



HIGHTIDINGS

THE OFFICIAL NEWSLETTER OF THE FOREST BEACH OWNERS ASSOCIATION, INC.

SPRING, 2005



Plates

We now have our Forest Beach license plates for the front of your vehicle. Patterned after our unique neighborhood signage, the plates are available for a donation of \$10 each (payable to the Forest Beach Owners' Association). You can call (843) 785-5565 and arrange to pick up the plates in the Association Office, or we can mail them to you for an additional \$2 each for shipping and handling. Early response has been strong, so don't miss out on this opportunity to "Show Your Colors"!

Beach Cleanup

Just because we do not have an organized beach cleanup in the Spring does not mean that we cannot cleanup each time we go. Place a plastic garbage bag or old grocery sack in your pocket and pick up any litter you come across. In addition to making our beach a more enjoyable place to be, it is good exercise.

On a similar note, if you notice any of the area's public trash receptacles along the leisure paths or at the beach access points that are overflowing and in need of attention, let us know. The Town contracts to have these picked up on a regular basis, but at times the frequency of service does not correspond to the need. We will work with the Town to keep these receptacles emptied and in good condition, but we need your help in identifying the areas in need.

Propane - A Hot Topic

With the increase in amenities being added into residences, whether new or remodeled, the need to provide services to support them is on the rise. Many residents are switching to propane fueled features such as spas, hot tubs, outdoor cooking facilities and gas fireplaces to name a few. This requires that on-site storage of propane becomes a necessity to operate these amenities. Now here comes the problem... Where to put the tank! Under our specific guidelines of the LMO, **NOTHING** may be placed in a buffer area except as specifically permitted. This includes propane tanks, whether above ground or buried. While there is some argument that propane is a utility, neither the Town nor the Association recognizes this as a "public" utility that may exercise an easement option that might permit use of the platted utility easements. Further, our research on this matter has uncovered issues related to the insurability of properties with on-site propane storage (you should check with your insurance company/agent to verify you have proper coverage as failure to disclose the presence of a propane tank on your property may limit or invalidate your coverage).

The bottom line is that when planning a remodel, or designing a new home, you need to take into consideration **all** aspects of the project. It is very difficult, and potentially costly, to add features to a project where the needed infrastructure to support the items cannot be included. The Association cannot issue a variance to a Town Code, so buffer size and building setbacks must be considered before a project is undertaken.

Research What You Buy

As a result of the demise of our area's original developer, The Hilton Head Company, we are left with a vast amount of strips of land abutting properties throughout the Forest Beach area. Many of these lands are offered for purchase and in some instances can add value to one's property. However, the Association cautions everyone to properly research the title and recorded easements on any parcel of land they may consider purchasing to include in their lot. For example: you may not build a structure on a portion of land that has a recorded drainage easement, or you might find that a Public Entity has a previously recorded roadway easement across the subject property. While these may not prevent you from acquiring clear title to the property, they do restrict its' potential uses.

In order for any property to be considered by either the Town or the Association as now being a part of your property, you must abandon your old property line and file a new plat with the County Register of Deeds showing the new property lines and the acquired property being included in your lot (consult with your attorney regarding this item and any legal matters). Additionally, a recent lower court ruling has held that the "strand" or "trust" property running between the oceanfront homes and the beach in North and South Forest Beach may not be incorporated into the adjoining oceanfront lots. Individual ownership of these parcels may or may not be allowable, but their use is governed by the Covenants for each specific subdivision regardless of who owns them.

The bottom line, is do your homework!

Bridge to The Beach Update - Neighborhood Redevelopment Plan

The Town has advised us that we will see a redesign of the Coligny Circle in the near future. This will be the first project in the redevelopment plan. We should expect the removal of the inner travel lane and the addition of lane separations where the intersecting roads join the circle. This will be very similar to the redesigned Sea Pines Circle. Landscaping will be added accordingly. This part of the project will not yet focus on the pedestrian and median improvements on South Forest Beach Drive, these will follow later.

The Town has further advised us that the State is planning a scheduled repaving of both North and South Forest Beach Drives in the near future. This **is not** part of the redevelopment, but rather a routine maintenance project. Hopefully, we will see the addition of a pathway along Avocet Street between Lagoon Road and North Forest Beach Drive as part of this project as the Town has indicated this sorely needed addition is high on the priority list.

Garbage and Litter on the Rise

We are receiving many complaints regarding the accumulation of piles of yard debris on properties throughout the Forest Beach area, along with cluttered and unkempt properties. While these conditions, if left unattended, are a violation of our covenants, they also are a violation of Town Code. The Town has requested that we remind everyone in the community of the applicable ordinance involved. We have copied it for you from the Municipal Code Section of the Town's Web Site, and here it is:

Sec. 9-1-112. *Unsanitary, unsightly and unsafe conditions.*

- (a) All premises within the town, whether vacant, improved or occupied, shall at all times be kept in a sanitary condition. All trash, garbage, debris and building materials, dead animals, junk, scrap, animal excretions, or other similar materials not contained or otherwise properly stored are hereby deemed unsanitary and declared to be a nuisance. The occupant or lessee of any premises and/or the owner, his agent, representative or employee having control of any vacant premises within the town, who shall permit or tolerate the existence of any of the conditions condemned in this section, upon conviction, shall be guilty of a misdemeanor.
- (b) It shall be the duty of any owner and any lessee, occupant, agent or representative of the owner of any lot or parcel of land to remove all garbage, dead animals, animal excretions, trash and other debris and building materials, junk, scrap or other similar materials, as often as may be necessary to prevent the development of any of the conditions prohibited in this section. (Ord. No. 84-3, 2-6-84)

Sec. 9-1-113. *Conditions affording food or harborage for rats.*

- (a) It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building, vehicle and their surrounding areas in the town so that the same shall or may afford food or harborage for rats. Any violation of this subsection shall constitute a nuisance.
- (b) It shall be unlawful and constitute a nuisance for any person to permit to accumulate on any premises, improved or vacant, or on any open lots or streets in the town, any lumber, boxes, barrels, bricks, stones or similar materials and permit them to remain thereon unless the same shall be placed on open racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked, so that these materials will not afford harborage for rats or violate any other provisions of this chapter. (Ord. No. 84-3, 2-6-84)

The code section continues on to state the abatement and right to enter parts of the code.

Don't fall victim to a municipal code or covenant violation. Rake up the debris and haul it away, or call the fire department for a burning permit. The fire department allows burning every other week (conditions permitting). Call (843) 341-4714 to find out if this is a burning week. If you plan to burn, after you call, you must go to the fire station for the permit.

Email Newsletter Updates A Big Success

We have had a tremendous response to the use of email as an effective method of keeping in contact with our members.

Last year the Association set up an email system to notify our members of important happenings within the organization and the community. We send notices of upcoming Board Meetings, the minutes of those meetings, and important announcements concerning the Forest Beach Community. This email list is optional, so you must sign up for it, we will not add your email address automatically.

To become a member of this group, you must request membership by sending a blank email to: forestbeach-subscribe@yahoo.com. Once you join you will begin to receive more timely information from us. Please note that **only** the Association can post messages to this group, so you **WILL NOT** be bombarded with SPAM or unrelated communications.

Keep the Forest in Forest Beach!

Our community got its name, Forest Beach, because of all the trees we have in our neighborhood. Even one subdivision in South Forest Beach is listed on the plat maps as "Palm Forest". Many of you have chosen to live in this part of Hilton Head due to the fact that we have such a rich abundance of trees and a lush tropical feel, yet we are close to the ocean.

Both the Association and the Town have recognized the need to preserve our endangered habitat. In 2003 the Town enacted the Forest Beach Overlay District Guidelines of the Land Management Ordinance, which, in part, protects our natural habitat. Since the adoption of the Forest Beach Overlay District Guidelines, there are new requirements for tree removal from properties located in all of Forest Beach (North, South and Central). No tree, dead, diseased or otherwise, may be removed from the buffer area of any lot without the prior written approval of the Town of Hilton Head Island. There are buffer areas on all sides of every lot and this provision applies to residential and commercially zoned properties alike.

The Association is here to assist you with this issue. Simply call our office and advise us of the tree(s) that you wish to remove. We will visit your site and determine if any of them are located within a buffer area. If any are, then Town approval will be needed and we will advise you of this.

There is much confusion regarding the buffer areas, building setback areas and what can be done or not done in each. We are here to help. It is important to note that the setbacks and buffers in the Overlay District for Forest Beach are different than those in our covenants, and different than those applicable to the rest of the Island. Buffers and setbacks are determined from the property line, not pavement edge, as is commonly assumed. This free service of your Association can help you avoid a fine from the Town for removing a tree without obtaining the proper permits. Tree trimming does not require prior approval, however, the removal of any tree on your property should be reviewed by the Association for your protection. Note also that the covenant sections applicable to commercial and multi-family areas of Forest Beach have different requirements than those for the single family residential areas, so it is wise to check with us prior to any construction activity.

Coming Up in the Next Issue

We will be including a new column beginning with our Fall 2005 Newsletter focusing on the history of Forest Beach and the Island. We are looking for contributors, so dust off your pen and paper and tell us of your experiences in the early days of Hilton Head. For example: Two of our Board Members remember when they first started coming to the Island. At the time, there was no bridge and the only public access was by ferry boat! Their family's would make a day of it and picnic on the beach before heading back to the mainland.

If you have an interesting story or experience, let us know. You can mail, fax or email your information to us and we will do our best to get it into our next publication.

"Road Closed"

By Bill Taylor, Cassina Lane

Imagine coming home to find a "Road Closed" sign across what used to be the entrance to your street. Sound impossible? It could happen, as the cross streets along the ocean side of South Forest Beach Drive are privately owned by a group of individuals and not a Public Entity. The power to close these roads (to an extent) resides with these individuals since they own them. Private ownership of the roads would not be so bad if the owners honored their obligation to maintain the roads. But, they do not! The roads have large ruts and depressions that gather water and remain muddy in the rain, and blow dusty in the dry times. There is no storm water drainage on our roadways as they are held in private hands, yet we have paid into a tax to obtain these services. Compare our area to the land side of South Forest Beach Drive. They have smooth, paved roads with drains to accommodate the rain waters. There is so much difference. When will we see proper maintenance? When will we get the drainage our taxes have helped pay for? I implore you, private road owners, transfer the roads to a Public Entity so we can get back to enjoying our lovely Island and the Hilton Head way of life!

ARB Services Are Required for Everyone

The Forest Beach Owners' Association works in close conjunction with the Town of Hilton Head Island on matters regarding construction activity and approvals in our area. While the Town will not withhold issuing a building permit (provided all requirements have been met) for failure to obtain an Architectural Review, they are notified by the Association if a project has not been reviewed and approved by us. This may cause the project to undergo a closer scrutiny as the Association attempts to enforce compliance with the covenants. Once we have reviewed and approved a project, the Town is again notified of our approval and is provided with a listing of any conditions placed upon the project to ensure that we are not in conflict with one another. This process is designed to help you avoid problems, and does not cause any delays in our or the Town's review processes.

Everyone should be aware that according to the covenants for the Forest Beach subdivisions, (Deed Book 78, Page 306 and others), which is binding upon all property owners, any construction requires an Architectural review by the Association. This includes all subdivisions in North Forest Beach (Hilton Head Beach Subdivisions 1, 1A, 2°, 2A, and 3), South Forest Beach (Lawton Beach and Palm Forest) and the Central Forest Beach Business District. The Forest Beach Owners' Association provides this service.* Any property owner, builder, tenant or renter who intends on building on any lot in these areas of Hilton Head Island, needs to obtain prior written approval from the Association in order to be in compliance with the covenants and not be subject to enforcement actions.

Architectural review applies not only to new construction, but is required for any exterior modifications to an existing structure as well. This includes replacement or remodel of existing components (eg. Windows), painting (if a change is being made from a previously approved color, or prior approval was not obtained), any additions, remodels, or removals that affect the exterior of any part of the property, or a change in the materials or colors of a roof. New items such as fences, pools, hot tubs, spas, decks, patios, driveways and walkways also require a review. Replacement of existing driveways, walkways, decks and patios require a review as the codes have changed and simply replacing what was there previously most likely is no longer allowable under the current Overlay District Guidelines.

Regardless of whether or not a building permit from the Town of Hilton Head Island is required, an architectural review is most likely required to comply with the covenants. Failure to obtain a review where needed may subject the property owner to a violation of the covenants. There is no charge to determine if an architectural review is needed, however, there is a variable fee schedule for the review process itself depending on the scope of the project.

As a side note, the Central Forest Beach Commercial District has additional covenant requirements that require a review by the Association. These include, but are not limited to, all signs, landscaping plans and prior approval of businesses being established in the area. It is the responsibility of the property owner to ensure that all covenant provisions are followed by their tenants. Any questions regarding requirements for review items should be referred to the Association office.

*ARB responsibility for this subdivision is held by Hilton Head Beach Subdivision #2 Assets Holding Corporation

Parking Problems are Ready to Spring Up!

With the onset of our busy season fast approaching, we anticipate that once again, we will have increased parking issues being brought to our attention. Everyone should be aware that parking is not permitted on any street in the Forest Beach residential neighborhoods, and in very few places along the roadways of the commercial sections. This includes the street extensions used to access the beach in North and South Forest Beach. If you see a violation it should be reported to Tammy Malone with the Town of Hilton Head Facilities Management Department. Her telephone number is 342-4581 and her email address is TammyM@hiltonheadislandsc.gov. Facilities Management enforces the parking regulations and they are very responsive to our requests for assistance. The main office where Tammy can be reached is open from 8am to 5pm Monday through Friday, holidays excluded. On Saturday's you can contact the Coligny Beach Office of Facilities Management at 341-4629 to report a problem.

Please note, however, that consideration will be given to areas where construction activity is going on during the day and strict enforcement under these circumstances is not appropriate. If, however, the roads are being blocked and preventing emergency equipment from passing, corrective action will be taken.

Do Not call the Sheriff's Office to report a parking violation. They will not respond, as the responsibility for enforcement of the parking regulations in our community resides with the Town. The exception is if someone is illegally parked on **YOUR** property. In this case, they are trespassing, and the Sheriff's Office will respond. However, you must be willing to meet the deputy and file the complaint in person, otherwise, they can take no action.

Additionally, parking in the buffer areas on residential properties is not allowed under the LMO. Parking violations of the buffer areas should be referred to the Association office as enforcement action in these situations requires a different procedure which we will undertake on your behalf.

Signs, Signs, Everywhere a Sign!

We continue to receive complaints regarding "illegal" signs and/or sign violations in our neighborhood. We have reprinted below the basics of the sign regulations from our last newsletter:

For Rent: One, affixed to the structure near the front door (Refer to the Town Code for specifications). This applies to short and long term rentals and sign contents are regulated. No "For Rent By Owner" signs are allowed.

For Sale: One, free standing, top of sign not to exceed 48" above grade. Corner lots are allowed two (one fronting on each street). Signs **must** be inside the property lines and not at the roadway. Signs **MAY NOT** have literature boxes attached. Signs must be on the front of the property, **not** in the rear facing another roadway (corner lots excepted). Signs may not be placed on the dunes or be facing the ocean on oceanfront properties.

Construction: One, post mounted, set inside the property line. This post may contain areas for the building permits, tubes for architectural plans and signs for the builder and any sub contractors. Separate signs for sub contractors may not be placed at the site except on the one approved post sign. Construction signs may not be erected on a site until a building permit has been issued by the Town of Hilton Head Island and must be removed after work has been completed and inspected.

Business: No sign advertising a business operation is permitted in the residential areas of Forest Beach.

Sign violations should be reported to Teri Lewis with the Town of Hilton Head Island's Planning Department at 341-4600 or by email to TeriL@hiltonheadislandsc.gov. You may also report violations to the Association Office and we will investigate, document and refer the matter to the appropriate department within the Town.

The Forest Beach Association, Inc.
6 Lagoon Road, Suite 5, Roller Building
P.O. Box 6442
Hilton Head Island, SC 29938

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FBOA Directors Listing

Pamela Ovens, President '06
24 Firethorn LN

Dr. Gabe Fornari, Vice President '05
3 Myrtle LN

Debbie Urato,
Secretary/Treasurer '06
13 Park RD

Alan Jackson '07
26 Pelican ST

Trevor Howard '06
16 Dove ST

Bill Taylor '05
12 Cassina LN

Eleanor O'Key '06
6 Egret ST

Johnnie Lee Witt '05
32 Mallard ST

Rick Trenary '05 *
5 Park RD

John Snodgrass, Executive Director
2 Sandpiper RD
(H) 842-5331 (O) 785-5565
E-mail: fbassn@aol.com

* By Board Appointment

It's Never Too Late!

Your 2005 Dues payments can still be made. If you have not already sent in your check, please do so today. Your dues support your Association's efforts in maintaining property values through covenant enforcement actions, education, architectural review and community involvement. The 2005 Dues Schedule is as follows:

Residence (Primary, Secondary or Rental)	\$80 each
Business	\$80 each
Vacant Land	\$40 each lot
Timeshare Developments	\$40 per unit
Hotel / Motel / Inn	\$10 per room

Our dues remain the lowest on Hilton Head Island, and our community continues to be among the most active. With redevelopment activities beginning this year we are sure to see additional growth and service needs. Now is the time to become active and help our efforts on your behalf with your support.

Payments should be sent to:
Forest Beach Owners' Associations, Inc.
P O Box 6442
Hilton Head Island, SC 29938-6442

Suggestions? Questions?

In preparing our Newsletters, we try to cover topics of interest to all property owners in the Forest Beach community, and on occasion, topics of Island wide interest. Many of you have provided positive feedback on the informational value of our Newsletters. We recognize, however, that there is always room for improvement. Our Newsletters are designed to keep you up-to-date on the activities of your Association and present topics of community interest. We always welcome suggestions for topics that you would like to see covered or questions you would like for us to answer. Don't be shy - send them in to us so we can include them in future issues. You can mail, fax, email or telephone us. Let us here from YOU!

What We Do For You

We are frequently asked, "What Does the Association Do for Me?" The answer to this question can be very lengthy and complex, depending on your point of view. However, we will try to provide you some benefit information of Association Membership here.

The Forest Beach Owners' Association, Inc. is the recognized community organization to which the Town of Hilton Head Island looks for input on civic projects. When there is a need for feedback on proposed public projects, *your* Association is among the first contacted.

We provide covenant enforcement for all of the Forest Beach subdivisions. We will investigate any alleged violations and determine the appropriate course of action.

We inspect and document, then refer, all LMO violations to the Town.

We work closely with our County and State officials, along with the Town on matters concerning our roadways and public safety.

We work with the Sheriff's Office on matters relating to public safety and crime in our area.

We administer the Architectural Review process to ensure compliance with our covenants. This includes the initial review, site inspections and completion approvals. This process also helps ensure that our projects are completed in accordance with the LMO Guidelines specific to Forest Beach.

We review all new commercial signs and businesses as required by our covenants.

We act as a clearing house for all questions from our membership. We are presented with a unique variety of problems, from who fixes street signs, to how do we get the grass trimmed along side the road.

Where appropriate, your Association will also undertake legal action to protect your investment by ensuring that all persons comply with our covenants.

The Town of Hilton Head Island is a limited service government by design, and *your* Association is here to pick up where they leave off. Without your membership and support, our efforts will be limited.