

## Las Brisas Landscape Rules

**Objective:** Landscape Rules have been developed following the Las Brisas Documents and Amendments and serve to clarify HOA and resident responsibilities. They are designed to assure the beauty and harmony of the Las Brisas Community for the enjoyment of its Residents & Guests. The goal is to maintain or enhance property values and align with the intent of the originally approved landscape plans.

### 1. General

- a. The Homeowners' Association (HOA) is responsible for the maintenance of all common areas and will regularly trim, mulch, fertilize and spray homeowner properties.
- b. In general, the HOA is *not* responsible for improving, replacing or maintaining landscaping that is the property of individual homeowners, with a few exceptions:
  - i. In order to assure the consistent upkeep of the perimeter hedges, the HOA takes responsibility for the cost of replacement and maintenance of these plants, as needed.
  - ii. In order to assure consistent upkeep of grass in the community, the HOA takes responsibility for the cost of replacement, as appropriate.
  - iii. The HOA also takes responsibility for trimming trees or bushes encroaching onto Las Brisas property from neighboring communities.
  - iv. The HOA will minimally trim, spray and maintain all plants, hedges and trees on homeowner property
- c. Homeowners' lots include:
  - i. North and South homeowner property runs from the street back to and including the perimeter fences.
  - ii. In the center, the lots include the property from the road back to and including the northernmost hedge (which designates the property line). The southernmost hedge is generally located on common property.
  - iii. All of the property between buildings.
  - iv. All easements for utility/maintenance access within the lot.
- d. Owners are responsible for the cost of all landscape additions or changes on their property, subject to oversight by the Landscape Committee (LC).
- e. The LC approves changes and additions, based on the Landscape Rules.
- f. The LC may require an owner to make changes based on the Landscape Rules.

### 2. Landscaping

- a. Where visible from the road, properties may only be landscaped with flowers, plantings, hedges, trees, grass, mulch and pavers, with stones and rocks incorporated minimally (see section 5b, below).
- b. No landscaping (trees, plants, bedding or pavement boundaries) shall be planted, removed, replaced or modified by homeowners without prior LC approval.
- c. As a general rule, homeowners will have more latitude in modifying landscaping in areas not visible from the road.

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- d. Where properties are shared by two homeowners, both homeowners must be in agreement for any changes to be made.
- e. When installing new landscaping in any area other than an existing planter bed, or when installing a new planter bed, homeowner is required to have all public and private utilities, as well as sprinkler lines, located and flagged prior to digging.
- f. The additional cost of homeowner-modified landscaping requiring greater maintenance will be the responsibility of the homeowner.
- g. Homeowners will be held responsible for their contractors disturbing or altering the water schedule or pressure affecting other units or common property.
- h. Homeowners are responsible for the cost of changes to sprinkler head positions when making changes to plant location(s) or bed or yard redesign.
- i. All landscaping shall be contained and maintained in mulched / stone beds.
- j. Mulch added by the homeowner, where visible from the road, must be of the same type and color used throughout the community by the landscaper. Contact the LC or property manager for information regarding which mulch to use.
- k. Planting in the swale, Right of Way or Public Utility Easement is not recommended. Owners will be charged back for removals of any and all unapproved plant or tree installations in these areas. Declaration Art 2.6, relating to utilities and easements state: “.....No structure, planting or other material or improvement may be placed or permitted to remain within any utility easement that will interfere with or prevent the maintenance of utilities, except at the sole risk of the applicable Owner.” If utilities need to be installed or repaired, it is within the right of the installing entity to remove the plants with no responsibility to replace them or compensate the owner.

### 3. Lighting and Lawn Ornaments

- a. Any features requiring electrical wiring or new water lines must have a Las Brisas Architectural Review Request Form and/or a Las Brisas Landscape Review Request form completed.
- b. Wiring shall be buried and out of sight.
- c. Homeowner may be required to assume responsibility for maintaining lawn directly surrounding landscape lighting or ornaments, if their installation creates an undue burden on the landscape company.
- d. Lighting visible from the road must be installed in planter beds.
- e. Transformers and air conditioning units shall be obscured from view when they can be seen from the road.
- f. Lighting must not be a nuisance to neighbors.
- g. Fountains and other water features and sculptures are only permitted in back yards, with approval from ARC and LC.
- h. No sculptures, benches, wall hangings or any other ornamental structures are permitted where they may be visible from the road.
- i. Where flower pots and planters are visible from the road, the LC reserves the right to limit the number, type, size and style of flower pots to maintain the consistent look and feel of the community.

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- j. Hoses must not be visible from the road and can be hidden from view with a bush, plant, etc.
  - k. One American flag is permitted on a flagpole attached to the house. No small flags may be placed elsewhere when visible from the road except on appropriate holidays.
  - l. Holiday decorations are permitted to be displayed for up to one month prior to and one month following the holiday.
  - m. As a general rule, homeowners will have more latitude in displaying ornaments and decorations in areas not visible from the road.
4. **Paver Maintenance**
- a. The sole approved paver throughout the community is called “Appian Combo.” The color is “Adobe” and the approved brick sizes are 6x6 and 6x9. No other pavers are permitted.
  - b. Pavers must not be broken or missing.
  - c. Pavers must not be separated or excessively or unevenly gapped – maximum ½” allowed between pavers.
  - d. There shall be no dips or humps in paver surfaces – maximum ¾” from surrounding pavers.
  - e. There shall be no discolored or mismatched pavers.
  - f. Pavers must be maintained by properly pressure washing and sealing – minimally every two years.
5. **Rocks and Stones**
- a. Rocks must be small, rounded and light colored, with hues of beige/light brown – Size #2.
  - b. Placement of rocks visible from the road will be used as a “last resort” when no other organic landscaping is feasible.
  - c. Stepping stones are not permitted where they are visible from the road.
6. **Plant Materials**
- a. Trees
    - i. Many varieties are permitted, however rapid growing and/or invasive varieties may be prohibited completely or restricted in certain locations. Consult the LC for acceptable varieties.
    - ii. Shall not be a nuisance due to insects, rodents or excessive shedding/excretions.
    - iii. Standard setback for all trees is a minimum of 5’ from property lines, roads, buildings and pavers. Large or rapidly growing trees may require greater setbacks.
    - iv. Fallen fruit, branches and fronds must be picked up by homeowners and should be set out on trash removal days.
    - v. Fruit trees may only be planted in back yards.

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- b. Hedges
  - i. Many varieties are permitted; however, rapid growing and/or invasive varieties may be prohibited or restricted in certain locations. Please consult the LC for acceptable varieties.
  - ii. Shall not be a nuisance due to rodents or insects.
  - iii. Spacing of hedges shall be continuous (i.e. planted on 18-inch centers).
  - iv. Hedge height of 30"-36" is recommended except along property lines.
- c. Plants and Flowers
  - i. Many varieties are permitted. Consult the LC for acceptable varieties.
  - ii. Adding new or extending existing planter beds requires prior approval from the LC.
  - iii. Planter beds that require additional maintenance beyond that noted in the General section, "a" are the responsibility of the homeowner.
- d. Hedges/plants between driveways
  - i. In keeping with maintaining a consistent look in our community, hedges are the only permitted plantings between adjacent driveways, in mulched beds. Homeowners may contact the LC for hedge choices.
  - ii. The landscape company has been directed to trim sides of the hedges even with the edge of the driveway pavers.
  - iii. Homeowners have the latitude to plant hedges all the way to the road between adjacent driveways, or they may choose to install no more than two rows of pavers between the hedges and the road. Nothing else may be placed in that space (e.g., dirt, ornaments, plants, etc.)

### 7. Tree Removal and Replacement

In instances where homeowner-owned trees are a nuisance, the LC will evaluate the situation and make recommendations. The homeowner is responsible for associated costs. Board approval is required for any tree change. The Board is responsible for maintaining Las Brisas landscaping in alignment with the intent of the originally approved landscape plans.

**Article 10.22 Personal Property.** No items of personality, including but not limited to lawn furniture, toys, ladders, garden equipment statues or lawn ornaments, may be stored or placed on the front or side portion of any Lot, and/or left on the front or side portion of a Lot overnight. Lawn furniture and toys are restricted to the rear of each Lot and should be hidden so that they are not readily visible from any street within the Project. Notwithstanding anything contained herein to the contrary, no children play equipment, including but not limited to swing sets, jungle gyms, slides and sand boxes, may be erected on any portion of a Lot or Common Area without the express written approval of the Board.

In addition to the items mentioned above, prohibited items of personalty include (but are not limited to) potted plants, wall ornaments, lawn flags or other items of décor. Items of personalty may be displayed inside unit gates and walls, but not in front of or on top of those

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walls and gates. Any items of personalty are still required to maintain the harmony of the community and meet Las Brisas Landscaping rules.

At one time some items not meeting these criteria were 'grandfathered' and allowed to remain. That is no longer the case. All rules apply to all residents equally – regardless of any previous notices to the contrary.

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