

**VILLAGE OF CINDERBERRY
EXTERIOR ALTERATIONS**

DESIGN GUIDELINES AND PROCEDURES

The Executive Board of the Village of Cinderberry Property Owners Association (POA) and Council of the Village of Cinderberry Homeowners Association (HOA), hereafter referred to as the Board, have established the following guidelines and procedures for all residents on an equal basis. This document is an update to the ARC Guidelines and Procedures adopted August 11, 2011 and revised March 26, 2013. These guidelines will be strictly enforced and any violations of them may result in action and/or fines and fees imposed by the Board.

The Village of Cinderberry is a condominium community comprised of 163 units. Residents own the interior of their unit and the HOA owns the exterior as well as the common property. The HOA is comprised of 163 unit owners collectively; therefore the unit owners individually own 1/163 of the common property.

Any changes to the outside of the unit or the property must be approved by the Architectural Review Committee (ARC) and the Board. Failure to comply could result in removal or correction at the owner's expense. The ARC Exterior Alterations Application can be obtained from the VOC website and in the Community Center lobby. Instructions for submission are detailed on the form.

The Architectural Review Committee is responsible to the Board in its efforts to assure the community aesthetics and property values according to the Association's guidelines. This includes monitoring and reporting violations of these guidelines to the Board. Their objective is to insure that the community maintains a degree of integrity, beauty and consistency, and to prevent changes that could negatively affect the value and resale of the home. The purpose of the ARC is to review applications submitted by residents for modification, alteration, or installation of equipment to the exterior of the house or surrounding grounds. The Committee's findings are then presented to the Board for approval or denial. If a change or modification involves penetration or attachment to the existing common element, such as roof or siding, the unit owner will be required to sign a release and assume ALL responsibility for damage or leakage caused by the installation. Any structural changes to the unit will be passed on to all successive owners.

The two page Architectural Review Committee Request Form and Exterior Alterations Application is attached to the end of this document.

Section 1: Structure of the Architectural Review Committee

The Architectural Review Committee will consist of not less than 3 representatives. The ARC chair will be appointed by the Board. The Objective of the ARC committee is to recommend guidelines, rules, and violations within the Village of Cinderberry to uphold the integrity of the community and maintain an appearance that is consistent with the original development structures and consistent with other houses in the community.

Section 2: General Rules Concerning Approved Modifications and Upkeep

Any Decorations, or modifications to common property must be approved by the ARC, with the exception of items as noted in this document. All ARC approved modifications are to be maintained in good repair by the unit owner. If any modification is not in proper working order or in disrepair for more than two weeks, the resident will receive a Violation Notice. This responsibility is passed on to any future homeowner. Any decoration, window coverings visible to the outside, or modifications to any property must be properly maintained by the unit owner. Failure to do so will result in the unit owner receiving a Violation Notice, fine, and/or other fees as outlined in the Violation Policy.

Section 3: Accepted Decoration NOT Requiring ARC Approval

A DOOR WREATH may be hung on the front door or storm door and do not require ARC approval.

The U.S. FLAG may be properly hung on the porch post by the front door and does not require ARC approval. Properly hung means that it is hung per the guidelines that reflects respect to our country, our military, and to our first responders

A sports flags or decorative flag may also be hung on the porch post and does not require ARC approval.

Section 4: Decorations / Modifications

EXTERIOR DECORATIVE OBJECTS: In order to establish some parameters to maintain tasteful decorating consistent in appearance with the entire community, decorative objects in the common areas are limited to a total of eight (8) in number for each unit and ten (10) for a corner property. Nothing shall be hung from windows. Walkways must be kept clear. Exterior Decorative Objects may require approval and will be evaluated in terms of their appropriateness, size, location, compatibility with architectural and environmental design qualities, and visual impact on the neighborhood and surrounding areas. They may include, but are not limited to, garden flags, statuary, flower pots, poles, and solar lights. The maximum height of any object allowed is 60 inches. A maximum of Two (2) sets of white solar lights is permitted along the walkway and garden borders. Each light must be at least 4 feet apart. One (1) set equals up to 10 lights and each set counts as one decorative object. Magnets on garage doors are limited to one set per door which includes windows, four hinges, and two handles. They must be removed before the house is put on the market for sale and any damage to the garage door will be invoiced to the homeowner at closing.

Section 5: Gardens / Landscaping

ANNUALS & PERENNIALS may be planted in existing beds and do not require ARC approval. Refer to Addendum "A" for the recommended plant list.

HUMMINGBIRD FEEDERS (do not require ARC approval) Hummingbird feeders can only be located in a planting area or hung from a tree. They can not be located in the lawn because of irrigation lines and mowing, or in a tax ditch. Other than the location, hummingbird feeders are the only wildlife feeding that is unrestricted in the Village of Cinderberry.

The area around a seed feeder must be cleaned daily to remove any seed that falls out of the feeder and no feeders may be placed at a house adjacent to a pond or a tax ditch between March 1 and August 31. All seed bird feeders must be located inside the planting/garden area. Any violation will result in the immediate removal and disposal of the feeder and the owner will be charged for the removal.

If there are any reports of rats or other wild animals in the community that are causing damage in the community or are deemed to be a health risk, then ALL bird seed feeders must come down. The overflow seeds attract geese, squirrels, rats, mice, and other wild animals. The rats spread diseases, the mice attract snakes, and the squirrels damage the roofs.

FLOWER BED (Requires ARC Approval) Installation along the rear patio is permitted provided it is not more than 3' wide with shrubs, grasses, or flowers not more than 36" tall at maturity. Submit a drawing to show size of bed and placement of plantings. Include types of plants and sizes at maturity.

Any change to the existing flower beds including the removal, replacement, or addition of shrubs or trees requires the approval of the ARC. Planting annuals and non-invasive perennial flowers does not require approval. Vegetable gardens are strictly prohibited. Refer to the planting guide attached as Addendum "A".

Decorative edging such as brick or stone borders are not permitted on the perimeter of flower beds, except for the area between the front porch and the front sidewalk leading to the front porch.

LANDSCAPING SCREENS (Requires ARC Approval) or natural barriers to block undesirable views. Submit species and size for ARC approval.

MULCH: All front gardens and ARC approved gardens will have Pine Shats for mulch. The only exception will be for those houses that have a medical note from a doctor that someone in the house is allergic to pine shats. In that case, a medical note must be on file with the HOA and the owner is responsible for putting down treated, brown, shredded mulch in the gardens.

Anyone with a medical note must notify the HOA in February each year to make sure pine shats are not put in their gardens.

Trees lining the street will have shredded brown mulch.

Section 6: Outdoor Structures

ANTENNAS AND SATELLITE DISHES are not permitted. The bylaws specifically state that the roof, exterior walls, lawns/gardens are community property and do not belong solely to the resident. Therefore a resident's items cannot be attached to these surfaces or placed in these areas. In addition, running cable from the antenna into the home requires penetration through the exterior wall. This interpretation is also shared by the Federal Communication Commission.

There are a few exterior antennas/dishes that were installed prior to the regulation of 2/1/2020 and these are allowed to remain under the Grandfather Clause. When these units are sold, the antenna must be removed and all surfaces restored to their original state prior to settlement. From this date and without a revision, anyone installing an exterior antenna shall be fined \$100.00 plus \$50.00 per day until it is removed.

ATTIC VENTILATOR FANS (Requires ARC Approval) Refer to Addendum "C" for instructions and release form.

AWNINGS are not permitted. Unit owners shall not cause or permit anything to be hung or displayed on the outside of windows or placed on the outside of walls or doors and no awning or canopy shall be fixed to or placed upon the exterior walls or doors, roof or any part thereof, or exposed on or at any window without the prior written consent of the Council.

CONCRETE: Alteration to concrete is not permitted. No concrete coating, sealer, paint, or any other treatment may be applied to concrete walkways, patio, or driveway.

FENCES (Requires ARC Approval) All privacy fences must be white in color, 5 feet tall, vertical slat design with slight spacing between slats, and plastic construction. All fences must be installed on the concrete and allow access to the outside for HOA contractors.

PATIO EXTENSIONS (Requires ARC Approval) A patio may be extended provided it remains within the footprint of the building. Material must be concrete to match the existing concrete patio and must be installed flush to the ground and the existing patio.

STORM/SCREEN DOORS (Requires ARC Approval) Only full view storm doors, defined as doors with glass covering 80% of the door surface, are permitted. The storm door must be a white full view storm door. Submit a photo and manufacturer name, model, and/or specs with the ARC application form.

WALKWAYS (Requires ARC Approval) Refer to Addendum "B" for installation guidelines. Any additional walkway that was installed prior to June 2019 will be allowed to remain.

Section 7: Miscellaneous

CHANGING DOOR KNOBS, LOCKS, or DOORBELL do not require ARC approval. The homeowner may replace the key operated door lock on the front and back entry doors with a keyless unit. The door, less the locking unit (key or keyless), is the responsibility of the HOA. The owner may replace the doorbell with a standard or video security doorbell and is responsible for its maintenance.

CLOTHES LINES or similar apparatus for the exterior drying of clothes, towels, rugs, and the like are not permitted. This also includes hanging such items over a railing. No clothes, sheets, towels, blankets, laundry or any kind of other articles shall be hung out of or on the exterior of a unit, or in any part of the common elements.

EXTERIOR LIGHTING (Requires ARC Approval) Lighting which is part of the original structure may not be altered without prior approval of the ARC. Fixtures must be compatible in style and scale with the home. Colored lights of any kind are not permitted, including those that state a political or personal statement or cause.

HOLIDAY DECORATIONS AND LIGHTS: Refer to Addendum "D". Colored lights are only permitted during the holiday season. Exterior lights that are allowed are clear white lights and amber bug lights only. Color lights are not allowed to be used in outside house fixtures.

OUTSIDE STORAGE: Storage of items on your patio must be done so in a neat and orderly fashion, in a single storage container, trunk or chest not to exceed 24" in height. Items may not be stored in flower beds and access for maintenance must not be blocked.

SIGNS: The following does not require ARC Approval provided these guidelines are followed:

REAL ESTATE SIGNS: One sign (for sale or for rent) not to exceed four square feet may be displayed in the bed along the front porch and must be removed within one week following the sale of the property.

SECURITY SIGN: Provided by the contacted security company, not to exceed 64 square inches, is permitted on the property and displayed in the bed along the front porch or in close proximity to the front door. Labels are not permitted to be affixed to the outside of the building,

POLITICAL SIGNS: Any sign indicating any type of personal or political statement or opinion will not be allowed under any circumstances and is strictly prohibited.

WINDOWS: Window treatments may consist of shades, blinds, drapes or other materials, which shall be in good repair, without rips or tears visible from the outside of the property, and specifically designed for use as window coverings. The use of sheets, blankets and similar materials not intended or designed for use as a window covering or window treatment is prohibited. Nothing shall be hung from or attached to the outside of the windows,

WINDOW TINTING (Requires ARC Approval) Please note that windows, both inside and outside, are the property of the HOA. Tinting to reduce indoor Summer heat and fading must be done by a reputable licensed and insured contractor approved by the ARC. Please submit your application form along with the contractor's invoice, insurance certificate, and product information including model number or style of tint. Tint color must be light and subtle with no silver reflection on the outside. No DIY allowed due to possible damage created if not properly installed. If damage is done to any window, the HOA will replace it at the homeowner's expense.

This Guideline is approved by the Board of the Village of Cinderberry HOA/POA on March 28,2023.

Village of Cinderberry Board



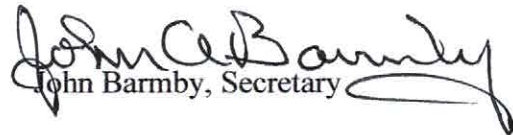
Wayne Dzierzanowski, President



Nancy Graham, Vice President



Lorraine Temple, Treasurer



John Barmby, Secretary



Mike Boccia, Maintenance Coordinator

**ADDENDUM “A”
THE VILLAGE OF CINDERBERRY
ARCHITECTURAL REVIEW COMMITTEE
GUIDELINES FOR FLOWER BED PLANTING AND PLANT LIST**

1. Maximum width of a flower bed to be not more than 3 feet extending from the patio out into the lawn.

1. Maximum height of all plant material including bushes and shrub to be not more than 3 feet and ornamental grasses, for use as a privacy screen, to a maximum of 5 feet high

2. Layout, design and placement of flower gardens to be approved at the discretion of the ARC based on logistics and practicality; i.e. footprint of the house, accessibility of lawnmowers and other equipment needed to maintain the common areas of the property.

3. No vegetables, no arborvitae, no invasive varieties of perennials such as (but not limited to) bamboo, evening primrose, coreopsis, vinca, aster, black-eyed susan, pachysandra, or lily of the valley are allowed.

4. Dwarf varieties of shrubs including barberry, butterfly bush, boxwood, hydrangea, nandina, gold thread cypress, and juniper.

5. Pine needle mulch.

Plant material most commonly used and recommended:

1. Residents are not allowed to plant any trees. The HOA is responsible for the planting of any trees.

2. Shrubs: Hollies, Boxwood, Nandina, Camellia, Japanese Pieris, Spirea Japonica.

3. Stella De Oro Daylilies, currently planted in the strip between the driveways.

4. Perennials: Hosta, Liriope, Spirea, Heuchera, Daylilly. Native plants preferred.

5. Pine shat mulch.

The addition of a patio and/or flower beds may change the grading and drainage in the common area around your home and your neighbor’s home. The HOA is not responsible for any negative impact this may cause.

April 3, 2019

Revised August 2022

ADDENDUM "B"

THE VILLAGE OF CINDERBERRY ARCHITECTURAL REVIEW COMMITTEE

GUIDELINES FOR THE INSTALLATION OF AN ADDITIONAL WALKWAY

1. Walkway should be a maximum of 32" to 36" wide to accommodate a walker.
2. Loose concrete pavers or stepping stones, approximately 16" x 16" square with 2 across to make a 32" wide walkway, or slate pavers 2 across up to 36".
3. Mounted on a leveling base framed with edging so they don't shift.
4. Must be flush with grade so that it can be mowed over.
5. Earth tones only such as tan, beige, or gray to compliment the unit color.
6. Natural or man made stone, not painted (before or after installation).

A color brochure or a good quality color photo must be submitted with the application. Length, color, and design of proposed walkway subject to ARC review and recommendation with final approval by the Board/Council.

June 2019

ADDENDUM "C"

THE VILLAGE OF CINDERBERRY ARCHITECTURAL REVIEW COMMITTEE ATTIC FAN RELEASE WAIVER

1. The Declaration Establishing a Plan for Condominium Ownership states in Section 9 (f): "Nothing shall be altered or constructed in or removed from the common elements except upon prior written consent of the Council."
2. The Declaration Establishing a Plan for Condominium Ownership states in Section 9 (p): "Any damage to the common elements or equipment of HOA caused by the unit owner, family member, guest, or invitee shall be repaired or replaced at the expense of such unit owner."
3. Only the roof is a common element and is the responsibility of the Association. If the unit owner chooses to install the attic fan, it will be purchased, installed, and maintained by the unit owner at their cost. Any cost to repair damages to the common elements, including the roof and landscaping, that is caused by the installation, operation, or failure of the attic fan is the sole responsibility of the unit owner.
4. Only a professional licensed and insured contractor may be hired by the unit owner to perform the installation in accordance with the manufacturer's specifications. It is the responsibility of the unit owner to make sure he/she is getting the best and most reliable installation to the benefit of both the unit owner and the Homeowners' Association. and it must be placed on the backside of the unit near the peak of the roof.
5. The approved attic fan model is "Lomanco 2000 TH Weathered Bronze" or ARC approved equivalent.
6. The unit owner is solely responsible for all work and costs required to bring the project in compliance with the specifications. If the unit owner fails to comply, the Association will choose a contractor to correct or remove the attic fan at its option and at the owner's expense.
7. The unit owner shall be solely responsible for the operation and related costs, throughout the useful life of the attic fan including, cleaning, maintenance, repair, replacement insurance, and costs to repair any damage to the common elements caused by the installation operation, or failure of the attic fan.
8. The unit owner shall make a written request to the Association before removing the attic fan and shall not remove it until written permission is received. The unit owner shall be responsible for all costs related to the removal, including the repair or damage to the common elements.
9. Owners who undertake installation, operation, replacement, and/or removal of the attic fan assume all liability and shall indemnify and hold harmless the Association, Council, its officers, agents, and staff.
10. SUBSEQUENT OWNERS of this unit shall be solely responsible for all costs related to the operation, failure, removal and/or replacement of the unit's attic fan. It is the unit owner's responsibility to notify the subsequent owner of this Release Waiver and its content.
11. Association, Council, officers, agents and staff make no warranty and assume no responsibility for flaws found upon initial or closing inspection.
12. Subsequent unit owners shall be solely responsible for the cost of corrections required to bring

the attic fan into compliance with current rules, regardless of when or by whom it was installed.

By signing below the Unit Owner acknowledges receipt of and agrees to the articles in this Attic Fan Release Waiver.

_____ Date _____
Unit Owner

_____ Date _____
Unit Owner

Street Address: _____

_____ Title _____ Date _____
Homeowners' Association Representative

Revised October 2022

**ADDENDUM “D”
VILLAGE OF CINDERBERRY
ARCHITECTURAL REVIEW COMMITTEE
GUIDELINES FOR HOLIDAY DECORATIONS**

1. Displays and objects of any type shall not be placed on walkways or driveways.
2. All decorations must be mounted using non-penetrating and non-marring means.
3. Any damage to the house, lawns, plants and shrubs shall be the repaired by the HOA at the homeowner's expense.
4. Surface penetrations, surface scratches, removal of adhesive residue, and any other damage shall be repaired by the HOA at the homeowner's expense.
5. The HOA/POA is not responsible for any damage to the decorations, lights, or displays regardless of the cause.
6. Inflatable displays and motor operated displays are not permitted.
7. Displays, objects of any type, lights and light strings shall not be placed on the roof, siding, gutter, soffit, or fascia.
8. Light strings and light weight objects may be mounted on porch railings, porch columns, window trim, shutters, and doors.
9. All lights and other holiday decorations must be removed no later than 30 days after the holiday.

February 2020
Revised October 2022
Revised December 2022

Village of Cinderberry

**Architectural Review Committee Request Form
and Exterior Alterations Application**

Use this form to request any CHANGE to the outside of your home or property.
The short Maintenance Form is to be used to request repairs and general upkeep.

Name: _____ Date: _____
Address: _____
Phone: _____ Email: _____
Desired changes: _____

On the back of this form, please give a detailed description of the desired changes and attach architectural drawings and/or pictures. Attach paint/stain chips and samples of materials to be used including siding and shingles.

The homeowner is responsible for obtaining County and/or Town permits as necessary and contacting all utilities if relevant to requested changes. Work must commence within six months and be completed within ten months of final approval date.

If using a contractor please furnish the following information:

Name of Contractor: _____ Phone: _____
Address of Contractor: _____
Georgetown License # _____ State License # _____

This application has been reviewed by the Architectural Review Committee and has been:

Approved (Date): _____ Disapproved (Date): _____

Signed by ARC Chair/Representative: _____

Received by HOA/POA Board of Directors (Date) : _____

Approved (Date): _____ Disapproved (Date): _____

Signed by HOA/POA Board President/Representative: _____

NOTICE TO HOMEOWNER: The HOA/POA is not responsible to maintain and insure your alteration, upgrade, or addition associated with this application. This also extends to any subsequent owners of your home. It is the homeowner's responsibility to advise your listing

agent, prospective buyers and their realtors of this fact.

Applicant's Signature _____

Describe the details of your proposed changes:

Notes:

Date: _____ Comment: _____

Date: _____ Comment: _____

Date: _____ Comment: _____

Date: _____ Comment: _____

Date: _____ Comment: _____

Insert this completed form into the mail slot on the office door at the Community Center or mail to:
Architectural Review Committee, Village of Cinderberry, 19 Cinder Way, Georgetown DE 19947.

Revised June 2022