

UPDATED MAY 7, 2008

Highland Park
Handbook of Rules and Information

Contents

Introduction.....Page 1

I. Mandatory Requirements from the Code of Regulations.....Page 2

II. Other Homeowner Responsibilities Defined in the Code.....Page 3

III. Deed Restrictions (an addendum to the Code of Regulations).....Pages 3-6

IV. Some Useful “Need to Know” Avon Ordinances.....Pages 7-8

V. Rules Related to Common Areas and Amenities.....Pages 8-9

VI. Annual Assessment Fee Collection Policy.....Page 9

VII. Useful Telephone Numbers.....Page 10

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Introduction

Welcome to Highland Park. We are a subdivision of 430 families with a common goal to maintain Highland Park as a very special place to live. As owners of sublots, we are also bonded together as members of the Homeowners' Association of Phases 3 through 16, Highland Park Subdivision, Inc. To implement our common goal, and to ensure that each homeowner's value and living experience is maximized, we have updated the Handbook of Rules and Information. The Board of Managers plans to maintain the Handbook "evergreen" on the subdivision web site and periodically publish it in hardcopy form.

The rules and information are consistent with the "Code of Regulations of the Homeowners' Association of Phase 3, Highland Park Subdivision, Inc." and are applicable to all homeowners in Phases 3 through 16 (and currently some homeowners in Phases 1 and 2 who are members of both Associations). These "common sense" rules take into consideration the health, safety, quality of life and property rights of all homeowners.

The Board feels that you will find the rules reasonable, will cooperate by upholding and supporting them, and will remind your neighbors to do the same. With respect to specific enforcement procedures, please be aware of the following:

- *** The Code of Regulations authorizes the Board of Managers (and its management company and other agents) the authority to interpret and enforce the rules including the Code and the Deed Restrictions [Code pages 1, 6, 12]. Interpretations developed and approved by the Board are referred to within this Handbook as "*Clarifying Standards*" and are mandatory.
- *** The Code of Regulations also authorizes individual homeowners as members of the Homeowners' Association to "...administer and enforce the restrictive covenants applicable to the Sublots..." [Code page 1]. This may be done through a friendly, courteous reminder to your neighbor, although it is typically initiated by an oral or written communication to the Board of Managers or Carlyle Management Company.
- *** The Board of Managers does not enforce local, state or federal ordinances, laws, rules or regulations.

Please help by ensuring that you and applicable family members are familiar with the contents of this Handbook. It does not cover every possible situation. If something arises that is not covered, please contact a member of the Board of Managers or Carlyle Management Company. Thank you!

SECTION I: MANDATORY REQUIREMENTS FROM THE CODE OF REGULATIONS [For ease of reference, the specific page in the Code or Deed Restrictions is noted in brackets.]

- A. Requirements in the Code and “Restrictions to be Placed in Deeds for Highland Park” shall be complied with [Code page 1, Deed Restrictions page 1].
- B. The Annual Assessment Fee shall be paid by April 1st of each year [Code pages 9-10]. See Section VI for the Collection Policy, including interest charges for late payments, etc.
- C. Special Assessments, if enacted by a majority of homeowners, shall be paid by the due date [Code pages 9-10].
- D. Late fees and collection fees related to the Annual Assessment Fee or Special Assessment Fees, if applicable, shall be paid in a timely way [Code page 10].
- E. The Code of Regulations may be amended by approval of 75% of the homeowners [Code page 13]. As of February 2007, there have been five amendments:
 - *** Enacted August 2001: Allows homeowners in Phases 1 and 2 to join our Homeowners’ Association.
 - *** Amendment (new 5.9 in Article V) enacted March 2005: Requires approval by a majority of homeowners (50% plus one) to make significant changes to the Common Areas or amenities thereon.
 - *** Amendment A (new 6.10 in Article VI) enacted October 2006: Prohibits sexual predators or habitual sex offenders from residing in or occupying a home in Highland Park.
 - *** Amendment B (new 5.10 in Article V) enacted October 2006: Requires delinquent/violating homeowners to pay for costs related to collection of delinquent accounts or remedying rule violations.
 - *** Amendment C (revised 1.5a in Article I) enacted October 2006: Allows the Annual Meeting to be held anytime within the first six months of the year.

SECTION II: OTHER HOMEOWNER RESPONSIBILITIES DEFINED IN THE CODE

- A. Homeowners should vote, in person or by proxy, on certain matters brought to the Homeowners' Association, such as election of officers, removal of managers, special assessment fees, significant changes to common areas, and amendments to the Code [Code pages 4, 5, 9, 13].
- B. Homeowners are invited and should attend the Annual Association meeting and special meetings [Code page 2].

SECTION III: DEED RESTRICTIONS

A. The “Restrictions to be Placed in Deeds for Highland Park Phase 3 [or Other Phases]” (Deed Restrictions, for short) are summarized below in layperson language. For complete details, see the specific page [as noted in brackets] in the Deed Restrictions, which is a four-page addendum to the Code of Regulations or a “stand-alone” document provided by the developer or builders in Highland Park. For ease of cross-referencing, the number of the Restriction in this *Handbook* is the same as the number in the official document.

1. The restrictions are part of a general plan for the benefit of the entire subdivision and each subplot. Variations between sublots are in accordance with and are a part of the general plan [Deed Restrictions page 1].
2. Only one private single-family residence shall be erected on each subplot. Premises shall not be used for trade or business purposes. Advertising signs or billboards are prohibited except for the sale of real estate. Contractors may temporarily erect signs during construction and sale of sublots [Deed Restrictions page 1]. *Clarifying Standard:* “Trade” or “business” is defined as any type of business or activity that jeopardizes the safety or quality of life of others because it causes inordinate noise, impedes foot or auto traffic, or is otherwise disruptive.
3. Residences must have a certain minimum livable finished square footage and roof pitch [Deed Restrictions page 1].
4. Finished square footage is defined as having a finished wearing surface such as carpeted floors and finished plastered walls and ceilings [Deed Restrictions page 1].

5(a). The exterior of the residences shall be harmonious with the exterior of the existing residences [Deed Restrictions page 2].

5(b). Front elevations shall be approved by the “Architectural Review Board” [Deed Restrictions page 2]. **NOTE:** Approval by the “Architectural Review Board” is obtained by contacting Carlyle Management at 800-433-7465, option “6”. Allow 7 to 10 days for review and approval.

5(c). Floor plans for adjacent houses on the same street shall be different [Deed Restrictions page 2].

5(d). A certain percentage of homes shall have rear or side entry car garages. Grading of the sublots shall comply with the overall grading plan as approved by and on file with the City Engineer [Deed Restrictions page 2].

6(a). The exterior front elevation shall be primarily composed of brick or stone, with an offset as defined [Deed Restrictions page 2].

6(b). Mailboxes and their structure shall be of a uniform design, which are white in color and which match the design of the mailbox in Highland Park Phases 1 and 2 [Deed Restrictions page 2]. *Clarifying Standards:* Mailboxes and structures shall be maintained in good condition (i.e., no peeling paint, no unpainted surfaces, no rust or dents on the box, no missing or broken components; and shall have standard 3-inch maroon or black letters on a large-size mailbox). **NOTE:** For further information regarding replacement of a mailbox structure, contact Ed Fratus at Carlyle Management 800-433-7465, extension 228.

6(c). Landscaping and seeded yards shall be completed within nine months of occupancy [Deed Restrictions page 2]. See 10(d) for *Clarifying Standards*.

7. Vinyl/aluminum exterior siding shall not be bright colors. All colors shall be approved in writing by the “Architectural Review Board”---see the NOTE in 5(b) to obtain approval [Deed Restrictions page 2].

8. The minimum front yard setback of the residence or any part of the structure shall comply with the recorded plat [Deed Restrictions page 2].

9. Concrete block or poured concrete shall not be used in the exterior design of the residence except for that portion of a basement structure that will be exposed above grade, and in that case, shall be no more than 18 inches [Deed Restrictions page 2].

10(a). Rear-yard fences shall comply with following requirements [Deed Restrictions page 2]:

- *** Shall not exceed 5 feet in height.
- *** Shall be at least 50% open to light, uniformly distributed, when viewed from a 90-degree angle (for example, 4 inches of open space on both sides of a 4-inch slat when looked at head-on).
- *** Shall be an earth-tone color.
- *** Shall not be cyclone (chain link) fencing.

10(b): Fences for in-ground swimming pools shall comply with the following requirements [Deed Restrictions page 2]:

- *** The same Highland Park Deed Restrictions outlined in 10(a).
- *** Minimum height restriction and other building and permit requirements prescribed by the codified ordinances of Avon. The height requirement in the codified ordinance takes precedence over the Highland Park requirement.
- *** Shall be to the rear of the back line of the house.

For fence requirements for small, temporary above-ground pools, consult with Avon's Building Department or the Zoning Enforcement Officer.

10(c): Privacy fences surrounding patios and decks shall be allowed with no restrictions as to height [Deed Restrictions page 2]. *Clarifying Standards:* Privacy fences shall be an earth-tone color and shall not be cyclone (chain link) fencing.

NOTE: Prior to construction, proposed fence installations and other significant outdoor additions (decks, patios, room additions, etc.) should be reviewed with the "Architectural Review Board" to ensure a consistent and accurate interpretation of requirements. **NOTE:** Contact the "Architectural Review Board" through Carlyle Management (800-433-7465, option "6"). Allow 7 to 10 days for review and approval.

10(d). Materials and other unsightly matter shall not be stored outside of the house. Yards and lawns shall be kept in a neat and orderly manner at all times [Deed Restrictions page 2]. *Clarifying Standards:* Lawns shall be routinely cut. Lawns and beds shall have minimal weeds. At a minimum, Avon's Ordinance 650.05 shall be met-----“...weeds and grasses shall be cut or destroyed to prevent them from blooming or going to seed or exceeding a height of 12 inches.”

10(e). Unlicensed vehicles, vehicles larger than a three-quarter ton pickup truck, and panel trucks shall not be kept outside [Deed Restrictions page 2].

10(f). No repairs to vehicles shall be performed outside of garages [Deed Restrictions page 2].

11(a). No boat, trailer, tent, garage, or other outbuilding erected or placed upon the premises shall be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence [Deed Restrictions page 2].

11(b). No boat, trailer, or camper shall be permitted to be parked outside of the garage for a period of more than one week in any one year [Deed Restrictions pages 2-3].

12. Utility buildings, pole barns, storage sheds, outbuildings, pavilions, unattached garages, and non-footered attached garages are prohibited on any subplot [Deed Restrictions page 3].

13. Utilities, including but not limited to sanitary sewer, storm sewer and water are for the use and benefit of owners of sublots. No owner of a subplot shall allow the use of any subplot for utility purposes of any property, land or sublots outside the geographic boundaries of Highland Park Subdivision [Deed Restrictions page 3].

14. Invalidation of any of these restrictions by judgment or court of law shall in no way affect the other provisions, which shall remain in full force and effect. The laws of the State of Ohio shall apply.

15. Sublot owners and successive owners that purchase the sublots from initial or current owners shall fully and completely abide by the By-Laws. *Clarifying Standard:* This requirement also includes the Code of Regulations and Deed Restrictions.

SECTION IV: SOME USEFUL “NEED TO KNOW” AVON ORDINANCES

The City of Avon has hundreds of ordinances. They can be viewed at the library, at the Town Hall or on the City of Avon web site (www.cityofavon.com; click on “Resources and Links”; click on “Avon Codified Ordinances; at Website, click on “www.amlegal.com/avon oh; click on “No Frames”; click on “Search” or other menus). A small number of the ordinances that are relevant for homeowners in Highland Park are as follows [for reference, the specific chapter in Avon’s Codified Ordinances is noted in brackets]:

1. Comply with all moving traffic regulations, especially the 25mph speed limit and stopping at stop signs [Ordinance Chapters 414 and 434].
2. Comply with all parking regulations, including the following:
 - *** Parking is prohibited across sidewalks, in front of driveways, within 10 feet of a fire hydrant, on the side of a street where fire hydrants have been installed, in a crosswalk, within 20 feet of a crosswalk at an intersection, within 30 feet of a stop sign, in a cul-de-sac, or on someone else’s property without permission [Ordinance Chapter 452].
 - *** Parking is prohibited on streets when more than two inches of snow has fallen during any 24-hour period [Ordinance Chapter 452].
 - *** Parking is prohibited on any street between 2:00 am – 6:00 am daily. Residents may request a temporary parking permit for overnight visitors by applying in person at the Avon Police Department.

NOTE: Parking is permitted at the clubhouse lot while using the Highland Park facilities (clubhouse, pool, tennis courts, playground, Nature Park). For liability and safety reasons, overnight or extended (multi-day) parking for special situations requires the approval of a Board member.

3. Shoveling snow/ice onto the streets is prohibited [Ordinance Chapter 412].
4. Pick up after your pets, properly dispose of pet waste in your own receptacle, and ensure that your dog does not roam “at large” [Ordinance Chapter 618]. **NOTE:** The dumpster in the Clubhouse parking lot is not for disposal of pet waste or home refuse.

5. Maintain sidewalks in good repair. Remove snow/ice within twelve hours [Ordinance Chapter 660]. **NOTE:** The Board of Managers will ensure that snow at the Clubhouse parking lot and Clubhouse sidewalk is removed by our contractor. **NOTE:** The Avon Services Department is responsible for removal of snow from streets and repairs to streets.
6. Do not operate powered equipment except snow removal equipment between 9:00 pm – 7:00 am, or between 7:00 pm – 9:00 am on Sundays and holidays [Ordinance Chapter 648].
7. Maintain volume of sound devices (radios, etc.) so that they do not disturb others [Ordinance Chapter 648].
8. Do not litter [Ordinance Chapter 660]. **NOTE:** It is helpful in minimizing wind-blown debris by putting garbage out no earlier than Sunday evening (assuming Monday morning pickup).
9. Pedaled bicycles shall be ridden on sidewalks when available. However, riders shall give pedestrians the right-of-way. Motor-assisted bicycles shall not be ridden on sidewalks. When bicycles are ridden on the street, bike riders shall comply with all traffic ordinances. [Ordinance Chapter 474]
10. All-terrain vehicles shall not be used on any common area green space (including parks and water retention basins), on any sidewalks, on the Nature Park trail, or on any private property without consent of the owner. [Ordinance Chapter 476]
11. Trees on tree lawns are owned and shall be maintained by the homeowner. Dead trees shall be replaced by the homeowner with a tree of the same species as others on the street. [Avon Building Code]

NOTE: Enforcement of Avon’s ordinances is done by the Zoning Enforcement Officer or the Police Department. See Section VII for Avon phone numbers.

SECTION V: RULES RELATED TO COMMON AREAS AND AMENITIES

The common areas and the amenities are valuable assets to enhance the experience of living in Highland Park. These rules and common-sense practices are provided for your health and safety, and for cost-effective operation of the amenities:

1. Rules for use of the swimming pool are developed by the Pool Team, approved by the Board of Managers and communicated by mail to every homeowner before the swimming season starts on Memorial Day. Please ensure that all family members and guests are familiar with the mandatory rules and “best practices”. Four of the critical rules are: glass containers are prohibited within the fenced pool area; headfirst diving is prohibited; children under 14 shall be accompanied within the fenced pool area by a parent or responsible adult; non-swimmers shall be accompanied in the water by a close-by parent or responsible adult.
2. Specific rules for use of the clubhouse are provided in the rental contract. **NOTE:** To rent the clubhouse, email Heather Johnson at: hpclubhouse@highlandparkassoc.com or contact Heather at Carlyle Management (800-433-7465, option “7”).
3. Tennis courts are for tennis only. To prevent injuries or property damage, baseball, skateboarding, roller-skating, bicycling etc. are prohibited. Dispose of trash (except for animal waste) in waste receptacles at the tennis court or pool.
4. When other tennis players are waiting, please set up a “waiting list” and share the court with others after 30 minutes of play.
5. The playground is open to children of all ages. Very young children should be supervised by an adult. Use common sense, caution and courtesy to ensure that everyone’s playground experience is enjoyable. Dispose of trash properly.

SECTION VI: ANNUAL ASSESSMENT FEE COLLECTION POLICY

Per Article 5.3 on page 10 of the Code of Regulations, the annual assessment fee is due on April 1st of each year. If the assessment is not received by May 1st, it is considered “delinquent” and incurs an interest charge of 1% per month retroactive to April 1st. Follow-up notices are sent in May and June. If payment is not received in early July, a “Notice of Intent to File a Lien” is sent by the Board. The lien amount includes the assessment fee, late fee, recording/title report costs, and attorney’s fee if applicable. If the payment is not received in early August, the lien will be officially filed with the Lorain County Recorder. If payment is not received within a certain timeframe, the Board of Managers will review the delinquency, and may authorize the Association’s attorneys to bring an action at law against the homeowner that may include foreclosure of the lien against the subplot. The judgment settlement will include the full lien amount, additional late fees and the costs of the legal action.

SECTION VII: USEFUL TELEPHONE NUMBERS

Highland Park Website: www.highlandparkassoc.com

The website includes a calendar of events, FAQ's, phone numbers and email addresses of the current Board of Managers, Board meeting minutes, etc.).

Highland Park's Management Company:

Carlyle Management 800-433-7465, dial "0" for the operator.

Emergency Information:

All Emergencies	911
Avon Police (non-emergency)	934-1234
Avon Fire Dept. (non-emergency)	934-1212
National Poison Control Center	800-222-1222

Other Services:

Avon City Hall	937-7800
Avon Building Dept.	937-7811
Avon Parks Department	937-6106
Avon Recreation Department	937-4461
Avon Safety Director	937-7897
Avon Services Dept.	937-5424
Avon Utility Department	937-5740
Avon Zoning Enforcement	937-7810
Street Light Repairs	800-589-3101
Electrical Outage Reporting	888-544-4877

Other Names and Numbers:

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