

DLS

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 resolution or resolutions were duly moved, seconded, and approved by the Board of Directors of Dinner Lake Shores Home Owners 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, Easements, and Restrictions of Dinner Lake Shores, which is duly recorded in OR Book 4497, Page 1199, Public Records of Polk County, Florida, together with any subsequent amendments thereto, shall be referred to as “the CCRs”.

Resolution Regulating Parking on the Grass and Elsewhere:

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 the community; and

WHEREAS, Article III, Section 2(f) of the Articles of Incorporation of the Association, and Article VII, Section 1(a) of the 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 Three, 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;

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, which are as follows:

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 “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.

3. A “commercial vehicle” is any motor vehicle that either

A. meets any of the definitions of “commercial motor vehicle”, “commercial megacycle”,

“covered farm vehicle”, “bus”, “farm labor vehicle”, “farm tractor”, “maxi-cube vehicle”, “nonpublic sector bus”, “pole trailer”, “road tractor”, “sanitation vehicle”, “school bus”, “semitrailer”, “special mobile equipment”, “straight truck”, or “swamp buggy” as those definitions found in Section 316.003 of the Florida Statutes, together with any subsequent amendments thereto; or

B. bears any exterior commercial logos, labels, or advertisements of any kind. Excluded from this are advertisements normally applied by automobile dealers on sold vehicles; government insignia and logos; and up to five common bumper stickers; or

C. any motor vehicle with a rated hauling capacity in excess of three quarters of a ton.

4. 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.

B. A motor vehicle, moped, bicycle, golf cart, motorcycle, or commercial vehicle 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 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. Commercial vehicles may not be parked on or about the street, and, if parked on a driveway, must be covered. A commercial vehicle is permitted to park in a driveway (subject to any other restrictions previously mentioned), if and only if the commercial vehicle is fully parked on the driveway slab, with all wheels on the driveway slab, and otherwise parked in such a way that no part of the commercial vehicle (or anything attached to the commercial vehicle) protrudes into the street or interferes with free travel across the driveway using any sidewalk or other pedestrian walkway. In addition, if a commercial vehicle is parked in the driveway, the lot owner may not park a vehicle on the street if there would be enough space to park the vehicle on the driveway if the commercial vehicle were not parked in the driveway.

C. A restricted vehicle or commercial vehicle may not be parked on any lot such that it is visible from the street or visible to any neighboring lot, unless it is parked in the driveway, pursuant to subsection (B) of this section.

D. House trailers, campers, travel trailers, motor coaches, RVs, boats, and trailers of any kind, may not be parked, placed, or operated anywhere in the development, except as provided in Article V, Section 20 of the CCRs, as amended by instrument recorded in OR Book 9854, Page 821, Public Records of Polk County, Florida. 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 or stormwater retention system is off limits to any and all items described in Paragraphs 1, 2, 3, and 4(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.

5. The Board of Directors, standing in the place of the Developer, and having the inherent authority to interpret and define its own CCRs, hereby defines the following terms contained in Article V, Section 20 of the CCRs, as amended by instrument recorded in OR Book 9854, Page 821, Public Records of Polk County, Florida:

A. “Overnight” means the condition of being in the community between the hours of 8:00 PM to 8:00 AM the following day. Temporary absences of the item from the community of two hours or less between 8:00 PM to 8:00 AM the following day will not create a sufficient temporal break to prevent the item being found in the condition of being in the community between the hours of 8:00 PM to 8:00 AM the following day. Temporarily parking an item for two hours or less in an area that, if permanently stored there,

would be an acceptable permanent storage location for the item, will not create a sufficient temporal break to prevent the item being found in the condition of being in the community between the hours of 8:00 PM to 8:00 AM the following day. The observation of the item parked in the community at any time between 1:00 AM and 5:00 AM, if observed by the community association manager or other designated enforcement official of the Association, or if recorded or memorialized by reliable photographic, video, or other surveillance techniques, creates a rebuttable presumption that an item was in the community between the hours of 8:00 PM to 8:00 AM the following day. For the purposes of this resolution, a vehicle found parked in a location at one point in time and then found later to be parked either in the same location or elsewhere in the community at another point in time will carry the rebuttable presumption that the vehicle was parked in the community for the entire duration between those two points of time. Any of the foregoing presumptions may be rebutted by the lot owner or the person or persons parking the vehicle, by establishment of objectively verifiable proof of the exact amount of time that the vehicle was actually parked on the street.

B. "Regular basis" means not exceeding three (3) days in any 30-day period.

C. "Does not detract from the subdivision" includes, but is not limited to, any condition that creates visible ruts, grooves, or bare patches in the lawn or landscaping of the lot.

6. This resolution is supplemental in nature to existing provisions on the subject that may be present in the CCRs and other rules, regulations, and resolutions of the Association. In the event a provision of this resolution is found to be in express and direct conflict with a provision of the CCRs, the CCRs shall control.

7. 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.

Resolution Providing for Optional Fencing for Those Properties Bordering Scenic Highway and Other Areas.

WHEREAS, Article III, Section 2(f) of the Articles of Incorporation of the Association, and Article VII, Section 1(a) of the of the Bylaws of the Association, permits the Board of Directors to promulgate reasonable rules and regulations for the entire development; and

WHEREAS, Article V, Section 9 generally prohibits fences in excess of four feet in height unless special conditions are found by the Association; and

WHEREAS, the Association finds that the lots bordering a road subject to this Resolution have such a special condition, since these lots are directly adjacent to a major thoroughfare that invites the opportunity for trespassing by those outside of the community; and

WHEREAS, the Board of Directors has determined that rules and regulations establishing special conditions for fencing for those lots bordering a road subject to this Resolution would be beneficial to the health, safety, and welfare of the community; and would preserve and protect the property values of the community;

THE BOARD OF DIRECTORS of the Association has approved the following resolution, providing for rules and regulations establishing special conditions in the form of an alternative allowable fencing standard for those units whose lots border a road subject to this Resolution, which are as follows:

1. For the purposes of this Resolution the term "borders a road subject to this Resolution" or "bordering an area subject to this Resolution", means a lot where the back of the lot or one side of the lot directly borders one of the following streets, roads, or lines of demarcation, less that area that is owned or otherwise normally maintained by the Association:

- a. Scenic Highway.
- b. C.F. Kinney Rd.

c. The Southern lot line of Lots 7 through 12, inclusive, of Dinner Lake South, according to the Plat thereof, recorded in Plat Book 166, Pages 19-20, Public Records of Polk County, Florida.

d. The Western lot line of Lots 1 through 7 inclusive; the Southern lot line of Lots 9 through 15, inclusive, and the Western lot line of Lots 15 through 18, inclusive, Dinner Lake Shores, Phase One, according to the Plat thereof, recorded in Plat Book 112, Pages 29-31, inclusive, Public Records of Polk County, Florida.

2. A lot that borders an area subject to this Resolution, may, in addition to any fence otherwise allowed by the Association as to any lot, place a green fence, no more than six feet in height, along the sides and back of any lot, but no further than the rear of the dwelling contained on the lot. Fences must still be placed in areas that are allowed to be placed, pursuant to the CCRs and the rules and regulations of the Association, and this Resolution does not expand the area where a lot owner is otherwise allowed to place a fence.

3. This Resolution is supplemental to the existing law on the subject, and does not act to abrogate or repeal any requirements regarding the architectural committee application process.

4. No fence may be placed on or about the land mass commonly known as "the berm", nor may a fence be placed anywhere on lands upon which the Association or any governmental entity holds a fee interest, an easement, or a right-of-way. This paragraph is intended to restate and clarify existing law on the subject.

5. The President, the Board of Directors, and the Architectural Committee have concurrent jurisdiction to promulgate any reasonable rules and regulations to implement the provisions of this Resolution; to interpret the terms of this Resolution; and to create and generate policy statements regarding the Resolution and its terms.

Resolution Regarding Toolsheds and Accessory Structures.

WHEREAS, Article III, Section 2(f) of the Articles of Incorporation of the Association, and Article VII, Section 1(a) of the of the Bylaws of the Association, permits the Board of Directors to promulgate reasonable rules and regulations for the entire development; and

WHEREAS, Article V, Section 3 of the CCRs bans noxious or offensive activities in or on any lot; and

WHEREAS, the Board of Directors has determined that the unlimited and unrestricted placement of toolsheds and accessory structures would constitute noxious or offensive activities and would also be detrimental to the health, safety, and welfare of the development; and

WHEREAS, the Board of Directors has determined that reasonable rules and regulations governing the placement and installation of toolsheds and other accessory structures would be beneficial to the health, safety, and welfare of the community and its residents;

THE BOARD OF DIRECTORS of the Association has approved the following resolution, providing for rules and regulations regarding the installation, placement, upkeep, and maintenance of toolsheds and accessory structures in the development, which are as follows:

1. For the purposes of this Resolution, the term "toolshed" shall have its common and ordinary meaning, and shall include small storage buildings which are normally intended for the storage of tools, small outdoor power equipment, and gardening supplies.

2. For the purposes of this Resolution, the term "accessory structure" shall include any item that would be considered an "accessory structure" or and "accessory use" under the Land Use Code of the City of Lake Wales.

3. A toolshed is the only accessory structure that is permitted to be detached from the primary structure.

4. A toolshed may not exceed 10' x 14' in area and may not exceed six feet in height. A toolshed must be on a solid cement slab. A toolshed must be tied down with hurricane ties to meet current windload requirements. A toolshed may only be installed or moved by a professional installer. A toolshed must be of a consistent color as the primary structure. Only one toolshed is allowed on any lot. A toolshed is only allowed on a lot with a primary structure already placed upon it. A toolshed may only be placed in the rear of a lot; must be directly behind the dwelling unit; and must be otherwise screened from street view.

5. A toolshed must be regularly maintained, and all rules and regulations governing the upkeep of dwellings on lots shall also apply to any toolshed. In addition, no toolshed shall show visible signs of rust, oxidation, rotting wood, missing shingles or tiles, flaking or powdered paint, or other signs of deterioration. Toolsheds shall not show signs of unrepaired physical damage, including, but not limited to, denting, creasing, cracking, missing or damaged windows or window panes, missing or damaged doors, and holes where holes are not supposed to appear in normal toolsheds.

6. A. A toolshed or other accessory structure that is presently situated on a lot in the development as of the date of this Resolution that was either approved by the Developer or was approved by the Architectural Committee of the Association that does not comply with the provisions of Paragraphs 3 and 4 of this Resolution shall be deemed a nonconforming use. Nonconforming uses shall be permitted to remain until the nonconforming use is either substantially damaged, requires substantial repair, or requires replacement.

B. A nonconforming use as described in subparagraph (A) above shall be determined to be substantially damaged, requiring substantial repair, or requiring replacement if any of the following conditions arise:

i. The community association manager or other duly appointed individual determines that the estimated cost to repair the nonconforming use or to bring the nonconforming use to compliance with the CCRs and rules and regulations of the Association will exceed 50% of the appraised value of the nonconforming use as determined by the Property Appraiser; or, in the event the Property Appraiser has not separately valued the nonconforming use, the replacement cost value of the nonconforming use less depreciation, with the rebuttable presumption that the nonconforming use has an expected useful life of ten years.

ii. When more than six square feet of roofing requires repair or replacement in any twelve month period.

iii. When more than six square feet of any surface is damaged, rotting, missing, or otherwise requires repair or replacement in any twelve month period.

7. The President, the Board of Directors, and the Architectural Committee have concurrent jurisdiction to promulgate any reasonable rules and regulations to implement the provisions of this Resolution; to interpret the terms of this Resolution; and to create and generate policy statements regarding the Resolution and its terms.

Fine Schedule for Certain Offenses

WHEREAS, Dinner Lake Shores Home Owners Association, Inc., ("the Association") has determined that the use of fines, pursuant to Section 720.305 of the Florida Statutes is beneficial to the residents of Dinner Lake Shores ("the community"); and

WHEREAS, Article III, Section 2(f) of the Articles of Incorporation of the Association, and Article VII, Section 1(a) of the 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 V, Section 3, of the Declaration of Covenants, Conditions, and Restrictions of Dinner Lake Shores, which is duly recorded in OR Book 4497, Page 1199, Public Records

of Polk County, Florida, (“the CCRs”), together with subsequent amendments thereto, noxious or offensive activities are prohibited; and

WHEREAS the Association, through its Board of Directors, has determined that the promulgation of rules and regulations for the fining of residents; to establish rules of procedure; and to establish rules for enforcement of fines is in the best interest of the Association; and

WHEREAS the Association, through its Board of Directors, has determined that rules and regulations for the fining of residents; to establish rules of procedure; and to establish rules for enforcement of fines 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 has previously promulgated provisions in its governing documents calling for a procedure for the fining of residents and others, which is titled, “Resolution Regarding the Establishment of the Fining Committee; Establishment of Rules and Regulations Governing the Fining Committee; Establishment of Rules and Regulations of the Board of Directors Regarding the Imposition and Levying of Fines; and Rules and Regulations Providing for Enforcement” (“the fining resolution”); and

WHEREAS the Association has determined that certain violations of the governing documents are of the type that are so obvious that a determination as to whether such conduct constitutes a violation by the Board of Directors is normally not necessary; and

WHEREAS the Association has determined that an automatic fining schedule for such violations is in the best interests of the Association and the conduct of its affairs;

THE BOARD OF DIRECTORS of the Association has approved the following resolution, providing for supplemental rules and regulations regarding the establishment and levying of fines, and for the enforcement of such fines, which are as follows:

1. The Board of Directors hereby state that, in lieu of a complaint and presentation to the Board for determination, the following violations, if personally observed by the community association manager of the Association (“CAM”) or observed by the CAM through reliable surveillance camera footage, may be cited immediately as a violation of the governing documents, with notice and an opportunity to be heard before the fining committee upon at least 14 days’ notice:

A. Any distressed or inoperable vehicle in open storage, including, but not limited to, any vehicle without a current tag or registration; any vehicle with no tag or an unassigned tag; any vehicle with more than one flat tire; any vehicle with grass or weeds visibly growing around or into the vehicle at a height greater than the rest of the yard; and any vehicle that is obviously missing critical parts, including (but not limited to) autoglass, seating, or dashboard components.

B. Any building, improvements, or construction (including, but not limited to, landscaping improvements) undertaken without first seeking approval from the architectural committee.

C. Any violation of the resolution titled, “Resolution Regulating Parking on the Grass and Elsewhere”.

D. The open and exterior storage of any building or construction materials, junk, debris, items not normally designed to be stored outdoors (such as indoor appliances and indoor furniture), and items that have the capacity to hold or retain water that are not equipped with operating recirculating pump systems.

E. Overgrown or dead grass, overgrown or dead landscaping, or the presence of overgrowth or weeds in or about yards or landscaping, including (but not limited to) vines or other plantlife growing on or about the sides of buildings, gutters, or on roofs or roof surfaces.

F. The installation, maintenance, possession, or use of any above ground swimming pool, which includes, but is not limited to, so-called “Intex” or inflatable above-ground swimming pools.

The fine for each offense cited is \$100.00 per violation, per day of violation.

2. The issuance of a warning letter or a courtesy notice prior to violation shall not waive the ability of the CAM to subsequently and immediately cite under Section 1 for the same violation that is the

subject matter of the warning letter or courtesy notice, if the matter is not resolved within the time period specified in the warning letter or courtesy notice.

3. This resolution is supplemental to the fining resolution, and is intended to provide a supplemental enforcement remedy as a supplemental alternative to the enforcement remedies present in the fining resolution and under general law. Nothing in this resolution shall be construed as limiting the CAM or the Board of Directors from seeking the enforcement remedies present in the fining committee resolution or under general law, or both, for any violation where the supplemental remedies of this resolution are available.

4. The Board of Directors hereby delegates to the CAM the authority to cite violators pursuant to this resolution, and to do so without first seeking permission from the Board of Directors. The Board of Directors may, upon review of a violation cited under this resolution, by majority vote of Board members present at a duly convened meeting of the Board, choose to rescind a citation. A rescission of a citation must be performed prior to the meeting of the fining committee regarding the violation.

5. The President, the Board of Directors, and the CAM have concurrent jurisdiction to promulgate reasonable rules and regulations to implement this regulation, which includes, but is not limited to, the posting of signage.

Policy Statement Regarding Metal and Other Alternative Roofing

WHEREAS, Article III, Section 2(f) of the Articles of Incorporation of the Association, and Article VII, Section 1(a) of the of the Bylaws of the Association, permits the Board of Directors to promulgate reasonable rules and regulations for the entire development; and

WHEREAS, Article V, Section 24(e) of the CCRs generally requires pitched roofing be covered with architectural shingles; and

WHEREAS, a material known as "metal roofing" is available for residential roofing projects, but is not a roofing method that uses architectural shingles; and

WHEREAS, the Board of Directors has determined that metal roofing is inconsistent with the CCRs, is architecturally inconsistent with the development scheme of the community, and is and in violation of Article V, Section 24(e) of the CCRs;

THE BOARD OF DIRECTORS of the Association has approved the following resolution and policy statement regarding metal roofing and other forms of alternative roofing other than architectural shingles:

1. It is the policy of the Association that roofing for a pitched roof is limited to architectural shingles. So-called "metal roofing" and other types of alternative roofing for a pitched roof is determined to be architecturally inconsistent with the development scheme of the community, and in violation of Article V, Section 24(e) of the CCRs.

2. The President, the Board of Directors, and the CAM have concurrent jurisdiction to promulgate reasonable rules and regulations to implement this regulation.

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

Dated August 19, 2020.

[Signature]
Secretary
Dinner Lake Shores Home Owners Association, Inc.

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 20 day of August,
2020, by GINA VAZQUEZ, Secretary, Dinner Lake Shores Home
Owners Association, Inc., who is personally known to me or has produced _____ as
identification and who did not take an oath.

[Signature]
Notary

