with the exception of ten days for loading and/or unloading. This rule applies to visitors unless other approval is given by declarant. No outbuilding, basement, tent, shack, garage, trailer, shed or temporary building of any kind shall be used as a residence, either temporarily or permanently.~~

ARTICLE V, PARAGRAPH 9

Current language

9. In the event an owner of any lot in the subdivision fails to maintain the premises and improvements situated thereon in a manner satisfactory to the association, after approval of two-thirds votes of the board of directors, it shall have the right through its agent, employees and contractors, to enter any such lot and to repair, maintain and restore the lot and the exterior of all buildings and other improvements thereon. The cost of such repair, maintenance, restoration shall be added to and become a part of the assessment to which such lot is subject.

Proposed Amendment:

9. In the event an owner of any lot in the subdivision fails to maintain the premises, **conduct regular yard maintenance to including mowing and edging, prune and trim trees, maintain flower beds, clean and maintain any buildings, sheds, or other** improvements **and/or any exterior feature of the dwelling** situated thereon in a manner satisfactory to the ~~association~~ **Association**, after approval of two-thirds votes of the ~~Board of Directors~~, ~~it~~ **the Association** shall have the right through its agent, employees and contractors, to enter any such lot and to repair, maintain and restore the lot, **the lawn and yard, all landscaping therein**, and the exterior of all buildings and other improvements thereon. The cost of such repair, maintenance, restoration shall be added to and become a part of the assessment to which such lot is subject.

ARTICLE V, PARAGRAPH 10

Current language (from 1989 Amendment to Declaration)

10. If an antenna, for TV or any other use, is erected outside the house, it must not be higher than three (3) feet above the highest point of the house (either the chimney, or the roof ridge). If a Satellite Dish is erected it must be placed on the ground in the rear of the residence in a location least visible from the street.

Proposed amendment

10. If an antenna, for TV or any other use, is erected outside the house, it must not be higher than three (3) feet above the highest point of the house (either the chimney, or the roof ridges). ~~If a Satellite Dish is erected it must be placed on the ground in the rear of the residence in a location least visible from the street.~~

ARTICLE V, PARAGRAPH 11

Current language

11. Declarant or the transferees of declarant shall undertake the work of developing all lots included within the subdivision. The completion of that work, and the sale, rental or other disposition of residential units is essential to the establishment and welfare of the subdivision as an ongoing residential community. In order that such work may be completed and the subdivision established as a fully occupied residential community as soon as possible, nothing in this declaration shall be understood or construed to:

- (a) Prevent declarant, declarant's transferees, or the employees, contractors, or subcontractors of declarant or declarant's transferees from doing on any part or parts of the subdivision owned or controlled by declarant or declarant's transferees or their representatives, whatever they determine may be reasonable necessary or advisable in connection with the completion of such work.
- (b) Prevent declarant, declarant's transferees, or the employees, contractors, or subcontractors of declarant or declarant's transferees, from constructing and maintaining on any part or parts of the subdivision property owned or controlled by declarant, declarant's transferees, or their representatives, such structures as may be reasonably necessary for the completion of such work, the establishment of the subdivision as a residential community, and the disposition of lots by sale, lease; or otherwise.
- (c) Prevent declarant, declarant's transferees, or the employees, contractors, or subcontractors of declarant or declarant's transferees, from conducting on any parts of the subdivision property owned or controlled by declarant or declarant's transferees or their representatives, the business of completing such work, of establishing the subdivision as a residential community, and of disposing of lots by sale, lease; or otherwise; or
- (d) Prevent declarant, declarant's transferees, or the employees, contractors, or subcontractors of declarant or declarant's transferees, from maintaining such sign or signs on any of the lots owned or controlled by any of them as may be necessary in connection with the sale, lease, or other disposition of subdivision lots.

As used in this section, the words "its transferees" specifically exclude purchasers of lots improved with completed residences.

Proposed Amendment

Remove Article V, Paragraph 11 in its entirety

ARTICLE V, PARAGRAPH 13

Current language

13. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets, not to exceed two, of any species, may be kept. The Polk County leash law shall apply on these premises.

Proposed amendment

13. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets, not to exceed two, of any species, may be kept. The Polk County leash law shall apply on these premises.

I don't understand what changes the Board is requesting to this section. Note says "remove work poultry???? See chicken amendment—we do not want"

The provision doesn't reference work poultry, and I found no "chicken amendment" in the 1989 Amendments.

ARTICLE V, PARAGRAPH 14

Current language

14. No sign of any kind shall be displayed to the public view on any lot, except one sign not more than six (6) square feet advertising the property for sale, or sign used by a contractor or builder during construction of a house.

Proposed amendment

14. No sign of any kind shall be displayed to the public view on any lot, except one sign not more than six (6) square feet **(a)** advertising the property for sale, **(b)** a sign used by a contractor or builder during construction **or renovation on the lot** of a house, **(c) a sign for a garage sale that is removed immediately at the conclusion of such garage sale, and (d) a political sign for an upcoming local, state or national election, which is removed immediately upon completion of such election.**

I would advise against this amendment.

ARTICLE V, PARAGRAPH 15

Current language

15. No front yard fencing is allowed on any lot. Lakefront lots may have back yard fencing with open viewing only, such as chainlink; no higher than four feet for chainlink and no higher than three feet for other decorative open view fencing. The front of the house shall be considered to be on the street side of the structures.

Proposed amendment:

15. No front yard fencing is allowed on any lot. Lakefront lots may have back yard fencing with open viewing only, such as chainlink; no higher than four feet for chainlink and no higher than three feet for other decorative open view fencing. The front of the house shall be considered to be on the street side of the structures.

I don't understand what change the Board wants. Note says Board wants to add restrictions on shrubbery for lake front homes. However, this section deals with fencing only. Doesn't make sense to put that here. Also says "Shannon has some ideas." What ideas?

ARTICLE V, PARAGRAPH 17

Current language

17. Lot owner shall be responsible for keeping mowed, so as to maintain neat appearance at all time, his lot before and after construction of home. Within 14 days pf receipt of written notification of deficiencies in lot or house maintenance declarant will take action to correct problem and owner will be billed for services.

Proposed Amendment

Note from Board says “Remove.” Why does the Board want to remove the requirement that people mow their lawns?

ARTICLE V, PARAGRAPH 19

Current language

19. Upon completion of development of Van Lakes all responsibility and upkeep of entrance, sign area and recreation area shall be left to the lot owners of the subdivision. At no time, during development or after completion, shall the declarant be responsible for safety and welfare of dwellers or otherwise, or for lifeguard services, or for accidents on property. Responsibility rest with each property owner.

Proposed amendment

I do not suggest that this be removed completely. The Covenants set forth the legal obligations of the Association as to the property. The Bylaws are intended solely to govern the internal management of the Board, the officers, and the day-to-day business of the Association. I would suggest the following amendment.

19. ~~Upon completion of development of Van Lakes all responsibility and~~ **The Association shall be responsible for the** upkeep of ~~the~~ entrance, sign area and recreation ~~areas~~ area shall be left to the lot owners of ~~of~~ the subdivision. **Owners, guests of owners, invitees of owners and all other persons or entities entering into the subdivision and/or using the entrance, sign area and/or recreation areas do so at their own personal risk, and the Association bears no duty, responsibility and/or liability for the safety or welfare regarding the use of the entrance, sign area and/or recreation areas. Further, the Association shall not be required to provide a lifeguard at any time at the community pool and all owners, guests of owners, invitees of owners and all other persons using the pool shall do so at their own personal risk.** ~~At no time, during development or after completion, shall the declarant be responsible for safety and welfare of dwellers or otherwise, or for lifeguard services, or for accidents on property. Responsibility rest with each property owner.~~

ARTICLE V, PARAGRAPH 21

Current language

21. During construction of a house upon any lot, or with-in 30 days after construction is completed, a postlamp will be located in front of the residence, and upon occupancy will be kept lit nightly from dusk to dawn.

Proposed amendment

21. ~~During construction of a house upon any lot, or with in 30 days after construction is completed,~~ **A** postlamp will be located in front of the residence, and upon occupancy will be kept lit nightly from dusk to dawn.

ARTICLE V, PARAGRAPH 22

Board's note says to remove this paragraph. However, it was already removed via the Amendments recorded in 1989 that state the following:

Article V Paragraph 22 which now reads "No one under 17 years of age is to occupy any residence on a permanent basis (more than one month)" is eliminated in its entirety.