

Providence Creek

HOMEOWNERS ASSOCIATION, INC.

HANDBOOK OF RULES AND REGULATIONS AND DESIGN GUIDELINES

*******IMPORTANT*******

All proposed home modifications and property improvements must have specific prior approval from the Architectural Review Board before any action can be taken.

Adopted April 11, 2022

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Article I. Introduction

Section 1.01 Intent of Handbook

This Handbook of Rules and Regulations and Design Guidelines (the “Handbook”) is adopted pursuant of Article 9 of the Declaration of Covenants, Conditions, and Restrictions for Providence Creek (the “Declaration”) and is designed to provide an overall framework and comprehensive set of standards, procedures and rules for the development of the community in an orderly and cohesive manner.

Compliance with the standards, procedures and rules of this Handbook is required, but does not constitute the sole basis for review of applications for approval under Article 9 of the Declaration, nor does it guarantee any approval of any submission or application. Each submission presented to the Architectural Review Board (the “ARB”) will be approved or denied based on its own conditions. The board has the expressed right to consider any and all factors it deems relevant. **Board decisions may be based on purely aesthetic considerations.** Each owner and member of the Providence Creek Homeowner Association acknowledges that determinations as to such matters are purely subjective and opinions may vary as to the desirability and/or attractiveness of the proposed addition or modification. Decisions are made on a case-by-case basis, and although a modification or addition may have been approved in one instance, there is no guarantee that it will be approved again.

This document is not intended to replace the Declaration of Covenants, Conditions, and Restrictions but rather to clarify and to simplify the process by which homeowners may customize and modify the exterior property associated with the home and home site. Additional conditions may apply to improvements and modifications of properties that are not found in this Handbook. Both the Declaration and this Handbook should be reviewed by the homeowner in order to determine whether an improvement or modification will be approved by the ARB.

Unless otherwise specifically exempted by the Declaration or this Handbook **all proposed modifications and additions to homes and lots within Providence Creek require application to and prior approval of the ARB.** Where this Handbook specifically permits an owner to proceed without prior approval, such permission shall only be effective so long as the owner complies with the requirements of the Declaration and/or Handbook.

ANY HOMEOWNER WHO INITIATES ALTERATIONS, ADDITIONS, IMPROVEMENTS OR REPAINTING WITHOUT PRIOR WRITTEN APPROVAL BY THE ARCHITECTURAL REVIEW BOARD RISKS HAVING TO CORRECT OR REMOVE SAID ACTION AT HIS/HER OWN EXPENSE.

Article II. Maintenance

Section 2.01 Performed by the Association and Residents

- (a) The Association is responsible for the exclusive management and control of the common area. The association shall be responsible for the payment of all costs, charges and expenses incurred in connection with the operation, administration and management of the common area.
- (b) No resident shall cause any object to be fixed to the common property (including the planting of any plant material) or in any manner change the appearance of the common property.
- (c) The cost of repair or replacement of any improvement maintained by the Association, in cases where the repair or replacement is required because of an act of negligence or omission of any owner (including guests, family members and tenants of the owner), shall be the responsibility of the owner.
- (d) Residents are required to keep their property maintained in such a manner as to provide a neat and attractive appearance of a first-class residential neighborhood.
- (e) The Providence Creek Homeowner's Association, at its sole discretion, reserves the right to temporarily maintain a homeowner's property if said property is deemed by the Board to be unruly, not consistent with community standards for a neat and attractive appearance or presents a health hazard due to high grass, weeds or other negligent reasons. All fees associated with this action will be the responsibility of the homeowner to pay.

Article III. Improvements to Lots

Section 3.01 General Guidelines

- (a) ALL improvements to lots require specific prior approval by the Architectural Review Board and will be approved or disapproved based on compliance with the Declaration, this Handbook and/or the aesthetic discretion of the Review Board.
- (b) All projects should be completed within thirty (30) days of start date, unless not feasible due to the magnitude of the project.
- (c) Any utility additions must be underground and adhere to applicable code for such utilities.
- (d) All applications must include a detailed description of the planned project and must contain the following information, as applicable:
 - * Size of structure
 - * Height
 - * Wall material
 - * Estimated length of construction
 - * Location
 - * Quantity
 - * Detailed drawing
 - * Utilities

Section 3.02 Fences

- a. White vinyl semi-private fencing from 5' to 6' in height or black wrought iron or aluminum powder coated picket fencing 4' to 5' in height is allowed.
- b. Chain link fencing in any form is strictly prohibited (including dog pens / runs of any material).
- c. Fencing may not exceed six feet (6') in height.
- d. The maximum board width allowed is six inches (6").
- e. The "finished" side of all fencing must face outward.
- f. Fencing may not be erected any closer to the street than the side setback line on lots adjoining streets. Consult your property survey for your setback lines.
- g. Fences are not permitted in the front or side yards and must tie into the home at the furthest back corners of the dwelling, not to extend beyond the back foundation line. Under no circumstances may an applicant erect a fence outside of their property lines. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- h. **A single fence is preferred between adjacent lots sharing a common property line.** If a single fence is not feasible, applicant must ensure a distance no fewer than four (4') feet between parallel fencing to allow for maintenance between fences.

Section 3.02 Accessory Structures

- (a) NO outbuildings, sheds or accessory structure of any kind are permitted upon any lot in the Providence Creek community.

Section 3.03 Play and Exercise Equipment

- (a) **Trampolines are not permitted on any lot in Providence Creek unless enclosed by a rear yard six (6) foot semi-private vinyl fence as described in Section 3.02 of this Handbook.**
- (b) All swing sets, backyard play structures, soccer nets and similar equipment require a homeowner to submit an architectural request prior to their installation.
- (c) All play and exercise equipment must be located within the building setback lines and must be maintained in good condition.
- (d) Wooden, stained (natural color) swing sets and plastic play structures are permitted. No metal swing sets will be approved.

Section 3.04 Basketball Goals

- (a) Free-standing permanent basketball goals, mounted on black or dark green poles are permitted if the backboard is installed perpendicular to the street. The goal must be mounted on the lot a minimum of 15' from the back of the curb and set at least 6' inside the property line.
- (b) **Portable basketball goals are NOT permitted on any portion of a lot in Providence Creek**
- (c) Basketball play is not permitted in the side or rear yards of a lot.
- (d) Light attachments are not permitted on any basketball goals nor is excessive lighting allowed that would encourage basketball play during nighttime hours in Providence Creek.

Section 3.05 Landscaping Modifications and Requirements

- (a) Lawns: Only Bermuda grass on Lots shall be installed in Providence Creek.
- (b) Plant Materials: ANY significant changes or additions from builder installed plant materials require architectural approval. Exceptions are annuals in existing plant beds, which may be planted without approval. Any landscape material which dies on a residential lot shall be promptly removed and replaced.
- (c) Plant Beds: additional plant beds or expansions of existing plant beds may be approved but require architectural approval.
- (d) Mulch: ONLY pine needles, natural colored wood mulch or natural-colored engineered rubber mulch are allowed in plant beds. **All types of colored rocks (including white) and gravel, etc. are prohibited.**

- (e) Edging / Borders: edging and/or borders around plant beds may be approved but require architectural approval.
- (f) Vegetable Gardens: vegetable gardens are prohibited in front and side yards. Small gardens may be approved in rear yards but require architectural approval and cannot be visible from the street.

Section 3.06 Doghouses, Dog Pens and Dog Runs

- (a) One doghouse per lot may be approved by the ARB if it is located in the rear yard of a residence and not visible from the street.
- (b) Dog pens and/or runs are not permitted anywhere on the property.

Section 3.07 Exterior Lighting

- (a) Eave-mounted floodlights and low-level landscape lighting may be approved but require submission to, and approval from, the ARB in advance of their installation.

Section 3.08 Swimming Pools

- (a) In-ground swimming pools may be approved but require the installation of an approved perimeter fence enclosing the entire rear yard.
- (b) **Above-ground pools defined as any pool that requires, for its normal course of operation, inflation, a ladder, steps, a water filtration system, a pump, or any combination of these items are prohibited in Providence Creek.**

Section 3.09 Signage

- (a) Only the following types of signs are permitted on any lot:
 - (i) **“For Rent” or “For Lease” signs shall be prohibited.** One temporary sign advertising the home for sale, provided the sign has a maximum face area of four and one-half (4 1/2) square feet on each side and, if freestanding, stands no more than four feet (4') off of the ground.
 - (ii) One security service sign located in the front yard, and one located in the rear yard, provided the signs have a maximum face area of two (2) square feet.
 - (iii) Notification signage as may be required by legal proceedings or a governmental entity (such as a building permit).
 - (iv) No more than two (2) political signs may be displayed on any lot at any one time, unless the applicable municipality allows more than two.

Section 3.10 Mailboxes, Delivery Receptacles and Identification Markers

- (a) Only builder approved mailboxes are allowed (the same style and material as provided at original construction), if applicable.
- (b) The ARB shall have the right to approve the location, color, size, design, lettering and all other particulars of receptacles for the receipt of mail, newspapers or similarly delivered materials.
- (c) The ARB shall also have the right to require that all signage relative to the sale and/or leasing of a property be uniform in nature.

Article IV. Improvements to Structures

Section 4.01 General Guidelines

- (a) ALL improvements to structures require specific prior approval by the Architectural Review Board, and will be approved or disapproved based on compliance with the Declaration, this Handbook and / or the aesthetic discretion of the ARB.
- (b) All projects should be completed within thirty (30) days of start date, unless not feasible due to the magnitude of the project.
- (c) Any utility additions must be underground and adhere to applicable code for such utilities.
- (d) All applications must include a detailed description of the planned project and must contain the following information, as applicable:
 - * Size of structure
 - * Height
 - * Wall material
 - * Location
 - * Utilities (water, electric)
 - * Estimated length of construction
 - * Roof design
 - * Roof material
 - * Exterior finish
 - * Quantity
 - * Detailed drawing

Section 4.02 Additions

- (a) Must adhere to all applicable building codes.
- (b) Exterior surfaces must match those on existing structure.

Section 4.03 Decks and Patios

- (a) Must adhere to all applicable building codes.
- (b) Decks and patios cannot extend into a side yard beyond the side plane of the home.
- (c) Decks must be waterproofed, sealed or stained a natural wood color.
- (d) Ground-level patios must be constructed of concrete, stone or brick pavers.

Section 4.04 Satellite Dishes

- (a) Maximum allowable size for a satellite dish is thirty (30") inches.
- (b) Approved dishes must be mounted to the house in a position not visible from the street
- (c) If installation is required in a location other than the above-reference location, include a statement from the installer with the architectural request form. The association reserves the right to obtain a second opinion from a licensed installer and may require the homeowner to move dish location or include a landscape screening plan at their expense based on results from the licensed installer.
- (d) No other types of television or radio pole, antenna, aerial, or tower may be constructed, installed, erected, or maintained on any lot in Providence Creek.

Section 4.05 Exterior Colors

- (a) All exterior changes including, but not limited to, painting, staining, addition of storm doors and shutter replacement require approval from the Architectural Review Board. All proposed exterior changes must conform to the original scheme designed by the builder.
- (b) Shutters and doors must compliment the exterior color scheme and maintain the original colors intended by the builder.

Article V. Aesthetics

Section 5.01 Flags

- (a) One (1) flag up to three feet by five feet (3'X5') in size attached to a flagpole mounted to the home may be approved. The pole may not exceed four inches (4") in diameter and sixty inches (60") in length.
- (b) Only official flags of the United States, State or seasonal decorative flags may be displayed. Flags which display trademarks or advertising, battle flags and similar flags which, in the Board's sole judgment, are intended to, or tend to, incite, antagonize, or make political statements (other than a statement of citizenship of the residence of the dwelling) shall NOT be displayed.
- (c) Approved flags shall be maintained in good condition and shall not be displayed if mildewed, tattered, or faded beyond recognition.

Section 5.02 Window Treatments

- (a) Only typical window treatments such as blinds, draperies, shades and plantation shutters are allowed and do not require architectural approval.
- (b) Window air conditioning units or fans are not allowed.

Section 5.03 Exterior Holiday Decorations

- (a) Holiday decorative lighting and seasonal decorations shall be allowed from October 1st to January 31st of the following year, provided, however that the Board may adopt regulations limiting the type, intensity and number of decorative lights and decorations so allowed. Other seasonal decorations are approved one week prior to the event until one week after the event.

Section 5.04 Trash Removal

- (a) Garbage cans and recycle bins must be stored in one of the following locations:
 - (i) Inside your garage
 - (ii) Behind your house (screened from street view by your house). If placed behind the house as described above, owner must submit and receive approval from the ARB a landscape screening plan that conceals the containers from the view of neighboring lots.
 - (iii) Screening fencing may be approved for HVAC units or approved trash bins. Specifications must match that of dwelling. For example, if the primary dwelling is finished with a gray Hardi-board siding then screening for the HVAC units and/or trash bin **screens must be constructed of the same material.**
- (b) No garbage can or recycle bin should be placed at the curb any earlier than the night before collection and should be removed by midnight the day of collection.

Article VI. Parking

Section 6.01 Parking of Personal, Non-Commercial Vehicles

- (a) The ONLY approved parking locations for resident passenger vehicles or pick-up trucks shall be on an owner's driveway or in an owner's garage. **If an owner has more than two cars the owner MUST utilize the garage to store or park the additional vehicle(s) that are registered to occupants residing in the home. In no case shall a resident or occupant of the home be allowed to park or store a vehicle on the street.**
- (b) Personal vehicles parked in driveways may not extend into the sidewalk area.

Section 6.02 Parking of Commercial and Recreational Vehicles

- (a) A “commercial vehicle” is defined by the Declaration shall mean any vehicle having a carrying capacity and/size designation greater than or equal to one (1) ton; any vehicle other than a law enforcement vehicle bearing a company name or logo; any vehicle with ladders on top or in truck bed; and any “box” van or truck. Additionally, the Board reserves the right to further define a vehicle as “commercial” if said vehicle is used primarily for commercial purposes other than commuting to and from the workplace.
- (b) No boat, trailer, recreational vehicle, camper, camper truck or commercial vehicle shall be parked, stored, or left:
 - (i) On any part of the common open space within Providence Creek.
 - (ii) In any driveway except for a temporary twenty-four (24) period no more frequently than once per calendar month.
 - (iii) On any other part of a lot at any time.
 - (iv) Unless the vehicle is fully enclosed within the garage located on the lot and with the garage door primarily closed.

Article VII. Material Storage

Section 7.01 Visible Storage

- (a) Storage of materials of any kind, including construction material, that are visible from the street or neighboring yards is not allowed.
- (b) Weeds, vegetation, rubbish, debris, garbage or waste materials are not allowed to be accumulated on any lot in Providence Creek.

Section 7.02 Children’s Toy Storage

- (a) Toys must be stored out of sight when not in use.

Article VIII. Pets

Section 8.01 Owner Responsibility

Generally, all pets should be always kept under their owner's control and in compliance with applicable leash laws.

- (a) Pets must be on a leash and restrained whenever they are outside of a fence-in area of the community.
- (b) The Board of Directors of the Association has the unfettered and exclusive right at any time to exclude or have removed from the property certain animals and/or particular breeds of an animal that in its sole discretion it finds to be an unreasonable annoyance, inconvenience, a menace or threat, nuisance or creates an unsanitary condition within the community after a Notice of Opportunity for Hearing.
- (c) Owners are responsible for cleaning up any mess that a pet creates in Common Areas, or on any private property within Providence Creek.
- (d) Owners are responsible for their animal's actions and are solely liable for any provable damages.
- (e) Each home is limited to three (3) pets.
- (f) Animals creating a nuisance to residents shall not be tolerated – including noise issues (excessive barking, growling, howling, etc.). Should a nuisance become persistent please contact Animal Control for their assistance.

Article IX. Disturbances / Nuisances

In matters that become a problem between neighbors in Providence Creek, the Board may act upon some, under the general powers conferred by the Declaration. In the rare event that a resident causes unreasonable noise or other disturbances that cannot be resolved by speaking with the neighbor, the appropriate public law enforcement agency should be contacted. (For disturbances related to pets of residents, please see Article VIII, subsection 8.01 (f) of this document.)

Article X. Safety

Section 10.01 Fire

- (a) Residents should use extreme caution when using grills on wood decks or near structures or flammable landscape materials such as pine bark mulch or pine needles.
- (b) Smoke detectors should be located on each level of every home near sleeping areas and should be tested twice yearly.
- (c) The local fire department may be contacted for more tips on fire safety.

Section 10.02 Children

- (a) Please observe speed limits and be alert for children playing that may dart into your path. **Keep Providence Creek safe for everyone.**

Section 10.03 Theft / Burglary

- (a) Please report any suspicious activity in the community to the police department.

Article XI. HOA Contractors

The Board may engage outside contractors to provide services on behalf of the Association and to perform on-going maintenance and landscaping of common areas.

Section 11.01 Management Company

Duties of a management company include accounting services (collecting Association dues, mailing late notices, paying bills on behalf of the Association, etc.), handling homeowner complaints and inquiries and managing agents hired by the Board to perform landscaping services and other Common Area repair or maintenance.

APPENDIX A

Acceptable Fence Style - #1
(4' or 5' wrought iron/aluminum powder)
Fencing MUST match photo below



Acceptable Fence Style - #2
(5' or 6' semi-private white vinyl)
Fencing MUST match photo below



Please refer to Section 3.02 for further information on fencing.