

**Proposed Changes to the Cape George Colony
Building & Property Regulations Relating to Hedges**

CURRENT HEDGE REGULATIONS WITH PROPOSED CHANGES

The **bold** text indicates the current (2021) wording of the Building and Property Regulations under consideration. The proposed revision is indicated in **red text**.

SECTION 1. AUTHORITY AND PURPOSE

Current wording:

It is intended that by the enforcement of these Regulations the orderly development of the community will be facilitated with due regard for the health and safety of all Club members as well as the preservation and enhancement of community esthetic values.

Proposed revision:

It is intended that by the enforcement of these Regulations the orderly development of the community will be facilitated with due regard for the health and safety of all Club members as well as the preservation and enhancement of community esthetics.

SECTION 2. DEFINITIONS

Current wording:

2.8 HEDGE: A row of vegetation, commonly having commingled foliage, which has been planted or permitted to flourish so that it has the effect of demarking part or all of a boundary or creating a visual screen.

Proposed revision:

2.8 HEDGE: A landscape barrier which prevents access or serves to bar passage and consists of a continuous, dense planting of woody plants which are generally multi-stemmed. It may be classified as deciduous or evergreen.

Proposed addition:

2.17 TREE: A large, woody plant having one (1) or several self-supporting stems or trunks and numerous branches and a potential minimum height of twenty (20) feet. It may be classified as deciduous or evergreen.

SECTION 3. MAINTENANCE OBLIGATIONS

Current wording:

3.2 PLANT MAINTENANCE: Members are encouraged to trim all planted vegetation so as to promote wildlife habitat, prevent landslides and erosion, maintain natural beauty, and prevent neighboring views from being blocked. To prevent unsightly disfigurement and/or

weakening of tree structure, trees should be pruned by windowing or thinning rather than topping or other forms of tree mutilation.

Proposed revision:

3.2 PLANT MAINTENANCE: Club members are expected to maintain their landscaping so as to promote wildlife habitat, prevent landslides and erosion, and preserve natural beauty. When necessary, to prevent unsightly disfigurement and/or weakening of tree structure, trees should be pruned by windowing or thinning rather than topping or inflicting otherwise unnecessary damage to the tree.

SECTION 7. PROPERTY RESTRICTIONS

Current wording:

7.1 FENCES, HEDGES, RETAINING WALLS: A permit is required to plant a hedge or to build a fence, including an electrical fence, or a retaining wall if such hedge, fence or wall requires excavation on or adjacent to the Club's right of way. The maximum permissible height for fences and hedges is 8 feet.

Proposed revision: (removed the word Retaining and reordered sequence of words)

7.1 FENCES, HEDGES, WALLS: A permit is required to build a fence, including an electrical fence, plant a hedge or build a wall if such hedge, fence or wall requires excavation on or adjacent to the Club's right of way. The maximum permissible height for fences, hedges and walls is 8 feet.

7.5 TREES/NATURAL SHRUBBERY: Club covenants require written approval from the Board to remove trees and natural shrubs. **NO CHANGE**

Proposed addition:

7.6 TREES:

The height and placement of all trees are solely the responsibility of individual homeowners. Therefore, all disputes pertaining to these issues on private property will be handled by the concerned homeowners. The Board of Trustees will not undertake to resolve such disputes. Members are encouraged to adhere to the following guidelines in resolving their differences.

1. Engaging in positive and constructive dialogue to resolve the issues.
2. Seeking assistance via a formal conflict resolution/mediation process.
3. Pursuing private legal action to resolve the issues.

If requested, the management can provide information regarding community-based conflict resolution services in the area.

The only tree-related issues that the Colony Club Management and/or Trustees will address will be those related to trees on Colony Club property or right of ways or trees that are endangering property and safety.

SECTION 10. ABATEMENT

Except as expressly provided below, it shall be the obligation of the Board of Trustees to enforce the above Building and Property Regulations. After proper notice of violation is given,

the Board shall take remedial action which may include the imposition of fines. Any costs incurred in the enforcement of these regulations shall be paid by the owners violating same and Cape George Colony Club may have an enforceable right to collect such costs from the property owner.

While management of vegetation on one lot may affect the availability of a scenic view from another lot(s), view creation or preservation is not a purpose that the vegetation maintenance obligations described in these Rules is intended to serve. The Cape George Colony Covenants do not identify the right to a view. The Association's enforcement responsibilities therefore do not extend to enforcing the landscaping maintenance rules above so as to create or restore a lot(s) scenic view. As each owner's vegetation management decisions may, inadvertently and unintentionally, impact other lots, owners are encouraged under 7.6 above to consult with their potentially impacted neighbors when making potentially consequential vegetation management decisions.