

Gardening Guidelines

Approved by AECA Board of Directors June 3, 2014

Limited planting or gardening may be done in compliance with the following guidelines established and approved by the Association's Board of Directors.

1. The soil of the Condominium is held in common by all owners of the Condominium. The Condominium Association reserves the right to remove all plants, ornaments or anything else placed in or on the soil of the condominium that is considered hazardous or inappropriate to the overall landscape. The Association or its designee shall notify all adjacent owners specifying the offense and the time frame in which the affected owners may remove the item(s) prior to the Association removing the offensive item(s).

Rationale: The Association cannot abdicate the right to control and protect common property. This is to protect the aesthetics and overall landscaping plan approved by the Board of Directors.

2. Gardening shall be permitted within areas covered by pine straw immediately adjacent to the unit's building. Gardening in pine straw areas away from the unit's building may only be done with written approval from the Board of Directors or its delegate. The Board or its designee shall resolve all questions concerning what is an area of pine straw. Appeals for waivers may be made to the Board of Directors or its designee.

Rationale: This is primarily to deal with excessive plantings and those who abuse the limited gardening privilege.

3. Gardening in areas along ingress and egress paths for multiple units may only be done with the written approvals among all adjacent unit owners, the Board of Directors or its designee.

Rationale: This is to mitigate any disagreements among contiguous owners when plantings or pots are a source of contention.

4. Residents cannot prune plants maintained by Board-contracted landscapers.

Rationale: We need consistency and accountability with all pruning.

5. No plant shall be planted that exceeds the height of the plants existing within the immediate landscape.

Rationale: Some plants or vines may grow so high that they obscure the original planned landscaping.

6. Hanging items may not hang out beyond the vertical plane of the side of the building. No droppings of seed or liquids onto lower level structures, patios or soil are allowed.

Rationale: Droppings of any kind adversely impact the lower patios and ground cover; also encouraging incursion of rodents and other pests.

7. When a unit is listed for sale, the owner must sign a "Sellers Disclosure" to be given to any potential buyer. This Sellers Disclosure must include (in addition to the Declaration of Condominiums and the By-Laws) the "Gardening Guidelines" and the new owner's responsibility for tending the contiguous plantings. If the potential buyer declines said responsibility, the current owner must get an estimate for removal of the personal plantings and forward said amount via check or as a credit upon closing to the Association's Landscaping budget for the cost of the restoration.

Rationale: This is the selling owner's (not the new buyer's) cost and should be disclosed in writing prior to transfer. This should avoid disputes between the new owner and the Association.

8. All plants placed in pots outside must adhere to these guidelines:

a. Pots placed on brick walls may not exceed more than one-third (1/3) of the top surface of the brick wall.

- b. There shall be no more than 3 large pots with a maximum base of 10 inches in diameter placed on the brick walls.
- c. Window boxes are prohibited from being placed on the brick walls.
- d. Large barrel planters and all other containers are prohibited in the outlying pine straw areas.
- e. All pots or planters placed outside the rear of the unit shall be placed on the cemented patio only and not on the straw areas.
- f. Pots that are not being maintained or that are hazardous to others will be removed.

Rationale: This is to maintain the aesthetic standards of the overall landscaping plan.

9. No plants may come within 6 inches of contact with the building structures.

Rationale: Any wood, particle or plant material can cause mold or termite incursion into the adjacent units - which is costly to remove and which can be a severe and unhealthy disruption to the affected residents' peace and enjoyment of their private property. This also complies with Federal Housing Administration guidelines.

10. No trees or shrubbery may be planted anywhere on the condominium grounds without prior written permission from the Board or its delegate. Small trees, not to exceed 8 feet and planted in pots may only be placed on the back porch, back balcony or patio area of the unit. Trees or shrubs that have been previously approved become the property of the Association and may not be removed without permission from the Board of Directors or its designee.

Rationale: Tree roots can cause costly uprooting of sidewalks if placed too close to cemented areas. Also, topiaries, ficus and other potted trees are usually taken inside in the winter and should not exceed the height of the inside ceilings.

11. Fruit and vegetable plants are prohibited from the Association property.

Rationale: All fruits and vegetables attract rodents and pests.

12. Except pots/planters as noted above, statuary, mirror balls, bird feeder or swings and all man-made objects are prohibited without the written consent of the Board of Directors or its designee.

Rationale: While many of these objects are aesthetically pleasing to some, they do not fit within the normal parameters of the landscaping plan and therefore should be approved by the Board.

13. Plants should not propagate outside a visibly confined pine-straw area. All costs of eradication of plants propagating outside of a visibly confined area may be incurred by the owner who planted the plants.

Rationale: When plants continue to multiply year after year, they often encroach upon the approved landscape plan and must either be dug up or chemically treated which is a cost to the Association.

14. Planted areas that are not being maintained on a monthly basis will be assigned by the Board or its designee to the landscape service for proper maintenance in accordance with the Association's landscaping plan.

Rationale: The Board of Directors or its designee is responsible for maintaining a continuity of landscaping.

THE BOARD RESERVES THE RIGHT TO AMEND THE GUIDELINES AS NEW GARDENING ISSUES ARISE AND TO ADJUDICATE ANY DISPUTES BETWEEN THE LANDSCAPING, COVENANTS, AND GARDENING COMMITTEES. VIOLATIONS AND APPEALS CONCERNING THE GARDENING GUIDELINES WILL BE PROCESSED THE SAME AS OTHER VIOLATIONS OR APPEALS IN ACCORDANCE WITH THE DECLARATION OF THE CONDOMINIUM AND THE BY-LAWS OF THE CONDOMINIUM ASSOCIATION.