RULES & REGULATIONS - PART 8 - LANDSCAPING EXISTING HOMES
DEERLAKE VILLAGE COMMUNITY ASSOCIATION

These Rules and Regulations contain use restrictions that apply to all lots with DVCA membership. They supplement the restrictions contained in *Article VI* of Deerlake Village Community Association Amended and Restated Declaration of Covenants of 2017. These Rules and Regulations have been adopted by the Board of Directors as authorized by ARTICLE V Section 5.14(e) of the Bylaws.

These Rules and Regulations address standards that come under the jurisdiction of the Landscape Review Committee with regulations relating to making changes to existing landscaping and landscaping new construction. Nothing in these Rules & Regulations may override rules which are contained in the Declaration. In case of contradiction, the rules which are stated in the Declaration will take precedence.

Modifications made to properties prior to adoption of these Rules and Regulations are given grandfather status if they met the rules in place at the time of modification. Such modifications need not be altered to comply with these revised rules.

I. INTRODUCTION

A. The purpose of these standards is to assist Deerlake Village property owners in maintaining quality and ambiance of the Deerlake Community homes and to preserve the natural environmental beauty and healthy living that exists here.
B. Responsibility for approval for modifications to existing landscape is that of the Landscape Review Committee (LRC).
C. The recorded 2017 Covenants and Rules and Regulations shall control the decisions of the LRC. The decisions of the Committees are not bound or restricted by any precedent relating to existing residential construction/landscape or any other lot within Deerlake Village.
D. No implied warranties of good workmanship, design, habitability, quality, fitness for purpose of merchantability shall arise as a result of any plans, specifications, standards, or approvals made or published by the LRC or their successors.

LANDSCAPING OF EXISTING HOMES. Plants and trees should be chosen with their maximum growth habit in mind so that they do not block views for neighbors, interfere with road visibility from driveways or grow too close to the house. It is recommended that plant species native to North Carolina be used. Planting of non-native invasive species is discouraged.

Prior to making any significant landscape modifications, residents must submit a completed landscape modification request form to the Landscape Review Committee (LRC) for approval. Significant landscape modifications may include (but are not limited to) tree planting, removal or trimming (other than normal pruning), changes to grade affecting drainage, landscape structures of any kind, such as arbors, trellises, railings, steps, walkways, gazebos, stone walls or retaining walls. *Replacing or adding normal shrubbery does not require committee approval.*

A. **TREES AND FOREST MANAGEMENT** Particular attention must be paid to standards governing the planting, pruning, removal or otherwise changing the appearance of any tree. Normal pruning and/or shaping is permitted as long as the pruning does not materially affect the look or health of the tree.
   - Tree topping and clear cutting of trees are not allowed. Thinning of trees requires written approval of the LRC.

- Any living tree or shrubs which form a hedge along a community sidewalk may be removed with the written approval of the LRC.
- The following may be removed without prior written approval of the LRC:
- Trees 6 inches or less in diameter (19 inches or less in circumference) as measured 4 feet up from the ground
- Trees within 15 feet from the drip line of the house
- Removal of all other trees requires written approval of the LRC. This includes large trees (over 6 inches in diameter/ 19 inches in circumference) within 20 feet of the house if leaning toward the house, large trees which are located uphill and within damaging fall distance of the house, and trees with branches which overhang and could cause damage or discolor the house roof. Branch trimmings may be a suitable alternative.
- When trees are removed or trimmed, all remnants must be removed promptly.
- Notwithstanding the above, any tree which poses an immediate threat to life or property may be removed without prior written consent of the LRC. Following an emergency tree removal, the owner must notify the LRC of the action.

B. **FENCES** Fencing is permitted in the Meadows only. Standards set for the Meadows are that a fence be not more than 4 feet high and must be consistent with the style/type currently existing in the neighborhood. Only one type of fencing may be used on any given lot. A fenced area may not be totally enclosed. Originally constructed fences in the Meadows may be altered or removed with written approval from the LRC. Hedges between brick pillars are considered living fences and may be replaced with an evergreen hedge or with fencing approved by the LRC. Living fences and pillars may be removed with written approval from the LRC.

C. **EXTERIOR LIGHTING** All changes or additions to exterior lighting (e.g., doorways, garages, floodlights, porches, yards, walkways, landscaping) must be approved. Homeowners are asked to consider the impact of the lighting on their neighbors. Landscape lights should be shielded and not more than 24" above the ground. Exterior lighting must not be an annoyance to neighbors. Holiday decorative lighting may be utilized without permission during the holiday season(s) but must be removed in a timely manner.

D. **PATIOS** Extensions or construction of patios must be reviewed and approved. Consideration will be given to the use of the same or compatible materials and to how such extension or construction might affect neighboring properties.

E. **DRIVEWAYS.** Any changes in material or configuration of driveways must be approved. Failure to obtain permission for a change could result in fines and costs to change the property back to its previous condition.

F. **PET ENCLOSURES** These are not allowed in the Cottages, Meadows, Creekside or Lakeside. In the Mountain Lots, enclosures for common household pets may be permitted, with approval, if they are out of view of other lots and/or the roads at any time of the year. The enclosures must be made of materials that blend with the environment and not more than 5 feet high. The perimeter is to be landscaped to blend in with natural surroundings.

G. **WALKWAYS.** Walkways that give the appearance of natural paths or stone covered paths will typically be approved. Applicant should take care not to create a situation that may lead to soil erosion.

H. **STEPS** Steps may be constructed from landscape timbers, natural stone, or commercially available stepping stones. In all cases the steps must be constructed and placed in a manner that precludes the possibility of soil erosion. All cuts into the ground must be covered or filled with crushed stone or other material so that the earth is not exposed or subject to washing away.

I. **HAND RAILINGS** Typically hand railings will be constructed of wood and installed in a manner that is compatible with the natural surroundings; however, hand railings constructed of other materials may be approved in some cases.

J. **ARTIFICIAL VEGETATION, FLAGS, AND STATUARY** With the exception of door wreaths, artificial flowers and vegetation are not allowed. Landscape yard ornamentation should be in keeping with the natural environment, - the forest, mountain and meadow surroundings of Deerlake Village. Small decorative Flags or banners may be displayed on porches or on brackets attached to the house. American flags (up to 4' X 6'), if flown must be displayed in accordance with federal and state law. Freestanding flagpoles must be approved. Yard décor should be in harmonious scale with the size of the yard and planting.

K. **SCENIC VIEW OBSTRUCTION** New trees, tall shrubs and landscape structures may not be located where they may eventually obstruct a neighbor's scenic view.

L. **STREAMS AND CREEKS** Residents who have streams or creeks running through their property are advised that a CITY ORDINANCE prohibits the removal of trees, shrubbery and other vegetation within 30 feet of such streams or creeks.

II. PROCEDURES

A. The request for modifications to existing landscape should be made on the "Deerlake Village Community Association Request to Modify – Landscaping / Exterior of Home / Other" form, available on the website www.deerlakevillage.org. It should be submitted to the LRC, c/o DVCA Board of Directors, PO Box 2186, Brevard, NC, or delivered personally to any LRC member. The LRC reserves the right, and may seek outside professional opinions when questions beyond the realm of their expertise are encountered.

B. Along with the completed Application form submit appropriate sketches, photos and descriptions so as to allow the LRC to understand and evaluate the requested modifications.

C. The nature of the required information will depend on the specific modification. Include erosion control descriptions where applicable.

D. If necessary, the LRC will visit the site at a mutually agreed to time to discuss the request.

III. OPERATIONS

A. Decisions

Decisions will be made by the LRC. In reaching decisions, the Committee will review and consider all information submitted and will visit the sites when necessary. This document sets forth the standards and guidelines which the Committee will use in making decisions. Decisions will be made by the majority of the Committee and communicated in writing to the requesting owner. A formal permit will be issued for approved modification projects.

B. Variances

The Committee may request of the Board reasonable variances from the provisions of this document, when literal application would result in unnecessary hardship, and if the granting of such variances would not materially harm other owners or the environment per DVCA Covenants, Article II Use Restrictions-Section 28 Variances

C. Design changes

All design changes must be approved in writing and signed by both the homeowner and the LRC Chair.

D. Violations

The Committee will notify the owner in writing of any violation of these Rules and Regulations or of any applicable provisions of the governing documents. Failure to take corrective action within fifteen (15) days of the date of said notice, or to notify the Committee in writing of intent to take corrective action, subjects the violator to sanctions.

E. Sanctions

Sanctions that may be imposed by the Committee include issuance of stop work orders. Fines may be levied with the discretion of the DVCA Board of Directors, with a minimum fine of $500 being levied for any violation of the Landscape Review Committee's Rules and Regulations, including tree removal. The owner is ultimately responsible for adherence to all covenants and restrictions.

F. Appeals of Committee Decisions

Owners not satisfied with Committee decisions may appeal the case in writing to the Board of Directors within thirty (30) days of such decision. In case of contradiction, the Covenants shall take precedence over these standards.

This Rules and Regulations - Part - 8 - Landscaping Existing Homes and New Construction was approved by the DVCA Board of Directors on the 10th day of January, 2025.