

Drones in Community Associations - Part I

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Florida homeowners and condominium associations are now facing issues that were inconceivable at the time the community governing documents were drafted. The use of drones or UAS (“unmanned aircraft systems”) is beginning to exponentially expand. With the potential for packages to be delivered by drones, it is time for community associations to plan how the use of drones will be regulated in their communities.

The main concern with delivery drones is their presence in common areas. For condominium associations, it may be impractical to completely prohibit drones on the common areas. It is unlikely that the drones would be able to land at a particular unit owner’s front door, given the structure of most condominium buildings. Thus, there must be a designated area for the drone delivery. Ideally, such an area would be marked off and designated for drone delivery. Even more ideal would be for the drone landing area to be near the mailboxes, under a covered patio, for ease of convenience. This situation could be conceivably easier to deal with in homeowners associations where the drone could likely land on the front steps, porch, balcony, or driveway of the home, depending on the structure of the community. These limitations are not only for the aesthetics of the community, but they also enforce safety concerns.

Working hand-in-hand with the location of the drones is also the time in which they are on the property. Just as residents would not want the UPS or FedEx delivery truck coming through the community at 6 am or 11 pm, the same can be said for drones. Community associations should impose a reasonable time limitation when drones are permitted to operate within the community.

On February 15, 2015, the Department of Transportation’s Federal Aviation Administration has proposed a [framework of regulations](#) that would allow routine use of certain small unmanned aircraft systems (UAS) in today’s aviation system, while maintaining flexibility to accommodate future technological innovations. These limitations include weight limits; line of sight restrictions for the operator; daylight operation only; preflight inspections; and maximum altitude of 500 feet.

Thus, community associations likely would need to consider restrictions on the use of drones similar to the use of bicycles, skateboards, and the like. These recreational rules differ based on the size of the community, location of the community, and many other factors. The community association should keep in mind its restrictions or allowances for other recreational activities and devices (i.e. bicycles and skateboards) when crafting and creating rules that regulate the use of recreational drones.

Stay tuned for Part II in the discussion of drones and how community associations may soon use drones from a managing, maintenance, and security purposes.

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