

HIGHLAND SHORES ASSOCIATION LANDSCAPING RULES AND REGULATIONS

Preface—

In accordance with its authority under Article VI, Section 13 of the Condominium Bylaws, the Board of Directors (“Board”) of the Highland Shores Condominium Association issues the following Landscaping Rules and Regulations in conjunction with the Architectural Review Board (“ARB”) with one goal in mind: to provide the necessary direction to maintain the natural beauty of the Limited Common Element (“LCE”) and be environmentally sensitive.

The Board has the right to update and revise the Landscaping Rules and Regulations in conjunction with the ARB as needed. Pursuant to the Master Deed and Condominium By-laws, the ARB has the right to enforce the Architectural Controls.

These rules and regulations do not replace any zoning or building codes. The rules and regulations are to inform Co-owner(s) and their Landscape Designers, Architects and Tree Service Companies of the main objectives:

- Preservation of existing landforms
- Preservation of existing vegetation
- Providing maximum privacy between and among adjoining lot areas
- Creating an overall environment that reflects the natural beauty of each Lot and the Limited Common Elements

This document consists of two parts: Part one describes Landscape Plans for current Co-owners with built homes. Part two refers to policies of grading, drainage and the like for new Construction.

KEY TERMS:

- **Building Envelope:** Each home has a designated building envelope. The envelope is clearly shown on the survey received at the time of purchase. The Unit may or may not fill the entire envelope. The “front yard” may not be part of a Co-owner(s) envelope.
 - **Please note:** Several homes were built to the Full Lot Lines. It is the responsibility of the Co-owner(s) to understand their building envelope and know the limitations, if applicable, that one can and cannot build within.
 - All Architectural elements and structures, such as, but not limited to outdoor kitchens and/or built in BBQs, showers, fire pits, decks, hot tubs, fountains, etc. need to be built within a Co-owner(s) building envelope.
- **Hardscape:** The man-made features used in landscape architecture, e.g., paths or walls, as contrasted with vegetation.
- **Softscape:** Vegetation (such as shrubs and flowers) that is incorporated into a landscape design.

PART ONE
LANDSCAPING DESIGN

I. SOFTSCAPE

1. LANDSCAPING

- Every effort should be made to preserve as many trees as possible.
- New plant materials should complement the existing natural landscape.
- Contrived, unnatural massing and varieties are discouraged.
- No artificial plant material or turf is allowed.
- New plant materials should complement existing natural landscape and preference should be given to native and non-invasive species, e.g. ferns, butterfly bush, dogwood, redbud, hydrangeas, oak, and rhododendron.
- The ARB has the right to request or require a Co-owner(s) remove any softscape plantings that are extreme and do not fit within the natural look-and-feel of the Association, if not approved prior to installation
- The Co-owner(s) of each Lot shall, at his or her own expense, keep such Lot free of grass overgrowth, undergrowth, dead trees, dangerous and/or dead tree limbs, weeds, trash and rubbish, and shall keep such Lot at all times in a neat and attractive condition.
 - In the event the Co-owner(s) fails to comply, the Association shall have the right, but not the obligation, to go upon such Lot and to cut and remove tall grass, undergrowth, and weeds, and to remove rubbish and any unsightly or undesirable things and objects there from, and to do any other things and perform and furnish any labor necessary. Any costs associated with such work will be the responsibility of the Co-owner.
- Co-owner(s) are welcome to pick up fallen branches and small limbs on and around their property, and pile by the street. The Association provides a service for pick up on a regular basis. Any significantly larger, fallen limbs that are blocking the road, a driveway or the beach stairs, please alert Andy Dow and a member of the ARB, so that they can coordinate removal.
- Co-owner(s) Responsibilities. The responsibility for, and the costs of maintenance, decoration, repair and replacement of any curb area appurtenant to each Unit as Limited Common Elements, shall be borne by the Co-owner of the Unit which is served thereby; provided, however, that the exterior appearance of the patio areas and courtyards (other than routine maintenance thereof), to the extent visible from any General Common Element in the Project, shall be subject at all times to the approval of the Association.

- PLEASE NOTE: Any damage to the LCE, as a result of a Co-owner(s) actions will be the responsibility of the Co-owner(s) to repair and/or replace said damage.

2. LANDSCAPE PLANS

- The Landscape Plan shall be at a scale of not less than 1" = 20 feet and include the following:
 - The home and proposed landscaping in relation to native vegetation that is to be retained.
 - Types and amounts of new plant species to be added.
 - New plant materials should complement the existing natural landscape. Preference should be given to native and non-invasive species.
 - Native plants must be identified and noted in the plans.

3. TREE REMOVAL AND WORK

- Damaged or diseased trees within a Co-owner(s) building envelope are the responsibility of the Co-owner(s) to manage, treat and/or remove. Please contact Omega Tree Service, Hurst Tree Services or C&A Arborists.
- Damaged or diseased trees outside of a Co-owner(s) building envelope and in the Limited Common Element (LCE) is the Association's responsibility. Please notify a member of the Board of Directors (BOD) and the ARB. The Association has contracted with Omega Tree Service, Hurst Tree Services and C&A Arborists.
- Invasive Sassafras and Kudzu vines may be removed in order to ensure viable trees are not stunted.
- Tree trimming of limbs hanging over a Co-owner(s) house/driveway is the responsibility of the Co-owner(s) to manage. The BOD and ARB request that you reach out to Omega Tree Service or Hurst Tree Services. Please note: Oak Tree trimming should NOT take place between April 1st and November 1st, or after a hard frost.
- For saplings 4" in a diameter or less, Co-owners are required to consult the ARB with any significant removal of overgrown and non-viable saplings by providing a picture of the area and approximate number of trees to be removed.
- Tree damage may result in the necessary removal of limbs to ensure the life of the tree. If a tree suffers significant damage, please alert Andy Dow and a member of the ARB.
- The forest area between the upper part of Highland Shores Drive down to the beach is Limited Common Element ("LCE") Property and belongs to the Association. The cutting, removal or topping of trees at any height is not allowed on LCE Property unless expressly approved by the ARB. This is particularly true on the Dune, where removal or planting of trees not only needs ARB approval, but may also require a permit.

- If approved by the ARB for any work on LCE Property, it shall be the Co-owner's responsibility to oversee and manage all work conducted by any contracted Landscaping or Tree Service Company. Any damage to the LCE by a Landscaping or Tree Service Company is the sole responsibility of the Co-owner.
- Co-owners are required to work with the ARB and Andy Dow if selected trimming needs to take place to enhance views, or the thinning or removal of trees is needed. Aggressive thinning out or removal in this area could threaten the dune.

4. OAK WILT

- Report any trees on your property that appear to be suffering from oak wilt to Bill Massey via email at bill@masseyassociates.com. Please include your property address and location of the tree(s).
- DO NOT PRUNE ANY OAK TREES FROM APRIL 1 TO NOVEMBER 1, OR until after a hard frost has taken place.
- If you notice that an oak tree has sustained damage from a storm, **please report it to Andy Dow via email at adow6985@gmail.com**. The **wound on a damaged tree can be coated with a sealant to prevent transmission** of the disease by beetles. Please include your property address and location of the damaged tree(s)
- In order to slow the spread of the fungus, our experts have instructed us to leave a dead tree standing for two (2) winters before removal. **Please note:** if you believe a dead oak or any dead tree could threaten your house, please contact Andy Dow via email at adow6985@gmail.com
- If you have a landscaping company that you use, please inform them not to remove any oak trees or limbs. The Board is working with Omega Tree Services, Hurst Tree Services, and C&A Arborist to assess removal and pruning.

II. HARDSCAPE

1. LIGHTING (OUTDOOR AND LANDSCAPE)

- Site lighting shall be incorporated with the landscape plan and shall be in character with the architecture of the residence.
- All exterior lights shall be consistent with the character of the Association and limited to the minimum necessary for safety, identification and decoration.
- Lighting shall be limited to down lighting, so as to minimize impact on neighbors.
- The exterior lighting of buildings for security or decoration shall be limited to down lighting and the style and type of lighting shall be compatible with the building design and materials. No colored lenses or lamps are permitted.
- A low key, pedestrian oriented design approach should dictate all outdoor lighting.

- Lighting of the architectural elements shall be done in an unobtrusive manner, as directed by the ARB.
2. FIREPIT AREAS
 - Any fixed fire pit area needs to be within a Co-owner(s) building envelope and must receive approval from the ARB.
 - Mature trees cannot be removed to create a fire pit.
 3. FENCING AND WALLS
 - No Chain link fences shall be allowed.
 - All privacy walls, landscape screening, or fences shall be constructed by brick, stucco or wood. Co-owner(s) must submit location, material and color to the ARB.
 - No fences of any kind shall be used along the perimeter of a building or lot area to mark it.
 4. HOT TUBS
 - All plans to install a hot tub need to be submitted to the ARB for review and approval.
 5. ARTWORK/SCULPTURES/SCULPTURAL ELEMENTS
 - All exterior artwork, sculptures and/or sculptural elements must not be visible from the street, nor detract from a neighboring Co-owner(s) view. Co-owner(s) must submit the image, location, material and size to the ARB for review and approval.

PART TWO NEW CONSTRUCTION

Although this section deals primarily with requirements for new construction, the policies still apply to changes in existing structures (for example, paving a driveway).

SITE CONSIDERATIONS: These are written for new construction but also are guidance for landscaping.

1. PRESERVATION OF LANDFORMS
 - Allow the surrounding area and natural elements to dictate the form of the building.
 - Do not create a condition which will create excessive cutting and filling within the construction envelope.
 - No cutting or filling shall occur outside the prescribed building envelope.
 - Any construction outside the “envelope” must have ARB approval. If needed, a temporary construction envelope around the building site will be granted to allow for machinery.

2. PRESERVATION OF EXISTING SITE VEGETATION

- Do not remove any trees over four (4") inches in caliper (diameter) outside the building envelope, unless deemed non-viable. Submit the request for removal to the ARB.
- Preserve as many trees as possible within the building envelope.
- Clearing of shrubs and branches outside the building envelope is not permitted as it's common area. New plant material shall be native and non-invasive to the area.
- No burning of construction and clearing debris shall be allowed.
- Removal of large caliper trees outside the building envelope that must be cleared needs to be approved by the ARB. The ARB maintains the right to grant or deny such cutting.

3. GRADING AND DRAINAGE

- The suggested building sites have been located so as to minimize or avoid any grading and allow existing drainage patterns to remain in their natural state.
- Engineering of the site provides for storm water run-off to occur in natural swales, which lead the water to low pockets away from all buildings.
- Any improvements must be planned to minimize the disruption of the natural topography and exiting ecosystems.

4. DECKS AND TERRACES

- All decks and terraces should be designed to maintain the overall understated character of the architecture.
- Locations should take advantage of the sun and views while maximizing privacy, as appropriate.

5. PRIVACY AND VIEWS

- Each site must respect its neighbor's privacy and views.
- Within the constraints posed by each site, every effort should be made to provide optimum privacy while creating as many opportunities for views as possible.
- No additional structures (i.e., metal or preassembled garden storage sheds or gazebos) are permitted.

6. DRIVES AND PAVED AREAS

- All paved areas should have a scale and character consistent with the environment of Highland Shores Association.
- All paved areas shall be paved with concrete, asphalt, brick pavers or materials approved by the ARB.

KEY CONTACTS:

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Omega Tree Service 269.876.8300 or omegatreehealth@gmail.com

C&A Arborists 269.756.2571 or treephilosophy@yahoo.com

Hurst Tree Services 269.326.0318 or hursttreeservices@gmail.com