



PN Creekside Home Owners Association, Inc.

Design Criteria and Development Policy Standards

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PN Creekside Home Owners Association, Inc.

P.O. Box 10324, Wilmington, North Carolina 28404

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Preface

A major portion of ***The Protective Covenants*** (part of the owner's title documents) is devoted to development standards, building design criteria, and property restrictions. ***The Protective Covenants*** provide that the Board of Directors of the Creekside Home Owners Association shall establish an Architectural Control Committee (ACC) which has the task of implementing the appropriate portions of the Covenant. The basic working tool of the ACC is this document. The first edition was produced in November 1993.

Experience has shown that updates, additional information, and rearrangement of this booklet would be helpful to homeowners, particularly those preparing to build or making structural alterations. Accordingly, this booklet has been revised to amplify and clarify ***The Protective Covenants*** where it was deemed necessary.

The Board of Directors and the Architectural Control Committee are dedicated to implementing the regulations fairly, firmly, and courteously. Should you have questions pertaining to the interpretation of ***The Protective Covenants***, please write to the Creekside Home Owners Association, Inc. P.O. box 10324, Wilmington, NC 28404. Early consultation will save an owner time and money.

The Architectural Control Committee September 24, 2003

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Design Criteria and Development Standards

1.0 Introduction

Creekside is a unique community of homes. Great care has been taken in the planning, design and construction of Creekside to ensure esthetic harmony with the initial theme of a gracious southern lifestyle. To this end, it is of the utmost importance that this special character is not compromised by housing designs which are improperly conceived or poorly executed.

1.1 *Protective Covenants* and Design Review

To ensure the quality of the community, a process has been established to review your building and landscape plans as provided by the Creekside *Protective Covenants*. The *Protective Covenants* do not list specific design items necessary for plan approval but create the Architectural Control Committee (hereafter abbreviated ACC) whose responsibility is to review and approve or disapprove all building and landscape plans within the community.

The ACC will review all designs, plans, and construction for 1) consideration of primary site design issues; 2) sensitivity to the special landscape potential of the area; and 3) excellence in architectural design.

The Association shall only approve the construction of any structure upon a determination that the structure is aesthetically pleasing; does not detract from the reasonable value of any Lot and does not unreasonably impede the view of any water course or other attractive feature from any other Lot.

Owners who are about to build should review the entire *Protective Covenants* document. The following excerpt from paragraph (5) **Structural Approval Procedures** is particularly important:

"At least thirty (30) days prior to the anticipated commencement of any landscaping or construction of any structure or improvement of any Lot", the owner of such Lot (or his duly appointed agent) shall submit to the ACC of the Association a survey of the Lot which shall show each Lot corner. There shall further be shown **the proposed location of all proposed and existing structures or improvements**, including driveways, bulkheads, piers, patios, decks and walkways. There shall further be provided sufficient building elevations, and other site plans, including exterior building materials proposed exterior colors to allow the ACC to appropriately and accurately evaluate what is proposed for construction on the Lot, including the footprint of the structure, the exterior appearance of the structure, the height of the structure and all other site improvements relating to the structure. The location of the proposed well and septic tank, including drain fields, shall be delineated. The survey shall be prepared by a registered or licensed land surveyor or professional engineer, and the building elevations and other site plans shall be prepared professionally. There shall be ¹two copies of all information required to be submitted"

¹ Per purposed change to Protective Covenants only 1 copy is required.

Before commencing construction of any type, including removal of any trees, on any home site, an *Architectural Control Committee Application of Approval* (see forms, Appendix D) must be submitted to the ACC by the property owner or his agent. Included with the application shall be documentation and other information as outlined in the Design Review and Approval Process (Section 2.0). The ACC must approve any requested action in writing before any clearing, grading, or construction can begin.

Review of this Design Criteria and Development Policy Standards handbook should not be a substitute for a thorough review of the applicable ***Protective Covenants***. Compliance with these standards and the ***Protective Covenants*** is the sole responsibility of each individual property owner, including control of the conduct of all contractors, subcontractors, and agents.

To facilitate compliance, representatives of the ACC may conduct inspections. Such inspections are for the benefit of the ACC and the PN Creekside Home Owners Association only. A property owner is not entitled to rely on these inspections to ensure that the improvements are being constructed in accordance with these standards, the ***Protective Covenants***, approved plans and specifications or the applicable rules, regulations, ordinances or laws of New Hanover County, the State of North Carolina or any other entity.

These standards and the ***Protective Covenants*** may be enforced by the PN Creekside Home Owners Association or any individual member of the Association. Remedies include legal action to force compliance and actions undertaken by PN Creekside Home Owners Association to bring the property into compliance at the expense of the property owner. Such expenses may be recovered by the Association by placing and foreclosing property lien. Furthermore, even though plans are approved and inspections are made by the ACC, should the approved plans contain a violation of these standards or the ***Protective Covenants***, or should the ACC's representatives fail to notice a violation during any inspection, compliance remains the responsibility of the property owner and remedies for noncompliance may apply even after plans are approved or **construction is completed**, including return of the construction deposit (i.e., the ACC is not responsible for noting every violation in its approval of plans or in its inspection of properties).

1.2 Objectives of the Architectural Control Committee

This document, **Design Criteria and Development Policy Standards**, is the basic working tool for property owners and the Architectural Control Committee. The standards are divided into the following categories:

- Design
- Building
- Construction
- Landscape
- Administration

The major objectives of the Architectural Control Committee (ACC) are to ensure that:

- a) improvements sought to be constructed will not have a negative economic impact on any other Lot within Creekside.
- b) all required specific building standards and other conditions contained within the ***Protective Covenants*** and other applicable legal documents are complied with;
- c) improvements are architecturally compatible with proposed or constructed improvements on other Lots within Creekside;
- d) natural features of the Lot are retained to the maximum extent feasible.

2.0 Design Review and Approval Process

The Architectural Control Committee is involved in several aspects of a Lot Owner's construction process. Once the Lot Owner completes the pre-application analysis, the application form, questionnaire, and required drawings and samples of construction materials must be submitted to the ACC. Following the design review and site inspection, construction may begin. Details of this process are presented in this section.

2.1 Pre-Application Analysis

The New Hanover County Planning Department and the New Hanover County Inspection Offices have jurisdiction over Porters Neck Plantation and Country Club of which Creekside is a part. These county offices should be contacted at the beginning of the building process to ensure compliance with their requirements. Compliance with all governmental regulations is the obligation of the Lot Owner.

The owner must determine the building envelope available on his lot by examining the following requirements:

- a) Building setbacks
The building setbacks include at least 40 feet from the street right-of-way, 15 feet from either side lot line, or a minimum of 30 feet from the rear lot line.
- b) Driveway setback
The driveway must be at least 10 feet from either side lot line.
- c) Garage back-up pad setback
The garage back-up pad must be a minimum of 30 feet from the rear lot line and 3 feet from either side lot line.
- d) Coastal Area Management Act (CAMA) setback
This special setback line applies only to Lots adjacent to Futch Creek. Between the house and the water, a special setback, commonly referred to as the "CAMA" line, is applied. This setback is established by CAMA regulations, and it is also a standard of the New Hanover County Conservation Overlay District (COD). In practice, these two setbacks coincide for Creekside Lots. Current regulations state that no building may be constructed within 75 feet of the nearest high-water line (irrespective of the Lot property lines). This setback is established by on-site inspection and is marked by a CAMA or New Hanover County representative.
- e) Location of the septic tank associated drain field, and potential repair area.
- f) Location of well for household water supply. The location of item f) may be obtained from the New Hanover County Health Department, 230 Government Center Dr. Wilmington, NC 28403 by your builder.

Charting items a) through f) on the Lot survey will determine the maximum building envelope.

2.2 Design Submissions

At least thirty (30) days before the anticipated commencement of any landscaping or construction of any structure or improvement on any Lot, the owner of such Lot (or his agent) shall submit the following to the Architectural Control Committee:

- a) Survey of the Lot (scale of 1 inch = 10 feet). The survey should include:
 - 1. Show each lot corner
 - 2. All required setbacks
 - 3. CAMA/COD setback if required
 - 4. Topographic contours
Professionally drawn contours facilitate siting of the dwelling; siting of the septic field (if applicable); and control of drainage and rainwater runoff.
Correcting drainage problems after construction is complete is often difficult and expensive.
 - 5. Location of trees (see additional instructions in TREES section)
 - 6. Location of proposed or existing structures and building elevations
 - 7. Driveways, bulkheads, piers and walkways
 - 8. Docks, patios and terraces
 - 9. Proposed well and well house
 - 10. Septic tank, drain field and repair area
 - 11. Utilities, grading and erosion control
 - 12. Additional structures (e.g., swimming pool)
 - 13. Fences (if any)
 - 14. Propane tank (if any). The propane tank must be buried.
- b) Architectural Control Committee Application for Approval form (Appendix D)
- c) Completed Architectural Questionnaire form (Appendix D)
- d) A complete set of architectural drawings, including:
 - 1. Foundation plan
 - 2. Floor plan
 - 3. Roof plan
 - 4. Elevations for all four sides of dwelling
 - 5. Architectural details
- e) Samples of roof shingles and exterior siding (brick or other siding material)
- f) Exterior paint color scheme (in detail)
- g) Landscape plan (can be later) but trees must also be included in initial survey.

Effective May 1, 1998, the submission of plans to ACC will be subject to a non-refundable fee of \$250 as a standard charge.

The landscape plan should be submitted with the basic application; however, the final landscape review can occur while the dwelling is under construction. Final approval of the landscape plan must be obtained before any landscaping is started.

Items a) through g) above should be sent for approval to:

PN Creekside Architectural Control Committee
P.O. Box 10340
Wilmington, North Carolina 28404

2.3 Preliminary Design Review

A meeting to review preliminary design sketches may be arranged at the request of the Lot Owner (or his agent) by contacting the Architectural Control Committee or a member of PN Creekside Homeowners Association Board of Directors. The ACC will review with the owner or agent the owner's design approach. To maximize the benefit from a preliminary design review, a completed site plan and the preliminary architectural drawings, as outlined in Section 2.2, Design Submission should be included with the preliminary plan submittal.

The design review process aids in creating a quality community and environment. Deviation from the approved plans and Design Criteria would defeat the purpose of the review process. The Architectural Control Committee is charged with ensuring the approved plans are implemented accurately. The ACC will focus on the elements of the lot and dwelling that impact the entire community, especially the dwelling's elevations, site plan, and landscape design.

2.4 Final Design Review

Review of final plans should be simple and straightforward. The final design submittal should incorporate all of the requirements of the Preliminary Design Review and comments from any meetings and prior design reviews. The final set of documents will be endorsed "Approved as submitted", "Approved as noted", or "Re-submit". Only items requiring extensive modification will necessitate re-submittal. The ACC will retain an approved set of final drawings.

2.5 Site Inspection and Clearing

After the final plan is approved, the Lot Owner or his agent shall request that the ACC make a site inspection prior to the Lot clearing and construction. The Owner or his agent should clearly stake the location of the proposed dwelling, property lines, driveway, patio, walkways and, if applicable, swimming pool. Staking shall be with a continuous ribbon of flagging encircling the area to be cleared. Any additional trees proposed to be cleared which are outside the encircled area (including the driveway) shall be flagged individually or in groups. The purpose of the site inspection is to ensure compliance with the approved plans and to prevent any unnecessary damage to trees and other unique site features. Inspections will normally be made within five working days after the request.

2.6 Construction Deposit

Along with the request for a site inspection, a construction deposit (subject to change; currently \$4,000) must be submitted to the PN Creekside Home Owners Association, Inc. The purpose of the construction deposit is to ensure a clean job site, overall community appearance and that the residence is built and landscaped according to the approved plans. (See Section 4.0 Construction and Builder Regulations which address expectations on and around the job site and site cleanliness).

During construction, the ACC has the right to monitor the site to determine if the approved plans are being accurately constructed. Any substantial deviation may require the ACC to take action to correct the situation, including referral to the Board of Directors of the PN Creekside Home Owners Association, who has the authority to force the homeowner to comply at the homeowner's expense. If no violations occur before the final site inspection and approval, or all violations are corrected to the satisfaction of the ACC, the construction deposit will be returned in full.

2.7 Authorization to Proceed With Construction

Should no problems be encountered, written authorization to proceed with clearing and construction will normally be issued without undue delay after the inspection. To arrange for a site inspection, contact the Architectural Control Committee.

2.8 Request for Extension of Start of Construction

Once the Final Design Review has been completed and plans have been approved in writing, the Lot Owner has 180 days to begin construction. ACC approval of construction will automatically expire after 180 days if construction has not started. To avoid the loss of the construction deposit, the Lot Owner or the Owner's agent must request a 90-day extension when the start of construction is delayed beyond the original 180 days. Re-application and re-approval--subject to any new regulations--will be necessary to begin construction if no extension is obtained.

2.9 Final Inspection and Approval

Upon completion of the dwelling and landscaping objectives for the dwelling, the owner or his agent should request a final inspection. To arrange for a final inspection, contact the Architectural Control Committee. If no violations are noted, the construction deposit will be returned with a letter confirming the final approval.

2.10 Substantial Additional Landscaping

Only landscaping improvements that significantly impact the appearance and theme of the yard need to be submitted. These improvements can also be defined as changes costing more than \$1,000 to purchase and install. This is a cumulative dollar amount. In addition, any trees, shrubs or plant materials that are not indigenous to the area should be submitted to the ACC for approval prior to being planted. Plant materials installed on or near the property line shall also be submitted to the ACC for approval based on the impact to the adjacent landowner(s).

2.11 Renovations

Renovation to existing structures requires revised elevations showing the new work and material samples and colors reflecting those changes. Any renovation costing more than \$1,000 shall be considered significant enough to warrant being submitted to the ACC.

2.12 Additions

Additions to the home shall require plans prepared by a design professional, color samples and the same application process as used for new construction. Additions shall be defined as any improvement which enlarges the heated or unheated square footage of the home.

2.13 Application Process

No review fee will be required with an application for additional landscaping or renovations. The ACC may waive the construction deposit on an addition if it is determined to be relatively minor in scope. The remainder of the review process, builder regulations and final inspections will be identical to new home construction as outlined in this booklet.

3.0 Building Standards and Restrictions

Homes within the community should be integrated with the natural surroundings. A range of building styles is encouraged; however, they shall follow approved development standards to ensure quality and character compatible with Creekside's unique identity.

3.1 Building Restrictions

- a) The Creekside Home Owners Association, acting through the Architectural Control Committee, must give prior **written** approval for construction on any Lot in accordance with the ***Protective Covenants***.
- b) No detached garage, storage shed, or carport shall be permitted. (See Appendix A).
- c) All homes must be "stick built", on site and no modular homes shall be located within Creekside and no dwellings constructed elsewhere shall be allowed to be conveyed into and located on a Lot within Creekside. No temporary structures, other than builders' storage sheds shall be allowed.
- d) The minimum enclosed dwelling area shall be 1,700 square feet for all single-level homes and 2,000 square feet for all two-level homes. All homes shall be required to have an enclosed garage, sufficient in size to accommodate a minimum of two cars and the garage must be attached to the main house structure. The term "enclosed dwelling area" shall mean the total enclosed dwelling area excluding garages, terraces, decks, open porches, and similar areas.
- e) The maximum building height is 38 feet measured from the ground level at the front of the house to the highest point on the house.
- f) Bulkheads, piers, and the utilization of other riparian rights by construction of improvements or structures shall only be allowed after approval by the Architectural Control Committee, and all applicable governmental agencies. No structures will be allowed unless they are compatible with similar or proposed improvements on other Lots. Construction of such structures must not unduly interfere with the riparian rights or reasonable property expectations of the owners of other Lots within Creekside. The type of construction utilized for bulkheads may be controlled by the ACC based on appearance, function, and environmental engineering criteria.
- g) Exterior products. Some simulated plywood or other manufactured veneers (plywood, Masonite, vinyl, and aluminum siding, etc. may not be acceptable exterior products. Because of the ever-changing product market, the ACC will review any proposed product submitted by the Lot Owner.
- h) Roofing. A 30-year architectural shingle is a minimum requirement. A sample of the roof material indicating the color is required.
- i) Well pump enclosure. Depending upon the type of water pump installed, the enclosure should match the basis appearance of the house or blend in with the surrounding environment. The ACC will review the proposed enclosure for suitability.

3.2 Site Planning

The siting of a house is a critical and important design decision. The site plan concept developed for each homeowner should reflect functional needs, but also be sensitive to the site's unique characteristics, as well as neighboring lots and the surrounding community. It is strongly advised that the Owner, builder and the architect or designer become familiar with all setbacks before entering into the design phase of the dwelling.

To assess the design opportunities of each home site, an early on-site review is important. It can be conducted by walking the Lot; locating nearby dwellings; noting the solar orientation; determining prevailing winds, soil conditions, vegetation type and quality, and other special site features. The site review should include analysis of the Lot's topographic contours, a determination of the location of trees proposed to be removed, and the identification and location of unique site characteristics. The preliminary on-site review can be useful in determining the location of trees proposed to be removed, and the identification and location of unique site characteristics. The preliminary on-site review can be useful in determining parameters for the detailed site plan. With this information, the Lot owner's design team can most effectively recommend optimum design opportunities of the site for inclusion in the topographic survey of the Lot (see Section 2.2 (d)).

3.3 Site Considerations

The Architectural Control Committee shall consider each site independently but shall give special consideration to the impact of a Lot owner's plan on adjacent Lots. Care must be taken to locate each structure, whenever possible, so as not to infringe upon adjacent structures and homes, views, and natural amenities of the area. The following site characteristics should be considered:

- a) Topography of the site and surrounding homes.
- b) Distant and intimate view from the home.
- c) Distant and intimate views of the homesite from adjacent lots, if applicable.
- d) Existing vegetation type and quality.
- e) Existing water and drainage patterns.
- f) Driveway access, corridor, and connection at the road.
- g) Height of proposed and adjacent dwellings.
- h) Location of well; septic tank, drain field, and repair area.
Important: For septic tanks and wells, special permits are required. Original permits or amendments to existing permits are obtainable from the New Hanover County Health Department and are usually obtained by your builder.
- i) Docks and piers on Creekside Lots. The proposed location for any dock should be shown on the site plan. After the Architectural Control Committee approves the site plan. A CAMA permit must be obtained from the North Carolina Department of Environment Health and Natural Resources and a building permit must be obtained from the New Hanover County Inspections Office. These permits are usually obtained by the contractor installing the dock.
- j) Propane tanks, which should be buried.

3.4 Building Setbacks

The Architectural Control Committee will consider setback requirements, when viewed in total, to ensure that the community will be pleasing in appearance from neighboring properties. Each Lot owner's design team should carefully consider the natural characteristics of the site and work within the review process to achieve the long-term esthetic goal of the community.

Minimum setbacks have been established by the ***Protective Covenants***, including 40 feet from the street; 15 feet from each side Lot line; and a minimum rear setback of 30 feet. No structures are allowed within the foregoing distances unless the Architectural Control Committee determines that enforcement of any such setback will impose a hardship on a Lot Owner and further finds that the particular features of the Lot upon which the proposed dwelling is to be constructed are best used utilized by allowing a variance from these setbacks. **Notwithstanding any suggested setbacks, the Association shall have complete authority to determine the appropriate building site on each and every Lot.**

The owner of each Lot must comply with all setbacks imposed by any governmental or regulatory agency, including setbacks imposed by New Hanover County and the North Carolina Department of Environment, Health and Natural Resources. The owner of each Lot is given specific notice that, among other setbacks, these agencies impose significant setbacks relating to construction of both primary residences and other structures adjacent to a waterway. The Association has no right or authority in any way to override or vary minimum setbacks imposed by any such governmental or regulatory agency or the New Hanover County Health Department.

4.0 Construction and Builder Regulations

To maintain a clean and neat appearance of Creekside at Porters Neck Plantation lots with ongoing construction are subject to special rules:

4.1 General Rules

It is in the interest of the community in general and the owner in particular that the builder is professional and reliable. If the builder is not known at Porters Neck Plantation, the Architectural Control Committee requests being informed of examples of past work with references and photographs.

In the event that the owner employs a professional manager to perform as his contractor, the owner will inform the Architectural Control Committee of this arrangement and provide the name, address and telephone number of the manager.

The owner is reminded that his builder (and the builder's subcontractors), manager (if any), architect, and professional designer are the Agents of the Owner. The Owner may authorize one or more of these individuals to handle specific matters, but the Owner remains personally responsible.

In the event of a problem resulting from the action of, or lack of action, the Owner's builder or other representative in any discussion, the Architectural Control Committee may ask the owner to respond personally to all ACC matters to avoid any misunderstanding.

The owner should employ a North Carolina Licensed Contractor or, alternatively, employ as manager a person who is licensed in North Carolina.

4.2 Site Cleanliness

The owner shall be responsible for ensuring that the contractor or others performing work on the Lot maintain the Lot in a clean and sightly condition during the period of construction, removing all debris, stumps, litter and scrap building materials from each Lot as frequently as necessary to cause compliance with the provisions of these covenants. All such debris shall be removed to an approved dumping site remote from the Creekside and other Porters Neck developments. Stockpiling trash or any other debris on adjacent lots or streets is not permitted. If trash and debris on the job site become a noticeable problem, notification to the party responsible will be given by the Architectural Control Committee to clean up the site within five working days. If, after the five-day period, the site has not been cleaned, the Architectural Control Committee will arrange for removal of the debris and deduct the expense from the construction deposit.

4.3 Application of Rules

The following rules apply to all employees of Porters Neck Plantation contractors and service personnel while on Creekside at Porters Neck Plantation premises.

- a) During construction, repair or maintenance occurring on any Lot, the Owner of the Lot shall be required to ensure that construction vehicles access the Lot only from the approved driveway site as shown on the approved house plans for paving, rights-of-way or vegetation.
- b) Proper erosion control is the responsibility of the contractor. Adequate silt fencing and gravel at the entry drive must be properly installed and maintained. The streets should be kept free of mud, silt and debris from erosion and construction traffic.
- c) Contractors will use only the utilities provided on the immediate site on which they are working, unless a neighbor agrees to temporarily supply these services.
- d) Portable toilets are the responsibility of the contractors. They should be located off the right-of-way, screened from view and sanitized weekly.
- e) Vehicles are to be parked on one side of the street or on the immediate site on which the contractor is working. No vehicles (cars, trucks, vans, etc.) may be left in the subdivision overnight. Construction equipment may be left on the site while needed but must be kept off the street.
- f) The official speed limit on the Creekside private roads is 15 miles per hour for all vehicles.
- g) Washing of any truck or vehicle on the street is not permitted. Any washing of concrete delivery trucks must be on the construction site.
- h) Operators of vehicles are required to see that they do not spill any damaging materials while within the community. If spillage does occur, it is the responsibility of the operator to clean up. Clean-ups arranged by the PN Creekside Home Owners Association will be charged to the party responsible. Please report any spills to the North Carolina Department of Environment, Health and Natural Resources, (Environmental Assistance 1-877-623-6748, Environmental Emergency 1-800-858-0368) and Porters Neck Plantation and Country Club (910-686-8126) as soon as possible.
- i) Repairing any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, landscaping, etc. shall be arranged by the PN Creekside Home Owners Association and such costs will be billed to the responsible contractor. This amount will be deducted from the building deposit. If not sufficient, an additional amount will be charged to the property owner.
- j) If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such as accident within 30 minutes to the proper authority.

- k) Loud radios or noise will not be allowed within the community. This is distracting to property owners. Normal radio levels are acceptable. Do not mount speakers on vehicles or outside of homes under construction.
- l) Only bona fide workers are allowed on the property.
- m) No children will be permitted on the property unless they are at the site with the owner's permission and are supervised.
- n) Building permits are the only signs or documents to be posted at a homesite during construction. The contractor may place a professional sign consisting of a standard size Porters Neck sign with a maximum size of 4 feet by 4 feet. Other forms of advertisement are not permitted. Permits are to be attached to a post in a manner protected from the elements. Trees are to be kept free of all permits and signage.

5.0 Landscape Criteria

Landscaping is an integral part of home construction. Typically, the size, type, style, location, and color of landscape elements allow for a dramatic presentation of the home. Maintenance is important in presenting an aesthetically pleasing environment for Creekside at Porters Neck Plantation.

5.1 Overall Theme

Creekside is designed to blend with its surroundings. A feeling of natural surroundings and forests is maintained through minimal disturbance of the existing vegetation and topography.

5.2 Protection of Native Vegetation

Preservation of the existing forest and wetland systems is a primary goal. The forest canopy will be preserved where possible and enhanced with supplemental plantings of native, coastal tree species and adaptable ornamental plants. Site clearing and tree removal, necessary for the roadway, utilities, and housing will be carefully coordinated with the Architectural Control Committee.

The Association, acting through the Architectural Control Committee, must give prior written approval for the removal of any tree greater than 4.0 inches in diameter (12.6 inches in circumference; measured 30 inches above the natural grade) from any Lot.

The professional survey should show important trees, clearly delineate trees to be removed, and should show a "limit of disturbance" line where the structure is to be built. This should be referenced to all aspects of development such as utilities, grading, layout, erosion control, etc. Trees located within the proposed building area need not be identified. The proposed driveway should be sited to avoid removal of trees to the greatest extent possible (especially trees greater than 10.0 inches in diameter).

As many trees as possible should be preserved. Special measures such as tree wells, retaining walls and drain fields should be employed when grade changes are required near existing trees.

5.3 Screening, Buffering and Fences

In some instances, fences may be considered important and useful. For example, fences can be authorized to screen utility areas or other objectionable site elements; and provide privacy and intimacy for small outdoor spaces. In the case of swimming pools, a fence is required by law. Families with small children may wish to have the security provided by a fenced area. Plantings should be used to soften the fence and its location on the site

5.4 Landscape Lighting

Accent lighting shall be subtle and subdued. Plant lighting and landscape lighting is encouraged in moderation. Path lighting must be no taller than three feet mounting height and use no more than 50-watt incandescent lamps. Landscape fixtures must be shielded by plantings and concealed in daytime. Down-

lighting is encouraged to reduce glare, better light roads and paths, and to assure that neighboring properties are protected from bright light sources.

Exterior light fixtures on homes must be conservative in design and number. Colored and flashing lights are prohibited except for seasonal displays. Spotlights or floodlights will be considered on a case-by-case basis, depending upon the orientation, location and impact on neighboring properties.

5.5 Decks and Terraces

Decks and terraces should be designed to be an extension of the architecture and provide a transition from the house to the garden. Grading should be kept to a minimum. Lots on Futch Creek are subject to the CAMA setback (usually 75 feet from the nearest water, irrespective of the property lines). Grading or any other land disturbance between the CAMA line and the mean high-water line (property line) should be avoided.

5.6 Trellises, Arbors and Gazebos

These functional structures can be very pleasing landscape elements if they fit well into the overall design. It is important to view these as permanent structures and design them to withstand the test of time. Use adequately heavy timbers for the support structure with no less than 2-inch nominal dimension lumber for the lightest members.

5.7 Landscape Maintenance

Maintenance of the common areas, entries and amenities at Creekside is a vital part of the commitment to the quality of the development.

Each Owner will be responsible for the maintenance of all land, buildings, improvements and landscaped areas within his property lines. The Association or the Architectural Control Committee reserve the right to perform or cause to be performed such maintenance at the expense of the Lot Owner.

Undeveloped lots are subject to periodic maintenance to remove tree snags, excessive growth of weeds, and accumulated debris. Property owners preferring to maintain their own Lot may make arrangements to have it cleaned; however, the Association periodically arranges cleaning for undeveloped Lots. Owners of undeveloped Lots will be contacted each time this maintenance is undertaken. When a Lot Owner elects to have the Lot cleaned by the Association, the Association will arrange the cleanup, and a bill will be sent to the Lot Owner immediately after the work is completed.

Following catastrophic events such as hurricanes or other storms, damaged trees, limbs and other debris should be removed by the Owner from the property as expeditiously as possible. Both unimproved and improved Lots are subject to prompt removal of debris. Instructions concerning debris pick-up will be provided by the PN Creekside Homeowners Association.

Maintenance of private roads, common open spaces and buffer zones at Creekside is the responsibility of, and will be administered by, the Association.

The following maintenance standards shall be adhered to:

- a) Paved areas:
Pavement surfaces and sidewalks shall be kept clean as required per seasonal demand. Cracks, joints, and other openings in the pavement surfaces shall be repaired promptly.
- b) Lawn Maintenance and ground cover:
Lawns and other ground cover shall be kept well-trimmed at all times. Procedures for fertilizing, trimming, and weeding shall be set on a timely basis and adhered to. Removal of leaves shall be done within a reasonable time during the fall season.
Catch basins and other drainage collection points shall be cleaned regularly.
- c) Trees and other plantings:
Seasonal fertilizing, pruning, cutting and removal of dead branches shall be done as required. Extra care should be taken with new plantings.
- d) Watering:
All plants shall be watered as necessary during the growing season. Lawn areas shall be watered as required to produce healthy lawns, especially during the summer months.

These commitments are also made, and shall be stringently enforced by, the Architectural Control Committee because the quality of grounds maintenance is a major contributor towards protection of all Owners' investments as well as an investment in the Community's success and quality lifestyle.

5.8 Landscaping Plan

Appendix C is an example of a landscaping plan required by the Architectural Control Committee.

6.0 Administration

As outlined in the Creekside *Protective Covenants*, the Architectural Control Committee is responsible for enforcing the rules and regulations set forth in this document.

6.1 Enforcement

To protect all Owners, regulations in accordance with the *Protective Covenants* will be enforced. Notification of any violation will be sent to the party responsible and property owner defining those items not in compliance with the rules and regulations. Upon receipt of the notification, the parties involved have five (5) working days to correct the situation or the Association (or the Architectural Control Committee) will take the necessary actions to correct the violation. Those actions could include charging the Lot Owner for the correction and by withholding architectural review until the violations are corrected.

6.2 Special Meetings

An Owner may ask for a special meeting with the committee. The Architectural Control Committee will consider a problem or special request and will contact the Owner promptly after a decision has been rendered. In the event that an Owner wishes to appeal a ruling of the Architectural Control Committee, the Owner may ask the ACC to arrange a meeting with the Creekside Homeowners' Board of Directors.

6.3 Variances

The Architectural Control Committee is required to maintain conformity to the intent and purposes of the *Protective Covenants*. With the objective of resolving practical difficulties and avoiding unnecessary hardships, a variance may be allowed by the Architectural Control Committee provided it conforms with the intent and purposes of the covenants and the ACC's judgment that such variance will not be materially detrimental to the property, to immediate neighbors, or to the neighborhood.

A written approval or disapproval of a request for variance will be sent to the Owner, by the Architectural Control Committee, along with an appropriate explanation of that decision. A particular item implemented in the past which conflicts with the intention of the current regulations, and which has been 'grandfathered', does not constitute a precedent. Cases obviously vary, since lots differ in size, shape, location, position relative to neighbors, to road(s), and to Futch Creek, so it is not possible to give every Owner identical treatment. The Architectural Control Committee will carefully and equally apply the spirit and intention of the *Creekside Protective Covenants*.

7.0 Homeowner Rules

The following paragraphs are rules for homeowners.

7.1 Trash Receptacles

Trash receptacles should be stored near the house, adjacent to the driveway. The receptacles should be suitably screened, e.g. by plantings, berms or a fence element. Such fences must be an integral part of the architecture or a free-standing compatible element. In either case, unobstructed access must be provided. The type of trash receptacles required will be determined by the service company.

7.2 Pools and Fountains

The Architectural Control Committee will review proposed pools on an individual basis. Pool and equipment enclosures must relate architecturally to the house and other structures in their placement, materials and detailing. Above-ground pools or inflatable bubble covers are not acceptable.

7.3 Mailboxes

Mailboxes should be the approved design and kept well maintained. Approved designs for support stands are available from: Post and Pickets, 111 W Denim Dr, Erwin, NC 28339 (919)-772-7170 New mailboxes can be obtained from Post and Pickets or at Lowes Home Improvement Center, size 11.7" W x 15" H and painted with Rust-Oleum Hunter Green.

7.4 Boat Parking

After June 1, 1998, no boat may be parked on a PN Creekside lot where the boat is plainly visible from the road or from a neighbor's house or entertaining area. A small boat may be kept in an out-of-sight parking spot, in a garage or a suitable parking location on the lot specially screened by suitable planting. Selection of locations with screening must be approved by the ACC.

7.5 Rules for Owners Renting Their Property

Effective January 1, 2026, all Creekside HOA owners who rent out their property must adhere to the following guidelines:

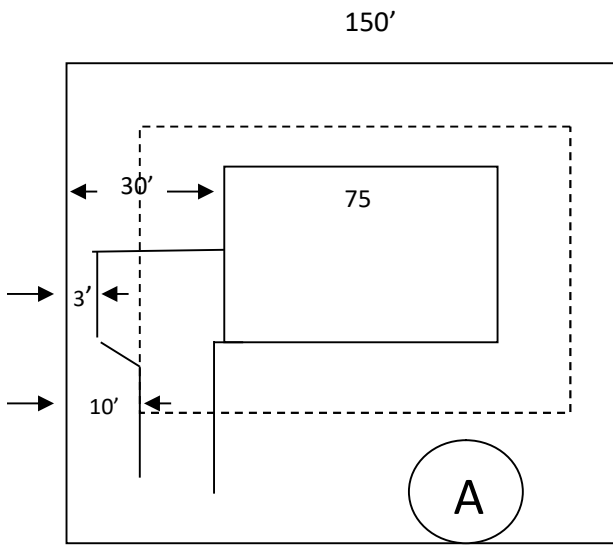
- Owners are required to notify the HOA Board of their intention to rent their property.
- The minimum lease term allowed is six months.

- Owners remain responsible for any violations of HOA covenants and rules committed by their tenants.
- Owners must provide documentation that tenants have been informed of the association's rules.
- Maximum occupancy is limited to only families from two households.
- It is recommended that homeowners require tenants to obtain renter's insurance with a minimum liability coverage of \$300,000.

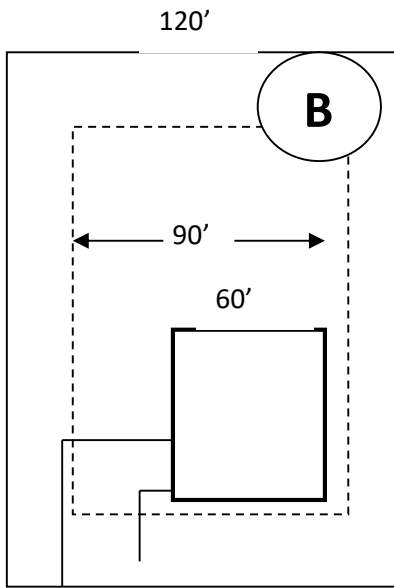
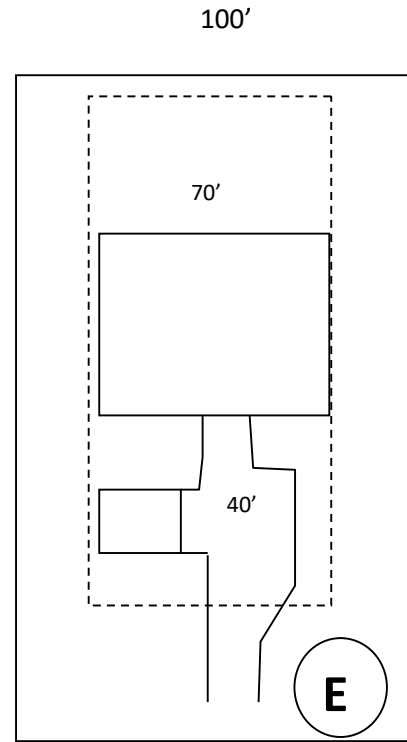
Appendix A: Garages and Driveways

1. PN Creekside landscape design stresses the importance of protecting and promoting trees and shrubs, including those between structures. The design and location of garage, garage back-up pad, and driveway are very important and must be shown on the topographical survey of the Lot.
2. A side-loading garage is desirable, but a side-loading garage should be designed to avoid directing vehicle exhaust and noise toward a neighbor's home or outdoor living space.
3. The back-up pad and driveway must not encroach within 3 feet of a property line. The recommended back-up distance is a minimum of 30 feet.
4. The accompanying diagrams show several side-loading garage options. Note that **Lot width** is the controlling factor which determines the feasibility of a particular side-loading option.
 - Lot A, with a 150-foot width, can accommodate a side-loading garage, although the sketch shows a fairly tight turn into the garage.
 - Lots B, C. and D show decreasing lot frontages which decrease the theoretical house width.
 - Lot E shows a narrow lot with an internal side-loading garage.
A 40-foot back-up pad facilitates a comfortable turn-around and safe forward exit to the road. Vehicle emissions and noise do not reach adjacent Lots.

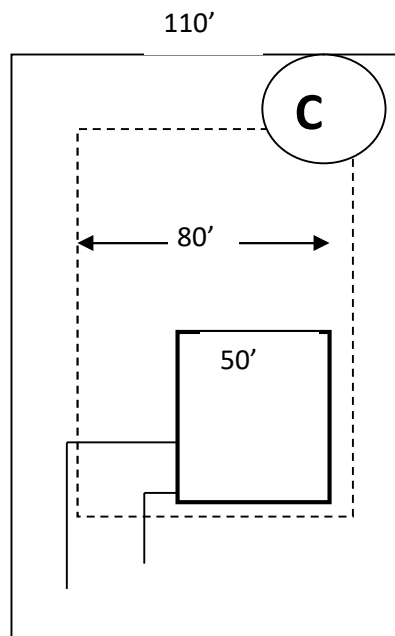
SIDE LOADING GARAGE, BACK-UP SPACE, DRIVEWAY



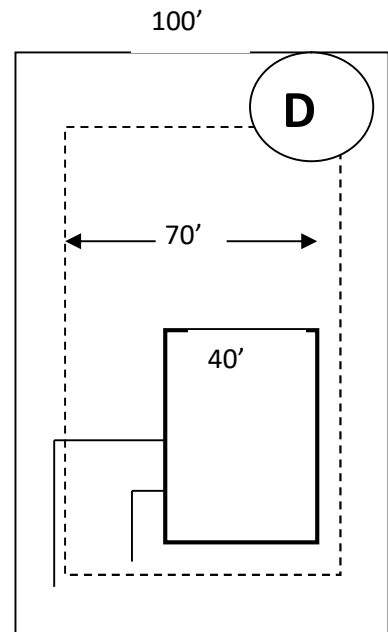
No Problem



Borderline



Maybe



Impractical

Each lot: Same area different shapes
Each House + Garage: Same Area

Appendix B: Architectural Sheets Required by the ACC

Sheet One: Site Plan [1 inch = 10 feet (minimum)]

- a) Existing topography and proposed finish grades, significant trees, unique site features and extreme site conditions should be located and indicated on the plan.
- b) Slab elevations should be indicated with respect to site grades.
- c) Driveways, mailbox, sidewalks, patios, entry walks, and air conditioning and garbage enclosures should be located and drawn to scale. **Driveways must not encroach within 10 feet of any property line.**
- d) Rear deck size and location of stairs to lower grade should be indicated. Columns for the deck at the lower level should be indicated on the first floor plan.
- e) Indicate garage back-out distance (30 feet recommended) with a minimum of 3 feet between edge of back-out paving and property line.
- f) The plan should illustrate all proposed structures, improvements, fencing, building lines, easements, utilities, and set-back lines.
- g) The design, size, height, finish, and location of all retaining walls should be indicated. Cross-tie timber walls may be used if set apart from the residence.

Sheet Two: Foundation Plan [1/4 inch = 1 foot]

Please include appended structures such as decks and pilings, if applicable.

Sheet Three: First Floor Plan [1/4 inch = 1 foot]

Decks, patios, porches, retaining walls, trash enclosure, air conditioning and utility screening, front entry steps, driveways (including turnaround), walks, and interior spaces should be located and drawn to scale. Exterior materials and finishes should be indicated.

Sheet Four: Second Floor Plan [1/3 inch = 1 foot]

- a) Indicate and draw to scale the lower roof projections, roof overhangs, chimneys and all interior spaces.

Appendix B-2

- b) The second-floor plan should correspond with the first floor plan and the site plan orientation.

Sheet Five: Roof Plan [1/4 inch = 1 foot]

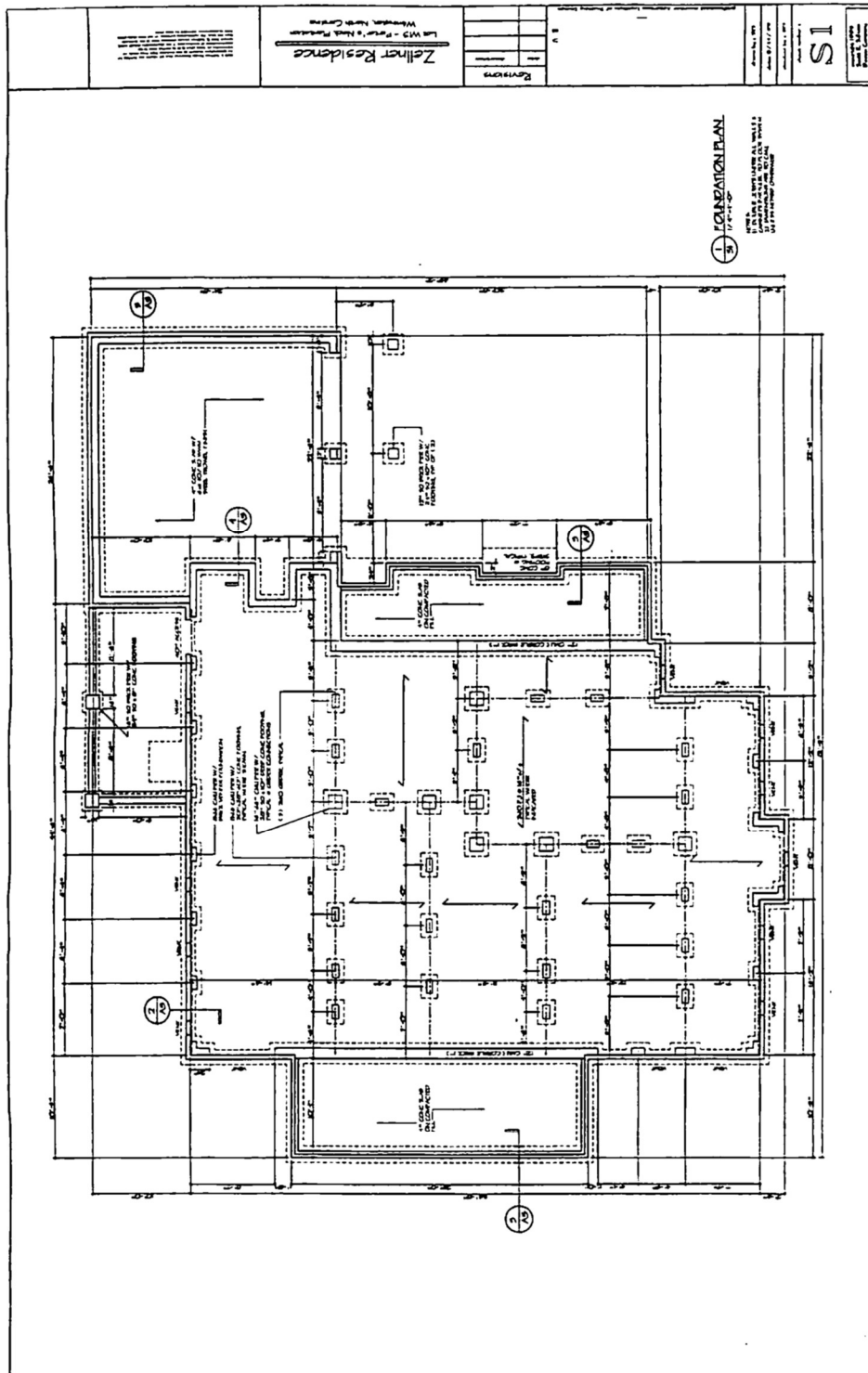
- a) Indicate all roof areas and corresponding slopes.
- b) Indicate and label the roof material and color. A 30-year architectural shingle is a minimum requirement. A sample of the roof material indicating the color is required.
- c) Indicate and label all roof vents, projections, skylights and solar collectors. All roof vents, projections and other structures protruding from the roof surface must be treated or painted to appear the same color as the roof material. **Solar collectors are not permitted on the front elevation.**
- d) Chimney caps should be dark, not shiny.

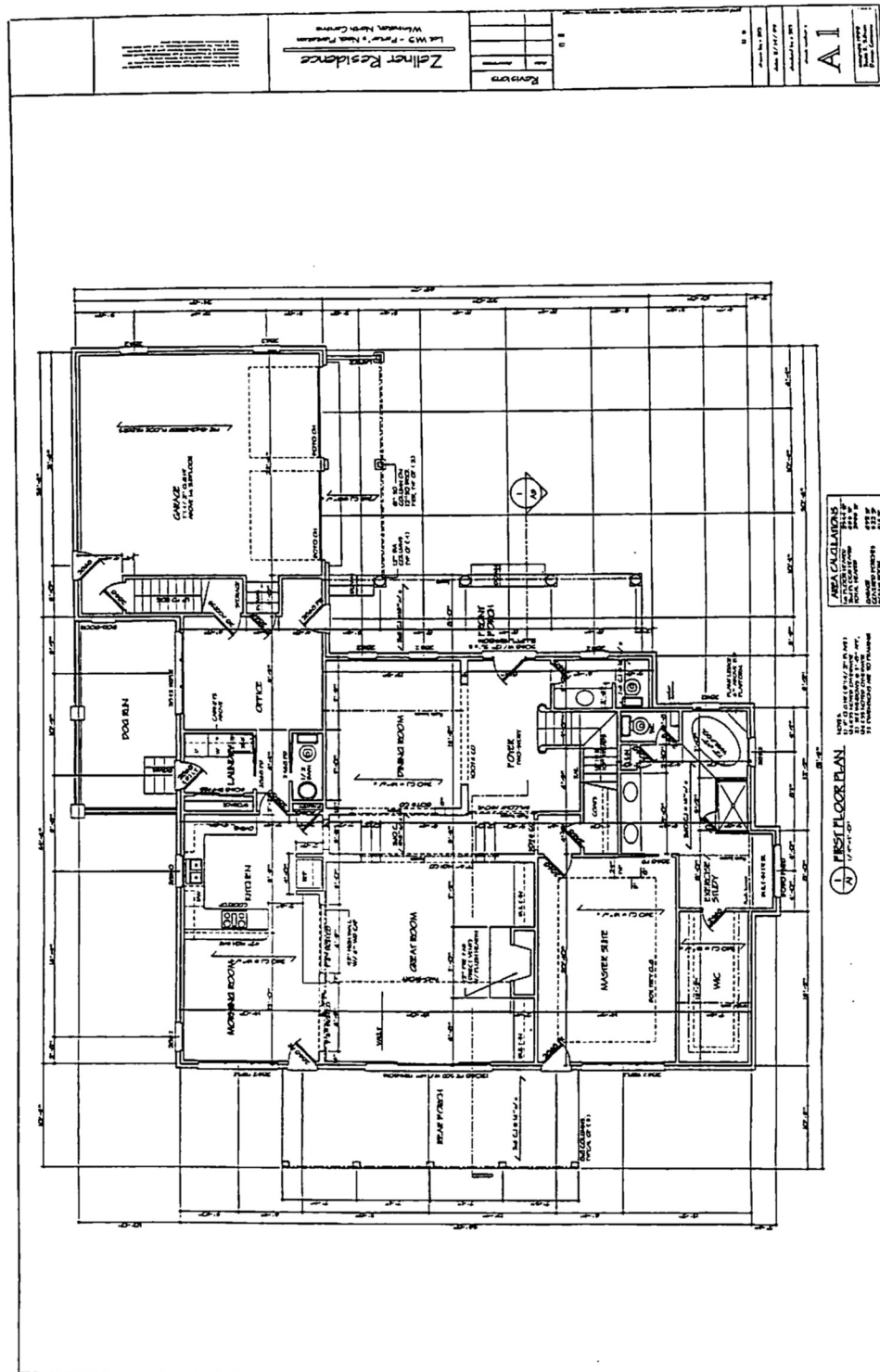
Sheets Six and Seven: Building Elevations [1/4 inch = 1 foot]

- a) All elevations must articulate material, color, finish, window types, trim, and fascia details. The proposed finish grades against the elevations must be indicated, along the air conditioning and trash screens, decks, and stairs. Some simulated plywood or other manufactured veneers (plywood, Masonite, vinyl, and aluminum siding, etc.) may not be acceptable exterior products. **Because of the ever-changing product market, the ACC will review any proposed product submitted by the Lot Owner.**
- b) The elevations should indicate maximum height of the uppermost roof peak.
- c) The elevations should correspond with the floor plans and site orientations.

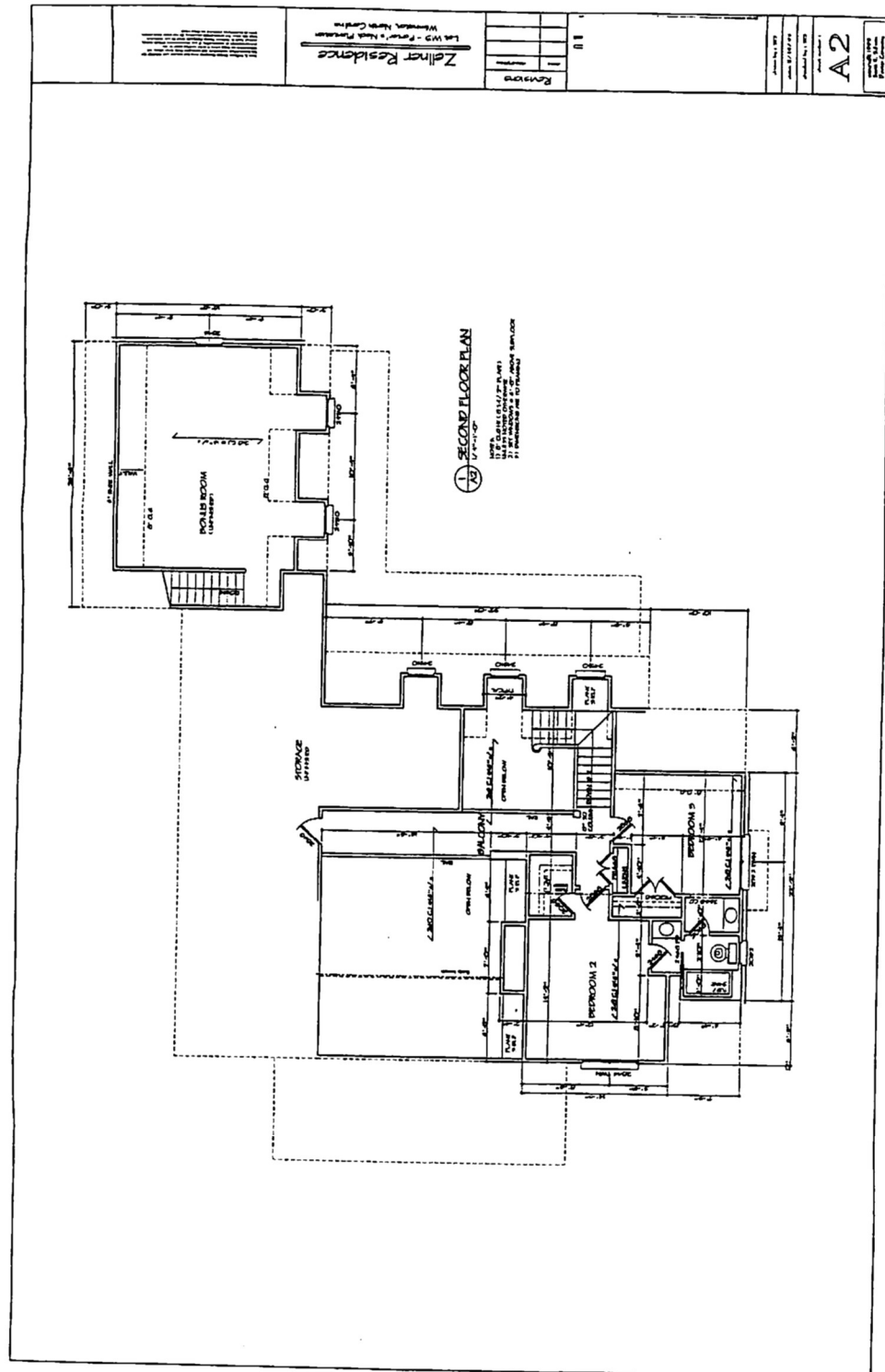
Sheet Eight: Details and Schedules [scale as required]



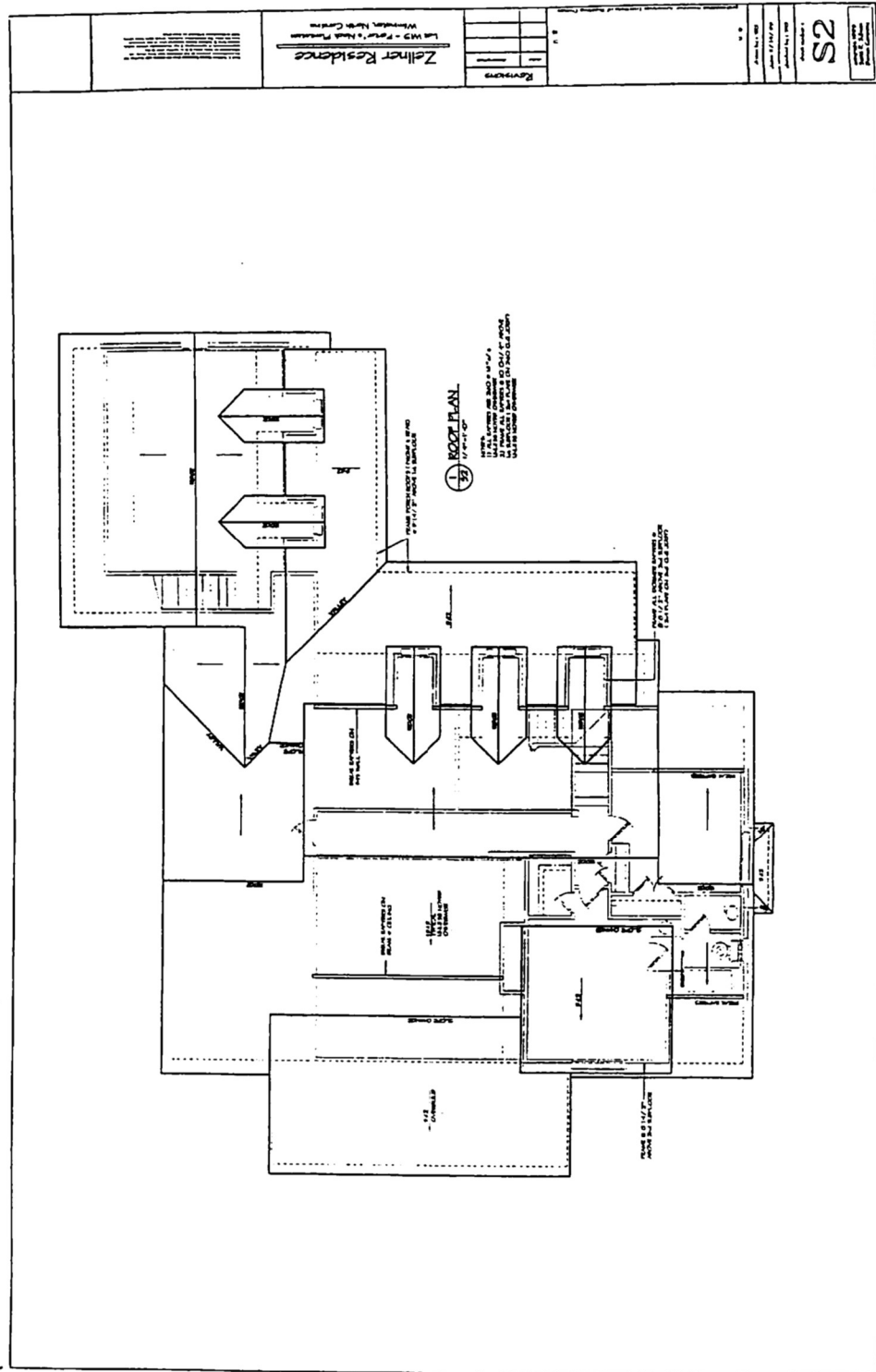




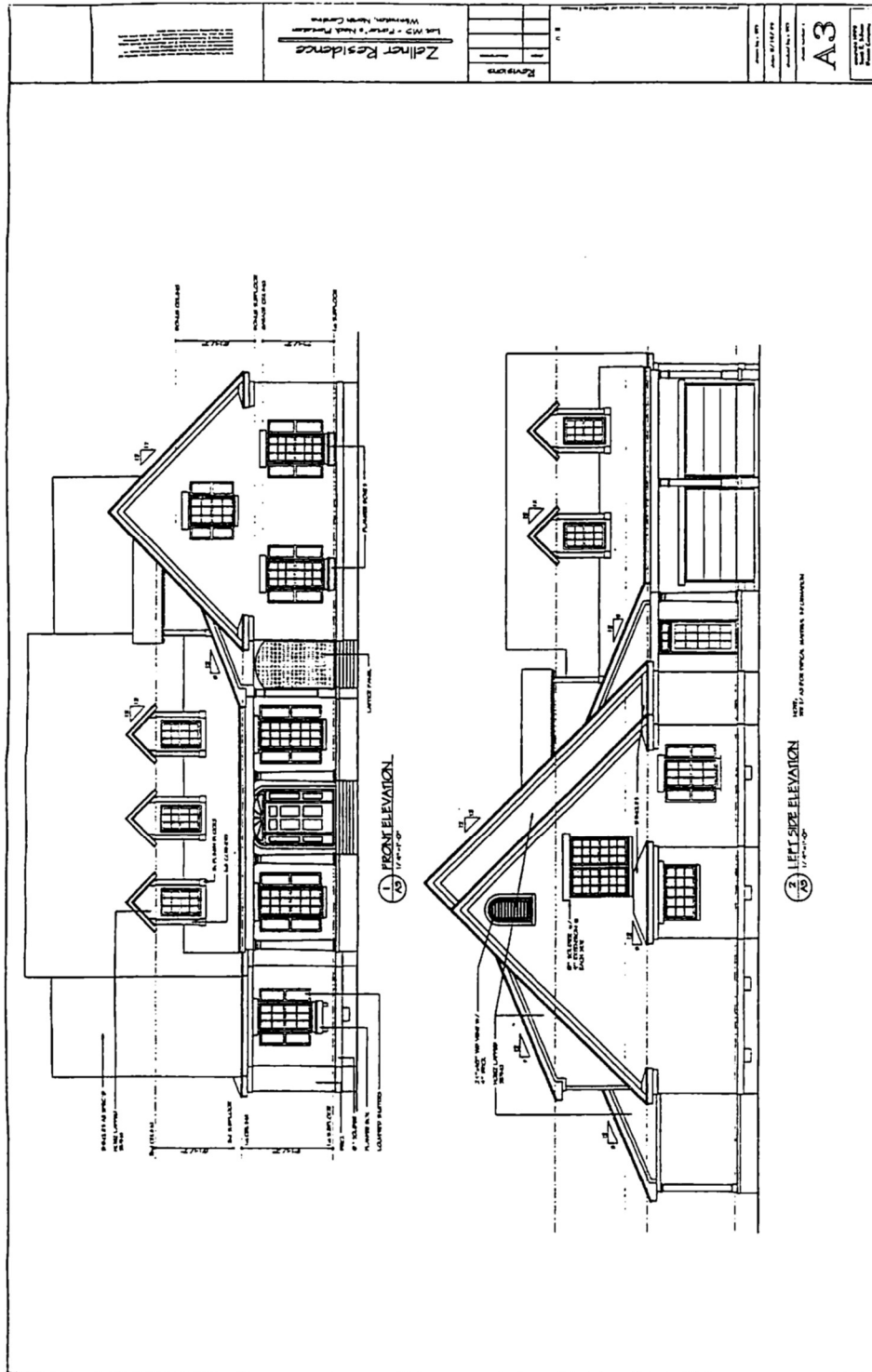
FIRST FLOOR PLAN

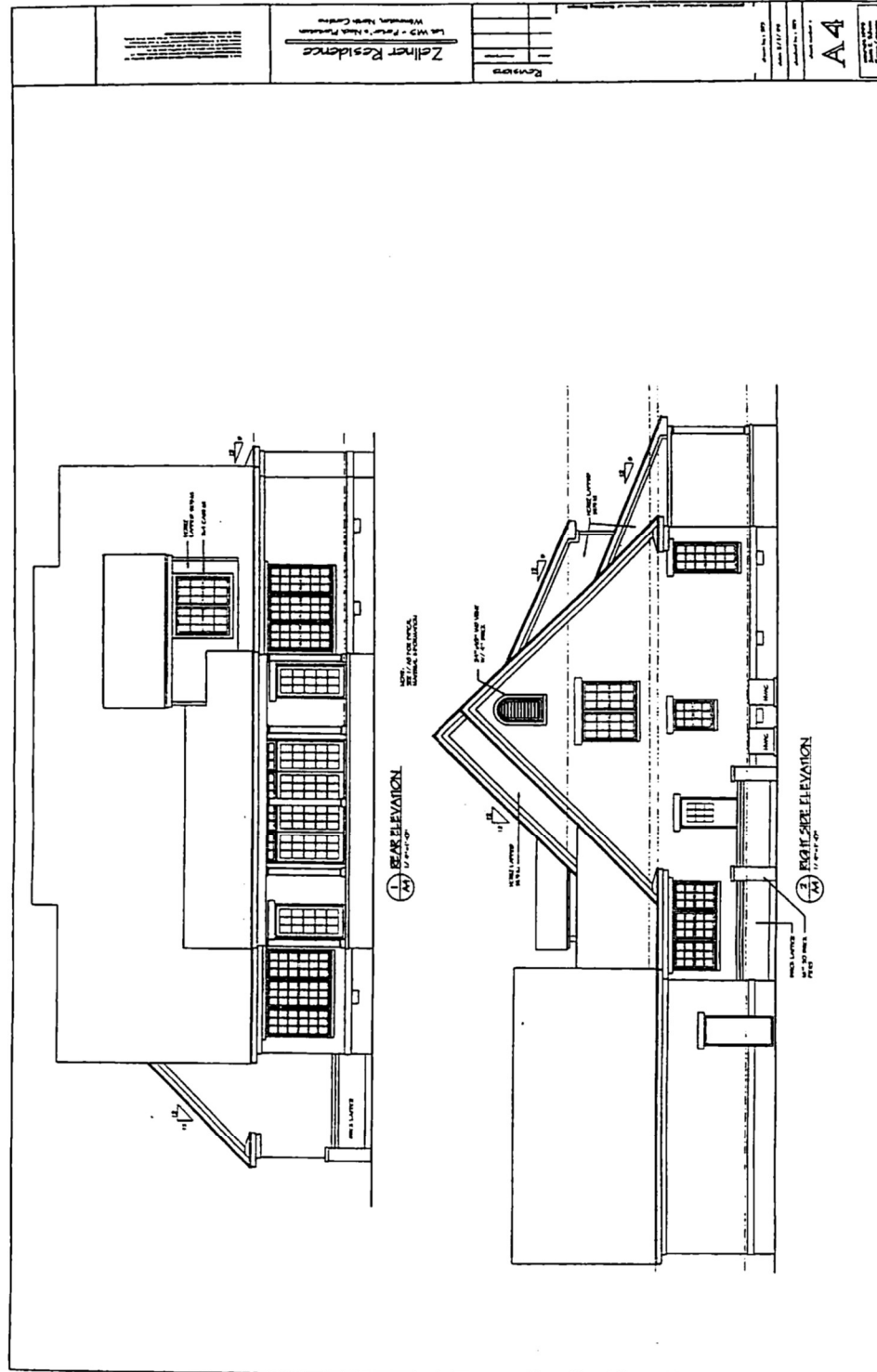


SECOND FLOOR PLAN

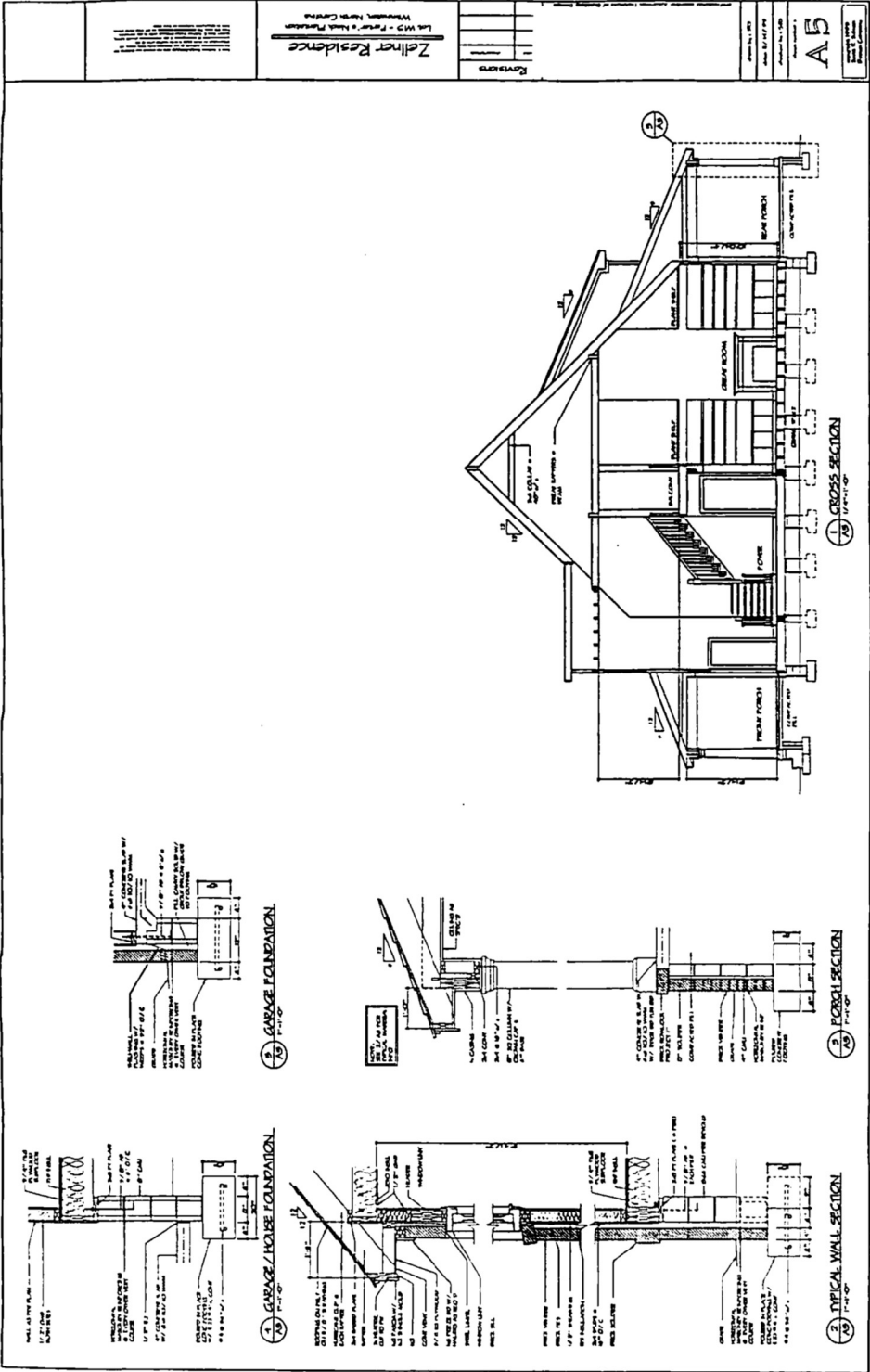


ROOF PLAN





ELEVATIONS



ARCHITECTURAL DETAILS

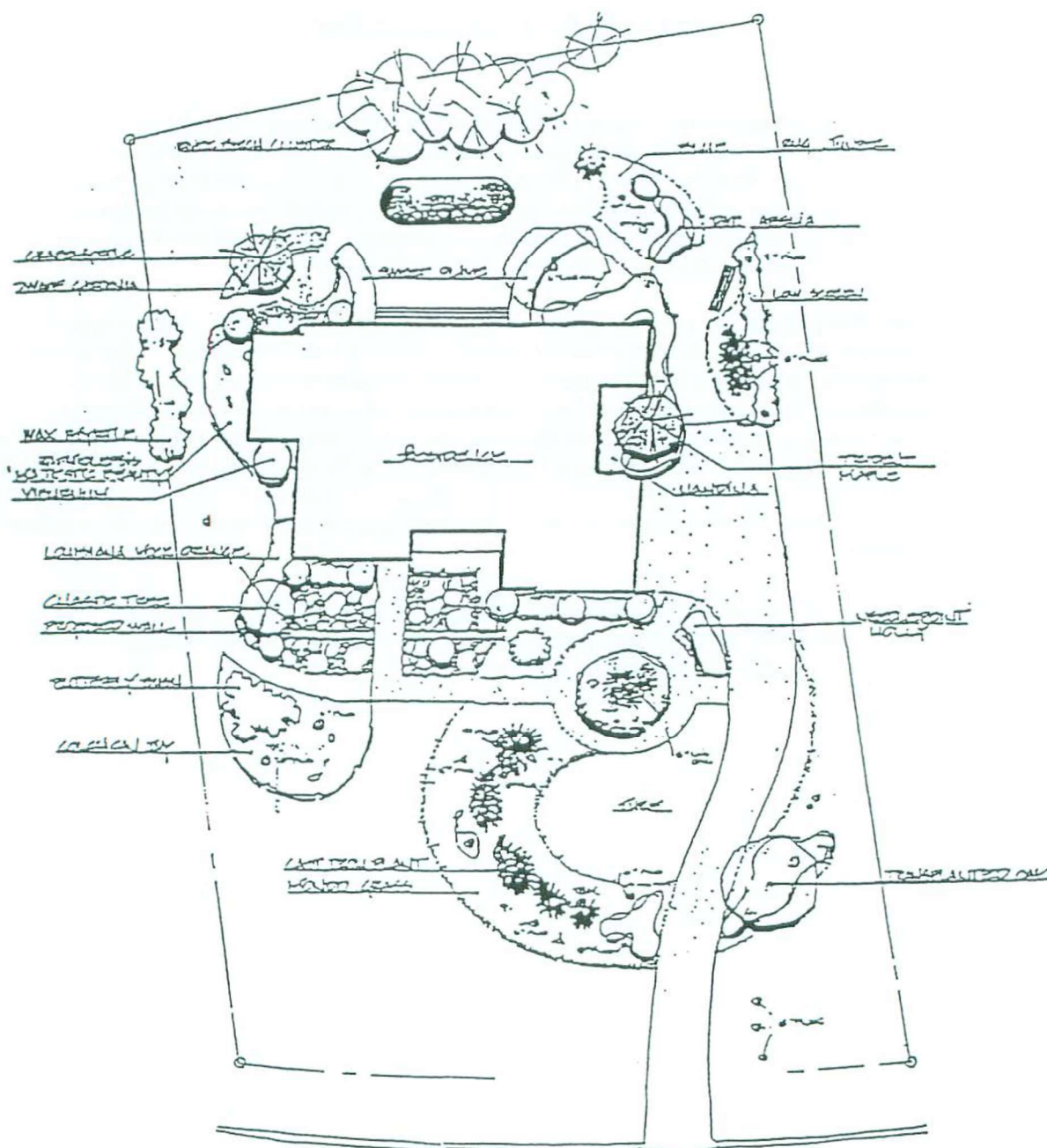
Appendix C: Landscaping Plan

Lots in PN Creekside exhibit a variety of shapes, sizes, topography, and views. The sample plan on page C-2 was prepared for a particular lot which had comparatively few trees. A wooded Creekside lot presents different challenges and opportunities. It is important to prepare a landscaping plan designed to take advantage of your specific lot and its surroundings. There is a common need for appropriate landscaping close to the house, particularly at the front.

Basic landscaping layout suggestions: Various references are made to the desirability of protecting the natural wooded areas in Creekside. Planted areas, containing "clusters" of colorful plants, reaching out from the house should normally be confined to a relatively small percentage of the remaining natural area, where pine straw can be very useful. Keeping landscaping layout relatively close to the house can avoid "losing" dozens of expensive azaleas, etc. among the trees. Suitably placed narrow clusters can be attractive along a path. A cluster containing, for example, pink azaleas, can obviously vary in size and shape, but looks its best if plants are close enough together for mature blossoms and foliage to touch and form a natural "bouquet".

Borders: Only natural stone and small timbers may be approved border material. Concrete, asphalt, and plastic are NOT acceptable border materials. Borders (and plantings) tending to delineate property lines are not acceptable.

Appendix C-2



Appendix D: Architectural Control Committee Application Forms

These forms may be photocopied or removed from this booklet and submitted as required by the proposed action(s). For additional forms, contact the PN Creekside Home Owners Association, Inc.



PN Creekside Home Owners Association, Inc.
Architectural Control Committee

Form D-1 Application for Approval of Construction

Lot Number: _____

Date: _____

Owner:
Address: _____

Phone Number: _____
Cell Phone Number: _____
Email Address: _____

Architect:
Address: _____

Phone Number: _____
Cell Phone Number: _____
Email Address: _____

Contractor:
Address: _____

Phone Number: _____
Cell Phone Number: _____
Email Address: _____

Please check the following sheets that are included in this submittal:

- | | |
|--|--|
| ☐ Site Plan or SURVEY must come first on the owner's "things to do list".
"Grey Book" 2.2 and "Gray Binder" Tab 2 lists essential inclusions.
Other Plans can be submitted as soon as possible. | |
| ☐ First Floor Plan | ☐ Side Elevation #1 |
| ☐ Second floor Plan | ☐ Side Elevation #2 |
| ☐ Roof Plan | ☐ Rear Elevation |
| ☐ Front building Elevations | ☐ Building details and Sections |
| | Other _____ |

FOR ACC USE

- | | |
|---|---|
| ☐ Samples | ☐ Initial plans on file (date) _____ |
| ☐ Building staked in field | ☐ Final plans on file (date) _____ |
| ☐ Architectural Questionnaire | ☐ Variance requested (date) _____ |
| ☐ Approved as submitted (date) _____ | ☐ Resubmit (date) _____ |
| ☐ Approval as noted below (date) _____ | |

Comments: _____



PN Creekside Home Owners Association, Inc
Architectural Control Committee

Form D-2 Architectural Questionnaire

To be completed by all Architects/Designers submitting documents for approval at the preliminary and final stages of approval.

Lot Number: _____ Date of Application: _____ ☐ Preliminary ☐ Final

Owner's Name: _____

Architect/Designer's Name: _____
(Hereafter called "architect")

Firm: _____

Address: _____

Telephone: _____ Cell Phone: _____ Registration Number: _____

Contractor's Name _____

Address: _____

Telephone: _____ Cell Phone: _____ License Number: _____

1. Has the architect visited the site? ☐ Yes ☐ No
2. Date of last visit: _____
3. Has the architect read the property covenants and architectural guidelines and designed the house accordingly? ☐ Yes ☐ No
4. Has the architect attempted to minimize the amount of site to be graded? ☐ Yes ☐ No
5. Has the architect attempted to minimize the removal of or damage to existing trees? ☐ Yes ☐ No
6. Does the building block principal views from dwellings on adjacent properties or properties across the street? ☐ Yes ☐ No
If yes, has an attempt been made to minimize this effect? ☐ Yes ☐ No
7. Area of lot (square feet): _____
8. First floor elevation (FFE) in feet: _____
9. Mean finished grade within this footprint (feet): _____
10. Approximate percentage of site to be graded _____
This area should be kept to a minimum and generally include only building area, driveway and walk area.
11. Heated first floor area (square feet): _____
12. Heated second floor area (square feet): _____
13. Total heated area: _____
14. Total area of porches under roof (square feet): _____
15. Total area of decks and balconies (square feet): _____
16. Total area heated and unheated _____
17. Is a variance from Architectural Control Committee standards requested with this questionnaire? _____
18. If yes, describe request, including reasons for the request. Use additional sheets as necessary.

(Form D -2 Page 2)

19. List manufacturer and color for exterior materials used in the following:

Siding/wall finish: _____

Color: _____

Trim: _____

Color: _____

Shingles: _____

Color: _____

(Roof shingles must be at least 30- year architectural)

20. Are foundations for porches enclosed and designed to provide proper ventilation with louvers and/or lattice panels?

☐ Yes ☐ No

Signature: _____ Date: _____

Lot Owner



PN Creekside Home Owners Association, Inc.
Architectural Control Committee

Form D-3 Request for Final Inspection and Refund of Deposit

Lot Number: _____

Date: _____

Owner:

Address: _____

Architect:

Address: _____

Contractor:

Address: _____

Phone Number: _____

Cell Phone Number: _____

Email Address: _____

Phone Number: _____

Cell Phone Number: _____

Email Address: _____

Phone Number: _____

Cell Phone Number: _____

Email Address: _____

REQUESTED DATE OF INSPECTION _____

I do hereby certify in good faith that the contracted structure on said lot conforms to North Carolina Building Code, local codes and *PN Creekside Home Owners Association Inc.* requirements and standards and the final plans as approved by the Architectural control committee. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to right of ways and common areas have been implemented. This constitutes a request for return of my construction deposit.

Signature _____

Lot Owner

Date: _____

Signature _____

Contractor

Date: _____

FOR ACC USE

☐ Deposit returned in full

☐ Partial refund

Amount \$ _____

Reason for partial refund
