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R-5

St. James Crossing

This Instrument Prepared By: Christopher A. Desrochers, Esq., Christopher A. Desrochers, P.L., 2504 Ave. G NW, Winter Haven, FL 33880. (863) 299-8309.

BE IT RESOLVED that the following resolutions were duly moved, seconded, and approved by the Board of Directors of St. James Crossing Homeowners Association, Inc. ("the Association") at duly held meeting of the Board of Directors of the Association:

Note: For the purposes of these resolutions, the Declaration of Covenants, Conditions, and Restrictions of and for St. James Crossing, which is duly recorded in OR Book 7670, Page 956, Public Records of Polk County, Florida shall be referred to as "the CCRs".

WHEREAS, the Association has determined that the current unlimited parking, storage, and use of certain vehicles constitutes a detriment to the health, safety, and welfare of the residents of St. James Crossing ("the community"); and

WHEREAS, under Article VI, Section 1(a) of the Bylaws of the Association, the Association, through its Board of Directors, has the right to promulgate rules and regulations respecting the use of both the common areas in the community, as well as the use of other property in the community; and

WHEREAS, Article VI, Section 1(a) of the Bylaws of the Association permits the Board of Directors to promulgate reasonable rules and regulations for the entire development; and

WHEREAS, under Article VI, Section 4, of the CCRs, noxious or offensive activities are prohibited; and

WHEREAS the Association, through its Board of Directors, has determined that the operating and parking of motor vehicles and similar devices on the grass or landscaping of the common areas and individual lots constitutes a noxious or offensive activity that has become a nuisance or an annoyance to the neighborhood; and

WHEREAS the Association, through its Board of Directors, has determined that rules and regulations regarding the parking, operation, and placement of motor vehicles and similar devices on lots is necessary to protect the health, safety, and welfare of the residents of the community, as well as to preserve and protect the property values of the community; and

WHEREAS the Association, through its Board of Directors, has determined that establishing safe harbor rules for certain types of painting requests will promote the efficient administration of architectural requests and promote the health, safety, and welfare of the residents of the community;

THE BOARD OF DIRECTORS of the Association has approved the following resolution, providing for rules and regulations regarding the parking, placement, and storage of motor vehicles and similar devices, and safe harbor rules for painting, which are as follows:

I. <u>Regulation of Parking, Including Street Parking and Parking on the Grass and Elsewhere</u>.

1. For the purposes of this Resolution, the definition of a "motor vehicle", "moped", "bicycle", "golf cart", "motorcycle", and "electric personal assistive mobility device", are those definitions found in Section 316.003 of the Florida Statutes, together with any subsequent amendments thereto.

2. A. A "restricted vehicle" is any item, bearing wheels, that is capable of transporting a human or, in fact, transports a human, is self-propelled, and does not qualify as a "motor vehicle", "moped", "bicycle", "golf cart", "motorcycle", or "electric personal assistive mobility device", as those items are defined in Paragraph 1 above, and is not a children's toy.

B. A "driveway" is the area of concrete, cement, pavers, or other approved material that has been approved by the developer or the homeowners' association for parking or driving vehicles into a garage. The "driveway" does not include any area that traverses the sidewalk or the right-of-way of the Association, regardless of whether it is paved or not.

3. Parking and Operating Restrictions.

A. Any motor vehicle, moped, bicycle, golf cart, or motorcycle may only be parked in a garage, or on a driveway or on a street. Street parking is subject to Paragraph 4 of this Resolution.

B. A motor vehicle, moped, bicycle, golf cart, or motorcycle may not be parked or operated in a common area, the nonpaved part of a right of way, or on any part of a lot that does not constitute the driveway or the garage. This includes, but is not limited to, the sidewalk, the grassy area of any lot, the grassy area of the right of way, and the grassy area of any common area. Notwithstanding the foregoing, a golf cart may, with the permission of the lot owner, be parked behind a dwelling, so long as it is not visible from the street.

C. A restricted vehicle may not be parked on any lot such that it is visible from the street or visible to any neighboring lot.

D. House trailers, motorized campers, travel trailers, motor coaches, RVs, trailers of any kind, trucks, and commercial vehicles of any kind may not be parked, placed, or operated anywhere in the development. Items listed in this paragraph may be temporarily operated and parked in the development by individuals providing bona fide goods and services to a resident of the development upon the request of that resident. In such instances, such items must follow the parking rules contained elsewhere in this Resolution.

E. Any nonpaved area that is utilized as part of the drainage system is off limits to any and all items described in Paragraphs 1, 2, and 3(D) of this Resolution, and such items may not be parked, placed, or operated in these areas at any time without the express consent of the Association.

F. Boats and nonmotorized campers may be parked or stored in the development, so long as the following rules are observed:

i. A boat, to be parked or stored in the development, must bear a current Florida vessel registration, and must be stored upon a suitable boat trailer that also bears a current Florida trailer registration.

ii. A nonmotorized camper, to be parked or stored in the development, must bear a current Florida registration.

iii. Boats and nonmotorized campers may only be parked and stored in a garage or in the back yard, not visible from the street, and enclosed by a privacy fence which is a minimum of six feet in height.

4. Street Parking. Street parking of permitted vehicles is subject to the following regulations, which shall be strictly construed against the individual attempting to park a vehicle on the street:

i. Street parking is only permitted on the following parts of the following roadways:
   a. The South side of St. James St.
   b. The North side of St. James Dr.
   c. The West side of St. James Ln.
   d. The South side of St. James Ct.
   e. The East side of Osprey Way between 4884 and 4824 Osprey Way.
   f. The North side of Osprey Way between 4665 and 4725 Osprey Way.
   g. The East side of Osprey Way between 4729 and 4939 Osprey Way.
   h. The East side of Osprey Way beside 4940 Osprey Way.

ii. Notwithstanding any provision to the contrary, there shall be no parking
   a. Within 25 feet of an intersection or stop sign.
   b. On or across any sidewalk.

c. Within 25 feet of any curve.
d. Such that the vehicle blocks or obstructs any mailbox or entranceway to a lot.
e. On the street for more than 48 hours in any 14 day period. For the purposes of this regulation, a vehicle found parked in a location at one point in time and then found later to be parked in the same location or within 15 feet of the prior location at another point in time will carry the rebuttable presumption that the vehicle was parked on the street for the entire duration between those two points of time. This presumption may be rebutted by the lot owner or the person or persons parking the vehicle, by establishment of proof of the exact amount of time that the vehicle was actually parked on the street.
f. Other than parallel parking.
g. Against the flow of traffic.

5. The President of the Association may implement this regulation through reasonable means, including, but not limited to, the establishment of "no parking" and/or towaway zones; the placement of "no parking" and/or towaway signs; and any other such reasonable actions to implement and enforce this regulation.

II. Safe Harbor Rules for Painting.

1. A lot owner must complete and submit an application to repaint a dwelling or other structure; provided that advance approval of the ARC is not required prior to construction if and only if the lot owner strictly complies with the safe harbor rules contained in this Resolution.

2. A repainting meets the safe harbor if:

A. **Repaints in the same color.**
   i. The current color scheme of the dwelling or structure to be painted was either approved by the developer or previously approved by the Association.
   ii. The lot owner intends to paint the dwelling or structure in the same color scheme as currently exists on the dwelling or structure.
   iii. The lot owner provides a color photograph of the dwelling or structure showing the existing paint scheme.
   iv. The lot owner makes a written application with the ARC.

B. **Repaints in a color scheme of another approved house.**
   i. The lot owner makes a written application with the ARC, and in the application must state the address of the lot of the house with the color scheme that the applicant wishes to use. (Note: Repaints in a color scheme other than the color scheme of the main dwelling house, such as the color scheme of the toolshed, does not qualify for the safe harbor and must be approved by the ARC.)
   ii. The lot owner provides a color photograph of the house with the color scheme that the applicant wishes to use.
   iii. The address of the lot of the house with the color scheme that the applicant wishes to use must have a color scheme that was approved by either the Developer or the ARC.
   iv. The safe harbor rule applies to utilizing the exact color scheme used by the other house. Color switching (e.g. using the main color for the trim and the trim color for the main) and partial color matching (e.g. using matching main color but a

nonmatching trim or door color) does not qualify for safe harbor and must be approved by the ARC.

I hereby certify that this is a true and correct copy of the foregoing Resolution of the Association.

Dated 3/5/2020.

Cynthia Brown
Secretary
St. James Crossing Homeowners Association, Inc.
STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 5th day of March, 2020, by CYNTHIA BROWN, Secretary, St. James Crossing Homeowners Association, Inc. , who is personally known to me or has produced _____ as identification and who did not take an oath.

Notary

CHRISTOPHER DESROCHERS
Commission # GG 069671
Expires February 13, 2021
Bonded Thru Troy Fain Insurance 800-385-7019