

# Georgetown Village Condominium

ADMINISTRATIVE RESOLUTION NO. 04-01

## SEASONAL<sup>1</sup> PLANTINGS BY RESIDENTS ON COMMON ELEMENTS

**WHEREAS**, it is recognized that the common elements immediately adjacent to patios and on other common areas may be enhanced with seasonal planting modifications, and

**WHEREAS**, it is further recognized that Georgetown Village Condominium (GVC) may not have the financial resources available to consider all planting suggestions by residents without a significant increase in the monthly assessment, and

**WHEREAS**, Section II.F.4. of the GVC Rules prohibits "plantings, and placement of potted plants, and the like beyond patio areas . . . except in accordance with a policy approved by the Board," and

**WHEREAS**, the Association wishes to establish a procedure to allow residents to make desired limited modifications to the common elements immediately adjacent to their patios and on other common areas, and

**WHEREAS**, the Association recognizes that there is a need for controls and limitations if such modifications by residents are to be permitted.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the following procedures implementing Section II.F.4. of the GVC Rules relating to limited seasonal planting modifications by residents to the common elements immediately adjacent to their patios and on other common elements be adopted.

### *I. Purpose*

The purpose of this Administrative Resolution is to establish a process whereby residents may, under limited circumstances and with prior approval, install seasonal plantings on the common elements immediately adjacent to their patios and on other common elements<sup>2</sup> at their own expense. The Association believes that such plantings can improve the appearance of the

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<sup>1</sup> Seasonal plantings are defined as any temporary, annual or seasonal plantings, such as bulbs, grasses, herbs, annual or perennial flowers.

<sup>2</sup> Common elements are defined in the GVC Declaration at Article I(a). Common elements include all lawn areas, including any ground immediately outside the patio slab.

community as a whole. Resident plantings will be subject to certain restrictions to assure harmony with the Long-Range Landscape Plan<sup>3</sup> and the appearance of the community as a whole, and to insure that they do not become a financial or other burden to the Association.

## *2. Approvals Required*

A. Prior to installing any seasonal plantings, written approval from the GVC Board (Board) must be received. To obtain such approval, the resident will be required to submit a proposed plan as described below.

B. A plan to install seasonal plantings must be submitted each year.

C. The Association reserves the right to remove any unapproved plantings, whether planted before or after the adoption of this Resolution.

## *3. The Resident's Plan*

A. To receive approval for seasonal plantings, a detailed plan must be submitted, in writing, to the Board, through the Landscape Committee (or other representative designated by the Board). Such requests must be submitted to the Landscape Committee at least two weeks prior to its scheduled monthly meeting to allow sufficient time for them to be reviewed and, if approved by the Committee, sent for inclusion in the monthly Board package. The Committee and the Board will make every effort to review requests at their respective upcoming meetings, but each body reserves the right to postpone consideration until the next regularly scheduled meeting. Failure of the Board to approve or disapprove a proposal for plantings within a requested time frame shall not be construed as approval.

B. Residents not owning the unit in which they reside must submit, with their written, signed request to the Board, a written and signed endorsement by the owner of the unit stating that the owner will accept complete responsibility for the landscaping modifications which their resident tenant desires to make. The plan will not be considered without this endorsement.

C. When, in its judgment, additional details are required to make a decision, the Landscape Committee or the Board will request further information.

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<sup>3</sup> In October 2001, the community adopted a Long-Range Landscape Plan developed by a landscape architect with the input of the Board, the Landscape Committee, and members of the community. The purpose of this long-term plan is to provide an overall concept that can serve as a guideline for future landscape enhancements to help unify the varied plantings throughout the community and thus enhance the appearance of the community, and maintain or increase the value of the property. The detailed drawings of this plan are available for review at the GVC Management Office during normal business hours. Photocopies of specific sections of the plan can be obtained from the Management Office in accordance with Administrative Resolution No.95-1.

D. The Landscape Committee will review the resident's plan. If the Committee determines that the plan should be approved, it will recommend approval to the Board. If the Committee determines that the resident's plan is not approvable, it will notify the resident of what would be required to obtain approval, and the resident will be given an opportunity to revise the plan as necessary to receive approval.

#### *4. Criteria for Approval*

A. The Board recognizes the value of seasonal plantings by residents and would generally expect to be able to approve proposed planting plans properly submitted under this Resolution. However, the Board will disapprove proposed plans that are inconsistent or incompatible with the Long-Range Landscape Plan; the appearance of the common elements; those that may impede access to, or maintenance of, the common elements; those that are inconsistent with GVC's security requirements; and those that adversely affect the common elements, such as by causing erosion or other drainage-related problems.

Appendix 1 outlines the Planting Criteria, Plan Specifications, and Prohibited Plantings.

#### *5. Maintenance*

The maintenance of all seasonal plantings installed by residents shall be the exclusive responsibility of the resident. The resident will perform mulching, weeding, watering, and/or other routine maintenance of resident-installed seasonal plantings. GVC or its grounds maintenance company will not perform such services.

#### *6. Removal of Seasonal Plantings*

Seasonal plantings must be removed in a timely manner. Should plant material not be removed in a timely way (e.g., when the plants have died or been damaged by insects, fungus, or frost), or by November 30<sup>th</sup> at the latest, GVC Management will ask the resident to remove the plants; and, if they are not removed by the resident, GVC Management will arrange for their removal and permission for any future plantings will be denied.

#### *7. Limitation on Liability*

Every reasonable attempt will be made to respect the integrity of resident plantings. However, GVC shall not be responsible for the cost of replacing resident-installed seasonal plantings that are damaged or destroyed, for any reason, including weather-related circumstances such as rain, snow, snow removal efforts, and excessive dry weather, and damage caused by grounds maintenance crews during routine lawn maintenance, or incidental to other maintenance or repair on the common elements.

#### *8. Restoration*

The Association shall have the authority to return any common element to its previously existing condition, regardless of whether the modification was made by the unit owner or resident. Before requiring any such restoration, and except in emergency situations, the GVC Management will give prior notice to the unit owner of the need and the reasons for restoration. In the event it becomes necessary to return any common element to its previously existing condition, the Association has no responsibility to reimburse the unit owner or resident who may have installed any plantings on the common element.

**Adopted by the Board of Directors  
February 19, 2004**