

## **Trees and Landscaping Resolution**

Water Oak Homeowners Association of Manatee, Inc.

Whereas, Article IV Section 4.1 and Article V of the Water Oak Homeowners Association of Manatee County Inc. (WOHA) Covenants, Conditions, and Restrictions gives the Board of Directors (Board) the powers and duties necessary to conduct the affairs of the Association and to make such rules and regulations as the Directors deem in the best interests of the Association; and

Whereas, this resolution is reasonable, consistent with the Declaration, Bylaws, and State Statutes, and does not exceed the authority given to the board.

For the health, safety, welfare, and comfort and convenience of all residents, the Board wishes to establish rules enforcement policies and procedures so that it may fairly and consistently enforce the governing documents.

NOW, THEREFORE BE IT RESOLVED, that the following rules enforcement policies are adopted by the Board effective June 16, 2020 and that notice of their adoption shall be given to the membership within 15 days of the above date.

### **Fruit Producing Trees and Bushes**

To promote the common benefit and enjoyment of members in the Water Oak Homeowners Association, and to prevent wild animals, rodents and insects from using fruit as a food source:

1. No fruit-bearing/producing tree or any other type of tree may be planted within the community of Water Oak without the permission of the Architectural Review Committee (ARC).
2. Any existing fruit trees previously approved by the ARC are grandfathered in upon the approval of this document. All others will be reviewed by the ARC on a case-by-case bases.
3. Any fruit tree not approved by the ARC must be removed at the member's expense within five (5) days of written notification.
  - a) Fruit trees are allowed inside of a screened-in lanai.
  - b) Fruit trees must not be planted anywhere outside the screened-in lanai.
  - c) Any fruit falling to the ground must be removed within 24 hours.
  - d) Fruit must be appropriately disposed of, and not allowed to rot or be thrown into the lake or down the street stormwater drains (Sewers).
  - e) If rats or other scavengers are drawn to neighboring properties, the tree must be removed, and traps paid for by fruit tree homeowners.
  - f) Fruit tree homeowners are responsible for any damage to a neighboring property or common areas.

Other restrictions may apply.

Members failing to comply will be subject to fines as outlined elsewhere in the declarations, articles, bylaws, provisions and other documents of Water Oak Homeowners Association of Manatee, Inc.

### **Please Note.**

Although pineapples are considered a fruit (and a fruit generally comes from trees — unless it's a berry), pineapples actually grow on a plant, and for the purpose of this resolution are

acceptable. However, the number of pineapples plants on any lot my not exceed more than 12 and may not replace a sodded lawn.

### Trees /Street trees

Definition: Street trees are Manatee County required trees planted within 25 feet of the right of way along the frontage of single-family homes built after 1992.

No trees may be removed, or hat racked (all green removed) without permission from the Board.

Trees on Unit lots must be trimmed to a height of ten (10) feet above the sidewalk for pedestrian safety. Any trees that overhang or interfere with neighboring properties must be trimmed at the owner's expense.

Dead trees on the unit property must be removed immediately at the owner's expense. Any stumps remaining from tree removal must be ground down or cut to soil level. Area must be replanted with sod, bushes, or flowers. At the Boards discretion, a replacement street tree may also be required. See attachment A for a list of replacement trees approved by the County and the Board of Directors.

### Approved reasons for removing a street tree may include:

1. The tree is dead, diseased or in declining health.
2. The tree is causing problems with driveways, sidewalks, streetlights, sewer service, or other (services), which can't be fixed by maintenance practices.
3. The tree is located less than:
4. 10 feet of a sidewalk located within the right of way.
5. 10 feet of a water main that is owned and maintained by Manatee County.
6. 4 feet of a backflow preventer or sewer clean-out valve.
7. 6 feet from a walkway or driveway

### Landscaping

As outlined in the Architectural Design Standards and Guidelines: Every lot must be landscaped to at least the minimum standard for the neighborhood. All lots must have a visible lawn consisting of St. Augustine Floritam Sod, or other such sod as approved by the Architectural Review Committee (ARC).

Whereas, the developer has planted a St. Augustine Floritam Sod lawn surrounding the homes in Water Oak from lot line to lot line and also within the easement between each lot, it shall be within the purvey of the ARC committee to determine how much of this lawn area may be modified or removed.

\* The planting of hedges or bushes must be approved by the (ARC) and may not be planted to the exclusion of a sodded lawn. Hedges or bushes on the front lawn of units may not exceed a height of three (3) feet.

### Compliance / Fines

Each member and the member's tenants, guests and invitees are governed by and shall comply with this resolution. Failure to comply will result in penalties outlined in ARTICLE 3 - 9 of the Declaration, Articles and these Bylaws, and the rules of the Association. Fines, not to exceed One Hundred Dollars (\$100) per violation, she be levied against a member or any tenant,

guest or invitee, but in no event shall such fine exceed One Thousand Dollars (\$1,000) in the aggregate. Such fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing. Such fine or suspension shall be as provided for and governed by FSS Section 720.305(2).

Approved By: 

President  
Title

Antaeus Balevre  
Print Name

## **Attachment A - Tree Replacement List**

Please note: Tree Species may be subject to Homeowners Association (HOA) Approval. Contact your HOA for final species selection.

### **CANOPY TREES**

Requirements: 2 ½ in. caliper, 25-50-gallon, minimum height 10 feet

- Black Gum Tupelo
- Hickory
- Live Oak, Highrise Oak, Cathedral Live Oak
- Loblolly Bay
- Longleaf Pine
- Red Maple
- Slash Pine
- Southern Magnolia including Little Gem
- Southern Red Cedar
- Sweetbay Magnolia
- Sweetgum (Rotundiloba-seedless)
- Sycamore
- Winged Elm

### **UNDERSTORY TREES**

Requirements: 1 ½ in. caliper, 25-30 gallons, minimum height 6 feet

- Cherry Laurel
- Crepe Myrtle
- Eugenia - natives only
- Golden/Yellow Trumpet
- Holly - Eagleston
- Japanese Blueberry
- Japanese Privet (Ligustrum Japonica)
- Loquat
- Podocarpus - tree form only
- Queen's Crepe Myrtle
- Red Bay
- Shady Lady Black Olive
- Walter's Viburnum - tree form only

### **PALMS**

Requirements: Two palms are required to replace one tree. Palms must have a minimum overall height of 15 feet at the time of planting.

- Bismarck Palm
- Canary Island Date Palm
- Chinese Fan Palm
- Needle Palm
- Ribbon Palm
- Sabal-Cabbage Palm
- Foxtail Palm