

**HILTON HEAD PLANTATION
PROPERTY OWNER'S ASSOCIATION**

ARCHITECTURAL REVIEW BOARD

ARCHITECTURAL GUIDELINES

REVIEW PROCEDURES

RULES AND REGULATIONS

FOR THE CONSTRUCTION OF BUILDINGS AND PROPERTY IMPROVEMENTS

**SUBJECT TO ALL AMENDED
LAND USE RESTRICTIONS
PROTECTIVE COVENANTS
BUILDING STANDARDS**

ADOPTED BY: HHPPOA Board Of Directors

ADOPTION DATE:

EFFECTIVE DATE:

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1.0 GENERAL INFORMATION

1.1 PHILOSOPHY

In any private residential community such as Hilton Head Plantation, certain rules and restrictions have been established to ensure that development can proceed in an orderly and well-planned manner. The original developer determined the overall land plan and infrastructure and prepared the basic regulations and covenants used to control development. **The Covenants protect the community from unattractive and irresponsible construction, thus enhancing the overall beauty and cohesiveness of the development, maintaining property values, and protecting the natural environment. The older and more developed the community is, the more important these covenants become.**

1.2 AUTHORIZATION

The Board of Directors of the Hilton Head Plantation Property Owner's Association shall establish an Architectural Review Board, hereinafter called the ARB, as a function of the Association. The Board will establish the ARB's mission and authority. Subject to the Board's approval, the ARB will develop Architectural Guidelines, Review Procedures, and Rules and Regulations governing all real property improvements. The ARB shall have the authority to review and to approve or disapprove all plans for real property improvements. The ARB shall also have authority to assess fines and perform other functions as designated by the Board.

Precedence:

Based on provisions contained in the Covenants, these ***Architectural Guidelines, Review Procedures, & Rules and Regulations*** are established. After adoption, this document shall supersede all others previously published.

Interpretation and Severability:

Whenever possible, each provision of this document shall be interpreted to be valid and effective under applicable law, but if any provision of this document is prohibited, invalid, or unenforceable under any particular circumstances, that provision shall be ineffective only to the extent of the prohibition, invalidity or unenforceability, without invalidating that provision under any other circumstance or invalidating the remaining provisions of this document.

1.3 ABBREVIATIONS AND DEFINITIONS

- **HHP** - Hilton Head Plantation or "the Plantation".
- **HHPPOA** - Hilton Head Plantation Property Owners' Association, hereinafter referred to as POA.
- **POA** - Property Owners' Association.
- **POA Board of Directors or P.O.A. Board or Board** - the governing body of the POA, elected by the property owners of the Plantation.
- **ARB** - Architectural Review Board. The committee appointed by the POA to oversee and implement the provisions of the ***Architectural Guidelines, Review Procedures, & Rules and Regulations***.

- **COVENANTS** - All Amended Land Use Restrictions, Protective Covenants, Building Standards of the Hilton Head Plantation Property Owners' Association, latest issue.
- **GUIDELINES** - The *Architectural Guidelines, Review Procedures, & Rules and Regulations* for the Construction of Buildings and Property Improvements, latest issue.
- **HORIZONTAL CONSTRUCTION** - Any part of the construction or site improvement that is eighteen inches (18") or less in height above the finished grade.
- **VERTICAL CONSTRUCTION** - Any part of the construction or site improvement, other than live landscaping, which is over eighteen inches (18") in height above the finished grade.
- **ADMINISTRATOR** - The Administrator of the ARB.
- **TOWN** - The Town of Hilton Head Island, SC.
- **SC** - State of South Carolina.
- **SETBACK LINE** - A line at a predetermined distance, within and parallel to a property line.
- **SETBACK AREA** - That area between the property lines and the required setback lines.

1.4 PROPERTY OWNERS' ASSOCIATION (POA)

The Board of Directors is the governing body of Hilton Head Plantation Property Owners' Association (HHPPOA), and every property owner is automatically a member of the Property Owners' Association. The Board of Directors is responsible for the enforcement of the Declarations that include supervision and maintenance of a variety of areas within the Plantation. There are also a number of regime associations that care for the unique needs of their specific subdivision. A property owner also automatically becomes a member of a regime association by having purchased in the corresponding subdivision of Hilton Head Plantation.

1.5 ASSESSMENTS, FEES, AND ESCROW DEPOSITS

All property owners are assessed by the HHPPOA to cover the Associations expenses. In addition, certain nonrefundable charges are made to cover expenses incurred in relation to the operations of the Architectural Review Board. A schedule of these fees is contained in Section 3.10 of this document. For escrow deposits, refer to Section 3.9 of this document.

1.6 ARCHITECTURAL REVIEW BOARD (ARB)

The ARB is established to maintain the type of home design and colors appropriate to the Plantation and to ensure that all projects meet the Plantation's covenants and ARB Guidelines. All required information must be submitted to and approved by the Architectural Review Board prior to implementation. This also applies to any additions or alterations, repainting, re-roofing, or major landscape changes. Section 2.0 of this document covers the specific functions of the Architectural Review Board in detail.

1.7 LIMITATION OF LIABILITY

Refer to Article I, Section 8 of the Covenants.

1.8 WASTE DISPOSAL

Household waste must be kept in at least two (2) thirty (30) gallon trash containers within the service yard at all times.

No waste or landscape debris shall be placed at the roadside at any time, as there are no provisions to collect "curbside" materials.

For the disposal of landscape debris, see Section 5.8.

1.9 DESIGN DOCUMENTS

The property owner as well as the architect, engineer, or designer are responsible for ensuring that all plans, documents, and submittals are prepared in accordance with these Guidelines and satisfy the Town of Hilton Head Island building code and all other governing codes, rules and regulations. See the detailed requirements in Section 3.0 and the Summary of Procedures in Section 9.0 of this document. A building permit from either the Plantation or the Town of Hilton Head Island **will not be issued until all design documents have been completed and approved.**

Submittal for final approval to the ARB must include a full set of working drawings, landscapes plans, drainage plan, and a color sample board, as applicable.

1.10 TOWN BUILDING PERMIT

For any project that requires a Town Building Permit, a copy of the Town Permit and all changes to the plans must be filed with the ARB **prior to the issuance of the HHP Building Permit.**

1.11 COPYING BUILDING PLANS

Owners may obtain, at cost, copies of drawings of their residence by submitting a request to the ARB.

2.0 THE ARCHITECTURAL REVIEW BOARD

2.1 PURPOSE

The ARB assures compliance with all provisions of the Covenants, Declarations, and Guidelines concerning architectural control by means of a review process and mandatory inspection procedures.

2.2 SCOPE

The ARB oversees all aspects of new construction, additions, alterations and improvements of any kind to all residential property exteriors. This includes, but is not limited to, aesthetics, siting, drainage, landscaping, exterior colors, re-roofing, re-painting, pools, pool enclosures, recreational equipment, and tree removals.

2.3 OBJECTIVES

The ARB controls and regulates all improvements to the Plantation Residential Property in order to maintain the continuing quality of development and property values.

2.4 COMPOSITION AND DUTIES

The ARB is composed of a Chairperson who is a member of the POA Board of Directors, six (6) members, three (3) alternates appointed by the POA Board of Directors, and one (1) ARB Administrator as follows:

- One (1) Chairperson who is a property owner and a member of the POA Board of Directors.
- Four (4) property owners who have an interest in and some experience with activities related to construction.
- One (1) SC registered architect consultant.
- One (1) SC registered landscape architect or land planner consultant.
- Three (3) qualified property owners to serve as alternates in the absence of any of the four property owner members.
- One (1) ARB Administrator and support personnel, as necessary, to conduct the business of the Board.

Each member of the Architectural Review Board shall have one equal vote, with the exception of the ARB Administrator who does not have voting privileges. The Chairperson shall only vote in the event of a tie on any issue or to make up a quorum. An alternate's right to vote is vested only when the alternate is replacing a member.

The ARB Administrator has the authority to approve or disapprove the following:

- All required or requested on-site inspections
- Tree removals
- Re-roofing requests
- Re-painting requests
- Direct broadcast satellite (DBS)
- Multi-point distribution service (MMDS) antennas
- Job site conditions
- Recreational equipment

The ARB Administrator shall not approve any changes that do not comply with the administrative approval requirements of the ARB. No other changes can be made without the approval of the ARB.

2.5 TERMS OF OFFICE

The Chairperson, as a member of the POA Board of Directors, serves a term of three (3) years on that body and thus serves the ARB at the discretion of the POA Board of Directors.

The architectural and landscape consultants serve indeterminate terms to maintain continuity of design philosophy and consistency of approach to the review process.

The four property owners and alternates serve a one (1) year term with reappointment by the POA.

2.6 MEETINGS

The workload at any given time determines the frequency of ARB meetings; however, the ARB must meet at least once per month. The ARB Administrator is responsible for the taking of minutes and the preparation of correspondence as a result of the deliberations of the ARB. A permanent record is kept of all proceedings. Deliberations of the ARB concerning individual projects are kept confidential until such time as a final determination has been made.

2.7 QUORUM

All actions and decisions of the ARB shall be passed by a quorum of the eligible voting members, except during multiple disaster situations. A Quorum shall consist of a minimum of four (4) eligible voting members. Refer to 3.6.2.5, **ARB QUORUM**.

A simple majority of those casting votes in a quorum shall constitute the ARB decision.

2.8 ADDITIONAL DUTIES

The ARB shall assist in the review, execution, and inspections of all POA improvement projects including commercial projects, developments, and landscaping.

The ARB will assign one (1) or more member(s) to monitor each POA project.

2.9 CONFLICT OF INTEREST

If an ARB member submits a project to the ARB for review or has a personal interest in a submitted project, the ARB member shall recuse himself from the meeting during the review and discussion of that project.

3.0 REVIEW PROCEDURES

3.1 PREFACE

ALL OWNERS, ARCHITECTS, ENGINEERS, DESIGNERS, BUILDERS, CONTRACTORS, AND DEVELOPERS SHALL HAVE RECEIVED, READ, AND UNDERSTOOD THESE GUIDELINES AND AGREED TO COMPLY WITH THEM, AS APPLICABLE, PRIOR TO SUBMITTING ANY PROPOSAL FOR ARB REVIEW.

Submittals must be received by noon on Monday of the week of the ARB meeting date for inclusion in that week's agenda.

Mirror images or original plans will not be reviewed. Print copies only are acceptable.

We encourage originality and discourage the use of stock designs.

For extensive, complicated designs, the ARB recommends, and may require, the submittal of a model to help visualize the scope of the project.

Photographs of the property viewed from both the front (road) and the rear shall be included in the first submission for new construction. These photographs must clearly show the adjacent properties on each side whether improved or unimproved.

A design professional (architect or engineer) or a qualified and experienced residential designer shall prepare submissions.

It is strongly recommended that all submissions be prepared by a SC registered (licensed) architect.

Submittals prepared by owners acting as their own contractor are not recommended. These submittals may not be accepted unless prepared by a SC registered architect or, in the judgment of the ARB, a competent residential designer.

Submittals will not be accepted if, in the judgment of the ARB, the submittals do not meet ARB criteria.

The initial submittal to the ARB, whether for concept, preliminary, or final review must be accompanied by a brief narrative of the design philosophy as evidence of on-site observations regarding site restrictions and compatibility with surrounding structures, including height, massing, proportions, and proposed exterior finishes and colors.

3.2 TYPES OF REVIEWS AND SUBMITTAL REQUIREMENTS

3.2.1 Conceptual Review

Prior to detailed drawing preparation, if there is a concern about the acceptability of either the Site Plan or the architectural design aesthetics of the structure, an application for Conceptual Review may be submitted.

The following documents are required for a Conceptual Review:

- A tree and topographic Site Plan at scale 1/8" = 1"-0" with all pertinent information
- A rendering of the proposed structure
- A narrative describing the design principles and explaining how the house will fit contextually into the neighborhood.

The ARB has the option of requesting additional information that may be necessary to judge a Conceptual Review. If there are architectural design aesthetic concerns, all pertinent house elevation drawings must be submitted.

The resulting ARB review comments are for the property owner, architect, designer, or contractor guidance only and are in no way binding on the ARB to subsequently approve any other aspects of the project.

3.2.2 Preliminary Review

3.2.2.1 Purpose

If an applicant is concerned about the acceptability of certain architectural aspects or siting considerations prior to the completion of a full set of working drawings, a Preliminary Review may be requested.

3.2.2.2 Required Documents

The following documents are required for a Preliminary Review:

- A completed, signed and dated Application for Design Review accompanied by the appropriate design review fee.
- A Site Plan on a tree and topographic survey at Scale: 1/8" equals 1"-0" and containing all information required for a Final Review.
- Floor Plan(s) at Scale: 1/4" equals 1"-0".
- The four major elevation drawings at Scale: 1/4", equals 1"-0" with all exterior materials clearly indicated.
- Wall Sections and Details as necessary to interpret the plans, elevations, and features that are of concern.
- Complete detailing, dimensions, or an electrical plan are not required.

3.2.2.3 Additional Information

The ARB has the option of requesting additional information that may be necessary to judge a Preliminary Review.

3.2.2.4 Non-Binding Review Results

The results of these reviews are for property owner, architect, designer, general contractor information only and are in no way binding on the ARB to subsequently approve any other aspect of the project.

3.2.3 Final Review

3.2.3.1 Site Plan

The following documents are required for a Final Review:

- A tree and topographic survey at Scale: 1/8" equals 1"-0" and sealed by a South Carolina licensed surveyor
- Property lines with measurements, coastal critical line (CCL), and average high water mark line, if applicable, dimensioned required setback lines, lot corner grade elevations, edge of road grade elevations, spot grade elevations at the center of the lot and midway along each property line, culvert invert elevations and the finished floor elevation of both the house, the garage and all horizontal construction.
- All trees to be removed indicated by an "X".
- Contours in one-foot increments of both the existing and the proposed new finished grades.
- Direction of drainage with spot finished grade elevations.
- A footprint of all new proposed vertical and horizontal construction located by dimensions from the property lines.
- Edge of the roof overhang shown as a solid line and the walls below as broken lines.
- All proposed recreational equipment indicated.
- Materials for the driveway, walks, patios, decks and pool decks indicated.
- Locations of all adjacent existing conditions including roads, golf courses, golf cart paths, leisure paths, open space, easements, lagoons, swales, ditches, bulkheads, retaining walls, designated wetlands, and open water.
- Locations of all adjacent existing structures and homes including **finished floor elevation noted for each.**
- On patio lots, patio wall extensions indicated and the location of the gutters and downspouts.

The Roof Plan may be shown on the Site Plan if desired.

Lots abutting marsh or water must indicate the coastal critical line (CCL) at the time of submission, if applicable. Any planned construction within twenty feet (20') of the CCL must have a current DHEC and Ocean Coastal Resource Management sign-off prior to submission to the ARB for final review approval, as there is a three (3) year limitation on its placement.

Clearing Restrictions on Tidal Waterfront and Marsh Front Lots – Major clearing of trees and underbrush is restricted within thirty feet (30') of the Average High Water Mark on those lots fronting on Port Royal Sound, Skull Creek, and Elliot/Park Creek.

Bulkheads – The proposed location of the bulkheads shall be clearly shown and follow the property line.

For further information refer to the Class A Covenants, Article VI, Section 2, Page 15.

3.2.3.2 Drainage Plan

A Drainage Plan sealed by a SC licensed professional architect, landscape architect, or engineer shall be submitted and shall contain the following statement:

The drainage indicated on this site plan is designed to meet the requirements of the master drainage system for this subdivision. Drainage is directed to the common areas and away from adjoining lots.

The following shall also be clearly indicated – House and garage finished floor elevations, finished grade contours in one foot (1) increments, finished grade spot elevations at all lot corners and along property lines, swales, berms, and ditches with spot elevations and contours, direction arrows of drainage flow, spot elevations at the edges of all paving, any other control features that are applicable.

3.2.3.3 Floor Plans

Scale: 1/4" equals 1"-0" fully and accurately dimensioned.

Note the square foot heated and adjusted floor areas as follows:

| <u>SQUARE FOOTAGE</u> | <u>FIRST FLOOR</u> | <u>SECOND FLOOR</u> |
|---|---------------------------|----------------------------|
| Heated area | | |
| Garage @ 2/3 (under main roof of house) | | |
| Screen Porches @ 1/2 | | |
| Deck or patio @ 1/4 | | |
| TOTALS: | | |

Floor plans should include all features, including stairs, patios, decks, porches, entry deck, landings, planters, walls, doors, windows, dashed "broken" lines of roof overhangs, location(s) of access stairs, skylights, and ceiling configurations.

3.2.3.4 Roof Plan

May be shown on the Site Plan or separately.

3.2.3.5 Patio Homes

Show and dimension extent of patio wall extensions. Show locations of gutters and downspouts.

3.2.3.6 Elevation Drawings

Where applicable and unless otherwise shown, the following details for elevation drawings should be provided at a scale of 1/4" equals 1'-0":

- All major facades and all other facades not otherwise visible
- Vertical story heights, floor elevations, sill and plate heights, maximum roof height from lowest finished grade, door and window heads dimensioned and existing grades and new finished grades shown
- All exterior finish materials indicated by means of symbols, conventions, or notations and **must be consistent with the Plans, Sections, and Details.**

3.2.3.7 Wall Sections

Where applicable and unless otherwise shown, the following details should be provided at a minimum scale of 1" equals 1'-0".

- Wall sections of the main house, garage, and any other wall elements should clearly depict the structural assembly of the house. Sections are usually from the bottom of the footing to the roof rafters including the cornice overhang.
- Service Yard – Vertical section, horizontal plan, and equipment platform, if applicable
- Patio Wall Extensions, if applicable – Section from bottom of footing to top of wall
- Sections should be fully notated and dimensioned for all components.

3.2.3.8 Details

Where applicable and unless otherwise shown, the following details should be provided at a scale no smaller than 1" equals 1'-0":

- Foundation and Piers
- Cornice and Gable Rakes: Overhang Dimensions, Materials and Dimensions
- Chimney termination: Dimensions and Material
- Corner trim: Dimensions and Material(s)
- Door and Window trim including head, jamb, and sill: Dimensions and Material(s)
- Porch and Deck Framing including posts, columns, railings and stairs
- Entry and other exterior stairs
- Columns and Pilasters
- Lattice detail: Dimensions and Spacing
- Louver detail
- Banding and Frieze details
- Service Yard

3.2.3.9 Electrical Plan

Where applicable and unless otherwise shown, the following details should be provided at a scale 1/4" equals 1"-0":

- All interior and exterior lighting, and electrical outlets indicated including wall and post-mounted units and landscape lighting circuits
- Locations shown of the electric meter in the service yard and the house main distribution/breaker panel(s)
- All electrical specifications must comply with the National Electric code

3.2.3.10 Schedules

The following schedules are required:

- Window schedule – Type, size, color, and manufacturer
- Door Schedule – Type, size, and manufacturer
- Room Finish Schedule
- Electrical Symbols – on Electrical Plan

3.2.3.11 Specifications

Any written specifications pertinent to and not otherwise shown should be notated or indicated clearly on the drawings.

3.2.3.12 Landscape Plan

The landscape plan must be submitted as part of the Final Review and shall clearly indicate the following:

- Must agree with Drainage Plan drainage flow and finished grade contours
- Show locations of all trees, shrubs, lawn, ground cover and other landscape features
- Berms, swales, and other drainage control features with spot elevations
- All trees and shrubs by species and planted sizes
- Specify type of lawn sod

Lawn sod is required and must extend to the edge of the road paving and across the entire front between property lines.

3.2.3.13 Color Samples

Color samples of all proposed finishes and a front elevation at 1/4" = 1"-0" scale rendered in color may be required with the Application for Final Design Review.

All finishes are to be displayed as follows. The combination of exterior finish samples shall be submitted on a single board no smaller than 8.5" wide and 11" long. Brick, pavers, mortar, and like masonry materials must also be submitted, if applicable. **All samples must be of the actual materials including masonry products.**

Example: Sample Board (no smaller than 8.5" high x 11" long) with the order and approximate proportions:

| | | |
|---|---|---------------------------|
| * | | Roofing |
| * | | Fascia/Soffit (Cornice) |
| * | | Wood Siding (or Stucco) |
| * | | Stucco or Wood Trim |
| * | | Stucco Base/Chimney/Other |
| * | * | Shutters/Entry Door/Other |

3.2.3.14 Additions Or Alterations

In addition to other submittal requirements, the Site Plan for additions or alterations must be submitted as part of the Final Review and shall clearly indicate the following:

- A current Site Plan showing the location of the existing structure with the proposed new work clearly indicated, locations of outside corners dimensioned from the property lines, required setback lines shown, and tree removals indicated
- Photographs of the existing structure showing the areas of the new work clearly marked
- Indicate direction(s) of the photograph(s) on the Site Plan
- Floor Plan(s) and elevation at scale 1/4" = 1"-0"
- Details necessary to define the extent and intent of the proposed work
- All new work shall be **clearly** delineated
- Indicate any dismantlement (demolition) work required
- For any project that requires a Town Building Permit, a copy of the Town Permit and all changes to the plans must be filed with the ARB **prior to the issuance of the HHP Building Permit.**

When additions require the removal of existing landscaping, a new landscaping plan must be submitted which indicates proposed new or relocated plantings in the area of the new work.

3.2.3.15 Swimming Pool Submittal Requirements

The Site Plan for a swimming pool must be submitted as part of the Final Review and shall include the following:

- A Site Plan to scale showing, by dimensions, the relation of the pool and pool deck to the property lines, setback lines, and house. Show existing and new finish grade contours, drainage flow, and tree removals.
- Photographs of the area of the proposed pool including the existing landscape, trees, and natural growth
- Pool and pool deck dimensions
- Elevation (AMSL) of pool deck and finish floor elevation of house
- Location(s) of stairs or steps from house to pool deck
- Location of all pool equipment

- Structural section through pool and deck indicating depths and materials
- Samples of materials with proposed colors: tile, coping, and deck finish
- Barrier Fencing: Refer to Section 4.24.2.
- Landscape changes and additions
- Locations and types of pool and deck lighting
- Define other features: spa, waterfall, etc.
- Indicate route of mobile equipment access to pool site
- Describe disposal of excavated earth

If a pool enclosure is proposed, submit the following details:

- Dimensioned Floor Plan
- Elevation drawings of all exposed sides showing the relation to and interface with the house
- All pertinent details
- Actual samples of all materials and colors

Also refer to 4.2.6 and 4.24 for Design Guidelines.

3.2.3.16 Resubmittals & Design Conferences

It is recommended that the property owner, architect, designer, or general contractor meet with the ARB Administrator to review the ARB's comments and suggestions prior to resubmitting any disapproved plan.

After a project has been submitted for a review a second time and still has not received approval, the owner and/or the owner's representative (Architect or Designer) is required to make arrangements for a design review conference with assigned representatives of the ARB for the purpose of clarification of all ARB requirements.

No further submittals will be accepted by the ARB until after this conference is held and the ARB believes that the owner and/or the owner's representative have a clear understanding of the ARB requirement. A \$100.00 review fee is required for each such conference.

When resubmitting any project, all of the previous ARB Comments and Requirements must be responded to in written form, as well as all corrections, revisions, etc. delineated on all drawings. Failure to do so will be cause for the rejection of the entire resubmittal.

3.3 VARIANCES

The ARB has the authority to and may occasionally grant certain variances when there is valid justification and where the **variance does not have a negative impact on the adjacent properties or the neighborhood.**

All variances from these Guidelines, which are requested, must be indicated on the Application for Design Review with substantial justification narrative.

The ARB Administrator cannot grant a variance.

If, during a design review, the ARB discovers a variance that has not been requested, **the submittal may be disapproved.**

The ARB cannot grant a variance to a Covenant.

No variance can be granted which does not comply with codes, ordinances, rules or regulations of any governing authority.

3.4 APPEALS

If the ARB disapproves a design review or a change from the approved plans during construction, the owner may submit amended plans to comply with the ARB comments.

Within ten days from the date of the ARB notice to the owner of its disapproval of a Design Review or change of approved plans, the owner may make a request in writing for a hearing before the ARB at its next scheduled meeting.

If after the ARB hearing the owner disagrees with the outcome, the owner may then appeal to the POA Board of Directors for further review, according to Article I Section 7 of the Covenants.

After reviewing the facts, the POA Board may then either affirm or reject the ARB decision except those decisions based on aesthetics. In any other case, the POA Board decision will be final.

3.5 PROJECT TIME LIMITS

New Construction Projects must begin within ninety (90) days after the ARB Final Review Approval, after which a new application and appropriate fee will be required.

New Construction Projects must be completed and have ARB Final Compliance Approval within one (1) year of the ARB Final Review Approval.

Exceptions may be granted by the ARB **contingent on the receipt of a written request for an extension with an acceptable justification, prior to the expiration of the time limit.**

Additions and Alterations must be completed within sixty (60) days of the ARB Final Review Approval unless an approved extension has been granted, **in writing, by the ARB.**

3.6 REPLACEMENT AFTER DAMAGE OR DESTRUCTION**3.6.1 Single Dwelling**

According to the Covenants, Article IV, Section 2, the following applies: In the event of damage or destruction by fire or other casualty to any dwelling, if the Owner of such Single Family Dwelling Unit elects not to repair or rebuild the

damaged or destroyed Single Family Dwelling Unit, such Owner shall clear away the debris of any damage to improvements or vegetation and leave such Single Family Dwelling Unit and the Lot upon which it is located in a clean, orderly, safe and sightly condition within seventy-five (75) days of the damage or destruction. Should such Owner elect to repair or rebuild such Lot or Single Family Dwelling Unit or other improvements, such Owner shall repair or rebuild such Lot or dwelling or other improvements to substantially the same condition as existed prior to the damage or destruction, unless otherwise permitted by the ARB. Such work must be in accordance with all applicable provisions of this section, ARB guidelines and all applicable zoning subdivision, building, and other governmental regulations. All such work, repair, or construction shall commence within seventy-five (75) days following such damage or destruction and shall be carried through diligently to conclusion as per ARB regulations.

3.6.2 Major Disasters

In the instance of a major disaster affecting multiple properties, defined as the destruction of or major damage to three or more properties caused by hurricane, flood, tornado, wind or fire, the following modified procedures shall apply:

3.6.2.1 Restore The Property To Unimproved Condition Including The Removal Of Pools, If Applicable, And The Application Of Ground Cover

Upon the receipt of a written Application, the ARB Administrator will issue a permit marked "**CLEAR LOT**". No fee is required.

3.6.2.2 Demolition, Total Or Partial, And Debris Removal Prior To Restoration

Upon receipt of a written Application, the ARB Administrator will issue a permit marked "**DEMOLITION ONLY**". No fee is required. In the case of a partial demolition, a set of marked drawings shall be submitted clearly showing the portion(s) to be demolished.

3.6.2.3 Restoration Of The Property To Its Condition Prior To The Damage With No Exterior Changes

Upon receipt of a written Application stating "**NO CHANGES**", the ARB Administrator will issue a permit marked "**NO CHANGES**". No fee is required.

3.6.2.4 Restoration Of The Property With Proposed Exterior Changes And/Or Additions Or Changes Required By Current Applicable Building Codes, Ordinances, Rules, Regulations Or Guidelines

All applicable ARB review procedures apply. Refer to Section 3.0 in its entirety. Fifty Percent (50%) of the current, applicable ARB fee is required with the Application.

3.6.2.5 Arb Quorum

When Design Reviews are required, the ARB quorum requirements may be reduced from a minimum of four (4) to a minimum of two (2) eligible voting members. At the discretion of the ARB, current Alternate members may be utilized to compose a quorum; however, one (1) current regular ARB eligible voting member must be a part of any quorum. This applies to multiple disaster situations only.

3.6.2.6 All Other Guidelines Shall Govern As Applicable

3.7 POST APPROVAL CONTROL (CHANGES)

If any changes to the approved plans involving the exterior of the structure or the site are contemplated **during the course of construction**, documentation and a request for Design Review must be submitted to the ARB **prior to the execution of any changes**.

If a variance is involved, the variance shall be described and justified on an amended Application for Design Review.

Interior changes that involve a variance must also be submitted for design review as described above.

Interior changes not involving a variance must be documented to the ARB.

Any non-approved changes or violations discovered during on-site inspections will be subject to fines as scheduled and may require restoration to the approved plans.

3.8 NOTIFICATIONS

Any written correspondence stating a pending contingency or requirement of the ARB shall remain in effect until complied with and shall apply until the final compliance inspection is completed.

The ARB Administrator will provide the following notifications to the parties concerned:

- Concept Comments Only
- Preliminary Approval/Disapproval
- Landscape and Drainage Plans, Colors, and Final Approval/Disapproval
- Construction violations with fines stipulated
- Appeal decisions
- Change Approval / Disapproval

3.9 DEPOSITS

3.9.1 Escrows

The owner will deposit the following escrow with the ARB:

- For new construction, an escrow deposit of \$3,500.00 is required prior to the issuance of a Hilton Head Plantation Building Permit. This deposit is refunded, less any fines levied during construction, after the driveway

and road drainage, final grading/drainage, landscape, and final compliance inspections have been completed and approved.

- For significant additions or alterations requiring foundation work or a pool installation, an escrow deposit of \$1,000.00 is required prior to the issuance of a Hilton Head Plantation Building Permit. After the final compliance and other type inspections appropriate to the addition and/or alteration have been completed and approved, this deposit is refunded, less any assessments levied during construction.
- For alterations and re-roofing, a \$500.00 escrow deposit is required.
- For minor alterations, a \$250.00 escrow deposit is required.

For fees and charges also refer to Article I, Section 6 of the Covenants.

3.9.2 Compliance

For new construction a one-time compliance deposit of \$1,000.00 (\$500.00 for lesser projects and \$250.00 for landscapers) is required of all prime contractors. This deposit is the prime contractor's assurance that all rules and regulations will be followed. The deposit is returned, less any fines levied, upon notification that the prime contractor has ceased all building activity in the Plantation and all projects are complete and in compliance. No further Building Permits will be issued until a full compliance deposit is in effect.

3.10 ARB FEES

A nonrefundable fee must accompany the Application for Design Review, if applicable. Preliminary submissions require the final review fee. No submittal will be accepted for ARB review without the required fee paid as follows:

- New commercial or multiple family – \$1,000.00
- Single family residence 4001 + adjusted square feet – \$950.00
- Single family residence 3001 +- 4000 adjusted square feet – \$850.00
- Single family residence up to 3000 adjusted square feet – \$750.00
- Additions & alterations (covered)
 - 1000 square feet and over – \$650.00
 - 500 to 999 square feet – \$500.00
 - Up to 499 square feet – \$300.00
- Pools (as an addition or with new construction) – \$300.00
- Barriers for existing pool, spa, or hot tub – \$100.00
- Additions (uncovered), decks, enclosing covered areas, sidewalks, driveway extensions, barriers, etc. – \$100.00
- Porch enclosures (prefabricated) or Hurricane shutters – \$100.00
- Recreational equipment, satellite dishes or wells – \$50.00
- Demolition (50% or more of structure) – \$100.00
- Minor alterations 50.00 – \$100.00
- Repaint with color changes – \$50.00
- Re-roof with color change – \$100.00
- Concept or site concept review
 - New Home – \$100.00
 - Addition – \$50.00

- Re-inspections caused by owner or general contractor – \$50.00 (This applies to requested on-site inspections, each occurrence.)
- Design Review Conference – \$100.00
- Re-submittal of landscape plan after final approval and/or new landscaper – \$100.00
- Re-submittal of exterior color changes after final approval – \$50.00
- Tree removal inspection on improved lots – \$25.00 per visit

4.0 ARCHITECTURAL DESIGN GUIDELINES

4.1 AESTHETICS

THE DESIGN OF ANY NEW CONSTRUCTION OR SITE IMPROVEMENT SHALL BE CREATIVE AND SHALL NOT BE VISUALLY REPETITIVE WITH OTHER EXISTING HOMES IN THE IMMEDIATE VICINITY.

Any attempt to create a visual impact on a neighborhood will not be approved.

Any submittal that is not in aesthetic harmony and compatibility in form, finish, and color with its surroundings will not be approved.

The ARB has the authority to judge submittals solely on the basis of aesthetics, including but not limited to style, siting, massing, proportions, rooflines, fenestration, exterior finishes, details, features, colors, and compliance with the design philosophy of the ARB.

4.2 SITE PLANNING

4.2.1 Tree Removal

No trees measuring three inches (3") or more in diameter at a point two feet (2') above the original grade shall be removed without proper justification and approval of the ARB. The final decisions on tree removals will be made at the time of the stake-out inspection. Care should be exercised to protect all other trees from equipment damage and/or filling. Barriers and tree wells should be used for protection. Unauthorized removals will be fined and may require mitigation.

Avoid the removal of any tree in the road right-of-way for driveway access, where possible.

4.2.2 Fill

When determining the maximum amount of fill dirt that will be permitted to be placed above the original grade, the ARB will consider the topography of the site (existing grade elevations), the elevations of adjacent properties and structures, the impact on drainage flow, the possibility of soil erosion, and the separation distance between the proposed and existing adjacent structures.

If, in order to achieve the required finish floor elevation, the depth of new fill for a slab-on-grade floor would be excessive, systems other than slab-on-grade may be required.

The slope shall not exceed a ratio of more than four feet (4') horizontal to one foot (1') vertical, (4:1 or 25%). The actual amount of fill on a given lot will also be determined by aesthetic impact and the ability to control drainage.

4.2.3 Bulkheads

The location must be approved by the DHEC Office of Resource Management (OCRM) in writing and be current.

Bulkheads must be of all wood construction and be of the same design as those previously approved and built on the Plantation.

Returns are to be built at the ends, extending a minimum of eight feet (8') into the property or, if adjacent lots are bulkheaded, be structurally connected to the existing bulkhead(s).

Once a bulkhead is constructed, any natural vegetation destroyed during construction must be restored with similar material.

Submittals:

- Design drawings showing an elevation as viewed from the exposed (water) side and a detailed section showing the assembly of the bulkhead
- Site plan location drawing
- A current tree and topographic survey for the affected area

4.2.4 Drainage

Final grading shall be contoured to prevent any standing water and to prevent any run-off onto adjacent properties and shall be directed to the nearest available swales, ditches, culverts, and lagoons to the front and rear of the lot.

Shallow swales and low berms may be used where necessary to control drainage.

Where swales or ditches are used for road drainage, a culvert of no less than twelve inches (12") in diameter shall be installed under the driveways at an invert elevation set to the lowest elevations of the swale or ditch at each end of the culvert. See Section 7.7 and 7.8 for additional information.

4.2.5 Patio Lot Drainage

The front and the rear of the lot shall drain away from the house and into the Plantation drainage system.

Roof gutters on the patio wall side must be conducted by down spouts to behind the patio wall extensions on the house side and drain onto the subject lot and therein to the Plantation drainage system.

At the sides of the lot and between houses, a common swale shall be created using the side property lines as the center of the swale.

Between houses, a six-inch (6") minimum and a twelve-inch (12") maximum slope shall be established from the top of the finished grade at the house foundation to the center of the swale at the high point.

If the high point of the existing grade along the side property line occurs at or near either the front or rear of the lot, the swale shall drain in the direction of the natural slope of the lot.

Positive drainage must be maintained along the side property lines, between houses, and into the Plantation drainage system.

Other **effective** means of drainage, such as French drains, may be utilized to accomplish the drainage requirements.

All drainage plans must be approved by the ARB.

For guidance, refer to Diagrams 1, 2, 3 on the following pages.

Diagram 1: High Point of Swale Between Houses

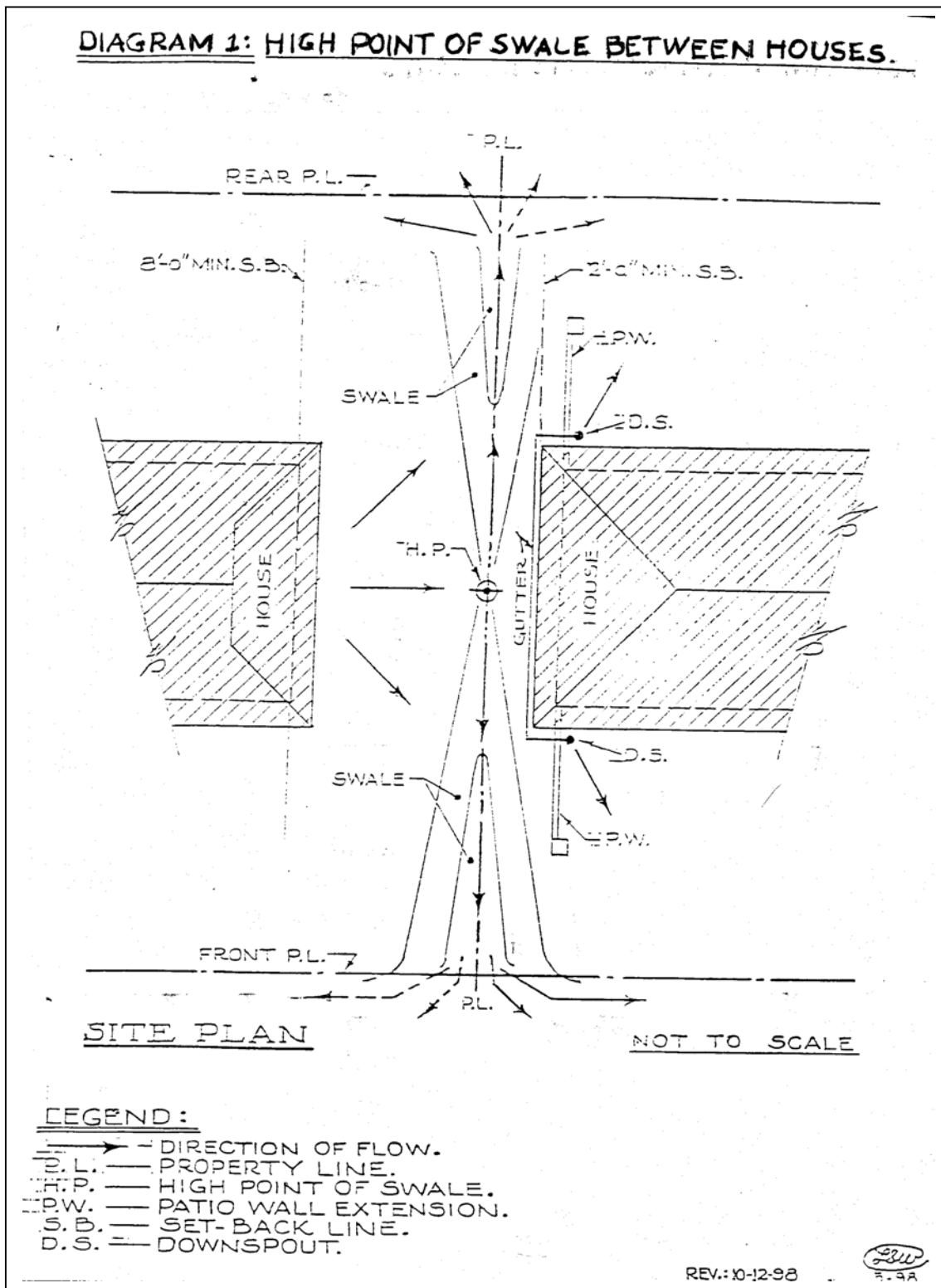


Diagram 2: High Point at Near Rear

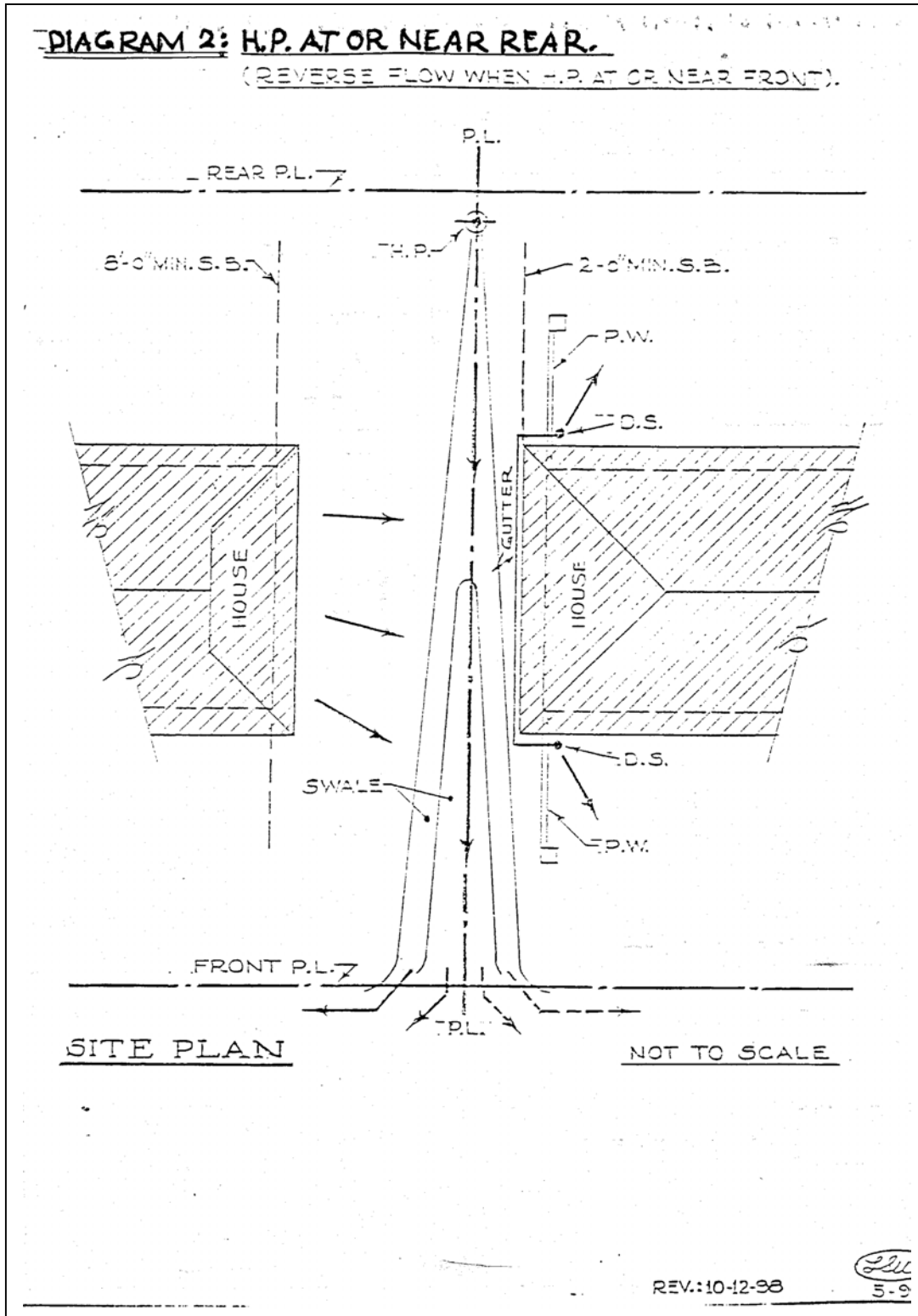
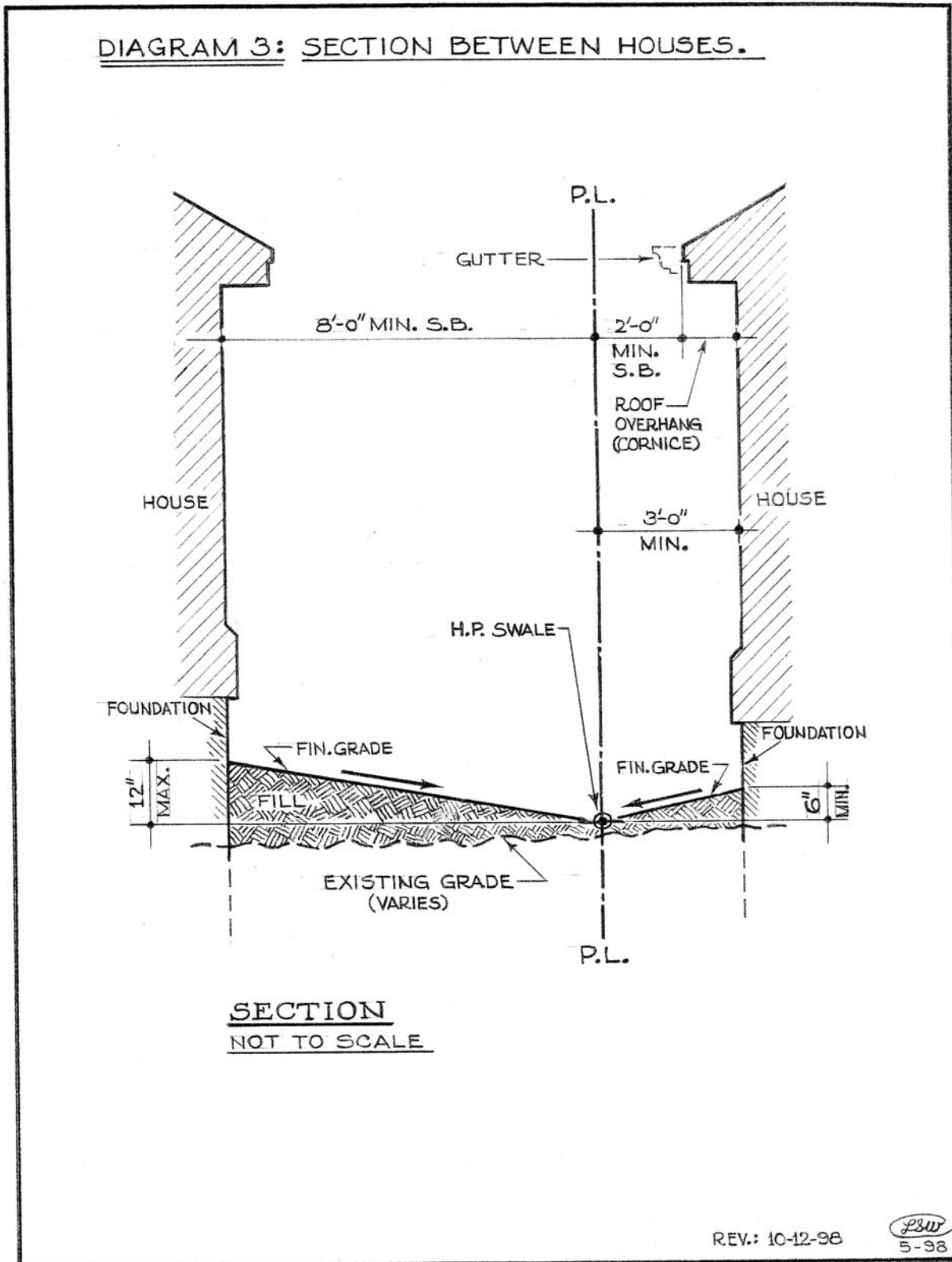


Diagram 3: Section Between Houses



4.2.5 Paving

4.2.5.1 Driveways

Driveways shall be hard paving such as concrete, textured concrete, asphalt, brick, or concrete pavers. Pine straw, gravel, shells, or other loose materials are prohibited.

Driveways must be curved (meander) wherever possible.

Any straight portions running parallel to a property line must be a minimum of five feet (5') from the property line.

Curved portions must be held a **minimum** of three feet (3') off the property line at the tangent point.

Driveways should maintain an inside turning radius of fifteen feet (15') minimum for side or rear entry garages in order to prevent over-run of the paving.

The flair of the driveway at the road paving must be held within the side property lines projected to the road paving.

The driveway width at the front property line should not exceed twelve feet (12').

Off-street parking must be provided for at least two (2) vehicles on hard surface paving excluding in-garage parking.

4.2.5.2 Entry Sidewalks

Entry sidewalks shall be hard surface paving and shall be curved (meander) wherever possible.

4.2.6 Pools

Pools include swimming pools, lap pools, and decorative landscape pools.

Pools shall be of permanent in-ground construction. Above-ground pools are prohibited.

The outer edges of any pool deck shall be no closer than ten feet (10') to a property line.

The preferred location of a swimming pool is directly behind the house. Front, side yard, and rear corner locations may not be approved.

The location of pool equipment shall be shown within a service yard or enclosure.

Landscape screening and/or low berms may be required to ensure privacy.

Diving boards and slides are prohibited.

4.2.7 Finish Floor Elevation

The finish floor is considered to be either the top of the first floor concrete slab or, in the case of a framed floor system, the top of the first floor sub-flooring.

The minimum first floor elevation of any habitable area shall comply with the required Base Flood Elevation (BFE).

Most areas require a minimum BFE of fourteen feet (14') above mean sea level (AMSL); however, certain areas that are prone to high tide surges require a higher BFE. A finish floor elevation above the BFE will be considered in relation to the finish floor elevations of adjacent structures and the visual impact on the neighborhood. Contact the ARB to confirm the required BFE for any specific property.

4.2.8 Height Limits

The maximum overall height permitted for single-family homes, **measured from the lowest point of the finished grade at the foundation perimeter** to the top of the highest roof peak or ridge shall be as follows:

- Full size lots: Forty feet (40')
- Patio lots: Thirty-two feet (32')

4.3 MINIMUM SETBACK AND HEATED FLOOR AREA REQUIREMENTS

No vertical construction other than roof overhangs, service yards, and equipment enclosures are allowed to encroach into a setback area.

The Town Building Code shall apply regarding the extent of roof overhangs on the patio wall side of patio lots. The Town setback requirements apply to all construction sites.

It may be necessary to setback the patio walls greater than the minimum in order to accommodate all requirements.

No variances are allowed on patio lot **side** setbacks.

The ARB may require greater setbacks to maintain continuity with the locations of adjacent dwellings, to reduce the impact of the height of a structure from the street, to prevent the obstruction of views from adjacent properties, or to save specimen trees.

Some separate regimes or developments may have different minimum setback and floor area requirements that shall govern.

Setbacks may vary between principal (through) roads and secondary (dead end, cul-de-sac, "T", etc.) roads.

With the exception of patio lot side setbacks, the ARB may grant certain variances in order to conform to existing, previously established setbacks on adjacent improved lots.

If uncertain about the requirements of a specific lot, confirm with the ARB Administrator. A 20' setback from the current OCRM (Ocean Coastal Resource Management) Line and a 30' setback from the average high water line (mean high tide) must be observed, where applicable.

With the exception of Patio Lots, no specific setbacks are established by the Covenants. The ARB will consider the following when reviewing the location of a residence or addition on a specific site.

- Ecological constraints
- Topography of the site
- Locations and finish floor elevations of adjacent structures
- Impact on the neighborhood
- Locations of specimen and other significant trees
- Views

The ARB reserves unto itself, its successors and assigns, the right to control absolutely and solely the siting of any house or dwelling or other structure upon all lots within the Plantation. Such location shall be determined only after reasonable opportunity is afforded the lot owner to recommend a specific location.

Certain specific setbacks, minimum square feet, minimum finished floor recommendations, and limitations on certain company models were established by the Hilton Head Plantation Company and are, generally, still in force.

In addition to the above, the following general setbacks apply:

Full Size Lots

- Principal (through) roads: 30' to street property line (PL); 20' left and right sides; 20' to rear PL unless on golf course, marsh, creek or sound front, then the setback shall be 30'. *
- Secondary roads (dead end, cul-de-sac, "T", etc.): 20' to street PL; 20' left and right sides; 20' to rear PL unless golf course, marsh, creek or sound front, then the setback shall be 30'.

Patio Lots

- Principal roads: 30' to street PL; 8' viewing side, 2' minimum on patio wall side; 20' to rear PL unless golf course, marsh, creek or sound front, then the setback shall be 30'. *
- Secondary roads: 20' to street PL; 8' viewing side; 2' minimum on patio wall side; 20' to rear PL unless golf course, marsh, creek or sound front, then the setback shall be 30'. *

* In any case hold minimum of 20' from coastal critical line.

The following is a listing of some, but not all, minimum setback and floor area requirements by subdivision.

BEAR CREEK

Minimum sq. ft. 1,800 Big Bear and Little Bear Islands

BIRKDALE COURT

Minimum sq. ft. 2,000

Garage req. (16' min. width)

Standard 2' and 8' sideline setbacks

COUNTRY CLUB COURT

Minimum sq. ft. 2,000

Garage req. (16' min. width)

Standard 2' and 8' sideline setbacks

Substantial landscaping req. for Lot #6-18

CROOKED POND

Minimum sq. ft. 1,800

Lot #224-241 - all houses built on these lots should have a minimum ground floor elevation of 16' above mean sea level.

DEERFIELD

Lot 29 and 30 - Purchaser must sign statement of intention for substantial landscaping.

DOLPHIN HEAD

Garage or car screening req. for Cottonwood and Sugar Pine Lanes

Minimum sq. ft. 1,800 Bent Tree Lane

Minimum sq. ft. 2,500 Bluff Front, full size lot

Minimum sq. ft. 2,000 Bluff Second Row

DOLPHIN POINT CLUB**BLUFF FRONT LOTS**

Minimum sq. ft. 1,500

Must fall within building envelope as indicated on subdivision plat

Patio wall must extend within 5' of Bluff Front property line and 20' from street property line

Nothing (including plantings higher than 3') allowed in either side of setback area in the total 15' view corridor.

SECOND ROW LOTS

Minimum sq. ft. 1,500

Must fall within building envelope as indicated on subdivision plat.

Patio wall must extend within 20' of street property line.

Parking req. behind house unless otherwise approved by ARB.

In NO CASE will parking be allowed in the 17' space between building envelope and property line as shown on the subdivision plat.

DRAYTON PARK

Minimum sq. ft. 2,000

15' side yard setbacks and 20' front and rear, except Lots #9 thru 23 and 30 thru 32, these should maintain 30' rear setbacks.

ELLIOTT POINT

Garage req. full size lots (min. 16' width)

Sideline setbacks 15' from each sideline on full size lots

Minimum sq. ft. 1,800

HEADLANDS

Minimum sq. ft. 1,500

Lot #206 Summer Breeze Court - 30' setback from lot line must be maintained in relationship with golf course.

HICKORY FOREST

20' from rear and side lot lines for full size lots

30' from street for full size lots

20' from rear lot lines for patio home sites

25' from street lot line for patio home sites

Standard patio sideline setbacks apply

Minimum sq. ft. 2,500 for sound front

Minimum sq. ft. 1,800 for other lots on north side of Hickory Forest Drive

Minimum sq. ft. 1,500 for all other lots

HIGH BLUFF

30' front setbacks

20' rear setbacks

20' side setbacks

MANOR COURT LANE

25' front setbacks

20' rear setbacks

15' side setbacks

MYRTLE BANK

Minimum sq. ft. 2,500 for Sound Front (Lots #8-16 Oyster Shell Lane)

Minimum sq. ft. 2,000 for Second Row (Lots #7, 25, 26, & 17 Oyster Shell Lane)

Minimum sq. ft. 1,800 for full size fairway lots and all other lots on Oyster Shell Lane

Minimum sq. ft. 1,500 for full size non-fairway and patio lots

Patio lots (The Rails) minimum standard size 70' w x 110' d or 70' w x 120' d

Rear lot setbacks 15' (due to wide fairways and large open spaces)

Several patio lots have 10' parking easements

OYSTER REEF

Minimum sq. ft. 1,800

OYSTER REEF COVE

Minimum 1,800 ft. - 20' to street, 8' on sides and 20' to rear for non-golf, 30' to rear for golf course lots

OYSTER REEF CROSSING

Single-story - 2,000 sq. ft. min.

Two-story - 1,800 sq. ft. min. ground floor, no more than 1/3 heated on second floor
setbacks: 25' front, 20' rear, 10' sides

PALM VIEW DRIVE

25' Front setback

20' Rear setback

20' Side setbacks

PARCEL VII

30' Front and Rear yard setbacks

15' Side yard setbacks

2 car garages required

2 car back-in turnarounds required

PINELAND

Garage or car screen req. for Whitetail Deer, Bobcat, and Quail Walk Lanes

Lot #2 Teal Lane - 14' side yard setbacks due to unusual size configuration

ROOKERY

Minimum sq. ft. 1,800

SANTA MARIA DRIVE: Lots A through H (Tract "A-A")

25' Front setback

30' Rear setback

Privacy Side: 3' (Roof Overhang 2')

View Side: 24'

SEABROOK

2,400 sq. ft. min. adjusted

SEABROOK LANDING

Interior lots: 30' front, 20' rear and side setbacks

All other lots: 30' front and rear, 20' side setbacks

SEABROOK WEST

2-car garages required

15' side line setbacks

30' front and rear yard setbacks

SKULL CREEK NORTH

Lot #28 Margarita Court - 15' rear yard setback

Lot #538 - 20' setbacks

Rear yard setbacks on Christo Drive 30', but may allow lesser setback depending on circumstances

Flagship Lots - waterfront - minimum sq. ft. 2,000

Flagship Lots - fairways - minimum sq. ft. 1,800

SKULL CREEK SOUTH

Minimum sq. ft. 1,800 for full sized lots

Minimum sq. ft. 1,500 for patio lots

SKULL CREEK WEST

Minimum sq. ft. 2,000

Garage req. (18' min. width)

Sideline setbacks are 15' for all lots

SPRING LAKE

Minimum 1,500 sq. ft. for patio lots

Minimum 1,800 sq. ft. for full sized lots

STONEGATE

Outside Lots: Setbacks: 10' front, 20' rear. Garage at front

Inside Lots: Setbacks: 20' front, 10' rear. Garage at rear. Privacy wall at rear.

Side Setbacks: To comply with Town of HHI Codes.

Minimum Heated: 1800 sq. ft.

SUNSET PLACE

Minimum 1,800 sq. ft.

Outside Lots: 10' front, 20' rear, garage at front

Inside Lots: 20' front, 10' rear, privacy wall at rear

Sides to comply with Town codes

TALBIRD

Full sized home sites adjacent to the Intercoastal Waterway: Minimum sq. ft. 2,200

Garage req. (16' min. width)

Other full-sized home sites: Minimum sq. ft. 1,800

Garage req. (16' min. width)

Sideline setbacks are 15' from each sideline on full-sized lots.

Patio home sites adjacent to Intercoastal Waterway: Minimum sq. ft. 1,800

Garage req. (no min. width)

Standard 2' and 8' sideline setbacks

Patio non-Intercoastal Waterway home sites: Minimum sq. ft. 1,700

Garage req. (no min. width)

Standard 2' and 8' sideline setbacks

4.4 ROOFS AND ROOFING MATERIALS

4.4.1 Roof Pitch

The roof pitch shall not be less than a ratio of 6:12 except on double-pitch roofs where the lower pitch may be no less than 4:12.

4.4.2 Overhangs

Cornice and gable rake overhangs shall be appropriate for the proportions and style of the house and consistent throughout the design.

Overhangs shall be measured from the outside face of the sidewall framing in the horizontal plane of the soffit, excluding fascia trim, as follows:

- Main Roof Cornice: Not less than twelve inches (12")
- Major Gable Rakes: Not less than eight inches (8")

4.4.3 Approvable Materials

The following are approved materials for roofs:

- Asphalt/Fiberglass Shingles: Class A, minimum 30-year warranty, fungus-resistant
- Standing Seam Metal: 16 ounce Copper, Factory-Finish Paint or Terne Metal only
- Wood Shakes: Acceptable, but not recommended. Fire retardant treatment is required. Assembly must be in accordance with Town code.
- Others: Judged on the basis of compatibility with house design and location

4.4.4 Flat Roofs (2:12 Pitch Or Less)

Flat roofs are not recommended because of aesthetics, drainage problems, debris collection, and maintenance. Flat roofs may be acceptable if they are a minor element that blends into the overall design and drainage will be effective.

4.5 EXTERIOR FINISH MATERIALS, DETAILS AND FEATURES

4.5.1 General

Exterior finish materials and feature details such as entrance porticos, bay windows, etc. shall be appropriate and in harmony with the design of the structure and shall be consistent throughout. A variety of different details and strong identifying features will not be approved. Caution should be exercised in the use of quoins, keystones, columns, and multiple window styles.

4.5.2 Acceptable Siding Materials

Acceptable exterior materials include vertical or horizontal wood siding, stucco, brick, and rough-sawn or smooth wood trim. Other manufactured materials will be considered on an individual basis.

Manufactured cement-based horizontal, lapped siding may be approved, **providing the exposure is no greater than five and one-half inches (5-1/2").**

Vinyl siding and trim is not recommended but may be approved if, in the opinion of the ARB, the material is of high quality. If proposed, samples of **all components must be submitted for ARB review.**

4.5.3 Materials Not Acceptable

Plywood siding (TI-II), aluminum siding and trim, and any products or materials not considered indigenous to the Island are not acceptable.

4.5.4 Finished Surfaces

All exterior surfaces eight inches (8") or more above the finished grade shall be finished with an appropriate material. Formed concrete, concrete block, or other masonry, except brick, shall have a stucco finish. **Paint finish is not acceptable on concrete or masonry surfaces.**

4.6 EXTERIOR COLORS

4.6.1 General

No exterior color shall be applied to any new or existing construction without the submittal of an Application for Design Review, samples, and the approval of the ARB. For new construction, colors, and samples must be included for final review.

Exterior colors are for the following:

- Roofing
- Wood Siding and Trim
- Stucco Siding and Trim
- Fascia
- Soffits
- Columns
- Pilasters
- Quoins
- Front Entry Door and Trim
- Exterior Doors
- Garage Doors
- Window Sash
- Frames and Trim
- Window mullions and muntins
- Shutters and all other visible details.

Garage doors shall match the adjacent siding color.

All colors shall be compatible with those within the visible area and shall not be visually predominant, contrasting, or attention-drawing within the context and character of the neighborhood. Colors that may be acceptable and approved within a certain area may not be appropriate or approved for another area within the Plantation.

The above also applies to any subsequent exterior additions, alterations, or repainting.

4.6.2 Color Guidelines

Muted, nature-blending colors are preferred.

The use of the color white is discouraged and may not be approved.

Avoid multi-color schemes: Excluding the roof, a maximum of two (2) main colors is recommended.

Avoid high-contrast color schemes. Those color choices for roofing, siding, fascia, door and window trim, shutters, doors, columns, pilasters, quoins and feature details that would result in a layered, striped, checkered, or banded effect will not be approved. Subtle shade or texture definitions should be selected. Trim can be a **slightly** contrasting color, but must also be complimentary to the remainder of the house. The fascia is a transition from roof shingle to siding and colors should be a subtle change rather than a highlight.

Service yards and equipment enclosures shall match the adjacent siding color.

Actual samples, viewed under outside-light conditions, both in sun and shade, should be used as criteria in selection. **Avoid using small color chips as the basis for selection.**

Very light shades of roof shingles will not be approved, are not considered appropriate, and will show mildew staining more than the darker colors.

Very dark shades of roof shingles will not be approved, present too much visual contrast to acceptable siding and fascia colors, and are not energy efficient.

4.7 RE-PAINTING

Prior to the repainting of any existing structure, the property owner or the contractor must submit an Application for Design Review to the ARB with samples of the proposed color(s) requested, **even if the selection is believed to be the same as that on the existing dwelling.**

The Application for Design Review is available at the ARB Office.

No repainting procedure is to commence until ARB approval notification is received in writing.

4.8 RE-ROOFING

Prior to the installation of any new roof, the property owner or licensed contractor must submit an Application for Design Review to the ARB with a sample of the proposed material. The predominant color of the house siding and trim shall also be stated on the application.

A \$500.00 compliance deposit is required. The compliance deposit is returned after completion of the project.

No re-roofing work is to commence until ARB approval notification is received in writing.

The requirement for Exterior Colors, Section 4.6, previously stated, shall apply.

For Asphalt/Fiberglass Roof Shingles, also refer to Sections 4.4.3. and 4.6.2.

4.9 PATIO HOMES

Privacy is our prime concern.

4.9.1 Preface

Two-story homes on patio lots may not be allowed in some locations because of the character of the neighborhood (predominantly one-story homes) and the possibility of overview problems.

Story and one-half patio homes may be allowed if in keeping with neighborhood, the roofline (cornice) is expressed as one story and there are no overviews.

If uncertain about the acceptance of the design of a patio home in a specific location, the ARB recommends that a conceptual proposal be submitted.

4.9.2 Patio Walls

Patio Walls are also referred to as Privacy Walls in the Class "C" Covenants.

4.9.2.1 Definition

Patio walls are the exterior walls of a Patio Home that are erected along the patio wall side that provides privacy, both to the interior and outside areas of the adjacent property. This includes the exterior walls of the dwelling itself as well as the walls attached to and beyond the dwelling that are herein referred to as Patio Wall Extensions.

Also refer to the Class "A" Covenants, Article VI, Section 3 and the Class "C" Covenants, Section 6, Paragraph 1.

4.9.2.2 Openings

Walls must be solid construction with no openings allowed that includes, but is not limited to, doors, windows, kitchen cook top vents, clothes dryer vents, and fireplace through-wall exhaust vents.

4.9.2.3 Patio Wall Extensions

Patio Wall Extensions shall be solid construction with no openings, be a minimum of six feet (6') in height above the house main floor finish elevation, have a solid masonry base closure to a minimum of six inches (6") above the finished grade with a suitable footing, have a twelve inch (12") minimum return at the free end and **extend beyond the house far**

enough to ensure privacy to both the occupants and the adjacent property owners.

Patio Wall Extensions may extend into the setback areas as necessary to ensure privacy, but shall not extend nearer than ten feet (10') from the front or rear property line. Actual length is determined by an on-site inspection.

4.9.2.4 Free-Standing Patio Walls

Freestanding Patio Walls may be allowed if space permits and the walls are designed to be compatible with the exterior walls of the house.

4.9.2.5 Design

Patio Wall Extensions shall be designed with patterned or textured details to add interest and must harmonize with the other exterior walls of the house. Avoid "blank" walls.

4.9.3 Buildable Lot Area

The first floor enclosed area of a Patio Home, including the exterior walls of house and garage, may not cover more than 40 percent (40%) of the entire area of the Patio lot.

In order to assure proper drainage, the amount of impervious paving, including, but not limited to, pools, pool decks, driveways, walks, patios, terraces, and other soil-bearing slabs may be limited at the discretion of the ARB.

4.9.4 Gutters And Downspouts

Gutters and downspouts must be installed on the patio wall side of the roof except where adjacent to an open space no less than twenty feet (20') in width, or the roof pitch "slope" (gable ends) diverts the water run-off.

Downspouts must discharge on the house side of the patio wall extensions.

Gutters may extend into the 2' cornice setback area.

4.9.5 Roof Overhangs

Patio wall side roof overhangs, **excluding gutters**, shall not encroach beyond a 2' setback from the property line per Town Building Code Requirements.

4.9.6 Overviews

AN OVERVIEW OF THE INTERIOR LIVING AND EXTERIOR RECREATIONAL AREAS OF ADJACENT PROPERTIES FROM SECOND FLOOR DOORS, WINDOWS, BALCONIES, DECKS, ETC. IS PROHIBITED.

To prevent the possibility of any overviews of adjacent properties **from the second floor** of a dwelling, the following restrictions apply:

- Windows or any other openings that are within eye level are prohibited in the exterior walls of **both sides of the second floor**.

- Overviews from windows, doors, porches, decks, balconies, etc. from the second floor **at the front and rear are prohibited**.
- In order to prevent overviews from these locations, wall extensions, structural screens, recessed windows, or other **effective** means are required.

4.10 WINDOWS

Windows shall be compatible and appropriate for the style of the house.

Windows shall be consistent in style on all sides of the structure.

Single or double hung windows may not be approved unless converted to multiple-pane by the use of muntins (grilles or grids) appropriate to the style of the house.

Window glass may be clear, bronze tint, or gray tint but shall not be of any other color.

Glass with reflective coatings or film shall not reflect over fifty percent (50%) of ambient external light.

Decorative stained glass may be acceptable if appropriate for the house design and used sparingly.

Clear/beveled and etched leaded glass for main entry units is acceptable if appropriate for the house design.

The use of glass block may not be approved.

4.11 GARAGES AND CARPORTS

4.11.1 Garages

All new residences shall have an attached, enclosed garage or provisions for under-house garaging.

Under-house garages shall be visually enclosed and provided with doors.

An application for an originally **unplanned garage addition** may not be approvable if setback variances are required or if the design is not compatible with the existing house.

Freestanding garages may not be approved. The ARB recommends that garages be structurally connected to the house and appear as an integral part of the structure.

Side entry-garages are preferred whenever possible.

Full Size Lots – It is required that a two-car connected or internal garage be included.

Patio Lots – Garages more than twenty-four feet by twenty-four feet (24' x 24') in area will not be approved.

4.11.2 Carports

New carports are no longer permitted.

Existing carports may remain as built.

Any proposal for an addition to or alteration of, including bonus rooms above, an existing carport must provide for converting to a totally enclosed garage with doors.

4.11.3 Above Garage "Bonus" Rooms

An above-garage bonus room element shall not be a predominant feature of the overall design. It shall blend with the main portions of the house in style, massing, proportions, and rooflines. **Avoid poor proportions, i.e. two-story bonus room element versus one-story house.**

The highest roof ridge or peak shall not exceed the height of the highest point of the roof of the main house and the roofs shall be connected.

An increased setback of the walls of a bonus room may be required in order to reduce the impact on the street and/or adjacent structures. Access to a bonus room shall be only from the interior area of the dwelling.

4.12 SERVICE YARDS

At least one service yard is required on each house.

The service yard shall be adequate in size to contain all outside equipment and storage, including, but not limited to, heat pump compressors, **electric meter**, water treatment equipment, propane tanks, swimming pool pumps, filters, heaters, any exposed piping, irrigation system controls, two (2) thirty (30) gallon trash receptacles, and any equipment not otherwise stored within enclosures.

The service yard shall have a concrete floor and **visually solid enclosing walls** not less than six feet (6' 0") in height above the service yard slab, be of the same color as the adjacent house siding, and have a latched access gate.

The location(s) shall be planned to be as visually unobtrusive as possible, utilizing house walls and offsets wherever possible while providing convenient access for trash removal.

Service yards at the front of the house are not recommended and may not be approved. If approved, service yards are considered a part of the main structure, must be entirely within the required front setback area, and must be designed to blend with the overall design of the structure.

If any part of the electric meter housing is visible above the service yard walls, the electric meter housing must be painted to match the color of the wall on which it is mounted.

Setback requirements – A service yard can encroach into the setback area but shall be no closer to the side property lines than the following:

- Lots with 20' side setback – twelve feet (12')
- Lots with 15' side setback – eight feet (8')
- Lots with 10' side setback – four feet (4')
- Patio lots 8' side setback – three feet (3')

4.13 EQUIPMENT ENCLOSURES

All exterior equipment not contained within a service yard including, but not limited to, additional heat pump compressors, pool equipment, water treatment equipment, propane tanks, etc. shall be totally enclosed with visually-solid walls to a height of a minimum of six inches (6") above the highest part of any equipment and piping enclosed therein.

Equipment enclosures must blend with the house.

Landscape plantings **cannot** be used to screen exterior equipment.

4.14 CHIMNEY TERMINATIONS

Chimney terminations must be decorative.

If metal windscreens are used, they must be standing-seam design and may be copper, aluminum, galvanized steel, or terne metal.

Aluminum and galvanized windscreens shall be painted with a primer coat and a coat of exterior enamel that shall be compatible with the color of the chimney.

Masonry or masonry-look chimneys need not use metal windscreens if the chimney termination design is decorative and a low silhouette metal flue cap is used.

4.15 FOUNDATION TREATMENTS

In the case of a framed floor system, the space between the finished bottom on the main floor framing and the finished grade, between foundation piers or support posts, and all openings in masonry foundation walls shall be visually closed. This includes open spaces under decks and outside stairs.

The following are acceptable methods:

- Lattice panels with closely spaced slats, 1-1/2" maximum openings and a minimum of 3/8" thick x 1-1/2" wide slats
- Horizontal wood louvers
- Others reviewed on an individual basis
- All exposed raw concrete or masonry surfaces that are eight inches (8") or more above finished grade shall be finished with stucco or other suitable material.

Painted concrete or masonry surfaces are prohibited.

4.16 FENCES AND BARRIERS

No fence, including deer fences, shall be erected on any private property, except barriers (fences) for exterior swimming pools, spas, and hot tubs. (See Section 4.24.2)

4.17 COURTYARD AND PRIVACY WALLS

Patio lot wall extensions are not applicable for courtyards and privacy walls. (See Section 4.9.2)

Courtyard and privacy walls are considered vertical construction and shall not encroach into any required setback areas.

Courtyard and privacy walls shall be designed to appear as an integral part of the structure and shall be attached thereto.

Gates of appropriate design and material may be included as a part of the walls.

Courtyard and privacy walls shall be no higher than four feet (4') from the finished grade to the highest part.

Individual regimes and subdivisions may require or allow different conditions than those stipulated above. Confirm with the ARB for any requirements that may apply to a specific location.

4.18 FREE STANDING STRUCTURES

A freestanding structure includes, but is not limited to, gazebos, pavilions, front entry features, trellises, pergolas, and arbors. A freestanding structure **shall be located within the required setback areas** and shall be harmonious in design, scale, materials, landscaping, and color of the house.

4.19 WOOD DECKS

Wood decks are considered to be vertical construction if **any part** is more than eighteen inches (18") above the finished grade.

Railings, stairs, fixed benches, and planters are considered to be a part of the deck and must comply with the rules for vertical construction.

Any deck over twenty-four inches (24") above finished grade must have perimeter railings, benches, or planters.

Open spaces between the bottom of the perimeter framing and the finished grade as well as the spaces below stairs and landings shall be visually closed with close-spaced lattice, louvers or by other acceptable methods.

All vertical surfaces must be painted to match a house color as appropriate.

4.20 HURRICANE PROTECTION

Manufactured hurricane protection systems may be permitted for the covering of openings in the exterior walls of dwellings subject to the following:

- All contemplated installations must be submitted to the ARB for review.
- The ARB will judge each request for hurricane protection solely on aesthetics and on a case-by-case basis.
- Submittals shall include:
 - Application for ARB Review
 - Exterior elevation drawings at ¼"=1'-0" scale with all proposed permanently fixed window and door protection components clearly shown in the open position and to scale
 - Photographs of the exterior facades affected with the locations of all permanently fixed components marked thereon
 - Sample or clearly delineated catalog cuts of the proposed system
 - Sample of the proposed color on the actual material
- The **aesthetics** of the hurricane protection shall be appropriate for the design of the structure and be as unobtrusive as possible.
- The **color** of the permanently fixed components shall match the color of the surface to which they are attached.
- For **new construction**, the hurricane protection shall be built in to appear as part of the house trim.

Hurricane protection components **shall not** be used in the closed position to secure a dwelling during an owner's absence other than after an official declaration of hurricane watch or the threat of a severe tropical storm.

Openings in a dwelling utilizing hurricane protection **shall be uncovered or opened** as soon as possible after the storm has passed and re-entry into the Plantation is permitted.

4.21 EXTERIOR LIGHTING

Exterior lighting may be utilized to illuminate driveways, walks, entries, and landscape features. All landscape lighting should be included as part of the landscape plan and located within the property lines.

Landscape fixtures must be mounted low to the ground, be low intensity, and be limited in number.

General illumination of the house is prohibited.

Low intensity post-mounted lamps are permitted, but are limited to a maximum of two (2) per house and must be located within the property lines.

House-mounted floodlights are permitted for temporary illumination only and are to be used for limited periods of time for emergency and exterior access.

Wall mounted lamps are permitted, but must be low intensity, mounted near doorways only and limited in number.

All lighting shall be shielded, directed, and controlled to prevent annoyance to neighbors.

Colored lighting is not allowed for house exterior or landscape illumination.

Miniature **white** lights may be used for outdoor holiday decorations. **Colored lighting for holiday decorations is discouraged.**

4.22 KITCHENS

No more than one (1) full-service kitchen, equipped with major appliances, is permitted per dwelling.

Kitchenettes in bonus rooms and other service areas intended for entertainment purposes are permissible but can only contain such features as a wet bar, wet bar-type sink, microwave oven, under-counter refrigerator, ice maker, glassware, and china storage.

4.23 EXPOSED EXTERIOR STAIRS

Exposed exterior stairs that would directly access a second floor or bonus room area are prohibited.

4.24 SWIMMING POOLS

4.24.1 Swimming Pool Enclosures

Swimming pool enclosures are considered vertical construction and shall not encroach into the required setback areas.

It is recommended that pool enclosures be architecturally designed to ensure compatibility with the house design.

The shape of the enclosure must blend and be in harmony with the proportions of the house and its rooflines.

The framing and screen color or other enclosure material must blend and be in harmony with the house siding color. High contrast colors may not be approved.

Prefabricated enclosures may be approved if setback, shape, framing, and color requirements are met.

4.24.2 Barriers For Exterior Swimming Pools, Spas & Hot Tubs

All proposals must be submitted to the ARB for review.

4.24.2.1 Definition

Barriers are erected to totally enclose swimming pools, spas, and hot tubs for the purpose of preventing unauthorized access.

4.24.2.2 Design Guidelines

Barriers shall totally enclose the perimeter of the deck. Barriers shall be four feet (4'0") high measured from the top rail to the surface of the deck. Barriers of a visually open type are required outside the setback lines. Stucco components may be acceptable, if appropriate, when combined with visually open sections when outside the setbacks. Additional landscaping may be required around the outside of or beyond the barrier for visual screening. The design, materials, and colors must aesthetically complement the house, and the ARB will judge the design, materials, and colors based on aesthetic appropriateness.

Acceptable materials, if appropriate, include:

- Wood or metal pickets
- Wrought iron type metal
- Balusters within rigid balustrade framing
- A combination of stucco or masonry elements with visually open wood or metal sections

Unacceptable materials include:

- Standard chain link with pipe framing
- Metal or plastic slats, boards, or panels

4.24.2.3 Submittal Requirements

Submittal requirements include:

1. A **dimensioned** site plan showing the locations of the following:
 - Property lines
 - Setback lines
 - Pool, spa, or hot tub
 - Deck
 - The house in relation to the pool, spa, or hot tub
 - The proposed location of the barrier
2. A vertical section and details of the barrier if site-built or illustrative literature if prefabricated, manufactured components
3. Samples of actual materials with proposed color finishes
4. Landscaping – **Clearly** indicate the locations of all existing and proposed new plantings. Specify sizes and species.

4.24.2.4 Encroachments

Barriers are considered vertical construction.

Barriers that will encroach into required setback areas may be approved as a variance, if, in the judgment of the ARB, no adjacent properties are adversely affected.

4.24.2.5 Compliance

It shall be solely the property owner's responsibility for compliance with all other applicable codes, rules, regulations, or insurance company construction and safety requirements.

4.24.2.6 Liability

Neither the POA nor the ARB shall be held liable in any way for any ensuing legal litigation pertaining to barriers.

4.24.2.7 Barrier Additions To Existing Swimming Pools, Spas, And Hot Tubs

ARB Review Fee – \$100.00

4.24.3 Pool Backwash

Pool backwash water shall not drain into a marsh, lagoon, or the Plantation drainage system. Backwash must be disposed of on site according to DHEC (Department of Health and Environmental Control) regulations.

4.25 OTHER**4.25.1 Flags And Free-Standing Flagpoles**

An application must be submitted to the ARB for review and approval prior to installation.

The location of the flagpole must be within property lines.

Poles shall be no higher than twenty feet (20') from finished grade to the top of the pole.

Flags shall be no larger than three feet by five feet (3' x 5').

4.25.2 Unit Air Conditioners

Visible through-wall or window-mounted units are prohibited.

4.25.3 Solar Collectors

Solar collectors are prohibited where visible to any neighbor or from the street or golf course.

4.25.4 Wells

Wells for landscape irrigation and heat pump operation may be approved. Prior to installation, an application must be submitted to and approved by the ARB. An application form, additional information, and requirements are available at the ARB office.

A Town of HHI permit is required.

Above-grade wellhead piping must be visually screened. Effective landscaping plantings may be acceptable.

4.25.5 Sun Control Devices

Metal awnings are prohibited.

Fabric window awnings may be approved if compatible with the house design and of a solid color that blends with the house color(s). **Stripes may not be approved.**

Deck, patio, and terrace awnings may be approved if the above conditions are met.

4.25.6 Clothes Lines

Visible clothesline, poles, or devices for clothes drying are prohibited.

4.25.7 Dog Runs/Pet Yards

Enclosures must be approved by the ARB. Visible wire-type fencing is prohibited.

4.25.8 Manufactured Screened Porch Enclosures

Metal porch enclosures must be installed on the **inside** of existing or new screening and match or blend with existing windows and doors.

4.25.9 Manufactured Sun Room Additions

Manufactured sunroom additions must be appropriate for the style of the house and blend with the massing, rooflines, and color.

4.25.10 Antennas/Satellite Dishes

No transmission antenna of any kind may be erected anywhere on the property unless approved in writing by the ARB. No direct broadcast satellite (DBS) antenna or multi-point distribution service (MMDS) antenna larger than one meter in diameter may be placed, allowed, or maintained upon any portion of the property, including a Lot. Only DBS and MMDS antennas one meter or less in diameter and television broadcast service antennas may be installed in accordance with the Federal Communications Commission (FCC) Rules and Regulations and the POA covenants.

Location, size, and color must be submitted in writing to the ARB for administrative approval.

4.25.11 Viewing Platforms

A viewing platform is a temporary platform, reached by a stair that is placed on an unimproved property for the purpose of establishing view points related to the siting of contemplated new construction.

A request for a viewing platform must be submitted to the ARB for review and **shall not** be placed on any property without approval.

If approved, the platform must be stored on its side in order to prevent unauthorized use and erected upright only when in actual authorized use.

The submittal requirements for a viewing platform include the following:

- A completed application for viewing platforms on unimproved lots

- A Site Plan indicating the proposed location of the viewing platform
- A description or illustration of the proposed height, materials, and color of the viewing platform
- Proposed dates for placement and removal

5.0 LANDSCAPING GUIDELINES

5.1 INTRODUCTION

After the completion of construction, all properties shall be landscaped. The landscape design shall be appropriate and adequate for the size, shape, topography, and location of the lot and shall complement the design of the dwelling as well as the context of the neighborhood.

The landscaping must complement the approved drainage plan. After the house construction is complete and before any landscape work may begin, all planned fill must be in place and the final grade established and approved by inspection by the ARB. Failure to adhere to this provision may result in fill being removed at the owner's expense and fines levied.

5.2 OBJECTIVES

The purpose of landscaping is to:

- Remove the new construction scar from the site
- Soften the vertical elements, the corners, solid wall areas, foundations, piers, and other elements with foundation plantings in scale with the structure
- Screen service yards, equipment enclosures, and parking areas
- Blend with the existing natural vegetation and landscape of adjacent properties

5.3 SUBMITTAL REQUIREMENTS

Landscaping plans must be submitted as part of the Final Approval review documents, must be executed on an overlay of the actual drainage plan, and must show all drainage and site features.

5.3.1 Landscape Plan

A landscape Site Plan at a scale of either one-eighth inch (1/8") or one-tenth inch (1/10") equals one foot (1') and indicates the following:

- Lot number, property lines, and locations of adjacent dwellings with bordering landscaping
- All adjacent features including, but not limited to, roads, walks, leisure paths, golf courses, golf cart paths, lagoons, swales, ditches, culverts, designated wetlands, marshes, coastal critical lines, retaining walls, bulkheads, etc.
- Locations of all existing trees over three inches (3") in diameter measured at two feet (2') above grade and specify species
- Surrounding open space and natural vegetation
- On-site natural vegetation that is to remain
- The locations of the footprints of all vertical and horizontal construction including swimming pools and pool decks

- The locations of all proposed shrubs, trees, planters, planting beds and gardens
- The size in gallons or planted height, the number to be planted, species of all shrubs and trees specified either on the landscape plan or on a coded separate listing
- The extent of all lawn and ground cover areas
- Swales, berms, and other drainage control features with spot elevations
- The material of all hard surfaces
- Tree wells
- Landscape lighting, if applicable
- Locate and describe all ornamental features, if applicable

Submit drawing prints only. Original drawings will not be accepted.

5.3.2 Phased Installations

A phased plan may be approved only if all objectives stated above are met by the first phase.

If phased, the plan must **clearly** indicate the first phase installation by the **use of color highlight**.

5.3.3 Structural Additions

Any request for a design review of an addition to an existing dwelling shall include a landscape plan showing, as applicable, all new or relocated plantings and shall specify the number to be planted, the size, and the species.

5.3.4 Major Landscaping Changes Or Additions

If significant (25% or more) changes or additions to an existing landscape are contemplated, an Application for Design Review must be submitted to and approved by the ARB prior to the commencement of any work.

A complete plan showing all existing landscaping and the proposed new work must be submitted.

All new work shall be **clearly** indicated by the **use of color highlight** and all planting material specified as to the number to be planted, the size and species, as well as the extent of any new lawn or ground cover areas.

5.4 DESIGN GUIDELINES

5.4.1 General

Careful consideration should be given to the height and spread of all plantings **at maturity**. Foundation plantings should be appropriate in size for their function.

An informal natural appearance is desirable. Shrubs should be in groups rather than single plantings, should be planted in a staggered pattern rather than in a straight-line configuration, and should not interfere with drainage.

5.4.2 Views

When there are adjacent private properties, improved or not improved, and when there are lagoon, golf course, marsh, etc. views to the rear of the lot, a triangular area at the rear corners of the lot being landscaped is restricted to the planting of shrubs that will be no higher than four feet (4') **at maturity**. These areas are described as follows:

- **Full-size lots** – An area defined by a diagonal line between two points measured from the rear corners twenty feet (20') along the rear and side property lines
- **Patio lots** – An area defined as above but measured to points ten feet (10') from the corners along the rear and side property lines

These areas shall be consistent with Maintenance Guidelines and Covenants.

5.4.3 Lawns

Extensive lawn areas are discouraged as being too formal as well as being maintenance and water-use intensive. Lawns should be configured in curved patterns and **extend to the edge of the road payment at the front between extensions of the side property lines. All drainage swales shall be sodded and all berms shall be stabilized by means of sod, planted ground cover, or shrubs.**

5.4.4 Irrigation

Only water-conserving systems using drip lines and separate lawn watering stations shall be installed.

The Town requires that a landscape contractor certified by the Town install the landscape irrigation system (defined as a system using a potable water source). Rain sensors and back-flow prevention devices must be installed on all new and existing irrigation systems.

No sprinkler heads or piping shall be installed on POA road right-of-ways.

5.4.5 Extent

It is required that **all areas** of the property be landscaped in some manner.

5.4.6 Ground Cover

No bare earth shall remain on any private property.

Ground cover planting, pine straw, mulch, bark, or other acceptable materials shall be placed on all areas not otherwise planted.

No white or colored stone or gravel shall be used as cover as these are not considered to be indigenous to this locality.

5.4.7 Color

The use of flowering shrubs and trees as well as annual or perennial gardens is encouraged.

5.4.8 Vegetable Gardens

Vegetable gardens are prohibited on private property.

Property owners wishing to grow vegetables may arrange for a garden plot at the Seabrook Farms by contacting the POA Service Center.

5.4.9 Natural Areas

The use of existing natural growth areas as a part of the landscape design may be acceptable. If allowed, these areas must be selectively pruned and weeded to present a neat appearance. These areas must be properly maintained. Overgrown, unkempt natural areas are not allowed.

5.4.10 Landscaping Beyond Property Lines

The ARB cannot approve landscaping beyond property lines.

Landscaping work refers to the planting of trees, shrubs, lawn, the placing of ground cover, pruning, weed control, clearing, or any other landscape activity including the placement of irrigation materials.

In general, no landscaping work of any kind shall be done on any POA property. If the property owner wants to landscape on adjacent POA property (**except for sod to be placed on road right-of-way from the private property line to the edge of the road pavement**), a written request must be made to the Maintenance Committee.

Permission must be obtained from the appropriate golf course should requested landscape work involve golf course property. This is independent and separate from the POA.

If permission is granted, the property owner is solely responsible for arranging the work, incurring all expenses, and **maintaining** the landscaping.

Those who have been given permission to landscape on POA property must acknowledge that this does not confer ownership. The POA reserves the right to remove and/or alter any plantings or landscape provisions for any purpose without obligation of replacement or remuneration.

5.5 ORNAMENTAL FEATURES

It is recommended that ornamental features such as, but not limited to, garden pools, waterfalls, statuary trellises, etc. **be kept to a minimum.**

Vertical display fountains are considered inappropriate and will not be approved.

Each proposed feature should be located and described on the landscape plan.

No unapproved feature may be installed.

All ornamental features shall blend into the overall landscape design and not be a predominant feature.

The use of multiple statuary and stationary or mobile ornaments will not be approved.

5.6 LIGHTING

Landscape lighting shall be designed to blend with the plantings, mounted low to the ground, be low intensity, and be **used sparingly**.

Low-mounted, low-intensity driveway and walkway lighting is permitted if used sparingly.

Colored landscape lighting is prohibited.

5.7 SIGNS

Landscape contractor signs are permitted only during the actual landscape installation and must be removed at the completion of the work.

Signs must comply with the rules as stated in SIGNAGE, Section 7.18.

5.8 DISPOSAL OF DEBRIS

At the completion of the work, all debris must be removed from the Plantation.

Contractors are prohibited from using the POA dump for the disposal of debris.

5.9 COMPLETION

The landscaping must be complete prior to the final compliance inspection.

5.10 INSPECTION

When the property owner or the contractor considers the landscape installation complete in all respects **according to the approved Plan**, a request for an inspection shall be made to the ARB. Any discrepancies from the ARB approved plan shall be corrected before the work will be given final approval.

5.11 STUMP REMOVAL

Tree stumps must either be completely removed or chipped to no less than six inches (6") below the existing grade.

5.12 TREE REMOVAL FROM PRIVATE PROPERTY

After the approval of the site stakeout inspection and during all of the construction phase and thereafter, no tree greater than three inches (3") in diameter measured at two feet (2') above grade shall be removed without an on-site inspection and approval of the ARB.

Replacement mitigation of approved removals may be required by the ARB Professional Landscape Consultant using Town mitigation regulations as a guideline.

Clearing Restrictions on Tidal Waterfront and Marsh Front Lots – The major clearing of trees and underbrush is restricted to within thirty feet (30') of the average high water mark on those lots fronting on Port Royal Sound, Skull Creek, Elliot Creed, and Park Creek.

For further information refer to the Class "A" Covenants, Article VI, Section 2, Page 15.

For approval of tree removal, submit the following information to the ARB:

- An application for review **with narrated justification**
- A Site Plan, sketch, or photographs clearly showing the locations of the tree(s) requested to be removed and the relative locations of any vertical and/or horizontal construction
- The diameter and specie of each tree to be removed

Tag the tree(s) with **RED RIBBONS** so that the trees to be removed may be easily identified when the on-site inspection is conducted.

5.13 TREE REMOVALS OTHER THAN ON PRIVATE PROPERTY

All tree removals other than on private property must be submitted for approval to the agencies concerned as described below.

5.13.1 Trees On POA Property

For trees that are on POA property or on an unimproved lot and that may be considered hazardous to an adjacent dwelling, submit an application for removal to the POA Maintenance Manager giving location(s), condition(s), and **written justification**.

Trees shall be marked with red ribbons for a POA Maintenance Manager inspection.

The POA Maintenance Manager and, if on common property, the Town must approve any tree removal.

5.13.2 Trees On Adjacent Golf Course Property

The property owner must obtain written approvals from the Golf Course, the POA, and the Town prior to the removal of any tree.

6.0 INSPECTIONS

6.1 PREFACE

The ARB Administrator or an assigned Inspector will conduct on-site inspections when the various phases of the work that require an inspection are completed. The person responsible must call the ARB Administrator to schedule the inspection.

For Stakeout, Batter Board, and Compliance inspections, certain documentation must be submitted at the time of the request for inspection. No inspection will be conducted until this information is received.

A certified foundation survey must be filed with the ARB prior to the Batter Board inspection.

6.2 SUMMARY OF MANDATORY INSPECTIONS FOR NEW CONSTRUCTION

The following are mandatory inspections for new construction:

- Stakeout –Prior to clearing lot
- Batter Board –Foundation survey and elevation certificate, prior to pouring
- Patio Wall Extensions, if applicable
- Driveway – Prior to paving
- Final Grade –Prior to landscaping
- Landscape –Prior to occupancy
- Final Compliance – Prior to occupancy

A new dwelling **shall not** be occupied prior to the receipt of a Town Certificate of Occupancy and **a Plantation Final Compliance Inspection Approval** unless mitigating circumstances are approved in writing by the ARB.

Call the ARB Office **at least 24 hours in advance** of all requested inspections.

6.3 STAKE-OUT

6.3.1 Time Frame

After all other conditions for the issuance of a Hilton Head Plantation Building permit are met and **before** lot clearing can begin, a stakeout of all vertical and horizontal construction must be executed and approved by on-site inspection prior to the issuance of the Hilton Head Plantation Building Permit.

6.3.2 ARB Approval

A letter requesting a stakeout inspection including the statement, "The property corners have been accurately located and the house and other site features are staked-out in accordance with the ARB approved plans," shall be submitted to the ARB Administrator.

6.3.3 Restrictions

In no case or for any reason shall any tree be removed, a site cleared, or any other preparation begun prior to the inspection approval and the issuance of the Hilton Head Plantation Building Permit.

6.3.4 Requirements

The stake-out must be marked and easily observed by the inspector, as follows:

- The footprint of all vertical and horizontal construction defined by corner stakes a minimum of three feet (3') high, continuously connected by string lines and marked as to the relationship to the work
- All property lines defined by corner stakes and continuous string lines
- When a lot abuts the coastal critical line, the line shall be clearly marked by flags as required by the governing agency
- Hay bales or silt fences must be in place to control run-off and/or spoilage
- All trees approved to be removed flagged with **RED** ribbons. Tree clusters approved to be removed may be banded with **RED** ribbons.
- In the case of a densely overgrown lot, light de-brushing may be done in order to run string lines, but only in the areas of the lines.
- Should any tree interfere with a string line, the line may be interrupted by placing an additional stake at either side of and close to the tree. **In no case shall a tree be removed in order to run a string line.**
- The string line may also be offset around a tree and returned to the original direction beyond. Offset stakes must be clearly marked with the distance of the offset.

6.4 BATTER BOARD (SURVEY)

After the batter boards and the batter board string lines are in place and prior to the placement of any concrete for footings, slabs, or any other foundations, a Batter Board inspection shall be requested.

This request must be accompanied by a survey from a licensed SC surveyor and show the exact locations, measured from the property lines of all extreme corners of the foundation work. The finished floor elevation certificate may also be submitted at this point.

This survey will be compared to the approved Site Plan to confirm the correct locations of all corners and an on-site inspection will be conducted.

If approved, the general contractor may proceed with construction.

Should the general contractor place any concrete prior to the Batter Board location inspection and approval, the general contractor shall do so at its own risk and may be subject to a fine, as well as to corrective measures.

6.5 PATIO WALL EXTENSIONS

Prior to the construction of any patio wall extensions, use stakes no shorter than three feet (3') to locate the ends of the walls, as approved, after which an on-site inspection shall be required to confirm or adjust the lengths of the walls. The Inspector has the authority to establish the lengths and heights of the walls according to the Inspector's judgment of actual site conditions in order to assure privacy for both the property owner and the adjacent neighbor.

6.6 DRIVEWAY AND ROAD DRAINAGE

Stake-out inspection determines whether or not a culvert is required.

After the driveway grading and the driveway culvert(s) are in place, the general contractor must call the ARB to arrange for an inspection.

No paving of driveways shall begin until the driveway and road drainage inspections have been conducted and an approval received.

6.7 FINAL GRADE AND DRAINAGE

After completion of all construction work and before any landscape or irrigation work has begun, the lot must be brought to finished-grade condition (planned fill-in placed, shaped, and graded to a final surface condition ready for planting) and a sign-off inspection must be conducted. Note that additional fill **may not** be added after the inspection without ARB approval.

Maintenance Manager to be consulted on marginal drainage issues.

6.8 LANDSCAPING

When the property owner or general contractor considers the landscaping complete in all respects **according to the approved plans**, a request for an inspection shall be made to the ARB. If additional fill has been added since the final grade inspection, the ARB may disapprove the additional fill and require that the additional fill be removed.

The following conditions for landscaping must be met:

- The approved number, locations, size, and species of all plantings in place
- All sod in place and to the edge of road pavement
- All ground cover, such as pine straw, bark, chips or plantings, shall be in place
- **No bare earth areas are allowed.**
- Ground covers extend to the side and rear property lines if not otherwise planted or sodded
- All landscaping debris removed from the site

6.9 FINAL COMPLIANCE

After the general contractor has received a Certificate of Occupancy from the Town, a final compliance inspection shall be made by the ARB.

Occupancy may occur only after the house has received the following:

- **A Certificate of Occupancy from the Town**
- **The exterior of the house and landscaping is completed in all respects**

- **A final compliance inspection has been approved**
A violation of this provision will result in an assessment of \$100.00 per day until the three aforementioned conditions are met.

The following must be filed with the ARB Administrator before the final compliance inspection will be conducted:

- Copy of the Town Certificate of Occupancy
- Copy of a certified finished floor elevation unless previously submitted

The following conditions must also be met:

- Dumpster and portable toilet removed from the site
- Exterior materials, fenestration, and details as approved
- Exterior colors as approved
- Landscape plan executed as approved
- The restoration of any damage to the road pavement, curbs, road right-of-way, and/or adjacent properties

6.10 ADDITIONS

Additions to homes must comply with all inspection procedures stated above including, but not limited to, stake-out, batter board survey, drainage, landscape, and final compliance approval, as applicable.

The ARB Administrator has the authority to add or waive any inspection procedures that the ARB determines may or may not be applicable to the project.

It is recommended that, **prior to the start of the construction of any addition**, the owner and/or the builder consult with the ARB Administrator to determine what inspection procedures must be met.

6.11 ARB FINES

Failure to comply within specified time frames will include the following fines:

- The ARB reserves the right to assess a property owner \$25.00 for each day the exterior of the house is not complete, including landscaping, beginning twelve (12) months after final ARB approval **unless an extension has been requested in writing and approved by the ARB.**
- The ARB reserves the right to assess a property owner \$100.00 for each day of unauthorized occupancy, that is, occupancy of a house prior to:
 - The issuance of a Certificate of Occupancy by the Town
 - The completion of the exterior of the home in all respects, including landscaping and drainage
 - An approved final compliance inspection
- The ARB reserves the right to assess a property owner \$25.00 for each day that an approved significant addition, alteration, or pool is not complete beginning sixty (60) days after the issuance of the Hilton Head Plantation Building Permit, **unless an extension has been requested in writing and approved by the ARB.**

Other actions may be taken according to Article I, Section 9 of the Covenants.

7.0 RULES & REGULATIONS GOVERNING CONSTRUCTION & MAINTENANCE

7.1 INTRODUCTION

7.1.1 Contractor Documents

All contractors and subcontractors must provide the ARB with copies of the **Contractor or Business Licenses**.

All copies must be current with up-to-date renewals on file. No HHP Building Permits will be issued without this documentation. Conducting business on the Plantation without meeting this requirement will result in a stop work order and be subject to a fine.

7.1.2 General

These Rules and Regulations are set forth pursuant to the Covenants. The compliance thereof is mandatory by all property owners, general contractors, subcontractors, material suppliers, and maintenance services. Violations may result in denial of access to the Plantation. Contractors are liable for damage to road, utility infrastructure, and the landscape on both private and common property including road rights-of-way.

The HHPPOA, including the Security Department and all other employees, assumes no liability for the loss or destruction of any contractor's vehicle, trailer, construction equipment, or materials on or from any property within the Plantation.

7.2 CONSTRUCTION HOURS

Construction is permitted **only** between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday. No work of any type is permitted on Sunday, Thanksgiving Day, Christmas Day, or New Years Day.

Construction vehicles should use the gate that provides the most direct and shortest route to the work site or exit from the Plantation.

Emergency maintenance services may be allowed access on Sundays and holidays with proper authorization from the General Manager, the Director of Security, or a designee.

7.3 TRAFFIC LAWS/PARKING

Posted speed limits and safe driving practices are strictly enforced within the Plantation by the Security Department. State tickets may be issued for traffic violations.

The parking of vehicles and trailers shall be limited to the job-site property wherever possible. The road right-of-way may be used for parking only when on-site space is not available.

The road right-of-way in front of improved properties **shall not be used**.

Caution shall be exercised to avoid damage to the road right-of-ways.

Any damage to the road right-of-ways shall be restored to the original condition at the completion of the project.

Under no circumstance shall parking interfere with the flow of traffic or cause hazardous traffic conditions.

7.4 HILTON HEAD PLANTATION BUILDING PERMIT

The following requirements are necessary to obtain a Hilton Head Plantation Building Permit:

- All assessment payments must be up-to-date.
- Compliance deposit paid. Refer to Section 3.9.2.
- Subsequent Hilton Head Plantation Building Permits will not be issued unless all previous fines have been paid and the \$1,000.00 compliance balance is maintained.
- Architectural Review Board final approval of plans
- Town Building Permit
- For additions and alterations, a copy of the Town Building Permit to ARB, if required
- On-site stake-out approval
- Payment by the owner of a \$3,500.00 escrow deposit for new construction, \$1,000.00 for a significant addition, \$500.00 for an alteration or pool, and \$250.00 for minor projects
- Payment of water/sewer tap-in fees and a damage deposit to PSD #1
- Permits must be posted on the project site near and easily visible from the road, protected from the weather, and maintained on the site until project completion.
- A full set of approved project plans must be maintained on the job site.

7.5 SITE ACCESS AND PROTECTION OF POA PROPERTY

Whenever possible, the access to the construction site between the edge of the road pavement and the front property line shall be no more than twenty feet (20') wide and is limited to one (1) entrance only.

Whenever possible, the site access shall be in the same general location as the permanent driveway entry.

The edge of the road pavement shall be protected from damage by construction vehicles. Heavy wood planks, gravel, or any other **effective** means to make the transition between the pavement and the road shoulder shall be used.

In the case of ditches or swales, the grade elevations must be maintained to prevent any blockage of the drainage system. The installation of a culvert may be required. If a permanent culvert is to be installed, the permanent culvert shall be in place prior to any site preparation.

Any damage to the road pavement, curbing, or the road right-of-way caused by construction activity must be restored to the original condition before the project will be considered complete. Final compliance will not be approved until all damaged areas are satisfactorily restored.

Failure to comply with the above requirements during construction may result in fines levied and/or other action.

7.6 SITE PREPARATION

No lot can be cleared, no site prepared, or any other construction activity started without a Town Building Permit and a Hilton Head Plantation Building Permit posted.

Where required, silt fences, culvert and fill, and road shoulder protection must be in place prior to site clearing.

Water and electric services must be installed on-site prior to the need for these services. The water meter must have a hose bib connection. The temporary electric meter must feed receptacles adequate for the use of all power tools.

The use of water and electric services from adjacent residences is prohibited.

7.7 DRAINAGE CONTROL, EROSION CONTROL & ENVIRONMENTAL PROTECTION

7.7.1 Areas Of Responsibility

Prior to and during all construction activity, including the clearing and filling of the lot, the following protective actions must be taken and maintained:

- Water Drainage Control
- Soil Erosion Control
- Road Pavement and Curb Protection
- Road Right-of-Way Protection
- Tree Protection

7.7.2 Responsibilities During Construction

During construction, the general contractor is responsible for preventing drainage and soil erosion onto any adjacent property whether private or common.

Water drainage shall be directed into the Plantation drainage system including road swales, ditches, culverts, marshes, or lagoons. This shall be accomplished by means of rough grading, earth berms, swales, and drain lines or by retention entirely within the construction site property lines.

Soil erosion shall be controlled entirely within the construction site property lines in such a manner as to prevent the erosion of soil onto any adjacent properties, roads, or into any Plantation drainage system, waterway, marsh, or lagoon by means of soil fences.

Hay bales or silt fences must be placed to control runoff and/or spoilage into the coastal critical line of lots abutting marsh or water. **The South Carolina Department of Health and Environmental Control (DHEC), the ARB, and the POA closely monitor the protection of the Wetlands.**

7.7.3 Responsibilities After Completion Of The Foundation

After completion of the foundation work, the general contractor shall establish the finish grade at the perimeter of all new construction no less than eight inches (8") below any wall finish. Earth should be sloped at a gradient of no less than 2:12 to a minimum of ten feet (10') on all sides of full-sized lots and at the front and rear of patio lots. Drainage restrictions also apply at the sides of patio lots. When house construction is complete and **before any landscape work may begin**, all planned fill must be in place and the lot brought to final grade.

7.7.4 Fines And Other Actions

The failure to control drainage and erosion may result in fines levied or other actions as well as the cost of all required restoration work.

7.8 CULVERT PIPES, DRIVEWAYS, AND ROADWAY DRAINAGE

The expense and installation of culvert pipes, where required, is the responsibility of the property owner or the general contractor. The culvert pipes must be corrugated steel or ribbed ADS plastic, twelve inches (12") minimum diameter, and installed according to ARB standards. Any property owner or builder who does not adhere to these regulations and causes a drainage problem as a result of incorrect installation will be required to remove the faulty culvert pipes and replace correctly.

Any culvert pipe that is damaged during construction to the extent that the damaged culvert pipe prevents proper drainage flow must be replaced prior to driveway paving.

Prior to a driveway installation, an ARB inspection must be obtained. It is required that the inspection be scheduled with the ARB **at least 24 hours prior** to paving.

7.9 PROTECTION OF TREES AND NATURAL VEGETATION

Only those trees indicated for removal on the approved Site Plan can be removed. Caution should be exercised to protect all other trees and natural vegetation from equipment damage and/or fill dirt cover.

Clearing Restrictions on Tidal Waterfront and Marsh Front Lots – Major clearing of trees and underbrush is restricted to within thirty (30') of the average high water mark on those lots fronting on Port Royal Sound and Skull Creek.

For further information refer to the Class "A" Covenants, Article VI, Section 2.

Protective barriers and tree wells should be installed wherever necessary.

7.10 TRESPASSING

All access areas, parking, storage of materials, location of dumpsters, and portable toilets must be confined to the permitted lot. The use of private properties, common property, or open space is prohibited.

7.11 PORTABLE TOILETS

A portable toilet must be in place on each new construction site. The portable toilet must be located in an inconspicuous area, within the lot property lines, as far away as is feasible from the street and adjacent properties, and as near to the structure as possible. The door must face toward the construction. Clean and sanitary conditions must be maintained at all times. Sanitation contractors **may not** display telephone numbers or advertising.

7.12 DUMPSTERS

Each project that generates debris must provide a commercial dumpster **at all times**. It must be located within the lot property lines and cannot be placed on the road right-of-way or on any adjacent private or common property. It must be emptied prior to exceeding capacity. The dumping of construction debris is prohibited within the Plantation.

7.13 SITE MAINTENANCE

Materials must be stored in an orderly manner on site. Contractors are required to make frequent clean-ups of construction materials, trash, litter, etc. always leaving the area neat and clean at the end of each workday.

7.14 HAULING

7.14.1 Trash

Any vehicle transporting construction debris or site clearing material must be enclosed or equipped with a tarpaulin or netting to adequately cover and protect the load from spilling during transport. The load must not extend beyond the width of the truck bed.

7.14.2 Fill Dirt

Hauling of fill dirt must be in a suitable vehicle equipped solely for this purpose. A fill dirt load may not exceed one foot (1') in height above the side rails of the vehicle, at the center of the load, and must be tapered to the sides of the vehicle in such a manner as to prevent spills.

7.14.3 Spills Require Clean Up

Should any spill occur, the contractor involved is responsible for the clean up of the street and other affected areas immediately after the spill. Should this not be feasible, contact must be made to POA security to advise of the spill and an approximate time for clean up. Failure to do so will result in a fine levied plus costs incurred for POA clean up of the spill.

The clean up of concrete trucks and equipment after concrete delivery may be done **only** on the construction site. Road right-of-ways and other property must not be used for this purpose.

Any concrete, gypsum, mortar, tar, asphalt, oil, or any other petroleum product spilled on roads, road right-of-ways, or any property other than the construction

site **must be removed immediately. Roads must be washed so that no residue remains.**

7.15 CONSTRUCTION TRAILERS, VEHICLES, AND MOBILE EQUIPMENT

The ARB Administration shall approve all trailers to be placed on the construction site.

No trailer, vehicle or mobile equipment shall remain on site overnight. All must be removed from the Plantation at the end of each workday, unless permitted by the ARB Administrator.

The trailer shall not be parked on the lot so as to block entry of security or emergency vehicles.

No trailer, vehicle, or mobile equipment shall be parked on any POA or adjacent private property.

Trailers must have State registration if required by Law.

The POA is not liable for any theft of or vandalism to any trailer, vehicle, or mobile equipment.

7.16 BURNING PROHIBITED

Burning of construction debris or open warming fires is prohibited.

7.17 PERSONAL CONDUCT

Proper personal conduct is expected from all workers. No loud music or language is allowed. Any sound, other than that of **customary** construction activity, that can be heard from adjoining properties will be considered a nuisance and is prohibited.

Children under sixteen (16) years of age and pets are not permitted on any construction site.

The existence of firearms either on a person or in a vehicle is prohibited.

7.18 SIGNAGE

A sign at a construction site is not intended to advertise, but rather to identify the architect, designer, or contractor. The following must be adhered to:

- Any sign placed on a construction site must be approved by the ARB.
- Placement of a sign must be within the property lines.
- Only one (1) architect or designer and one (1) contractor sign is permitted on each construction site.
- No approved sign shall be placed on any property prior to the issuance and posting of all required building permits.
- The sign must be removed within one week of notification of final compliance inspection approval.
- The area of the sign face must be 12.25 square feet (3' 6" x 3' 6") or less. The maximum height shall not exceed five feet (5').
- Logos must be 144 square inches or less.

- Advertising slogans or addresses are prohibited.
- Telephone numbers may be displayed.
- Landscape Company signs are permitted, may be in place only during the landscape installation, and must be removed upon completion.

Any sign violation is subject to a fine.

The POA reserves the right to remove any sign that is in noncompliance with the above rules. Such signs will be held at the POA Maintenance Area, 7 Surrey Lane. A sign not reclaimed within two (2) weeks may be disposed of. The POA assumes no responsibility for damage to or loss of any sign.

7.19 EXTERIOR LIGHTING

It is the contractor’s responsibility on all unoccupied structures to turn off all exterior lights between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday, between 5:00 p.m. Saturday through 7:00 a.m. Monday, and during all no-work holidays.

7.20 FINES FOR VIOLATIONS: NEW CONSTRUCTION

The following is a schedule of fines that may be levied when a property owner or a general contractor violates the covenants or guidelines. Such fines will be deducted from the escrow deposit or general contractor compliance deposits as appropriate.

A stop order or other actions may also be taken for serious and/or repetitive violations.

| TYPE OF CONSTRUCTION VIOLATION | AMOUNT OF FINE |
|---|---|
| Clearing of site or unauthorized tree removal without stakeout approval or without obtaining a Hilton Head Plantation Building Permit | \$500.00 per violation. This violation could warrant expulsion of the general contractor and denial of further construction within the Plantation. |
| Construction does not conform to plans as approved by the ARB | \$500.00 per violation. The violation could warrant expulsion of the general contractor and denial of further construction within the Plantation. The general contractor may have to restore to the approved plans. |
| Failure to build, finish, and landscape in accordance plans as approved by the ARB | Fines up to amount of escrow deposit, plus the possibility of expenses |
| Occupying a new house without approval before final compliance inspection is complete | \$100.00 per day |
| Work not completed in twelve (12) months (Extensions may be requested in writing but must be approved by the ARB.) | \$100.00 per day |
| Failure to control water drainage and/or soil erosion control | \$200.00 per violation, plus restoration costs |
| Damage to road pavement, curbs, and road right-of-ways | \$200.00 per violation, plus restoration costs |

| TYPE OF CONSTRUCTION VIOLATION | AMOUNT OF FINE |
|--|--|
| Trespass onto adjoining lots or POA property by personnel, vehicles, equipment, material storage, etc. | \$100.00 per violation, plus restoration costs, and plus \$100.00 per day until compliance |
| Failure to provide adequate trash receptacles or failure to keep site clean of debris | \$100.00 per violation, plus \$100.00 per day until compliance |
| Failure to provide and properly site portable toilet facing the construction | \$100.00 per violation, plus \$100.00 per day until compliance |
| Failure to turn off exterior lighting | \$100.00 per violation |
| Loud music, language, or inappropriate personal behavior | \$100.00 per violation |
| Non-complying and/or improperly placed signage | \$100.00 per violation |
| Improper hauling of trash | \$100.00 per violation, plus clean-up costs |
| Spills on roads or road right-of-ways | \$100.00 per violation, plus clean-up costs |
| Open fires | \$500.00 per violation |
| Pets, children, or unauthorized personnel on construction site | \$100.00 per violation |
| Fishing in lagoons | \$100.00 per violation |
| Carrying of firearms | \$100.00 first violation; Repeat offense may result in eviction from the Plantation. |

7.21 FINES FOR VIOLATIONS: POST-CONSTRUCTION

Fines, as specified below, for violations of the Covenants or the Guidelines may be applied for any changes not issued an ARB permit. This shall apply to any existing improved property or dwelling, including, but not limited to, the following:

| TYPE OF POST-CONSTRUCTION VIOLATION | AMOUNT OF FINE |
|---|-------------------------------------|
| Re-roof and Exterior Repaint | \$100-500 |
| Tree Removals (over 3" diameter) | \$100-500 per tree, plus mitigation |
| Enclosed Additions (attached or freestanding) | \$500-1000 |
| Exterior Alterations or Additions (Windows, Doors, Walls, Fences, Siding, Trim, Porches, Entries, Dog Runs, Service Yards, Pergolas, Awnings, Equipment Enclosures, Lighting, etc.) | \$100-500 |
| Porch Enclosures | \$100-500 |
| Patios and Walks (Concrete or Masonry) | \$50-250 |
| Decks | \$100-500 |
| Exterior Stairs to Second Level | \$1000, plus removal |
| Driveway Changes or Additions | \$500-1000 |
| Exterior Ramps (Permanent or Temporary) | \$50, plus removal |

| TYPE OF POST-CONSTRUCTION VIOLATION | AMOUNT OF FINE |
|--|-----------------------|
| Docks or Bulkheads | \$500-1000 |
| Landscaping (Ornamental fountains, Waterfalls, Pools, Statuary, Trellises, Stationary or Mobile Ornaments, Lighting, etc.) | \$500-1000 |
| Additional Recreational Equipment | \$100-500 |

The above applies to both additional and replacement work.

The scope of the change and its impact on the surroundings will be taken into consideration in determining the actual amount of fine within the specified limits.

The ARB may also require the removal of any unapproved work and the restoration to the original condition(s) or other mitigation.

Other fines may also be applied, as applicable, as specified for New Construction. Refer to Section 7.20.

The ARB has the authority to adjust or waive the amount of any fine to compensate for mitigating circumstances.

7.22 APPEALS FOR CONSTRUCTION VIOLATION FINES

An appeal of a violation fine may be submitted **in writing** to the ARB. An explanation of circumstances and appropriate justification should be included in the appeal. The ARB will forward a written response within thirty (30) days of receipt of the appeal.

Other procedures may be followed as in a design review appeal. See Section 3.4.

This applies to both New Construction and Post-Construction.

8.0 RECREATIONAL EQUIPMENT REGULATIONS

8.1 DEFINITION

Recreation equipment includes play equipment that is installed on any part of the property outside of the dwelling, excluding swimming pools, that is not structurally permanent in nature, and is used for recreation or play.

Submit a written request to the ARB for review and include a Site Plan location drawing.

8.1.1 Examples Of Recreational Equipment

Recreation equipment includes, but are not limited to, the following:

- Children's Play Houses (site built or manufactured)
- Basketball backboard and hoop (fixed or portable)
- Swing set, gym set, slide, or teeterboard (seesaw)
- Trampoline
- Soccer goal net
- Volleyball net and court
- Badminton net and court
- Horseshoe court
- Sandbox

8.1.2 Prohibited Recreational Equipment

Prohibited recreation equipment includes the following:

- Tree houses
- Diving board and/or slide for swimming pools

A request for the installation of any other type of equipment will be judged by the ARB on an individual basis taking into consideration both the covenant stipulations and the impact on the neighborhood.

8.2 APPLICATION PROCEDURE

Prior to the installation of any recreational equipment, approval in writing must be obtained from the ARB.

An application form is available at the POA Service Center. The form must be completed in full with all requested information and consent signatures, where applicable.

In addition, basketball backboards and hoops may also require consent signatures from all adjacent neighbors. The ARB Administrator will identify which consent signatures are required.

There is no application fee.

8.3 GUIDELINES

8.3.1 Colors

Play equipment must be natural in color. Natural finish or earth-toned components are preferred. Bright colored metal, wood, plastic, or fabric components may not be approved.

8.3.2 Location

Excluding basketball backboards and hoops, the preferred location is in the rear yard area directly behind and as close to the house as possible.

Equipment must be located within the property owner's lot.

The property owner shall take into consideration the proximity to the adjacent neighbor's living, view, and recreational areas relative to the type of activity the equipment will generate. Equipment shall not be located in any adjacent neighbor's view area as defined in Section 5.4.2 of this document.

Equipment shall not be located on any unimproved lot, POA common property, open space, road, road right-of-way, or path right-of-way.

9.0 SUMMARY OF PROCEDURES

Follow the items below during the review and construction phases, as applicable:

- Preparation of Drawings
- Application for Design Review
- ARB Submission Fee
- ARB Review of Plans (house drawings, colors, finishes, landscaping, drainage)
- Re-submittals and Appeals if required
- ARB Final Approval
- Signed Letter of Acknowledgment by Owner
- Signed Drainage and Tree Compliance Agreement by Owner
- HHP Utilities Construction Agreement
- Escrow Deposits. Owner and Builder
- Stake-out Inspection Approval
- HHP Building Permit Issued and Posted
- Location (Batter Board) Survey Approval
- Patio Wall extension inspection, if applicable
- Submit Changes, if any, for ARB approval
- In-Progress Construction Status Inspections
- Driveway and Road Drainage Inspections
- Final Grade Inspection
- Landscape Inspection
- Final Compliance Inspection
- Escrow Deposits Returned (less violation fines, if any).

10.0 APPENDIX: SAMPLE FORMS

10.1 LETTER OF ACKNOWLEDGMENT (EXHIBIT A)

Hilton Head Plantation Property Owners’ Association
Architectural Review Board
P.O. Box 21940
Hilton Head Island, SC 29925

LETTER OF ACKNOWLEDGEMENT

This acknowledges that I have received a copy of the Hilton Head Plantation Class “A” Residential Land Use Restrictions Protective Covenants Building Standards, Amended and Restated Declaration of Covenants and Restrictions, By-Laws of Hilton Head Plantation Property Owners’ Association and the HHPPOA Architectural Guidelines and Review Procedures for building in Hilton Head Plantation and that I will abide by them.

I understand that I cannot make any exterior alteration or change of an approved plan to my home such as trim, siding, shingles, stain, fences, driveway and/or walk location, shutters, doors, windows, rooms, garage, trellis, outdoor lighting, etc. and/or changes to an approved landscape plan without **prior submission of a written request for the change (s) to the Architectural Review Board, and written approval received.**

Further, if I do violate written approved plans, I hereby grant authorization in accordance with the Covenants to Hilton Head Plantation Property Owners’ Association to have ingress/egress to below described property to correct whatever construction, paving planting, etc. that was done without written approval of The Architectural Review Board.

I have also read, understand and will abide by the fee schedule for ARB submittals and the schedule of fines as stipulated in the Guidelines.

Further, I agree to pay any expenses to modify any exterior changes for which I do not have written approval. I will hold the Hilton Head Plantation Property Owners’ Association harmless for such action.

AGREED:

(Property Owners’ Signatures)

Lot Number/Street:

Date:

10.2 COMPLIANCE DEPOSIT AGREEMENT

10.2.1 New Construction (Exhibit B-1)

Hilton Head Plantation Property Owners’ Association
Architectural Review Board
P.O. Box 21940
Hilton Head Island, SC 29925

**COMPLIANCE DEPOSIT AGREEMENT
FOR NEW CONSTRUCTION IN HILTON HEAD PLANTATION**

It is agreed by the undersigned that a Three Thousand Five Hundred Dollar (\$3,500.00) Deposit will be given to Hilton Head Plantation Property Owners’ Association to ensure that the a landscaping plan for Lot # _____ on _____ will be submitted to the Architectural Review Board together with the house plan for final review approval and that the house will be constructed and finished in accordance with the plans approved by the Architectural Review Board. This deposit is also the property owner’s guarantee of compliance with all rules and regulations regarding drainage, construction, tree removal, placement of portable toilets, refuse containers, and maintaining a trash and litter free construction site. Failure to comply may result in fines levied against the deposit, or possibly, forfeiture of the entire deposit.

It is further agreed that this \$3,500.00 Deposit will be held in an interest bearing account at Atlantic Savings Bank, 200 Merchant Street, Hilton Head Island. This deposit will be refunded, with interest, less any fines imposed, to the undersigned after all conditions and approvals are fulfilled, to include completion of all work within 90 days of receipt of Certificate of Occupancy from the Town of Hilton Head Island or within one (1) year of construction, whichever occurs first.

PLEASE NOTE:

- 1) Upon written request, and for compelling reasons only, the Architectural Review Board may grant an extension.
- 2) Landscaping without an approved plan, including the addition of excessive fill, may result in forfeiture of a part, or all, of the deposit. Failure to landscape per the approved plan within the allocated time frame may result in a \$25.00 per day fine to the property owner for each day the landscaping is not completely installed.
- 3) Building not in accordance with approved plans (construction **and** finishes) may result in forfeiture of the entire deposit. Failure to complete the exterior of the house within one year after the issuance of the Hilton Head Plantation Building Permit may result in a \$25.00 per day fine to the property owners for each day the construction is not complete until the approved final compliance inspection date.
- 4) The occupancy of a house prior to the final compliance inspection may result in \$100.00 per day fines to the property owner for each day until the approved final compliance inspection date.
- 5) The Hilton Head Plantation Class “A” Residential Land Use Restrictions Protective Covenants Building Standards together with the HHPPOA Architectural Guidelines and Review Procedures are the controlling documents governing all construction activity in the Plantation. Noncompliance could result in action being taken pursuant to Part VI, Paragraph II, “Violation of Covenants...”

ACCEPTED BY:

(Property Owner’s Signatures)

PLEASE TYPE OR CLEARLY PRINT THE FOLLOWING INFORMATION:

DATE:

PROPERTY OWNER’S NAME(S):

MAILING ADDRESS: _____

CITY/STATE/ZIP CODE: _____

TELEPHONE: _____

SOCIAL SECURITY NUMBERS: _____

Note: If no social security number is indicated, 31% of interest earned will be withheld.

PLEASE MAKE CHECK PAYABLE TO: **ATLANTIC SAVINGS BANK**

10.2.2 Significant Addition, Alteration Or Pool (Exhibit B-2)

Hilton Head Plantation Property Owners’ Association
Architectural Review Board
P.O. Box 21940
Hilton Head Island, SC 29925

**COMPLIANCE DEPOSIT AGREEMENT
FOR SIGNIFICANT ADDITION, ALTERATION, OR POOL**

It is agreed by the undersigned that a One Thousand Dollar (\$1,000.00) Deposit will be given to Hilton Head Plantation Property Owners’ Association to ensure that the addition, alteration or pool for Lot # _____ on _____ will be constructed and finished in accordance with the approved plan by the Architectural Review Board. This deposit is also the property owner’s guarantee of compliance with all rules and regulations regarding drainage, construction, tree removal, placement of portable toilets, refuse containers, and maintaining a trash and litter free construction site. Failure to comply may result in fines levied against the deposit, or possibly, forfeiture of the entire deposit.

It is further agreed that this \$1,000.00 Deposit will be held in an interest bearing account at Atlantic Savings Bank, 200 Merchant Street, Hilton Head Island. This deposit will be refunded, with interest, less any fines imposed, to the undersigned after all conditions and approvals are fulfilled, to include completion of all work within 60 days of the issuance of the Hilton Head Plantation Building Permit.

PLEASE NOTE:

- 1) Upon written request, and for compelling reasons only, the Architectural Review Board may grant an extension.
- 2) Building not in accordance with approved plans (construction **and** finishes) may result in fines or possible forfeiture of the entire deposit.
- 3) The Hilton Head Plantation Class “A” Residential Land Use Restrictions Protective Covenants Building Standards together with the HHPPOA Architectural Guidelines and Review Procedures are the controlling documents governing all construction activity in the Plantation. Noncompliance could result in action being taken pursuant to Part VI, Paragraph II, “Violation of Covenants...”

ACCEPTED BY:

(Property Owner’s Signatures)

PLEASE TYPE OR CLEARLY PRINT THE FOLLOWING INFORMATION:

DATE: _____

PROPERTY OWNER’S NAME(S): _____

MAILING ADDRESS: _____

CITY/STATE/ZIP CODE: _____

TELEPHONE: _____

SOCIAL SECURITY NUMBERS: _____

Note: If no social security number is indicated, 31% of interest earned will be withheld.
PLEASE MAKE CHECK PAYABLE TO: **ATLANTIC SAVINGS BANK**

10.2 DRAINAGE AND TREE COMPLIANCE AGREEMENT (EXHIBIT C)

Hilton Head Plantation Property Owners' Association
Architectural Review Board
P.O. Box 21940
Hilton Head Island, SC 29925

DRAINAGE AND TREE COMPLIANCE AGREEMENT

DRAINAGE

It is every owner's responsibility to direct drainage away from the dwelling and adjoining private property in a manner that conforms to the master drainage system for the Plantation subdivision in which the property is located. This will normally be toward the street or the adjacent common area (drainage). For these reasons, it is the property owner's responsibility to employ the services of a registered professional to design the drainage plan. Special consideration should be given to establishing appropriate building site elevations for foundations, sub-surface drainage, establishment of final grades, and installation of gutters. Please note that a final grade inspection/approval is required after construction and before any landscaping can begin. (Refer to Section II, C, Inspection, 4, 5; D, Summary of Procedures; and the Appendix, Driveway and Road Drainage Inspections form.)

TREE REMOVAL

Property owners are advised that trees larger than three inches (3") in diameter measured 24" above ground may not be removed without approval of the Architectural Review Board. When site plans are approved, the tree and topographic survey indicates which trees may be removed and are usually only those necessary to locate the house, patio, and driveway. Once the site plan is approved and throughout all of the construction phase, no other tree may be removed without further request to and approval of the ARB Administrator. Any unauthorized tree removal may result in a fine and the necessity of replacement landscaping.

I understand the above requirements and I agree to comply with proper drainage and tree removal from my property.

AGREED:

(Property Owners' Signatures)

Lot Number/Street:

Date:

10.4 APPLICATION FOR DESIGN REVIEW (EXHIBIT D)

Hilton Head Plantation Property Owners’ Association - ARB
 P.O. Box 21940, Hilton Head Island, SC 29925
APPLICATION FOR DESIGN REVIEW

Plans are not accepted for review without a completed application and paid fees.
Case #: _____ **Fee Paid:** _____

DESIGN REVIEW FEE SCHEDULE

| New Construction | |
|--|----------|
| Concept (Credited to Full Review Fee with submittal of Final Plans) | \$100.00 |
| 3,500 or less adjusted square feet | \$750.00 |
| 3,501 to 4,000 adjusted square feet | \$850.00 |
| 4,001 to 5,000 adjusted square feet | \$950.00 |
| Mailbox Fee to be paid at prelim | \$121.90 |
| Significant plan changes after final approval | \$250.00 |
| New landscape plans after final approval | \$50.00 |
| Significant Addition, Alteration, or Pool | |
| Concept (Credited to Full Review Fee with submittal of Final Plans) | \$50.00 |
| Pool (as an addition or with new construction) | \$300.00 |
| Covered addition / alteration | \$300.00 |
| Uncovered addition / alteration, i.e., deck, sidewalks, driveway extension or enclosing existing covered areas, i.e., screened porch, etc. | \$100.00 |

| Property Owner | |
|-----------------------------|-----------------------------|
| Name | |
| Street Address | |
| City / State / Zip | |
| HHP Lot # and Street | |
| Full Size or Patio Lot | Full-Size _____ Patio _____ |
| Telephone Number | |
| Signature & Date | |
| Architect / Designer | |
| Name | |
| Street Address | |
| City / State / Zip | |
| Telephone Number | |
| Fax Number | |
| Signature & Date | |
| Contractor | |
| Name | |
| Street Address | |
| City / State / Zip | |
| Telephone Number | |
| Fax Number | |
| Signature & Date | |

| Type of Construction | |
|---------------------------------|--|
| New | |
| Spec | |
| Addition (Explain in Remarks) | |
| Alteration (Explain in Remarks) | |
| Type of Review Requested | |
| Concepts / Site | |
| Preliminary | |
| Final | |
| Exterior Finishes / Colors | |
| Samples Submitted | |
| Landscape | |
| Other (Explain in Remarks) | |

| Square Footage | First Floor | Second Floor |
|--|-------------|--------------|
| Heated Area | Sq Ft | Sq Ft |
| Garage @2/3 | Sq Ft | Sq Ft |
| Screen Porches @ 1/2 | Sq Ft | Sq Ft |
| Deck / Patio @ 1/4 | Sq Ft | Sq Ft |
| Total Adjusted Square Footage for First & Second Floors | | Sq Ft |

| | Manufacturer/Material | Color | Number/Weight |
|---------------------------|-----------------------|-------|---------------|
| FOR EXISTING HOMES | | | |
| Re-Stain | | | |
| Re-Roof | | | |
| EXTERIOR MATERIALS | | | |
| Roofing | | | |
| Siding | | | |
| Trim | | | |
| Fascia | | | |
| Stucco | | | |
| Shutters | | | |
| Brick | | | |
| Front Door | | | |
| Other Exterior Doors | | | |
| Garage Door | | | |
| Windows | | | |
| Window Muntins | | | |
| Chimneys | | | |
| Walkways | | | |
| Driveways | | | |
| Deck or Patio | | | |
| Columns / Railings | | | |

REMARKS: List any requested variances from the Architectural Guidelines and state your justifications:

10.5 APPLICATION FOR RECREATIONAL EQUIPMENT (EXHIBIT E)

Hilton Head Plantation Property Owners’ Association
 Architectural Review Board
 P.O. Box 21940
 Hilton Head Island, SC 29925

**APPLICATION FOR INSTALLATION OF RECREATIONAL EQUIPMENT
 ON RESIDENTIAL PROPERTY**

| | |
|----------------|--|
| Name | |
| Street Address | |
| Lot # | |
| Telephone | |
| Date | |

The following prerequisites must be satisfied prior to submission of this application:

- Equipment is nature blending in color.
- Location is as unobtrusive as possible and not in any neighbor’s view line.
- Equipment location and subsequent play will be both mindful and respectful to neighbors and the general vicinity.
- Consent signatures of immediate neighbors are obtained. See note on page 2.

Application is hereby made to install a _____ at the location indicated in the diagram below. Drawing includes distance of intended recreational equipment to neighboring property lines and/or boundaries, view corridors, and street, as well as existing and any additional planned landscape screening. Further, specifications noting size and color or equipment as included.

| | | | |
|-----------------------------------|-------------------|---------------|------------------|
| Approved _____ | Disapproved _____ | Date _____ | By _____ |
| Basketball backboard & Hoop _____ | Swing Set _____ | Gym Set _____ | Trampoline _____ |

By my signature, I consent and do not have any objections to the installation of the previously mentioned recreational equipment.

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

NOTE: Generally, trampolines, swing and gym sets require neighbor approval on either side only. Basketball backboards and hoops may also require approval from neighbors across the street, depending on lot locations and population density of the immediate neighborhood.

10.6 APPLICATION FOR VIEWING PLATFORM (EXHIBIT F)

Hilton Head Plantation Property Owners' Association
Architectural Review Board
P.O. Box 21940
Hilton Head Island, SC 29925

VIEWING PLATFORMS ON UNIMPROVED LOTS

APPLICANT: _____

The Hilton Head Plantation Architectural Review Board wishes to advise that the following policy and guidelines pertain to the placement of portable viewing platforms on unimproved lots.

1. Platforms must be placed in the least obtrusive location at the rear (viewing area) of the lot, taking maximum advantage of natural vegetation screening.
2. Platforms must be no higher than 60" and movable by hand.
3. Platforms must be removed when no longer needed by property owner.
4. The property owner accepts full responsibility and liability for the platform and its placement.
5. The POA reserves the right to require the removal of the platform at any time.
6. Platforms may only be placed after the property owner signs and returns this form to the ARB Office, 7 Surrey Lane, Hilton Head Plantation.
7. The platform shall be stored on its side when not in use.
8. Placement Date: _____ Removal Date: _____

Agreement:


I have read, understand, and will comply with all requirements of Guidelines 4.25.11.

I am the property owner of Lot # _____ and agree to the above conditions.

Signature _____

Date: _____

10.7 HILTON HEAD PLANTATION BUILDING PERMIT (EXHIBIT G)



A.R.B. Case No. _____

HILTON HEAD PLANTATION

BUILDING PERMIT

TO BE POSTED WITH VALID TOWN OF HILTON HEAD BUILDING PERMIT

LOT LOCATION _____

PROPERTY OWNER _____

CONTRACTOR _____

CONTRACTOR'S EMERGENCY PHONE NO. _____

PERMIT NO. _____ ISSUED: DATE / / BY _____