

# **PALMETTO HALL PLANTATION**

## **ARCHITECTURAL REVIEW BOARD POLICIES, PROCEDURES AND GUIDELINES**

### **For Residential Construction or Remodeling**

ADOPTED BY: Palmetto Hall Property Owners Association, Inc.

EFFECTIVE DATE: February 1998

## COVENANTS

Recorded with the Beaufort County Clerk of Court of Common Pleas is a Declaration of Rights, Restrictions and Affirmative Obligations that constitute Covenants running with certain lands in Palmetto Hall Plantation. These Covenants, as we shall refer to them, run with the deeds to that land, regardless of from whom and/or from what company it was purchased.

These Covenants were established by Palmetto Hall Plantation in order to assure and preserve certain high standards of aesthetics and materials, to provide all Property Owners with ample opportunity to make the best use of their property in a manner in keeping with rights and values of the adjoining property, and to create certain procedures to enable the community to permanently control the quality of its neighborhoods.

While the recorded Covenants specifically identify and outline certain conditions and restrictions, Palmetto Hall Plantation has established general construction and architectural guidelines and controls that are explained throughout this document. This document is not intended to be on the same level of authority as the recorded Covenants and, unlike the Covenants, may be amended or modified at the sole discretion of Palmetto Hall Plantation. Rather it is an expression of standards and procedures to serve as the currently employed criteria for review of matters aesthetic and/or architectural in nature.

## ARCHITECTURAL REVIEW

"No building, wall, fence, sign, swimming pool, roof, exterior light, or other structure or improvement shall be commenced or erected upon the exterior of any structure nor shall any building permit for such structure or improvement be supplied for, nor shall any landscaping be done, nor shall any addition to any existing building or alteration or change therein be made until the proposed building plans, specifications (including height, color of roof, siding, etc., materials and exterior finish), plot plan, landscape plan and construction schedule shall have been submitted to and approved by the Architectural Review Board as provided by Article \_\_\_\_ hereof." (Palmetto Hall Plantation Covenants, Article 3, Section 3.2)

Owners and their Architects are to use original designs and varied materials to avoid a stereotypical home. Under the original guidelines some Owners and their Architects were taking the position that if a previous house met the guidelines, the Architectural Review Board has no authority to impose additional restrictions on building the same or a similar house again. Under that thinking, all homes could be built from a single design. This is contrary to the intent of these guidelines. It is important to realize that the overall impact of a house design involves issues of taste and judgment that cannot be reduced to measurable standards, such as square footage, setbacks, roof pitch, or similar items. A house that meets all of the statistical criteria may be unacceptable for purely aesthetic reasons, and the Architectural Review board has the authority to make subjective judgments of this nature. The authority of decisions by architectural review boards, which decisions can be based purely upon aesthetic considerations, has been recognized and upheld by the South Carolina Supreme Court.

Adherence to the guidelines in this document is essential to achieving a combination of high quality home/landscape design, overall diversity and individual expression within the context of a cohesive and harmonious community design setting that is accomplished in a manner that is compatible with and complements the natural surroundings, climate, and other environmental

factors indigenous to this area. Although most local Architects, designers, and Contractors will be familiar with the rules and guidelines contained herein, Property Owners are urged to verify that the design, construction, and landscape professionals they select are, in fact, thoroughly knowledgeable about the Architectural Review Board Policies, Procedures, and Guidelines for Palmetto Hall Plantation. The standards incorporated herein are intended to protect the property values of all Palmetto Hall Plantation Property Owners and these policies, procedures, and guidelines are intended to provide a timely, systematic, and uniform review for all development requiring Architectural Review Board approval.

## **ARCHITECTURAL REVIEW BOARD**

Palmetto Hall Plantation has created an Architectural Review Board consisting of five members, including a chairperson.

The Architectural Review Board meets on a regularly scheduled basis to review all plans for construction, provide recommendations, discuss the general appearance of the community and appropriate actions to improve its aesthetics, and work with Owners, Architects, Builders, and Landscapers to assure that high standards are being maintained. By approval of such plans, the Architectural Review Board will in no way assume liability for structural design or damage to other property during the approved construction. Further, it should be noted that if some portion of the approved plans is, due to inadvertent oversight by the Architectural Review Board, in violation of the Palmetto Hall Plantation Covenants, such approval will not later prevent the Architectural Review Board from seeking enforcement of the Covenants. The authority of the Architectural Review Board is derived from the Plantation's Recorded and Protective Covenants. In any instance where the guidelines contained HEREIN CONFLICT WITH THE COVENANTS, THE RECORDED COVENANTS SHALL CONTROL. IN ANY INSTANCE WHEN THE GUIDELINES CONTAINED HEREIN CONFLICT WITH THE ARCHITECTURAL REVIEW BOARD RESIDENTIAL PERMIT APPLICATION, THE GUIDELINES SHALL CONTROL. ADDITIONALLY, THE DECISIONS OF THE ARCHITECTURAL REVIEW BOARD ARE NOT AND WILL NOT BE BOUND OR RESTRICTED BY ANY PRECEDENT RELATING TO EXISTING RESIDENTIAL CONSTRUCTION/LANDSCAPE ON ANY OTHER LOT WITHIN PALMETTO HALL PLANTATION.

The Architectural Review Board also works with Country and Town Building authorities to assure adherence to codes and all applicable laws. However, the Board assumes no liability as to the adherence of building codes as that remains the sole responsibility of the Owner, his architect, and his Builder.

APPLICANTS WILL BE NOTIFIED IN WRITING OF ALL DECISIONS OF THE ARCHITECTURAL REVIEW BOARD WITHIN TEN (10) WORKING DAYS OF THE BOARD MEETING. Oral representations of any ARB decisions shall be non-binding on the Architectural Review Board. No approval of plans/location/specifications and no publication of architectural standards bulletins by the Architectural Review Board shall ever be construed as representing/implying that such plans/specifications/standards will, if followed, result in a properly designed residence or that such standards comply with pertinent law. Such approvals and standards shall in no event be construed as representing or guaranteeing that any residence will be built in a good workmanlike manner. NO IMPLIED WARRANTIES OF GOOD WORKMANSHIP, DESIGN, HABITABILITY, QUALITY, FITNESS FOR PURPOSE OR MERCHANTABILITY SHALL ARISE AS A RESULT OF ANY PLANS, SPECIFICATONS, STANDARDS, OR APPROVALS MADE OR PUBLISHED

BY GREENWOOD, OR THE ARCHITECTURAL REVIEW BOARD, THEIR SUCCESSORS OR ASSIGNS.

## **INQUIRIES / APPEALS**

Should you have any questions concerning this document or wish to appeal a review board decision, please contact the Architectural Review Board Administrator at 689-8985.

## **RELY ONLY ON INFORMATION IN THIS PLAN**

NO PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR MAKE ANY REPRESENTATION NOT CONTAINED IN THIS PLAN, AND IF GIVEN OR MADE, SUCH INFORMATION OR REPRESENTATION MUST NOT BE RELIED UPON AS HAVING BEEN AUTHORIZED BY THE ARCHITECTURAL REVIEW BOARD.

## Table of Contents

PLAN SUBMISSION PROCEDURE .....	7
VARIANCES.....	8
DOCUMENTS REQUIRED AT SUBMISSION APPLICATION.....	8
SITE PLAN.....	9
HOUSE PLANS.....	9
COLOR BOARD .....	10
PHOTO SHEETS.....	10
LANDSCAPE PLAN.....	10
FEES REQUIRED .....	11
SUBMISSION FEE .....	11
WATER / SEWER FEE.....	11
COMPLIANCE DEPOSIT .....	11
RE-INSPECTION FEES .....	11
PERMIT PROCEDURES / REQUIREMENTS.....	12
TOWN BUILDING PERMIT.....	12
ARB CLEARING PERMIT .....	12
ARB BUILDING PERMIT .....	12
SURVEY / CERTIFICATE REQUIREMENTS .....	12
INTERIM INSPECTIONS .....	13
GENERAL GUIDELINES .....	14
UNDERBRUSH REMOVAL / BUSH HOGGING .....	14
SITE CLEARING / TREE REMOVAL.....	14
TREE PRESERVATION.....	14
FILL / GRADING / DRAINAGE.....	15
EASEMENTS.....	16
FENCES.....	16
GAZEBO .....	16
POOL / SURROUNDING DECK .....	16
DRIVEWAY.....	17
EXTERIOR ANTENNAS .....	17
HOUSE.....	18
GARAGE.....	19
SERVICE YARD.....	19
SQUARE FOOTAGE REQUIREMENTS.....	19
SETBACKS .....	19
ROOF / COLOR SELECTIONS .....	20
LANDSCAPE DESIGN .....	20
EXTERIOR LIGHTING.....	22
WINDOW TREATMENTS.....	22
WATER / SEWER CONNECTION.....	22
FLAGPOOLS AND STATUARY ELEMENTS.....	23
BASKETBALL BACKBOARDS .....	23
PLAY YARDS AND PLAYHOUSES.....	23

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SIGNS .....	24
REFUSE DISPOSAL .....	24
GENERAL POLICIES .....	24
GENERAL FINES AND PENALTIES .....	26
ARB DECISION APPEALS .....	27
REVISIONS.....	27

## **PLAN SUBMISSION PROCEDURE**

1. The Architectural Review Board (hereinafter "ARB") Building Permit Application is to be completed in its entirety and signed by all applicable parties. A submission fee is due upon submission of the ARB Building Permit Application and related documents. This fee is determined on an annual basis.
2. If the proposed construction includes any variances from the ARB Guidelines/Policies stated herein, they should be requested specifically on the application form or on an attached typewritten memo. A written reason for each variance requested is required. The ARB reserves the right but is not obligated to consult with affected Property Owners in deciding the merit of any variance request. If a variance is discovered that was not requested on the application, the application will be disapproved. The applicant may submit revised plans eliminating the variance or specifically request the variance.
3. All ARB applications, plans and documents must be submitted to the offices of the ARB at least five (5) working days prior to the scheduled ARB meeting to allow enough time for a thorough review.
4. All plans and documents submitted to the ARB pursuant to these requirements/procedures will remain the property of the ARB and under no circumstances will they be returned. The applicant may reclaim special visual aids, such as models, slides, etc.
5. All surveys shall have the seal of a South Carolina licensed land surveyor – no exceptions. For new houses, major additions and other significant exterior alterations, Owners are required to submit plans professionally prepared by an architect or residential designer. For minor changes, clear, legible drawings prepared by the Owner or Contractor may be sufficient. The ARB Administrator, Chairperson or the Board itself shall determine whether or not drawings are sufficiently clear and detailed for the ARB to review. In order to clarify doubtful factors before submission of final plans, drawings and forms can be submitted for conceptual and/or preliminary approval, as discussed below. Final plans may be submitted to the board initially and this is often the most expeditious method for approval.
6. Conceptual presentation – an artist's rendition or schematic rendering of a proposed improvement may be submitted to the ARB in order to determine suitability of a particular style or design for construction in the Plantation. The ARB will render an opinion as to whether or not a particular depiction of a design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the ARB's opinion will be strictly non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that would ultimately be disapproved.
7. Applications submitted with incomplete documents are eligible to be considered for concept approval only, and the ARB members at one of the subsequent ARB meetings must review the subsequent submission. In order to obtain preliminary or final approval, the documents noted in the documents required at submission section must accompany the application at submission.
8. Preliminary approval does not constitute approval for lot clearing or construction activity of any kind. Preliminary approval requires a resubmission of final construction drawings revised to reflect the ARB's decisions/requirements/recommendations for review. Preliminary approval will require an additional review at one of the subsequent ARB meetings.
9. Final approval must be received in order to commence any construction on a building site, including lot clearing / tree removal. Final complete construction plans/drawings/documents

/application signatures are required for this type of approval and prior to the issuance of any ARB permits.

10. Any submission at any stage that does not include all plans, materials, applications, and other items as required by this section and by the Documents Required at Submission section, can/will be rejected by the ARB Administrator/Chairperson and not be placed on the agenda until all requirements have been met. Rejected submissions must be resubmitted at least three (3) working days or more in advance of the next meeting. Placement on the respective meeting's addenda is again dependent on all requirements having been met.
11. Upon having final approval of plans and specifications, no further approval shall be required with respect thereto, unless such construction has not substantially commenced within six (6) months of the approval date of such plans and specifications (e.g., clearing and grading, pouring of footings, etc.) or unless such plans and specifications are altered or changed. NO changes can be made to the approved set of plans without review and written approval of the changes by the ARB.
12. During the construction process, the ARB and/or its representatives will inspect the site to ensure that work is proceeding in compliance with the approved plans. No external changes to the approved project shall be allowed without submittal to the ARB for approval. No work on such changes shall be performed until the ARB renders its written decision on the proposed changes. Internal changes without any effect on the exterior of the building do not require approval.
13. Applicants will be notified, in writing, of all decisions of the ARB. Oral representations of any ARB decisions shall be non-binding on the ARB.
14. An applicant receiving a negative decision from the ARB is advised to revise the plans in accordance with recommendations and resubmit them to the ARB for approval.
15. Upon request, a Property Owner may make a presentation to the ARB on a project that has been initially disapproved. No discussion will take place with the Property Owner at a presentation meeting and no decisions will be made while the Property Owner is present. If you wish to appeal an ARB decision, contact the ARB Chairperson directly.

### **VARIANCES**

1. Variances are not considered/granted without good cause (lot size, lot configuration, tree salvage, etc.).
2. Despite what the plans show, any variance from the ARB Policies, Procedures and Guidelines will not be considered by the ARB unless the applicant requests the variance in writing and the variance is not approved/granted unless the variance is given approval in writing by the ARB.
3. Verbal variance requests and, if given, verbal variance approvals are non-binding on the ARB. IF IT IS NOT IN WRITING, YOU DON'T HAVE IT! THE BURDEN OF SECURING THE VARIANCE REQUEST/APPROVAL IN WRITING IS ON THE APPLICANT. THERE ARE NO EXCEPTIONS. FINES AND PENALTIES WILL BE IMPOSED FOR NON-COMPLIANCE.

### **DOCUMENTS REQUIRED AT SUBMISSION APPLICATION**

1. Submit original form. Copies are not accepted.
2. Complete form in its entirety. Any areas of the application that are not applicable should be so noted by placing "N/A" on the respective blank line. Do not leave any lines blank.

**Submissions received with an incomplete application will not be reviewed.**



3. Show and explain, in writing, the reasons for all variances requested from the ARB Guidelines/Policies.
4. Signature of all parties (Owner/architect or designer/Builder/Landscaper) is required.
5. Submission fee is due at the time of submission. Submissions received without payment of the submission fee will not be reviewed.

### **SITE PLAN**

1. Use scale of 1/8 inch equals 1 foot.
2. Use Tree and Topographic Survey by a S.C. Registered Land Surveyor (Seal) as a base noting all trees six (6") inches or larger in diameter measured at four (4) feet above grade by species and size. Mark trees to be removed clearly with an "X." On all trees outside the building envelope, show reason (dead, top missing, etc.) for removal request on site plan.
3. Show all property lines and elevations of lot corners/culvert inverts/edge of roadway. Show easements, if existing.
4. Show final grading/drainage plans. A certified drainage plan is required.
5. Show exact locations (entire side outline) and first finished floor elevations of existing homes on all adjoining lots.
6. Show location of amenity – water/golf line.
7. Show location of service entry to property for water/electricity/telephone/cable. Show service yard and mechanical platforms.
8. Show location of Builder's sign, permit posting sign, trash receptacle, and portable toilet.
9. Show exact location of home. Show both the required and the actual setbacks – front, rear and sides (on vertical construction three (3) feet or greater in height).
10. Show driveway and parking area location/layout (twelve {12"} inch reinforced concrete culvert underneath in road right of way) and actual setback from property line.
11. Show exact location, size, elevations above existing/finished grade and all actual setbacks from rear and side property lines of pool/future pool and surrounding deck/enclosure. Complete construction details required.

### **HOUSE PLANS**

1. Use scale of 1/4 inch equals 1 foot.
2. Show exterior elevations/foundation grading – all sides. Show front and rear elevations on same sheet. Show left and right side elevations on same sheet. Indicate existing grade, finished grade/fill, finished floor and roof height/roof slope on all elevations. Indicate treatment of building from finished grade to roof.
3. Show floor plans.
4. Show service yard (for utility/irrigation boxes and trash receptacles) and mechanical platform (for air compressors). Show location of all/any pool equipment.
5. Show foundation plans. Complete construction details required. There is a two (2') foot minimum exposed foundation requirement.
6. Show typical construction details: wall section, corner detail, privacy fence/wall detail, service court fence/wall detail, chimney cap detail, entry step and handrail detail and all other details necessary to explain the materials and finishes to be used on the exterior of the building.
7. Show roof plan. Complete construction details are required.
8. Show electrical plans (See #4 above).

**COLOR BOARD**

1. Use white foam core board (maximum of 8.5" x 11", minimum 8.5" x 5.5").
2. Chips of all key materials and colors are to be adhered to the board and labeled.
3. Larger samples, if required/submitted, are to be submitted separately and in addition to the color board.

**PHOTO SHEETS**

1. Color prints (4"x6") of the front and rear of residences on adjoining lots is required on the forms provided.
2. Color prints (4"x6") of the front and rear of the subject lot is required on the forms provided.
3. Color prints (4"x6") of all four elevations of subject home (includes completed landscape) at completion is required on the forms provided.
4. Polaroid picture are not acceptable.
5. Relative to additions, improvements, etc., photos of the respective areas where the addition, improvement, etc. is to be located are also required in addition to the above-required photos.
6. Each photo is to be all-inclusive – from lot line to lot line (width) and street/amenity/lot line to tree tops (height).

**LANDSCAPE PLAN**

1. Use scale of 1/8 inch equals 1 foot/site plan.
2. Plants schedule is to be shown on plan. Plant schedule is to associate plant symbol with specified plant size (height, spread and container) botanical name, common name, and quantity used.
3. Show plants drawn to scale of their approximate size at maturity. Size to conform to American Nurserymen's Standards.
4. Show types/sizes/spreads of existing trees/plans.
5. Show a "North" arrow and flow of surface water using drainage arrows.
6. Show details of any site construction not on architectural plans (lighting/stepping stones, benches, walls/etc.).
7. Show location of irrigation clock (to be located in service yard or the like) and type of irrigation system.
8. Due with final approval submission.

## **FEES REQUIRED**

### **SUBMISSION FEE**

1. A fee is due upon submission of the ARB Residential Building Permit Application and is non-refundable as it is an administrative fee. The check is to be made payable to the ARB and is to be a separate check from the check for the compliance deposit.
2. All submissions (conceptual, preliminary or final) must be accompanied by the payment of the correct fee required for the type of construction proposed. Submissions received without payment of this fee will not be reviewed.

### **WATER / SEWER FEE**

1. Relative to new residential construction, water/sewer fees are due upon approval of the house plans and prior to the issuance of any ARB permits.
2. A copy of the PSD receipt is required at the time of payment of the Compliance Deposit showing the PSD fees were paid. An application for water and sewer service and payment of the appropriate fees can be made at the PSD offices. The check is to be made payable to the PSD.

### **COMPLIANCE DEPOSIT**

1. The compliance deposit is due upon final approval of the plans and prior to the issuance of any ARB permits. The check is to be made payable to the ARB.
2. The compliance deposit is refundable as shown below unless fines or penalties have been imposed due to non-compliance with the Covenants and/or the ARB Guidelines and Policies:
  - a. Refunded within fifteen (15) days of inspection as to completion of:
    - House per approved plans) includes decks, walkways, and driveways), removal of portable toilet/ trash receptacle/construction materials/debris/Builder's sign, and completion of repairs to off-site areas damaged in the construction process, if any.
    - Landscaping per approved plans and removal of Landscapers sign and landscaping materials/debris.
  - b. Only funds (\$2,000) of Builders with no landscape involvement will be refunded within five (5) days of inspection of completion of house per above.
3. ARB refund checks for Compliance Deposit monies paid by a party other than the Owner will be made payable to the Owner and said party, unless written instructions by the Owner to do otherwise, are received and are on file.

### **RE-INSPECTION FEES**

1. Submission fee covers four inspections only – clearing permit, building permit, building completion, and landscaping completion.
2. Re-inspection required due to Owner/Builder/Landscaper's failure to comply with inspection requirements as stated in the ARB Building Permit Application and Guidelines/Policies or failure to be ready at time of requested inspection are subject to additional fees.

## PERMIT PROCEDURES / REQUIREMENTS

### TOWN BUILDING PERMIT

1. Upon receipt and prior to ARB permit issuance, provide a copy of the Town of Hilton Head Island Building Permit to the ARB.

### ARB CLEARING PERMIT

1. Upon notification by the Owner/Contractor that the below items have been completed, the Board will have a member inspect and post the ARB Clearing Permit normally within 48 hours. **Until this permit is posted, no trees are to be removed nor any construction material stored on site.**
2. Clearing crews should not be scheduled to start until the Clearing Permit is posted.
3. Mark trees to be removed with red tape. Remove all other tape from the trees. Any intended clearing within 30 feet of the golf course/waterfront must be specifically approved by the ARB prior to such intended clearing, if any.
4. Stake all property corners. Show all property lines by strings between corners.
5. Stake/string entire perimeter of building(s), including decks/swimming pool/driveway.
6. Call Palmetto Electric (1-800-922-0983) to have additional cable locations (electric, water/sewer, TV, cable, etc.) flagged by the respective companies.

### ARB BUILDING PERMIT

1. Upon notification by the Owner/Contractor that the below items have been completed, the ARB will have a member inspect and post the ARB Building Permit normally within 48 hours. **Until this permit is posted, no construction is allowed.**
2. Foundation crews should not be scheduled to start until the building permit is posted.
3. Stake all property corners. Show all property lines by strings between corners. Stakes/strings are to remain in place until completion of construction.
4. Establish foundation placement with batter boards (do no pour concrete).
5. Place a portable toilet facility on the property as far back on the lot as possible with door facing away from the street and the adjoining houses (minimum setback from street is 15 feet); keep clean/odor free; remove promptly at completion of construction.
6. Place trash receptacle on lot (minimum setback from street is 15 feet); empty when full; remove promptly at completion of construction. Full containers over a weekend or holiday are not permitted.
7. Place a Builder's sign on the property; one sign per site on street side; maximum size is 4 feet x 4 feet; single faced only with sign face parallel to roadway; setback from street is 10 feet; provide area on/next to sign to post Town and ARB Building Permits; hanging permits on trees is not permitted; remove promptly at completion of construction.
8. Post the Town of HHI Building Permit on area provided n/next to Builder's sign.
9. Upon inspector's approval, the ARB Building Permit will be/is to be posted per #7 above.

### SURVEY / CERTIFICATE REQUIREMENTS

1. Upon receipt, a copy of the foundation survey is to be provided to the ARB before any further construction.
2. Upon receipt, a copy of the Certificate of Elevation is to be provided to the ARB before any further construction.
3. Upon receipt, a copy of the Certificate of Occupancy is to be provided to the ARB.

4. Upon completion of the house, a copy of the As-Built Survey (required by lien-holder) is to be provided to the ARB.
5. Upon completion of the house and landscape installation, color prints (4"x6") of all four elevations of the completed house are to be provided to the ARB on the forms provided with the ARB Permit Application.
6. For houses that are not Owner-occupied after construction completion, the Owner is responsible for properly maintaining the house and grounds during the time between construction/landscape completion and occupancy. The ARB has the right to require that the Owner provide the ARB with a copy of the maintenance contract for this work or a schedule for the work if it is to be performed by the Owner. The ARB has the right to retain a portion of the compliance deposit until the house is occupied.

### **INTERIM INSPECTIONS**

1. Throughout the construction period, the ARB Inspector and ARB members will inspect the site to determine continuing compliance with the Covenants/ARB Guidelines and Policies/ARB Application for Residential Building Permit/ARB approved plans.
2. Failure of any ARB inspector/ARB member to detect or object to an unauthorized design change or other non-compliance matter (including but not limited to the exact location of the house as it relates to the setbacks per the approved plan) during the construction process does not relieve the Owner/architect/Builder/Landscaper of any obligation to correct the non-compliance.

## **GENERAL GUIDELINES**

### **UNDERBRUSH REMOVAL / BUSH HOGGING**

1. An undeveloped lot must be kept free of excessive debris such as fallen trees, limbs, and underbrush. However, the lot may be left in a natural state unless it becomes unsightly or unsafe as determined by the ARB.
2. The Property Owner's written permission and signature is required prior to ARB permit issuance.
3. No underbrush removal is permitted until the ARB Underbrush Removal Permit is posted. A permit (administrative) fee and a compliance deposit is required from the Contractor prior to permit issuance. Underbrushing and debris removal is to be completed within 72 hours of commencement.
4. No trees (including wax myrtles, palmettos, pines, oaks, etc.) of any size are to be removed under any circumstances unless they are dead. Dead trees, if any, are to be flagged with red tape and inspected/approved for removal by the ARB prior to removal. If approved, a clearing permit for removal of the approved trees will be issued.
5. Underbrush removal is not permitted beyond the property lines of the respective lot.
6. All debris/refuse from underbrush removal is to be removed by the Contractor at completion and no later than 72 hours after commencement. Underbrush removal is to be scheduled so that no debris/refuse is left on the site over any weekend/holiday. No burning or dumping of any kind is permitted in the Plantation.

### **SITE CLEARING / TREE REMOVAL**

1. All cable locations are to be flagged by the respective utility companies prior to any clearing/grading/digging. Call 1-800-922-0983.
2. No trees of any kind above six (6") inches in diameter at a point four (4") feet above the ground level may be removed without the written approval of the ARB. On all trees indicated for removal outside the building envelope, a reason (dead, top missing, etc.) for removal is to be stated on the site plan.
3. Trees remaining after clearing the site are to be protected from damage during the construction process. Construction storage vehicles/sub Contractor vehicles are not to be parked and construction materials (lumber, etc.) are not to be stored against the trees or on their root system.
4. In areas where tree removal results in a significant treeless/barren area, tree replacement/addition is required (replace with live oaks in large areas).

### **TREE PRESERVATION**

1. Communication between Builder and homeowner is essential to preservation of specimen trees.
2. Removal of trees approved for removal should be done by a qualified arborist or experienced individual to insure that specimen trees are not damaged by the removal of surrounding trees. Extreme summer heat increases possibility of tree failure, when combined with the stresses of construction. Timing should be considered. Lightning strike protection for specimen trees is advised.
3. Signs clearly readable/visible should be posted regarding protection of trees.
4. Trees designated as preserved are to be protected by sturdy barricades as close as possible to the drip line as practical.

5. Root compaction is to be avoided as much as possible by prohibiting construction traffic within the drip line of trees designated to remain. Assignment of designated parking is crucial/mandatory.
6. Damage to tree trunk, roots, and overhanging limbs is to be avoided by designation of an area for storage of building materials and related materials storage vehicles. The area should be well away from specimen trees.
7. A house (located near specimen trees) built on piers reduces the stress and compaction to root system over other foundational techniques.
8. Use of honeycomb paving blocks for flooring of garages when over root zone or when too close to specimen tree is advised to reduce damage.
9. Care should be taken in selecting routes for driveways/walkways when possible that circumvent the root system of specimen trees. When crossing root system, honeycomb blocks should be used to allow drainage and air exchange.
10. A common utility trench (where feasible) for cable television, electrical, telephone lines, water lines, etc. would reduce/minimize root damage. Circumventing the root areas as feasibility allows would result in less damage.
11. When making grade changes around trees to remain, no more than three inches of porous materials is to be added to raise grade levels. Tree wells are to be used only after other methods fail.
12. Hand clearing around specimen trees to avoid use of heavy root raking equipment is essential as damage to or destruction of lateral roots/tension roots will result in dangerous tree failure.
13. Pruning and removal of vines, as necessary, is required after clearing/construction. Use of insecticides as required, after clearing minimizes bark beetles. Fertilizing/feeding certain trees is recommended and in some cases required.
14. If, in the judgment of the ARB, a specimen tree is damaged/destroyed due to carelessness or avoidable activities on the part of the Owner or Contractors, the ARB will require suitable replacement specimens to be installed. A portion of the compliance deposit may also be retained as a fine/penalty.
15. A qualified arborist's services are recommended relative to specimen trees. Additional money spent up front for preservation is money well spent. Once a tree is lost, it takes many years to be replaced by another. Some trees cannot be replaced in a lifetime. A healthy specimen tree is a valuable commodity to the homeowner, neighborhood, and Plantation.

#### **FILL / GRADING / DRAINAGE**

1. Architectural design/building siting should be integrated into existing site conditions in order to prevent excessive disruption of the native site. Unsightly grading, indiscriminate earth moving or clearing of property, retaining walls, removal of trees and vegetation that could cause disruption of natural water courses or scar natural landforms, or destroy native plant groupings is prohibited.
2. Fill/grading is to be designed so as to prevent standing water by sloping to available drainage (swales, culverts, lagoon, etc.), assure no run off to adjoining properties (includes easements, beach walks, streets, etc.), and promote grades of adjoining properties and the subject property itself. All drainage pipes are to be reinforced concrete.
3. In general, the areas of the lot that may be filled are limited to the area immediately under and around the house and the adjacent driveway area. This fill area should transition down to existing grade as soon as possible once beyond the building line. It should be anticipated

that natural low-lying areas will be preserved and that these low areas may retain water for several days following heavy rainfall. There is a minimum setback of five (5) feet from the property line of all/any fill dirt placement (larger when deemed necessary by the ARB).

4. It is required that each Owner submit a certified drainage plan by employing the services of a professional landscape architect or an engineer to design the appropriate drainage plan for the property. Special consideration should be given to establishing appropriate building site elevations for foundations, sub-surface drainage, establishment of final grades, etc.

### **EASEMENTS**

1. Improvements other than landscaping are not permitted within easements. Landscaping permitted by the ARB, placed within an easement by a Property Owner and disrupted by a legitimate user of the easement need not be replaced, provided however that the legitimate user of the easement exercised reasonable care in landscape removal so that the plants may be used again. Plant survival need not be guaranteed.

### **FENCES**

1. Fences of any type, other than service yard enclosures, are strongly discouraged and in most cases not permitted.
2. The use of tall plant materials or earthen berms with tall plant materials is strongly encouraged, where practical, instead of privacy fences and walls.
3. The ARB generally discourages but will consider courtyard type enclosures surrounding a pool approximately three (3) to four (4) feet in heights and landscaped around the perimeter. This enclosure could be an "open enclosure" to allow for breeze and view.
4. Generally, pool fence/enclosure setbacks are measured from the nearest vertical construction. Side setbacks are generally a minimum of twenty (20) feet and the rear setback is a minimum of thirty (30) feet from the respective property lines.
5. The design/color of the enclosure is to match or complement the house itself.
6. Landscaping around the outside perimeter of the fence is required. The structure is to be fully surrounded with full evergreen-type screening plants.
7. A site plan showing exact location and complete construction details (including a landscape plan) are required with all fence submissions.

### **GAZEBO**

1. Generally, the minimum setback from side property lines is twenty (20) feet and the rear setback is a minimum of thirty (30) feet.
2. The structure is to be of pressure treated wood, designed to complement the house and stained/painted to match the house.
3. The structure is to be fully surrounded with full evergreen-type screen plants including some trees/tree form plants at a height equal to or greater than the gazebo roof.
4. A site plan showing exact location, complete construction/elevation details, and a landscape plan are required with all gazebo submissions.

### **POOL / SURROUNDING DECK**

1. Pool/surrounding deck must be less than three (3) feet in height. The setback is a minimum of twenty (20) feet from the rear and side property lines. If an amenity (golf course, lagoon, etc.) border the property, the minimum setback is thirty (30) feet.
2. Pool/surrounding deck/pool screen must be more than three (3) feet in height. The setback is a minimum of thirty (30) feet (40 feet – pool screen) from the rear and twenty (20) feet



from the side property lines. Pool screen enclosures are to blend with the house in design and color.

3. Pool equipment, tools, hoses, chemicals, etc. are to be located in a service yard type enclosure or beneath an enclosed elevated deck surrounded by landscaping. Pool drain hose is to be located to assure drainage remains on subject property and is not to adjoining properties/beach walk/amenity/easement areas. Pump motor location is to provide minimal noise disturbance to adjoining properties/beach walk.
4. Perimeter of the pool/surrounding deck is to be landscaped in a manner as to complement the pool itself, provide a smooth transition to the surrounding lot itself and buffer/screen the pool from adjoining properties/amenity/easement areas relative to noise/privacy.
5. Swimming pools on the street side of the residence are not approved.
6. A site plan showing exact location, complete construction details, and a landscape plan are required with all pool submissions.

### **DRIVEWAY**

1. Driveway setback is a minimum of five (5) feet from the property line, including the road right-of-way area.
2. Driveway is to be concrete. Brick or the like accents are permitted. All driveway/parking areas are to be paved.
3. Driveways should not parallel side property lines. Double cut driveways are discouraged unless the street property line is exceptionally long. Double cuts on the cul-de-sacs are generally not permitted.
4. A twelve (12) inch reinforced concrete culvert under the driveway in the road right-of-way is required if drainage is affected.
5. Space for parking two automobiles on the site must be provided and adequate turnaround space/appropriate angles are usually requested.

### **EXTERIOR ANTENNAS**

1. No outside television, radio aerial/antenna, satellite dish, or other device for the reception/transmission of radio/television or other electronic signals shall be erected or maintained on any lot or upon the exterior of any dwelling without prior written approval of the ARB.
2. The installation of said device is to be for the personal use of the Owner or resident.
3. The antenna device is not to be visible from the front of the dwelling nor to neighboring lots/streets/common areas. The device is to be virtually indistinguishable from and nor more visible than structures/devices/improvements, such as heat pumps or air conditioning units.
4. A satellite dish is to be twenty (20) inches or less in diameter and is to be in a service yard type enclosure surrounded by landscaping. If it is determined that the required location is on the site away from the house itself, then the device is to be fully/heavily screened with full evergreen-type landscaping that is effective at installation. Minimum setback from the side property line is ten (10) feet and rear property line is fifteen (15) feet (wooded lots – 10 feet).
5. The responsibility for the continued general appearance/maintenance/upkeep of the device/satellite dish and surrounding area is the responsibility of the respective Property Owner.

## HOUSE

1. Architectural designs should be directed towards ensuring that the location and configuration of structures are visibly harmonious with the terrain and vegetation of the homesite and with surrounding homesites and structures and does not unnecessarily block scenic views from existing structures on adjacent properties or tend to dominate any neighboring homes or natural landscape.
2. The eventual building form of every residence should be a carefully planned addition to the natural setting of its site. Building shapes should provide interest and be compatible with neighbors. Larger homes can be made to appear smaller and small homes to appear larger by the manipulation of shapes and forms, and by the effective use of decks, planters, garages, screened porches, etc. The roof design of a home should complement the design of the home, the natural surroundings, and neighboring designs.
3. The aesthetic appearance of a residence depends greatly upon the articulation of the siding, roofing, details, and fenestration. Fences/walls are to be used to enclose service areas and HVAC units. Details at the soffit, fascia, base, corners, windows and decks should have common elements that help unify the appearance.
4. Maximum roof height allowed is forty-six (46) feet AMSL. Chimney height is left to the ARB's discretion. Repetitive rooflines are not allowed within six (6) lots of each other. Chimney exteriors shall be of masonry construction – brick, tabby, or stucco. Exposed metal flues are not permitted. Prefabricated chimney flue caps shall be screened with a metal or other non-combustible materials shroud.
5. First finished floor elevation is to be at least the minimum prescribed by the National Flood Insurance Administration requirements for Beaufort County.
6. The enclosure of a raised foundation must receive the same careful attention to detail and finishes as the main portion of the house. Foundation walls are to be stuccoed. Exposed wooden/round pilings are not acceptable. The raised foundation must be fully enclosed with a foundation wall, louvers, or the like. All foundation wall openings (on all elevations) are to be of the same design/material treatment. The exterior walls of the raised foundation is to be the same color as the remainder of the house or match other house trim. Lattice is no longer an acceptable material.
7. Due to flood elevations, sometimes a substantial foundation is required. High foundation walls required careful architectural articulation to help reduce their apparent height and massiveness. Pier foundations with wood in-fill are considered too minimal and lacking in design. Louvered openings in a foundation wall is a preferred alternative. Terracing of decks, stairs, planters, etc. should also be implemented to reduce height/massiveness.
8. Exterior walls should be of stucco/wood/brick. Plywood composite materials, cedar shakes, fiberboard, or metal siding materials are not appropriate. Architectural treatment/detailing of the exterior is required to break up the massiveness that will help the building blend into its surroundings and not dominate it. Flashing should be copper where visible.
9. If shading factors are included in the glazing material for windows, a mirror type effect is not appropriate. Glass block is only considered appropriate for accent only. Exterior glass block walls are generally considered out of character.
10. Application for ground water heat pump installation is to be made directly with the Public Service District. Their written approval is to be provided to the ARB with plan submission and prior to permit issuance.
11. If house elevation and/or flood plans are exact or modified plans of a structure previously constructed in the Plantation, it must be so noted on the ARB permit application.

12. Minor internal remodeling with no change to anything outside the building and not requiring a Town Building Permit does not require submission to or approval by the ARB.

### **GARAGE**

1. Front entry garages are discouraged but, when a side entry is not possible due to lot size/lot configuration/tree salvage/ or the like, are to have two single doors as opposed to one double door and are to be heavily screened from street view with tall, full evergreen-type screening immediately effective at installation. A meandering driveway along with the landscape buffer is required.
2. When side entrance garages are designed under a building, they should be at the front of the building to minimize paving near the side property line.
3. A second story over the garage is only permitted provided the garage is attached (shares a common wall) to the residential unit. The fascia line and the peak of the garage roof is to be at the same height or lower than the fascia line/peak of the house roof itself.

### **SERVICE YARD**

1. A service yard/mechanical platform incorporated with the house is required to contain any heat pump/air conditioning equipment, electric/gas meters, cable/television boxes, irrigation boxes, pool equipment, household heating/cooking fuel tanks, storage tanks (automotive fuel tanks are prohibited), garbage receptacles, or the like. Propane tanks may be located outside the service yard, provided they are underground or heavily screened with evergreen-type landscaping.
2. Service yard/mechanical platform is to be similar in design to and complement the house itself. Lattice or similar see-through materials are not acceptable. To make these fences/walls visually pleasing, the ARB requires some type of design treatment (horizontal) that will break up the height of these tall fences. Service yard entry door is to be on the side and floor is to be paved with concrete.
3. When located on the side of the house, an approximate minimum setback of five (5) feet from the front and rear corners of the house is required. Service yard is not to project more than six (6) feet from the house wall.
4. Landscaping around the perimeter of the service yard with full evergreen-type screening plants is required.

### **SQUARE FOOTAGE REQUIREMENTS**

1. The minimum square footage requirements of the enclosed dwelling area for the residential units constructed on the various residential lots is 2,000.
2. An enclosed dwelling area is the total area enclosed in a swelling and includes areas of screened porches, if the roof of such porches forms an integral part of the roof line of the main dwelling or if they are on the ground floor of a two-story dwelling. Areas of garages, patios, terraces, decks, open porches, and shed-type porches even though attached to the dwelling are specifically excluded.

### **SETBACKS**

1. To assure that buildings and other structures will be located so that the maximum view, privacy and breeze will be available to each building or structure, and that the structures will be located with regard to the topography of each property taking into consideration the location of large trees, structures previously built or approved pursuant to this guideline for adjacent lots and other aesthetic and environmental considerations, the ARB shall have the

right to control and to decide (subject to the provisions of the pertinent land use regulations of public authorities having jurisdiction) the precise site and location of any building or structures located on the lot. The location shall be determined only after reasonable opportunity is afforded the Property Owner to recommend a specific site.

2. House setbacks are measured from the nearest vertical construction over three (3) feet in height and include garage, service yard/mechanical platform, decks, planters, landings, stairs, etc.
3. Following are the minimum setback from their respective property lines: Front – 30 feet; Rear – 50 feet; Sides – 15 feet. Where a street, golf course, lagoon, etc. is the adjoining side property, the minimum side setback is thirty (30) feet from the street, golf course, lagoon, etc.
4. The ARB has the authority to grant variances to these setbacks where justified by special circumstances (lot size, lot configuration, tree salvage, or the like) or for aesthetic/other reasons.

### **ROOF / COLOR SELECTIONS**

1. Whether building a new house or making improvements to an existing one, ARB written approval of roof/color selections is required prior to application/installation. Repainting or restaining may not take place until the approval letter has been issued. This includes repainting and restaining a house the same color. It should be clearly understood that roof/color selections of some houses that have been approved in the past might now be found to be inappropriate.
2. Chips of all roof/color selections, including picture of and color selection for front entry door, need to be labeled and submitted for approval on white foam core board (8.5"x11" maximum; 8.5"x5.5" minimum).
3. Larger samples, when required/submitted, are to be submitted separately and in addition to the color board. These larger samples of the exterior color/finish of all materials proposed for the building, including siding, band boards, fascia, trim brick, roof, columns, railings, supports, porches, patios, decks, walkways, driveway, pools, and planters, are to be submitted on actual samples of materials proposed for use. These samples are most important to both the Owner and the ARB in evaluating the eventual appearance of the house as color chips often vary greatly from actual applications.
4. All vertical construction (treated or untreated) is to be painted/stained and includes hand/deck rails, posts, stair risers, lattice, columns, etc. All vents (including roof) are to be painted to blend with the area in which they are located.
5. Earth tones and environmentally blending colors are recommended. Extreme contrasts with the natural environment and extreme contrasts between two or more color schemes should be of the same hue to provide apparent shadow lines or sun, shade, shadow relationships. They should not be of contrasting colors. Transparent/semi-transparent paints or stains are strongly discouraged and, in most cases, not permitted on vertical construction. Dark colors, greens and white are not acceptable for siding.
6. Wood shingles/shakes are not acceptable roofing materials. No vents should penetrate the front plate of the roof. Roof vents are to be painted to blend with the roof.

### **LANDSCAPE DESIGN**

1. Landscape is to a home what a frame is to a picture. A landscape plan can make the best use of available space in the most attractive way. A home is a very important investment, and the landscape surrounding the home should be a reflection or continuation of the

- beauty of that investment. An effective landscape design should complement the house, and shape the land to make the most of the site's natural advantages.
2. A landscape architect/design professional can be a great help in designing a plan that will fit specific needs. Plant selection is a very important factor in a design. A professional will have the knowledge and experience of choosing the correct plant life for a specific lifestyle, budget, and area. A landscape architect/professional will also advise on the best variety of grass for your needs and area. There are several types in the Lowcountry from which to choose. Color is another important factor in the overall plan. There are many different ways to provide color to the outdoor living space. It can be something as simple as annual bedding plants or the color of leaves in a plant or tree.
  3. The professional landscape architectural plan can be one of the best investments. It will improve the appearance of the property as well as provide climate controls such as wind breaks and shade. On result of a well-planned landscape will be an increase in the value of the property.
  4. The landscape plan is to be designed by a landscape architect/design professional and is due upon preliminary/final submission.
  5. The landscape plan is to incorporate all the required/necessary information on the site plan (tree and topographic) and is to coordinate type, height, size, spread, and placement of plants at installation relative to the elevations and design of the house itself and address the overall look of the site itself.
  6. Landscape plants/materials schedule is to be on the plan itself and is to show number, botanical name, common names, species, container size, spread, height, and spacing at installation.
  7. House/deck/garage/service yard/mechanical platform/foundation is to be fully/heavily landscaped on all sides. Foundation plants are to be full size and provide a minimum of 50% foundation height coverage at installation. Depending on the height of the foundation, plant size requirements will vary.
  8. Garage entry/parking areas/utility boxes/pool areas are to be fully/heavily screened from the street/adjoining properties with tall/full evergreen-type screening plant material which screening is immediately effective at installation.
  9. Use of mature/well-established plant material (existing and/or new) is strongly encouraged. The use of native materials, including deer resistant, drought resistant, winter-hardy plant varieties, is encouraged. Winter-hardy evergreen plants are to be used for foundation and screening/buffering purposes. The absolute minimum size plants to be used for foundation (#7 above) and screening (#8 above) purposes is a full 24" and 30" in height and a full 18" to 24" in width.
  10. The portion of any Golf Fairway Residential lot within thirty (30) feet of the lot line bordering the golf course shall be in general conformity with the overall landscaping pattern for the golf course fairway area established by the course architect.
  11. Sod must be installed at the street for a minimum of ten (10) feet from the road into the lot, from lot line to lot line. A significant area of lawn must be maintained along the street as well as on the amenities and/or rear side of the property. Grass (sod) is to be established in the area between the front (and side, if applicable) property line and the edge of the street pavement. The lot is to have a finished look to the street's edge as well as the side and rear property lines. All grass is to be installed as sod. Property Owners are responsible for landscaping and maintenance of landscaping from property lines to the roadway.

12. Leaving natural areas may be appropriate and acceptable in some cases, but Owners are cautioned that these areas must be maintained (cleaned, pruned, weeds and vines removed) and not left to grow wild. Natural does not mean unkempt.
13. Homesites on lagoons must have sod installed from the water's edge to the top of the bank or a minimum of ten (10) feet.
14. Deer fences are not allowed. It is hoped that each homeowner will consider that deer do live in the Plantation when planning their landscaping and use plants that may be less attractive to deer. If you find that a deer fence is necessary, plans must be submitted to the ARB prior to installation.
15. The landscaping should also be designed with an eye toward water conservation whenever possible. Rain sensor gauges are recommended on irrigation systems.
16. **Curbing of any type, including landscape timber, railroad ties, posts, rocks, etc., along the edge of the street by a Property Owner is strongly discouraged and generally not permitted for both aesthetic and safety reasons.**
17. At final inspection of the landscape installation, the ARB, in its sole judgment, will determine if the landscape plan design intent has been met particularly as it relates to landscaping that is used for screening purposes and foundation coverage.
18. Every Property Owner is responsible for preventing the development of any unclean, unsightly, or unkempt conditions of buildings or yards that reduces the beauty of the neighborhood as a whole or the specific area. In formal landscaped areas, bed and lawn areas must be maintained. In natural areas, weed growth must be controlled, trees pruned, vines removed, and yard debris removed. Any proposed changes in landscaping such as fences, fountains, lighting, game structures, drives, walks, landscape structures, and statuary must be approved by the ARB.

#### **EXTERIOR LIGHTING**

1. Exterior lighting may be provided to illuminate driveways, walkways, and entryways, or to highlight landscaping features. Such lighting, however, shall be of low intensity and shall comprise a limited number of fixtures. Generally, illumination of the exterior of the house is not allowed. All exterior lighting and interior lighting visible from the exterior shall be installed so as not to disturb neighbors, street traffic or boating traffic. Higher intensity lights are allowed when they are coupled with an alarm system, provided they are illuminated only when the alarm is activated, and then only for a limited time period.

#### **WINDOW TREATMENTS**

1. The exterior surfaces of all window treatments (blinds, shades, curtains, etc.) are to be subdued in color and compatible with/complement the exterior colors of the residence.

#### **WATER / SEWER CONNECTION**

1. Hilton Head #1 Public Service District provides sewer and water services within the Plantation. Tap fees and user fees are established by the District and are published. Copies of the rate structure are available at their office, 681-5525.
2. The District reserves to itself the right to use the easements as specified in the Covenants for utility services, namely ten (10) feet along the front and ten (10) feet along one side of each lot or as may be shown on the master plan.
3. The District is responsible for the location and supervision of the connection for both water and sewer tap, as well as for inspection of lateral lines leading to the house.

4. No private water wells may be drilled or maintained on any residential property. Water may not be pumped from the lakes or lagoons.
5. Prior to the construction and occupancy of any residential until, proper and suitable provision shall be made for the disposal of sewage by connection with the sewer mains within the Plantation, maintained by the District and this shall be the sole permissible means of sewage disposal.

#### **FLAGPOOLS AND STATUARY ELEMENTS**

1. Statuary elements are normally permitted only in the rear of the residential lot and within established building property line setback guidelines. Bright or glittering objects shall be completely screened by landscaping from view outside the lot. All plumbing and electrical fixtures associated with statuary elements also shall be adequately screened.
2. Flag or banner poles also are usually permitted only in the rear of the lot and not within twenty (20) feet of the property line, with a maximum height of twenty-five (25) feet above natural grade. The American flag may be displayed in the front of the house.
3. No exposed clotheslines are permitted.
4. Upon inspection by the ARB and at anytime after installation, the ARB reserves the right to require adherence to the above guidelines that, in its sole judgment, have not been followed.

#### **BASKETBALL BACKBOARDS**

The erection/installation of a single backboard on a residential homesite is allowable, without need for an ARB permit, provided the following guidelines are utilized to reduce the ability to notice the backboard:

1. The backboard should be placed at the side of the residence and the front surface of the backboard is to be set perpendicular to the public roadway.
2. Backboards made of transparent Plexiglas or with muted neutral colors (e.g., gray or beige) are preferred. Bright colors (e.g., red, orange, etc.) and striped accents are not permitted.
3. The wooden or metal post that supports the backboard and the back of the backboard should be painted Charleston green, black, or a color that matches the main body of the house.
4. A landscape buffer is to be installed to screen the backboard from view from the roadway, adjoining properties, including golf courses and lagoons.
5. The responsibility for the continued general appearance, maintenance, and upkeep of the basketball backboard and surrounding area is the responsibility of the respective Property Owner.
6. Upon inspection by the ARB and at anytime after installation, the ARB reserves the right to require adherence to the above guidelines that, in its sole judgment, have not been followed.

#### **PLAY YARDS AND PLAYHOUSES**

The ARB does allow, without formal application or permit, the placement and use of play facilities on a residential homesite provided the following guidelines are met:

1. No tents of any type are allowed.
2. Tree houses, tree stairs, tree platforms, or any other structure in or on a tree are strictly prohibited.
3. An aesthetically pleasing playhouse may be placed in the rear yard of a residence provided it is not visible (or is landscape screened) from public roadways, neighboring houses, and

where applicable, adjoining golf course fairways and lagoons. Minimum setbacks from the rear and side property lines is twenty (20) feet. Color of playhouse is to be neutral earth tone/color and is to blend with its surroundings.

4. A gym set (with swings, slide, etc.) may be placed in the rear yard provided it is a stained/varnished wooden structure and is not visible (is to be landscape screened) from streets, adjacent homes, golf courses, and lagoons. Minimum setback from the rear and side property lines is twenty (20) feet. Gym sets that are not wooden structures must be specifically approved by the ARB.
5. If playhouse/gym set is stained/painted, it is to match the color of the main body of the house.
6. The responsibility for the continued general appearance/maintenance/upkeep of the playhouse/ gym set and surrounding area is the responsibility of the respective Property Owner.
7. Upon inspection by the ARB and at anytime after installation, the ARB reserves the right to require adherence to the above guidelines that in its sole judgment have not been followed.

### **SIGNS**

1. In compliance with the Town's regulations, each residential property must have a small (less than two feet square) sign bearing the house number placed in the front yard so as to be easily visible from the street.
2. No other signs of any kind are allowed anywhere on a residential lot or structure, except for Builder's/architect's temporary sign that may be installed during construction and must be removed promptly at completion of construction.
3. No signs will be permitted on golf courses or waterways.

### **REFUSE DISPOSAL**

1. Relative to household refuse disposal service, each Property Owner is responsible for making arrangements with a local refuse disposal company servicing the Plantation. Refuse disposal fees and pick-up schedules are available through the respective disposal company. All trash receptacles are to be stored in a service yard type enclosure and the refuse disposal service will pick up your refuse directly from this area. If placement of the trash receptacle in the front yard is necessary at trash pickup time, receptacles are to be set out and put away on the scheduled pickup day.
2. Cooperation with and adherence to the above two policies is extremely important particularly as it relates to the aesthetic beauty of each Property Owner's homesite and the Plantation in general.

### **GENERAL POLICIES**

Owner/Builder/Contractor/Landscaper are to observe the Covenants and ARB Guidelines/Policies and ensure that all subcontractors do likewise.

1. Owner is ultimately responsible for Contractor/subcontractor adherence to all Covenants and ARB Guidelines/Policies.
2. Adherence to the site/house/landscape plans as they were submitted to and approved by the ARB is required. Any changes to approved plans must be submitted to the ARB for approval along with a set of revised plans and be approved **prior** to site changes being made – no exceptions.
3. Plan approvals are dated and are effective up to six (6) months from date of approval. Construction on new residences is to begin within six (6) months of plan approval and is to



be completed within eighteen (18) months after commencement. Landscape installation is to begin within thirty (30) days of completion of the house (including decks, walkways, and driveways) and be completed within ninety (90) days of receipt of Certificate of Occupancy. All other construction and landscaping is to begin within six (6) months of plan approval and is to be completed within the time specified on the permit schedule and no later than six (6) months after commencement.

4. No lot clearing is permitted until the ARB Inspector has posted the ARB Clearing Permit. No construction is to begin until the ARB Inspector has posted the ARB Building Permit and the Builder has posted the Town of Hilton Head Island Building Permit on the structure provided by the Builder adjacent to/on the Builder's sign.
5. Builder is responsible for providing water and electrical service at the job site prior to starting any work that requires their use. Usage of water and electricity from neighboring properties is not permitted.
6. All work is to be performed Monday through Friday between 7:00 AM and 7:00 PM. Weekend work is permitted on Saturday, must be quiet work inside the house and is to be performed between 9:00 AM and 4:00 PM. Call the ARB Office by Friday at 2:00 PM for admittance. Saturday work is at Contractor/subcontractor risk. Noise/noxious behavior, complaints from Property Owners require Security to shut down the job for the day and a fine will be imposed. No work is permitted on Sundays, Thanksgiving Day, Christmas Day, New Year's Day, and other national holidays.
7. The site is to be kept in good appearance at all times. Construction area is to be policed and free of debris at the end of each day or the job will be shut down. No burning or dumping of any kind is permitted in the Plantation.
8. Store all materials on building lot and not on adjacent property. Access to property by means of adjacent property is not permitted. If it is not possible to perform the construction work without using Common Property for access, the applicant may request permission to do so from the ARB. If permission is granted, it shall be included in the ARB Building Permit Agreement. Permission to use privately owned property must be obtained in writing from the Property Owner and provided to the ARB. Any damage must be repaired to its original condition.
9. All vehicles used by Contractor/subcontractors must display a valid commercial decal and will not be permitted access prior to issuance of decal/permit. These vehicles must be parked off the roadway and on the site. Motorcycles are not permitted behind the security gates.
10. All speed and traffic regulations of the Plantation are to be obeyed.
11. Noxious or loud music/behavior will not be allowed on the site or within the Plantation. No fishing or hunting by construction workers is permitted within the Plantation. No animals/pets of construction workers or any persons not associated with the job shall be allowed within the Plantation. Construction personnel are not allowed to walk to the job site.
12. Cost of repairs/maintenance to offsite areas (neighboring lots, roadways, bike paths, right of ways, etc.) damaged in the construction process are the responsibility of the Owner/Builder/Landscaper. The Owner/Builder shall construct a temporary driveway entrance of compacted earth or gravel connecting the lot to the road at one point, graded so as not to interfere with drainage along the road, in order to minimize any damage to the edges of the roadway.

## GENERAL FINES AND PENALTIES

The compliance deposit funds will be deposited in an interest-bearing account with interest accruing to the benefit of the ARB. Such funds shall be retained by the ARB pending satisfactory completion of the project in accordance with plans approved by the ARB and in accordance with the Covenants, ARB Guidelines/Policies, and ARB Residential Building Permit Application.

The ARB has the right to contract for cleanup should the Contractor fail to keep the premises in proper order and retain the cost of such cleanup from the compliance deposit and to contract for landscaping should the Owner fail to complete according to approved plans and retain the cost of such landscaping from the compliance deposit.

The ARB has the right to assess penalties against the Owner and/or Builder for failure to complete the project on a timely basis, or failure to construct the project in accordance with the approved plans, or failure to comply with the rules or conditions noted herein, the Covenants, and the ARB Building Permit Application. Such penalties, which may be established and periodically modified by the ARB at its sole discretion, from time to time, shall be deducted from the funds deposited by the Owner and/or Builder, but without further accounting to the parties involved. Any legal or other expenses incurred by the ARB relative to a matter of non-compliance shall likewise be deducted from funds deposited by the Owner and/or Builder. Retention by the ARB of such funds from the compliance deposit monies shall not in any way relieve the Owner, Building Contractor, and/or Landscapers of further liability for non-compliance. Following are some areas of non-compliance and their respective fines/penalties:

<b>Action</b>	<b>Fine / Penalty</b>
Clearing without an ARB Clearing Permit posted or building without an ARB Building Permit posted	Loss of application fee and payment of additional fee to permit issuance
Unauthorized tree removal of any variety	Up to \$1,000 per tree and submission of landscape plan to replace trees to the satisfaction of the ARB
Unauthorized clearing within thirty (30) feet of the golf course or waterfront	\$1,000 and submission of landscape plan to replace trees / plants to satisfaction of ARB
Failure to request pre-pour foundation inspection	\$100 and As-Built Survey required
Construction not in accordance/agreement with approved plans including a siting variance greater than one foot or any exterior change without prior ARB approval	\$1,000 and must submit Ad-Built drawings
Violation of any sign rule; trash overflow; failure to deposit all trash in receptacles; no trash container on site; no portable toilet onsite	\$50 per item per day
Use of privately owned property (adjacent homesites) without having written permission from the Owner and providing same to the ARB	\$1,000 and repair to its original condition

Use of water or electricity from neighboring properties	\$250 and letter of apology / payment to Owner
Use of exterior colors not approved by the ARB	\$1,000 or \$100 and change to approved colors
Failure to submit landscape plan for the ARB meeting as required/requested or failure to complete approved landscape plan with ninety (90) days of receipt of the Certificate of Occupancy from the Town of Hilton Head Island	\$1,000
Failure to complete construction within eighteen (18) months after ARB approval	\$1,000
Failure to provide the ARB with a copy of the Town of Hilton Head Island Building Permit, the Foundation Survey, the Certificate of Elevation, the Certificate of Occupancy, or the As-Built Survey	\$300 per item
Failure to provide the ARB with color prints (photos) of all four elevations of completed home, including the completed landscape	\$200
Failure of the Owner of a completed, but not owner-occupied house to maintain the house and grounds in a neat and orderly condition after completion and before owner-occupancy	\$50 per incident per day

## **ARB DECISION APPEALS**

**If after an appeal to the ARB, the applicant is unable to comply with the requirements of the ARB, a request for a hearing before the POA may be made in writing and directed to the ARB Administrator.**

## **REVISIONS**

**These guidelines, as noted earlier, are subject to revision and modification from time to time and without notice by Palmetto Hall Plantation in its sole discretion. They have been printed for informational purposes only.**