

Trees (KARC-01)

New Construction

Removal or cutting of trees on vacant lots. In the absence of specific building plans that have been approved by the Kenmure Architectural Review Committee (KARC), trees cannot be removed without prior written approval of KARC, and any such unauthorized removal will be subject to assessments or fines.

Removal or cutting of trees for pre-construction. Prior to the issuance of a building permit, the lot owner and/or contractor will stake the footprint of the house (including decks and patios), along with the driveway, septic field, and construction parking area. This will be done by staking and marking trees to be removed with spray paint or tape. The owner will notify KARC so that an on-site inspection can be made. KARC will make a photographic record of the original conditions. A written agreement between KARC and the owner/contractor will be reached on trees or flowering plants to remove. No other trees or flowering plants may be removed in the building process unless an additional written agreement is reached with KARC.

Removal of Trees to Create Views. In lieu of removing trees, removing branches will be encouraged. Trimming shall be limited to the lower 2/3 of tree. Topping of trees is strictly prohibited.

Contractors will finish the framing of the house prior to the owner requesting approval of KARC for removal or trimming of trees solely for views. In the case of an owner desiring to create a view on a vacant lot, KARC will review the area covered by a septic permit issued by Henderson County and mark the trees in the field or lane across the field that will be permitted to be removed. The owner must commit in writing to maintain the septic permit in an active status and to include this requirement in any conveyance of the property to a new owner.

The reasonable removal of trees for creation of a view may be permitted as a variance to the tree policy when it enhances the value of the property and has no significant negative impact on neighbors or the overall value and natural beauty of Kenmure; however, removing of trees to create a view must be approved in advance and in writing by KARC (Form NEH 2). Any other removal will be subject to the assessments or fines stated in the *Declaration*, paragraph 13.

Tree removal for the purpose of enhanced landscaping will be treated similarly to the above.

Removal of Other Trees. Trees less than 6 inches (2 feet from ground) or within 20 feet of a structure may be removed; however, it is suggested that the owner obtain KARC approval to prevent future misunderstandings. KARC will approve the removal of trees greater than 6 inches (2 feet from ground) in diameter and more than 20 feet from a structure when, in the committee's opinion, removal will prevent future damage if a tree is diseased, leaning toward the structure, or poses a threat to the structure. KARC may approve the removal of diseased, dying, or damaged trees. Trees must be cut to ground level and removed from the property, or wood should be cut and stacked out of public view if the wood is to be used by the owner. KARC will consider the type and size of the tree and will normally reject the cutting of specimen trees. KARC will consider the impact cutting will have on neighbors and the natural beauty of Kenmure and will normally reject tree removal when it would cause a negative impact.

Existing Residences

All statements under the Kenmure Tree Policy above are also applicable to existing houses, condos, villas, and cottages.

Adopted by the KPOA Board – July 18, 2005

Revised and Approved by the KPOA Board of Directors – November 21, 2008

Revised and Approved by the KPOA Board of Directors – April 17, 2009

Authority: Declaration, paragraph 13

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No flowering trees, shrubs, or evergreens of any size, or trees measuring six (6) inches or more in diameter at a point two (2) feet above ground level, may be removed without the prior written approval of the KARC, unless located within twenty (20) feet of the building, or within ten (10) feet of the right-of-way of driveways and walkways. Excepted here from shall be damaged trees, or trees which must be removed because of any emergency. However, should a Lot Owner remove any tree or vegetation as herein provided without the above-described written approval, or negligently or intentionally damage any tree or vegetation as herein provided, said Lot Owner shall, after notice and opportunity to be heard, be liable to the KPOA for an assessment in the amount of Fifteen Hundred Dollars (\$1,500) for each tree or other plant removed or be liable for fines as provided in Section 47F-3-102 (12) of the Act.

(Amended by vote of Property Owners December 6, 2004)