

The Lakes At Mercer Island CC&R Requirements and Frequently Asked Questions

The following guidelines summarize questions about homeowners' responsibilities under The Lakes Covenants, Conditions & Restrictions (CC&Rs) that commonly arise. Some relate to day-to-day activities – both required and prohibited. Others describe when the ACC must approve an alteration, renovation, or construction to the exterior of a home or landscaping before the homeowner proceeds. Owners that rent or lease their property must ensure that their tenants and property managers fully comply with the CC&Rs. This list is not meant to be exhaustive, and homeowners are expected to understand all requirements of The Lakes CC&Rs and comply with those requirements. Homeowners are welcome to contact any member of the ACC should they have questions about the CC&Rs or any projects. You may email the ACC at ACC@thelakesmi.com.

Copies of ACC applications can be obtained on the Association website <http://www.thelakesmi.com> under the ACC tab or you can send a request to the ACC at acc@thelakesmi.com. In your request, please provide a general description of your project so the appropriate application is sent. Each application provides instructions on the product or material information required to complete the application for review by the ACC.

MAINTENANCE & APPEARANCE OF LOTS

Delivery Containers (Amazon, Groceries, etc.)

Storage of empty containers must be fully screened from view from adjacent properties and street traffic. Containers should be placed at the front entrance only on the day of scheduled pick-up and new containers should be promptly stored out of view after delivery. (See Article III, Section 1.)

Boats, Trailers and Automobiles

There is a 24-hour temporary parking limit on any street. On driveways or any street for longer than 24-hours, all boats and trailers must be stored in the garage and the garage door able to completely close. If approved by the ACC, screening that fully hides boats or trailers from view from adjacent homes and street traffic may be used. (See Article II, Section 25.)

Conservancy Easement – Alteration & Construction Prohibitions

The Plats for The Lakes establish a Conservancy Easement for public utilities and pedestrian traffic. Removal of vegetation, when permitted, requires ACC and/or City approval. No construction in the easement is allowed. Lots 2-14 and Lots 52-64 include portions of the Conservancy Easement. (See Article IV, Section 1 and Mercer Island City Code - mercerisland.municipal.codes/MICC/19.10.)

Garbage, Recycling, Yard Waste Containers

Waste containers must be fully screened from view from adjacent properties and street traffic on non-pickup days. On the day of a scheduled trash collection, empty containers should be promptly returned to their storage location. (See Article II, Section 26.) We understand that some may wish to put their trash out the afternoon/evening before pick-up and this policy is not intended to prohibit this. Likewise, we understand that occasionally homeowners are out of town and need to put their garbage out early or put it away later; however, this should not become a frequent practice.

Lot Upkeep

Homeowners are required to maintain their front, side, and backyard properties (including driveways) that are visible to adjacent properties and street traffic in a clean and well-kept condition. This includes keeping these areas free of debris, dead plantings and vegetation, and weeds. For homeowners who chose to maintain a lawn, please try to curb moss and weeds as much as possible. Grass must be mowed to a height of no more than four inches. Grass clippings and plant

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trimmings must not be dumped in the lakes, creeks, or easements. Extended outside storage of vehicles, equipment, and building or landscaping materials and tools are not permitted. (See Article III, Section 1.)

Seasonal and Holiday Lights & Decorations

Seasonal and holiday lights, lawn ornaments and other exterior decorations may be set up one month prior to the celebration date, or if customary the celebration period, and must be removed no later than one month after the holiday or celebration period. Patio lighting and lighting designed to enhance landscaping is permitted year-round but must not cast an unreasonable amount of light into neighboring properties.

Sidewalks

The Association is responsible only for the maintenance of sidewalks on the Common Areas and the sidewalks along 72nd Street. Each homeowner is responsible for the repair and maintenance of the sidewalk running along the street in front of their home. (See Article III, Section 3 & Article IV, introductory paragraph.)

Signs

No commercial business signage is allowed on homeowner or common area properties at any time, except for a single sign for a real estate listing, security system signage, and contractor signage for home improvements. Permitted signs must not exceed five (5) square feet in size. Contractor signage should be promptly removed after completion of the work. Signs must not block the views from or across driveways. Signs with political content are permitted, but: (1) may be posted for no longer than 60 days or, in the case of an election, 120 days; (2) cannot be larger than an 18"x24" standard-sized yard signs; and (3) no more than 4 such signs may be posted at a time. (See Article II, Section 23b.)

Streets

The City of Mercer Island does not provide street cleaning or snow removal services in The Lakes. Homeowners must collect all leaves and branches from street trees on their property that fall into the streets or on sidewalks and properly dispose of the debris in a timely manner. Raking or piling leaves into the streets is strictly prohibited. Best efforts should be used to prevent leaves from clogging storm drains as this could cause street flooding. (See Article III, Section 1.)

Street Trees

The Lakes Homeowners Association encourages all homeowners to maintain the character of The Lakes street tree corridor. To this end, the Association has a policy of assisting homeowners with the replacement of dead or diseased street trees. Details are contained in the Association's Street Tree Policy which is posted on our website at www.thelakesmi.com. Removal of large trees (diameter of 10" or more) are subject to requirements of the Mercer Island City Code (mercerisland.municipal.codes/MICC/19.10). Areas with steep slopes may be subject to additional restrictions (MICC/19.10 & 19.07).

Homeowners are responsible for keeping sufficient overhead clearance of tree limbs on their property from interfering with vehicular and pedestrian traffic and safety views. Mercer Island City Code requires minimum clearance of 12 feet over streets and 8 feet over sidewalks. The City provides a pruning guide at <http://www.mercergov.org/files/treepruning.pdf> and the City arborist is available upon request for personal consultation.

Storm Drains

Homeowners are responsible for keeping all roof drains and street storm drains on their property clear of debris. Also, permanent landscaping, structures or fences located within any storm drain easement must be approved by the Mercer Island City Engineer. (See Article II, Section 28 and Article IV, Section 2.)

Yard Lamps

All homeowners are required to maintain at least one yard lamp in working order at their driveway entrance. It is highly recommended that yard lamps be kept on at all times during dark hours for street and driveway illumination since they are the substitute for streetlights in the Lakes. (See Article II, Section 15.)

ANIMALS & PETS

No animals, except dogs, cats, caged birds, fish in tanks and other small household pets are permitted. Caged birds do not include chickens or other fowl kept in outside coops. Household pets other than dogs and cats must be kept indoors at all times. Fencing, other than buried electric fencing, and enclosures must be approved by the ACC. Invisible Fence flags must be removed on a timely basis after completion of pet training. (See Article II, Section 24.)

HOME IMPROVEMENTS & EXTERIOR RENOVATIONS

Architectural Guidelines

The Lakes' architectural features are evaluated in the *Architectural Guidelines for The Lakes*. These guidelines are a helpful resource for homeowners and their architects when planning exterior changes to their homes. The guidelines are on the website under the ACC tab.

Building Codes

The HOA, ACC and Board are not responsible for determining whether building codes or other governmental requirements are met by homeowners' home improvements. When applying for ACC approval of a project, the homeowner certifies to the ACC that all governmental approvals and building requirements will be met. (See Article VII, Section 7.)

Application Process

Any external structural changes to the house footprint, roof lines, or siding requires application and approval by the ACC prior to commencing work. In addition, any replacement or changes to windows, exterior light fixtures, front doors, or garage doors require an application and approval by the ACC prior to commencing work. (See Article VII, Section 2.)

Air Conditioners and Generators

Air conditioners and generators require application and approval by the ACC prior to commencing work. All equipment must be substantially screened from view by adjacent properties and street traffic and located a sufficient distance from adjacent homes to reduce the noise impact. (See Article VII, Section 2.)

Decks and Patios – Repairs and New

Construction or alteration of decks, patios, and similar installations such as retaining walls, rockeries and front walkways require application and approval by the ACC prior to commencing work. Please be aware there may be setback restrictions which need to be determined with each application. (See Article VII, Section 2.)

Driveways - Modifications and New

Requires application and approval by the ACC prior to commencing work. Driveways and parking areas need to be paved with concrete or other material approved by the ACC. (See Article II, Section 14 & Article VII, Section 2.)

Fences – Repairs and New; Temporary Fencing Prohibited

Fencing requires application and approval by the ACC prior to commencing work, and must conform to fencing of the type standard in The Lakes. Fences may be to a maximum height of six feet (6') and must have a minimum twenty-foot (20') setback from any lake shore or creek bed, and other restrictions may apply. Homeowners are wholly responsible for the cost of installation, maintenance, and repair of fencing for their own lot. The Association is responsible for the fencing running along the perimeter of the three Common Areas. (See Article II, Section 8; Article III, Sections 3 & 4; Article VII, Section 2.)

Free Standing Structures and Outbuildings

Construction of free-standing recreational or entertainment structures that require an application to the ACC include, but are not limited to, greenhouses, gazebos, sheds, stone fireplaces, masonry BBQs, arbors and trellises, pools, and spas/hot tubs. ACC approval is required prior to commencing work or installing the structure. Setback requirements from any lake shore or creek bed, and other restrictions may apply. (See Article II, Section 6; Article VII, Section 2 & 6.)

House and Door Painting

Requires application and approval by the ACC prior to commencing work. The *Application Review Criteria for Exterior Paint* provides guidance on choosing paint colors and the color samples required for ACC approval. (See Article VII, Section 2.) The Policy is on the website under the ACC tab.

Roof Replacement & Roof Cleaning

Requires application and approval by the ACC prior to commencing work. Roofing materials must be either #1 sawn cedar shakes or shingles. Shake color must be approved by the ACC (Article II, Section 7). Roof Cleaning also requires ACC application and approval. Homeowners are encouraged to air clean roofs and avoid introducing chemicals into our stormwater system and lakes.

Solar Panels

Solar panels require application and approval by the ACC prior to installation. Guidelines and requirements are contained in the *Solar Energy Panel Policy*. The Policy is on the website under the ACC tab.

LANDSCAPING IMPROVEMENTS

With important exceptions discussed below, in general, the CC&Rs do not regulate installation of vegetative plantings. However, there are specific guidelines that address landscaping changes that have an impact on drainage, lakes and streams, or neighboring properties. These require ACC review and approval. Some of the specific landscaping changes that require ACC approval per CC&R Article II, Sections 5 and 8 include the following:

- Any landscaping within a road right-of-way, near utilities and storm drain easements Article II, Section 8)
- Any tree or shrub that may grow larger than 4 feet to be planted 20 feet or closer to lake shores or creek banks Article II, Section 8)
- Any fence, hedge, wall, or other structure constructed or planted closer to the street than the setback line (Article II, Section 8)
- Any shrubs or hedges to delineate lot lines (Article II, Section 8)
- Any grade change, berms or soil retaining structures created on a lot (Article II, Section 5)
- Any new hardscape, including but not limited to patios, decks, driveways, walkways, and artificial turf (Article II, Section 5)
- Removal of vegetative screening that would expose trash receptacles, play equipment or other structures to neighbors or the public (Article II, Section 8)
- Before removing a large tree or native tree, homeowners should check the Mercer Island ordinances regarding retention of certain trees (see “Conservancy Easement” and “Street Trees” above).
- ACC approval is required before removing any trees or significant ground cover within the Conservancy Easement of any lot (Article IV, Section 1.)

If you are uncertain whether your proposed landscaping changes require ACC approval, you may email the ACC at ACC@thelakemi.com and they will advise whether or what portions of your plans require approval.

PLAY EQUIPMENT

Play equipment includes, but is not limited to trampolines, basketball hoops, swing sets, slides, playhouses, jungle gyms, play forts, and climbing structures. Except for basketball hoops, play equipment must be substantially screened from view from adjacent properties and street traffic. Trampolines facing a lake or creek are limited to in-ground models, installed in line with the yard grade, and cannot have netting or other add-ons. Natural materials and muted earth tone colors are preferred for all equipment. Setback requirements from any lake shore or creek bed, and other restrictions may apply. (Article II, Section 6; Article VII, Section 2 & 6.) The *Sports Equipment & Play Structures – Guidelines and Application Procedure* is on the website under the ACC tab.

ENFORCEMENT

Compliance Policy

The *Compliance Policy* provides a process for identifying and addressing failures to comply with the CCRs and Bylaws of the Association. The process includes both communication with homeowners in violation and, when deemed necessary, fines. The Policy is on the website under the ACC tab and the Lakes CC&Rs and Bylaws tab.

Damage Policy Relating to the Lakes

Homeowners are responsible for maintaining the vegetation within the easements along the lakes and creeks and preventing vegetation from damaging the lakes system. Trees or shrubs that can reach 4' or greater in height and would be 20 feet or closer to a lakeshore or creek bed are prohibited unless approved by the ACC. The *Damage Policy Relating to the Lakes System* discusses the allocation of maintenance responsibilities between homeowners and the Association and the financial liability of homeowners for damage caused by vegetation on their property. The Policy is on the website under the ACC tab and the Lakes CC&Rs and Bylaws tab.

RENTED OR LEASED PROPERTIES

Owners who rent or lease their properties within The Lakes must ensure that their tenants are aware that they must comply with the CC&Rs, rules and regulations governing homeowners within The Lakes. Copies of the CC&Rs, rules and regulations should be included in all rental or leasing documents provided to tenants. Tenants can also find these materials on The Lakes website at www.thelakesmi.com. Tenants must not be provided passwords to portions of the website that the Board has designated as "confidential". (See Article II, Section 29.)