

CHERRY CREEK

A CONSERVATION COMMUNITY

COMMUNITY GUIDELINES

These guidelines have been adopted by the Executive Board as of June 2004 and updated as of March 2007, June 2012, October 2013, and November 2021

Note: These are guidelines and are intended as a quick reference only. They highlight and supplement the current provisions of the Declaration. Please consult the declaration before beginning any project.

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Section 1 The Basics

1. Authority

The Executive Board has the authority to enforce these guidelines as provided in the Cherry Creek community documents (Declaration and Bylaws) as well as the Pennsylvania Uniform Planned Community Act.

Throughout these Guidelines you will see the term “Executive Board or its designee.” While the Board is responsible, it may delegate certain review or administrative procedures to one or more committees of homeowners and/or to management.

2. Basic Principle

Before considering making any type of change or addition to the outside of your house or lot, refer to the relevant parts of these Guidelines.

Unless otherwise specifically noted in these Guidelines, you will need advance written approval by the Executive Board or its designee before any architectural or landscaping change or addition is started.

Approval can be obtained by submitting an application describing the proposed change to the management company, who will log your request and forward it for review to the Board or their designate. See Section 3 of these Guidelines for further details. Blank applications may be obtained from the management company or the Cherry Creek website.

Please

- Assume that you need prior written approval as fines maybe assessed for noncompliance.
- Allow ample time to review (usually 2-4 weeks, but up to 45 days for complex projects)
- Review the Relevant standards

3. Initial Installation

During the initial construction of Cherry Creek, the Declarants have the unrestricted authority to install improvements on lots and homes without prior Executive Board approval

Section 2: COMMUNITY-WIDE GUIDELINES
(Applies to both Carriage and Single-Family Homes)

Use Restrictions

Cherry Creek homeowners want assurance that all their neighbors occupy and use their residences in a reasonable fashion. Therefore, the Declaration establishes basic Use Restrictions in Article X. Homeowners are encouraged to read all those Use Restrictions.

Listed below are summarized restatements of some of the more significant Use Restrictions:

- a. Homes are to be used for residential purposes.
- b. You cannot change or damage the Open Space.
- c. Homes and home sites are to be kept in good order and repair.
- d. All signage must receive prior approval.
- e. Dogs or cats and other domesticated household pets are permitted, provided there is no boarding or kennel operation involved. Dogs must be leashed when being walked, and the person walking the dog must immediately clean up after their animal.
- f. Certain satellite dishes and antennae are permitted, subject to guidelines listed under item 14 of the Community Guidelines detailed below.
- g. The only motorized vehicles allowed on the streets are currently inspected and registered passenger vehicles.
- h. A recreation vehicle, trailer, or boat can only be parked inside a closed garage if they remain on the property overnight.
- i. If a shed or other accessory structure is permitted, it will only be permitted behind the home. Erection of any such structure must have prior Board approval (only allowed for single homes).
- j. Fencing will be allowed in the rear areas for most single family detached homes, subject to Guidelines found in Section 4.
- k. Exterior lighting may be approved provided it is limited to the immediate vicinity of the home

Community Guidelines

The Executive Board has adopted these Guidelines:

1. Attic Fans:

Any attic fan must be installed by a licensed electrician and be Underwriters Laboratory (UL) approved. The fan apparatus must be placed on the roof in the rear of the attic, not facing the street and shall not extend above the roof plane more than eight inches (8"). The exterior cover must be of a color which blends with the roof shingles.

2. Awnings

A retractable awning of canvas or similar material may be installed to cover a rear patio or deck only. Color and other specifics for the awning are detailed in the Review Standards for Single Family Homes and for the Carriage Homes. Any damage to the home caused by the installation or use of the awning is the homeowner's responsibility.

3. Barbeque Units

A propane or gas barbeque unit may be kept on the rear patio or deck. It should be covered when not in use.

4. Bird Baths and Feeders

One birdbath and/or bird feeder is allowed on the rear patio or deck of any single family detached home. They also may be placed in a rear landscaped bed of a single family detached home. In the Carriage Homes, one birdbath and/or feeder is allowed, however such birdbaths and feeders must not interfere with landscape maintenance nor cause property damage or unsanitary conditions.

5. Car Covers

Solid color car covers which are in good condition and specifically designed for that use is permitted.

6. Decorative Articles

Articles of a decorative nature may be placed around the main entryway of the home within four feet of the door. Flower arrangements and seasonal decorations are also allowed on the front doors.

7. Firewood

Only residents of the single family detached homes may store firewood. Not more than one cord of wood may be stored and that must be stacked on the patio or deck without touching any exterior walls.

8. Flags

A United States flag up to fifteen square feet may be displayed consistent with traditional display rules ([Guidelines for Display of the Flag \(va.gov\)](http://www.va.gov)). The Board must approve the display of any other type of flag. No permanent free-standing flag poles may be erected.

9. Holiday Decorations

Modest holiday decorations are permitted on the exterior of homes. During the Christmas Holiday season decorations may be installed no more than three weeks before the holiday and removed within two weeks after the holiday. For all other holidays, decorations may be installed two weeks before the holiday, and must be removed within one week after the holiday.

Inflatable decorations are permitted in the single homes only and must conform to the above schedule for display. It is recommended that inflatable decorations be kept inflated, where

possible for the entire duration of display (as opposed to being deflated for portions of the display period -such as during the day). "

10. Hose Storage

Movable hose handling and storage carts are strongly encouraged. Mounted type hose storage units are permitted for the single family detached homes provided they are near hose bib locations. Under no circumstances is a gas meter or other exterior utility component be used to store garden hoses. Hoses and storage equipment are to be stored indoors for the winter.

11. Landscape

As the Association provides landscape maintenance services for the Carriage homes, landscape guidelines will be more restrictive for those homes than the single family detached homes.

- a. Homeowners are responsible for the care, watering, and replacement of any plants, bulbs, shrubs, trees, or other landscape they install.
- b. Annuals and perennials which will not exceed three feet in height may be planted in original planted landscaped beds without prior approval.
- c. The addition of or expansion of an existing planted bed along with the plant material must be approved in advance by the Executive Board or its designee.
- d. The location(s) and types of trees, shrubs, and bushes which a homeowner wants to plant must be approved in advance by the Executive Board or its designee.
- e. Hanging plants may be placed on porches and rear patios and decks, but not in trees. Planter boxes may be placed on front entranceways or decks and patios but not in transformer boxes. Hanging plants and contents of planter boxes must be removed by December 1. Hanging plants, planter boxes, etc. may not be attached to any Carriage Home common wall.
- f. Nothing may be planted or maintained by Homeowners in any of the Open Space.

12. Landscape Lighting

A modest amount of accent lighting along the driveway (single homes only), entrance walkway, or patio/deck may be approved in advance by the Executive Board or its designee. To be considered, the proposed lights must be not taller than fifteen inches with a weatherproof black, architectural bronze or copper fixture which casts only white light. It must be a 12-volt or other type of low voltage system and the outdoor receptacles and hard wiring components must be installed by a licensed electrician. The Association and its contractors shall not be responsible for any damage which might occur to these lights during snow clearing or regular grounds maintenance.

13. Storm and Screen Doors

Front entry storm and screen doors may be approved in advance by the Executive Board or its designee. The door is to be a "full view" design in a color which matches either the color

of the entry door or home trim. For doors leading to a deck or patio, a “phantom” retractable screen door with white frame is permitted.

14. Television Satellite Dishes

Dish antennas of one meter or less may be installed in the least obtrusive location (per this listing) that provides reception:

- rear landscaped bed
- other landscaped bed
- on deck or patio
- on rear roof – below peak
- on front roof – below peak
- on side of home

Carriage homeowners need prior approval of the proposed location from the Board or its designate prior to installation. A homeowner who installs such a satellite dish is responsible for any damage to the exterior of the home.

15. Trash Containers

Heavy-duty trash containers shall be used for household trash disposal and pickup at the curb. Trash containers must be secured and kept in the garage except the day of pick-up. Trash and recyclables can be placed curbside beginning 7 PM the evening before and removed from the street by end of the day.

In addition to the Use Restrictions, the Board has determined that the following are **not permitted:** (Use Restrictions update June 1, 2012)

- Temporary or above-ground swimming pools.
- Exterior lighting which produces any color light but white.
- Exterior antennas or satellite dishes except as addressed in these Guidelines and the Declaration.
- Painting or staining of foundation walls, concrete walks steps, patios, or porches.
- Exterior electrical insect extermination devices or bug lights.
- Window air conditioner units.
- Planting of vegetables or fruits in beds or anywhere in the ground on the property.
- Gardens in planters are permitted on the decks
- Flowerbed edging or border of any kind.

Section 3: ARCHITECTURAL/LANDSCAPE REVIEW PROCESS

Overview

The Review Process is provided for in the Declaration and further amplified in these materials. The principle of requiring an advance review of any changes, additions, or improvements to the home exterior or lot is established to:

- promote visual harmony and preserve aesthetic values
- preserve the overall design plan of the Community
- avoid activities and uses which might adversely affect property values
- avoid potential interference with existing drainage patterns, storm water systems, or underground utilities

Evaluation Criteria

The Executive Board and/or its designee will evaluate each review request utilizing these and other criteria:

1. **Design compatibility:** The proposed improvement must be compatible with the architectural characteristics of the applicant's home, adjoining homes and the neighboring setting.
2. **Location and impact on neighbors:** Proposed alterations should relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, light, ventilation, view, and drainage.
3. **Relation to Open Space:** Whether the improvement impacts the Open Space, topography, or storm water runoff.
4. **Scale:** The size (in three dimensions) of the proposed alterations should relate to the adjacent structures and its surroundings.
5. **Color:** Color may be used to soften or intensify visual impact. Where relevant, components of an addition that is like the existing home such as roofs and trim, should be matching in color.
6. **Materials:** Continuity is established by use of the same or compatible materials as were used in the original home. The options may be limited by the design and materials of the original home.
7. **Workmanship:** The standard of the proposed workmanship is applied to all exterior alterations. The quality of work should be equal to or better than, that of the surrounding area. Poor practices, besides causing the homeowner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.

In addition to these basic criteria and regardless of the homeowners' ability to meet all the review standards and application requirements, the Executive Board or its designee may deny a request which would unreasonably impact either a neighbor's enjoyment of his/her home or lot or the aesthetics of the Cherry Creek community

Application Procedures

A homeowner must receive prior written approval of the Executive Board or their designee to make any change, addition, or alteration of the home or lot. To obtain a review and probable approval, the following application procedures must be followed:

1. A fully completed Architectural/Landscape Review Request Form must be submitted to the management company in form and content as required by the Executive Board. Request Forms may be obtained from PENCO Management, Inc (610-358-5580) or the Cherry Creek website (www.cherrycreek.us). The Board has waived the requirements that the application also be sent to the President and that it be certified with return receipt.
2. The Architectural/Landscape Review Request Form must be accompanied with a plan which describes the proposed modifications in sufficient detail to facilitate review. The plan should include all the following, as applicable:
 - height
 - materials
 - finish
 - color
 - size (drawn to indicate scale)
 - shape
 - location

When the proposed modification includes construction above the current grading or involves a change of the current grading, the plan must include appropriate elevations.

For many requests, review will be facilitated if the proposed modification is highlighted on an actual plot plan or site map.

3. Be advised that the Request Form will be reviewed only if the requesting homeowner is current in association fees and has no other outstanding review violation.
4. If the requested change, addition, or alteration has potential impact on one or more neighbors, the Executive Board or designee may notify those neighbors in writing. That notice will offer a summary of the proposal and ask for comment or concern within ten days. Those comments and concerns become a factor in the evaluation process. Neighbor approval will not necessarily be required. Note: The homeowner's association is not responsible for any damage or injury to any person or property resulting from any change, addition, or alteration.
5. The Executive Board or its designee will review the Request Form and supporting material within forty-five days of receipt of the completed package. As part of the review process additional information may be requested before a final decision can be made.

6. Within forty-five days of receipt of the completed package (Request Form, plan, supporting information) the Executive Board or its designee will have reached one of these conclusions and advised the applicant in writing:
 - the request is approved as submitted
 - the request is approved, provided certain conditions or changes are met
 - the request is denied but would be reconsidered for review provided certain conditions were met
 - the request is denied.

Until and unless the homeowner applicant receives a written notice of approval, the applicant must assume the application was denied.

7. The homeowner applicant may prepare an appeal request for the Executive Board to review a denial – provided the applicant can show in writing reasons why the Review Request should be approved or reconsidered.

Follow-up Requirements

After the homeowner applicant receives written approval (with or without conditions), the following apply:

1. The homeowner is responsible for obtaining all necessary Township permits and must, as a condition precedent to the installation of the subject matter of the application, provide the Executive Board or their designee with a copy of such permits. (The Township will not issue a permit without evidence of prior association approval.)
2. All approved work must conform to applicable building codes and be performed by a licensed contractor.
3. A Certificate of Insurance for the licensed contractor must be filed with management prior to commencement of the work if that work exceeds \$5,000 in value.
4. The homeowner is responsible for any damage or injury that results to any person or property, arising out of the installation of the subject matter of the application.
5. Upon completion of the subject matter of the application, the homeowner is required to notify the Board or their designee, within ten days in writing.
6. If the subject matter of the application requires the replacement, relocation or repair of any home, shrubs, trees, plantings, irrigation systems, sidewalks, cable TV systems, electronic alarm systems, turf, or portions thereof, the Executive Board or their designee shall have the right to require the homeowner to deposit funds to provide security for the benefit of the Association.
7. All work required for the installation of the subject matter of the application must be commenced within ninety days of the written approval by the Executive Board or their designee and completed within one year from such approval unless such time is extended by the Executive Board or their designee.

8. All work activity necessary to complete the installation of the subject matter of the application shall be limited to weekdays between the hours of 8:00 a.m. and 5:00 p.m.

The Executive Board and its designee(s) have access to the lot to inspect the modifications during construction and after completion.

Section 4: REVIEW STANDARDS: SINGLE FAMILY HOMES

Overview

The Executive Board has adopted these specific Review Standards as they apply to single family detached homes in Cherry Creek. These Standards are considered in the conjunction with the relevant provisions of Sections 1-3 of this document.

Primary Components

All requests for a change, addition, improvement, or enhancement should meet these standards as appropriate:

1. Basketball Backboards and Poles

a. Type of Home

Side Entry Garages – Basketball backboards and poles must be located on the side of the house but as far from the street as possible without extending beyond the rear foundation wall of the house and in no event closer to the street than the front face of the garage. Basketball backboards and poles must also be located a minimum of ten feet from the property line of any adjoining lot.

Front Facing Garages – Installation of basketball equipment may be placed in front of the garage along the outside driveway more than 1/2 the distance to the right of way (8 feet from street) but in no event less than 15 feet from the back of the curb. Basketball backboards and poles must also be located a minimum of six feet from the property line of any adjoining lot.

- b.** Temporary or portable basketball poles and backboards may not be placed anywhere on the lot except in a location which conforms to one of the two locations described in 1a above. Temporary and/or portable poles and backboards should not be left outside during winter months.
- c.** Installation of backboards over garages is not permitted.
- d.** All permanent backboards must be made of clear or smoke colored Plexiglas and be of regulation size and style.
- e.** All permanent poles used to support the permanent backboard must be set in concrete and constructed of rustproof metal painted black or white.
- f.** No additional accessories are permitted for the installation of basketball backboards and poles except for pole pads, which must be of a solid color like the basketball pole.

- g. All poles, backboards and nets must be maintained in good condition. The Board reserves the right to request repair, replacement, or removal of any unsightly pole, backboard, or net.

2. Decks

- a. The only permitted decks extend from the first floor of the home and may include steps to reach grade.
- b. The width of the deck and steps must remain within the outer boundary of the rear foundation wall of the home.
- c. There are two approved decking materials: pressure-treated lumber (singles only), or a composite known as “Trex,” (or equal).
- d. Decking rails may be white “PVC,” painted white pressure-treated lumber, cedar, or mahogany.
- e. Deck railings must be no more than 42 inches in height with balusters or spindles placed so as to leave spaces between them of not less than two inches or more than four inches.
- f. Decks steps are permitted provided they are made of the same material as the deck is wider than 36 inches and have closed risers.
- g. A weed mat and stones must be placed under decks with less than a four-foot (4’) high clearance at maximum height.
- h. Latticework is not permitted.

3. Patios

- a. Patios may be constructed in the rear of the home, within the outer boundary of the rear foundation wall of the home.
- b. Patios must be constructed of natural materials such as slate, flagstone, brick, pavers, granite, or concrete.
- c. Two sides of the patio may feature a wall, provided it does not exceed 30 inches in height, and that the materials blend with the patio and home
- d. Appropriate support and buffer landscape must be provided in the patio design.

4. Fences

- a. Fences will be reviewed and permitted for most single family detached homes.
- b. Fences shall be a minimum of two feet from Common Elements. Fences erected on the property line of an adjoining lot.
- c. Fencing shall be located only to the rear of the house, not beyond the rear foundation wall, except that it may extend up to the rearmost portion of the driveway only on the driveway side of the house.

- d. There are three types of fencing which may be approved by the Executive Board or its designee:
 - Three rail wooden split rail fencing (which may have black wire on the inside to restrain pets)
 - Black anodized aluminum with pickets which must be placed at least six inches apart to allow for at least 75% visibility.
 - Three rail vinyl fencing.
- e. In any case, the fencing shall be no higher than four feet.
- f. Fencing and any buffer plantings used must be maintained in a safe, attractive condition. The Executive Board reserves the right to require the repair, replacement, or removal of any poorly maintained fence.
- g. With prior written approval, an “invisible fencing system” will be permitted in locations where regular fencing is allowed.

5. Play Equipment

- a. As is the case with fencing, play equipment will be allowed for most but not all single family detached home lots.
- b. Play equipment shall be located in the rear of the home, unless an exception is approved by the Board or it's designee due to the layout of the lot.
- c. Play equipment must be fully positioned so that it is at least twenty feet from any adjoining lot or Common Element or other property line.
- d. Play equipment must be constructed of pressure treated wood or other material with similar appearance and performance characteristics. Plastic slides are permitted provided they remain within the confines of the other equipment.
- e. Play equipment may include a roof or canopy covering a floor space no greater than thirty-six (36) square feet. Canopies must be made of a durable material and may be either a solid or striped color that blends with the home and surroundings. Plastic slides are permitted provided they are incorporated as part of the play equipment and do not exceed the manufacturer's suggested guidelines for that structure.
- f. Play equipment must be maintained in a safe and attractive condition and may need to be landscaped to not unreasonably interfere with the quiet enjoyment of neighbors and to promote high aesthetic standards. The Executive Board reserves the right to require the repair, replacement, or removal of any poorly maintained play equipment.

6. Swimming Pools

- a. Certain lots for single family detached homes may permit the installation of an in-ground swimming pool.

- b.** Unlike any other Architectural Review item (where the initial approval is with the Association prior to contact with the Township), a homeowner wishing to install an inground swimming pool must first receive written approval by the Township.

The Executive Board or its designee will then review the Township-approved plans. The Board reserves the right to require other enhancements to the plan as part of its approval process.

7. Awnings

For single family homes, the color of the awning must match the exterior trim of the home, or match the color of the exterior elements of the home such that it blends in.

Section 5: REVIEW STANDARDS: CARRIAGE HOMES

Overview

The Executive Board has adopted these specific Review Standards as they apply to Carriage Homes at Cherry Creek. These Standards are considered in conjunction with the relevant provisions of Sections 1-3 of this document.

Additional Prohibitions

Due to the design of the Carriage Homes, the Executive Board will not allow the following to be installed

- No sound or home theatre system may be attached to the common wall of any home.
- Basketball Backboards and Poles
- Fences (except for a privacy fence in the rear for adjacent homes described later) and including no “invisible fences”
- Play Equipment
- Any type of ornament or fixture that requires the penetration of any common wall by any type of fastening device.

Primary Components

All requests for a change, addition, improvement, or enhancement should meet these standards as appropriate:

1. Decks

- a.** The only permitted decks extend from the first floor of the home and must include steps to reach grade, where applicable.
- b.** The width of the deck and steps must remain within the outer boundary of the rear foundation wall of the home.

- c. There is only one approved decking material which is a composite known as “Trex,” (or equal).
- d. Decking rails must be white vinyl coated material or “PVC.”
- e. Deck railings must be no more than 42 inches in height with balusters or spindles placed so as to leave spaces between them of not less than two inches or more than four inches.
- f. Deck steps are permitted provided they are made of the same material as the deck, are wider than 36 inches and have closed risers.
- g. A weed mat and stones must be placed under decks with less than a four-foot (4’) high clearance at maximum height.
- h. Latticework is not permitted.

2. Patios

- a. Patios may be constructed in the rear of the home, within the outer boundary of the deck above.
- b. Patios must be constructed of natural materials such as, flagstone, brick, or pavers, such as E.P. Henry or equivalent.
- c. Two sides of the patio may feature a wall, provided it does not exceed 30 inches in height, and that the materials used blend with the patio and home.
- d. Appropriate support and buffer landscape must be provided in the patio design.

3. Privacy Fencing

- a. Areas near and adjacent to the rear of some Carriage Homes may be approved by the Board for the installation of privacy fences.
- b. Privacy fences must be no more than seven feet in height, and constructed of white vinyl coated material, and extend no further than six feet from the rear wall of the home.

4. Hot Tubs

- a. Hot tubs are permitted under decks or in courtyards only.
- b. If hot tub is placed under a deck, it must be enclosed with 42” white vinyl coated composite deck railing similar to railing on main deck.
- c. If hot tub is placed in a courtyard, it should not be visible from the street.

5. Awnings

- a. The awning is to be only Sunbrella solid style #4633 in color “Linen” or Sunbrella striped style #4956 in color “Heather Beige”.

6. Courtyards

- a. Brickwork in courtyards must be E.P. Henry or equal