

The Clean and Green Amendment

All feedback is welcome at the General Meeting on 8/13/24

You can also send feedback to stevenlynch.it@gmail.com

Target vote date 11/12/24

The purpose of the Clean and Green Amendment is to finally codify some rules and regulations about yard and landscape bed maintenance. You may be surprised to learn that we currently have no rules or regulations about lawn maintenance. The only rules we have is that you can't have trash or signs in your yard and you can't make changes without the Architecture Review Committee's approval. The friendly reminder letters for cutting grass, removing weeds or trimming bushes are unenforceable and are often ignored.

We are no longer interested in sending friendly reminder letters with no way to enforce them. We are also not interested in creating a set of rules that can be abused by the board. There must be a balance.

The board of directors have been told by our property management company and lawyer that we have the following two options:

1) We as a board can vote on a set of 'Rules of the Neighborhood' that everyone must follow. We have to have a few public hearings but don't have to listen to anything anyone suggests and can make up whatever we want. We can decide that everyone has to maintain 4" high grass, and absolutely zero patches of weeds or brown grass. This means that as little as 3 people on the board can make rules that 95 homeowners must follow. Any set of board members can do this now or in the future. **We are not interested in doing this.**

2) We as a board can propose an amendment that a future board of directors can not vote to suspend or alter by their vote alone. This amendment can set reasonable lawn height levels that mirror the current city of DeBary limits of Ten inches (10"). **We can balance board enforcement with the ability for homeowners to appeal and even stop enforcement of violations.** We can describe specific measurements and percentages that the board must follow that homeowners can disprove by photographic proof if needed. In cases where it is absolutely necessary to preserve the property values of other homes in the neighborhood we can create a provision where the board can take direct action to cure especially bad violations with notice to the homeowner with time to appeal and correct. **If we are going to give additional abilities to the board then we must give additional abilities to the homeowners to exercise if needed.**

We are moving forward with option Two (2). We are proposing the amendment on the next page and are open to changing any and all measurements and percentages so that we can finally get this passed. We will be discussing this at the next general meeting on 8/13/24. After our discussion at the next general meeting we will present the final product to our lawyer for any edits that need to be made to conform with state law.

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1) Owners need to maintain the property to include regular turf mowing with growth in between mowing not to exceed Ten inches (10") or the height determined by the City of Debarry Code of Ordinances, whichever is greater. Turf must be edged wherever in contact with hard surfaces. Turf must be cut evenly and uniform within a 24 hour period of the start of the cut.

2) If the turf visible from any street or sidewalk within the association reaches Sixteen inches (16"), the association and/or its representatives will be permitted to enter the property with Forty Eight (48) hour notice, by all email and phone numbers on record, for the sole purpose of cutting the turf below the height of Ten inches (10"). The owner will be responsible for the expense and it will be charged through the association's assessment fees. The association and/or its representatives will not be responsible for any damage done to items obscured by the overgrown turf.

3) Turf areas and landscape beds must be Ninety Five percent (95%) free of weeds and turf areas must be Ninety Five percent (95%) green for all areas visible from any street or sidewalk within the association. Shrubs need to be regularly trimmed and kept neat so they do not obscure windows or impede pathways or sidewalks. Homeowners will have Forty Five days (45) to cure violations in this subsection. If a company is contracted to cure the violation by the homeowner, an additional Thirty days (30) will be added to the cure period if requested by the homeowner. Turf will be allowed to be under 90% green during the period of an officially declared drought and all current violations for brown turf will be removed upon the association's receipt of the official drought declaration. The validity of the official drought declaration will be determined solely by the association's board of directors if the source is other than the state of Florida, the county of Volusia or the city of Debarry.

4) The association can determine that some portion of the turf surface needs to be replaced if the turf visible from any street or sidewalk in the association consists of more than Sixty Five percent (65%) weeds or Sixty Five percent (65%) brown turf. A homeowner will have One Hundred and Eighty days (180) to replace the turf upon receipt of the violation letter. If the violation is not cured in that time period the association and/or its representatives will be permitted to enter the property without further notice for the sole purpose of resodding or reseedling the turf visible from any street or sidewalk in the association, which may include removal of the previous turf, at the sole expense of the owner. The association will have the sole discretion when choosing the type of turf to be installed once the One Hundred and Eighty day (180) cure period has ended. The homeowner must be provided proof of the violation and proof that the homeowner was notified 180 days prior. This proof must be provided no more than 48 hours after the violation cure or the association is liable for the expense, otherwise the owner will be charged through the association's assessment fees.

5) If a violation is issued for item numbers 3 or 4, the homeowner is entitled to detailed proof of the violation and can appeal the violation within Fourteen days (14) of the receipt of the violation by contacting the association with detailed proof that the violation has been cured or is inappropriate. The board of the association will have a maximum of Three days (3) to respond to the appeal. If there is no response, the violation is vacated and no subsequent violations for the same offense may be issued for Ninety days (90).

6) A homeowner can vacate any violation of this provision with the support of Thirty Two homeowners (32) of the association. If a violation is vacated by homeowner support, subsequent violations for the same offense may not be issued for One Hundred and Eighty days (180) and the association must hold a board of directors election at the next quarterly meeting. A quorum of board members is not required at that meeting so long as Thirty Two homeowners (32) of the association are present or represented by proxy, otherwise there will be no vote.