

# **MARSH VIEW LANDSCAPING GUIDELINES**

## **Marsh View Landscaping Issues**

Landscaping can be a tough issue for communities such as Marsh View for several reasons. The goal is to achieve a delicate balance between what the homeowners want as well as what is fair and reasonable for the community, neighbors and the landscaping contractor.

Over time, 17 years, and usually outside of the normal approval channels, homeowners have added additional landscaping (e.g., ornamental plants, shrubs, decorative planters, pavers, etc.) to upgrade the appearance of their lots at their own expense and took on responsibility for the upkeep and maintenance of those improvements. The reason for this letter is to make all homeowners aware of what the Marsh View Board thinks are reasonable guidelines when making landscaping decisions pertaining to common property surrounding individual units.

## **General Information**

Property outside of the footprint of the unit buildings is "common property" to Marsh View and is under the general governance of the Homeowners' Association's (HOA) Board of Directors.

Marsh View has a landscaping committee that serves as an interface between the contractor and the homeowners, monitors the performance of the contractor, adjudicates landscaping disputes between homeowners and keeps the HOA Board apprised of any landscaping issues.

## **Landscaping Guidelines**

1. **Interface with Landscaping Personnel:** All landscaping issues and problems are to be reported to Sovereign & Jacob's and not directed toward the landscaping contractor's personnel. All emails are directed to both the Landscaping Committee and the contractor.
2. **Planting, Ornamentals & Shrubs around Buildings:** Owners are to restrict any personal planting to the mulched areas immediately surrounding their building. Planting of additional shrubs and ornamentals is at the owner's expense and coordinated with their neighbors.
  - a. Any other desired changes or additions to the landscaping on common property must be approved by the Landscaping Committee prior to the changes being made.
  - b. Any and all changes are the responsibility of the owner to maintain.
  - c. When landscaping improvements have been made by an owner and the owner sells the unit, the new owner must be advised of their responsibility to continue to maintain those improvements.
3. **Personal Property on Common Areas:** Personal property such as planters, chairs, tables, stepping stones, hammocks and the like that impede landscaping services are not allowed on the grassy common areas.
4. **Tree Cutting:** Cutting down trees is not allowed by owners without prior approval of the Landscaping Committee. Unhealthy tree(s) that may endanger property or people are to be reported to the Landscape Committee through the website. Arrangements will be made by the Committee to safely remove the tree(s). The Association does not pay for dead tree replacement in the natural areas.

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5. Tree Trimming: Trimming of limbs or branches by owners is restricted in size to 3 inches in diameter. Trimming of larger branches must be approved by the Landscape Committee. Trimming of limbs or branches must be in coordination with the desires of all neighbors affected and at the owner's expense.
6. Proper Placement of Trimmings: All trimmings from trees, shrubs, and palmettos by unit owners must be placed on one side of the concrete driveway and cut up in a manner where it will be picked up by the county contractor. All trimmings from trees, shrubs, and palmettos by outside services hired by unit owners must be hauled away by the outside service.
7. Outside Services: All companies hired by a unit owner to provide any landscaping activity on their lot must be bonded, insured, supervised and operate in compliance with the Landscaping Guidelines.
8. Vine Removal: Vine removal in common area's is at the request of landscape committee with a priority to guard the tree's from being suffocated. The association takes on these tasks as a type of project in order to manage the budget year over year and many owners manage the vines themselves.

### **Protection of Marsh View's Conservation Easement:**

Marsh View townhomes along Windjammer Lane are greatly enhanced by their immediate proximity and views onto easement-protected trees and natural estuary wetlands.

Marsh View owners are hereby reminded that any cutting or trimming of trees in the easement areas to the west of the Windjammer townhomes is prohibited by the Conservation Easement recorded in St. Johns County under Official Book 1654, Page 1310 and dedicated to the St. Johns River Water Management District (SJRWMD). This includes any trees in areas extending from Marsh View townhomes outward toward the marsh and estuary areas. The homeowner's association has no separate authority to permit the cutting of trees under this conservation easement. Violations of this conservation easement should be monitored and immediately reported to the homeowner's association, which is required to coordinate with SJRWMD on enforcement and penalties.

**Should the Conservation Easement provided by SJRWMD be ignored or not followed by any unit owner, any fine or other legal action that would occur as a result will be the unit owner's responsibility solely, not Marsh View at Ponte Vedra Shores West Association, Inc.**

## **Questions & Answers**

1. **It is good for our community to have guidelines and standards, but how will they be enforced?**

**Answer:** The desire is that all homeowners will take the responsible action necessary to meet the reasonable standards we have described. Living in such close proximity does require some give and take as well as considerations for the overall community and property values. If there is an issue where an agreement between parties can't be reached, the issue

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will be arbitrated and decided by the duly elected Board of Directors (BOD) of Marsh View. Each party can present their side in a letter to the BOD and then a decision will be made.

## 2. Addressing Landscaping Problems

**Since I know what I want done, why cannot I speak directly to and give directions to the landscaping contractor's personnel?**

**Answer:** While every owner is part of the community, the Board has the responsibility for the community's common property, instructing the Landscaping Committee to monitor and address all problems. Not only do individual owner's giving directions to the landscaping company violate the terms of their contract, but most importantly the monitoring process cannot be accomplished by the Landscaping Committee.

## 3. Planting Ornamentals & Shrubs

**Are there any restrictions on where I plant in the beds surrounding my unit?**

**Answer:** Yes, the Fire Department needs unrestricted access to the Fire Department Connections (FDC) of the home sprinkler system. Residents must refrain from planting anything that would block their access.

## 4. Personal Property on Common Area's

**Why I can't have a table and chairs or other things such as stepping stones in the grassy common areas around my building?**

**Answer:** Landscaping contractor's personnel can't effectively use their mowers because of the constraints imposed by the placement of such items. If not continually edged, stepping stones are unattractive. The cost for the contractor to address these items is prohibitive.

## 5. Natural Area Improvements

**I notice that some lot's natural area(s) are cleared of underbrush and palmetto bushes are trimmed up, but my lot does not have those same improvements. Why?**

**Answer:** Some owners have made those improvements themselves or paid to have the improvements made. In fact, if the owner(s) continues to self-maintain those area(s), Marsh View will place mulch in those area(s) and spray for weeds.

## 6. Trees and Scrubs

**Why do some lots have, and continue to have, additional trees and plants installed, but those improvements have not been made to my lot?**

**Answer:** A lot can be improved at the expense of the unit owners. For example, one lot has planted 19 trees and more than 150 plants that are salt tolerant at the expense of the owners to enhance the appearance of that lot.

## 7. Tree Trimming and Pruning

**I want to cut branches from the trees in the conservation area to improve my view of the marsh. Can I do this?**

**Answer:** Trimming is restricted to the coordination of the desires of all neighbors affected. Some neighbors may like restricted views between units and toward the airport. Any disputes must be taken to the Landscaping Committee for resolution prior to any trimming.

## 8. Proper Placement Trimmings

**Why does it matter where I place trimmings if I put them in front to be picked up?**

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**Answer:** Piles of trimmings placed on the grass prohibits grass cutting, weakens the health of the grass, and interferes with proper irrigation.

## **How to Report Landscaping Issues**

If you have a landscaping problem (e.g., broken sprinkler heads, dead tree, weeds in grass, etc.) contact the property manager, Nicole Pickering at Sovereign and Jacobs (904) 461-5556, ext. 2007.

## **Marsh View Mission**

The mission of Marsh View at Ponte Vedra Shores West is to create a healthy association of involved, committed and aware owners dedicated to the protection and enhancement of property values and rights through initiatives designed to preserve the natural beauty of our ocean and marsh front location. We want to develop a sense of community, establish and maintain reasonable standards, and promote a safe environment, while maintaining fiscal responsibility.

We are asking for support of all homeowners in achieving our landscaping goals. When we ask each of you to look long-term, we are asking you to think about follow-on liability you may be passing on to the future homeowners of your unit from a maintenance standpoint.

- If a follow-on homeowner does not agree to maintain your beautiful garden, who do you expect to pay for the maintenance? Will you return it to its original condition if there is no buy-in from the next owner?
- If you plant a small tree, will it be blocking the marsh or ocean view (within reason) of a neighbor 10 years from now?
- If you have decorative vines on the home, what happens when the unit is sold or when the vegetation spreads to the adjacent unit without consent?
- Is your project making it more difficult or expensive for the landscaping contractor? Are you blocking the normal flow of their equipment? Are you expecting them to edge around your stepping stones? Are you willing to pay the added cost of any change in services required by the contractor?

We are simply asking everyone to be reasonable and help maintain standards that will keep the property values up and make Marsh View an enjoyable place to live.

Prepared by Marsh View Landscaping Committee

Approved by Marsh View Board of Directors 10/2019