

**CROSS CREEK VILLAGE
HOMEOWNERS ASSOCIATION, INC.**



**LANDSCAPE AND GROUNDS
GUIDELINES**

(Rules and Regulations)

2018

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Change Page

- Approved by CCVHOA Board of Directors 5-15-18
- Approved by CCVHOA Board of Directors 5-15-18, LGC Changes Application form

I. INTRODUCTION

The Deeds of Dedication for properties within Cross Creek Village contain covenants and restrictions that establish basic conditions to ensure residents are able to enjoy the quality of life that led them to purchase a residence.

A. COVENANTS

Prior to settlement, Cross Creek Village homeowners should have received a copy of the Deed of Dedication for the section within which their residence is located. The covenants defined in the Deed of Dedication run with the land and are binding on all homeowners. It is incumbent upon all homeowners to read and understand the covenants.

B. LANDSCAPE AND GROUNDS REVIEW COMMITTEE

As established by the Deeds of Dedication, the Landscape and Grounds Committee (LGC) has the responsibility to review and recommend approval or disapproval of all landscape alterations within Cross Creek Village.

As part of their responsibility, the CCVHOA Board has provided a blanket approval for certain modifications (see §III. A. below). In each case not covered by blanket approval, an application must be submitted and reviewed in order to consider specific implications of location and impact to surroundings. The blanket approval does not apply to common areas.

Committee responsibilities include:

- Visits the site to obtain all particulars.
- Checks site when work begins and after work is completed. Signs off on final inspections.
- Submits request for LGC work to the Board of Directors at the monthly work session.
- The LGC must present requests together with recommendations within fifteen (15) days of receipt to the CCVHOA Board. The Board is required to approve or deny requests within forty-five (45) days. If not processed within this timeframe requests are automatically approved. The Board of Directors recommends that applicant homeowners attend the meeting when the request is presented in the event questions arise.

Residents who wish to serve as a member of the LGC should forward their name to any presently seated committee member. A member may resign at any time.

C. PURPOSE OF THIS DOCUMENT

The procedures contained in this document are intended to implement the covenants contained in the Deeds of Dedication for Cross Creek Village. Specifically, this document is intended to:

- Help maintain a reasonably uniform and architecturally sound appearance for the Cross Creek Village community.
- Increase residents' awareness and understanding of the covenants and restrictions contained in the Deeds of Dedication for Cross Creek Village.
- Provide uniform guidelines for the Landscape and Grounds Committee (LGC) when reviewing applications.
- Assist homeowners in preparing an application for submission to the LGC.

In the event of a conflict, the covenants and restrictions contained in the Deeds of Dedication recorded in the land records of Frederick County, Virginia take precedence.

D. AMENDING THE LANDSCAPE AND GROUNDS GUIDELINES

These guidelines may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes to existing guidelines. However, amendments may be made to reflect changed conditions or technology.

The LGC will periodically evaluate the guidelines to determine if amendments are required. Homeowners may also submit requests for additions or changes to the LGC.

Change/Amendments may be accomplished by:

- Agreement of LGC and CCVHOA Board Members.

E. MAINTENANCE OF RESIDENCES

It is incumbent upon residents to properly maintain their property, to include the yard, landscaping, and home.

During annual community inspections, the Management Agent will evaluate the condition of the landscape and grounds. The Management Agent/CCVHOA Board will provide written notifications to any homeowners whose property is deemed to need corrective action. Affected homeowners will have thirty (30) days to provide a schedule for complying with the notification. If the required work is not completed in accordance with the approved schedule, the Board of Directors, acting on behalf of the Association, shall have the right, through its agents, to take such action as is provided in the Bylaws. The costs thereof and all other fees and/or expenses incurred thereby may be assessed against the lot upon which such a violation occurred.

F. COMMON AREAS AND HOMEOWNER'S LOTS

Definition of Common Areas

The common areas of Cross Creek Village include all paved streets and all open space not designated as a portion of a homeowner's lot. This includes driveways and the area between the front of the homeowner's lot and the street.

General Description of Homeowners' Lots

Homeowner's lots are commonly known as 'zero lot line' where one side of the structure is located on a lot line. They are usually a rectangle roughly defined in the front by the front of the garage and on one side by the side of the house (zero lot line). The rear of the lot usually extends approximately 20 feet past the rear of the house. The other side lot line is usually, but not always, defined by the zero lot line of the neighboring house. Some lots may adjoin common area. Exact measurements of individual lots are available by referencing the plat of Cross Creek Village.

Homeowners must have the written permission from the Board to make any changes to any portion of the common areas.

All homeowners have the right to use the common areas for their personal enjoyment and use. Cross Creek Village common areas are not for the use of the general public.

Repair of damage to the common areas caused by a resident's vehicle or a vehicle belonging to a visitor of a resident by parking upon the lawns or sidewalks of the common areas will be the responsibility of the homeowner.

G. MAINTENANCE, CUTTING, AND PRUNING

Grass Maintenance:

The common areas and homeowners lots are mowed on a regular schedule as determined by an executed contract. Seasonal mowing is on a weekly schedule but may be changed or canceled due to weather conditions, including dry weather. Periodically, the HOA contracts to have weed-control chemicals and fertilizer applied to the lawns. Homeowners will be advised of upcoming weed control chemical and fertilizer applications to the lawns. Weather conditions will determine the exact day of application.

Tree Maintenance:

Trees on the common areas will be maintained and pruned at the direction of the HOA. Trimming or pruning of trees planted upon a homeowner's lot shall be the responsibility of the homeowner. Trees planted upon the common areas by the homeowner, with Landscape and Grounds Committee and Board approval, shall become the property of the Cross Creek Village Homeowner's Association and be the responsibility of the Association for proper pruning, trimming or removal, and shall be consistent with the overall appearance of the community. If, in the homeowner's lot or in the common areas adjacent to this lot, a tree is dead or dying, the homeowner may contract to have this tree removed under the following conditions:

1. The homeowner must ensure that the work will not interfere with underground utilities (call MsUtility 811).
2. An arborist must certify that the tree needs to be removed.
3. The tree must be professionally removed at the homeowner's expense.
4. The homeowner must replace the tree after completing the necessary LGC forms and subsequent approval by the Landscape and Grounds Committee and the CCVHOA Board of Directors.

Under these conditions, and only under these conditions, the homeowner may assume the tacit recommendation of the Grounds Committee and the approval of the Board of Directors for tree removal. Under any other circumstance, the homeowner will follow the application process outlined in this document, which requires a written application, the recommendations of the Landscape and Grounds Committee, and the approval of the Board before any action to remove or replace a tree can be taken.

Shrub Maintenance:

Shrubs on the common areas and homeowner's lots are trimmed on a regular schedule as determined by an executed contract. Homeowners will be notified of upcoming trimming and pruning. This trimming is a 'standard' trimming. **Any extra trimming is the responsibility of the homeowner.** For community security, it is strongly recommended that shrubbery is not allowed to block windows/doors.

If the homeowner wishes to make changes to landscaping on the zero-lot line side of the home, they should discuss the proposed work with their neighbor before making any changes.

The shrubs included in this document as pre-approved may be used to replace shrubs on the homeowner's lot with the tacit approval of the Landscape and Grounds Committee and the Board, however, paperwork must still be submitted for the lot records.

Lawn:

Grass areas may only be seeded/reseeded with 'tall fescue' seed to maintain the consistency of growth and appearance of grass in the community. **Watering of lawns is only permitted for newly seeded areas to minimize the shared water costs of the community.** Weed treatment/removal may be performed at the option of the homeowner.

Mulching:

Mulching of the ground areas surrounding trees and shrubs shall conform to the overall appearance of the community.

Home Owner Opt-Out Option:

A homeowner may request that shrubs on his/her lot not be trimmed by the Contractor by submitting a written request to the Chair of the Landscape and Grounds Committee no later than five (5) days prior to the scheduled date of pruning. If the Landscape and Grounds Committee Chair is not notified in writing, the Contractor will assume the homeowner wants all shrubs trimmed.

Should a homeowner who has requested a “No Trim” option fail to maintain the shrubs by proper pruning or maintenance, the Landscape and Grounds Committee will notify the homeowner in writing that proper maintenance needs to be done. Should the homeowner not comply after a reasonable time, the Grounds Committee Chair will notify the Board who may contract to have the work done and the homeowner charged for the costs of the work.

II. LANDSCAPE AND GROUNDS APPLICATION PROCESS

Note: If in doubt as to whether your landscape change needs approval, submit an application.

Written applications for all landscape changes other than pre-approved, must be submitted to the LGC in writing using the approved form. Each requested modification or alteration must be specifically approved, even when a similar or substantially identical modification or alteration has been previously approved.

A. HOW TO SUBMIT AN APPLICATION

Residents can get a copy of the application form from the Cross Creek Village web site (<http://crosscreek.hoa.coventrygrp.com/documents/>). Residents can also contact the LGC chairperson to receive a copy of the form via email, or in hardcopy via mail. All necessary information should be stated in a clear, concise form to ensure that the LGC will interpret the application as intended by the homeowner. (Refer to the web site <http://crosscreek.hoa.coventrygrp.com> for listing of current LGC members)

Applications must contain a description of Proposed Project. **Include a graphic description such as a site plan, elevations or sketch to avoid delay in the approval process.** Be sure to identify proposed materials in the application. A site plan is most easily prepared by submitting a copy of the property plat with the photographs of similar projects. Written material should support and fully document any plans or sketches. All applications must include estimated starting and completion dates. **Incomplete applications will be returned.**

The homeowner shall be responsible for any damage caused by himself/herself or the contractor while performing work. The homeowner shall also be responsible for cleaning up all debris as work progresses.

B. APPLICATION PROCESSING

1. The LGC application, that has been approved, will be valid for one year. When the work commences on the approved application, the work must be completed within 60 days.
2. Upon completion of a project, the LGC or CCVHOA Management Agent will conduct a final inspection. The homeowner will be given fifteen (15) days to correct any deficiencies noted or submit a written appeal of the inspector’s decision.
3. If the homeowner does not correct deficiencies or submit an appeal of the inspector’s decision

as provided in **step 2** above within fifteen (15) days, the Board of Directors will take appropriate action to correct the deficiency.

C. APPLICATION DISAPPROVAL

If the application is disapproved, the homeowner will be notified in writing and informed of the problems in the application. The applicant is free to request that the LGC reconsider its position and is encouraged to present new or additional information that might clarify the request or demonstrate its acceptability. If upon resubmitting the application, it is still disapproved, the homeowner may, within seven (7) days after the rendering of such decision, make an appeal thereof to the Board of Directors. Not less than fifteen (15) or more than sixty (60) days after the noting of such appeal, the Board of Directors shall conduct a hearing thereon. Within fifteen (15) days of such hearing, the Board of Directors may affirm, reverse, modify or remand the decision appealed. Failure to submit an appeal within the allotted time will result in forfeiture of the homeowner's right to appeal.

D. INSPECTION PROCEDURE

The LGC, CCVHOA Management Agent, or a duly designated representative may conduct periodic inspections of the project while it is in progress to ensure compliance with the approved application. The LGC will deal with any deviations from the application. On completion of the project, the homeowner is required to contact the LGC within fourteen (14) days to conduct the Final Approval Inspection. Final Approval requires compliance with the stated specifications of the approved application.

E. NON-COMPLIANCE

The CCVHOA Board of Directors, using due process, may initiate legal action as permitted by the Covenants and Restrictions and applicable law if a homeowner proceeds with changes disapproved by the CCVHOA Board of Directors.

If a homeowner fails to make an application and obtain written approval prior to making a landscaping modification, the CCVHOA Board of Directors may initiate any appropriate legal action including, but not limited to, seeking fines, and/or injunctive relief as permitted by the Covenants and applicable law.

III. REVIEW CRITERIA

The LGC evaluates all applications on their individual merits. The evaluation includes consideration of the characteristics of the individual site, since what may be an acceptable design of an exterior in one instance may not be in another. The BOD of the Association bases judgments on the harmony of design and location in relation to surrounding structures, topography and conformity with the design concept for the Property.

1. Location and Impact on Neighbors The proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, drainage, view, sunlight, and ventilation. When a proposed alteration has a possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making the application.

2. Scale The size of the proposed alteration should relate well to adjacent structures and its surroundings.

3. Contractor/Homeowner Responsibility No material used for the project can be stored on any lot more than a reasonable time for the project to be completed, nor can any contractor store trailers on roadways or driveways of homeowner overnight during the project. Trailers, trucks or equipment may remain only during working hours.

The homeowner is responsible for removal of all debris and restoration of premises upon completion of work. Debris may not be deposited nor buried on the Common Areas.

4. **Workmanship** The quality of work should be equal to, or better than, that of the surrounding area. Poor workmanship can be visually objectionable to others, and can cause safety problems. The Association, LGC, and BOD assume no responsibility for the safety of new landscaping by virtue of approval of design, workmanship or otherwise. **Contractors need to be licensed, certified, and bonded before work commences.**
5. **Utility Lines** You should be aware that various types of utility lines are buried in the ground in your property and that you are prohibited from building permanent structures over those easements. You must contact “Miss Utility” or any local utility companies to determine the location of these easements and the steps that you must take to prevent cutting into utility lines.
6. **Conformance with Covenants** All applications are reviewed to confirm that the project is in conformance to the Declaration of Covenants.
7. **Drainage Easements** Ownership of property within Cross Creek Village is subject to certain drainage easements, which cannot and must not be obstructed in any way. Failure to observe the restrictions imposed by the drainage easements could result in serious water damage problems for you and others near you and legal action against you by your neighbors or the Association.
8. The homeowner will be responsible for lawn maintenance on areas where plantings, fencing or objects impede the flow of lawn maintenance performed under the CCVHOA’s landscaping contract.

A. MODIFICATIONS WITH BLANKET APPROVAL

To facilitate matters for the homeowners, structures, alterations or additions as delineated below need not be formally approved. If in doubt, inquiry to the LGC, and CCVHOA Board of Directors is recommended.

Trees/Shrubs not on the ‘Acceptable’ list require pre-approval of the HOA Board of Directors before planting. Small non-invasive plants like annual/perennial flowers do not require approval.

ACCEPTABLE SHRUBS:

When selecting from “all varieties”, keep in mind the mature size of the shrub and its overall appearance.

- **Hydrangea:** all varieties
Especially noted: Snowflake (*Hydrangea quercifolia* ‘Snowflake’), Little Lime (*Hydrangea paniculata*), Annabelle (*Hydrangea arborescena*)
- **Spirea:** all varieties **except** Japanese Spirea (*Spirea Japonica*)
Especially noted: Daphne (*Spiraea japonica*), Anthony Waterer (— X bumaida), Blue Mist (— c. x olandonensis), Ogon (— thunbergii) Purple Smoke Bush (*Cotinus coggygria cvs*)
- **Azalea:** all varieties
Especially noted: Japanese skimmias (*Kimmiajaponica*)
- **Rhododendron:** dwarf varieties
- **Hollies:** all varieties
Especially noted: Carissa Holly (*Ilex cornuta* ‘Carissa’) and Needle Point Holly (*Ilex cornuta*)

- **Nandina:** Heavenly Bamboo (*Nandina domestica* ‘Compacta’)
- **Boxwood:** all varieties
Especially noted: Harland Dwarf Boxwood (*Buxus harlandii*)
- **Euonymus:** Burning Bush (*Alatus compactus*)
- **Flowering Almond:** (*Prunus glandulisa* and *trileba*)
Especially noted: *Rosplena*
- **Mock Orange:** (*Philadelphus lewisii* ‘Blizzard’)
- **Amur Maple:** (*Acer ginnala*) — prune to size
- **Barberry:** (*Barberis thunbergii*)
- **Forsythia**
- **Lilacs**
- **Yews: Except:** ‘Citation,’ ‘Hicksii,’ ‘Stoveken,’ and ‘Viridis’
- **Crepe Myrtle:** shrub varieties only
- **Tulip Magnolia:** (*Magnolia liliflora*)
- **Glossy Abelia:** (*Abelia X grandiflora*)
- **Weigela:** (*Weigela florida*)
- **Virburnum:** (*Adoxaceae*)
- **Cotoneaster**
- **Rose:** except multiflora (*rosa multiflora*)
- **Laurel Cherry:** dwarf species
- **Deutzia:** Shrub type only
- **Pine:** Mugo
- **Juniper:** Shrub style only

B. PROHIBITED MODIFICATIONS

The following are classified as ‘**invasive**’ by the State of Virginia and **are not** permitted to be planted in Cross Creek Village

Scientific Name	Common Name
<i>Ailanthus altissima</i>	Tree-of-heaven
<i>Aldrovanda vesiculosa</i> *	Waterwheel
<i>Alliaria petiolata</i>	Garlic Mustard
<i>Alternanthera philoxeroides</i>	Alligator-weed
<i>Ampelopsis brevipedunculata</i>	Porcelain-berry
<i>Carex kobomugi</i>	Japanese Sand Sedge
<i>Celastrus orbiculatus</i>	Oriental Bittersweet

<i>Centaurea stoebe ssp. micranthos</i>	Spotted Knapweed
<i>Cirsium arvense</i>	Canada Thistle
<i>Dioscorea polystachya</i>	Cinnamon Vine
<i>Eichhornia crassipes*</i>	Water Hyacinth
<i>Elaeagnus umbellata</i>	Autumn Olive
<i>Euonymus alatus</i>	Winged Euonymus
<i>Ficaria verna</i>	Lesser Celandine
<i>Hydrilla verticillata</i>	Hydrilla
<i>Imperata cylindrica*</i>	Cogon Grass
<i>Iris pseudacorus</i>	Yellow Flag
<i>Lespedeza cuneata</i>	Sericea Lespedeza
<i>Ligustrum sinense</i>	Chinese Privet
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Lonicera maackii</i>	Amur Honeysuckle
<i>Lonicera morrowii</i>	Morrow's Honeysuckle
<i>Ludwigia grandiflora ssp. hexapetala*</i>	Large flower primrose willow
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Microstegium vimineum</i>	Japanese Stiltgrass
<i>Murdannia keisak</i>	Marsh dewflower
<i>Myriophyllum aquaticum</i>	Parrot Feather
<i>Myriophyllum spicatum</i>	Eurasian Water-milfoil
<i>Oplismenus hirtellus ssp. undulatifolius*</i>	Wavyleaf Grass
<i>Persicaria perfoliata</i>	Mile-a-minute
<i>Phragmites australis ssp. australis</i>	Common Reed
<i>Pueraria montana var. lobata</i>	Kudzu
<i>Reynoutria japonica</i>	Japanese knotweed
<i>Rosa multiflora</i>	Multiflora Rose
<i>Rubus phoenicolasius</i>	Wineberry
<i>Sorghum halepense</i>	Johnson Grass
<i>Urtica dioica</i>	European Stinging Nettle
<i>Vitex rotundifolia*</i>	Beach Vitex
<i>Acer platanoides</i>	Norway Maple
<i>Agrostis capillaris</i>	Colonial bent-grass
<i>Akebia quinata</i>	Five-leaf Akebia
<i>Albizia julibrissin</i>	Mimosa
<i>Arthraxon hispidus var. hispidus</i>	Joint Head Grass
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Cirsium vulgare</i>	Bull Thistle
<i>Dipsacus fullonum</i>	Wild Teasel
<i>Egeria densa</i>	Brazilian Waterweed
<i>Euonymus fortunei</i>	Winter Creeper
<i>Glechoma hederacea</i>	Gill-over-the-ground
<i>Hedera helix</i>	English ivy
<i>Heracleum mantegazzianum*</i>	Giant Hogweed
<i>Holcus lanatus</i>	Common Velvet Grass
<i>Humulus japonicus</i>	Japanese Hops

<i>Ipomoea aquatica</i> *	Water spinach
<i>Ligustrum obtusifolium</i> var. <i>obtusifolium</i>	Border privet
<i>Lonicera tatarica</i>	Tartarian Honeysuckle
<i>Lysimachia nummularia</i>	Moneywort
<i>Miscanthus sinensis</i>	Chinese Silvergrass
<i>Najas minor</i>	Brittle Naiad
<i>Paulownia tomentosa</i>	Royal Paulowina
<i>Persicaria longiseta</i>	Long-bristled Smartweed
<i>Phyllostachys aurea</i>	Golden Bamboo
<i>Poa compressa</i>	Flat-stemmed Bluegrass
<i>Poa trivialis</i>	Rough Bluegrass
<i>Pyrus calleryana</i>	Callery Pear
<i>Rhodotypos scandens</i>	Jetbead
<i>Rumex acetosella</i>	Sheep sorrel
<i>Salvinia molesta</i> *	Giant Salvinia
<i>Solanum viarum</i> *	Tropical Soda Apple
<i>Spiraea japonica</i>	Japanese Spiraea
<i>Stellaria media</i>	Common Chickweed
<i>Veronica hederifolia</i>	Ivy-leaved Speedwell
<i>Viburnum dilatatum</i>	Linden arrow-wood
<i>Wisteria sinensis</i>	Chinese Wisteria
<i>Commelina communis</i>	Asiatic Dayflower
<i>Elaeagnus pungens</i>	Thorny Olive
<i>Lespedeza bicolor</i>	Shrubby Bushclover
<i>Lonicera fragrantissima</i>	Winter Honeysuckle
<i>Melia azedarach</i>	Chinaberry
<i>Morus alba</i>	White Mulberry
<i>Perilla frutescens</i>	Beefsteak Plant
<i>Phleum pratense</i>	Timothy
<i>Populus alba</i>	Silver Poplar
<i>Rumex crispus</i> ssp. <i>crispus</i>	Curly dock
<i>Securigera varia</i>	Crown-vetch
<i>Trapa natans</i>	European Water Chestnut
<i>Ulmus pumila</i>	Siberian Elm
<i>Vinca major</i>	Greater Periwinkle
<i>Vinca minor</i>	Periwinkle
<i>Wisteria floribunda</i>	Japanese Wisteria
<i>Pyrus calleryana</i>	*Bradford Pear
Citation: Heffernan, K., E. Engle, C. Richardson. 2014. Virginia Invasive Plant Species List. Virginia Department of Conservation and Recreation, Division of Natural Heritage. Natural Heritage Technical Document 14-XX. Richmond.	

*Recently added to the invasive list