

Creekside Point Homeowners **Association**

(“Association”)

Second Amended **Community Handbook**

Restrictions, Rules & Regulations
Architectural Procedures & Guidelines
Owner Maintenance Responsibilities

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Article 1. Introduction

This Handbook is adopted and published by the Board of Directors of the Association pursuant to the provisions of the Amended and Restated Declaration of Covenants, Restrictions and Easements for Creekside Point which is recorded in Book 4601 at Page 1556 of the Horry County Public Registry (as amended and/or supplemented from time to time, the "Declaration"). It is intended to provide Owners with important information about Creekside Point ("Community") and about the rights and responsibilities of Owners.

This Handbook does not replace the terms and provisions of the Declaration or the Bylaws of Creekside Point Homeowners Association, Inc. ("Bylaws"). In the event of any term or provision contained in this Handbook conflicts in any way with the terms and provisions contained in the Declaration or the Bylaws, the terms and provisions contained in the Declaration, or the Bylaws will control. Capitalized terms not defined in this Handbook shall be defined as set forth in the Declaration.

This Handbook supersedes and replaces all previously adopted rules and regulations and all previously published architectural approval procedures, guidelines, and standards.

Article 2. Restrictions

Articles 8, 11 and 12 of the Declaration set forth the use restrictions that are applicable to all Lots and/or Units and Property within the Community and that must be observed by all Owners and occupants as well as their families and guests while in the Community. **Compliance with all of the Use Restrictions set forth in Article 11 is mandatory.** In the event any of the provisions of this Handbook, including any Rules and Regulations set forth in Article 4, are inconsistent with or conflict with any of the provisions of Articles 8, 11 or 12 of the Declaration, the terms and provisions in such Articles shall control; provided, however, that Rules and Regulations adopted pursuant to Article 11, Section 11.25 may be more restrictive than the Use Restrictions in the Declaration.

Article 3. Owner Maintenance Responsibilities

The Declaration details the maintenance obligations and responsibilities of every Owner. Every Owner is strongly urged to become familiar with the provisions within the Declaration and with the rights of the Association. A failure by Owner to fulfill the maintenance responsibilities and duties set forth in the Declarations may result in enforcement action by the Association, including, but not limited to, administrative fines and penalties as permitted by law.

Article 4. Rules and Regulations

The Association has adopted the following rules and regulations. **Compliance with these rules and regulations is mandatory.** The Association has the power to enforce compliance with these rules and regulations as provided in Section 16.7 (Rules and Regulations), and in Section 16.8 of the Declaration and by South Carolina law.

Section 4.01 Signage

- (a) Subject to the exceptions set forth in Section 11.13 of the Declaration, no sign (including brokerage or for sale/lease signs), flag, banner, sculpture, fountain, outdoor play equipment, solar equipment, artificial vegetation, sports equipment, advertisement, notice or other lettering shall be exhibited, displayed, inscribed, painted or affixed in, or upon any part of the Property that is visible from the outside of a Unit or vehicle parked within the Property without the without obtaining the prior approval of the ARC; provided however, signs required by governmental agencies and approved by the ARC may be displayed (e.g. permit boards).
- (b) The ARC may adopt guidelines for a uniform size, composition, color, allowed location and/or duration of placement of signage that may be installed for the sale or rental of any Unit, and may condition its approval upon the Unit Owner strictly following such guideline.
- (c) Only one such approved sign may be installed upon a Unit. No sign may be placed in the window of a Unit or vehicle parked within the Property. Declarant shall be exempt from this Section.

Section 4.02 Parking on Common Areas

- (a) Common Area facility parking lots are to be used only while using the Common Area facilities. Parking in Common Area facility parking lots at any other time is strictly prohibited and vehicles are subject to being towed at the Owner's expense.
- (b) Vehicles shall not park or be stored on Private Alleys. Vehicle parking on Private Alleys shall be for temporary purposes only.
- (c) No commercial vehicles, all-terrain vehicles, campers, mobile homes, motor homes, house trailers, or trailers of any other description shall be permitted to be parked or to be stored at any place on any Unit, except (a) during the periods of approved construction on a Unit if used in connection with the approved construction, or (b) when parked out of view in an enclosed garage on such Unit
- (d) The term "commercial vehicle" shall include all equipment, automobiles, trucks, vehicles, including station wagons or SUVs, which bear a sign, lettering, graphics, logo or equipment or have printed on same some reference to any commercial undertaking or enterprise. This restriction on parking shall not apply to temporary parking of commercial vehicles, such as for pick-up, delivery, and other commercial services, during the period reasonably necessary to load, unload or perform the commercial service, as applicable. Nor shall this restriction apply to the temporary parking of public service vehicles, including, without limitation, law enforcement vehicles, for purposes consistent with public safety and welfare, including, without limitation, law enforcement, fire protection, emergency medical, garbage collection and the delivery of mail, or to the permanent parking of passenger type public service vehicles of an Owner or Occupant of a Unit.
- (e) No vehicle which is unlicensed or inoperable may be kept or stored on the Property except out of view in an enclosed garage on a Unit. No repair work to any type of motor vehicle, boat or trailer shall be conducted on any Unit other than minor repairs, cleaning or waxing which is completed in less than 24 hours.
- (f) Vehicles that are not parked and/or stored in compliance with the requirements of Section 11.7 of the Declaration or this Section 4.02 are subject to being towed at the Owner's expense.

Section 4.03 Pets

- (a) Pets must be on a leash and restrained whenever they are outside of a fenced-in area of the Community.
- (b) The Board of Directors of the Association has the exclusive right at any time to exclude or have removed from the property certain animals and/or particular breeds of an animal that in its sole discretion it finds to be an unreasonable annoyance, inconvenience, a menace or threat, nuisance or creates an unsanitary condition within the Community.

- (c) Owners are responsible for cleaning up any mess that a pet creates in Common Areas, or on any Lot or private property within the Community.
- (d) Owners are responsible for their animals' actions and are solely liable for any damages or injuries caused by their animals.
- (e) Animals creating a nuisance to residents shall not be tolerated – including noise issues (excessive barking, growling, howling, etc.). Should a nuisance become persistent, please contact Animal Control for their assistance.

Article 5. Architectural Approval Procedures, Guidelines and Standards

Compliance with the standards and procedures in this Article is required but does not constitute the sole basis for review of applications submitted, nor does it guarantee the approval of any submission or application. Each application must be presented to the Architectural Review Committee, or “ACC” (which is Declarant, until such time as the Declarant Control Period expires or Declarant otherwise expressly delegates such function to a separate committee, as provided in the Declaration), and which may also be referred to herein as the “Reviewer,” and will be approved or denied based on its own merit. The ACC has the discretion and right to consider any and all factors it deems relevant. **ACC decisions may be based on purely aesthetic considerations.** Each Owner and Member of the Association acknowledges that determinations as to such matters are discretionary and that opinions may vary as to the desirability and/or attractiveness of the proposed addition or modification. Decisions are made on a case-by-case basis, and although a modification or addition may have been approved in one instance, there is no guarantee that it will be approved again. **The requirements of both the Declaration and this Handbook should be reviewed by owners before applying for approval to the Reviewer.**

All proposed construction, landscaping, modifications, and additions to homes and Lots within the Community require application to and prior approval of the ACC. Any Owner who initiates construction, landscaping, alterations, additions, improvements or repainting without prior written approval from the ACC risks having to correct or remove said action at his/her own expense.

Architectural Approval Procedures

All applications must comply with the Declaration, must be submitted using the forms provided and approved by the Association, and must include a detailed description of the planned project, including the following information, as applicable:

- * Size of structure
- * Height
- * Wall material
- * Location
- * Utilities (water, electric)
- * Plant Species Name
- * Estimated length of construction
- * Certified Property Survey with notations showing proposed locations of items
- * Photos of proposed materials/design
- * Roof design
- * Roof material
- * Exterior finish
- * Quantity
- * Detailed drawing

Guidelines and Standards

5.01 Standards Applicable to All Applications and Approvals Given

All construction, and improvements, including modifications and additions, must be permitted as required by law and must comply with all applicable building codes. All utilities must be underground. Written Reviewer approval is required in every case.

5.02 Fences and Retaining Walls

- (a) **NO SPLIT RAIL FENCING, PRESSURE TREATED WOOD FENCING, CHAIN LINK FENCING, OR SHADOWBOX FENCING ARE PERMITTED.**
- (b) Single Family Detached dwellings (i) located on a Lot that abuts a body of water, whether natural or a constructed stormwater pond (a "Waterview Lot") are only permitted to have white vinyl open-picket style fencing that is no less than 4ft in height and no taller than 6ft in height; and (ii) located on a Lot that is not a Waterview Lot (a "Non-Waterview Lot") are permitted to have any style of fencing that is otherwise allowed pursuant to this Handbook and the Declaration. The Waterview Lots within the Community are those Lots numbered 49, 50, 52-54, 92-94, 96-99, 101-104, 106-110, 112-117, 119-124, 126-130 and 132-135. The Non-Waterview Lots within the Community are those Lots numbered 1-34, 35-48, 51, 55-91, 95, 100, 105, 111, 118, 125 and 131. Examples of the fence types permitted for Waterview Lots and for Non-Waterview Lots are included in Appendix A; provided, however, that same are examples only, are non-exhaustive and are subject to approval by the ACC as provided herein and in the Declaration.
- (c) Fences are not permitted in the front yard and must tie into the home at the furthest back rear corners of the dwelling. Under no circumstances may an applicant erect a fence outside of the property line. In the event of an obstacle, the Owner must shift the fence inside the boundary line of the Lot.
- (d) Fences installed on corner Lots along the property line adjacent to the side street must be installed parallel to the side street and cannot extend past the side street setback line as shown on the survey or recorded plat.
- (e) No perimeter fence shall be erected on any berm of dirt located on a side or rear Lot line.
- (f) Connection of fences on adjacent Lots is strongly preferred. Owners submitting plans for new fence installation that will adjoin a neighboring fence shall communicate their plans for connecting with adjoining fence owner and obtain permission from the neighbor. The Owner installing the subject fence assumes full responsibility for this correspondence and any failure to do so will not be remediated by the Association. Fences will be permitted at locations either (i) on the Unit's lot line; or (ii) 24" inside the Unit's lot line; provided, however, that if placed 24" inside the Unit's lot line, the Owner shall remain responsible for maintenance of the Unit on both sides of the fence (i.e., inside the fence line and outside the fence line).
- (g) Two fences will not be approved on or along the same property line.
- (h) All fences must comply with Section 11.5 of the Declaration. Owners must assume all costs should a fence be located within an easement should the fence have to be relocated or moved to provide access for maintenance purposes to the subject easement.
- (i) Notwithstanding subsection (a) above, screen fencing not to exceed six (6) feet in height may be erected around a patio or deck but must not be visible from any street or Roadway, must be located in the Rear Yard and must not be closer to the side property lines than the rear corners of the House. Screen fencing materials must be approved by the ACC.
- (j) Garage door screens are permitted providing that they are not visible when the garage door is in the closed position. Garage screens may only be used when the garage is the open position and must be temporary. All screening requires approval of the ACC.
- (k) All fences and walls shall be maintained in a structurally sound and attractive manner.

- (l) Retaining wall requests should include plans to address and control storm water drainage.
- (m) Notwithstanding anything contained herewith to the contrary, the ACC reserves the right to require an owner to locate a fence no farther back on the Lot than the rear setback line should such location be necessary to ensure the Association has access to other Lots/Units and portions of the property. This determination will be made on a case-by-case basis and is in the discretion of the Reviewer.
- (n) No fence may adversely impact the drainage pattern or flow of drainage within a private easement. Any fence that is approved by the ACC to be placed within a private easement must be elevated at the bottom of the fence-line where the subject easement is located to allow for adequate drainage in accordance with the drainage pattern on the subject lot.
- (o) No fence shall be installed within a public easement. If a fence is installed within a public easement, it shall be the sole responsibility of the owner to assume all costs and take action to have the fence removed.
- (p) All Owners are required to attain approval from Horry County for a fence installation if the Owner's survey discloses a public drainage easement on the Lot prior to submitting for review to the Association. All supporting documents must include the approval issued by Horry County and same will be required to be included with your ACC Application to the Association prior to review. As the owner of the Lot, you are solely responsible for ensuring that you fully comply with all applicable municipal, state and federal laws and regulations, including, without limitation, all zoning and permitting requirements, impervious area restrictions, stormwater requirements, building codes, easements and other restrictions of record.

Section 5.03 Fireplaces, Fire Pits and Grills

Permanent fire pits and outdoor fireplaces require approval prior to installation by the ACC.

Section 5.04 Canopies and Pergolas

Canopies and pergolas are permitted but only over the rear patio, may not be visible from the street and must be approved by the ACC prior to installation.

Section 5.05 Play and Exercise Equipment

- (a) No play or exercise equipment shall be permitted on any Lot without approval from the ACC. Specific restrictions may be placed by the ACC at its discretion.
- (b) Play equipment must be placed directly behind the home and screened from front street view. Metal play equipment and trampolines are prohibited.

Section 5.06 Basketball Goals

- (a) Temporary basketball goals are prohibited. Permanent basketball goals are only permitted on Single Family Detached dwellings and as approved by the ACC. All goals must be permanent in nature and the backboard of the goal must be parallel to the driveway and at minimum 20ft from back of curb.

Section 5.07 Landscaping

- (a) Plant Materials: ANY significant changes or additions from builder installed plant materials require architectural approval prior to installation. Exceptions are annuals in existing plant beds, which may be planted without approval. Any landscape material which dies on a Unit shall be promptly removed and

replaced by the Owner with the same or similar plant material, as the Owner shall be responsible for watering and maintaining plants and grass. No plantings may be installed within an easement or swale and must not adversely impact the drainage pattern of the subject Unit or neighboring properties. Plantings must be placed far enough away from the property line so not to create encroachment at time of maturity.

- (b) Plant Beds: Additional plant beds or expansions of existing plant beds may be approved but require approval by the ACC.
- (c) Maintenance: Any landscape addition that is not part of the originally installed landscape package provided by the Builder shall be the responsibility of the Owner to maintain,
- (d) Ground Cover for Landscaped Beds: ONLY pine needles, natural colored wood mulch or natural-colored engineered rubber mulch are allowed in plant beds (natural colors include light brown, brown or black). To ensure aesthetic consistency, colored rocks (including white) and gravel will not be approved. Landscape stones (larger than colored rocks or gravel) may be approved after review by the ACC.
- (e) Edging / Borders: Edging and/or borders around plant beds may be approved but require advanced approval by the ACC. Stone border colors must be of natural stone color only. Red brick is not permitted.
- (f) Vegetable Gardens: Vegetable gardens are prohibited in front and side yards. Small gardens may be approved in Rear Yards that directly abut the dwelling. All vegetable gardens require advanced approval by the ACC and cannot be visible from the street fronting the home.
- (g) Irrigation: Irrigation may be installed as approved by the ACC. Irrigation may not be installed within the ROW (Right-of-Way) and must not adversely impact the drainage pattern of the Unit or neighboring properties.
- (h) Street Trees: Street tree replacement must remain consistent in species, diameter and placement per tree canopy and urban forestry requirements in accordance with the approved development plan. Ground coverage is not permitted to be altered or changed for street trees in the ROW or planter strip.

Section 5.08 Doghouses, Dog Pens and Dog Runs

- (a) Doghouses, dog pens and runs are prohibited.

Section 5.09 Exterior Lighting

- (a) Eave-mounted floodlights and low-level landscape lighting must be approved by the ACC in advance of their installation.
- (b) Any changes to the exterior light fixtures must be approved by the ACC in advance of their installation.
- (c) Exterior lighting improvement must not adversely impact or create a nuisance for neighboring Units.

Section 5.10 Swimming Pools and Hot Tubs

- (a) Above-ground pools are prohibited; provided, however, that "kiddie pools" shall be permitted but must be stored out of view from neighboring Units and must be stored indoors if not in use for more than 24 hours.
- (b) In-ground pools are permitted on Single Family Detached dwellings only as approved by the ACC.
- (c) All pool equipment must be placed in the rear of the dwelling and adequately screened from front street view and neighboring Units.
- (d) In-ground pools shall not be installed beyond the rear set back line of the Unit as provided on the Certified Survey.
- (e) In-ground pools shall not extend beyond the side plane of the home and must not be visible from front street view.

- (f) In-ground pools shall not be installed within a swale or easement.
- (g) All in-ground pools must be enclosed within a fence perimeter in accordance with the fencing requirements set forth in Section 5.02 of this Handbook and the Declaration.
- (h) The owner must have an adequate drainage design for the overflow of the pool to include any alternate drainage impacts to ensure that the drainage pattern of the subject Unit or neighboring properties are not adversely affected.
- (i) Hot tubs are permitted provided they are adequately screened from neighboring Units.

Section 5.11 Decks, Patios and Driveway Extensions

- (a) Decks (including stairs) and patios cannot extend into a side yard or beyond the side plane of the home.
- (b) Decks must be waterproofed, sealed or stained a natural wood color including browns, light burgundy stains, or cedar stains only.
- (c) Ground-level patios must be constructed of concrete, stone, or brick pavers. Permitted colors are gray, taupe/beige or gray/blue colored pavers or concrete. Examples of permitted colors are shown in **Appendix A**.
- (d) Floating decks are prohibited. All decks must abut the rear of the dwelling.
- (e) Driveway extensions are permitted as approved by the ACC. No extension is permitted to be installed or encroach into the ROW (Right-of-Way)

Section 5.12 Satellite Dishes and Solar Panels

- (a) Subject to the provisions and requirements of the Telecommunications Act of 1996, as amended, no Owner shall construct, install, erect, or maintain any outside television or radio pole or receiving antenna, including a satellite dish antenna, and no outdoor television antenna or satellite dish may be erected or installed by an Owner or permitted by an Owner to remain on his or her Unit, without the express written approval of the ACC.
- (b) The preferred location for permitted satellite dishes is to be installed in the rear of dwelling.
- (c) Permitted satellite dishes shall be mounted in a location so as not to be visible from any street or screened with screening material approved by the ACC so as not to be visible from any street.
- (d) Solar panels are permitted within the Community but must be approved in advance by the ACC.
- (e) Solar panels shall be installed on the rear roof of the house and not visible from the front street view.

Section 5.13 Exterior Colors, Shutters and Window Boxes

- (a) All exterior changes require approval from the ACC. All proposed exterior changes must conform to the original scheme designed by the Builder and may not be the same colors as an adjoining property.
- (b) Any changes outside of the original colors on the home must be approved prior to any changes made.
- (c) Any window box addition must be approved by the ACC prior to installation and colors are required to compliment what currently exists on the home. No artificial plants or flowers are allowed in the boxes.
- (d) The exterior surface on additions must match those on existing structures.
- (e) Bahama style shutters are permitted, provided that (i) the color, style, material and location of same must be approved in writing by the ARC, (ii) permitted colors include gray, black and white, and (iii) permitted materials shall be vinyl, composite and/or aluminum.

Section 5.14 Storm Doors and Screen Doors

- (a) Storm doors color choice and hardware must compliment the colors on the exterior of the home.

- (b) Storm doors on the front of the home must be full-view with interchangeable glass/screen or full-view with single bar across the middle no wider than 2 inches. The frame must be consistent in width around the entire door (no solid panels at the bottom). See Appendix A for an approvable sample.

Section 5.15 Flags and Poles

- (c) No in-ground flag poles (except as a Builder may use) shall be permitted within the Property without obtaining the prior approval of the ARC.
- (d) Flags which are no larger than 24" x 36" attached to a Unit and displayed for the purpose of a holiday or sporting event, and United States of America flags shall be permitted without ACC approval.
- (e) Any such flag displayed for a holiday or sporting event may be installed up to seventy-two (72) hours prior to and must be removed no later than forty-eight (48) hours following such holiday or sporting event, or as the Board of Directors may otherwise determine.
- (f) No ACC approval is necessary for the installation of a United States of American flag, up to two feet (2') by four feet (4') in size, posted on a three-foot (3') pole and attached at a forty-five degree (45°) angle from the Unit.

Section 5.16 Window Treatments and A/C Units

- (a) Blinds, draperies, shades, and plantation shutters in neutral colors are permitted and do not require ACC approval.
- (b) Window air conditioning units and/or garage air conditioning units or fans are permitted only if and as approved in advance by the ACC.

Section 5.17 Trash Containers

- (a) Each Owner shall maintain all trash receptacles, racks or similar facilities in a sanitary condition, and in accordance with such reasonable standards as established by the ARC. Except when placed curb-side on the day of or the night before regularly scheduled garbage and trash pick-up days, all garbage and trash containers and bags and the like shall be stored either in the rear of the Unit or in the garage unless screened in an enclosure that is placed in the rear of the Unit or at the farthest rear corner of the Unit as approved by the ACC. Please refer to options permitted for rear side yard enclosures and those permitted for rear yard enclosures in Appendix A.
- (b) Garbage and trash containers and bags and the like shall in no event be visible from any adjacent or neighboring Unit or front street view unless screened in an enclosure approved by the ACC. No garbage or trash incinerator shall be permitted upon the Property. No burning, burying or other disposal of garbage on any Unit or within the Property shall be permitted (except licensed contractors may burn construction debris if, and only if, permitted to do so by the ACC alone and if such is permitted by federal, state, and local laws, rules and regulations, but only during the period of construction of Improvements on the Unit).

Section 5.18 Garden Art and Water Features

- (a) Front yard garden art of any kind taller than 2 ft. require approval of the ACC prior to installation.
- (b) Fountains and/or water features of any kind in the front yard will not be approved.

Section 5.19 Sheds and Similar Auxiliary Structures

- (a) Subject to the rules herein, sheds and similar auxiliary structures are permitted in the Community, subject to ARC approval.
- (b) Sheds are permitted on non-water-view Units only and are not permitted on water-view Units (being Units 17-30; 33-40; 82-92; 95; 98-109; 128-135; 192-203; 219; 220; 224-230; 233-235; 238-247; 250-255; 257-261; 304; 308-312; 314-322; 324-330; 332-350; 352; and 353).
- (c) Sheds shall only be permitted in the rear yard of the Unit, provided same are not visible from the roadway fronting the Unit.
- (d) No shed may be greater than one hundred fifty (150) square feet, nor greater than fifteen (15) feet in height.
- (e) The color of the shed must match the exterior of the home constructed on the Unit.

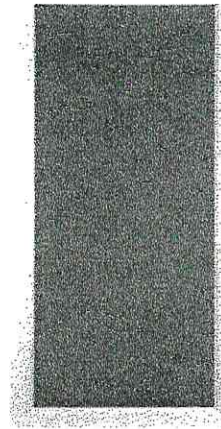
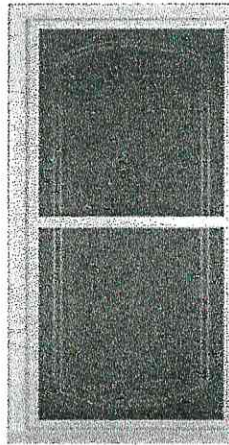
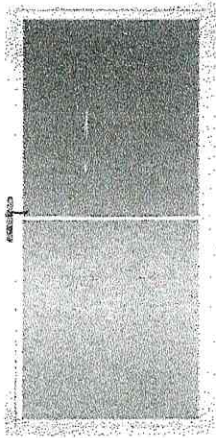
Article 6 Enforcement

In the event of an Owner, occupant, tenant, or guest fails to comply with any provision of the Declaration, the Bylaws or the rules, regulations and requirements set forth in this Handbook, he/she may be the subject enforcement action by the Association, including, but not limited to, the imposition of fines and suspension of privileges and services as permitted under South Carolina law.

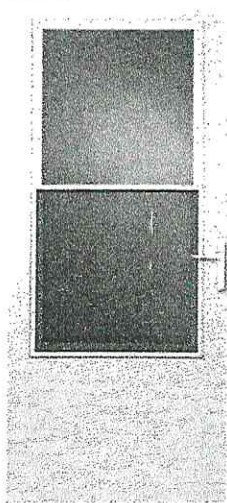
Any owner that installs or erects any improvement upon their Lot must adhere to all restrictions and requirements set forth in the Declaration, all Board adopted guidelines, rules and regulations and all requirements set forth by local municipality to include but not limited to impervious restrictions, permitting, code requirements, etc.

Appendix A. Examples

APPROVED STORM DOORS FRONT OR BACK OF HOME:



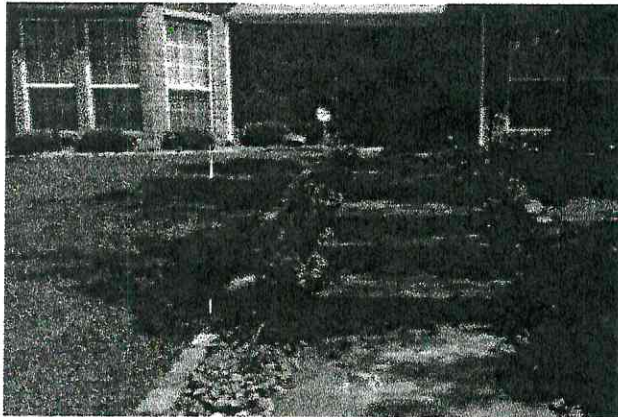
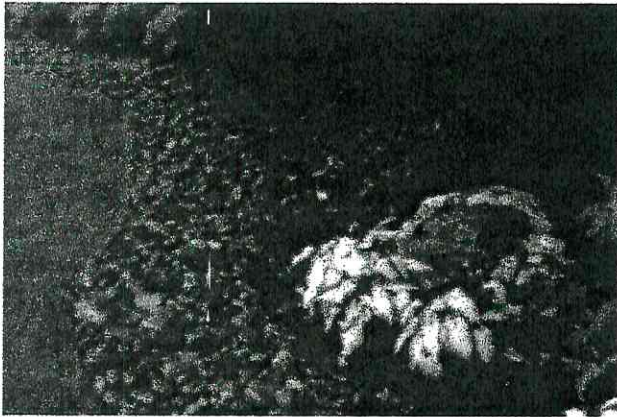
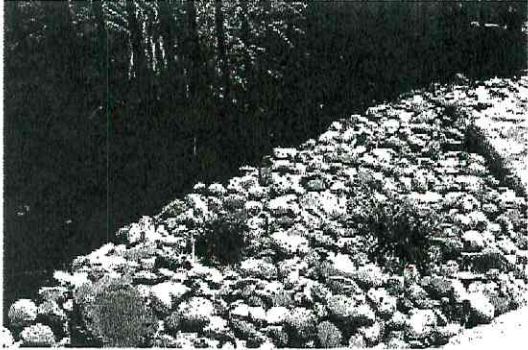
APPROVED STORM DOOR FOR BACK OF HOME ONLY:



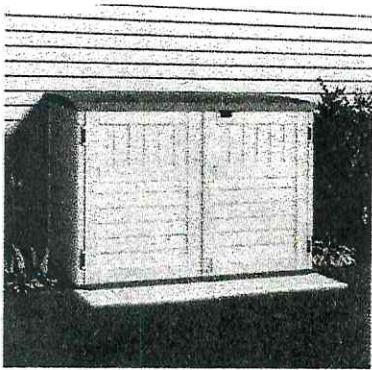
Approved Landscape Bed Ground Cover
Natural Light Brown, Brown, or Dark Brown Mulch



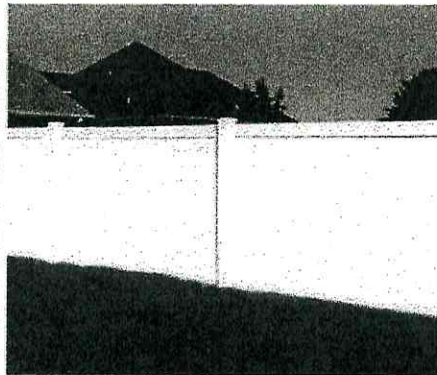
Natural Colored Landscaping Stones - Approved



Approved Examples of Rear Yard and Side Rear Yard Trash Enclosures. Color must be consistent or complement the exterior of the dwelling. The privacy fencing shown in the photo below shall be 6ft tall white vinyl fencing built to form a trash can enclosure and screen the receptacles from all four sides. Lattice is prohibited.

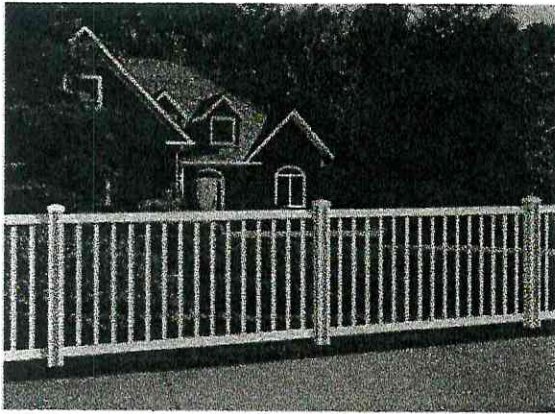


Suncast - Shed
- 34 cu. ft. Sa...
\$279.99
WebstaurantS...
★★★★★ (299)



Approved Examples of Fencing.

Waterview Lots



Non-Waterview Lots

