

POLICY No. 2

OLD TITLE: This policy replaces Policy No. 2 COMMON AREAS - HOMEOWNER ALTERATIONS/ MAINTENANCE RESPONSIBILITY

NEW TITLE: COMMON AREA LANDSCAPE - UNIT OWNER ALTERATIONS/ MAINTENANCE RESPONSIBILITY

PURPOSE: To provide for the evaluation of Unit Owner requests to modify the Common Area and to ensure that such requests conform to generally-accepted landscape principles and current LBCHA landscape maintenance protocols.

I. DEFINITION OF UNIT OWNER COMMON AREA LANDSCAPE ALTERATIONS

Common Area landscape alterations are defined as changes to any Common Area landscape adjacent to the Unit Owner's unit including:

- A. planting or removal of live plants (turf, groundcovers, shrubs or trees)
- B. enlarging existing planting beds or creating a new planting bed
- C. changes in topography or drainage
- D. pruning of trees or shrubs

II. LANDSCAPE VARIANCE APPLICATION PROCESS

- A. When a Unit Owner wishes to effect any Common Area landscape alterations, a Landscape Variance Application (LVA) must be completed. Variance forms for landscape alterations can be obtained from the Management Office or online at lakebarringtonshores.org/Forms and Documents.
- B. The Landscape Variance Application, along with the necessary supporting material and signatures of the Unit Owner making the request as well as nearby Unit Owners who are able to view the proposed landscape alterations, must be submitted to the Management Office.
- C. Unit Owners are responsible for any unauthorized changes made to the landscape in Common Areas by their tenants.
- D. If the Unit Owner's requested project will require equipment and materials to pass through Common Areas to complete the project, the homeowner submitting the Landscape Variance Application agrees to repair and restore any damage to the Common Area to its original condition at the Unit Owner's expense and to the satisfaction of the Landscape Manager and the Condominium Association.
- E. Should a condominium maintenance requirement occur where Common Area access is required through the approved variance area, efforts will be made to salvage and restore the variations. The Condominium Association and LBCHA assume no other responsibility, and the Unit Owner must grant access for the repairs.

III. EXCEPTIONS

- A. A Landscape Variance Application does not need to be approved for the planting of annual flowers in existing planting beds (annual flowers are those which live for only one growing season).
- B. Unit Owners who wish to refresh perennial plantings in an existing planting bed by adding, transplanting, or dividing perennial plants when the intent is to maintain the appearance of an existing planting bed may do so after consulting with and obtaining the consent of the Landscape Representative for their Condominium Association, without submitting a Landscape Variance Application. Significant renovations of perennial plantings within existing planting beds are alterations which require an approved Landscape Variance Application.

- C. Unit Owners who wish to prune shrubs around sidewalks, decks and patios and/or small branches of small ornamental trees interfering with pedestrian access may do so using only hand pruners and after consulting with and obtaining the consent of the Landscape Representative for the Condominium Association without submitting a Landscape Variance Application. Unit Owners and/or Residents are not permitted to use loppers or saws for pruning.

IV. LANDSCAPE VARIANCE APPLICATION REVIEW PROCESS

- A. The Landscape Manager will review the application, in consultation with the Landscape Representative from the Unit Owner's Condominium Association, and evaluate the proposed plan for:
 - 1. conformance to generally-accepted landscape principles
 - 2. conformance to current LBCHA landscape maintenance protocols
 - 3. impact on drainage in the area around the proposed alterations
 - 4. suitability of plant material and hardscape material, and
 - 5. compatibility of design within the overall landscape of LBS
- B. The Landscape Manager and Condominium Association Landscape Representative may recommend revisions to the Unit Owner's initial plan and discuss those with the Unit Owner with the intent to bring the Unit Owner's plan into compliance and conformance with generally accepted landscape principles and current LBCHA landscape maintenance protocols.

V. LANDSCAPE VARIANCE APPLICATION APPROVAL PROCESS

- A. If the Landscape Manager and the Condominium Association Landscape Representative approve the Landscape Variance Application, they will so note their support and forward the application to the Condominium Association Board of Directors for final approval or denial.
- B. If the Landscape Manager does not approve the Landscape Variance Application, the concerns will be noted by the Landscape Manager, and the denied application will be forwarded to the Condominium Association Board of Directors for its approval or denial.
- C. If the Landscape Variance Application includes an expansion of limited common elements, such as a patio or courtyard area, into Common Area, the expansion element of the application must be specifically approved by the Condominium Association Board of Directors, which may have additional provisions or requirements governing such expansions.
- D. If the Condominium Association Board of Directors denies the application, the application is officially denied.
- E. If the Condominium Association Board of Directors wishes to approve the application when the Landscape Manager has denied the application, the Condominium Association or the Unit Owner must request a hearing from the LBCHA Master Board, or such body as the Master Board appoints, to present the case for approval. The decision of the LBCHA Master Board or its designated body shall be final.

VI. MAINTENANCE RESPONSIBILITY FOR UNIT OWNER COMMON AREA LANDSCAPE ALTERATIONS

- A. If the Landscape Variance Application is approved either by the appropriate Condominium Association Board or by the LBCHA Master Board or its designated body after a hearing, the Unit Owner agrees to pay the installation cost of the altered landscape plan as approved. The Unit Owner also agrees to assume responsibility during the first two years for maintaining the altered landscape, including providing sufficient water.
- B. If a Landscape Variance Application submitted after the date of adoption of this policy is approved either by the appropriate Condominium Association Board or by the LBCHA Master Board or its designated body after a hearing, the maintenance of the altered landscape will be

assumed by the LBCHA using its standard landscape maintenance protocols after a two-year establishment period, or when the Unit Owner is no longer occupying the unit, whichever comes first. Until that time, the Unit Owner is responsible for maintaining the altered landscape, including replacement of plant material that dies.

- C. If the Unit Owner fails to maintain the area in accordance with current LBS maintenance protocols, the LBCHA will assume the maintenance and bill the Unit Owner for the cost of the maintenance during the remainder of the two-year establishment period.
- D. If the Unit Owner wishes to continue to perform the maintenance of the altered area after the two-year establishment period, the Management Office should be contacted to obtain markers to designate the area for Unit Owner maintenance.

VII. FAILURE TO OBTAIN PRIOR APPROVAL FOR UNIT OWNER COMMON AREA LANDSCAPE ALTERATIONS

- A. If a Unit Owner and/or Resident alters a Common Area landscape without first obtaining an approved Landscape Variance Application, the Landscape Manager should be notified immediately. The Landscape Manager, in conjunction with the Property Manager, shall assess the damage and identify the responsible Unit Owner and/or Resident.
- B. After this verification, the Property Manager shall notify both the Board of Directors of the Condominium Association in which the damage occurred and the responsible Unit Owner and/or Resident that unauthorized landscape alterations have been made.
- C. The Condominium Association Board of Directors may take any of the following actions:
 - 1. Direct the responsible Unit Owner to complete a Landscape Variance Application.
 - a. Upon approval of the Landscape Variance Application as detailed in this policy, the alterations to the Common Area may remain in place.
 - b. Upon denial of the Landscape Variance Application as detailed in this policy, the Landscape Manager will repair the alterations to the Common Area and bill the responsible Unit Owner for the cost of the repairs.
 - 2. Direct the Landscape Manager to repair the alterations to the Common Area and bill the responsible Unit Owner for the cost of the repairs.
- D. Unit Owners and/or Residents who are alleged to have violated the provisions of this policy may be subject to a minimum fine of \$250 per violation incident, or a greater amount, not to exceed \$1,000, after appropriate notice and opportunity for hearing as described in Landscape Policy No. 15. If the alleged violation involves pruning, removal or vandalism/damage to property against Protected Trees as defined in Landscape Policies 5, 9, 13, and 14, Unit Owners and/or Residents may also be subject to paying costs to purchase, plant and water for two years replacement trees to be planted elsewhere in the Common Areas in accordance with the schedule in Policies 5 and 14. Any replacement trees will be obtained by the Landscape Manager at competitive pricing.