

**MOSS CREEK
OWNERS ASSOCIATION, INC.**

**Architectural Review Board
Guidelines & Procedures**

MCOA Policy 91-01

CROSS REFERENCE: Moss Creek Owners Association, Inc.
Residential & Governmental Covenants,
Water Features Management-MCOA Policy 90-07,
Tree Protection Management-MCOA Policy 90-06.

AUTHORIZATION: MCOA BOARD OF DIRECTORS APPROVAL:
December 2001

EFFECTIVE DATE: January 1, 2002

DECLARATION

WHEREAS, the Board of Directors of the Moss Creek Owners Association (MCOA), in consonance with the MCOA Residential and Governmental Covenants, desires to insure orderly development of an aesthetically pleasing and harmonious private residential community within Moss Creek Plantation; and,

WHEREAS, the MCOA Residential and Governmental Covenants, have vested in the Architectural Review Board (ARB) the authority to control the use of all areas in the Plantation and to review and control the location, design, construction, alteration, exterior appearance and construction scheduling of all structures erected or to be erected in Moss Creek Plantation; develop, recommend and publish from time to time, guidelines for the information and guidance of property owners, builders, and other contractors and to aid in the enforcement of said covenants and restrictions applicable; and, to recommend to the MCOA Board of Directors penalties for those persons who may be in violation of said Guidelines and Procedures.

NOW THEREFORE, the Board of Directors, having reviewed and approved the ARB Guidelines and Procedures, as amended, dated December 2001, do direct that such Guidelines and Procedures be implemented with an effective date established by the ARB, of no later than January 2002.

MOSS CREEK OWNERS ASSOCIATION, INC.

President **January 2002**

Secretary **January 2002**

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SECTION 1. GENERAL PROVISIONS

- 1.1 The Architectural Review Board (ARB) is the agent of the Moss Creek Owner's Association (MCOA) Board of Directors for the purpose of directing the orderly development of an architecturally pleasing and harmonious private residential community within Moss Creek Plantation (MCP). The following Guidelines and Procedures have been developed to insure that purpose and, except as herein specified, no building, or other structure, shall be located, erected, constructed, extended, enlarged, or converted; and no lot landscaped, or altered, except in conformity with these Guidelines and Procedures.
- 1.2 The ARB is authorized to grant exceptions or variances to these Guidelines and Procedures, provided that such exceptions are reasonably within the intent and purposes of these Guidelines and the Articles of architectural control contained in the MCOA Governmental and Residential Covenants, and provided further, that adjoining owners are informed by the ARB, in writing, of each applicant's request for any exception.
- 1.3 Meetings of the ARB are customarily scheduled on the second and fourth Monday of each month. For consideration by the ARB, submittals must be made by 5:00 p.m. on the Monday, prior to a scheduled meeting. Submittal packages must be complete with an application form, review fee, and all necessary plans, details, color samples, and any other required information for the particular submittal.
Piecemeal and/or incomplete submittals will not be accepted or reviewed.
- 1.4 The ARB shall review and approve or disapprove all plans and specifications submitted for structures, landscaping, drainage, additions, alterations or changes to existing structures or land, and shall issue building permits when appropriate. Plans will be reviewed for both quality of design and conformance with applicable covenants, guidelines and procedures. Plans may be disapproved on any grounds deemed objectionable, including purely aesthetic reasons. Applicants will be notified by letter of either approval or disapproval of an application. Reasons for disapproval will be included in such notification.
- 1.5 The aggrieved owner, or owner's agent, may seek resolutions of disputes associated with submitted applications in a meeting with the full ARB.
- 1.6 The ARB may require that architects, engineers, designers, and/or contractors provide qualifications and references prior to commencing any work in MCP. Specific information for such qualification will be provided upon request.
- 1.7 When it is determined that construction on any Moss Creek property is being conducted in violation of submitted and approved plans, the ARB, by a majority of its members, shall ask the Moss Creek General Manager to issue a Cease and Desist Order. Hereunder, Moss Creek Security will be directed to prevent access to the construction site by the offending contractor, subcontractor and/or supplier. No

further work shall be permitted at the site until the Cease and Desist Order has been lifted with the approval of the General Manager and the ARB Chairman.

- 1.8 The ARB shall also review alleged violations of these Guidelines and Procedures and, if found justified, recommend that the sanctions or fines and penalties set forth in Appendix V be assessed by the MCOA Board of Directors against the party found responsible for the violations. If the violation is not corrected within thirty (30) days, the fines set forth in the Appendix will be imposed and collected until the violation is corrected.

SECTION 2. PROCEDURES AND SUBMITTAL INFORMATION

- 2.1 The three steps of the plan review process and the necessary information for each are:
 - A. Conceptual Review (optional)
 - (1) Site Plan
 - (2) Floor Plan
 - (3) Exterior Elevation(s)
 - (4) Variance
 - (5) Conceptual Fee (or entire submittal fee)
 - B. Preliminary Review (required unless specifically waived)
 - (1) Site Plan
 - (2) Floor Plan
 - (3) Exterior Elevations
 - (4) Special Construction Conditions
 - (5) Variance
 - (6) Plan Submittal Fee
 - C. Final Review and Approval (required)
 - (1) Site Plan
 - (2) Drainage Plan
 - (3) Floor Plan
 - (4) Exterior Elevations
 - (5) Typical Wall Section(s)
 - (6) Exterior Details
 - (7) Exterior Electrical Plan
 - (8) Exterior Materials and Colors
 - (9) Landscape Plan
 - D. Refer to Section 4 for specific plan requirements.
 - E. Additions and modifications to existing structures require the same procedures and information outlined in A, B, C, and D above. Depending upon the scope of the project some information listed may not be needed. Specific requirements will be given upon request.
 - F. The MCOA ARB does not provide copies of plats or plat information. Such copies or information may be obtained from the Beaufort County Court House.

- 2.2 Following are steps required before a MCP building permit will be issued and any lot clearing/construction can begin:
- A. Stake out of the structure.
 - B. Mark trees to be removed with red tape.
 - C. Install specimen tree barricades and side property line fences. Call for inspection.
 - D. Pay all fees and deposits.
 - E. Provide a copy of the Beaufort County building permit.
 - F. Provide a copy of the MCOA Letter of Understanding.
- 2.3 Before placing concrete, batter boards or form boards must be inspected and approved. A foundation survey is required.
- 2.4 **Compliance** - At the completion of the project, refer to Section 3.2 D.

SECTION 3. FEES AND DEPOSITS

The ARB shall collect the following fees and deposits for all construction in MCP and other areas under its jurisdiction:

3.1. FEES

- A. On submittal of plans:

Type of Construction	Amount
New Residence 2,500 sf or more	\$ 750.00
New Residence less than 2,500 sf	650.00
Major Additions (2 or more rooms)	350.00
Minor Additions (1 room, garage, pool)	150.00
Royal Pointe - original 7 models	100.00
Royal Pointe - new models	Same as new residence above
Multi-Unit Commercial	1,000.00
Single-Unit Commercial	750.00
Commercial Additions	500.00
Conceptual	100.00

- B. Drainage/Driveway:

Type of Construction	Amount
Full size lot (2 or more curb cuts)	\$1,800.00
Full size lot (1 curb cut)	1,500.00
Patio Homes	1,200.00

The above fees cover the costs for all work performed by MCOA, including the street-side grading, sodding or seeding, and culvert installation, if required.

- C. Water/Sewer Tap Charges - As established by the Water Oak Utility Company, Inc. (WOU).

3.2. DEPOSITS

A. Compliance and landscape:

Type of Construction	Amount
Full size lots	\$4,000.00
Patio and Royal Pointe lots	3,000.00
Additions	2,000.00
B. Special Slab Construction	2,000.00
C. Well drilling	400.00

D. Refunds will be made:

(1) After an on-site inspection confirms:

- a. Satisfactory completion in conformity with approved plans of the building, lot drainage, landscaping and clean up of the property.
- b. Repairs to damaged road pavement, bicycle paths, and adjacent properties have been made; and

(2) Upon delivery to the ARB of:

- a. **An as-built survey and as-built plans.**
- b. Color photographs of front and rear elevations.
- c. Certificate of Compliance.
- d. Copy of Beaufort County Certificate of Occupancy.

E. Special slab construction deposits will be refunded upon satisfactory completion of all requirements.

F. Well drilling deposits will be refunded upon completion and clean up around each well and receipt by the ARB of a South Carolina Department of Health and Environmental Control (SCDHEC) Certificate.

G. Deposits shall be held in a special escrow account and will be returned only when conditions and circumstances cited herein are met. All or any portion of the deposits may be withheld to insure compliance with these requirements.

H. In the event a re-inspection is required because of non-compliance with approved plans (house, landscape, drainage, etc.), an additional fee of \$100.00 will be charged.

SECTION 4. PLAN REQUIREMENTS

4.1 All plans and data required for approval shall be prepared by an approved architect or designer (see Section 1.6) and shall be of sufficient detail and clarity to accurately portray the proposed project. No existing design or element of a design will be considered as precedent for any future repetition by another owner. As a minimum, each plan required for the appropriate step in the review process must convey the information outlined below. The owner's name must be shown on all plan sheets. The architect's or designer's name, lot number, and location must be shown on all site plans. Application forms must be completed as necessary for each step. Any plans for an addition to an existing home must be prepared by a professional designer or architect and follow the same plan requirements as new homes.

- A. Conceptual Review (optional)
 - (1) Site Plan: May be unscaled sketch but must indicate relationship of structure to lot.
 - (2) Floor Plan: May be unscaled sketch or block outline.
 - (3) Exterior Elevation(s): May be unscaled sketch of the front or entry elevation.
- B. Preliminary Review (required unless specifically waived)
 - (1) Site Plan: 1/8"=1' scaled drawing with all existing and proposed tree and topographic data; outline of the structure and all other vertical construction elements with setback dimensions from property lines; finished floor elevation(s); roof plan, walks, driveways, outlines of adjacent structures, proposed drainage patterns, and all other salient features, views, etc., both on and around the lot.
 - (2) Floor Plan: 1/4"=1' scaled drawing complete with all decks, stairs, service yards, etc.
 - (3) Exterior Elevations: 1/4"=1' scaled drawings of all four elevations including an accurate indication of existing and final grades at the perimeter of the structure, all vertical construction elements, and a maximum height dimension.
 - (4) Special Construction Unusual site conditions that may affect the structure or its location on the site must Conditions: be graphically presented.
- C. Final Review and Approval (required)
 - (1) Site Plan: Same as B (1) above.
 - (2) Drainage Plan: **A separate plan indicating all fill and grading, designed by a qualified engineer or landscape architect, superimposed on a site plan.** Refer also to Section 5.15 of these Guidelines.
 - (3) Floor Plan: Same as B (2) with both construction dimensions and heated and unheated square footage indicated.
 - (4) Exterior Elevations: same as B (3) with any non-typical hidden elevations shown.
 - (5) Typical Wall Section(s): All sections necessary, including unusual foundation conditions, patio walls, etc., to indicate construction details.
 - (6) Exterior Details: All exterior elements of the design not shown by C (5) above.
 - (7) Exterior Electrical Plan: All proposed exterior lighting including swimming pools. Refer also to Section 6.4 of these Guidelines.
 - (8) Exterior Materials: All exterior elements of different materials and/or colors must be identified by name and Colors: on a front elevation to clearly depict the proposed color scheme. (May be included with C (4) above.) In addition, 3" x 3" minimum size samples of all key materials and colors, properly labeled and affixed to a white 8 1/2" x 11" maximum size foam core board, are to be provided. Major colors must be actual

samples. Minor colors may be printed samples. Paint and stain samples from wood color fans are acceptable. Maximum overall thickness of board plus samples, 1/2".

- (9) Landscape Plan: Refer to Section 6 of these Guidelines.

SECTION 5. BUILDING REQUIREMENTS

5.1 RESIDENTIAL CONSTRUCTION

Such construction must meet the requirements for all of the then current applicable Beaufort County Building Codes. In any instance where MCOA standards applied to this type of construction are higher than those required by the County, MCOA standards shall govern.

5.2 COMMERCIAL, INSTITUTIONAL AND OTHER PROPERTY CONSTRUCTION

Site design and development standards must meet the requirements set forth in the then current Beaufort County Development Standards Ordinance. In any instance where MCOA standards applied to this type of construction are higher than those required by the County, MCOA standards shall govern. Other applicable requirements may be by contractual agreement.

5.3 MINIMUM HEATED SQUARE FOOTAGE FOR STRUCTURES

- A. Full Size Lots: 2200 sf (Where not restricted by deed requirements.)
- B. Peninsula Lots: 2800 sf Lot Nos. 812-861
2200 sf Lot Nos. 862-898
- C. Patio Lots: 1200 sf (Vertical enclosed structures shall not exceed fifty percent (50%) of the total sf of the lot.)
- D. Royal Pointe Lots: 1800 sf (Specific variances will be considered based on lot size and configuration.)

5.4 PATIO AND PRIVACY WALLS

- A. Patio walls shall be a minimum of fifty-five feet (55') long and eight feet (8') above the finished floor. Unless otherwise approved, patio walls shall extend ten feet (10') to the front and twenty feet (20') to the rear of each dwelling unit. Any wall beyond the enclosed unit must be not less than six feet eight inches (6'-8") in height above the finished floor.
- B. Privacy walls shall be within setbacks and a maximum of six feet (6') above existing grade, or at the discretion of the ARB.

5.5 HEIGHTS

- A. For purposes of these Guidelines, vertical construction is defined as any element of a project that is eighteen inches (18") or more above existing grade.
- B. The maximum building height, including chimneys and caps for all home construction is limited to thirty-five feet (35') above Base Flood Elevation (BFE), or existing grade, whichever is greater. The lowest finished floor

elevation shall be no more than five feet (5') above the highest existing elevation of the lot at the heated perimeter of the structure. If floor elevation flood plain requirements exceed the above, the lowest finished floor elevation shall be no more than one foot (1') above the flood plain level or as otherwise approved by the ARB.

5.6 BUILDING SETBACKS

- A. Minimum setbacks are generally measured from property lines to any vertical construction (viz., building line of residence, bays, decks, or service yard enclosures). Rear setback distances are those distances from any vertical construction to the rear property line, the "survey control line", the Ocean and Coastal Resource Management (OCRM) Critical Line, or the water's edge of lagoons, whichever is most restrictive. Swimming pools and patios are subject to the same setbacks required for vertical construction. Exceptions will be considered for ground level installations.

B. Setback Minimums

Full Size Lots	Front	Side	Rear		
Golf Course	30'	20'	30'		
Marsh	30	20'	30'		
Lagoon	30	20'	30'		
Wooded	30	20'	30'		
Driveways		5'	30'		
Patio Size Lots	Floor	Patio Wall	Opposite Patio Wall	Front	Rear
	1st	1'	3'	15'	20'
	2nd	1'	13'	15'	20'
	Garage	1'	3'	3'	20'
	Driveway	1'	3'		

Roof and/or gutter encroachments into sideline setbacks will be limited to ten inches (10").

Royal Pointe Lots - Specific variances will be considered based on lot size and configuration.

5.7 FOUNDATIONS

For all home construction, concrete slabs with integral perimeter footings placed on fill are permitted only when the finished floor elevation does not exceed two feet (2') above the existing elevations of the building site at any point on the perimeter of the slab. For patio home garages or carports, the finished floor elevation must not exceed one foot (1') above existing grade elevations. The ARB will consider written requests for special permission to construct concrete slabs with integral perimeter footings where the finished floor elevation at any point on the perimeter of the slab is more than two feet (2') above existing grade. Specific requirements will be furnished upon receipt of a request. For

crawl space construction careful attention must be given to the location, size, and detail of foundation wall and hydrostatic vent fenestration.

5.8 GARAGE AND PARKING FACILITIES

- A. All driveway and parking areas require an approved hard surface material unless otherwise specifically permitted by the ARB.
- B. Full Size Lot Home Construction: A garage or carport is required to provide shelter for at least one automobile with non-sheltered guest parking areas for at least two additional vehicles.
- C. Patio Size Lot Home Construction: A non-sheltered parking facility for at least two automobiles is required, although a garage or carport is more appropriate for either or both parking spaces.
- D. Royal Pointe. Same as B above.

5.9 SERVICE YARD ENCLOSURES AND FENCES

Service yards are required for all home construction. They shall be screened with a non-vision type fence enclosure a minimum of five feet (5') in height, and must conceal trash receptacles, utility meters, HVAC equipment, fuel tanks, showers, clotheslines, garden equipment or recreational type vehicles, materials, pool equipment and supplies. Trash receptacles and fuel tanks located outside the service yard must be buried underground. In general, fences and other site built elements outside building setback areas are prohibited.

5.10 OUTBUILDINGS

Detached buildings are allowed in accordance with Article II, paragraph 6 of the MCOA Residential Covenants.

5.11 ANTENNAS

Exterior television antennas, radio receivers, and similar devices are not permitted except as outlined in Article II, paragraph 17 of the MCOA Residential Covenants. Direct Broadcast Satellite Receivers (DBSR) are permitted but for each installation an application must be completed and approved in writing by the ARB and shall be as provided below:

- A. Whenever possible, DBSR units shall be located within an existing service yard or courtyard. All installations must conform to ARB Guideline setback and height restrictions.
- B. When placed on the exterior of a structure, the units must be located and screened in a manner that is visually compatible with the structure and not visually conspicuous from adjacent or nearby properties.
- C. The removal or excessive pruning of desirable trees for line of sight purposes is prohibited.

5.12 EXTERIOR FINISH COLORS AND MATERIALS/SIDING/ROOFING

The use of plywood, composition board, vinyl, fiberglass or metal for finished exterior walls is prohibited unless specifically approved. Roofing materials may be wood shakes, wood shingles, asphalt shingles (rated approximately three hundred pounds per square), slate, synthetic slate, tile, standing or flat seam metal, and other materials at the discretion of the ARB. Roof vents and accessories should ordinarily be located away from the front elevation and painted or stained to match the roof color. Finish material of exposed chimneys must be masonry of some type. An approved windscreen must conceal flue bonnets for pre-fab fireplaces. The use of vent-less or back-vented fireplaces is discouraged.

5.13 MAILBOXES

Mailboxes shall be uniform in style, color, and lettering. Initial installation shall be done by MCOA at the owner's request and expense. Subsequent maintenance, if required, must conform to these requirements.

5.14 DOCKS, BULKHEADS, AND SEA WALLS

- A. Docks may be erected only by owners of lots which have a property line located within fifty feet (50') of a navigable tidal creek and with written approval of the ARB, local, state and federal governing bodies.
- B. Bulkheads and sea walls are discouraged but may be considered in particular situations and must be submitted for approval.
- C. Construction materials and details and auxiliary devices will be reviewed on an individual basis.

5.15 LOT DRAINAGE

The site plan should clearly depict the proposed drainage pattern for the lot. It is the responsibility of the owner, or his agent, to insure that grading of the lot is accomplished in a manner that not only provides proper drainage of the property but also prevents water flow onto adjacent lots. If run-off does occur onto adjacent lots prompt action must be taken to correct the situation. **A qualified engineer or landscape architect must also design a drainage plan for the lot. Implementation of the plan must be approved by the designer at the completion of the project and a copy of an approval letter from the designer given to the ARB.**

5.16 DRIVEWAY AND ROADSIDE DRAINAGE

- A. Driveways in MCP shall be designed to facilitate the proper flow of storm water in roadside drainage ways by the use of paved swales, culverts, or trench drains to conform to the MC master drainage plan. MCOA neither provides nor installs trench drains.
- B. MCOA shall provide grading and groundcover as needed in roadside swales on common property in conjunction with driveway construction.

- C. The owner, or owner's agent, shall notify MCOA not less than ten working days prior to the date of the intended driveway installation, so that the elevations and construction methods can be determined and approved. The driveway should be staked out prior to notifying MCOA.
- D. When driveway elevations have been established and/or a culvert has been installed, the driveway has been formed, graded, and is ready to be paved, MCOA must be notified a second time so that a final inspection can be performed prior to paving.

5.17 WATER SOURCE HEAT PUMP SYSTEMS

ARB approval is required for the installation of water source heat pump systems. Specific requirements will be furnished upon receipt of a request. Two well systems are discouraged.

5.18 STORM SHUTTERS

Storm shutters may be operable window shutters, roll-up shutters, or removable fixed panels. All proposed installations including plans, mounting details, and material specifications shall be submitted for ARB approval. Fixed frames, header boxes, and panels shall be painted to match the house color. Operable window shutters in lieu of decorative fixed shutters may be painted in approved trim or accent color. For property owners installing hurricane shutters during the immediate time frame around a storm and removing them within seven (7) days after the all-clear notice, any type of shutter is adequate. However, property owners wanting to install hurricane shutters outside the time frame of named hurricanes, the shutters must be submitted to the ARB for approval in keeping with the visual integrity of Moss Creek.

SECTION 6. LANDSCAPE PLAN

An integral part of a submittal to the ARB for new construction, or an addition, alteration, or change to an existing structure, is the landscape plan. To be considered by the ARB a landscape plan:

- 6.1 **Must be professionally prepared by a landscape architect or qualified designer and shall conform in every respect with the approved site plan.**
- 6.2 Shall retain and incorporate as much natural vegetation as possible. The intent of landscape design themes is to be natural and informal causing lot lines to "disappear."
 - A. Clearing of natural vegetation on marsh banks of contiguous common property is prohibited. Natural areas may be selectively trimmed, pruned or mowed to maintain their structure and allow vistas. These activities shall be pursued in late autumn and winter to avoid adverse impact on nesting birds.

- B. Statues, free standing trellises, sculpture, flags, pennants, fountains and other ornamental elements are not appropriate and require ARB approval prior to installation.
- 6.3. Must show the location, physical size, number, and names (botanical and generic) of all trees (existing and proposed), plants, shrubs, and ground cover.
- A. Foundation planting on all sides shall be naturally arrayed and layered with a minimum of fifty per cent (50%) foundation height coverage at installation. Absolute minimum size planting in back row shall be twenty-four inches (24") in height and eighteen inches (18") in width.
 - B. Garage entry, parking areas, utility boxes and pool areas shall be screened, if possible, from streets and adjoining properties with evergreen type plants effective immediately at installation.
- 6.4. Must include and show exterior lighting that may be installed to illuminate driveways, walkways and entryways or to highlight landscaping features. All exterior lighting and any interior lighting visible from adjacent properties shall be installed so as not to disturb neighbors or street traffic.

SECTION 7. DEER FENCING

- 7.1. Lot perimeter deer fencing and/or driveway and walkway access barriers are prohibited. Electric fencing is discouraged.
- 7.2. Deer fencing, if desired, should be used only for specific protection of relatively small areas. Layouts and details for such fencing shall be indicated on a landscape or site plan and must be submitted to the ARB for approval prior to installation.
- 7.3. Fencing shall not exceed three feet (3') in height and contain no more than two wires strung on posts of two inches (2") maximum diameter. All fence elements must be of dark earth tone colors.
- 7.4. Setbacks for fenced areas must be a minimum of thirty feet (30') from property lines adjacent to streets, golf courses, lagoons, and marsh areas, and a minimum of five feet (5') from all other property lines. Some degree of flexibility in these setbacks will be used for patio lots.
- 7.5. Deer fences installed prior to January 1, 1992, or subsequently permitted, are exempt from these requirements.

SECTION 8. TREE PROTECTION MANAGEMENT

(Refer to MCOA Policy 90-06)

- 8.1. **No tree six inches (6") or more in diameter may be removed without prior approval of the ARB.**

8.2 Preservation of Specimen Trees

A. **Definition.** A number of mature trees in MCP are considered specimen. Such specimen trees are defined as follows:

- (1) **Category I: Broad-leaved Evergreen Overstory Hardwoods and Endangered Species**
 - (a) Spruce Pine, Bald Cypress, Southern Magnolia, American Holly and Live Oak.
 - (b) Specimen status: Eighteen inch (18") DBH, or high wildlife habitat or aesthetic value.
- (2) **Category II: Deciduous Overstory Hardwoods and Broad-leaved Evergreen Understory**
 - (a) Red Maple, Mockernut Hickory, Southern Red Oak, Yellow Poplar, and Sweet Gum.
 - (b) Specimen status: Twenty-four inch (24") DBH or high wildlife habitat or aesthetic value.
- (3) **Category III: Cone Bearing Evergreens**
 - (a) Long Leaf Pine, Short Leaf Pine, Loblolly Pine, and Southern Red Cedar.
 - (b) Specimen status: Twenty-four inch (24") DBH or high wildlife habitat or aesthetic value.
- (4) **Category IV: Ornaments Including Palms.**
 - (a) Sabal Palmetto, American Plum, Eastern Redwood, Flower Dogwood.
 - (b) Specimen status: High wildlife habitat or aesthetic value.

B. **Rules.** The following rules apply:

- (1) **Specimen trees as defined above shall be identified on site plans submitted for review by the ARB.** A heavy dashed line on the site plan must show the approximate drip line of specimen trees.
- (2) Healthy specimen trees shall not be removed during any construction activities, except as provided below.
- (3) Any healthy specimen tree that must be removed shall be replaced on a one to one basis on the same site.
- (4) As needed, MCOA personnel and property owners shall consult with qualified arborists regarding methods of pruning, guying, fertilizing, watering, and spraying for pests.

8.3 **Tree Identification.** Except as may be otherwise approved by the ARB, specimen trees in the specific tree associations in which construction is occurring shall be saved. No construction plans shall be approved by the ARB until the tree removal plan and appropriate mitigation measures for the project are accepted.

8.4 **Temporary Wood Barrier Fences.** Temporary wood barrier fences (not silt fencing) shall be erected around specimen trees during construction and the area inside such barricades shall be mulched to a six-inch (6") depth. When

practicable, such barriers shall be placed no closer to the trunk than the drip line. At a minimum, barriers shall be placed around the tree twelve feet (12') from the trunk.

- 8.5 **Location of Constructed Features.** Edges of building footings, driveways, walks, patios, and similar impervious features shall be located no closer than ten feet (10') from any specimen tree. If this is not practicable due to siting conditions, no impervious surface shall cover more than twenty-five percent (25%) or ninety degrees (90) of the drip area.
- 8.6 **General Construction Practices.**
- A. No large equipment may be parked within the drip line of trees on the construction site or on common property adjacent to the construction site.
 - B. To avoid root compaction, vehicles and materials must be parked and stored either on proposed driveway locations on the site or reasonably adjacent to roadways.
 - C. No more than two inches (2") of topsoil may be added to the existing grade within the drip line of any tree.
 - D. Tree wells are not allowed.
 - E. Silt fences or hay bales may be used to control sedimentation within the barricaded area of any tree.
 - F. No changes in drainage patterns that will cause sheet flow or flooding within the drip line area are allowed.
 - G. To avoid contamination of other trees, all cut treetops and downed trees must be removed from the construction site within 24 hours of cutting.
 - H. Construction wastes may not be burned on site.
 - I. Utility lines, including irrigation lines, must be located outside drip lines. When located within fifteen feet (15') of trunks, such utility lines shall be augured beneath roots.
 - J. All roots cut during construction must be coated with antiseptic sealant.
 - K. Treat new trunk wounds by removing dead and torn bark tissues.
 - L. Do not expose roots by lowering grade. If roots are unearthed during the course of excavation, they must be covered by wet burlap and soil within 24 hours.
 - M. All pruning cuts must be made flush to the trunk or connecting branches and injured or diseased limbs must be removed.
 - N. Sod must not be installed closer than one foot (1') from the trunk of a tree.
- 8.7 **Clearing Adjacent to Salt Marsh.** Although moderate clearing for view and breeze is allowed in the thirty foot (30') setback (buffer) zone adjacent to salt marsh, major clearing of trees and underbrush (shrubs and ground cover), is prohibited without the explicit approval of the ARB.
- 8.8 **Tree Replacement.** Owners must replace trees that die within one year after completion of the project. Replacement trees shall be of the same species or of equal value of the tree removed.

- 8.9 **Residential Areas.** To retain healthy tree specimens and stands, provide vista opportunities, maintain natural buffers for privacy and salt spray, assist in soil conservation and enhance wildlife habitat, the following shall be observed:
- A. Specimen hardwoods (especially live oaks) must not be removed unless specifically approved by the ARB.
 - B. Lower limbs of any tree may be removed to allow views from lower floor levels in nearby homes and to stimulate canopy growth.
 - C. Canopy limbs must not be removed.
 - D. Overcrowded species may be thinned.
 - E. Dead fronds on palm trees may be sheared.
 - F. Leafy shrubs may be pruned or cut back every two to three months to non-uniform heights of five feet (5') to ten feet (10') and non-uniform shapes.
 - G. Lower dead fronds on saw palmetto shrubs may be removed.
 - H. Shrubs within thirty feet (30') of water must not be removed. Limbs, however, may be cut back or pruned to irregular heights and shapes.
 - I. Qualified personnel must remove dead trees.
- 8.10 **Nature Preserves.** To protect and maintain such areas, property owners adjacent thereto shall maintain a natural buffer.

SECTION 9. WATER FEATURES MANAGEMENT

(Refer to MCOA Policy 90-07)

- 9.1 Definition. Water features are those bodies of water in MCP that include interior lakes, ponds, lagoons, flooded drainage ditches or wetlands which:
- A. Provide storm water detention and retention reservoirs;
 - B. Provide golf course water hazards; and,
 - C. Enhance residential views.
- 9.2 **Natural Waterside Buffers in Common Areas, on Golf Course Property, and Residential Lots.**
- To conserve the undisturbed natural waterside plant communities in all areas the following program shall be pursued:
- A. A twenty-foot (20') natural buffer zone ("buffer") of undisturbed vegetation as measured from the average annual wetted perimeter of water features shall be maintained. In no event shall such buffer be less than five feet (5').
 - B. Natural buffers may be selectively thinned, pruned, or mowed to maintain their structure and allow vistas. Such maintenance activities must be pursued in late autumn and winter to avoid adverse impacts upon nesting birds and animals.
 - C. The use of pesticides is forbidden in such buffers.
 - D. During residential construction, property owners, contractors, their employees, agents and others under their direction shall take steps to insure that the buffer remains undisturbed. Silt fences must be used to control run-off onto buffers and into water features.

- E. Unless otherwise necessary on the golf courses, and unless otherwise allowed by the ARB on residential lots, bulk heading, rip rap, and grading (leveling, excavating, filing, ditching, etc.) is prohibited in buffers. If sloped riprap is allowed, areas adjacent to the riprap materials shall be seeded and/or sprigged with natural vegetation. Natural grasses shall be allowed to grow among the riprap materials.
- F. Insofar as golf play, residential views, and/or drainage functions are not adversely affected, selective trees and emergent vegetation shall be left undisturbed at water's edge along roadways, in open spaces and in drainage corridors.
- G. Native trees, shrubs, and grasses shall be planted or transplanted in area sites that have been disturbed by construction.
- H. Unauthorized plant removal during construction shall be subject to imposition of a fine.

Appendix I: APPLICATION FOR RESIDENTIAL CONSTRUCTION

MOSS CREEK OWNERS ASSOCIATION

SUBMIT TO: THE ARCHITECTURAL REVIEW BOARD APPLICATION FOR RESIDENTIAL CONSTRUCTION

**FOR REVIEW
BOARD USE ONLY**

HOUSING TYPE	PROPERTY OWNER NAME/ADDRESS/PHONE	LOT NUMBER
PRELIMINARY REVIEW		STREET NUMBER
STAKE OUT	NAME/ADDRESS/PHONE OF ARCHITECT	LOT SIZE FULL ____ PATIO ____
BATTER BOARDS		SUBMITTED BY
FINAL APPROVAL	NAME/ADDRESS/PHONE OF CONTRACTOR	DATE
BLDG. PERMIT #'S Moss Creek _____ Beaufort Cty _____		LANDSCAPE PLAN Yes _____ No _____
FEES/DEPOSITS Review _____ Compliance _____ Drainage _____ Foundation _____	CONTRACTORS S.C. LICENSE NO.	PLANS ARE Conceptual _____ Preliminary _____ Final _____
COMMENTS		
C.O. DATE _____		
C.C. DATE: _____		
REFUNDS	EXCEPTION OR VARIANCE REQUESTED	
Compliance _____	Yes _____ No _____	

1. Has a structure been previously constructed from these plans in Moss Creek?
 Yes _____ No _____ Location: _____
2. Is this construction for speculative purposes?
Yes ___ No ___
3. What is the BFE requirement for the lot? _____
4. What is the finished floor elevation? _____ feet above MSL.
5. HEATED AREA of this structure? _____ sf
 UNHEATED AREA of this structure? _____ sf
 DECK/TERRACE AREA of this structure? _____ sf
 TOTAL SQUARE FEET: _____ sf
6. Is a water source heat pump system being contemplated for this structure?
Yes ___ No ___
7. Is special slab construction being contemplated for this structure?
Yes ___ No ___
8. EXTERIOR MATERIALS: For preliminary review please specify colors and materials used. For final approval please submit samples of colors on materials that will be used.

	Material	Color
BRICK		
SIDING		
STUCCO		
STUCCO TRIM & BANDS		
FOUNDATION		
VENT & OR LATTICE		
FASCIA		
WINDOW & DOOR TRIM		
COLUMNS & RAILINGS		
CORNER BOARDS & OR WOOD BANDS		
FRONT DOOR		
GARAGE DOORS		
WINDOWS		
SHUTTERS		
SERVICE YARD		
ROOFING		
GUTTERS		
DRIVEWAY		
OTHER		

Appendix II: APPLICATION FOR WELL DRILLING

**MOSS CREEK OWNERS ASSOCIATION
SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
APPLICATION FOR WELL DRILLING**

FOR REVIEW BOARD USE	NAME/ADDRESS OF COMPANY DRILLING WELL:	LOT NUMBER
HOUSING TYPE:	_____	_____
_____	_____	STREET:
WELL LOCATION APPROVED:	_____	_____
_____	TELEPHONE #: _____	SUBMITTED BY:
MOSS CREEK BUILDING PERMIT:	LICENSE #: _____	_____
_____	NAME/ADDRESS OF HEAT/AIR CONTRACTOR	OWNER:
DEPOSIT MADE:	_____	BEGIN DATE:
_____	_____	_____
DHEC CERT. OF COMPLIANCE:	_____	END DATE:
_____	TELEPHONE #: _____	_____
DEPOSIT REFUNDED:	LICENSE #: _____	WELL DEPTH:
_____	COMMENTS: _____	_____

Appendix III: APPLICATION FOR DBS TV DISH

MOSS CREEK OWNERS ASSOCIATION

SUBMIT TO:

THE ARCHITECTURAL REVIEW BOARD

APPLICATION FOR DIRECT BROADCAST SATELLITE TV DISH

PROPERTY: _____ **SUBMISSION DATE:** _____

Lot Number: _____

Street Address: _____

Property Owner: _____

Mailing Address: _____

SYSTEM INFORMATION:

System Contractor: _____

Antenna Size: _____

LOCATION:

Description of antenna location: _____

Please attach a sketch indicating the antenna location.

Type of screening: _____

Appendix IV: LETTER OF UNDERSTANDING

MOSS CREEK OWNERS ASSOCIATION

**SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
LETTER OF UNDERSTANDING**

Construction Address: _____

The undersigned Owner, or Owner’s Agent, and Contractor each hereby certifies to the Moss Creek Architectural Review Board (hereinafter “ARB”) that the residential construction or alteration to be commenced at the above referenced location, and as more specifically set forth in the Application for Residential Construction submitted herewith, shall be undertaken and completed in accordance with the recorded covenants running with certain lands in Moss Creek Plantation affecting such property, as amended to date, and in compliance with all the requirements of the current ARB Guidelines and Procedures

The undersigned each further acknowledges the receipt of copies of the Covenants and Guidelines and Procedures and hereby agrees to assume the responsibility of communicating the contents to all persons working on the project.

Upon completion of said construction or alteration, the Owner, Owner’s Agent, and Contractor each shall deliver to the ARB a Certificate of Compliance certifying that said improvements have met all Guidelines and Procedure criteria.

The undersigned each understands and hereby acknowledges that if, upon final inspection by the ARB, the completed construction or alteration is not in compliance with the approved plans and specifications, or does not meet ARB Guidelines criteria, some or all of the deposits made with the application submitted herewith may be withheld or forfeited, in part or in their entirety, until such non-compliance is corrected and a Certificate of Compliance is re-submitted.

Owner Signature: _____ Date: _____

Printed Name: _____

Owner’s Agent Signature: _____ Date: _____

Printed Name: _____

Contractor Signature: _____ Date: _____

Printed Name: _____

Appendix V: SCHEDULE OF FINES AND PENALTIES

Depending upon the degree of non-compliance for failure to follow certain requirements of the Guidelines and Procedures, the Architectural Review Board is authorized to impose the following fines and/or penalties:

1	For starting any work on the site other than stake out of the structure	\$200.00
2	Variation from the approved site location of the structure	Removal of any work completed and re-positioning in correct location
3	Variation in approved first floor and garage floor elevations	Modification of any work completed and/or rebuilding to the correct elevation
4	Variation from approved driveway or drainage plans	Modification of any work completed and/or rebuilding as necessary
5	Failure to follow procedures for driveway installation	\$200.00 plus cost of any necessary removal, repairs or rebuilding
6	Any unapproved change in exterior design, construction, or color of the structure	<ul style="list-style-type: none"> • Forfeiture of all or a portion of compliance deposit. • Correction of the discrepancies at the discretion of the ARB. • Re-submittal of corrected plans.
7	Unauthorized tree removal or damage	<ul style="list-style-type: none"> • Specimen size tree \$1,000.00 per tree plus implementation of an ARB approved tree restoration plan to be started within thirty (30) days of written notification. • Tree six inches (6") or more in diameter up to \$500.00 per tree plus implementation of an ARB approved tree restoration plan to be started within thirty (30) days of written notification.
8	Failure to keep job-site free of litter and construction debris	\$100.00 per day after three (3) working days notification
9	Failure to keep construction activity confined to job-site	\$100.00 per day per violation
10	Non-compliance with conditions and requirements set forth in Appendix VI hereof as items number 2 through 8, 10, 11, 14, 15, 18, and 19	\$100.00 per violation plus implementation or correction of the condition

Appendix VI: FINES FOR OWNERS AND RESIDENTS

The Moss Creek Owners Association, Inc. (MCOA) Board of Directors has approved a policy, pursuant to the Moss Creek Covenants, for the enforcement of the Architectural Review Board (ARB) Guidelines and Procedures to initiate the collection of fines for ARB violations.

Any property owner or resident found to be in violation of the ARB Guidelines will be notified in writing of the offense and will be required to correct the violation by a specific date or risk incurring a fine of \$1,000.00.

If the owner is not responsive and the violation is not corrected by the specific date, a second notice will be sent to the owner advising the failure to correct the situation within 30 days will result in a fine of \$1,000.00 and a lien will be placed on the property.

Failure to correct the violation by the due date, the \$1,000.00 fine will be charged to the owner's monthly assessment and a lien will be placed against the property with the Beaufort County Recorder of Deeds.

Further, failure to correct the violation will also result in court action whereby MCOA will seek authorization to enter the owner's property to correct the violation. All expenses incurred by MCOA related to correcting the violation will be charged to the owner's account.

Appendix VII: BUILDING INSTRUCTIONS

During the course of the construction, the owner, the owner's agent, and/or the contractor will be responsible to abide by the following:

1. No clearing or construction work is to begin before a Moss Creek building permit has been issued by the ARB.
2. String lines placed along side and rear property lines shall remain in place until construction is completed. In addition, side property line and specimen tree barricades must be installed at the time of stake out and shall remain in place until construction is completed.
3. Adjacent lots and/or common property shall not be used for the storage of materials, vehicle parking, or access to the construction site.
4. Building sites shall be maintained in an orderly condition; buildings are to have scrap materials picked up as necessary to maintain an orderly condition.
5. A small trash container (barrel) is to be provided for the use of depositing used food containers and other small trash.
6. A large trash container is to be provided for scrap material and building debris and other bulk trash items. The overflow or spillage around these containers is to be picked up daily. If a trash collection and hauling service is used in lieu of a trash container, provision for a temporary trash storage bin must be made on the site. Pick up of the stored trash must be made at least on a weekly schedule.
7. Porta-johns are to be provided for the convenience of workers, and should be placed so that the doorway will not front on the street or other public view. They should be placed a minimum of ten feet (10') inside of the property lines unless otherwise approved.
8. Loud and offensive noise will not be permitted. The playing of radios is permitted provided the sound does not carry beyond the boundaries of the building under construction.
9. Contractors, sub-contractors, material suppliers and/or their respective employees who use a vehicle for access to the job site are required to have a MCOA sticker. This may be obtained at the Security Gate.
10. Construction workers are not permitted to fish or hunt in MCP.
11. Saturday work is permitted, except when a holiday falls on Saturday. No work is permitted on Sundays.
12. Notify WOU when lateral locations and/or tap ins are needed. A three-day advance notice is required.
13. Contractor's and Architect's Signs: Small signs not exceeding four square feet may be placed at the street side of the site for job identification purposes only. At the completion of the job, signs are to be promptly removed. No other signs are permitted.
14. Construction work is permitted from 7:00 a.m. until 6:00 p.m., dependent on daylight.
15. No burning of trash or fires of any kind is permitted.

16. Any trees lost due to construction damage within one year after construction shall be replaced by one tree for each lost tree. Size, species and location will be at the discretion of the Board.
17. Notify MCOA when driveway elevations are needed. A ten-day advance notice is required. See Section 5.16.
18. No clearing of any kind is to be done on the banks of lagoons and marshlands or beyond property or survey control lines in these areas except in conformity with an approved landscape plan.
19. Vehicles and heavy equipment are not to be left on job sites overnight, weekends or holidays without special permission from MCOA.
20. It shall be the responsibility of the General Contractor or the Owner, as applicable, to insure that all persons working on a construction project in MCP are both informed of and familiar with the ARB Guidelines and Procedures.

Appendix VIII: CERTIFICATE OF COMPLIANCE

MOSS CREEK OWNERS ASSOCIATION

**SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
CERTIFICATE OF COMPLIANCE**

The undersigned hereby certify to the Moss Creek Plantation Architectural Review Board that the building structure and other improvements situated at Lot No. _____ Street Address _____ (has) (have) been (constructed) (altered) in accordance with the recorded Covenants running with certain lands in Moss Creek Plantation affecting such lot, as amended to date.

The undersigned further certify that the improvements have been constructed in accordance with the final plans and specifications heretofore filed with and approved by the ARB on _____; that the contractor and/or owner’s agent executing this certificate has conducted a final inspection of the improvements; and that the improvements meet the guidelines, criteria and requirements set forth by the Architectural Review Board in its approval of the plans and specifications.

OWNER: _____ DATE: _____
Signature Print

CONTRACTOR: _____ DATE: _____
Signature Print

OWNER’S AGENT: _____ DATE: _____
Signature Print

Type of Improvement: _____ Moss Creek Building Permit #: _____

Filed with and confirmed and accepted by the Moss Creek Plantation Architectural Review Board this _____ day of _____.

Final Inspection:

ARB Inspector: _____ Date: _____

Drainage Manager: _____ Date: _____

Landscaping Advisor: _____ Date: _____

ARB Advisor: _____ Date: _____