\* *DISCLAIMER* – The following list of by-laws has been retyped using the original hard copy and should not be referenced as the official version. Those interested in obtaining an official copy of the covenants or the by-laws should pursue them through the proper channels.

\**NOTE* - The blue underline words are to be used as summary of the list for quick reference. They are not included in the official bylaws.

**BY-LAWS OF CREEKSIDE VILLAGE HOMEOWNERS ASSOCIATION, INC. – ADOPTED FEBRUARY 24, 2004**

**ARTICLE L – Restrictions on Use and Occupancy**

1. Single Family Residence The division of lots is permissible provided that the number of lots in the subdivision is not increased (IE portions of lots are combined with other lots or other portions of lots to form a new lot). Any such lot which has been formed with portions of one or more lots shall be considered a lot as defined herein notwithstanding the fact that said lot actually consists of portions of more than one original lot. Drainage and utility easements not actually in use shall be moved to the perimeter lot lines of the reconfigured lot. No lot shall be used except for single family residential purposes. No building shall be located on any lot except a dwelling as defined herein and such other outbuildings as may be normal and customary accessories for a single-family residential dwelling, including a private garage, and located within the building lines for said lot as shown on the recorded plat. Any changes in lot lines shall be approved by the City of New Bern.
2. Residence Square Feet Every residential dwelling constructed on a lot shall contain at least fifteen hundred (1500) square feet of heated area. In addition, if such dwelling consists of a one and one-half (1 ½) story dwelling, such dwelling shall have not less than eight hundred (800) heated square feet on the first floor. Any two (2) story dwelling shall contain not less than eight hundred (800) heated square feet on the first floor.
3. Other Structures Restrictions Any appurtenant structure, other than fences, shall be located behind the principle residence or dwelling and shall be of like materials, construction methods, and techniques, as the principal residential dwelling. Fences and appurtenance structures are allowable only if in the opinion of the committee, they are necessary for the enjoyment of the property as defined under single family residential uses. These appurtenant structures shall not be allowed if they are made of metal, tin, aluminum, or any pre-manufactures materials.
4. Fencing Restrictions Any fence erected on any lot must have the prior approval of the property control committee as hereinafter specified. No fence shall be erected along the front line of any lot any closer to the street than the front of the house. However, a fence shall be allowed parallel to the sidelines of a lot fronting on a street but extending no closer to the street fronting the house than the front of the house. In the event that the lot is a corner lot or the sideline of the lot is adjacent to a street, no fence shall be erected outside of the building set back line along the side lot line adjacent to the street. Any fences erected shall not be more than 6 feet high. Notwithstanding anything to the contrary herein contained, no chain link fences shall be erected or allowed to remain on any lot within the subdivision. Furthermore, notwithstanding anything to the contrary herein contained, declarant shall be allowed to erect a temporary wooden fence at any place on any lot being used as a temporary model home; however, at such time as said lot ceases to be used for a model home, any fence erected by declarant which does not conform to the requirements of this paragraph shall be removed. On all plank fencing the rails are to be installed on the side of the fence away from the public view.
5. Insurance Cancellation Without the prior written consent of the committee, nothing shall be done or kept in any dwelling or on any lot which will increase the rate of insurance applicable to other buildings in the subdivision. No owner shall permit anything to be done or kept in his dwelling or on his lot which will result in the cancellation of insurance on his dwelling or of that of any of this neighbors. No waste may occur in the common areas.
6. Exterior Storage Owners and occupants of dwellings, without the prior written consent of the committee, shall not place or store any items on the exterior of a dwelling.
7. Motor Vehicles Restrictions All motor vehicles of any type kept within the subdivision shall have current registration and inspection certificates. Only automobiles, pick-up trucks or vans of a three-quarter ton or smaller and motorcycles shall be allowed to remain overnight on the lots. No tract, trailer or tractor-trailer may be kept within the subdivision. It is provided, however, that during construction and development, construction trucks, tractors, and equipment may be kept within the subdivision by the developer or his designees.
8. Sign Restrictions No signs of any kind shall be displayed to the public view on any lot except signs used by the declarant or its agents to advertise the property during the construction and sales period or one sign not more than six (6) square feet advertising the property for sale or rent.
9. Exterior Garbage No trash, ashes, garbage, or other refuse shall be dumped or stored or accumulated on the exterior of any dwelling.
10. Garbage Cans All outdoor receptacles located on a lot for ashes, trash, rubbish or garbage shall be installed underground, screened or so places and kept as not to be visible to the occupants of other lots.
11. Offensive Activity No noxious or offensive activity shall be conducted upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
12. Animal Regulations No animals, livestock, or poultry of any kind shall be kept or maintained on any lot or in any dwelling except that dogs, cats, or other household pets may be kept or maintained provided they are not kept or maintained for commercial purposes. Animals or pets shall not run at large. (Such pets shall be reasonable in size and there shall be no more than two dogs maintained by any lot owner.)
13. Developer Rights The provisions of this article are subject to the condition that for so long as the declarant retains may lot or any portion of the property in the subdivision, whether shown and delineated on the aforesaid plat or later annexed into the subdivision, which has not bee sold, leased, rented, or otherwise conveyed, the declarant is hereby expressly permitted to maintain signs on the common areas.
14. Antennas & Satellite Dishes No outside radio or television antennas, satellite dishes, or towers of any kind, shall be erected on any lot or dwelling unless and until permission for same has been granted by the committee. No radio station or shortwave operator of any kind shall operate from any lot of dwelling without the prior written consent of the committee.
15. Sewage System & Portable Toilets All plumbing fixtures, dishwashers, toilets, sewage disposal systems shall be connected to a sewage system approval by the appropriate governmental authority and the declarant. No outside toilet shall be constructed or permitted on any lot after completion of the principal residential dwelling. Portable toilets shall be allowed during the construction period.
16. Temporary Structures No temporary house, manufactures mobile home, trailer, camper, tent, garage or other outbuilding shall be placed on or erected on a lot. Provided, however, the committee may grant permission for a temporary structure for storage of materials during the construction period and the declarant may maintain construction and/or sales trailers during the development period. No such temporary structure or appurtenant structure as may be approved shall be used at any times as a dwelling.
17. Construction Timeline Once construction of improvements is started on any lot, improvements must be substantially completed in accordance with the plans and specifications as approved by the committee within a reasonable time after commencement.
18. Certificate of Occupancy No residence shall be occupied until the dame has been substantially completed and a certificate of occupancy has been issued by the appropriate governmental authority.
19. New Material Construction All structures constructed or placed on any lots shall be built of substantially new materials and no used structure or materials shall be removed, relocated, or placed on any such lot.
20. Fuel Storage Fuel storage tanks shall be buried below the surface of the ground or located behind the principal residence or dwelling.
21. Model Home No structure erected upon any lot may be used as a model exhibit or model home unless prior written consent to do so has been obtained from the committee. Provided, however, that notwithstanding any other provisions of this declaration, declarant may maintain model homes and sales offices in the subdivision as long as declarant owns a lot within the area described in article A (10.)
22. Burning No outside burning of garbage or refuse shall be permitted.
23. Lot Access No lot shall be accessed by motor vehicle except from the front lot line of the lot as determined by the front of the dwelling located upon said lot.
24. Front Lawn Sod Each front lawn of the dwelling shall have sod.
25. Stormwater Permit The following covenants are intended to ensure compliance with state stormwater management permit number SW7030915 as issued by the Division of Water Quality. These covenants may not be changed or deleted without the consent of the State.
26. Impermeable Structures No more than 3500 square feet of any lot shall be covered by structures or impervious materials. Impervious materials include asphalt, gravel, concrete, brick, stone, slate, or similar material but do not include wood decking or the water surface of swimming pools.
27. Swales Swales shall not be filled in, piped, or altered except as necessary to provide crossings.
28. Stormwater Permit Built-upon area in excess of the permitted amount requires a state stormwater management permit modification prior to construction.
29. Stormwater Runoff All permitted runoff from outparcels or future development shall be directed into the permitted stormwater control system. These connections to the stormwater control system shall be performed in a manner that maintains the integrity and performance of the system as permitted.
30. Planting Requirement The City of New Bern, in approving the subdivision, Creekside Village, has required certain plantings to be completed on each lot, therefore each lot is conveyed subject to the requirements for landscaping by the City of New Bern and access shall be afforded to each lot in order that compliance with his requirement may be met.