

THE COURTYARDS AT MARVIN HOMEOWNERS ASSOCIATION

Policy Resolution #18 Revision 1: POLICY RELATING TO HOMEOWNER and HOA LANDSCAPING RESPONSIBILITIES and REGULATIONS

Enacted: February 11, 2020
Enacted: March 27, 2020



Effective: February 11, 2019
Effective: March 27, 2020

WHEREAS, the Governing Documents Declaration 5.1 states: “ Except to the extent that such maintenance responsibility is otherwise specifically assigned to the Association pursuant to Section 7.2 or any Supplemental Declaration applicable to the Lot, each Owner shall maintain his or her Lot and all landscaping and improvements comprising the Lot in a manner consistent with the Governing Documents, the Community-Wide Standard, and all applicable covenants, except that there shall be no right to remove trees, shrubs, or similar vegetation without prior approval pursuant to Article IV. “

WHEREAS, the Governing Documents Declaration 7.2 (h) states: The Owner shall not plant any vegetation in the front except with the prior written approval of the Association.”

NOW THEREFORE LET IT BE RESOLVED, that the Board of Directors of the Association does establish the following policy pertaining to the “Common Area of Maintenance.”

1. Any alteration to any landscaping bed requires ARC approval.
 - a. Front beds may not be reshaped or expanded.
 - b. No new planting beds may be created.
 - c. Existing planting beds, excluding the front beds, may be expanded with prior ARC approval. The bed size may be limited by the HOA Board of Directors.
 - d. Any alteration in the layout of plants and shrubs in a planting bed must be of a species already in use in the community or from an approved plant list (maintained by the HOA Board of Directors) and which at maturity will be compatible with the existing plant material.
2. At the HOA Board of Directors discretion, any homeowner maintained plants or shrubs may require, at the homeowner’s expense, trimming to conform to a community standard.
3. No planting may hinder the Association in performing its maintenance of the Common Area of Maintenance.
4. No planting installed by a homeowner shall reduce the assessment payable to the Association.
5. In the event that a pet, including a dog, is present on the area to be maintained by the Association, then lawn maintenance ...will not be provided by the Association [at that time] and there shall be no abatement or reduction in General Assessments as a result of the Association not providing such services per CCR 7.2.
6. The complete listing of rules and regulations are defined on pages 2-4 of this document.

IN WITNESS THEREOF, the undersigned certify that this policy relating to homeowner and HOA responsibilities and regulations pertaining to landscaping maintenance was adopted at a duly called meeting of The Courtyard At Marvin Homeowners Association held on the 11th day of February, 2019.

APPROVED:

President - Signature

Date

Secretary - Signature

Date

SIGNATURES ARE ON FILE AT CAM CLUBHOUSE OFFICE

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I. LAWN and TREE CARE

A. COMMON AREAS AND HOMEOWNER PROPERTY

1. All common area lawns, homeowner lawns, original trees, and original Crepe Myrtles within the Courtyards at Marvin and outside a homeowners courtyard will be HOA maintained. Maintenance will include:
 - a. Mowing, trimming, and edging of all lawns within the common area and on homeowner property
 - b. Fertilization of lawns and trees
 - c. Aerating lawns
 - d. Pest control issues for lawns and trees
 - e. Treatment of fire ant hills on an as-needed basis
 - f. Weed control for lawns
 - g. Re-seeding of lawns
 - h. Leaf and debris removal
 - i. Pruning and staking (if needed) of trees
 - j. The current drip and sprinkler irrigation system
 2. Homeowners should not treat their lawns or trees with any type of product. It may react unfavorably with the products our lawn care service applies.
 3. Homeowners may not plant any tree outside a courtyard
 - a. A tree is grandfathered if it was planted in a landscaping bed with ARC approval prior to March 27, 2019 and does not reach a mature height greater than 12-15 feet.
 - b. If the grandfathered tree dies, it must be replaced with a plant from the approved list (See Attachment F of the Guidelines) and have ARC approval .
 - c. If a grandfathered tree grows to more than 12-15 feet in height, it must be removed at the expense of the homeowner. If a replacement plant is needed, it must be from Attachment F of the Guidelines.
 4. Report dead plants, irrigation, or landscaping issues to:
camhoa1102+grounds.issues@gmail.com
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II. LANDSCAPING BED CARE

A. COMMON AREAS

1. Common area beds include those beds, installed by EPCON, that provide courtyard or deck privacy for a home that is adjacent to the street or pathway.
 - a. HOA maintenance will include:
 - All common area beds will be treated for a weed controller
 - All common area beds will be fertilized
 - Leaf and debris will be removed from all common area beds
 - All common area beds will be edged and mulched with pine needles
 - All common area bushes and trees will be pruned at the proper time
 - All common area bushes and trees will be treated for pests and disease if needed
 - All common area bushes and plants will be replaced if they die
 - Fire ant hills will be treated on an as needed basis in all common areas
 - Existing drip irrigation will be maintained
2. No homeowner should ever remove, fertilize, or prune any type of plant in any common area unless directed, in writing, by the Board to do so.
3. No homeowner should ever plant anything within a common area unless directed, in writing, by the Board to do so.
4. Report dead plants, irrigation, or landscaping issues to:
camhoa1102+grounds.issues@gmail.com

(Landscaping Bed Care continued on next page)

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II. LANDSCAPING BED CARE (cont.)

B. HOMEOWNER FRONT BEDS

1. All front beds will be maintained by the Courtyards at Marvin HOA and maintenance will include:
 - All front beds will be treated with a weed controller
 - All front beds will be fertilized
 - All common area bushes and trees will be treated for pests and disease if needed
 - Leaf and debris will be removed from all front beds
 - All front beds will be edged/trenched and mulched with pine needles
 - All front bed bushes will be pruned at the proper time - please do not do this yourself
 - Fire ant hills will be treated on an as-needed basis
 - Existing drip irrigation will be maintained
 - If any bedding plants die that are original to the home, the HOA will replace them with a plant from an approved list (See Attachment F of the Guidelines). The plants will be chosen to survive in the conditions in which they will be planted, (e.g. sunlight/shade, size of the bed).
2. All front beds must conform to the intent of the original master landscaping plan of the neighborhood.
3. No homeowner may alter the shape of the front beds.
4. No homeowner may remove or place plants in the front beds unless ARC approval has been granted.
 - Annual flowers are the exception
5. No homeowners may prune HOA-maintained plants in the front beds.
6. Homeowners may not treat plants, bushes or trees with any type of product.
 - a. Those products may react unfavorably with the products our lawn care service applies.
7. If any front bedding plants die that are NOT original to the home, the homeowners are responsible for replacing them. The replacements will be selected from an approved list (Attachment F of the Guidelines) and ARC approval is required.
8. If any front bed plantings that are not original to the home were altered from the original design, and ARC approval was granted, then all plants not on the approved list are grandfathered with the following conditions:
 - a. When plants die, the replacements must be chosen from an approved list (Attachment F of the Guidelines) and ARC approval is required.
9. Report dead plants, irrigation, or landscaping issues to:
camhoa1102+grounds.issues@gmail.com

C. HOMEOWNER SIDE AND BACK YARDS BEDS

1. No maintenance of any kind will be provided to the area that is within a fence or courtyard on a homeowners property .
2. The services provided (2a-c and 3 below) are for those areas outside a fence or courtyard and for those beds whose size and shape have not been altered.
 - a. All side and back beds will be treated with a weed controller.
 - b. Leaf and debris will be removed from side and back beds.
 - c. All side and back beds will be edged/trenched and mulched with pine needles with the following conditions:
 1. Expanded ARC approved beds are the homeowners' responsibility to mulch.
 - The homeowner shall mulch the beds on the same schedule as the HOA.
 - The homeowner shall mulch the beds with pine needles.
 - The homeowner shall edge/trench the beds on the same schedule as the HOA.
3. No plants or bushes will be maintained by the HOA in the side or back beds.

(Homeowner Side and Back Yard Beds continued on next page)

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II. LANDSCAPING BED CARE (cont.)

C. HOMEOWNER SIDE AND BACK YARDS BEDS (cont.)

4. A homeowner may expand their side and back mulched beds with ARC approval
 - a. Mulching per Section II C 2 c
 - b. A homeowner may plant any suitable plant from an approved plant list (**Attachment F of the Guidelines**) in a side and rear mulched bed with ARC approval
 1. Any upkeep or replacement of plantings is the responsibility of the homeowner
5. The area under a deck structure is the homeowners' responsibility to mulch
6. If existing HOA irrigation will be encompassed within an expanded bed, the HOA irrigation specialist must assess the impact and will adjust any irrigation lines/heads at the homeowners expense before any expansion work can be done
7. No irrigation is provided by the HOA in the side or back beds.
 - a. A homeowner may add irrigation at their own expense with ARC approval
 - It must be independent of the HOA irrigation system
 - It may not draw upon ground water

III. HOMEOWNER COURTYARDS

1. The Courtyards at Marvin HOA does not maintain any landscaping or plants within a homeowner courtyard
2. The Courtyards at Marvin HOA does not replace any plant or tree within a homeowner courtyard
3. The homeowner is responsible for submitting landscaping plans and obtaining ARC approval for any landscaping work done within a courtyard, including all rules in section III, 4-7 of this document
4. The homeowner must choose plants and shrubs that do not exceed the height of the fence
5. The homeowner may not plant a tree whose mature height is greater than 12-15 feet
6. Alterations to the grading or drainage must have ARC approval
 - a. Drainage alterations may not impact any other part of the yard, the neighbors yard or the common area
7. The homeowner may use any mulch that they desire in their courtyard area

IV. IRRIGATION SYSTEM

1. The existing irrigation system will be maintained by the Courtyards at Marvin HOA
2. Only Board approved persons and the Courtyards at Marvin contracted landscapers may maintain or alter the system
3. Under no circumstances should a homeowner interfere with the operation of the irrigation system
 - a. In-ground green boxes are not to be disturbed
4. If an issue arises, please report it by sending an e-mail to camhoa1102+irrigation@gmail.com. The subject line should read: **Irrigation**
5. Pursuant to Section 47-3-122 of the NC Planned Community Act, no requirement to irrigate landscape set forth in this Declaration shall be construed to require the irrigation of landscaping during any period in which the U.S. Drought Monitor as defined in G.S. 143-350, or the Secretary of Environment and Natural Resources has designated an area in which the Association is located as an area of severe, extreme, or exceptional drought and the Governor of North Carolina, a state agency or unit of local government has imposed water conservation measures applicable to the area. Any requirement to irrigate landscaping set forth in this Declaration shall be suspended to the extent the requirement would otherwise be prohibited during any period in which the Governor of North Carolina, a state agency or unit of local government has imposed water conservation measures applicable to the area. The Association may not fine or otherwise penalize an Owner for and the Association shall not be in violation of an irrigation requirement during a drought designated by this Section.