

Fork Landing Farms Homeowners' Association

Architectural Guidelines

As of 10/26/2019

I. Statement of Responsibility and Authority

A. Committee Formation:

On September 1, 2019, the elected HOA Executive Board, along with the Chairpersons of the Architectural and Landscape Committees, combined the two committees. As such, the newly combined Fork Landing Architectural Review Committee and the Fork Landing Landscape Review Committee shall hereinafter be referred to as the "Fork Landing Architectural/Landscape Review Committee" or ALARC. However, the guidelines for areas of responsibility shall be listed separately.

B. Purpose:

The purpose of the Architecture portion of the guidelines is to ensure high standards of land use, architectural design, and property maintenance throughout the development. Per the Declaration of Restrictions for Fork Landing Farms HOA, Inc., anything that changes the exterior appearance of any Lot and/or structure is subject to the review by the ALARC.

C. Chairpersons:

The newly combined Architectural/Landscape Committee currently has two HOA members serving as Co-Chairpersons. ("ALARC Chairs"), who convene sessions of the ALARC as needed.

D. Responsibility:

The Architectural portion of the ALARC is responsible for two areas: (1) decisions on whether to approve applications for exterior alterations, and, (2) observation and abidance of violations of the restrictions.

II. Receiving Architectural Approval

Application forms for Architectural changes are available by contacting an HOA Board Member, ALARC member or on the Fork Landing website at ForkLandingHOA.org. Submission of a completed Application to the ALARC must include the following:

- A.** An outline of the project and a design plan, as well as details on the type(s) of product(s) and materials to be used. This should include colors and samples of materials to be used.
- B.** A Site Plan or Location Survey if the alteration will change the footprint of the Lot, e.g., a deck, shed, garage, or addition. A Site Plan or Survey is not required for alterations that only change the outward appearance of existing structures, such as siding, windows, or doors.
- C.** Elevation or Cross Section drawings that show the proposed alteration from all sides or depths (if appropriate).
- D.** As a courtesy, at least (2) adjacent neighbors should be informed and notified of the proposed plan prior to submission of the application. Their approval is not required.

The ALARC may request additional information or changes to the plans before final approval. In all cases, the ALARC will work with the Homeowner to arrive at a mutually acceptable plan. The ALARC has 30 days after submission of all requested information to approve or deny the proposed plan.

Written approval is required before starting Lot alterations. Any Homeowner failing to obtain pre-approval by the ALARC risks the cost of removing the alteration or improvement if it is found in violation of these guidelines.

Please note:

- You must contact the City of Milford *and* Sussex County Building Departments to determine if a Building Permit and Inspection(s) are required and what information, site plans, etc. may be required.
- Delaware law requires Homeowners to call Miss Utility before digging, excavating, or altering the surface of the ground in any way.
- Call 1 800-282-8555 and/or 1 800-441-8355
- No application is required to replace existing approved siding, roofing, windows, and doors of the house and outbuildings **IF** the same color, materials, and style are used.

III. Architectural Areas Defined:

A. ANIMALS / PETS -

- a) No animals of any kind other than usual household pets shall be kept or maintained on any part or portion of the Lot. No outbuildings, such as dog houses or similar structures are permitted.
- b) Pet owners assume the responsibility for any action of their pet(s). Barking dogs must be controlled so as not to be an annoyance to any other resident. All pets shall be appropriately licensed and leashed. Off leash dogs must be confined within an enclosed yard.
- c) All pet droppings in any neighboring yard and within the common areas of the HOA must be immediately collected and properly disposed of by the pet owner.

B. ANTENNAS -

No application is required for a standard, residential satellite dish or a multichannel Multipoint Distribution Service antenna that is 3 feet 3 inches or less in diameter. Installation of the dish or antenna must be in an inconspicuous location, not visible from the front of the Lot. A Lot owner may request a variance from ALARC if an alternative placement is required in order to obtain acceptable reception.

C. AWNINGS AND TRELLISES -

An application is required for all new awnings and trellises. The style, color and materials should be compatible with the architectural character of the house. Cloth or wood is the preferred material.

D. BASKETBALL BACKBOARDS -

No application is required for a portable basketball hoop. Basketball nets must be maintained in good condition. Attaching a backboard to the front of the garage requires an ALARC application. Basketball playing shall be permitted within the confines of the resident's driveway or rear yard.

E. CLOTHESLINES -

No application is required for umbrella or retractable clothes drying devices. The devices must be removed from view when not in use unless enclosed by privacy fence or other enclosure in the back of the house.

F. DECKS, PATIOS, AND WALKWAYS -

An application must be submitted to the ALARC for all decks, patios, and walkways and for changes to such existing structures. The City of Milford does not require walkways or patios to have a permit, only structures i.e. Decks. Decks should be constructed of pressure-treated wood or composite materials. Construction must comply with City code.

G. DRIVEWAYS -

Maintenance, repair, or replacement of driveways is the responsibility of the Homeowner(s). An application is required for resurfacing an existing driveway **IF** the materials, size, shape or grade differs from the existing driveway. Changes in grade must be shown on the site plan. Seal coating of the same color is permitted without ALARC approval.

H. FENCES -

- a) An ALARC application is required for ALL new fences and changes in configuration of existing, approved fences. Fences can be no more than five (5) feet in height. An additional 1 foot of a lattice-like top may be added for a total of 6 feet. Six foot privacy fencing (solid & opaque fences) is required around an in-ground pool. City and county laws shall prevail. Fencing should be compatible with any preexisting adjacent fences in height and style. The application should include color selection for stain or paint if applicable.
- b) Chain-link fences will **not** be approved. Wire mesh may be attached to the interior of an approved fence. It should be a flat dark color and rustproof. Chicken wire is not an acceptable material.

I. FLAGS -

- a) Flags of the United States of America may be displayed on the front of houses. If you elect to fly an American flag on an extended basis, ensure that the flag is not wrapped around its pole and that all other rules of flag etiquette are observed. For example, flags should not be out in the rain and should be lit if flown at night.
- b) No flag shall exceed 3' x 5'.

J. GAZEBOS -

An ALARC application is required for all gazebos. Gazebos should be designed and constructed with materials that harmonize with the house. The size of the gazebo should be proportionate to the size of the Lot and house.

K. GRILLS, FIREPITS and OUTDOOR FIREPLACES -

- a) An ALARC application is required for all permanent grills, fire-pits, and outdoor fireplaces. The application should detail location, materials, dimensions and style.
- b) An ALARC application is required for any refillable propane cylinder exceeding 30 pound capacity.
- c) **CAUTION:** Grills, fire-pits, outdoor fireplaces and other heat-producing elements must never be in an enclosed area. In addition, no grill, fire-pit or outdoor fireplace may be permitted to be any less than three (3) feet from an existing structure. A distance greater than 3 feet may be required by the ALARC.

L. HOT TUBS AND WHIRLPOOLS -

An ALARC application is required for all outdoor hot tubs and whirlpools. They should be located behind the house and screened, fenced or landscaped to provide privacy.

M. MAILBOXES –

- a) Mailboxes and mailbox posts shall be kept in a good, clean condition that is in keeping with the existing mailboxes and mailbox posts in the area.
- b) Replacement of mailboxes and/or mailbox posts shall be of a similar size and type as the existing mailbox or mail post.
- c) Replacements must conform to U. S. Post Office guidelines. See the local postal office for instructions and guidelines or refer to the USPS website, <https://www.usps.com/manage/mailboxes.htm>.

N. MAINTENANCE -

- a) Each Homeowner is responsible to keep their Lot and all improvements thereon, in good order and repair, including but not limited to, driveway condition, windows and screens and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management.
- b) Maintenance shall include the removal and/or mildew from siding and the proper maintenance of all exposed wood surfaces. Proper maintenance also includes the repair or replacement of any visible damage to the exterior of either the home itself or other building on the Lot.

O. MOTOR CYCLES, MOTOR SCOOTERS -

Motor cycles, motor bikes, motor scooters, golf carts or other similar vehicles shall not be operated within the development except on roadways and only for the purpose of egress to and from a home.

P. NOISE and ODOR -

Residents shall not cause or permit any noise, music, or unusual or objectionable odor to emanate from their Lot. All radios, televisions sets, stereos, etc. must be turned down to a sound level that does not annoy or interfere with other Homeowners. This includes automobile radios, portable radios or boom boxes played outdoors. Barking dogs must be controlled so as not to be an annoyance to any other resident.

Q. PLAY EQUIPMENT -

No application is required for play sets that are less than nine (9) feet high and fifteen (15) feet wide if they are located in the rear of the house, but at least 10 feet from the rear and side of the Building Restriction Line (BLR). An application is required for all other permanently installed play equipment, including play houses.

R. PORTABLE STORAGE UNITS -

One portable storage container is permitted on residential property for up to 30 days without an application. Containers that remain or are anticipated to remain beyond 30 days require an ALARC application.

S. PRIVATE RESIDENCE -

- a) Each residential house shall be used as a residence, and for no other purpose. Any Homeowner granting any form of leasehold interest in their house requires the registration of same with the City of Milford and notification to the Executive Board with a copy of the lease agreement.
- b) All Leaseholders will provide the Executive Board with their contact telephone numbers and/or email addresses in order to remain up-to-date on any changes to the HOA By-Laws, Declaration of Restrictions and Architectural & Landscape Guidelines.
- c) A copy of the HOA By-Laws, Declaration of Restrictions and Architectural & Landscape Guidelines will be provided to the Homeowner and the Leaseholder(s). However, the Homeowner is ultimately responsible for compliance with the aforementioned documents and any updates.
- d) No Leaseholder is permitted to add, change, update, construct or redo any portion of the exterior of the residence without the prior approval of the Homeowner.

T. RAIN BARRELS -

A rain barrel may not exceed 24 inches in diameter and have a screen to prevent mosquito larva. The color and material of the rain barrel should be compatible with the architectural character of the house and should be located in the rear or side of the house.

U. SHEDS -

- a) A City Permit and ALARC application are required for all sheds. A site plan showing location must be submitted with the application. The shed should be designed to match the house including roofing, siding and trim. A shed can be no larger than 10 feet wide by 12 feet long and located in the rear of the Lot.
- b) All sheds must be secured from wind damage. This is accomplished either by being permanently mounted on a solid base, such as a concrete pad or Sonotube, or secured using appropriate tie-downs or ground anchors.
- c) In all cases, the City of Milford and Sussex County Building Codes will dictate the appropriate requirement at the time of a permit approval.

V. SIGNS -

No application is required for temporary signs advertising the sale of residential property. Two (2) political signs associated with official elections may be posted 30 days prior to an election and removed within 48 hours after same. Garage sale signs must be removed at the end of the day of the sale.

W. SOLAR PANELS -

An ALARC application is required for all solar panels. Solar panels on a sloping roof should be parallel to the roof surface. All wiring and accessories must be inconspicuous. Solar panels cannot be located on the Homeowner's lawn if the Lot is less than 1/2 acre.

X. STORM DOORS –

Storm Doors are permitted on any exterior door.

Y. SWIMMING POOLS -

No application is required for portable children's wading pools less than 8 feet in diameter and 12 inches in depth. However, a City Permit and ALARC application are required for all other swimming pools. Above-ground pools will **not** be approved. The effect of noise and lighting on neighboring properties will be a primary consideration when deliberating on applications for pools. A 6 foot fence compatible with the design is required to enclose the pool, pool apron, pool deck and related equipment.

Z. TRASH RECEPTACLES -

- a) Trash receptacles must **not** be visible to public view except on designated collection days. All trash, refuse, garbage, waste or recycling of any kind is to be placed in an appropriate container and kept in the garage or behind a screened area.
- b) Screened areas may not be in front of a home.
- c) An area on the side or back of a home may be considered a “Screened Area” if the area has approved fencing that is forty (40”) inches or greater in height.
- d) Screened areas that are visible from the street or face a neighboring yard shall have outer construction similar to the existing siding in both material construction and color.

AA. VEHICLES, BOATS, TRAILERS, AND CAMPERS -

- a) Major repair or renovation of vehicles, including, but not limited to automobiles, vans, SUVs, lawn mowers, trucks, tractors, boats, trailers and campers is prohibited on the property, except in an enclosed garage.
- b) The following shall **not** be parked or stored in the open: boats, trailers, campers, recreational vehicles, inoperable vehicles, unregistered vehicles, large lawn mowers or large trucks & vans with commercial lettering for more than a 24 hour period or weekend (3-day holiday weekend included).

BB. YARD FIXTURES -

No statues, sculptures, painted trees, ornaments, or replicas of animals or other like objects larger than 4’ high x 30” wide or round may be affixed to or placed in the front and side yard of on any Lot or building.

IV. ENFORCEMENT & PENALTIES

A. Violations(s):

- a) If a Homeowner has made alterations on their Lot without prior approval of the ALARC, said homeowner is subject to a one-time fine per violation. The amount of the fine shall be between \$50.00 and \$250.00, at the sole discretion of the Board. In addition, and at the discretion of the Board, said homeowner may be required to remove, replace or undo the alteration(s) to restore the Lot to its original appearance prior to the alteration. All costs incurred to effect the removal and restoration shall be borne by the Homeowner. Once restoration of the Lot has been brought to a satisfactory completion, the Homeowner may then apply for approval for reinstallation.
- b) If a violation is brought to the attention of the ALARC, the ALARC will notify the Homeowner in writing of the violation(s). The Homeowner will be provided 15 days, unless notified otherwise, to become compliant without penalty. Failure to comply within the 15 day notice period will result in a daily fine of \$5.00 per day for up to an additional 30 days. If the violation(s) are not corrected within the 30 day penalty period, the ALARC will recommend to the Executive Board that it pursue any legal or equitable remedy that may be available in order to obtain compliance.
- c) If a Homeowner is cited for three (3) or more violations of the same nature, as determined solely by the ALARC, within a 12 month period, said Homeowner shall automatically be fined \$25.00 plus \$5.00 per day from the date of the third (3rd) occurrence until the property is in compliance.
- d) If any Owner permits the Lot, and any improvements on the Lot, to fall into disrepair or to become unsafe, unsightly or unattractive as determined by the Board in its sole and absolute discretion, or permits any Lot, and improvements to otherwise violate the restrictions contained in these Guidelines or the Declaration, the Association shall have the right to seek any remedies at law or in equity it may have. In addition, and without limitation, the Board shall have the right, but not the obligation, if such unacceptable maintenance is not corrected within forty five (45) days' of the initial written notice from the Association (or such longer period if reasonably necessary under the circumstance, provided that Owner is diligently performing such repairs or maintenance), to enter upon Owner's Lot and make such repairs and perform such maintenance and charge the costs thereof to Owner. The foregoing restrictions shall not be interpreted as creating any right or obligation of Association to enter into or perform any maintenance or inspection whatsoever of the Lot, or contrary to the provisions of any Law. Such costs shall be enforced, including penalty fees and costs, as an Enforcement Assessment on the Unit pursuant to Article VIII and Article IX or other applicable sections of the Fork Landing Farms HOA, Inc. By-Laws.