

## **ACC Application and Review Criteria for Landscaping Changes Regulated by The Lakes CC&Rs**

*Last updated: June 2024*

### **Introduction**

With important exceptions discussed below, in general, the CC&Rs do not regulate installation of vegetative plantings. However, there are specific guidelines addressing 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 requiring ACC approval per CC&R Article II, Sections 5 and 8 include, but are not limited to:

- Landscaping within a road right-of-way, near utilities and storm drain easements
- Installation of trees or shrubs that can grow taller than four feet to be planted 20 feet or closer to the lake shores or creek banks
- Fences, hedges, walls, or other structures constructed or planted closer to the street than the setback line
- Trees, shrubs, or hedges to delineate lot lines
- Grade changes, berms, retaining walls or other soil retaining structures
- Hardscape, including but not limited to patios, decks, driveways, walkways, or artificial turf
- Removal of vegetative screening that would expose previously approved trash receptacles, air conditioners, or play equipment
- Removal of protected trees which are specifically identified in Article VII, Section 3 or by the ACC

### **Approval Process**

When ACC approval is required, an application must be submitted to, and approved by, the ACC prior to installation. The ACC approval process commences when an application that provides all required information has been submitted to the ACC at [ACC@thelakesmi.com](mailto:ACC@thelakesmi.com). Generally, the ACC will want to arrange site visits to view the proposed location of proposed landscaping changes.

Homeowners may contact the ACC at [ACC@thelakesmi.com](mailto:ACC@thelakesmi.com) if they have any questions about all or portions of their proposed landscaping changes.

### **Factors in Application Review Process**

General factors the ACC may consider include:

- Grade and contour changes: how these changes will affect water runoff and visual impact on neighboring properties or the lakes
- Change to drainage systems and their impact on the streets and lakes

- Addition of berms, terraces, boulders, or other types of soil retaining structures (e.g., stone walls, rockeries) and their compliance with easements and lot boundaries
- Potential effects of artificial turf, new walkways, patio areas, and other types of impermeable surfaces
- Potential visual effects or detrimental effects on lake or creek systems of trees and shrubs that are planted within twenty feet of a lake or along lot lines

For hardscape installations other than artificial turf, the ACC will review the following material specifications for visual impact on neighboring properties:

- Manufacturer's name, product code(s), size, texture, and shape
- Description(s) of the material composition
- Color code(s) or palette specification(s)
- Planned design pattern and trim materials to be used
- Map providing location, lot lines, and distances

For artificial turf:

- Artificial turf must be substantially hidden from view of adjacent neighbors or those across a lake or creek
- Color and texture of the proposed artificial turf based on sample provided to ACC
- Manufacturer's description of the product
- Location map demonstrating that the turf would be substantially hidden from view of adjacent neighbors or those across a lake or creek
- Plan for professional installation, including substrate description addressing drainage

For vegetative landscaping requiring ACC approval:

- Map, including location, distance from lake or creek shores, easements, or lot boundaries
- Type(s) of proposed vegetative landscaping, and a description of each plant, including description of its potential height, width, and shape

This policy is intended to provide guidance to homeowners and does not in any way limit the ACC or Association's ability to take actions or condition approvals in a manner consistent with their authority under the Association's governing documents. The homeowner is solely responsible for compliance with all applicable city, state or other laws or regulations.