

Section 6 Recently Adopted Policies

6.1 Tree Trimming and Removal Policy

The Straus Park Homeowners Association encourages the preservation of trees to the greatest extent feasible. The protection of healthy mature hardwood and evergreen trees throughout Straus Park is a high priority to the overall design concept. Individual homeowners or builders must be aware of this goal of the Association and their individual responsibilities to protect and enhance tree growth within individual lots whenever feasible.

Tree removal or trimming of trees that are greater than 6 inches in diameter at breast height (48 in.) without ECC approval, may result in fines being levied by the Master Association to include, but limited to, costs to remove and /or replace damaged or downed trees.

Each application for tree removal or tree trimming shall be reviewed by the ECC with a decision rendered on approval or denial (in whole or in part) on the basis of the following criteria:

- The condition of the tree with respect to disease, danger of falling,¹² proximity to existing or proposed structures, and interference with existing utility services. The committee may require the services of a Certified Arborist to report on the overall condition of the tree(s) in question at Owner expense.
- Applicant should demonstrate to the ECC knowledge or understanding of Best Management Practices (BMP's) for Tree Pruning and/or the services of a Certified Arborist. Credentials of the Certified Arborist must be submitted to the ECC.
- Trees located within five (5) feet of a public right-of-way or street.
- The topography of the land and the effect of the tree removal upon erosion, soil retention and the diversion or increased flow of surface waters.
- The number, species, size and location of existing trees in the area and the effect the removal would have upon shade, sunlight, privacy, scenic beauty, wildlife, noise, air quality, wind, health, safety, property historic values and general welfare of the area and the neighborhood as a whole.
- Dead and heavily diseased tree removal is encouraged to promote safety and overall wellbeing of the surrounding vegetation. ECC approval is required for this type removal except in instances where the tree in question directly threatens structures or right-of-ways.
- Tree removal for view corridor enhancement **will not** be approved.

No fees are required for standard ECC review of tree removal requests by individual homeowners.

¹² The ECC administrator has the authority to approve removal of any tree presenting imminent danger to life or property.

Trees removed without ECC approval must be replaced at the discretion of the ECC. Such replacement may require planting of multiple replacement trees and multiple locations. Locations shall be determined by the ECC. Location of replacement trees may be indicated on common Straus Park property with the intent of enhancing the natural habitat of the community.

6.2 Permanent Fence Standard

The ECC requires that the above ground fences shall be reviewed on a case-by-case basis. Each site is unique and requests for approval of fences shall be reviewed based on the project's site-specific conditions and its compliance with general objectives and site planning concepts and goals of Straus Park.

Approval of any fence does not establish precedence or have bearing on future requests.

Generally, Straus Park is intended to be a natural, open landscape, reinforcing the natural over the manmade.

Fences shall not be permitted in front yards or side yards.

Functional fences shall be as unobtrusive as possible and shall be allowed only when they are not visually prominent. Setbacks shall be at least equal to the required building setbacks.

Maximum height shall be sixty (60) inches.

Functional fences shall be black-coated chain link. No other materials are allowed.

The presence and maintenance of existing vegetation used as visual screen to the fence is strongly encouraged and will be considered in the review of any request. Landscape buffers shall be maintained as a condition for the fence approval. Removal of landscape buffers deemed a part of the original review and approval of a fence installation will revoke approval of a fence and at the direction of the ECC the owner shall remove the fence.

Decorative fences are generally discouraged but may be considered as part of an overall landscape plan. Materials shall be natural and shall blend with landscape and the architecture of the house.

Overly formal or grand fences will not be allowed.

Functional fences do not relieve owners of the responsibility for the behavior of their pets. Unattended or barking dogs are not permitted and will be considered a nuisance. Refer to applicable covenants.

6.3 Sedimentation and Erosion Control¹³

There exists a zero tolerance for erosion and sedimentation in Straus Park.

Straus Park has a strict policy regarding Sedimentation and Erosion Control. It is the responsibility of the Lot Owner and the Licensed Contractor to demonstrate to the ECC knowledge and understanding of current Best Management Practices (BMP's) and current, applicable local and state laws. This understanding should be demonstrated in the required plans for review.

For the purposes of this section, we offer the following definitions taken from the North Carolina General Statutes, Chapter 113A, Article 4.

“Erosion” means the wearing away of land surface by the action of wind, water, gravity, or any combination, thereof.

“Land-disturbing activity” means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

“Sediment” means solid particulate matter, both mineral or organic, that has been or is being transported by water, air, gravity, or ice from its site origin.

Additionally, the ECC has the following guidelines that must be addressed in the required plans and carried out during construction; PRIOR TO ANY LAND DISTURBANCE ACTIVITY.

- a. All sites must contain all erosion or movement of sediment within the approved limits of disturbance. The areas affected by any sediment outside of these approved limits must be restored immediately to pre-construction form.
- b. All erosion control measures must be maintained and monitored on a regular basis, especially after storm events.
- c. All areas disturbed by construction must be stabilized as these areas are brought to finished grade.
- d. All temporary erosion control measures must be maintained and in-place until final inspections are complete. All of these measures must be removed prior to return of the compliance deposit.
- e. All erosion control measures shall be constructed in accordance with the N.C EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL.
- f. Contractor is responsible for inspection and maintenance of all erosion and sedimentation control practices on a weekly basis and after appreciable rain events. Needed repairs are to be completed within 24 hours. Failure to do so will result in fines and a “stop-work” order will be issued.

¹³ See also City of Brevard Unified Development Ordinance, Chapter 6, subsection 5, adopted 3 April 2006. For educational material refer to www.bae.ncsu.edu/prograqms/extension/publicat/wqwm/130/.

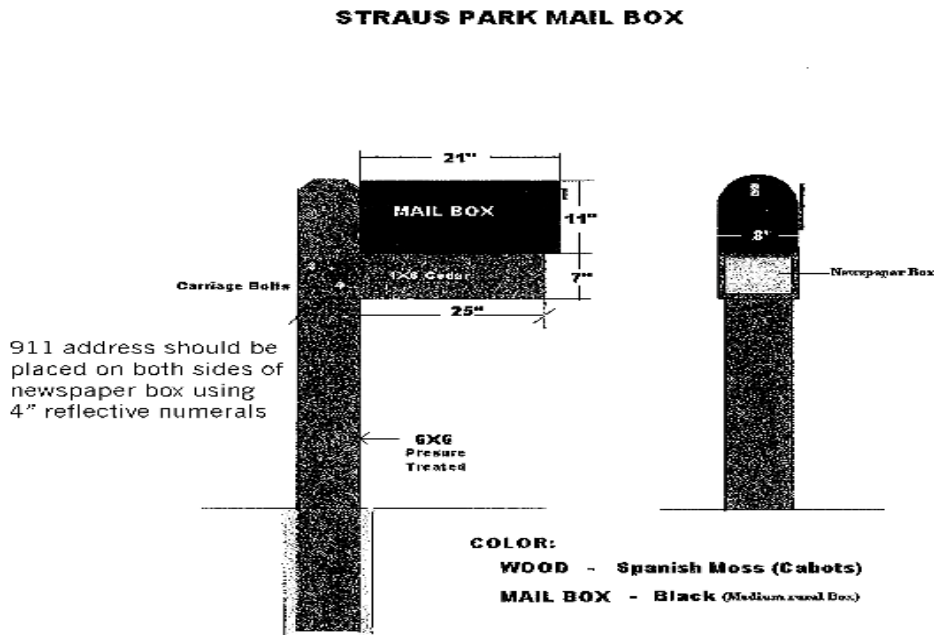
6.4 Engineered Site Design

For some parcels with steep slopes and/or difficult building locations, the ECC may require a supplemental report from a licensed professional, who shall specifically address soil erosion during the construction phase as well as post construction phase.¹⁴ The study should address critical factors in analyzing the slope failure with specific attention to the following criteria:

- Soil type and ability to absorb water and resist compaction,
- Presence of subsurface water springs,
- Depth of bedrock where slides typically occur and
- Degree or angle of slope where excavation activity will occur and

6.5 Straus Park Standard Mail Box Design

For separate houses prior to final inspection, a USPS approved mailbox will be erected at the proper height and setback as defined by the postal service. The design format is illustrated below.



Note: The ECC has approved secure mailboxes provided they closely match this design standard. Variations of this design standard must be submitted to the ECC for approval before installation.

¹⁴ The owner-builder should remain current with possible NC state legislative activity (ref. 2007 General Assembly, House Bill 1756) regarding Safe Artificial Slope Construction and possible City of Brevard corollary ordinance.