

Seabrook Point Homeowners Association, Inc.

Architectural Control Standards

Adopted by the Board on January 29, 2020.

A Declaration of Covenants for Seabrook Point Development in northern Beaufort County, South Carolina is recorded in Record Book 3770 at Page 1953 on June 24, 2019. Article VI of that Declaration grants to the Board of Directors of the Association the right to establish Architectural Standards for the lots in the development. This document is the statement of those standards.

Section 1. Architectural Criteria. The criteria outlined below reflect the exterior architectural criteria which are to be considered by the ACC in the design and site plan of structures and landscaping to be installed on a Lot.

1. Size of Home. A minimum enclosed main house square footage requirement has been specified for each Lot to range from 1600 to 2200 square feet. See Attachment A hereto. The minimum enclosed living area is defined as those areas that are heated within the house. Excluded from the minimum square feet area are garages, carports, porches, terraces, decks, attics, basements and bulk storage areas, as example, but this list is not all inclusive. **The minimum first floor square footage of a two story house is to be 1500 square feet, if the size of the Lot can accommodate the house.**
2. Design. The exterior of the house should be in harmony with and sensitive to the surrounding environment, especially neighboring houses, and are to be designed by a South Carolina licensed architect, with an architect's stamp on the plans to be submitted to the ACC.
3. Maximum Height. No STRUCTURE shall be erected, altered, placed or permitted to remain on a LOT in excess of two and a half (2.5) stories, excluding a basement level.
4. Exterior Siding Materials. Exterior material choices are brick, wood, stucco stone and cement board. Aluminum, plywood or vertical siding of any type shall not be used as exterior siding materials. New Materials that are appropriate substitutes for wood may be considered for approval. Vinyl siding may be used as accent siding i.e. soffits. Samples of all siding materials must be approved by the ACC in advance of any installation.
5. Roof. Roofing material is to be fungus resistant and be of a tab or shake design. Roofs with high, wide, and unbroken lines should be enhanced with dormers, either real or as a fake architectural element. The architectural shake design is strongly recommended. The ACC will consider (in its sole discretion) other material, such as metal, if texture, color and weight are satisfactory and the material compliments the style of the house.
6. Exterior Colors. Colors of surrounding houses are to be taken into consideration when selecting exterior colors and are to blend with the community. Choice of exterior paint colors, brick, mortar, and roof colors must be submitted for ACC approval in advance of any installation.

7. Garages. The garage is to be designed as an integral part of the house, or as a small accessory building. Note: Only one (1) outbuilding is allowed per lot. If a garage is going to be separate from a main house, then any other outbuilding structure needs to be a part of an attached to the garage, and compliment the style of the main house. Garage doors are to be the overhead type with architectural appeal. Carports are prohibited.
8. Driveways and Parking. No construction or alteration of any STRUCTURE or landscaping shall take place on any LOT without the provision of a sufficient number of parking spaces to meet the reasonably anticipated parking needs for automobiles owned by the residents of the LOT, their guests and employees in accordance with plans and specifications approved by the ACC. Driveways are to be carefully located for practicality as well as overall aesthetic appearance. Unusually long driveways should be enhanced by gentle curves. Parking for two or three cars, with a turnaround area, should be addressed in the plans and should include materials to be used, and a sketch of the driveway and parking area with the house on the lot.
9. Fences and Screens. Perimeter fences around individual homes are not permitted. A perimeter fence is one that encloses the whole/ entire boundary of a Lot. Fences may be used to screen air conditioning/heat pumps and other service equipment, garbage cans, outside storage areas, kennels, swimming pools and playgrounds/play yards. They may be used to cover a small section of a back yard. Fence plans must be submitted to the ACC for approval prior to construction and may include wood, masonry or natural plantings as screens.
10. Outbuildings. The covenants allow each lot to have, in addition to a main house, one (1) outbuilding. Possibilities include a garage not attached to the house, a workshop, playhouse, pool house, among others, but ONLY ONE (1) outbuilding. The construction of these outbuildings must comply with these ACC Standards and the Owner shall follow the same procedures contained in the ACC Standards, as for the construction of a new house, and the outbuilding must compliment the design of the house. Small covers over well heads are not considered outbuildings. Pre-fabricated metal and wood sheds and carports are prohibited as outbuildings.
11. Incomplete Construction. Any construction work that is not completed after ten (10) months from the time construction commences shall be declared in writing by the ACC to be in violation of these Standards.
12. Landscaping. A detailed landscaping plan is required to be submitted, approved and installed before construction is considered complete. We strongly recommend that a professional landscaper develop the permanent landscaping plan to be submitted for approval. Landscaping plans must show scale of plants to the house at the time of planting, and include the number, types, sizes and kinds of bushes, shrubs and trees with a detailed drawing.
13. Site Lighting. Exterior lighting shall be designed to reduce off-site encroachment. No exterior lighting shall be installed, maintained or permitted to remain on any LOT, the

light source of which is a nuisance to neighbors. The ACC will make the final decision in the event of any dispute.

14. Drainage Ditches. Under no circumstance is an Owner allowed to alter any existing drainage ditch in the community without first obtaining permission from the ACC and the SEABROOK POINT SPECIAL TAX DISTRICT COMMISSION - ROAD COMMISSION BOARD.
15. Roads. No alteration or trenching of roads or rights of way is permitted without ACC and ROAD COMMISSION BOARD approval. Any damage or alteration to any road as a result of any construction by an Owner or his contractor must be repaired or paid for by the responsible Owner
16. Docks, Bulkheads, and Seawalls. Any construction in the salt marshes or rivers, including plans for docks, bulkheads, seawalls and other waterfront improvements must be submitted to the ACC for approval, at the time of submission to DHEC, DNR and/or the S.C. Ocean and Coastal Resources Management, or to any other government agency that is required by law.
17. Well Pipes, Tanks, Pumps. These should be out of general sight and covered with materials and be in design harmony with the main house and neighborhood. The cover is to be of minimum size necessary to conceal this equipment, and shall conform to setback requirements.
18. Satellite Dishes and Antennas. These should be installed out of general sight and when not serviceable, or not in use, are to be removed.
19. Mailboxes. Mailboxes must meet U.S. Postal requirements.
20. Setback Requirements. Buildings must conform to the requirements established on Attachment B, and to Beaufort County and to SCDHEC (Coastal Council) requirements.
21. Water Source Heat Pump/ Geo-thermal Systems. If not of a closed loop design, any excess water must be discharged into a dry well, or in the case of waterfront lots, into the river. Excess water must not be discharged into drainage/roadside ditches.
22. Solar Policy Standards: (A-D)
 - A. Solar Contractor Standards:
 - (i) The Contractor must be certified by the North American Board of Certified Energy Professionals (NABCEP).
 - (ii) The Contractor must be licensed in South Carolina at all times.
 - B. Solar Design Standards:

(i) All solar panels (hereafter referred to as Devices) must be installed on land or structures owned by the Lot Owner. No portion of the Devices may encroach on adjacent Lots or common areas.

(ii) Devices must be installed on the back roof as long as the location does not reduce the estimated annual energy production by more than 10%. If the back roof location results in a loss of greater than 10%, other locations will be considered. Each Device project will be evaluated individually. Adherence to these design standards does not guarantee that the homeowner's Device project will be approved. As stated, the solar Devices must be located on the roof which is least visible from any street or Common Area as long as there is not more than a 10% reduction in estimated annual energy production.

(iii) For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks the view of the Device, ACC may require the Device be placed in a location behind a structure or otherwise require visual screening. The ACC may consider the installation of Devices on Lots without a fenced yard if there is adequate screening from public view from any street or Common Area.

(iv) Only all-black panels (with black backing and frame) are permitted. All panels must carry, at minimum, a 25-year power production warranty.

(v) All racking must be black or black-capped. Panels must be installed parallel with the roof surface. Maximum space between the roof and the bottom of the panel is five inches.

(vi) Inverters, when installed on exterior side walls, should be installed on the side of the electric meter that is closer to the rear of the house whenever possible.

(vii) Solar panel arrays must be designed to withstand wind up to 140 knots/161 mph.

(viii) External conduit must be paintable, and any external conduit must be painted to match the roof/house within 30 days of completion of the solar installation.

(ix) External conduit is to be minimized. No conduit is permitted to run over roof peaks. No "candy cane" conduit is permitted around roof eaves.

C. Solar Installation Standards:

(i) Solar installation Rooftop transition boxes must not be visible from the street.

(ii) All solar projects must be properly labeled in compliance with the version of the National Electric Code (NEC) in effect per the authority having jurisdiction

(AHJ) and must be completed within five days of project start, weather permitting. If weather interrupts a project installation, one day may be added to the project timeline for each day interrupted. Bi-directional utility meter installation is not included in this timeline.

(iii) Construction hours must adhere to ACC Standards, 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday. Construction is not permitted on Sunday or holidays, including New Years, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas.

(iv) Packing materials and all construction debris must be removed by the contractor at the end of every work day.

(v) Music and conversation by the installers must be kept to a low volume so as not to disturb the homeowners or neighbors.

(vi) Building permit(s), if required, must be displayed on the door or in a front-facing window during the installation.

D. Solar Application Standards

(i) The age of the roof must be stated since this is important relative to the installation of solar panels.

(ii) A list of all equipment to be installed.

- a. Specification sheets for panels, inverter(s), and racking. For AC panels, specifications for panels and inverters will be on one sheet. All panel specification sheets must illustrate the style (all-black) of the panel that will be installed on the home.
- b. A layout of the solar array. It must show the property lines and house location on the Lot.
- c. Photos of the roof area where the array will be mounted.
- d. A Certificate of Insurance for the solar panels.
- e. A photograph of the inverter installation location, with the approximate size and location noted. This is not required for solar systems that include micro-inverters.
- f. The installer's company name, phone, email, USPO address, with at least one contact person identified.
- g. A \$500 refundable deposit and a \$100 non-refundable deposit.

- h. If a deviation from the back of the house is requested (see point 2 in the Solar Design Requirements), the percent of lost annual energy production must be specified. The ACC has the option to validate the percentage stated. If the percent is to be validated, it will be completed by a certified solar expert at the homeowner's expense.

Section 2. Pipes, Wires and Antennas. All water and sewer and electrical pipes, conduits, cable, television and telephone wires and other wires and pipes shall be placed underground where possible. No pole, tower, antenna or other equipment or device for the transmission or reception of electrical television signals, radio signals, wireless, or any other form of electromagnetic radiation, or for any other purpose, shall be erected, placed, maintained or permitted to remain on any LOT except by the written permission of the ACC.

Section 3. Outside Storage. Except during approved construction, no outside storage of personal property shall be permitted unless screened from view from the street by enclosures, fences, shrubbery or other devices which are approved by the ACC. During approved construction, no construction material or storage device shall be stored, cleaned, or washed on any LOT except for the purposes of such construction, or for longer than the length of time reasonably necessary for such construction. All construction debris, excess materials, stumps and other matter discarded during construction shall be removed from the LOT as often as necessary to keep the LOT and all STRUCTURES on it neat, clean and attractive in appearance.

Section 4. Easements. There is expressly reserved to the SPPOA, its successors and assigns forever, a fifteen-foot perpetual easement in, on, over and across any LOT or the COMMON PROPERTY for the following purposes:

1. The erection, installation, construction and maintenance of wires, lines, conduits and the necessary or proper attachments to them in connection with the transmission of utilities, as well as storm-water drains, pipelines, and for any public or quasi-public facility, service or function.
2. To control bluff, shore, slope and marsh water erosion purposes, including the right to grade, construct walls, embankments and similar erosion water control devices.
3. The easement extends fifteen (15') from each side and back boundary of each LOT. There is a road easement at the front of each lot from twenty five (25) feet of the centerline of the road.

Section 5. Utilities. No air conditioning compressors, window air conditioning units, heating and cooling equipment, solar devices, fuel tanks, electrical transformers nor meters, gas valves, telephone junction boxes, nor other utility equipment, devices, or facilities shall be erected, altered, placed or permitted to remain on any LOT except on the interior of the main STRUCTURE or accessory building, or behind a fence or shrubbery screening sufficient to hide all such devices and facilities from view. Please see the Solar Policy in this DOCUMENT as to those devices.

Section 6. Fines. Fines may be imposed against the Owner of the Applicable Lot for, but not limited, for the following violations:

1. Clearing or starting construction without ACC approval: \$500.00.
2. Clearing trees with a trunk diameter of 8 inches or more measured 4 feet from the ground, before written ACC approval, or mutilating or damaging a tree: \$100.00 per caliper inch measured 4 feet from the ground.
3. Making a change/changes to construction activities that alter the exterior appearance of the STRUCTURE without first obtaining written ACC approval. Forfeiture of any or all of the Refundable Fee and a fine, the amount to be determined by the ACC per each violation.
4. Construction workers' vehicles parked off construction site in such a manner that they impede traffic flow: \$25.00 each day.
5. Not immediately repairing damaged roads or roadsides to pre-construction conditions: \$25.00 per day.
6. Porta-Johns failing to be placed as inconspicuously on the lot as possible, with the door facing an uninhabited direction: \$25.00 each day.*
7. No job site dumpster or having an overflowing dumpster: \$25.00 each day.*
8. Not having a clean and orderly job-site: \$25.00 each day.*
9. Any nuisance, loud noises, profanity: \$25.00 each day.
10. Noise that can be heard beyond the property lines of the job site before 7:00 a.m. or after 7:00 p.m. weekdays, or before 7:00 a.m. to after 5:00 p.m. on Saturdays.
11. No construction is authorized on Sundays or holidays unless authorized in writing by the ACC. Holidays include these days:
 - a. New Year's Day,
 - b. Memorial Day.
 - c. July 4th.
 - d. Labor Day.
 - e. Thanksgiving Day.
 - f. Christmas Day.
12. Performing exterior work or causing noise on Sundays or holidays without ACC permission: \$100.00.
13. Not completing construction within 10 months from the issuance of the Application (unless a written extension is granted by the ACC in writing): \$25.00 each day.

These fines in no way void, limit or replace the ACC's right to further enforce the Covenants or its Standards, or to impose additional fines. If fines exceed the amount of the deposit, the additional fines must be paid prior to a Certificate of Compliance being issued.

Section 7. Road Rights-of-Way (ROW). The roads are owned by the Seabrook Point Special Tax Commission. The ROW property line is generally 25' from the road centerline. Fencing, trees, shrubbery, plantings, planters, or any other encroachments in the ROW and/or in the ditch-line are not allowed and must be removed. Any trees or shrubs originally planted within private property, that extend into the ROW, must be pruned back to the property line to a height of no less than thirteen feet six inches (13'6") above the adjacent asphalt road. This is the South Carolina Department of Transportation (SCDOT) height restriction.

Attachments

<u>Description</u>	<u>Name</u>
A	Square Footages
B	Set Backs
C	Application by Architect
D	Application by General Contractor

Attachment A -- Square Footages

(Paragraph 1-1)

1. All residences constructed on lots 51, 60 and 63 shall contain not less than 1,600 square feet of finished heated space, exclusive of porches, garages, or outbuildings.
2. Residences constructed on Lots 58, 61, 62, lots 64 through 81 and lots 86 through 88 shall contain not less than 1,800 square feet of finished heated space.
3. Residences constructed on lots 50, 52 through 57, 59, lots 82-85 and lots 89-97 shall contain not less than 2,000 square feet of finished heated space,.
4. All homes constructed in Section III of Seabrook Point, shall have a minimum of 1,000 square feet of heated space on the first floor.

Attachment B -- Set Backs

(Paragraph 1-20)

1. Buildings erected on waterfront lots must be a minimum of sixty (60) feet from the Mean High Water Line.
2. All buildings must be not less than fifty (50) feet from any street line.
3. All buildings must be not less than fifty (50) feet from any rear (opposite from the street) boundary line.
4. All buildings must be not less than fifteen (15) feet from any side boundary line.
5. New home construction front elevations and setback locations are required to line-up with adjacent homes, with consideration given to the aesthetic location of each situation. The ACC has final decision making authority in this regard.

Attachment C

Submitted To: _____ Application No. _____

Application By Owner and Architect

Owner: _____ Lot: _____

Mailing Address: _____

Email Address: _____ Phone: _____

The Owner and Architect agree to the following conditions:

1. They have read, understand and will comply with the (a) Declaration of Covenants, Conditions and Restrictions, as amended, (the Declaration) as they pertain to the construction of improvements on the use of the Lot, and, (b) the Design and Building Standards, as amended, (the Building Standards).
2. The Architect is now and will continue to be licensed as evidenced by a copy of the license attached.
3. The exact same plans and specifications which are submitted to the ACC for the above Lot will be the exact same plans and specifications submitted to Beaufort County and to all state and federal regulatory agencies requiring submission of same and the house constructed will be by the same plans and specifications approved by the ACC in writing.
4. They will conform to the requirements of the Declaration and Building Standards (including any amendments) and to all federal, state, and county laws and rules and regulations during the design and entire construction process.
5. No work can be performed on the Lot until the General Contractor executes a Contractor Application form to the ACC which is approved in writing, and, any required fees are also paid.
6. For purposes of representation before the ACC, the Owner appoints the Architect as an agent and the ACC may deal directly with the Agent on behalf of the Owner.

Signed:

Owner: _____ Date: _____

Architect: _____ Date: _____

By: _____

Attachment D

Submitted To: _____ Application No. _____

Application By Owner and General Contractor

Owner: _____ Lot: _____

Mailing Address: _____

Email Address: _____ Phone: _____

The Owner and General Contractor (GC) agree to the following conditions:

1. They have read, understand and will comply with the (a) Declaration of Covenants, Conditions and Restrictions, as amended, (the Declaration) as they pertain to the construction of improvements on the use of the Lot, and, (b) the Design and Building Standards, as amended, (the Building Standards).
2. The GC is now and will continue to be licensed as evidenced by a copy of the license attached.
3. The exact same plans and specifications which are submitted to the ACC for the above Lot will be the exact same plans and specifications submitted to Beaufort County and to all state and federal regulatory agencies requiring submission of same and the house constructed will be by the same plans and specifications approved by the ACC in writing.
4. They will conform to the requirements of the Declaration and Building Standards (including any amendments) and to all federal, state, and county laws and rules and regulations during the design and entire construction process.
5. No work can be performed on the Lot until the Owner pays all of the required fees to the ACC and the GC has received written ACC approval.
6. For purposes of representation before the ACC, the Owner appoints the GC as an agent and the ACC may deal directly with the Agent on behalf of the Owner.

Signed:

Owner: _____ Date: _____

General Contractor: _____ Date: _____

By: _____