

Weatherstone Street Tree Rules and Regulations

Background

The street trees within Weatherstone are a hallmark of our community. Beginning in 2020, mainly a consequence of the many Ash trees that died because of the Emerald Ash Borer and the fact that the London Plane (Sycamore) trees had grown extremely tall causing sidewalks to lift and need repair, a great number of these trees have been cut down.

Scope of Document

This document is meant to summarize all Governing Documents and the zoning ordinance of West Vincent Township regarding the owner's responsibility for maintaining and/or replacing street trees.

Summary

Street trees must be maintained in good condition and may not be removed without first gaining approval from the Weatherstone Board of Directors (Board) by submitting an Architectural/Landscape Request Form (A/LR).

If maintaining a street tree is not possible due to any of the conditions listed below, the homeowner may be granted permission by the Board to remove it.

- The street tree is diseased or distressed.
- The street tree presents a safety hazard.
- The street tree is interfering with service lines, such as electrical, cable, water, or sewerage.
- The street tree has grown too close to the owner's residence and trimming will not resolve the condition.

Responsibility

The responsibility (including financial responsibility) for maintaining, removing and/or replacing street trees is as follows:

- Responsibility falls on the property owner in the case of detached single-family dwelling units.
- Responsibility falls on the Weatherstone Community Association for street trees located on Common Facilities.

Governing Documents

Since Weatherstone is a planned community governed by a community association, there are a few legal documents that govern the conduct of the owners and occupants of the property. Collectively, these documents are called, "Governing Documents" and they include the following:

- Declaration of Covenants, Conditions and Restrictions for Weatherstone, a Planned Community
- Bylaws of Weatherstone Homeowners' Association, Inc.
- Weatherstone Community Association Rules and Regulations



Weatherstone Street Tree Rules and Regulations

Declaration of Covenants, Conditions and Restrictions for Weatherstone

Article VIII Architectural Control and Use Restrictions

Section 8.1 Use Restrictions

- (o) No tree, shrub, bush, or other plant of any kind located on the Property may be cut down, trimmed, relocated, uprooted, or altered in any way except by the Association or with written approval of the Association, and no tree climbing, or other hazardous activity of any kind is permitted on Common Facilities. The Association shall replace trees, shrubs, bushes, and plants that are destroyed or altered on Common Facilities within a reasonable time.

Weatherstone Community Association Rules and Regulations

General Use Restrictions

- 9. Except in the Townhouse Section, each Owner is responsible at Owner's sole expense for care and maintenance of any grounds, sidewalk, and trees between the road curb and the Owner's lot line. All trees and shrubs are to be maintained to present a neat appearance and for unobstructed access to sidewalks and pathways. Trees bordering street sidewalks are to be kept trimmed to allow a minimum of 7 feet of clearance.

West Vincent Township Zoning Ordinance of 2010

In addition to the Governing Documents cited above, Weatherstone must adhere to the provisions of the West Vincent Township Zoning Ordinance of 2010 (As Amended by and through Ordinance 179-2017, August 21, 2017).

West Vincent Township Zoning Ordinance

Section 2106 Landscaping and Screening

A. Landscaping

- 6. Any development proposing the creation of a public or private road(s) shall provide shade trees along its entire length. The design of any such landscaping shall be as follows:
 - a. All shade trees shall be a minimum caliper of two inches (2") from good nursery stock when planted. Species shall be indigenous to the area and shall have deep root systems.
 - d. Shade trees shall be planted with their centers a maximum of fifty (50) feet apart along each side of the street.

D. Site Maintenance

- 2. Landscaping and vegetative screens shall be perpetually maintained by the landowner. Any material which does not survive shall be replaced within six (6) months.