



Landscape Standards and Guidelines

3 Cherry Way Homeowners Association, Inc.

8886 Sweet Cherry Lane
Denver, NC 28037

This document is located [3cherrywayhoa.com/More/ACC Guidelines](https://3cherrywayhoa.com/More/ACC%20Guidelines)

Landscape Standards and Guidelines

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A. Purpose of the Landscape Standards and Guidelines (LSG) and Architectural Control Committee (ACC)

1. To provide guidance to owners regarding allowable changes while maintaining individuality.
2. To describe planting practices and to identify items that can be placed in the landscape garden area.
3. The ACC will facilitate, expedite, and assist owners in completing the Owner Application for Exterior Architectural or Landscaping Change form. After the application is reviewed for completion, it will be forwarded, with recommendations for approval or denial, to the Board of Directors (BOD) for final approval.
4. The planting and landscape responsibilities in the community is defined in the Covenants, Conditions and Restrictions of 3 Cherry Way Homeowners Association (HOA), Article IX, Section 9.05, and in Article XI Section 11.04.
5. See Architectural Standards and Guidelines found on www.3cherrywayhoa.com/forms or in the Community Center library for exterior structure information.

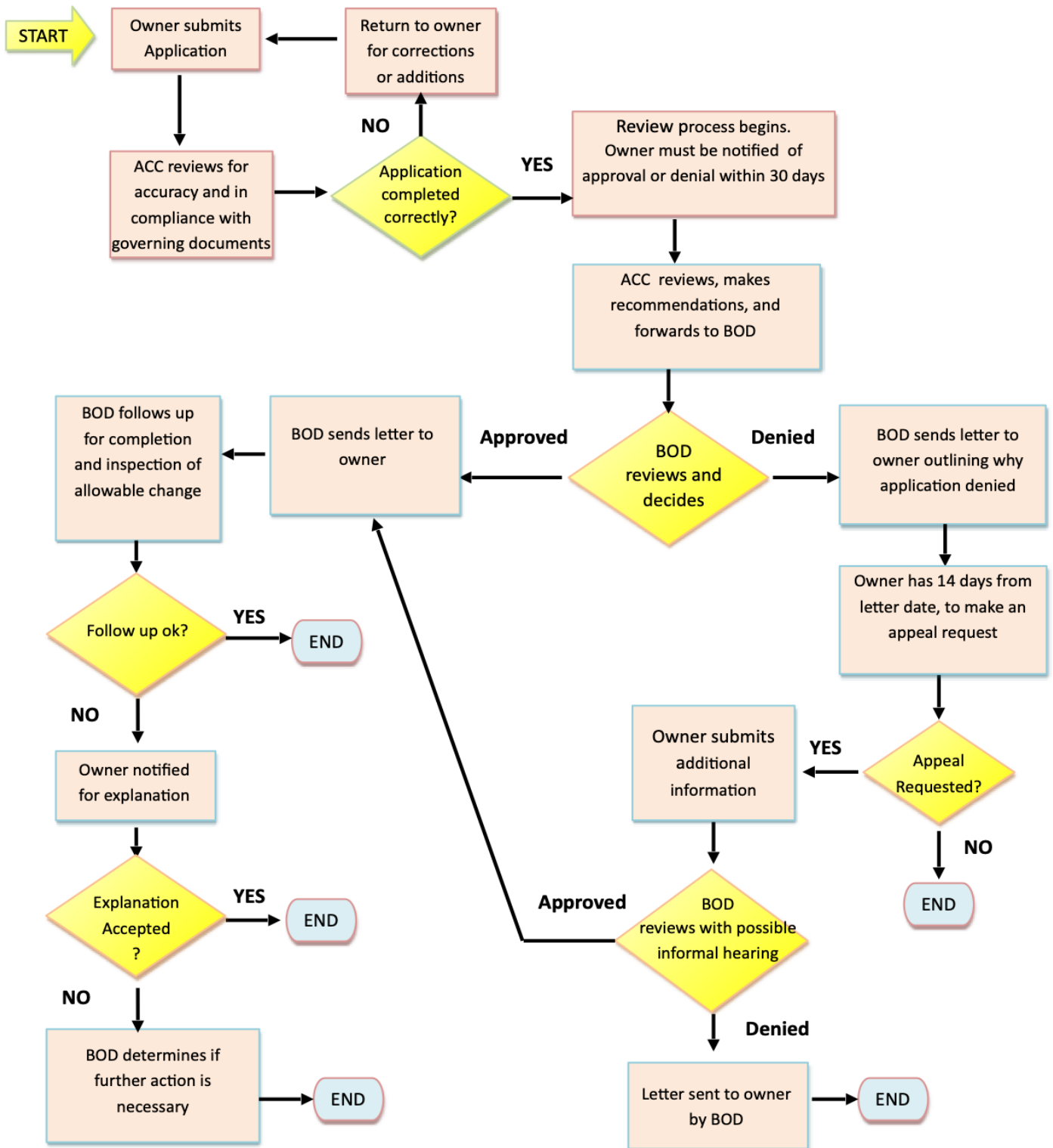
B. Application Procedure

1. An Owner Application for Exterior Architectural or Landscaping Change form must be completed for any change and/or modification to the landscape garden area. This form is located at:
 - www.3cherrywayhoa.com/copy-of-forms-1 (3CW ACC Forms).
 - Forms are also located at the Community Center library.
2. Supporting documentation must be included for evaluation by the ACC/BOD. Examples might include a diagram showing location; dimensions; plant and size, etc., of requested change.
3. Completed application forms with supporting documents should be forwarded to the BOD. Initial review for accuracy and compliance with the Landscape Standards and Guidelines will be done by the ACC. The ACC will then forward the request with their recommendations for approval or denial to the BOD. The BOD will review all information and issue a written final notice of approval or denial.

Owners should send applications to the following address:

- Send by email to: 3CWHOA@gmail.com
 - Send by USPS mail to: 3CW HOA, 8886 Sweet Cherry Lane, Denver, NC 28037
 - Or place in the drop box at the Community Center.
4. The time frame for review must be completed within 30 days of receiving the properly completed application. Notice of BOD approval/denial of requests will be in writing.
 5. Owners may file a written appeal to the BOD within 14 days of dated denial letter and may include new or additional information to clarify the request or demonstrate acceptability. ACC will review any new information and forward the information with their recommendations to the BOD. The BOD, at its discretion, may conduct an informal hearing related to the appeal. The BOD will reply in writing to the appeal within 30 days.
 6. All applications, correspondence and resolutions will be documented in a database by the BOD or a designated entity.

C. Process Chart for Owner Application for Landscape Change



D. Outside Appearance of Unit

1. Outside appearance refers to outward or visible aspect of the unit as viewed from the road. This viewing area includes all the front of the unit and extends 15 feet past the corner of the front porch and 15 feet past the corner intersection of the driveway, landscaped area and front corner of the unit.
2. The HOA is responsible for:
 - a) Maintaining all HOA planted bushes, flowers, and trees.
 - b) Providing mulch or appropriate ground cover in all landscaped areas.
 - If owner applies mulch, ACC/BOD approval is required.
 - Only organic bark and /or wood-stained dark brown is allowed.
 - Rubber, plastic, or glass mulch is not allowed.
 - Extending the mulch area is not allowed.
 - c) Performing weed control in the landscape area.
 - d) Removing sod and/or extending the mulch area in the Owner or HOA Designated Planting Area requires ACC/BOD approval.
3. Nothing, including decorative items, should be placed on or surround utility boxes. Owner plants must be trimmed away from the utility boxes and should not hinder access to them.

E. The Unit Landscape Area

1. The established landscaped area is all non-grass areas adjacent to the unit that contains bushes, plants, mulch and is maintained by the HOA. This area includes the lot where the unit is located and the common property landscaped area.
2. The Unit Landscaped area is divided into 3 sections:
 - a) **HOA Designated Planting Area:**
 - This area is defined as extending 4 feet (48") out from the unit foundation and includes HOA bushes planted in front of the air conditioner and gas meter.
 - Effective November 01, 2025, no owner plants are allowed to be planted in this area including behind or between any HOA plantings.
 - Any owner perennial plant, bush, and/or tree planted in the HOA Designated Area prior to November 1, 2025 will be allowed to remain in the HOA Designated Planting Area with the following provisions:
 - Owners are responsible for the maintenance all owner plantings.
 - The HOA landscaping company is not responsible for trimming owner plantings.
 - If owner's do not maintain their plantings, the HOA may trim or remove the plantings and the resident will be invoiced for the expense.
 - If the landscaping company inadvertently trims an owner planting, the HOA nor the landscaping company is not liable.
 - Owners may NOT instruct the landscaping company on how to trim any plantings.

- If the HOA is required to perform maintenance to the exterior of a Unit and inadvertently damages an owner planting, the HOA nor contractor performing the work is not liable.
- The following items are not allowed in the HOA Designated Planting Area:
 - Garbage Cans
 - Tools
 - Bags of mulch, grass seed, etc.
 - Propane or gas tanks

b) Owner Designated Planting Area:

- The Owner Designated Planting Area is located in front of the HOA Designated Planting Area.
- Owners must keep all foliage and flowers away from sidewalks and any grass area abutting the landscaped area.
- Effective November 1, 2025, the planting of any perennial plant, bush, and/or tree in the Owner Designated Planting Area must be approved by the HOA. An Owner Application for Exterior Architectural or Landscaping Change/Repair form must be submitted to the ACC/BOD for approval.
 - **Exception:** An Owner Application for Exterior Architectural or Landscaping Change/Repair form does not have to be submitted to the ACC/BOD for the planting of annuals.
- Any owner perennial plant, bush, and/or tree planted in the Owner Designated Area prior to November 1, 2025 will be allowed to remain in the Owner Designated Planting Area with the following provisions:
 - Owners are responsible for the maintenance of any owner plantings.
 - The HOA landscaping company is not responsible for trimming owner plantings.
 - If owners do not maintain their plantings, the HOA may trim or remove the planting and the resident will be invoiced for the expense.
 - If the landscaping company inadvertently trims an owner plant, the HOA nor the landscaping company is not liable.
 - Owners may NOT instruct the landscaping company on how to trim any planting.
 - If the HOA is required to perform maintenance to the exterior of a Unit and inadvertently damages an owner planting, the HOA nor the contractor performing the work is not liable.
- See Appendix A: The Unit Landscape Area for design layouts.
 - Due to the landscape configuration, orientation of entries, and sidewalks on some units may not match the HOA and Owner Designated Planting Areas shown in Appendix A.

c) Driveway Median Area:

- This area is the landscaped area between the driveways.

F. Owner Plants in the Owner Designated Planting Area:

1. Owner plants are only allowed to be planted in the Owner Designated Planting Area.
2. All owner plants must be maintained by the owner at all times, including cutting back immediately after flowering, not crowding planting area, removing dead flower heads, and removing dead plants. If a resident requires assistance to comply with any standard listed in this document, please notify the BOD. Any cost associated with assisting involving items that are the responsibility of the homeowner are the homeowner's responsibility.
3. If an HOA or owner plant dies, it cannot be replaced by an owner without ACC/BOD approval.
4. Ground cover must be kept within the Owner Designated Planting Area.
5. The plants are divided into the following categories:

a) Plants Allowed That Do Not Require ACC/BOD Approval:

- Annual plants that die back after one growing season are allowed and must have dead flower heads removed periodically by the owner. The Owner Designated Planting area must be maintained by the owner. All plants must be cut back and debris, including flowerpots, removed at the end of the season.

b) Plants That Require ACC/BOD Approval:

- Any type of bush, tree and/or perennial plants, e.g., spring bulbs, lilies, iris, etc.

c) Plants Not Allowed:

- Annual or perennial vines.
- Vegetables, fruits and herbs. These items may be planted in pots and kept on the porch.
- Any type of ornamental grass, such as pampas, muhly, switch, zebra, fountain, etc.

G. Decorative Items and Yard Art in the Owner Designated Planting Area

1. Exceptions Regarding Allowed Items in the Owner Designated Planting Area

- The following items have specific time frames for when they are allowed and do not require ACC/BOD approval.

a) Holiday Decorations

- Decorations are allowed in the unit landscaped area. Decorations on roofs or on other common property are not permitted.
- Inflatable decorations of any kind are not permitted in the landscaped area.
- Winter holiday decorations and exterior string lights will be allowed one (1) week prior to Thanksgiving through January 31.

- Other holiday decorations and exterior string lights will be allowed prior to the holiday and must be removed in a reasonable timeframe after the holiday.

b) Signs

- One (1) security sign is allowed.
- One (1) sign advertising a property for sale is permitted. Such signs must not exceed six (6) square feet. Signs are to be displayed in the window of the unit or landscape garden area adjacent to the unit which is for sale. For Sale signs are not to be placed in other common property. "Open House" signs are only permitted on the day of the open house. Real estate signs must be removed within 48 hours of closing.
- North Carolina General Statute 47F-3-121 American and State Flags and Political Sign Displays determine the way political signs are displayed. One political sign may be displayed in an owner's unit window or in the porch area. Displaying political signs in the landscaped area of a unit or on common property is not permitted. The sign may have maximum dimensions of 24" x 30". The sign may be displayed no sooner than forty-five (45) days before the election and must be removed by seven (7) days after the election.

2. Decorative Items and Garden Art

- Owners are limited to choosing eight (8) items from the following list.
- All items may have to be removed for HOA landscape maintenance such as installing mulch and trimming shrubs.

a) Birdbaths

- Must be placed in the Owner Designated Area.
- May not be glass, ceramic, or breakable material. It must be on pedestal or stand.

b) Birdhouses and Bird Feeders

- Up to two (2) bird attracting devices are allowed. A bird feeder, birdhouse, suet feeder or a nectar feeder, are considered a bird attracting device. Only sunflower seeds and sterile non-germinating seeds are allowed.
- Only elevated birdhouses and bird feeders are permitted. The bird attracting device may be hung from a shepherd hook. No permanent in ground posts are allowed.

Exception to HOA Designated Planting Area rule: Bird feeders or birdhouses hung on a shepherds' hook may be placed in this area and in front of sunroom windows.

- Throwing any type of food or seed on the ground for birds and other animals is not allowed. Owners are responsible to keep the area clean, including removing seeds on the ground to control weed and other growth, unwanted rodents, snakes, etc.
- No bird attracting devices may be placed on any common property located outside an owner's unit's landscaped area.

c) Edging

- ACC/BOD approval is required.
- Edging that begins breaking, peeling, fading or chipping must be removed and/or replaced

immediately.

d) Flowerpots/Flower Boxes

- Up to 4 flowerpots and/or flower boxes may be placed in the Owner Designated Planting Area on the ground. Flower pots may be hung from a shepherds' hook.
- Flowerpots that begin breaking, peeling, fading or chipping must be removed and/or replaced immediately.

Exception to HOA Designated Planting Area rule:

- (i) A flowerpot or decorative item may be located on either side of the porch entrance sidewalk. This item can be placed directly on the ground or on a 12" landscape stone.
- (ii) Bird feeders or bird houses hung on a shepherds' hook may be placed in the front of sunroom windows.
- (iii) Flowerpots on shepherd hooks may be placed in the front of sunroom windows.

e) Fountains, Water Art or Miniature Waterfalls

- ACC/BOD approval is required.
- Fountains, water art or miniature waterfalls that begin breaking, peeling, fading or chipping must be removed and/or replaced immediately.
- It must be placed on a level, stable platform.
- It may not contain plants nor animal life of any kind.

f) Outdoor Cooking Appliances

- Grills, smokers, etc. are to be kept inside the garage when not in use or on the side of the driveway against the brick wall. The BOD recommends homeowners ensure the propane/gas tank is shut off when not in use. A unit may not have more than two (2) outdoor cooking appliances on the side of the driveway against the brick wall. When not in use, outdoor cooking appliances must be covered.

g) Garden Flags

- Up to two (2) standard garden flags are allowed.

h) Hoses and Hose Reels

- One (1) free standing hose reel or hose storage bin stored in the HOA Designated Planting Area is allowed.
- Hoses, when not in use, must be neatly stored on a hose reel or storage bin.

i) Sprinklers and Soaker Hoses

- Manual and/or portable sprinklers are allowed in the landscaped area but must be stored when not in use.
- Soaker hoses in a muted color that blend with the landscaped area are allowed but must be removed during the "off" season or during landscape maintenance. If runoff affects other property adversely, as determined by the ACC/BOD, the soaker hose may have to be removed.

j) Landscape Lighting

- ACC/BOD approval is required.
- Up to one (1) system consisting of eight (8) or less solar-powered landscape lights or low-voltage, hard-wired landscape lights. All hard wiring must be concealed from view.
- Landscape uplighting is typically mounted below or on ground level with light shining upwards. Up lighting placed within 8" or less of the house is allowed to illuminate the facade.
- Landscape up lights used to illuminate a tree or garden feature must not illuminate any other unit.
- All lights located in the landscaped area are to be colored white.
- Any light fixture may not stand more than 12" above the ground.
- The ACC/BOD shall be responsible for determining whether exterior lighting is an annoyance or unreasonably illuminates other owner's property.
- Solar-powered landscape lights may have to be temporarily removed when maintenance is being performed. This is to be determined by the BOD.

k) Outdoor Garden Decorations and Statues

- Up to three (3) garden decorations or statues are allowed.

l) Signs

- One (1) standard or personalized house number sign requires ACC/BOD approval.

m) Trash Cans

- Placement of trash cans in the mulched area is not permitted.
- Trash cans may be placed at the curb any time the day before pickup. The can must be returned to the garage or placed against the brick wall along the driveway the day after the pickup.
- If there is an expected absence of the homeowner, the HOA requests they coordinate with a neighbor to move the trash can out of public view.

n) Trellis

- ACC/BOD approval is required.

Exception to HOA Designated Planting Area rule: A trellis with a planted flowerpot may be located on either side of the porch entrance sidewalk. The pot can be placed directly on the ground or on a landscape stone.

o) Wind Sculptures/Spinners and Wind Chimes

- ACC/BOD approval is required.
- Whirligigs are not allowed.
 - **Note: Wind sculptures, also known as spinners,** focuses on patterns, colors, or designs whether in motion or not. **Whirligigs** are a mechanical design that depicts an action or story through a sequence of movements—for example, wood chopper, flying bird, or running

animal.

Exception to HOA Designated Planting Area rule: Wind chimes or wind sculptures/spinners hung on a shepherd's hook are allowed in this area and may be placed in front of sunroom windows.

3. Items Not Allowed:

- a) Arbors, which are structures with a flat or arched tops used as plant supports
- b) Artificial flowers, plants, bushes or trees "planted" in the ground
- c) Bug Lights/Zappers
- d) Clotheslines
- e) Compost Containers
- f) Flag poles installed in the ground
- g) Garbage cans
- h) Garden benches
- i) Gazebos
- j) Glass items
- k) Hot tubs or Spas
- l) Irrigation Systems: permanent or semi-permanent fixed position irrigation system with emitters, above ground or underground piping/tubing and a manual or electric control.
- m) Lamp Posts
- n) Pet houses and waste containers in landscaped areas
- o) Portable storage containers
- p) Rain barrels
- q) Recreational sport and play equipment are not allowed in any landscaped garden areas nor paved areas.
- r) Flower pots, flower boxes and/or decorative items are not allowed to be placed in any common areas or at the end of any streets or courts.

H. Modifications to the Driveway Median Area

1. ACC/BOD approval is required.
2. Any proposed modification to the driveway median area requires an Owner Application for Exterior Architectural or Landscaping Change form to be filed by both owners adjacent to the driveway median. This includes removing shrubs, adding plants or decorative items in the ground or on the brick wall.
3. Pavers
 - ACC/BOD approval is required prior to the installation of pavers in the Driveway Median Area. Pavers that have been approved may be removed by the HOA if the HOA determines the pavers were installed incorrectly.

4. Concrete

- ACC/BOD approval is required when modifying the Driveway Median Area with concrete. Concrete must be installed by a professional contractor.

I. Questions

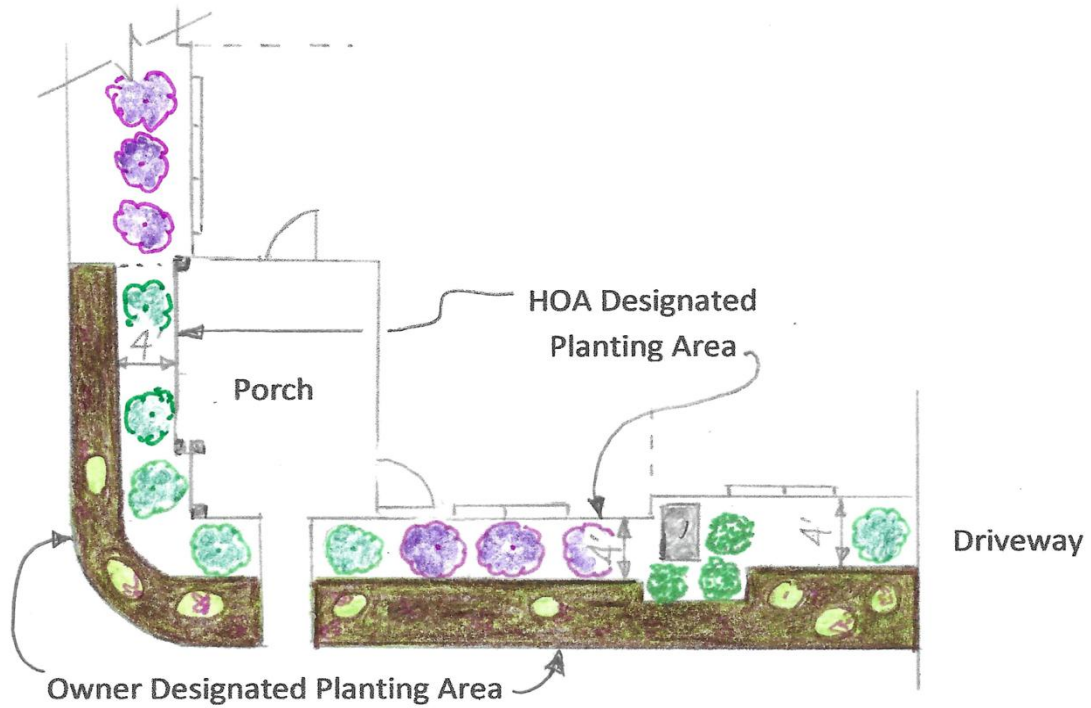
If you have any questions regarding information contained in this document, contact the ACC at 3CWHO.ACC@gmail.com

J. Landscaping Violations

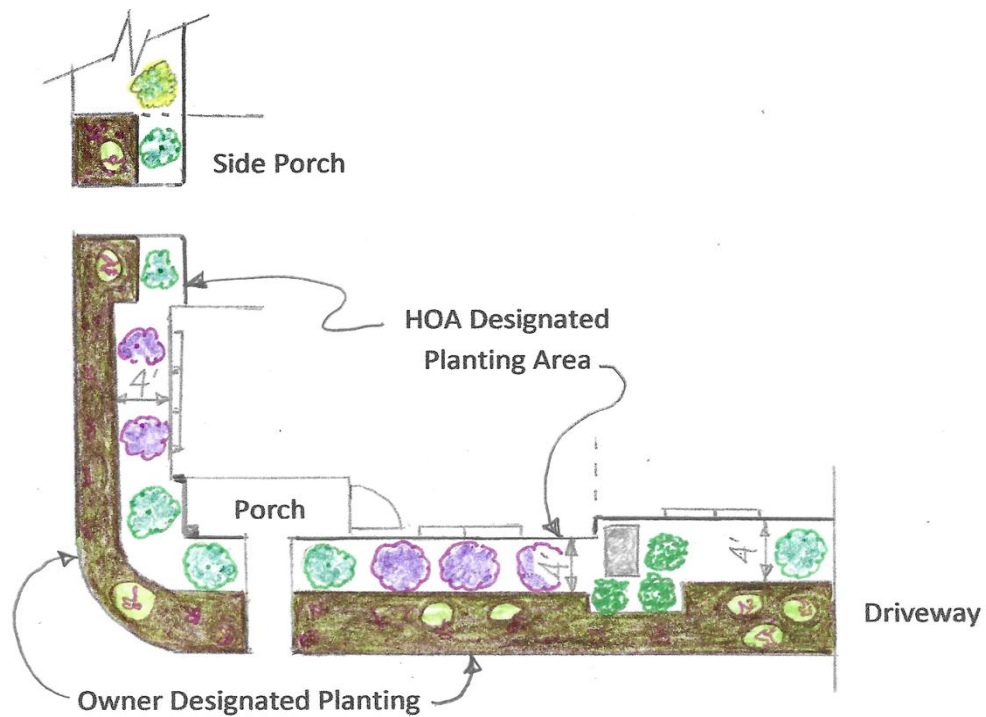
If a resident requires assistance to comply with any standard listed in this document, please notify the BOD. The BOD will work with residents to ensure their compliance with these guidelines. The homeowner is responsible for all costs associated with any HOA assistance in the remediation of potential landscaping violations.

All landscaping violations and administering fines will be according to 3 Cherry Way Violation Compliance and Enforcement Policy and Procedures, which is found on [3cherrywayhoa.com/More/3CWMembers Area/3CW Policy-Procedures/Violation Compliance & Enforcement](http://3cherrywayhoa.com/More/3CWMembers%20Area/3CW%20Policy-Procedures/Violation%20Compliance%20&%20Enforcement) or in the Community Center library.

Appendix A: The Unit Landscape Area



Front Corner Porch Design



Front and Side Porch Design