

Parking Rules

STATEMENT OF PURPOSE

Section 15 of the Protective Covenants for Evans Mill authorizes the Board of Directors to establish rules for the use of any property within the community in order to protect the value of lots and the aesthetic qualities of lots. Such rules may include reasonable restrictions on the parking of cars, trailers, boats, campers and other vehicles. Further, Section 4.I. of the covenants permits the Association to restrict parking of certain vehicles it determines are of a type because of size or weight not appropriate for overnight parking in a residential subdivision.

To that end, the Board has adopted the following rules regarding parking which will be effective starting January 1, 2023. Note that local City ordinances already currently prohibit the parking, outside of a garage, of more than four vehicles of any type, and of any recreational vehicles or boats, between the front building line of a residence and the street.

RULES

- A. Definitions. For purposes of these rules, the following definitions shall apply:
1. “Accessory Vehicle” means campers, recreational vehicles, motor homes, boats, trailers both open and enclosed, minibikes, motorcycles, golf carts, go carts, Utility Terrain Vehicles (“UTVs”), All Terrain Vehicles (“ATVs”), and similar vehicles with recreational and utility type purposes.
 2. “Commercial Vehicle” means:
 - a. Buses, limousines, taxis which are branded as taxis on the exterior of the vehicle, and vans designed to carry 15 or more passengers;
 - b. Box trucks, panel trucks, cargo vans, tow trucks, tanker trucks and other vehicles designed or configured for operation in furtherance of a commercial enterprise, whether or not presently being used for commercial purposes, including, without limitation, any vehicle with paraphernalia or equipment related to a commercial enterprise attached, strapped or affixed to the exterior of the vehicle, which paraphernalia and equipment may include but is not limited to racks, tools, ladders, pipes, and building or trade materials; and,
 - c. Semi-trucks.

Note, a typical pick-up truck that does not meet any of the other above criteria shall not be considered a Commercial Vehicle for purposes of these parking rules. Further, vehicles with branding, logos or signage which do not also meet any of the other above criteria, are not intended to be included within the definition of Commercial Vehicle for purposes of these parking rules solely because of such signage. However, branded vehicles may be evidence of a commercial use of a lot in violation of the covenants in certain circumstances which is a separate matter from these parking provisions.

B. Rules.

1. No more than four vehicles of any kind may be parked, outside of a garage, between the front building line of the residence and the street on any lot. For corner lots with a driveway on the side street, there should be no more than four vehicles parked between the side line of the residence and the street.
2. No more than one Accessory Vehicle that is visible from a street shall be parked on any lot. All other Accessory Vehicles shall be parked in such a manner as to not be visible from any street such as in a garage, behind the residence or behind an approved fence. Further, Accessory Vehicles may not be parked between the front line of a house and the street, or if on a corner lot, between the side of a house and the street. Accessory Vehicles shall not be parked within any road right way, on the street, or within any building setback. An Accessory Vehicle while on and attached to a trailer shall, together with the trailer, be considered one Accessory Vehicle for purposes of these rules (e.g. a boat on its trailer; a jet ski on its trailer, etc.).
3. The parking location of any Accessory vehicle greater than 20 feet in length, exclusive of tongue, must be approved by the ACC.
4. Notwithstanding anything to the contrary in the foregoing, Accessory Vehicles that are more than 35 feet in length, exclusive of tongue, may not be parked on any lot, street or other property within the community.
5. No Commercial Vehicle shall be parked on any lot unless parked in an enclosed garage or other approved structure. Commercial Vehicles of third parties temporarily parked at a lot for purposes of providing services or deliveries to the lot owner are excluded from this rule (e.g. UPS delivery truck while making deliveries; gas company truck while making deliveries to the residence, etc.).
6. Construction equipment and/or vehicles such as bobcats, excavators, tractors, etc., may not be placed or parked on any lot or street unless within a garage or other approved enclosed structure; or they may be temporarily placed or parked on a lot while being used in conjunction with the construction, maintenance or repair of approved improvements or landscaping on the lot on which they are placed. Such temporarily placed equipment or vehicles shall be removed from the lot immediately upon completion of the subject construction, repair or maintenance.
7. No motor vehicle of any kind that is inoperable, junked or partially wrecked, nor any vehicle or boat which is legally required to be registered that is not currently properly registered, may be stored or parked on any lot except within an enclosed garage or other approved structure.
8. No Accessory Vehicle nor any motor vehicle of any kind that has more than two axels may be stored or parked on any lot unless parked in an enclosed garage or other approved structure; provided however that vehicles of third parties with more than two axels temporarily parked at a lot for purposes of providing services or deliveries to the lot owner are excluded from this rule.

9. When these rules refer to a structure or fence as being approved, this means that the structure or fence must have been properly approved by the ACC pursuant to the covenants and building guidelines applicable to the community.

COMMERCIAL USE OF PROPERTIES

The Board would also like to remind property owners that lots within the community are to be used for residential purposes only and not for commercial purposes. There are a number of factors that support the conclusion that someone is using property for commercial purposes in violation of the covenants which could include, without limitation:

- Advertising on websites or other media to the public that lists the residential address as the address of the business;
- Location at the residence of commercial and branded vehicles, commercial equipment, tools of the trade and other materials, inventory, etc. related to commercial enterprises;
- Employees and/or customers coming and going from the residence; and,
- Violation of any applicable City ordinances restricting commercial use of residential property.