

## **FELLS COVE LAWN GUIDELINES**

The Fells Cove Documents require that only St. Augustine turf grass is permitted for all Fells Cove homes, however, due to new legislation passed by the Florida Legislature, specifically section 720.3075(4), Florida Statutes, and watering restrictions imposed by South Florida Water Management District, homeowners may be permitted to install Bahia turf grass as an alternative to St. Augustine, provided the following criteria are met:

1. Installation of new turf grass by sod is preferred. However, installation of new turf grass by seed or plugs is permitted with prior approval of the ARC.
2. Homeowners are permitted to install either St. Augustine or Bahia turf grass, but not a combination of these in the front of the property, i.e. front lawn.
3. Homeowners must seek approval from the Architectural Review Committee (ARC) approval prior to the installation. ARC form and directions may be accessed at <http://fellscovefl.com/Services.html>

**These guidelines will become effective on May 10, 2010.**

The Fells Cove HOA will be more vigilant in instituting sanctions against homeowners not maintaining their lawns and landscape. The Fells Cove Board has approved a Lawn Enforcement Policy described herein to enforce the Fells Cove Documents.

## **FELLS COVE LAWN ENFORCEMENT POLICY**

The Fells Cove Board has appointed a **Lawn Committee**, comprised of three (3) volunteering members of the Fells Cove community, who are not members of the Fining Committee, to monitor the appearance of the lawns and landscape plants visible from any public area in Fells Cove. The Lawn Committee shall meet monthly and identify the lawns and landscape plants that do not comply with the aesthetic value of the neighborhood. Property will be deemed to be in noncompliance with the Fells Cove Covenants and Restrictions if at least two members of the Committee conclude that an area of at least 1/5 (20%) of the total area of the lawn visible from the street is infested with weeds, thatch or is otherwise deemed to be in need of attention and has diminished in aesthetic appearance or property has dead landscape plants or plants need pruning. The Lawn Committee shall provide a monthly report indicating the locations of all the non-compliant homes and identify specific issues to Encore Management and the HOA Board.

Encore Management will mail a Letter of Noncompliance to the non-compliant homeowner(s) allowing the homeowner thirty (30) days from date of mailing to comply or respond to Encore Management with information about a corrective action plan and requesting an extension if necessary. Encore Management and/or the HOA Board may allow an extension for corrective action not to exceed ninety (90) days in cases where the

homeowner presents a reasonable explanation for failing to take immediate corrective action. Homeowner(s) will be notified that failing to comply and bring the appearance of the lawn and landscape plants into compliance may result in the imposition of a fine.

If Encore Management has not been contacted by the homeowner and the lawn has not been brought into compliance within thirty (30) days from the mailing of the Letter of Noncompliance, a Second Notice of Noncompliance and Warning of Impending Action shall be mailed with signed receipt to the homeowner giving him/her fifteen (15) days in which to comply, and/or contact Encore Management with information about corrective action plan. Therein, the homeowner shall be notified that failure to comply will result in the referral of the matter to the Fining Committee and may result in the imposition of a fine of \$100 for the initial violation, and an additional fine on the basis of each day of a continuing violation up to \$1000.

Upon the expiration of fifteen (15) days after the mailing of the Second Notice of Noncompliance, Encore Management shall confirm and document compliance or noncompliance of the homeowner by a dated photograph or digital image. If the homeowner has failed to comply or contact Encore Management, a Notice of Action shall be mailed with signed receipt indicating that the matter has been referred to the Fining Committee, and a decision as to amount of appropriate fine will be made within fifteen (15) days. The Fining Committee is made up of three members who are not members of the HOA Board or the Lawn Committee. Amount of fee shall be determined based on the length of time expired from the mailing of the Letter of Noncompliance and hearing date, and any other extraordinary circumstances which may be presented to the Fining Committee or Encore Management at or prior to the hearing. The decision to impose a fine and amount of fine shall be unanimous and made in writing. Non-compliant Homeowners will be asked to be present at the hearing of the Fining Committee. At the conclusion of the hearing, the Fining Committee shall deliver the findings to Encore Management, Board and homeowner.

Appeal:

Homeowner(s) may appeal the decision of the Fining Committee to the HOA Board in writing within fifteen (15) days by mailing a letter to Encore Management requesting an appeal. The Board shall meet with the homeowner and render a decision at the conclusion of having allowed reasonable time for argument. A majority of the Board may amend the decision of the Fining Committee.