

Guidelines for Maintenance and Modification of Private Patio Areas

In November of 1999, the UTHOA Board of Directors approved these guidelines, which were developed by the Architectural Review Board to clarify the policies for exclusive use common areas as described in the CC&Rs. The guidelines were published in the January 2000, and are being redistributed in slightly revised form to remind our community about the ARB's perspective on these issues.

1. Individual owners are permitted to do landscaping within their own private patios, subject to the following guidelines.
2. There should be one tree (referred to as "the tree") in each patio. The tree must be consistent with original landscape design.
3. Removal of "the tree": homeowners desiring the removal of "the tree" planted in their exclusive use common area (private patio) must petition the ARB. The petition must contain a statement from a qualified landscape architect or arborist which certifies that the tree is dead, dying, or creates a condition which poses a significant hazard to life or property and which cannot be corrected by measures, such as pruning, which fall short of total removal. Removal is at the individual owner's expense.
4. Any tree removed by the individual owner must be replaced, with a tree of variety and size (minimum replacement tree size – 15 gallons) pre-approved by the Board, at the individual homeowner's expense. Board shall consider special circumstances on a case-by-case basis.
5. No bamboo may be planted in the exclusive common areas, unless contained in a plastic or clay pot that prevents the roots from reaching the ground.
6. Except for the single tree, no plant in any patio may exceed 9 feet in height.
7. Shrubs with thorns, and which may be considered hazardous, must not extend beyond the borders of the fenced-in area.
8. All plantings should be maintained so as not to interfere with the view, access or quality of life of adjacent neighbors.
9. Owners who believe that a neighbor's planting(s) interfere with their quality of life may bring this to the attention of the ARB for resolution.
10. Climbing vines or shrubs planted in any patio must be supported on a trellis, and not allowed to climb up building walls or fences. Perennial planting and plant material must be maintained at least 6 inches from all structures (buildings and fences).
11. Returning the exclusive use common area back into compliance with this policy will be at the individual homeowner's expense.