

VILLAGE OF LONG CREEK MAINTENANCE DECLARATION OF RESTRICTION ARTICLE 8 CURRENT GUIDELINES

The following information, in addition to the original MDRs, is based largely on feedback that was received from the Voice of the Community surveys and Focus Groups that were held at the Clubhouse Community Meetings. These guidelines are intended to ensure that all properties in the Village of Long Creek are aesthetically compatible in appearance with regard to individual lot sizes. Residents also conveyed the desire to add some individuality to their property. In some instances, there have been changes made due to County, State or Federal laws over which we have no control and to which we are obligated to adhere.

1. AMERICAN FLAG (Article 8, Section 37)

- a) Residents are allowed to display the American Flag.
- b) The size shall not exceed 4' x 6'. Flag poles may not exceed 25'.
- c) Flag poles must be placed in a mulched bed so as not to impede mowing or can be attached to the house.
- d) Flag pole installation must conform to state/county setback codes.
- e) Proper American Flag etiquette must be followed. Flag etiquette information can be found at usflag.org or military.com (put "US flag" in the search box).
- f) Freestanding flag poles over 6' must be the telescoping variety to avoid ropes banging on the pole and disturbing neighbors.

2. AWNINGS (Article 8, Section 36)

- a) Board Approval is required.
- b) Location: Rear of the property only to shade back patio door/deck.
- c) Color: Solid or striped are permitted.
- d) Any awning installed must be retractable and frameless. Fixed frame, rigid awnings are prohibited.

3. BIRDBATHS, BIRD FEEDERS AND BIRD HOUSES (Article 8, Section 24)

- a) **Birdbaths:**
 - i. One birdbath is permitted per lot
 - ii. Birdbath can be in either front or rear of property
 - iii. Location on lot should be at least five (5) feet from neighbors' property lines.
 - iv. Must be in a mulched area/bed.
 - v. Must be kept clean at all times.
- b) **Bird Feeders:**
 - i. No more than two bird feeders are permitted per lot.
 - ii. Hummingbird feeders are not restricted.
 - iii. Location on lot should be at least five (5) feet from neighbors' property lines.
 - iv. Feeders may be hung from trees or placed in mulched areas/beds.
 - v. Feed must be the 'no mess' feed – doesn't leave mess to attract rodents, etc.
- c) **Bird Houses:**
 - i. No more than three (3) bird houses are permitted per lot.

- ii. Location on lot should be at least five (5) feet from neighbors' property lines.
- iii. Must be in mulched areas/beds or hung from trees.
- iv. Size should be small houses for small birds.

4. DECKS (Article 8, Section 31)

- a) Board Approval is required.
- b) **Deck sizes and locations** will be lot specific, backyards only and must adhere to county building codes/ setbacks/easements and proximity to neighbors' property lines/views. Drawing must be provided to the ARC and county permits may be requested in advance if the request is outside standard sizes such as 12' x 12'; permit must be obtained before construction. Suggested material is composite because wood deteriorates. Deck railings must be white vinyl and cannot extend above the normal railing line. Please see guidelines for Handrails and Guardrails for code specification. White vinyl gates are permitted.
- c) **Colors:** Deck and fascia (the border below the deck) colors/stains must be natural wood colors or white and must complement house colors; no other colors are permitted.
- d) **Deck skirting/lattice** is permitted and should match a) the color of the fascia/natural wood colors, or b) be white vinyl. Again, composite materials (vinyl or Trex/TimberTek) are suggested because wood will deteriorate over time.
- e) **Storage under decks** is not permitted (except for hose reels and sprinklers during lawn watering season).
- f) **Screened-in porches** may not become a visible repository for excess storage.

5. FOUNDATION PAINTING (Article 8, Section 32)

- a) **Foundation painting** is permitted using the following colors: a) a concrete color/light gray, or b) a color that matches the home's vinyl siding. No other colors are permitted.
- b) **Masonry paint** must be used and it is the responsibility of the lot owner to make sure it remains in good repair. For example, paint may chip due to damage when trimming weeds by the landscape company and/or the ground may settle and show the original stained concrete, etc.

6. FRONT DOOR SIDE LIGHT WINDOW REPLACEMENTS (Article 8, Section 28)

- a) Board Approval is required.
- b) Replacements may resemble as closely as possible that which was originally installed by the builder.
- c) Leaded glass panels with light etching/frosting may be used if approved by the Board.
- d) No solid colored glass may be used as replacement for door side light windows.

7. HANDRAILS AND GUARDRAILS (Article 8, Section 33)

- a) Board Approval is required.
- b) **Handrails:**

- i. External handrails must meet the International Residence Code standards as specified in section R311.7.8.
 - ii. Handrail materials can include aluminum, vinyl clad, wrought iron, or composite materials.
 - iii. Handrail color must match the siding, or be black or white.
- c) **Porch and Deck Railings:**
- i. Porch and deck railings must meet the International Residence Code standards as specified in section R312.1.
 - ii. Railings and balusters must be white vinyl.

8. HARDSCAPING (Article 8, Section 30)

- a) Board Approval is required.
- b) To avoid increases to lawn care costs borne by the community, any installation cannot impede the ability of lawn care personnel to perform regular duties using standard equipment and/or processes.
- c) Anything higher than 30” requires a New Castle County Building permit in addition to Board approval.
- d) Approval will be dependent on distance between neighboring properties.

9. LANDSCAPING – GARDENS, REPLACEMENTS & MAINTENANCE (Article 8, Section 29)

- a) Board Approval is required.
- b) A written request for the installation of a vegetable or flower garden or additional shrubs to the property must be submitted to the Board for approval prior to installation. The size and proposed location for the garden or shrubs must be included with the request. Maintenance of the garden is the responsibility of the homeowner, not the VOLCMC. The following limitations apply:
 - i. Vegetable gardens are limited to a size of no greater
 - ii. than 12' X 8'.
 - iii. Vegetable gardens should be located at the rear of the property.
 - iv. Flower garden sizes and plant sizes may vary and need to be submitted on a case by case basis.
 - v. Gardens should be kept neat, weeded, and properly maintained.
 - vi. Mulch must be black.
- c) Annual flowers may be planted without the permission of the Board, within existing mulch beds.
- d) Trees, shrubs and garden contents already installed within existing mulch beds may be replaced or updated at the discretion of the owner without the permission of the Board.
- e) Replacement choices should not impede the ability of lawn care maintenance personnel to perform regular duties using standard equipment and/or processes, to avoid increases to lawn care costs borne by the community.
- f) Shrubs in front mulched beds against the homes should be no higher than home window sills.
- g) Dead landscaping should be removed or replaced in a timely manner by the property owner once all warranties and commitments by the builders have

expired. Additionally, diseased landscaping should be assessed and removed or treated, as appropriate, in a timely manner by the property owner once warranties and commitments have expired.

- h) Per New Castle County Code, Chapter 7, Property Management Code, PM 302.17 no tree branch may extend below a height of seven (7) feet above the ground over the width of any sidewalk.
- i) Landscaped beds (builder beds) installed by the home builder that are in their original shape and dimensions will be maintained by the VOLC landscaping contractor. Beds that have been added or original beds that have been expanded by the original or subsequent homeowners will not be maintained by the VOLC landscaping contractor and are the responsibility of the homeowner to maintain.
- j) Per Delmarva Power, plantings around a pad-mounted transformer (green metal box) must have a 12-foot cleared space in front of the door, free of vegetation (other than standard lawn grass), so crews may service the transformer.
- k) If you have existing plantings around your utility boxes, the power company has the right to cut down any plantings, at the expense of the homeowner, to service the utilities.

10. MAILBOXES, MAILBOX COVERS, MAILBOX POSTS (Article 8, Section 35)

- a) Location: Mailbox post and mailboxes must remain in the location placed by the builder.
- b) Colors: Mailboxes may be black or white; mailbox posts must be white.
- c) Materials: Mailboxes may be vinyl or metal; mailbox posts should resemble original structures which are white and maintenance free.
- d) Mailbox Covers: Are permitted, but must be non-offensive.

11. OUTDOOR WALL DECORATION/LAWN ORNAMENTATION (Article 8, Section 25)

- a) **Because of the size of our lots and homes, a maximum collective number of the items allowed as listed below is five (5) in the front yard, five (5) in the back yard and two (2) on each side of the property. Please keep in mind that any items placed in the way of the lawn maintenance workers will be the responsibility of the homeowner if damaged and may not impede lawn maintenance.**
 - i. **Decorative plaques (either wall mounted or hanging from arm)**-These will be permitted on the front porch, rear porch or deck. They must be discrete and barely visible from the street. Due to individual tastes, these are for the enjoyment of the homeowner.
 - ii. **Outdoor clocks, outdoor thermometers, rain gauges and wind gauges** are permitted
 - iii. **Decorative Ponds** – Are not permitted.
 - iv. **Fountains** – These are permitted in the rear of the property only. A maximum height of 36” will be permitted in the mulched or landscaped areas.
 - v. **Fire pits** – Use of fire pits is prohibited.

- vi. **Trellises** – These must be black, white, or wood toned, and be against the wall of the house and/or in the mulched area of the property. They must be properly maintained.
 - vii. **Deck Planter Boxes** – These are permitted if neutral in color or white and may be hung from the porch railings. Plantings must be maintained and all dead plant material must be discarded promptly. Permanent window boxes are not permitted.
 - viii. **Hanging Planters** – These are permitted on the porches or decks. The hardware used to hang these should be inconspicuous. Plant material is to be maintained or removed as soon as it dies. Hanging planters may also be hung from a shepherd's hook in the mulched beds. These should never be placed in such a way as to impede lawn maintenance.
 - ix. **Potted Planters** – These are approved for porches, decks, steps, mulched beds and walkways. They should in no way be placed where they will impede lawn maintenance or snow removal. They must be maintained and removed once the growing season is over or the plants die.
 - x. **Larger Lawn Statues** – These will be permitted in the mulched areas, if kept to a size not higher than the window ledge in the front and rear (36-40" x 18-24"). These will be limited to one in the front and/or one in the back. They should be neutral in color. The lawn maintenance company is not responsible for damage to any objects in the way of their work.
 - xi. **Small Lawn Ornaments** – These are permitted with limitation in number and size. The recommended size is no larger than 18" and be in the mulched area. The lawn maintenance company is not responsible for damage to any objects in the way of their work.
 - xii. **Garden flags** – One standard size (12" x 18") garden flag is permitted in the front mulched bed and one standard size garden flag is permitted in the rear mulched bed.
- b) **Solar Lights** – Permitted in the mulched areas, decks, railings, stairs, or other hardscaped areas only. They may not be placed where they will impede the lawn maintenance crews. To avoid damage to any lights placed in the mulched area, it is the homeowner's responsibility to remove them prior to any bed maintenance.
 - c) **Motion Detector Lights** – These are permitted for security reasons; however, consideration must be given to the placement so that they do not cause any neighbors to have unwanted light shining into their windows. See the current New Castle County Municipal Code, which may be reviewed online, for more information.
 - d) **Holiday Lights and Decorations** – Christmas holiday Lights and Decorations may be installed, erected, or maintained on a Lot, provided they are installed or erected no earlier than Thanksgiving and the same are removed no later than January 15 of the immediately succeeding year. All other holiday decorations shall be installed or erected no earlier than one month of the holiday, and removed within two weeks after the holiday.
 - e) **Porch Ceiling Pictures: Light Fixtures/Fans** –
 - i. Corporation Approval is required.

- ii. Ceiling light fixtures are permitted and must be:
 - Flush-mounted to the ceiling (for example, no pendant lights).
 - Housed in white or black casing.
- iii. Ceiling fans are permitted and must be:
 - Flush-mounted to the ceiling (no down rods).
 - Must be white.
- iv. Combination ceiling fans with lights must have flush mounted lights.
- f) Any of the above, **if permitted**, are the responsibility of the homeowner to see that the object is well maintained and does not in any way interfere with lawn maintenance. Should these items become damaged or worn, they should be removed or replaced, including artificial plants.

12. PARKING: Daily Routine Parking and Temporary Parking (Article 8, Section 7)

- a) **Residents and visitors'** cars and pick-up trucks may be parked in driveways. These vehicles may also be parked parallel to curbs (on a short-term basis). Vehicles need to clear all walkways, driveways and mailbox areas.
- b) All on-street parking shall be done in a manner that assures **emergency vehicles** (e.g., ambulances and fire trucks) have sufficient clearance for passing. It is strongly suggested that temporary and visitor parking be only on one side of the street in any given area. It is suggested that visitor overflow parking be directed toward basin areas.
- c) During **snow plowing**, parking on the street is prohibited. The VOLC board has the authority to have vehicles towed at their discretion and at the owners' expense, if blocking snow plowing operations. Garage parking is necessary if owners want their driveways cleared of snow.
- d) During **roadwork or driveway work** owners' cars & pickup trucks may be parked on the street.
- e) **Overnight parking** of any vehicle on the street is discouraged if there is space in the homeowners' driveway.
- f) **Temporary parking** of recreational vehicles (RVs, boats, travel trailers, etc.) is permitted with limitations.
 - i. Parking of recreational vehicles on the street overnight requires a temporary county permit. Temporary permits (not to exceed 14 days) are obtained from the New Castle County Police Department. The permit must be displayed on the rearview mirror during the entire time it is parked in the roadway.
 - ii. Recreational vehicle parking in the driveway is permitted for up to seven (7) days within any 30-day period to allow for loading, unloading and trip or storage preparation. Owners may have only one recreational vehicle on their property at any one time. The recreational vehicle may not be parked on the grass and must completely clear all walkways.
- g) **Parking on Corners** is prohibited due to the safety factor.

13. PETS (Article 8, Section 3)

- a) Owners moving in with more than two pets are grandfathered until such time as the pets, over the number of two, are deceased. At that point, the Owner is restricted to having no more than two pets overall.

- b) As pet waste is removed, the waste must be placed in a bag, and put in the pet owner's refuse container which must be kept inside the home/garage.
- c) All pet owners, their guests, or pet-sitters, shall be held to the same standards as listed above for Owners and shall take all reasonable steps to prevent the noise, waste or odors from their pet(s) from annoying other Owners.

14. SIGNAGE (Article 8, Section 4)

- a) **House Number Signs/Plates:** If replacement is necessary, due to damage, the house number sign should be uniform in placement and appearance with the rest of the community.
- b) **Contractor Signs:** Small advertising signs are permitted in the front of the owner's property, in mulched area only, for a period not to exceed two (2) weeks. These signs should not impede lawn maintenance. Signs should not exceed six square feet (2' x 3').
- c) **Community Event Signs:** These will be permitted at the entrance of the community or any open area that has been approved by the Board or Activities Committee. Duration of the display should be no more than one week preceding the event and must be removed at the end of the event. This would also include the lawn care vendor placing a sign for upcoming services to be performed.
- d) **Real Estate For Sale Signs:** One professionally manufactured realtor sign is permitted in the front of the lot. This may be placed in the front mulched area or in the front window of the home. The sign is to be removed once the sale is finalized.
- e) **Garage Sale Signs:** A small sign indicating an upcoming garage sale may be placed in the lot owner's yard, in a mulched bed, seven (7) days in advance of the sale and is to be removed at the end of the sale day.
- f) **Political Signs:** Per Delaware state law, Title 25, Chapter 81, Section 320 of Delaware Code, the VOLC cannot prohibit the display of these signs; however, they can be limited by time, place, size and number. Each homeowner will be permitted to display one sign in the mulched area 30 days prior to the election and must be removed within seven (7) days of the election. The size of the sign should not exceed six (6) square feet.
- g) **Home Security Signs and Handicap/Pet Window Stickers:** One professionally manufactured security sign may be installed in the front of the home at a maximum of 24 inches above the ground and no greater than 18" x 18" in size. This sign should not impede lawn maintenance. For emergency worker purposes, a handicap or pet sticker may be affixed to the front side light or rear sliding glass door.

15. STORM DOORS (Article 8, Section 27)

- a) Board Approval is required.
- b) A written request to install a storm door must be submitted to the Board by means of the approved ARC (Architectural Review Committee) request form.
- c) A picture and a detailed description of the storm door to be installed should be enclosed with the ARC request form.

- d) Storm door frames must be either white or match the color of the front door and shutters.
- e) Storm doors can be either full view glass, two glass panels separated by a horizontal bar, or solid bottom.
- f) One to two lines of clear etching will be permitted around the perimeter edge of the clear glass door.

16. TRASH AND GARBAGE DISPOSAL (Article 8, Section 5)

- a) If the resident is away on trash pickup day, it is the resident's responsibility to have someone put the containers out to the curb for them on pickup day and see that they are removed back to the garage at the end of trash removal day.
- b) Trash and recycling containers should not be placed within three (3) feet of the mailbox post. This is to allow for the automated arms on the trash truck to pick up the can without damaging the mailbox or post. The containers should be placed so they do not impede pedestrian traffic on the sidewalks on trash and recycling day.

17. UNDERGROUND ELECTRONIC DOG FENCES (Article 8, Section 16)

- a) Underground electronic dog fences are allowed with the following provisions:
 - i. Boundary flags are allowed for 30 days within a six-month period. After 30 days, flags must be removed.
 - ii. Lawn maintenance personnel are not responsible for any damage to the fencing system.