

Proposed Parking policy for Hilltop at Cedar Grove

6-21-21 Rev 8-22-21, 3-21-22, 6-19-22

**Defined Terms:** Please reference the Declaration of Covenants (“DOC”), Easements and Restrictions for Hilltop at Cedar Grove the “DOC”, Section 1 defines certain terms as follows:

- 190 townhomes located on individual lots are, “Townhomes” and owners are “Townhome Owners”
- Up to 270 townhome-style condominium units are, “Units” and owners are “Unit Owners”
- Collectively the Townhomes and the Units are, “Homes” and owners are “Homeowners”
- Fairfield One: Affordable units that do not have a garage or driveway

These Defined Terms will be used throughout this document.

Excerpts from Section 5:19

**Traffic:** Section 5.19 titled “Traffic” of the DOC states:

Each Homeowner, their guests, invitees and licensees are subject to the requirements of a uniform traffic plan established for the Property. All usage of the parking areas, and other Common Property, Condominium Common Property or Common Elements is subject to compliance with the traffic plan so developed.

**Traffic Plan. Includes parking regulation:** Section 5.19 allows the Master Association to establish a Traffic plan:

...the Master Association may establish and enforce speed limits, parking regulations, stop intersection requirements, or any other generally acceptable techniques of traffic regulation which shall be adhered to as a condition of the usage of the Common Property, Condominium Common Property, and Common Elements.

**Visitor Parking Only:** Section 5.19 defines all common parking spaces as Visitor only parking:

The parking lots within the Common Property, subject to certain spaces being reserved for and available to Affordable Units, and the designated parking areas along private streets, are to be used for **VISITOR PARKING ONLY**” (emphasis added).

**Prohibit Townhome Owners parking in common spaces:** Section 5.19 prohibits Townhome owners from parking in Common Spaces:

Occupants of the Townhomes cannot use guest parking spaces located on the Common Property for the parking of their vehicles.

**Prohibit Market Rate and Affordable parking in common spaces:** Section 5.19 prohibits Market Rate and Affordable owners with driveways and garages from parking in Common Areas:

Occupants of the Market Rate Units and Affordable Units with a garage and driveway cannot use guest parking spaces located on the Common Property for the parking of their vehicles”

**Unit Owners limited to two vehicles:** Section 5.19 imposes a vehicle limit on Unit (Condo) Homeowners:

...as a result of the above limitations, Unit Owners may not park more than two (2) vehicles within the Community.

This last section limits Condominium owners to two vehicles. There is no stated vehicle limit for the Townhomes except that they are limited by the no parking in Visitor spaces and their combined garage and driveway, which is effectively four vehicles.

**Resident Parking Signs:**

The “Resident Parking” signs are not consistent with the bylaws and were installed by Khov. Khov will be required to replace these with “Visitor Parking Only” signs during transition.

**ISSUES:**

**Perceived lack of visitor parking:**

There is a perceived lack of visitor parking in many areas of the community. This is caused by residents using visitor parking in the spaces reserved for visitors, as well as residents owning more vehicles than are allowed in the bylaws. Section 5.19 prohibits owners from parking in visitor spaces. Both Associa and the Master Board have received and continue to receive complaints about the lack of visitor parking.

**Increased cost of snow removal:**

Snow removal is based on an hourly rate for plowing, shoveling, and moving snow. Snow Emergency no parking zones have been established in areas where plowed snow is to be stored. These areas are strategically located in areas of the community to limit how far snow needs to be moved for cost effectiveness. During the winter of 2021-2022 illegally parked vehicles were often left in the Snow Emergency no parking zones resulting in the need to move snow to other areas at significant increased cost to the community.

**Safety:**

Vehicles are parking in areas not meant for parking, such as at the end of cul de sacs, on street parking in unmarked spaces, and on sidewalks. This presents a safety hazard for pedestrians.

**Large Vehicles, Refuse Trucks, Fire Trucks:**

Illegal parking in unmarked spaces in the cul-de-sacs and along the roadways interferes with the normal movement of emergency vehicles and large trucks. Some emergency vehicles and the refuse trucks require the full circumference of the cul-de-sac to turn.

**Garages not being used for their intended purpose:**

Many garages are not being used for their intended purpose of being used to store a motor vehicle.

**Discussion:**

Although the bylaws specifically state that common parking and the parking designated parking areas along private streets is for visitors only and resident parking is prohibited, the Master Board recognizes that there may be hardship situations where a resident may need to use this parking. This policy seeks to address these situations by providing an opportunity to obtain a parking pass if certain requirements are met.

**About Garages:** In the General Provisions Applicable to the Community section of the POS (Public Offering Statement), paragraph 2 is the following language:

*Garages associated with the Homes, if any, shall not be converted to living space or storage space to any extent that would inhibit the use of the garage as a vehicular parking space. All garages shall be kept useable as a garage for passenger motor vehicles or other permitted vehicles. Parking on any streets within the community is not permitted, except by visitors in designated parking areas or by those Affordable Units without a garage or driveway, unless otherwise set forth in the Master Association's Rules and Regulations.*

*This "Master Association's Rules and Regulations" is what we are trying to define to introduce more flexibility allowed by the bylaws versus the restrictions listed in the POS*

The use of garages for any purpose other than the parking of motor vehicles causes additional vehicles to be parked in visitor spaces and in illegal spaces.

**Number of Vehicles:** The Homeowners of Units, defined as market rate and affordable condominiums, are restricted to parking only two (2) vehicles on the property. One to be parked in the garage and one to be parked in the driveway. In the case of 30 Fairfield One units which do not have garages or driveways, these vehicles are to be parked in one reserved and numbered space and one other space in designated lots on the property .

**Conclusion:**

The parking issues associated with the Hilltop are due to resident parking in visitor spaces, resulting from Homeowners having more cars on the property than what is permitted, and/or the use of garages for purposes other than the parking of motor vehicles. As a result, many vehicles are parked overnight in visitor parking spaces and visitors often can't find parking spaces near the visiting unit.

**Resolution:**

Therefore, the Master Board seeks to address the parking issue on the property as follows:

- A towing policy for illegally parked vehicles was previously adopted, known as Phase 1, and is attached to this document as Exhibit 1.
- Parking in the parking areas, and other Common Property, Condominium Common Property or Common Elements will be restricted between the hours of 1 am and 6 am to only those vehicles owned by owners of the thirty Fairfield One Units without garages and driveways or those vehicles displaying a Hilltop overnight parking permit. Violators will be towed at the owner's sole cost and expense.

- Vehicles must be parked in all driveways throughout the community in a way that doesn't block any part of the sidewalk. Homeowners will be fined for any violations occurring in a Homeowner's driveway regardless of the ownership of the vehicle. Note that this is a safety hazard, as pedestrians would need to walk in the road to avoid the second car.
- It is recognized that although the number of cars an owner may have on the property is limited by the bylaws, there may be situations of hardship where additional vehicles may be needed.
- Visitors may have a need to park overnight
- **Parking Permits:**

Three different types of overnight parking permits will be offered:

1. Overnight Visitor Parking Permit
  - These general permits will be valid for any vehicle in which it is displayed, except a resident vehicle, that will be parked overnight for less than three days. The permit is not specific to a vehicle and a resident may apply for one at any time in case of an overnight guest. An application must be filed, and requirements met by the unit owner in advance.
2. Extended term visitor permit
  - These permits will be valid for a specific vehicle for up to three months from the date of issue for a specific vehicle, excepting a resident vehicle. An application must be filed, and requirements met by the unit owner in advance.
3. Resident Parking Permit
  - These permits will be valid for a period of one year for a specific vehicle. They will be issued via an application. Specific requirements as detailed on the application must be met by the unit owner in advance.

The requirements for the issuance of each type of permit are subject to change by the Master Board

The application will list the current requirements.

Overnight Visitor Parking Permit application attached as Exhibit B

Extended Term Visitor Permit application attached as Exhibit C

Resident Parking Permit application attached as Exhibit D

Overnight Visitor Parking Permit

Application criteria for a visitor parking permit:

1. Homeowner must complete and submit an Overnight Visitor Parking Permit application.
2. Homeowner must register the year, make, model, color, and license number of all their vehicles with management.

3. Homeowner must submit to a garage inspection to prove that the garage can be utilized to park the number of autos it was designed for. No visitor permits will be issued to a Homeowner whose garage(s) and driveway cannot be utilized for parking the number of cars it was designed for.
4. Applications will be reviewed by Management which will have up to one week to respond.
5. Management's Decisions may be appealed to the Master Board. Management's decision must be complied with during the appeal process.
6. Vehicles must be moved during a snow emergency to a non-designated snow emergency area. Failure to move a vehicle will result in the towing of the vehicle at owner's expense and revocation of the Visitor Permit.
7. Only one visitor parking permit per household per year
8. Homeowners agree that they will use the visitor permits for only visitor vehicles.
9. Violations of the visitor permit rules and regulations will be subject to enforcement by management as if it was any other violation, i.e. one warning, then fines of \$25, \$50, and then \$100 per violation.
10. The visitor permit may be revoked if any of the rules are violated.
11. Overnight Visitor Parking permits may not be used for more than 3 days in a row or more than 3 days per week.
12. Visitor permits must be renewed annually via the same process as the original issuance.

#### Extended Term Visitor Permit

If an owner/resident has a need for an extended term visitor permit, such as if a child is home from college for the summer, break, etcetera, they may apply for an extended term visitor permit. An Extended Term Visitor Permit for a limited period of more than 4 days by less than 90 days in duration. Some residents may have more vehicles than are allowed under the bylaws if they have more driving residents in their household. Therefore, an accommodation would be appropriate if certain conditions are met. One Resident permit will be automatically granted to each Fairfield One (units without garages) as a matter of right in addition to their reserved numbered space. All others, including Fairfield Two's and Three's, will need to apply and meet certain criteria as follows.

Application criteria for a Resident overnight parking permit.

1. Homeowner must provide a copy of the current vehicle registration for the vehicle being parked overnight. The vehicle must be registered to a Hilltop address. In certain instances, the applicant may ask the board for an exemption to the registration to a Hilltop address, for example, a company car.
2. Homeowner must complete and submit a Resident overnight parking permit application.
3. There must be different resident drivers for each vehicle to qualify for a Resident Overnight parking permit.
4. Homeowners will not be eligible for a Resident Overnight Parking Permit if the Homeowner's garage and driveway have the capacity to accommodate all the resident vehicles.
5. Homeowner must register the year, make, model, color, and license number of ALL their vehicles with management.

6. Homeowner must submit to a garage inspection to prove that the garage can be utilized to park the number of autos it was designed for. No overnight permits will be issued to a Homeowner whose garage(s) and driveway cannot be utilized for parking the number of cars it was designed for.
7. Overnight resident Parking permits will be issued to qualifying applications on a first come first served space available basis. Management reserves the right to assign the specific parking area where the overnight parking space is permitted. Management may request a vehicle be moved to another area.
8. Applications will be reviewed by Management and Management will have up to one week to respond.
9. Management's Decisions may be appealed to the Master Board, but they must be complied with during the appeal process.
10. Vehicles must be moved during a snow emergency to a non-designated snow emergency area.
11. Violations of the overnight resident parking permit rules and regulations will be subject to enforcement by management as if it was any other violation, i.e. one warning, then fines of \$25, \$50, and then \$100 per violation.
12. The overnight resident permit is for the vehicle it is assigned to only and may be revoked if the rules are abused.
13. Resident Overnight parking permits must be renewed annually via the same process as the original issuance.

#### Resident Parking Permit Requirements

Hardships: Hardship determination will be at the discretion of the Master Board. Items not considered a hardship are: 1. Owning more cars than are allowed, 2. Garage being used for uses other than as a garage, 3. Car is broken down, etcetera.

Application criteria for a Resident Parking permit.

1. A detailed explanation of the hardship must be included with the application.
2. Homeowner must provide a copy of the current vehicle registration for the vehicle being parked overnight. The vehicle must be registered to a Hilltop address. In certain instances, the applicant may ask the board for an exemption to the registration to a Hilltop address, for example, a company car.
3. Homeowner must complete and submit a complete Resident Parking Permit overnight parking permit application.
4. There must be different resident drivers for each vehicle to qualify for a Resident Overnight parking permit.
5. Homeowners will not be eligible for a Resident Overnight Parking Permit if the Homeowner's garage and driveway have the capacity to accommodate all the resident vehicles.
6. Homeowner must register the year, make, model, color, and license number of ALL their vehicles with management
7. Homeowner must submit to a garage inspection to prove that the garage can be utilized to park the number of autos it was designed for. No overnight permits will be issued to a Homeowner whose garage(s) and driveway cannot be utilized for parking the number of cars it was designed for.

8. Resident Parking permits will be issued to qualifying applications on a first come first served space available basis. Management reserves the right to assign the specific parking area where the overnight parking space is permitted. Management may request a vehicle be moved to another area.
9. Applications will be reviewed by Master Board and will have up to 30 days to respond.
10. Vehicles must be moved during a snow emergency to a non-designated snow emergency area or they are subject to towing at owners' expense.
11. Violations of the resident parking permit rules and regulations will be subject to enforcement by management as if it was any other violation, i.e. one warning, then fines of \$25, \$50, and then \$100 per violation.
12. The overnight resident permit is for the vehicle it is assigned to only and may be revoked if the rules are abused.
13. Resident parking permits must be renewed annually via the same process as the original issuance.

Exhibit A  
Phase 1 Parking Rule

April 29, 2022

The Hilltop Master Board passed a resolution to have illegally towed cars removed from the property effective as soon as the legal requirements for posting of signage are met.

Illegally parked cars that are subject to towing are as follows:

- Any cars parked in on the street that are not in designated lined parking spaces., regardless of whether no parking signs are present or not.
  - Unauthorized parking in designated and numbered Fairfield One parking spaces. Authorization is at the discretion of the Fairfield One owner who has rights to the parking space.
  - Parking in a handicap space without a handicap mirror tag or handicap license plate.
  - Vehicles parked in a designated snow emergency zone after a Townsq posting to move cars from these zones. These zones are designated by signage.
  - Cars blocking any part of a roadway or parked over curbs.
  - Any commercial vehicle parking overnight anywhere in the complex.
  - Vehicles owned by contractors which are doing work on an owner's unit.

Exceptions:

1. Commercial delivery vehicles making deliveries to a resident, such as UPS, Fed Ex, Amazon, furniture, and other deliveries are exempted from this policy.
2. Contractors with contracts from the Master Association or Condominium Association are exempted from this policy.
3. Moving companies moving a resident in or out.

Vehicles that are towed are towed at the vehicle owner's sole cost, expense, and risk. Neither Associa, Hilltop at Cedar Grove Master Association, or the Hilltop at Cedar Grove Condominium Association or any of their employees, officers, or directors will be in any way liable for any damage or loss caused by, or to, a towed vehicle or its owner.

Hilltop at Cedar Grove

June 9, 2022

Procedure for reporting an illegally parked vehicle under the Phase 1 parking plan guidelines. The following is the only way to report an illegally parked vehicle. The towing company will not honor direct calls to them.

To report an illegally parked vehicle, please use the “Requests” section of Townsq. Email requests to Associa or board personnel will not be honored. For best results, if you are reporting from a condo, please log into your MASTER ASSOCIATION account.

The following information must be supplied to Townsq, no exceptions.

- A readable photograph of the license plate and the make and model of the illegally parked vehicle. A single photo of the front or rear of the vehicle showing the legible license plate number and vehicle type is sufficient. Multiple photos may be uploaded if needed.
- A detailed explanation of where, and a time that the vehicle was observed to be illegally parked.
- If the violation is an unauthorized car parked in a Fairfield One numbered parking space, the request MUST be made from the account of the unit owner, include the space number, and the required photographs as detailed above.

For your privacy do not post on the Townsq “Forum” or on any other social media website.

Thank you.

The Board of Trustees, Hilltop at Cedar Grove Master Association