

SPANISH WELLS PLANTATION

PLANS APPROVAL BOARD POLICIES, PROCEDURES AND GUIDELINES

For Residential

Construction or Remodeling

ADOPTED BY: Spanish Wells Plantation Property Owners' Association

EFFECTIVE DATE: September 2002

PREAMBLE

A major concern in planning is the integration of the development with its immediate environment. Spanish Wells Plantation believes that man-made improvements should, as much as possible, blend with nature rather than stand in stark contrast to it. The result is a development more pleasing to the eye and a more attractive community in which to live.

All proposed construction should be planned with due consideration for the natural features of the particular building site. View opportunities, the preservation of specimen trees, and the relationship of the proposed structure to those on adjacent lots and roads should be taken into account in the siting of the proposed structure.

To assure that these objectives are achieved and to ensure continuity of physical development such that future development will be compatible with existing development, Spanish Wells Plantation has established a Plans Approval Board (Board) for the purpose of examining and passing upon proposed plans for new construction and any additions to existing structures or remodeling thereof. No construction or operation may be commenced until the Board has issued its approval.

It should be noted that any construction now existing, but not conforming to these procedures, should not be a blueprint for future projects.

The attached procedures may be modified from time to time to ensure that the harmonious characteristics of the Plantation are continuously maintained.

Table of Contents

1.0	PROCEDURE.....	4
1.1	JURISDICTION	4
1.2	PLAN SUBMISSION PROCEDURE	4
1.2.1	PRELIMINARY PLANS.....	4
1.2.2	FINAL PLANS	4
1.3	PLANS APPROVAL PROCEDURE.....	6
1.3.1	PLANS AND DOCUMENTS	6
1.3.2	HEARING PROCEDURE.....	6
1.3.3	APPEALS PROCEDURE	7
1.4	MINIMUM REQUIREMENT FOR A PROPOSED PROJECT.....	7
1.5	INSPECTION	7
1.5.1	STAKE-OUT (STRING) INSPECTION.....	7
1.5.2	BATTER BOARD INSPECTION.....	8
1.5.3	FINAL INSPECTION	8
1.6	BUILDING PERMIT.....	8
1.7	CHANGES IN PROJECT.....	8
1.8	CONTRACTORS RESPONSIBILITIES	8
1.9	EXCESSIVE ELAPSED TIME.....	9
1.10	SCHEDULE OF FEES	9
1.11	SCHEDULE OF REFUNDABLE DEPOSITS	9
2.0	SPANISH WELLS PLANTATION COVENANTS – May 1997	10
2.1	EXECUTIVE SUMMARY	10
2.2	PURPOSE OF THE ASSOCIATION	10
2.3	ADMINISTRATION OF COVENANTS.....	10
2.4	PLANTATION AMBIANCE.....	11
2.5	ASSOCIATION APPROVALS	12
2.6	ASSOCIATION ASSESSMENTS.....	13
2.7	RIGHT OF FIRST REFUSAL.....	13
2.8	COVENANT ENFORCEMENT	13
2.9	COVENANT DOCUMENTS.....	13

1.0 PROCEDURE

1.1 JURISDICTION

- A. Vertical and horizontal constructions including but not limited to buildings, walls, fences, garages, signs, entrance posts, gates and security lighting, swimming pools, decks, roofing, docks, seawalls, driveways; any structures or operations, however large or small, which may be placed upon or conducted within the Plantation
- B. Dredging and fill operations, shaping of land areas and drainage
- C. Remodeling or altering the exterior of existing structures, including additions of any kind or exterior color changes
- D. Removal of trees that are a minimum of twelve (12) inches in diameter four (4) feet from the base. A Tree Removal Permit must be obtained from Community Management Services (CMS) before any trees are removed. A Permit must be displayed on the contractor sign or on the nearest most significant tree.
- E. Mediation may be required for tree removal and will be determined on a case-by-case basis.

1.2 PLAN SUBMISSION PROCEDURE

All applications must be submitted on forms provided by the Plans Approval Board. Mail the completed forms to CMS, P.O. Box 5874, Hilton Head Island, SC 29938 or deliver them to 6 Office Park Road, Suite 943, Hilton Head Island, SC 29928.

1.2.1 PRELIMINARY PLANS

Preliminary plan submission is recommended to resolve potential problems before going to the time and expense of final construction drawings. Preliminary approval **does not** constitute approval for lot clearing or construction.

1.2.2 FINAL PLANS

1.2.2.1 SITE PLANS

Tree and topographical plans are required. Unless otherwise impractical, scale should be 1/8" = 1' or 1/16" for larger properties and should include:

- Access street(s), walkway(s), drives, and other exterior improvements
- Grading and drainage plan stamped by a Civil Engineer or a Landscape Architect
- Fill plan, if any, indicating run-off and tree preservation method
- Location, size, and flow direction of culverts
- Exterior lighting plan
- Service yard(s)
- Location and plan of swimming pool and supporting equipment

- Tree survey showing location of trees eight (8) inches or larger in diameter at a point four (4) feet above ground, indicating the trees to be removed
- Site plan to scale on tree survey indicating all structure and other improvements to be included in the scheme with an indication of trees to remain and trees to be removed (at the same scale as the tree survey)
- Location of septic tank and drain field
- Location and identification of special features (e.g., drainage ditch, dune, nearby lagoon, easements, adjacent structures, golf course and fairways, etc.

1.2.2.2 LANDSCAPE PLAN

Landscape plans shall be professionally prepared and take into account the following:

- Layering of plant materials
- Screening of pools, patios and other outdoor living areas from similar areas on adjacent properties
- Screening of guest parking and garage doors from neighbors, roadways, and golf course
- Disruption of views to large areas of foundation work and wall panels through the use of evergreen plant material of sufficient size to service the purpose
- Care should be taken not to cut off views of neighboring properties to water, marsh, and/or golf course by "walling off" with plant material along property line (To do so is considered to be "offensive" under the Covenants.) further than the direct lines of sight between residences and their outdoor living areas.
- Mature trees (30 gallon or larger) should be used to help break up and redefine the scale of large areas of roof structure from roads/golf course and to other residences where existing trees do not exist to satisfy that purpose. They may also be used to mitigate clear cutting of smaller areas of trees to enhance future mature plant plans.
- At present, there are no deer in Spanish Wells, and therefore the full range of plant material is open to the landscape designer.
- Areas of undisturbed indigenous vegetation are encouraged for wildlife purposes although such areas may not suffice for screening purposes where such is required.
- Landscape lighting shall be clearly marked on plan with cut sheets and wattages provided. Glare and "over shine" to adjacent properties and roads should be avoided. Avoid lines of sight to the source of the light. The effect of the light is what is important.
- The Spanish Wells PAB reserves the right to require additional landscaping after completion of work in instances where the actual or intent of such work is deemed insufficient.

1.2.2.3 ARCHITECTURAL DRAWINGS

Architectural drawings should include the following:

- Total enclosed heated/air conditioned square footage, stated by floor
- Floor plans, including an exact computation of the square footage of each floor
- Elevation drawings for all sides indicating the existing grade, fill and finished floor elevation and including the treatment of building from grade to floor in elevated buildings
- Detailed drawing of the following:
 - (1) Typical wall section
 - (2) Patio wall section, if appropriate
 - (3) Other features desirable for clarification
- Foundation plan
- Electrical plan

1.2.2.4 COLORS AND MATERIALS

All colors and materials must be identified completely, including:

- Samples to be submitted to Plans Approval Board
- All exterior finish materials and colors as outlined in **1.3 PLANS APPROVAL PROCEDURE**

1.3 PLANS APPROVAL PROCEDURE

1.3.1 PLANS AND DOCUMENTS

All plans and documents submitted to the Plans Approval Board pursuant to these procedures will remain the property of the Plans Approval Board.

- A. All plans required by these procedures shall be submitted no less than seven (7) days in advance of the next scheduled meeting of the Plans Approval Board.
- B. The Plans Approval Board's final approval can only be granted when a full set of plans has been submitted and any deficiencies resolved.
- C. The Plans Approval Board shall post an agenda of all projects to be reviewed at the Property Owners Association office, 1 Brams Point Road, Hilton Head Island, SC 29926, no less than five (5) days in advance of the next scheduled meeting of the Plans Approval Board.
- D. Special visual aids such as models, photos, slides, and renderings may be reclaimed.

1.3.2 HEARING PROCEDURE

- A. The Chairman shall call the meeting of the Plans Approval Board to order. Projects will be reviewed separately in the order set forth on the agenda.
- B. The presentation for each project to be reviewed will be as follows:
 - Presentation of the Plans
 - Questions from Plans Approval Board members
 - Comments by Spanish Wells Property Owners

- Executive Session by Plans Approval Board for discussion of the application
 - Announcement of Decision
- C. The Plans Approval Board shall mail a written "Notice of Action Taken" the applicant and to any Spanish Wells Property Owner requesting a copy of the same within twenty (20) days of the meeting.

1.3.3 APPEALS PROCEDURE

A property owner may appeal a Plans Approval Board decision to the Spanish Wells Property Owners Association, 1 Brams Point Road, Hilton Head Island, SC 29926.

1.4 MINIMUM REQUIREMENT FOR A PROPOSED PROJECT

- A. Residences shall be detached single-family dwellings, which shall not exceed two and one-half stories in height. The total enclosed residential space, exclusive of decks patios, screened porches, and garages, shall be a minimum of fifteen hundred (1,500) square feet.
- B. No building shall be located on any lot nearer than fifty feet to the front or rear property line, or nearer than fifteen feet to any side property line. These clearances shall be measured from the outermost projections of the building.
- C. Design**
- All proposed projects will be evaluated for certain technical compliances, such as minimum enclosed areas, set back and building heights, which should be no more than thirty-six (36) feet above grade to the peak of the highest roof.
 - In addition, all projects will be evaluated for aesthetic considerations. Approval may be withheld purely for aesthetic reasons.
 - No more than two (2) accessory buildings will be allowed of which a detached garage is considered to be one such building.
- D. **Exterior colors** – Earth tones and environmentally blending colors are preferred.
- E. **Fill**
- The maximum slope of the fill shall be one (1) to three (3) feet.
 - Not permitted closer than five (5) feet to the property line. Plot plan must show how the run-off will be handled.

1.5 INSPECTION

1.5.1 STAKE-OUT (STRING) INSPECTION

The applicant must request a stake-out inspection prior to obtaining final Board approval. Final application may be submitted to the Plans Approval Board prior to stake-out inspection; however, the final approval certificate will be withheld until the stake-out inspection is performed and the findings are satisfactory. A stake-out inspection is mandatory prior to lot clearing or tree removal. The stake-out must show all building comers, drives, walks, and service yards. Trees to be removed must be flagged in red.

1.5.2 BATTER BOARD INSPECTION

Applicant must request inspection when batter boards are up and prior to the pouring of slabs or footings or performing any further work of a permanent nature. An As-Built Survey of the structure and all decks, walks, drives, pool, etc. shall be located. Set back lines will be displayed.

1.5.3 FINAL INSPECTION

At the time building structure is complete and all exterior materials are displayed, the applicant should request a final inspection from the Plans Approval Board to ensure coherence to the approved plans.

1.6 BUILDING PERMIT

- A. No site clearing or construction of any kind may commence prior to issuance of a building permit by the Plans Approval Board.
- B. When the Plans Approval Board issues the Building Permit, the permit should be clearly displayed on the construction site.

1.7 CHANGES IN PROJECT

- A. Any change in design or materials in a project that would affect any exterior elevation after the final approval is received must also be approved by the Plans Approval Board.
- B. Revised plans must be submitted in detail to the Plans Approval Board. Implementation of the change may not proceed until the change is approved and a secondary letter is issued.

1.8 CONTRACTORS RESPONSIBILITIES

Compliance deposits may be forfeited in part or in whole for violation of any one of the contractor responsibilities listed below:

- A. Contractors may not place tracked vehicles on Spanish Wells Plantation roads. Any damage to roads will be the responsibility of the contractor.
- B. Contractors will maintain trash containers at each construction site and will require daily afternoon clean up of the construction site to keep papers and other trash from blowing onto adjacent lots. Trash containers must be removed within ten days after completion of project.
- C. Contractors may not park vehicles or equipment on roads, road shoulders, or rights of way except for the purpose of the immediate unloading or loading of equipment at the construction site.
- D. Contractors may not erect signs until construction begins, and they must remove signs as soon as construction is completed. Signs will be no larger than ten (10) square feet and of conservative design. Signs must be set back fifty (50) feet from the road.
- E. Portable toilets will be placed within set-back lines.
- F. Normal trade hours are Monday through Friday, 7:30 am to 6:00 pm. Saturday work is discouraged, but under no circumstances will it begin before 8:00 am or continue past 6:00 pm. No exterior work will be permitted on Sunday.
- G. No work will be allowed on the following holidays:

- New Years Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Christmas Day
- H. The contractor must identify and mark any tree to be removed with red tape. The tree will be described by the type, size, condition, and reason for removal. The trees to be removed will be located on the Site Plan or a drawing of the lot and submitted to CMS. The contractor must have approval before removing any tree.

1.9 EXCESSIVE ELAPSED TIME

- A. In the event that construction of an approved plan is not begun within one hundred and eighty (180) days from the time approval is granted, plans and application fee must be resubmitted.
- B. Construction is to be completed within one (1) year from the time the stake-out inspection is performed.
- C. The compliance deposit will be forfeited after one year if construction is not completed.

1.10 SCHEDULE OF FEES

Residential construction including pool	\$300 base fee + \$30/100 sq. ft. of covered space, including anything under a roof, such as a garage, screened porch, etc.
Swimming pool construction	\$500
Demolition	\$500
Seawall fill dirt	\$500
Deck and/or dock construction if materials delivered by road	\$250
New surface for existing driveway	\$250
Additions and remodeling	Determined by individual job size
Additions	\$300 base fee + \$30/100 sq. ft. of covered space with the new footprint
Remodel	\$300 base fee + \$15/100 sq. ft. under existing roof, including any improvements

1.11 SCHEDULE OF REFUNDABLE DEPOSITS

The compliance deposit is a sum of the submission fee (\$300.00) and the construction fee. The compliance deposit is refunded after the completion of construction and landscaping and upon the APB's approval at the Final Inspection.

2.0 SPANISH WELLS PLANTATION COVENANTS – May 1997

2.1 EXECUTIVE SUMMARY

The purpose of this Executive Summary is to provide Spanish Wells Property Owners with a single reference document that can enhance the level of understanding of the Covenants and their administration by the Association. This summary does not in any way change the fact that the actual Covenant documents are the only basis for making legal determinations.

The Spanish Wells Plantation Covenants situation is unique compared with other Hilton Head plantations, because Spanish Wells Plantation is the result of a consolidation of a number of subdivisions, each having their own individual set of covenants. In 1981, a "uniform" set of covenants was developed and adopted by each of the subdivisions and the Plantation as a whole.

The Uniform Covenants harmonized many of the differences in the original subdivision covenants, but did not totally negate them. Therefore, we have both the Uniform Covenants and some parts of the original subdivision covenants in effect today. In this summary, these Covenants are treated in a fully-integrated manner. Note: Wells East continues to have its specific set of covenants.

Your Board of Directors believes that through better communication with the Association membership on the Covenants, an improved level of understanding will be achieved, resulting in fewer inadvertent covenant violations. An interpretative aspect of this summary represents the opinion of the Board of Directors. If there are any questions on the information contained in this document, do not hesitate to contact your Board. *See: Enclosure A*

2.2 PURPOSE OF THE ASSOCIATION

It is the basic purpose of the Spanish Wells Property Owners Association (SWPOA) to develop Covenants and adopt By-Laws directed at advancing the overall interest of its members with regard to such items as property values, amenities, and common access. Except as otherwise stated, all powers under the Covenants are vested in the Association. In addition, the By-Laws provide for the affairs of the Association to be managed by a Board of Directors, elected by the members.

2.3 ADMINISTRATION OF COVENANTS

In its role of managing the affairs of the Association, the Board of Directors has reviewed certain past practices involved in the day-to-day administration of the Covenants. As a result, it has adopted the following guidelines in the administration of the Covenants:

- In keeping with the practice in recent years, the Plans Approval Board (PAB), a committee of the Association Board, serves as the primary administrator of the Covenants and, as such, addresses the day-to-day covenant violations. The Board of Directors provides due process for members seeking to appeal a PAB finding and/or action. Note: the Covenants state that any Plantation property owner may also enforce the Covenants.

- In the administration of the Covenants, the objective is to be reasonable in keeping with a constructive community spirit. It is not the intent to be inflexible and become obsessed, as some plantations may be, with enforcement for the sake of enforcement. Infractions that are intrusive to the overall community and/or considered by a neighbor to be intrusive will be appropriately followed up. But there will **not** be individuals or groups of individuals actively patrolling the Plantation to search out infractions.
- In following up on a potential infraction, the approach to be taken is constructive, not confrontational, to gain understanding and make an assessment of the specific circumstances. Also, in follow up, violations should be distinguished between those that are of consequence to neighbors and/or the overall community and those that are minor technical infractions that do not, of themselves, compromise the Association's administrative role any more, or less, than mindless enforcement.
- It is essential that a PAB decision on whether or not there is an infraction and the specific action to be taken be made in good faith by **consensus**, considering all the facts and the best interest of the Plantation. Decisions should be documented, as a matter of good business practice, regardless of whether the PAB decided to take, or waive, an administrative action.
- The role of the Association is limited to the administration of the Plantation's Covenants. It is **not** the Association's job to play an enforcement role with regard to federal and state laws or county and town ordinances. The latter is the role of the appropriate public officials. Any questions or issues on covenant violations may be directed to the PAB Administrator, who will follow up on obtaining an appropriate response. *See: Enclosure A*

2.4 PLANTATION AMBIANCE

The essential ambiance of the Plantation, as contained in the Covenants, is a residential community made up exclusively of detached single-family residences built on minimum one-acre lots, which are defined by the Town's approved Plantation Master Plan. Also, residences in the Plantation cannot exceed two and one-half stories, and the minimum enclosed living area is 1500 square feet. A garage or carport is not a requirement, and when they are not built, provision must be made for adequate covered storage. Also, the practice for some time, given social and economic trends, has been to **not** set a limit on size so long as they are deemed to be in keeping with the architectural style of the residence.

Other items that are relevant to the ambiance and to avoiding any intrusiveness on neighbors and/or the overall community are as follows:

- It is the responsibility of lot owners to provide sufficient improved parking **on their lots** for family, guests, and visitors. No person may routinely park vehicles on any street or street right-of-way within the Plantation.
- It is the obligation of lot owners to maintain their lots free of underbrush, weeds, and other unsightly vegetation and trash. Under certain specific conditions, the Association can bush hog an unimproved lot and charge the lot owner with the cost of performing the work.
- No more than two accessory buildings may be built on a lot in addition to the residence. And, no residence may be used for any form of time-share. Also,

any temporary construction structures, trailers, etc. cannot be used for living accommodations.

- Each residence will have an approved service area screened from a neighbor's view with a fence for such items as garbage, containers, air conditioning equipment, pool equipment, etc. Also, boats, vans, trucks, and recreational vehicles must be garaged or appropriately shielded from view.
- No building can be located closer than fifty (50) feet to the front or rear property line, or closer than fifteen (15) feet to any side property line. And, no part of any patio, swimming pool, tennis court, or other structure as defined in the Covenants, may be placed closer than fifteen (15) feet to any side property line. Under special circumstances, and with the neighbors' agreement, the Association may grant a variance to the set back requirements.
- To provide for drainage and utility services, Plantation lot owners have granted easements to the Association that parallel the lot lines. The easements are five (5) feet or ten (10) feet from and parallel to the lot lines shown on the plat of the Plantation.
- Spotlights, floodlights, security lights, or other brilliant sources of illumination cannot impinge upon a neighbor's property without the neighbor's expressed consent.
- Noxious or offensive activities, which might reasonably be expected to cause embarrassment, discomfort, or nuisance to a neighbor or resident of the Plantation are prohibited. This includes any item or activity, which by its nature, may diminish or destroy the "quiet enjoyment" of neighbors and/or other residents of the Plantation.

2.5 ASSOCIATION APPROVALS

With regard to items requiring approval, the Association has under the Covenants, sole discretion for approving or denying requests, upon grounds that include purely aesthetic conditions. It is the objective of the Association to be responsive to a property owner's request while upholding the interests of the neighbors and the Plantation's at-large community.

As a committee of *the* Associations Board of Directors, the Plans Approval Board serves as the forum for addressing requests submitted by property owners. As appropriate, these requests should be accompanied with plans, specifications, and any other relevant documents. The following items require written Association approval:

- Any changes to existing lot boundaries including consolidation or subdividing of lots. All building lots are required to be one acre or more
- Any variances to the front, rear, and side lot set-back requirements, as previously noted under **2.4 PLANTATION AMBIANCE**
- Cutting down of any tree measuring twelve inches or more in diameter at a height of four (4) feet above the ground
- Installation of or any alteration to the exterior appearance of a structure, including such items as residences, buildings, garages, fences, walls, mailboxes, pools, ponds, dog runs, screening, etc.

A checklist of requirements for construction is contained in *Enclosure B*. If construction of a structure has not commenced within six months from the date of Association approval, it is necessary to resubmit the request. Also, construction is required to be completed within one year of approval, unless an extension is requested and granted by the Association. The granting of such requests depends on the specific circumstances for the delay and will not be unreasonably withheld by the Association. Finally, any decision by a committee of the Board, such as the Plans Approval Board, may be appealed to the Board of Directors.

2.6 ASSOCIATION ASSESSMENTS

To conduct the business of the Association, property owners are required to pay annual assessments. The funds received by the Association are to be used for promoting the health, safety, and welfare of the members, for providing recreation, and for improving and maintaining Association property. The Association also uses these funds to build a maintenance and emergency reserve. In addition:

- Lot owner(s) are obligated to pay an annual assessment. The assessment cannot be increased over the previous year's assessment unless approved by the Association at a membership meeting.
- Recognizing the difference in use of the Association's infrastructure, improved lots that include a residence are assessed at 50% more than unimproved lots, beginning the next assessment year after the Certificate of Occupancy is issued.
- A property owner that does not pay the annual assessment as required is deemed to be delinquent. The Association will place a lien on the property in the amount of the assessment plus 12% per year interest and collection costs.

2.7 RIGHT OF FIRST REFUSAL

In the event that any owner of Plantation property decides to sell and has received a bona fide offer to purchase the property, the owner is obligated to first offer the property to the Association at the same price and terms as contained in the bona fide offer. The Association has thirty (30) days from the receipt of written notice from the owner to exercise its option to purchase.

2.8 COVENANT ENFORCEMENT

The Association and/or property owners may enforce the Covenants within the Plantation. Enforcement includes commencement of legal proceedings. In the event that a violation of the Covenants does not result in specific damages to the Association, it is deemed to have caused liquidated damages to the Association in the amount of \$500 for each violation. Moreover, if the Association undertakes a successful legal action, the property owner deemed to have violated the Covenants is obligated to reimburse the Association for all costs incurred, including reasonable legal fees.

2.9 COVENANT DOCUMENTS

Uniform Covenants (Enclosure C) and two typical original Covenants applicable to certain subdivisions in the Plantation (Enclosures D and E) are included in this

document. A full set of the original Covenants is available from the Association upon the request of any Plantation property owner.

STATE OF SOUTH CAROLINA**AMENDMENT TO COVENANTS****COUNTY OF BEAUFORT**

WHEREAS, the undersigned is/are the owner(s) of Lot___ within Spanish Wells Plantation; and,

WHEREAS, the Board of Directors of the Spanish Wells Plantation Property Owners Association, Inc., have proposed certain amendments to the "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land," which are dated July 1, 1981, and which are recorded in the R.M.C. Office for Beaufort County, South Carolina, in Deed Book 426 at Page 369; and,

WHEREAS, the undersigned, by this instrument, acknowledge their consent to the proposed amendments to the "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall constitute Covenants Running With the Land,"

NOW, THEREFORE, for and in consideration of the sum of One and no/100 (\$1.00) Dollar, to the undersigned in hand paid, at and before the execution and delivery of these presents, the receipt and sufficiency whereof is acknowledged, the undersigned hereby consent to and approve the following amendments to the "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land:"

AMENDMENTS

1. The "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land," is hereby amended, by the addition of a new section, entitled "Powers of the Association," which new section shall be inserted into the "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land," immediately following the preamble, and shall read follows:

POWERS OF THE ASSOCIATION

- 1. Except as may be expressly provided herein, all powers under the Covenants related to Spanish Wells Plantation shall be vested in the Association, and all owners of lots in the Plantation shall be members of the Association.**
 - 2. The Association shall adopt By-Laws, which shall provide for the powers and duties of the Association, and the Board of Directors, which shall be elected by the members of the Association.**
2. The "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land" is hereby amended by the deletion of the existing Article 16 (a) and (b) under "E. Assessments" and by replacement thereof with a new section, which new section shall be numbered 16 (a), under "E. Assessments" and shall read as follows:
16 (a) Annual and special assessments may only be levied upon the affirmative vote of a majority of the membership of the Association, present or by proxy, at an annual meeting or a special meeting called for the purpose of conducting a vote on the adoption of such assessments.

- 3. The "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land" is hereby amended by the addition of a new section, entitled "Annexation of Additional Property," which new section, to be lettered "H", shall be inserted into the "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land" immediately prior to the existing Section H - "Miscellaneous," which shall be re-lettered "I – Annexation of Additional Property" and shall read as follows:

I. ANNEXATION OF ADDITIONAL PROPERTY

- 1. In order for improved or unimproved property to be annexed into Spanish Wells Plantation, the proposed annexation must be recommended by the Board of Directors and approved by an affirmative vote of a majority of the membership participating directly or by proxy, in an annual meeting or special meeting of the Association.**
- 2. Only property, which is compatible to Spanish Wells Plantation's requirements of single family detached residences on minimum one-acre lots, will be considered, provided the owner(s) of the property to be annexed execute a recordable acknowledgment and assent to adhere to the Spanish Wells Covenants.**
- 3. Upon satisfying the foregoing conditions, the Association shall cause the plat of Spanish Wells Plantation, which is recorded in the R.M.C. Office for Beaufort County, South Carolina, in Plat Book 35 at Page 36, to be amended to show the new property annexed and shall take the steps necessary with governmental bodies to amend the Spanish Wells Master Plan.**
- 4. The "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land" is hereby amended by the addition of a new section, to be numbered as Article 1-29, and inserted after Article 1-28 under "Miscellaneous," and shall read as follows:

29. The two-car garage limitation contained in a number of the covenants for the original subdivisions of Spanish Wells Plantation is hereby deleted, and declared to be void and of no effect.

Except as may be expressly set forth herein, the "Declaration of Covenants, Rights, Restrictions and Affirmative Obligations Which Shall Constitute Covenants Running With the Land," and any other Covenants encumbering the Lots within Spanish Wells Plantation shall remain unchanged.

In witness whereof, the undersigned have set their hand(s) and seal(s) on this ____ day of _____, 20__.

WITNESSES:

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

Personally appeared before me, _____ who, being duly sworn, states that s/he, together with _____, saw the named parties sign, seal, and as their own free act and deed, deliver the foregoing instrument and that s/he, together with _____, witnessed the same.

Sworn to before me on this _____ day of _____, 20__

Notary Public for South Carolina
My Commission Expires: _____

**STATE OF SOUTH CAROLINA DECLARATION OF COVENANTS, RIGHTS,
COUNTY OF BEAUFORT RESTRICTION AND AFFIRMATIVE OBLIGATIONS
 WHICH SHALL CONSTITUTE COVENANTS RUNNING
 WITH THE LAND**

WHEREAS, the undersigned is/are the sole owner(s) of that certain piece, parcel, or lot of land in Spanish Wells Plantation, Hilton Head Island, Beaufort County, South Carolina (established by that certain plat of Spanish Wells P n recorded in Plat Book ____ at Page ____ in the Office of the Clerk of Court for Beaufort County), described as follows: and,

WHEREAS, in order to preserve, protect and improve the beauty, safety and privacy of the Spanish Wells community and the well-being of its residences, and in consideration of the agreement by other property owners of the Spanish Wells Plantation community to undertake similar action for such purposes, the undersigned desire to make, publish, ratify and record certain Covenants, Rights, Restrictions, and Affirmative Obligations which shall hereafter apply to the above real property;

NOW, THEREFORE, IN CONSIDERATION of the foregoing, the undersigned hereby declare that the following Covenants, Rights, Restrictions, and Affirmative Obligations, and each and every provision thereof, all of the same being hereby ratified and incorporated herein by this reference shall hereafter be applicable to the above described real property and shall constitute Covenants running with the land which shall pass to all successors in title:

COVENANTS, RIGHTS, RESTRICTIONS AND AFFIRMATIVE OBLIGATIONS applicable to Spanish Wells Plantation executed by the Spanish Wells Plantation Property Owners Association, on July 1, 1981, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Book C426 at Page 369-373, and all amendments thereof.

In recognition or the fact that other property owners of the Spanish Wells Plantation community have executed, or shall hereafter execute, similar Covenants Running with the Land in reliance upon my/our execution of this instrument the undersigned hereby declare that this instrument, and the provisions thereof, shall not be modified, amended, or made inapplicable without the written consent of the Spanish Wells Property Owners Association.

In the event that any Covenants, Rights, Restrictions, or Affirmative Obligations, which currently run with the above-described property, shall be inconsistent with those incorporated into this Declaration, the Covenants, Rights, Restrictions, and Affirmative Obligations incorporated into this Declaration shall prevail.

These Covenants shall become effective and enforceable against the above property upon the date of recording thereof with the Clerk of Court for Beaufort County, South Carolina.

IN WITNESS WHEREOF, the undersigned have set their Hands and Seals to this instrument on the ____ day of ____ 20__.

IN THE PRESENCE OF:

_____	_____
First Witness	(1) Owner
_____	_____
Second Witness	(2) Owner

PROBATE

STATE OF
COUNTY OF

PERSONALLY appeared before me, a Notary Public, the undersigned witness, and made oath that he/she saw the with named _____ seal and as act and deed, deliver the within instrument, and that s/he, with (the second witness) _____ witnessed the execution thereof. _____, First Witness

Sworn to and subscribed before me on this ____ Day of _____, 20__.

_____(SEAL) Notary Public for
My Commission Expires:

SPANISH WELLS PLANS APPROVAL BOARD
PO BOX 5874
HILTON HEAD ISLAND, SC 29938
Tel: 843/842-4138 – Fax: 843/842-4779

August 2001

Welcome to Spanish Wells Plantation.

We hope this information will make your planning for new home, addition, or remodeling project easier.

1. Read the attached PAB guidelines packet.
2. Read the Spanish Wells Plantation Covenants. Sign the amended covenants before a witness.
3. Write an explanation of the request and include illustrations or drawings of what is planned to include the number of stories, the type of house, the number of square feet, garages, bonus rooms, pool, etc. Include this narrative and illustration along with the complete plans.
 - The PAB requires the same details as the Town of Hilton Head, plus drainage, landscape, drain fields, driveways, mailbox, road entry columns, gates or any other structure, and an exterior light plan, both attached and detached from house, pool, etc.
 - Provide a color board with examples of materials, paint samples and/or roof sample (8x 10).
 - Furnish photographs of the house that may be helpful, especially for additions.
4. Provide a written statement following the narrative stating that the builder or designer/builder team and the owner have read and comprehend both the Plans Approval Board (PAB) Guidelines and Spanish Wells Plantation Covenants.
5. Complete and submit the following forms along with a check for the \$300.00 Submission Fee, made payable to Spanish Wells Plans Approval Board (SWPAB) and include the Lot Number.
 - Pre-Submittal Checklist for your New Home, Addition, Remodeling Project, or Exterior Improvements
 - Checklist of Requirements for Construction
6. After Final Approval by the Plans Approval Board, submit a Construction Fee, which is based on square footage using the following formula:
 - Divide the total square footage under roof by 100 and multiply the result by \$30.00. (Example: 1000 sq. ft / 100 = 10 x 30.00 = \$300.00) Both the submission fee and the construction fee are non refundable and are applied to the POA general fund.
 - The compliance deposit is calculated by adding both the submission fee and the construction fee together. The sum is the compliance deposit amount.
 - Write a check to the SPPAB for the compliance deposit once your plan is approved. Once the home is completed and a Certificate of Occupancy (C.O.) is obtained, the lot and home will be inspected to determine if the plans were adhered to and the landscape and drainage plans were properly executed. Once corrections are made and the owner and PAB are in agreement, the compliance deposit is refunded. Please identify the project by the LOT NUMBER and the words COMPLIANCE DEPOSIT or CONSTRUCTION FEE.

Enjoy the experience you are about to undertake. We will be glad to help in any way we can.

**SPANISH WELLS PLANS APPROVAL BOARD
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**PRE SUBMITTAL CHECKLIST FOR YOUR NEW HOME, ADDITION,
REMODELING OR EXTERIOR IMPROVEMENTS**

Owner

Address

Lot

Block

Date

Assessments for the current year have been paid.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner, Designer & Contractor have read and comprehended the procedures and other information in the PAB packet.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has read, comprehended, signed and had notarized the Amended Covenants.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has completed and signed the Application for Approval for Construction form.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner, Designer & Contractor have signed the Conditions Document.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner, Designer & Contractor have signed the Rules Document.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has attached signed copies of the following forms:		
• Amended Covenants	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Application for Approval for Construction	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Conditions Document	Yes <input type="checkbox"/>	No <input type="checkbox"/>
• Rules Document	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has attached a check for the \$300 Submission Fee.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has attached complete copies of the plans prepared in accordance with the procedures described herein.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has attached a written narrative that explains the work of the entire project from start to finish.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner has attached all material samples and colors.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Owner, Designer & Contractor certify that the Pre-Submittal Package is complete and correct and that all signatures appear below on this Pre-Submittal Checklist form.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Signatures:

Owner:

Telephone:

Designer:

Telephone:

Contractor:

Telephone:

Landscaper:

Telephone:

**Submit the completed Pre-Submittal Package to the PAB office
a minimum of seven (7) days prior to the first Monday of the month.**

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CHECKLIST OF REQUIREMENTS FOR CONSTRUCTION

We look forward to working with you as you begin construction. To avoid confusion, please adhere to these requirements for construction:

1. Your Final Plan, which includes exterior colors and materials, must be submitted to the Plans Approval Board.
2. Initial Review of the Final Plans by Plans Approval Board (PAB) includes but is not limited to the following:
 - a) Service yard is of adequate size to enclose all equipment and other items to be stored on the property.
 - b) Setbacks are met, as measured to overhangs or to the nearest point of vertical construction.
 - c) Drainage plan is included in site plan and includes a seal by a Registered South Carolina Professional Engineer.
 - d) Trees to be removed are marked on a recent tree survey.
3. The Construction Fee is paid and sent to Spanish Wells Plans Approval Board, c/o Hank Johnson, PO Box 5874, Hilton Head Island, SC, 29938. The phrase, "CONSTRUCTION FEE" and LOT NUMBER should appear on the check. The Construction Fee is determined as follows: \$300 base fee + \$30/100 sq. ft. of covered space, including anything under roof, such as garages, screened porches, etc.
4. Following your receipt of correspondence from the PAB stating that INITIAL APPROVAL HAS BEEN GRANTED, a Compliance Deposit (equal to the Construction Fee) must be paid and Procedures Form signed. Mail both the Compliance Deposit and the Procedures Form to Spanish Wells Plans Approval Board, c/o Hank Johnson, PO Box 5874, Hilton Head Island, SC, 29938. The phrase "COMPLIANCE DEPOSIT" and LOT NUMBER should appear on the check.
5. Stake out the perimeter of the house on the lot, including the property lines clearly marked with stakes and strings, all trees to be removed marked in RED, and corner monuments clearly visible. Setbacks must be marked and if a variance is requested, this must also be clearly double strung. CLEARING MAY BEGIN ONLY AFTER THE STAKE OUT HAS BEEN APPROVED.
6. Batter Board location must be approved by PAB.
7. Post the SPANISH WELLS BUILDING PERMIT.
8. **WHEN ALL OF THE ABOVE HAS BEEN APPROVED AND THE PROPER PLANTATION PERMIT IS POSTED, CONSTRUCTION MAY BEGIN.**

SPANISH WELLS PLANS APPROVAL BOARD
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APPLICATION FOR APPROVAL OF CONSTRUCTION

Owner Name			
Address			
Telephone Number			
Lot			
Block			
Architect / Designer Name			
Address			
Telephone Number			
Contractor Name			
Address			
Telephone Number			
Check one in each category	Preliminary Plans <input type="checkbox"/> or Final Plans <input type="checkbox"/>	New Construction <input type="checkbox"/> or Addition/Remodeling <input type="checkbox"/>	Private Residential <input type="checkbox"/> or Speculative <input type="checkbox"/>
Heated Area / Residence	1 st Floor Sq. Ft. -		
Heated Area / Residence	2 nd Floor Sq. Ft. -		
Area/Accessory Building	1 st Floor Sq. Ft. -		
Area/Accessory Building	2 nd Floor Sq. Ft. -		
Total Square Feet	SQ. FT. -		
Finished Ground Floor Elevation	AMSL -		

Exterior Materials		
	Material	Color
Siding		
Fascia/Trim		
Stucco		
Doors		
Brick		
Windows		
Roofing		
Shutters		

Request for Set-Back Variance with Justification	
Other Comments	

AGREED:

I hereby certify that the information in this Application for Approval of Construction form is complete, true, and correct. I have read the PAB Guidelines and agree to abide by them.

Signature of Owner

Date of Agreement

**SPANISH WELLS PLANS APPROVAL BOARD
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BUILDING PERMIT

THE PARTIES HERETO DO HEREBY ACCEPT AND APPROVE THE CONDITIONS PURSUANT TO THE ISSUANCE OF A SPANISH WELLS BUILDING PERMIT.

Signatures:

PAB

Date:

Administrator

**Owner /
Owner's Agent**

Date:

Print Name

Title:

Contractor:

Date:

Print Name

Title:

**SPANISH WELLS PLANS APPROVAL BOARD
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RULES FOR CONTRACTORS

Dear General Contractor:

This letter is intended to assist you during your construction activities in Spanish Wells Plantation and to clarify Plantation rules and covenants that pertain to construction activity. It is the responsibility of the general contractor to follow these rules, to inform all subcontractors of these rules, and to be responsible for all subcontractor activities and infractions of these rules. The Rules for Contractors are as follows:

- Observed and abide by the posted speed limits. Offenders will be fined or denied access to the Plantation. The Beaufort County Sheriff Department or premise security personnel patrol our roads.
- Keep the construction site clean and picked up.
- Music sound level must not be audible to neighbors.
- No construction activity before 7:30 AM or on Sundays. For exceptions, please call 842-4138. Note: Noise complaints from a neighbor on a Saturday may cause a shutdown for the day.
- Damage to roads and other Plantation infrastructure or adjacent shoulders must be promptly repaired. Any costs incurred by Spanish Wells Plantation will be billed to the owner.
- All changes to the exterior of house that differ from those approved must be submitted to the Plans Approval Board and its approval obtained.
- No permit will be issued until this document is signed and received by the PAB.

Your cooperation is appreciated. We hope that your efforts proceed efficiently. If you have any questions, please call me at 842-4138.

Sincerely,

Hank Johnson, Administrator
PLANS APPROVAL BOARD

Signatures:

Owner:

Date:

General Contractor:

Date:

**SPANISH WELLS PLANS APPROVAL BOARD
PO BOX 5874
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FINAL CHECK LIST

For use by PAB Chairman & PAB Administrator

Owner Name	
Address	
Telephone Number	
Lot	
Block	
Type of Submission	

Final Approval mailed to Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Construction Fee Paid? Amount Paid	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Demolition Fee Paid, if applicable (\$500)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Compliance Fee Paid? Amount Paid	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Instruction Sheet signed by Contractor/Owner & Returned	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Mail Box Location & Design Submitted & Approved	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Drainage Plan given to Contractor & Acknowledged	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Signature:

PAB Chairman

Date: