

# LOOKOUT LANDING PHASE III HOMEOWNERS ASSOCIATION

## Resolution 2019-1 Definitions, adopted rules and regulations for parking

Adopted April 29, 2019

WHEREAS, the Board of Directors of the Lookout Landing Phase III Homeowners Association has been presented with an issue requiring the interpretation of Exhibit F (Occupancy Restrictions) Section 10 of the Declaration of Covenants, Conditions and Restrictions for Lookout Landing Phase III;

WHEREAS, the language of Exhibit F Section 10 of Amendment No. 1 to said Declaration reads as follows:

### VEHICLES, BOATS, CAMPERS, ETC.

*All vehicles, inoperable or otherwise, including but not limited to automobiles, trucks, campers, boats, recreational vehicles, all-terrain vehicles, snow machines, or other machinery, except for one operable and properly registered and maintained passenger vehicle used for personal transportation on a regular and recurring basis, shall be kept in a garage or other closed structure. The purpose of this provision is to keep most vehicles and equipment, whether frequently used or unused, out of sight so the driveway and/or the public-right-of-way is not used for storage. The passenger vehicle allowed in the driveway specifically excludes commercial vehicles and campers which do not fit in the garage.*

*The Board of Director, by majority vote, may grant temporary variances to this CC&R upon receipt of a written request by a homeowner. Such variances may only be allowed in accordance with duly adopted rules and regulations. Such variances may only be granted if existing garage space is being fully utilized as parking space for at least two vehicles. Such variances may only be granted if the number of licensed drivers in the household exceeds three.*

WHEREAS, the homeowners of Lookout Landing Phase III have requested guidelines from the Board of Directors regarding the definition and intent of the phrase “shall be kept” and “commercial vehicle” from Exhibit F Section 10 and

WHEREAS, the homeowners of Lookout Landing Phase III have requested guidelines as to the enforcement policy regarding Exhibit F Section 10 and

WHEREAS, Amendment No. 1 to the Declaration recorded December 13, 2018 requires any variances be granted in accordance with duly adopted rules and regulations and

WHEREAS, Article 25 Section 1(a) of the Declaration authorizes the Board of Directors to adopt and amend rules and regulations on behalf of the Association,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The intent of the original language of Exhibit F Section 10, as stated by the developer, Carr-Gottstein Properties, was to enhance curb appeal of the neighborhood by preventing driveways and side yards from being used for storage or parking lots. To that end, it restricted the routine, regular, continual, habitual or long term use of the driveway for parking vehicles or other equipment.
2. The intent of the amended Exhibit F Section 10 was to allow for a single vehicle to be parked in an owner's driveway subject to restrictions. It was also the intent of the amendment to authorize the Board of Directors the ability to grant additional temporary parking variances, based on duly adopted rules and regulations, if an owner has a temporary hardship. The restrictions, rules and regulations are designed to meet the original intent (curb appeal), while meeting the practical need of owners to be able to park in their driveways.
3. To adhere to the amended intent of the Exhibit F Section 10, the Board of Directors have established the following guidelines for enforcement of the amended Exhibit F Section 10 regulation:
  - a. Residents may park recreational vehicles or campers in their driveways on a temporary basis for loading and unloading, for a cumulative period not to exceed 24 hours in any calendar week.
  - b. Guests or visitors may temporarily park in driveways. If the guest or visitor vehicle will be in the driveway for longer than seven (7) days, the homeowner must provide advance written or email notification to the management company, stating the length of time the visitor is expected to have a vehicle in the driveway (if this guest vehicle is additional to the one vehicle already allowed).
  - c. Homeowners may park additional passenger vehicles in driveways for reasonable purposes such as construction activities (repairs, alterations or additions to homes). If greater than seven (7) days, the homeowner shall be responsible for providing advance written or email notification to the management company, stating the purpose and length of time the vehicle(s) will be in the driveway.
  - d. Homeowners may park additional passenger vehicles in driveways during move-in and move-out periods, not to exceed thirty (30) days. If additional time is required, please provide notification to the management company.
  - e. Commercial Vehicles are defined to be any commercial vehicle, including the following:
    1. Any vehicle in which the driver is ordinarily hired for transport, including, but not limited to, taxis, limousines, buses, box truck, step vans, tow trucks, tractor trailer; or

2. Any vehicle with uncovered exterior logos, signs, letters, numbers, advertising, or irregular and distinct coloring which creates the appearance of a commercial vehicle, or
  3. Any unmarked vehicle with commercial paraphernalia or equipment attached, strapped, or affixed to the exterior of the vehicle, including, but not limited to, storage containers, racks, ladders, pipes; or
  4. Any unmarked vehicle with an excessive amount of commercial equipment or supplies within the interior of the vehicle which is in obvious plain view from another parking space or from the sidewalk, including, but not limited to, pesticide, paint buckets, propane tanks, cabling, uncovered or unsecured tools or other supplies; or
  5. Passenger vehicles with government designations such as municipality, police and fire are excluded from this definition.
4. If for any reason, additional vehicles need to be parked in a driveway a period greater than the days cited above, the homeowner must obtain approval of the Board of Directors. Approval may be granted by a majority vote of the Board of Directors for a temporary period under the following conditions:
- a. The additional vehicle(s) parked in the driveway is/are *operable and properly registered and maintained used for personal transportation on a regular and recurring basis.*
  - b. The two vehicles, kept in the owner's garage, are *operable and properly registered and maintained used for personal transportation on a regular and recurring basis*
  - c. The homeowner has a temporary hardship that prevents compliance with the CC&R.
  - d. The hardship must be reasonable, and unavoidable (i.e. additional family member temporarily moved into home, college student home for the summer, high school student purchases car).
  - e. The request is for a temporary period of time, with a defined timeframe.
  - f. The variance may be granted for a period not to exceed the calendar year. Homeowners may request an extension in December for the subsequent calendar year, subject to the same conditions.
  - g. The management company receives a written request for the exemption with a time frame as to when compliance can be expected. The request shall include a description of the hardship, additional driver, and vehicle.
5. The Board of Directors will notify Lookout Landing III homeowners of current variances that have been granted in periodic newsletters and/or on the website.

6. Enforcement is in accordance with the associated “CC&R Enforcement Fine Policy” adopted November 1, 2009.
7. This Resolution supersedes and rescinds Resolution 2009-1.

This Resolution was amended and adopted by the Board of Directors of the Lookout Landing Phase III Homeowners Association on April 29, 2019.