

**Aberdeen Creek Home Owners Association
Architectural Control Committee Guidelines
Effective Date: January 30, 2020 (Updated 04/28/2022)**

As a Deed Restricted community our “Association” - Aberdeen Creek - is governed by the **Declaration of Covenants, Conditions and Restrictions of Aberdeen Creek (“CC&R”)** and **By-Laws** dated February 6, 2001, and 4 **Amendments** approved in 2005, 2007, 2009 and 2019. **Article VI of the CC&R, Article IX of the By-Laws, and Florida Statute 720.3035** authorizes the Association to establish an **Architectural Committee** and adopt **Design Standards** to ensure compliance with the community deed restrictions and to maintain the quality of life and property values in the community.

The Board prepared **ACC Guidelines** in 2007 to serve as the community **Design Standard**. The Board works with the HOA’s Community Management Company to ensure these Guidelines are enforced. Part of the ACC Guideline content is mandated by the community Deed Restrictions - the remaining content has been selected to help maintain community standards and has evolved over time. Residents in the community are welcome to suggest changes – with the caveat that changes to items based on a deed restriction will require a CC&R Amendment.

An ACC Change Request form must be completed, submitted and approved by the Board before starting any modification that requires an approved ACC Change Request.

Note: paying for permits required by a project should be deferred until receiving HOA approval – the HOA approval will be contingent on obtaining the proper permits. Submit requests sufficiently in advance to allow up to 2 weeks for a response.

These ACC Guidelines are available on HOA website www.aberdeencreekfl.com. A printed copy can be requested by contacting the HOA Management Company.

An **Index** to the **ACC Guidelines** is on Page 2 of this document; the **ACC Change Request** form can be found on page 16.

NOTE – These Guidelines are based on the following documents that are available on the HOA website www.aberdeencreekfl.com:

- ***Declaration of Covenants, Conditions and Restrictions of Aberdeen Creek & By-Laws – 02/06/2001***
- ***2005 Amendments to Articles VII & VIII***
- ***2007 Amendments to Article VII***
- ***2009 Amendments to Articles II, IV, V, VII, VIII, XI***
- ***2019 Amendments to Articles V, VII, VIII***

A summary of these documents and the specific restrictions in these documents can be found at the end of this ACC Guidelines document on pages 17-19.

County and State Ordinances/Statutes for Parking and Irrigation Systems can be found on page 20.

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GENERAL CONSIDERATIONS

Item	Architectural Committee (ACC) Guidelines	References
Items Requiring ACC Approval	ACC (Architectural Control Committee) approval is required when a homeowner makes any exterior change which would modify the appearance of any part of the property or its appurtenances** or would change the materials of original construction. The ACC approval process is initiated by submitting an ACC Change Request form.	CCR ARTICLE VI CCR ARTICLE VII CCR ARTICLE VIII
When is ACC Approval Not Required?	ACC approval is not required when property features or appurtenances** are replaced with the same ACC approved elements or if dwellings are repainted with same ACC approved exterior colors.	CCR ART. IV PAR. 4 CCR ART. VII PAR. 11
Required Maintenance	Each Owner must maintain their lot and appurtenances** in a safe, sanitary and reasonably attractive condition.	
Repairs after Damage	<i>**appurtenances are any improvements, additions, or other features that are part of the property</i>	
ACC Change Request	In the event a Dwelling is damaged or destroyed by casualty, hazard or other loss, then within twelve (12 months) after such incident the Owner must complete rebuilding or repair of the damaged Dwelling. ACC Change Requests are to be submitted to the HOA Management Company using forms provided by the Board prior to the commencement of any work. Work must not begin until approval has been received. When approved, work must begin within 90 days of the approved start date and must be completed by the scheduled completion date; otherwise a new request must be submitted. Applicants must obtain all legal documentation and permits as required by State, County and other applicable codes and ordinances. It is recommended that applicants request HOA approval before paying for permit fees; HOA approval can be given contingent on then obtaining the necessary permits. Applicants are responsible to ensure that all contractors are properly licensed and insured; applicant accepts responsibility and liability for third party contractors. Changes made prior to or without required ACC approval are violations of the HOA Deed Restrictions and are subject to fines and legal action including removal of the change.	

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HOUSES

Item	Architectural Committee (ACC) Guidelines	References
Residential Use of Lots	Each lot may be used for residential purposes only and for only one single family home. No trade, business, or profession of any kind may be conducted on any Lot. Note: this does not prohibit working remotely from home for a business domiciled elsewhere or for business activities conducted using the internet.	CCR ART. VII PAR. 3 CCR ART. VII PAR. 8 2005 AMENDMENT
Exterior Changes or Additions	<p>An ACC Change Request must be submitted to the ACC and approved prior to replacing or adding to dwelling structures. Submit a copy of the property lot survey showing a drawn-to-scale placement of the proposed addition. Include engineering drawings that show the proposed addition relative to the existing dwelling's boundaries and roofline. Specify the addition's dimensions, materials, and exterior colors. Additions must be of the same construction type as the original dwelling (block with stucco, etc.) All legal county and state code documentation and permits must be obtained.</p> <p>The Association's approval does not constitute approval at the local or state level. The home owner is responsible for obtaining those approvals.</p>	CCR ART. VI PAR. 6 CCR ART. VII PAR. 6 CCR ART. VII PAR. 11
Fencing Installation and Maintenance	<p>An ACC Change Request must be submitted and approved before adding new fencing, replacing fencing with a different style or material, or changing the stain or color on a wood fence. The Board recommends installing white vinyl fencing; wood fences if approved and if stained or painted need to be natural earth tones (no bright colors). The Aberdeen Creek Standard Fencing Guidelines have additional information: http://www.aberdeencreekfl.com/ACCBusiness/fence.pdf</p> <p>All fences must be maintained to present a "like new" appearance. Maintenance includes pressure washing when stained or discolored and repairs if there is any damage including loose, missing or damaged boards, sections or hardware. Wood fencing that is faded or discolored must be repainted and/or re-stained.</p> <p>All boundary fences constructed around home owner properties by the original builder are designated as "homeowner fences" and the homeowner is responsible for maintenance with these exceptions that will be maintained by the HOA: the North side of the boundary fences along McMullen Loop and, at the community entrance, the 4 sections of iron fence and the 3 stone columns.</p>	CCR ART. VII PAR. 10 CCR ART. I PAR. 11 CCR ART. II PAR. 10 HOA FENCING GUIDELINES

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Item	Architectural Committee (ACC) Guidelines	References
Exterior Painting	<p>Houses require re-painting (touch-up or the entire house) if the exterior paint is faded, chipped, stained, rust shows thru, or chalky paint comes off when surface is rubbed.</p> <p>If exterior colors are being changed, an ACC Change Request must be submitted and approved BEFORE painting begins. Approved color combinations are documented in Paint Books that can be borrowed the Management Company. Requests for additions to the Paint Books must obtain ACC approval. More information is on the HOA website.</p>	<p>CCR ART. I PAR. 11 CCR ART. II PAR. 10</p> <p>ACC COLOR BOOK</p>
Windows, Hurricane Shutters and Window Boards	<p>An ACC Change Request showing the location and size of the shutters and the type of materials to be used must be submitted to the ACC and approved prior to installing any shutters, window boards, or replacing windows. The permanent portion of the shutter should be unobtrusive as possible and painted to blend in with the dwelling trim.</p> <p>Hurricane shutters or window boards must be removed no later than 14 days after a hurricane threat has ended.</p>	CCR ARTICLE VI
Gutter / Downspout Installation and Maintenance	<p>An ACC Change Request showing location, materials to be used and color scheme must be submitted to the ACC and approved prior to the installation of gutters or downspouts. The addition of gutters/downspouts must not alter existing drainage or divert water onto other lots.</p> <p>Gutters, downspouts and eaves should be kept free of any visible dirt or stains.</p>	<p>CCR ART. VI CCR ART. I PAR. 11 CCR ART. II PAR. 10</p>
Storm Doors	<p>An ACC Change Request must be submitted to the ACC and approved prior to installing a storm door. Only full view storm doors with frames under 3" are permitted and the color must be specified and approved. If screens are used, they must be outfitted with invisible screen material.</p>	<p>CCR ARTICLE VI CCR ART. VII PAR. 6 2009 AMENDMENT</p>
Awnings	<p>An ACC Change Request must be submitted to the ACC and approved prior to installing awnings. Awnings are only permitted on the rear of the dwelling and the awning color scheme should match the dwelling color scheme.</p>	<p>CCR ARTICLE VI CCR ART. VII PAR. 6 ACC GUIDELINES</p>
Re-Roofing and Roof Maintenance	<p>Roof replacement requires submission and approval of an ACC Change Request before beginning work. Only shingle roofs are permitted; shingle colors must coordinate with the color scheme of the house. A description of the proposed shingles and contractor information must be included with the ACC Change Request.</p> <p>Roofs need to be kept clean by removing dirt, mold and mildew. Missing or damaged shingles must be replaced.</p>	<p>CCR ARTICLE VI CCR ART. I PAR. 11 CCR ART. II PAR. 10</p>
Satellite Dish Installation	<p>An ACC Change Request must be submitted to the ACC and approved prior to installing a satellite dish antenna.</p>	CCR ARTICLE VII
House Numbers	<p>House numbers are required and are normally placed above the garage door. House numbers are required on mailboxes following the requirements in the ACC Mailbox Guidelines.</p>	<p>CCR ARTICLE VI ACC MAILBOX GUIDELINES</p>

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ADDITIONAL STRUCTURES

Item	Architectural Committee (ACC) Guidelines	References
General Considerations	<p>Construction of any structure – including but not limited to a shed, outbuilding, pergola, trellis, or playhouse – requires ACC approval. Construction or installation must not begin prior to receiving ACC approval.</p> <p>Check with Hillsborough County to determine if a permit is required. Hillsborough County website link (as of 04-2022): https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/work-exempt-from-permits</p>	CCR ARTICLE VI 2009 AMENDMENT
Shed/Outbuilding Installation	<p>Each owner may only have one shed or outbuilding on a lot. An ACC Change Request must be submitted to the ACC and approved prior to installing any shed or outbuilding. Free-standing sheds and outbuildings must conform to CCR Section 7.6, the 2009 Amendment, and ACC guidelines.</p> <p>Sheds and outbuildings: must not be visible from the street when facing the front of the dwelling; must be no taller than 11 feet; must be no larger than 225 square feet; must be made of frame or block construction with a stucco or wood exterior (metal and vinyl sheds are not permitted); the exterior must be similar to the color scheme of the dwelling and is compliant with the ACC Painting Standards; and the roof must be shingled and match the dwelling roof.</p> <p>Sheds and outbuildings must be maintained in a “like new” condition.</p>	CCR ARTICLE VI CCR ART. VII PAR. 6 2007 AMENDMENT 2009 AMENDMENT ACC GUIDELINES CCR ART. I PAR. 11 CCR ART. II PAR. 10
Pergola & Trellis Structure Installation	<p>An ACC Change Request must be submitted to the ACC and approved prior to installing pergola or large trellis structures. The primary criteria used in examining their impact will be the visibility from the road. These structures will be evaluated based upon their size, location, material, color, and appearance.</p>	CCR ARTICLE VI CCR ART. VII PAR. 6 2007 AMENDMENT 2009 AMENDMENT ACC GUIDELINES
Playhouse	<p>A playhouse as differentiated from a shed or outbuilding is a structure to be used by children and includes structures with swings, slides, and play areas; this includes all commercially available structures marketed as such.</p> <p>An ACC Change Request must be submitted to the ACC and approved prior to constructing or installing a playhouse.</p>	ACC GUIDELINES

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POOLS

Item	Architectural Committee (ACC) Guidelines	References
Pool/Spa Installation	<p>Above-ground swimming pools are not permitted. An ACC Change Request must be submitted to the ACC and approved prior to installing a pool or spa. If a lanai/screen enclosure is to be added, it must be included on the ACC Change Request. Submit a copy of the property lot survey showing a drawn-to-scale placement of the pool, pool deck, landscaping and if applicable lanai with dimensions, including the location of equipment (pumps, heaters, etc.). Include engineering drawings that show the proposed addition relative to the existing dwelling's boundaries. Specify the addition's dimensions, materials, and exterior appearance. If heating with propane, show location of propane tank. If using Solar Heat, show location of solar panels on dwelling roof.</p> <p>The addition of the pool should not alter the existing drainage or divert water onto other lots. Access during construction should be limited to your property if possible; permission must be obtained from neighboring property home owners if access through their property is required.</p> <p>All required county and state code documentation and permits must be obtained by the property home owner. The association's approval does not constitute approval at the local or state level; the home owner is responsible for obtaining those approvals.</p>	<p>CCR ARTICLE VI CCR ART. VII PAR. 6 2007 AMENDMENT 2009 AMENDMENT ACC GUIDELINES</p>
Lanai Screened / Acrylic / Vinyl / Glass Enclosure Installation	<p>An ACC Change Request must be submitted to the ACC and approved prior to installing any lanai whether screened or enclosed. Submit a copy of the property lot survey showing a drawn-to-scale placement of the proposed enclosure relative to the existing dwelling boundaries and roofline. Enclosure top should not be higher than the dwelling height and the sides should not be higher than the dwelling eave height or extend beyond the dwelling walls.</p> <p>All required county and state code documentation and permits must be obtained by the property home owner. The association's approval does not constitute approval at the local or state level; the home owner is responsible for obtaining those approvals.</p>	<p>CCR ARTICLE VI CCR ART. VII PAR. 6</p>

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LANDSCAPING

Item	Architectural Committee (ACC) Guidelines	References
Florida Friendly Landscaping <i>(updated 1/29/2022)</i>	Aberdeen Creek embraces the nine principles of Florida Friendly Landscaping -- placing the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of storm water runoff, and waterfront protection. Owners are encouraged to incorporate FFL in their bedding areas and to visit the Hillsborough County Cooperative prior to choosing plants and developing a design for ACC approval. An ACC Change Request must be submitted to the ACC and approved prior to increasing or changing the size of bedding areas or installing Florida Friendly Landscaping.	CCR ARTICLE VI ACC GUIDELINES
Landscape Maintenance	Lawns must be St. Augustine Floratam grass and should not exceed 6" in height. Lawns must be edged as needed. Lawns must be weed free with no bare spots. Top soil can be used to fill small bare spots; larger bare spots require plugs to be planted or sod. Planter beds must be kept weed free. Dead plants, trees, bushes, tree stumps and palm fronds must be removed. Hedges and bushes anywhere on the property cannot exceed a height of 8 feet (8'); in the front of the house (corners excepted) the height of hedges and bushes must be the lesser of 6 feet (6') high and not covering more than one-half (1/2) of front facing windows. In front of the house potted plants are limited to 12; 2 Shepherd hooks are allowed but only in planter beds. Window planter boxes are permitted. No vegetable plants are allowed in the front yard. Exceptions, if permitted, will require ACC approval.	CCR ARTICLE II CCR ARTICLE VI CCR ARTICLE VII ACC GUIDELINES
Planting Bed Mulch & Fillers <i>(updated 1/29/2022)</i>	Plant areas and planting beds must be filled in using neutral colored mulch or pine bark and/or rocks so there is no bare dirt.	CCR ARTICLE VI ACC GUIDELINES
Borders/Curbing Installation	An ACC Change Request must be submitted to the ACC and approved prior to installing landscape borders, curbing or walkways. Submit a copy of a lot survey showing the materials to be used, the location and the color scheme.	CCR ARTICLE VI ACC GUIDELINES
Trees	Aberdeen Creek values our tree lined streets and unless an exception is granted there should be at least one tree in front of each property. Trees removed from a front yard or the Right of Way will usually require replacement of the tree and the replacement tree must be an approved variety of tree following Hillsborough County guidelines. Hillsborough County requires that you obtain a permit to removecontinued next page....	CCR ARTICLE VI ACC GUIDELINES

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Item	Architectural Committee (ACC) Guidelines	References
Trees ..continued..	<p>trees of certain types and sizes anywhere on a residential property and the County may also require replacement of the tree. Check the County website for instructions.</p> <p>Before removing any tree in front of the house or a tree over 12” diameter elsewhere on the property you must complete these steps and obtain both ACC and – if required – County approval:</p> <ul style="list-style-type: none"> ➤ STEP 1: Submit an ACC Change Request form specifying: the work to be done; the tree location; the type of tree to be removed; that you will apply for and obtain a County permit if one is required; and if the tree is in the front yard or Right of Way: 1) confirm that the stump will be removed; 2) state your plan to replace the tree (if required) with an approved variety and size of tree. Provide a picture of the tree(s) to be removed. ACC Approval – if given -- will be contingent on your applying for a Tree Removal Permit from Hillsborough County. ➤ STEP 2: If you receive ACC contingent approval you must then apply for a Hillsborough County Tree Removal Permit if required and submit a copy of the Permit to the HOA Management Company before beginning work. ➤ Your contractor must be licensed and insured. <p>Trees anywhere on the property must be maintained to keep them healthy. Trees on the street side of the property must be trimmed to a height of 18 feet over the street and 8 feet over the sidewalk to allow clearance for commercial trucks and pedestrians.</p>	
<p>Property Line Tree Encroachment</p> <p><i>An Information-Only Item</i></p>	<p>Tree encroachment issues between neighbors are not an HOA issue.</p> <p>The following information is based on a website reference: https://www.findlaw.com/realestate/neighbors/neighbors-trees.html and is only intended to provide a legal frame of reference for homeowners encountering problems with encroachment from a neighbor’s trees or shrubs.</p> <ul style="list-style-type: none"> ➤ A landowner has a duty to prevent nuisances which might adversely affect the property of an adjoining landowner. Discussions between neighbors are encouraged to amicably resolve encroachment issues. The website link above provides more guidance. ➤ Property owners in Florida have the right to cut off branches and roots that stray into their property. As a general rule a property owner who trims an encroaching tree belonging to a neighbor can trim only up to the boundary line and must obtain permission to enter the tree owner's property, unless the limbs threaten to cause imminent and grave harm. 	ACC GUIDELINES

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DRIVEWAYS AND SIDEWALKS

Item	Architectural Committee (ACC) Guidelines	References
Driveway and Sidewalk Modifications and Maintenance	<p>The 2019 CC&R Amendment removed certain restrictions on driveway and sidewalk reconstruction and repair. However, an ACC Change Request must always be submitted to the ACC and approved prior to installing or modifying driveways or sidewalks. ACC approval is ALWAYS required before painting a driveway – the color and materials to be used must be specified in the request.</p> <p>Aprons added to widen driveways must be 27” or less – ACC approval is required.</p> <p>Driveways and Sidewalks need to be free from mold, mildew, dirt, oil stains and debris and pressure washed when necessary. A concrete sealer can help to reduce the number of times concrete needs to be cleaned and/or pressure washed.</p> <p>Sidewalks are maintained and repaired by Hillsborough County and the County should be contacted when repairs are needed.</p>	<p>CCR ART. VII PAR. 8 ACC GUIDELINES 2019 AMENDMENT</p> <p>CCR ART. I PAR. 11 CCR ART. II PAR. 10</p>

PARKING

Item	Architectural Committee (ACC) Guidelines	References
Approved Vehicle Guidelines	<p>“Permitted Vehicles” may be parked in driveways and on streets subject to the Parking Restrictions listed below. A “Permitted Vehicle” is a licensed motor vehicle which is: (1) a passenger automobile or van (including high-top conversion vans or sport vehicles with oversized tires, but excluding a trailer, motor-home or recreational vehicle), (ii) a motorcycle, or (iii) a pickup truck provided such pick-up truck can be otherwise completely concealed within a standard sized garage of up to 8’ in height, (iv) a vehicle used for commercial purposes provided that the vehicle is no larger than a passenger automobile or van. Specifically excluded are trailers, box trucks, step vans, buses, passenger transit vehicles, limousines, RV’s and other vehicle types as may be specified from time to time by the Board with the exception noted below. Permitted vehicles must have a current license tag and be regularly used as a motor vehicle on public rights-of-way. Permitted vehicles must not have visible commercial signage. Exceptions: boats, trailers and recreational vehicles shall only be permitted on the property under 2 conditions: (1) they cannot be on the property more than 48 consecutive hours; (2) they cannot be on the property more than 5 total overnight stays per month.</p> <p>Parking of contractor vehicles is permitted when actively used for construction on the property.</p>	<p>CCR ART. VII PAR. 7 2019 AMENDMENT</p>

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Item	Architectural Committee (ACC) Guidelines	References
<p>Parking Restrictions and Safety Violations</p> <p>See Hillsborough County Ordinances on Page 20</p>	<p>Parking or placement of any vehicle or other item is permitted in driveways and on streets except in: 1) areas designated as No Parking zones by the HOA Board; 2) areas prohibited by state, county or city codes; 3) if the parked vehicle will block access by any vehicle including county vehicles and first responders, 4) if the vehicle is parked across the street from another parked vehicle leaving less than 10 feet of space between the vehicles. Note: sidewalks are under the jurisdiction of Hillsborough County and any code violations with regard to blocked sidewalks are to be referred to the County. Parking on the grass in any Lot or including the Right of Way and parking on the grass in any Common Area is prohibited except while actively loading or unloading materials or performing repairs.</p> <p>Violation of these restrictions may result in fines as designated from time to time by the Board. Vehicles of violators of these restrictions may be towed subject to compliance with state, county and city ordinances.</p>	<p>ACC GUIDELINES</p>
<p>POD and Dumpster Restrictions</p>	<p>A POD may be placed in a driveway for up to 7 days for loading or unloading when an owner is moving in to or moving out of a house, or during construction when additional temporary storage is required. Request ACC approval if additional time is required.</p> <p>A dumpster may be placed in a driveway during active construction for a maximum of 7 days. If a dumpster is required for more than 7 days ACC approval is required.</p>	<p>CCR ART. VII PAR. 7</p>
<p>Vehicle Maintenance or Repairs</p>	<p>No vehicles or other items which are inoperative or abandoned shall be permitted on any Lot for a period in excess of forty-eight (48) hours unless such item is entirely within a garage.</p> <p>No major repairs shall be performed on any vehicles or items on any Lot except within a garage and under no circumstances shall such repairs be performed if the result is the creation of an unsightly or unsafe condition as may be determined by the Board.</p>	<p>CCR ART. VII PAR. 7</p>

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OTHER ITEMS INSTALLED ON LOTS

Item	Architectural Committee (ACC) Guidelines	References
Mailbox Replacement and Maintenance	Replacement mailboxes must conform to the HOA's published Mailbox Replacement Guidelines posted on the HOA website - currently a Pro Hampton 8x10 white mailbox with a plain white PVC mailbox post, Gothic post cap, cross-arm design, with a gusset support. The address numbers should be 2" reflective black numbers displayed on the side of the mailbox facing the mail delivery vehicle's approach and centered in the mailbox side panel. Mailbox Replacement Guidelines are on the HOA website: www.aberdeencreekfl.com/ACCBusiness/Mailbox.pdf Dirt, mildew and mold needs to be removed from Mailboxes. Mailboxes need to be straight and not missing any parts.	CCR ART. V PAR. 11 & 12 ACC GUIDELINES CCR ART. I PAR. 11 CCR ART. II PAR. 10 MAILBOX GUIDELINES
Flags and Flag Poles	The height of a freestanding flag pole may not exceed the highest point of the house. Locate underground utility lines prior to digging for installation of a flag pole (contact Sunshine 811). Only American and US Military flags may be displayed. Flags may not be larger than 6'. Please follow proper flag etiquette.	ACC GUIDELINES FS 720
Clotheslines	No permanent outdoor clotheslines may be installed or kept on any Lot except that portable rotary type or reel type clothes lines are permitted in the rear yard and must be stored when not in use. On corner lots clothes lines shall not be placed within (20) feet of a side street.	CCR ART. VII PAR. 6 2009 AMENDMENT
Yard Signs	No sign of any kind will be displayed to public view within the Property except: one Owner installed sign of not more than six square feet in size advertising a property for sale or rent; No Trespassing, No Solicitation, Beware of Dog or such similar signs by the dwelling front door or affixed to the front of a dwelling not to exceed one-half (1/2) square foot in size and approved by the Association as to color and content. No sign shall be lighted. No other advertising or third-party signs shall be permitted other than Realtor provided For Sale or Rent signs. Signs indicting the location of an event at a property or congratulating an occupant (i.e. a birthday party, garage sale, graduation, a team win) may be displayed for up to 48 hours. No signs are allowed in the common areas with the exception of garage sale and open house signs displayed for up to 48 hours. Contractor signs can be displayed only while work is underway and must be removed promptly when work is finished. Chemical and fertilizer lawn treatment signs should be removed no later than 48 hours after application has been completed.	CCR ART. VII PAR. 1
Exterior Water Softeners	An ACC Change Request must be submitted to the ACC and approved prior to installing an exterior water softener. An exterior softener must be screened by landscaping or by appropriately-sized white vinyl fencing -- submit a property survey drawing showing the location of the water softener and proposed landscaping and/or fencing.	ACC GUIDELINES

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Seasonal Lights	Seasonal lights should be installed no earlier than one week before Thanksgiving and removed by January 15th.	ACC GUIDELINES
Solar Collectors	Solar Collectors are considered Renewable Energy Sources. A homeowner cannot be denied the right to install a Solar Collector; however the location and orientation of the solar collector is subject to ACC approval (with certain statutory limitations). An ACC Change Request must be submitted to the ACC and approved prior to installation.	CCR ART. VII PAR. 6 FS 163
Exterior Generators <i>(updated 1/29/2022)</i>	An ACC Change Request must be submitted to the ACC and approved before installation of a generator. You must conform to County and State Building Codes that have strict requirements regarding the placement and hookup of generators and you must obtain all required permits, inspections and approvals. HOA requirements are: generators must be placed only at the side or rear of the dwelling a minimum of 15' back from the front line of the dwelling; the generator must be located either behind a fence or landscaping to screen the equipment from the street; the impact of the proposed placement of the generator on adjacent neighbors must be considered. Limited exceptions will be considered for dwellings on corner lots or if necessary to comply with installation restrictions.	CCR ART. VII PAR. 6

OCCUPANCY & RENTAL RESTRICTIONS

Item	Architectural Committee (ACC) Guidelines	CCR Reference
Rental Restrictions	<p>No Owner may lease or rent a Dwelling during the first one year of ownership of that Dwelling. A Dwelling is deemed to be leased or rented if it is occupied by any person other than the owner of that Dwelling who does not have a residence elsewhere while the owner of the Dwelling resides elsewhere.</p> <p>No Dwelling shall be leased or rented for a period of less than one year.</p> <p>A Lease/Rental Approval Policy is in effect. All leases, rentals and renewals of same are subject to the HOA CCR, Amendments, and Bylaws and the lessee / renters must be approved for occupancy in writing by the Board of Directors of the Association. A Lease/Rental Application process is in effect requiring submission of an application and a processing fee to cover the cost of background checks of all prospective tenants over 18.</p>	CCR ART. VII PAR. 15 2009 AMENDMENT

...continued on next page

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OCCUPANCY & RENTAL RESTRICTIONS – continued from previous page

Item	Architectural Committee (ACC) Guidelines	References
Occupancy by Sexual Offenders or Predators	Subject to applicable federal, state, county and municipal statutes no residence shall be occupied by a sexual offender or sexual predator. Any person so designated who is a resident at the time the Amendment was recorded and who maintains continuous residence shall be allowed to remain provided they are registered with the Association.	2019 AMENDMENT

TRASH

Item	Architectural Committee (ACC) Guidelines	References
Trash	<p>Except for regular curbside collection and disposal, no rubbish, trash, garbage or other waste material or accumulations may be kept, stored or permitted anywhere within the Property, except inside a Dwelling, or in sanitary containers completely concealed from view.</p> <p>No trash containers shall be placed at curbside for pickup more than twenty-four (24) hours prior to the scheduled day of collection. Trash containers must be removed from the curb by midnight of the day of trash pickup.</p> <p>Hillsborough County trash collectors will not collect items that do not fit in the trash container. You are responsible for proper disposal of such items.</p> <p>Yard waste created during property cleanups should be placed in appropriate containers and set out for collection as noted above. Yard waste that will not fit in trash containers may be placed at the curb during the preceding weekend for collection at the next regularly scheduled date for yard waste pickup.</p> <p>Nothing is to be placed in or dumped into the community storm sewers.</p> <p>County Trash & Yard Waste collection schedules and guidelines can be found on the HOA website.</p>	CCR ART. VII PAR. 5

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ANIMALS

Item	Architectural Committee (ACC) Guidelines	References
Animals	<p>No livestock or poultry are permitted. No more than 4 dogs, cats or other conventional pets can be kept. No animals can be kept, bred or maintained for commercial purposes.</p> <p>Each owner must clean up pet waste immediately. No pet shall be permitted to run at large outside a Lot.</p> <p>No pets are allowed to disturb neighbors with excessive or repetitive noise. All pets outside of a dwelling shall be properly leashed or shall be kept within an approved fence area. No outside animal pen, cage or shelter shall be constructed without ACC approval. Fenced dog runs are not permitted.</p>	CCR ART. VII PAR. 4

NUISANCES

Item	Architectural Committee (ACC) Guidelines	References
Nuisances	<p>No activity is permitted, nor may any object or substance be kept, stored, or permitted anywhere within the property in violation of the law.</p> <p>No owner shall cause or permit any unreasonable or obnoxious noises or odors or waste and no obnoxious, destructive, illegal, or offensive activity that constitutes a nuisance to any Owner or to any other person lawfully residing within the Property.</p>	CCR ART. VII PAR. 2

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ACC CHANGE REQUEST FORM

The ACC Change Request Form and instructions can be found on the HOA website www.aberdeencreekfl.com

Aberdeen Creek HOA - Architectural Control Committee ("ACC") ACC Change Request Form (rev.02-23-2022)			
Request Date		Review Date	ACC Ref. No.
Name			
Signature			
Address		Phone	
		Email	
SEND TO: Architectural Control Committee of Aberdeen Creek HOA c/o Excelsior Community Management 6554 Krycul Avenue Riverview, Florida 33578-4330 eMail: AberdeenCreekHOAManagement@tampabay.rr.com Tel: 813 349-6552 Fax: 813 349-5865		Home Owner To Complete	ACC To Complete
Description of Project / Exterior Changes			
Attachments Provided (circle one)		YES	NO
Start Date		Completion Date	
The Exterior Change Request has been: <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED			
Approved	Disapproved	Committee Member	Signature
Conditions of Approval / Comments and/or Feedback			
INSTRUCTIONS <i>Note: submit a separate request for each type of project. Attach your contractor's license and insurance information if applicable. Wait for approval before paying for permits! Allow up to 2 weeks for a response / approval before commencing work.</i>			
1. The Aberdeen Creek property owner must submit the Change Request form in advance of making changes. Review the ACC Guidelines prior to submitting a request – the ACC Guidelines are on the HOA website: http://www.aberdeencreekfl.com/ . If you do not receive a timely response follow-up with Excelsior and the Board.			
2. Describe in detail the changes being planned and attach drawings or documents as needed. If the access to perform the work will impact or involve a neighbor's property you must indicate you have their approval.			
3. Projects must begin within 90 days of approved start date and be completed by the scheduled completion date otherwise a new request must be submitted.			
4. Applicant must obtain all legal documentation and permits as outlined in county and state codes and must accept the responsibility and liability for third party contractors.			

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Summary of Deed Restrictions in the CC&R, By-Laws and Amendments

CC&R

Article I – Definitions: defines terms used in the CC&R...

- **Article I Section 11:** “Maintenance” means keeping homes and landscaping in a condition comparable to their original condition, normal wear and tear excepted. Maintenance of landscaping further means the exercise of generally accepted garden-management practices to promote a healthy weed-free environment and includes mowing of all grass on a Lot.
- **Article I Section 20:** “Structure” means any thing or object placed on a Lot that affects the appearance of the Lot and anything that affects or alters the flow of any waters from, upon or across any Lot.

Article II – Property Rights: Owner and Association (“HOA”) rights and responsibilities...

- **Article II Section 3:** Within Easements no structure, planting or other materials can be placed that will damage or interfere with utilities, drainage structures or the flow of water through drainage channels.
- **Article II Section 5(d):** No activity is permitted, or any object or substance kept, stored or permitted anywhere in violation of law. No unreasonable or obnoxious noises, odors, destructive, illegal or offensive activity that constitutes a nuisance will be permitted.
- **Article II Section 5(e):** Only single detached family homes may be constructed on each Lot. No trade, business or profession of any kind may be conducted on any Lot.
- **Article II Section 10:** Each Owner must repair, replace and maintain in a safe and sanitary condition everything on their Lot including easement areas except for the outside side of the subdivision boundary fence or those items handled by a public authority or utility company. Each Owner is required to sod their Lot.

Article III – Surface Water Management Facilities: HOA and Owner responsibilities are defined...

Article IV – The Association: HOA membership, HOA actions and responsibilities are defined...

- **Article IV Section 6:** The HOA can establish reasonable rules and enforcement of these rules governing use of properties consistent with the CC&R.

Article V – Assessments: How assessments are handled....

Article VI – Architectural Committee (“ACC”): Committee authority, responsibilities and enforcement...

- **Article VI Section 2:** The Architectural Committee will adopt and enforce Design Standards.
- **Article VI Section 3:** No exterior or landscape changes without ACC approval.
- **Article VI Section 5:** Violations – how handled by the ACC and Board.

Article VII – General Covenants and Restrictions: specific restrictions are stipulated...

- **Article VII Section 1:** no signs to be displayed except for certain specified exceptions
- **Article VII Section 2:** unlawful activity, storage, noise or odors prohibited
- **Article VII Section 3:** only one residence per lot; no trade or business activity permitted
- **Article VII Section 4:** lists restrictions on animals and pets
- **Article VII Section 5:** rules regarding trash and trash containers
- **Article VII Section 6:** no construction on the Lot without approval; clothes line restrictions; storm and screen door restrictions; specific prohibition of above-ground pools, sheds/outbuildings, screening; rules for antennas, solar collectors.
- **Article VII Section 7:** prohibits parking and storage (except in a closed garage) of all vehicles, trailers, water craft, rv’s, motor homes, machinery and equipment except for “permitted vehicles” which are defined as automobiles, vans, motorcycles, pickup trucks (with certain restrictions). Commercial vehicles and commercial signage prohibited. Permitted vehicles must be licensed and cannot be inoperative or abandoned (within time limits) unless in a garage. No major repairs except in a garage. Temporary parking in Common Areas permitted where designated by the Board.
- **Article VII Section 8:** Only one dwelling on a property with a minimum size of 1,400 sq ft and conforming to County regulations. No trailers, manufactured homes, sheds or outbuildings permitted. Driveways and sidewalks must match original construction with no colors, coatings or pavers.

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- **Article VII Section 9:** Stipulates HOA rights and responsibilities when entering Lots or Dwellings
- **Article VII Section 10:** Specific regulations for fences; height of hedges and shrubbery; ACC to set standards for fences
- **Article VII Section 11:** Damaged dwellings (and Lots) to be repaired or rebuilt within 12 months
- **Article VII Section 12:** ACC can approve a standard mailbox design – all mailboxes must conform
- **Article VII Section 13:** No watercraft and no construction or storage on any HOA lake, pond or bank of same. ACC to establish regulations for fishing and use of recreational areas.
- **Article VII Section 14:** Association maintenance of exterior of entry fencing

Article VII - General Provisions: HOA rights; responsibilities and enforcement; legal language; meeting requirements; CC&R Amendments; etc...

Exhibit A - Legal Description: property legal description.

Exhibit B - Articles of Incorporation: name; office and agent; purpose; powers; membership; voting rights; board of directors; incorporator; dissolution; duration, by-laws; amendments; interpretation; FHA/VA approval.

Exhibit C - By-Laws: name and location; definitions; meetings of members; board of director's selection and term of office; nomination and election of directors; meetings of directors; powers and duties of the board of directors; officers and their duties; committees; books and records; assessments; corporate seal; amendments; miscellaneous; right of members to peacefully assemble.

By-Laws

see CC&R Exhibit C above

2005 Amendments

- **CC&R Article VII Section 8 - Dwellings:** changes minimum dwelling size to 2,000 sq feet with minimum 2 car garage.
- **CC&R Article VIII Section 6 – Amendments:** approval of a CC&R amendment no longer requires a document with original signatures – a 2/3 vote is still required.

2007 Amendment

- **CC&R Article VII Section 6 - Appurtenances:** allow storm doors with optional screens if a “full view” storm door with invisible screen material and door frames a maximum of 3”. ACC approval required. Free standing sheds/out buildings permitted subject to county code; appearance must be similar to house and of frame or block construction;

2009 Amendments

- **CC&R Article II Section 13(b) – Property Rights:** HOA is not responsible for sidewalk maintenance (sidewalks are maintained by the County). Reserves for capital items are not required.
- **CC&R Article V Section 1 – Assessments:** modified language to state an Owner is liable for all assessments which come due while an Owner and also is jointly liable with the previous Owner for all unpaid assessments that became due up to the time of transfer of title.
- **CC&R Article V Section 2 – Assessments:** eliminated requirement for a Reserve Account for capital items.
- **CC&R Article V Section 8 – Assessments:** specifies the interest rate on past due assessments is 18% or maximum allowed by law. Permits HOA to charge an administrative late fee of \$25 or 5% or the amount past due whichever is greater.
- **CC&R Article VII Section 15 – General Covenants and Restrictions:** Prohibits leasing or renting a Dwelling during the first year of ownership; specifies how this is determined; prohibits leasing or renting for a period of time of less than 1 year; requires approval of the lessee.
- **CC&R Article VIII – General Provisions:** Corrects the numbering of this Article in the CC&R from VII to VIII; increases fine maximum from \$50 to \$100 per violation.
- **By-Laws Article XI – Assessments:** conforms language to match CC&R Article V Section 8 interest rate and administrative late fee.

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- **CC&R Article VII Section 6 – Appurtenances:** establishes specific requirements for sheds/outbuildings: a size limit of 225 sq ft and no more than 11 foot high; not located on side of the dwelling; must have stucco or wood exterior and same color scheme as the dwelling; roof must be shingled to closely match dwelling; must be maintained in a “like new” appearance.

2019 Amendments

- **CC&R Article VIII Section 6 – Amendment:** Modernize voting procedures to permit voting by electronic means. Change requirements for amendments to governing documents to a majority of all voting interests (owners).
- **CC&R Article V Section 11 – Lien Subordination:** Update language so a sale and transfer of a Lot does not affect an assessment lien.
- **CC&R Article VII Section 7 – Storage of Vehicles, Water Craft, Machinery or Equipment:** Permits boats, trailers and recreational vehicles for not more than 48 consecutive hours and not more than 5 total overnights per month. Commercial vehicles of this type are prohibited except for temporary construction, repair or maintenance of a Lot, Dwelling or Common Area. A motorhome or recreational vehicle is now a permitted vehicle but it must not exceed the 48 hour / 5 overnights per month rule. Roof racks are no longer prohibited on a permitted vehicle.
- **CC&R Article VII Section 8 – Dwellings:** The ACC or Board is permitted to establish a guideline or manual that outlines rules and regulations for improvements. Removed requirement to construct, reconstruct or repair driveways and sidewalks with materials like the original; removed the prohibition of colors, coatings, pavers and similar treatments; specified that any changes to driveways or sidewalks require ACC approval.
- **CC&R Article VII Section 16 – General Covenants and Restrictions:** Prohibits occupancy of a residence by a sexual offender or predator. Permits such individuals residing at the time of the recording of this amendment (12/17/2019) to continue to reside if registered with the HOA within 30 days and if continuous residence is maintained.

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Hillsborough County -- Parking Ordinance

The streets and sidewalks in our community are “public” streets maintained by Hillsborough County and under the jurisdiction of the Hillsborough County Sheriff’s department. The Sheriff’s department enforces the Hillsborough County Parking Ordinances listed below.

ARTICLE V Sections 50-108 thru 50-115.

- No Parking within 20 feet of a crosswalk at an intersection. A crosswalk includes both a marked crosswalk and an unmarked crosswalk where a sidewalk is interrupted by an intersecting street.
- No Parking within 30 feet of a Stop Sign.
- No Parking in a location or in such a manner that the street or roadway will have less than 10 feet of clearance for other vehicles to pass.
- No Parking on or blocking a sidewalk. This includes parking in a private driveway blocking the sidewalk.
- No Parking within 15 feet of a fire hydrant.
- Vehicle right side wheels must be parallel to and within 12” of the curb (on a 2- way street).

Florida Statutes – Irrigation Systems

The 2020 Florida Statutes

[Title XXVIII](#)
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

[Chapter 373](#)
WATER
RESOURCES

[View Entire
Chapter](#)

373.62 Water conservation; automatic sprinkler systems.—

- (1) Any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture.
- (2) A licensed contractor who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on that system. If such devices or switches are not installed in the system or are not in proper operating condition, the contractor must install new ones or repair the existing ones and confirm that each device or switch is in proper operating condition before completing other work on the system.
- (3) The department shall create a model ordinance by January 15, 2010, that may be adopted and enforced by local governments. The ordinance must, at a minimum:
 - (a) Require licensed contractors to report automatic landscape irrigation systems that are not in compliance with this section to the appropriate authority.
 - (b) Provide penalties for licensed contractors who do not comply with this section. The minimum penalty must be \$50 for a first offense, \$100 for a second offense, and \$250 for a third or subsequent offense.