

SEA PINES

GUIDELINES FOR COMMERCIAL AND RECREATIONAL PROPERTIES

June 18, 2024

GUIDELINES FOR THE DEVELOPMENT OF COMMERCIAL AND RECREATIONAL PROPERTIES

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The following guidelines will be used by the Sea Pines Architectural Review Board in its consideration of applications for permits for new construction or renovations of Commercial and Recreational properties.

These guidelines are derived from legally recorded covenants of Sea Pines and are binding upon the ARB; and from the Land Management Ordinance of the Town of Hilton Head Island which will have great weight in the deliberations of the ARB.

The LMO requirements will usually be regarded as establishing the minimum standards for the Sea Pines Community.

The terms "Commercial and/or Recreational Property", "Commercial Property", "Recreational Property", "Property" or "Project", as used herein, are considered interchangeable and applicable to any specific application, irrespective of type of project.

GENERAL

1. No building, fence or other structure shall be erected, placed or altered on any lot in such Commercial or Recreational Property until the proposed building plans, specifications, exterior color or finish, plot plan (showing the proposed location of such building or structure, drives, parking areas, drainage, and landscaping), and construction schedule shall have been approved in writing by the ARB. Refusal of approval of plans, location or specifications may be based by the ARB upon any ground, including purely aesthetic considerations, which, in its sole and uncontrolled discretion, the ARB shall deem sufficient, provided, however, that such approval by the ARB shall not be unreasonably withheld. Elements that will be considered by the ARB before plans or specifications are approved include, but are not limited to, the following:
 - a. the ratio of hard surface to natural tree or landscaped surface;
 - b. location of utility lines;
 - c. the ratio of parking spaces to building capacity; the adequacy of recreational facilities when viewed against the number of persons such facilities are projected to serve;
 - d. an acceptable plan to provide for the capture and disposition of any surface water run-off on the property;
 - e. adequacy of proposed restaurant facilities, convention facilities, meeting areas, or auditoriums when viewed against the number of persons such facilities are projected to serve and the desirability of each venture being reasonably self-sufficient; and
 - f. whether any of the proposed improvements to be constructed on the Property exceed the maximum allowable height for such improvements which, without the written consent of the ARB, may not exceed five (5) floors or in no event exceed sixty-two (62) feet above outside finished grade.

2. No alterations in the exterior appearance of any building or structure shall be made without approval by the ARB. Approval shall not be unreasonably withheld and permission shall not be refused to make any addition or modification to any structure on the property so long as the proposed addition or modification is constructed of materials of comparable quality with the existing structures on the property and the design and site plan of said addition or modification is compatible with the existing structures on the property. Digital copies of all plans and related data shall be furnished to the ARB for its records and all improvements constructed on the property must be constructed pursuant to such plans and specifications with no variations therefrom unless approved, in writing, by the ARB. An As-Built Survey is required after pouring the footings and prior to start of any framing. Also, a Certificate of Occupancy must be submitted to the ARB before the building is occupied.

3. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of vegetation which could cause disruption of natural water courses or disfigure natural land forms.
4. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede, as little as reasonably practical, scenic views from the main road or from existing structures and the natural environment.
5. The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of Sea Pines and demonstrate the community character, that is, structures which are designed to be unobtrusive and set into natural land forms and existing vegetation.
6. Structures shall demonstrate the general principles of good design including but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with adjacent structures where such structures are substantially in compliance with this Article.
7. Pitched roofs or the appearance of pitched roofs with a minimum slope of 5/12 are strongly encouraged. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line shall be avoided. Shingles, metal standing seam, tile or other non-flammable roof materials appropriate to Sea Pines may be used.
8. Stucco, tabby, natural wood siding, brick or other materials with similar texture and appearance are appropriate. Reflective surfaces are not acceptable.
9. Colors of paints, stains, and other finishes or materials shall be nature-blending with generally no more than three colors per building.
10. The location and dimensions of wall signs shall be indicated and shall maintain compatibility with architectural features of the building. Architectural lighting shall be recessed underroof overhangs or generated from concealed light source, low level light fixtures.
11. Site lighting shall be of low-intensity from a concealed light source fixture, and shall not spill over into adjoining properties or roadways or in any way interfere with the vision of oncoming motorists.
12. The landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly encouraged; formal plans and the appearance of straight hedges are discouraged. Landscaping shall be required between buildings and sidewalks, parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building and sites.

A. REVIEW PROCEDURES

1. THE ARB AND ITS REVIEW PROCESS

Board Meetings

The Board normally convenes every Tuesday at 1:00 P.M., in the CSA Building (175 Greenwood Drive). Note: The fifth Tuesday of applicable months will be designated for Procedures, Policies and Guidelines review. No applications will be reviewed at these meetings.

Submittals complete with all requisite elements should be received at the ARB office no later than 4:00 pm on the Wednesday of the week prior to the Tuesday meeting. All data requirements must be complete or the Board will defer the submittal.

Permitting Process

No site clearing, material deliveries, demolition or construction may begin without obtaining a Sea Pines Building Permit. The applicant must first complete an application form and pay the appropriate fee. If the proposed construction includes any variance(s) from the ARB guidelines, a Variance Request Form must be submitted with the Permit Application.

2. DESIGN PROCEDURE:

a. **PRELIMINARY REVIEW:** This application and approval is REQUIRED for all applications even if the proposed construction seemingly conforms to all ARB guidelines and NO variance is involved. This approval is a formal expression of "GENERAL ACCEPTABILITY" of the plan or design. The owner and architect may attend this meeting to present the plan to the Board. IN SOME CASES, AT THE DISCRETION OF THE ARB, THE OWNER AND/OR ARCHITECT MAY BE REQUIRED TO ATTEND THE MEETING TO DISCUSS THE PROJECT.

b. **FINAL REVIEW:** All requisite drawings and data as herein described is a mandatory submittal requirement for anyone planning ANY TYPE of construction within Sea Pines.

3. Digital copies of all plans and related data shall be furnished to the ARB. In the event approval of such plans is neither granted nor denied within sixty (60) days following receipt by the ARB, the applicant may send a demand for action by certified mail. If the application is neither granted nor denied within ten (10) days of receipt of such demand, said application shall be deemed to be approved by the ARB. "Notice" by the ARB to the applicant shall be in writing, delivered to the applicant or its actual or apparent agent personally, by common carrier providing evidence of such delivery, or by United States mail. In the case of United States mail, delivery shall be deemed to occur on the first calendar day following the placement of such notice in the United States mail by the ARB. If the applicant is incapacitated or outside the United States

or in similar circumstances making the utilization of normal notice procedures difficult, the ARB shall be authorized to extend the time in which to deliver notice by a reasonable period.

4. Approvals shall be dated and shall not be effective for construction commenced more than twelve (12) months after such approval and issue of permit. Disapproved plans and related data shall be accompanied by a statement of items found unacceptable and the reasons they are unacceptable.
5. Refusal of approval of plans, locations or specifications may be based by the ARB and the holder of the easement upon any reasonable ground which is consistent with the objectives of the Sea Pines Covenants, including but not limited to aesthetic considerations, the harmony and scale, the impact of the bulk, coverage, function or plans on neighboring properties, the view of the structure or property from the community roads, the placement of parking spaces, and the desirability of preserving significant trees or other unique vegetation.

B. BUFFER AREAS

1. The function of buffer areas is to provide visual and noise barriers between adjacent land uses or between a land use and a public road which block out both visual nuisances, such as glare from lights, and shield the source of noise from view, thereby reducing its perceived impacts. Additionally, buffers may serve as a protective or safety barrier, by blocking physical passage. Heavily planted buffers may restrict the movement of dirt or dust and assimilate air carried contaminants.
2. The design of buffer areas shall utilize three features: (a) distance, (b) plant material and (c) structural elements, such as fences, privacy walls, berms, etc. and may take into account easements.
3. The following development activity may occur in the required street buffer:
 - a. Roadway and/or driveway access to the portion of the site not in the street buffer provided that it is approximately perpendicular to right-of-way.
 - b. Water, sanitary sewer, electrical, telephone, natural gas, cable or other service lines provided they are approximately parallel to the road right-of-way, an equal amount of buffer may be required to substitute for the area of vegetation removal. Permission for easement and right-of-way disturbance and clearings for such services shall be more favorably considered when such activity is consolidated with vehicular access routes.
 - c. Pedestrian and bicycle paths designed to provide continuous connection along the road and walkways to the beach.
 - d. Lighting fixtures.
 - e. Signage in accordance with the ARB sign policies of May 13, 2024.

- f. Clear sight distances at the permitted entrances and exits to any development as needed to provide for reasonable traffic safety.
- g. Storm drainage provided that it does not impair the basic integrity of the required buffer.
- h. Consideration of open space areas in determining setbacks.

C. BUILDING HEIGHT

- 1. The ARB will limit the maximum height of all future buildings in Sea Pines, to five (5) stories, but in no event to exceed sixty-two (62) feet. Height shall be calculated from outside finished grade of the area encompassed by the proposed building.
- 2. Calculations of the height limits shall be to the highest point of the structure.
- 3. Equipment such as heating and air conditioning may be installed on top of buildings provided that it is screened from horizontal view and included in the height limitations. Chimneys, tanks and supports, parapet walls, bulkheads, and structures used solely to enclose stairways, tanks, elevator machinery or shafts, or ventilation or air conditioning apparatus, must be included in determining the height limitation.
- 4. Minimum finished first floor elevation shall be established by the Federal Emergency Management Agency.

D. COLORS AND FORMS

- 1. The architectural design and construction philosophy of the ARB is that buildings should be unobtrusive in form and color in order to complement their natural setting.
- 2. One of the purposes of architectural review is to ensure that structures, improvements, materials and colors are visually harmonious with the overall appearance of Sea Pines, surrounding development, natural land forms and existing vegetation.

E. COMPLETION SCHEDULE

- 1. The exterior of any structure on Recreational and Commercial Property must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities.
- 2. Construction must be reasonably continuous and without interruptions. The construction site cannot be or cannot appear to be abandoned at any time.

F. INSPECTIONS

The ARB Administrator, members of the Board and/or other ARB inspectors or representatives must and will conduct a series of on-site inspections – prior to construction, while construction is in progress, and when construction is indicated by the owner or builder to be complete -- as follows:

1. Stake-Out and Tree Marking Inspection

An ARB representative must visit a prospective job site to verify proposed structure positioning, setbacks, and necessary tree removal before the Administrator may present a permit application to the Board for review and approval. Permit applicants are, therefore, urged to complete construction stake-outs (as described below) prior to submitting their permit applications to ARB or at least eight calendar days prior to the Board meeting at which application review is desired. Failure to complete the needed stake-out in a timely manner will result in deferral of the Board's consideration of a building permit application.

For all construction where the removal of any tree is contemplated, the permit applicant is responsible for placing a red tape band on all trees, irrespective of site location or condition, that are designated for removal. No other trees should be marked or banded since such can be confusing both to the ARB inspector and to the ARB members and adjacent property owners reviewing the project.

In doing the stake-out for new buildings, it is essential that all property corners be staked and labeled, and that all property lines be shown by strings between corners. This is the only way the ARB inspector can verify the perpendicular setback of building corners or sides from the nearest property line. The "footprint" of each separate building planned, including above-grade decks, should be shown with stakes on each building corner and with strings marking the entire perimeter. The boundary of driveways and walkways should be marked by short blue or yellow flags set on approximately four-foot centers to assist in verifying needed tree removal.

Though the stake-outs for additions to existing homes can be a bit simpler, the ARB inspector must nevertheless be able to quickly and accurately verify setback conditions and tree removal needs during his site visitation. For swimming pools, the perimeter of the pool deck must be staked and strung.

2. Clearing Inspection

Prior to issuing the clearing permit, a site inspection is required with the builder present to review the tree marking and site conditions. After the site inspection, the ARB administrator will issue a clearing permit. Upon completion of clearing, an inspection for tree removal and tree damage will be done. If tree damage has occurred or if trees designated to remain have been removed, penalties will be assessed and must be paid before construction can continue. Upon the successful completion and inspection of the clearing, a foundation permit will be issued.

3. Foundation Survey

A foundation survey and a finished floor certificate by a registered surveyor is required to indicate the proper placement of the building on the site. This survey must be completed after the foundation is in place, prior to framing and delivered to the ARB. Failure to deliver the as-built foundation survey or a finished floor certificate prior to framing will result in a STOP WORK order and a penalty of \$500.00 which must be paid before framing can continue.

4. In-Process Compliance Inspections

Throughout the construction period, job sites will be inspected frequently by ARB inspectors and Board members to determine continuing compliance with ARB regulations and guidelines, special permit conditions, if any, and with the ARB-approved construction plans. Special attention will be given to noting site cleanliness and orderliness. It is important to note that the ARB Administrator has the authority to issue a verbal "Stop Work" order to the builder for any issue of non-compliance noted during in-process inspections. Failure of any ARB inspector to detect or object to an unauthorized design change or other non-compliance matter during the construction process does not relieve the owner and/or builder of non-compliance.

5. Final Inspection (Clean-Up and Compliance)

- a. This inspection will be scheduled when the builder notifies the ARB office that:

Construction is completed pursuant to the ARB-approved plans. If unapproved changes from the plans are observed at inspection, the applicant will be charged a minimum of \$500.00 and required to submit as-built plans for approval. The ARB shall be entitled, should the as-built plans be disapproved, to require the removal or correction of any work in place which does not comply with the originally approved plans and specifications at the Owners expense.

- b. All waste containers, portable toilets and temporary utility poles have been removed.
- c. The job site is clean.
- d. Any damage to right-of-way, common areas and adjacent properties has been completely repaired.
- e. All signs and permits have been removed.
- f. A Certificate of Occupancy has been issued by the Town of Hilton Head and a copy has been received by the ARB.
- g. All vertical surfaces are painted an approved color. If the ARB inspector finds all of the above to be correct, and if no exterior design or color changes are noted and landscaping has been installed as

approved, this final inspection shall be considered approved. Then a refund of the Escrow Deposit will be made.

- h.** The Architectural Review Board, in its sole judgment, will determine at this final inspection of the landscape installation if the Landscape Plan design intent has been met. This holds particularly true for landscaping that is used for screening purposes.

When the ARB Board verifies that the landscaping has been appropriately and reasonably completed, the Escrow Deposit will be refunded (less penalty deductions, if any), and the project is deemed complete.

G. DRAINAGE

Drainage swales, culverts, or other appropriate provisions must be installed if the construction will adversely affect the drainage of the natural watershed or cause runoff to adjacent properties.

H. DUNES

- 1.** If dune restoration is required, the applicant shall submit a detailed dune restoration plan for the entire linear beach frontage of the project site. The dune restoration plan must comply with applicable State and Federal regulations.
- 2.** The detailed plan should include the use of replacement sand with organic fillers, sea oats, and/or other vegetation required to stabilize the restored dune. The height and width of the proposed dune restoration must be acceptable to the ARB and CSA. The detailed plan shall also include a dune walk over for beach access.
- 3.** Dune restoration and dune walk over, if a condition of project approval, must be completed prior to final inspection and approval by the ARB.
- 4.** Dunes also fall within the jurisdiction of the Town of Hilton Head Island, the South Carolina Coastal Council, and the Beach Management Committee of Community Services Associates whose regulations must be followed.

I. FENCES

- 1.** All fences must be approved by the ARB. In general, permitted fences are those which surround utility areas and swimming pools. Perimeter fences will usually not be approved.
- 2.** Each Recreational and Commercial Property owner must construct a screening fence to shield and hide from view any service yards or areas. Plans for all fence delineating the size, design, texture, appearance and location must be approved by the ARB prior to construction. Service yard gates must be closed when not in use.

J. GARBAGE

1. Each Recreational and Commercial Property owner shall provide sanitary receptacles for garbage in a screened area not generally visible from the road, or provide underground garbage receptacles or similar facility in accordance with reasonable standards established by the ARB and such facilities shall be kept in a clean and sanitary condition. Gates in screening fences must be closed when not in use.
2. Materials used for screening must be compatible with those used for the primary buildings on the property.

K. LANDSCAPING

1. All Commercial and Recreational areas must be landscaped in a manner appropriate to their use, and setting. Landscape plans must be submitted with the original application for building approval and shall include:
 - a. Planting plan showing location, quantity, and type of proposed plantings.
 - b. Planting schedule showing all materials to be used for landscaping, botanical name, common name, quantity, and size at installation.
 - c. All horizontal landscape construction such as drives, decks, terraces, etc. shall be drawn on the conceptual landscape plan and labeled according to material and finish.
 - d. All vertical landscape construction such as walls, fences, raised decks, shelters, light standards, signs, flagpoles, trellises, seats, mailboxes, etc. shall be drawn and labeled sufficiently to indicate its size, height, materials and general appearance.
 - e. If landscaping is to be irrigated, show approximate extent of coverage and outline performance specification.
 - f. Landscape lighting, if used on site, showing location, wattage, typical fixture design, type of bulb and quantity, and illumination patterns.

L. LAND UTILIZATION (see also Setbacks Page 12)

In order to preserve and enhance the economic value of the Recreational and Commercial Property and to prevent congestion and crowding which would be detrimental to the value of adjacent areas, no more than fifty percent (50%) of the total acreage in any Recreational and Commercial Property tract may be utilized for enclosed and/or covered commercial buildings and similar facilities. The unenclosed portion of any Commercial or Recreational Property tract shall be maintained in an attractive manner to include landscaping, walkways and automobile parking areas.

M. LIGHTING

1. All exterior lighting should be installed so as not to disturb neighbors nor impair vision of traffic on nearby streets. Lighting on beachfront properties must be carefully selected so as not to interfere with the loggerhead turtles during the nesting season. Lights may not shine directly toward the beach as these disorient the newly hatched turtles. Direct lighting shall not invade or illuminate any adjacent properties.
2. All exterior lighting must be approved by the ARB prior to installation.

N. NOTIFICATION OF ADJACENT PROPERTY OWNERS

Before considering for approval the permit application for all new commercial construction and most major additions or alterations, the Board will first formally notify (and invite comment from) adjacent and nearby property owners of the intended construction. When such action is considered useful and appropriate, the ARB will notify the potentially affected property owners by letter. The property owners so notified will then have up to ten days to preview the application at the ARB office and, if desired, to file written comments or objections regarding the proposed construction. The applicant then will be allowed up to 10 days to respond to the Board regarding any such comments or objections. After receipt of the applicant's response, if any, the ARB will initiate detailed review of the application at its next regular Board meeting.

O. PARKING

1. Each Commercial and Recreational Property owner shall provide adequate space for off-street parking for all users on the site or on other adjacent owned areas. Parking for employees and service and delivery vehicles is equally important to that for others.
2. The minimum number of parking spaces required shall be established by the Town of Hilton Head Island, but such number may be increased by the ARB.
3. All off-street parking in conjunction with development fronting on a collector or arterial street shall be designed so that vehicles can turn around within the area and enter the street in such a manner as to completely eliminate the necessity of backing into the street.
4. The size of parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by eighteen (18) feet, plus adequate area for ingress and egress as approved by the ARB. Parking spaces for compact cars may be designed with dimensions of not less than seven and one half (7 1/2) feet by fifteen (15) feet.
5. The required parking space for any number of separate uses may be combined in one facility. Generally, the required space assigned to one use may not be assigned to another use; thus, the total available spaces should be the sum of required spaces for each of the individual uses.

6. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. As a guideline, large parking lots of more than 150 spaces shall be broken down into sections of not more than fifty (50) spaces, separated from other sections by landscaped, or naturally vegetated dividing strips, berms, and similar elements.
7. All parking area lighting shall be hooded or directed to the extent practical to shield the light source from direct view from adjacent properties and streets. The maximum allowable height of such lighting shall be twenty (20) feet.

P. PROPERTY MAINTENANCE

It shall be the responsibility of each Recreational and Commercial Property owner to prevent the development of any unclean, unsightly or unkept conditions of buildings or grounds on such lot during construction which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area. Please refer to Schedule of Penalties, Attachment A paragraph five and six.

Q. SETBACKS (see also Land Utilization Page 10)

1. The Land Management Ordinance of the Town of Hilton Head Island sets the minimum setback requirements for commercial and recreational construction. The ARB may require greater setbacks from time to time.
2. Structures should be set back from all property lines in order to permit drainage, landscaping, and screening and to avoid interference with the rights and comforts of the owners of adjoining properties.
3. A single structure should be near the center of the lot about equidistant from all property lines. Variations from the center may be dictated by the usage of the surrounding land for deliveries, parking, trees to be retained, or by the character of the adjoining property, i.e. golf course, lagoon, or road.

R. SEWAGE

Prior to the construction and use of a Recreational or Commercial structure on any property proper and suitable provision shall be made for the disposal of sewage by connection with the sewer mains of the Sea Pines Public Service District or if no such main has been constructed in the vicinity of the site, such disposal shall be made by means of a septic tank or tanks constructed on such site. No sewage shall be emptied or discharged into the ocean, any creek, marsh, river, sound or beach or shoreline thereof. No sewage disposal system shall be permitted on any Recreational or Commercial Property nor may any sewage disposal system be used unless such system is designed, located, constructed and maintained in accordance with the requirements, standards and recommendations of the appropriate public health authority. Approval of such system shall be obtained from such authority after the completion of said system and prior to the use of the system.

S. SIGNS

The sign policies of the Sea Pines Architectural Review Board appear in full in the document entitled "Non Residential Commercial Sign Policies" of March 5, 1991.

T. SUBDIVISIONS

The Sea Pines Company has expressly reserved to itself, its successors or assigns the right to replat any two (2) or more lots shown on the plat of any subdivision intended primarily for commercial use which is subject to the covenants in order to create a modified site or sites and to take such other steps as are reasonably necessary to make such replatted lot suitable and fit as a Commercial or Recreational Property site to include, but not limited to, the relocation of easements, walkways and rights of way to conform to the new boundaries of said replatted lots, and any submission must be affirmatively state and include such written permission. If a recorded plat is reduced by more than ten (10) percent smaller than the smallest lot in such recorded subdivision plat from its original size but further provided, that any such lot may be reduced in size to a minimum of one acre whether or not such reduction in size is more than ten (10) percent of the area of the lot as originally platted. The restrictions and covenants apply to each Commercial or Recreational Property site so created.

U. TEMPORARY STRUCTURE

1. No structure of a temporary character shall be placed upon any Commercial or Recreational Property at any time, provided, however, that this prohibition shall not apply to shelters used by the contractor during the construction of any permanent structure, it being clearly understood that these latter temporary shelters may not, at any time, be used as residence or for any commercial uses or permitted to remain on the lot after completion of construction.
2. Before or after construction is completed no fence, trailer, tent, barn, tree house or other similar outbuilding or structure shall be placed on any Commercial or Recreational Property at any time, either temporarily or permanently, without written approval by the ARB.

V. T.V. ANTENNA AND DISHES

Television antennas should be installed in an enclosure. TV Dishes must be submitted to the ARB, with a detailed screen plan, for approval. Such plans should include elevations of all sides as well as plot plan and should show elevations above sea level and original ground level.

W. TREES

1. Tree protection standards and regulations are established in order to lessen air pollution, to promote clean air quality by increasing dust filtration, to reduce noise, heat and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that noise, glare and other distractions of movement in one area do not adversely affect activity within other adjacent areas, to emphasize the importance of trees as a visual buffer, to beautify and enhance improved and undeveloped

land, to maintain the ambiance of the community, to ensure that tree removal does not reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters.

2. The intent of this article is to encourage the protection and replanting of trees consistent with the economic and healthful enjoyment of private property, and to treat all sites equitably for the purpose of protecting and replanting trees and maintaining adequate tree coverage. Property designated for such use on the applicable plat of a subdivision or to locate same upon any lot with the permission of the owner of such Commercial Property. Such rights may be exercised by any licensee of the Community Services Associates, Inc. but this reservation shall not be considered an obligation of the Community Services Associates, inc. to provide or maintain any such utility or service.
3. No tree measuring six (6) inches or more in diameter at a point four (4) feet above ground level may be removed without the written approval of the ARB. The objective of this provision is to ensure that all Commercial and Recreational Property has an adequate tree border on all sides of such property, and, further, to insure that no trees are removed from any Commercial or Recreational Property except in those specific instances where failure to remove a tree or trees would substantially impair or prohibit the use of the property for the purpose approved by the ARB. An owner of Commercial or Recreational Property shall be deemed in violation of this provision in each instance of the removal proscribed hereinabove, whether such removal be deliberate or the result of negligence on the part of such owner or his agent or agents.
4. No vegetation or dunes may be modified nor may any fill or structures be added which, in the opinion of the ARB, could cause a destruction of water courses, damage to the primary dune, loss of protection from wave action, or result in unsightly or dangerous conditions on adjoining property, without the approval of the ARB.

X. TREE PROTECTION GUIDELINES

Trees over 6" in diameter that are not permitted for removal on any residential lot in Sea Pines shall be protected against unnecessary damage resulting from any construction related activity. Damage shall include but not be limited to cutting, breaking/skinning roots, scarring and removal of bark, poisoning from oil, solvents, paints, etc. being poured into soil, compaction due to parking of equipment and vehicles within tree drip line, and compaction due to the stockpiling of construction materials or excavated materials within the tree drip line.

The Sea Pines property owner is entirely responsible for providing the necessary precautions outlined below and for any damage or injury to existing trees not approved for removal.

Tree Protection

1. Prior to the demolition of an existing structure, you are required to submit a tree and topographic survey and arrange a meeting with the Administrator to determine the need for tree protection during the demolition phase of the project.
2. Prior to the commencement of any grading, construction, or tree removal, a tree protection zone for any tree located within 25 feet of any proposed grading, construction or tree removal should be established by the erection of physical barriers and such barriers maintained until such work is completed. Four (4") inches of mulch may also be required around trees which are subject to compaction due to their close proximity to the work site.
3. Placement and types of physical barriers shall be at the discretion of the Administrator. Generally a 2 x 4 fence needs to be installed at the tree canopy drip line. Vertical 2 x 4 posts are to be installed 8' on center maximum and be 4' high above the ground. Two horizontal 2 x 4s should be attached to these posts - one at top and one 2' down from top. Variations on this standard will be considered on a case-by-case basis.
4. The size of the tree protection zone may be adjusted at the discretion of the Administrator. The tree protection zone is determined by the size of the tree canopy and environmental/construction factors that are typically not shown on a tree survey.
5. The cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil, solvents or other harmful substances, or any other such acts, which may be harmful to the continued vitality of the tree(s) within the tree protection zone, shall be prohibited.

Tree Damage Repair

Any tree damaged during construction, or damage occurring as a result of such construction, shall be repaired to the satisfaction of the Administrator according to accepted International Society of Arboriculture practices. Tree damage must be repaired prior to the issuance of an ARB Certificate of Compliance.

Tree Damage Penalty

1. The intent of this section is to emphasize the importance of trees to be saved, maintaining the park like setting of Sea Pines. All trees to be saved shall be maintained in an undamaged condition. Accidental damage due to dead trees falling, equipment breakdown, or any act on the part of the contractor and/or owner deemed by the ARB to be unavoidable would not warrant a penalty. However, the owner will be liable for consistent accidental damage to existing trees.
2. Damage due to improper location of utility trenches or ditches will not be considered accidental. The owner will be responsible for damage on the part of the Contractor, whether by method of excavation, use of improper equipment,

incompetence of any operator or failure to properly inform operators as determined by the ARB.

3. All trees on site shall be saved except those specifically marked for removal with a red ribbon and on an ARB approved site plan/tree survey. No tree, either those marked for removal or any other tree may be removed prior to the ARB's inspection and written approval.
4. Trees will be rated by the ARB as to species, condition, and site importance with the following figures acting as maximum penalties and the minimum penalty amounting to no less than one-half these figures.

TREES PENALTY SCHEDULE

<u>Caliper at 4' above ground</u>	<u>Max. Penalty per Tree</u>		
	<u>PINES</u>	<u>OAKS</u>	<u>OTHER HARDWOODS</u>
6" - 8"	\$ 600	\$ 2,000	\$ 1,000
8" - 10"	\$ 750	\$ 2,500	\$ 1,250
10" - 14"	\$ 1,500	\$ 5,000	\$ 2,500
14" - 20"	\$ 2,000	\$ 6,750	\$ 3,500
20" and Larger	\$ 2,500**	\$ 8,500*	\$ 4,500**

* plus \$ 500.00 per inch over 20 inches.

** plus \$ 250.00 per inch over 20 inches.

NOTE: Pines over 24 inches are valued the same as oaks.

NOTE: In addition to penalties, mitigation may be required

Y. UNACCEPTABLE ACTIVITIES

No noxious, offensive or illegal activity shall be carried on upon Commercial or Recreational Property, nor shall anything be done therein which may be or may become an annoyance or nuisance thru visual blight to any nearby property nor shall levels of sound or noise be created significantly disturbing nearby areas.

Z. WELLS

No private water wells may be drilled or maintained on any Commercial or Recreational Property without written approval by the ARB.