

**SEA PINES
ARCHITECTURAL REVIEW BOARD**

**GUIDELINES
for
DESIGN AND CONSTRUCTION
of
SINGLE FAMILY RESIDENCES**

March, 2025

**Sea Pines Architectural Review Board
175 Greenwood Drive
Hilton Head Island, SC 29928
(843) 671-5533**

FOREWORD

Several years ago, the Architectural Review Board of Sea Pines published a Guidelines document related to single family residential construction, and thereafter periodically distributed a number of supplementary guideline statements. This new "Guidelines" document represents a revision of all previous publications, and completely supersedes all earlier documents.

All architects, designers and builders who anticipate future residential projects within Sea Pines are urged to take the time now to carefully read and familiarize themselves with the information herein, and to do so again immediately prior to initiating each Sea Pines project.

The terms "Sea Pines Architectural Review Board," "Architectural Review Board" or "Board," and the acronyms "ARB" or "SPARB" all have the same meaning and are used interchangeably herein.

The Board acknowledges with gratitude the contribution by Herrman & Gordon Architects of the illustrations which enhance the narrative herein.

INTRODUCTION

When Charles Fraser started the development of Sea Pines in 1957, he was keenly aware that the natural beauty of the land -- from the ocean frontage through the heavily wooded interior to the sea marshes -- demanded special considerations. A master plan was developed for the community so that it would complement the loveliness of the natural environment. Man would live with nature, not destroy or compete with it. High quality, original and understated architecture was encouraged. Trees and natural growth were retained. Even the roads were built to retain the best of nature as they meandered through the woods of live oaks, pines and palmetto trees.

Land use restrictive covenants were recorded to ensure that aesthetic considerations were of major importance in the development of the community. All purchasers of Sea Pines property sign deeds which include these covenants. Since covenants run with the land, all property in Sea Pines is covered, thereby assuring a valuable protection for all owners. A corollary of these established policies is the fact that the ownership of a lot, regardless of its location or cost, does not automatically carry with it the right to build according to the property owner's own fancy. Each lot is subject to every other owner's interest in seeing that the restrictive covenants are enforced to the end that the community may be developed and maintained as an aesthetically harmonious whole.

The Board has exercised, and will continue to exercise, its authority to reject designs for purely aesthetic considerations and failure to blend into and complement the neighboring residences and the subdivision as a whole.

The policy of control of all construction within the community has consistently preserved the beauty of the area. Sea Pines has received national recognition for the superior design of its development. Sea Pines was the first community to receive the American Institute of Architects Certificate of Excellence in Private Community Planning; and in 1985, the Urban Land Institute gave its first award for "Excellence in Large-Scale Recreational Development" to Sea Pines.

The approval of all residential construction -- whether new houses or additions/alterations to existing ones -- is the responsibility of the Sea Pines Architectural Review Board. Their objectives are to control fairly, wisely and in a fashion which promotes environmental quality, general design excellence and property values. As unpaid volunteers, the Board members work hard to protect the interests of all Sea Pines property owners and deserve your thanks and cooperation.

The Architectural Review Board hopes these guidelines will help make your construction experience a happy and effective one.

SCOPE AND PURPOSE

All construction in Sea Pines -- whether large or small and whether residential, commercial or institutional -- must be approved in advance by the Architectural Review Board. This "Guidelines and Procedures" document has been prepared and issued by the ARB specifically to encompass the construction and improvement of single-family residences, identified in the Sea Pines covenants as Class "A" residential. The Board's requirements and guidelines for multi-family residential (Class "B"), commercial and other construction projects are presented in separate documents.

This "manual" is primarily intended to guide and assist Sea Pines residential property owners who are planning to: (1) construct a new residence, (2) make additions to, or any exterior alterations of, an existing residence, or (3) re-stain, re-roof or otherwise improve the exterior appearance of their home. Adherence to the guidelines in this document will help assure that the owner's construction or improvement project is a happy, speedy and more cost-effective experience. Though most local architects, designers and contractors already will be familiar with the rules and guidelines herein, property owners are urged to verify that the design and construction professionals they select are, in fact, thoroughly knowledgeable about the Sea Pines ARB requirements.

The purpose of this manual is to encourage high quality home design, overall diversity and individual expression within the context of a cohesive and harmonious community framework, and in a manner appropriate to the climate and other environmental factors indigenous to this area. The standards herein are intended to protect the property values of all Sea Pines owners, and the review procedures are intended to provide a timely, systematic and uniform review for all construction requiring Architectural Review Board approval.

The authority of the ARB is derived from the Community's Protective Covenants. In any instance where the guidelines herein conflict with the covenants, the recorded covenants shall control.

Similar covenants, as applied through a community's Architectural Review Board, were specifically upheld in a 1985 case in the Court of Appeals of South Carolina (Palmetto Dunes Resort vs. Brown, 336 S.E. 2nd, 15) in which "purely aesthetic considerations" were the controlling factor.

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SECTION I

NEW RESIDENCE CONSTRUCTION AND ALTERATIONS/ADDITIONS

A. THE ARB AND ITS REVIEW PROCESS

The Sea Pines Covenants state:

"No building, fence or other structure shall be erected, placed or altered on any lot in Sea Pines until the proposed building plans, specifications, exterior color or finish, plot plan (showing the proposed location of such building or structure, drives and parking areas), and construction schedule shall have been approved in writing by the ARB, its successors or assigns. *Refusal of approval of plans, location or specifications may be based by the ARB upon any ground, including purely aesthetic conditions, which in the sole and uncontrolled discretion of the ARB shall seem sufficient, except as otherwise provided herein.* No alteration in the exterior appearance of any building or structure shall be made without like approval by the ARB." The Board's decisions are not bound or restricted by any precedent relating to existing construction within Sea Pines.

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 (see pages 3 and 4 for details) should be received at the ARB office **no later than the close of business** 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 proposed construction includes any

variance(s) from the ARB guidelines, a Variance Request Form must be submitted with the Permit Application.

In the event of the receipt of an application for new homes, additions, and swimming pools, the ARB staff as a courtesy, will formally notify adjacent and nearby property owners (within 150 feet of subject property) regarding the intended construction. These property owners will have up to ten (10) business days to preview the plans at the ARB office, and, if desired, file written comments.

Notification letters are not sent to property owners who have an active regime or other home owners association which reviews plans prior to ARB submission.

B. DESIGN PROCEDURE:

1. **SITE ANALYSIS /CONCEPTUAL REVIEW:** This review is suggested for all new single family residences, and renovations that are out of the ordinary or a variance is requested. The applicant should submit a current, unaltered tree and topo survey, a site plan with the entire footprint of the adjacent homes and rough grade elevations of the proposed new home.
2. **PRELIMINARY REVIEW:** This application and approval is REQUIRED for all new single family residences 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 or designer 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.
3. **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.

TABLE A - NEW HOMES

APPLICATION ELEMENT		TYPE OF APPLICATION		
		CONCEPT	PRELIM	FINAL*
1.	APPLICATION FORM	✓	✓	✓
2.	APPLICATION FEES	✓	✓	✓
3.	VARIANCE REQUEST FORM		✓	✓
4.	UNALTERED TREE/TOPO SURVEY (less than 2 years old)	✓	✓	✓
5.	SITE PLAN: A – SHOW ALL IMPROVEMENTS/INCLUDE POOLS B – ENTIRE FOOTPRINT OF ADJACENT PROPERTIES	✓	✓	✓
6.	PHOTOS OF ADJACENT PROPERTIES		✓	✓
7.	STAKE OUT & TREE BANDING	✓	✓	✓
8.	GRADING & DRAINAGE PLAN			✓
9.	FOUNDATION PLAN			✓
10.	FLOOR PLAN(s) & ELEVATION DRAWINGS ***		✓	✓
11.	EXTERIOR ELECTRICAL PLAN(s) (NO FLOOD LIGHTS)			✓
12.	BUILDING SECTIONS			✓
13.	CONSTRUCTION DETAIL DRAWINGS INCLUDE SERVICE YARD AND OTHER FENCE DETAILS		✓	✓
14.	EXTERIOR COLOR/MATERIAL SAMPLES			✓
15.	LANDSCAPE MASSING PLAN LANDSCAPE PLAN WITH LIGHTING INDICATED		**** ****	✓ ✓
16.	PERSPECTIVE RENDERING AT EYE LEVEL 5000 sq. ft. or larger Less than 5000 sq. ft.		✓ ****	✓ ****
17.	HOUSE MODEL		****	****



✓ = Mandatory Submittal Requirement

* = Unless previously submitted and unchanged

*** = Partial elevations will not be accepted for new construction or additions/alterations

**** = At ARB discretion.

TABLE B – POOLS, ADDITIONS OR ALTERATIONS

APPLICATION ELEMENT		TYPE OF APPLICATION	
		PRELIMINARY	FINAL*
1.	APPLICATION FORM	✓	✓
2.	APPLICATION FEES	✓	✓
3.	VARIANCE REQUEST FORM	✓	✓
4.	UNALTERED TREE/TOPO SURVEY (less than 2 years old)	****	****
5.	SITE PLAN: A – SHOW ALL IMPROVEMENTS/INCLUDE POOLS B – ENTIRE FOOTPRINT OF ADJACENT PROPERTIES	✓ ****	✓ ****
6.	PHOTOS OF ADJACENT PROPERTIES	✓	✓
7.	STAKE OUT & TREE BANDING	✓	✓
8.	GRADING & DRAINAGE PLAN	****	****
9.	FOUNDATION PLAN		✓
10.	FLOOR PLAN(s) & ELEVATION DRAWINGS ***	✓	✓
11.	EXTERIOR ELECTRICAL PLAN(s) (NO FLOOD LIGHTS)		✓
12.	BUILDING SECTIONS		✓
13.	CONSTRUCTION DETAIL DRAWINGS INCLUDE SERVICE YARD AND OTHER FENCE DETAILS		✓
14.	EXTERIOR COLOR/MATERIAL SAMPLES		✓
15.	LANDSCAPE MASSING PLAN LANDSCAPE PLAN WITH LIGHTING INDICATED	**** ****	**** ****
16.	PERSPECTIVE RENDERING AT EYE LEVEL 5000 sq. ft. or larger Less than 5000 sq. ft.	✓ ****	✓ ****
17.	HOUSE MODEL	****	****

- ✓ = Mandatory Submittal Requirement
- * = Unless previously submitted and unchanged
- *** = Partial elevations will not be accepted for new construction or additions/alterations
- **** = At ARB discretion.

C. DESCRIPTION OF THE APPLICATION ELEMENTS

Form and Quantity of Data Submittals

All architectural plans and drawings shall be in PDF format. Penciled-in comments and "red-lined" changes/additions will not be considered in the Board's review process.

NOTE: All drawings for final submittals are to be prepared at a scale of 1/4" = 1'0", except as noted in following sub-sections.

1. **Application Form** - The ARB's standard Application for Building Permit form serves as the "cover" document and must be submitted with the first application, regardless of type, and updated with each subsequent submittal for the same project. Please fill out both sides of the form and be sure to include complete and accurate current mailing addresses and telephone numbers for the owner, architect/designer and builder.
2. **Application Fees** - Permit application fees are based on the covered dwelling area reported on the back of the application form and according to the permit fee schedule. **THESE FEES MUST BE PAID IN FULL WITH THE APPLICATION.** If the enclosed dwelling area is increased at any point in the design or construction of a project, a supplemental permit fee must be paid commensurately with the square footage increase. (Fees subject to change)
3. **Variance Request Form** - This form, is mandatory and must be completed and submitted along with any application that includes a variance from ARB guidelines. Non inclusion will result in an automatic disapproval.
4. **Tree and Topographic Survey** - An **UNALTERED** Tree and Topographical Survey prepared by a South Carolina licensed land surveyor which shows the seal of the responsible professional must be submitted. This survey must: (1) be drawn at a scale of 1/8" = 1'-0" (or larger), (2) show the legal lot boundaries and all recorded easements, (3) show South Carolina Coastal Council setback lines, when applicable, (4) indicate the natural topography with one-foot contours and lot corner elevations, (5) show all trees 6" or larger in diameter, as measured at 4' above grade, by species and size, (6) note any existing man-made drainage provisions on or near the lot, (7) indicate the position of adjacent roadways, lagoons, bicycle or golf cart paths, and golf fairways, (8) show the exact position of all existing residential and amenity structures on adjacent lots, and (9) must be dated within 2 years of the submission date.
5. **Site Plan** - This plan, to be prepared by the project's architect or designer, will use the Tree and Topographic Survey drawing as a base, and will superimpose at least the following information:

- a. minimum setback lines. ALL VARIANCES REQUESTED MUST BE SHOWN WITH HATCH MARKS AND DIMENSIONS.
 - b. all proposed improvements
 - c. outline of the roof overhang
 - d. location of septic tanks and drainage fields for lots without sewer access
 - e. trees proposed to be removed marked by an "X"
 - f. location of fenced service yard(s), including location of HVAC compressors, pool equipment and utility meters
 - g. location of bore holes for closed-loop water source heat pumps with anticipated depth indicated
 - h. finished first floor elevation(s) to be noted inside house footprint
 - i. notes which indicate the following area calculations (in square feet):
 - (1) area footprint covered by building roofs or trellis (including all heated and unheated spaces)
 - (2) area of all first floor decks, stairs and porches
 - (3) area of impervious coverage
 - (4) the total area of the lot
 - j. On a separate sheet show the entire footprint of the adjacent properties as they relate to the new structure. The scale should be reduced to fit on the same size sheet as the plans above.
6. **Photos of Adjacent Residences** - Color photos of the front and rear of adjacent properties on all sides of the proposed construction, as well as color photos of the front and back of the subject lot.
7. **Stake-out and Tree Banding** - The applicant should have the stake-out completed and the trees to be removed marked with red ribbon by the time the application is submitted. The applicant will be charged an additional fee if these items are not completed when the ARB representative inspects the site.
8. **Fill, Grading and Drainage Plan** prepared, signed and sealed by a licensed professional - This separate site plan sheet, prepared at a 1/8" = 1'-0" scale, should clearly depict how storm rainwater from the roofs and all paved areas of the proposed construction will be directed away from adjacent residential lots and either retained on-site or directed to existing off-site lagoons or other drainage structures. Setback lines and trees to be removed should not be shown on this sheet. Specific information should be provided regarding the proposed finished site grading. All planned changes from original grade should be depicted (with 1-foot contour lines), proposed fill areas should be highlighted, the location and shape of diversion swales or berms should be shown, and surface water flow direction should be indicated on the plan by large bold arrows. If applicable, this plan should also indicate the location of planned septic drain fields. Driveway surface slopes, and the outfall location(s) of any roof gutters and downspouts should be depicted. The owner is also required to sign an agreement of responsibility for compliance to the drainage plan.

9. **Foundation Plan** - A dimensioned plan showing the foundation design and particularly how the design will relate to the root systems of nearby specimen trees. Show foundation vents and hydrostatic vents if applicable.
10. **Floor Plans** - Dimensioned architectural floor plans depicting the layout of each level of the proposed building, including windows, doors, interior stairways, etc. All rooms should be labeled as to function, and basic overall room dimensions. The elevation(s) of the finished first floor should be shown on that floor plan. The computed heated/air conditioned and screened areas should be shown (in square footage) on each floor plan.
11. **Elevation Drawings** - These architectural plans shall accurately represent the vertical view of each and every side of the proposed construction. Elevations (above mean sea level) should be delineated for every floor on each drawing; and the height from the lowest finished first floor elevation to the highest roof peak should be dimensionally shown as well. Roof slopes should be symbolically indicated. All exterior wall materials are to be accurately and fully depicted. Proposed finished grades, at the house sides, should be outlined on each elevation drawing, so that expected foundation exposure is evident. Partial elevations will not be accepted.
12. **Electrical Plans** - A comprehensive plan which shows any exterior lighting attached to the structure. **NOTE: The installation of flood lights is not permitted. All exterior lighting is subject to and governed by the Sea Pines Community Standards Rules.**
13. **Building Sections** - Include one or more building cross-sections to show building volume.
14. **Construction Detail Drawings** - To include typical construction details such as: wall sections, corners, privacy fence/walls, service yard fence/walls, chimney cap, entry step and handrails, deck seating, windows and doors, and all other details necessary to explain the materials and finishes to be used on the building exterior. Catalog cut sheets of exterior lights also are to be included. Scale of these details are at the discretion of the architect/designer. (min. 3/4" = 1'0")
15. **Color/Material Samples** - Some paint and stain samples are available in the ARB offices. However, other colors of all exterior surfaces, excepting glass, must be submitted in sample form of sufficient size(s) of representative materials. Manufacturers' "color chips" or brochures will not be acceptable since the colors so represented often vary markedly from actual applications. Stain samples should be on actual wood siding and/or trim boards of 6-12" length. Stucco color samples should show actual finished texture on foam or other stiff backing of an approximate 12 x 12" size. Roofing color/material

samples should be a single actual shingle (or tile or painted metal), but not larger than 12 x 12". For all new homes, a color board with all exterior materials and colors must be placed on site after completion of the framing. **This board should be a minimum of 4 feet by 6 feet and show all colors and materials.**

16. a. **Landscape massing plan** - A landscape massing plan may be required for any application submitted to the ARB. This preliminary plan should be prepared on the elevation drawings with a 1/4" = 1'0" scale and indicate spread and height of the proposed plant materials at planting and after one year.
- b. **Landscape and exterior lighting plan** - A landscape plan may be required for any application submitted to the ARB. The ARB prefers that this plan for content details be presented, at least in a preliminary form, with any application -- particularly if the Plan will clarify how the landscaping will afford neighbor privacy or screening of exposed foundations, etc.
17. **Renderings** - Pictorial renderings (architectural perspectives) of all sides may be required for any application to the ARB. Pictorial renderings are required for homes with 5000 sq.ft. or more of total covered area. Each rendering should show two sides of the house with large trees and landscaping massing indicated.
18. **House Model** - A Scale Model constructed at 1/8" = 1'-0" may be required, at the discretion of the Board. These models should portray, with reasonable accuracy, the roofscape and exterior elevations.

Applicants will be advised of the requirement for a model subsequent to preliminary design review of a project. However, applicants may choose to submit models at any time.

D. DESIGN GUIDELINES

The Architectural Review Board is dedicated to continue to create and maintain a unique and ecologically sensitive community. 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. The main concern is that the total community be harmonious in feeling in a park-like setting and free from discordant architectural shapes and colors which vie for attention and attempt to create a greater visual impact than a neighbor's.

Wide roof overhangs are encouraged. Windows should be selected and located to provide for views, light and natural ventilation. Walls and fences should be used to enclose service areas and HVAC units, and to reduce the scale of large masses.

Details at the soffit, fascia, base, corners, windows and decks should have common elements that help unify the appearance.

The exterior design of every single-family residence should be unique within the community. Repetitive "cookie cutter" type houses are not acceptable. Sufficient architectural design flexibility exists for skilled architects and designers to create a singularly unique external appearance for every home that remains compatible with, and complementary to, neighboring residences.

Homes that completely "fill" the "buildable area" of a lot or that continuously touch side setbacks tend to produce "box-like" structures and a tunnel effect between houses. This conflicts with the natural, park like setting of the Sea Pines community setting and is not acceptable.

The Board intends to apply several aesthetic and natural setting considerations as it reviews proposed projects, including the Board's evaluation of at least the following parameters:

- ✓ The positions of existing residential structures on immediately adjacent lots and of other houses on the same street.
- ✓ Depth of the applicant's lot.
- ✓ The size, height and number of stories of the proposed construction. In general, the Board may require more setback for taller and larger houses.
- ✓ Depth of the public trust property, i.e., the distance seaward from the applicant's oceanfront property line to the primary dune. In general, the closer the property line is to the beach, the ARB may require a greater setback.
- ✓ Amount and density of existing natural vegetation, both within the adjoining public trust property and on the lot, that may screen the proposed new house from beach view and either now blocks adjacent homeowners' ocean views or might unreasonably restrict the applicant's angular ocean view.
- ✓ The tree line, if any.
- ✓ The position and condition of all existing dunes and Sea Oats, both on and beyond the lot line.
- ✓ The extent of proposed ocean side exterior amenities, such as swimming pools, decks, cabanas, gazebos, etc. between the residence and the seaward lot line.

1. Setback Requirements

"Setback" is defined as the minimum distance from a property line that any structure may be placed. Some setbacks are established by Sea Pines Covenants, others by the Town of Hilton Head requirements, or by the office of Coastal and Resource Management - OCRM, by recorded legal lot descriptions or in subdivision plats. Others are unique specifications of individual Homeowners' Associations. The remainder is a part of the Architectural Review Board Guidelines.

For the purposes of this discussion of setback guidelines, the term "vertical construction" is defined as any structure whose highest point is more than 24 inches above the existing (pre-construction) grade. The term "horizontal construction" defines any structure -- such as driveways, patios, swimming pools and decks -- whose highest point is 24 inches or less above the existing (pre-construction) grade.

The envelope defined by the setback lines for any lot, no matter how established, determines the "buildable area". The primary house, any accessory building and any other vertical structure must be COMPLETELY placed within this envelope. Building setback requirements apply to the outside walls or surface of a structure. Roof eaves may overhang setback lines and although the ARB prefers for service yard to be contained within the building setbacks, fenced service yards, not to exceed 6 feet in total height above finished grade, are generally allowed to protrude into the specified setback areas. **Service yards which exceed 6 feet in total height above finished grade or take on the character of the structure will be required to conform to the building setbacks.** An applicant must submit a written request with compelling reasons to place the service yard outside the building setback area.

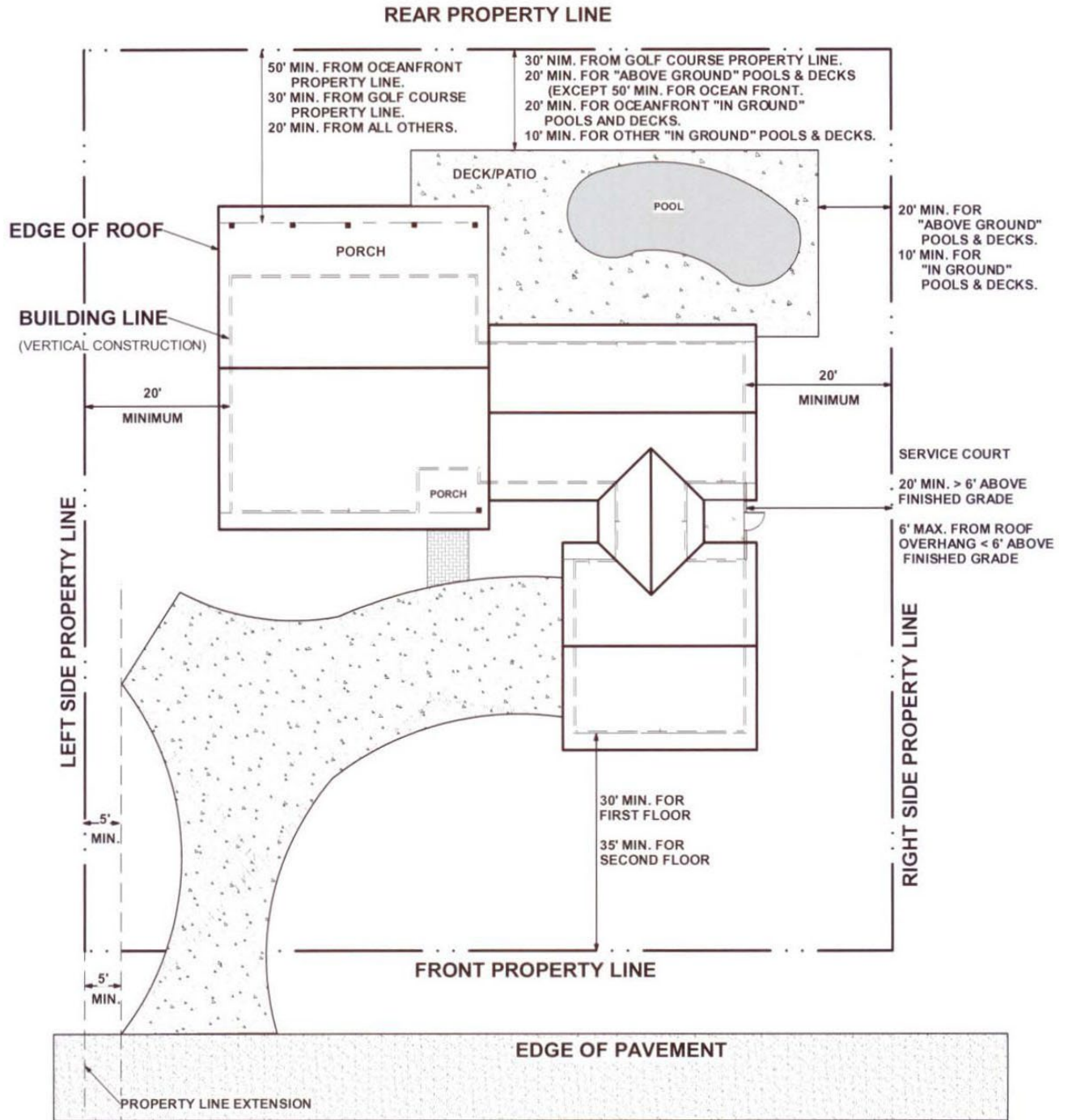
Table C summarizes the Board's setback guidelines for various types of lots for which other, more restrictive guidelines are not established by plat maps or other entities. The setback guidelines shown in this table for regular (full-size) Sea Pines lots are graphically pictured in Figure 1.

TABLE C
SUMMARY OR ARB SETBACK GUIDELINES
("VERTICAL" CONSTRUCTION ONLY)

	LOTS 3-21 BEACH LAGOON	REGULAR (FULL-SIZE) LOTS			"GARDEN HOME" LOTS	PATIO LOTS	
		OCEAN FRONT	GOLF COURSE	ALL OTHERS		GOLF COURSE	ALL OTHERS
FRONT (FACING STREET)	30'	1 STORY-30'	1 STORY-30'	1 STORY-30'	20'	20'	20'
		2 STORY-35'	2 STORY-35'	2 STORY-35'			
SIDES	1 STORY-15'	20' EACH SIDE	20' EACH SIDE	20' EACH SIDE	15' total, with 5' min one side	3' one side & 7' opp. Side	3' one side & 7' opp. Side
	2 STORY-25'						
REAR	1 STORY-30'	50' Minimum	30'	20'	15'	30'	10'
	2 STORY-35'						
	OCEANFRONT						

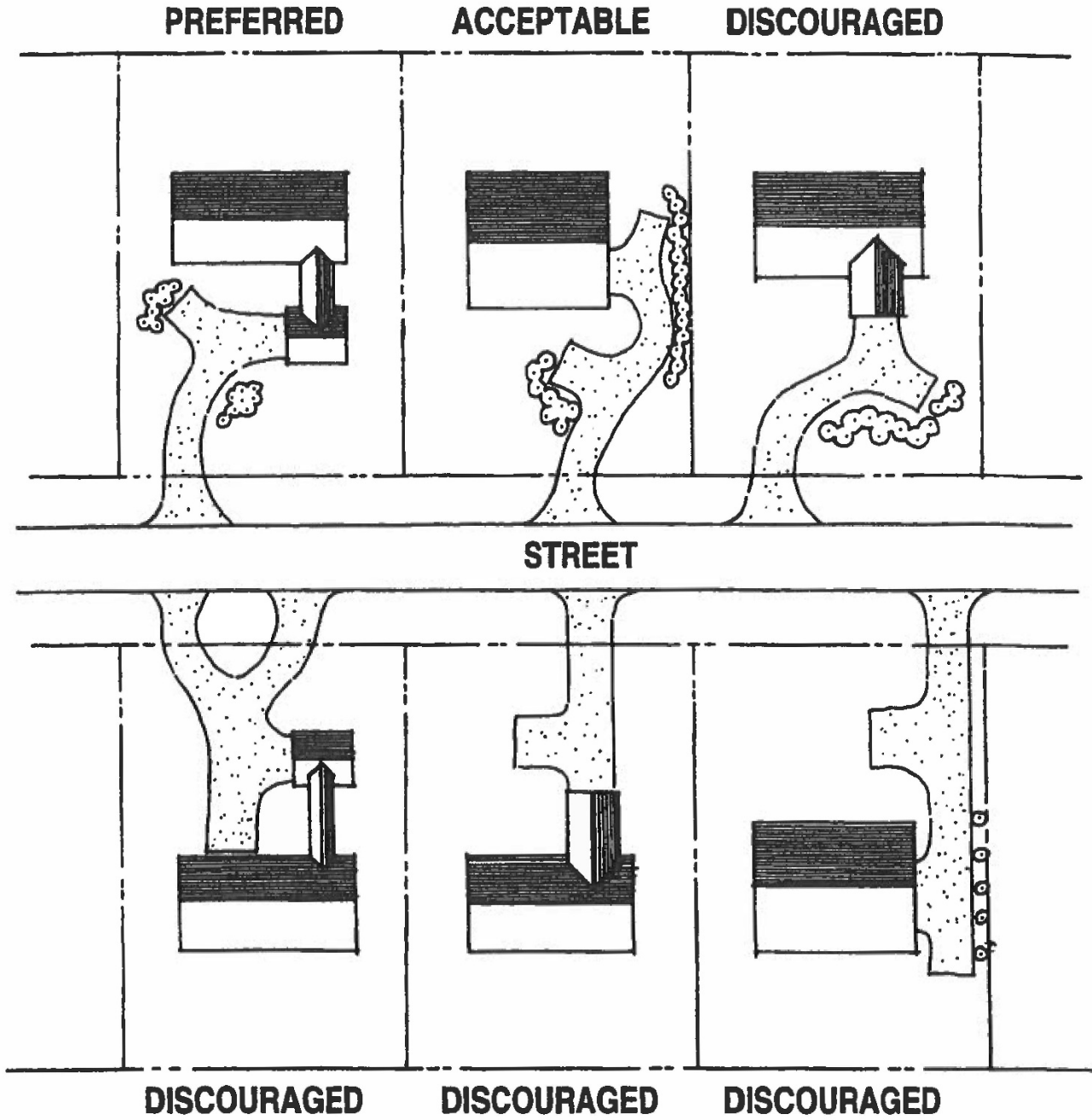
- NOTES:**
- (1) Above not applicable for townhouse lots, for which setbacks are determined by the ARB in each specific case.
 - (2) Some subdivision plats may have more (or less) restrictive setback requirements.

FIGURE I – SETBACKS FOR REGULAR (FULL SIZE) LOTS



Revised 2/3/2009

**FIGURE II – DRIVEWAY CONFIGURATION
THIS EXHIBIT IS FOR FULL SIZE LOTS**



Revised 10/12/21

The remainder of this section deals principally with the setbacks for vertical structures. The setbacks for horizontal structures such as in-ground swimming pools, deck and patios, driveways, etc. -- are treated in later sections of this document devoted to those types of construction. Golf course lots have a 30-foot "Golf Course Maintenance Area" (easement) reserved by the Sea Pines covenants.

Owners of oceanfront lots will be strongly encouraged to locate their new homes as far from the beachfront as possible. The ARB has established, for all vertical construction (except for Lots 3-20, East Beach Lagoon), a setback from the rear (oceanfront) property line of 50 feet or 25% of the depth of the lot, whichever is greater.

The Board reserves the right on a case by case basis to approve variances from the setback guidelines or require setbacks that are greater than the minimum setbacks.

Other setback guidelines established by the ARB include the following:

Any property bounded on any side by beach, tidal waterways or wetlands may be affected by the office of Coastal Resource Management (OCRM) "baseline" setback restrictions.

2. Building Size and Height

Homes shall not exceed two stories in height as restricted by the current applicable class A land use Covenants. The current maximum height of a two story building is defined as 50' AMSL. Chimneys are specifically excluded from this requirement. Each residential building site may have one small, detached one-story accessory building (garage, guest house, pool house or storage building) provided the lot is not over-crowded, and takes into consideration the amount of hardscape in relationship to the lot area. Any storage building should be designed to blend with the architectural style of the house. Standard "prefabricated" storage buildings are not allowed.

A guest suite without a kitchen may be included as part of the main house or the accessory building.

Maximum building sizes are not specifically established, the ARB considers mass and bulk of a structure and may, at its sole discretion, disapprove a submittal that is, in its opinion, inappropriate for the site due to apparent size.

Single-family townhouses may be constructed on certain tracts of land which have been subdivided and platted for such townhouses. In the Harbour Town area, the minimum size is 1,500 square feet and the two-story height

restriction does not apply. In some other areas, the minimum size is 1,200 square feet -- the same as for patio houses. Braddock Cove townhouses also have specified unique height envelopes.

3. **Ratio of Covered Area to Lot Size**

Due to the larger houses being submitted for approval in the older, established neighborhoods, the Board has developed a ratio of covered area to lot size to use in addition to the existing requirements in the guidelines to assist in developing houses that do not overpower the neighborhood in mass and scale. The ratio of 1 square foot of covered area to 4 square feet of lot area has been adopted as the target ratio for larger full size lots. The ratio of 1 square foot of covered area to 3 square feet of lot area has been adopted as the target ratio for smaller full size lots. Ratios do not apply to patio lots or townhouse lots.

Volume is also a consideration when evaluating a project for mass and bulk. **Two story living spaces may be counted** at double the actual square footage for purposes of the ratio of covered area to lot size to accurately evaluate the impact of the mass and bulk of the project. Adjustments may be made for open porches and garage elements with finished floor heights below the minimum flood elevation for habitable space.

Mass and bulk can be greatly affected by the design of a structure. Some design considerations which will allow for a reduced ratio include roof form, foundation height, finished floor of the adjacent structures, and fenestration as well as the impact of tree coverage to visually reduce the mass and bulk of a structure.

4. **First Floor Elevation**

The finished first floor MINIMUM elevation above mean sea level (AMSL) required by flood plain regulations and the Town of Hilton Head will also be considered the MAXIMUM allowed by the ARB, except in extraordinary cases.

5. **Foundations**

No more than five feet of foundation should be left exposed around a home as measured from the bottom of the floor joists, except in under story garage openings. A combination of Terracing, grading and/or planters should be used to reduce the apparent foundation height. It is particularly important to allow for planting beds between the hard scape and the foundation of the house to ensure that a minimum of 50 percent of the foundation is covered with plant materials. Placing excessive amounts of fill to reduce the exposed foundation will not be allowed. The exposed foundation must be fully enclosed on all sides of the house. Foundation vents such as louvers, lattice or other woodwork designs may be included in the overall foundation design, and a

maximum of 30 % void is required in order that the crawl space cannot be visible from outside. On other elevations, lattice, louvers, or other woodwork designs may be used to enclose foundation openings. Lattice boards must have a minimum finished thickness of 3/4" to reduce warping potential and to ensure aesthetic appeal.

6. **Garages and Driveways**

When the construction of a garage (attached or detached) must extend toward the front street, the garage should be located at the side setback line which is nearest to the next door neighbor's garage as this dramatically improves the open feeling sought in the community.

Garages and carports, driveways and off-street parking should not be overly apparent from the street. Front entry garages are discouraged except in cases of excessive tree removal or restrictive lot size. Rooms located above the garage should be designed for minimum visual impact. The maximum roof height of the garage and bonus room should not exceed the maximum roof height of the main house. Please see minimum setback requirements, Section I, page 10.

Additionally, for each house with up to 3 bedrooms (all size lots), a minimum of two off-street guest parking spaces should be provided within the property lines. For each additional bedroom over 3, one additional parking space is required off-street turn-around or backup areas also should be provided so that departing vehicles need not back into the street. The ARB may limit the number of driveway connections to the street (curb cuts) to one per single-family residence. The area of the driveway must be kept to a minimum, and the form of the driveway should be softened to distort any long views down or across same. Driveways, including guest parking areas and turnarounds must be set back at least five feet from all property lines, except at the driveway connection with the street.

The driveway approach must be carefully integrated into the grading and landscaping scheme with gentle curves presenting a natural path through the site. Straight driveways leading directly to blank garage doors are not appropriate. Except for narrow patio lots, driveways should not parallel side property lines. Double-cut driveways are discouraged unless the street property line is exceptionally long. Off-street parking spaces should be integrated into the driveway path and adequately screened from view with landscaping. Highly visible driveways should be softened by the type of surface material used to construct the driveway. **Nature blending** materials such as ARB approved colored concrete, aggregate or shells added to concrete, and stone or brick used as edging or as inserts in driveways are preferred over a plain concrete driveway. Loose stone or shell driveways may be acceptable providing the design includes solid edging and a solid surface apron to contain the loose material. When major additions are considered for

existing homes with unpaved driveways, the Board may require that the existing driveway and parking area be upgraded pursuant to the current new home standard.

7. Exterior Materials and Colors

The exterior colors of residential buildings in Sea Pines should complement and blend with the surrounding natural and built environment. All siding, trim, shutter, and door colors should be selected accordingly. Pure white will not be approved and off-white and very light colors are discouraged. Staggered butt shingle siding is not allowed. Revised 7/02/2013

A display of colors is maintained in the ARB offices in order to assist an owner's color selection. Note: Not all colors are appropriate for all houses.

8. Roofs

Roof forms throughout Sea Pines should be compatible with one another to help achieve a pleasant, homogenous character. Flat roofs are discouraged. Minimum roof overhangs between two and three feet wide should be included in the design. Roof forms should be articulated with changes in plane, gable ends and other elements that present an interesting roof form. These basic elements should not be restricted to just the front facade of the house. All sides must be considered in a similar fashion, as homes are viewed from many vantage points.

Roof materials must have texture and depth. Acceptable roofing materials include wood shakes, wood shingles, fiberglass shingles, slate, flat ceramic or concrete tile, and standing seam metal of a non-gloss finish. In case of fiberglass shingles, these shall be a "shake" style, of a minimum weight per square of 300 pounds, and be mildew/fungus-resistant. Other roofing materials shall be held to a similar standard of quality. Light and bright roof colors are not appropriate.

All roof accessories, such as vent stacks and roof vents, shall be located away from the front elevation and painted to match the roof color. All flashing is to be copper or pre-finished aluminum, except in the case of a metal roof, where the flashing will be the same as the primary roof material. Satellite receivers should be placed in an unobtrusive area and painted to match the roof color.

When any roof addition or extension of an existing roof is made, the existing roof must be reshingled to the nearest valley, or roof break, so as to insure visual continuity of the entire roof structure. If the new roofing is "substantially"* different from the existing, the entire roof must be replaced.

* As determined by an ARB representative.

9. **Windows, Doors and Shutters**

The ARB will not approve the use of pure white as an exterior color and prefers that the window and door frames be of muted colors.

The use of exterior window shutters is considered acceptable only where their use is both traditionally and architecturally correct, rather than when their use simply represents trim adornment.

10. **Chimneys**

The ARB believes that the traditional use and richer appearance of a brick, or stucco chimney greatly enhances the aesthetic appearance and market value of a Sea Pines home. Therefore, the proposed use of wood-sided chimneys is discouraged.

Additionally, chimneys on an exterior wall should be extended to grade level, for appearance sake, rather than terminating at the first floor elevation.

Exposed metal flues are not permitted. Prefabricated chimney flue caps must be screened with a masonry or other non-combustible material shroud which is designed to complement the architectural style of the structure, and must be painted in an acceptable color. The height of the chimney should be determined by code requirements with thought given to the scale and proportions and relationship to the design of the house.

11. **Service Yards**

Every house is required to have a service enclosure for trash receptacles, utility meters, HVAC equipment, pool equipment, gas storage tanks, lawn care equipment and any materials or equipment to be stored outside. The service yard may **not be used as a garage or for boat storage and may not be roofed or covered.**

The floor of all service yards should be paved with pressure treated wood or concrete. The service enclosures are to be screened from view from roads and adjacent properties by an adequate visual barrier (fence) on all sides appropriate to the equipment being screened. Fencing material is to be consistent with color and materials used on the house. Service yards may extend 6 feet beyond the roof overhang and into the setback area providing the height does not exceed 6 feet above finished grade, including the fence sections and posts. Service yard fences higher than 6 feet above finished grade **MUST BE** contained within the building envelope. **Architectural style, mass and scale of the fence posts will be evaluated on a case by case basis.**

12. **Landscaping**

Landscaping is required to enhance the beauty of the property and to screen project elements like service yards, parking areas, large building masses, elevated foundations, swimming pools, etc. Thus, an owner's commitment to providing a more than adequate quantity, quality and size of landscaping at an early date is considered requisite for ARB approval of permit applications for all new houses, swimming pools and for major additions/alterations to existing residences. It is particularly important to allow for planting beds between the pool deck and the foundation of the house to ensure that a minimum of 50 percent of the foundation is covered with plant materials.

The Board has determined that since Sea Pines is a mature community the appearance of new construction should be mitigated (as completely as is possible) by mature landscaping, creating the appearance of an established landscape. This design requirement applies to ground covers, shrubs, vines, trees and other landscape and hard scape elements. All proposed landscape designs must have landscaping materials that are of sufficient massing and sizes to achieve this desired "mature and established" aesthetic effect.

Landscape Massing Plan

A landscape massing plan may be required for any application submitted to the ARB. This preliminary plan should be prepared on the elevation drawings with a 1/4" = 1'-0" scale. This plan should indicate spread and height of the proposed plant materials at planting and an additional plan showing spread and height of the proposed plant materials after one year.

Landscape Plan

The Landscape Plan should be professionally prepared, by a landscape architect or nursery designer, with a 1/8" = 1'-0" or 1/4" = 1'-0" scale on a separate copy or overlay of the site plan for the house and its external amenities. The Landscape Plan should show the location, boundaries, and sizes for all plant materials, including existing trees from the tree survey (with sizes and species indicated), mulches, planting beds, berms, non-living ground covers, other miscellaneous landscape materials and irrigation. Show the existing tree canopy with a dashed line.

The actual landscape work must be completed before a Certificate of Completion is issued by the SPARB.

For all plant materials -- including existing and proposed trees, shrubs, vines and ground covers -- graphically depict each in a scale representation equal to the mature plant material size and label each type using the botanical name for genus, species and variety. Graphically depict the actual size at planting in red on the plans submitted. Provide a separate listing on the Landscape

Plan, or an attached sheet, that associates a plant material symbol with the specified plant size, height, spread, container size, botanical name, common name and quantity to be used.

Plant materials should be of a mature size at installation. Large canopy forming trees may be required in addition to shrubs and ground covers.

The Landscape Plan must show the areas to be covered by grass lawns, patios, and other structures versus the areas to be left in a natural state. All grass is to be installed as sod, as opposed to seeding the area. The use of artificial turf is not permitted. The ARB reserves the right to disapprove any type of grass it feels is unsuitable. In addition, property owners are responsible for landscaping and maintenance of landscaping from property lines to the roadway and public beach walkways.

Particular attention should be given to the appearance of the structure between ground level and first floor. 50% of the structure foundation must be covered with evergreen material that is not susceptible to winter damage. It is particularly important to allow for planting beds between the hard scape and the foundation of the house to ensure that a minimum of 50 percent of the foundation is covered with plant materials. In so far as possible the change from foundation wall to siding should disappear with the landscape installation. Artful use of planting areas, planters, berms, hardscaping and foundation design is essential.

Particular attention should also be given to the appearance of the structure from the street, marsh, golf course, and beach views. Landscape plans should indicate sufficient plant materials in plant beds between the street, marsh, golf course and/or beach and any foundation plantings in a manner that buffers the houses appearance and maintains the Sea Pines' park-like setting. Often canopy forming trees will be required in addition to shrubs and ground covers to create this view buffering effect.

NOTE: FINAL APPROVAL FOR ALL LANDSCAPE PLANS WILL NOT BE GIVEN UNTIL AFTER PLANTING.

Irrigation

In order to create the mature and established landscape effect, irrigation will be required for all landscape installations on new single family residences or major additions. If the landscape architect or nursery designer believes that such an irrigation system is unnecessary (e.g., a xeriscape type of landscape design), then a request may be made on the landscape plan to that effect. The ARB landscape committee will determine if the designer's request is to be granted. Even if an irrigation system requirement is waived, the Board may require a short term watering plan to assure that the installed plant materials become established.

Landscape Lighting

All landscape lighting must be accompanied by a lighting plan that is to be submitted with the landscape plan for consideration and approval. The ARB requires that all exterior lighting be designed in such a way as to not impact neighbors, street or beach traffic, and must subtly blend into the natural environment. Specifically, exposed lamps, clear or translucent globes and lenses, or any other type of fixtures which creates glare should not be used. Low wattage fixtures should be used throughout the exterior lighting plan. High intensity lights are allowed when they are coupled with an alarm system, providing they are illuminated only when the alarm is activated and then only for a limited time period. Such a system must be submitted to the ARB for approval. The ARB requires that a catalogue cut sheet be submitted of all light fixtures proposed for use on the exterior of a house or as a part of the landscape design.

13. Artificial Turf

The use of artificial turf within Sea Pines is not considered to be a landscaping material and is strongly discouraged; however, it may be considered by the ARB for use in limited areas and for specific applications. Consideration for approval of such applications, which may or may not be granted, needs to include the following elements:

- a. The application of artificial turf must be totally contained behind the house, not extending into the side yards, or visible from the street. Artificial turf may not be used as a replacement for natural lawns or other areas of ground cover. **Its use must be limited to an accent material, the construction of small putting greens or around pool areas.**
- b. The turf must be installed by a professional contractor certified by the product manufacturer to perform the installation. A detailed installation plan must be submitted with the application including, at a minimum, details for anchoring and edging of the turf materials and illustrating appropriate transitions to any adjacent natural landscape materials.
- c. A landscape plan must also be included showing appropriate buffer materials to shield the artificial turf installation from any street or neighbor's view.
- d. All artificial turf must have a realistic and natural appearance with variation in color and texture. Samples of actual material to be used will be required for approval.

- e. Should the artificial turf lose its original appearance or develop an offensive odor the ARB reserves the right to require its removal and/or replacement.

E. ADDITIONAL GUIDELINES FOR PATIO LOT HOMES

Dwelling units constructed on patio lots must be constructed to utilize a patio wall as designated on the plat. The patio house emphasizes an indoor-outdoor use relationship and full utilization of the site for living purposes. **The Covenants restrict the footprint of the covered area to 40 percent of the lot area.**

The main architectural element of every patio home is the patio wall. The design criteria for the patio wall require greater imaginative utilization than simply a straight wall or fence. Architects are encouraged to optimize the "private garden-court" character of the patio home where the wall enclosure is employed to provide privacy and obtain a maximum utilization of living space. **No window or opening or any overview is allowed on the patio wall side of the house.** Skylights will be considered by the ARB if deemed appropriate. The patio wall must be at least 6 feet in height above the adjacent first floor level or above natural grade beyond the house walls and is normally located three feet inside the designated lot line. The length of the wall should normally extend to within 10 feet of the front and rear property lines and may extend the entire length of the lot -- except for golf course patio lots, where the rear patio wall must remain at least 30 feet from the golf course property line.

Rain gutters and downspouts must be installed along the roof on the patio wall side to divert rain water from the adjacent neighbor's lot. The ARB may also require roof gutters on the other side of the house if a drainage problem seems apparent.

Because of the compact size of the lot, the careful location of support facilities for patio homes is critical. Two parking spaces must be provided on the property. The parking area should be shielded, if possible with walls or bermed landscaping. An adequate enclosed service yard is required by the covenants and should be accessible from the kitchen and the front parking area. The service yard can be positioned within the seven-foot setback (non-patio wall) side of the house, but the service enclosure may not be closer than two feet to the property line on that side. The use of continuous two-story design elements on entrances and exterior walls is discouraged.

F. OTHER SPECIAL NEIGHBORHOOD REQUIREMENTS

1. EAST BEACH LAGOON

Minimum Setbacks for Beach Lagoon lots # 3 through # 20

Sides	(1 st)	Story Portion of Structure)	15 Feet
Sides	(2 nd)	Story Portion of Structure)	25 Feet
Front	(1 st)	Story Portion of Structure)	30 Feet
Front	(2 nd)	Story Portion of Structure)	35 Feet
Rear	(1 st)	Story Portion of Structure)	30 Feet <u>MINIMUM*</u>
Rear	(2 nd)	Story Portion of Structure)	35 Feet <u>MINIMUM*</u>

* Minimum rear setbacks will be evaluated in terms of mass and bulk, the relationship of the proposed house or addition to the existing structures on the adjacent lots and the lot depth.

The preservation of the existing virgin pines, large oaks and other specimen trees is of the utmost importance in maintaining the park like appearance of the area. Variances in setback requirements will be considered if additional trees can be saved by doing so.

Because of the configuration of the paddle lots, specifically Lots 3 through 20 each lot is impacted by four adjoining properties instead of the usual two and occasionally three throughout the rest of Sea Pines. Therefore, the design and massing of roof forms should be designed to minimize their impact on neighbors as much as possible. Generally, the second floor living area should fall within the roof form. Roofs should be stacked in a manner that they rise to their highest point in the center of the building area. Progressive setbacks as listed above encourage this.

Fences and walls should be encouraged to help define lots and be incorporated with the landscape plan to soften their impact on adjoining properties. These walls are most appropriate along the ocean front lots that have a long drive and should be placed not on the property line, but inset a minimum of 3' on to the lot and held to a height of not more than 4' at front and sides and at 6' in the rear of the house above finished grade. The driveways for the ocean front lots should be kept to a maximum of 10 feet in width.

Driveway material should be hard surfaced to minimize noise. To break up the appearance of excessive length, driveway design should incorporate banding of brick or other material to help soften the visual impact of that element. Drainage impact must be given proper consideration with respect to driveway design. Due to the length of the driveway for the first row lots some pervious areas may need to be provided to allow water run off and or drainage.

Landscaping within this area should continue the effort of keeping a park like atmosphere and when trees are removed for construction that mitigation be mandatory.

Exterior materials should be natural in color and be incorporated into the design of the home in a manner that encourages textures yet does not create undue attention to its architecture.

2. CANVASBACK GUIDELINES

- a.** The 40' X 50' platted building envelopes on lots numbers 1 through 16, 18, 19, 23, and 26 may be altered with the express permission of the ARB, the approval authority having been assigned to the ARB by the Sea Pines Company. However, any altered siting must not adversely affect the platted sight line of neighboring property owners, must meet all setbacks established by The Town of Hilton Head LMO and, must conform to all platted or covenant easements. In the absence of the platted building envelope, the standard setbacks for full size lots shall apply as detailed in # e below.
- b.** Garages and screened or covered porches do not have to be sited within the 40' x 50' envelope, and may be built as a detached one story structure (without habitable space) or may be built with habitable space above providing the following conditions are met. The garage or porch structure must be attached to the main residence with a roof form. The platted sight line of neighboring property owners shall not be adversely affected. The habitable space above the structure must be contained within the roof form and not viewed as a dominant architectural element. The total heated square footage cannot exceed 4000 square feet as allowed by the 40' X 50' envelope.
- c.** Pools may be approved notwithstanding the fact that an existing house may have been built outside of the building envelope. All other ARB guidelines must be satisfied.
- d.** In the event of an existing house being torn down and a replacement proposed on any lot in the Canvasback Subdivision with a platted envelope, the new structure must comply with the above referenced guidelines. In the absence of the platted building envelope, the standard setbacks for full size lots will apply. These setbacks apply to new single family construction. Additions to existing houses are reviewed on a case by case basis, taking into consideration the impact of the addition on the surrounding development.
- e.** There are 7 lots in the Canvasback Subdivision that do not have platted building envelopes. For these lots, numbered 17, 20, 21, 22, 24, 25, and 27 the standard minimum setbacks for full sized lots will be used

as shown below or any of these lots may use the guidelines for the 40' X 50' platted envelope:

Front (street side)	30' minimum
Rear	50' minimum from oceanfront property line. 20' minimum from all others
All other sides	20' minimum

3. OTHER NEIGHBORHOODS WITH SPECIAL RESTRICTIONS:*

Atlantic Pointe	Red Cardinal	Greenwood Forest
Calibogue Club III	Carolina Place	Marsh Island
Lawton Woods	Oyster Landing Club	Sea Loft
Duck Hawk	Turtle Lane Club	Beach Lagoon
Scaup Road	Braddock Cove Club	Lands End
Beach Side	Townhouse Sites	
Pine Island Club	Baynard Peninsula	

*** Please contact the ARB office to verify the restrictions for your area.**

G. 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.

H. 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. A standard house number sign has been installed in accordance with Town and CSA requirements;
- c. All waste containers, portable toilets and temporary utility poles have been removed.
- d. The job site is clean.
- e. Any damage to right-of-way, common areas and adjacent properties has been completely repaired.
- f. All signs and permits have been removed.
- g. A Certificate of Occupancy has been issued by the Town of Hilton Head and a copy has been received by the ARB.
- h. 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.

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.

- i. Submit an as-built survey for new homes. Submit an as-built survey for additions and pools if available.

6. Certificate of Completion

Prior to occupancy, all new SFR owners must apply for a Certificate of Completion from the ARB. This certificate is issued by the ARB staff and certifies that the project has been completed according to the approved plans including plans for the structure as well as plans for the landscaping. A minimum of two working days notice is required for ARB staff to coordinate this inspection. All elements for completion as detailed in #5 above.

SECTION II

EXTERNAL AMENITIES

A. SWIMMING POOLS AND SPAS

Prefabricated above ground swimming pools and spas may be permitted within the community. Such structures must follow the architectural aesthetics and standards of the community. Homeowners seeking to install a prefabricated pool hot tub or spa must totally conceal them using all the following standards:

- a. Recess and integrate the pool or spa into a deck.
- b. Use landscaping to fully conceal the pool or spa from view.

Setback Requirements

For residential lots facing any of the Sea Pines golf courses, no swimming pool, spa or hot tub or any part of the deck (or fencing, where applicable) around such units may be located within thirty (30) feet of the golf course property line, regardless of the grade (elevation) of the pool deck. For lots where a separation of twenty (20) feet or greater exists, the deck around an "in-ground" pool (see definition below) may be located as close as ten (10) feet to the rear property line, if desired; and an "above-ground" pool and deck may be placed anywhere within the building setback limits for the particular property.

For beach front lots, the decks of "in-ground" pools may be placed no closer than 20 feet to the oceanfront property line. "Above-ground" pool and spa units, including decking, are considered "vertical" structures and are thus subject to the minimum 50-foot setback from the oceanfront property line,

For all other (non-golf course and non-oceanfront) lots, except patio lots, swimming pools and pool decks may be elevated (i.e., above ground) so long as the boundary of such pool and its deck is not closer than 20 feet to any property line, except front property lines. For patio lots, swimming pool placement is limited to established building setback requirements (see Section I-D). The boundary of "in-ground" pools and pool decks may be placed no closer than 10 feet from side and rear property lines, again except in the case of patio lots where 10-foot rear and 3 or 7-foot side setbacks govern.

To qualify as an "in-ground" pool, the surface of the pool deck can be no more than 24 inches above the average finished grade adjacent to the pool area.

Permit applications for construction of a pool or spa, or for installation of a pre-packaged hot tub should include:

1. **An As-built Survey** along with a scaled site plan (1/8 inch = 1 foot) showing the shape and location of the pool, decking, fencing (if any), and pool equipment enclosure -- all shown with respect to the principal residential structure and property lines.
2. **Elevation details** of the pool equipment fence enclosure and fencing around the pool or spa area. Include stain color samples for the fencing or indicate "to match existing house."
3. **A sample of the water-level tile** to be used, and a description of the decking material and color.
4. **Additional Elevation details** (including materials and colors) of any structure raised above and adjoining the main pool deck, e.g., waterfall, planter, artistic splash plate, etc.
5. **For all pool installations, a landscape plan** also must be submitted with the application. It is particularly important to allow for planting beds between the pool deck and the foundation of the house to ensure that a minimum of 50 percent of the foundation is covered with plant materials. For artificial turf, please refer to design guidelines, Artificial Turf (see Section I-D).

Pool and pool deck hardscape designs should provide for landscape planting beds between the house and pool deck to allow adequate foundation plantings to screen and soften the mass of the house. Substitution of upright planters on the pool deck (in the form of movable pots or other similar designs) for these landscape beds will be considered but is generally discouraged as a substitute for sufficient landscape planting beds.

The landscape plan should include plant materials sufficient to visually buffer the swimming pool and pool deck from adjacent neighbors or streets. The landscape plan should also mitigate "above ground" pool foundations in a manner similar to a residential structure (see Section I-D). A similar level of landscaping will be required for fences around swimming pools and pool equipment. The landscape plan should also show existing tree species and sizes for any proposed tree removals as well as for adjacent trees that may be impacted by pool construction.

Screened pool enclosures are discouraged by the ARB and will not be permitted unless the design of the enclosure complements and blends with the architectural style of the house. **Metal and screen enclosures are not permitted.**

B. SEA PINES ARB BEACH TRUST PROPERTY GUIDELINES

The land between the oceanfront property lines and the mean high tide line, known as the Beach Trust Property, is not to be developed **or cleared**, and is held in trust for the benefit of all Sea Pines property owners. Nevertheless, the ARB does, on a case-by-case approval process, allow a walkway from the oceanfront property line to the beach to be constructed by some front-row property owners within the limitations and design restrictions described in this section. Prior to submitting an application for a beach walk over, it is required that approval from CSA be obtained as well as OCRM approval.

Design Specifications

The following boardwalk design requirements must be strictly adhered to:

1. The walkway must generally conform to the contours of the land and the dunes.
2. It must be constructed at a minimum elevation of one foot above grade, a maximum of two feet above grade, and have an adjustable elevation capability to allow conformation with long-term dune accretion.
3. It must not exceed four feet in width.
4. No more than eight (8) steps are allowed between landings. Step treads should be a **minimum** of 10" and risers a **maximum** of 7-1/2".
5. No continuous railings are permitted on a walkway. Railings can be installed **only where necessary for safety**, e.g., where the stile over a dune is steep.

C. FENCES & WALLS

Fences are generally discouraged, but where planned, must be approved by the ARB. In general, permitted fences are usually limited to those which enclose utility areas, swimming pools and circumscribed gardens. **PERIMETER FENCES ARE NOT ALLOWED.** The Board will consider applications for fences or walls on a case-by-case basis, aesthetic considerations being paramount. All fences and walls should be planned with appropriate landscaping to soften the overall visual impact.

Fence Setbacks

The minimum distance from property lines for which the ARB will consider fence applications are:

1. Streets: Normally 15 feet from a property line paralleling a street, though the ARB may adjust (increase or decrease) this setback where the street pavement is very close to, or distant from, the property line or when a property is bordered on two or more sides by a street.
2. Side Property Lines: The minimum setback for a fence is 6 FEET** FROM THE SIDE PROPERTY LINE UNLESS AN ACCEPTABLE CASE CAN BE MADE FOR CLOSER PLACEMENT related to the height of the fence, including post caps. **Patio lots may have different setbacks.

Where an easement (for drainage, walkway or utility purposes) exists, the minimum setback may be greater, based on a case-by-case evaluation by the ARB. If the Board allows placement of a fence within an easement area, it will be with the understanding that future use of, or access to, the easement could require relocation of the approved fence by the owner and at the owner's expense.

3. **Property Abutting Golf Fairways, Lagoons, Marshes, Open Space**: In order to protect views, fences are seldom approved in these situations, and only with the following considerations;
 - b. Fences parallel to side property lines require specific ARB evaluation based on type of lot and location.
 - c. On those lots abutting golf fairways, open marshes, or lagoons, no fence should extend more than 50 percent of the distance from the rear of the principal building structure to the rear lot line.
 - d. On golf fairway lots, however, fences must be set back a minimum of 30 feet from the golf course property line.
 - e. On property abutting "open space" (other than lagoon or marsh), a minimum three-foot setback from the line involved is required.

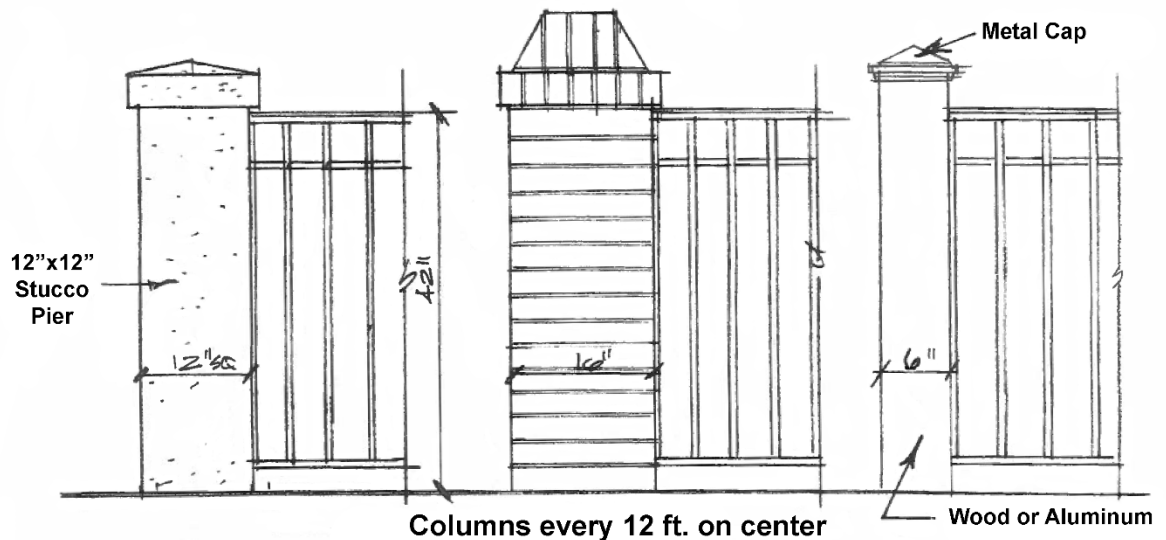
Fence Height

Rarely will the Board consider a fence height greater than six feet above finished grade, including the fence post caps. Extensive fencing, such as around swimming pools, should generally be restricted to four feet high. The maximum of six feet will be considered by the ARB only for special cases. The design of a fence should take the topography of the lot into consideration and special care should be taken to design a fence that presents a level top which may require a step-down design and must be aesthetically pleasing. Architectural style, mass and scale of the fence posts will be evaluated on a case-by-case basis.

Fence Materials and Colors

Preferred materials of construction include wood board or masonry, whose style and color are selected to match or complement the principal house structure siding or to blend into the natural landscape setting. Wire mesh fencing is discouraged. A 6 in. x 6 in. post is required every 12 ft. as part of the design elements. See fence design suggestions, Figure C.

Figure C



D. DOCKS, SEAWALLS AND BULKHEADS

No seawalls, bulkheads, other erosion control structures or docks may be constructed in Sea Pines without approval by the ARB. Where applicable, approval must also be obtained from the South Carolina Office of Coastal Resource Management (OCRM) and Community Services Associates and any other governmental agencies responsible for monitoring this type of construction activity. The ARB will withhold its consideration of any application for this type of structure until after the OCRM permit has been issued, Community Services Associates has approved the application and a copy of such permit and CSA approval has been provided to the ARB.

All lot owners who construct an ARB-permitted dock, seawall or bulkhead must maintain these structures in good repair and keep them safe, clean and orderly in appearance at all times, and further agree to paint or otherwise treat with preservatives all wood or metal located above the high water mark, exclusive of pilings, and to maintain such paint or preservatives in an attractive manner.

E. DRIVEWAY ENTRANCE GATES

Driveway entrance gates normally will not be permitted. However, such gates may be approved by the ARB, on a case-by-case basis. No driveway gate equipped with automatic or remote actuation controls or with any power actuation mechanism (i.e., hydraulic or pneumatic cylinders, or electric drive) will be approved.

F. TV AND RADIO ANTENNAS

No satellite receiver or other type of television antenna shall be installed on the exterior portion of any residential lot without the express approval of and permit by the ARB. A property owner may submit an application with fee for these types of devices including size and placement and describes how the unit will be screened from view by residents and visitors. If the satellite receiver is placed on the roof or the wall, it must be painted to match the roof or wall color to minimize the visual impact.

Additionally, no radio or television signals, or any other form of electromagnetic radiation shall be permitted to originate from any residential property which may unreasonably interfere with the reception of television or radio signals upon any other such property.

G. MAILBOXES AND SIGNS

Upon request, Community Services Maintenance (**671-6487**) will, for a modest fee, provide and install a standard rural type of mailbox with post for a residential property. This mailbox will be located adjacent to the front street, normally near the driveway entrance, and installed in compliance with U.S. Postal Department regulations. The street postal number is shown, with decal numerals, on the door of the mailbox, and the resident's name is shown on a metal placard on top of the mailbox. No other color or type of mailbox is allowed in Sea Pines.

H. WATER WELLS AND WATER SOURCE HEAT PUMPS

Sea Pines Restrictive Covenants were amended in 1983 to permit two well water source heat pump systems providing: a) that the Ocala aquifer is not penetrated, b) the South Carolina "Well Standards and Regulations (r.61-71) are followed, c) the well water is re-injected into the second well and, d) the well water is not to be used for any other purpose.

The ARB will consider formal applications for both closed loop heat pump systems vertical cased or uncased well boreholes and horizontal design open loop two well water source heat pump systems.

Additional requirements include, but are not limited to the following:

1. ARB approval must be obtained prior to any drilling.
2. Well drilling companies are required to make an escrow deposit prior to drilling. Such deposits will be refunded upon a final inspection of the site by an ARB representative.
3. The application must include:
 - a. A site plan showing the locations of the proposed well boreholes, the above-ground heat pump equipment and all other improvements.
 - b. Proof of the well driller's certificate (copy of State license).
 - c. Information on the nature and type of injection facility and well, including drawings of surface and subsurface construction details.
4. Strict adherence to "Well Standards and Regulations", South Carolina R.61-71 effective June 1985.
5. Location of the proposed boreholes must be accurately marked (staked) on the job site prior to rigging or start of drilling.
6. Wells must be properly sealed to prevent contamination of ground water either through or around the wells.
7. Source and injection wells must be approximately one hundred feet apart and ten feet minimum from any property line with particular care being taken to insure that an owner's injection well is not placed in close proximity to an adjacent owners existing source well.
8. Expansion tanks, disconnect switches, well heads and other above-ground devices shall be surrounded by evergreen plants in order to screen these devices from view after installation.
9. Malfunction of wells, particularly the injection wells, shall be corrected immediately. Corrective measures may require an additional injection well to be located in the area of the first injection well and shall meet the requirements outlined above. Overflow or discharge of any water onto adjacent property or into any creek, lagoon, ditch, marsh or piped drainage system, is prohibited.

I. FLAGPOLES AND STATUARY ELEMENTS

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 are not permitted. All plumbing and electrical fixtures associated with statuary elements also shall be adequately screened.

Flag or banner poles also are usually permitted only in the rear of the lot and not within 20 feet of the property line, with a maximum height of 25 feet above natural grade.

J. EXTERIOR LIGHTING

All exterior lighting must be approved by the ARB prior to installation. (See Section I, page 21 for more information.)

K. DECKS, PATIOS AND TERRACES

The design of decks and terraces must be coordinated with the design of the residence. Grade-level decks and terraces, i.e., those for which the floor surface is no higher than 24 inches above the average finished grade adjacent to the deck or terrace area are considered "horizontal structures" subject to the same setback requirements as for swimming pool decks (see Section II-A). Elevated decks and terraces, i.e., those for which the floor surface is more than 24 inches above the average finished grade adjacent to the deck or terrace area are considered vertical construction and are, therefore, subject to the same setback distances as for house walls (as specified in Section I Table C).

All open spaces beneath an elevated deck must be closed with lattice or other form of "open air" paneling between the outermost vertical posts or piers, and such vertical surfaces are to be screened by landscape planting.

All exposed vertical elements of a wooden deck or terrace, including benches, railings, and below-deck outside structure, must be stained/painted to match the house siding.

L. GAZEBOS AND CABANAS

Sea Pines covenants allow for the construction of one single-family dwelling and "one small one-story accessory building" on a residential lot. Setbacks for gazebos and cabanas will be the same as for the main house.

SECTION III

OTHER GUIDELINES FOR EXISTING RESIDENCES

The primary purpose of the Sea Pines restrictive covenants is to regulate the creation **and maintenance** of a community which is aesthetically pleasing and functionally convenient for all residents and visitors. Applicable covenants charge the Architectural Review Board with the responsibility for monitoring the maintenance of single family residences and associated grounds. This section provides further information and guidelines for use by the owners of existing homes in Sea Pines.

A. EXTERIOR REPAINTING OR RE-STAINING

The exterior surfaces of homes must be properly maintained. Badly mildewed and/or faded exterior surfaces must be washed and re-stained/repainted as necessary. When you find it necessary to re-stain or repaint all or part of the exterior of your house or an auxiliary structure, before you undertake such work, you must first request and obtain written approval from the ARB -- **even if you intend to utilize exactly the same color(s) now existing** on your house.

Certain exterior colors which may have been approved for a given house five, ten or more years ago -- such as dark reddish browns for siding may no longer be considered acceptable colors by the Board. Further, you should not simply assume that the siding or trim colors existing on another house within Sea Pines were approved by the ARB for that house or may be automatically used, without prior ARB approval, for your own house.

The exterior colors of buildings should blend with the surrounding environment and not contrast with it. Thus, earth-tone colors are deemed most appropriate. Two-tone color schemes (i.e., where siding and trim colors are to be different) should use both colors of the same hue to provide apparent shadow lines or sun/shade/shadow relationships. In such cases, high contrasts between the two colors should be avoided. White, or very light colors will not be permitted -- except for limited trim work on unique architectural situations -- because they contrast with the natural setting. The use of three (or more) exterior colors are a difficult design task to accomplish correctly and will be studied carefully by the ARB.

A display of "pre-approved" colors is maintained in the ARB offices in order to simplify your color selection.

To obtain ARB approval to re-stain or repaint any part of the exterior of your home, please submit a written request, utilizing the repainting form, to the ARB offices at least five (5) working days prior to the contemplated start of work. Actual color samples (on wood or stucco, as appropriate) must be submitted, for each separate color to be used, along with your request unless an ARB "pre-approved" color is

to be used. These samples are important to both the property owner and the Board in evaluating the true finished appearance of the house since small "color chips" often vary greatly from actual applications. A photograph of the home to show locations and proportions of colors is also required.

B. ROOF REPAIR OR REPLACEMENT

Roofs and rain gutters or diverters must be kept clean of debris.

If you need to replace missing roof shingles or otherwise repair a portion of the roof of your residence, you must do so with shingles of exactly the same color and materials as existing. Replacement wood shake shingles will obviously be lighter than existing ones until weathering occurs, and such is deemed acceptable. Approval by the ARB for roof repairs is required.

When you wish to replace the roofing of your house or a detached building:

1. If the existing roofing is wood shake/shingle, and you intend to replace it with the same type of wood shake, you must submit a request for ARB approval. A re-roof request form is available for download on our website or at the ARB Office.
2. If your existing roofing utilizes asphalt/fiberglass shingles of either "Weathered Wood" or "Slate Blend" colors, you may likewise utilize the same materials and same color but must submit a request for ARB approval. Fungus-resistant "Architectural" shingles with a minimum wind resistance per Town code is required for all Sea Pines residences unless other materials are approved the ARB, such as wood shakes, metal roof, etc.
3. If you want to replace existing asphalt/fiberglass shingle roofing of any color other than Weathered Wood or Slate Blend, or if you want to change the color or materials in your new roofing, you must request ARB approval for such work at least five (5) working days prior to the intended commencement of roof work. Your request should include a photo of your home. A sample of the roofing material to be used may be requested with your submittal.
4. When any roof addition or extension of an existing roof is made, the existing roof must be re-shingled to the nearest valley, or roof break, so as to ensure continuity of color.

NOTE: A Building Permit must be obtained from the Town of Hilton Head Island for any re-roofing job.

C. TREE REMOVAL OR PRUNING

Pruning is permitted on any tree in Sea Pines by the landowner on his or her property provided that pruning is done according to guidelines of the International Society of Arboriculture on trees more than six inches in diameter measured three feet above existing grade. Removal of more than 30 percent (30%) of the leaf surface at one time will be considered tree removal and will be treated as such. Removing the top of any tree more than 6 inches in diameter will be considered unauthorized removal of a tree and will carry all the penalties allowed by the guidelines and covenants.

Along golf course lots, oceanfront lots and other lots deemed significant for aesthetic tree preservation by the ARB (at their sole discretion), tree removals for any reason whatsoever - including new home construction - may require mitigation with large trees of significant size (30 feet and greater in height) for the aesthetic purposes of maintaining a tree lined buffer in keeping with Sea Pines developed character in these sensitive areas.

However, the extensively wooded setting of our Community -- with its tall, stately pines, beautiful oaks and many other tree species -- is a situation which our community strives to preserve. Under the Restrictive Covenants of Sea Pines, **NO TREE MEASURING 6" OR MORE IN DIAMETER -- MEASURED AT BREAST HEIGHT (FOUR FEET ABOVE EXISTING GRADE) -- MAY BE REMOVED FOR ANY REASON WITHOUT PRIOR WRITTEN APPROVAL** by the Architectural Review Board.

Therefore, you **may not remove any tree (6" or larger diameter) regardless of species, condition, or location**, unless you first obtained the required **written** approval by the ARB. Failure to obtain such approval will subject the offending property owner to the prescribed damages and mitigation of new trees to replace those removed without permission. The Board cannot and will not accept any after-the-fact excuse or explanation that a tree was diseased or dead, etc. The Board's (independent consultant) representative must inspect and verify the basis for removing **all** trees meeting the above criteria in Sea Pines.

You may request approval for tree removal from the ARB office simply by calling (843) 671-5533, Monday through Friday, 9:00 A.M. - 3:00 P.M. at least five working days in advance of any contemplated tree removal work. There is a nominal fee to cover costs charged by the independent consultant.

The ARB will consider removal of any tree whose trunk is touching, or nearly touching, a roof eave, or whose root system is causing observable structural damage, e.g., to driveways, fences or building walls. Dead, diseased or damaged trees that in the opinion of the tree inspector cannot be treated or saved may be approved for removal by the ARB. Requests for tree removal in open space must be made to CSA and secondly to the ARB.

The Board views negatively any requests for tree removal wherein the sole basis for such request(s) is to allow more sunlight to swimming pool or landscape areas and/or to minimize leaves or pine straw blowing into a pool or driveway. Additionally, the Board will deny approval for tree removal when such request is based solely on a property owner's concern that a storm or hurricane might cause a large tree to fall onto a residential structure. In the history of our Community, such occurrences have been very rare.

THE TRIMMING OR REMOVAL OF TREES, OF ANY SIZE OR SPECIES, GROWING WITHIN OCEANFRONT PUBLIC TRUST PROPERTY OR WITHIN THE COMMUNITY'S "OPEN SPACE" AREAS BY RESIDENTIAL PROPERTY OWNERS (OR THEIR AGENTS) IS STRICTLY FORBIDDEN. If any such trees appear to need pruning or removal, property owners should refer such matters to the Sea Pines Community Services Maintenance (671-6487).

The ARB has adopted a policy to replace any tree removed regardless of the reason. Once our arborist has approved the removal of the tree or trees, you will be asked to replace it with a tree of any species 8' to 10' tall tree (when planted) for each tree removed. If tree replacement is not required on your property you may elect to donate to the tree fund. This fund will be used to purchase and plant trees on CSA open space. **(Revised 11/2005)**

D. RESURFACING OR RESHAPING DRIVEWAYS

Though hard-surfaced (paved) driveways are normally required with new residential construction, many older Sea Pines homes have unformed and unpaved (i.e., pine straw, bark or gravel) driveways. The addition of gravel to or the conversion of such driveways to a hard-surfaced (asphalt, concrete, brick, etc.) configuration constitutes new "construction," and will, therefore, require prior Board approval and a Sea Pines ARB Building Permit. Formal application for such construction will be made as described earlier for other residential additions.

Seal coating, patching or overlay resurfacing of an existing asphalt driveway requires ARB approval even if the configuration, size, color and location of the existing driveway are not changed. Likewise, the replacement/removal of an existing asphalt or concrete driveway with the same material type and color must have ARB approval and a permit. Additionally, if any change is to be made in the configuration or position of a replacement driveway, such action is deemed new construction, and an ARB application must be submitted for Board approval.

E. INTERIOR REMODELING

No ARB approval or permit is required for any interior remodeling of a structural, mechanical or electrical nature -- so long as no exterior alteration (e.g., addition or change of windows or doors) is involved. Note, however, that: (1) a building permit for such work may need to be obtained from the Town of Hilton Head Island and posted at the job site, (2) no unapproved builder's sign may be posted at the site, and (3) the exterior premises must be maintained in a neat and clean condition, with building materials neatly stacked and all trash and debris placed only in a waste dumpster on the site. An ARB Dumpster Request form must be submitted with the appropriate fee and the Dumpster Permit must be posted on site.

F. LANDSCAPE MAINTENANCE AND MODIFICATION

Every property owner is responsible for preventing the development of any unclean, unsightly, or unkempt condition of buildings or yards which will reduce the beauty of the neighborhood as a whole or the specific area. In landscaped areas, bed and lawn areas must be maintained. In natural areas, weed growth must be controlled. Bedded areas which have been previously mulched with pine straw, bark, etc., must be kept weed free and clear of debris. Mulch should be applied periodically to maintain a neat, clean appearance. Dead plants must be replaced. Natural areas in the landscape are acceptable; however, tree limbs, palm fronds and other unsightly vegetation must be removed. After ARB approval, dead and/or diseased trees must be removed and stumps removed to at least ground level. Driveways and walkways will be kept clean of debris. Lawn areas must be mowed regularly and maintained at a height of between one and three inches.

If a major change or upgrading of landscaping is contemplated, particularly in areas visible from adjacent streets, a landscape plan must be submitted to the ARB for approval prior to undertaking such work. Guidelines for landscape design and for associated irrigation systems similar to those for new residences (see Section I-D) should be followed in preparing the Landscape Plan.

Any proposed structural changes or additions to existing landscaping such as fences, decks, fountains, lighting, retaining walls, driveways, walks, landscape structures or statuaries represent new construction that must be approved by the Architectural Review Board.

Any changes to exterior lighting must be approved by the ARB.

G. BASKETBALL BACKBOARDS

The erection/installation of a single backboard on a residential property is allowable -- without need for an ARB permit -- if the following guidelines are utilized to reduce the noticeability of the backboard:

1. Whenever possible, the backboard should be placed at the rear of the residence, out of view from the public roadway. If the backboard must be placed in front of the residence, e.g., adjacent to the paved driveway or parking area, the ARB requests that the front surface of the backboard be set perpendicular to the public roadway.
2. Backboards made of transparent plexiglass or with muted neutral color (e.g., gray or tan) are preferred to white ones, particularly those with fluorescent red or orange stripe accents. If you already have or will purchase a white backboard, the ARB urges you to mute (repaint) the front surface, and paint the back side with a dark brown or dark green color.
3. The wooden or metal post which supports the backboard should be painted Glidden Medium Green (same color as all Sea Pines mailboxes) or dark brown.

If a backboard is no longer in use or is unsightly, it should be removed.

H. PLAY YARDS AND PLAYHOUSES

A number of the Community's restrictive covenants bear on the issue of allowing play yards, "jungle gyms," sand boxes, play houses, etc. on a residential lot. Some of these are as follows:

1. "No trailer, tent, barn, tree house or other similar outbuilding or structure will be placed on any lot at any time. . ."
2. "There will not be maintained any . . . device or thing of any sort whose normal activity or existence is in any way . . . dangerous, unsightly . . . or of a nature as may diminish . . . the enjoyment of other property in the neighborhood . . ."

Despite these "limitations," the Board recognizes the desirability and benefit of at-home outdoor play facilities for young resident children and visiting grandchildren. Therefore, the ARB does allow, without formal application or permit, the placement and use of play facilities on a residential lot so long as such strictly adhere to the guidelines below:

1. No tents of any type at any time will be allowed.
2. Tree houses, tree stairs or platforms, or any other structure in or on a tree are strictly prohibited.

3. One attractive playhouse may be placed in the rear yard of a residence, so long as it is not visible (or is landscape screened) from public roadways, neighboring houses and, where applicable, adjoining golf course fairways.
4. Likewise, a trampoline, a gym set (with swings, slides, etc.), preferably with a stained/varnished wooden structure (rather than bare or painted metal) may be placed in the rear yard -- again with the requirement that the play unit not be visible, or be landscape screened, from streets, adjacent homes and golf courses.
5. A final cautionary note is in order for play facilities on lots adjoining golf courses. All golfers, amateur and professional alike, occasionally miss hit their shots out of bounds onto abutting residential properties. Please do not place a play unit in a location where errant golf shots could injure children at play. Thick, tall shrubs and/or fencing (requiring ARB construction approval) should be used, where appropriate, to minimize this danger.

I. WINDOW COVERINGS

The exterior surfaces of window shades, curtains and blinds must be subdued in color and compatible with the exterior hues of the residence.

J. HURRICANE SHUTTERS

Plans and specifications must be submitted for approval prior to the installation of hurricane shutters/panels. Colors for the panels should blend with the house color.

Please remember that the shutters may not be installed over the windows until a "**hurricane watch**" is announced and must be removed **within five days after the Island returns to normal.**

SECTION IV

DEMOLITION OF EXISTING STRUCTURES

Though rare, an existing residence may be severely damaged or destroyed by fire, storm action or other causes. However, in such event, the damaged structure must be demolished and removed from the property in a timely and orderly manner, which shall be non-offensive to neighboring property owners and according to a plan approved by the Architectural Review Board. An application for a Demolition Permit must be submitted to the ARB within 60 days of the occurrence of the damage, and no clearing or demolition work shall begin before a Demolition Permit has been issued by the Board. This requirement exists whether the demolition work is a prelude to repairing/rebuilding the damaged structure or is to completely raze the structure prior to resale of the property as an undeveloped lot.

Additionally, a property owner desiring to remove an existing undamaged residential structure before either constructing an entirely new house or selling the property as an undeveloped lot must likewise obtain a Demolition Permit from the ARB prior to commencement of any demolition/removal work on the existing building(s), either of an interior or exterior nature.

A Demolition Permit issued by the ARB will normally be valid for only 30 days from date of issuance, unless an extension of time is formally requested and approved by the Board in advance. The purpose of the 30-day limitation is to minimize the time period during which neighboring residents will be disturbed or inconvenienced by the noise, dust and vehicular traffic associated with the demolition work. Therefore, requests for extending this period will necessitate very explicit justification.

Additional rules and guidelines for demolition include, but are not necessarily limited to, the following:

- A.** Owner or contractor must submit an application including the appropriate fee, a tree and topography survey for the property and a copy of the Town of Hilton Head Island's approval for demolition with the application to the ARB.
- B.** Prior to beginning demolition the contractor must schedule an on site meeting with the ARB administrator to review the site and determine the required tree protection and any other site requirements. The demolition permit will then be issued and demolition can begin. The ARB administrator will inspect the project upon completion of demolition to evaluate the site including fill/grading and any unauthorized tree removal or damage. All potentially affected utilities (e.g., water, sewer, electric, telephone, cable TV) shall be notified by the contractor to permit flagging or clearing of lines by the utility companies involved. Failure to do so could result in the inadvertent disruption of power, water, etc. to neighboring properties due to damage of utility lines by uninformed demolition workers.

- C.** No trees, of any size or species, shall be removed during the demolition process without specific written approval by the ARB. Also, extreme care must be taken to avoid damage to remaining trees.
- D.** Demolition work must be total and complete; and no part of a demolished structure, including foundations, driveways, walkways, etc., may be left unless so indicated on a plan approved by the ARB.
- E.** All debris must be placed in waste dump boxes or removed prior to the end of each work day.
- F.** The site must be restored to a near-natural state with approximate natural grade. All depressions and excavated areas are to be filled and graded to avoid pooling of rainwater. Also, all bare earth areas are to be covered with pine straw or mulch to preclude blowing dust, unless new construction will commence immediately after demolition.

Other specific guidelines or constraints may be imposed as conditions of the Demolition Permit issued by the Board.

SECTION V

SPECIAL RULES FOR BUILDERS

The Architectural Review Board expects the builder (general contractor) associated with each approved project to complete the construction work in a timely, continuous, orderly and neat manner so as to minimize visual and acoustic disturbances to nearby residents.

A builder will be held responsible not only for his own employees, but for the actions of all his subcontractors and suppliers as well. In all cases, however, **the property owner will ultimately be held accountable by the ARB for the actions of his/her builder**.

The following rules and regulations are designed to enhance the community's overall appearance to residents and visitors. These regulations are to be used as guidelines and are not intended to restrict, penalize, or impede construction firms who adhere to these regulations while performing their duties in Sea Pines. Repeated violation of these regulations could result in the suspension of the building permit for that residence until corrective action has been taken by the builder. Additionally, a builder who repeatedly violates either the letter or "spirit" of these guidelines may be required to post a larger construction deposit or, in the extreme, be prohibited from working in Sea Pines.

- A. No work, including lot clearing, may be started until both a Sea Pines Building Permit and a Town of Hilton Head Island Building Permit have been issued and posted by the builder at the job site.
- B. Construction work, both exterior and interior, must be limited to the hours of 7:00 A.M. to 7:00 P.M., Monday through Saturday only. Workers and their vehicles should not arrive before 6:45 A.M., and should depart from the job site before 7:15 P.M., without exception.

No work will be permitted on Sundays, Thanksgiving Day, or Christmas Day.

For all projects on job sites which abut the Harbour Town Golf Course, no work of any nature will be allowed on Thursday, Friday or Saturday of the week during which the MCI Heritage Classic Golf Tournament is held (normally in early-to-mid April of each year).

- C. No trees larger than six (6) inches in diameter may be removed unless indicated for removal on the ARB-approved site plan.

All trees on the lot not approved for removal, must be maintained in an undamaged condition. The Owners and the Builder are jointly and severally responsible for providing and maintaining **throughout construction** necessary tree protection as outlined in Appendix D, pages A-9 & A-10 of the Building Permit Agreement.

Any tree damaged during construction or damaged as a result of such construction, shall be repaired to the satisfaction of the Administrator according to accepted International Society of Arboriculture practices. See Appendix D, pages A-16 & A-17 for tree penalty requirements and schedule.

- D.** A portable toilet must be placed on a job site, for use by all workers on that project, prior to the start of any work. The only exception to this requirement is in the case of building additions or alterations where full-time access to working interior toilets is granted, and is available to all workers, by the owner of the existing residence being modified.

The required "portable toilet" is defined as an upright, enclosed unit which must be placed outdoors (i.e., outside of any building footprint) on the job site -- as far back on the lot as possible (but no less than 25 feet from the street) with the door facing away from the street and adjoining houses. The use of camping-style portable toilets is strictly prohibited within Sea Pines.

All portable toilets must be emptied, cleaned and chemically treated regularly (not less than once per week) to prevent offensive odors or appearance.

- E.** Construction shall be in strict accordance with the drawings, site plans, materials and colors submitted to and approved by the Architectural Review Board. **NO EXTERIOR CHANGES MAY BE MADE WITHOUT PRIOR WRITTEN APPROVAL FROM THE ARB.** This includes exterior materials or colors, or doors and windows (number, location, style or size).
- F.** All motor vehicles -- including those belonging to the builder, his subcontractors or suppliers, and workers' personal vehicles -- must be parked off-street and only on the project property. Where conditions do not allow such to occur, the builder must arrange in advance for an alternative jointly with Sea Pines Security and neighboring property owners. The builder and property owner are responsible for seeing that all construction workers and suppliers obey all traffic and security regulations of Sea Pines.
- G.** Maintenance of a clean and orderly building site is imperative throughout the term of the project. The builder must provide at least one suitably sized trash receptacle at the job site prior to starting any work. Trash shall be placed directly into these containers, and at the end of each day the builder shall assure that any loose litter/trash is placed in the containers. The containers must be emptied as often as necessary to assure that trash does not spill or blow out. All trash, debris and litter shall be removed from the community. No dumping of any kind is allowed within Sea Pines.

All vehicles used to haul trash, fill dirt, debris, building materials, etc., must be equipped with a net or cover to contain loose material and configured/loaded so

as to prevent any spilling. If any spillage does occur within the community, it shall be promptly removed by the builder.

All construction materials must be kept within the property lines, maintaining a clear street right-of-way. Burning of trash and unused building materials is not allowed.

Failure of the builder to properly maintain site cleanliness may, after notice from the ARB, result in assessment of established penalties and/or clean-up being done by others designated by ARB with the cost of such deducted from escrow funds deposited by the builder.

H. All builders are required to use the design for construction site signs that was approved by the Board in October, 2005 (a copy of the design approved by Board can be emailed or visit the ARB office to see the actual sign). All existing builders signs must be removed by January 31, 2005. This requirement, including the following, will be strictly enforced: **(Revised 11/2005)**

1. Only one sign each may be erected at the construction job site by the builder (general contractor) and by the architect/designer, if different. Subcontractor, pool contractor and landscape contractor signs are not allowed.
2. No signs may be placed at the job location until after both building permits (one by the Town of Hilton Head Island and one by the ARB) are issued. Then, both such permits are to be posted simultaneous with and in close proximity to the placement of the builder's sign.
3. The single allowable builder's (and architect's) sign is to be located only at and facing the front street of the house being constructed or altered. In no event is any sign to be placed on the golf course side of the lot or on a side street for better "advertising" purposes.
4. All signs and building permits posted at the job site must be removed prior to the earliest of: (1) building occupancy by any persons, even temporarily; (2) exterior completion including landscaping; or (3) final inspection by an ARB representative. In no event may a builder's (or architect's) sign remain after one year from the date of Building Permit issuance.

I. The builder is responsible for providing water and electrical service at the job site **prior to starting any work that requires their use**. Obtaining water or electricity from neighboring properties is prohibited. Temporary utilities should be installed in a neat manner. The temporary power pole must be installed plumb and will not be utilized for the placement of signs or permits.

- J. Loud extraneous noises are not permissible. Thus, no loud playing radios or musical devices or loud, profane language will be tolerated. All workers, including subcontractor and supplier personnel, shall be informed by the builder about this requirement.
- K. Final grading shall include drainage swales, berms, culverts or other appropriate provisions whenever the construction adversely affects the drainage of the natural watershed or causes runoff to adjacent properties.
- L. Any damage done to roadways, walkways, bicycle or golf cart paths, or to adjacent properties during the course of a project -- and no matter whether caused by the builder's employees or equipment or by those of subcontractors or suppliers -- must be repaired by the builder prior to construction completion.
- M. A building or building addition may not be occupied by any persons, even on a temporary basis, until after the builder or owner has obtained a Certificate of Occupancy from the Town of Hilton Head Island and has delivered a photocopy thereof to the ARB. For new houses, a photocopy of the first floor elevation certificate provided to the Town must also be provided to the ARB by the builder.
- N. The ARB has the right to enter and inspect the premises from time to time at its sole discretion and without prior notice, in order to verify that work is proceeding in accordance with approved plans. An ARB inspector may enter and inspect the construction when it is safe to do so and without interference to work in progress. The ARB Administrator has the authority to issue a "stop work" order if construction is observed to be non-compliant with ARB-approved plans or ARB policies. Prior to any Board action, the Builder will have 10 days to appeal this action to the Board. After this 10 day period, the Board may halt construction until the unauthorized changes have been addressed and resolved. Penalties for changes without approval will be reviewed on a case by case basis in terms of the number of changes, the aesthetic impact of the changes, the number of building elevations affected by the changes and the views of the changed elevations. For builders who repeatedly make changes without ARB approval, the Board may require higher escrow deposits for compliance and deposit of additional escrow funds during construction when unauthorized changes have been discovered. The Board may also require the builder to keep a set of ARB approved stamped drawings on site at all times for any ARB staff member or Board member to review the construction for changes at any time. Following a hearing by the ARB, the Board may suspend the Builder's ability to perform work in Sea Pines if infractions are persistent and/or serious. **(Revised 6/17/2003)**
- O. Unless an extension is approved in writing by the ARB, all residences must be completed and a Certificate of Occupancy issued by the Town of Hilton Head Island within one (1) year from the date construction has commenced on a lot. The date of construction commencement shall be the date a valid Sea Pines Building Permit was issued to the builder (general contractor) responsible for construction.

Any delays which prevent the construction being completed within the Covenant mandated maximum of one year will be reviewed on a case by case basis. These delays may include extraordinary measures as required by local building requirements or delays in delivery of specialty materials and supplies when such delays are caused by building code changes which affect availability. Failure of the owner to provide timely decisions for finish materials or failure of the builder to order materials and supplies in a timely manner will not constitute a valid reason to extend more time for completion. The owner or builder will be required to supply the ARB with a construction schedule and staging schedule at the beginning of any project for which a time extension is anticipated. The schedule will be reviewed by the ARB staff as well as any qualified consultant deemed necessary by the ARB to evaluate the schedule and make a report to the Board regarding the appropriate action which should be taken in terms of time extensions. If conditions arise during construction which may cause delays and which are not under the control of the owner or builder, the ARB must be immediately notified in writing with such request for additional time. This request must be professionally documented as to the nature of the delay and any remedies which may be available to avoid or expedite such delays. Permits for Repairs, Re-roofing, Re-painting and Dumpsters expire after 60 days.

- P.** The builder is not allowed to use or trespass upon neighboring lots or Sea Pines Common Property, except for the property between the public road pavement and the residential property boundary.

If it is not possible to perform the construction work without using other Common Property for access, the applicant may request permission to do so from the CSA. If permission is granted, it shall be included in the Building Permit Agreement. Permission to use privately owned property must be obtained by the builder in writing from the owner of such property.

- Q.** Storage trailers or other temporary structures may not be placed upon the lot during construction except with the written consent of the ARB. The Board's consent will be based upon the applicant's proof of the need for the structure and the acceptability of its configuration. Authorized temporary structures shall at no time be used for living quarters, and they shall be removed prior to occupancy of the building.

- R.** No fishing or hunting by construction workers is permitted within Sea Pines. All construction workers and their equipment are to remain on the project site or on public roadways at all times when they are within the community. No animals or pets of construction workers or of any persons associated with the job shall be allowed within Sea Pines.

(Revised November 2005)

SECTION VI

PENALTIES FOR NON-COMPLIANCE

Prior to the issuance of a Sea Pines Building Permit, whether for a new residence or for additions to an existing one, the owner and/or builder must submit to the Architectural Review Boards two escrow deposits, in the amounts indicated in the Permit Agreement, for the following purposes:

Compliance and Clean-up Deposit

This security deposit is intended to motivate and ensure that construction is implemented in strict accordance with: (a) ARB-approved construction plans, (b) Sea Pines rules, guidelines, and covenants, and (c) any special conditions of the Building Permit; and that the construction site is maintained in a neat, clean and relatively quiet manner so as to minimize disturbance or nuisance to neighboring property owners. Failure to comply with the above-stated conditions can and will result in significant financial penalties being imposed by the Board, and which will be withheld (deducted) from refund of the subject escrow deposit.

Minimum security deposits are as follows:

New Houses -	\$ 10.00 per square foot of covered area (MINIMUM)
Swimming Pools -	\$ 5,000.00
Additions -	\$ 1,000.00 (MINIMUM)

To further remind the builder and owner of their respective responsibilities and exposure to the ARB's non-compliance penalties, prior to the issuance of any Building Permit, both the owner and the builder must sign a Sea Pines Building Permit Agreement which includes the following language:

"The owner and/or builder hereby acknowledge that the funds so deposited will further be deposited in an interest bearing account with a federally insured institution, with all interest therefrom accruing to the benefit of the ARB. The owner and/or builder further acknowledge and agree that such funds shall be retained by ARB pending satisfactory completion of the Project in accordance with construction drawings approved by the Board and with other ARB rules or conditions noted herein. The owner and/or builder further acknowledge that the Board shall have 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 construction drawings, or failure to comply with other rules or conditions noted herein. Such penalties, which may be established and periodically modified by 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. Outside legal expenses or surveying costs incurred by ARB in attempting to resolve any matter of non-compliance shall likewise be deducted from funds deposited by the owner and/or builder. Retention by ARB of such penalties, legal fees or surveying costs from funds deposited by the owner and/or builder will not in any way relieve those parties of further liability for non-compliance."

Specific non-compliance penalties currently enforced by the ARB are shown in the Sea Pines Building Permit Agreement, which the owner and builder also must sign prior to Building Permit issuance.

SECTION VII

APPEALS

SEA PINES COVENANTS AND THE ARCHITECTURAL REVIEW PROCESS

The Sea Pines Covenants establish and describe the architectural review process for improvements to property in Sea Pines Plantation. The role and authority of the Sea Pines Architectural Review Board (ARB) are defined in the Covenants, as is the right of property owners to appeal, through arbitration, the ARB's final disapproval of architectural plans or any conditions or actions imposed or required by the ARB.

The Sea Pines Architectural Review Board Arbitration Guidelines described in this document have been instituted to clarify and facilitate the appeals process. The arbitration process described in these Guidelines is the sole means for property owners to appeal final ARB determinations. The Guidelines have been instituted under the authority granted the ARB in the Restated Covenants to modify or add procedures to facilitate the performance of its duties.

PROPERTY OWNER OBLIGATIONS

The Sea Pines Covenants are incorporated by reference in the deeds to all Sea Pines property. Each owner, by purchasing property, enters into an agreement to be governed by Covenant requirements. An application for a Building Permit constitutes a further agreement to conform to the Architectural Review Process including adherence to the Arbitration Guidelines described in the following sections.

REVIEW STANDARDS - SCOPE OF ARB DECISIONS

The Restated Covenants reserve to the ARB a wide range of latitude in approving or disapproving plans submitted for approval. Decisions may be based on any reasonable grounds consistent with the broad objectives of the Covenants, including the following:

- Size (square footage, height, mass and scale);
- Siting of structures, including setback requirements;
- Placement and number of parking spaces
- Aesthetic considerations of harmony and suitability of overall design, including color and construction materials;
- Landscaping and preservation of significant trees or other unique vegetation;
- Exterior lighting and drainage;
- Auxiliary amenities such as pools, fences, docks;
- Effect on neighboring properties; and

- Appearance of the property from public or private roads.

The Covenants grant the ARB full authority to approve or disapprove plans based on subjective or aesthetic judgements and based on objective, quantitative grounds. This authority is limited only by the requirements that the architectural review process may not be conducted in an arbitrary or capricious manner. It would be arbitrary or capricious, for example, for the ARB to apply substantially different standards to similar cases reviewed during the same period of time. Nevertheless, the Covenants make clear that any approval of a plan which, when built, is not considered desirable for future construction, shall not be considered a precedent requiring the ARB to approve similar plans on subsequent submissions.

MATTERS SUBJECT TO ARBITRATION

It is not the intention of the arbitration process to enable the arbitrators to substitute their own subjective or aesthetic judgements for the prior judgements of the ARB. The arbitrators shall limit their rulings to determining whether or not the ARB conducted its review in an arbitrary and capricious manner. The appellant shall have the burden of proving, to the satisfaction of the arbitrators, that the ARB did act in an arbitrary and capricious manner.

Only if the arbitrators conclude that the actions of the ARB were arbitrary and capricious, shall the arbitrators require the ARB to approve plans or to take such other actions the arbitrators deem appropriate. If the actions of the ARB are not determined to have been arbitrary and capricious, the arbitrators must affirm the decision of the ARB, even if they might not have reached the same decision if the decision were theirs to make.

CHOICE OF LAW

Arbitration shall be conducted generally in accordance with the Uniform Arbitration Act, as set forth in Title 15, Section 48 of the South Carolina Code of Laws, subject however to the specific provisions described in these Sea Pines Architectural Review Board Arbitration Guidelines.

STEPS LEADING TO ARBITRATION

Upon receiving written notice from the ARB disapproving plans or any portion thereof, or imposing conditions, the property owner receiving such notice (the "Applicant") must first apply to the ARB for reconsideration (the "Request for Reconsideration"). The Request for Reconsideration shall be in writing to the ARB Administrator. Upon receipt the ARB shall either: (i) deny the Request for Reconsideration; (ii) approve the Applicant's plans as previously submitted; or (iii) modify its previous decision. The ARB shall have sixty (60) days to consider the Request for Reconsideration.

If the Request for Reconsideration is denied or the Applicant refuses to accept the modifications proposed by the ARB, then the applicant shall make an appointment to meet with the Board at a regularly scheduled meeting to discuss the project and determine if a compromise can be reached to allow approval of the project. The Architect or Designer of the project must also attend the meeting.

If the meeting does not result in an acceptable plan being developed, and the applicant intends to proceed with arbitration, the applicant shall notify ARB of that intention by filing an appeal in the form shown in the attached Exhibit A. The Appeal Notification shall include a written statement, together with the name, address and phone number of the representative the applicant has selected to make the presentation to the Arbitration panel.

COSTS

The Applicant shall pay all costs of arbitration proceedings, including, but not limited to, all costs and/or fees of the three arbitrators, all costs by ARB staff in preparation for the arbitration hearing and all costs of recording the arbitration hearing and preparing a transcript thereof. A deposit of \$10,000.00 will be required at the time the Appeal Notification is submitted. These funds shall be used exclusively to cover the cost described above. Any costs which exceed the initial deposit will be billed to the applicant as they are incurred, and must be paid within 30 days. No final decision of the arbitrators will be filed until the applicant has met all costs of the proceeding. Any balance from the applicant's deposit will be refunded to the applicant within 30 days after all expenses have been paid.

APPOINTMENT OF ARBITRATORS

Within thirty days of receipt of the Applicant's Appeal Notification and deposit, the ARB shall notify the American Arbitration Association at its' Charleston, South Carolina office to request the appointment of three neutral arbitrators.

TIME AND PLACE OF HEARING

The time and place of the hearing shall be determined at the sole discretion of the ARB Administrator, but in any event shall be not later than sixty (60) days after the ARB has confirmed the appointment of the arbitrators, that the issues presented are subject to arbitration, and that the Applicant has conformed to the procedure set forth above. Each hearing shall be limited to not more than ninety (90) minutes in duration with the Applicant and the ARB being allotted thirty (30) minutes each to present their respective positions unless otherwise extended by the Chairman.

APPOINTMENT AND DUTIES OF CHAIRMAN

The three arbitrators shall appoint one arbitrator to act as chairman of the panel (the "Chairman"). The Chairman shall be responsible for procedural decisions during the course of the hearing, tabulating the arbitrators' vote on the issues presented, and communicating in writing the decision of the arbitrators to the ARB and Applicant(s), as provided below.

NOTICE OF HEARING

The ARB Administrator shall serve notice upon the parties personally or by certified mail not less than five (5) days prior to the hearing. Appearance at the hearing waives such notice.

REPRESENTATION BY COUNSEL

A party has the right to be represented by an attorney at any proceeding. A waiver of this right prior to the proceeding or hearing is ineffective. In the event an Applicant intends to be represented by an attorney at the initial proceeding, notice thereof will be included in the Appeal Notification.

DISCOVERY

Consistent with the expedited nature of arbitration, each party will, upon the written request of the other party, promptly provide the other with copies of documents relevant to the issues raised. Neither party shall have the right to depose witness. Any dispute regarding discovery, or the relevance or scope thereof, shall be determined by a majority of the arbitrators, which determination shall be conclusive. All discoveries shall be completed within ten (10) days of the appointment of the arbitrators.

ADJOURNMENT OF HEARING

The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion, may postpone the hearing to a time not later than the date fixed by the Chairman unless the parties consent to a later date.

EVIDENCE AT HEARING

The parties are entitled to be heard and to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing. The parties shall answer any questions posed by the arbitrators.

SCOPE OF REVIEW

The arbitrators shall determine issues of fact only. The arbitrators shall not determine questions of law. Questions of law include, but are not limited to, interpretation of covenants.

NO DAMAGES AVAILABLE

The arbitrators shall not award consequential damages in any arbitration.

MAJORITY DECISION REQUIRED

A final determination in the arbitrated matter shall be made by a majority of the arbitrators. Such decision shall be binding on all parties.

FINAL DETERMINATION

The arbitrators shall make their final determination within ten (10) days after the hearing. The arbitrators shall put the final determination in writing signed by the arbitrators. The Chairman then shall deliver a copy to each party personally or by certified mail.

RECORD OF HEARING

A verbatim record shall be kept of the hearing and a written transcript prepared unless otherwise agreed by the parties and the Applicant shall be responsible for all costs of keeping said record, including, but not limited to, the cost of hiring a court reporter and preparing the transcript. Said transcript shall be made available to each arbitrator and each party as soon as available.

RIGHT TO MODIFY PROCEDURES FURTHER

Pursuant to the power granted to the ARB by the Restated Covenants, the ARB reserves the right to modify further and/or add to the procedures contained herein.