



BULL POINT PLANTATION

ARCHITECTURAL REVIEW BOARD

RULES, REGULATIONS,
AND PROCEDURES

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INTRODUCTION AND PURPOSE

INTRODUCTION

The developers and Property Owners of the Development (as defined in the Covenants), as stewards of one of the most pristine and majestic properties in Beaufort County, accept the obligation to balance and protect the rights of each Property Owner and to preserve the natural beauty and resources of the Development. The two greatest natural amenities at Bull Point are the magnificent tree structures and the plentiful marsh views which surround the peninsula. To ensure that these unique characteristics are protected in perpetuity, the developer has recorded a Declaration of Covenants, Conditions, and Restrictions for Bull Point Plantation, as amended (“Covenants”), which provide for the establishment of an Architectural Review Board (ARB). The philosophy of the ARB is to treat each residence as a carefully planned addition to the natural setting with minimal impact on the immediate and surrounding environment.

Prior to any site disturbance in the Bull Point Development, the Property Owner or designated agent is responsible for submitting plans to the ARB for approval as outlined within these Rules, Regulations, and Procedures. Terms not otherwise defined in these Rules, Regulations, and Procedures shall have the same meaning as set forth in the Covenants. “Property Owner(s)” as used herein shall have the same meaning “Owner,” as defined in the Covenants.

PURPOSE

The purpose of the Covenants and the ARB Rules, Regulations, and Procedures (R&Rs) is to establish design parameters and to create a uniform and predictable review and approval process to assist residential Property Owners who are planning to:

- Design and construct a new residence.
- Make additions to, or alter exterior of, an existing residence.
- Design and construct a dock or other structure.
- Re-stain, re-paint, re-roof, or otherwise change the exterior appearance of their home.
- Remove any protected trees or under story.
- Design new or change existing landscape plan for the Development.

OBJECTIVE

The objective of the ARB is to implement and enforce policies as stated in the R&Rs and the Covenants and to communicate openly and clearly with each Property Owner and/or their agent throughout the review, approval, and construction process. The ARB views its role with Property Owners and prospective buyers of new home sites as one of facilitating the mutual goal of preserving the natural resources of the peninsula. The ARB intends to work with each Property Owner and/or their agent to ensure preservation of the natural beauty of each lot, and that the design of each residence is compatible with the overall development of the Development as directed in these R&Rs.

The authority of the ARB is derived from the Covenants. In the event of any conflict between the within R&Rs and the Covenants, the Covenants shall govern. The primary focus of the ARB in the approval and building process will be:

- compliance of the house and site and landscape plans with ARB R&Rs.
- the siting of the house on the lot and overall setbacks for all built structures.
- the property configuration, drainage and grading plans, landscape plans, tree removal plans, driveway layouts, repair of disturbed areas and dock plans.
- the exterior colors, of exterior materials, and overall appearance of built structures.
- design features including the overall appearance of the house, the scale of the house and its compatibility with the surrounding area.

The ARB is not responsible for the enforcement of all building codes, structural details, accuracy of plans and information, completeness of drainage plans and or techniques of construction. The ARB requires that Property Owners obtain architects and contractors who are or become familiar with the terms and obligations as stipulated in ARB R&Rs, the Covenants, Department of Health and Environmental Control (DHEC), and other County and State laws and regulations governing construction in Beaufort County.

Bull Point Plantation Property Owners Association, Inc.
Architectural Review Board Rules, Regulations, and Procedures

TABLE OF CONTENTS

| | |
|--|----|
| Section I - Architectural Review Board and Its Review Process | 7 |
| A. The ARB and its Review Process | 7 |
| B. Composition of the ARB | 7 |
| C. Meeting Frequency | 7 |
| D. Bull Point Building Permits and Landscape Plan Requirements | 8 |
| E. Architectural Plans | 8 |
| F. The Review Process | 8 |
| G. ARB Review Approvals | 8 |
| H. Application Phases and Results | 9 |
| 1. Orientation Meeting | 9 |
| 2. Conceptual Review | 9 |
| 3. Preliminary Review | 9 |
| 4. Final Review | 9 |
| I. Notification of Adjoining Properties | 10 |
| J. Variances | 10 |
| K. Stake-out | 10 |
| L. Change Order Request | 11 |
| M. Elements of Application | 11 |
| 1. Tree and Topographic Survey | 12 |
| 2. Site Plan | 12 |
| 3. Application Form | 13 |
| 4. Application Fees | 13 |
| 5. Variance Request Form | 13 |
| 6. Photos of Adjacent Properties | 13 |
| 7. Stakeout and Tree Banding | 13 |
| 8. Grading and Drainage Plan | 13 |
| 9. Foundation Plan | 13 |
| 10. Floor Plans | 14 |
| 11. Elevation Drawings | 14 |
| 12. Construction Detail Drawings | 14 |
| 13. Landscape Plan | 14 |
| 14. Color/Material Samples | 14 |
| 15. Setback and Buffer Requirements | 14 |
| 16. Design Requirements and Aesthetics | 16 |
| a. Building Height and Size | 16 |
| b. Building Elevations | 17 |
| c. Foundation | 17 |
| d. Filling, Drainage, and Grading | 18 |
| e. Garages, Outbuildings and Driveways | 18 |
| f. Exterior Materials and Colors | 20 |
| g. Roofs | 20 |
| h. Windows | 21 |
| i. Shutters | 21 |
| j. Chimneys | 22 |
| k. Service Yard | 22 |

| | | |
|-------------------------------------|--|--------|
| I. | Front Entry Stairways | 22 |
| 17. | Landscaping | 23 |
| a. | Landscape Design Considerations and Requirements | 24 |
| b. | Landscape Plan | 23 |
| 18. | Tree Removal, Replacement and Care | 24 |
| 19. | Involvement of/with other Agencies | 26 |
| a. | Beaufort County | 26 |
| b. | Ocean Coastal and Resource Management | 26 |
| c. | Department of Health and Environmental Control | 26 |
| d. | Dominion Energy | 27 |
| e. | Local Cable Company or satellite | 27 |
| f. | U. S. Post Office | 27 |
| g. | Property Owners Association | 27 |
| 20. | Inspections | 27 |
| a. | Stake-out and Tree Banding Inspection | 27 |
| b. | As-Built Survey | 28 |
| c. | In-process Compliance Inspections | 28 |
| d. | Final Inspection No. 1 (Clean-up and Compliance) | 28 |
| e. | Final Inspection No. 2 (Landscaping) | 29 |
| 21. | Occupancy | 29 |
| Section II - External Amenities | | 30 |
| A. | Swimming Pools and Spas | 30 |
| 1. | Setback Requirements | 31 |
| 2. | Other Requirements | 31 |
| B. | Fences | 31 |
| 1. | Fence Setbacks | 32 |
| 2. | Fence Height | 33 |
| 3. | Fence Materials and Colors | 33 |
| C. | Deepwater and Tidal Docks | 33 |
| 1. | Shared Dock | 33 |
| 2. | Walkways | 33 |
| 3. | Lighting | 33 |
| D. | Dock Design Review and Approval | 34 |
| E. | Dock, Seawall and Bulkhead Construction Permit | 34 |
| F. | Driveway Entrance Gates | 35 |
| G. | TV and Radio Antennas | 35 |
| H. | Mailboxes and Signs | 35 |
| I. | Flagpoles and Statuary Elements | 35 |
| J. | Exterior Lighting | 35 |
| K. | Decks, Patios and Terraces | 36 |
| L. | Gazebos and Cabanas | 36 |

| | |
|---|----|
| Section III - Other Requirements for Existing Residence | 38 |
| A. Exterior Repainting or Re-staining | 38 |
| B. Roof Repair or Replacement | 38 |
| C. Tree Removal / or Pruning | 39 |
| D. Resurfacing or Reshaping Driveways | 40 |
| E. Interior Remodeling | 40 |
| F. Landscape Maintenance and Modification | 40 |
| G. Basketball Backboards | 41 |
| H. Play Yard and Playhouses | 41 |
| I. Window Coverings | 42 |
| Section IV - Demolition of Existing Structures | 43 |
| Section V - Special Rules for Builders and Tree Contractors | 44 |
| Section VI - Penalties for Non-Compliance | 48 |
| Section VII - Appeals | 50 |

SECTION I

A. THE ARCHITECTURAL REVIEW BOARD (ARB) AND ITS REVIEW PROCESS

This section includes information about Bull Point Building Permit application requirements and describes the ARB process for the review and approval of such applications. Article 10 of the Bull Point Covenants provides architectural standards and use restrictions for the Development and further provides for the establishment of the Architectural Review Board for the purpose of reviewing and approving the plans for all proposed buildings and landscaping within the Bull Point Development. *The ARB urges each Property Owner to read Article 10 of the Covenants and these R&Rs prior to commencement of the ARB approval process.*

When reviewing designs, the ARB considers a number of factors. These may include the overall architectural design and its impact on our natural environment, the proposed improvement related to other existing or planned improvements in the community, and the overall harmony with other structures and land. The ARB also considers the potential impact on the natural environment, and effect on adjoining property, common areas, or amenities within the Development.

The ARB shall have the right to reject designs and to require that modifications be made, including changes in proposed materials and colors. Requirements may vary for the various phases of the Development, and approval of a certain design shall not imply that a similar design will be approved in another instance within the Development.

B. COMPOSITION OF THE ARCHITECTURAL REVIEW BOARD

The Board of Directors of the Bull Point Plantation Property Owners Association, Inc. (the "Board") shall establish the ARB which shall consist of up to seven (7), but not less than three (3) voting members serving a three (3) year term. The ARB shall be composed of the following positions.

1. ARB Chairperson. The ARB Chairperson shall be elected by the individual members of the ARB on an annual basis.
2. Alternate Members. The Alternative Members may be appointed by the ARB to participate in the ARB approval process on a non-voting basis (unless acting for an absent ARB member).
3. Administrator/Compliance Inspector. The ARB shall have the right to employ a non-voting administrator and a Compliance Inspector to present an analysis of building permit applications and plans for review at ARB meetings. They will also assist owners, architects, and builders during the ARB approval process and conduct on-site inspections throughout the construction process.
4. Consultants. The ARB is authorized to retain the services of consulting architects, landscape architects, engineers, inspectors and or attorneys in order to advise and assist the Architectural Review Board in performing its functions.

C. MEETING FREQUENCY

The ARB will meet at least once a month to consider issues requiring ARB review and/or approval. Property Owners, their design professionals and contractors are welcome and encouraged to come to the ARB meetings to present and discuss their design submittals. A quorum of three (3) members are required to vote on any ARB issue. All votes by the ARB shall be by majority vote.

Meetings are normally held on the third Thursday of each month. To be included on the ARB agenda, a complete submittal for the level of approval being sought must be received by the ARB at least fourteen (14) days prior to the monthly meeting. From time-to-time special meetings may

be called by the ARB. The ARB will review design documents and applications within thirty (30) days of receipt. Comments and recommendations from the ARB will be provided in writing within seven (7) days of the meeting at which they have been presented or reviewed.

To confirm dates of meetings and submittal deadlines, applicants should contact the Administrator at (843) 379-9940.

D. BULL POINT BUILDING PERMITS AND LANDSCAPE PLAN REQUIREMENTS

Bull Point Building Permits expire one (1) year after the Bull Point Building Permit has been issued to the builder by the ARB. Extensions of the one-year period for project completion will only be with prior written approval by the ARB.

The Property Owner must submit an acceptable landscape plan to the ARB within six (6) months of the date of the Building Permit issued under this Agreement, and must have that landscape completed within ninety (90) days after a Certificate of Occupancy has been issued by the Beaufort County Building Department.

(See Form 3, Bull Point Building Permit Acknowledgement)

E. ARCHITECTURAL PLANS

A registered architect "seal" is required on the plan for approval of any new building plans, major additions, and other significant exterior alterations. The ARB shall determine whether drawings are sufficiently clear and detailed for ARB review.

F. THE REVIEW PROCESS

The ARB reviews all building, structure, landscape, drainage, and outdoor lighting plans, etc., proposed for construction in the Development and encourages high quality architectural designs which complement the overall development theme of natural surrounds, and other environmental factors indigenous to the area. This review process has been set up to establish a systematic and uniform review of proposed construction.

Property Owners, architects, builders, and landscape architects should strive to create an attractive and harmonious addition to the community and preserve the natural amenities at the Development. It is not the intention of the ARB to stifle creativity, provided the design conforms to the Covenants and these ARB R&Rs. The ARB, however, through its architectural review process, may disapprove any proposed construction on purely aesthetic grounds, where, in its sole judgment, such action is required to protect the enduring natural beauty and attractiveness of the area, as well as health and safety concerns.

G. ARB REVIEW APPROVALS

1. *Approved*: If plans are "Approved" (with or without comments), an Owner may either submit the plans for "Final Review" (if this step has not been completed) or for building permits. "Comments" regarding the plans may be given to encourage changes that the ARB deems desirable, but such comments are not binding upon the Owner.
2. *Approved Subject to Limiting Conditions*: If plans are "Approved Subject to Limiting Conditions," the Owner is required to make specified changes and must re-submit the plans for Final Approval or for building permits, as the case may be.

3. *Not Approved:* In the event that plans are “Not Approved,” the ARB will provide to the Owner a written list of reasons for the denial of approval. Prior to re-submitting the plans, the Owner are encouraged to contact the Administrator if they have any questions or need clarification of the reasons for the denial.
4. *Written Approvals/Oral Statements:* The written decision of the ARB shall be the sole source of reference and authority regarding the ARB’s decision. A copy of the decision shall be provided to the Owner. Oral statements made by ARB members and staff during official meetings are not binding on the ARB and may not be relied upon. Any exterior changes made subsequent to the Final Review must be presented to the ARB for further consideration and approval.

H. APPLICATION PHASES AND RESULTS

There are three (3) levels of review of progressively increasing detail, dependent on the level of review and approval sought from the ARB. These submissions must be adhered to before a Building Review Application (Form 2) will be accepted or considered by the ARB.

1. **ORIENTATION MEETING** – The first stage in the review process is the **mandatory** “orientation meeting” and site visit by the Property Owner and an ARB representative before any applications are submitted. This representative must be an ARB member. This meeting gives the Property Owner and their builder and/or architect the opportunity to familiarize themselves with the specific features of the site and to ask questions about the Covenants, ARB R&Rs, and the review and approval process. The meeting will be scheduled by the Property Owner calling the POA office at (843) 379-9940.
2. **CONCEPTUAL REVIEW** – This type of application review is suggested when the applicant has some concerns about the general acceptability of a contemplated residential project and would like to receive the ARB’s reaction before committing to the costly completion of the architectural and engineering plans. For this Phase, the ARB requires submittal of drawings (Photo, schematic or rendering and/or building plans), site plan that includes a footprint of the adjacent property (if applicable) and tree and topographic survey.
3. **PRELIMINARY REVIEW** – Although not required, the ARB strongly recommends that a Preliminary Application be submitted for review and approval before all construction plans are completed, even if the proposed construction appears to conform to all ARB R&Rs and no variance, even minor, is involved. ARB approval of specific elements (i.e., siting, building height, etc.) of a Preliminary Application will be made and remain binding and valid for a period of six (6) months, but may include recommended changes or conditions that can be accommodated on the Final Application drawings without the need and expense of major rework by architects and engineers.

Preliminary approval by the ARB is a formal expression of a general acceptability of plan or design. It is an invitation to proceed to the final level of detail, which will include finished site plans and finished working drawings. The ARB reserves the right to disapprove any plans or designs altered from its preliminary approved form, or in the event that significant new information is brought to light during the final review. This could include, but is not limited to, variances not identified in the Preliminary Application.

5. **FINAL REVIEW** – Though a Conceptual and/or Preliminary Review may be omitted, a Final Review of a completed set of plans by the ARB is mandatory. The Building Review Application (Form 2), including all requisite drawings and plans, 1/4” = 1’-0” scale prepared and signed by a licensed architect, printed and in digital PDF format is a **mandatory**

submittal requirement for anyone planning any type of new construction or exterior alteration within the Development.

This submission demands the greatest level of detail on the part of the Property Owner and the design professional. The Final Application, if approved by the ARB will result in the authority for the ARB Administrator to issue a Bull Point Building Permit after payment of required fees.

The Bull Point Building Permit is issued only after the following:

- (a) The ARB has reviewed and approved the Final Submission Plans.
- (b) The ARB Administrator and all ARB members have visited the site to verify the stakeout of the proposed building placement, correct banding of trees for removal and familiarize themselves with the setting of the proposed construction and its relationship to the existing structures on neighboring properties.
- (c) The contractor has obtained a Beaufort County Building Permit and provides a copy with mandated changes, if any, to the ARB.
- (d) A Building Permit Agreement (Form 3) has been signed by the owner, architect, and builder, and returned to the ARB along with payment of the Road Impact Fee (if required pursuant to Form 15) and specific Escrow Deposits (Form 16).

If the project is not approved, a letter citing the reasons for disapproval shall be sent to the Property Owner. The Property Owner may then either submit revised plans that are in compliance with the ARB's letter, or they may appeal the ARB's decision in accordance with the procedures in Section VII APPEALS.

No material deliveries or construction may begin without first obtaining a Beaufort County AND Bull Point Building Permit.

- I. NOTIFICATION OF ADJOINING PROPERTIES – Before final approval of plans is granted for all new houses and major additions or alterations, the ARB shall formally notify and invite comments from adjacent Property Owners with developed lots of the intended construction. The Property Owners so notified will have up to ten (10) days after receipt of the ARB notice to preview the application at the ARB office and if desired, to file written comments or objections regarding the proposed construction. The ARB will review the comments or objections at its next regular meeting and advise the submitting Property Owner and the neighboring Property Owners who presented the approval or objections, of its decisions.
- J. VARIANCES – If the proposed construction includes any variances from the ARB R&Rs, they should be requested specifically on the Variance Request Form (Form 11) and submitted with the Building Review Application (Form 2) and building plans. The ARB reserves the right to grant variances from its own established R&Rs should the conditions and circumstances of a project appropriately warrant, but in no event does the ARB have the authority to grant any variance from the Covenants. If, during its review, the ARB discovers a variance that was not requested on a separate Variance Request Form (Form 11), the ARB shall disapprove the Application. The Property Owner may submit another application with plans revised to eliminate the variance or modify the submittal with the variance specified on the Variance Request Form.
- K. STAKE-OUT – Property Owner must complete a construction stakeout (as described below) a minimum of seven (7) days in advance of the scheduled ARB meeting at which the Final Permit application review is desired. Failure to complete the stake-out within the required time will result

in deferral of the Final Permit application for future review. The Property Owner requesting the stake-out is responsible for placing a red tape band on all trees, irrespective of site location or condition that are designated for removal. Trees proposed for removal must be identified and documented on the Tree and Topography Survey and Site Plan by placing an (X) on each tree. No other trees should be banded or removed after the Bull Point Building Permit is issued. If trees have already been banded during the tree identification survey, then a contrasting color must be used for trees that are contemplated for removal. It is the responsibility of the builder of record to ensure that NO trees are removed which have not been approved by the ARB and Beaufort County.

During this stake-out, it is essential that all property corners are staked and labeled, and that all property lines be shown by strings between corners. This will verify the perpendicular setback of building corners from the nearest property line. The “footprint” of each separate building planned, including above-grade decks, should be shown with stakes on each 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 stakeouts for changes to existing properties can be a bit simpler, the ARB must nevertheless be able to verify setback conditions and tree removal needs quickly and accurately during his site visitation. For swimming pools, the perimeter of the pool deck must be staked and clearly indicated as required by the ARB.

- L. CHANGE ORDER REQUEST – Once a plan has been approved, if any siting or exterior change, including color or materials, is desired, before or after construction has begun, approval is required by the ARB. Requests must be submitted on the Change Order Request (Form 12) along with modified or marked-up plans defining the proposed change. If the change constitutes a variance, a Variance Request (Form 11) must be included. No additional fee is required. No work on such change shall be performed until the ARB renders its decision on the changes, in writing. Any change order involving the physical structure must be approved by Beaufort County prior to ARB consideration or approval.

- M. ELEMENTS OF APPLICATION
FORM AND QUANTITY OF SUBMITTALS

All architectural plans and drawings shall be in AIA specifications format. All plans must have a seal by a licensed architect. All plans must be computer generated. Hand drawn plans will not be accepted. Penciled-in comments and “red-lined” changes/additions will not be considered in the ARB review process.

One (1) copy of the final application plans and drawings are needed. All drawings will be retained by the ARB for use during inspections and for its permanent file. If the Property Owner would like a copy of the final plan marked approved, he should submit a second copy.

Any changes made to plans after a Final Review must be indicated with bubbles on the drawings.

Table A (see the forms document at the POA website, bullpointpoa.org under the “More” tab, Architectural Review) lists the required elements that must be included with an application, depending upon the level of ARB review and approval sought. This table should be used as a “checklist” when compiling an application for submittal. All drawings are to be prepared by a licensed engineer at the scale of 1/4" = 1'-0", except as noted in the following sub-sections.

1. Tree and Topographic Survey – A Tree Identification and Topographical Survey prepared by a South Carolina licensed land surveyor or registered engineer which shows the seal of the responsible professional. This survey must:
 - (a) be drawn at a scale of 1"= 20'.
 - (b) If any lot is larger than 600' in any direction, it would not fit on 24"x36" sheet at 1"=20" so it may be drawn at 1" = 30' so that the entire lot can fit on one page.
 - (c) show the legal lot boundaries and all recorded easements.
 - (d) show Ocean Coastal Resource Management (OCRM) setback lines and Beaufort County River Overlay District lines when applicable.
 - (e) indicate the natural topography with one-foot contours and lot corner elevations.
 - (f) show all trees six inches (6") in circumference or larger as measured at four feet, six inches 4.5' per Beaufort County, above grade by species and size.
 - (g) note any existing manmade drainage provisions on or near the lot.
 - (h) indicate the position of adjacent roadways, lakes, bicycle or walking paths.
 - (i) show the exact position of all existing residential and amenity structures on adjacent lots within thirty feet (30') of the common property lines.

2. Site Plan – This plan will use the Tree and Topographic Survey as a base, and will superimpose a minimum of the following information:
 - (a) To be drawn at a scale of 1"= 20'.
 - (b) If any lot is larger than 600' in any direction, it would not fit on 24"x36" sheet at 1"=20" so it may be drawn at 1" = 30' so that the entire lot can fit on one page.
 - (c) The setback lines as specified by the subdivision plat, or by ARB R&Rs, or by any more restrictive agency, as appropriate for a given lot, including separate setback lines for horizontal construction (i.e. in-ground pools) when needed.
 - (d) The footprint(s) of proposed construction, including main house structure, any accessory building, driveways (i.e., culvert at street when needed), swimming pools, decks, etc.
 - (e) Outline of the roof overhang.
 - (f) Location of Aerobic Treatment Unit (ATU) and drainage fields with South Carolina DHEC written approval.
 - (g) Trees proposed to be removed marked by an "X".
 - (h) Location of fenced service yard(s), including location of HVAC compressors, pool equipment, and utility meters and water wells.
 - (i) Provide the finish floor elevation of the first floor, and provide the building and site improvement areas listed below. These areas do not include roof overhangs.
 - (i) area covered by building roofs (including all heated and unheated spaces).
 - (ii) area of all first-floor decks, stairs, and porches.
 - (iii) area of all impermeable driveways, walks, and pools.
 - (iv) the total of these areas of improvements.
 - (v) the total area of the lot.

- (vi) the total area of all improvements expressed as a percentage of the total lot area.
 - (vii) the “buildable area” within setback lines; and
 - (viii) the “building envelope” area encompassed by closed walls, also expressed as a percentage of buildable area.
3. Application Form – The Building Review Application (Form 2) serves as the “cover” document and must be submitted with the first application, regardless of type, and resubmitted (updated) with each subsequent submittal for the same project. Please fill out both pages of the form and be sure to include complete and accurate current mailing addresses and telephone numbers for the Property Owner, the Architect, and for the Builder (when known) so that communications can be made by ARB staff with the parties involved when necessary.
 4. Application Fees – Permit Application fees are to be paid according to the Bull Point Application Fees (Form 15). These fees must be paid in full with the first application or the ARB will not continue the review of the application. The ARB must receive the full payment of all fees before engaging the ARB’s consulting architect and landscape architect to review the plans. Once the ARB commits to having the plans reviewed by these consulting professionals there will be no refund of fees.
 5. Variance Request Form – The Variance Request (Form 11) must be completed and submitted along with any application that includes a variance from ARB R&Rs. If this form is not included and the ARB’s analysis review reveals the existence of any variance, the entire application will be disapproved.
 6. Photos of Adjacent Properties – Color photographic prints of the front of adjacent residences on both sides of the proposed construction, except for corner lots or where an adjacent lot is undeveloped. These photos will assist the ARB in assessing the fit and compatibility of the project with the neighboring properties.
 7. Stakeout and Tree Banding – The specific requirements for such are defined in Section I. The Property Owner should indicate the date by which the stakeout and tree banding will be ready for ARB inspection on the Building Review Application (Form 2).
 8. Grading and Drainage Plan – This separate drawing set, prepared at 1” = 20’ scale shall be professionally prepared by a licensed engineer, 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 lakes or other drainage structures. Setback lines and trees to be removed should not be shown on this sheet. All planned changes from original grade should be depicted (with one foot (1’) 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 arrows. This plan should also indicate the location of wells, ATU septic unit, drain fields and how the drainage system will prevent inundation of these fields. Driveway surface slopes and the outfall location(s) of any roof gutters and downspouts should be depicted. A driveway culvert or other means of managing road drainage is required. Trees to be retained shall not be within cut or fill area within the property. If any lot is larger than 600’ in any direction, it would not fit on 24"x36" sheet at 1"=20' so it may be drawn at 1" = 30' so that the entire lot can fit on one page.
 9. Foundation Plan – A dimensioned plan showing the foundation design and particularly how the design will relate to the root system of nearby specimen trees. Root raking or cut of existing trees is not permitted within the property.

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 should be shown. The elevation(s) of the finished floor shall be shown on that floor plan. The computed heated/air conditioned and screened square footage areas should be shown 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 floor elevation to the highest roof peak should be dimensionally shown as well. Roof slopes should be indicated. Proposed finished grades at the house sides should be outlined on each elevation drawing so that expected foundation exposure is evident. All exterior wall materials are to be accurately and fully depicted.
12. Construction Detail Drawings – To include typical construction details such as wall section, corner detail, privacy fence/wall detail, service yard fence wall detail, chimney cap detail, entry step and handrail detail, deck seating detail window and door details, and all other details necessary to explain the materials and finishes to be used on the building exterior. **Catalogue cuts of exterior lights and fans (Section II.J Exterior Lighting, Page 36) also are to be included.** Scale of these details is at the discretion of the architect.
13. Landscape Plan – Refer to ARB R&Rs Section I.L.17 LANDSCAPING for a full description of Landscape Requirements. A Landscape Plan must be submitted to the ARB for Preliminary and/or Final approval. By ARB policy, the landscape plan is not normally required until six (6) months after a Bull Point Building Permit is issued for a new house (thirty (30) days for alterations). However, the ARB prefers that the landscape plan be presented at least in a preliminary form, with all applications, particularly if the plan clarifies how the landscaping will afford neighbor privacy or screening of exposed foundations, etc. The landscape plan shall be professionally prepared by a licensed landscape architect at a 1" = 20', scale on a separate copy or overlay of the site plan showing the location, bounds, and sizes for all plant materials.
14. Color/Material Samples – Color samples must be submitted to the ARB for final approval. 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 be acceptable. Roofing color material samples should be a single actual shingle (or tile or painted metal) but not larger than 12" x 12". The ARB has the right to establish pre-approved stain colors and upon selection of a pre-approved stain color, no color samples need to be submitted for such. Electronic submittals may be accepted if they adequately convey the required information.
15. Setback and Buffer Requirements (*Vertical Structures*)

"Setback" is defined as the minimum distance from a property line that any structure may be placed. Some setbacks are established by Bull Point Covenants, some by the office of DHEC/OCRM, and the remainder by the ARB R&Rs.

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

The envelope defined by the setback lines for any lot, no matter by whom or when established, determines the “buildable area”, within which the primary house, any accessory building and any other vertical structure must be completely placed. Building setback requirements apply to the outside wall or surface of a structure. Roof eaves may overhang setback lines and fenced service yards are allowed to protrude into the specified setback areas. Slight setback variances may be permitted by the ARB to accommodate an irregularly shaped lot or when the ARB determines, in its sole discretion, that a variance is otherwise appropriate to the site. A house, including overhang, shall not touch the setback line on any of all four (4) sides.

This section deals principally with the setbacks for vertical structures. The setbacks for horizontal structures such as in-ground swimming pools, decks and patios, driveways, etc., will be defined in later sections of this document.

Table B (see the forms document on website under ARB) summarizes the ARB setback requirements for various types of lots for which other, more restrictive requirements are not established by covenants and or other entities. Some of these requirements allow setbacks to be set by the ARB and not by a set number of feet as it is the overall theme to hide home placement on lots whereby this can be achieved without penalizing the Property Owner.

On most home sites that are on the water or marsh, the Property Owner will want to locate as close to the marsh or water as he can and as long as sixty feet (60’) River Overlay District setback is maintained, this can be achieved.

However, on marsh and water-front lots, Property Owners will be encouraged to locate as far off the road as possible without encroaching the 60’ setback required by the “River Overlay District”. This will allow the Property Owner to locate at least within the front setback requirement of seventy-five feet (75’) or one hundred fifty feet (150’) from the road depending on which Phase the lot is located.

For all lots in the Development, other setback requirements established by the ARB include the following:

- (a) The setbacks as established in Table B (see the forms document on website under ARB) reflect the minimum setback and the ARB, at its sole discretion, can require more stringent setbacks for a lot based upon topography, tree structure, drainage, archeological site, irregular shaped lots, location of residences on adjoining lots, building envelopes on adjoining lots, and to maintain the natural setting of the residences with minimal impact on the immediate or surrounding environment.
- (b) It is intended that residences will have varied front setbacks in order to produce a random and un-crowded streetscape. The goals of the ARB shall be to shield the residences from view from the roads as much as practical in order to maintain the natural appearance of the Development.
- (c) Any property bounded on any side by tidal waterways or wetlands will be affected by County, DHEC/OCRM and Covenant “baseline” (setback) restrictions which may be more severe than the R&Rs. The ARB will not take any action on these types of properties without evidence that the setback restrictions comply with the above regulations.
- (d) Any property bounded on any side by the OCRM critical line will be subject to the Beaufort County “River Overlay District” setback requirements. In the event the

river overlay setback requirements are violated, a variance must be received by the applicant from the County prior to the submission of the application, other than a Conceptual Review Application with the ARB.

“Buffer” is defined as the minimum distance from a property line that retains the natural vegetation and may require planting additional vegetation to provide a separation and screening from abutting properties and roadways.

All lots within the Development shall provide the following minimum buffers (distance from the road right-of-way/property line).

| <u>Location of Buffer</u> | <u>Minimum Buffer Dimension (feet)</u> |
|---------------------------|--|
| Road ROW | 35' Minimum |
| Side Yard | 10' Minimum |
| River Buffer | Per Beaufort County and OCRM |

16. Design Requirements and Aesthetics

The ARB is dedicated to the creation, preservation, and maintenance of a unique and ecologically sensitive community. The architectural design and construction philosophy of the ARB is that homes should be unobtrusive in form and color in order to complement their natural setting. The main concern is that the overall community be harmonious in feeling and free from discordant architectural styles and colors which vie for attention to create a greater visual impact than a neighbors.

Every residence should be a carefully planned addition to the natural setting which embraces its site. Building shapes should provide interest and be sympathetic to Southern aesthetics respecting historic architectural patterns. Large homes can be made to appear smaller and small homes to appear larger by the manipulation of shapes and forms, and by the effective use of decks, carports, garages, and screen porches. The roofscape of each home should complement the design of the home, the natural surroundings, and neighboring house designs.

The aesthetic appearance of a residence depends greatly upon the situation of the siding, roofing, details, fenestration, walls, and fences. Windows should be selected and located to provide for views, light, and natural ventilation. Walls, fences, and screens should be used to provide privacy, 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 shall be “one-of-a-kind” within the Development (i.e., no building shall be constructed that appears to be substantially the same or similar to any other existing or previously approved building within the Development). The ARB cautions Property Owners regarding building uniqueness when selecting plans by an architect that aren’t unique and come from a plan book. If the plan has been built in the Development before it will not be allowed to be built again.

(a) Building Size and Height

Building heights shall be determined by lot location, tree cover and relationship to neighboring homes. A house shall not exceed two and a half (2 1/2) stories in height as viewed from the street. The ARB will consider living space at the basement level where the existing natural contour of the lot allows.

There is no maximum building size square footage limitation of heated area. The ARB will not approve any submittal, at its sole discretion, which crowds the site or is out of context with the other structures in the area. The main residence and its outbuildings must be proportional in size to the site. The minimum square footage of any residence shall be 2400 square feet of finished, heated, or cooled floor space contained in one or two floors. This minimum measurement computation excludes basement spaces, attics, porches, porches under roof, screened porches, garages, garage spaces, garage apartments, guest houses, storage buildings, and other outbuildings that may be approved by ARB.

The maximum height of any house cannot be higher than thirty-five feet (35') as measured from the existing grade to the highest roof peak. (Height restrictions, other than those dictated by applicable building codes and regulations, will be determined for each home site in accordance with the canopy of trees located on the property. Unless a variance is recommended, the maximum height for any residence will be limited to 35 feet above existing grade)

(b) Building Elevation

It is the view of the ARB that certain elevation limits will be considered on a case-to-case basis so that new houses do not unnecessarily tower over adjacent existing homes or appear discordant with an existing neighbors' home.

(c) Foundation

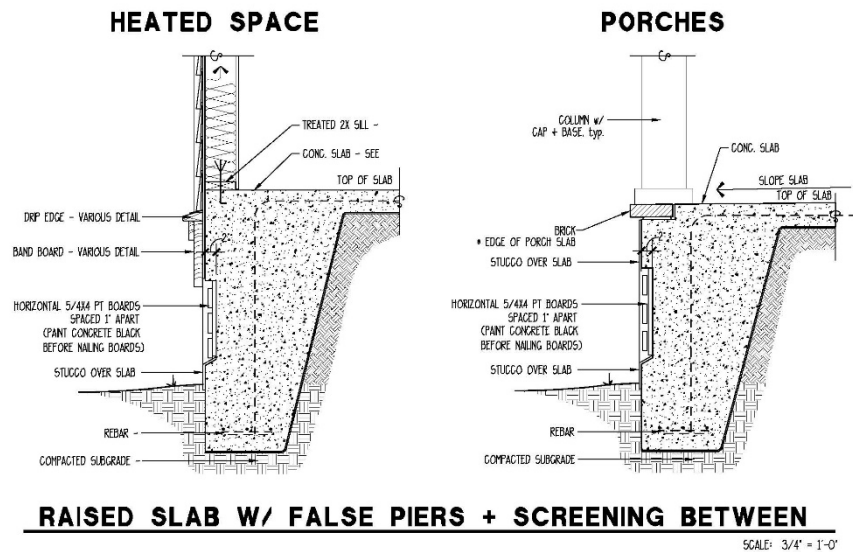
The Development requires the first-floor finished elevations meet current FEMA and Beaufort County Floodplain standards.

Foundation reveal should be a minimum of 30" above grade and shall not exceed 60" from the original grade to the first-floor level street elevation whereby a maximum five feet (5') of foundation area is left exposed. A 30" foundation reveal is preferred. Fill will only be allowed in certain areas to achieve this reveal. The ARB will not approve proposals where the fill will slope down over existing specimen tree roots.

Fill may be placed to allow concrete slab floor construction at the required floor elevation. However, such fill shall not exceed two feet, six inches (2' 6") in depth above original grade, and:

- (i) shall not be sloped but filled to a constant height within block or a masonry wall with a minimum 30" foundation reveal above finish grade and simulated pier and lattice crawl space (see example detail. Page 18).
- (ii) shall not be placed closer than five feet (5') to any property boundary.
- (iii) will not be approved by ARB where footings will impact or destroy root structure of existing trees.

The ARB prefers that all dwellings are designed with piers and wood joists over a crawl space. In these designs, all open areas under the dwellings shall be finished with an appropriate design of brick, wood, or stucco that is aesthetically pleasing. The ARB will have final discretion in this matter.



When permitted by the ARB for sloping lots, all homes that include garages and storage areas beneath the dwellings shall be enclosed on all sides of the house. Foundation vents such as louvers, lattice, or other woodwork designs may be included in overall foundation design. However, they should not exceed 60% of the exposed foundation area on any side. All boards must have a minimum finished thickness of $\frac{3}{4}$ " to reduce warping potential, and to insure aesthetic appeal.

(d) Filling, Grading and Drainage

No filling or disturbance of any wetland or marsh area or existing off-site drainage ditches is allowed without proper permits. No fill shall be placed anywhere on the lot at an elevation greater than two feet (2') above existing grade and 2'6" under the slab.

It is the responsibility of the Property Owner, his contractor, and his landscape professional to ensure that run-off is handled properly. Final grading of the lot shall avoid standing water by sloping toward available drainage, such as a lagoon, culvert, drainage ditch or swale along the road, and the grading shall not create standing water areas or run-off to adjacent properties, wetlands, or marshes. The surface of the driveway connecting the property with the access street shall be sloped or contoured to allow proper drainage. A grading and/or drainage plan is required (refer to Table "A," Applications Requirements, in the Rules, Regulations, & Procedures Forms document). The Development will not assume any liability for the function of drainage on an individual property.

(e) Garages, Outbuildings Driveways and Parking

A home may have up to two small, detached accessory buildings which include one each of the following: garage, guest house, pool house, or storage building, provided the lot is not over-crowded. But in no event can one owner build two garages or two guesthouses or two pool houses. A Guest Suite may be included as part of the main house or the accessory building. Garages may have finished bonus rooms or living areas above, complete with baths. Garages must be oriented such that the garage doors do not face the street.

Experience has shown that long-term outdoor parking of automobiles in our natural environment is detrimental to the condition, appearance, and value of the vehicles, as well as detracting from the appearance of a home. Thus, the ARB requires that a garage for at least two cars be included with each new house constructed on each lot. The ARB also encourages the design of detached garages to be attached to the main house by an arbor or covered walkway.

Additionally, for each house (all size lots), a minimum of two off-street guest parking spaces must be provided. Off-street turn-around or backup areas also must 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 must be set back at least ten feet (10') from all property lines.

(i) New Driveways

Impervious surfaces, such as concrete or asphalt, are not allowed for driveways and parking areas. Only pervious driveway materials are allowed. Plantation mix, or similar stone/gravel surfaces are preferred. Pervious concrete, and brick pavers set in a permeable sand/gravel base are also approved materials. All driveways require ARB approval and must be submitted with the site plan.

Concrete garage aprons extending no more than twenty feet (20') from the garage will be allowed.

(ii) Driveway Street Aprons not at a Walking Path

All driveways not abutting a walking path must have a street apron made of pervious materials. Driveway street aprons not abutting a walking path, may use plantation mix or similar stone/gravel surface, decorative brick pavers and concrete pavers set in a permeable sand/gravel base, which promote better drainage and are aesthetically more fitting with the Development home styles.

(iii) Driveways Abutting a Walking Path

There are special requirements for lots bordered at the street by a Development walking path. Improvement for this class of lots requires special treatment of driveway and drainage at the intersection with the walking path. The ARB requires as a part of the initial construction plan the proposed style, design, and dimensions for the driveway-walking path intersection. The driveway section between the walking path and the road must be a pervious pavement or an ARB-approved alternate, and include an effective drainage conveyance, such as a concrete culvert pipe or an alternative drainage conveyance approved by the ARB. **IMPORTANT, this detail must be included on the Site and the Drainage Plans.**

- (iv)
- (v)
- (vi)
- (vii)
- (viii) Driveway Culverts

All lot owners are responsible for the installation of culverts (or other drainage conveyance) to ensure proper roadway drainage. The culvert should be a 15" concrete pipe with flared end sections. Certain drainage conditions may require an exception which must be approved by the ARB. The culvert or the approved alternate drainage must be installed before construction begins. The culvert or the approved alternate drainage conveyance must be submitted with the Site and Drainage Plans.

(f) Exterior Materials and Colors

All exterior materials should complement and blend with the surrounding environment. The principal use of natural woods such as cypress or cedar for siding, either in horizontal or vertical board alignment, is encouraged. The use of board and batten, weathered wood, wood shingle/shake siding and combinations of wooden siding with tabby, stucco, stone, or brick may also be effectively used to blend with the natural environment. The ARB will consider such combinations in a case-by-case review. Plywood and fiberboard (or other wood composites), and metal siding materials are not accepted. Certain polycarbonate materials may be considered for outbuildings excluding a garage structure separate from the house. The use of Hardi-plank or similar substitute approved by the ARB is appropriate. Aluminum or vinyl siding may not be used on any exterior materials including but not limited to siding, trim, soffit, fascia, ceilings, etc.

Stucco and brick may be used throughout the Development; however, it is not the intent of the ARB to exclusively allow brick and stucco on each lot. Discretion by the ARB will be used to effectively mix the exterior so that each home compliments surrounding homes. The color of brick and/or stucco is subject to ARB approval.

The exterior colors of residential homes should blend with the surrounding environment and not contrast with it. A two-color exterior is acceptable to the ARB. Two-tone color schemes (i.e., where siding and trim colors, or siding and foundation colors, are to be different) should use both colors of the same hue to provide apparent shadow lines or sunshade/shadow relationships. Sharp contrasts between the two colors should be avoided.

(g) Roofs

Roof forms throughout the Development should be sympathetic to one another to help achieve a pleasant, homogenous character. Flat roofs are discouraged. Gable and hip roofs with slopes of at least 5/12, but not greater than 12/12 are recommended. Shed roofs, when designed in a sensitive manner, are acceptable. Overhangs of 2'-0" are required. The ARB encourages overhangs thirty inches (30") or more. Overhangs provide rain and sun protection for the home, allowing windows to be open during rainfalls and visually help the house to rest on the ground. Roof forms should be articulated with changes in plane, gable ends or other elements that present an interesting roof form. These basic elements should

not be restricted to just the front façade 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 tiles and standing seam and 5V crimp metal of a non-gloss finish. In case of fiberglass shingles, these shall be a “shake” type of a minimum weight per square of three hundred pounds (300 lbs.) and be mildew/fungus-resistant with at least a thirty (30) year warranty. Other roofing materials shall be held to a similar standard of quality. Roof samples must be submitted with construction drawings.

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.

If any roof section slopes so as to promote rainwater runoff to adjacent residential properties, the ARB may require that roof-edge rain gutters and downspouts be added to all such sides to divert the water to suitable drainage paths.

(h) Windows

Areas of major fenestration should be oriented to afford privacy while taking advantage of special views such as water bodies or marsh. Windows should be carefully proportioned and located to enhance both the exterior appearance and interior light quality and views. Glazed windows and doors which face the street or are otherwise visible from the street are required to be designed as divided light rather than large areas of glazing. Glazed windows and doors not facing the street may have large areas of glazing.

The use of vinyl, vinyl-clad, aluminum-clad, and fiberglass clad (integrity) windows and door frames is increasingly popular in the design/construction of new homes and in alterations or additions to existing buildings, principally because of their superior weathering and maintenance characteristics. The ARB concurs with the use of these vinyl, vinyl-clad building materials, but only on a basis which does not conflict with existing requirements for exterior colors.

Windows shall be clear glass with no more than 10 percent reduced-light transmission; no colored, mirrored, sand-blasted or tinted glass is allowed. The use of glass block is prohibited.

The number of different window configurations (sizes and shapes) should be held to a minimum; of two (2) or three (3) on any single elevation of the house. Additionally, an arched or Palladian window shall be limited to one (1) on any elevation.

(i) Shutters

The use of exterior window shutters is permitted only where their use is both traditionally and architecturally correct, rather than when their use simply represents trim adornment. On single windows, the shutters must be placed on both sides and be sized/shaped so that they are functionally operative and could be closed as storm shutters. In the case of smaller single windows, one operative

shutter may be allowed. The shutters need to totally cover the window involved in order to be acceptable by the ARB.

(j) Chimneys

The ARB requires traditional use of brick or stucco chimney which greatly enhances the aesthetic appearance and market value of the Development home. Chimneys must extend 6' above any part of a roof that is within 10' horizontally and must extend down to finish grade.

Additionally, chimneys on an exterior wall should be extended to grade level for appearance's 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 and must be painted in an acceptable color.

(k) Service Yard

The Covenants require that every house have a service enclosure for trash receptacles, utility meters, HVAC equipment, gas storage tanks, wells, 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 shall be paved with 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. The fence should be designed to enhance the flow of air to/from the HVAC compressor(s), but lattice or chain link fencing is not allowed. Service yard gates must also be visually secure, and preferably should face to the side or rear rather than to the front street. If the gate opening is on the front side, spring-type hinges (or another automatic gate closure device) should be used.

The Federal (and Town) Flood Ordinances require that HVAC compressors within the service yard be installed above the minimum flood elevation as determined by FEMA. The use of mature "vertical" landscape plants on all sides of such fences is also recommended to soften their appearance.

Service yards should be placed on the side of a house, not the front (or any street side) or rear and should utilize the house or garage wall as one side of the enclosure. The service yard may be located wholly or partly outside of the building setback lines specified. In no event, however, should the service yard project more than six feet (6') beyond the roof overhang edge.

(l) Front Entry Stairways

In rare circumstances the elevation of finished first floors, in order to meet flood law restrictions, results in large front entry stairways, sometimes with one or more landings. These stairways thus become major architectural elements requiring special and careful design solutions by the architect involved. The ARB prefers to see a much greater use of masonry and wood in the construction of such stairways and landings, particularly for the front entry, and urges all architects to place more attention and creativity to these architectural elements.

17. Landscaping

In order to maintain the natural beauty of the Development, use of natural indigenous plants and the use of existing plant cover is encouraged by the ARB. Landscaping is required to enhance the beauty of the property and to screen unsightly areas, such as service yards and parking. The use of existing tree structure in landscaping plans must be submitted with the Preliminary and/or Final Application to the ARB for approval. A Final Landscape Plan, if not submitted at the time of building plans approval, must be submitted within six (6) months after building permit is issued and installation completed within ninety (90) days after occupancy permit is issued.

(a) Landscape Design Considerations and Requirements

The finished landscape should complement the residence and provide continuity between the residence and surrounding vegetation. Landscaping may be used to soften or frame views of the house to provide privacy or screen unsightly areas and to add to certain elevations of the house.

Earth mounds or berms can add interest to a finished landscape; however, they should be designed to blend in naturally with the existing topography of the site and should contain gentle slopes created so as not to harm adjacent tree roots by diminishing needed oxygen. Narrow ridges and small earth mounds rising abruptly out of a flat landscape are out of character with the local topography and normally will not be approved as part of the Landscape Plan.

Care should be taken to preserve natural understory growth in an effort to provide a natural buffer from adjacent residences and the street. The ARB shall require the Property Owner to provide plantings to be placed in the landscape plan in order to provide this understory screening.

An effective transition from an elevated first floor elevation to existing grade is essential. Much of this transition depends upon the architectural design of the house and the creative use of terraces, exterior decks, raised planting areas, and earthen berms to minimize the apparent height of foundation walls. This transitional condition to the first-floor finished elevation also means that plant material should be of an adequate size and quality to minimize the foundation appearance upon installation. Foundations plantings are required to cover 50% of the exposed foundation.

Screening vegetation should be used where appropriate to provide visual buffers and a degree of separation from adjacent lots. Each Property Owner should be sensitive to the long-term effects of adequate landscaping of individual lots on neighboring properties.

Careful transition should be made from the more formal or "manicured" landscaped areas of the plan to those areas where natural existing vegetation has been preserved or even reinforced with additional plantings of indigenous material. The most effective landscape treatment softens the lot lines.

The ARB shall encourage the use of natural existing vegetation as buffers from adjoining house and from the roadway and marsh views. **NO BUSH-HOGGING OR CLEAR CUTTING IS ALLOWED, NOR IS THE USE OF ANY OTHER METHOD ALLOWED TO CLEAR NATURAL, EXISTING VEGETATION.**

The Landscape Plan shall be evaluated by the ARB based on the use of plant selections as to size, location, tolerance to disease, deer resistance, and drought tolerance. The design needs to carefully consider the impact of structures on the adjacent properties and the community. The natural environment of the community shall be preserved to assure the perpetuation of the natural landscape.

(b) Landscape Plan

On Lots adjacent to the marsh landscape, requirements of the Beaufort County River Overlay District Ordinance must be complied with and an approved plan from Beaufort County OCRM must be submitted along with the Landscape Plan. If no changes are to be made to the buffer area that note MUST be on the Plan.

The Landscape Plan shall be professionally prepared by a licensed landscape architect or trained landscape designer, at a scale of 1/8" = 1'0", 1/4" = 1'0", or 1" = 20' on a separate plan showing the location, and mature 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 plan with head locations.

All plant materials, including trees, shrubs, and ground covers, shall be graphically depicted, each in a scale representation equal to a mature plant and label each type using the botanical name for genus, species, and variety. Provide a separate plant listing located on the Landscape Plan, or an attached sheet, that associates plant symbol with specified plant size, in height, spread and container size, botanical name, common name and quantity to be used. If container or plant material is listed, the size of the height and spread shall be included.

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. The ARB reserves the right to disapprove any type of grass it feels is unsuitable for planting in a certain location. In addition, Property Owners are responsible for landscaping and maintenance of landscaping from property lines to the roadway edge.

18. Tree Removal, Replacement and Care

Careful preservation of existing trees on all sides of a planned new house is one of the most important considerations to the ARB. Where such trees are lacking, or are improperly removed during the construction process, the impression created is that someone with little sensitivity has "clear-cut" his lot to set his house apart from its natural environment instead of giving the appearance that the house "belongs" where it is. **NO BUSH-HOGGING OR CLEAR CUTTING IS ALLOWED, NOR IS THE USE OF ANY OTHER METHODS ALLOWED TO CLEAR NATURAL, EXISTING VEGETATION.** The shadows from trees as the sun moves through the day also helps to soften the lines of the building and diminish its scale so that it is not a harsh intrusion into the natural landscape.

The Covenants provide that no trees measuring six inches (6") or more in diameter, as measured at four and a half feet (4.5') above existing grade, may be removed without the written approval of the ARB. In selecting the "footprint" of a new house, or of an addition to an existing home, and the placement of the proposed structure on a given lot, Property Owners and their architect are strongly urged to make such decisions to minimize the need for removal of large trees (i.e., of greater than 6-inch diameter). The ARB is particularly interested in and places a priority on the preservation of "specimen" trees,

namely, oak trees and other slow-growing hardwood species and very large, full-headed pine trees. Property Owners and architects should make special efforts to design their new houses or additions, driveways, and other amenities around such specimen trees. The ARB has indicated its willingness to approve minor setback variances if a proposed house cannot otherwise be redesigned or repositioned to save a specimen live oak tree, magnolia, or dogwood.

An application for a Bull Point Residential Building Review (Form 2) must include a Tree and Topographical Survey by a Registered Land Surveyor, and a Site Plan showing the footprint of all proposed construction (house, garage, driveway, etc.) superimposed on the Tree and Topographical Survey. Should any oak or other specimen tree fall within the building envelope approved by the ARB, then the ARB, in its discretion, may require mitigating replacement by way of oaks or other trees of at least three-inch (3") caliper. Up to ten (10) new trees for each specimen tree removed may be required by the ARB, but in no instance shall the applicant be required to spend more than \$8,000.00 or plant more than ten (10) new replacement trees per lot. (Note: This limitation does not apply to replacement of trees removed intentionally or inadvertently without ARB authorization). Any trees removed intentionally or inadvertently will be subject to fines imposed by the ARB. The replacement trees considered by the ARB for replacement shall be hardwoods and flowering trees.

Depending upon the number of trees removed, the requirement of replacement trees may be waived, or, in the ARB's discretion, plant materials and shrubbery may be substituted where visually appropriate.

All specimen oak and other trees shown on the Tree and Topographical Survey that are within twenty feet (20') of building envelope or ten feet (10') from driveway shall be carefully protected from damage during construction. Batter boards or another type of barrier will be erected and maintained around each tree so designed by the ARB in order to restrict traffic away from the drip line zone. The excavation and installation of underground utilities will be performed in such a manner as to avoid damaging the root system of specimen trees. The Compliance Inspector is required to be on site when utility companies dig their trenches to provide service. If care is not taken by the Property Owner to ensure the preservation of the specimen trees, the root systems may be damaged in the trenching process. The ARB representatives will assure that the route taken to provide this service does not endanger the root systems and therefore is mandatory. If, in the judgment of the ARB, a specimen tree is damaged or destroyed due to carelessness or avoidable activities on the part of the owner or builder, the ARB may require the owner or builder to purchase and install suitable replacement trees and/or may be subject to fines imposed by the ARB. It is in the best interest of the lot owner to be on-site or have a representative on-site to supervise utility installation to avoid damage to specimen trees that could result in required replacement.

In exercising its discretion respecting these tree replacement requirements, the ARB shall take into consideration, among other things, the number and species of trees removed, the remaining foliage, trees, shrubbery and other plant species as may exist on a lot and or as may be proposed to be added by the owner as a part of the landscape plan, the size, shape and topography of the lot, the size, species, and value of proposed replacement trees, the neighborhood characteristics including its general topography, foliage, natural tree canopy, and other relevant factors. The ARB Permit for removal of tree(s) shall be posted on site no later than 7 days prior to the tree removal date.

19. Involvement Of/With Other Agencies

The successful design and construction of a new residence requires that the Property Owner, architect, and builder interact with a number of governmental agencies and commercial entities, in addition to the Bull Point ARB, including the following:

(a) Beaufort County

Under the Beaufort County River Overlay Ordinance, each Property Owner at the Development must have their home site approved by County planners in addition to the ARB at the Development. The criteria required are Tree Identification plats and topography. Any specimen trees, or trees removed over a certain diameter have to be approved by the County, and a copy of the approved plan (including any required mitigation) must be provided to the ARB. (Refer to Beaufort County Tree Removal Guide, Form 4 in the R&Rs Forms Document).

(b) Ocean Coastal and Resource Management

The DHEC/OCRM or successor has jurisdiction over some elements of the building process in the Development. The owner and his architect are solely responsible for compliance with OCRM rules and regulations. These chiefly have to do with lots that border salt marsh and certain lagoons which are considered as "critical areas" by the OCRM as well as regulation of structures near the waterfront. Setback lines established by the OCRM take precedence over the ARB setback requirements except when ARB requirements are greater than OCRM requirements.

(c) Department of Health and Environmental Control

Bull Point has been approved by the Department of Health and Environmental Control (DHEC) for the use of individual septic tank systems as a means of septic disposal for the subdivision. In order to assure the protection of the water quality of the surrounding marshes at the Development, the Covenants require the use of individual septic Aerobic Treatment Units (ATU's) and low-pressure drip irrigation system on each lot in the Development. The ATU system provides a treatment process that converts the incoming sewage into clear, odorless, organically stable water. To further enhance the treatment process, the Development will utilize a sub-service irrigation system for safe and effective sewage disposal.

The use of the drip system eliminates the installation of drain fields required by standard septic systems, thereby reducing damage to tree and vegetation structure, and preventing ground water run-off. The subsurface irrigation system can be used as a means of irrigation.

The DHEC and septic system permit to construct the onsite wastewater system (ATU) is required to be submitted with the Preliminary and Final Plans.

The Bull Point ARB allows the use of individual water wells, but Water Source Heat Pumps are not allowed. No open well systems are allowed.

(d) Dominion Energy

This cooperative distributes electric power to all users at the Development and arrangements for electric service must be made directly with them. All main utility lines are underground and service to all residential homes must be underground. An ARB representative is required to be on-site when the electrical power company engineer identifies the route to be used. The builder or Property Owner failing to notify the ARB shall be subject to a fine.

(e) Local Cable Company or Satellite

External television antennas are not permitted in the Development. A local private company may provide cable TV service to all lots in the Development. Arrangements for cable hookup, if desired, should be made directly with this service company. Satellite dishes exceeding twenty-four inches (24") must be approved by the ARB. An ARB representative is required to be on-site when trenches are cut as indicated above.

(f) U.S. Post Office

The Bull Point Plantation Property Owners Association, Inc. (the "POA") will provide and install the standard mailbox and house number sign required for each Bull Point home. See Section II.H. for additional information regarding mailboxes.

(g) Property Owners Association

Each Owner shall be a member of the Bull Point Plantation Property Owners Association, Inc., a South Carolina non-profit corporation. The recorded Covenants provide all of the terms and conditions pertaining to the operation and responsibilities of the POA. The POA also maintains the Development's streets, walking trails, bike paths and common properties, and is responsible for storm drains and drainage control outside of residential lot property lines.

20. Inspections

The ARB Administrator, members of the ARB 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:

(a) Stake-out and Tree Banding Inspection

Permit applicants must complete construction stakeout (as described below) a minimum of seven (7) days in advance of the scheduled ARB meeting at which permit application review is desired. Failure to complete the stake-out with in the required lead time will result in deferral of the ARB consideration of a Building Permit application.

The ARB and the Compliance Inspector must visit a prospective job site to verify proposed structure positioning, setbacks, and necessary tree removal before submission of the Final Application to the ARB for review and approval.

The owner shall notify the ARB, in writing, no less than 7 days in advance of tree removal. For all construction where the removal of any trees 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. Trees proposed for removal must be carefully identified and documented on the required tree and topographical survey by placing an (X) on each tree to be removed on the plan. No other trees should be marked or banded on the site after the ARB building permit is issued. If trees are banded as a result of a tree identification markings, then a contrasting color ribbon is to be used for trees that are contemplated for removal.

It is the responsibility of the Contractor or Property Owner to ensure that NO trees are removed which have not been approved for removal by the ARB. Tree banding must be taken down 60 days AFTER ARB Building Permit has been issued, OR 90 days after stake-out inspection was completed. If an extension is needed, the ARB may consider the request.

In setting the stakeout 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 the four (4) corners of the building envelope for each structure, 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 on the driveway or walkway.

Though the stakeouts for additions to existing homes can be a bit simpler, the ARB inspector must nevertheless be able to clearly 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.

(b) As-Built Survey

NOTE WELL: The Property Owner/builder must provide the ARB with a copy of the Beaufort County required form board/foundation survey to verify the proper placement of the building before the foundation is constructed.

(c) In-Process Compliance Inspections

Throughout the construction period, job sites will be inspected frequently by ARB inspectors and ARB members to determine continuing compliance with ARB regulations and requirements, 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 Contractor or Builder for any issue of non-compliance noted during in-process inspections. If building construction is interrupted for two weeks or more, for any reason, the site must be left in neat and tidy condition. This interruption does not in any way extend the building permit.

(d) Final Inspection No. 1 (Clean-up and Compliance)

This inspection will be scheduled when the owner and/or builder notifies the ARB office that:

- (i) construction is completed pursuant to the ARB-approved Final building plans, change orders and variance requests.
- (ii) a standard house number sign has been installed in accordance with the Bull Point ARB.
- (iii) all waste containers, portable toilets and temporary utility poles have been removed.
- (iv) the job site is clean.
- (v) any damage to right-of-way, common areas, and adjacent properties has been completely repaired.
- (vi) all signs and permits have been removed.
- (vii) adjacent lots and street fronts must be restored to original condition.

If the ARB inspector finds all of the above to be correct and if no exterior design or color changes are noted, his final inspection shall be considered approved. Then, after the builder has provided a copy of the First Floor Elevation Certificate and a copy of the Certificate of Occupancy and a final as-built survey (noting ATU location, driveway, water well, service yard, walkways, and all structures. Final As-Built diagram should also note the location of the adjacent Property Owners well and ATU) to the ARB, a refund of the Clean-up and Compliance Escrow Deposit will be made. If the house is not built in accordance with the final building plan including change orders and variance requests this will result in fines to the homeowner or corrections to construction in accordance with the plans at the owner's expense.

(e) Final Inspection No. 2 (Landscaping)

This inspection will be scheduled when the owner and/or builder notifies the ARB office that the Landscaping and hardscaping has been installed according to the ARB-approved Landscape Plan and the Final building plans, change orders and variance requests.

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

- (f) 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 any obligation to correct the non-compliance. Inspections by the ARB inspector shall be for the benefit of the ARB and under no circumstances of any nature does the ARB warrant the quality of the design and/or construction of any residence.

21. Occupancy

Dwellings may not be temporarily or permanently occupied until the exteriors thereof have been completed. No temporary house, shack, tent, barn, or other outbuilding shall be permitted on any lot at any time. The Beaufort County Certificate of Occupancy must be received by the ARB administrator and the exterior of the home completed (with the exception of the landscaping) prior to occupancy.

SECTION II

EXTERNAL AMENITIES

The requirements in Section I govern the design and construction of a “basic” residence in the Development. A home may, however, be built, subject to ARB approval, with any or more “optional extras” such as a swimming pool, flagpole, gazebo, boat dock, etc. Any of these amenities may be built as part of, and concurrent with, construction of a new house, or may be added later to existing homes. In the latter case, a separate building permit application for the proposed addition alone must be made to the ARB. If the amenity construction is to coincide with the construction of a new primary residence, all such amenities may be encompassed within the same permit application covering the principal structure. In either situation, the requirements presented in the following pages should be accommodated in the application.

A. SWIMMING POOLS AND SPAS

Swimming pools, spas, hot tubs, and associated decking, fencing, benches, etc., must comply with the setback and other requirements established by the ARB. The preferred location for swimming pools and spas is at the rear single-family homes.

1. SETBACK REQUIREMENTS

For all lots, swimming pools and pool decks may be elevated (i.e., above ground) as long as the boundary of such pool and its deck is not closer than ten feet (10') from a side property line and ten feet (10') from the rear property line. The boundary of “in-ground” pools and pool decks may be placed no closer than ten feet (10') from side and rear property lines. For properties backing onto marsh land, the OCRM set back is 60' from rear property lines. The OCRM critical line requirements and the Covenants may require more stringent setbacks from the rear property lines contiguous to the OCRM critical line.

To qualify as an “in-ground” pool, the surface of the pool deck can be no more than twenty-four inches (24”) above the lowest natural grade elevation at any property line from which the deck edge setback is less than ten feet (10'). The reference grade elevation will be that existing prior to start of construction and will be measured at a point on the property line(s) where a line through the approximate center of the pool perpendicularly intersects that property line. Further, the grade from the property line to the pool deck must be such that a swale for pool deck run-off water can be established in the setback area. “In-ground” pools must have a setback of ten feet (10') from the rear property line. For properties backing onto marsh land, the OCRM set back is 60' from rear property lines. The OCRM setback from one rear property line may be more stringent and must be adhered to when applicable.

An “above-ground” pool will only be considered when designed as a continuous and integral part of the residence and the landscaping. The appropriate maximum elevation above ground will be the elevation that a home has as its first-floor level beginning. These “above-ground” pools must have their deck designed to be a continuation of the first floor or no more than twelve inches (12”) below the first floor. No “above-ground” pools will be considered when detached or separated from the residence.

2. OTHER REQUIREMENTS

- (a) The ARB may permit “in-ground” swimming pools, spas, and hot tubs to be enclosed by “safety” fencing a maximum of four feet (4') high above the top of the pool wall or surrounding deck. The design of the fence should discourage entry by small children and animals. The design should complement the residence or be a living fence design and must be approved by the ARB. Landscaping must be provided to soften the impact of an enclosure around the pool.
- (b) When back washing pool or spa filters, or when lowering the water level of pools due to excess rain fill, the effluent and/or discharge must be discharged on the residential lot and may not be discharged to adjacent streets, lagoons, marsh area, open areas, or neighboring properties. Under no circumstances shall discharge from the pool discharge into the marsh area. The ARB shall have the right, at its discretion, to require extraordinary protection to prevent contamination of wetlands and/or the marsh area.
- (c) All pool fixed equipment (pumps, filters, heaters, auto-chlorinators, etc.) must be placed within a wood constructed fenced service yard or beneath an elevated deck enclosed by other fencing. Location of pump motors should be chosen to minimize noise disturbances to neighboring residents. Tools, hoses, chemicals, etc., used for pool or spa maintenance should likewise be stored in a screened service yard.
- (d) “Pre-packed” hot tub systems are considered new structures and may not be installed on or in any deck or other exterior portion of the residence without an ARB permit.
- (e) Permit applications for construction of a pool or spa or for installation of a pre-packaged hot tub should include:
 - (i) A scaled site plan prepared by a licensed architect 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.
 - (ii) Elevation details of the pool equipment fence enclosure and, if applicable, of safety/privacy fencing around the pool or spa area. Include stain color samples for the fencing or indicate “to match existing house”.
 - (iii) A sample of the water-level tile to be used and a description of the decking material and coloration thereof.
 - (iv) 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.
- (f) For all pool installations, a landscape plan also must be submitted with the application.
- (g) Lanais covering pools or spas are not allowed.

B. FENCES

Fences are generally discouraged, however, where planned, must be approved by the ARB. In general, permitted fences are usually limited to those which enclose utility areas and swimming

pools. Fences installed without ARB approval or installed in a manner different from a fence design approved by the ARB will be required to be taken down at the homeowner's expense and/or a fine in an amount determined by the ARB will be imposed.

A principal consideration of the ARB in the approval process is the need to ensure that no fence will interfere with a neighbor's view over marsh, water, or open land. Accordingly, rigorous restrictions on "solid" fences, such as board-on-board or masonry, may not apply to more "open" fences, such as post-and-rail or electric wire deer fences usually installed near property lines.

Perimeter fences enclosing all or much of a property are considered inappropriate in the Development and will not be approved. The use of earthen berms with tall plant materials is encouraged, where practical, instead of privacy fences and walls. If fences are planned, the ARB encourages the use of fences in areas that are most remote and for practical purposes and are not visible from the street.

Fences will not be permitted along any marsh, lake, or lagoon areas under any circumstances.

1. FENCE SETBACKS

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

(a) Streets:

Normally, the distance the home is from the street will be the minimum distance required to construct a fence. The ARB may adjust (increase or decrease) this setback where the street pavement is very close to, or distant from, the property lines.

(b) Side property lines:

Normally, a ten foot (10') minimum fence setback, except in the following situations:

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 ARB 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.

(c) Property abutting marshes, open space:

In order to protect views, fences are seldom approved in these situations and only with the following considerations:

- i. Fences parallel to side property lines require specific ARB evaluation based on type of lot and location.
- ii. On those lots abutting open marshes or lagoons, no fence should extend more than fifty percent (50%) of the distance from the rear of the principal building structure to the rear lot line.
- iii. On property abutting "open space" (other than lagoon or marsh), a minimum three-foot (3') setback from the line involved is required.
- iv. Fences Parallel to front or rear property lines: Usually privacy fences, these should extend no more than the width of a residence, but in many

cases will not be considered at all depending on the need and ultimate location.

2. FENCE HEIGHT

In no event will a fence height greater than four feet (4') above finished grade be considered. Extensive fencing, such as around swimming pools, should generally be restricted to four feet (4') high.

3. FENCE MATERIAL AND COLORS

Preferred materials of construction include wood board, masonry, or post and rail, whose style and color are selected to match or complement the principal house structure siding. Chain link and other wire mesh fencing is not allowed. Living fences are an acceptable option. All fencing material and design must be approved by the ARB.

C. DEEPWATER AND TIDAL DOCKS

Bull Point, in conjunction with the South Carolina Office of Coastal Resources Management (OCRM), has identified the maximum number of private and community docks that might ultimately be built at Bull Point. A Master Dock Plan has been adopted by Bull Point and has been conceptually approved by OCRM. The docks identified in this Master Plan limits the number of docks to those properties where water access is practical and where the visual impact of docks along the shoreline is minimized. A dock is not permitted by the Development unless it is part of the Bull Point Master Dock Plan.

Docks that are part of the conceptual Master Dock Plan are still subject to OCRM and ARB permitting.

1. Shared Dock

Neighboring lot owners are encouraged to share a dock. In this case Property Owners choose to agree on a mutual dock access, easement, defining the legal term for deeding the easement, construction payment, and usage and maintenance responsibility acceptable to both parties. Both Property Owners shall sign construction plans, and permit applications pertaining to the shared dock.

2. Walkways, Floats, Pier Head, Ramps, Rails, Pilings, Bulkheads, and Boat Lifts

Floats, Pier Head, Ramps, Rails, Pilings, Bulkheads, and Boat Lifts shall be designed in accordance with OCRM and Beaufort County regulations. Covered docs must have metal roofs. Color options for such metal roofs are Autumn Red or Forest Green. To preclude the adverse effects of shading marsh vegetation, walkways which are built over vegetated marsh and lead to the dock or pier, should be no more than 4 feet (4') in width and not elevated more than 3 feet (3') above mean high tide (refer to OCRM Rules & Regulation). Access to the walkway from the property is to be designed to follow the natural contours of the land as closely as possible in order to limit the visual impact from adjoining lots.

3. Lighting

Lighting for walkways, pier heads, and floats are of a particular concern. Lighting on shore has vegetation and structures to buffer stray illumination, however, no such buffer exists on creeks and marshes.

Every effort must be made to ensure that all light be directed downward and not visible to neighbors and others on the creeks and marshes. Stray lighting also has a negative effect on wildlife.

A catalogue cut sheet must be presented for approval by the ARB before a dock permit will be issued.

The ARB can provide examples of lighting fixtures that will be approved.

Docks already built must provide the above before lighting is installed.

Light fixtures should not be higher than 8' and low voltage walkway lights should not be higher than handrail height.

D. DOCK DESIGN REVIEW AND APPROVAL

The ARB requires the review of dock, seawall, and bulkhead permit applications (Form 7) seven (7) days prior to submission of these structures or docks for approval by the South Carolina OCRM or any other governmental agencies responsible for monitoring this type of construction. The ARB will withhold its consideration of any application for this type of structure until after the OCRM permit has been issued.

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, must 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 preservative in an attractive manner.

All Dock, Seawall, and Bulkhead Permit applications must be accompanied by the appropriate application fee with the following:

1. OCRM-approved plans and permits.
2. When applicable, Beaufort County approved plans and permit.
3. In the case of covered dock, a sample of the metal roof and color. In lieu of a roof sample, the material catalogue cut sheet and color is acceptable. The two (2) allowable roof color options for covered docks are Autumn Red or Forest Green.
4. A catalogue cut sheet of lighting fixture.

NO construction or staging of building materials may occur prior to Bull Point ARB approving of plans and issuing a Bull Point Dock Construction Permit.

E. DOCK, SEAWALL, AND BULKHEAD CONSTRUCTION PERMIT

All plans must go through the ARB review process. In the case of covered docks, the metal roof and color must be reviewed by the ARB. An approved copy of the OCRM (and, when applicable, Beaufort County) permit is to be supplied to the ARB before a Dock Construction Permit (Form 8) can be issued.

Submit a Construction Review Application (Form 7) with refundable escrow deposits (Form 16) along with the following:

- 1) a copy of the approved final plans.

- 2) a copy of the OCRM construction permit.
- 3) a signed ARB approval agreement letter.

Contractor's attendance at a pre-construction site visit with the ARB Administrator is required.

F. DRIVEWAY ENTRANCES GATES

Driveway entrance gates normally will not be permitted. However, such gates may be approved by the ARB on a case-by-case basis for decorative purposes only. If a gate is so approved, it must remain in a fully open position at all times and may be required to be permanently affixed in the open position. 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.

G. TV AND RADIO ANTENNAS

External television antennas are not permitted in the Development. Satellite dishes exceeding twenty-four (24") must be approved by the ARB.

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.

H. MAILBOXES AND SIGNS

The POA will provide and install a standard rural route type of mailbox, color "Beige," with post, color "Charleston Green" for a residential property. The fee for the mailbox, post, and installation is five hundred fifty and 00/100 Dollars (\$550.00) and will be billed to the property owner by the POA. **This fee is subject to change.** 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 numbers, 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 the Development.

I. FLAGPOLES AND STATUARY ELEMENTS

Statuary elements are permitted only in the rear of the residential lot and within established building property line setback requirements. Statuary shall be completely screened by landscaping from the road. All plumbing and electrical fixtures associated with statuary elements also shall be adequately screened.

One flag or banner pole is usually permitted per residential dwelling and only in the rear of the lot and not within twenty feet (20') of the property line.

J. EXTERIOR LIGHTING

Exterior lighting should be limited, and light cast should be immediately to the home. This will minimize the disorientation of nesting wildlife and maintain a pleasant nighttime environment for neighbors. Illumination for safety on walkways, driveway, and entryway areas within 50 feet of the house may be low intensity indirect light with a maximum fixture height of 24" inches. No driveway shall give the appearance of having runway lights. Flood, down and up lighting from trees and structures is discouraged but will be considered on a case-by-case basis.

Exterior lighting on the house or any other buildings (ex. Garage) should be low intensity (300-500 lumens) and the glass must be seeded. It is preferred that the light cast down rather than project out from the structure.

A limited number of recessed lights, discreetly placed under the soffit area of the house may be used for the purpose of safety, but not used on a continuous basis. These light fixtures must have a large deep hood to control the path of light and the fixture must be aimed down to prevent light spilling onto adjacent lots, open areas, or streets. They must be located on the soffit only.

The ARB requires that a catalogue cut sheet be submitted on all light fixtures proposed for use on the exterior of a house or as part of the landscape development. All exterior lighting is subject to additional requirements under the Covenants.

All exterior lighting be on/off or timer controlled so that lights are not illuminating throughout the night.

K. DECKS, PATIOS AND TERRACES

The design of decks, patios and terraces must be coordinated with the design of the residence and landscape plan. These spaces add a great deal to the outdoor “livability” of a home and can provide a high degree of privacy when bordered by dense natural vegetation and/or appropriate landscaping.

Grade-level patios and decks (i.e., those which are no higher than twenty-four inches (24”)) above **average** existing **pre-construction** grade (including any railings) at the nearest property line, are considered “horizontal structures”. Elevated decks and terraces (i.e., those for which any part of the structure is more than twenty-four inches (24”) above **average** existing **pre-construction** grade, must be treated as “vertical structures” and are therefore subject to the same setback distances as for house walls.

All open spaces beneath an elevated deck must be closed with materials that conform to the structure of the dwelling. A home finished in brick or wood would be required to be finished using the same type of materials. “Open air” paneling between the outermost vertical posts or piers, and such vertical surfaces are to be screened by landscape plantings. This is to include all area beneath the porches and/or decks to the ground.

All exposed vertical elements of a wooden deck or terrace, including benches, railing, and below-deck outside structure must be stained/painted to match the house siding. If left unpainted, bare pressure-treated wood usually used in such structural units weathers to a color that is unattractive, obtrusive, and incompatible with the house coloration. Stains and paints that can be used on new pressure-treated wood are commercially available locally, so delay to allow “aging” of the wood is unnecessary.

All open spaces beneath an elevated deck must be finished in an architectural manner and style that lends to the appearance of the over-all structure. The mere use of lattice will not be permitted. However, lattice used (3/4” only) in conjunction with wood louvers, brick and stucco shall be given consideration. All masonry walls must be finished. No block or plain masonry will be approved.

L. GAZEBOS AND CABANAS

Section I.L.16(e) of these R&Rs allows for the construction of one single-family dwelling, two small one-story accessory building or a guest house, no more than two outbuildings on a residential lot plus one detached or attached garage. Garages may have a finished bonus room or apartment above. Other accessory buildings such as gazebos and/or column (pool house) maybe be denied

by the ARB. It is recommended therefore, that if a property already has, or will have, a detached garage/carport or guest suite, the ARB should be consulted prior to preparing design drawings to determine whether a prohibitive constraint will exist.

SECTION III

OTHER REQUIREMENTS FOR EXISTING RESIDENCES

The primary purpose of the Bull Point 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 ARB with the responsibility for monitoring the maintenance of single-family residences and associated grounds. This section provides further information and requirements for use by the owners of existing homes in the Development.

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.

No one should simply assume that the siding or trim colors existing on another house within the Development 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 building should blend with the surrounding environment and not contrast with it. 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.

To obtain ARB approval to re-stain or repaint any part of the exterior of your home, please submit a written request, utilizing the Exterior Repainting Request (Form 13) to the ARB at least ten (10) 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 ARB in evaluating the true finished appearance of the house since small "color chips" often vary greatly from actual applications.

No application fee is required to obtain the ARB approval for re-staining / repainting.

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 minor roof repairs is not 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 may do so without ARB approval.

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 without ARB approval, so long as you utilize fungus-resistant shingles with a minimum weight of 300 pounds per square inch and a thirty (30) year warranty, as is required for all new Development residences.
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 submit a Re-Roofing Request (Form 14) for ARB approval at least ten (10) working days prior to the intended commencement of roof work. No application fee is required.

NOTE: A Beaufort County Building Permit must be obtained for any re-roofing job, whether or not ARB approval is required.

C. TREE REMOVAL OR PRUNING

As a general guideline to removing trees, the Property Owner can use the Beaufort County Tree Removal Guide (Form 4). However, all tree removal must be approved by the ARB and the ARB may require compliance with the stricter tree removal standards outlined in this section. The pruning of dead or diseased or large limbs which overhang a residential structure may be undertaken at the Property Owner’s discretion, without approval by the ARB.

However, the extensively wooded setting of the Development, with its tall stately pines, beautiful oaks, and many other tree species, is a situation which our community strives to preserve. Under the Bull Point Covenants, NO TREE MEASURING SIX INCHES (6”) OR MORE IN DIAMETER, MEASURED AT FOUR AND ONE-HALF FEET (4.5’) ABOVE EXISTING GRADE MAY BE REMOVED FOR ANY REASON WITHOUT PRIOR WRITTEN APPROVAL BY THE ARB AND BEAUFORT COUNTY.

Therefore, you **may not remove any tree six inches (6”) or larger in diameter regardless of species, condition, or location,** unless you have first obtained the required **written** approval by the ARB and Beaufort County. The ARB cannot and will not accept any after-the-fact excuse or explanation that a tree was diseased or dead, etc. The Compliance Inspector or a member of the ARB must inspect and verify the basis for removing **all** trees in the Development.

You may request approval for tree removal from the ARB office simply by sending the written request via email to arb@bullpointpoa.org at least seven (7) working days in advance of any contemplated tree removal work. There is no application fee charged for a tree removal request.

The ARB will consider removal of trees, depending on species, size and location, 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. However, the ARB views negatively any requests for tree removal wherein the sole basis for such requests(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 ARB will consider requests 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. **THE TRIMMING OR REMOVAL OF TREES, OF ANY SIZE OR SPECIES, WITHIN BULL POINT’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 ARB via email to arb@bullpointpoa.org, or to the POA clubhouse at (843) 379-9940.

D. RESURFACING OR RESHAPING DRIVEWAYS

Many driveways at the Development are left in a natural state. Except as provided below, to resurface or to reshape an existing driveway using any type of material will require ARB approval and a Bull Point Building Permit Agreement (Form 3).

Seal coating, patching or overlay resurfacing of an existing asphalt driveway apron does not require ARB approval so long as the configuration, size and location of the existing apron is not changed.

The intent of the ARB R&Rs is to encourage, promote, and require future and existing driveways to be natural materials or paved with pervious materials. Noted exceptions to this directive are the following driveways that pre-existed these ARB R&Rs and will be allowed to repair and resurface with like materials within the existing configuration, size, and location:

- | | |
|--|--------------------------------|
| 2. 99 & 101 Bull Point Drive (lots 33 & 34): | Shared Asphalt Driveway |
| 3. 113 Bull Point Drive (lot 40): | Circular Asphalt Driveway |
| 4. 154 Bull Point Drive (lots 104 & 105) | Circular Asphalt Driveway |
| 5. 164 Bull Point Drive (lot 100): | Concrete with pebbles Driveway |
| 6. Boat Ramp Bull Point Drive: | Circular Asphalt Driveway |
| 7. Clubhouse Barnaby Bluff Road: | Circular Asphalt Driveway |
| 8. Pedestrian Bike Path: | Asphalt |

If any change is to be made in the configuration or position of a replacement driveway, such action is deemed new construction, and an Application for Building Permit (Form 3) must be submitted for ARB 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 (i.e., addition or change of windows or doors) is involved. Note, however, that:

1. A Beaufort County Building Permit for such work must be obtained from Beaufort County and posted at the job site.
2. No unapproved builder's sign may be posted at the site.
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 site.

F. LANDSCAPE MAINTENANCE AND MODIFICATION

Every Property Owner is responsible for preventing the development of any unclean, unsightly, or unkempt conditions of buildings or yards, which shall reduce the beauty of the neighborhood as a whole or the specific areas. In landscaped areas, bed and lawn areas must be maintained. In natural areas, weed growth must be controlled. Planted 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. Dead and/or diseased trees must be removed, and stumps removed to at least ground level, following ARB approval. Driveways and walkways shall 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, lots, lakes, marshes, or common areas a landscape plan must be submitted to the ARB for approval prior to undertaking work. Requirements for landscape design and for associated irrigation systems similar to those for new residences 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 ARB.

BUSH HOGGING, OR CLEAR CUTTING IS NOT ALLOWED, NOR IS THE USE OF ANY OTHER METHODS ALLOWED TO CLEAR NATURAL, EXISTING VEGETATION. If this occurs, Property Owners may incur fines at the discretion of the ARB, and Property Owners will be required to mediate the landscaping impacted through ARB-approved replacement of plant materials removed.

G. BASKETBALL BACKBOARDS.

The ARB believes that basketball backboards are undesirable from an aesthetic standpoint. However, the ARB recognizes that the athletic and recreational needs of youth must be fulfilled; so the erection/installation of a single backboard on a residential property is allowable, without need for an ARB permit, if the following requirements 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 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 over 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. Basketball backboards may not be mounted to a building, or to a building roof.
4. The wooden or metal post which supports the backboard should be painted "Charleston Green", same color as all the Development mailboxes or dark brown.
5. Netting should be maintained and replaced if torn or missing.

H. PLAY YARDS AND PLAYHOUSES

No trailer, canopy, shed, barn, or tree house or other similar outbuildings or structure shall be placed on any lot at any time. All playhouse and play yards and gym equipment shall be subject to ARB approval and must be submitted for approval prior to any construction. Individual design and site locations will be factors in any ARB approval.

There shall not be maintained any device or thing of any sorts 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 ARB recognizes the desirability and benefit of at-home outdoor play facilities for young 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 requirements 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, preferably commercially manufactured, 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. The above is allowed but subject to ARB approval in the designated location.
4. Likewise, a gym set (with swings, slide, etc.) and 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 and adjacent homes.

I. WINDOW COVERINGS

The exterior facing surface of window shades, curtains, blinds, and shutters must be subdued in color and compatible with the exterior hues of the residence. Shutters must be functional and must completely cover the window opening.

SECTION IV

DEMOLITION OF EXISTING STRUCTURES

Though rare, an existing structure 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 Beaufort County and the ARB. A Demolition Permit Application (Form 9) be submitted to the ARB within sixty (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 ARB. 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 structure precedent to either constructing an entirely new structure 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 structure, either of an interior or exterior nature.

- A Demolition Permit (Form 10) issued by the ARB will normally be valid for only thirty (30) days from date of issuance unless an extension of time is formally requested and approved by the ARB 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 requirements for demolition include, but are not necessarily limited to, the following:

1. Owner or contractor must submit a copy of the Beaufort County approval for demolition with the application to the ARB.
2. Prior to beginning demolition, all potentially affected utilities (i.e., 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 advertent disruption of power, water, etc., to neighboring properties due to damage of utility lines by uninformed demolition workers.
3. 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 and under story.
4. Demolition work must be total and complete within a specified time period; and no part of a demolished structure, including fountains, driveways, etc., may be left unless so indicated on a plan approved by the ARB.
5. All debris must be placed in waste dump boxes or removed prior to the end of each workday.
6. 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 to preclude blowing dust, unless new construction will commence immediately after demolition.

Other specific requirements or constraints may be imposed as conditions of the Demolition Permit issued by Beaufort County or the ARB.

SECTION V

SPECIAL RULES FOR BUILDERS AND TREE CONTRACTORS

The ARB 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 also 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.

After all submittal requirements are met and approved, the ARB will issue a final plan approval. The builder must make sure that copies of all the approved plans are available at the construction site.

The builder must request an on-site meeting with the ARB Administrator at (843) 379-9940 to review the Mobilization Plan and to determine the location of the following:

1. all necessary barrier fencing
2. portable toilet and trash container
3. construction material, staging, and storage area
4. stake out of the outer boundaries of the ATU septic field and well location
5. all necessary tunneling of utilities to avoid damage to roots of significant trees
6. all mulching and fencing for tree protection along construction access areas
7. culverts when necessary

The following rules and regulations are designed to enhance the Development's overall appearance to residents and visitors. These regulations are not intended to restrict, penalize, or impede construction firms who adhere to these regulations while performing their duties in the Development. 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 requirements may be required to post a larger construction deposit, or in the extreme, be prohibited from working in the Development.

1. No work, including lot clearing, may be started until both a Bull Point Building Permit and a Beaufort County Building Permit have been issued and posted by the builder at the job site.
2. 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 6:45 p.m., without exception. No work will be permitted on Sundays, or the following designated holidays: Thanksgiving Day, Christmas Day, New Year's Day, Memorial Day, July 4th, and Labor Day. *Designated holidays that fall on Saturday will be celebrated on Friday, while holidays that fall on Sunday will be celebrated on Monday.*
3. The builder must construct a temporary driveway entrance of compacted earth, gravel, and other reinforcement material connecting the lot to the road, graded so as not to interfere with drainage along the road, in order to minimize any damage to the road shoulders or the edges of the roadway and to minimize the amount of mud tracked back onto the roadway. Additional protection may be required in certain circumstances.
4. No trees or under story may be removed unless indicated for removal on the ARB-approved Final Site plan. No "clear cutting" is allowed outside of the approved building footprint and driveways.
5. 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 not less than twenty-five feet (25') 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 the Development. All portable toilets must be emptied, cleaned, and chemically treated regularly (not less than once per week) to prevent offensive odors or appearances.

6. Construction shall be in strict accordance with the drawings, site plans, materials and color submitted to and approved by the ARB. 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). Exterior changes made without prior approval of the ARB will result in a fine. Change Order forms must be submitted and approved by the ARB prior to the change being made.
7. All motor vehicles, including those belonging to the builder, his subcontractors or suppliers, and workers' 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 the ARB, POA 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 the Development. Parking shall occur in planned areas as per mobilization plan.
8. 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 blowout. All trash, debris and litter shall be removed from the Development. No dumping of any kind is allowed within the Development.
9. 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 Development, the builder shall promptly remove it.
10. 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.
11. Failure of the builder to properly maintain site and adjacent roadway cleanliness may, after notice from the ARB, result in assessment of established penalties and/or clean-up being done by others designated by the ARB with the cost of such deducted from escrow funds deposited by the builder.
12. The builder is responsible for providing water and electric 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. An ARB representative is required to be on site when utility trenches are to be dug. Any extra cost incurred to save a specimen tree from damage is the expense of the owner/builder.
13. 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.
14. Final grading as per the approved drainage plan 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.
15. Any damage done to roadways, walkways, 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.
16. 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 Beaufort County Building Department and has delivered a photocopy thereof to the ARB. For new houses, a

photocopy of the First Floor Elevation Certificate provided to the County must also be provided to the ARB by the builder.

17. Silt fencing is required where any drainage runoff can adversely affect the waterways, lagoons, or marshes. The silt fencing is to be placed between the construction and the sensitive areas. Additional silt fencing is to be used in culvert areas and driveways where fill dirt or other materials are used and lastly, silt fencing is to be placed around specimen trees to prevent damage from workers and vehicles. Silt fencing shall also be installed along property lines.

It is very important that prior to the beginning of construction, but after a Bull Point Building Permit is issued, that the builder/owner place silt fencing as follows:

- A. around the border of dirt being removed or where fill is contemplated,
 - B. where dirt removal or fill can run into marshes and/or lagoon/lakes and/or wetlands,
 - C. property lines where other home sites can be affected,
 - D. around all specimen trees that lie within the building site (within twenty (20') feet) and near any driveways or turnarounds that could be affected by equipment or materials.
18. Builders are required to purchase construction passes for all subcontractors according to present policy from the Security Office at Bull Point.
 19. The builder is not allowed to use or trespass upon neighboring lots at the Development or the common property areas, except for the property between the public road pavement and the residential property boundary. Prior to start of construction, silt fencing shall be erected (and maintained) by the builder along the full length of both side property lines to prevent inadvertent trespass on neighboring properties. In the event a builder or contractor utilizes a neighboring property to access the building lot, even on an existing road or path, mediation of the landscape will be required and a fine will result.
 20. Storage trailers or other temporary structures may not be placed upon the lot during construction except with the written consent of the ARB. The ARB'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.
 21. No fishing or hunting by construction workers is permitted within the Development. 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 Development. No animals or pets of construction workers or of any persons associated with the job shall be allowed within the Development.
 22. Sign Policies: (*See sign criteria requirements design, Form 19*)
 - A. Only one sign each may be erected at the construction job site by the builder/general contractor and by the architect, if different. Subcontractor, pool contractor and landscape contractor signs are not allowed.
 - B. No signs may be placed at the job location until after both building permits (one by Beaufort County 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.
 - C. 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.
 - D. 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 the Building Permit.
- E. All signs, including dimensions, material, colors, and finishes, must conform to the exact uniform standards, illustrated in graphic detail on Form 19.

SPECIAL RULES FOR TREE REMOVAL/TRIMMING CONTRACTORS

Tree Removal/Trimming work is limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday only. No work will be permitted on Sundays or the following holidays: Thanksgiving Day, Christmas Day, New Year's Day, July 4th, Labor Day, and Memorial Day. During the period May 1st through September 30th, tree work can be extended until 7:30 p.m. However, the Property Owner of the lot where the tree work is being done must receive permission for the extended hours from the occupied resident Property Owners of the adjacent lots. In addition, the Property Owner must be present during the extended hours and is responsible to assure that the contractor exits the Development by 7:30 p.m.

All removal of trees must be first reviewed and approved by the ARB, per the ARB R&Rs.

In the event of a significant wind weather storm, the POA can temporarily suspend the above rules to allow for a speedier cleanup of storm damage.

SECTION VI

PENALTIES FOR NON-COMPLIANCE

Prior to the issuance of a Bull Point Building Permit (Form 3), whether for a new residence or for additions to an existing one, the owner and/or builder must submit two escrow deposits to the ARB, in the amounts indicated the Bull Point Escrow Deposits schedule (Form 16) for the following purposes.

A. COMPLIANCE AND CLEAN-UP DEPOSIT:

This security deposit, usually made by the builder, is intended to motivate, and ensure that construction is implemented in strict accordance with:

1. ARB-approved construction plans
2. Bull Point Covenants and ARB R&Rs
3. Any special conditions of the Bull Point 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 ARB, and which will be withheld (deducted) from refund of the subject escrow deposits.

B. LANDSCAPING DEPOSIT

As indicated in Section 1. L. Elements of Application, 13. Landscape Plan of the R&Rs, no new residential construction or grade-level addition will be considered complete unless and until:

1. A landscape plan has been submitted (normally not later than six (6) months after Building Permit issuance for a new residence) for ARB approval, and
2. The approved landscape plan has been fully implemented within ninety (90) days after receipt of Certificate of Occupancy from the Beaufort County Building Department. Unless the builder will be assigned responsibility for submittal of the landscape plan and the actual landscaping work, the ARB recommends that the owner submit the Landscape Compliance Deposit to the ARB, since the builder normally departs the project after the Beaufort County issuance of the Certificate of Occupancy. This security deposit is intended to encourage and ensure both the timely submittal of the requisite landscape plan and the completed landscaping. Again, failure to fulfill these requirements can and will result in ARB-assessed financial penalties being withheld (deducted) from this escrow deposit.

To further remind the builder and owner of their respective responsibilities and exposure to the ARB non-compliance penalties, prior to the issuance of any Building Permit, both the owner and the builder must sign a Bull Point Building Permit Agreement (Form 3) which includes the following language:

The owner and/or builder hereby acknowledge that the funds will further be deposited in a federally insured institution. The owner and/or builder further acknowledge and agree that such funds shall be retained by the ARB pending satisfactory completion of the project in accordance with construction drawings approved by the ARB and with other ARB rules or conditions noted herein. The owner and/or builder further acknowledge that the ARB 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 are identified on FORM 17 hereto, and which may be established and periodically modified by the ARB at its sole discretion, from time to time, shall be deducted from the funds deposited by the owner and/or builder and retained by the ARB, or if no funds have been deposited, then shall be charged to the owner and/or builder upon written notice to 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 or if no funds have been deposited, then shall be charged to the owner and/or builder upon written notice to 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 Schedule of Penalties (Form 17) which the owner and contractor/builder also must sign prior to issuance of the Bull Point Building Permit.

If a property owner violates the ARB R&Rs in any way and at any time, the ARB and/or Board reserves the right to impose fines in accordance with Sections 12.02 and 12.03 of the Covenants.

SECTION VII APPEALS

If an owner, builder, or neighboring property owner feels that any decision or order made by the ARB regarding a permit application or initiated project is unfair or inconsistent with the Covenants or past practices of the ARB or that the ARB R&Rs have failed to consider all relevant facts and information, then that party (or parties) may appeal such matter in accordance with the provisions of this Section VII. Such appeal must be made in strict accordance with the ARB R&Rs as defined in this section, or else such request will be automatically denied.

Any of the following parties are eligible to become an “Appellant” in the ARB appeal process:

1. A the Development property owner whose building permit application has been disapproved by the ARB.
2. A property owner whose permit application has been approved with special conditions that the owner feels are unreasonable or unacceptable.
3. A neighboring property owner who objects to the ARB issuance of a building permit for an adjacent or nearby property.
4. A property owner who has been fined by the ARB or who has been ordered to cease work and/or restore a pre-existing situation, including exterior repainting, re-roofing, or construction, that was altered without ARB approval.
5. A builder or contractor who has been given a restrictive order or penalized by the ARB for violation of the Development rules or Builder Permit conditions.

The appeal of any ruling by the ARB must (and can only) be commenced by an appellant’s filing of a written Petition for Re-Hearing, using a letter or any document form for so doing. Further, this Petition for Re-Hearing shall be filed with (i.e., delivered to) the Administration office within ten (10) business days of the ARB decision or order being appealed. The written appeal shall state the appellant’s name, mailing address, telephone number(s), how they are materially and adversely affected by the decision, and the particular portions of the ARB ruling to which they take exception. If the Appellant adopts the position that the ARB decision is contrary to any ARB rule, regulation, guideline or policy, the appellant shall state with specificity the particular rules, regulation, guideline, or policy violated and in what regard the decision so violates that rule, regulation, guideline, or policy. The ARB reserves the right to dismiss any appeal request which does not conform to all of the foregoing requirements of the Petition for Re-Hearing.

The Chairperson of the ARB shall set the matter for hearing at a regular or special meeting of the ARB to be held within thirty (30) days of receipt of the Petition for Re-Hearing. The Appellant and any other witness or affected parties deemed relevant by the Chairperson shall be given sufficient time, at the discretion of the Chairperson, to present their positions at the hearing. Minutes shall be taken by the Assistant Administrator who shall prepare the minutes of the hearing separately from the minutes of the balance of the ARB meeting.

The appellant and other affected parties shall be notified in writing, by U.S. Certified Mail or nationally recognized courier service, such as FedEx or UPS, of the decision reached by the ARB at the hearing, which will be sent within five (5) business days of the decision. Thereafter, the appellant or any other party to the hearing process may, if desired, further appeal such decision to the Bull Point Plantation Property Owners Association, Inc. Board of Directors (the “Board”

Any party to the foregoing ARB hearing who desires to appeal the decision of the ARB must do so in writing to the Board by U.S. Certified Mail, return receipt requested, or nationally recognized courier service, such as FedEx or UPS, within five (5) business days of such party's receipt of the decision of the ARB appeal hearing. If the basis of this appeal is the same as that set forth in the original Petition for Re-Hearing, no further information is required other than attaching a copy of the decision of the hearing by the ARB. If the basis for appeal to the Board is based upon different or additional grounds, such reasons shall be set forth in sufficient detail to inform the Board of the appeal basis, and shall specifically set forth the particular rule, regulation, guideline, or policy. The Board reserves the right to dismiss any appeal which does not confirm to the requirements of the written request for re-hearing by the Board.

Upon receipt of this appeal notice from the aggrieved party, the Board shall promptly schedule a date and time to hear such appeal. The Board shall take all pertinent and relevant testimony. Persons making statements and addressing the Board shall do so in a polite, respectful, and calm manner. No undignified, emotional, rude, or insulating behavior or comments will be tolerated, and the Board reserves the right to limit the amount of time for any party to address the Board. The Board reserves the right to expel any and all persons violating these rules.

They shall review all the testimony and any written reports at either a specially scheduled Board meeting or its next regularly scheduled meeting. The decision of the Board shall be transmitted to the parties by Certified Mail or nationally recognized courier service, such as FedEx or UPS within five (5) business days following the aforementioned Board meeting.

All appeal decisions by the ARB or the Board shall state the reasons for the decision. If the decision is based, in whole or in part, upon aesthetic grounds, the decision shall so state.

All decisions of the Board shall be final, and no further appeal opportunity shall be provided.

No construction work on any permit shall be continued during the pendency of an appeal, and any permit issued by the ARB shall be automatically suspended during the appeal.

When any party to an appeal is to receive any items by certified mail and such mail is refused or not picked up, the U.S. Postal Service notice shall be sufficient as of the date of the first attempted delivery.

The ARB and/or Board shall have the authority to require the posting of a bond by an Appellant to cover all direct costs of the ARB or Board, as the case may be, arising from the appeal, on such basis as is equitable and fair.