

The Preserve of Westlake

Neighborhood Guide



Provided By:

*The Preserve of Westlake
Condominium Owners' Association, Inc.
Board of Directors*

October 2012

Dear Preserve of Westlake Homeowner:

This *Neighborhood Guide* is being provided to all Preserve of Westlake Homeowners so that all residents will have important information in one handy location. It is in this three ring binder format, so that all future Newsletters and other neighborhood updates can be easily inserted.

The information provided herein is partially taken from the Preserve of Westlake Condominium Owners' Association Declaration of Condominium Ownership and Bylaws, and is supplemented by Rules and Regulations enacted by the Preserve of Westlake Board of Directors. This booklet is intended to supplement, not to replace, the Declaration and Bylaws. Therefore, if there should be an inadvertent discrepancy between what is expressed in this booklet and the recorded documents, the Declaration and/or Bylaws shall govern. Please note that due to changes in Ohio law, the areas formerly known as “Common Areas” or “Limited Common Areas” are now referred to as “Common Elements” or “Limited Common Elements” so you will see this new language in this Guidebook.

We ask you to keep this booklet handy and to refer to it when necessary. Should you have any questions regarding this *Neighborhood Guide*, or have a question about an item not included, please feel free to contact the Management Company or the Board.

Before moving into the development, you should have received a copy of the Declaration and Bylaws. If you do not have these documents, they can be obtained at a cost from the County Recorder or from the Management Company.

The Preserve of Westlake Board of Directors

(Rules enacted April 19, 2007; Effective date May 10, 2007)

(Rules amended and ratified September 25, 2012; Effective date November 1, 2012)

The Preserve of Westlake Management Company

The Lawrence Community Management Group, Inc.
1507 Lear Industrial Parkway, Suite 1
Avon, OH 44011-1376
(440) 937-2800
(440) 320-8551 After Hours Emergencies
toll free: 1 800 875 5080
contact: Trevor Lawrence
email: tlawrence@lawrencemanagement.com

The Preserve of Westlake Board of Directors

Karen Powers, President

Cathy Garlitz, Treasurer

John Kosatka, Secretary

Other important numbers:

Emergency: 9-1-1

Westlake Police, non-emergency number	440-871-3311
Westlake Fire, non-emergency number	440-871-3441
St. John Westshore Emergency Room	440-414-6066
St. John Westshore Main number	440-835-8000
Poison Center	216-231-4455
Fairview Hospital	216-746-7000
City of Westlake City Hall	440-871-3300

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I. Environment of Common Elements

A. Street Parking/Speed Limit

1. The speed limit in the development is 25 MPH. Please maintain proper speed for the safety of all residents and visitors.
2. There shall be no parking at any time on the Fire Hydrant side of the streets. The Hydrants are located generally on the inside of the circle. This is necessary to provide access for emergency vehicles.
3. Overnight street parking (between 2:00 am and 6:00 am) is prohibited.
4. In the wintertime, please do not leave vehicles parked on the street or in your driveway for extended periods of time, to allow for snowplowing.
5. Unit Owners and residents must not park overnight in visitor parking pad areas.

B. Public School Bus information

The City of Westlake school buses will not enter the Preserve, as our streets are non-public streets. This is a policy of their transportation department. The buses generally make stops at the corner of Crocker and Hummingbird Way. Please call the Transportation Department at 440-835-6313 for current pick up/drop off times and bus numbers.

C. Rubbish Removal/Recycling

1. The City of Westlake has our rubbish removal/recycling removal scheduled for Tuesday mornings.
2. Place items on the tree lawn no earlier than after 6:00 pm on Monday nights (City Code 950.12), and no later than 6:00 am on Tuesday mornings.
3. If the following holidays fall on a Monday or Tuesday, then pick up will be delayed by one day: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.
4. If you do not have a recycle bin, but would like one, please contact the City at 440-871-3300.

D. Patio Furniture, Grills Backyard Common Elements, mulched flower beds

1. Each homeowner has a patio/deck area for their own use. Patio furniture and gas grills MUST be kept on the concrete patio area/deck of the owner.

2. Extra furniture and grills not on your patio directly shall not be on the Common Elements or the Limited Common Elements except when in active use for entertaining and cookouts
3. When not in current use, the items MUST NOT be kept on the grassy areas. This is to prevent the grass from being dried out from items stored on the grass, and to make it easier for the landscaping company to mow the grass without interference.
4. Outdoor fire pits, chimneys, and grills (when in use) must be kept at least fifteen feet from the building in accordance with local fire codes and used with extreme caution.
5. Any mulched flower bed areas, in the front or rear of the units, shall not be used for storage of additional patio or sporting equipment (with the exception of hose boxes as described in Section 2F below).

E. Landscaping

1. The main landscaping has been installed by Kimball Hill Homes. Residents may plant additional flowers or shrubbery in the existing flowerbeds, or add potted plant containers to their patios or front steps/porches. Advance approval of the Board is not needed for those items.
2. Any annuals that are planted are the responsibility of the Unit Owner to take care of.
3. *No additional flowerbeds shall be made by Unit Owners or residents without approval of the Board.*
4. *See section III below for information regarding landscape lighting requests.*

F. Basketball Hoops

Basketball Hoops may not be installed above the garage doors, or placed on a pole on a driveway, or anywhere else in the Common Element area. Further, no portable toys shall be kept out on a driveway, walkway, or in a mulched area.

II. Unit Restrictions

A. Signs

"For Sale", "For Rent" and "Open House" Signs

1. No "For Sale" or "For Rent" signs shall be posted in yards or windows of Units. Two "Open House" signs may be displayed on the day of the open house and shall be removed following the end of the open house. One "Open House" sign may be

placed at the entrance to the development, and one at the front of the Unit, in the lawn area directly in front of the Unit.

Campaign Signs

2. No political campaign signs or signs promoting any candidates or issues shall be displayed in yards or windows of Units, or on the front doors or on front or rear patio areas.

Advertisement Signs

3. No signs advertising any company or business shall be displayed in yards or windows of Units. The only exception to this rule is that one small security company sign of a company used by an owner may be placed in the front mulched bed area as close to the unit as possible.

B. Screen and/or Storm Doors

The installation of screen and/or storm doors on front doors or patio doors do not need prior Board approval, provided, however, those doors must be installed in accordance with the following specifications:

1. Full View White Frame, White Trim; Tempered Safety Glass
2. Aluminum Frame: Brass, Nickel, or Bronze Lever Handset.
3. If doors are not installed to these specifications, the Unit Owner will be instructed to make a change. If you are uncertain if your door will be compliant, you can certainly ask ahead of time.

C. Decorations

1. Unit Owners may decorate the exterior of their units with wreaths, holiday flags, decorative flags, or American flags. Unit Owners may decorate their entrance ways and front mulched bed areas with limited and tasteful decorations. No decorations in the front, back, or side of units shall be attached to the siding.
2. Flagpole brackets are permitted on the white garage doorframe, front door frames, or wooden porch posts.
3. The neighborhood appreciates the tasteful winter holiday decorations that our residents display. The proper time frame for these decorations shall be between Thanksgiving and January 15. All decorations must be taken down by this date.
4. For other holidays the residents may display tasteful decorations, and remove them after the completion of the holiday.

5. All inflatable holiday decorations are prohibited.
6. Any decorations that are deemed objectionable by the Board must be removed upon notice to the homeowner.

D. Pets

1. No animals, rabbits, livestock, fowl, poultry or reptiles of any kind shall be raised, bred, or kept in any Unit or in the Limited Common Elements, except that dogs, cats, or other normal household pets may be kept for personal use, and not for breeding or commercial use.
2. Dogs, when outside their Units, MUST be on a leash held by a person.
3. Dog owners are responsible for immediate clean up of dog waste in any yard or in Common Elements while walking their dog.
4. Dog owners must not keep bagged dog waste in the front of their units.

E. Birdfeeders

Residents may keep birdfeeders in Limited Common Elements behind their Units. The Limited Common Element area is within 20 feet from the rear of the unit. Bird feeder hanger polls may be placed in the mulched bed areas around the units only, and may not be placed in the grassy areas as they create a hazard for the landscapers.

F. Garden Hoses

It is understood that residents may wish to have garden hoses in order to water their flower beds. If hoses are kept outdoors, they must be contained within a tan hose box. They may not be attached to the siding on hose wraps, and may not be on simply a hose roll. The reason for this to have the hose stored neatly, as many residents can view their neighbors' areas. The hose box ideally should be kept in a mulching bed hidden from view where possible. For areas where the hose needs to be kept and it is not close to a mulch bed, it is permissible to keep the hose box on the grass as close to the unit as possible.

G. Garage Sales

Garage Sales are not permitted in the development.

H. Noise & Nuisance

1. Noise which causes a disturbance or creates a nuisance for other residents is prohibited. If a resident is bothered by noise or other nuisance, he/she must assume

responsibility for contacting the offending party. If the noise or nuisance does not stop and is excessive, an official complaint must be filed with the Westlake Police before the matter can be submitted to the Board of Directors for review.

2. Residents are responsible for controlling party noise and commotion. It helps to hold parties indoors and to keep windows closed. Residents must not allow partying in the common areas. Outside music is prohibited unless a resident has obtained permission from all other residents of said building for a special occasion function.
3. All residents must moderate the volume of their televisions and stereos, as the sound can be transmitted through walls to neighboring units.
4. Construction projects in the home that create noise should only take place between the hours of 8AM-9PM on weekdays and 8AM-6PM on weekends.

III. Exterior Modifications

Unless otherwise specified, all exterior modifications to the Unit and Limited Common Elements require that prior Board approval be obtained. If you are unsure if an item requires Board approval, then please ask the Management Company.

If you are seeking Board approval, you must submit your request in writing (or via email) to the Management Company. A “Building Alteration Request Form” is included at the end of this guidebook to use. All requests must be submitted on this form. The entire Board will meet to review your request. Actions should not be started until the Board has granted permission. Please note that depending upon the nature of the request the Board may seek input from your neighbors while making the decision.

The following items are examples of items that need Board approval before installation:

- additions or extensions to patios, installation of decks
- additions of sunrooms (also require voting by the Unit Owners)
- fencing (see general guides below)
- additional flower beds on any side of a unit
- satellite dishes
- relocation of air conditioning units
- backyard or front yard lighting

Any landscaping lights or spotlight additions must be submitted to the Board for approval prior to installation. Any landscape lighting or spotlights must only display neutral or white light all year long. Landscape lights are defined as small solar powered or energy powered lights. Requests to install landscape lights must contain detail of the number of lights requesting to be submitted. Requests for spotlights must also be submitted but the Board intends to limit requests to one spotlight per area, and in the spotlights must be own unit facing.

Fencing

1. Privacy fences may be installed with prior, written Board approval.
2. Fences must be white vinyl, 6' Height, 6' Panel Width Maximum, lattice or solid top, vinyl posts with Standard decorative cap.
3. Fencing is for Privacy Screening only around patios. The fence cannot enclose areas.

Satellite Dishes

A dish may be installed in your limited common area, with prior Board approval, as close to the building as possible. The dish is not to exceed one meter or 39 inches in diameter. No dish is to be installed on the roof. All cables and wiring must be buried in the ground at a depth of not less than four inches. Care should be taken to avoid cutting sprinkler lines or other wiring. At the owner's expense, mulch should be placed around the base of your dish. This will help keep the landscapers from causing any potential damage to your equipment.

IV. Collection Policy

- A.** Monthly Maintenance Fees are due on the 1st of each month. Any fees not paid by the 10th of each month are considered late, and will incur a late charge of \$35.00 as of 1/1/13.
- B.** An administrative late charge of \$35 per month shall be incurred for any late payment and on any unpaid balance as of 1/1/13 (subject to increase with notice). The late fee for the period of 11/1/12 through 12/31/12 will remain \$25.
- C.** Any payments made shall be applied in the following order:
 1. Administrative late fees owed.
 2. Collection costs, attorney fees incurred by the association.
 3. Principal amounts owed on the account for common expenses and assessments.
- D.** Any past due assessments may cause a lien and foreclosure to be filed.
- E.** Any cost, including attorney fees, recording costs, title reports and or court costs incurred by the association shall be added to the amount owed by the delinquent owner.
- F.** If any Unit Owner fails to perform any action that he/she is requested to perform by the Declaration, Bylaws or Rules, the Association may, but shall not be obligated to, undertake such performance or cure such violation and shall charge and collect from said Unit Owner the entire cost and expense, including reasonable attorneys fees, of performing or cure incurred by the association. Any such amount shall be deemed to be an additional assessment and shall be due and payable immediately following notification of such charge and the association may obtain a lien for said amount in the same manner and to the same extent as if it were a lien for common expense.

- G. If any Unit Owner is more than thirty (30) days delinquent, their voting rights may be suspended by the Board. The Board must duly notify the Unit Owner(s) affected that their rights to vote have been suspended prior to an annual meeting, and the Board shall include a deadline for bringing the account current so there is time to reinstate the right to vote prior to the meeting. The Board should then notify the Unit Owner(s) that their rights have been reinstated.

V. **Rental or Sale of Unit**

Owners may rent out their units. In such cases, the owner must notify the Board and provide updated contact information for both the renter and the owner. It is the responsibility of the owner to be sure that the renter is aware of all association rules and policies.

If your unit is sold, please advise the Management Company also.

See prior section II. A. on "signs" for information on placing for sale or open house signs.

VI. **Channels of Communication**

The Board of Directors consists of three elected, non-compensated owners. Board members are responsible for making decisions affecting our property during scheduled Board meetings.

In between the regularly scheduled Board meetings, the Association relies on the Management Company to carry out the Board's decisions and handle communications between the Association's owners, contractors, and vendors. If you have questions or concerns about the maintenance of the property, please direct the matter to the Management Company.

VII. **Complaint Policy and Enforcement Procedure**

Complaints against anyone violating the Rules and By-Laws of the Association can be submitted to the Management Company via email, mail, or telephone. Please remember to include:

- ❖ Date/s of occurrences
- ❖ Address
- ❖ Telephone Number
- ❖ Email address if available
- ❖ Complaint Details including any attempt made to resolve said complaint
- ❖ Copies of complaints and the identity of the complaining party will be made available to the alleged violator in the event of an enforcement assessment hearing. Complaint forms are made available in the appendix of this guide, as well as on the Association's web page.

If a violation has occurred, the Board will contact the Unit Owner who is responsible for the alleged violation of a Rule or policy. If the violation is not corrected or removed after reasonable time, an enforcement assessment may be imposed in accordance with the procedure outlined below. Furthermore, the Board may authorize that the violation be corrected by contracting an outside agent to make the correction, and the Unit Owner will be billed for such corrective action.

If the Board determines that a violation has occurred, the Management Company will send a letter to the Unit Owner advising of the violation, and advising of the corrective action needed. This notification will also give the Unit Owner a deadline to take the corrective action. If the deadline passes without any corrective action taken, a second notice will be sent with a notice of intent to assess a penalty if the corrective action is still not taken within a set timeframe. The Unit Owner will have 10 days from the date of receiving this second notification to request a hearing before the Board to contest the proposed charge and/or enforcement assessment. The Unit Owner must advise the Board and Management Company in writing that they are requesting a hearing. The Board will then give the Unit Owner at least seven days written notice of the time, date and location of the hearing. At the hearing, the Board and the Unit Owner will have the right to present evidence. The Unit Owner will receive written notice of the Board's final decision.

THE PRESERVE OF WESTLAKE OWNERS ASSOCIATION
COMPLAINT FORM
THIS FORM MUST BE SIGNED

NATURE OF COMPLAINT (Pet, Noise, etc.): _____

LOCATION: _____

NUMBER OF OCCURRENCES: _____

DATE(S) OF VIOLATION: _____

TIME(S) OF VIOLATION: _____

NAME OF OFFENDER (IF KNOWN): _____

SPECIFIC DETAILS: _____

WAS ANY ATTEMPT MADE TO RESOLVE THIS PROBLEM: _____ YES _____ NO

IF "YES", WHAT WERE THE RESULTS? _____

NAME (PLEASE PRINT)

SIGNATURE

YOUR ADDRESS

RECEIVED BY ASSOCIATION: _____ DATE _____ MANAGER OR OTHER
--

DISPOSITION: _____

THE PRESERVE CONDOMINIUM
BUILDING ALTERATION REQUEST

Date: _____

To Board of Directors:

I/we hereby request permission to make the following alterations in or on the common areas of the condominium in accordance with the Association's Declarations, By-Laws and Rules Handbook:

Description: _____

Additional Comments: _____

Owner

Address

Telephone Number

NEIGHBOR ACKNOWLEDGEMENT

My neighbor, whose request is listed above, has made me aware of this alteration request, and I will contact the management company with seven (7) days of today's date if I have any questions or concerns.

NEIGHBOR #1

Name: _____ Address: _____

Signed: _____ Date: _____

NEIGHBOR #2

Name: _____ Address: _____

Signed: _____ Date: _____

Please complete the form and forward it to:
The Preserve Condominium C/O
Lawrence Community Management Group, Inc.
P.O. Box 360
Avon, OH 44011