

Fork Landing Farms Homeowners' Association

Landscape Guidelines

As of 10/26/2019

I. Statement of Responsibility and Authority

A. Committee Formation:

On September 1, 2019, the elected HOA Executive Board, along with the Chairpersons of the Architectural and Landscape Committees, combined the two committees. As such, the newly combined Fork Landing Architectural Review Committee and the Fork Landing Landscape Review Committee shall hereinafter be referred to as the “Fork Landing Architectural/Landscape Review Committee” or ALARC. However, the guidelines for areas of responsibility shall be listed separately.

A. Purpose:

The purpose of the Landscape portion of the guidelines is to ensure high standards of land use, landscape design, and property maintenance throughout the development. Per the Declaration of Restrictions for Fork Landing Farms HOA, Inc., anything that materially alters the property landscape of any property and/or structure is subject to the review by the “ALARC”.

B. Chairpersons:

The newly combined Architectural/Landscape Committee currently has two HOA members serving as Co-Chairpersons. (“ALARC Chairs”), who convene sessions of the ALARC as needed.

B. Responsibility:

The Landscape portion of the ALARC is responsible for two areas: (1) decisions on whether to approve applications for landscape changes, and, (2) observation and abidance of violations of the restrictions.

The ALARC can provide limited guidance on the design or type of acceptable plantings in advance of submitting an application for approval. The ALARC does highly recommend the use of native and adaptive plants, shrubs and trees that can grow and sustain themselves in the mid-Delaware environment. A list of plant species that are encouraged for Sussex County and the list of Delaware Invasive Species that should be avoided are available from the ALARC.

II. Receiving Landscape Approval

Application forms for landscape improvements are available by contacting an HOA Board Member or ALARC member or on the Fork Landing website at ForkLandingHOA.org. Submission of a completed Application to the ALARC must include:

- A. An outline of the project and/or a design plan, if the ALARC deems it appropriate, would include the types of plants, ground covers, border materials such as pavers, steel landscape edging, etc., and any hardscape materials to be used.
- B. The ALARC may request additional information or changes to the plans before final approval. In all such cases the ALARC will work with the Homeowner to arrive at a mutually acceptable plan. The ALARC has 30 days after submission of all requested information to approve or deny the proposed plan.
- C. Using your good judgement, as the ALARC will, to decide whether you are “materially altering the landscape of the Lot” is paramount. If you are planting a single tree or a couple of shrubs, no approval from the ALARC is required beforehand.
- D. Written approval is required before starting Lot improvements. Any owner failing to obtain pre-approval by the ALARC risks the cost of removing the alteration or improvement if it is found in violation of these guidelines.

Please note:

- You must contact the City of Milford *and* Sussex County Building Departments to determine if a Building Permit and Inspection(s) are required and what information, site plans, etc. may be required.
- Delaware law requires Homeowners to call Miss Utility before digging, excavating, or altering the surface of the ground in any way.
- Call 1 800-282-8555 and/or 1 800-441-8355

III. Landscape Guidelines

- A. The ALARC Guidelines include, but are not limited to, all area(s) of the property intended for grass, plants, shrubs and trees. Front yards must generally be maintained so they are attractive and in keeping with the style of the neighborhood. Furthermore, no weeds or noxious plant life shall be permitted to infringe upon a neighbors Lot. Owners shall landscape and maintain the landscaping in an attractive manner suitable to the character and quality of the subdivision. Said landscaping shall also be maintained to harmonize with and sustain the attractiveness of the Subdivision.

- B.** All properties bordering common areas must keep all landscaping bordering such common areas pruned as follows: Plants, trees, etc. are to be pruned back to the common area easement line. This will accommodate the common area maintenance personnel/equipment and maintain the safety of our pedestrians.
- C.** The Owner's maintenance obligations include, but are not limited to, maintaining any fence located on the Lot, as well as maintaining the landscape by mowing grass, weeding, pruning trees and shrubs, removing leaves and other debris, and replacing diseased or dead plant material. Furthermore, each Owner shall keep the Lot, and improvements in a neat, sanitary, and attractive condition and in accordance with all guidelines contained in the Declaration of Restrictions.
- D.** Vegetable gardens or similar non-flower gardens or beds shall not be permitted or maintained in the front yard or when visible on any side yard adjoining the street. Vegetable gardens are only permitted in the rear yard provided fencing separates such garden from a neighbors adjoining yard. However, a reasonable vegetable garden, in the opinion of the ALARC, may be planted without a fence, provided the homeowner has prior ALARC approval.
- E.** No statues, sculptures, painted trees, ornaments, or replicas of animals or other like objects larger than 4' high x 30" wide or round may be affixed to or placed in the front and side yard of any Lot or building.
- F.** Under no circumstances are fixtures, plantings or other obstructions of any kind permitted in any drainage easements. Please consult with the ALARC for any areas designated as drainage easements.
- G.** As stated in the Declaration of Restriction, Page 7, Section 15, "Each Lot owner shall prevent the development of any unclean, unsanitary, unsightly or unkempt conditions of buildings or grounds of his lot which shall tend to decrease the beauty or safety of the area as a whole or the specific area; nor shall any subsequent owner of these lands permit the accumulation of wild growth, logs, fallen trees, litter, new or old building material (for other than immediate use), or other trash upon said lands, thereby creating an unsightly, unsanitary or unsafe condition. *At no time may grass or weeds be allowed to grow beyond a maximum height of ten inches (10")*. *Good judgement shall always prevail*.
- H.** Homeowners who may be concerned about the quality of their soil should contact a member of the ALARC. There are programs and protocols available to have your soil tested for a small fee at the U. of DE.
- I.** The sidewalk, curbing and street adjoining all properties must be kept clear of all lawn maintenance and yard debris, including but not limited to grass clippings, plant or tree residue.

IV. Enforcement and Penalties

A. Violations(s):

- a) If a Homeowner has made alterations on their Lot without prior approval of the ALARC, said homeowner is subject to a one-time fine per violation. The amount of the fine shall be between \$50.00 and \$250.00, at the sole discretion of the Board. In addition, and at the discretion of the Board, said homeowner may be required to remove, replace or undo the alteration(s) to restore the Lot to its original appearance prior to the alteration. All costs incurred to effect the removal and restoration shall be borne by the Homeowner. Once restoration of the Lot has been brought to a satisfactory completion, the Homeowner may then apply for approval for reinstallation.
- b) If a violation is brought to the attention of the ALARC, the ALARC will notify the Homeowner in writing of the violation(s). The Homeowner will be provided 15 days, unless notified otherwise, to become compliant without penalty. Failure to comply within the 15 day notice period will result in a daily fine of \$5.00 per day for up to an additional 30 days. If the violation(s) are not corrected within the 30 day penalty period, the ALARC will recommend to the Executive Board that it pursue any legal or equitable remedy that may be available in order to obtain compliance.
- c) If a Homeowner is cited for three (3) or more violations of the same nature, as determined solely by the ALARC, within a 12 month period, said Homeowner shall automatically be fined \$25.00 plus \$5.00 per day from the date of the third (3rd) occurrence until the property is in compliance.
 - d) If any Owner permits their Lot, and any improvements on the Lot, to fall into disrepair or to become unsafe, unsightly or unattractive as determined by the Board in its sole and absolute discretion, or permits any Lot, and improvements that otherwise violate the restrictions contained in these Guidelines or the Declaration of Restrictions, the Association shall have the right to seek any remedies at law or in equity it may have. In addition, and without limitation, the Board shall have the right, but not the obligation, if such unacceptable maintenance is not corrected within forty five (45) days' of the initial written notice from the Association (or such longer period if reasonably necessary under the circumstance, provided that Owner is diligently performing such repairs or maintenance), to enter upon Owner's Lot and make such repairs and perform such maintenance and charge the costs thereof to Owner. The foregoing restrictions shall not be interpreted as creating any right or obligation of Association to enter into or perform any maintenance or inspection whatsoever of the Lot, or contrary to the provisions of any Law. Such costs shall be enforced, including penalty fees and costs, as an Enforcement Assessment on the Unit pursuant to Article VIII and Article IX or other applicable sections of the Fork Landing Farms, LLC By-Laws.