

MCOA Policy 91-01

CROSS REFERENCE: Moss Creek Owners Association, Inc.
Residential & Governmental Covenants

AUTHORIZATION: MCOA BOARD OF DIRECTORS APPROVAL:
December 2017

EFFECTIVE DATE: January 1, 2018

Architectural Review Board Guidelines & Procedures

DECLARATION

WHEREAS, the Board of Directors of Moss Creek Owners Association, Inc., (MCOA), in consonance with the Moss Creek Covenants, Article VII, Sections 1 and 2, has the right to review and control construction within Moss Creek; this right is vested in an Architectural Review Board (ARB) appointed by said MCOA Board, and upon terms and conditions adopted by said MCOA Board.

NOW THEREFORE, the MCOA Board of Directors vests in the ARB all authority pertaining to construction on Residential Lots within Moss Creek, and all construction in Moss Creek Village; and retains for itself all authority pertaining to structures on Common Property, Membership Common Property, and Restricted Common Property.

NOW THEREFORE, the Board of Directors, having reviewed and approved the ARB Guidelines and Procedures, as amended, dated December, 2017, do direct that such Guidelines and Procedures be implemented with an effective date established by the ARB, of no later than January, 2018.

MOSS CREEK OWNERS ASSOCIATION, INC.

President

December 2017

Secretary

December 2017

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**MOSS CREEK ARCHITECTURAL REVIEW BOARD
GUIDELINES & PROCEDURES**

SECTION 1. General Provisions

1.1 The Architectural Review Board (ARB) is the agent of the Moss Creek Owner's Association (MCOA) Board of Directors for the purpose of directing the orderly development of an architecturally pleasing and harmonious private residential community within Moss Creek and architectural control of Moss Creek Village. The following Guidelines and Procedures have been developed to insure that purpose and, except as herein specified, no building, fence, or other structure, shall be located, erected, constructed, extended, enlarged, converted, modified (siding, stucco and roof color); and no lot landscaped, or altered, except in conformity with these Guidelines and Procedures.

1.2 The ARB is authorized to grant exceptions or variances to these Guidelines and Procedures, provided that such exceptions are reasonably within the intent and purposes of these Guidelines and the Articles of architectural control contained in the MCOA Governmental and Residential Covenants, and provided further, that adjoining owners are informed by the ARB, in writing, of each applicant's request for any exception.

1.3 Meetings of the ARB are customarily scheduled on the second and fourth Monday of each month. For consideration by the ARB, submittals must be made by 5:00 p.m. on the Monday, prior to a scheduled meeting. Submittal packages must be complete with an application form, review fee, and all necessary plans, details, color samples, and any other required information for the particular submittal. **Piecemeal and/or incomplete submittals will not be accepted or reviewed.**

1.4 The ARB shall review and approve or disapprove all plans and specifications submitted for structures, landscaping, drainage, additions, alterations or changes to existing structures or land, and shall issue building permits when appropriate. Plans will be reviewed for both quality of design and conformance with applicable covenants, guidelines and procedures. Plans may be disapproved on any grounds deemed objectionable, including purely aesthetic reasons. Applicants will be notified by letter of either approval or disapproval of an application. Reasons for disapproval will be included in such notification. All approvals will be valid for one year **from date of issue.**

1.5 Resolutions of disputes associated with submitted applications may be sought by the aggrieved owner, or owner's agent, in a meeting with the full ARB.

1.6 The ARB requires that architects, landscape architects, engineers, designers, and/or contractors provide qualifications and references prior to commencing any work in Moss Creek. Specific information for such qualification will be provided upon request.

1.7 When it is determined that construction on any Moss Creek property is being conducted in violation of submitted and approved plans, the ARB, by a majority of its members, shall ask the Moss Creek General Manager to issue a Cease and Desist Order. Thereunder, Moss Creek Security will be directed to prevent access to the construction site by the offending contractor, subcontractor and/or supplier. No further work shall be permitted at the site until the Cease and Desist Order has been lifted with the approval of the General Manager and the ARB Chairman.

1.8 The ARB shall also review alleged violations of these Guidelines and Procedures and, if found justified, recommend that the sanctions or fines and penalties set forth in Appendix V be assessed by the ARB or by the MCOA Board of Directors against the party found responsible for the violations. If the violation is not corrected within thirty (30) days, the fines set forth in the Appendix will be imposed and collected until the violation is corrected.

SECTION 2. Procedures and Submittal Information

2.1 The three steps of the plan review process and the necessary information for each are:

- A. Conceptual Review (optional)
 - (1) Site Plan
 - (2) Floor Plan
 - (3) Exterior Elevation(s)
 - (4) Variance
 - (5) Conceptual Fee (or entire submittal fee)
- B. Preliminary Review (required unless specifically waived)
 - (1) Site Plan
 - (2) Floor Plan
 - (3) Exterior Elevations
 - (4) Special Construction Conditions
 - (5) Variance
 - (6) Plan Submittal Fee

- C. Final Review and Approval (required)
 - (1) Site Plan
 - (2) Drainage Plan
 - (3) Floor Plan
 - (4) Exterior Elevations
 - (5) Typical Wall Section(s)
 - (6) Exterior Details
 - (7) Exterior Electrical Plan
 - (8) Exterior Materials and Colors
 - (9) Landscape Plan
 - D. Refer to Section 4 for specific plan requirements.
 - E. Additions and modifications to existing structures require the same procedures and information outlined in A, B, C, and D above. Depending upon the scope of the project some information listed may not be needed or appropriate. Specific requirements will be given upon request.
 - F. The MCOA ARB does not provide certified copies of plats or plat information. Such copies or information may be obtained from the Beaufort County Court House.
- 2.2 Following are steps required before a Moss Creek building permit will be issued and any lot clearing/construction or tree removal can begin:
- A. Rough Stake out of the structure.
 - B. Mark trees to be removed with red tape. This must agree with the approved site plan.
 - C. Install specimen tree barricades (see Section 10.4) and side property line fences. Call for inspection.
 - D. Pay all fees and deposits.
 - E. Provide a copy of the Beaufort County building permit.
 - F. Provide a copy of the MCOA Letter of Understanding.
- 2.3 Before placing concrete, batter boards or form boards must be inspected and approved (see Section 5.7). A foundation survey is required.
- 2.4 Compliance
At the completion of the project refer to Section 3.2 E.

SECTION 3. Fees and Deposits

The ARB shall collect the following fees and deposits for all construction in Moss Creek and other areas under its jurisdiction:

3.1. Fees:

A.	On submittal of plans:		
	Type of Construction		Amount
	New Residence	\$	800.00
	Major Additions (2 or more rooms)		400.00
	Minor Additions		
	(1 room, garage, pool, decks, docks, bulkheads)		150.00
	Multi-Unit Commercial		1,250.00
	Single-Unit Commercial		1,000.00
	Commercial Additions		750.00
	Conceptual		100.00
B.	Drainage/Driveway:		
	Full size lot (2 or more curb cuts)	\$	1,800.00
	Full size lot (1 curb cut)		1,500.00
	Patio Homes & Royal Pointe		1,200.00
	The above fees cover the costs for all work on common property performed by MCOA, in conformance with Moss Creek's master drainage plan, including street-side grading, sodding or seeding, and culvert installation, if required.		
C.	Water/Sewer Tap Charges: As established by Water Oak Utility		
D.	Reroofing/Repainting		No Fee
E.	Tree Removal		No Fee
F.	Moss Creek permit fee for all construction projects not listed in 3.1. A, B, C, D & E		25.00

3.2. Deposits:

A.	Compliance and landscape:		
	Full size lots	\$	4,000.00
	Patio and Royal Pointe lots		3,000.00

	Covered Additions, docks & bulkheads	2,000.00
	Non-covered Additions	1,000.00
	Commercial	5,000.00
	Commercial additions	3,000.00
B.	Special Slab Construction	2,000.00
C.	Well drilling	400.00
D.	Residential structure demolition	1,000.00
E.	Refunds will be made:	
	(1) After an on-site inspection confirms:	
	a. Satisfactory completion in conformity with approved plans of the building, lot drainage, landscaping and clean-up of the property.	
	b. Repairs to damaged road pavement, bicycle paths, and adjacent properties have been made; and	
	(2) Upon delivery to the ARB of:	
	a. An as-built survey and if necessary as-built plans.	
	b. Color photographs of front and rear elevations (new residence) or specific addition(s)/changes.	
	c. Certificate of Compliance (see Appendix VII).	
	d. Copy of Beaufort County Certificate of Occupancy.	
	e. Compliance documentation from Water Oak Utility.	
	f. Elevation certificate (if applicable).	
	g. Inspection report by drainage professional (if applicable).	
F.	Special slab construction deposits will be refunded upon satisfactory completion of all requirements pertaining to the slab.	
G.	Well drilling deposits will be refunded upon completion and clean up around each well and receipt by the ARB of a South Carolina Department of Health and Environmental Control (SCDHEC) Certificate.	
H.	Deposits shall be held in a special escrow account and will be returned only when conditions and circumstances cited herein are met. All or any portion of the deposits may be withheld to insure compliance with these requirements.	
I.	In the event a re-inspection is required because of non-compliance with approved plans (house, landscape, drainage, etc.), an additional fee of \$100.00 per inspection will be withheld from deposit.	

SECTION 4. Plan Requirements

4.1 All plans and data required for approval shall be prepared by an approved architect or designer (see Section 1.6) and shall be of sufficient detail and clarity to accurately portray the proposed project. No existing design or element of a design will be considered as precedent for any future repetition by another owner. As a minimum, each plan required for the appropriate step in the review process must convey the information outlined below. Plans must be submitted on 24" x 36" sheets prepared to the required scale. **Digital copies of final and as-built plans must be submitted in pdf format in addition to hard copies.** The owner's name must be shown on all plan sheets. The architect's or designer's name, lot number, and location must be shown on all site plans. Application forms must be completed as necessary for each step. Any plans for an addition to an existing home must be prepared by an approved designer or architect and follow the same plan requirements as new homes.

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| A. | Conceptual Review (optional) | |
| | (1) Site Plan: | May be unscaled sketch but must indicate relationship of structure to lot. |
| | (2) Floor Plan: | May be unscaled sketch or block outline. |
| | (3) Exterior Elevation(s): | May be unscaled sketch of the front or entry elevation. |
| B. | Preliminary Review (required unless specifically waived) | |
| | (1) Site Plan: | 1/8"=1' scaled drawing with all existing and proposed tree and topographic data; outline of the structure and all other vertical construction elements with setback dimensions from property lines; finished floor elevation(s); roof plan, walks, driveways, decks, patios, swimming pools, outlines of adjacent structures, proposed drainage patterns, and all other salient features, views, etc., both on and around the lot. |
| | (2) Floor Plan: | 1/4"=1' scaled drawing complete with all decks, patios, pools, stairs, service yards, etc. |
| | (3) Exterior Elevations: | 1/4"=1' scaled drawings of all four elevations including an accurate indication of existing and final grades at the perimeter of the structure, all vertical construction elements, and a maximum height dimension from existing grade or flood plain. |
| | (4) Special Construction Conditions: | Unusual site conditions which may affect the structure or its location on the site must be graphically presented. |
| C. | Final Review and Approval (required) | |
| | (1) Site Plan: | Same as B (1) above. |
| | (2) Drainage Plan: | A separate plan indicating all fill and grading, designed by a qualified |

- engineer or landscape architect, superimposed on a site plan.** Refer also to Section 5.15 of these Guidelines.
- (3) Floor Plan: Same as B (2) with both construction dimensions and heated and unheated square footage indicated.
 - (4) Exterior Elevations: Same as B (3) with any non-typical hidden elevations shown.
 - (5) Typical Wall Section(s): All sections necessary, including unusual foundation conditions, patio walls, etc., to indicate construction details.
 - (6) Exterior Details: All exterior elements of the design not shown by C (5) above.
 - (7) Exterior Electrical Plan: All proposed exterior lighting including swimming pools. Refer also to Section 8.5 of these Guidelines.
 - (8) Ext. Materials/Colors All exterior elements of different materials and/or colors must be identified by name on a front elevation to clearly depict the proposed color scheme. May be included with C (4) above. In addition, 3" x 3" minimum size samples of all key materials and colors, properly labeled and affixed to a white 8 1/2" x 11" maximum size foam core board, are to be provided. Major colors must be actual samples. Minor colors may be printed samples. Paint and stain samples from wood color fans are acceptable. Maximum overall thickness of board plus samples, to be no greater than 1/2."
 - (9) Landscape Plan: Refer to Section 8 of these Guidelines.

4.2 Plan Approval:

No Plan, as defined in Section 2 of the Moss Creek Architectural Review Board Guidelines and Procedures ("ARB Procedures"), shall be deemed to be approved unless and until an approval has been granted by the ARB in writing and signed by that person given authority to do so by the ARB. A Plan may be granted an approval, be denied an approval, or tabled for further discussion and receipt of additional information requested by the ARB until the next ARB scheduled meeting.

Plan approval will remain valid for a period of one year after the date of such approval. If construction has not commenced within this time frame the approval process must be repeated, and another ARB submittal fee paid.

4.3 Notification:

In addition to notification as provided in Section 1.2, adjoining Owners will be notified of a proposed Plan for new construction, or an addition to an existing structure, including fence installation. Notification will be provided in advance of the date of the ARB meeting at which the Plan will first be considered. Notification will be provided in writing via U.S. Mail, and notice will also be sent via email for owners who have an email address on file with MCOA. Email addresses and addresses for receiving U.S. Mail as provided by the Member and included in the official records of the Association shall be considered valid addresses.

Such adjoining Owners shall have ten (10) days from date of the letter/email of notification to inspect the Plan at the offices of Moss Creek Owners Association ("Association") and to make an objection. If the adjacent Owner has an objection to the Plan, the objection must be made in writing via email or U.S. Mail and addressed to the Association's ARB Administrator, whose address shall be the same as the Association. If an adjoining Owner makes no written objection to the Plan, or fails to provide such an objection within the ten day time period required as referenced above, the adjoining Owner shall be deemed to have no objection to the Plan.

The basis of any objection made to the Plan by an adjoining Owner shall be considered by the ARB, but such objection shall not necessarily be a reason not to grant approval.

4.4 Appeal to ARB:

If the ARB denies an Applicant's plan request, he/she can submit an appeal to the ARB requesting reconsideration of the application. Such appeal must be in writing and received by the MCOA Administrative Office no later than fourteen (14) days following the ARB action. A letter of appeal should state specifically why the Applicant believes the ARB erred in its decision to not approve the plans as submitted.

The appeal will be included on an ARB meeting agenda based on when it is received, in conformance with the submittal schedule provided in Section 1.3 of these Guidelines. The Applicant will be notified when the appeal has been scheduled and may attend the meeting

4.5 Decision of the ARB is Final

The decision of the ARB shall be final, subject only to appeal rights outlined in Section 4.4 above. If the Applicant, or an Adjoining Owner, believes the ARB failed to follow the procedural rules with respect to required notification of the Owner or Adjoining Owners, he/she can appeal the decision to the MCOA Board of Directors. Such appeal must be in writing and received by the MCOA Administrative Office no later than ten (10) days following the ARB action.

A letter of appeal by an Applicant or an Adjoining Owner shall state specifically what procedures of the ARB were violated. The Board of Directors will consider an appeal at its next regular meeting. The Board may either affirm the decision of the ARB, or rule in favor of the Appellant in which case it shall be referred back to the ARB for re-consideration.

SECTION 5. Building Requirements

5.1 Residential Construction. Such construction must meet the requirements for all of the then current applicable Beaufort County Building Codes. In any instance, where MCOA standards applied to this type of construction are more stringent than those required by the County, MCOA standards shall govern.

5.2 Commercial, Institutional and Other Property Construction. Site design and development standards must meet the requirements set forth in the then current Beaufort County Development Standards Ordinance. In any instance where MCOA standards applied to this type of construction are more stringent than those required by the County, MCOA standards shall govern. Other applicable requirements may be by contractual agreement.

5.3 Minimum Heated Square Footage For Structures On:

- A. Full Size Lots: 2200 sf (Where not restricted by deed requirements.)
- B. Peninsula Lots: 2800 sf Lot Nos. 812-861
2200 sf Lot Nos. 862-898
- C. Patio Lots: 1200 sf (Vertical structures under roof shall not exceed fifty percent (50%) of the total sf of the lot.)
- D. Royal Pointe Lots: 1800 sf (Specific variances will be considered based on lot size and configuration.)

5.4 Patio and Privacy Walls.

- A. Patio walls shall be a minimum of fifty-five feet (55') long and eight feet (8') above the finished floor. Unless otherwise approved, patio walls shall extend ten feet (10') to the front and twenty feet (20') to the rear of each dwelling unit. Any wall beyond the enclosed unit must be not less than six feet eight inches (6'-8") in height above the finished floor.
- B. Privacy walls shall be within setbacks and a maximum of six feet (6') above existing grade, or at the discretion of the ARB.

5.5 Heights.

- A. For purposes of these Guidelines, vertical construction is defined as any element of a project that is eighteen inches (18") or more above existing grade.
- B. The maximum building height, as measured at the highest ridge, is limited to thirty-five feet (35') above Base Flood Elevation (BFE), or existing grade, whichever is greater. The lowest finished floor elevation shall be no more than five feet (5') above the highest existing elevation of the lot at the heated perimeter of the structure. If floor elevation flood plain requirements exceed the above, the lowest finished floor elevation shall be no more than two feet (2') above the flood plain level or as otherwise approved by the ARB.

5.6 Building Setbacks.

- A. Minimum setbacks are generally measured from property lines to any vertical construction (viz., building line of residence, bays, decks, or service yard enclosures). Rear setback distances are those distances from any vertical construction to the rear property line, the "survey control line", the current Ocean and Coastal Resource Management (OCRM) Critical Line, or the water's edge of lagoons, whichever is most restrictive. Swimming pools and patios are subject to the same setbacks required for vertical construction. Exceptions will be considered for ground level installations. Note that setback distances from an OCRM Critical Line may also require Beaufort County approval and proof of such approval must be provided to the ARB.

B. Setback Minimums.

(1)	<u>Full Size Lots</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>		
		30'	20'	30'		
	Driveways		5'	30'		
(2)	<u>Patio Lots</u>	<u>Floor</u>	<u>Patio Wall</u>	<u>Opp. Patio Wall</u>	<u>Front</u>	<u>Rear</u>
		1st	1'	3'	15'	20'
		2nd	1'	13'	15'	20'
		Garage	1'	3'	3'	20'
		Driveway	1'	3'		

Roof and/or gutter encroachments into sideline setbacks will be limited to ten inches (10").

- (3) Royal Pointe Lots Specific variances will be considered based on lot size and configuration.

5.7 Foundations. For all home construction, concrete slabs with integral perimeter footings placed on fill are permitted

only when the finished floor elevation does not exceed two feet (2') above the existing elevations of the building site at any point on the perimeter of the slab. For patio home garages or carports, the finished floor elevation must not exceed one foot (1') above existing grade elevations. The ARB will consider written requests for special permission to construct concrete slabs with integral perimeter footings where the finished floor elevation at any point on the perimeter of the slab is more than two feet (2') above existing grade. Specific requirements will be furnished upon receipt of a request. For crawl space construction careful attention must be given to the location, size, and detail of foundation wall and hydrostatic vent fenestration. Excess fill dirt must be removed from site upon completion of foundation.

5.8 Garage and Parking Facilities.

- A. All driveway and parking areas require an approved hard surface material unless otherwise specifically permitted by the ARB.
- B. Full Size Lot Home Construction: A garage or carport is required to provide shelter for at least one automobile with non-sheltered guest parking areas for at least two additional vehicles.
- C. Patio Lot Home Construction: A non-sheltered parking facility for at least two automobiles is required, although a garage or carport is more appropriate for either or both parking spaces.
- D. Royal Pointe Lot: (Same as B above).

5.9 Service Yard Enclosures and Fences. Service yards are required for all home construction. They shall be screened with a non-vision type fence enclosure a minimum of five feet (5') in height, and must conceal trash receptacles, utility meters, HVAC equipment, fuel tanks, showers, clotheslines, garden equipment or recreational type vehicles, materials, pool equipment and supplies. In general, fences and other site built elements outside building setback areas are prohibited.

5.10 Outbuildings. Detached buildings are allowed in accordance with Article IX, Section 6 of the MCOA Residential and Governmental Covenants.

5.11 Satellite Dishes and Antennas. Exterior television antennas, radio receivers, and similar devices are not permitted except as outlined in Article IX, Section 16 of the MCOA Residential and Governmental Covenants. Direct Broadcast Satellite Receivers (DBSR) are permitted but for each installation an application must be completed and approved in writing by the ARB prior to installation and shall be as provided below:

- A. Whenever possible, DBSR units shall be located within an existing service yard or courtyard. Ground pole installations shall be as low as possible. All installations must conform to ARB Guideline setback and height restrictions.
- B. When placed on the exterior of a structure or on a ground pole, the unit must be located and screened in a manner that is visually compatible with the structure and/or landscape and in all cases not conspicuous from the road or any adjacent or nearby properties, including golf courses.
- C. The removal or excessive pruning of trees for line of sight purposes is prohibited without prior ARB approval.

5.12 Exterior Materials and Colors

- A. The use of plywood, composition board, vinyl, fiberglass or metal for finished exterior walls is prohibited unless specifically approved. Solid cellular vinyl composite material may be approved for use in certain applications. Roofing materials may be wood shakes, wood shingles, asphalt shingles (30-year double-tab minimum), slate, synthetic slate, tile, standing or flat seam metal, and other materials at the discretion of the ARB. Roof vents and accessories should ordinarily be located away from the front elevation and painted or stained to match the roof color. Finish material of exposed chimneys must be masonry of some type for all new construction. Flue bonnets for pre-fab fireplaces must be concealed by an approved windscreen. The use of ventless or back-vented fireplaces is discouraged. Repairs to existing chimneys may be of "like kind" materials or the property owner may request a change to masonry material.
- B. The selection of external house color, trim and finish is critical in developing the final appearance. All exterior colors shall blend with the surrounding environment. Earth tones and pastel colors are most appropriate. An exterior color may not be approved if nearby homes have the same or similar color scheme. Highly reflective colors and finishes will not be approved. Past approval of color combinations does not necessarily assure similar approvals of future submissions. There are no fees associated with color change requests. Proposed paint colors must be submitted on actual material samples for color changes as well as new construction.

5.13 Mailboxes, Address Signs and Driveway reflectors. Mailboxes shall be uniform in style, color, and lettering. Installation and maintenance shall be done by MCOA. Beaufort County requires that all homes conspicuously display the correct house number above or beside the front door, in figures at least three (3) inches in height. In addition, if the structure is more than fifty (50) feet from the road, the number must also be posted near the driveway or common entrance as to be clearly seen from the roadway. Moss Creek requires that all such address blocks be uniform in style, color and lettering and placed beside the driveway in an unobstructed position. The Moss Creek address blocks are reflective to facilitate emergency response. Installation and maintenance shall be done by MCOA. Driveway reflectors must be similar to reflectors available for purchase at the Moss Creek administration office. Reflectors must also be set

back from the road edge by at least 1 ft.

5.14 Docks, Bulkheads, and Sea Walls.

- A. Docks may be erected only by owners of lots which have a property line located within fifty feet (50') of a navigable tidal creek and with written approval of the ARB, local, state and federal governing bodies.
- B. Bulkheads and sea walls are discouraged but may be considered in particular situations and plans therefore must be submitted for approval.
- C. Construction materials and details and auxiliary devices will be reviewed on an individual basis.

5.15 Lot Drainage. The site plan should clearly depict the proposed drainage pattern for the lot. It is the responsibility of the owner, or his agent, to insure that grading of the lot is accomplished in a manner which not only provides proper drainage of the property but also prevents water flow onto adjacent lots. If run-off does occur onto adjacent lots prompt action must be taken to correct the situation. A drainage plan for the lot must also be designed by a qualified engineer, or landscape architect. Implementation of the plan must be approved by the designer at the completion of the project and a copy of an approval letter from the designer given to the ARB.

5.16 Driveway and Roadside Drainage.

- A. Driveways in Moss Creek shall be designed to facilitate the proper flow of storm water in roadside drainage ways by the use of paved swales, culverts, or trench drains to conform to the Moss Creek master drainage plan. MCOA neither provides nor installs trench drains.
- B. MCOA shall provide grading and ground cover as needed in roadside swales on common property in conjunction with driveway construction.
- C. The owner, or owner's agent, shall notify MCOA not less than ten working days prior to the date of the intended driveway installation, so that the elevations and construction methods can be determined and approved. The driveway should be staked out prior to notifying MCOA.
- D. When driveway elevations have been established and/or a culvert has been installed, the driveway has been formed, graded, and is ready to be paved, MCOA must be notified a second time so that a final inspection can be performed prior to paving.

5.17 Water Source Heat Pump Systems. ARB approval is required for the installation of water source heat pump systems. Specific requirements will be furnished upon receipt of a request. Two well systems are discouraged.

5.18 Storm Shutters. Storm shutters may be operable window shutters, roll-up shutters, or removable fixed panels. All proposed installations including plans, mounting details and material specifications shall be submitted for ARB approval. Fixed frames, header boxes, and panels shall be painted to match the house color. Operable window shutters in lieu of decorative fixed shutters may be painted in approved trim or accent color. For property owners installing hurricane shutters during the immediate time frame around a storm and removing them within seven (7) days after the all-clear notice, any type of shutter is acceptable. For property owners who want to install storm shutters outside the time frame of named storms, in keeping with the visual integrity of Moss Creek, the shutters must be submitted to the ARB for approval.

5.19 Exteriors Must be Completed within one (1) year. The exterior of all houses and other structures for new construction, additions, and renovations must be completed within one (1) year after the issuance of a MC building permit. Extensions to the time frame will be considered on an individual basis once a written request has been received.

5.20 Swimming Pools. Swimming pools and attendant facilities are subject to the same setback requirements as vertical construction elements. On site disposition of any excavated material from a pool installation must be clearly indicated on a site plan. Pool enclosures (fencing) must be approved by the ARB prior to installation and a landscape plan must be approved and executed to soften the lines of said fencing.

SECTION 6. Additions and Renovations

6.1 See Section 4 for submission requirements.

6.2 Exterior Additions and Renovations. Such construction must meet the requirements for all of the then current applicable Beaufort County Building Codes. In any instance where MCOA standards applied to this type of construction are more stringent than those required by the County, MCOA standards shall govern.

6.3 Exterior material and color changes. Any and all exterior color and/or material changes must be submitted to the ARB for review and must be approved prior to implementation. Color changes must be submitted on actual material. Minimum sample size of 3"x3" is required. Such changes done without approval could result in a fine to the property owner.

6.4 Interior Renovations. Interior renovations not affecting any exterior facade do not require ARB approval. If a

dumpster and/or portable toilet are required on site, a Moss Creek Building Permit must be obtained. Failure to complete the project and remove the dumpster within one year may result in the imposition of a fine of \$100.00 per month.

6.5 P.O.D.S. (Portable on Demand Storage) The use of temporary storage units such as "P.O.D.S." requires a Moss Creek permit and must be removed after 3 days. "P.O.D.S." must be placed on the Member's property, preferably the driveway, and not on neighboring or common properties.

SECTION 7. Demolition of Existing Structures

7.1 A property owner desiring to remove an existing residential structure must obtain a Demolition Permit from Beaufort County and the ARB prior to any demolition/removal work.

7.2 An MCOA permit must be posted prior to Demolition.

7.3 The MCOA permit will be valid for only 30 days unless an extension is approved by the ARB.

7.4 All utilities shall be terminated at entry and property prior to demolition including removal of buried propane tanks.

7.5 No trees or natural growth shall be removed unless approved by the ARB. Also extreme care must be taken to avoid damage to remaining trees.

7.6 Protection of Water Features, Marshes and Adjacent Properties is required. The ARB may also require wood barrier fences around trees and siltation fences to protect water features, marshes, golf courses and adjacent properties.

7.7 All debris must be removed from the plantation.

7.8 The lot must be restored to natural condition by means of grading and ground cover within 30 days after demolition. All depressions are to be filled and graded to avoid pooling rainwater. No bare earth areas shall remain.

7.9 Submission of a new home construction plan for the property will follow the same requirements as for any new home construction project.

SECTION 8. Landscaping, Ornamentals and Yard Structures

Landscaping is an important element in the appearance of Moss Creek Plantation for new, existing, and renovated structures and ARB approval is required for new and renovated structures. For maintenance obligations on existing properties see Rules & Regulations section "Maintenance Obligations of Private Property Owners."

8.1 Plans An integral part of a submittal to the ARB for new construction or an addition or change to an existing structure is the landscape plan, which must be prepared by a landscape architect or ARB qualified designer and shall conform in every respect with the approved site plan. All plans must show the location, physical size, number and generic names of all existing and proposed trees, plants, shrubs and ground cover.

8.2 General Requirements All landscaping shall retain and incorporate as much natural vegetation as possible. The intent of landscape design themes is to be natural and informal causing lot lines to "disappear." Hedge type plantings are to be avoided.

A. Clearing of natural vegetation on marsh banks of lots or contiguous common property is prohibited. Such natural areas may be selectively trimmed, pruned or mowed to maintain their structure and allow vistas. Lagoon banks shall be similarly treated unless otherwise approved by the ARB or MCOA. These activities shall be pursued in late autumn and winter to avoid adverse impact on nesting birds.

B. See Covenants, Article X, Sections 1 and 4, regarding landscaping on golf fairway residential areas and planting that might impede play of a ball that is not out of bounds.

C. Foundation planting on all sides shall be naturally arrayed and layered with a minimum of fifty per cent (50%) foundation height coverage at installation. Absolute minimum size planting in back row shall be twenty-four inches (24") in height and eighteen inches (18") in width (3 gallon minimum).

D. If possible, effective immediately at installation, garage entry, parking areas, utility boxes, and pool areas shall be screened from streets and adjoining properties with plants that remain green year-round.

8.3 Statues, free standing trellises, sculptures, fountains and other ornamental elements must be compatible with the landscaping theme and require ARB approval prior to installation. The use of artificial flowers and vegetation as part of the landscaping is prohibited. Exterior decorative items must be approved prior to placement on the property and should be used only for the private enjoyment of home site residents. At least some screening of views from off the property is recommended. Glittering or shining objects, reflective balls and similar items are not permitted.

8.4 Yard structures including, but not limited to, basketball stands/backstops, flag poles, swing sets, trampolines,

playhouses, gazebos, pergolas, fire pits and/or other recreational additions require ARB approval prior to installation. With the exception of flag poles, these should be located in rear or side yards, painted in earth tone colors and screened from adjacent properties, streets and golf courses. Temporary, non-structural enclosures are prohibited. Fire pits and outdoor fireplaces must be located more than 15 feet from any structure or combustible material. Any structure 18" in height or greater must be located within building setbacks unless otherwise approved by the ARB.

- 8.5 In order to reduce light pollution and to not adversely affect wildlife, the use of exterior lighting is discouraged except to illuminate driveways, walkways and entryways or to highlight landscaping features. All such installations shall require ARB approval with the objective of not disturbing neighbors or street traffic. Lighting shall use diffused/soft non-glaring illumination. Ground-based up-lighting of landscape features should be sized with respect to shrub and tree heights and spreads. Seasonal lighting, such as Halloween, Christmas, and other celebrations, shall be permitted but shall be removed within a reasonable time after the occasion.

SECTION 9. Foraging Animal Fencing

The effective MCOA Management Program for limiting deer incursions strongly discourages the previously allowed 3 feet high 2 strand installations which will no longer be permitted. Future sale of a property that has a deer fence will require that either the fence be removed or an application for such fence must be submitted in a timely manner to the ARB for review. Consideration will be given to requests for limited approval of shorter fencing intended to deter and exclude smaller herbivorous animals.

9.1 Lot perimeter deer fencing and/or driveway and walkway access barriers are prohibited, as is any electrified fencing.

9.2 Foraging Animal fencing, if desired, may be used only for deterrence and/or protection of relatively small areas. Layouts and details for such fencing shall be indicated on a landscape or site plan and must be submitted to the ARB for approval prior to installation.

9.3 Approved foraging animal fencing shall not exceed two feet (2') in height, be of dark earth-tone colors and may have a relatively fine mesh structure.

9.4 Setbacks for fenced areas must be a minimum of thirty feet (30') from property lines adjacent to streets, golf courses, lagoons, and marsh areas, and a minimum of five feet (5') from all other property lines. Some degree of flexibility in these setbacks will be used for patio lots.

SECTION 10. Tree Protection Management

10.1 **No tree six inches (6") or more in diameter may be removed without prior approval of the ARB.**

10.2 Preservation of Specimen Trees.

A. DEFINITION. A number of mature trees in Moss Creek are considered specimen. Such specimen trees are defined as follows:

- (1) **Category I: Broad-leaved Evergreen Overstory Hardwoods and Endangered Species**
 - (a) Spruce Pine, Bald Cypress, Southern Magnolia, American Holly and Live Oak.
 - (b) Specimen status: Eighteen inch (18") DBH, or high wildlife habitat or aesthetic value.
- (2) **Category II: Deciduous Overstory Hardwoods and Broad-leaved Evergreen Understory**
 - (a) Red Maple, Mockernut Hickory, Southern Red Oak, Yellow Poplar, and Sweet Gum.
 - (b) Specimen status: Twenty-four inch (24") DBH or high wildlife habitat or aesthetic value.
- (3) **Category III: Cone Bearing Evergreens**
 - (a) Long Leaf Pine, Short Leaf Pine, Loblolly Pine, and Southern Red Cedar.
 - (b) Specimen status: Twenty-four inch (24") DBH or high wildlife habitat or aesthetic value.
- (4) **Category IV: Ornamentals Including Palms.**
 - (a) Sabal Palmetto, American Plum, Eastern Redwood, Flower Dogwood.
 - (b) Specimen status: High wildlife habitat or aesthetic value.

B. RULES. The following rules apply:

- (1) **Specimen trees as defined above shall be identified on site plans submitted for review by the ARB.** The approximate drip line of specimen trees must be shown by a heavy dashed line on the site plan.
- (2) Healthy specimen trees shall not be removed during any construction activities, except as provided below.
- (3) The ARB may require replacement for any healthy specimen tree which must be removed.
- (4) As needed, MCOA personnel and property owners shall consult with qualified arborists regarding methods of pruning, guying, fertilizing, watering, and spraying for pests.

10.3 Tree Identification. Except as may be otherwise approved by the ARB, specimen trees in the specific tree associations in which construction is occurring shall be saved. No construction plans shall be approved by the ARB until the tree removal plan and appropriate mitigation measures for the project are accepted.

10.4 Temporary Wood Barrier Fences. Temporary wood barrier fences (not silt fencing) shall be erected around specimen trees during construction and the area inside such barricades shall be mulched to a six inch (6") depth. When practicable, such barriers shall be placed no closer to the trunk than the drip line. At a minimum, barriers shall be placed around the tree twelve feet (12') from the trunk.

10.5 Location of Constructed Features. Edges of building footings, driveways, walks, patios, and similar impervious features shall be located no closer than ten feet (10') from any specimen tree. If this is not practicable due to site conditions, no impervious surface shall cover more than twenty-five percent (25%) or ninety (90) degrees of the drip area.

10.6 General Construction Practices.

- A. No large equipment may be parked within the drip line of trees on the construction site or on common property adjacent to the construction site.
- B. To avoid root compaction, vehicles and materials must be parked and stored either on proposed driveway locations on the site or reasonably adjacent to roadways.
- C. No more than two inches (2") of topsoil may be added to the existing grade within the drip line of any tree.
- D. Tree wells are not allowed.
- E. Silt fences or hay bales may be used to control sedimentation within the barricaded area of any tree.
- F. No changes in drainage patterns which will cause sheet flow or flooding within the drip line area are allowed.
- G. To avoid contamination of other trees, all cut treetops and downed trees must be removed from the construction site within 24 hours of cutting.
- H. Construction wastes may not be burned on site.
- I. Utility lines, including irrigation lines, must be located outside drip lines. When located within fifteen feet (15') of trunks, such utility lines shall be augured beneath roots.
- J. All roots cut during construction must be coated with antiseptic sealant.
- K. New trunk wounds must be treated by removing dead and torn bark tissues.
- L. Roots may not be exposed by lowering grade. If roots are unearthed during the course of excavation, they must be covered by wet burlap and soil within 24 hours.
- M. All pruning cuts must be made flush to the trunk or connecting branches and injured or diseased limbs must be removed.
- N. Sod must not be installed closer than one foot (1') from the trunk of a tree.

10.7 Clearing Adjacent to Salt Marsh. Although moderate clearing for view and breeze is allowed in the thirty foot (30') setback (buffer) zone adjacent to salt marsh, major clearing of trees and underbrush (shrubs and ground cover), is prohibited without the explicit approval of the ARB.

10.8 Tree Replacement. Owners must replace trees that die within one year after completion of the project. Replacement trees shall be of the same species or of equal value of the tree removed.

10.9 Residential Areas. To retain healthy tree specimens and stands, provide vista opportunities, maintain natural buffers for privacy and salt spray, assist in soil conservation and enhance wildlife habitat, the following shall be observed:

- A. Specimen hardwoods (especially live oaks) must not be removed unless specifically approved by the ARB.
- B. Lower limbs of any tree on Common Property may be removed to allow views from lower floor levels in nearby homes and to stimulate canopy growth. Trees on private property may only be trimmed for these considerations with the consent of the property owners.
- C. Canopy limbs must not be removed.
- D. Overcrowded species may be thinned.
- E. Dead fronds on palm trees may be sheared.
- F. Leafy shrubs may be pruned or cut back every two to three months to non-uniform heights of five feet (5') to ten feet (10') and non-uniform shapes.
- G. Lower dead fronds on saw palmetto shrubs may be removed.
- H. Shrubs within thirty feet (30') of water must not be removed. Limbs, however, may be cut back or pruned to irregular heights and shapes.
- I. Dead trees must be removed by qualified personnel.
- J. Tree stumps must be either cut flush with the ground or removed.
- K. Property owners may trim any trees or vegetation that cross the vertical plane of their property line from an adjacent property.

10.10 Nature Preserves. To protect and maintain such areas, property owners adjacent thereto shall maintain a natural buffer.

SECTION 11. Water Features Management

11.1 Definition. Water features are those bodies of water in Moss Creek that include interior lakes, ponds, lagoons, flooded drainage ditches or wetlands which:

- A. Provide storm water detention and retention reservoirs;
- B. Provide golf course water hazards; and,
- C. Enhance residential views.

11.2 Natural Waterside Buffers in Common Areas, on Golf Course Property and Residential Lots.

Program: To conserve the undisturbed natural waterside plant communities in all areas the following program shall be pursued:

- A. A twenty-foot (20') natural buffer zone ("buffer") of undisturbed vegetation as measured from the average annual wetted perimeter of water features shall be maintained. In no event shall such buffer be less than five feet (5').
- B. Natural buffers may be selectively thinned, pruned, or mowed to maintain their structure and allow vistas. Such maintenance activities must be pursued in late autumn and winter to avoid adverse impacts upon nesting birds and animals.
- C. The use of pesticides is forbidden in such buffers.
- D. During residential construction, property owners, contractors, their employees, agents and others under their direction shall take steps to insure that the buffer remains undisturbed. Silt fences must be used to control run-off onto buffers and into water features.
- E. Unless otherwise necessary on the golf courses, and unless otherwise allowed by the ARB on residential lots, bulk heading, riprap, and grading (leveling, excavating, filing, ditching, etc.) is prohibited in buffers. If sloped riprap is allowed, areas adjacent to the riprap materials shall be seeded and/or sprigged with natural vegetation. Natural grasses shall be allowed to grow among the riprap materials.
- F. Insofar as golf play, residential views, and/or drainage functions are not adversely affected, selective trees and emergent vegetation shall be left undisturbed at water's edge along roadways, in open spaces and in drainage corridors.
- G. Native trees, shrubs, and grasses shall be planted or transplanted in area sites that have been disturbed by construction.
- H. Unauthorized plant removal during construction shall be subject to imposition of a fine.

MOSS CREEK OWNERS ASSOCIATION

**SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
APPLICATION FOR RESIDENTIAL CONSTRUCTION**

**FOR REVIEW
BOARD USE ONLY**

HOUSING TYPE:

NAME/ADDRESS OF PROPERTY OWNER

LOT NUMBER:

PRELIMINARY REVIEW:

STREET & NO.:

STAKE OUT:

TEL: _____
NAME/ADDRESS OF ARCHITECT

LOT SIZE:

BATTER BOARDS:

FULL _____

PATIO _____

FINAL APPROVAL:

TEL: _____

SUBMITTED BY:

BLDG. PERMIT #'S:
Moss Creek _____
Beaufort Cty _____

NAME/ADDRESS OF CONTRACTOR

DATE:

FEES/DEPOSITS:
Review _____
Compliance _____
Drainage _____
Foundation _____

CONTRACTORS S.C. LICENSE NO.

COMMENTS: _____

LANDSCAPE PLAN
Yes _____ No _____

C.O. DATE _____
C.C. DATE: _____

PLANS ARE:
Conceptual _____
Preliminary _____
Final _____

REFUNDS:
Compliance _____

EXCEPTION OR VARIANCE REQUESTED:
Yes _____ No _____

1. Has a structure been previously constructed from these plans in Moss Creek?
Yes _____ No _____ Location: _____
2. Is this construction for speculative purposes? Yes _____ No _____
3. What is the BFE requirement for the lot? _____
4. What is the finished floor elevation? _____ feet above MSL.
5. HEATED AREA of this structure? _____ sf
UNHEATED AREA of this structure? _____ sf
DECK/TERRACE AREA of this structure? _____ sf
TOTAL SQUARE FEET: _____ sf
6. Is a water source heat pump system being contemplated for this structure? Yes _____ No _____
7. Is special slab construction being contemplated for this structure? Yes _____ No _____
8. EXTERIOR MATERIALS: For preliminary review please specify colors and materials used. For final approval please submit samples of colors on materials that will be used.

BRICK:	_____	_____
	Material	Color
SIDING:	_____	_____
	Material	Color
STUCCO:	_____	_____
	Material	Color
STUCCO TRIM & BANDS:	_____	_____
	Material	Color
FOUNDATION VENT & OR LATTICE:	_____	_____
	Material	Color
FASCIA:	_____	_____
	Material	Color
WINDOW & DOOR TRIM:	_____	_____
	Material	Color
COLUMNS & RAILINGS:	_____	_____
	Material	Color
CORNER BOARDS & OR WOOD BANDS:	_____	_____
	Material	Color
FRONT DOOR:	_____	_____
	Material	Color
GARAGE DOORS:	_____	_____
	Material	Color
WINDOWS:	_____	_____
	Material	Color
SHUTTERS:	_____	_____
	Material	Color
SERVICE YARD:	_____	_____
	Material	Color
ROOFING:	_____	_____
	Material	Color
GUTTERS:	_____	_____
	Material	Color
DRIVEWAY:	_____	_____
	Material	Color
OTHER:	_____	_____
	Material	Color

MOSS CREEK OWNERS ASSOCIATION

**SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
APPLICATION FOR WELL DRILLING**

FOR REVIEW
BOARD USE

NAME/ADDRESS OF COMPANY
DRILLING WELL:

LOT NUMBER

HOUSING TYPE:

STREET:

WELL LOCATION
APPROVED:

TELEPHONE #: _____

SUBMITTED BY:

LICENSE #: _____

MOSS CREEK
BUILDING PERMIT:

OWNER:

NAME/ADDRESS OF HEAT/AIR
CONTRACTOR

DEPOSIT MADE:

BEGIN DATE:

DHEC CERT. OF
COMPLIANCE:

TELEPHONE #: _____

END DATE:

LICENSE #: _____

WELL DEPTH:

DEPOSIT
REFUNDED:

COMMENTS: _____

Moss Creek Owners Association Architectural Review Board

Application for Direct Broadcast Satellite TV Dish

PROPERTY: _____ **SUBMISSION DATE:** _____

Lot Number: _____

Street Address: _____

Property Owner: _____

Mailing Address: _____

Phone Number: _____

SYSTEM INFORMATION:

System Contractor: _____

Antenna Size: _____

LOCATION:

Description of antenna location: _____

Please attach a sketch indicating the antenna location.

Type of screening: _____

MOSS CREEK OWNERS ASSOCIATION

SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
LETTER OF UNDERSTANDING

Construction Address: _____

The undersigned Owner, or Owner's Agent, and Contractor each hereby certifies to the Moss Creek Architectural Review Board (hereinafter "ARB") that the residential construction or alteration to be commenced at the above referenced location, and as more specifically set forth in the Application for Residential Construction submitted herewith, shall be undertaken and completed in accordance with the recorded covenants running with certain lands in Moss Creek affecting such property, as amended to date, and in compliance with all the requirements of the current ARB Guidelines and Procedures

The undersigned each further acknowledges the receipt of copies of the Covenants and Guidelines and Procedures and hereby agrees to assume the responsibility of communicating the contents to all persons working on the project.

Upon completion of said construction or alteration, the Owner, Owner's Agent, and Contractor each shall deliver to the ARB a Certificate of Compliance certifying that said improvements have met all Guidelines and Procedure criteria.

The undersigned each understands and hereby acknowledges that if, upon final inspection by the ARB, the completed construction or alteration is not in compliance with the approved plans and specifications, or does not meet ARB Guidelines criteria, some or all of the deposits made with the application submitted herewith may be withheld or forfeited, in part or in their entirety, until such non-compliance is corrected and a Certificate of Compliance is re-submitted.

Owner Signature: _____ Date: _____

Printed Name: _____

Owner's Agent Signature: _____ Date: _____

Printed Name: _____

Contractor Signature: _____ Date: _____

Printed Name: _____

SCHEDULE OF FINES AND PENALTIES

Depending upon the degree of non-compliance for failure to follow requirements of the Guidelines and Procedures, the Architectural Review Board is authorized to impose the following fines and/or penalties, which, if not paid, could result in a lien on the property:

1. For starting any work prior to ARB approval and/or Moss Creek Building permit (excluding stake out):
minimum of \$500.00.
2. Variation from the approved site location of the structure:
Removal of any work completed and re-positioning in correct location.
3. Variation in approved first floor and garage floor elevations:
Modification of any work completed and/or rebuilding to the correct elevation.
4. Variation from approved driveway or drainage plans:
Modification of any work completed and/or rebuilding as necessary.
5. Failure to follow procedures for driveway installation:
minimum of \$500.00 plus cost of any necessary removal, repairs or rebuilding.
6. Any unapproved change in exterior design, construction, or color of the structure:
Forfeiture of all or a portion of compliance deposit.
Correction of the discrepancies at the discretion of the ARB.
Re-submittal of corrected plans.
7. Unauthorized tree removal or damage:
Specimen size tree \$1,000.00 per tree plus implementation of an ARB approved tree restoration plan to be started within thirty (30) days of written notification.
Tree six inches (6") or more in diameter up to \$500.00 per tree plus implementation of an ARB approved tree restoration plan to be started within thirty (30) days of written notification.
8. Failure to keep job-site free of litter and construction debris:
\$100.00 per day after three (3) working days notification.
9. Failure to remove any dumpster within 1 year without authorized extension:
\$100.00 per month.
10. Failure to keep construction activity confined to job-site:
\$100.00 per day per violation.
11. Non-compliance with conditions and requirements set forth in Appendix VI hereof as items number 2 through 11, 15, 16, 19, and 20:
\$100.00 per violation plus implementation or correction of the condition.
12. Any property owner or resident found to be in violation of the ARB Guidelines will be notified in writing of the offense and will be required to correct the violation by a specific date or risk incurring a fine of \$1,000.00. If the owner is not responsive and the violation is not corrected by the specified date, a second notice will be sent to the owner advising that failure to correct the situation within 30 days will result in a fine of an additional \$1,000.00 and a lien will be placed against the property. Failure to correct the violation by the due date, a \$1,000.00 fine will be charged to the owner's monthly assessment and a lien will be placed against the property. Further, failure to correct the violation will also result in court action whereby MCOA will seek authorization to enter the owner's property to correct the violation. All expenses incurred by MCOA related to correcting the violation will be charged to the owner's account.

Appendix V

BUILDING INSTRUCTIONS

During the course of the construction, the owner, the owner's agent, and/or the contractor will be responsible to abide by the following:

1. No clearing or construction work is to begin before a Moss Creek building permit has been issued by the ARB.
2. String lines placed along side and rear property lines shall remain in place until construction is completed. In addition, side property line and specimen tree barricades must be installed at the time of stake out and shall remain in place until construction is completed.
3. Adjacent lots and/or common property shall not be used for the storage of materials, vehicle parking, or access to the construction site.
4. Building sites shall be maintained in an orderly condition; buildings are to have scrap materials picked up as necessary to maintain an orderly condition.
5. A small trash container (barrel) is to be provided for the use of depositing used food containers and other small trash.
6. A large trash container/dumpster is to be provided for scrap material and building debris and other bulk trash items. The overflow or spillage around these containers is to be picked up daily. They shall be promptly removed from job site when full. Dumpsters must be screened from the street and/or golf course with green mesh, lattice or other non-vision material. Screening must be maintained in good condition.
7. Porta-potties are to be provided for the convenience of workers, and should be placed so that the doorway will not front on the street or other public view. They should be placed a minimum of ten feet (10') inside of the property lines unless otherwise approved. Porta-potties must be screened from the street and/or golf course with green mesh, lattice or other non-vision material. Screening must be maintained in good condition.
8. Loud and offensive noise will not be permitted. The playing of radios is permitted provided the sound does not carry beyond the boundaries of the building under construction.
9. Contractors, sub-contractors, material suppliers and/or their respective employees who use a vehicle for access to the job site are required to have a MCOA sticker. This may be obtained at the Security Gate.
10. Construction workers are not permitted to fish or hunt in Moss Creek.
11. Saturday work is permitted, except when a holiday falls on Saturday. No work is permitted on Sundays.
12. Notify WOU when lateral locations and/or tap-ins are needed. A three-day advance notice is required.
13. Contractor's and Architect's Signs: Small signs not exceeding four square feet may be placed at the street side of the site for job identification purposes only. At the completion of the job, signs are to be promptly removed. No other signs are permitted.
14. Any signs or company identification on trash dumpsters and other receptacles are limited to four (4) square feet in size. In addition, it is further recommended that such receptacles be painted either dark green, dark brown or any other earth tone color. As an alternative, an approved screen must be placed around each receptacle.
15. Construction work is permitted from 7:00 a.m. until 6:00 p.m., dependent on daylight.
16. No burning of trash or fires of any kind is permitted.
17. Any trees lost due to construction damage within one year after construction shall be replaced by one tree for each lost tree. Size, species and location will be at the discretion of the Board.
18. Notify MCOA when driveway elevations are needed. A ten-day advance notice is required. See Section 5.16.
19. No clearing of any kind is to be done on the banks of lagoons and marshlands or beyond property or survey control lines in these areas except in conformity with an approved landscape plan.
20. Vehicles and heavy equipment are not to be left on job sites overnight, weekends or holidays without special permission from MCOA.
21. It shall be the responsibility of the General Contractor or the Owner, as applicable, to insure that all persons working on a construction project in Moss Creek are both informed of and familiar with the ARB Guidelines and Procedures.
22. In the event of an impending storm, all construction materials on site must be removed or secured.

Appendix VI

MOSS CREEK OWNERS ASSOCIATION

SUBMIT TO:
THE ARCHITECTURAL REVIEW BOARD
CERTIFICATE OF COMPLIANCE

The undersigned hereby certify to the Moss Creek Architectural Review Board that the building structure and other improvements situated at Lot No. _____ Street Address _____ (has) (have) been (constructed) (altered) in accordance with the recorded Covenants running with certain lands in Moss Creek affecting such lot, as amended to date.

The undersigned further certify that the improvements have been constructed in accordance with the final plans and specifications heretofore filed with and approved by the ARB on _____; that the contractor and/or owner's agent executing this certificate has conducted a final inspection of the improvements; and that the improvements meet the guidelines, criteria and requirements set forth by the Architectural Review Board in its approval of the plans and specifications.

OWNER: _____ DATE: _____
Signature Print

CONTRACTOR: _____ DATE: _____
Signature Print

OWNER'S AGENT: _____ DATE: _____
Signature Print

Type of Improvement: _____ Moss Creek Building Permit #: _____

Filed with and confirmed and accepted by the Moss Creek Architectural Review Board this _____ day of _____.

Final Inspection:

ARB Inspector: _____ Date: _____

Drainage Manager: _____ Date: _____

Landscaping Advisor: _____ Date: _____

ARB Advisor: _____ Date: _____

MOSS CREEK OWNERS ASSOCIATION Tree Removal Request

*MCOA approval is required for the removal of any tree 6" or greater in diameter at breast height (DBH – 4').
*Forms should be submitted to Administration, Phone (843)836-6112, Fax (843)837-5770, or
email: sbrown@moss creek-hiltonhead.com

Date Submitted: _____	Member Name: _____
Lot Number: _____	Phone Number: _____
Property Address: _____	

MCOA Management Staff, under the direction of the General Manager, has approval authority for trees that meet the following criteria:

- 1- Requests for the removal of 5 or fewer trees
- 2- Trees believed to be diseased, dying, dead or dangerous
- 3- Trees within close proximity to a residence
- 4- Other trees that do not meet the definition of "specimen" as outlined in *ARB Guidelines, Section 10*

MCOA procedures require that any tree removal request which does not meet the above criteria, or in a case where the Management Staff declines approval and the Member still wishes to pursue removal, the request must be submitted for approval to the ARB along with the report of a credentialed independent arborist (one who is not employed by/affiliated with the tree removal company contracted). The cost of the arborist's report will be the responsibility of the applying Member.

Once a completed application and arborist's report is submitted, the request will be placed on the ARB agenda for their normal consideration and ruling.

My request is for: (check one) Management inspection _____ ARB approval _____

Number of Trees Requested for Removal: _____

How will trees be marked for inspection? Ribbon color _____ Other _____

Description of Each Tree: (attach sheet if additional space required)

	Species	Trunk Diameter	Location on Lot	Reason
1				
2				
3				
4				
5				

Do any of the subject trees meet the criteria for "specimen" trees? (see *ARB Guidelines & Procedures Section 10 for definition*)

Yes _____ No _____

If yes, is arborist report attached? Yes _____ No _____

<p>For Office Use Only Qualifies for staff review: Yes _____ No _____ If no, placed on ARB agenda meeting date: _____ If yes, Date inspected: _____ Inspected by: _____ Staff Conclusion: 1) _____ 2) _____ 3) _____ 4) _____ 5) _____ Letter to Member: Approved _____ Denied _____ Combination _____ Date sent: _____ Signed: _____ Date: _____</p>
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Moss Creek Community Pride Program

Purpose

To preserve the character of the community, covenants and Architectural Review Board (ARB) guidelines were developed to set standards for both common and privately owned property. The focus was, and continues to be, preservation of the natural beauty of the land while establishing property maintenance standards for private residences and undeveloped home sites. Every property owner has benefited from these standards and all have an obligation to abide by these rules. It is the purpose of the Community Pride Program to perform an ongoing inspection of each property to ensure all properties meet the established standards.

Authority

To achieve the purpose of the Community Pride Program, MCOA administration is charged with enforcing community regulations related to property maintenance as outlined in the following:

Covenant: Article VI, Section 8 – fines and appeals

Covenant: Article IX, Section 8 – unclean or unkempt conditions
Article IX, Section 10 – lot maintenance
Article IX, Section 16 – satellite dishes

Covenant: Article XVIII, Section 3 – enforcement

Implementation

MCOA administration will perform the following:

- Working with the ARB, develop a building and grounds maintenance inspection program to meet the requirements and desires of the community, with reasonable specifications and standards for maintenance.
- Inspect each Moss Creek property on a quarterly basis for unclean, unsightly or unkempt conditions of residences and surrounding property.
- Notify by mail all property owners of the specific problem(s) or lack thereof. (See Section on enforcement and collection of fines)
- The letter provides 30 days for the owner to begin action to correct the identified problem(s) and 60 to 120 days if needed to complete the action. The letter further states that if more time is needed for correction, the owner must contact administration to prevent the issuance of a fine. The homeowner must provide a valid rationale for an extension of the time frame.
- Perform follow up inspection in 30 days (or at the end of the specified time if additional time was requested by the home owner.) to verify that the problem(s) has been corrected.

Property Owner Responsibility

It is the responsibility of all Property Owners to assure that their land and/or home is in compliance with all applicable Rules and Regulations. When necessary, individuals found not to be in compliance may be fined by MCOA.

Buildings

Individual houses, driveways and walks must be free of discoloration and/or staining resulting from causes such as, but not limited to, algae, mold, rust, tree sap. Seasonal pollen presence is not considered discoloration. Each homeowner must be diligent in maintaining the property (including, but not limited to structures, driveways, walkways, landscape, etc.) in such a manner that it is in sound

structural condition and is devoid of visible deterioration. When a condition exists that is considered in violation, a fine may be levied if the situation persists.

Roofs

Significant amounts of pine straw and other debris on roofs must be removed from the roof surface.

Discoloration, e.g. mildew, green algae or black mold on roofs must be removed.

Gardening Equipment

Equipment used for gardening, including, but not limited to, tools, trashcans, fertilizer bags, and bagged soil, must be cleaned up and put away after use.

Play Equipment and Satellite Dishes

Play equipment and satellite dishes installed on any part of the property outside the dwelling must have approval of the ARB prior to installation. An application form is available at administration or online on the Moss Creek web site. The form must be completed in full with all requested information and consent signatures where applicable.

Such equipment includes, but is not limited, to:

- Satellite dish
- Basketball backboard and hoop, permanent or portable
- Swing set
- Trampoline

Refer to the ARB guidelines section 5.11 for the placement of satellite dishes.

All bicycles and other play equipment must be stored when not in use.

Propane Tanks, HVAC units and trash receptacles

Fuel tanks, trash receptacles and HVAC equipment must be screened with a non-vision fence enclosure, a minimum of five (5) feet in height. Window A/C units must be appropriately screened from view from the street and the golf course. Refer to ARB guidelines section 5.9 for service yard requirements.

Yard Areas – Must be maintained consistent with neighborhood properties.

Moss Creek Community Pride Program Enforcement and the Collection of Fines

Purpose:

In order to maintain a residential community that is aesthetically pleasing, operationally effective and focused on the preservation of the natural beauty of the land, the covenants and ARB guidelines establish property maintenance standards for private residences and undeveloped home sites. It may sometimes be necessary to invoke fines for violation of these standards. Fines are viewed as a method of last resort and are used to gain a homeowner's attention. It is the intent of the ARB and MCOA administration to work with homeowners, in a cooperative manner, to maintain their property.

Procedure:

After a violation has been identified, the following general procedures and remedies will be used as tools by MCOA administration to bring about compliance.

STEP 1:

- Letter #1 – Advise the owner in writing, in a letter sent by U.S. Mail, of the specific violation(s) and allow owners 30 days to begin correction of the identified problem(s). Advise them to contact administration if longer periods of time are needed or if there are any questions regarding the inspection of their property.
- Re-inspect the property in 30 days, or after the problem(s) has been corrected if an extension had been granted.
- If the violation has been corrected, close the file.

STEP 2:

- Letter # 2 –If the violation(s) is not corrected, within 30 days, nor has a plan of action been submitted by the property owner to correct the problem within a reasonable time, a second letter is sent by U.S. Mail, advising of the intent by the ARB to fine the owner if the correction is not completed by a specified date (usually 30 days).

STEP 3:

- Letter #3 - Notification of the fine is sent by U.S. Mail when, after 60 days, the violation has not been corrected and the owner fails to arrange with MCOA administration on a plan for correcting the problem. Fine amounts are dependent upon the type and severity of the violation.
- If the violation has been corrected, close the file.

APPEALS:

- Owners will be notified with each fine letter, of their right to appeal the fine.
- Requests for additional time to correct a violation(s), by the owner contacting MCOA administration, will be handled on a case-by-case basis. If subsequent deadlines are not met and the owner does not work in good faith to resolve the violation, additional fines may be issued.
- The first level of appeal is a hearing before the ARB. If the owner is dissatisfied with an ARB hearing the owner may request a hearing before the MCOA Board. They must attend each hearing to discuss amicable resolutions.

Fine Schedule for Residential Violations

Unkempt condition and/or
unauthorized equipment/structure

1st letter – notice to advise of
violation(s)
2nd letter – warning of possible fines
3rd letter – impose fine of \$100.00
(MCOA may correct the
problem and the owner
will be billed.)

In circumstances where the owner has been repeatedly fined for the same violation or where an owner refuses to mitigate the conditions in accordance with ARB guidelines; the amount of the fine may be increased by the ARB and/or the MCOA Board of Directors, up to \$1000.00 per violation.

*Second occurrence of the same offense

\$300.00

*Third occurrence of the same offense

up to \$1,000.00

**Moss Creek Owners Association
Architectural Review Board
Application for Reroofing/Repainting**

PROPERTY:

DATE: _____

Lot Number: _____

Property Owner: _____

Street Address: _____

Phone Number: _____

CONTRACTOR:

Company Name: _____

Address: _____

Phone Number: _____ Email: _____

Fax Number: _____

EXISTING COLORS:

Roof:

Material: _____

Manufacturer: _____

Color: _____

Siding: _____

Trim: _____

Stucco/Foundation: _____

PROPOSED COLOR(S):

Roof:

Material: _____

Manufacturer: _____

Color: _____

Siding: _____

Trim: _____

Stucco/Foundation: _____

***ANY PROPOSED CHANGE REQUIRES INFORMATION ON ALL EXISTING COLORS.**

***SAMPLES OF PROPOSED PAINT COLORS MUST BE SUBMITTED ON ACTUAL MATERIAL ALONG WITH PAINT CHIPS AND THE APPLICATION.**

***A COLOR PHOTOGRAPH OF THE EXISTING RESIDENCE IS HELPFUL AND MAY BE REQUIRED.**

***REROOFING: A COPY OF THE BEAUFORT COUNTY PERMIT IS REQUIRED AT THE TIME THE MOSS CREEK PERMIT IS ISSUED.**

Application Submitted by: (Print Name) _____

***Fax completed form to (843)837-5770 or email to sbrown@moss creek-hiltonhead.com**

Moss Creek Owners Association Architectural Review Board

Yard Structure Application

PROPERTY: _____ **SUBMISSION DATE:** _____

Lot Number: _____

Street Address: _____

Property Owner: _____

Mailing Address: _____

STRUCTURE INFORMATION:

Type* (i.e. fountain, basketball goal): _____

Size/Dimensions (attach catalog cut sheet or color photograph):

Contractor (if applicable): _____

LOCATION: _____

Attach a current site plan or as-built survey indicating the location of the structure relative to property lines and setback lines.

TYPE OF SCREENING (if applicable):

***NOTE:** Yard structures such as play equipment and trampolines may require additional screening.

See Architectural Review Board Guidelines & Procedures, Section 8, Paragraphs 8.3 and 8.4 for information on requirements.