



PALMETTO DUNES

PROPERTY OWNERS ASSOCIATION

A RESIDENTIAL RESORT COMMUNITY

**PDPOA ARCHITECTURAL REVIEW BOARD
POLICIES, PROCEDURES AND GUIDELINES (PPG's)**

**New Residential Construction
Exterior Changes, Additions, and Renovations
to Existing Residences**

Revised February 2019

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**PDPOA ARCHITECTURAL REVIEW BOARD
POLICIES, PROCEDURES, & GUIDELINES**

1. MISSION STATEMENT

To contribute to maintaining the quality of life of residents and guests by assuring that residential construction, remodeling and landscaping is designed and built to high aesthetic standards consistent with the neighborhood character, overall ambiance and natural environment of Palmetto Dunes.

2. FORWARD

2.1 Covenants

Recorded among the Beaufort County land records is a Declaration of Rights, Restrictions, Conditions, etc. which constitute covenants running with certain lands in Palmetto Dunes. These covenants, as we shall refer to them, run with the deeds to that land, regardless of from whom and/or from what company it was purchased.

These covenants were established, among other things, to assure and preserve certain high standards of aesthetics and materials, to provide all property owners with ample opportunity to make the best use of their property in a manner in keeping with rights and values of the adjoining property, and to create certain procedures to enable the community to permanently control the quality of its neighborhoods.

The covenants, to which homeowner lots are subject, specifically provide for an Architectural Review Board and the implementation of architectural guidelines. While the covenants identify and outline certain architectural conditions and restrictions, they also address other topics. In addition to the covenants, Palmetto Dunes Property Owners Association, Inc. (hereinafter referred to as PDPOA) has established architectural policies, procedures and guidelines that are explained throughout this document. This document is not intended to be on the same level of authority as the covenants and, unlike the covenants, may be amended or modified at the sole discretion of the PDPOA.

2.2 Specification Review

Architectural review of specifications for new construction, additions, re-constructions, alterations or changes to structures and landscaping, and decisions thereof are solely determined by the Palmetto Dunes Architectural Review Board (hereinafter referred to as ARB).

“No building, wall, fence, sign, swimming pool, roof, exterior light or other structure or improvement shall be commenced or erected upon the exterior of any structure nor shall any building permit for such structure or improvement be applied for, nor shall any landscaping be done, nor shall any addition to any existing building or alteration or

change therein be made until the proposed building plans, specifications (including height, color of roof, siding, etc., materials and exterior finish) plot plan, landscape plan and construction schedule shall have been submitted to and approved by the PDPOA Architectural Review Board, as provided by Article VIII hereof.” (Palmetto Dunes Covenants, Article III, Section 3-1)

2.3 Aesthetic Considerations

Property owners and their architects are to use original designs and varied materials to avoid a stereotypical home. It is important to realize that the overall impact of a house design involves considerations of taste and judgment which cannot be reduced to measurable standards such as square footage, setbacks, roof pitch or similar items. A house which meets all of the statistical criteria may be unacceptable for purely aesthetic reasons, and the ARB has the authority to make subjective judgments of this nature. The authority of decisions by architectural review boards, which decisions can be based purely upon aesthetic considerations, has been recognized and upheld by the South Carolina Supreme Court.

2.4 Adherence to Guidelines

Adherence to the policies, procedures and guidelines in this document is essential to achieving a combination of high quality home/landscape design, overall diversity and individual expression within the context of a cohesive and harmonious community design setting which is accomplished in a manner that is compatible with and complements the natural surroundings, climate and other environmental factors indigenous to this area. Although most local architects, designers and contractors will be familiar with the information contained herein, property owners are urged to verify that the design, construction and landscape professionals they select are, in fact, thoroughly knowledgeable as to the content of this document.

2.5 Architectural Review Board

The PDPOA Covenants has created a three to seven member Architectural Review board for the purpose of establishing and enforcing architectural, siting, landscaping, vegetation and building controls in conformity with these Covenants and pertinent law.

The ARB meets on a regularly scheduled basis to review all plans for construction, provide recommendations, discuss the general appearance of the community and appropriate actions to improve its aesthetics, and work with owners, architects, builders, and landscapers to ensure that high standards are being maintained. By approval of such plans, the ARB assumes no liability for structural design or damage to other property during the approved construction. Further, it should be noted that if some portion of the approved plans is, due to inadvertent oversight by the ARB, in violation of the Palmetto Dunes covenants, such approval will not later prevent the ARB from seeking enforcement of the covenants. The authority of the ARB is derived from the covenants. ***In any instance where the information continued herein conflicts with the covenants, the covenants shall control. In any instance where the information***

contained herein conflicts with the ARB permit application, this document shall control. Additionally, the decisions of the ARB are not and will not be bound or restricted by any precedent relating to existing residential construction/landscape on any other lot within Palmetto Dunes.

2.6 Liability

The Board assumes no liability as to the adherence to building codes, as that remains the sole responsibility of the owner, along with the architect and the builder.

2.7 Written Notification

APPLICANTS WILL BE NOTIFIED IN WRITING OF ALL ARB DECISIONS. Oral representations of ARB decisions shall be non-binding on the ARB. No approval of plans/locations and specifications by the ARB shall ever be construed as representing/implying that such plans/locations and specifications will, if followed, result in a properly designed residence or will comply with pertinent law. Such approvals shall in no event be construed as representing or guaranteeing that any residence will be built in a good workmanlike manner. No implied warranties of good workmanship, design, habitability, quality, fitness for purpose or merchantability shall arise as a result of approvals made by the ARB.

2.8 Oral Representation

No person has been authorized to give any information or make any representation not contained in this document and, if given or made, such information or representation must not be relied upon as having been authorized by the ARB.

2.9 Inquiries / Contact Information

Mail: Palmetto Dunes POA ARB, 16 Queen's Folly Drive Hilton Head, SC 29928
Phone: (843) 785-1109
Fax: (843) 785-3589
Web: www.pdpoa.org

3. GENERAL POLICIES

Owners, architects, builders, contractors and landscape professionals are to adhere to the Covenants and Architectural Review Board (ARB) Policies, Procedures and Guidelines (PPGs) and ensure adherence by all subcontractors. ARB Policies, Procedures and Guidelines as well as Palmetto Dunes Property Owners Association (PDPOA) Covenants may be accessed via the website at www.pdpoa.org.

3.1 The property owner is the ultimate responsible party. Projects may only be submitted by the current owner for review, approvals do not transfer with the property.

3.2 Adherence to plans, as they are submitted and approved, is required. Changes to approved plans must be submitted on a Change Request Form. ***Revised plans clearly showing changes must be submitted and approved prior to site changes being made.***

No exceptions! Failure to adhere to this policy may result in a fine and/or retention of all or part of your compliance deposit.

3.3 For new construction, ARB final approvals are effective up to 12 months from the date of the final approval. After 12 months, all approvals previously given to a project are null and void. After issuance of the clearing permit, 12 months is allowed for new construction completion. Landscape installation must be completed in the time period prescribed for new construction.

For renovation, ARB final approvals are effective up to 6 months from date of approval. After six months, all approvals previously given to a project are null and void. Renovation completion time will be based on scope of work as determined by the ARB. Landscape installation must be completed in the time period prescribed for renovation.

3.4 Lot clearing, foundation work and vertical construction all require separate permits. No work may begin until the appropriate ARB permit has been issued and posted. If the permitting process is not adhered to, a fine per occurrence will be assessed. In addition, a stop work order may be placed on the project until all requirements have been met.

3.5 The impervious ratio for all new construction and renovations must be no more than 38 percent. Adherence to this ratio is included in the architect consultant's review of new construction and renovations.

3.6 The builder is responsible for providing water and electrical service at the job site prior to beginning any work that requires their use. Water and electricity usage from neighboring properties is prohibited. A fine will be issued if a violation occurs.

3.7 ARB permits such as those issued for painting/staining, roofing, tree removal/trimming, pool maintenance, etc., are valid for one month.

3.8 For ***new construction and renovation***, work at the site may not begin until the ARB Administrator has met with the contractor, the appropriate compliance deposits have been received and the applicable ARB permit has been issued and posted. It is the property owner's and/or contractor's responsibility to post the appropriate ARB permits in conjunction with town permits if applicable. Posted permits must be visible from the street.

3.9 Contractor work is to be performed Monday through Friday between 7:00 AM and 7:00 PM No Saturday or Sunday work is allowed unless deemed an emergency by the ARB Administrator. Noise or unacceptable behavior complaints from property owners will require the ARB or Security to shut down the job site and a penalty will be imposed. Work is not authorized on national holidays (see contractor work rules).

- 3.10** The project site is to be kept in a clean and uncluttered condition with dumpsters covered at the end of each day. The entire area is to be free of debris at the end of each day. Daily penalties may be imposed and/or the job may be shut down if these standards are not met.
- 3.11** No burning or dumping is permitted in Palmetto Dunes.
- 3.12** Materials must be stored on the building lot, not on the adjacent property. Access to the building site by means of an adjacent property is not permitted. If it is not possible to perform construction work without using common property for access, the applicant may request permission to use the common area from the ARB Administrator under the direction of the PDPOA. Permission to use privately owned property must be obtained in writing from the owner and a copy provided to the ARB. After construction has been completed, any damage resulting from the construction, including damage to streets and leisure paths, must be corrected. Any area damaged during construction must be returned to its original condition before the request is made for final inspection. After final ARB inspection all repairs to the common area must also receive final approval from the PDPOA prior to the refund of any compliance deposit.
- 3.13** The owner or contractor shall provide a temporary driveway entrance or a designated access path with appropriate mulch or stone connecting the property to the street at one point, so as not to interfere with drainage along the street. Street pavement must be kept clean during construction. Costs of repairs and maintenance to off-site areas damaged in the construction process are the responsibility of the owner.
- 3.14** Loud music, foul language or unacceptable behavior of any kind will not be allowed on the project site. No fishing or hunting by construction workers is permitted. Pets of construction workers are not allowed. Only persons associated with the job shall be allowed on the project site.
- 3.15** All exterior remodeling, i.e. window replacement, door replacement, wood repair, etc., requires an ARB permit. Interior remodeling will require an ARB permit if it affects the exterior appearance of the house in any way or if a portable toilet or dumpster will be utilized. Contact the ARB office at 843-785-1109 to ask questions or to request a copy of the guidelines.
- 3.16** Any renovation requiring ARB approval also subjects the property to an overall ARB inspection to ensure the property meets current ARB standards. If deficiencies are found, issuance of the ARB permit may be contingent upon the owner's agreement to bring the property into compliance with the current ARB Policies, Procedures and Guidelines.
- 3.17** On September 17, 2009 the PDPOA Board unanimously approved a motion made by the Land Planning Steering Committee that the new standard mailbox for all single

family residences in Mariners and Inverness sections of Palmetto Dunes would be the Savannah curbside Mailbox (SCS1014) manufactured by the Special-Lite Products Company, Inc. of Loyalhanna, PA. For more specific information on the mailboxes, please refer to the “Exterior Elements” section for complete mailbox information.

3.18 On September 17, 2009 the PDPOA Board unanimously approved a motion made by the Land Planning Steering Committee that Palmetto Dunes would adopt the Town of Hilton Head Island Building and Fire Code regulations as pertaining to single family house numbers. Please refer to the ARB PPG for a detailed description of address sign requirements.

3.19 As of January 2013, the ARB instituted a formal Palmetto Dunes construction sign policy. Specifications and design are available from the ARB office. This policy states that if any sign is used on any project, it must be the official Palmetto Dunes sign.

4. SCOPE OF ARB DECISIONS

The Covenants grant the ARB authority to approve or disapprove plans based on subjective or aesthetic judgments as well as on objective, quantitative grounds. This authority is limited only by the requirements that the architectural review process not be conducted in an arbitrary or capricious manner. ARB decisions are based on reasonable grounds consistent with the objectives of the Covenants, including but not limited to the following:

- Size (square footage, height, mass and scale);
- Siting of structures, including setback requirements;
- Placement and number of parking spaces;
- Aesthetic considerations of harmony and suitability of overall design, including color and construction materials that must blend with existing neighboring homes;
- Landscaping and preservation of significant trees or unique vegetation;
- Exterior lighting and drainage;
- Auxiliary amenities such as pools and docks;
- Effect on neighboring properties;
- Appearance of the property from roads, bike paths, walkways or waterways.

It is to be understood that any approval of a plan which when completed is not considered desirable for future construction, shall not set a precedent requiring the ARB to approve similar plans on subsequent submissions.

5. RESIDENCE

5.1 Design Philosophy

The ARB, under the direction of the PDPOA Board of Directors, has been commissioned to ensure that all projects meet the current ARB guidelines.

5.1.1 Architectural sitings should ensure that the location and configuration of structures are visibly harmonious with the terrain and vegetation of the existing

home, if applicable, and with surrounding home sites and structures.

- 5.1.2** Every residence should be a carefully planned addition to its natural setting. New homes should provide interest and be compatible with neighboring homes. A renovation/addition should be designed to provide interest, complement the existing home, and be compatible with neighboring homes.
- 5.1.3** The aesthetic appearance of a residence depends greatly upon the articulation of the siding, roofing, decks, fenestration (arrangement of doors and windows), etc. Fences or walls, which are not otherwise permitted, are to be used to enclose service areas, pool equipment and HVAC units. Details at the soffit, fascia, foundation, corners, windows and decks should have common elements that help unify the appearance.
- 5.1.4** The mass and bulk of a structure, as it relates to the site and neighboring homes, can be greatly affected by the design of the home. Therefore, design concepts relating to roof form, foundation height, finished floor, fenestration, etc., to address “mass and bulk” are required. Examples of some of these design concepts are: incorporating a roof line between the first and second floor elevation areas; breaking up the roof line; setting the second floor elevation back from the first floor elevation in all or some areas; breaking up the elevations with areas that set “back” or set “forward” from the main elevation; keeping the first finished floor within several feet above the required FEMA flood elevation; placing heated space over a garage area at mid-level as opposed to raising the entire first finished floor to accommodate a garage area under the entire house; use of verandas and porch areas, breaking up the exterior stairway areas, and use of planters. To further accomplish the foregoing, and as part of the aesthetic review, there have been adopted target requirements that exterior walls of living area above the first living level will not exceed 75 percent of first floor heated square footage.
- 5.1.5** Repetitive house designs are unacceptable. Exterior architectural design modifications should be compatible with and complementary to the respective site and neighboring homes.

5.2 Rules and Regulations

- 5.2.1** Homes designed to completely fill the building envelope of a lot or to touch entire areas of each respective setback line are considered incompatible with the natural setting of the Palmetto Dunes community and will not be approved.
- 5.2.2** Maximum roof height allowed is 47 feet AMSL. Chimney height is left to the discretion of the ARB. Chimney exteriors shall be of masonry construction (i.e., brick, tabby or stucco). Exposed metal flues are not permitted. Prefabricated chimney flue caps shall be screened with a metal or other non-combustible

material shroud.

- 5.2.3** Only one detached single-family residential unit not to exceed 2 habitable stories is allowed on each site. The finished first floor elevation must meet FEMA requirements.
- 5.2.4** Exterior walls are to be of stucco, wood or other approved material. Vinyl or aluminum siding is not acceptable.
- 5.2.5** The impervious ratio for all new construction and renovations must be no more than 38 percent.
- 5.2.6** Minimum square footage requirements for the enclosed dwelling area of residential units: Beach/Lagoon/Lake areas – 2,000 square feet; Golf Fairway/Woodland areas – 1,800 square feet; Inverness area – 1,800 square feet.

5.3 Foundations

- 5.3.1** The enclosure of a raised foundation must receive the same careful attention to detail and finishes as the main portion of the house. Foundation walls are to be stucco or similar material. Exposed wooden/round pilings are not acceptable. The raised foundation must be fully enclosed with a foundation wall or a combination of foundation wall, louvers, or the like. Lattice is not acceptable for new construction. Foundation wall openings (on all elevations) are to be of the same design and material treatment, including attached porches, stairs, decks, etc. The exterior wall of the raised foundation is to be the same color as the remainder of the house or match other house trim.
- 5.3.2** Due to flood elevation requirements, high foundation walls may be necessary, requiring careful architectural design to reduce their apparent height and massiveness. Pier foundations with louvered openings and terracing of decks, stairs, planters, etc. may help reduce massiveness of the walls.

5.4 Service Yards

- 5.4.1** An attached service yard is required to contain and screen heat pumps, air conditioning equipment, electric or gas meters, cable or telephone boxes, irrigation boxes, pool equipment, propane tanks or garbage receptacles. Underground propane tanks may be located outside the service yard, but must be a minimum of 10 feet from the property line.
- 5.4.2** Service yards should be designed to complement the house. Lattice or similar see-through material is not acceptable. Overlapping siding, stucco or louvers are acceptable.

- 5.4.3 Service yards must meet setback requirements of the residence.
- 5.4.4 Landscaping around the perimeter of the service yard is required and must be approved by the ARB.
- 5.4.5 During a renovation, if the HVAC, pool equipment, utility boxes, or showers are found to be exposed, the ARB has the right to request they be enclosed by a service yard as part of the renovation.

5.5 Setbacks

- 5.5.1 All building setbacks are measured from any vertical construction 18 inches or higher to the respective property line. Minimum setbacks from property lines are as follows: front 30 feet; rear – 50 feet; each side – 15 feet. (For some lots in the Inverness area a rear setback of 30 feet may be applicable. Check with the ARB Administrator.)
- 5.5.2 No vertical structure outside the building envelope can exceed 18 inches above the finished adjacent natural grade.

5.6 Easements

Improvements by an owner to property within an easement may be subject to disruption by the activities of the PDPOA and/or the Broad Creek Public Service District (BCSPD). The replacement and/or repair of such improvements after PDPOA disruption are not required and are at the discretion of the PDPOA.

Easement agreement information for waterfront property may be obtained by calling the ARB office at 843-785-1109.

6. SUBMISSION PROCEDURES

6.1 General

- 6.1.1 All ARB applications, requests and forms are to be completed in their entirety and signed by *all* applicable parties. Pools require a separate application. Administrative fees are due with the initial submission of the application.
- 6.1.2 All ARB applications, plans and related documents must be submitted to the ARB office by 3:00 PM on the Monday prior to the ARB meeting.
- 6.1.3 All plans and documents submitted to the ARB become the property of the ARB.
- 6.1.4 ***All surveys shall have the seal of a South Carolina licensed land surveyor. No exceptions!*** Owners are required to submit plans professionally prepared by an architect or residential designer. For minor changes, clear, legible drawings prepared by the owner or contractor may be sufficient. ***The ARB Administrator, Chairperson or Board members shall determine if the drawings are sufficiently***

clear and detailed.

- 6.1.5 The owner applicant or his/her designated representative may request to attend an ARB meeting. The date and time will be determined by the ARB Administrator or ARB Chairman. A written decision will be provided subsequent to the meeting. Verbal determinations shall not be rendered.
- 6.1.6 All documents specified on the application form must be submitted to the ARB. Final approval does **not** constitute permission to commence any work at the site until proper permits are issued and posted.
- 6.1.7 Any submission that does not include all required documents and signatures as cited on the relevant application form will not be reviewed.
- 6.1.8 Following final approval of the project, the ARB office must receive a copy of all applicable forms to include:
 - a. Town of Hilton Head Island Building Permit; and/or appropriate DHEC or OCRM documents.
 - b. Fully executed ARB required documents
 - c. Paid receipt for Broad Creek PSD Water/Sewer application
- 6.1.9 All compliance deposits must be received from the property owner prior to issuance of the clearing permit.

6.2 Fees Required

6.2.1 Administrative Fee

A non-refundable administrative fee is due with the application. Checks should be made payable to the Palmetto Dunes P.O.A., Inc. The administrative fee covers four submissions (concept, preliminary, final and one additional). For each additional review, a fee will be imposed.

6.2.2 Compliance Deposit

A compliance deposit is due from the owner after the approval of the plans and prior to the issuance of any ARB permits. The amount of the compliance deposit for new construction is determined by the calculation of a dollar amount per heated square foot. Compliance deposits for renovation projects are determined on a case-by-case basis, taking into consideration the scope of work to be completed. Checks are to be made payable to the Palmetto Dunes POA, Inc.

- 6.2.2.1 Compliance funds are deposited in an interest-bearing account with interest accruing to the benefit of the PDPOA. All funds will be retained by the PDPOA, pending satisfactory completion of a project in accordance with the plans approved by the ARB and in accordance with the covenants.

6.2.2.2 The compliance deposit is refundable, except for any uncollected fines assessed against the property during construction or fines assessed after the ARB final inspection.

6.2.2.3 A refund of the compliance deposit will not be issued until a satisfactory ARB final inspection has been completed. The ARB may withhold the compliance deposit until it has been determined that the required drainage plan is functioning as projected.

6.2.2.4 Request for final inspection must be made within 30 days of the receipt of the such compliance deposits will be non-refundable and retained by the PDPOA.

6.3 Survey/Certificate Requirements

6.3.1 New construction must have a current tree and topographical survey (designating location of trees and elevation of the soil) overlaid on an accurate site plan.

6.3.2 For renovation/pool construction, a site plan not more than 5 years old must be included. It must indicate the existing structure and proposed renovation/addition.

6.3.3 For new construction, a site visit by ARB members is required after the clearing to verify that only approved trees and vegetation have been removed. No ARB foundation permit will be issued prior to this ARB inspection.

6.3.4 A foundation survey verifying the siting of the house and ensuring the building setbacks are met will be required prior to the issuance of the ARB building permit.

6.3.5 An elevation certificate verifying the first floor elevation is required prior to the issuance of the building permit.

6.3.6 *Palmetto Dunes has a 47 feet above mean sea level (AMSL) height restriction. Caution should be exercised to ensure that the finished roof does not exceed this height. A height survey, certified by a registered surveyor, is required for any structure with a second floor of living space. The height survey must be submitted to the ARB office at the completion of framing prior to the installation of shingles.*

6.3.7 The impervious ratio for all new construction and renovations must be no more than 38 percent.

6.3.8 Upon completion of the project, before final inspection, a copy of the As-Built-Survey (if new construction or changes in the building footprint with renovation) and pictures of all four sides of the new construction or the renovated area must be submitted to the ARB Administrator. A Certificate of Occupancy is required to be on file with the ARB prior to final inspection.

6.4 Change Requests

Change request forms must be submitted for **any** change to the approved plans. Revised plans clearly showing changes must be submitted and approved **prior** to site changes being made. **No exceptions!** Failure to adhere to this policy will result in a fine and or retention of all or part of your compliance deposit

6.5 Three-Dimensional Representations

A 1/8 inch per foot, three-dimensional scale model is required for any home plan submitted which is 4,000 heated square feet or more. The purpose of such models is to aid the board's understanding of a more complex, elaborate, or otherwise controversial design proposal.

7. REVIEW CATEGORIES FOR NEW CONSTRUCTION OR RENOVATION

7.1 Conceptual

For conceptual approval, schematic renderings must be submitted to the ARB. These renderings should show four sides of the house with large trees and landscape indicated. The submission must include all required documents specified on the application form. The ARB will furnish a written opinion as to the acceptability of the design.

7.2 Preliminary

For preliminary approval, all documents cited on the application form must be submitted to the ARB. In addition, a 1/8 inch per foot three-dimensional scale model for homes over 4,000 heated square feet is required. The purpose of such models is to aid the ARB's understanding of more complex, elaborate or otherwise controversial design proposals.

Preliminary approval does not constitute approval for lot clearing or construction activity of any kind.

7.3 Final

For final approval, all documents specified on the application form must be submitted to the ARB. Final approval does not constitute permission to commence construction on a building site including lot clearing and tree removal or tree trimming. Final approval to begin construction and/or renovation is contingent upon ARB required inspections and the completion of the pre-construction meeting with the ARB Administrator.

8. CONSTRUCTION

8.1 New Construction

New construction is to begin within 12 months of written ARB final approval. All new construction must be completed within 12 months from the issuance date of the ARB clearing permit. Installation of landscape must be completed in the same time period as construction.

8.2 Renovation

Renovation approvals are valid for 6 months and completion time will be based on the scope of work as determined by the ARB. Landscape installation must be completed in the same time period.

Requests for any extension of a completion date for new construction or renovation must be received in writing by the ARB two weeks prior to the expiration of the permit. Extensions may be granted at the sole discretion of the ARB.

8.3 Demolition

8.3.1 When a building or structure is demolished, any variance to setbacks previously given to the property is null and void.

8.3.2 Prior to a demolition permit being granted, the homeowner will be required to sign a maintenance acknowledgement form. (See 8.3.9)

8.3.3 Prior to a demolition permit being granted, all contents must be emptied/removed from the property. The home must pass a pre-demolition inspection by an ARB member.

8.3.4 If a new home is under review, a demolition permit will not be issued until final approval is granted and the compliance deposit is received by the ARB.

8.3.5 If an existing pool does not meet current setbacks, it must be demolished in conjunction with the house.

8.3.6 If an existing pool meets the current setbacks, it may only remain if there is approved new home construction. It must be secured to ensure it does not become a safety hazard.

8.3.7 If a garage or outbuildings are present, they must be included in the demolition.

8.3.8 Demolition must include all hardscape, including the driveway.

8.3.9 After demolition, the property must be maintained in such a way that it does not detract from the community. It must be kept free of debris and weeds, and must be mulched to prevent soil erosion. Saplings are allowed to take root and grow.

If the home to be demolished is on the lagoon or lakes and there is grass in the 20 foot buffer, the grass must be removed and the area must be mulched to prevent erosion.

8.4 Site Preparation and Maintenance

- 8.4.1** All underground utility locations are to be flagged prior to any clearing, grading or digging. Call 1-888-721-7877 to make arrangements. The Underground Utility Damage Prevention Act of July 18, 1978 provides for a penalty of \$1,000 to the person doing the excavating if the utility involved has not been contacted. The penalty will be collected by the utility company.
- 8.4.2** No trees of any kind above 5 inches in diameter at a point 4 feet above ground level may be removed without approval of the ARB and posting of an ARB permit. Trees to be removed outside the building envelope must be designated on the site plan with reason for removal (e.g., dead, diseased, top missing). All trees designated for removal must be banded with red tape on the building site.
- 8.4.3** All trees on the construction site must be protected against damage by a 2 x 4 frame barricade, as close as possible to the tree's drip line, or a minimum of 5 feet from the tree trunk. Mulch should be placed within the perimeter of the barricades.
- 8.4.4** Under no circumstance are building materials, equipment, vehicular traffic or parked vehicles to come into contact with trees on the site.
- 8.4.5** Assignment of designated parking areas is crucial. Spaces for at least four construction vehicles must be provided on the site and indicated on the site plan, along with the placement of the portable toilet and dumpster.
- 8.4.6** Designate an area well away from trees for the storage of building materials.
- 8.4.7** Root compaction is to be avoided within the drip line of trees through the use of wood barricades and mulch.
- 8.4.8** Caution should be exercised when making grade changes around trees. Tree wells are encouraged.
- 8.4.9** When clearing around trees, avoid the use of heavy root raking equipment, which may damage or destroy root systems, resulting in tree failure.
- 8.4.10** Permission for any vegetation clearing along the lagoon waterfront within the 20-foot buffer area must be approved by the Town of Hilton Head Island and the ARB prior to requesting an ARB permit. The ARB has the right to request additional plantings in addition to the requirements of the town. Wax myrtles

are sometimes abundant along the water and need to be preserved relative to ecological factors and erosion control. Landscape plans for properties along the lagoon must include native vegetation in the 20-foot buffer. These plans will be submitted and reviewed by the ARB prior to submission to the Town. The Town of Hilton Head Island will stamp the plans to indicate that the plans must be reviewed and given final approval by the ARB. The ARB maintains jurisdiction for lakes.

- 8.4.11** If, in the judgment of the ARB, a tree is damaged or destroyed due to carelessness or avoidable activities on the part of the owner or contractors, the ARB will require suitable replacement. A fine may be issued or a portion of the compliance deposit may be retained as a penalty.
- 8.4.12** An arborist's inspection and written report may be required for consideration of the removal of any tree in question.

8.5 Site Requirements

- 8.5.1** Construction vehicles must be parked on the property and off the street. Space for at least 4 construction vehicles must be provided on the site. Roadways in Palmetto Dunes may not be obstructed by construction vehicles.
- 8.5.2** A portable toilet must be placed on the property with the door facing away from the street and adjoining houses. Minimum setback from the street is 15 feet. A portable toilet should be kept clean and odor free and must be removed promptly at the completion of construction.
- 8.5.3** A dumpster is to be placed on the lot with a minimum setback from the street of 15 feet. It is the responsibility of the general contractor to ensure that the dumpster(s) are emptied in a timely fashion and never exceed the full line. In addition, all dumpsters are to be covered completely with a neutral colored tarp and secured at the end of each workday. The contractor will be subject to fines which must be paid prior to work continuing at the site if the dumpster exceeds the full line or is left uncovered. Full containers over the weekend or holiday are not permitted. The dumpster must be removed promptly at completion of construction. ***PLEASE NOTE: The ARB has the right to contract for cleanup at the owner's expense, should the contractor fail to maintain a neat and orderly work site.***
- 8.5.4** The ARB reserves the right to require the installation of a silt fence to guard against soil erosion or water runoff onto neighboring properties.
- 8.5.5** The builder's/architect's sign must be placed on the property, maximum size 4 feet x 4 feet; the single sign should face parallel to street; setback 10 feet from

street.

- 8.5.6** The Town of Hilton Head Island Building Permit and all ARB permits must be posted on the builder's sign.

8.6 ARB Required Inspections

The contractor is responsible for notifying the ARB office for all required inspections in accordance with the Inspection Checklist.

8.6.1 Pre-Clearing Inspection

- 8.6.1.1** If necessary, the property must be bushhogged prior to stake out. This will be determined by the ARB.

- 8.6.1.2** Trees designated for removal, as shown on the final approved site plan, are to be marked with red tape. All other tape is to be removed.

- 8.6.1.3** All property corners must be staked. All property lines must be marked with string.

- 8.6.1.4** The contractor will be responsible for stringing the proposed perimeters of the buildings including decks, swimming pool and driveway.

- 8.6.1.5** Prior to final approval a site visit must be completed by the ARB.

8.6.2 Post-Clearing Inspection

Post-clearing inspection will be made to ensure no additional trees were removed nor excessive trimming done during clearing. Any damage to trees noted or unapproved tree removal or trimming will be subject to fines and/or retention of all or part of the compliance deposit.

8.6.3 Interim

Throughout the construction period, the site will be inspected by ARB members.

8.6.4 Final Inspection

A final inspection will be conducted when the ARB office has been furnished with the following:

- 8.6.4.1** Receipt of a signed written contractor request for a final inspection;

- 8.6.4.2** A copy of the As-Built Survey and Certificate of Occupancy for new construction or an As-Built-Survey for a renovation project if the building footprint changes.

- 8.6.4.3** Photographs of all four sides of new construction or all sides affected in the renovation.

8.6.4.4 If the ARB has required a certified drainage plan with installation for this project, the homeowner and/or builder must verify, in writing, that the certified drainage plan has been installed per approved plan and is functioning.

8.6.4.5 *If the project is not completed at the time of the requested final inspection and subsequent inspections are necessary, those additional inspections may be assessed at \$50 each.*

8.7 Interior Remodel

Interior remodeling may require an ARB permit. Please contact the ARB office at 843-785-1109 before work begins. An ARB permit is required when placing a portable toilet or dumpster on a property. If an interior change affects the exterior structure, an ARB permit is required.

9. FILL/GRADING/DRAINAGE

9.1 Careful planning is needed to ensure that the building project's site requirements are compatible with the existing site conditions there by preventing excessive disruption of the native site. Unsightly grading, indiscriminate earth moving, clearing of the property, or removal of the trees and vegetation, which could cause disruption of natural watercourses, scar natural landforms, or destroy native plant groupings are prohibited.

9.2 Fill/grading is to be designed in a manner to prevent standing water and to assure there will be no run off to adjoining properties.

9.3 The ARB reserves the right to require a certified drainage plan for any project.

9.4 All water pumped from the ground to facilitate any aspect of the construction process for homes or pools must be contained on the property at all times. Under no circumstances may this water be discharged into the lagoon or fresh water lakes directly or through drains on the property or on the roads. Failure to adhere to this policy will carry stiff penalties.

9.5 Every lot in Palmetto Dunes is considered a waterfront lot. (Sites of 0.5 acres and less and within 0.5 miles of receiving water body in a coastal zone). Designation coming from SC DHEC originating from the Federal Clean Water Act of 1972. Palmetto Dunes is allowed to have storm water runoff into the lagoon from roads and common areas, but no individual property has been granted that privilege. The ARB requires a certified drainage plan on all new home projects to prevent the discharge of storm water onto other properties or into the Palmetto Dunes storm drain system.

10. PERMIT PROCEDURES AND REQUIREMENTS

10.1 Town Building Permit

A copy of the Town of Hilton Head Island Building Permit is to be provided to the ARB.

10.2 ARB Permit(s)

Once a copy of all required documentation is submitted, the pre-construction meeting with the ARB Administrator has been held and the compliance deposit is received, the applicable ARB permit for the project will be issued by the ARB Administrator. A penalty will be imposed if work begins prior to the issuance of the proper ARB Permit. During the course of new construction, the following permits will be issued after final approval for the project has been granted.

10.2.1 A Clearing Permit is issued after a site visit by the ARB to clarify trees that may be removed.

10.2.2 A Foundation Permit is issued after a post clearing inspection has been completed by the ARB to determine if the site has been cleared per plan.

10.2.3 A Palmetto Dunes Building Permit is issued after a foundation survey is received by the ARB Administrator verifying the first floor elevation and approved siting of the house meeting all building setbacks.

11. GARAGES/GUEST SUITES/CARPORTS

11.1 A second story over the garage is permitted provided the garage is attached to the residential unit by an enclosed roofed corridor or similar structure. The peak of the garage roof is to be at the same height or lower than the peak of the house roof.

11.2 A detached one-story garage may be constructed provided it can fit within the building setbacks.

11.3 A detached guest suite, without a kitchen, may be included provided it can fit within the building setbacks.

11.4 New carports are not permitted.

12. LANDSCAPE PLAN

12.1. The landscape plan is to be designed by a landscape architect or design professional using a scale of 1/8 inch equals 1 foot on a site plan incorporating the tree survey and topographical information.

12.2. The plan is to show locations of all existing landscape and improvements. The location of new plants is to be in relation to the building's elevations and design to achieve a cohesive and harmonious setting.

- 12.3.** Plants are to be drawn to scale of their approximate size at maturity according to American Nurseryman's Standards.
- 12.4.** A plant schedule is to be incorporated on the landscape plan showing associated plant symbol/abbreviation, common name, size (height, spread, and container size), and quantity and quantity used.
- 12.5.** ***All foundations (e.g., house, deck, garage, service yard) are to be fully landscaped on all sides. Foundation plants are to be a minimum of 7 gallons and provide a minimum of 50 percent foundation height coverage at installation.***
- 12.6.** Garage entrances, parking areas, service yards and swimming pools, etc., are to be fully screened from the street and adjoining properties with mature evergreen plants that provide screening upon installation. In addition, site utility boxes and outside showers must be contained within a service yard.
- 12.7.** The portion of all residential lots within 30 feet of the lot line bordering golf courses shall be in general conformity with the overall landscaping pattern of the adjoining golf course area.
- 12.8.** Sod is required to the edge of the street. Property owners are responsible for landscape maintenance of this area.
- 12.9.** Landscape enhancement items such as stepping stones, paths, benches, fountains, statues, etc. are to be shown on the landscape plan. Landscape lighting should be shown on the plan with cut sheets provided coded to their location on the plan.
- 12.10.** Leaving some areas in their natural state may be appropriate. "Natural state" is defined as an area that is manicured, weedless, having ground cover. Neither bare ground (dirt, sand) nor artificial products (turf, rubber mulch) will be permitted as ground cover at an improved property.
- 12.11.** Inclusion of an irrigation system is highly recommended because there may be extended periods of warm weather with little rain. Rain sensors are required on irrigation systems to prevent their functioning during periods of significant rain and shortly thereafter.
- 12.12.** Use of mature plants is required. Native plants that are deer resistant, drought tolerant, and winter hardy are encouraged. Heavy foliage evergreen plants are to be used for all screening applications.
- 12.13.** Jurisdiction of the 20 foot protected buffer along the edges of the lagoon is shared by the Town of Hilton Head Island and the ARB. Issuance of the ARB

permit cannot occur until the ARB has received a copy of the Town of Hilton Head Island permit. After receipt of the Town of Hilton Head Island permit the ARB has final approval for plant removal, trimming or pruning of any plant material in this area. During bulkhead installations, some plant replacement may be required adjacent to the bulkhead.

- 12.14.** Curbing along the street edge is not permitted for both aesthetic and safety reasons.
- 12.15.** The landscape plan is to be submitted to the ARB with the application. Final approval cannot be given without an ARB approved landscape plan.
- 12.16.** During renovation, the ARB has the authority to require the existing landscape be upgraded to today's ARB standards.
- 12.17.** At final inspection, the ARB in its sole judgment, will determine whether the landscape design intent has been met, and it has the authority to require additional plants if deemed necessary.
- 12.18.** If a property alters 50 percent or more of their landscaping, a new plan and ARB permit will be required.

13. TREE/VEGETATION REMOVAL

13.1. Underbrush Removal and Bushhogging

- 13.1.1.** An undeveloped lot may be left in a natural state unless it becomes unsightly or unsafe (fallen trees, limbs and underbrush) as determined by the ARB.
- 13.1.2.** Underbrush removal is considered an alteration of vegetation characteristics of a property. No underbrush removal is permitted until an ARB permit is issued. An administrative fee, as well as a compliance deposit, is required.
- 13.1.3.** Except as provided in the covenants, trees (including wax myrtles, palmettos, pines, oaks, etc.) of any size are not to be removed under any circumstances unless they are dead. Dead trees, if any, are to be flagged with tape and inspected/approved by the ARB prior to removal. A permit for the removal of the approved trees will be issued.
- 13.1.4.** Underbrush removal is reviewed on a case-by-case basis and will not be permitted until reviewed by the Town of Hilton Head Island. In addition, removal of underbrush 30 feet ocean side of the Ocean and Coastal Resources Management (OCRM) critical boundary line is not permitted.
- 13.1.5.** All debris/refuse from underbrush removal is to be removed from the property

within 24 hours after completion. Underbrush removal is to be scheduled so that no debris/refuse is left on the site over any weekend/holiday. No burning or dumping of any kind is permitted.

- 13.1.6.** Particular attention should be given that there is to be no disruption of the earth or removal of native vegetation along the lagoon waterfront.

13.2. Tree Removal/Trimming/Pruning

To be removed, trees should be dead, diseased, dying or leaning precariously towards a house. An ARB Tree Removal/Trimming Permit is required for the removal of trees above 5 inches in diameter at a point 4 feet above ground level. A fee is required for removal and/or trimming. When the trees have been marked and the application document and fee received by the ARB office, an ARB member will visit the site and the removal request considered. If approved, a permit will be issued and must be posted by the contractor. When a tree is removed, the stump must be ground or cut level with the soil surface. If the removal is not approved, the property owner will be notified. Work may not commence until an ARB permit has been issued.

- 13.2.1.** Trimming may not exceed 20 percent of the existing leaf surface of the tree.

- 13.2.2.** Minimal trimming for view and breeze is at the discretion of the ARB and must be approved prior to any work being started.

13.3. Tree Replacement

The ARB may require replacement of any tree approved for removal. The type and size of the replacement tree will be at the discretion of the ARB. When tree mitigation is required, the Palmetto Dunes ARB adheres to the Town of Hilton Head Island tree mitigation requirements.

14. ROOF

- 14.1** When replacing the roof on an existing residence, ARB approval is required prior to installation. This applies even if the roofing color and material are to remain the same. An application for reroofing must be completed; an administrative fee paid and an ARB permit issued before reroofing can begin. A building permit must be obtained from the Town of Hilton Head Island and presented to the ARB prior to the issuance of the ARB permit. All permits must be posted on site.

- 14.2** No vents or skylights may be located on the front of the house. All roof vents are to be painted to blend with the roof.

15. COLOR SELECTIONS

- 15.1** When making improvements to an existing structure, ARB written approval of color selections is required prior to installation. Painting may not take place

until the ARB permit has been issued and posted. This includes repainting a house the same color. Prior to ARB approval a 3 foot x 3 foot area in a well-lit area of the house must be painted for ARB review on site. The areas must be defined between the trim color and base color. An administrative fee is charged for all submissions.

- 15.2** Exterior colors, including front doors, should blend with the surrounding environment, not contrast with it. Garage door color must match the body of the house.
- 15.3** Pure white will not be permitted for homes trim, decks, louvers, doors, etc.
- 15.4** During the review process of new construction, “chips” of all color selections, including picture of and color selection for front entry door, need to be labeled and submitted for approval on white hard board approximately 8 inches x 11 inches. All stucco color selections are to be submitted on stucco. A “chip” is not acceptable. No exterior materials or colors are given final approval until the color board has been reviewed by the ARB on site.
- 15.5** Larger samples, when required, are to be submitted separately, in addition to the color board. These larger samples of the exterior color and finish of all materials proposed for the building are to be submitted on actual samples of materials proposed for use. These samples are most important to both the owner and the ARB in evaluating the eventual appearance of the house as color chips often vary greatly from actual applications.
- 15.6** For all new construction projects, the ARB requires that a separate color selection display board, as specified in the pre-construction packet, be placed on the building site in full view of the street. Color samples should be proportionate to the use and displayed on the finish to be used.
- 15.7** All vertical construction is to be painted or stained including hand or deck rails, posts, stair risers, louvers, lattice, columns, etc. Vents and all visible utility boxes are to be painted to blend with the area in which they are located.

16. HARDSCAPE

16.1 Decks, Patios, Porches, Terraces

Decks, patios, porches and terraces are usually integral parts of the house design. A site plan, showing exact location and construction details, along with a landscape plan, is required.

- 16.1.1** The design of decks, patios and terraces must be coordinated with the design of the residence. 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.

16.1.2 Grade-level patios and decks are subject to the same setback requirements as swimming pool decks. Elevated decks and terraces, 18 inches or above, are subject to the same setback requirements as house walls.

16.1.3 All open spaces beneath an elevated deck must be closed with louvers or other “open air” paneling between the outermost vertical posts or piers; such vertical surfaces are to be screened by landscape planting. The exceptions are open areas incorporated into the house design intended for outdoor living areas that have a finished appearance.

16.1.4 All exposed vertical elements of a wooden deck or terrace, including benches, railings and below deck outside structures, must be stained or painted to match house siding. Stains and paints that can be used on new pressure treated wood are commercially available. Cable railing will be reviewed and approved on a case-by-case scenario. To delay painting for “wood seasoning” will delay the return of the compliance deposit.

16.1.5 No metal porch structures are allowed.

16.1.6 *On Tuesday September 21, 2010 the Palmetto Dunes ARB voted to allow on a case-by-case basis the use of stamped concrete for pool decks, steps, and paths. The ARB will not accept for review any project that includes the use of stamped concrete for driveways or driveway turnarounds.*

16.1.7 *It is to be understood that any approval of a plan which when completed is not considered desirable for future construction, shall not set a precedent requiring the ARB to approve similar plans on subsequent submissions.*

16.2 Driveway/Parking Areas

16.2.1 Driveway setback is a minimum of 5 feet from the property line (includes street right-of-way).

16.2.2 All driveway and parking areas materials are to be concrete or pervious pavers. Decorative brick inserts are permitted.

16.2.3 Material samples for a driveway must be submitted for ARB approval.

16.2.4 Space for parking a minimum of 4 automobiles on the site must be provided; all parking spaces will be reviewed by the ARB to insure the impervious ratio meets ARB requirements.

16.2.5 Parking areas are to be incorporated with driveways.

16.2.6 Stamped concrete will not be approved for driveways.

16.2.7 If a driveway is made of asphalt, it may only be patched for maintenance, patching may not exceed 50 percent. If less extensive patching is needed, then a top coat applied to the entire driveway will be required. No driveways may be replaced with asphalt, all replacement driveways must be brought to current guideline standards.

16.2.8 The impervious surface requirement for the entire property is no more than 38 percent.

16.2.9 *All new construction and all existing concrete driveways will be maintained and or replaced only with current guideline standards.*

16.3 Stamped Concrete

16.3.1 Stamped concrete is discouraged but projects will be reviewed on a case-by-case basis.

16.3.2 Stamped concrete will only be considered for pool decks, paths and steps.

16.3.3 Driveways and driveway turnarounds will not be permitted.

16.3.4 Only muted, neutral colors will be considered. White or very light colors will not be considered.

16.3.5 The top coat(sealer) must be a matte finish with little shine

16.3.6 The design must have ARB approval. Emblems, pictorial depictions, logos, initials and other inserted artistic renderings will not be approved.

16.3.7 The desired project must be shown on a site plan.

16.3.8 A sample of the proposed concrete will be required.

16.3.9 Any new construction must meet all building setbacks.

16.4 Fences and Walls

16.4.1 Fences and walls, other than service yard enclosures, are not allowed. The use of tall plant materials or earthen berms with plant materials is encouraged.

16.4.2 A site plan showing exact location and complete construction details and a landscape plan are required for all service yards.

16.4.3 Retaining walls required to stabilize earth will be considered on a case-by-case basis.

17. POOLS/SPAS

17.1 Pools and Surrounding Pool Decks

17.1.1 Pool/surrounding deck setback is 20 feet from side property lines and 30 feet from the rear property line or the edge of the water for properties located along the lagoons and lakes. (For some lots in the Inverness area a rear setback of 20 feet may be appropriate. Check with the ARB Administrator).

17.1.2 All construction outside of the building envelope may not exceed 18" off natural grade.

17.1.3 All pool materials must be submitted for approval.

17.1.4 Pool equipment, including heaters, tools and chemicals are to be located in a service yard. Underground propane tanks may be located outside the service yard, but must be a minimum of 10 feet from the property line. Pool backwash/drain pipe is to be located in such a manner as to assure that water remains on the owner's property. ***Flexible/collapsible surface hoses are not acceptable.*** Pump motor location is to provide minimal noise disturbance to adjoining properties.

17.1.5 The ARB reserves the right to require complete landscape upgrade if the property does not meet current guidelines. Landscaping for pool additions should complement or enhance the existing property. It should provide for landscape planting beds between the house/raised decks and pool deck to allow adequate foundation plantings to screen and soften the mass of the house. In addition, the pool and spa should be landscaped to screen them from the lagoon, lake, golf course, or street.

17.1.6 Screened pool enclosures are discouraged by the ARB and will not be permitted unless, in the opinion of the ARB, the design of the enclosure complements and blends with the architectural style of the house. Enclosures must meet building setback requirements. Metal structured, screened enclosures are not permitted.

17.1.7 A site plan showing existing trees, exact pool, deck, and service yard locations is required. In addition, complete construction details including waterfalls, raised spas, construction materials along with color samples, and landscape plan, are required.

17.1.8 Street side/front yard pools are discouraged. Siting of pools will be reviewed on a case-by-case basis.

17.1.9 Side and rear property lines must be clearly indicated at the site. The proposed pool deck is to be designated on site indicating the outside edge of the pool deck on all sides.

17.1.10 A copy of the Town of Hilton Head Island Building Permit is required.

17.1.11 When an elevated waterfall is part of the pool design. The waterfall may not exceed 18 inches above the pool deck.

17.2 Pool Backwash

The backwash water leaving the pool equipment must leave the system through a rigid underground pipe. This pipe is then brought to the surface in a manner guaranteed to keep the backwash on the owner's property. Hardscape such as gravel or decorative stone must be placed around the outlet to minimize soil erosion. The pipe is to be painted to blend with its surroundings. Pool backwash water may not be allowed to empty directly or indirectly into the lagoon. Even a small amount of pool chemicals can have a negative effect on the water quality in the lagoon.

17.3 Hot Tubs/Spas

Hot tubs/spas must meet setback requirements and be adequately landscaped. The spa may not exceed 18 inches above the highest natural grade or recessed in a wooden deck. An ARB permit is required. All materials must be submitted for approval. Work may not begin until the ARB permit is issued. No new freestanding hot tubs or spas are permitted.

18. WATERFRONT

18.1 Ocean/OCRM

18.1.1 The portion of beachfront property oceanward of the OCRM critical boundary line is subject to the OCRM's rules and regulations. Clearing/construction of any kind in this area is subject first to OCRM approval. A copy of their letter of approval is required by the ARB.

18.1.2 Owners of beachfront property may not remove, reduce, cut down or otherwise lower the elevation of sand dunes and ridges located on the oceanside portions of any beachfront properties without prior written approval from the OCRM and the ARB.

18.1.3 In order to preserve the natural appearance and scenic beauty and to minimize erosion, the covenants establish a construction and clearing restricted zone on all lots or parcels adjoining the ocean. That portion located within 30 feet of the average high-water mark shall be preserved substantially in its present natural state except for moderate clearing for

view and breeze. Construction and major clearing of trees and underbrush in this area must be specifically approved by the Town of Hilton Head Island, in conjunction with the OCRM/DHEC requirements, prior to the ARB approval.

18.2 Dune Crossovers

18.2.1 The dune is to remain as is and is to be protected during the construction process. No trees, shrubs or existing vegetation may be removed or pruned without ARB and OCRM written approval.

18.2.2 On a case-by-case basis, a dunes crossover may be permitted. Written OCRM approval is required.

18.2.3 A site plan, showing the exact location and construction/elevation details is required, including a profile of the crossover with respect to the dunes.

18.3 Lagoons and Lakes

18.3.1 Purpose and Intent

The lagoons and lakes in Palmetto Dunes are wetlands and are protected natural resources. They are also some of the most prized amenities of the community. The lagoons and lakes are essential to help control flooding in PD, but they also provide a sustainable habitat for a variety of birds and fish – all parts of the natural environment that is important to Palmetto Dunes residents and visitors. These standards are intended to regulate development and activities in and around wetlands so as to:

- Avoid the disturbance or alteration of the lagoons and lakes;
- Enhance the quality of the water;
- Minimize erosion, sedimentation, and pollution of the lagoons and lakes;
- Provide buffers along the perimeter of wetlands that will 1) protect the wetlands from impacts of adjacent development; 2) allow for filtration of stormwater runoff before it enters wetlands; and 3) allow for views of the lagoons and lakes.

General and specific requirements for the protection of wetlands are included in ordinances of the Town of Hilton Head Island and the SC Office of Coastal Resource Management (OCRM) policies. In some cases, Palmetto Dunes ARB requirements are more stringent and they take precedent over those regulatory entities. To assist property owners in understanding and meeting all requirements, the ARB will interface with the Town and OCRM to facilitate all required approvals pertaining to wetland buffers and boat ramp, bulkhead, and dock construction.

Applicability

This section shall apply to all building, development, redevelopment and site alterations adjacent PDPOA-owned lagoons and lakes.

18.3.2 General Performance Requirements

Fertilizers, pesticides, and all other potential pollutants shall be prevented from directly or indirectly entering into the lagoons and lakes, whether by surface flow, ground water flow, or through drainage structures.

During construction and renovation, every precaution shall be taken to prevent the disruption of adjacent lagoons and lakes. Silt fences and other best-management practices shall be used at all times to minimize siltation, sedimentation, erosion, and disturbance of vegetation.

To ensure that sediment is not transported into adjacent lagoons and lakes, erosion and sediment controls shall be left in place until filled areas are stabilized with permanent vegetation that will prevent the transport of sediment into the water.

When the use of fill is permitted on a site, fill material shall be clean and shall not consist of garbage, refuse, toxic or contaminated material, or any material that through the actions of soil leaching may cause the degradation of surface or ground water quality. Filling shall be limited to the minimum amount to achieve the purpose for which the fill is permitted.

Slopes resulting from the placement of fill near the lagoons or lakes (e.g., fill placed behind a new bulkhead) shall be no steeper than a 3 to 1 (horizontal to vertical) ratio and shall be stabilized with vegetation to prevent erosion and sedimentation. The stabilization shall be completed at least 30 days before final ARB inspection. The vegetation used for fill stabilization shall be maintained in a living condition.

18.3.3 Wetland Buffer Requirements

The 20-foot area along the perimeter of all lagoons and lakes within Palmetto Dunes is designated as a "wetland buffer," which is "a naturally vegetated upland area adjacent to a wetland or surface water."

The 20-foot buffer shall be measured landward from either the South Carolina OCRM critical line or from the average high-water mark, whichever is farther landward.

All vegetation, including but not limited to ground cover, shrubs, and trees shall be retained throughout the buffer. Removal of existing vegetation shall only occur upon ARB approval to accommodate the Allowed Development Activities itemized below.

18.3.4 Prohibited Development Activities in Wetland Buffers

The following activities are specifically prohibited in the 20-foot wetland buffer:

- Removal, excavation, or disturbance of the soil;
- Dumping or filling with any materials;
- Placement or replacement of any sod;
- Placement of any garden of any type (e.g., vegetable, fruit, ornamental);
- Placement of structures or other pervious or impervious surfaces (except allowed pervious pedestrian walkways as described below); and
- Removal or destruction of trees, plants or grasses.

18.3.5 Allowed Development Activities in Wetland Buffers

The following activities may occur in a required wetland buffer, subject to ARB approval and the specified limitations noted:

- Installation of native trees and plants as approved by the ARB;
- Maintenance of existing buffer landscaping, as approved by the ARB;
- Construction and maintenance of a pedestrian walkway that is perpendicular to the water's edge and through the buffer, to provide access to the water for viewing, fishing, and other recreational purposes—provided the walkway is not more than 4 (four) feet wide and is pervious;
- Construction and maintenance of pervious bulkheads, including bulkhead backfill in the wetland buffer —provided:
- A wetland buffer in accordance with the standards in this section is established or re-established following construction; and
- The ARB approves the replanting plan and any necessary tree removal;
- Clearing needed to establish or improve view corridors, as described below under View Corridors;
- Essential development activities such as stormwater management facilities and water, sanitary sewer, telephone, natural gas, cable TV, or other utility lines—provided:
 - Stormwater management facilities and utility lines that must cross the buffer shall do so at approximately a right

- angle to minimize the area of buffer width disturbed; and
- Stormwater management facilities and utility lines may run approximately parallel to the edge of the wetland if the utility or drainage easement allows the vegetation necessary to provide for significant filtration of stormwater runoff before it reaches the wetland; otherwise additional buffer width shall be required to provide the space for such filtration.
- Water-dependent development activities such as construction of docks, boat ramps, and shoreline stabilization;
- Limited removal of:
 - Trees or other vegetation determined by the ARB to be dead, dying, or diseased, provided the root system is retained intact;
 - Non-native trees or other vegetation determined by the ARB to constitute a threat to the growth of native species of vegetation
 - Fallen trees, tree limbs, brush, and similar debris that have accumulated in or along the water's edge and are determined by the ARB to impede water flow or limit navigation of boats in the lagoons or lakes.

The following activities may occur in a required wetland buffer, subject to ARB approval and the specified limitations noted:

18.3.6 View Corridors

Vegetation within wetland buffers may be selectively removed or pruned to establish view corridors to the lagoons or lakes, subject to the ARB's determination of compliance with the following standards:

- To the maximum extent practicable, view corridors shall be located where the least amount of native vegetation is required to be removed or pruned (i.e., where little vegetation exists or where existing vegetation is non-native), and the pruning of trees and vegetation adjacent to the view corridor can be done in a manner that maintains the health of such trees and other vegetation.
- No healthy tree may be removed to create a view corridor. Selective pruning of trees is allowed, in accordance with the guidelines of ANSI A300 Pruning.
- Any dead, diseased or dying trees removed shall be cut flush with existing grade and their root systems left intact. Upon approval of the ARB, tree stumps may be ground out to be flush with existing grade. All removed vegetation shall be replaced with shrubs or other low-growing vegetation (not turf or sod)

that will maximize the buffer's function in slowing runoff and removing pollutants before they reach the lagoons or lakes.

- The ARB may require landscaping as mitigation for removed vegetation, such as the addition of native trees, understory and groundcover plantings.

18.4 Bulkhead

18.4.1 The bulkhead is to be constructed adjacent to and at a level near the existing lagoon bank to allow proper drainage.

18.4.2 The bulkhead is to be designed to follow the contour of the lagoon bank. The ends of the bulkhead are to be angled and extended into the property a minimum of 6 feet from the corner markers of the actual property line in a manner so as to minimize soil washout on adjoining lots that are not bulkheaded. If the adjoining lots have bulkheads, the proposed bulkhead is to be tied into that existing bulkhead(s) to prevent soil washout and promote a smooth/natural transition between the bulkheads.

18.4.3 A site plan showing exact location and construction elevation details, including color/finish, is required.

18.4.4 Soil added along the bulkhead is to be covered with Town of Hilton Head Island approved plantings. The ARB may require additional plant replacement.

18.4.5 Bulkheads are not permitted on lots bordering enclosed lakes.

18.4.6 Marine grade materials must be used.

18.4.7 Lights are not permitted on bulkheads.

18.4.8 Partial bulkheads will only be considered by special exception and shall meet the following criteria:

- a. There is an existing bulkhead in place which has been categorized as being in an "Unsatisfactory" condition on PDPOA's Official Shoreline Map; and
- b. The bulkhead plans have been reviewed and approved by the ARB and PDPOA's engineering consultant.

18.4.9 If a property has a bulkhead it must be maintained at all times. The bulkhead may be repaired or replaced. The removal of bulkheads will only be considered by special exception and shall meet the following criteria:

- a. The existing bulkhead has been categorized as being in an “Unsatisfactory” condition on PDPOA’s Official Shoreline Map; and
- b. The shoreline restoration plans have been reviewed and approved by the ARB and PDPOA’s engineering consultant.

18.4.10 An ARB permit cannot be issued without record of the Town of Hilton Head Island and OCRM/DHEC permit being on file with the ARB. A PDPOA easement agreement must be received by the ARB for all bulkhead applications prior to an ARB permit being issued.

18.5 Boat Ramp

A site plan, showing exact location and construction/elevation details, including color/finish, is required with all boat ramp submissions. A minimum setback from the edge of the boat ramp to the side property line should be 20 feet.

No elevated boat lift will be permitted or approved.

18.6 Docks on the Lagoon

18.6.1 The dock may extend a maximum distance of 6 feet into the water, including steps. The maximum width is 12 feet, including benches. The minimum setback from the edge of the dock to the side property lines is 20 feet.

18.6.2 A site plan that shows exact location and construction/elevation details is required.

18.6.3 Marine grade materials must be used.

18.6.4 Lights will be considered by the ARB. Details or a cut sheet of the fixtures are to be furnished and shown on the site plan.

18.6.5 An ARB permit cannot be issued without record of the Town of Hilton Head Island and OCRM/DHEC permit being on file with the ARB. In addition, a PDPOA easement agreement must be received by the ARB prior to a dock permit being issued.

18.6.6 *Owners of a dock and/or bulkhead must, at all times, maintain these structures in good repair and keep them safe, clean and orderly in appearance.*

18.7 Docks on Lakes

18.7.1 Docks on the fresh water lakes are reviewed on a case-by-case basis.

18.7.2 The dock may extend a maximum distance of 6 feet into the water, including steps. The maximum width is 12 feet, including benches. The minimum setback from the edge of the dock to the side property lines is 20 feet.

18.7.3 A site plan that shows exact location and construction/elevation details is required.

18.7.4 Marine grade materials must be used.

18.7.5 Lights will be considered by the ARB. Details or a cut sheet of the fixtures are to be furnished and shown on the site plan.

18.7.6 Owners of a dock and/or bulkhead must, at all times, maintain these structures in good repair and keep them safe, clean and orderly in appearance.

18 EXTERIOR ELEMENTS

19.1 Antennas

19.1.1 Property owners may install television satellite dishes with a maximum diameter of 1 meter (39.4 inches) without ARB approval. The satellite dish is to be inconspicuous from the street, amenity (e.g. beach, golf course, lagoon/lake, and neighboring properties). If mounted on a structure such as a house, or garage, it is to blend with the structure. If located on or near the ground, it is not to be visible from the street, amenity, or neighboring properties, which may necessitate screening with evergreen landscape.

19.1.2 Satellite dishes larger than 1 meter in diameter require ARB approval.

19.1.3 Tankless water heaters and pool/spa system bubblers will be reviewed case-by-case. If approved, they are required to be screened or enclosed.

19.2 Awnings

19.2.1 Awnings may be installed on residences with ARB approval. Awning color should be compatible with the exterior colors of the house.

19.2.2 All awnings must be in a rear location.

19.2.3 A cut sheet of the awning with pictures of the existing home showing details of construction, along with a sample of the awning material are required with all

awning submissions.

19.3 Clotheslines

Exposed clotheslines are prohibited.

19.4 Flagpoles and Statuary

19.4.1 Statuary elements are normally permitted only in the rear of the residential lot, and within the established building property line setback guidelines. All plumbing and electrical fixtures associated with statuary elements shall be adequately screened.

19.4.2 Flag or banner poles are usually permitted only in the rear of the lot and not within 20 feet of the property line, with a maximum height of 20 feet above natural grade. The American flag may be displayed in the front of the house.

19.5 Gazebos

19.5.1 All gazebos must be located within the building envelope; no vertical structure outside the building setback can exceed 18 inches above the finished adjacent natural grade.

19.5.2 The gazebo is to be compatible with the design elements of the house.

19.5.3 A site plan showing exact location and complete construction/elevation details, with a landscape plan, are required with all gazebo submissions.

19.6 Hammocks

Hammocks are not permitted in front or side yards.

19.7 Lighting

19.7.1 All exterior lighting must be approved by the ARB prior to installation and if applicable must be painted to match the area of location.

19.7.2 Location of all exterior lighting and type of fixtures shall be shown on the site plan and all elevations. Cut sheets should be furnished and coded to their location on the plan.

19.7.3 Exterior lighting when installed should not disturb neighbors, street traffic, or boat traffic. Outside lights installed on porches that are attached to the house must be of the type where the light only shines vertically – not directly from the side of the fixture.

19.7.4 Floodlights are discouraged. If used, they must have a shade and be painted to match the exterior of home and positioned downward.

19.7.5 Exterior lighting may be provided to illuminate driveways, walkways and entryways, or to highlight landscaping features. Such lighting shall be of low intensity.

19.7.6 Town of HHI ordinance *requires* that all exterior lights on beachfront properties be turned off after 10:00 P.M. from May 1 through October 31 to prevent disorientation of baby loggerhead turtles.

19.8 Mailboxes

19.8.1 The standard mailbox for Palmetto Dunes single residences is:

Special-Lite Products Company, Inc. "Savannah" Curbside Mailbox (SCS -1014)
Color: Evergreen
Powder coated finish
Dimensions: H: 11 1/4 inches, D: 21 3/4 inches, W: 9 1/2 inches

19.8.2 The mailbox will be purchased by the homeowner from the PDPOA who will be responsible for the installation. All mailboxes will be installed in accordance with all United States Postal Service regulations.

19.8.3 New standard mailboxes will be required of:

- a. All new homes
- b. All renovations
- c. All homes that require mailbox replacement for any reason.

19.9 Outside Showers

19.9.1 Outside showers must be dimensioned on the site plan and shown on the elevation drawings.

19.9.2 The shower and the person using it must be visually screened within a service yard.

19.9.3 Pre-existing showers outside the setbacks must be screened with shrubbery.

19.10 Outdoor Storage

19.10.1 Enclosed temporary storage units "Pods" are allowed on site for no more than 48 hours to store and remove personal items. An ARB permit is required.

19.10.2 Detached storage of any kind is not permitted.

19.10.3 Pool equipment/pool accessories should be stored out of sight when not in use.

19.11 Play Equipment

19.11.1 Basketball Backboard

A single backboard may be installed at a residential home site, without need for an ARB permit, provided the following guidelines are met.

- 19.11.1.1** The backboard is to be placed at the side of the residence and the front surface of the backboard is to be set perpendicular to the street.
- 19.11.1.2** Backboards made of transparent Plexiglas or with a muted neutral color are preferred.
- 19.11.1.3** Bright (red, orange, etc.) stripe accents are not permitted.
- 19.11.1.4** The wooden or metal post which supports the backboard and the back of the backboard should be painted Charleston green, black or to match the main body of house.
- 19.11.1.5** A landscape buffer is to be installed to screen the backboard from view from the street and adjoining properties (including golf course/ lagoons).
- 19.11.1.6** The responsibility for the continued general appearance, maintenance and upkeep of the basketball backboard and surrounding area is the responsibility of the respective property owner.
- 19.11.1.7** All basketball equipment must be stored when not in use.

19.11.2 Playhouses/Gym Sets

The ARB does allow, without formal application or permit, the placement and use of play facilities on a residential home site provided the following guidelines are met:

- 19.11.2.1** An aesthetically pleasing playhouse may be placed in the rear yard of a residence provided it is not visible (or is landscape screened) from streets, neighboring houses, and, where applicable, adjoining golf course fairways and lagoons. Minimum setbacks from the rear and side property lines are 20 feet. Color of playhouse is to be neutral earth tone/color and is to blend with its surroundings.
- 19.11.2.2** A gym set (with swings, slide, etc.) may be placed in the rear yard, provided it is a stained/varnished wooden structure made to blend with surroundings and is not visible (or is landscape screened) from streets, adjacent homes and golf courses/lagoons. Minimum setbacks from the rear and side property lines are 20 feet. Gym sets that are not wooden structures must be specifically approved by the ARB.

- 19.11.2.3** If a playhouse is stained or painted, it is to match the color of the main body of the house.
- 19.11.3 Trampolines**
Trampolines are not permitted.
- 19.11.4 Treehouses**
Treehouses, tree stairs or platforms, or any other structures in or on a tree are not permitted.
- 19.12 Solar Panels**
The PPG for the installation of solar panels will be updated as knowledge is gained and technology advances. Each application will be reviewed on a case-by-case basis and approval will be based on meeting the ARB standard set forth in the PPG.
- 19.12.1** A non-refundable application fee will be required as well as a refundable compliance deposit.
- 19.12.2** All work must be done by a licensed and insured solar contractor to meet Hilton Head Island building codes and requirements.
- 19.12.3** A detailed plan of the scope of the project will be included with the application. This will include a plan showing the solar panels, as they will appear on the roof, both design and location, as well as a photo representation of the product such as a brochure. The size of the panels should be in proportion to and determined by the amount of roof area available.
- 19.12.4** Only roof mounted photovoltaic solar panel systems, solar shingles and solar hot water collector systems will be considered. The solar panels may extend no more than 4 inches above the level of the roof.
- 19.12.5** No solar panel application will be considered that is mounted on the front of the house.
- 19.12.6** All plumbing pipe and wiring must be kept to the interior of the house.
- 19.12.7** Every effort should be made to coordinate the colors of the panels and adjoining roof.
- 19.12.8** Tree trimming within current PPG standards will be allowed.

19.12.9 No approval will be given for tree removal.

19.12.10 The total overall appearance of the project will be considered as part of the ARB review.

19.13 Signs/Reflectors

19.13.1 House Number Yard Signs

19.13.1.1 All Palmetto Dunes single-family homes must have an address number posted within twenty feet of the edge of the street or road surface, preferably near the drive entry or walk.

19.13.1.2 The house numbers should not be obscured by shrubbery or other vegetation.

19.13.1.3 Each address number and or letter must be a minimum of four inches in height, and minimum of one-half inch in width.

19.13.1.4 The numbers must be clearly visible and legible from the street or roadway.

19.13.1.5 The color of the address numbers must contrast with the color of the background on which the numbers are posted.

19.13.1.6 The numbers must be made of a durable reflective material.

19.13.1.7 Town of HHI regulations require that each residential property must have a reflective house number easily visible from the street. Requirements are available from the Town of Hilton Head Island or ARB Administrative Office.

19.13.2 Builder/Architect Signs

Builders' and architects' temporary signs are permitted during construction and must be removed promptly at completion of construction prior to the final inspection.

19.13.3 Commercial Signs

Commercial signs, such as SWIM AT YOUR OWN RISK or NO LIFEGUARD ON DUTY, etc., are not permitted at single-family residences.

19.13.4 Reflectors

Reflectors and similar items may not exceed 12 inches in height and must be mounted on a firm base. No more than two reflectors or similar items for each driveway cut into a street may be placed or maintained on each lot. Reflectors shall be placed adjacent to the driveway cut. Thus, if there

is one driveway cut, then there may be two reflectors: one on each side of the driveway or two on one side of the driveway. If there is a semicircular type of drive, resulting in two driveway cuts, then there may be a total of four reflectors on the property, with two reflectors being adjacent to each driveway cut (with one reflector on each side of a driveway cut or two on one side of a driveway cut).

19.14 Speakers

No hardwired or permanent exterior speakers - including faux disguised rocks or other statuary, horn, whistle, bell or other sound device, except devices used exclusively for safety or security purposes - shall be located, used or placed upon any part of the property. (See Section 3-10 of the 1982 Covenants.)

19.15 Tents

Tents of any type are not permitted.

19.16 Window Treatments

19.16.1 The exterior surfaces of all exterior window treatments, including hurricane protection devices, are to be compatible with and complement the exterior of the residence.

19.16.2 The exterior surfaces of all interior window treatments, such as blinds, shades and curtains, are to be subdued in color and compatible with and complement the exterior colors of the residence.

19.16.3 No exterior glass block windows are allowed.

19 PENALTIES

The ARB has the right to impose penalties for failure to comply with its policies and decisions. The amounts of such penalties are established and modified by the ARB and approved by the PDPOA. Penalties may be deducted from the compliance deposit upon notice to the owner. However, retention of the total compliance deposit shall in no way relieve the owner of further liability.

Penalties will be imposed for, but not limited to, the following:

20.1 Failure to construct the project in accordance with the approved plans including any exterior change without prior ARB approval.

20.2 Clearing or building without a posted ARB permit.

20.3 Failure to complete construction by the building permit expiration date.

20.4 Tree pruning or removal without ARB approval and a posted ARB permit.

20.5 Exterior painting without ARB approval and a posted ARB Permit.

20.6 Use of exterior materials or colors not approved by the ARB.

20.7 Failure to submit an as-built survey, where applicable.

- 20.8 Failure to submit a foundation survey verifying the siting of the house and ensuring that the building setbacks are met, where applicable.
- 20.9 Failure to submit an elevation certificate verifying the first floor elevation, where applicable.
- 20.10 Failure to submit a height survey, certified by a registered surveyor prior to installing roof shingles.
- 20.11 Violation of the builder/architect sign requirement.
- 20.12 The posting of un-approved signage.
- 20.13 No dumpster on site.*
- 20.14 Failure to deposit trash in the dumpster.*
- 20.15 Overflowing trash receptacle.*
- 20.16 Failure to use a dumpster cover as required at the end of each work day or when no activity is on site.
- 20.17 No portable toilet on site, where applicable.
- 20.18 Failure to barricade trees as required or inadequate barricades.
- 20.19 Use of privately owned property (adjacent home sites) without providing the ARB with prior written permission from the owner.
- 20.20 Use of water or electricity from neighboring properties.
- 20.21 Failure to install the approved landscape or drainage plan.
- 20.22 Legal or other expenses incurred.
- 20.23 Dumping of any pool water into the lagoon or on a neighboring property.

****The ARB has the right to contract for cleanup should the contractor fail to maintain a neat and orderly work site.***

Repeat offenders of the above rules and guidelines will be subject to higher penalties for these offenses. These higher penalties will be determined by the ARB.

20 APPEAL PROCESS

- 21.1 Final decisions made by the ARB in reference to the denial for new construction or new renovation projects may not be appealed.
- 21.2 An applicant may appeal an ARB decision, other than as stated above, by submitting a written request to the ARB Administrator. Such request for appeal must be received within thirty days following written notification of the ARB's decision. The ARB Administrator will then forward the request to the ARB Chairperson and the Palmetto Dunes POA Board of Directors Chairman. The President of the PDPOA is responsible for selecting a panel composed of three property owners to hear the appeal and render a decision. The decision of a majority of the panel will be final and binding on the ARB, the owner and all other involved parties.

21 REVISIONS

These policies, procedures and guidelines are subject to periodic revision and modification.

THE ARB RESERVES THE RIGHT TO REQUIRE ADHERENCE TO THE ABOVE GUIDELINES THAT, IN ITS SOLE JUDGMENT, HAVE NOT BEEN FOLLOWED.