

# WINDING RIVER *Plantation*

## DESIGN REQUIREMENTS AND GUIDELINES FOR NEW AND EXISTING HOMES



Version: 2 September 2024

The definitions set forth in Article 9: Architectural Standards, of the Declaration of Covenants, Conditions and Restrictions for Winding River Plantation are incorporated herein.

Pursuant to Article IX, Section 9.03 and Section 9.05 of the Declaration, the Architectural Review Board (ARB) has the authority to amend these Design Guidelines and to authorize variances from compliance with any of the then- existing Design Guidelines. Over the years, the Design Guidelines have been amended and variances have been granted. Certain structures and improvements exist in the community that were approved or granted variances prior to the adoption of these Design Guidelines. These Design Guidelines shall not apply to structures or improvements that were approved or granted variances prior to the adoption of these Design Guidelines. Further, approvals of proposals, plans and specifications, or drawings for work done or proposed, or in connection with any other matter requiring approval, shall not constitute a waiver of the ARB's right to withhold approval for any similar proposals, plans and specifications, drawings, or other matters subsequently or additionally submitted for approval. This includes replacements of improvements that may have been previously approved but are no longer permitted by the Design Guidelines. (See Article IX, Section 9.04 of the Declaration). Any variances or approvals granted by ARB are unique and do not set any precedent for future decisions of the ARB or Modifications Committee. (See Article XI, Section 9.05 of the Declaration).

In witness whereof, the undersigned Winding River ARB has executed these design requirements and guidelines effective as of: **September 2 2024.**

Winding River Plantation Community Association,  
Architectural Review Board  
Modifications Committee

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# **1 Preface**

## **1.1 Master Plan Concept**

Winding River Plantation is a planned community where individual neighborhoods take advantage of golf course and water views, wetlands, nature preserves, and river access. Neighborhoods are united through a system of open spaces and pedestrian pathways to the Property Owners Club which features meeting rooms, a fitness center, swimming pool, bocce courts and tennis/pickle ball courts. A River House and marina provide stunning views and access along the Lockwood Folly River in the aptly named Riverhouse neighborhood. A 27-hole Fred Couple's Signature golf course is interwoven through wetlands, ponds, and natural areas. The intent of the master plan is to provide optimum living within an open space system, including the opportunity to walk, cycle, or drive from neighborhood to neighborhood or from neighborhood to recreational amenity in a comfortable and safe manner.

Seaside is a planned residential community of thirty-nine building sites located on Holden Beach Island. The master plan incorporates neo-traditional planning concepts to create a village community with a village green in the center of the community between the Beach Club and the Seaside Marina located on the Intracoastal Waterway. A pedestrian boardwalk connects all community elements, allowing residents to walk throughout the community in a convenient and comfortable manner. Beach Victorian style homes and picket fences are encouraged to help create a streetscape reminiscent of a turn-of-the-century seaside village.

### **1.1.1 Purpose of the Architectural Review Process**

Article 9 of the Declaration of Covenants, Conditions and Restrictions (CC&R's) of Winding River Plantation (the Community) defines the Architectural Standards for the Community which includes the Architectural Review Process.

Any new construction or modification to an existing structure without ARB or MOD approval is in violation of this document as well as the CC&R's. The ARB/MOD will follow the Community Compliance Process for failure to comply with the Guidelines.

The Architectural Review process works to protect and preserve the character and quality of development within Winding River Plantation. These Guidelines apply to all of Winding River Plantation, including Seaside at Holden Beach, Clearwater Place, and Sandy Creek Village.

The architectural review process has three distinct parts:

- Design Requirements and Guidelines
- Architectural Review Board (ARB) for new construction, and the
- Modifications Committee (MOD) for modifications to existing homes.

### **1.1.2 The Design Requirements and Guidelines**

The intent of this document is to establish standards for the community, where individual properties are both visually appealing and in harmony with the surrounding

structures. **To maintain diversity within neighborhoods, similar exterior architectural designs/elevations and colors will not be permitted within visual range of each other. Diversity in colors needs to be balanced with color palates and intensity to achieve harmony with the aesthetics of surrounding residences.**

#### **1.1.3 Architectural Review Board (ARB)**

The Architectural Review Board (ARB) which is comprised of five (5) members appointed by the Board of Directors, has the following responsibilities:

- Evaluate, approve, and monitor plans for new construction submitted by an owner/builder to ensure conformance with the Master Plan, the Covenants and the Design Requirements and Guidelines.
- Enforce the Design Requirements and Guidelines as described in the Covenants.
- Interpret the Design Requirements and Guidelines at the request of the owners/builder.
- Ensure that all plans and features approved by the ARB are completed prior to returning the construction bond and
- Oversight of the Modifications Committee.

#### **1.1.4 Modifications Committee (MOD)**

The Modifications Committee (MOD) which is comprised of five (5) members appointed subject to the approval of the ARB, is responsible for approving all exterior modifications after a property has passed the ARB's final inspection and ensuring that all modifications conform to the Design Requirements and Guidelines. This includes modifications to existing structures, landscaping (including tree removal), walls, exterior paint color, exterior materials, as well as additions including play structures, pools, fencing, porch conversions, etc.

ARB and MOD Committee Meetings are closed; however, Association members and others who wish to address the Committees shall contact the Chairperson in advance of the scheduled meeting stating the subject and nature of their comments and request to be put on the agenda.

ARB and MOD members shall not be held liable for any injury, damages or loss resulting from the manner or quality of approved construction or modification to any property. In all matters, the committees and their members shall be defended and indemnified by the Association as provided by the CC&R's.

Approval by the ARB or MOD Does Not Ensure:

- The quality, structural integrity, or suitability of the design or materials specified in the plans. Owners should work with licensed architects and contractors to determine if the design and materials are appropriate for the intended use.
- Permitting by local, state, or federal agencies (Note: permitting by local, state or federal agencies does not guarantee ARB approval.)

## 1.2 Getting Started

We want your building or modification experience to be the best it can be, so as you get started, please consider the following:

- Tour Winding River Plantation and Seaside at Holden Beach to appreciate the intent of the Master Plan and the development objectives.
- Conduct a visual survey of the setting, immediate surroundings, and broader, natural environment (e.g., terrain, trees, swales, ponds, wetlands)
- Carefully review the CC&R's and these Design Requirements and Guidelines.
- Consider architectural styles, colors, and materials that are consistent with adjoining properties and the neighborhood in general. (Note: All structures must be built on site. Prefabricated, modular, and log homes are not permitted.)
- Mitigate any issues that your construction may create for your neighbors or for the community.
- Ensure that you follow a comprehensive design process.
- Be aware of any setbacks, easements, wetlands, impervious surface limitations or other conditions that exist on your lot as they can impact the house size and placement.
- Meet with the ARB, or MOD as appropriate if you have questions at any point in the process.



## 2 New Construction – Review Process: Submitting a Project

### 2.1 Preliminary Submission (Optional)

Applicants (homeowner or builder) may request the ARB to provide a preliminary review to:

- inform the applicant of any major design or site issues before a final submission;
- allow the applicant to present any unique design ideas for consideration and/or
- determine if the applicant requires a variance from any setbacks or other conditions.

### 2.2 New Construction Submission

New construction submittals will be made with an initial digital submittal for inclusion in the ARB project management system a minimum of 7 days prior to the ARB meeting to consider the proposal. This lead time is required to facilitate the pre-construction inspection and document review. During this review, an independent inspector, hired by the ARB, will review the plans submitted and complete a Pre-Construction Inspection Report to document the existing condition of the construction area. An on-site meeting will then be arranged between the ARB and the builder or his/her representative. On the date of the ARB review, an appointment will be set to walk the site, review the plans, and answer questions regarding the proposal. The applicant will provide one (1) set of drawings and plans along with all required material samples at that time.

The hard copies of plans as well as samples listed below will be presented at the site review meeting. In most cases, the samples will be returned to the builder unless there are further questions. Appendix [7.4](#)

Payment of the ARB Review fee to Winding River Plantation is due at that time. Please contact the Property Management Office (PMO) for the current fee schedule.

The following items must be submitted seven (7) calendar days or more before the ARB meeting to the on-site Property Management Office (PMO) located at 1640 Goley Hewett Road, SE, Bolivia, NC (inside the Property Owners' Club):

- Proposed site plan at 1 inch = 20 feet
- Plans and architectural elevations for each elevation must be tied to a 1988 benchmark.

The ARB will only review complete submissions which include:

- Completed Application Package for Residential Construction
- Copy of the North Carolina Residential Builder's License.
- A digital submittal of the following:
  - Site Plans (See Sections [6.2.4](#) & [6.2.5](#))

- Floor Plan (See Section [6.2.2](#)).
- Building Elevation (See Section [6.2.1](#)).
- Engineered Storm Water Plan, if required.( Section [6.2.7](#))
- One set of Material Samples delivered to the site review meeting (Section [Error! Reference source not found.](#))
- Fees payable to “Winding River Plantation” as follows (Please see Section [7.3](#) or contact the PMO for the current fee schedule)
  - Non-refundable ARB review fee.
  - Non-refundable road access fee which is charged for wear and tear on roads.
  - Refundable builder construction bond. The builder must supply a refundable construction bond. This bond will be held in an interest-bearing account, with interest paid to Winding River Plantation Community Association, Inc.

### **2.2.1 Lot Preparation**

This must be completed prior to a new construction submission.

- Staking of the lot is considered part of the submittal process. An inspection and review of the submission will not be scheduled until the lot is properly staked and outlined with ribbon/string.
- Clearly identify lot parameters (four corners) with survey stakes that are a minimum of 24” above ground and marked with lot numbers.
- Stake and outline with string/ribbon the footprint of the house including the driveway and any walkways/patios on the property to allow the ARB a visual reference of the proposed house. Each stake must be marked to identify its designated feature (i.e., "HC" for House Corner, "DW" for driveway, "PC" for patio corner, or any other external feature.
- Survey, locate and number all trees, identifying those to be removed with red/orange tape that is visible from the street.

### **2.2.2 Position of House on Lot**

The front of the house is to be oriented to face the street upon which it is located and addressed. Homes on a cul-de-sac are to face the center of the cul-de-sac. A "Cul-De-Sac" is defined as an end of the street. This may be a dead end, a circle, a "T" or other feature at the terminus of any street. Any variation of this orientation must be pre-approved.

Each neighborhood is governed by different setback requirements that predetermine the distance from the property line within which no home, outbuilding, or outdoor living space (steps, porches, patios, terraces, decks, swimming pools, retaining walls, etc.) shall be constructed. (See Appendix [Error! Reference source not found.](#)) The purpose of a setback is to provide an envelope of separation and privacy around each

lot by determining the distance from each house to the street, adjacent properties, and golf course. All footprints, including porches, patios, terraces, decks, steps, HVAC, and garages must be sited within the setbacks. The ARB reserves the right to require the reorientation of the footprint.

### **2.2.3 ARB MOD Decision**

The applicant will be notified within five business days of the ARB or MOD meeting informing them of an approval, approval with conditions, or denial. If the plans are approved with conditions or denied, the specific reason(s) will be listed. Applicants are invited to contact the PMO to discuss changes necessary to gain ARB approval. The applicant has the option of appealing a Modifications Committee decision before the ARB if necessary. There is a further option to appeal an ARB decision to the Board of Directors.

## **2.3 Construction Requirements**

Unless otherwise noted, these requirements and guidelines apply to new construction and to modifications to existing homes.

In order to maintain attractive surroundings and promote a welcoming environment for residents and guests, the following Design Requirements and Guidelines have been developed to monitor activities during construction:

### **2.3.1 Builder's Sign**

Builders' signs are not required for existing home modifications. If signs are utilized, such signs must adhere to these same standards. A Builder's Sign must be installed on the construction site after the ARB approves the construction plans, and after the lot is cleared and graded, but before any batten boards are installed or footings are dug on site. One (1) additional Builder's Sign may be placed on the rear of the lot within 10 feet from the rear of the house. The sign must be of the same dimensions and design as the Builder's Sign located at the front of the lot.

The port-o-let must be installed behind the builder's sign. Specifications for the sign and its location are available (see Appendix [7.6](#)) "Take One" boxes, balloons, etc. are not permitted. The Builder's sign must be removed within 30 days after receiving the CO and final inspection by the ARB.

### **2.3.2 Burning**

Open, outdoor burning is not allowed. Both the builder and/or property owner will be liable for any damage to adjacent structures and vegetation resulting from burning.

### **2.3.3 Change Requests**

Changes to an approved plan require a written request submitted to the ARB and approved before any work begins. The PMO will determine if a review fee is required. Changes made after the construction bond has been returned to the original builder require an Existing Home Modifications Request sent to the Modifications Committee.

### **2.3.4 Changing Builders**

The ARB or MOD shall receive written notification of any decision by the property owner to terminate or replace a builder. Before construction continues the new builder

shall post a new construction bond. The ARB will refund the construction bond to the previous builder only after the following conditions have been met:

- Construction has been approved by the ARB and;
- There are no outstanding collective fines against the builder/owner.

#### **2.3.5 Clean-up After Construction**

Upon completion of all planned construction and landscaping, all debris shall be removed from the site and surrounding areas, and any runoff from the property into the street (gutter) storm drains, swales, or adjacent lots must be removed.

#### **2.3.6 Code Compliance**

All construction must comply with federal, state, and local laws, codes, and ordinances.

#### **2.3.7 Responsibilities**

In order to minimize the impacts of construction activities on the neighboring property owners and community at large, the builder shall maintain a clean and orderly construction site at all times and comply with all elements of these Design Requirements.

Builders shall be responsible for the conduct of all employees and subcontractors performing services with respect to the Construction Project.

A schedule of fines is provided in Appendix [7.5](#) for failure to observe the requirements. These fines will be assessed against the Builders Construction Bond. Owners will be informed of all fines levied.

#### **2.3.8 Construction Entrance**

A gravel construction entrance is required and should be maintained during the construction period. No construction run-off or construction traffic debris will be permitted.

#### **2.3.9 Curb Repair Requirements**

If curb damage occurs during the construction process, the builder shall be responsible to repair the curb in the following manner:

The damaged curb shall be removed from the nearest seam. The area shall then be compacted, filled with concrete, and leveled smooth to match contour of curb.

#### **2.3.10 Dumping**

Excess concrete, gravel, dirt, paint, trees/underbrush, etc. shall not be dumped in any areas within Winding River including vacant lots and common areas.

#### **2.3.11 Dumpster**

A commercial grade metal waste container is required for each job site and must be set back a minimum of 25' from any street if feasible. Exceptions can be considered on a case by case basis for unique circumstances. Stockade fencing surrounding the dumpster is not permitted. No refuse shall exceed the height of the dumpster at any time. Concrete, paint, or other materials may not be dumped in storm drains, swales,

ponds, etc. Dumpster shall be removed after construction is substantially completed. No signs or notices may be placed on the dumpster container other than the name of the supplier.

### **2.3.12 Final Inspection and Builder Construction Bond Refund**

To qualify for the refund of the construction bond, the builder must:

- Provide the PMO with a
  - A copy of the Certificate of Occupancy (CO), and
  - A completed Request for Final Inspection form no later than 90 days after the issuance of the CO.
- Pay any outstanding fines and/or fees.
- Complete the project as approved by the ARB.
- Repair any curb damage and/or any damage to adjoining properties (including County utility damage).
- Remove the builder's sign, port-o-let, and all construction debris from the site.

The ARB or an independent inspector will conduct a final inspection of the exterior and issue a report to confirm completion and compliance with the CC&R's and these Design Requirements and Guidelines.

If the house is completed per the approved plans, the construction bond less any incurred fines will be refunded.

Any deficiencies noted in the final inspection report shall be corrected to the ARB's satisfaction before the construction bond will be refunded.

### **2.3.13 Grading**

Grading shall be kept to a minimum to maintain a natural appearance. Alterations to existing drainage systems shall be avoided. Per county regulations, any addition of 4 inches or more of fill requires an engineered storm water plan and county approval at the owner's expense. This plan must be submitted at the time of application.

### **2.3.14 Hurricane/Storm Preparedness**

The general contractor is solely responsible for the preparation of the construction site prior to a hurricane or severe storm conditions in which flying debris or construction material may pose a threat. Failure to secure the site may result in fines.

### **2.3.15 Parking**

Builder and parking shall be limited to the lot and one side of the road as close to the curb as possible. At no time will construction vehicles obstruct traffic. Written permission must be obtained and filed in the PMO before using an unimproved adjacent property either for parking or as access to the construction site. Requests to use community owned property for this purpose shall be forwarded to the PMO. If permission is granted, tree protection shall be installed, and the property must be returned to its original condition at completion of the project.

### **2.3.16 Permits/Fees**

Builders/owners are responsible for obtaining local, state, and federal permits as applicable, paying associated fees, filing copies with the PMO before construction begins and ensuring that all work is executed in accordance with local, state and federal laws, codes and ordinances.

### **2.3.17 Pre-construction Activities**

Pre-construction activities shall not begin until the ARB approves the Application Package for Residential Construction. Once approval has been given silt fences must be installed and maintained when the lot is cleared, and permit boxes must be installed and have the lot number written on them.

### **2.3.18 Port-o-let**

A port-o-let for workers must be placed on site after the lot is graded and prior to the footings being dug. It must be located at least 25' from any street when space permits. The builder's sign must be secured to the front and be screened with white lattice on both sides. The door must face away from the street and any existing residences.

### **2.3.19 Silt Fencing**

Silt Fencing and other erosion control devices (i.e., drain protection) are integral to the site and must be installed before pouring footers, adding fill or grading. Silt fences must be installed with metal stakes, be properly dug in, and maintained at all times in accordance with Title 15, Chapter 4, subchapter B of the North Carolina Administrative Code (See Appendix [7.8](#)). Each site will require a specific design derived from the contours and features of the particular lot to preclude the spread of sediment from the construction site to adjacent areas. Silt fencing shall not be installed in a swale. The silt fence shall be moved to the setback, outside of the swale. Enhanced silt fence may be required on lots with significant slope.

### **2.3.20 Site Inspection**

The ARB, Community Manager and/or their agents (i.e., independent reviewer and final inspector) have the right to inspect the property during the entire construction period to verify compliance with the Design Requirements and Guidelines. The owner/builder will be notified in writing of any items and exceptions noted.

### **2.3.21 Site Maintenance/Storage**

The job site must be maintained in a neat and clean condition. All materials and construction equipment and other debris (coffee cups, soft drink bottles, sandwich wrappers, etc.) must be stored within the lot boundaries in an orderly manner, so as not to create a littered effect. Grass and weeds must be kept mowed, trimmed, and neat in appearance.

### **2.3.22 Storm Water Management**

Winding River Plantation must comply with all state and local stormwater regulations. State Stormwater Permits issued and enforced by the N.C. Department of Environmental Quality (NCDEQ) impose obligations on Winding River Plantation, including but not limited to impervious surface limits and operation and maintenance

of stormwater control measures.

Storm Water Management must be a major consideration throughout the construction process. Storm water drain protection shall be installed to reduce the amount of sediment entering the community's storm water system. To minimize flooding in streets, water from roofs, driveways and other hardscapes should be directed to swales and storm water ponds that exist as part of the storm water system in the neighborhood.

If such infrastructure systems do not exist adjacent to the site, roofs, driveways, and other hardscapes should be pitched so the water can run naturally onto the surface of the property. If downspouts and underground drains are used, water should be directed to newly created dry wells, pop ups in turf areas or French drains within the property boundary. When feasible, it is best for our drainage system that water should infiltrate on the site and should not be drained onto a street unless it is the best route to a swale, pond, or wetland. Builders and homeowners are prohibited from changing the design of a swale or obstructing a swale in any way.

Grading shall be kept to a minimum to maintain a natural appearance. Alterations to existing drainage systems shall be avoided.

The ARB, in cooperation with the infrastructure committee, must approve all water drainage systems to ensure that the storm water management plan for the new construction site supports the storm water plan in the neighborhood.

#### **2.3.23 Temporary Power Poles**

Temporary Power Poles must be installed plumb and shall not be used for posting signage other than block and lot number.

#### **2.3.24 Time Limit**

All new construction, including landscaping is expected to be completed in a timely manner, and shall not exceed 12 months from the date of receiving the ARB/MOD approval or a building permit whichever is first. MOD project should be completed in 90 days. Please inform the ARB/MOD as soon as possible if delays are anticipated.

#### **2.3.25 Tree Protection**

Removal of and/or damage to existing trees should be minimized. Where possible, tree protection must be installed at the drip line of individual trees or tree groupings that are to be preserved before any construction begins in order to reduce root compaction and other physical damage. Do not park vehicles, store materials or dump solvents inside of the tree protection.

#### **2.3.26 Washing Vehicles**

Washing vehicles including concrete trucks, is prohibited on the site, in the street, on adjacent lots or any other location within Winding River Plantation.

#### **2.3.27 Worker Conduct**

Worker conduct while in Winding River is the ultimate responsibility of the general contractor. Profanity, loud vehicles, and radios, etc. will not be tolerated. Shirts must be worn at all times. All sub-contractors and delivery drivers must observe the 25-

mph posted speed limits. Workers' pets and children are prohibited from the work site of new construction projects.

Don't feed the gators or any other wildlife.

### **2.3.28 Work Hours**

Work hours for ARB and MOD approved construction projects are restricted as follows:

DAY	ARRIVAL	DEPARTURE
Monday-Friday	7:00 a.m.	7:00 p.m.
Saturday	8:00 a.m.	5:00 p.m.
No work or deliveries permitted on Sundays.		
Construction Holidays - No work or deliveries are permitted on the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Day.		
Work Hours are enforced by Winding River Community Patrol Officers. With the exception of emergency repair work, any workers on the property during restricted hours will be required to leave immediately. Builders or owners may be subject to a fine.		



### 3 Changes Requiring Modification Committee Approval

Emergency Repairs
Emergency repairs may be immediately undertaken to preserve the weather integrity of a structure. If repairs will involve a substantial change to the original appearance of the structure, an ARB/Modifications Committee Change Request Form (See Page 59) must be initiated and further work suspended until approval of by the ARB/MOD is secured.
Existing Non-Conforming Structures or Landscaping
Existing non-conforming structures or landscaping must be brought into compliance with the latest ARB Design Requirements and Guidelines as part of any new change, alteration, or modification.
Exterior Modifications and Additions*
<p>Accessory Structures: Addition or Change</p> <p>Addition to Existing House</p> <p>Chimneys: Additions/Changes</p> <p>Decks: Changes to Existing or Addition of New</p> <p>Decorative Elements: Additions/Changes (i.e. weathervane, flagpole, etc.)</p> <p>Exterior Building Materials and/or Colors: Changes require a color sample swatch</p> <p>Roof: Changes in Materials or Color</p> <p>Shutters, Windows, and Doors: Additions or Changes</p> <p>Storm Doors: Changes to Existing or Addition of New</p> <p>Walkways/Driveways: Additions/Changes</p> <p>*Any changes or additions affecting the original footprint of structure or grading of landscaping may require a Site Plan bearing a Surveyor's Seal. Additions to an existing house will require architectural drawings including elevations drawn to scale.</p>
Grounds & Landscaping*
<p>Exterior Lighting: Addition or change</p> <p>Fences: Addition, change or removal</p> <p>Landscape Features: Addition or change (i.e. bird bath, fire pit, planting bed, etc.)</p> <p>Lawn: changes to type</p> <p>Mulch: Change of style or color</p> <p>Permanent* Play Structures: Addition, change or removal</p> <p>(*Permanent meaning a structure which cannot be moved indoors.)</p> <p>Plantings: Removal of perennial plants; addition of trees, shrubs or perennial plants</p> <p>Tree Removal: Any trees 6" or more in diameter measured at a point 4' above ground</p> <p>*An updated landscape plan must be submitted with the Modification Request showing the location of any new or modified fence, landscape features, plantings, or walls.</p>
Rehabilitation
Rehabilitation of existing structures or landscaping to the conditions previously approved by the ARB do not require notification or approval of the ARB/MOD.

This list is not meant to be exhaustive. For items not found on this list or in the guidelines, please check with the Property Management Office for submittal requirements. **Note:** The ARB/MOD will review any modifications which in its opinion constitute a significant change to the overall appearance of the property. A construction bond may be required at the discretion of the ARB.

## 4 Architectural Design Requirements and Guidelines

Unless otherwise noted, these requirements and guidelines apply to new construction and to modifications to existing homes. [Standards specific to Seaside are highlighted in blue.](#)

### 4.1 Accessory Structures

Only one detached garage, storage shed, workshop, greenhouse, gazebo, etc. may be approved in Winding River if it:

- is consistent with the architecture, including roof line, style, and material of the house.
- matches the overall scale/look of the property and its neighborhood.
- is constructed on a poured concrete pad with a minimum thickness of 4", or concrete piers with a minimum diameter of 6" and at a depth of 2' below the existing grade.
- is not used for human or animal occupation.
- is-stick built in place using 2x4 or greater dimensional lumber.

Structures shall have foundation plantings a minimum of 3' high, 3 gallons and spaced 3'-5' apart on center, as well as additional plantings as required to shield the structure from view or as required by the MOD. A landscaping plan must be submitted along with the modification request.

- Does not exceed 180 square feet.
- Conforms to the State of North Carolina's building codes for residential electrical use, if provided with electrical service.
- Is wholly within the setbacks of the property.
- Is not obstructing scenic sight lines of other owners or the golf course.
- Falls within the impervious requirements of the property.

All Accessory structures shall be placed within the required setback lines and subject to an inspection by the ARB or MOD.

[No accessory structures are allowed in Seaside.](#)

### 4.2 Antennas

Exterior television and radio antennas are not permitted.

### 4.3 Awnings

Retractable awnings are permitted on rear elevations only.

### 4.4 Balconies

Balconies that are cantilevered or supported with columns are encouraged on high-

profile houses to promote outdoor living, to capitalize on views and vistas, and to assist in scale and massing. Balconies must match or compliment the exterior trim. The size and location of balconies shall be designed not to encroach onto the setbacks.

#### 4.5 Bird Houses

Property owners are permitted to place a maximum of five (5) birdhouses on the sides or the rear of the property only.

#### 4.6 Building Size

Minimum heated square footage is calculated as the total of all finished interior areas on the main floor. Heated floor space does not include garages, bonus rooms, covered walks, and/or porches. Homes in Winding River shall not exceed 40' maximum height measured from mean virgin grade. Decorative structures such as cupolas may be approved on a case by case basis. [Seaside homes shall not exceed the maximum height of 31 feet measured from design flood elevation to the highest point of the structure.](#) See Appendix [7.6](#) for specific minimum square footages.

#### 4.7 Bulkheads, Walkways, Decks, Docks, and Lifts

When possible, alternatives to a hardened structure to protect the shoreline should be utilized, a living shoreline approach should be considered.

All riverside bulkheads, walkways, decks, floating docks, and lifts must comply with NC building codes and be permitted by CAMA.

- Please see CAMA requirements
  - Items not specifically addressed will be considered on a case-by-case basis by the ARB.
- Structures that pass over Winding River property require an easement document from the Association that grants access **before** applying for a CAMA permit. Check with the PMO to determine if you require an easement for your dock. In addition to the requirements below you will be required to:
  - Prepare a survey of the Upland Property behind your property which will be attached to the Easement Agreement as Exhibit A.
  - Provide a legal description of Grantee's Property to attach to the Agreement as Exhibit B.
  - Provide the approved plans showing the structures to be added.
  - Complete and sign Easement Agreement in the presence of a notary. The Association's President will also sign on behalf of the Association.
  - Pay the attorney's fees and filing costs for our attorney to file the easement.
- Application for construction must be submitted to the PMO for ARB/MOD approval prior to any site preparation or construction. The application must include:

- Site plan showing the scaled position of all structures on the property, easements, setbacks, adjoining property boundaries and the platform distance above the marsh and water. Note: Utilizing the shortest distance to the water is preferred.
- Materials list and a sample of the neutral-toned, pressure-treated wood or composite decking that blends with the natural surroundings of the river and marshland which will be used in the project. Note: Wood may be stained, but not painted.
- Copy of the CAMA permit.
- Vegetation is the most economical and environmentally sound shoreline stabilization method. (CAMA)
- Docks and piers cannot be wider than 6' and cannot extend more than ¼ of the width of the river. (CAMA)
- Floating docks with more than 100 linear feet of shoreline cannot exceed 10'x40' or 400 square feet. (CAMA)
- Deck area (which must not exceed 16'x16' or 256 sq ft) may be covered if entirely over water. (CAMA)
  - Roofing does not have to match the dwelling but must be comprised of asphalt shingles, or a wooden/composite shade trellis.
  - Any screening used must be black or gray in color.
  - Any door must be an open frame with screen.
- Walkways must not exceed 6' in width. (CAMA)
- Ramps or stairs to/from walkways, decks or docks must not exceed 4' in width. Railings must not exceed 3' in height.
- The total area of a boat lift cannot be larger than 400 sq ft. (CAMA)
- All structures shall benefit the property owner(s) and their guests only.
- The property owner is responsible for all costs associated with construction, maintenance and removal of all structures when damaged beyond repair.
- Existing structures must comply with these guidelines when repaired or replaced.

#### **4.8 Chimneys/Outdoor Fireplaces/Outdoor Grills/Firepits**

Chimneys are encouraged to add variety to the roofline. Chimneys, chimney caps and outdoor fireplaces must be constructed of materials that are compatible with exterior materials. Every fireplace chimney shall have an approved spark arrester, with a non-combustible screen that prevents the passage of embers. Wood burning fire pits are not allowed. Previously approved existing wood burning fire pits must utilize a spark arrester cover. Gas fired fire pits are allowable subject to approval.

## 4.9 Clotheslines

Outdoor clotheslines of any type (permanent or portable) are not permitted.

## 4.10 Detailing

Detailing of structures must consider the architectural style being used, the construction technology available, and should consider the environment of the Carolina coastal plain. Environmental consideration includes the hot summer sun, heavy seasonal rains, high humidity, salt content in the air, prevailing seasonal breezes, cold winter winds off open areas, soil characteristics, and the occasional tropical storm or hurricane.

At Seaside, open floor plans allowing cross ventilation are recommended. Glazed areas should be used to capitalize on views while adhering to the historical nature of the community. Integration of the grounds, driveways, parking areas and gardens is essential.

## 4.11 Dog Houses/Runs

Dog Houses/Runs are not permitted in Winding River Plantation or Seaside.

## 4.12 Driveways

In Winding River, no driveway may be closer than 50' to a street intersection, as measured from the edge of the roadway intersection to the edge of the driveway. A minimum of 3' will be provided between the property line and edge of pavement with ARB or MOD approval.

Poured concrete drives shall have a minimum thickness of 4". The use of welded wire mesh is optional. Circular drives, multiple drives and drives less than 50' in length will be reviewed on an individual basis. Flaring of the driveway at the street is permitted to allow easy access.

Driveway Materials	Approved for Winding River	Approved for Seaside
Concrete	Yes	Yes
Stamped Concrete	Yes	Yes
Colored Concrete in earth tone colors	Yes	Yes
Pea Gravel Concrete	Yes	Yes
Oyster Shell Concrete	Yes	Yes
Pervious Concrete & Pavers*	Yes	Yes
Grass Block Pavers	No	Yes
Gravel	No	Yes

\*See Impervious Pavement Limitations section [4.23](#)

Guest parking spaces are permitted; however, all parking areas should be screened from street view with plantings or fencing. This must be included in the landscape plan.

## 4.13 Easements

Easements are the legal rights held by someone other than the property owner to

access a portion of the property. Easements are recorded and identified on each lot in which they occur. Easements must be preserved for a variety of reasons (e.g., maintenance of utilities, management of excess water runoff, maintenance of common areas and protecting the safety of residents). Construction shall not take place within an easement. The ARB or MOD does not have the power to waive or modify any recorded easement. No plant material in excess of 3' in height at maturity shall be planted in an easement near the street, and no plant material other than turf may be planted in the easement for a swale. For further information, see Article 11 of the CC&Rs.

#### **4.14 Entry Doors**

The design and color of the primary front door of all homes should distinguish it from the front doors of surrounding homes within visual range. The exterior should be sheltered and have single or double doors and detailing that is consistent with the house style. Only full-view storm doors are permitted. Any changes or additions to the doors after the CO is issued require a design change and MOD approval.

#### **4.15 Exterior Materials**

Exterior wall materials and construction techniques shall be compatible with the neighborhood. Low-maintenance materials are encouraged as sun, moisture, wind and salt are prevalent.

**To maintain diversity within neighborhoods, similar exterior architectural designs and colors will not be permitted within visual range of each other.**

**Diversity in colors and materials needs to be balanced with color palates and intensity to achieve harmony with the aesthetics surrounding residences.**

The following is a list of approved exterior materials in Winding River:

Siding Materials	Approved for Winding River	Approved for Seaside
Stone	Yes	No
Brick	Yes	No
Cement Stucco	Yes	No
Cementitious Board and Batten (Hardi Plank) is permitted as a main feature.	Yes	No
Composite Siding of extruded polymer resins and inorganic materials, measuring no less than .22" in thickness and 6-3/8" in width.	Yes	Yes
Approved Window and Trim Materials	Approved for Winding River	Approved for Seaside
Vinyl Trim	No	Yes
Wood, Painted or Stained	Yes	Yes
Aluminum-Clad Wood Windows	Yes	Yes
Vinyl Windows	Yes	No
Vinyl Clad Wood Windows	Yes	Yes
Color Coated Aluminum Trim	Yes	Yes
LP Smartside Trim	Yes	Yes
Hardi Plank Trim	Yes	Yes

Other materials will be considered on a case-by-case basis.

#### 4.16 Exterior Walls and Retaining Walls

Exterior walls must be compatible with the architectural style of the house and used primarily for screening and defining outdoor space. Walls should maintain a reasonable scale to the house and not block desirable views and vistas or negatively impact adjacent lots. The location, materials, and landscaping to be used must be shown on the site plan.

Retaining walls are recommended to be a minimum of 3' from the property line and compatible with the architectural style of the house. Exceptions may be granted when the wall is part of a stormwater drainage solution. Submittal must show an elevation view and the materials and evergreen plantings that will be used. All walls (architectural or retaining) shall be included in the computation of impervious surfaces.

In Seaside, solid exterior walls are not permitted, as FEMA requires that all construction below the base flood elevation must be breakaway construction.

#### 4.17 Fences

Fencing shall comply with fence guidelines as determined by Winding River. Any exceptions to these guidelines will be determined by the ARB or MOD on a case-by-case basis.

Fences shall be compatible with the architectural style of the house, maintain a reasonable scale to the house and not block desirable views and vistas or negatively impact adjacent lots. Location, lot size, adjacent lots and/or established fencing shall

also be considered.

To be considered are setbacks, easements and other variables which may not be known until the actual request is made and the physical inspection of the location for the proposed fence is completed. Fences may not be installed in a drainage swale without prior approval of the infrastructure committee. No fence shall be installed in an easement without the permission of the easement holder, which consent may be withheld for any or no reason.

Fencing an entire lot is not permitted; no fencing is allowed on the front of a property. Fencing is allowed on the sides and rear of the home only.

Fencing should extend to the property line; no two fences can share the same property line. Fencing should not create an alleyway between lots.

The maximum height for any fence is 5 feet.

Acceptable fence materials include wrought iron and anodized aluminum with the finished side facing outward. Split rail, chain link and welded wire fences are not allowed.

Fences backing up to the golf course must be black metal (aluminum or wrought iron). When fences are visible to neighbors, from the golf course or from the road, landscaping with evergreen shrubs is encouraged. When fences are visible to neighbors, black metal (aluminum or wrought iron) is desired. Alternate colors or materials may be considered on a case-by-case basis. Both the fence and the landscape materials shall be included in the landscaping plan.

In Seaside at Winding River, fences must comply with the general guidelines above in addition to the below.

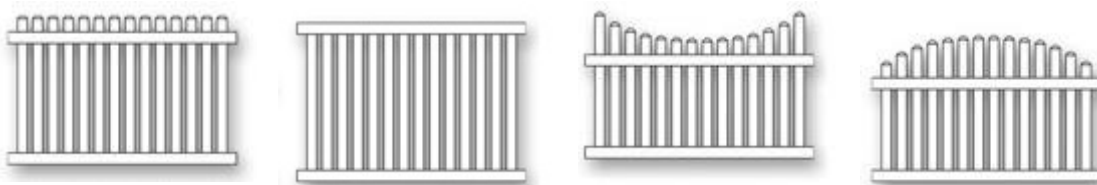
The required fence style is white flat top, open picket made of vinyl or PVC. Pickets must pass through or abut the top and bottom rails. However, fencing that directly borders the Intracoastal Waterway must be black aluminum or wrought iron.

The recommended height for any fence is 4 feet but must comply with Holden Beach town regulations.

On a case-by-case basis, both concave and convex, white open -picket fence styles will be considered when it is determined they match better with the existing adjacent fences.

Rear fences must include the entire rear property and be placed within one foot of the property line

Fencing is required to screen the HVAC equipment and trash receptacles. The use of lattice is encouraged to reduce visual obstruction.





Preferred Style  
Flat-Top Picket  
Style

Flat-Top Picket  
Style

Concave Picket  
Style

Convex Picket  
Style

#### **4.17.1 Swimming Pool Fences**

Fencing around swimming pool MUST comply with County Code.

On a case-by-case basis, a fence enclosing only the pool and deck area will be considered using the general fence guidelines above.

#### **4.18 Privacy Fences**

Solid privacy fences will be considered on a case-by-case. Such fences may be considered due to extenuating circumstances. In no event shall such fencing exceed 5 feet in height and must be screened with evergreen plantings.

#### **4.19 Flagpoles**

One decorative/seasonal flagpole may be attached to a house. One decorative garden flag (18" X 12") may be displayed where visible from the street. One Flagpole is permitted in a yard to display the flag of the United States and/or the flag of North Carolina, of a size no greater than four feet by six feet, which is displayed in accordance with the patriotic customs set forth in 4 U.S.C. sect. 5-10.

#### **4.20 Foundation/Floor Level**

The foundation shall be faced with brick or stone that is compatible with the exterior of the home. True Cement Stucco and Shell Tabby may be used upon approval. (a sample must be provided).

All homes not in a flood zone shall be constructed so that the first floor at the front door is raised a minimum of 30" above surrounding grade. Elevated construction is not required; however, it is acceptable, pending approval by the ARB.

Homes within a flood zone shall set their first floor elevations to comply with the Federal Emergency Management Act (FEMA). Piles or posts must be 8" minimum thickness and must comply with all applicable codes. Any fill added to a lot must be clearly shown on the site plan.

#### **4.21 Garages**

Side-loaded or rear-loaded attached garages are encouraged; however, front-load attached garages and courtyard garages are allowed when the lot width restricts the use of a side or rear-load garage. Garage doors must include panels and trim, lites (windows).

#### **4.22 HVAC Units, Trash/Recycle Receptacles, and Exterior Generators**

All HVAC units, trash and recycle receptacles, and exterior generators shall be screened from view by an approved wall that is of a complementary color, material, and design as the adjacent exterior of the house. Using landscaping as screening is not permitted. The location of HVAC, trash and recycle receptacle, and exterior generator screening walls must meet setback requirements and be shown within the

building envelope on the site plan. This screening wall shall be of a sufficient height and length to screen the HVAC units, trash, and recycling cans, and or the generator.

In Seaside, wooden or vinyl lattice colored the same as the siding is required to screen HVAC equipment, trash receptacles or generator to reduce visual obstruction and to comply with the FEMA requirements.

#### 4.23 Impervious Surface Limitations

Impervious surface limitations are set both by State regulations and locally by Winding River Plantation.

STATE LIMITATION; Each residential lot is limited in the amount of impervious surface, also known as Built Upon Area or BUA, by section per the applicable storm water permit for that section:

- Sections A, C, F, G, K, O, P1, P2, P6, U1 and U2 are limited to 5,000 square feet of impervious surface.
- Sections I, M, N, P3, P4, P5, S2 and V are limited to 6,500 square feet of impervious surface.
- Sections B, D, E, J, L, S1, T1, T2 and T3 are limited to 8,000 square feet of impervious surface.

LOCAL WINDING RIVER PLANTATION LIMITATION: Impervious surface coverage on any lot must adhere to the Winding River Plantation Community Impervious Surface Standard of 35% (30% in Seaside) or the applicable State Stormwater Permit built-upon area (BUA) limitation, **whichever is less**.

Requests for additional impervious allowances from impervious surface limitations in excess of the per-lot limits required limits provided by the State Stormwater Permit will not be approved.

#### 4.24 Irrigation/Wells

All new residences must have an irrigation system for maintaining healthy lawn and landscaped areas that are identified on the landscape plan. The system should be zoned according to specific water needs and to available water pressure. Irrigation heads should be set to direct water away from houses, walls, fences, mailboxes, sidewalks, driveways, and public roads. Owners often request that a separate irrigation meter be installed so that water used for irrigation is not assessed a sewer charge.

Wells must also be identified on the landscape plan and must include a mineral/scale/rust abatement system that limits the amount of metals that are displayed on sidewalks, driveways, mailboxes, and poles. Care must be taken when using well water to direct irrigation heads so staining does not occur on driveways, sidewalks, curbs, mailboxes, etc. **If rust staining occurs, it must be removed immediately.** Well covers should be screened when visible from the street or golf course.

## **4.25 Lighting (Exterior/Landscaping)**

All proposed permanent exterior lighting must be clearly detailed in a Landscape Plan and approved by either the ARB (new construction) or the MOD (existing properties) prior to installation.

Generally,

- All bulbs must be white or off-white and low voltage. LED lighting is recommended.
- Security lighting is limited to 10 LED watts.
- Landscape lighting is limited to 3 LED watts.
- Lighting in excess of 10 LED watts due to unique circumstances requires advance approval of MOD.
- Exterior lighting, including security lighting, will not be permitted when it would create a nuisance to adjoining properties (i.e., poorly directed lighting or lighting that comes on in the middle of the night).

Examples of permissible exterior lighting include the following:

- Driveway entry post lights (only one per side) with shades that cover the bulbs and direct the light downward.
- Lamppost light (only one in the front yard of the property).
- Downward-directed floodlights in the back yard only.
- Upward-directed floodlights illuminating only the front elevation of the house.
- Sidewalk, path, patio, driveway, or other ground-level lighting fixtures 24" or less in height with shades that direct the light downward.
- Photocell and motion sensor security lights, as long as they are positioned not to disturb neighbors.
- Strand lighting on decks, terraces, and patios.
- Landscape up-lighting of shrubs and trees.
- Temporary holiday lighting.

## **4.26 Mailboxes**

It shall be the responsibility of the builder to provide for the installation of the initial mailbox. Maintenance repair and replacement shall be the responsibility of the homeowner.

All mailboxes, newspaper slots, support structures and numbering will be uniform conforming to a design approved by the ARB:

### **4.26.1 Winding River Plantation:**

The approved vendor for supplying new and replacement mailboxes, newspaper

slots, support structures and numbering is SignSource (910) 392-2290 (<http://WindingRiverConcierge.com>).

The approved mailbox is green in color with a red flag.

The approved support structures and newspaper slots are available through SignSource.

The approved numbering for mailboxes is 2 ½" white numbers in "Bookman Bold" font. Numbers are available for purchase at the PMO or through SignSource. Green paint is available through SignSource.

The mailbox specifications must match the approved Winding River Planation design in size, shape and color and be installed to USPS specifications (41" to 45" off the ground and 6" to 8" from the curb.) and secured in a cement base.

#### **4.26.2 Seaside at Winding River:**

*The approved mailbox is white with a red flag. The approved support structures and newspaper slots are available through SignSource. The approved numbering for mailboxes is 2 ½" black numbers in "Bookman Bold" font. Numbers are available for purchase through SignSource.*

*USPS installation requirements for the mailbox are 41" to 45" off the ground and 6" to 8" from the curb.*

#### **4.27 Patios, Terraces, Decks**

Patios, terraces, and decks shall be constructed of materials and in colors that are compatible with the architectural character of the house (e.g., concrete, stone, or pavers). The size and location must comply with setback requirements. Open wood decking is considered a pervious surface; Solid wood (tongue and groove) and other materials may be considered impervious and will need to be included in the calculation of the lot's impervious coverage. Patios, terraces, decks, and railings that are readily viewable from the street, other home sites or the golf course will be reviewed on an individual basis for aesthetics. Under deck areas shall be screened with decorative screens, and/or foundation plantings. All footings and footprints including porches, decks, (unless cantilevered), patios, terraces, steps, and HVAC must be sited within the setbacks.

#### **4.28 Porches/ Sunrooms**

The use of open-air porches with a recommended minimum 8' depth on the front elevation is encouraged. The size and location shall be designed not to encroach onto the setbacks. Sunrooms, screened porch additions, steps and railings should be constructed with materials, colors, and styles that are compatible and consistent with the exterior materials, detailing, and style of the house. Additions constructed on golf course lots or readily viewable from the street or other home sites will be reviewed on an individual basis for aesthetics. Lattice and evergreen foundation plantings that are a minimum of 3' in height or equal to height of decking floor shall be provided to screen the foundation.

Only glass enclosures (not vinyl) may be heated and/or air conditioned. No heating, air conditioning, or other mechanical equipment shall be attached to the exterior of an

addition or adjacent exterior surfaces. Stand-alone or portable propane heaters for unenclosed decks or patios are permitted.

#### 4.29 Pools and Hot Tubs

Pool, hot tubs, and related equipment enclosures will be reviewed on an individual basis and must relate architecturally to the house and other structures in their placement, materials, and detailing. No above ground pools or inflatable bubble covers are allowed. Landscaping shall be planted to a height necessary to screen pool pumps, pool equipment, and pool heaters from the street, golf course, or adjacent lots.

#### 4.30 Propane Tanks

LP gas tanks must be placed underground a minimum of 10' from the house and 10' from the property line and cannot be in an easement.

#### 4.31 Roof, Gutters, and Downspouts

Roof materials, colors and textures that are compatible with the elevations and surroundings should be used.

Approved Roofing Materials	Approved for Winding River	Approved for Seaside
Architectural Fiberglass Shingles (25-Year+)	Yes	No
Slate / Synthetic Slate	Yes	No
Asphalt shingles (25 Year+)	Yes	Yes
Cement Tile	Yes	No
Standing Seam Metal (Non-Reflective)	Yes	Yes
Glass roofing on porches, sunrooms, patios, terraces, and decks may be approved by the ARB or MOD subject to the aesthetic qualities of the design	Yes	Yes

The main roof pitch shall be a minimum of 8/12 ([except at Seaside where the maximum height of the building cannot exceed 31 feet from design flood elevation.](#)) Shed roof design and pitch will be approved on an individual basis. Generous overhangs (12" or greater) are recommended.

The use of dormers and a variety of rooflines is encouraged to add visual interest. Vent pipes and accessories should be black or blend with the roof color and be located on the unseen part of the roof from the street. Flue pipes that are encased in a chimney enclosure must match exterior materials. Unenclosed flue pipes for gas fireplaces must be black or blend with the roof color.

Gutters and downspouts may be required as part of the storm water management plan. If so, they shall match the fascia trim color or they shall be copper metal.

#### **4.32 Setback Requirements**

The purpose of a setback is to provide an envelope of privacy around each lot by determining the minimum distance from each house to the street, adjacent properties, and golf course. All structural footprints, including porches, patios, terraces, decks, steps, HVAC, and garages must be sited within the setbacks. Landscaping, lawn furniture, lawn and garden features may be placed in a setback area. The only structures permitted to be located in a setback are driveways, mailboxes, fences, and a walkway. No other permanent structural features requiring a footer or foundation may be located in a setback. Setback distances and impervious surface requirements vary throughout the community. Please see Appendix [7.6](#)

#### **4.33 Satellite Dishes**

Satellite dishes shall be less than 39" in diameter and installed on the property in the least visible location from the street and from adjacent properties. Ground placed dishes should also be screened with foliage to minimize the visual impact. (Line of sight exceptions will be considered). Roof mounted exterior dishes may not exceed 12" above the nearest roofline.

#### **4.34 Sidewalks**

Primary sidewalks are required from the front door of the house to the driveway or the street with a minimum width of 3' and a minimum depth of 4" [except at Seaside](#). Materials shall be approved by the ARB. Concrete walkways are to be constructed at 3000 psi with a light broom finish with control joints which are to be spaced at intervals of 5' and expansion joints at intervals of 30'. Secondary sidewalks or pathways, which lead to side/rear yards should comply with materials approved by ARB and conform to pervious surface requirements. Acceptable materials are concrete, stone/concrete pavers, pea gravel.

#### **4.35 Signs/Banners/Displays/Flags, etc.**

Except as described below, no sign of any kind shall be displayed by an owner or occupant on any building, property owners' amenity, improved or unimproved lot or common area without the prior written consent of the ARB or the MOD, as applicable. Signs shall not be nailed to trees. Commercial advertising and "Open House" signs are prohibited.

Permitted signs include:

1. Such signs as may be required by legal proceedings.
2. Home Security System Sign: One (1) small professional sign indicating the presence of a home security system, or one (1) small informational sign. Size not to exceed 100 square inches.
3. House Numbering Sign: One (1) sign identifying the name of the owner or occupant of the property and/or its street numbers.
4. Political Signs: Signs may not exceed 24" by 24" in size and must be placed on the owner's lot no more than 45 days before the day of the election and must be removed no

later than 7 days after Election Day. Political signs may not be placed in any common area, right-of-way or easement.

In Seaside, “For Sale”, “For Rent” and personalized house naming signs are permitted however, the following requirements apply: One “For Sale” or “For Rent” sign as described on page 55 may be displayed in the front yard only. One personalized house naming sign may be approved by the ARB/MOD on a case- by-case basis. All signs must be professionally designed and lettered and cannot exceed 2’x3’ or the maximum size allowed by the Town of Holden Beach, whichever is less.

#### **4.36 Security System Signs**

Security system signs are limited to one professional sign of reasonable size. Not to exceed 100 square inches.

#### **4.37 Solar Collectors**

Solar collectors are encouraged, and Federal Tax Credits for Consumer Energy Efficiency may apply. Requests will be considered on an individual basis and must clearly indicate how the collectors will be installed to minimize the visual impact.

#### **4.38 Sports Equipment**

Basketball goals and/or backboards shall not be attached to any residence and must not be placed in the right of way of any street at any time. Portable basketball systems must be stored when not in use unless completely hidden from view by landscaping.

#### **4.39 Swing Sets/Play Structures**

Swing Sets/Play Structures must be made of wood or similar material with a natural finish and shall be located in such a way as to minimize visibility from any street, adjacent lots, and golf course. Landscaping must be incorporated to minimize the view. Plans showing the location and material of all play structures must be submitted and approved before construction or installation begins.

#### **4.40 Tennis/Pickleball Courts**

Tennis/Pickleball Courts will be reviewed on an individual basis in Winding River, but [they are not allowed in Seaside](#). Lighted courts are not allowed.

#### **4.41 Trampolines, Soccer Goals, and Other Similar Equipment**

Trampolines, Soccer Goals, and Other Similar Equipment must be stored when not in use, unless completely hidden from view by landscaping.

#### **4.42 Statues, Sculpture, and Yard Art**

Items will be considered on a case-by-case basis and must be approved prior to installation. Requests should provide photos or catalog cuts and include a description of type and size measurements of the proposed art.



#### 4.43 Utilities

- All utility services (including **LP gas tanks**) must be placed underground a minimum of 10' from the house and 10' from the property line and cannot be in an easement.
- **Broadband, Cable, and Telephone:** All new homes must follow the service providers installation layout for connectivity to their fiber optic network. These specifications will ensure that no additional wiring of network interface devices will be needed to access telephone, broadband and digital cable television services.
- **Transformers, junction boxes, RPZ irrigation valves and electric meters** must be screened with plantings in Winding River and [with fencing at Seaside](#).
- **Water Meters:** Brunswick County maintains smart water meter technology, which communicates via wireless radio from the meter to the water tower remotely. The antennae of the water meters look like a 3-inch round black plastic mushroom on the top of the water meter box. Usually, they are located near the RPZ (reduced pressure zone, green box) for irrigation in the yard. Water meters must remain unobstructed in order to communicate. Some examples of obstructions may include items such as mulch, leaves, bushes, straw, bark, pampas grass, and other types of landscaping materials. Per Brunswick County Ordinance Sec. 1-13-743

#### 4.44 Variances

The ARB reserves the right to waive and/or modify any setback, color, material or impervious percentage on a case-by-case basis when a unique circumstance (e.g. topography, natural obstructions, hardship, aesthetic or environmental issue) is presented during plan review.

The ARB will grant or deny all variance requests in writing. Failure to obtain a written variance shall be subject to fines, a stop work order, or removal of the structure at the cost of the builder or owner.

#### 4.45 Wetlands (404 Areas)

The following is a brief overview of wetlands and designated 404 areas for guidance. These areas are common in Winding River. Activity within a wetland is regulated by the Army Corps of Engineers and the North Carolina Department of Environmental Quality. Division of Water Resources and/or Division of Coastal Management (CAMA). These agencies must be contacted prior to any activity in the wetland.

Property owners are expected to preserve and not impact the following three essential parts of a wetland:

- Hydrology (or water saturation)
- Soil that results from the hydrology
- Plants (grasses, trees, shrubs, flowers, etc.) that grow as a result of the hydrology and the soil, **including the 10 Coastal Wetland species protected**



### **by CAMA**

To do so, there may be absolutely no:

- Digging in wetlands except to install a fence, or a walkway (both require ARB or MOD approval) and also may require federal and/or state permits.
- Additives applied to wetlands such as fill dirt, mulch, concrete or gravel.
- Heavy equipment used in the area for any reason.

Property owners may:

- Cut down dead, damaged, or diseased trees after receiving ARB or MOD approval as long as the roots are not damaged or removed.
- Remove brush as long as the roots are not damaged or removed.
- Bush hog or mow the area unless there are Coastal Wetlands that require CAMA approval

Alterations of any Wetlands (404 Areas), except as stated above, are strictly prohibited without state and/or federal approval (please refer to Article 10 Section 24 of the CC&R's).

## **4.46 Windows**

Window styles should blend with the overall architectural style of the home. Windows on the front and sides should include detailing, such as a soldier course, rowlock, pediment, etc. Window openings and heights should relate to other design features of the house. Avoid the unplanned look of smaller bathroom or kitchen windows in visual conflict with windows of major scale. If exterior shutters are used, they should be of proper size and scale to the windows and in a color that is consistent with the exterior of the home.

## 5 Landscaping

### 5.1 Landscaping Plans

Landscape planning is as important as dwelling planning. Both need beautiful concepts. Whether you plan it yourself or have someone else do it, start the process early in your overall planning. Last minute planning may present budget issues, and availability of sod and plant material. Consider, when designing your landscaping plan to include evergreen, deciduous, perennial, annual, trees, bushes and plants of varying heights, colors, and textures for a four-season outcome.

### 5.2 Best Landscape Management Practices

As you develop an imaginative landscape design, please take an environmentally proactive role in preserving and protecting our wonderful coastal environment with its river, wetlands, marshes, trees, and vegetation by implementing one or more of the following Low Impact Development Best Management Practices:

- Avoid planting invasive plants, as they compete with the native vegetation,
- Use native plants, as they
  - a. have naturally adapted to the climate, soils, and pests, and are easier to grow,
  - b. require minimal maintenance (i.e., water, fertilizers, pesticides),
  - c. provide a natural filter that can remove pollutants from runoff,
  - d. act as a buffer to slow the flow of water which reduces erosion, and
  - e. provide food and shelter for wildlife.
- Retain and preserve natural vegetation and trees wherever possible,
- Minimize the use of paved surfaces on your property,
- Use turf grasses, mulch and no-maintenance ground covers that require minimum water,
- Use organic fertilizers and natural weed and pest management techniques to reduce algae blooms and fish kills in local waters,
- When protecting your shoreline against erosion, consider natural, rather than “hardening” methods,
- Where feasible, install a rain garden to slow, pool, and filter storm water runoff,
- Collect roof runoff into rain barrels to use for outside watering,
- Redirect downspouts so they flow over grass/vegetation and not driveways, sidewalks, or roads,
- Closed compost bins can be considered on an individual basis. The proposed location of each as well as the method of screening should be clearly indicated on

the Landscape Plan which must be attached to the Modification/Change Request. While there are many reliable sources for information, two recommended agencies are:

- Brunswick County Extension Service, and
- North Carolina State University Cooperative Extension.

### **5.3 Soil Testing**

We suggest you begin by taking a soil sample to the Brunswick County Extension Service for a free analysis to determine if the soil on your property is acid or alkaline, which will enable you to select plants which will thrive in your soil conditions.

### **5.4 Fire Hydrants**

Fire hydrants must remain clear of all plantings and visible from the street.

### **5.5 Foundation Plants**

Foundation plants must be evergreen, a minimum of 3' high and spaced a minimum of 3' to 5' on center. Homes that are elevated will require taller plantings, as will elevations without windows. Foundation plants adjacent to porches may be less than 3' if they would otherwise block access or view. These requirements are reviewed on a case by case basis.

### **5.6 Landscaping Materials and Ground Cover**

Plant beds must be mulched with brown or black cypress mulch, pine bark, hardwood, or pine straw. Please note that pine straw is highly combustible and may not be used around the foundation. In order to become compliant with Firewise guidelines, previously 'grandfathered' use of pine straw around the foundation will be not permitted after January 1, 2025

Large beds or expanses of pine straw/mulch are not allowed. Instead, natural ground cover plantings are encouraged, especially in areas where tree canopies inhibit the growth of grasses.

- Stone and rock can be used effectively as an accent in landscaping and to address certain drainage issues in which previously approved solutions have been unsuccessful. Each situation is different and requires advance review and approval by the Modifications Committee for existing homes or the ARB for new construction landscape plans. Stone and/or rock cannot be the predominant feature in a landscape scheme. These materials may be utilized as an accent to plantings.
- The use of landscape border materials such as rocks, pavers or any other material surrounding plantings, trees and flower beds and defining an edge of landscaping will be approved on a case-by-case basis. Materials should complement the exterior of the house and be visually unobtrusive. Approval of the Modifications Committee is required, and samples need to be submitted. When installing landscape in a setback area, no permanent installation such as concrete shall be permitted.

- All stones are to be of natural, earth tone colors and complement the colors of the home and landscape.
- Requests to use rock and/or stone in a landscape must include the following:
  - An explanation of the landscaping objective,
  - An updated landscape plan showing the area to be addressed.
  - A sample of the rock or stone to be used.
  - Landscape fabric, not plastic, will be used as a base for the rock.
- Rubber mulch will not be approved based on its flammability, floatability and inconclusive findings about the chemicals that leach into the soil and water.
- The ARB/MOD reserves the right to approve or disapprove at its sole judgment and discretion.
- Rock ground cover may be used at Seaside.

## 5.7 Screening

At a minimum, provide screening for foundations, flood vents, visible well and grinder pump covers, crawl space doors, pools, hot tubs, decks, patios, vegetable gardens and accessory structures such as work/storage areas, etc. Properties which back up to a road shall provide plantings to screen the house and property from view.

## 5.8 Swales

Turf shall be installed in a swale on both sides of the center line to prevent erosion.

## 5.9 Replacement Trees

As the result of the authorized or unauthorized removal of a tree or trees, the ARB/MOD Committees at their discretion may require the installation of one or more replacement trees. A replacement tree is defined as a tree that creates a point of focus in the landscape and is a minimum of 4" caliper (diameter of the trunk) at a point 6" above the root ball. Examples of Replacement Trees:

- Live Oak
- Willow Oak
- Shumard Oak
- Laurel Oak
- Little Gem Magnolia
- Sweet Bay Magnolia
- Elm – any variety
- River Birch
- Sugar Maple
- Red Maple
- Other varieties subject to the approval of the ARB / Modification Committee

## 5.10 Tree Removal

The removal of any tree shall first be required to be reviewed by MOD/ARB and receive approval prior to removal.

- Trees eligible for removal are:
- Less than 6" in diameter at a point 4' above ground.
- Less than 10' from any part of a residence (measured from the roof drip line), including decks, patios, driveways, walkways, or drainage area, etc.
- Pine trees within 20' of a residence may be considered for removal. Trees removed between 10 feet and 20 feet of the dwelling must be replaced with a specified replacement tree. (See Section 5.9)

Homeowners shall request approval for the removal of dead, diseased, or damaged trees. ARB/MOD chair may be contacted requesting immediate action in emergency situations. ARB/MOD will make every effort to respond expeditiously. In the event that approval is delayed, a description of the reason for removal must be documented with photographs and a statement from a North Carolina licensed arborist.

Any trees removed except those in 404 areas or not visible from the street or any neighboring sightlines must have the stump completely removed or ground down.

Trees within wetlands (404) are subject to the Army Corps of Engineers and NC Department of Environmental and Natural Resources guidelines (See Wetlands Section [4.45](#) )

Trees outside of these guidelines will be considered for removal on a case-by-case basis.

Replacement trees of adequate size and variety may be required at the discretion of the ARB/MOD. See Section [5.9](#)

## 5.11 Turf

Front and rear yards must be adequately covered in turf. Large expanses of pine straw or mulch are not permitted. Seeding is permitted for established lawn repair only.

Sod may be installed to control erosion prior to submitting your initial landscape plan with written permission from the ARB.

Grass Type	Bermuda	St. Augustine	Zoysia
Rate of Establishment	Moderate	Moderate	Very Slow
Mowing Frequency	Very High	Medium-High	Low-Medium
Traffic	Excellent	Poor	Good
Shade	Very Poor	Very Good	Good
Heat	Very Good	Very Good	Very Good
Cold	Very poor	Poor	Fair - Good
Drought	Excellent	Good	Excellent

\*\*Centipede turf is not recommended due to its susceptibility to ground pearl.

## **5.12 Utility Boxes**

Plantings around utility boxes should not be placed within 10 feet of the front of the box to allow for access. The utility company has an easement to access the box and they may remove anything obstructing their access.

## **5.13 Water Features**

Designs for water features must be provided in addition to the landscape plan.

## **5.14 Landscape Installation**

Landscaping must not commence prior to approval from the ARB. Landscaping must be completed per approved plans within 45 days of the issuance of the Certificate of Occupancy (CO). Changes to the landscape plan after the CO is issued and the Construction Bond is returned require that an updated landscaping plan be submitted to the MOD for approval before any work begins.

Landscape plans must include storm water management plans as runoff should be directed to an existing swale and must not be directed onto adjacent properties or into the street. If downspouts and underground drains are used, water should be directed to newly created dry wells, pop ups in turf areas as described in Section 6.2.6 or French drains within the property boundary. When feasible, it is best for our drainage system that water should infiltrate on the site and should not be drained onto a street unless it is the best route to a swale, pond, or wetland.

Irrigation (Required for all new homes), accent lighting and water features, such as fountains and ponds, must also be identified on the landscape plan.

## 5.15 Plant Ideas

Native plants are strongly recommended. The following list is not all inclusive but is a sample of plants that grow well in Winding River (USDA Zone 8a). Please note that Winding River is a designated Fire Wise community. In an effort to protect our community the plants on this list have also been selected due to their relatively low flammability. Using more flammable plants such as Wax Myrtle, Yaupon or American Holly is strongly discouraged within 5 feet of a residential structure.

TREES	SHRUBS	TRUNK PALMS	GROUND COVER	PERENNIALS
Honey Locust	Abelia	Windmill Palm	Ajuga, Bugleweed	Yarrow
Swamp Holly	Century Plant	Jelly or Pindo Palm	Cross vine	Artemisia
Southern Magnolia	Wintergreen Barberry	Palmetto Palm	Climbing Fig	False Wild Indigo
Sweet Bay Magnolia	Bottlebrush		Carolina Jessamine	Angels Trumpets
Live Oak	Plum Yew	Shrub Palms:	Mondo Grass	Dianthus
Bald Cypress	Boxwood	Dwarf Palmetto	Virginia Dutchmanspipe	Gaillardia
Chaste Tree	Gardenia	Needle Palm	Liriope	Lenten Rose
Flowering Dogwood	Chinese Privet		Creeping Phlox	Red Hot Poker
Hawthorn	Curly Leaf Ligustrum		Flowering Moss	Hibiscus
Redbud	Carolina Holly	Ornamental Grasses*	Cherokee Rose	Bee Balm
Maples:	Winterberry Holly	Korean Feather	Creeping Rosemary	Catmint
Carolina Maple	Clethra	Reed Grass	Star Jasmine	Russian Sage
Drummonds Maple	Sweet Pepperbush	River Oats	Confederate Jasmine	Mexican Bush Sage
Scarlet Maple		Maiden Grass	Periwinkle	Lambs Ear
Soft Maple	Privets:	Muhly Grass		Society Garlic
Swamp Holly Maple	Chine Privet	Panic Grass		Prickly Pear
Red Maple	Common Privet	Fountain Grass		
<b>Elms:</b> American Gray Soft Water White	Japanese Privet			

\* Due to their flammability, ornamental grasses cannot be used as foundation plants.

**Please Note That Winding River is A DESIGNATED FIREWISE COMMUNITY**

## **6 New Construction – Submittal Package**

### **6.1 Procedure for New Construction and Modifications to Existing Homes**

New construction submittals will be made with an initial digital submittal for inclusion in our project management system a minimum of 7 days prior to the ARB meeting to consider the proposal. An on-site meeting will then be arranged between the ARB and the builder or his/her representative. The hard copies of plans as well as samples listed below will be presented at the site review meeting. In most cases, the samples will be returned to the builder unless there are further questions.

### **6.2 Construction Documentation Checklist**

The digital project submission is to be entered into the ARB Project management system, material samples and printed Building plans at a SCALE OF 1/4" = 1'- 0". Printed Site plans at a SCALE OF 1" = 20' are supplied at the scheduled site review.

#### **6.2.1 Building Elevations**

- Building Elevation at a SCALE OF 1/4" = 1'- 0" showing the following: (Printed copy to be supplied at site review):
- Front, rear, right and left elevations.
- Brick courses shown
- Terraces, walls, decks, vents (roof and foundation), screens for trash and HVAC compressors.
- Any hidden elevation not shown in other drawings.
- Finished floor elevation (FFE) on each drawing with proposed finish grade line against elevation.
- Fascia, trim and handrail detail, window and door types.
- Materials and finishes for all surfaces.
- Roof heights above finish floor elevation shown.
- All decks, porches, terraces, etc.
- Service area screen wall detail

#### **6.2.2 Floor Plan**

The floor plan showing the following. Printed copy to be supplied at site review:

- All interior surfaces drawn to scale with all rooms dimensioned and named.
- All window and door openings.
- Roof overhangs (dashed line).
- Garage, decks, terraces, steps, stoops, and porches dimensioned with materials indicated.



- Finished floors and garage slab elevations.
- Height of finished home.
- All dimensions necessary for construction.

### 6.2.3 Supplied at the scheduled site review:

- Siding material (brick sample and mortar colors, if applicable)
- Roofing cut sheet (shingle board)
- Garage door type and color cut sheet Front door type and color cut sheet Window cut sheet
- Site lighting cut sheet
- Main exterior color requires a 12"x12" sample on 1/4" foam board
- Trim color requires a 12"x12" sample on 1/4" foam board
- Driveway samples may be required at ARB discretion Shutter sample and color

### 6.2.4 First Site Plan (without the house)

The digital project submission is to be entered into the ARB project management system. Printed Site plans at a SCALE OF 1" = 20' are supplied at the scheduled site review.

The first site plan at a **SCALE OF 1" = 20'- 0"** must be provided bearing a licensed surveyor's or professional engineer's seal and signature. The following elements of the site analysis must be clearly incorporated:

- All survey work must begin from an existing 1988 FEMA benchmark
- Compass orientation indicated.
- Thorough land survey (topography) illustrating existing elevations, profiles, and vegetation before grading or clearing the lot. Provide sufficient detail to highlight all environmental issues especially wetland preservation and adjacent lot drainage.
- Identification and description of views and vistas.
- Description of special or unusual features on or adjacent to the site (e.g. wetlands, marshes, ponds, tidal creeks and swales).
- Tree survey indicating the location, species, and diameter of all trees 6" in diameter or larger at a point 4' above ground. Each tree must be described with type and diameter and be given a designating number.
- Property lines, setback lines, wetland limits and easements with dimensions shown.
- Thickets may be shown as an outline.
- All streets adjacent to the property with street names.
- Any existing utility structures on property or in adjacent right of ways.

### 6.2.5 Second Site Plan (with the house)

The second site plan **shall be identical to the first and** clearly incorporate the following elements:

- Illustrate how the proposed home will be placed on the lot, as well as proposed elevations for finished floor elevations (FFE), finished garage floor elevations (GFE) and finished corner elevations (FCE).
- Illustrate front, side and rear corner of adjacent homes and driveways/walks that are within 10' of the property line.
- If fill is to be used, clearly indicate the depth of fill and new elevation. The ARB has the authority to limit fill.
- Driveway and walkway outlines, dimensions, and materials as well as new driveway elevations at mid length. The driveway must be a minimum of 3' from property line. Flaring at the curb or street is permitted to allow easier access.
- Trees to be removed must be marked with an X on this drawing.
- Propane tank location must be located a minimum of 10' from the house and 10' from the property line without encroaching in an easement.
- Drainage plan that indicates by arrows the flow directions, including proposed elevation changes.
- Outline HVAC and trash location/screen, proposed decks, porches, terraces, steps, stoops, garden walls, retaining walls, fences, screens, etc. with dimensions and materials indicated.
- Outline pools, spas or water features as well as playground equipment, gazebos, grilling areas, etc.
- Indicate the percentage of lot covered by impervious surfaces.
- The ARB reserves the right to require a licensed engineer, at the owner's expense to review and insure compliance with any storm water permit and storm water regulations at any time for the given property.

### 6.2.6 Landscape Plan

The Landscape Plan at a **SCALE OF 1" = 20'** *can be submitted* following framing- *but no later than 15 days after "dry in"*. The plan is to be submitted both digitally and by paper copy showing the following:

- Owner's name
- Designer's name, address, and telephone
- North arrow and scale (1" = 20')
- Property lines with dimensions and bearings
- Outline of all structures (including decks, HVAC enclosure, trellises, fences, gazebos, retaining walls, etc.), pavement, utilities, etc. shown on the Site Plan.

- Location of all existing trees 6" in diameter or greater at a point 4' above ground. Each tree must be described with type and diameter and be given a designating number.
- Identify any additional trees proposed to be removed with an X on this drawing.
- Identify all vegetation to be preserved.
- Outline proposed lawn and shrub bed locations, natural areas. Identify mulch type.
- Location of all proposed trees and plant materials
- Location of downspout pop-up discharges must be indicated. (To be located on the lot in turf grass areas just beyond the house perimeter plantings).
- Location of storm drains/French drains
- Insert circular symbols indicating mature spreads, ground cover, seasonal color areas
- List Plant materials with quantities, common names, sizes, specifications, spacing.
- Identify turf grass
- Drainage requirements not indicated on the original site plan
- Irrigation plan showing head types and layout, piping, valves, and controllers
- Well location
- Locations of proposed landscape lighting indicating specifications (e.g. fixture type, bulb type, and wattage.)
- Location of any hardscape elements (arbors, trellises, fences, walls, steppingstones, rock and stone accents.)
- Fences and walls with measurements and materials shown

Installation can be completed after ARB approval, but no later than 45 days after issuance of the Certificate of Occupancy (CO). Changes to the landscape plan, after the CO is issued, require a new landscaping plan be submitted with the Modification request form to the MOD.

#### **6.2.7 Storm Water Plan**

According to the State of North Carolina requirements, water run-off must be controlled on the Property Owner's property so that problems are not created for any adjacent Owner, or Winding River Community. Water Problems created by property not complying with these requirements will be corrected at the expense of the Owner of the property not in compliance.

All site designs shall comply with any Applicable Storm Water Permit and the Storm Water Regulations applicable to the property which is the subject of the drainage site design. The swales or other systems designed to collect and carry runoff must be shown on the site plan with the house. In addition, the path of storm water runoff will be indicated on the site plan by arrows showing the direction of the runoff and its disposition into Winding River's storm water system. There are three allowable

collection areas for water leaving the property: 1) Ponds (including lakes and manmade retention ponds): 2) streams (brooks, creeks, or rivers) and 3) catch basins that are part of a storm water drainage system. Swales are to be sloped so that water from rain or runoff flows to one of the above. The type and location of the collection area(s) for water leaving the property must be identified on the site plan.

The North Carolina Board of Registrations for Engineers and Surveyors has ruled that Land Surveyors are no longer permitted to perform storm water management designs. It is a discipline that only a civil engineer may perform.

All approvals issued by the ARB incorporate the provisions of Article 21 of Chapter 143 of the General Statutes of North Carolina, and the rules and regulations of the State of North Carolina concerning storm water management, as said laws, rules and regulations may be modified, amended, or replaced from time to time (the "Storm Water Regulations") and the approved storm water master plan for Winding River ("the Storm Water Permit") applicable to the property which is the subject of said approval as if fully set out therein.

**All lots that add more than 4 inches of fill must obtain an Engineered Stormwater Plan and obtain county approval for such plan.**

## 7 Appendices

### 7.1 Performance Agreement

THIS CONTACTOR PERFORMANCE AGREEMENT ("Agreement"), made and entered into as of the \_\_ day of \_\_\_\_, 20\_\_ (the "Effective Date"), by and among WINDING RIVER PLANTATION COMMUNITY ASSOCIATION, INC., a North Carolina non-profit corporation (the "Association"), \_\_\_\_\_ (the "Owner") and \_\_\_\_\_ (the "Builder") (Owner and together, the "Applicant").

#### WITNESSETH:

WHEREAS, the Association manages and oversees the subdivision referred to as the Winding River Plantation located in Brunswick County, North Carolina (the "Plantation"); and,

WHEREAS, the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Winding River Plantation Community Association, Inc., recorded in Book 4155, at Page 46, Brunswick Country Register of Deeds (the "Declaration") requires that any plans and specifications for new construction or exterior modifications to existing property within the Plantation be approved by the Architectural Review Board ("ARB") or the Modifications Committee ("MOD"), as applicable; and,

WHEREAS, such plans and specifications also are required to be in compliance with the design and construction guidelines prepared and administered by the ARB for the Plantation (the "Design Guidelines"); and,

WHEREAS, Owner is the owner of Lot No. \_\_ located at \_\_\_\_\_ (the "Property") in the Plantation; and,

WHEREAS Owner has hired and retained Builder to perform certain construction services on the Property (the "Construction Project"); and,

WHEREAS, in consideration of the approval of the plans and specifications submitted by Applicant for the Construction Project (the "Application") and to ensure compliance with the Declaration, and the Design Guidelines, Builder shall provide the Association with a construction deposit as set forth herein.

NOW, THEREFORE in consideration of the premises and the mutual covenants herein contained, Owner and Builder hereto agree as follows:

1. Term. Unless sooner terminated as provided herein, the term of this Agreement shall commence on the Effective Date and continue thereafter until the completion of the Construction Project.

2. Construction Deposit. In consideration of the approval of this Application for Construction, the Builder agrees to deposit with the Association the amount of Seven Thousand Five Hundred and No/100 Dollars (\$7,500) (the "Construction Deposit") prior to beginning construction. The purposes of the Construction Deposit are to (i) ensure Builder's compliance with the Declaration, the Design Guidelines, and the Application for the Construction Project, and (2) (ii) assure the repair of any damage caused by construction activities. The payment and return of the Construction Deposit is strictly between the Applicant and the Association and is not transferable or assignable by the Applicant to any other parties.
3. Fines. In the event Builder accrues any fines during construction activities, the Association may automatically debit some or all of the Construction Deposit to pay the accrued fines without the requirement for advance notice to the Builder or Owner. Builder further understands and agrees that any fines or costs for damage to the Common Area may be automatically deducted without prior notice from the Construction Deposit. In the event the Association shall deduct amounts from the Construction Deposit that exceed, in the aggregate, fifty percent (50%) of the total Construction Deposit, Builder shall, within ten (10) days of receiving written notice from the Association, deposit additional funds with the Association to replenish the Construction Deposit to the amount originally provided to the Association as immediately set forth above.
4. Covenants of Builder. Builder understands, acknowledges, and agrees to the following covenants during the term of the Construction Project:
  - a. Builder has read and understand the Declaration and Design Guidelines and will follow and obey said Declaration and Design Guidelines. Failure to comply with the governing documents may result in automatic fines as outlined in the Fine Schedule set forth on Attachment A attached hereto and incorporated herein by reference.
  - b. Builder shall construct and complete the Construction Project in accordance with the plans and specification set forth in the Application as approved by the ARB and/or MOD.
  - c. For all new construction, Builder shall, upon Owner's submission of the construction packet set forth in the Design Guidelines, have staked the corners of the Property and clearly marked the stakes with lot numbers, staked the footprint of the dwelling, removed the pink surveyor's tape from all trees, and banded all trees to be removed with orange tape at a height visible from the street.
  - d. For all new construction, Builder shall, following approval of the Application, clear the Property, install and maintain silt fences and tree protection zones, and install a permit box

with the lot number clearly written on it.

- e. For all new construction, Builder shall be responsible for applying for all utilities (including, without limitation, electricity, water, cable, telephone, and LP gas) immediately upon receiving the approved plan for the Construction Project.
  - f. Builder shall maintain a clean construction site at all times, install a job sign, dumpster, and job toilet, if applicable, in conformance with the Design Guidelines.
  - g. Builder shall be responsible for the conduct of all its employees, independent contractors, and subs performing services with respect to the Construction Project, beginning from the time that such Builders and subs enter the Plantation, including, but not limited to, compliance with the Declaration, Design Guidelines, and plan for Construction Project.
5. Right of Inspection. Builder and Owner each separately understand, acknowledge, and agree that the Declaration provides the Association, through its authorized representatives, with the right to enter the Property at any time, without notice, for purposes of inspecting the Property to ensure compliance with the Declaration, Design Guidelines, and this Agreement.
6. Breach. Any failure by Builder to carry out, comply with, and perform any of the covenants, conditions, and agreements set forth in this Agreement shall constitute a breach by Builder hereunder. In the event of a breach of the conditions set forth in Section 4 of this Agreement by Builder, the Association, in addition to all remedies available to it at law or in equity, shall have the right to automatically and unilaterally deduct from the Construction Deposit the fine amounts listed on the Schedule of Fines. and the cost of any damage to the Common Area. Immediately following any such deduction, the Association shall provide written notice to Builder of the occurrence of such breach and the amount of the Construction Deposit deducted by the Association.
7. Termination. This Agreement may be terminated by either party by giving at least ten (10) days prior written notice to the other party upon the occurrence of any of the following events: (i) completion of the final inspection and final approval of the ARB, (ii) the complete termination of the Construction Project, or (iii) the substitution of Builder during the term of this Agreement. Upon the termination of this Agreement by either party, the Association shall refund the balance, if any, of the Construction Deposit to the Builder.
8. Notices. All notices, information, or other documentation required or permitted to be made under this Agreement shall be in writing and shall be deemed to have been properly given when either delivered personally or deposited with Federal Express, UPS, or other comparable overnight courier service and

addressed as follows (or at such other address as hereafter may be furnished to the other party in writing pursuant to this Section):

If to Builder:

\_\_\_\_\_

Attn: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

If to Owner:

\_\_\_\_\_

Attn: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

If to the Association:

Winding River Plantation

Community Association, Inc.

Attn: Community Manager

1640 Goley Hewitt Road, SE

Bolivia, NC 28422

Email: \_\_\_\_\_

All notices shall be deemed received upon actual receipt or one (1) business day after delivery to such overnight delivery service, whichever is applicable.

9. Entire Agreement. This Agreement constitutes the entire agreement among the parties with respect to the subject matter herein and supersedes all prior discussions and written and oral agreements with respect thereto.
10. Amendment. No party may amend, modify, or waive except by written agreement duly executed by all the parties hereto.
11. Waiver. The failure of the Association to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver by the Association of any breach of any of the terms and conditions of



this Agreement, shall not be construed as thereafter waiving any terms and conditions, but the same shall continue and remain in full force and effect as if no forbearance or waiver had occurred. Further, the Association shall not be held responsible for any delays with respect to the Construction Project due to Builder's failure to comply with this Agreement, including, but not limited to applying for utilities in a timely manner or for the failure of any utility provider to provide their services to the Builder and/or Owner in a timely manner.

12. Assignment. Neither the Association nor Builder shall be permitted to assign or delegate, in whole or in part, this Agreement or any of their respective rights or obligations hereunder, unless they first shall have obtained the written consent of the other party.
13. Governing Law. The parties hereto agree that, notwithstanding the principles of conflicts of laws, the internal laws of the State of North Carolina shall govern and control the validity, interpretation, performance, and enforcement of this Agreement. The parties hereto agree that any action relating to this Agreement shall be instituted and prosecuted in the courts of the County of Brunswick, State of North Carolina, and each party hereto hereby waives any and all defenses relating to venue and jurisdiction over the person.
14. Section Headings. The section headings in this Agreement are for convenience of reference only and shall not be considered terms of this Agreement.
15. Duplicate Originals. This Agreement may be executed simultaneously in duplicate originals, each of which shall be deemed an original and shall be admissible in any proceeding, legal or otherwise, without the production of the other such original.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in such form as to be binding, all effective as of the Effective Date.

**ASSOCIATION:**

WINDING RIVER PLANTATION COMMUNITY  
ASSOCIATION, INC.

By:\_\_\_\_\_

**BUILDER:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

**OWNER:**

By: \_\_\_\_\_

Name: \_\_\_\_\_



## 7.2 Application Package for New Residential Construction

<b>Property (Section/Lot)</b>		
<b>Property Street Address</b>		
<b>Property Owner(s) Names</b>		
Mailing Address		
City, State, Zip		
Telephone	Cell	
Email Address		
<b>Builder/Company Name</b>		
<b>Builder Contact Name</b>		
Email Address		
Mailing Address		
City, State, Zip		
Telephone	Fax	Cell
N.C. License #		
<b>Architect/Designer Name</b>		
Mailing Address		
City, State, Zip		
Telephone	Fax	

### 7.3 Owner/ Checklist – New Construction

APPLICATION CHECKLIST		APPLICATION FEES
Construction documents		<b>BUILDER CONSTRUCTION BOND (Refundable)</b>
	Site Plan @ 1" = 20'	Amount: \$7,500.00
	Floor Plans @ 1/4" = 1'	Received by
	Foundation Plan @ 1/4" = 1'	Check #
	Building Elevations @ 1/4" = 1'	Date
	Landscape Plan @ 1" = 20' Submit following house dry-in	<b>ROAD ACCESS FEE (Non-Refundable)</b>
	Material and Color Samples	Amount: \$5,000.00
	Engineered Storm Water Plan @ 1" = 20'	Received by
<b>SQUARE FOOTAGE CALCULATIONS</b>		Check #
Heated Living Area		Date
Covered Porches (screened)		<b>REVIEW FEE (Non-Refundable)</b>
Building Footprint		Amount: <b>\$600.00</b>
Decks, Walks, Drives		Received by
Total Impervious %		Check #
Total Square footage		Date

NOTE: Incomplete applications will not be reviewed.

Please submit completed application digitally per instructions and provide three (3) separate checks payable to "Winding River Plantation".

Winding River Plantation Phone: (910) 755-7020  
 1640 Goley Hewett Road, SE  
 Bolivia, NC 28422

## 7.4 Exterior Materials List

Foundation		
Finish	Color	
Windows		
Type	Mfg./No	Color (Include sample)
Roofing		
Material	Mfg./No	Color (Include sample)
Exterior Trim (soffit/fascia/casing)		
Material	Mfg./No	Color (Include sample)
Deck Railings		
Material	Mfg./No	Color (Include sample)
Exterior Walls* (Color Sample/Brick Board Required)		
Material	Mfg./No	Color (Include sample)
Exterior Front Door* (Color Sample and Cut Sheet Required)		
Material	Mfg./No	Color (Include sample)
Deck Railings		
Material	Mfg./No	Color (Include sample)
Garage Door(s) (Color Sample and Cut Sheet Required)		
Material	Mfg./No	Color (Include sample)
Exterior Trim (shutters) (Color Sample Required)		
Material	Mfg./No	Color (Include sample)
Drives/Walkways /Patios/Terraces		
Material	Mfg./No	Color (Include sample)

## 7.5 Schedule of Fines

Builders who have entered into a Builder's Performance Agreement are subject to the fine amounts and increasing fine levels as listed below. Fines are per day/per violation unless otherwise noted.

### **Immediate fines:**

Fines for violations of the Design Guidelines of a one-time nature are assessed upon discovery of the violation.

Unauthorized tree removal prior to construction - \$500 per tree. Replacement trees of adequate size and variety may be required at the discretion of the ARB/MOD.

Commencing construction prior to ARB approval of plans and landscape plans	\$500.00
--	----------

Construction is not complete within twelve (12) months without prior ARB notification of justification and approval. (per day)	\$25.00
--	---------

Damage to or removal of tree during construction. Replacement tree may be required by the ARB or MOD.	\$100.00
---	----------

Failure to adequately secure site and prepare upon notice of severe weather by National Weather Service	\$100.00
---	----------

Loud music	\$100.00
------------	----------

Abusive language/conduct directed at residents or Winding River Officials.	\$100.00
--	----------

Employees without shirts	\$100.00
--------------------------	----------

Builder's Pets on construction site	\$100.00
-------------------------------------	----------

Work activity during restricted hours (per day)	\$100.00
---	----------

## **Accruing Fines**

*The below fines will be assessed on a per occurrence basis, commencing three (3) working days following notice. Fines will increase progressively per the schedule below and will continue daily until the issue is satisfactorily corrected in the sole discretion of the ARB:*

*No corrective action 3 days after notice: \$100 per day, per violation*

*No corrective action 7 days after notice: \$200 per day, per violation*

*No corrective action 14 days after notice: \$500 per day, per violation*

Failure to provide and maintain adequate sediment/erosion control. Silt fence, improperly installed, down, damaged or missing

Failure to provide commercial dumpster on site

Failure to provide screened portable toilet on site

Failure to install adequate tree protection

Weeds/grass/vegetation not trimmed and maintained

Overflowing trash receptacle

Littered site

Inadequate tree protection

Debris/silt in the roadway

Unauthorized parking without written permission (per vehicle/equipment or trailer)

Storing of materials or causing damage on private or community property without written permission.

Causing damage to community common areas and/or private property by parking, storage. (Fine plus repair of damage)

Improper signage or incorrect placement

Builders are subject to the above fines. Fines to owners are limited to \$100 per day/per occurrence.

**\*Owners will receive notification of all builder infractions involving fines\***



## 7.6 Setback and Impervious Area Requirements

Section	Min Sq Ft <sup>1</sup>	Max Bldg Coverage %	Max Imper-vious Sq Ft <sup>2</sup>	Max HT	Side Corner Setback	Rear Setback	Rear Golf Setback	Front Setback	Side Setback
Phase I									
A	1,600	35	5,000	40	---	25	---	25	5
B	1,800	35	8,000	40	15	30	40	40	10
C	1,800	35	5,000	40	15	25	---	30	7
D	1,800	35	8,000	40	15	30	40	40	10
E	1,800	35	8,000	40	15	30	40	40	10
F	1,800	35	5,000	40	15	25	30	30	7
G	1,800	35	5,000	40	15	30	40	40	10
I	1,800	35	6,500	40	15	30	40	25	10
J	1,800	35	8,000	40	15	30	40	40	10
K <sup>3</sup>	1,800	35	5,000	40	15	25	---	30	7
L <sup>3</sup>	1,800	35	8,000	40	15	25	---	30	7
M <sup>3</sup>	1,800	35	6,500	40	15	30	30	30	10
N <sup>3*</sup>	1,800	35	6,500	40	15	40	40	30	10
O	1,800	35	5,000	40	15	25	30	30	7
Phase II									
P1	1,800	35	5,000	40	20	25	30	25	8
P2	1,800	35	5,000	40	20	25	30	25	8
P3	1,800	35	6,500	40	20	25	30	25	8
P4	1,800	35	6,500	40	20	25	30	25	8
P5	1,800	35	6,500	40	20	25	30	25	8
P6	1,600	35	5,000	40	15	10	N/A	25	5
Phase III									
S1	1,800	35	8,000	40	20	25	40	25	10
S2	1,600	35	6,500	40	15	10	N/A	25	5
T1	1,800	35	8,000	40	20	25	40	25	10
T2 <sup>3</sup>	1,800	35	8,000	40	20	25	40	25	10
T3 <sup>3</sup>	1,800	35	8,000	40	20	25	40	25	10
U1	1,800	35	5,000	40	20	25	40	25	10
U2 <sup>3**</sup>	1,800	35	5,000	40	20	25	40	25	10
V <sup>3</sup>	1,800	35	6,500	40	20	25	40	25	10
Seaside	1,800	30		35	varies	20	NA	25	5

1 Minimum square footage is a main floor requirement. See sect. 4.6 Building Size for more information.

2 Impervious coverage on any lot must adhere to either the ARB limit of 35% (30% in Seaside) or State Stormwater Permit (listed under "Max. Impervious Sq. Feet"), whichever is less.

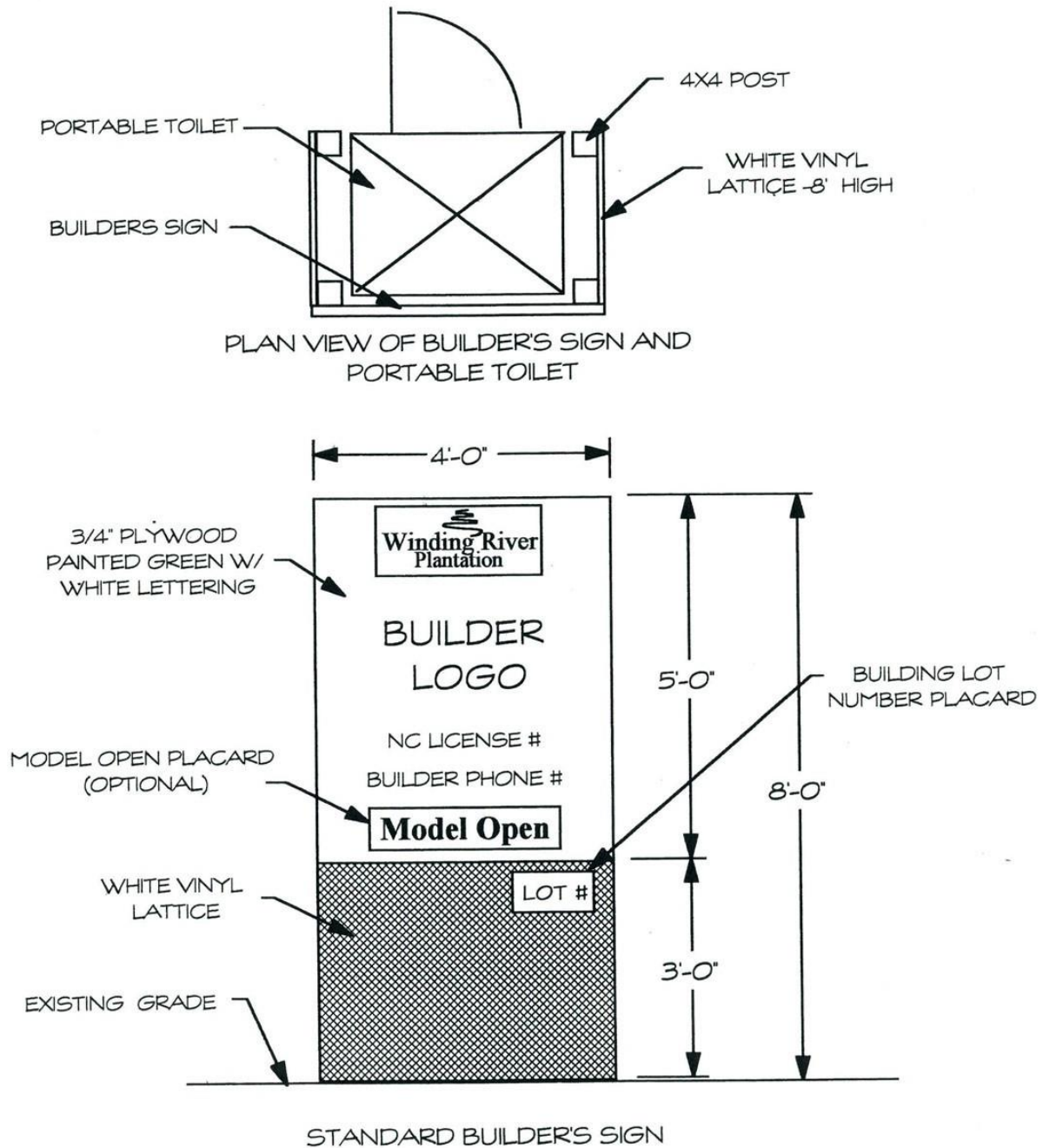
3 All construction activity in Sections K, L, M, N, T2, T3, U2 and V may be subject to the regulations governing estuarine shoreline development set forth in section T15A: 07H .0209 of the North Carolina Administrative Code.

At Seaside, open uncovered stairs, not including any deck or landing at porch level, may project up to 10' into the required front or rear yards, but not both. Consult the Code of Ordinances of the Town of Holden Beach for any and all other requirements relating to zoning issues. Health Department and CAMA requirements must also be met.

\* Rear setbacks for Lots 6-10 in Section N have been reduced to 20'.

\*\* There shall be no clearing in the golf course setback of lots 11-17 in Section U2 unless approved by the ARB.

## 7.7 Builder's Sign: Winding River



### 7.7.1 Builder's Sign: Seaside



**SignSource**  
6321 North Gate Rd.  
Wilmington, NC 28409  
910-392-2290 • Fax 910-392-5030

THESE DRAWINGS ARE FOR USE IN PROJECTS FOR SIGNSOURCE CLIENTELE & ARE PROPRIETARY & CONFIDENTIAL BETWEEN THE TWO AFOREMENTIONED PARTIES. THE INFORMATION CONTAINED IN THESE SPEC SHEETS IS FOR SIGNSOURCE SHOP PERSONNEL USE ONLY & ARE NOT TO BE SHOWN TO ANY OUTSIDE SOURCES. REPRODUCTION BY ANY MEANS (COPYING, PHOTOGRAPHING, ETC.) AND OR DISTRIBUTION TO OTHERS OF PLANS IS PROHIBITED. MANUFACTURING BY OTHERS IS PROHIBITED. UNAUTHORIZED USE WILL BE SUBJECT TO LEGAL ACTION, INCLUDING ANY COLLECTION FEES OR DAMAGES. COPYRIGHT PROTECTED. ALL RIGHTS RESERVED SIGNSOURCE 1988-2016 ©

7.7.2 Standard Seaside FOR SALE/FOR RENT Sign



**FOR SALE**

XXX E. Brunswick Ave

Call: 910-754-XXXX



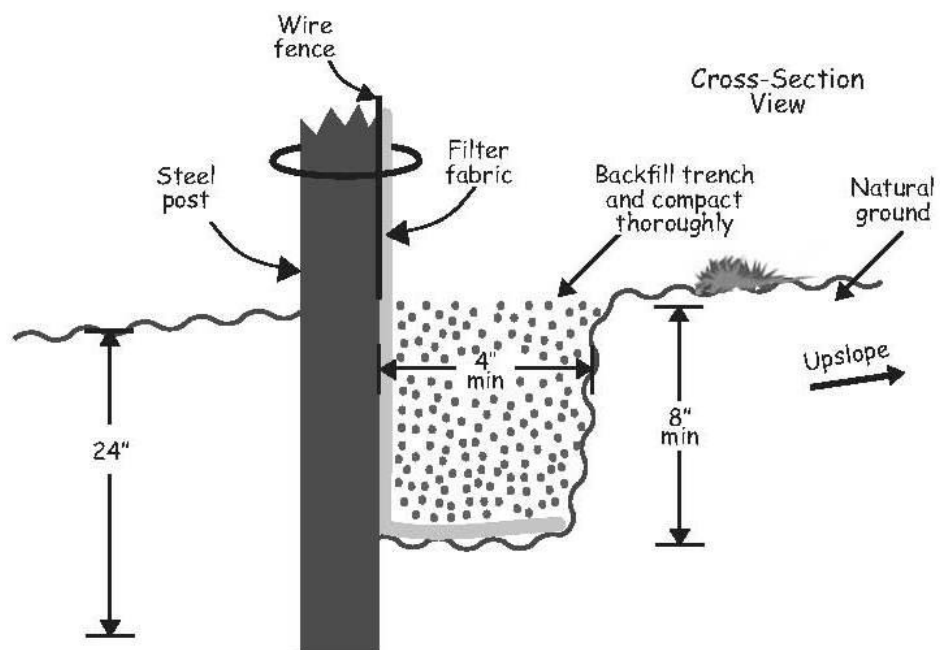
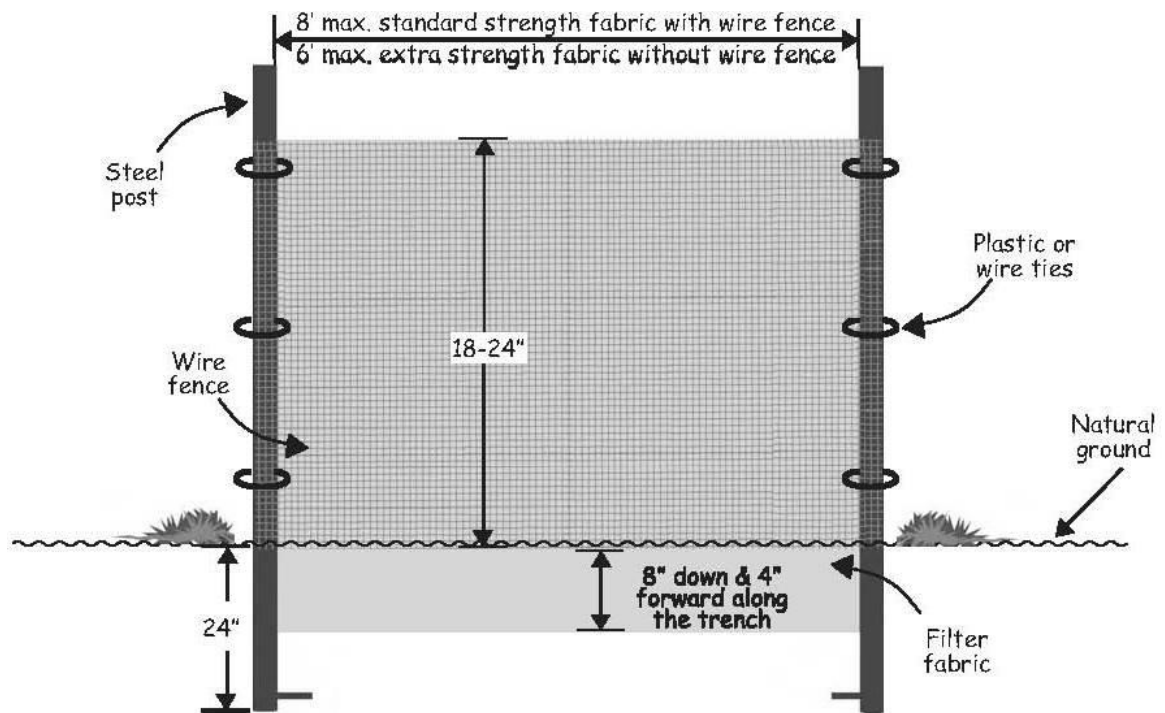
**FOR RENT**

XXX E. Brunswick Ave

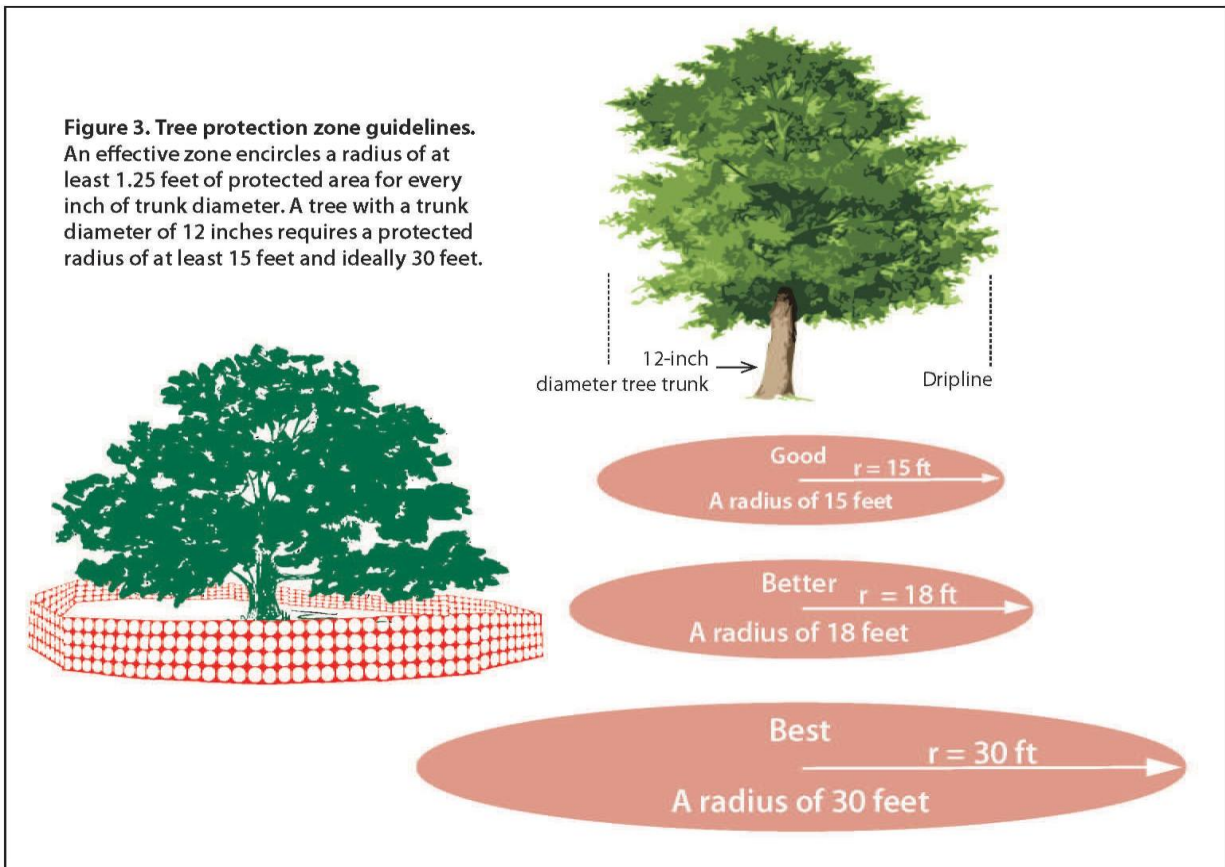
Call: 910-754-XXXX

Background: Pantone #292      Text: Black

## 7.8 Design Standard: Silt Fence Detail / Erosion Control



## 7.9 Design Standard: Tree Protection – Tree Save Area



Trunk Diameter	Mature Tree Protection Zone Radius		
	Good Protection	Better Protection	Best Protection
8 inches	10 feet	12 feet	20 feet
12 inches	15 feet	18 feet	30 feet
16 inches	20 feet	24 feet	40 feet
20 inches	25 feet	30 feet	50 feet

From NC Cooperative Extension Service's publication "Construction and Tree Protection"

## 7.10 Forms and Reports

### 7.10.1 Pre-Construction Inspection Report Form

Section	Lot	Inspected by	Date
Street Address			
Are the corners of the house clearly identified?		Yes	No
Are the trees to be removed tagged with orange tape?		Yes	No
Are all of the tagged trees within 10' of the roof drip line?		Yes	No
Are any tagged trees more than 10' from roof drip line?		Yes	No
If yes, do these trees appear to be healthy?		Yes	No
Is there any existing construction debris or evidence of prior damage to the property within the construction area?		Yes	No
Is there any existing curb and/or pavement damage within the construction area?		Yes	No
Are there any swales within the construction area?		Yes	No
If yes, are they established with perennial grass?		Yes	No
Is there any existing swale damage?		Yes	No
Is there space for all construction activity on site?		Yes	No
What exterior colors are visible on adjoining properties?			
If the answer to any of the above questions is "yes," please document with a numbered photograph and sketch indicating its approximate location			
Check site plan with and without the house			
<input type="checkbox"/> Setback <input type="checkbox"/> Garage door lites <input type="checkbox"/> Driveway neck <input type="checkbox"/> Utilities location		<input type="checkbox"/> Roof pitch <input type="checkbox"/> Impervious calculation <input type="checkbox"/> Sidewalk width <input type="checkbox"/> Exterior materials to include brick/mortar	
Additional Comments:			

NOTE: "Construction Area" is the area directly adjoining and adjacent to the lot within a one-lot radius.

### 7.10.2 Post-Construction Inspection Report

<b>Section / Lot</b>	<b>Homeowner</b>	<b>Date</b>	
<b>Street Address</b>			
<b>Builder</b>			
<b>Comments</b>	<b>Accepted</b>	<b>Rejected</b>	
<b>Fences/Walls Screening</b>			
<b>Swale/Drainage Caused by Builder</b>			
<b>Street/Curbs</b>			
<b>Windows</b>			
<b>Garage/Doors Steps</b>			
<b>Materials/Colors</b>			
<b>Landscaping</b>			
<b>Trees/Shrubs/Beds</b>			
<b>Condition of Adjacent Lots</b>			
<b>Change Orders</b>			
<b>Inspector:</b>		<b>Date:</b>	
<input type="checkbox"/> <b>APPROVED</b>		<input type="checkbox"/> <b>REJECTED</b>	



### **7.10.3 Request for Final Inspection and Builder Construction Bond Refund**

Date Prepared	Date Received
Section & Lot Number	
Address	
Owner	Builder
I certify that construction has been completed and that all work done conforms to state, county, and local codes and meets Winding River Plantation standards as approved.	
Owner's Signature	Date
Contractor's Signature	Date
Comments:	
Signed  ARB/MOD Representative	Date

#### 7.10.4 Modification Request for New Construction

Date Prepared	Date Received	
Address	Lot Number	
Property Owner	Telephone	
Contractor's Name (if applicable)		
Email address:		
Proposed Change:		
Describe and attach drawings, plans, photos, materials, color samples, etc.:		
Reason for Change:		
Estimated Start Date:	Estimated Completion Date:	
Applicant's Signature:		Date
ARB/MOD Comments		
Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Disapproved <input type="checkbox"/>		
Committee Chairman Signature		Date

### 7.10.5 Modification Request Form for Existing Homes

This form is found on the CAMS Portal and is to be submitted on-line through portal.

Date Prepared	Date Received	
Address	Lot Number	
Property Owner	Telephone	
Contractor's Name (if applicable)		
Email address		
Proposed Change:		
Describe and attach drawings, plans, photos, materials, color samples, etc.:		
Reason for Change:		
Estimated Start Date:	Estimated Completion Date:	
Applicant's Signature:		Date
ARB/MOD Comments		
Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Disapproved <input type="checkbox"/>		
Committee Chairman Signature		Date

## 8 Glossary

**Hardscape:** All of the non-living elements in landscaping, such as a brick patio, a stone wall, a walkway, or wooden arbor. Or, any man-made structure within landscaping design that is made of inanimate materials such as brick, wood, pavers or stone.

**Swale:** Shallow ditches that blend in with surrounding landscape design, facilitate water management, and encourage natural irrigation taking advantage of natural slopes in the land to direct water downward into the soil as opposed to letting it pool above ground.

**Builder Construction Bond:** Form of protection for the Association and property owner against non-payment, lack of performance, company default and warranty issues.

**Setback:** The minimum distance which a building or other structure must be setback from a property line.

**Certificate of Occupancy:** A document issued by the local government certifying a building's compliance with applicable building codes and other laws and indicating it to be in a condition suitable for human occupancy.

**Silt Fence:** A temporary sediment control device used on construction sites to protect neighboring properties, drainage structures and waterways from loose soil in storm water runoff.

**Spark Arrester:** Any device which prevents the emission of flammable debris from combustion sources such as stoves, fireplaces or burn pits.

**Pervious:** Allowing water to pass through.

**Impervious:** Rooftops or landscapes containing solid areas such as driveways, patios, and walkways which do not allow water to penetrate.

**RPZ Valve:** RPZ is an acronym for a reduced pressure zone. It is a type of backflow prevention device used to protect water supplies from contamination.