



**DATAW ISLAND DESIGN GUIDELINES**  
**ARCHITECTURAL STANDARDS AND USE RESTRICTIONS**

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**DATAW ISLAND ARCHITECTURAL REVIEW BOARD**



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# **I. BACKGROUND AND INTENT**

## **PURPOSE OF THESE GUIDELINES**

The *Dataw Island Declaration of Covenants, Conditions, and Restrictions (Covenants)* provide for the application of the same planning and design concepts used in infrastructure development to the development of homesites and dwellings. This was accomplished by establishing “Article X, Architectural Standards and Use Restrictions,” and by creating the Architectural Review Board (ARB).

In accordance with subjects emphasized in the “Architectural Standards and Use Restrictions,” the three main tenets upon which all ARB decisions are based are:

- Preservation of the natural setting and beauty of the community,
- Establishment and preservation of a harmonious and aesthetically pleasing design,
- Protection and promotion of the value of the development, homesites, dwellings, multi-family areas, and all associated improvements.

Article X also states “Every grantee of any interest in the Development, by acceptance of a deed or other conveyance of such interest, agrees to be bound by the provisions of this Article X.”

The Island amenities and common areas were turned over to the property owners by the developer in 1996, and since that time the Dataw Island Owners’ Association (DIOA) has continued to promote the same goals as were originally set forth in the *Covenants* regarding architectural standards, and is particularly sensitive to protecting property values.

These “Architectural Standards and Use Restrictions” are augmented by the *Dataw Island Design Guidelines (Design Guidelines)* contained herein. These guidelines are intended to establish design parameters, encourage creative design commensurate with the quality established in the development of the Dataw Island Land Use Plan, and create a uniform review and approval process. The *Design Guidelines* are incorporated into the *Covenants* by specific reference, and therefore are a part thereof. The ARB is the entity that administers the “Architectural Standards and Use Restrictions” and the *Design Guidelines*.

All guidelines are continually subject to review and amendment by the ARB to address planning and design issues arising subsequent to the creation of this document, to better ensure that design quality is maintained at the appropriate standard, to increase the level of equity in the review and approval process, and to simplify administration.

Before any project is submitted for consideration to the ARB, it is the responsibility of the property owner to familiarize himself with the requirements listed in the current *Design Guidelines*. All design professionals to be retained by the property owner should be directed to become intimately familiar with the contents of the *Design Guidelines* and the Dataw Island community concept.

A COPY OF THE *DESIGN GUIDELINES* SHOULD BE GIVEN TO ALL PROPERTY OWNERS AT THE PROPERTY’S CLOSING. PRINTED OR ELECTRONIC COPIES MAY ALSO BE REQUESTED FROM THE ARB’S ADMINISTRATOR, OR MAY BE VIEWED AT [www.datawmembers.org](http://www.datawmembers.org) ON THE DATAW ISLAND WEBSITE.

## **ARCHITECTURAL REVIEW BOARD (ARB)**

**PURVIEW** The Architectural Review Board, a Committee of the Dataw Island Owners' Association (DIOA) Board, and the *Design Guidelines*, are established under the *Covenants* to maintain the "Architectural Standards and Use Restrictions", and state "No exterior changes or improvements . . . will be constructed, altered, added to or maintained . . . except as provided for in 10.03 of the *Covenants*, without the official written consent of the ARB".

**RESPONSIBILITY OF THE PROPERTY OWNER** The property owner is responsible for seeing that any new construction, or additions or changes to the exterior of the home or landscaping, are in compliance with the *Covenants* and *Guidelines*, and have the prior approval of the ARB.

**MAKEUP** The ARB will consist of up to five (5), but not less than three (3) DIOA members, appointed by the DIOA Board of Directors, subject to specific conditions of the valid and current *Covenants* and *By-Laws*. The regular term of office for each member will be one (1) year, coinciding with the annual year of the Association. Any ARB member may be removed with or without cause by the DIOA Board at any time by written notice to the appointee. The ARB will vote annually, or more often if necessary, to choose their Chairman and Vice Chairman.

With the approval of the DIOA Board, the ARB may retain consulting architects, landscape architects, planners, engineers, inspectors, attorneys, and/or others to assist and advise in the performance of its functions.

**DIOA BOARD/ARB LIAISON** The DIOA Board will appoint a DIOA Board member to sit in on ARB meetings as a non-voting observer to report actions of the ARB to the DIOA Board.

**ARB APPROVALS AND REJECTIONS** (See "Appeals", page 37)

**VARIANCES** The *Covenants* also authorize the ARB to grant variances to the *Design Guidelines* on a case-by-case basis when they deem them to be appropriate.

**ADMINISTRATION** ARB members will not address administrative or procedural questions directly from applicants. All such questions should be directed to the ARB's Administrator, who in addition may be authorized by the ARB to give "staff approval" for the ARB to specific projects.

**MEETINGS** At least once each month, and additionally upon the call of the ARB's Chairman or Administrator, meetings will be held on Dataw Island at a time and location to be determined. Meetings are not open to the public; however, the property owners(s), architect, and contractor, of any project that is to be reviewed may attend upon 48-hour written notice to the ARB's Administrator. Also, upon submission of a written statement to the ARB's Administrator at least 48-hours prior to the meeting, any property owner may attend to make comments on a specific project. The minutes of ARB meetings are published on the Dataw Island website.

**LIVING WITH THE COVENANTS COMMITTEE (LWC)** At the request of the ARB this Committee was established by the DIOA Board to handle violations of the *Covenants* at existing homes, on unimproved lots, or on common or Club property in accordance with established policies as written in the *Covenants*, *By-Laws*, *Design Guidelines*, and DIOA Board "Rules and Regulations".

APPLICATIONS, MEETING, FEE AND DEPOSIT SCHEDULES, AND GUIDELINE UPDATES ARE AVAILABLE AT [www.datawmembers.org](http://www.datawmembers.org) OR FROM THE ARB'S ADMINISTRATOR.

## THE NATURAL ENVIRONMENT

All project designs are required to blend with Dataw Island's natural environment. To achieve this objective, the various components that comprise this environment and their various ramifications on design must be considered.

**SALT WATER MARSHES** The marshes are lands inundated by tidal waters of the Atlantic Ocean, and are teeming with plant and animal life that is essential to maintaining ecological balance within the marine food chain. Marshes support scores of unique species of animals and birds, including some on endangered lists. They also filter rainwater with their grasses and provide four seasons of color change throughout the year.

Marshes around Dataw Island are South Carolina state wetlands, whose protection is the responsibility of the South Carolina Department of Health & Environmental Control (SC DHEC) office of Ocean & Coastal Resource Management (OCRM.) No construction, excavation, fill or encroachment of any kind is allowed in a marsh or on lands adjacent to a marsh, without a Beaufort County permit. (See *Covenants*, Article XI, 11.01, "Restricted Zone".)

The OCRM Critical Line is defined by a line that is the border of the landward extent of areas normally characterized by the prevalence of saline water vegetation capable of growth and reproduction, and periodically inundated by saline waters, naturally or through artificial conveyances.

Adjacent to properties on Dataw Island are marshlands under the restrictions of OCRM. However, the Critical Line fluctuates as the shoreline is built up and eroded. Anyone with specific questions on defining the edge of the marsh or on obtaining a Beaufort County permit should call the SC DHEC office in Beaufort.

**SETBACKS FROM THE MARSH** Beaufort County and Dataw Island require a minimum setback of 60 feet (rev. 2016) from the OCRM Critical Line for construction of any structure, unless the project is located in certain "Special Condition" areas such as Palmetto Point or Curisha Point. As a general rule, any applicant planning to begin construction on property bordering the OCRM Line should contact Beaufort County Zoning for possible special construction requirements, permits, or to request a variance.

**TREE PROTECTION** Dataw Island's existing mature sub-canopy tree resource is irreplaceable in character, longevity and dollar value. To blend with Dataw's natural environment, proposed projects must be placed on the land in a way that retains as much of the mature and sub-canopy vegetation as possible. The Architectural Review Board will be more inclined to favorably review proposed designs based on saving significant specimen trees or stands of trees.

**CLIMATIC CONSIDERATIONS** Design recommendations based on the overall weather and microclimatic considerations include the use of wide overhangs, existing tree cover to screen out the heat of the sun, heat pumps and setback thermostats for energy efficiency in heating and cooling, ceiling fans to promote air movement in hot humid weather, and the placement of deck structures to the side rear of a house to catch evening breezes that tend to travel in the side yards between the road and golf course clearings under the mature tree canopy. (See "Architectural Style," page 7)

## II. DESIGN REQUIREMENTS

### SITE DESIGN

Every site is unique, and every feature of the site needs to be considered as an integral part of the total design developed for that site, or design element, which through imagination inspires, provides a focus, adds interest, enhances, and gives meaning to the design. For a design to blend into Dataw's natural environment, follow the course of sensitive design, which is responsive to its site.

**HOMESITE VIEWS** All homesites have been planned to offer an excellent rear view of the golf courses, fresh water lagoons, marsh, deep salt water, natural wooded areas, or any combination of these. The view from each homesite is protected by resourceful master planning so as to prevent any residential property line from backing onto an adjoining property line.

**SITE/TREE SURVEY AND DRAINAGE PLAN** A combined site/tree survey and drainage plan prepared at 1/10 or 1/20 scale must be submitted. (See "Specifications" page 20)

**TREES TO SAVE OR REMOVE - CERTIFIED ARBORIST'S RECOMMENDATION** Although not required, the ARB recommends that a property owner hire a certified arborist to identify diseased and potentially hazardous trees that could more cost-effectively be removed during initial lot clearance, before a decision is made as to which trees to propose for saving or removal.

**SETBACK REQUIREMENTS** Setbacks imposed on a property are site-specific, and subject to minimums and maximums. (See "Table 2, Setback Requirements", page 17) Criteria for establishing setbacks are maximization of rear views for the most people, assurance of a varied but orderly streetscape, and design compatibility with surrounding properties and the Dataw community. The location of adjoining common property and the siting of each lot is planned so as to maximize the best rear view from the homesite, while simultaneously screening it from adjoining neighbors for as much as is possible. Whenever possible, a project design should respect that which has already been built in site positioning, elevations, setbacks and style, and should not impinge on another site's primary view. Although minimum setbacks are the standard, the ARB reserves the right to grant variances or require more than the minimum on any homesite at their discretion when they deem it necessary to achieve goals for the benefit of the design of the site or neighboring sites. (DG, p. 5)

**GRADING AND DRAINAGE** The main purpose of grading and drainage is to ensure that water does not collect on the homesite, while at the same time directing water run-off to the front or the rear of the lot. The drainage plan must ensure that run-off is controlled so as not to impact neighboring properties on either side of the lot. (See "Gutters", page 10.) Surface grading directs all storm water run-off into a system of underground flow pipes and surface retention lakes. The outfall from the Island occurs only at pre-designated points and at controlled flow rates. All storm water is filtered before it leaves the island.

While in the process of managing water so as to achieve this goal, minimize disturbance to existing trees, keeping in mind that a tree trunk (with the exception of palmettos) cannot have dirt piled against it in excess of one inch, and that a tree's most important feeder roots grow around the outer circumference of its canopy's drip line. Cutting, filling on, running over or building over this delicate area will potentially harm a tree to the point that it will slowly die. Cutting through this root zone, and especially next to a tree trunk for underground service and utility lines will likewise harm a tree. Construct either retaining walls or tree wells around specimen trees to preserve their root system. Maintaining existing ground level vegetation in addition to the basic tree cover of each homesite preserves the general character of the island and minimizes the amount of supplemental landscaping

required to soften the impact of structures placed on the homesite. The need for irrigation is also minimized.

**ARCHITECTURAL STYLE** Dataw Island is a South Carolina sea island, and although specific designs are not prescribed, homes must impart the feeling that they belong on Dataw Island and in the South Carolina Low Country. The use of features such as wide roof overhangs, moderately pitched roofs, generous porches, decks or verandahs, natural materials that are native to the southeast, and details scaled to the human body, assist in conveying this “Low Country Look.” Low maintenance should be a consideration for all homes, and landscape designs should feature plants native to this area.

**PATIO AND CONVENTIONAL HOMESITES, AND SPECIAL CONDITION AREAS** Specific home design specifications exist and are dependent upon the type of lot chosen or the area where located. The minimum, standard patio homesite, not in a special condition area, consists of 6,000 square feet, while the average conventional homesite is larger. (See Tables 1 and 2, pages 16-17, for standard required square feet and setbacks, or Appendices B-O for homes in Special Condition Areas.)

**PATIO HOMESITE PRIVACY WALL LOCATION** On all north-south running streets, the patio home privacy side with no openings in it on the first or second level is to be placed on the north side of the homesite. As north-south streets turn east or west, or intersect with east-west streets, the pattern of wall placement shall continue so there is never more than one privacy wall for each homesite, and until there is a major common area break in a string of more or less continuous homesites. Privacy wall extensions without openings may be built of treated vertical wood (or stucco to match the siding) in a solid or shadow box design to a height of 6 to 8 feet above the finished floor elevation, and painted to match the siding or trim of the home, and it is recommended that the garage wall with no openings be used as a part of the privacy wall. If there is a question about which side is designated as the privacy side, please contact the ARB’s Administrator. (See also “garage” (wall utilization), p. 9, “Table 2: Setback Requirements”, p.17, *Covenants* 3.19, “Landscape and Maintenance Easement”).

**ADDITIONAL LIGHT ON THE PRIVACY SIDE** A variance to permit the installation of stationary translucent glass, glass block, or clear stationary glass with film applied to render it translucent in the privacy wall will be considered for approval on a case-by-case basis, as long as a physical sample of it is submitted with the application. Film applications will be considered for meeting this requirement only if the general contractor warrants the application to be free of defects for ten years from installation. Skylights or solatubes do not require ARB approval.

**COMPATIBILITY WITH EXISTING HOMES** Although some diversity in home design is permitted, adhering to most of the common design elements of existing Island homes in the area where the home will be built, and selecting a home design that looks like it belongs in the South Carolina “low country”, will usually lead to a more favorable review of a plan.

**CHIMNEY** All home designs must include a chimney, which is an architectural element common to every residential structure on Dataw Island. A fireplace need not be included.

**PLACEMENT ON LOT** Homes must be placed on a lot within parameters given in Tables 1 and 2, or Special Condition area appendices. See also “Relation to Street” below.

**RELATION TO STREET** Homes do not have to be placed square with the street or setback lines although the privacy wall of a patio home is recommended to be parallel to the side lot line, and the patio home structure must utilize a portion of the wall for one of its walls.

**COMBINING HOMESITES** No more than two contiguous conventional or patio homesites may be combined by modification of the deed and plat for the two lots to combine them. However, once they have been legally combined, they cannot be separated. (See *Covenants*, “3.18, No Partition”).

- Conventional Homesites: A single conventional home may be placed in the center or toward the center of two conventional homesites that have been legally combined. The conventional home design must comply with the size requirements of a single conventional lot. (See Tables 1 and 2 or appendices), even if the sites are combined.
- Patio Homesites: While two contiguous patio homesites may be combined, a patio home must be placed on one or the other of the two original homesites that existed before combining, and must comply with all usual patio home design criteria.

**FINISHED FLOOR ELEVATION (FFE) REQUIREMENT FOR A CONVENTIONAL HOME** With the exception that no house shall be required to have a finished floor elevation less than 12 inches above the natural grade that exists anywhere beneath the footprint of the home, the maximum height of the finished floor elevation of a conventional home is limited to the higher of one of the following two measurements:

- (1) Between 12 inches and 48 inches above the future grade at the front of the home, OR
- (2) Less than a maximum of 18 inches above the FEMA based flood elevation (currently 14.0 feet.)

The relationship between the garage and the finished floor of a house stated on architectural plans may not be used to justify a variance to this requirement. Open areas under elevated homes shall be screened in the front, sides and rear with lattice or louver panels, beams or continuous curtain wall, with the exception that homes on the marsh need only be screened on the front and sides.

**FINISHED FLOOR ELEVATION (FFE) REQUIREMENT FOR A PATIO HOME** The finished floor of a patio home is to be placed between 8 inches and 24 inches above the future grade at the front of the home, or less than 18 inches above the FEMA base flood elevation, whichever is more, with the exception that no house shall be required to have a finished floor elevation less than 8 inches above natural grade anywhere beneath the footprint of the house.

**FOUNDATION SURVEY, REQUIRED FOR NEW HOME CONSTRUCTION AND ADDITIONS THAT CHANGE THE FOOTPRINT** (See “During Construction”, page 41, for information.)

**GARAGE, GOLF CART GARAGE, AND MECHANICAL OPENERS** A garage is required for every single-family homesite. It may be attached or detached, and sized according to “Table 1, Square Feet and General Design Parameters”. The construction of enclosed golf cart storage space is recommended, however, the cart garage must be attached to the garage or the house in a manner acceptable to the ARB. Mechanical openers are required. (The construction of a carport is no longer permitted.)

Side or rear loading garages are required; however, homes designed with front loading garages (door opening facing the street), or homes designed with a garage located in the rear of the home, may be approved provided they meet at least one of the following:

- The site is wedge or pie shaped such that the street side of the property is not sufficiently wide to accommodate a typical entry and exit from a side-loading garage. This condition typically occurs on homesites located on a cul-de-sac. When designing for this condition, the garage should be placed in such a way as to allow at least two cars to be parked outside of the garage and completely within the property.
- The garage is designed with the home, such that the garage door is located equal to or further back than the front facade of the home. This places the garage within the house setback and the garage setbacks no longer apply in this case.

- Using a front-loading garage can save a significant tree or group of trees.
- The home site and design of the home are such that a garage located on the rear of the home would better utilize the home site and/or be more aesthetically pleasing. This places the garage within the house setback and the garage setbacks no longer apply in this case.

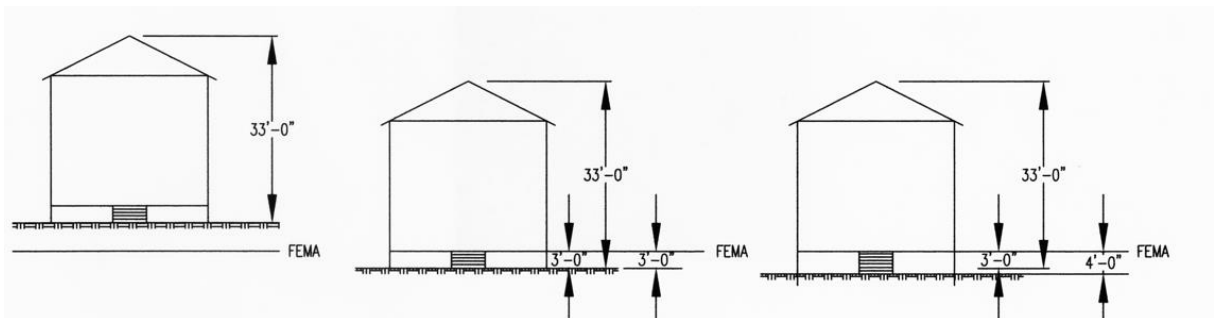
For patio homes, it is recommended that the garage structure utilize the privacy wall for one of its exterior walls. (See “Table 2: Setback Requirements”, page 17.)

**DETACHED ENCLOSED STRUCTURES** Other than the garage, no other enclosed detached structure, storage building or guesthouse is permitted. To be considered as attached, the structure must be connected to the house by an impervious roof as approved by the ARB. Any exterior access to a second level above the garage must not be visible from the street.

## ROOFING GUIDELINES

**PATIO HOME MAXIMUM ROOF HEIGHT** The roof height of a Patio Home is limited to a maximum height of 28 feet when measured from the top surface of the finished floor to the roof ridge.

**CONVENTIONAL HOME MAXIMUM ROOF HEIGHT** The roof height of a Conventional Home is limited to a maximum height of 33 feet when measured from the highest point of the proposed finished grade at the front of the home or when measured from 3 feet below the FEMA required finished floor elevation, whichever grade is higher, to the roof ridge. (The current minimum FEMA required finished floor elevation is 13.0 feet. See illustration below.)



**PITCH** Roof pitches must be moderate and compatible with low country design. 4 feet in 12 feet minimum pitch and a maximum pitch of 10 feet in 12 feet is allowed for all except special feature areas of the home. Extremes in roof pitches for segments of a total roof can have positive results; however, limit extreme pitches to fifteen percent (15%) or less of the total roof area.

**MATERIALS** Use wood shingles or shakes, slate tile, standing seam metal or asphalt shingles. Mildew-resistant shingles are required for new or replaced roofing. Other materials will be considered on a case-by-case basis. If metal roofing is chosen, it must have a non-glare finish.

**ROOF ATTACHMENTS AND PENETRATIONS** Roof windows, skylights, and exhaust fans, or roof penetrations exceeding 12" in height will be considered for approval on a case-by-case basis, if coordinated with the overall design and architectural expression of the roof and total home. Roof-mounted mechanical equipment is not permitted, except for exhaust fans, which will be considered for installation on the rear roof of a house. All vents, attachments, or penetrations visible from any location on the exterior of the home, must be shown and clearly marked on the plan, and if approved by the ARB, either painted to match the roof, siding, or foundation, or enclosed or screened in a manner acceptable to the ARB.

**SOLAR PANELS** Flush-mounted solar panels will be considered for installation on a case-by-case basis. ARB approval is largely dependent on the panel's location, the location of the home, and the visibility of the panel from off the property.

**SOLATUBES** Solatubes do not require ARB approval prior to installation if installed properly.

**GUTTERS** The property owner must provide gutters or other water capture and diversion devices, and drainage structures sufficient to control the roof runoff, so that erosion or drainage problems are not created for the homesite or for the neighboring homesites. All water run-off must be directed to the front or rear of a lot and how the water will be channeled must be indicated on the site/tree and drainage plan. The exterior of all gutters and down spouts must be finished similarly to the surface to which they are attached, or, with approval, they may be colored in such a way as to act as a design element in a trim color scheme consistent with that of the building. (See also "Grading and Drainage", page 5.)

**CUPOLAS** Cupola design must be submitted and approved prior to installation, and must be in keeping with the overall design of the home.

## **MATERIAL AND COLOR SELECTIONS**

**MATERIALS** Natural materials such as wood, stucco, shell and selected brick, should be used for their blending quality with the surrounding environment. The use of concrete board siding is permitted, however, the use of most other manufactured or composition facsimiles of natural materials will be considered for approval on a case-by-case basis after review of a physical sample of the product. If brick is used, it must be a close match to the original "Dataw Brick" in color and finish, and approved by the Architectural Review Board. Currently acceptable bricks are "Savannah River" by Palmetto Brick Co., "Oxford" by Cherokee Brick Co, "Orleans" by Boral Brick Co., "Savannah Grey #420" by Old Carolina Brick Co., and Richtex #553, 557 and 630. Most brick samples are on display in the ARB Administrator's office. If an alternate brick is proposed for use, the property owner must submit a physical sample, and a sample board showing the range of color of the brick for consideration by the Board may be required. In some cases a 4'x 6' brick sample panel displayed at the building site may be required. Roofing materials chosen must be compatible with overall finish materials. No quarried or manufactured stone will be approved for use in any location on the facade of a home.

**PRE-SELECTED EXTERIOR COLOR PALLET** Although no particular color selections are mandated, to assist property owners in making color selections, pre-selected color pallets showing suggested siding, trim and front door selections as prepared by a designer are available for viewing in the ARB Administrator's office. If a pre-selected color pallet is chosen, reference to the color pallet number selected may be used in lieu of submitting separate samples of siding, trim, and front door colors.

**REPETITIVE DESIGNS OR COLOR SELECTIONS** A house design or color selection may not be approved for a particular homesite if it is thought to be too similar to another home in the immediate vicinity. Homesite owners should make themselves aware of all projects in the surrounding neighborhood to avoid any such difficulty.

**UNACCEPTABLE COLOR SELECTIONS** Intense siding color selections such as bright yellows, blues or greens, bright gold or flamingo pink will not usually be approved. In order to keep homes more updated and marketable, the use of dark earth tones for a siding color without a contrasting trim color will not be approved for new homes, and is not recommended for repainting projects.

**BUILDING MATERIALS AND COLOR SAMPLES** In addition to listing exterior material and paint selections on the application, properly labeled samples in the required sizes are required for all new home construction, addition, or repainting projects, when a change will be made to the exterior surface, and must be received with the application. (See page 23.)

**SECURITY AND ALARM SYSTEM** Installation of an approved, compatible alarm system is mandatory for all Dataw Island homes. The system must be linked at all times by telephone landline to the Dataw Island Security Gatehouse. The system must be operational from the time a Certificate of Occupancy is issued for the home, even when the home is unoccupied, with exception to a period of time when the home is temporarily uninhabitable because of major renovation requiring a new Certificate of Occupancy inspection and issuance upon its completion. The system must be capable of being automatically monitored for fire detection and manually capable of sending panic alert signals for medical emergencies or to report an intrusion using a keypad. Automatic intrusion alarms and monitoring are available, but not required. Although a property owner may choose to buy a communications package from a supplier that includes, for instance, a cell phone, high speed internet, and a dish, at the present time all homes on Dataw Island must maintain an operating telephone “landline” in order for the home’s security system to function.

Information on security/alarm systems is available from Dataw Island Security.

## MISCELLANEOUS SITE ELEMENTS AND SITE STRUCTURES

**SITE ELEMENT MATERIALS AND COLORS** Site materials and colors should be selected that will complement the residence, site, and neighborhood. The finish materials and colors used on site elements such as service courts, fences, and retaining walls, shall coordinate with or match the main structure.

**AIR-CONDITIONING COMPRESSOR(S)** For conventional homes, all compressors must be located within an attached service yard or other structurally screened environment. For patio homes, compressors must be installed within the house setbacks, on the rear or non-privacy side of the home, and structurally screened with a solid or shadow box type fence attached to the house that is painted to match the siding or trim of the home. **AIR CONDITIONERS** Window mounted and through-the-wall air conditioners are not permitted.

**ANTENNAS, TELEVISION AND SATELLITE DISH** Antennas and direct broadcast satellite dishes must be placed and/or screened so as to minimize their appearance from the street. The property owner must contact the Security Manager for procedures to follow prior to installing a satellite dish (or antenna). The approval process will not cause any unnecessary delay, unreasonable increase in installation cost or unacceptable signal reception.

If you already have a satellite dish and would like to add an antenna on the exterior of your home to access HD or additional channels, **before you contact a vendor or purchase it,** please make written application to the ARB stating the proposed location of the antenna, its purpose, and attach a catalog cut.

**AUDIBLE ALARMS** Alarms are permitted on the interior of a home only, however, they typically can be heard from outside the home.

**AWNINGS** Retractable awnings must be approved by the ARB. Muted colors and awning designs that complement the exterior home design are required.

**BASKETBALL HOOPS/POLES/BACKBOARDS** Fixed systems are not allowed. The use of a portable system is permitted, but must be immediately stored out of sight when not in use.

**DECKS** The size and style of the deck must be compatible with the design of the residence. Any raised deck floor surface that is located 30 inches or more above the finished grade must be located within setbacks, and the floor surface elevation marked on the site plan. Material chosen for decks may be pressure-treated southern yellow pine (SYP) or other recognized exterior wood such as redwood, red or white cedar, or cypress, and treated for ground contact where applicable. The use of composite decking material will be considered on a case-by-case basis.

**DOCKS** (See page 50)

**DRIVEWAY** The *Covenants* grant an easement over and across the varying widths of common property between the edge of the road pavement and the property owner's front property line for each lot for a driveway. Typical surfaces are asphalt, concrete, brick, concrete pavers, colored and stamped concrete, concrete with a shell finish, or rock, as approved by the ARB. A combination of materials may also be used such as concrete with a shell finish and brick borders and dividers. It is the owner's responsibility to continue the chosen surface treatment of the drive over the area between the road and their front property line.

If the drive crosses a bicycle or cart path, the drive's surface if different from the path should be prominent and run continuously. The path must be reworked as needed to ensure a smooth transition

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at the points where the drive and path meet by the driveway's owner. Service covers for water meters, water valves, or sewer manholes, within the driveway area must be reworked to conform to the level of the drive.

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**DRIVEWAY APPROACH** Regardless of existing driveway installations all drives connecting to streets without curbs shall use asphalt, brick, dark colored pavers or concrete for a minimum initial approach of four (4) feet. In addition a pervious driveway in any location may also be required to have an approach at the discretion of the ARB, if needed to prevent tracking of loose material. Reflectors or similar markings are not permitted to mark a driveway's entrance. (See also "Parking", page 14.)

**FENCING** Chain link, perimeter, and visible pet containment fencing is not allowed, nor is a continuous hedge that acts as a barrier. (See "Walls, Gates or Fencing as a Landscape Feature", page 30, "Invisible Fencing for Pets", page 30, and "Electric Fencing for Deer", page 30.)

**FLASHING LIGHT(S)** Temporary flashing lights are permitted on the exterior of a home only for use as emergency fire truck or ambulance signaling devices.

**FREQUENCY MODULATION (FM), CITIZENS BAND (CB) AND/OR SHORTWAVE RADIO ANTENNAS** Antennas are permitted in the rear of conventional fully wooded sites only, but not within 25 feet of any property line nor greater than 30 feet above the ground in height.

**GENERATORS AND SCREENING** ARB approval of the location of a generator, its structural screening, and its fuel source, is required prior to purchase. Applicants must submit the generator's catalog cut and specification sheet to include the decibel rating, and mark its proposed location on a copy of the home's site plan. Structural screening must be of a solid design with its material and color to match the service yard or privacy fence of the home, and built to a height of two (2) feet above the top of the generator. If the fuel source is from an above ground propane tank, the tank would also have to be shielded in accordance with existing guidelines. Reviews will be on a case-by-case basis, and other requirements may be added at the discretion of the ARB.

**HOT TUBS** The installation of a hot tub will be considered for approval by the ARB as long as its proposed location is within the house setbacks and it is screened from view from off the property.

**HOUSE NUMBERS** The Beaufort County 911 Addressing System and the Dataw Island ARB require that house numbers be installed within 21 days of the receipt of the Certificate of Occupancy on each home in accord with the following specifications:

- Easily readable, and in a style similar to Helvetica medium, Arial, or Times New Roman.
- Numbers must be at least 3 inches, but not greater than 4 inches tall.
- Made of aluminum, plastic, or metal, with no letters or complex or highly ornate scripts.
- Black, brass, or white, with the color of the number in contrast with its background. Numbers may be installed on a backing board or plaque approved by the ARB provided it is simple in design and of a contrasting color.
- Installed 72 inches above floor level, horizontally, vertically, or at an angle.
- Clearly visible from the street and illuminated by an exterior light, if possible.

**HOUSE NUMBER SIGNS** In addition to the house numbers that must be posted on every house in accordance with ARB and 911 Addressing System requirements, if the house is located fifty (50) feet (Rev. 1-2013)

or more from the edge of the pavement, the property owner is required to post a house number sign near the driveway, walkway, or common entrance to the home, that is clearly visible from the street. Regardless of design, all house number signs must be approved by the ARB prior to installation.

**House number sign specifications:**

- Numbers and letters are permitted, but letters may only be used to spell out the street name and/or the last name of the property owner, and all numbers and letters must be: Easily readable, and in a style similar to Helvetica medium, Arial or Times New Roman, with no ornate or highly complex scripts permitted.
- Numbers must be at least 3 inches, up to 6 inches tall. Letters may be no taller than 6 inches.
- Numbers and letters must be made of aluminum, plastic or brass material, with the color of the numbers or letters in contrast with the background to increase visibility.
- May not exceed 15 ¼ inches wide by 9 ¾ inches high, not counting the small post it is mounted on, which may not exceed 6 inches in height.
- Background colors must be black or brass, but other dark colored backgrounds may be considered by the ARB on a case-by-case basis.

**LIGHTING ON EXTERIOR (NOT ATTACHED TO THE HOME)** For information on Front Walk Pole lights, Landscape or Path lighting, Solar-Powered Lighting, and Tree Accent lighting, see page 32.)

**LIGHTNING PROTECTION SYSTEMS** Property owners desiring to install an exterior lightning protection system must first submit a plan to the ARB showing how the system would look on the home. The ARB will then review the plan and consider it for approval from the standpoint of aesthetics only.

**MAIL BOXES, NUMBERS, AND MESSAGE BOXES** (REV. 1/18) Design, installation, repair, location and control of mailboxes and message boxes is through the Dataw Island Building Maintenance Department and they are built and installed in accordance with U. S. Postal Service and ARB specifications. Names and decorative additions are not allowed on either mailboxes or message boxes. Tastefully done traditional year-end holiday decorations will be allowed on mailboxes, so long as they do not interfere with the delivery of mail, but they must be removed in a timely manner after the holidays have passed.

**MISCELLANEOUS SITE STRUCTURES (E.G., FIREWOOD STORAGE BINS)** The construction of any site structure must be approved by the ARB, and is recommended to be made of wood, as specified for decks, and treated for ground contact where applicable. Site structures and materials will be reviewed on a site-specific basis. All structures must be within building setbacks.

**DETACHED OPEN GARDEN STRUCTURES** These structures (i.e., gazebos) will be considered for installation as long as they are located within the house setbacks.

**PARKING** Off street parking must be provided for a minimum of two cars in addition to the garage space in all driveway designs, and must be located completely within the property with a minimum one (1) foot setback from the property line. If a property owner finds that on occasion this parking space is not sufficient to provide space for family members or guests, additional parking may be arranged with the approval of Dataw Island Security, or in the case of common property, the approval of the Landscape Maintenance Manager. Parking on another property owner's unimproved lot is not permitted. (See also "Contractor's Rules and Regulations" page 51.)

**PATIO HOME PRIVACY WALL SPECIFICATIONS** (See page 7, and “Table 2”, page 17.)

**PROPANE TANKS AND SCREENING** Buried tanks are preferred, but the location of either a buried or an above ground tank is the responsibility of the property owner and his supplier, and does not require (Rev. 4-11)

ARB approval. However, no tank may be located on the privacy side of a patio home. ARB approved structural screening of an above ground tank is required, and must be a solid or shadowbox design with material and color the same as that of the service yard or privacy wall, and built to a height 6 inches above the top of the tank on three sides, (with the fourth side against the house).

**RAIN BARRELS** The use of a 60-80 gallon dark green barrel for rainwater collection is permitted as long as it is shielded from view by being located in a courtyard, behind evergreen shrubbery, or behind a service yard-type fence built to the height of the barrel, and painted to match the siding of the home.

**SERVICE COURTS FOR CONVENTIONAL AND PATIO HOMESITES** All homes built on conventional homesites must have an attached service court of at least 48 square feet enclosed in a solid or shadow box type fence painted to match the siding or trim of the home and built to a height of 6' to 8'6" above grade. All homes built on patio homesites must structurally screen air conditioning equipment within an attached solid or shadow box type fence that is painted to match the siding or trim of the home. No mechanical equipment, enclosures, or service courts may be installed within the 3-foot setback on the privacy side of a patio home.

**SIGNS** No sign or poster of any kind except the Temporary Construction sign, the permanent home street identification marking, the permanent mailbox markings, and the house number identification sign is permitted for installation. (See “Contractor’s Rules and Regulations”, page 54)

**STAKES FOR PROTECTION OF COMMON PROPERTY** In order to insure uniformity, private property owners and Dataw Island Maintenance Departments must apply to the ARB in writing to request the installation of an ARB approved stake to protect common property. Please remember that common property that is owned by DIOA includes the property on either side of the driveway easement between a private property owner’s front property line and the pavement.

In order to be considered for approval, the applicant must strongly justify a current need for the stake in his application.

ARB approved stakes are built to certain specifications by Dataw Island Maintenance, and may only be installed by Maintenance at a cost of \$40 per stake to the private property owner-applicant. The installation of flags, sticks, unapproved stakes, posts, stones, rocks or any other unapproved item for this purpose on common property is not permitted.

**STORM SHUTTERS, DECORATIVE OPERABLE SHUTTERS, OR TEMPORARY STORM BARRICADES** Plans for pre-made or manufactured storm shutters and all styles of decorative operable shutters such as, but not limited to, Bermuda, Bahama, or Colonial, must be approved by the ARB prior to construction or installation. Storm shutters, decorative operable shutters, and typical plywood barricades may only be installed or closed before a hurricane watch has been issued, if a storm that appears to be heading in our direction is in the National Weather Service “5-day cone”, **and** notification is given by Security posting a sign at the gate or by email that storm shutters may be installed. They may remain installed no longer than five (5) days after the watch or warning has been lifted or when advised by Security by sign or email that they must be removed. Shutters marketed as storm or hurricane shutters will be considered for approval for permanent installation on a case by

case basis. Property owners may be fined on a per diem basis for failure to comply with the timeframes indicated. If property owners are to be out-of-town during Hurricane Season, they must make advance arrangements with Dataw Island Security to permit someone else to install or remove their shutters. (See page 23 and 46 for specific shutter application requirements.)

**TANK LESS WATER HEATERS** will be considered for approval only if mounted on the inside wall of a home or vented on the exterior wall of a home if structurally screened by a service yard type fence. Its location must be indicated on all plans with the size and configuration of the vent shown and clearly marked on the appropriate exterior wall elevation. In no case may the water heater itself be mounted on any exterior wall. Please note that all vents that are to be installed on the exterior of a home or roof must be shown and marked as to their purpose on the plan submitted.

**TRASH RECEPTACLE STORAGE** Trash receptacles must be stored out of view from off the property.

**WINDOW TREATMENTS (AS SEEN FROM THE EXTERIOR)** Drapes, shutters, blinds, or other interior window treatments must be lined or finished with the same white or very light neutral color across all four facades. No foil or other reflective material that is visible from the exterior is permitted.

**GENERAL REQUIREMENTS FOR HOME DESIGN**

(REV 4-11)

**TABLE 1**

**SQUARE FEET AND GENERAL DESIGN PARAMETERS**

(See Appendices B-O for homes in Special Condition areas)\*

|                                         | CONVENTIONAL DESIGNS                                                                                                   | PATIO HOMES                                                                                                                                                                                                                                                  |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Total heated and air conditioned space  | minimum: 1,800 sq. ft.<br>maximum: Not applicable                                                                      | minimum: 1,400 sq. ft.<br>maximum: Not applicable                                                                                                                                                                                                            |
| Service court                           | 48 sq. ft. compressor & tankless water heater structural enclosure                                                     | Compressor & tankless water heater structural enclosure required                                                                                                                                                                                             |
| Garage                                  | 2 car minimum                                                                                                          | 2 car minimum, and must be in proportion to the size of home                                                                                                                                                                                                 |
| Additional Driveway Parking             | 2 cars                                                                                                                 | 2 cars                                                                                                                                                                                                                                                       |
| Maximum percentage of homesite coverage | 4,500 sq. ft. with the possibility of a variance of up to 30% of the lot for lots more than 15,000 square feet         | 3,000 sq. ft. with the possibility of a variance for lots over 6,000 sq. ft. with the maximum variance that will be considered in most cases no greater than approximately 10% of the site coverage maximum (300 sq. ft), regardless of the size of the lot. |
| Total number of stories                 | 2 ½                                                                                                                    | 2                                                                                                                                                                                                                                                            |
| Maximum height of home                  | 33 feet when measured from proposed grade or 3 feet below FEMA required finished floor elevation, whichever is higher. | 28 ft. above approved finished floor elevation                                                                                                                                                                                                               |

(See page 9.)

|                                                                        |    |                                                                                                                                            |
|------------------------------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------|
| Highest roof ridge on a 2-story house with a full 2-story front façade | NA | Cannot run unbroken if it runs parallel to the front and rear elevations, or on homes with viewable sides, if ridge runs parallel to sides |
|------------------------------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------|

\* See Special Condition Appendices B-O, pages 57 – 70 for: Big Dataw Point, Chicora Point, Curisha Point, North Boone Road, Palmetto Point, Pee Dee Point, The Point, Reeves Point, Sparrow Nest Point, Cochrane’s Court on Rowland Drive, Certain lots on the Eastern side of Locust Fence Road and Northern side of Rowland Drive, Multi-Family Designs, Dataw Island Marina, and Oak Island. Where special conditions are not noted, the above parameters apply.

## TABLE 2

### SETBACK REQUIREMENTS \*\*\*

(See Appendices B-O for homes in Special Condition areas)\*

|                                                             | CONVENTIONAL HOMES                                        | PATIO HOMES                                               |
|-------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| Main house front setback                                    | 35 feet                                                   | 25 feet                                                   |
| Main house rear setback<br>(except marsh or deepwater site) | 25 feet                                                   | 15 feet                                                   |
| Marshview lot rear setback                                  | 60 feet from “critical line”                              | 60 feet from “critical line”                              |
| Garage front setback                                        | 15 feet                                                   | 0 feet                                                    |
| Side yard                                                   | 15 feet                                                   | 3 feet on a privacy side;<br>7 feet on an open side       |
| Privacy Wall                                                | Not applicable                                            | Required**                                                |
| Driveway and Parking                                        | No closer than one foot away from the side property lines | No closer than one foot away from the side property lines |
| Raised deck****                                             | Within house setbacks                                     | Within house setbacks                                     |

\* See Special Conditions, Appendices B-O, for home in Big Dataw Point, Chicora Point, Curisha Point, North Boone Road, Palmetto Point, Pee Dee Point, The Point, Reeves Point, Sparrow Nest Point, Cochrane’s Court on Rowland Drive, and certain lots on the Eastern side of Locust Fence Road and Northern side of Rowland Drive, Multi-Family Designs, Dataw Island Marina, and Oak Island. When special conditions are not noted, the above parameters apply.

\*\* Privacy walls must be continuous and extend in the front (street side) equal to or further than the front facade of the home, garage or furthest front structure. The rear of the privacy wall must extend 10 feet beyond the furthest part of the rear facade of the home on the privacy wall side. However, the ARB may require the privacy wall to be extended up to 10 feet on the rear facade to provide privacy to the neighbors as contemplated herein. It is recommended that the garage structure utilize the privacy wall for one of its exterior walls.

\*\*\* Stated setbacks are minimum requirements, and may be subject to modification by the ARB. (See also “Setbacks from the Marsh,” page 3.)

\*\*\*\* Any raised deck with a floor surface that is located 30 inches or more above finished grade level must be located within setbacks.

### **III. REVIEW AND APPROVAL PROCESS**

(Rev. 1-2013)

#### **NEW HOME CONSTRUCTION**

The review processes are structured to provide the greatest ease possible in obtaining approvals, yet accomplish the objectives and purposes of the ARB. The materials and information requested are necessary to make informed intelligent decisions and must be submitted in full. All submissions will be reviewed for quality, completeness and accuracy before a project is placed on the ARB's meeting agenda.

**PRELIMINARY REVIEW** This review provides the applicant with the opportunity to approach the ARB before extensive work on a proposal or design idea has been performed. Although not mandatory, applicants are encouraged to take advantage of this opportunity, so there is never the need for outright rejection of a project and the loss of costs associated with its design.

**ACCEPTANCE REVIEW** This is the main approval mechanism for new home construction and landscaping plans and is designed to give the applicant definitive feedback on project acceptance, subject to specific modification, or rejection. The ARB can reject a proposed project purely for aesthetic considerations without citing specific objections if, in its judgment, the proposed project is not consistent with the intent and objectives of the “Architectural Standards and Use Restrictions” and the *Design Guidelines*. A plan will not be finally approved until the ARB inspects and approves the “stake out” on the site.

**CHANGE TO ACCEPTED OR APPROVED PLAN** While under construction, if any change is to be made, either in the field or on the accepted plan, it must first be submitted to the ARB for approval. (See page 36.)

**ABBREVIATED REVIEW** This review provides the owner of an existing home or landscaping with an opportunity to apply for proposed exterior changes or additions to the originally approved plans. (See page 44.)

In all cases applicants are encouraged to maintain a strong presence in the planning, design, and construction of their property, possible future home and investment. For those who cannot, it is recommended that qualified professional assistance be obtained from someone familiar with the implications of the design requirements described herein. As such, the best results can be expected if the architectural drawings are prepared and presented by an architect, the site tree and drainage plans prepared by a licensed surveyor and the landscape plans are prepared and presented by a landscape

professional. The ABR recommends the presence of either the architect or builder and the landscape designer at the initial review of their respective plans.

**COLOR/MATERIAL SELECTIONS AND PHYSICAL SAMPLES** For all types of reviews for information on exterior color or finish selection and required samples, see “Building Materials and Color Samples”, pages 10 and 23.

**APPLICATION DEADLINES** Current application deadlines for each meeting are available from the ARB’s Administrator or online at [www.datawmembers.org](http://www.datawmembers.org).

## **PRELIMINARY REVIEW**

Though not required, opportunities for Preliminary Review are offered and encouraged by the ARB in anticipation of two types of inquiries: (1) A preliminary review is usually appropriate when a design differs significantly from existing construction on Dataw Island, and a general reaction from the Board is desired for guidance before proceeding any further; (2) The second more common type of inquiry is made after schematic drawings have been completed, and the ARB is asked to review the general direction of the design before more detailed drawings and the final design are started.

**APPLICATION** The procedure for both types of Preliminary Review inquiries is the same. The applicant must file their completed application, and supplemental materials, if any, with the ARB's Administrator to be placed on the Board's meeting agenda. Information thereon will identify and locate the proposed project, describe its nature and extent, and indicate the type of feedback the applicant is seeking. The Board requires no other submissions in advance.

### **NO PROCESSING FEE IS CHARGED FOR A PRELIMINARY REVIEW**

**SUPPLEMENTAL MATERIALS** Under the proposed design idea critique inquiry, submit sketches, photographs, narratives, references, and other materials, as necessary, to clarify the design intent of the project.

Under the design schematic drawing inquiry, a fairly complete base information and depiction of design intent is needed by the ARB in order for them to offer a meaningful response to the applicant. Having complete base information means that all known data concerning the property itself, graphically portrayed at a scale equal to that of a site plan and including all information required on the Site/Tree Survey and Drainage Plan needed for the Acceptance Review, is included. Having complete depiction of design intent means that equally scaled schematic drawings of every exterior elevation or side of the proposed design, and any other sketches and references necessary to convey a clear idea of the appearance of the proposed project is included.

Two copies of each architectural drawing must be submitted to the ARB's Administrator, along with one example of each supplemental item that will be retained for ARB records.

**MEETING DISCUSSION** If the applicant chooses to attend the meeting, the applicant will be asked to describe the proposed project, integrating information given on the application for the "Preliminary Review" and appearing or referenced on supplemental materials, and answer any questions that the Board may have after looking at the plan and the items submitted. The applicant and the ARB members may then enter into a general discussion during which members of the ARB may supply comments relative to the feedback desired by the applicant. In the Preliminary Review no specific approval or rejection action is taken by the ARB, and after the meeting, the applicant will be informed in writing as to the preliminary opinion of the Board.

**MULTIPLE PRELIMINARY REVIEWS** The Board will accept multiple requests for preliminary review. A thorough review is not possible without final information, and new information obtained on a field trip or during the final review process may cast the project in a different light sufficient to make it unacceptable to the Board. With awareness for the need to guard against undue applicant concern in this area, the ARB will accept multiple Preliminary Reviews following significant advances in a project's preliminary design.

## ACCEPTANCE REVIEW

The Acceptance Review is the procedure that leads to the official written consent from the ARB, as is required by the *Covenants*, to construct a new home on Dataw Island.

**APPLICATION** The applicant must file his completed application together with a check made payable to the DIOA for the review fee, a separate check made payable to the DIOA for the refundable escrow compliance deposit, and required supplemental materials, such as color and material samples, with the ARB's Administrator to be placed on the Board's meeting agenda. The application form is provided by the ARB. Information required thereon will identify and locate the proposed project, describe its nature and extent, indicate design particulars, and provide detailed descriptions of those items of the proposed project's design that will affect its appearance. The property owner(s), and the contractor and architect, if known, must personally sign all applications.

**ESCROW COMPLIANCE DEPOSIT** The deposit is refundable upon receipt of a copy of the Certificate of Occupancy in the ARB Administrator's office; the property owner notifies the Administrator in writing that the home and landscaping have been completed and requests a refund; representatives of the ARB inspect the exterior of the home and landscaping and find them to be in compliance with plans as approved by the ARB, *Covenants*, and guidelines; and Dataw Island Security verifies that the home's security system is working properly.

A SCHEDULE OF THE CURRENT FEES AND DEPOSITS IS AVAILABLE FROM THE ARB'S ADMINISTRATOR OR AT [www.datawmembers.org](http://www.datawmembers.org).

**FEE AND DEPOSIT REFUNDS (IF THE HOUSE IS NOT BUILT)** After a plan is reviewed and accepted by the ARB, no portion of the review fee will be refunded. The entire escrow compliance deposit will be considered for refund if the home is not built, as long as the lot is returned to its pre-application condition, or to a condition acceptable to the ARB.

**REQUIRED SUBMISSIONS** The following property data, project plans, drawings, specifications and supplemental information must be submitted along with the application for Acceptance Review. Any application that is submitted without all the required additional information will be considered for Preliminary Review only, and will be eligible for an Acceptance Review only after all submission materials have been received, and no earlier than the next regularly scheduled ARB meeting. Architectural drawings must be submitted in duplicate.

### CHECKLIST FOR NEW HOME CONSTRUCTION PLANS (See page 26.)

**SITE/TREE SURVEY AND DRAINAGE PLAN/COMPOSITE SURVEY** Prepare at 1/10 or 1/20 scale on one (1) sheet of paper a combined site/tree survey and drainage plan, which must include the following: (Note: A copy of the small survey given to the owner at closing will not suffice for this requirement.)

- Name of legal property owner, lot number, and the surveyor's name, address, and phone number.
- North arrow and scale of the drawing marked.
- All property boundary lines shown.
- All building setback lines shown.
- The total square feet of the lot.
- An outline of the proposed home with porches, driveway, garages, parking for two additional vehicles, steps, and decks shown and labeled.

- All easements and entry points of underground water, sewer, electricity, telephone, and cable television lines, as well as the location of any pedestals for the same. (As-builts will be required for these connections prior to an escrow deposit being returned.)
- Topological survey showing existing and proposed elevations and contours at one-foot intervals. (Identify existing grade with dashed and proposed grade with solid lines.)
- Site drainage and drainage structures showing how water run off will be directed to go to the front or the rear of the lot. Indicate route of water with large arrows.
- The Finished Floor Elevations (FFE) of the house, garage, and deck marked.
- All trees with a DBH (diameter at breast height) of 4 inches or more identified as to species and diameter, with trees to be removed X'd out. (See Certified Arborist's Recommendation below.)
- If on a patio lot, the dimensions of the privacy wall and extensions.
- If on a patio or conventional lot, the location and dimensions of the service yard.
- Supply photographs, project literature, details, sketches, and elevations to scale, sufficient to illustrate the construction and appearance of all items.

**TREE REMOVALS ASSOCIATED WITH NEW HOME CONSTRUCTION** Approval to remove trees as part of new home construction is obtained with plan approval, and is the primary reason for the field review by the Architectural Review Board. All trees on the Tree and Topological Plan must be identified as to species and diameter breast high (DBH). Those trees proposed for removal are to be marked with an X and flagged on the site. Any trees not marked with an X or flagged are to remain.

Generally trees that fall within the home's footprint or within 15 feet of the home will be approved for removal. An exception might be where a large specimen tree (as defined by Beaufort County) could be saved by making an adjustment in the location of the home on the lot. If this adjustment cannot be made, however, the property owner may have to mitigate removal by planting other significant trees to take the place of the tree that has been removed. Any remaining tree that might be affected by construction vehicles or activity must have a barrier erected around it to protect the root system from damage.

If a tree on the homesite dies during construction, the property owner must notify the ARB and request approval before removing the tree.

If a tree dies on adjacent common or private property within 9 months of the date the escrow deposit inspection for the home is approved by the ARB, that is deemed by the ARB to be as a result of construction damage, upon notification by the ARB it is the responsibility of the property owner of the recently constructed home to have the tree removed at his expense. Construction damage includes damage that may have occurred from construction vehicles or equipment, the addition or removal of fill dirt, drainage issues, or the resolution of same.

**CERTIFIED ARBORIST'S RECOMMENDATION** The ARB recommends that a property owner hire a certified arborist to identify diseased and potentially hazardous trees that could more cost-effectively be removed during initial lot clearance, before a decision is made as to which trees to propose for saving or removal. If available, this written report should be attached to the site/tree survey to be submitted to the ARB.

**UNDER THE PAVEMENT TIE IN TO THE DATAW ISLAND DRAINAGE SYSTEM** Occasionally it is necessary to tie in drainage from a privately owned property to the drainage system by going under the pavement. Before this occurs, the following procedures must be followed:

- Sealed drawings from a licensed engineer with details of the structure to be installed must be submitted to the ARB for approval.
- As a portion of the road will be damaged to install the drain, specifications for the road repair must be in accordance with SC State Highway Department Standard Specifications.
- At the conclusion of construction, the engineer who completed the drawings must agree to inspect the job to be sure that it meets all requirements and must sign off on the project before it will be accepted by the DIOA.
- After the ARB approves this plan, since the drainage system is on DIOA property, the proposal will be sent to the DIOA Board for approval and coordination by the Chairman of the Common Grounds Committee Chairman, and a staff member of his choosing, who will act as on-site inspectors, and at conclusion of the project must sign off on it as being acceptable to the DIOA Board.
- A performance bond or similar instrument, as accepted by the Controller, may be required of the contractor doing the construction prior to beginning the job.

**ARCHITECTURAL DRAWINGS** Prepare at 1/4"=1'0" scale floor plans, elevations of every portion of every exterior wall including the garage. Graphically depict and label all materials selections for roof, trim, siding, chimney and chimney cap, entry steps and foundation. Graphically depict to scale and label the first floor's finished floor elevation (FFE), proposed finished grade (FG), and Federal Emergency Management (FEMA) required finished floor elevation on the site/tree survey plan.

Show on the elevations how the area between the finished floor and existing natural grade is to be treated. In addition, label any second floor's height, and the highest roof ridge or peak's height, above finished floor (AFF.) Include architectural details for items such as exterior windowsills and shadow line elements, as necessary or desirable for clarity and understanding.

**SQUARE FEET CHART** Compute and place on the floor plan the total square feet of heated and cooled area, stated by floor in the case of a multi-floored residence, and measured from the outside to the outside of exterior walls. Do not include stairways more than once except for that portion of space under stairs that is finished with drywall. Also compute and place on the floor plan the total square feet in the lot, and the total square feet of site coverage of the home, which includes all roofed areas of heated and unheated space on the first level, including the garage, storage areas, covered walkways, but excluding the area under the eaves.

On a home that has a full two-story front facade that is built on a patio lot and not in a Special Condition area, additional square foot information may be required.

**COLOR SELECTIONS** (See pages 10 and 23)

**PRE-SELECTED EXTERIOR COLOR SCHEME PALLET** (See pages 10 and 23)

**BUILDING MATERIALS AND COLOR SAMPLES** In addition to listing exterior material and paint selections on the application, 2 sets of properly labeled samples are required for all new home construction and addition, repainting, or re-roofing projects when a change will be made to the exterior surface. Loose or unlabeled samples will not be accepted. All samples will be retained in the ARB files.

- **Siding, Trim, Doors, Shutter, Foundation, and Chimney Color/Material Samples** Mount samples on an 8 ½ by 11 inch piece of card stock, or similar weight paper, and show the date, property owners' name, and lot number. Label each individual sample with its proposed application (i.e. siding), and the manufacturer's name, number, and color or material name. Reference to the color of an existing home will not be accepted in lieu of a color sample.

- **Manufactured or Pre-Made Decorative Operable Shutters** Applications for any style of decorative, operable shutters must include the name of the shutter's manufacturer, where the shutter will be located on the home, and information as to any hardware, holes, or indentations that will permanently remain on the house or as a part of shutter installation. A catalog cut, brochure, or print of the shutter from the manufacturer's website along with their internet address must be submitted with the application. Decorative shutters marketed as hurricane or storm shutters will be considered for approval for permanent installation on a case by case basis. (See pages 15 and 46 for further information.)

- **Roofing** Samples of approved shingles types/colors are on file in the ARB office. In choosing a shingle please refer to the approved color/type in the ARB Office. A sample of the roof shingle type and color is to be submitted as part of the color sample board submitted. If a metal roof is requested, please submit a physical sample that is approximately 8 ½ by 11 in size that has been properly labeled as detailed above.

- **Pavers and bricks** Samples of approved Pavers are on file in the ARB office. If choosing a paver please refer to samples on hand in the ARB officer, or please submit a properly labeled physical sample of the paver and a photo or catalog cut of the installation pattern chosen with the application.

- **Additional physical samples** The ARB reserves the right to require the submission of larger or differently prepared physical samples when they deem it necessary in order to make an informed decision as to the acceptability of a material or color.

- **Pre-selected Color Pallet** If a pre-selected exterior color is chosen, reference to the color pallet number selected may be used in lieu of submitting separate samples of siding, trim, and front door colors.

**NEIGHBOR NOTIFICATION OF NEW HOME CONSTRUCTION** As a courtesy to neighboring property owners, before a plan for new home construction is reviewed by the ARB, the property owners on either side and the three property owners across the street from the project will be notified in writing that a plan has been submitted for Acceptance Review. These neighbors will be invited to view the plan in the ARB Administrator's office during a specific time period prior to the ARB meeting, and to submit written comments for Board review.

**MEETING** At its regular meeting the ARB will review individually and in detail each application. Following review, the Board will take one of three actions, as follows:

- **Project Acceptance** Means all facets of the proposed project appear to comply with the *Design Guidelines*, and the applicant should proceed to lay out the project in the field, and stake it as required, and contact the ARB's Administrator to request an inspection and consideration of final plan approval.
- **Project Acceptance Subject to Specific Modification** Means the ARB believes the project can qualify for acceptance provided certain cited features of the design are modified as suggested by the Board, or alternatively, are modified as later suggested by the applicant and approved by the Board. Such modification is purely at the discretion of the applicant.

- **Upon ARB Acceptance** of a modified project design proposal, the applicant should proceed to lay out the project in the field and stake it as required and contact the ARB's Administrator to request an inspection and consideration of final plan approval.
- **Project Rejection** Means the Board believes the project does not comply with the *Design Guidelines*, or is not aesthetically acceptable. Generally rejection may follow Board observation of poor overall design quality, incompatible design elements, or an inappropriate design concept, treatment, or architectural style.

**FIELD LAYOUT AND STAKE OUT INSPECTION** Following the acceptance of plans by the ARB, the contractor or property owner must complete the steps outlined below to stake out the property on the site, and notify the ARB's Administrator in writing to request an inspection. The stake out is to remain on the property until it is reviewed and approved by at least two (2) members of the ARB. This field review is required to obtain final plan approval, and no plan should be considered to be finally approved until the Board approves the stake out and notifies the owner in writing. The review is to ensure that base information provided by the applicant on the plan has been faithfully represented, and that no trees are to be removed unnecessarily. Also, although no home is guaranteed a 180-degree view, protecting a reasonable view for adjacent existing and future homes will be given strong consideration during the stake out inspection.

**REQUIREMENTS FOR THE FIELD REVIEW STAKE OUT INSPECTION:**

- Use wooden or PVC stakes that extend above ground level at least 3 feet:
- Identify all trees to be removed with ribbon or tape. (Note: The standard marking for trees on Dataw Island is Red Tape = Trees to be removed. Blue Tape = Trees to be pruned and/or limbed. Yellow Tape = Trees to be transplanted. White Tape = Trees to remain as is.)
- Stake all property corners and run string between stakes.
- Stake all exterior walls and corners of the proposed structure and connect stakes with string of a color different than was used for the property corners.
- Identify the location of any major site elements.
- Use stakes connected with string of a different color of the proposed structure to outline the driveway, patio, parking area, and deck.
- Mark the proposed finished floor elevation (FFE) on a remaining tree or stake.

**REMOVAL OF STAKE OUT AND TREE IDENTIFICATION FLAGS** With exception to the string that marks the rear property line for golf course view lots that will be removed by the ARB during the escrow deposit inspection, it is the responsibility of the property owner to remove stakes and tree flags within ninety (90) days of the date of the stakeout, whether or not construction has begun. (See page 29, "Golf Course View Lots".)

**ISSUANCE OF WRITTEN CONSENT TO CONSTRUCT** After the field review inspection has been approved by the ARB, written confirmation will be sent to the property owner and the contractor that the plan has received final approval, and construction may commence. Although a minor amount of pruning or weed control may take place to facilitate the stakeout installation, no lot may be cleared or trees removed prior to the stakeout receiving approval.

See also:

**BEFORE, DURING, AND AFTER CONSTRUCTION** (See pages 39-42)

**CONTRACTOR'S RULES AND REGULATIONS** (See pages 51-54)

**EROSION CONTROL/REQUIRED SILT FENCE INSTALLATION** (See page 39)

**FOUNDATION SURVEY** (See page 41)

**MANDATORY PRE-CONSTRUCTION MEETING/SILT FENCE INSPECTION** (See page 40)

**PARKING AND STORAGE** (See pages 39, 52, 53)

**TEMPORARY PROTECTION OF PRIVATE AND COMMON PROPERTY** (See page 39, 40)

## CHECKLIST FOR NEW HOME CONSTRUCTION PLANS

It is the responsibility of the property owner to familiarize him or herself, the architect, and the building contractor with the requirements listed in the latest issue of the *Design Guidelines* prior to submitting a plan to the ARB. Minimum requirements to be submitted are:

- ☐ A completed application that has been personally signed by the property owners, and the architect and contractor, if known. No “agent” signature will be accepted for the owners.
- ☐ Two (2) separate checks made out to DIOA for the non-refundable review fee and the refundable escrow compliance deposit.
- ☐ Two (2) complete sets of to-scale plans that contain the following:
  - ☐ Tree/site and drainage plan with the outline of the proposed structure on it
  - ☐ -- House plan.
  - ☐ All four house elevations.
- ☐ Tree/site and drainage plan: Prepare at 1/10 or 1/20 scale on one (1) sheet combined site/tree survey and drainage plan which must include the following: (Note: A copy of the small survey given to the owner at closing will not suffice for this requirement.)
  - ☐ Name of legal property owner, lot number, and the surveyor’s name, address, and phone number.
  - ☐ North arrow and scale of the drawing marked.
  - ☐ All property boundary lines shown and building setback lines clearly marked.
  - ☐ The total square feet of the lot.
  - ☐ An outline of the proposed home with porches, driveway, garages, parking for two additional vehicles, steps, and decks shown and labeled.
  - ☐ The outline of structures on adjacent lots to include the location of the front and rear walls and garage front wall.
  - ☐ All easements and entry points of underground water, sewer, electricity, telephone, and cable television lines, as well as the location of any pedestals for the same.
  - ☐ Topological survey showing existing and proposed elevations and contours at one-foot intervals. (Identify existing grade with a dashed line and proposed grade with a solid line.)
  - ☐ Site drainage and drainage structures showing how water run off will be directed to go to the front or the rear of the lot. (Indicate route of water with large arrows.)
  - ☐ The Finished Floor Elevations (FFE) of the house, garage, and deck marked.
  - ☐ Trees with a DBH of 4 inches or more identified as to species and diameter, with trees to be removed X’d out. (Attach certified arborist’s recommendation, if available.)

- ☐ If on a patio lot, the dimensions of the privacy wall and extensions.
- ☐ The location and dimensions of the service yard, compressor enclosure, and tank less water heater enclosure.
- ☐ House Plans:
  - ☐ The outline of the house, garage, and all covered areas, such as walkways, with windows and doors marked, and service yards, decks, and driveways identified.
  - ☐ A square foot chart showing heated and cooled square feet of each floor.
  - ☐ A square foot chart showing all first floor heated and unheated roofed area including garages, storage, and covered walkways or decks.
  - ☐ Elevations: Prepare labeled, detailed drawings of all four elevations, with roof pitches marked.
  - ☐ Material and color samples: (Loose or unlabeled samples will not be accepted.)
    - Siding, Trim, Exterior Doors, Shutters, Foundation, Roofing and Chimney: On an 8 ½ by 11 inch piece of card stock, or similar weight paper, show the date, property owners' name, and lot number, with all paint-chip-size samples of each selection affixed to it. Label each individual sample with its proposed application (i.e. siding), and the manufacturer's name, number, and color or material name. Reference to the color of an existing home will not be accepted in lieu of a color sample. If an entire pre-selected exterior color pallet is chosen, reference to the color pallet number may be used in lieu of submitting separate samples of siding, trim and front door colors. (See storm or decorative, operable shutter application requirements on pages 15 and 23.)
    - .
    - Pavers and bricks: \Submit a properly labeled physical sample and a photo or catalog cut of the installation pattern chosen with the application. Certain bricks have been ARB pre-approved for use on Dataw Island, and samples are available in the Administrator's office. If a brick is chosen from other than these pre-approved bricks, a properly labeled physical sample must be submitted.

## **LANDSCAPE PLAN REVIEW – ASSOCIATED WITH NEW HOME CONSTRUCTION**

**TERM OF LANDSCAPE INSTALLATION** The property owner must complete all landscape installation within 90 days of the issuance of the Certificate of Occupancy (CO) for the related structure. It is recommended that the property owner submit the landscape plan to the ARB for consideration of approval at least thirty (30) days before issuance of the CO is anticipated. (See Section 10.06 of the *Declaration of Covenants, Conditions and Restrictions*.)

**APPLICATION, REVIEW FEE, AND REFUNDABLE ESCROW COMPLIANCE DEPOSIT** There is no additional Review Fee or Escrow Compliance Deposit required for the review of a Landscaping Plan associated with new home construction, but a separate, signed application and duplicate plans must be submitted. (For Landscape plans or approval of non-vegetative exterior items not associated with new home construction see “Abbreviated Review”.)

**LANDSCAPING** Landscaping is defined as adding any plant materials such as trees, shrubs, groundcovers, mulches, or lawns; and as transplanting any plant materials. The degree and type of landscape treatment is wholly site specific.

**PREPARATION OF THE LANDSCAPING PLAN** Using symbols to identify each plant, prepare a drawing to scale on a copy or overlay of the Site Plan indicating approved grades and drainage arrows, showing the location, bounds and sizes for all plant materials, mulches, planting beds, nonliving ground covers and other miscellaneous landscape materials. Indicate the common property in front of the home by marking the edge of the street pavement and owner’s property line. For all plant materials including trees, shrubs, and ground covers, graphically depict each in a scale representation equal to a mature plant and label each type using the common name, and botanical name for each genus, species and variety.

**PLANT LIST REQUIRED** Provide a separate listing, on the landscaping plan or detached, that associates a plant symbol with specified plants, plant sizes at planting in gallons or feet, botanical names, common names and quantity to be used.

**LANDSCAPING (NON-VEGETATIVE ITEMS)** All non-vegetative items that are proposed for installation on the property must be submitted for consideration for approval. Include on the landscape plan all non-vegetative items such as but not limited to hardscape, landscape lighting, water features, walls, fencing, trellises, arbors, path or walkway surfaces, or any decorative items. (See “Yard Art”, page 31) To request review, their location must be clearly marked on the landscape plan, and a catalog cut or photo of the item must be submitted, along with details as to size, material, and color. Non-vegetative items may not be placed in a yard at any time without the prior approval of the ARB.

**IRRIGATION PLAN AND IRRIGATION HEAD PROTECTION** Your irrigation plan does not require ARB approval. However, if after your irrigation has been installed you find that some heads may be in danger of being damaged by a vehicle tire, the ARB has authorized the use of several products for the purpose of irrigation head protection. Please contact the ARB’s Administrator for further information. Please remember that the use of flags, sticks, unapproved stakes, posts, rocks, stones, or any other product that is not manufactured specifically for this purpose is permitted on common property, including the common property between a property owner’s front property line and the pavement.

**LANDSCAPING OF CONVENTIONAL HOMESITES** Conventional homesites should be landscaped to blend with the natural vegetation remaining after the site has been initially cleared. The entire lot must be landscaped when a conventional homesite.

**LANDSCAPING OF PATIO HOMESITES** Due to their proximity to one another and the street, their prominence in the streetscape and their impact on the overall impression imparted to visitors of Dataw Island, patio homesites are to be landscaped from the main house front facade to the street.

(REV. 1-2013)

**COMMON PROPERTY** If private property owners propose any adjacent common property landscaping, (other than in the Ingress and Egress Easement), they must have the written permission of and a written agreement with the DIOA Board regarding its maintenance and irrigation.

**EASEMENTS** Improvements thereon must be approved by the ARB, and in some cases, the DIOA Board. Improvements other than landscaping are not permitted. (Exception: If an easement is located on a Conventional lot, driveway surfacing is permitted.)

**INGRESS AND EGRESS EASEMENT FOR CONVENTIONAL OR PATIO LOTS** The width of the common property between the front property line and the street varies depending on the type and location of the lot, and the configuration of the street. The *Covenants* grant the property owner an easement for ingress and egress for the driveway, but landscaping in this area while required on patio lots, and encouraged on conventional lots, is by permission, and the land remains the property of the DIOA. Plants should be selected and maintained at the front of the lot to allow for a clear line-of-sight. Privately owned electrical wires or lighting in this area is prohibited. If loose materials are located next to the pavement, a barrier such as sod or bender board must be installed to prevent erosion.

**LANDSCAPE EASEMENT (ADJACENT TO THE NEIGHBOR'S PRIVACY WALL ON PATIO LOTS)**

Section 3.19 of the *Covenants* states that: *"....a landscape easement is hereby reserved to the adjacent lot owner on, over and across that area within three (3) feet of the side boundary line of each Lot, adjacent to the boundary along which the privacy wall is constructed for landscaping. . . . No underground irrigation pipes or devices shall be allowed on the within described landscape easement."* .... All landscaping in this area must be approved by the ARB and is not usually submitted as part of the original landscape plan. No tree, shrub or plant may be planted so close to the privacy side that on maturity it will touch the privacy wall or the adjacent structure, and if upon maturity it no longer conforms to this size requirement, the privacy wall's owner may request in writing that the vegetation's owner trim or remove it within thirty (30) days. If this does not occur, the owners of the privacy wall have the right to have this done at their own expense.

**MAINTENANCE EASEMENT** The DIOA Board, agents, employees, and assigns, may enter upon any lot and unimproved portions of any dwelling or multi-family area for the purpose of mowing, removing, clearing, cutting, or pruning underbrush, weeds, stumps, or other unsightly growth and removing trash, so as to maintain reasonable standards of health, fire safety, and appearance, and may also enter upon any areas which are located next to the water's edge of any lagoon, marina, pond, or other body of water for the same purpose, as well as for the purpose of maintaining such bodies of water, for as many feet as is reasonably required to perform such activities per normal construction and maintenance practices. (See *Covenants*, 3.12.)

**UTILITY EASEMENT** Approved landscaping in a utility easement, right-of-way, or common area, that is later disrupted by a utility or maintenance entity, need not be replaced by said entity, provided that reasonable care was exercised. Utilities require a minimum clearance of 3-feet around fire hydrants, and 10-feet around electrical transformers. Property owners must remove obstructions at their own expense.

**GOLF COURSE VIEW LOTS** Landscaping for homesites bordering a golf course should be in general conformity with the landscaping of the adjacent course for the bordering 10 to 15 feet, and shall be kept beneath 3 feet in height, with a clear trunk dimension of more than 7 feet in height, to maintain unobstructed sight lines, and may not prevent a golfer from access to the yard. Landscaping on private property may not encroach on or over golf course property. If application is made to renovate or significantly change the existing landscaping by either the old or new property owner, the owner will be required to remove any landscaping that is in violation of the encroachment policy. (See page 25 regarding string marking a rear property line.)

**River Buffer** For permission to add or remove vegetation in the restricted area between the OCRM Critical Line and the County's 60 foot setback, first apply to the ARB. If approved, contact Beaufort County Zoning's Natural Resource Officer to apply for a permit. (See also the County's Code of Ordinance, Sec. 106-1845, River Buffer.)

**LANDSCAPE DESIGN AND PLANT SELECTION** Please consider the following when designing the landscape plan:

- **Indigenous Plants** Use of indigenous plants will generally ensure that landscaping will blend naturally with the site. Many plants native to other areas of the country may not grow well on Dataw Island due to the saltwater air. Chinese Tallow trees are not allowed. The installation of an irrigation system is recommended.
- **Intensity of Plantings** The degree of landscaping required for a proposed project depends upon the type of homesite, type of project, and the degree and type of existing tree cover.
- **Earth Mounds** Earth mounds may be considered for approval when they appear to blend naturally into the site. When used, mounds should be kept away from trunks of existing trees.
- **Use of Mulch/Pine straw** Please remember that mulch/pine straw must be maintained, and the use of mulch/pines straw does not prevent weed growth unless it is chemically treated on a regular basis to do so. Any mulched/pine strawed area next to a street must have a barrier such as sod or bender board between the mulch and pavement to prevent it from washing into the street and clogging the storm drains.

**PERIMETER PLANTING OF SHRUBBERY TO FORM A "FENCE"** Planting of shrubbery along lot lines or close to lot lines that serve to mark the boundaries of the property, or on golf course view property that prevents access by golfers is not permitted. (See "Fencing and Walls")

**VEGETABLE GARDENS** Home gardens are not encouraged, but will be permitted if their design blends with existing landscaping. A limited number of garden plots are available for rent through the Landscape Maintenance Department at the Cannery Garden for those residents who enjoy expanded gardening opportunities.

## **LANDSCAPE DESIGN AND NON-VEGETATIVE ITEMS**

**FENCING AND WALLS** Chain link fencing, pet containment fencing or enclosures, and perimeter fencing will not be approved. Please see fencing options listed below:

- **Electric Fences** Electric fences to protect landscaping from deer will be considered for approval under the following conditions:
  - The fencing layout must be planned so that it is as inconspicuous as possible.
  - Fencing installation is to follow the lines or limits of the landscaping rather than along

property lines, and fence height may vary as it conforms to the planting to be protected.

- Wire must be installed in a single strand, may not prevent driveway entrance access, or access to the yard by golfers.
- Posts, insulators, connectors, and control equipment must be painted flat black, and warning signs, flags or other markers may not be used,
- Homeowners will accept all liability for having an unmarked, electrified fence.
- Electrical fences must be removed by the property owner when inoperable or not in use.
- **Fencing for Pet Containment** Only invisible fencing is permitted for pet containment.
- **Walls, Gates, and Fencing as a Landscape Feature** Walls, gates, and fencing as a landscape feature may be allowed under certain conditions:
  - The structure must be a minimum of 30 inches to a maximum of 60 inches in height.
  - Acceptable materials for these structures are stucco, or wood as specified for decks and treated for ground contact, where needed.
  - “Living Fences” will be considered for approval under certain conditions. A living fence shall follow the height restricts as stated. A living fence may not be continuous or connected to a structure as to form a containment or enclosure.

**FLAGS, BANNER POLES, AND LAWN FLAGS** The installation of a free standing pole, at a maximum of 30 feet in pole height, is permitted only in the rear of conventional homesites, as long as it is located a minimum of 25 feet from any property line. Flags that measure a maximum of 3'x5' in size, and are mounted on angled bracket poles are permitted, provided they are limited to two (2) flags or banners per home. One (1) lawn flag not to exceed 11 inches by 15 inches in size may be displayed per homesite. The Board reserves the right to disallow certain designs.

**HARDSCAPE** If any non-vegetative items are to be included in the design, such as, but not limited to, trellises, fountains, sculptures, water features, ornamental fences or gates, pathways, walkways, patios, or landscape or pole lighting, accurate sketches, photos or catalog cuts must be supplied for the Board’s consideration, showing the location of the item on the landscape plan, and providing details as to the size, color and material of each item.

**HOT TUBS** The installation of a hot tub will be considered for approval by the ARB as long as its proposed location is within the house setbacks and it is screened from view from off the property.

**REFLECTIVE POOLS, FOUNTAINS, AND WATER FEATURES** To be considered as appropriate for installation on Dataw Island, a reflective pool, fountain, or water feature must be in scale with the size of the related structure, integrated into a private garden setting, located for the personal enjoyment of the homesite resident, and significantly screened by plantings or the approved home structure from view from off the property. As a minimum, an application must include a to-scale drawing, photo, or catalog cut of the proposed feature together with a description as to the size, material, and color, with its proposed location indicated on a to-scale copy of the landscaping plan. All plants in the vicinity of the water feature must be identified as to name, genus, and size at planting, or for existing plants that will remain, their current size. This type of improvement will be considered by the ARB on a case-by-case basis.

**SWIMMING POOLS** Only in-ground swimming pools that are proposed for location within the house setbacks will be considered for approval. Screening for privacy and safety should be considered during the home/pool design process. The approval of insect-screened swimming pool enclosures will be considered for approval by the ARB on a case-by-case basis, but a visible roof made of insect screening only will not be approved.

**UNPAVED PATHS OR TRAILS** When tying into the roadway at a location separate from the driveway, only a dark, natural surface material can be used. Acceptable materials include shredded wood bark, water permeable material, or approved pavers set in sand. If wood bark or other permeable material is used, bender boards of wood or other material are to be installed to contain the loose material.

**"YARD ART" – EXTERIOR DECORATIVE ITEMS** ARB approval is required before any exterior decorative item is displayed in a yard or attached to a home. Ornamental sculptures, statues, and exterior decorative items are included. These items should be used only for the private enjoyment of homesite 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.

**The ARB or the Living with the Covenants Committee (LWC) acting on their behalf, reserve the right to compel the removal of any item on the exterior of a home or in a yard for aesthetic reasons only, at their discretion.**

#### **LIGHTING ON THE EXTERIOR – POLE, LANDSCAPE, PATH, SOLAR, TREE ACCENT**

**APPLICATION FOR APPROVAL** Requests for approval of the installation of exterior lighting (not attached to the structure) may be made by indicating on a copy of the Landscape Plan where each light will be located, the type of light requested, and submitting a catalog cut or photo with descriptive details of each type of light along with the application.

**FEES AND DEPOSITS** If submitted as part of the original landscape plan, no additional fees or deposits are required. If submitted as an Abbreviated Review, fees, deposits, and application deadlines will be in accordance with the current schedule.

**EXTERIOR LIGHTING SPECIFICATIONS** The exterior lighting concept for Dataw Island from its inception has been that streetscapes should retain the look of an Island and not that of well-lighted public thoroughfares. With the Island-concept in mind, exterior lighting for private property is allowed for safety, general appearance, appropriateness of style, and site accent, in accordance with the following:

- **Approval:** Without exception, all exterior lighting on private property must be approved by the Architectural Review Board prior to installation.
- **Location:** All privately owned lighting must be on the owner's property and located at least 5 feet back from any property line. No privately owned lighting will be approved for installation on the common (DIOA) property between a front property line and the street because such installation might create a future safety hazard.
- **Light Color:** Only white light LED will be considered for approval.
- **Front walk/driveway pole lamp** No longer allowed
- **Hard-Wired Low Voltage or Solar-Powered Landscape Path Lighting** must have mushroom-type shielding that directs white light downward, does not show the source of light from the sides or top, with non-glare black matte finish preferred, but other non-glare finishes considered.
- **Other Styles of Solar-powered Landscape or Path Lighting** may also be considered for approval on a case-by-case basis in certain locations as long as they do not exceed 7 watts of light per fixture, have frosted glass to diffuse the light, and are of non-glare finish.
- **Tree Accent Lighting** Tree accent lighting shall be installed with extensive shielding so that the source of light cannot be seen from off the property. Only LED low voltage up lighting will be allowed. Light placed within the tree will not be allowed.

- **“Grandfathered” Existing Exterior Lighting:** Non-conforming existing exterior lighting is “grandfathered” under this guideline if the home’s Certificate of Occupancy is dated prior to 1-1-2001, or if it is documented in writing that the ARB granted a variance to approve it.
- **Repair or replacement of existing “grandfathered” exterior lighting:** If the existing exterior lighting requires any major repair, replacement, or addition, the existing non-conforming exterior fixtures and wiring must be removed, and an application made to the ARB with appropriate catalog cuts and detail, for permission to bring the system into compliance with the current guidelines, with disturbance to sod or ground cover repaired.

## EXAMPLES OF ACCEPTABLE LIGHTING

□



### LANDSCAPE LIGHTING (for plant beds or walks)

- **Specifications**
  - low voltage
  - directs light downward (source of light not seen)
  - non-glare finish



### TREE ACCENT LIGHTING

- **Specifications**
  - must have extensive shielding so source of light cannot be seen from off the property

**TREE PROTECTION AND REMOVAL** Protective regulations for existing trees serve to preserve the Island's natural environment by ensuring their utilization as landscape elements.

**TREE PROTECTION** No tree with a trunk diameter of four (4) inches or greater, measured at a height of four (4) feet above grade shall be removed, or effectively removed through damage, without the prior approval of the Architectural Review Board.

**TREE REMOVALS ASSOCIATED WITH NEW HOME CONSTRUCTION** (See page 21)

**TREE REMOVAL WITHOUT ASSOCIATED CONSTRUCTION** ARB criteria justifying removal is:

- Trees pose a current safety hazard to pedestrians, vehicles, buildings or other structures.
- Trees threaten to cause damage or disruption to public utilities.
- Trees are dead, diseased, injured or sufficiently weakened so as to threaten or cause damage to persons or property.
- Trees require removal for reasons other than set forth herein where it is determined to be in public interest.
- Non-specimen trees may be removed if not under the above conditions only after certification by a registered arborist that the removal would be beneficial to the health, growth, and well being of the remaining tree cover.
- If the tree removal is requested in writing by the property owner's insurance carrier.

**TREE REMOVAL REQUEST PROCEDURES**

- **If the tree is on your property and meets any of the criteria listed above**, contact a privately owned tree removal service with a Certified Arborist on staff. Ask them to inspect and flag the tree with tape, and fax or send their written recommendation as to condition of the tree and the need for removal to the ARB Administrator on the ARB provided Tree Removal Request Form. A representative of the ARB will then verify this recommendation and a copy of ARB's approval or disapproval will be faxed to the contractor and Dataw Island Security, and the property owner will be notified.
- **If the tree is on your property but does not meet any of the removal criteria listed above**, flag the tree and contact the ARB Administrator. (For example the tree is within 15 feet of the house.)
  - If the tree is on the improved or unimproved private property of another property owner and appears to meet the established criteria for removal, please contact the tree's owner and request removal, in which case they will follow the steps listed above, or contact the Living With the Covenants Committee (LWC) Secretary, for the procedure to follow. In most cases the tree's owner will be asked to contact a private tree removal with a Certified Arborist on staff to flag and assess the health of the tree and Fax their recommendation for removal to the Secretary for the LWC. Please remember that in accordance with SC Law, no property owner can be forced to remove a healthy or non-hazardous tree from their property, if they do not wish to do so. (See also Trees that Require Removal by the property owner and Trees with Encroaching Branches).
  - If the tree is on DIC or golf course property, contact the golf maintenance department to request removal.
  - If the tree is on DIOA/common property, contact the Landscape Maintenance Manager to request removal.

- **Emergency Tree Removal** In case of an emergency situation in which damaged or destroyed trees must be expeditiously removed in the interest of public safety, the Architectural Review Board may notify all or certain property owners that the requirements of this section are suspended for a reasonable period of time determined by the Board, and that temporary guidelines exist as identified therewith.
- **Beaufort County Tree removal** (See Appendix P)

**BLATANT TREE PROTECTION VIOLATION** A property owner who removes a tree without ARB approval may be fined up to \$500 per tree, or as set by the current DIOA fee and fine schedule and may be required to mitigate for unapproved deliberate damage or destruction of trees more than four inches in diameter (measured at 4' above grade), by planting trees of the same species, per tree lost, as follows:

| ORIGINAL SIZE                 | MINIMUM SIZE REPLACEMENTS | QUANTITY OF REPLACEMENTS                   |
|-------------------------------|---------------------------|--------------------------------------------|
| 4 to 5 inch caliper           | 1                         | 4 to 5 inch caliper                        |
| 5 to 7 inch caliper           | 2<br>OR 3                 | 4 to 5 inch caliper<br>3 to 4 inch caliper |
| More than 7 inches in caliper | 4<br>OR 6                 | 4 to 5 inch caliper<br>3 to 4 inch caliper |

Additionally, the property owner will continue adding two 4 to 5 inch caliper or three 3 to 4 inch caliper replacements for each additional 3-inch increment. Trees are to be planted in accordance with standard nursery practices and be watered as required to sustain life. The Architectural Review Board must approve species substitutions in advance.

**TREES REQUIRING REMOVAL BY THE PROPERTY OWNER** Section 10.06 of the *Declaration of Covenants, Conditions and Restrictions*, states that a property owner must promptly cut and remove dead, diseased, injured, or hazardous trees, as well as dead and diseased shrubs, bushes, and other vegetation. After a tree that appears to meet these criteria is reported to the property owner by the ARB or LWC, the removal request procedure detailed above must be followed by the property owner until the tree is approved or disapproved for removal by the ARB or in certain instances, the LWC. In accordance with the *Covenants*, if any property owner refuses to remove a tree that meets removal criteria after being contacted by either of these committees, the DIOA may contract removal and the property owner will be charged for these services, and may be fined \$500 per tree, or as set by the current DIOA fee and fine schedule.

**REMOVAL OF ENCROACHING BRANCHES** There is nothing in the *Covenants, Design Guidelines*, or in accordance with legal opinion, in South Carolina Law, that can force the owner of a healthy tree to remove it or prune it, if they do not want to. If branches from a healthy tree owned by someone else are encroaching over your property, you should first contact the property owner and ask them to trim the tree. If this is not done within a reasonable length of time, you may have the tree pruned at your expense for as much as it encroaches over your property line.

**PRUNING TREES ON YOUR OWN PROPERTY** No approval is required prior to pruning trees on your own property. It is the responsibility of the property owner to see that all landscape debris is disposed of properly.

**View Corridor** For homesites bordering on the water, for permission to add or remove vegetation in the restricted area between the OCRM critical line and the County's 60 foot setback, first apply to the ARB. If approved, contact Beaufort County Zoning's Natural Resource Officer to apply for a permit. (See Beaufort County Code of Ordinance, Sec., 106-1845, River Buffer, (3) View Corridor.)

## **CHANGE(S) TO APPROVED PLANS**

Requests for changes to the approved plan that will affect the appearance of the project from the exterior must be submitted to the Architectural Review Board for approval before they are instituted. Changes will usually be considered for approval at the next regularly scheduled meeting. In cases of emergency when work on the affected area is in progress, changes may be considered as they are presented at the discretion of the ARB Administrator or the ARB Chairman. When necessary a site visit will be made before the ARB makes a decision on a change, but on-site approval will not negate the need for the submission of a plan prior to the next meeting showing the change for ARB records.

**CHANGES REQUIRING APPROVAL** Construction changes that require ARB approval include, but are not limited to, the following:

- Change of the location of the house or any part of same on the lot
- Change in the finished grade of the lot (FG)
- Change in the finished floor elevation (FFE) of the house or garage
- Change in the height of the roof
- Change in the site coverage square feet
- Changes affecting ridges or peaks of a roof
- Modifications or changes to materials or colors on the exterior of the home or site elements
- Any change or addition to a chimney
- Changes to driveway or walkway location or material
- Changes in window and or door sizes, colors, types, locations
- Change in the drainage plan
- Change affecting the privacy wall or on the privacy side of a patio home
- Change affecting tree removal
- Any change that would have an affect on the exterior appearance of the proposed project.

## **CHANGES NOT REQUIRING APPROVAL**

- Any change to the interior of the home that does not affect the exterior

If there is a question as to whether or not a change needs approval, contact the ARB Administrator before proceeding.

## **PROJECT FILE**

- An updated plan must be submitted to the ARB for each change that is made.

## VARIANCES AND APPEALS

**VARIANCES** The *Covenants* empower the Architectural Review Board to grant variances. Variances to design criteria contained in these *Design Guidelines* may be granted only in the following instances:

- It is shown that the intent of the “Architectural Standards and Use Restrictions” as described in Section 10.01, of the *Covenants* is better met by allowing the requested deviation from standard.
- It is shown that the variance will help achieve a more felicitous design for the proposed project, and for the development, than could otherwise be achieved.

## APPEALS

**First Appeal:** Should a property owner want to appeal a decision reached by the ARB, that property owner has fifteen (15) days after receiving written notification of the original decision to submit a written appeal to the ARB. The appeal will be heard at the next regularly scheduled ARB meeting. The ARB will consider all aspects of the appeal and a written final decision will be forwarded to the property owner within thirty (30) days following the meeting. If necessary, the property owner will have thirty (30) days to correct the situation after receiving the ARB’s final decision, or to submit a formal written request to the DIOA Board stating the reasons why the Board should hear their appeal.

- The ARB will not consider input or opinions from the adjacent or nearby property owners prior to making a decision, nor will prior or existing approvals or variances for similar projects or issues be precedent setting or bind the ARB.

**Final Appeal:** The ARB is the Committee of the DIOA Board that will routinely make binding decisions regarding acceptability of plans and specifications (see *Declaration of Covenants, Conditions and Restrictions for Dataw Island*, Article 10.05). While the DIOA Board will not customarily review ARB decisions, in select circumstances where decisions may impact the DIOA’s primary responsibilities (DIOA By-Laws Section 3.01), the Board may elect to act as the appeal process of last resort.

- If the DIOA Board refuses to hear an appeal of an ARB decision, the First Appeal decision of the ARB will become the final decision, and, if necessary, the property owner will have thirty (30) days to correct the situation after receiving the ARB’s final decision.

Failure to correct a situation within this time period after a final decision has been rendered will result in further action being brought against the property owner by the DIOA Board.

## **FINES OR PENALTIES FOR VIOLATIONS OF POLICIES, RULES, REGULATIONS, DESIGN GUIDELINES, OR COVENANTS**

In accordance with a fine schedule approved by the DIOA Board, fines may be levied or penalties assessed when a property owner, general contractor, or landscape contractor violates any policy, rule, regulation, guideline or covenant of Dataw Island.

For violations that occur before the return of the property owner's escrow deposit, the ARB may withhold the release of the property owner's escrow compliance deposit until the violation is resolved to ARB's satisfaction, and/or the ARB may recommend to the DIOA Board that fines be levied or other actions taken.

For *Covenant* or *Design Guideline* violations on property after the escrow deposit has been returned by the ARB, the property owner will be contacted by a member of the Architectural Review Board or the Living with the Covenants Committee identifying the violation and the correction needed. If the violation is not corrected within a reasonable length of time, a Certified Letter will be sent to the property owner demanding resolution within a certain period of time. If the matter is still not resolved, the matter will either be referred to the ARB or DIOA Board by the LWC, with their recommendations, or referred by the ARB to the DIOA Board for resolution, with ARB's recommendations.

Violations by Contractors may cause them to be prohibited from continuing work on a particular project until the violation is resolved, or may cause them to be barred from the Island.

A current ARB fine schedule for most violations as approved by the DIOA Board may be obtained from the ARB's Administrator. Some fines are published in the DIOA "Rules and Regulations" or may be set by the DIOA Board as needed. If a fine goes unpaid, a lien will be placed on the property.

## IV. CONSTRUCTION REQUIREMENTS

(Rev. 4-11)

### **BEFORE CONSTRUCTION: TOPICS RELATED TO NEW HOME CONSTRUCTION (AFTER THE PLAN HAS BEEN APPROVED)**

**BEAUFORT COUNTY BUILDING PERMIT** Following ARB plan approval, the applicant must obtain a Beaufort County Building Permit. Permits must be displayed in a weatherproof container, in accordance with County requirements, and maintained for the duration of the project.

**TERM OF CONSTRUCTION** The *Covenants*, 10.04 and 10.05 state that a project must begin within six (6) months of the date of ARB approval of the project, and that it must be completed within twelve (12) months of commencement. A per diem fine may be levied against the property owner or contractor if construction exceeds this time requirement, unless a variance has been approved.

**ESTIMATE OF TIME TO CONSTRUCT** The property owner or Contractor shall notify the Architectural Review Board in writing in advance of the designated construction start date. If the size or complexity of the project is such that it does not appear to the owner and contractor that it can be completed within the twelve (12) month time frame, a request for a variance must be submitted to the Architectural Review Board with an estimated date of completion at the commencement of construction. If the construction start date is not furnished in writing to the ARB, the date of the approval of the stake out inspection plus thirty (30) days will be used by the ARB as the start date.

**EMERGENCY PHONE NUMBERS** Contractors must place emergency phone numbers and names of at least (2) two construction company personnel within the waterproof covers.

**REQUIRED TEMPORARY PROTECTION OF PRIVATE AND COMMON PROPERTY** Before the pre-construction meeting is held, the building contractor must install 1 inch by 1 inch by 3 feet tall (above ground) wooden stakes or PVC pipe painted dark green, every four (4) feet, at the front of improved and unimproved lots on either side of the construction site, on the three (3) lots directly across the street, along the edge of common property, such as medians or open space, across from or adjacent to the project, or on any turning radii that may be affected, and maintain them undamaged and in an upright position for the period of the project. No strings or ribbons shall be installed between stakes. (The use of metal stakes for this purpose is not permitted.)

At the end of construction, it is the responsibility of the building contractor to remove these stakes, fill the holes, and take the stakes with them to reuse. No other barriers to protect private property are permitted. The building contractor must repair any damage to private property when it occurs. Damage to curbs, streets, medians, bicycle/cart paths and other common property will be repaired by the building contractor to a condition equal to that before the damage, either at the time the damage occurs, or if approved by the Landscape Maintenance Manager, at the conclusion of construction.

**EROSION CONTROL REQUIREMENT (SILT FENCE)** (Rev. 1-18) For new home construction projects, due to new requirements implemented in 2017 by the Beaufort County Stormwater Regulatory group (BCSR), prior to any approved trees being removed or any earth moving or fill being added, the ARB requires that erosion screen be installed in accordance with county regulations, and that this remain up during the entire project. Some lots may require a silt fence to be installed at the front of the lot. After the contractor receives approval from the Beaufort County Stormwater Regulatory, but prior to the Mandatory Pre-Construction Meeting/Silt Fence Inspection any remaining silt fence needed to comply with ARB regulations must then be installed. Silt fences must be installed by burying a portion of the fence from three (3) to six (6) inches deep, and by stabilizing it with stakes at 3 – 6 feet

intervals. All projects will also be required to install a tracking pad to prevent sediment being tracked into the streets. All streets, pipes, storm drains, common property and private property must be cleaned of sediment originating from the site as it occurs and at the end of each day.

#### **MANDATORY PRE-CONSTRUCTION MEETING/SILT FENCE INSPECTION**

(REV 1/18)

- **Scheduling:** After the stakeout inspection has been approved by the ARB but before any approved trees have been removed, **or any dirt is disturbed or fill added to the property** (except for clearing and grubbing), the contractor must install the silt fence per county specifications, and stakes to protect private and common property from construction traffic. After contractor has received approval from BCSR, any remaining silt fence needed to comply with ARB regulations must then be installed. When completed, **the contractor must contact** the ARB to request a pre-construction meeting.
- **Participants/Location:** One ARB member, the Landscape Maintenance Manager, and the contractor must attend this meeting to be held on the job site.
- **Silt Fence and Protective Stake Inspection:** The ARB will inspect these items at this meeting with the results of the inspection and the need for any corrective action needed given to the contractor at this time.
- **Subjects to be discussed:** Job-site issues: parking of construction vehicles; any special permission needed; material storage; daily inspections by the ARB; and fines and penalties for violations.
- **Sediment Run-Off from the Front of the Lot:** Also, for lots that are sloped in such a way as to have the potential for sediment run-off into the street that might impact the storm drainage system, the contractor must formulate a plan to submit to the ARB in writing that is acceptable to the ARB to present at this meeting that will prevent this from happening. The contractor will also be advised that failure to prevent sediment from reaching the storm drain may result in a fine to the contractor that will be used on toward the maintenance of the storm drainage system.
- **Tracking Pad:** Tracking pads are required for ingress and egress from the site to help reduce the amount of dirt and debris on the roadway.
- **Violation of Pre-Construction Meeting Requirement:** The contractor will be fined in accordance with the fine schedule in effect at the time for violation of this requirement.
- **Violation of Daily Job Site and Roadway Maintenance Requirements:** No warnings will be issued, and contractors will be fined on a per event basis, in accordance with the fine schedule in effect at the time.
- **Construction sign order/Approval to begin construction:** After the silt fence and protective stake inspections have been approved, the pre-construction meeting has been held, and any issues noted at the meeting resolved, the contractor may order the construction sign from the ARB's Administrator, and Security will be notified that construction may begin.

#### **UTILITIES**

**WATER AND SEWER SERVICE** Property owners must apply and pay their fees for water and wastewater services to the Beaufort-Jasper Water and Sewer Authority before construction begins. Septic tanks and drain fields are not permitted except as may be allowed by the *Covenants*.

**ELECTRIC SERVICE AND METER LOCATION** Electric Service for Dataw Island is provided by South Carolina Electric and Gas (SCE&G.) Meters should be located on the side\* or back of the home, closest to the supply transformer with screening. (\*Patio home non-privacy side only.)

**LP GAS** Natural gas is not available on Dataw Island. A list of propane suppliers may be found in the local Yellow Pages

**CABLE TELEVISION** Comcast and Hargray cable television is supplied to the homesite, however, there is no requirement to subscribe to it. (See also Antennas and Satellite Dish.)

**TELEPHONE** Landline installation is required to connect the home's security system to the security gate. Telephone service is provided to the Island by Embarq and Hargray.

## **DURING CONSTRUCTION**

(REV. 4-11)

**CHANGES TO APPROVED PLANS** Procedures to follow to request a change to approved plans for all types of projects are shown on pages 18 and 36.

**FOUNDATION SURVEY** A certified foundation (form board) survey is required for new home construction projects, and additions that change the footprint, in accordance with the following:

- A copy of the certified foundation survey that is required by Beaufort County that has been reviewed and initialed by the building contractor to signify agreement with its contents must be furnished to the ARB within five (5) business days of the date of the survey for comparison with ARB approved plans.
- This survey must be done by a licensed surveyor based on the placement of the form boards prior to the foundation being poured.
- The distance between all four (4) property lines and the nearest point of the foundation must be marked on the survey or it will be rejected by the ARB.
- If the survey shows a significant difference between the foundation survey and the approved plan, the property owner and contractor will be contacted to tear out the foundation and reconstruct it in the proper location.
- No framing may be started until the ARB reviews the survey and states in writing that it appears to be located in compliance with ARB approved plans. No change whatsoever may be made to the foundation of the home after this compliance review has been completed without the express written permission of the ARB.

**COMPLIANCE WITH APPROVED PLANS AND SPECIFICATIONS** Per Section 10.05 of the *Declaration of Covenants, Conditions and Restrictions*, representatives or agents of the Architectural Review Board have the right, but not the obligation, to enter upon and inspect any construction under way, during reasonable hours, to determine whether or not the plans and specifications being followed were approved, and if approved, are being complied with.

If all plans and specifications were not followed, or other than approved plans and specifications were followed, the applicant shall appear before the Architectural Review Board to explain the circumstances of the noncompliance with the *Dataw Island Design Guidelines*. Following the applicant's appearance, the Architectural Review Board shall vote on whether the intent of the *Design Guidelines* was violated or not. If the Architectural Review Board determines that they were violated, the differences will be ordered corrected.

**DAMAGE TO ADJACENT AND/OR COMMON PROPERTY** Construction personnel are responsible for damage caused by construction equipment, vandalized use of construction equipment, and their

employees, and are responsible for promptly repairing same. The property owner's escrow deposit will not be returned until all repairs have been made. (See page 21 "Tree Removals . . . Construction".

#### **JOB SITE AND INSPECTIONS (See Page 52.)**

### **AFTER CONSTRUCTION OR UPON COMPLETION OF THE PROJECT**

**FINAL FIELD REVIEW/ESCROW COMPLIANCE DEPOSIT INSPECTION** At the completion of new home construction and landscaping, or when any home or landscaping improvement project has been completed that required the payment of an escrow compliance deposit, the property owner must request an escrow compliance deposit inspection which is prerequisite to the return of the property owner's escrow deposit, in accordance with the following procedure:

The property owner must contact the ARB in writing to request an escrow deposit inspection. For new home construction or addition projects, the property owner must also furnish the ARB with a copy of the Certificate of Occupancy for the structure as issued by Beaufort County. The telephone landline must be connected and the required Security System operational before an inspection will be done.

All building and landscape debris from the job site and surrounding area, the temporary toilet, and the temporary power pole, must be removed prior to inspection, as well as all ribbons on trees, the temporary construction sign, and all protective stakes.

Any damage done to common or private property during construction must be repaired by the contractor to its pre-construction condition before the property owner's escrow deposit will be returned. (See also pages 21 and 53, "Trees that Die on Adjacent Property as a Result of Construction Damage.")

If the field inspection reveals that significant changes from the ARB approved plans have been made, the contractor will be asked to furnish a set of as-built drawings for review by the Architectural Review Board prior to its next meeting before a decision will be made on the return of the escrow deposit.

If no request has been received by the ARB for an ARB escrow deposit inspection by 18 months from the project start date or from the date the escrow deposit was paid, the ARB may, at their discretion, inspect the project for compliance with approved plans, and take appropriate action.

**DEMOLITION AND IMMEDIATE REBUILDING** Demolition refers to the removal of 40% or more of the exterior vertical walls of an existing home, so that the home may be updated and/or enlarged. Before an application for demolition will be considered by the ARB, the proposed construction plan for the homesite must be submitted to and approved by the ARB. A separate escrow compliance deposit must be paid with an application for demolition permission, with demolition to be completed within 30 days of the demolition start date.

The procedure to follow and the requirements for submittal of the proposed plan will be the same as for the Acceptance Review for New Home Construction, including the current review fee and escrow compliance deposit. The ARB may withhold approval of a plan until the County issues a building permit. The approved reconstruction must start within 30 days of completion of the demolition. Upon completion of the demolition, the property owner may apply for the return of the demolition escrow compliance deposit.

**TOTAL DEMOLITION WITHOUT REBUILDING** (for the purpose of marketing an unimproved lot). An escrow compliance deposit must be paid with an application for demolition without rebuilding. A plan for refurbishing the lot after demolition, to include debris removal, grading, and grassing, must be submitted and approved as part of the demolition application. Once the demolition is approved by the ARB, it must be completed within 30 days of the start date, and the lot restored according to the approved plan within 30 days of completion. Upon completion of demolition and lot restoration, the property owner may apply for return of the deposit.

**DEMOLITION WITH DELAYED REBUILDING** Sometimes removal of 40% or more of the exterior vertical walls of an existing home is necessary so that a home may be repaired or rebuilt after partial or complete damage or destruction by a fire, hurricane, or other natural disaster. Structures that have burned shall be totally secured from a safety standpoint within three (3) working days.

A home that requires demolition after a disaster must be demolished as quickly as possible for the safety of others. Since under certain circumstances it may take a considerable amount of time for appraisers, insurance investigators, government officials, contractors, etc., to inspect the premises, the ARB will work with the property owner for as much as is possible to try to expedite demolition without forcing it to the detriment of the home owner.

An application for demolition must be made to the ARB no later than thirty (30) days from the date of the casualty loss, along with the owner's written estimate of a reasonable scheduled start date for demolition. A separate demolition escrow compliance deposit must be paid with an application for demolition under these circumstances, with demolition to be completed within 30 days of the start date. In addition to removing all construction and vegetative debris from the lot as part of the demolition, if the lot is left unimproved for more than three (3) months from the time of the demolition, the lot must be graded and grassed or mulched, and maintained.

Submission of a new home construction plan for the site for consideration of approval by the ARB will follow the same requirements as for any new home construction project as listed in the *Design Guidelines*, including payment of the current review fee, escrow compliance deposit, required inspections and timeframes, etc. Upon ARB approval of the new home construction plan, and the start of the reconstruction of the residence, the demolition escrow compliance deposit will be refunded to the property owner. The remaining new home escrow compliance deposit will be refunded upon ARB inspection and approval of the project at the conclusion of construction and landscaping to assure compliance with approved plans. The fees and deposits referenced will be in accordance with the current fee and deposit schedule.

## V. ABBREVIATED REVIEW

(Rev. 1-2013)

### MODIFICATIONS TO EXISTING HOMES OR LANDSCAPING

The Abbreviated Review is the procedure that leads to the official written consent from the ARB, as required by the Covenants, to proceed with any exterior home or landscaping improvements, changes, or additions after completion of new home construction and the original landscaping plan.

#### ARB APPROVAL IS REQUIRED FOR:

##### Major structural or landscaping projects such as:

- Construction of an addition that changes the footprint or the roofline of an existing home (see page 45).
- Major renovation of existing landscaping (see page 48).
- Docks (see page 50).

**Minor structural or landscaping projects such as:** Adding or changing the exterior of an existing home or minor changes to existing landscaping, such as, but not limited to:

- Repainting or re-roofing a home, resurfacing a driveway, enclosing a screened porch, adding a hot tub, swimming pool, fish pond, fountain, awning, shutters, exterior lighting, patio, deck, walk way, screening for an above ground propane tank, or the addition of decorative yard items are included. (For “Satellite Dish” installation, see page 12)

**APPLICATION** The application process is the same as for the Acceptance Review with exception to required submissions, which are dependent on the type of project to be reviewed. Complete the same application, and indicate the type of project proposed on the “Description of project” line. The application form is provided by the ARB, and the deadline for receipt is in accordance with the current application deadline and meeting schedule. The application must be signed by the property owner(s), and if known, the contractor.

**REVIEW FEE AND REFUNDABLE ESCROW COMPLIANCE DEPOSIT** When required, the review fee and refundable non-interest bearing escrow compliance deposit must be paid with the application.

**FEE AND DEPOSIT REFUND (IF THE PROJECT IS NOT STARTED)** After a plan has been reviewed by the ARB, the fee will not be considered for refund. If the project is cancelled, however, the entire escrow deposit will be considered for refund.

A SCHEDULE OF CURRENT FEES, DEADLINES FOR MEETINGS AND ESCROW COMPLIANCE DEPOSITS FOR EACH TYPE OF PROJECT IS AVAILABLE FROM THE ARB’S ADMINISTRATOR OR ON THE DATAW WEBSITE AT [www.datawmembers.org](http://www.datawmembers.org)

## ADDITIONS THAT CHANGE THE FOOTPRINT OR ROOFLINE

On each item submitted, show the “Existing” and the “Proposed” for contrast by highlighting or labeling as needed. Two copies of each aspect of the plan must be submitted.

- **Tree/Site and Drainage Plan** Prepare the plan to scale as required for the Acceptance Review, less topography. Put an “X” on any trees that will require removal. Show the proposed project to scale in relation to existing improvements, with the addition either highlighted or shaded in. If drainage or drainage devices will be changed, these must be shown
- **Architectural Drawings** The site plan and the elevations to be affected are usually sufficient. Highlight or shade in the changes on the elevations. Mark the new roof pitch on any changes to the roofline. Submit the same plan to the ARB for approval as submitted to Beaufort County for the building permit. Additional information such as photos may be submitted to assist in describing the project.
- **Square Foot Chart** Show the existing site coverage square feet and the new total square feet of site coverage on the plan. (Site coverage includes all roofed area, heated and unheated, on the first floor.) If the addition is on the second floor, show the number of heated and cooled square feet to be added.
- **Building Materials and Color Samples** If a change is to be made in the color or material that was approved for the existing home, submit properly labeled samples of the proposed exterior building materials, and finish colors, in accordance with the requirements listed on page 23. (If no exterior colors or materials are to be changed, write “match existing” on the application.)

**CHECKLIST FOR ADDITION PLANS (THAT CHANGE THE FOOTPRINT OR THE ROOF LINE)** During the design phase, it is the responsibility of the property owner to familiarize himself and his architect and contractor with the requirements listed in the latest issue of the *Design Guidelines* prior to submitting a plan. The following is a list of the minimum requirements that must be submitted with the application for an addition.

- ☐ A completed application personally signed by the property owners and the contractor, if known, including completion of the section in regard to additions on page 1.
- ☐ A check made out to DIOA for the application review fee.
- ☐ A separate check made out to DIOA for the refundable escrow compliance deposit.
- ☐ A square foot chart showing all first floor heated and unheated roofed area to include garages, storage, and covered walkways or decks: (1) of the existing home, and (2) including the proposed addition.
- ☐ Two sets of to-scale plans that contain a composite tree/site and drainage plan, and all elevations that will be affected by the addition.

**SITE/TREE SURVEY AND DRAINAGE PLAN/COMPOSITE SURVEY** (See page 20)

### ELEVATIONS:

- ☐ Detailed drawings of all elevations of the house that are affected by the addition with the addition outlined and highlighted or shaded in, and roof pitches marked.

### COLORS AND MATERIALS:

- ☐ If changing any materials or color selections from what is on the existing house, samples of roofing, siding, trim, brick, and pavers must be submitted in accordance with the requirements shown on page 23.

## **MINOR STRUCTURAL, HOME IMPROVEMENT, AND MAINTENANCE PROJECTS**

For Projects Such As the Following:

- Replace windows or doors with identical
- Replace siding or trim material with same as existing
- Repaint with same colors as existing
- Re-roof with same color and material as existing
- Resurface driveway with the same material as existing

**APPLICATION PROCEDURES** The submission of a signed application with the project described is the same as for the Abbreviated Review (See page 44), but as the proposed items are the same as those that had been approved when the home was built or renovated, no additional plans, samples, fees or deposits are required.

## **DURING CONSTRUCTION OF AN ADDITION OR MAJOR RENOVATION PROJECT**

Addition contractors and property owners are required to follow the instructions on page 39 for the Temporary Protection of Private and Common Property from construction traffic, particularly for projects on cul-de-sacs. Also see page 41 for procedures to follow for Changes to the Approved Plan and the submittal of a Foundation Survey to the ARB for comparison with the approved plan before framing is started.

## **MINOR STRUCTURAL, HOME IMPROVEMENT AND MAINTENANCE PROJECTS**

- Replace existing screen or existing Plexiglas with glass or glass block: Applicants must submit photos of each elevation of the structure to which the change will be made, and draw in with a black marker on the photo the configuration of the window (s) to be installed. Describe the window to be used as to frame color, etc., on the second page of the application.
- Enclose a screened or open porch including some siding modifications: Applicants must submit photos of each elevation of the structure to which the change will be made, and draw in with a black marker on the photo the configuration of any windows or doors to be installed, and also draw in and label any area that will be sided such as a knee wall. Describe windows, doors, and siding on the second page of the application. If the siding or its color is to be different than the existing, a sample must be submitted.
- Change or add windows, doors, siding, walls, etc.: If these changes are for one room only, applicants must submit marked photos as described above. If it is to be for an elevation or more of the home, a plan must be submitted showing existing and proposed changes or additions.
- Repaint siding and/or trim with different colors: List the proposed colors on the application and submit paint chip samples for Board review, unless a color scheme from a Pre-Selected Color Pallet has been chosen, in which case the number of the scheme may be referenced in lieu of samples. (For more information see pages 10, 11, and 23)
- Add shutters: Applicants must submit photos of the elevation(s) where the shutters are proposed for installation, draw in the shutters with black marker, and attach a catalog cut of the style chosen. A paint chip must be submitted for the shutter color also. (See pages 15 and 23 regarding decorative operable shutters and storm shutters.)
- Reroof with different material or colors: List the proposed color and material on the application. Elk "Prestique", GAF/Elk, and Certainteed Grand Mariner shingle samples are available in the ARB office. If choosing from another supplier or choosing a metal roof, samples must be submitted.

- Add to or change driveway surface material or color: If adding to the driveway, submit a site plan showing the existing and proposed driveway configuration. If changing the surface or color of the driveway, submit a sample of the material and color to be used, along with a catalog cut of the pattern. If choosing from Low Country Pavers, samples are available in the ARB office. If brick is to be incorporated into the design, samples of pre-approved brick are on file in the ARB office. If adding to but not changing the surface, write “match existing” on your application.
- Add to or change golf cart path surface material or color: (See Add to or change driveway above.)
- Extend, add to or change patio, deck, or walkway: On a copy of the site plan, draw in the configuration of the addition, and submit samples of the material to be used, or if to match your existing selections, write “match existing” on the application.

**APPLICATION PROCEDURES** The submission of a signed application with the project described is the same as for the abbreviated review (see page 44), but required plans, samples, catalog cuts, photos, fees or deposits are dependent upon the type of project proposed, with requirements listed as noted.

## LANDSCAPE RENOVATION

(REV. 4-11)

**LANDSCAPING** Landscaping is defined as adding any plant material such as trees, shrubs, groundcovers, mulches, or lawns; as rearranging an existing landscape; or, as transplanting any plant material. The degree and type of landscape treatment is wholly site specific. Also included are any additions or changes to exterior non-vegetative items that can be seen in the yard.

**MAJOR LANDSCAPING PROJECTS – LANDSCAPE RENOVATION** Follow the directions shown in the Acceptance Review section in regard to submitting a Landscaping Plan Associated with New Home Construction. After studying these requirements, prepare two (2) copies of the landscape renovation plan the same way, with the following exception:

- All new vegetative or non-vegetative items shown on the plan submitted must be highlighted to differentiate them from existing (already approved) vegetative or non-vegetative items.
- Cross out plants to be removed or that no longer exist.

**MINOR LANDSCAPING PROJECTS** Make application in writing with a brief narrative description of the type of improvement or change you wish to make. In most cases, follow the same application procedures as listed for landscape renovation plans. However, if in doubt as to what might be required for your particular situation, contact the ARB Administrator for information.

**ADDING FILL DIRT** In accordance with the Covenants, Section 10.06, no fill dirt may be added to an improved or unimproved homesite for any reason without ARB approval.

**LANDSCAPING MAINTENANCE** ARB approval is not required for: Pruning trees or shrubs, planting annuals, removing and replanting dead or diseased plants or shrubs with same, adding or transplanting up to three (3) trees less than 1-1/2 inches in caliper, or up to ten (10) shrubs less than 24 inches in height, in a 12 month period, replacing dying grass or refurbishing mulch.

**NON-VEGETATIVE ITEMS – AS PART OF OR NOT PART OF THE LANDSCAPE PLAN** All items that are visible in your yard must be approved by the ARB before installation. To apply for approval of any non-vegetative item that is part of or not part of a landscaping plan, submit a completed and signed application along with a photo or catalog cut of the item and describe in detail its color, size, material, and finish, and show where it will be located in the yard, by sketching the proposed location on a copy of your site or landscape plan. Such improvements are as follows:

- Walls, gates or fencing as a landscape feature (See page 30)
- Add or change fencing, trellis, gazebo, hardscape, (See also pages 30-31)
- Add or change pole, tree, landscape or accent lighting (See also page 32, Exterior Lighting)
- Screening an above ground propane tank. (See also page 15)
- Add or change retractable awnings or pre-made storm shutters. (See also page 12, 15, 23, and 46.)
- Add or change decorative yard items, sculptures. (See page 28, 31)
- Add a water feature, fountain, reflective or swimming pool, fish pond, hot tub. (See also page 31)
- Meeting At its regular meeting the ARB will review individually and in detail each application. Following review, the Board will take one of three actions, as follows:
  - **PROJECT ACCEPTANCE** Means all facets of the proposed project appear to comply with the *Design Guidelines*, and the applicant should proceed to lay out the project in the field, and stake it as required.

- **PROJECT ACCEPTANCE SUBJECT TO SPECIFIC MODIFICATION** Means the Board believes the project can qualify for acceptance provided certain cited features of the design are specifically modified as suggested by the Board, or alternatively, are modified as later suggested by the applicant and approved by the Board. Such modification is purely at the discretion of the applicant, and the applicant is free to rework the design as he sees fit to overcome the objections of the Board without following the ARB's specific suggestions. Upon ARB approval of a modified project design proposal, the applicant should proceed to lay out the project in the field and stake it as required.
- **PROJECT REJECTION** Means the Board believes the project does not comply with the *Design Guidelines*, or is not aesthetically acceptable. Generally, rejection may follow Board observation of poor overall design quality, incompatible design elements, or an inappropriate design concept, treatment, or style.

The Architectural Review Board will not address interior design issues unless they affect the external appearance of a house.

**ISSUANCE OF WRITTEN CONSENT TO CONSTRUCT OR LANDSCAPE** After the Board accepts the plan, an approval letter will be sent to the property owner with a copy to the contractor.

**BEAUFORT COUNTY BUILDING PERMITS** Following this approval the applicant must obtain a Beaufort County Building Permit for construction projects.

**TERM OF CONSTRUCTION** (See page 40)

**COMMENCEMENT, TERM OF CONSTRUCTION, ESTIMATE OF TIME TO CONSTRUCT** (See page 40)

**COMMENCEMENT OF CONSTRUCTION** (See page 40)

**TEMPORARY PROTECTION OF PRIVATE AND COMMON PROPERTY** Although no ARB stakeout inspection is routinely required for an addition, the contractor must follow the procedures listed on page 39 to protect private and common property prior to beginning construction.

**PARKING DURING CONSTRUCTION** (See parking regulations for contractor's and subcontractor's vehicles, equipment, and storage, as shown on page 52)

**CERTIFIED FOUNDATION SURVEY** A certified foundation survey is required for any addition that changes the footprint of the home, and must be approved by the ARB before any framing may be done. (See page 41 for further information.)

**SIGNS** No signs of any type may be installed on the property during Abbreviated Review projects.

**CONTRACTOR'S RULES AND REGULATIONS** It is the responsibility of the property owner to see that any contractors, employees, subcontractors, etc. working for them on any project on Dataw Island are familiar with and follow the Rules and Regulations beginning on page 51-54.

## **ABBREVIATED REVIEW - DOCK**

Any property owner on Dataw Island that owns a lot that fronts on navigable waters or marsh is required to apply to the Architectural Review Board first for permission to build a dock, observation deck, or other structure; i.e.: boat lift, or make improvements or modifications to same. (See *Covenants*, 10.05, and 11.03-11.05.)

**APPLICATION** A completed and signed application for an Abbreviated Review along with the plans and specifications, including site, color or finish, of the proposed project must be submitted to the ARB. The property owner must receive the written approval of the ARB before continuing the application process. The property owner must also have the written approval of any local, state or federal agencies that have jurisdiction over construction in or near salt marshlands before proceeding with the project.

Roofed structures or gazebos will not be allowed on or as a part of the dock design.

**FEES AND ESCROW DEPOSIT** The Review Fee and Escrow Deposit will be in accordance with the current review fee and deposit schedule, and, if required, must be paid with the application.

**AS BUILT PLANS** When final drawings are approved by all agencies, the owner must submit a copy of the approved drawing to the ARB for file retention.

**DATAW ISLAND DOCK MASTER PLAN AND SC DHEC/OCRM DOCK MASTER PLAN** Certain areas of Dataw Island were already developed before the SC DHEC/OCRM Dock Master Plan was implemented. These areas are: Island Circle East, Doe Point, Pee Dee Point, Chicora Point, and Reeve's Point, so they are not shown on the OCRM Dock Master Plan, and fall under the developer's dock master plan. Lots in these areas are thought to be suitable for docks, if plans are approved by the ARB and local, state, and federal agencies.

Palmetto Point and Curisha Point were developed before the SC DHEC/OCRM Dock Master Plan was implemented, but were not planned for docks by the developer, and no docks will be approved for these areas.

Sparrow Nest Point, Island Circle West, Gleason's Landing, Big Dataw Point, The Point, and Oak Island were developed after the SC DHEC/OCRM Dock Master Plan was implemented. While most lots in these areas are suitable for docks, certain lots have been excluded for navigational reasons. If the lot has been excluded, the property owner cannot get a permit from the OCRM to build a dock unless the ARB agrees to apply to DHEC for an amendment to the Dock Master Plan.

**RESTRICTED ZONE** To protect shoreline vegetation in this area, remove no shoreline vegetation root system may be removed. Only minor necessary pruning for construction of a walkway is permitted. Dredging or excavation is not permitted. No trees may be removed in the setback from the critical line without specific OCRM approval. (See also "Natural Environment").

**MAINTENANCE** All docks, decks, and other structures or improvements, must be kept clean and maintained by the property owner to an acceptable standard as judged by the Architectural Review Board. (*Covenants* 11.04.)

## **VI. CONTRACTOR'S RULES AND REGULATIONS**

These rules apply to new home construction and renovation, maintenance, repair, landscaping contractors or any other contractors, subcontractors, or employees working for private property owners after the home's Certificate of Occupancy has been issued.

**ENFORCING CONSTRUCTION REQUIREMENTS** Property owners are responsible for enforcing all regulations contained herein, and advising all contractors of these requirements. It is recommended that a copy of this Construction Requirements section be given to them. Property owners on whose property violations occur will be subject to all or a portion of their Escrow Compliance Deposit being withheld, possible fines and penalties, and temporary work stoppage. Construction personnel in violation of these requirements will be subject to disciplinary action that could result in fines, penalties, temporary work stoppage, or being denied access to the Island.

**DATAW ISLAND GATEHOUSE AND SECURITY** The gatehouse is staffed 24 hours a day, and is established at Dataw Island for the protection of property owners and guests against undesirable intrusion, theft, vandalism, etc. Security has full authority to allow or deny access onto the Island.

### **CONTRACTOR'S PERMITTED WORK DAYS AND HOURS**

- Monday through Friday: 7:00 a.m. - 6:30 p.m.
- Saturday: 7:00 a.m. - 5:30 p.m.
- Sunday: None (except in cases of an emergency repair)

Access to the Island may be denied outside the times listed above unless special permission has been arranged in advance with Security. Contractors will be fined for failure to prevent their employees or subcontractors from working at job sites beyond these hours.

**CONTRACTOR'S NON-WORK DAYS** In addition to Sundays, the following days are non-work days for contractors. No construction, landscaping, home improvements, or maintenance is permitted on Dataw Island on these days, with exception to emergency situations that have been cleared by the ARB or Security involving the potential loss, injury, or damage to persons or property.

- New Year's Day
- Martin Luther King, Jr., Day
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving
- Christmas

(Domestics and personal care workers working inside private homes are exempt from this rule.)

**CONTRACTOR'S PASSES** Contractors, suppliers, delivery men, subcontractors and other related personnel are required to obtain a pass from Dataw Island Security. Passes are good for travel to and from the specified location only. Vehicles found elsewhere may be escorted from the Island. Daily or Monthly passes will be dated and will be reissued as necessary by Security. Those with current Annual passes should use the right security gate at the entrance.

**EXPIRED PASSES** Expired contractor passes must be dropped off at the gatehouse upon leaving the Island. Pick up renewal passes at this time if provided for.

**DIRECTIONS** Security personnel will provide directions to suitably identified job sites.

**INCOMING VEHICLES** Unless they have a current annual pass, all incoming vehicles must stop at the security gatehouse for registration or identification by the security officer.

**PARKING** Parking or traveling over any area other than designated construction site property must be approved in advance by Security, or if on common property or golf course property, by the Landscape Maintenance or the Golf Course Maintenance Manager. If a vehicle is parked in the roadway, proper safety procedures are to be followed. **When vehicles are parked on any Dataw roadway a safety cone must be placed at the roadside rear of the vehicle.** Vehicles must be parked facing the direction of traffic flow. No parking, storage, or travel is permitted on adjacent private property without the written permission of the owner. **No vehicle or trailer may be parked overnight on Dataw Island.**

**Parking on the roadways in areas delineated with solid yellow lines (indicating that passing in these areas is not allowed) is prohibited.**

If parking on the roadway in these “No Passing” zones is unavoidable, and approved by the Security Department, it is the responsibility of the contractor to provide flagmen and traffic control to ensure the safe flow of traffic.

**MATERIALS DELIVERY** All commercial vehicles entering Dataw Island must obtain a commercial vehicle pass from Dataw Island Security. Daily, Monthly or Annual passes may be obtained through Security. When entering the gate area, drivers of delivery vehicles without a current annual pass must produce a bill of lading that identifies the project name or General Contractor’s name. Materials to be delivered must be shown to the gatehouse staff upon request.

**SEARCHES** Security personnel may conduct random or concentrated searches of vehicles as required anywhere on Dataw Island property.

**SPEED LIMIT** Unless otherwise marked, the maximum speed limit on Dataw Island is 30 miles per hour and is strictly enforced. Contact Security for details as to fines and penalties for violations.

**JOB SITES AND ARB INSPECTIONS** Contractors are responsible for job site compliance. Overflowing dumpsters and trash littering building sites or in open piles is strictly prohibited. Contractors must remove crates, cartons, ties, trash, and flammable waste from the job site, sediment from the roadway, and maintain silt fences and protective posts and repair damage to private or common property daily. Job site inspections may be conducted by the ARB on a daily basis, and it is the contractor’s responsibility to police each job site and roadway at the end of each day. When violations are noted, a per incident/per day fine to the contractor can be assessed.

**NOISE CONTROL** Normal construction noise, during approved work house, is acceptable. Motor-driven equipment must be equipped with proper mufflers, and turned off when not in use. **Radio volume must be controlled so that it cannot be heard off the job site.**

**DUST CONTROL** Ensure construction operations do not generate noticeable increases in dust from the project site. Spraying job sites with water to minimize dusty conditions may be necessary.

**FIRES ON THE JOB SITE PROHIBITED** No fire of any type, including those in 55-gallon drums, are allowed on any job site. Construction personnel allowing fires may be permanently barred from access to the Island.

**FLAMMABLE MATERIALS** Flammable materials that are to be used on a project shall be kept at an absolute minimum and the contractors are to ensure such materials are properly handled.

**DO NOT STORE FLAMMABLE MATERIALS ON SITE.**

**STRUCTURE FIRES** Structures that have burned shall be totally secured from a safety standpoint within three working days from date of fire. Completely remove same as soon as legally permitted. (See also "Demolition with Delayed Rebuilding", page 43.)

**RESIDENT SAFETY** Protect curiosity seekers, and contractors against potential lawsuits, by covering over openings, and providing barricades, lights, signs, posts, fences, enclosures, etc., to limit access to dangerous conditions, while the project is unattended.

**DAMAGE TO ADJACENT PRIVATE OR COMMON PROPERTY** Contractors are responsible for damage caused by construction equipment, vandalized use of construction equipment, actions of their employees or sub-contractors, and are responsible for promptly repairing it. Before the escrow deposit is returned to the property owner, damages to curbs, streets, bicycle/cart paths and other common property will be repaired to a condition equal to that before the damage occurred. If a curb is broken or damaged, the whole section of curb must be repaired, not just the spot where the damage occurred.

**TREES THAT DIE ON ADJACENT PROPERTY AS A RESULT OF CONSTRUCTION DAMAGE** See page 21, "Tree Removal Associated with New Home Construction", for procedures regarding a tree that dies on adjacent property within nine (9) months of the date of the approved escrow compliance deposit inspection for the adjacent structure that is deemed by the ARB to be as the result of construction damage.

**TREE PROTECTION** Only trees marked for removal on the approved site plan and flagged prior to ARB stake out inspection shall be removed. Any remaining tree that might be adversely affected by construction vehicles or activity must have a barrier erected around it to protect its roots from construction damage. If a tree with a DBH of 4 inches or more dies during construction that was not marked for removal on the site plan, a request for removal must be submitted to and approved by the ARB before it is removed. (See page 21, "Tree Removal Associated with New Home Construction.")

**STORAGE OF MATERIALS** Stored materials within the project's property lines are to be neatly stacked and organized.

**DERELICT EQUIPMENT** Contractors shall immediately remove disabled or non-functioning equipment from Dataw Island.

**TEMPORARY STRUCTURES, OFFICES AND SHEDS** A temporary structure on a construction site may not exceed 8 feet by 10 feet in size, must be able to be locked, be neat in appearance, and approved in advance of installation by the ARB. It must be removed immediately when no longer in use. The ARB reserves the right to limit the number of construction trailers that are allowed to remain on the site overnight during the construction of new homes or improvements.

**DUMPING AND DEBRIS** Dumping sites for contractors are not available on Dataw Island property.

**COMMERCIAL DUMPSTER** One container is required for installation on each new home construction site, and must be dumped as often as necessary to keep the job site clean.

**All on site dumpsters must be covered with a suitable tarp at the end of each day.**

**ROADWAYS** General Contractors or Landscape Contractors is responsible for preventing sediment and debris from being tracked, dropped, or washed into the roadway in front of and within close proximity to their job site. All streets, pipes, storm drains, common and private property must be cleaned of any sediment or debris originating from the site either when it occurs or on a daily basis. Additionally, if heavy rainfall is predicted for a non-work day or after hours, the General Contractor is responsible for preventing run-off from occurring by securing the front of the building site in some way prior to leaving the Island, and will be fined without warning and may be assessed for the cost of cleanup for failure to follow this guideline.

**CONCRETE** Operators of concrete trucks must clean the truck's chute so that any water and concrete debris released is totally within the confines of the project's property lines. Residue is not allowed on roads and should not be visible on the job-site.

**SIGNAGE** The only sign that may be displayed on a job site is the Temporary Construction Sign that is ordered through the ARB for a new home construction project. (See page 56.)

**PORTABLE TOILETS** Portable toilets for use by construction site personnel are required per job site. It is to be located with the door facing the job-site and away from the street and adjacent lots.

**TEMPORARY SERVICES** The property owner, or the contractor acting as his agent, is responsible for arranging for his own service connections. No utility services may be borrowed from a neighbor, with or without permission, and fines will be levied for violations. (See "Utilities" page 40.)

**HURRICANE PROCEDURES** Upon announcement of a "Hurricane Watch" condition for Beaufort County, the Contractor shall stack all lumber and other building materials, tie them together and stake them down, or move them inside. All scrap and other loose material not tied down shall be cleaned up and removed from the Island. All porches or open covered areas not completed shall be braced and strengthened. Storm preparations may be inspected by Dataw Island personnel to ensure compliance with this section. Any deficiencies noted shall be corrected immediately.

Upon announcement of a "Hurricane Warning" the contractor shall complete the above work and move all of his major equipment off the Island, or locate it on high ground as designated by Dataw Island personnel. They shall then remove all personnel from the Island until management gives the "All Clear".

#### **STORM SHUTTERS OR TEMPORARY STORM BARRICADES:**

Plans for pre-made storm shutters must be approved by the ARB prior to construction if any hardware or storm installation apparatus is to remain permanently affixed to the home. Approved pre-made shutters may be installed before a Hurricane Watch has been issued if a storm appears to be heading in our direction, and is in the National Weather Service "5-day cone", or notifications is given to property owners by Security that storm shutters may be installed.

These shutters or barricades may remain installed on the home no longer than 3 days after the Watch or Warning has been lifted or when advised by sign or email that they must be removed. Typical plywood barricades with no permanent fastening apparatus may be used over doors and windows during the time frames indicated without ARB approval. Bahama shutters or other styles of decorative, operative shutters that are installed on a home may only remain closed during the time frames indicated for storm shutters. A property owner may be fined on a per diem basis for failure to comply with the time frame of the installation or removal guidelines as stated above.

**FINES TO CONTRACTORS** Contractors may be fined without warning and may be assessed costs for failure to follow these guidelines. Stop work orders may be issued or, in extreme cases, a contractor who fails to follow these guidelines may be barred from doing further work on Dataw Island.

## **VII. APPENDICES**

## **APPENDIX A**

### **SIGN SPECIFICATIONS AND DETAILS**

(REV. 4-11)

#### **TEMPORARY CONSTRUCTION/HOMESITE IDENTIFICATION SIGN FOR NEW HOME CONSTRUCTION ONLY**

The property owners or contractor must forward a sign request in writing to the ARB Administrator, showing how the owners' names are to be listed on the sign. The sign will be ordered by the ARB after the Pre-Construction Meeting is held and the silt fence has passed inspection. The cost of the sign is included in the Acceptance Review fee. A copy of the sign order will be sent to Dataw Island Security by the ARB to indicate that the ARB has approved the plans and the lot may be cleared.

#### **Sign installation requirement:**

- The sign is pre-drilled for mounting
- Must be installed on the homesite within 72 business hours of notification that it is ready for pickup
- Mounted on a contractor-provided 4x4 post with screws.
- Located with the face of the sign parallel to the street side property line.
- Installed at a height that places the bottom edge of the sign approximately 50 inches above ground level.
- All signs must be installed per specifications to present a neat and professional appearance, and must be maintained in this condition for the period of construction.
- Under no circumstances may the sign be leaned against a tree or any part of the structure in lieu of proper installation.

Absolutely no other signs for contractors, architects, financial institutions, subcontractors, realtors, services or suppliers will be permitted on Dataw Island. The sign remains the property of DIOA, and upon receipt of the Certificate of Occupancy for the related structure, the contractor must return the sign to the ARB office.

All signs must be ordered through the ARB Administrator's office. No other sign may be substituted. The following information must be submitted when ordering the sign:

- Lot Number
- Name(s) of Lot Owner(s)
- Builder's name
- Builder's City, State
- Builder's Phone Number

## **APPENDIX B**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR BIG DATAW POINT (LOT #S 1 - 31)**

1. The street side setback shall be a minimum of 20 feet.
2. The side setback shall be 10 feet for sites 5, 6, 7, 27, 28, 29, 30, and 31; for all other sites, it shall be 15 feet.
3. The rear setback for homesites 1 - 18, and 25 - 31, shall be 25 feet for exterior walls of the home, and 20 feet for all structures, such as steps, landscaping and ground level patios. The rear setback for homesites 19 - 24 shall be 35 feet for the exterior wall, and 30 feet for all structures, including steps, landscaping and ground level patios.
4. There are no maximum heated and cooled square feet requirements, however, the minimum square feet required is 1,800. Maximum site coverage is 30%.
5. Garages shall be two car minimums.
6. Slab or raised slab foundations are encouraged.
7. Driveways shall be 4" X 8" concrete pavers in approved colors only.
8. Roofing material shall be GAF Timberline in Hunter Green for the body of the roof. If this material is unavailable, only the ARB specified replacement standard may be used.
9. Another roofing material in the same color may be considered by the ARB for use on small accent areas. The minimum allowable roof pitch is 6/12 feet, and the maximum is 9/12 feet. These pitches do not apply to porches, dormers, and connectors.
10. Siding shall be 4" reveal horizontal lap siding. Material may be concrete impregnated fiberboard or natural wood.
11. Windows must be double hung. Transoms are permitted.
12. Shutters are encouraged, and must have operable hardware.
13. Selection from approved color palettes for exterior colors is encouraged, and is available from the ARB Administrator.
14. Landscaping is required on 100% of the property and right of way. At least three specimen trees of 12 feet or greater height are required, one of which must be a live oak (*Quercus virginiana*.) Approvable specimen trees are those species as identified by the Beaufort County Zoning & Development Standards Ordinance, and are limited to: Dogwood, Redbud, Southern Magnolia, American Holly, Bald Cypress, Beech, Black Oak, Black Tupelo, Cedar, Hickory, Live Oak, Palmetto, Pecan, Red Maple, Southern Red Oak, Sycamore, or Walnut.
15. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for conventional homes.

## **APPENDIX C**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR CHICORA POINT (LOTS 5001-5014)**

1. A privacy wall is not required for site 5001. Privacy walls for sites 5002 - 5008 must be located on the south side of the property. Privacy walls for sites 5009 - 5013 must be located on the north side of the property. Requirements for extensions to privacy walls will be waived on a case-by-case basis due to the expected offset placement of the homes.
2. A privacy fence must be built and maintained at the expense of the developer on site 5009 along the southern property line in order to provide privacy separations between 5008 and 5009. This fence must be at least 100 feet long and six feet high.
3. No maximum heated/cooled square feet is specified, however, the maximum allowable lot coverage is 3,200 square feet or 40 percent (40%) of the homesite area, whichever is smaller.
4. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for patio homes.

## **APPENDIX D**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR CURISHA POINT (LOT #S 1552-1573)**

1. Privacy walls and extensions on homesites 1553-1562 inclusive will be located on the south side of each property. Privacy walls and extensions on homesites 1564-1570 inclusive will be located on the north side of each property. Homesite 1572 will require a privacy wall on the east side.
2. Privacy walls will not be required on 1552, 1563, 1571 and 1573. The ARB reserves the right to require some form of screening to maintain privacy between homes.
3. No maximum heated and cooled square feet is specified, however, the maximum allowable site coverage is 3,200 square feet with the possibility of a variance of up to 320 additional square feet for lots over 6,000 square feet.
4. The set back from the rear (marsh side) property line will be 20 feet.
5. Home placement should conform to the expected or existing placement of adjacent homes, which will be referenced during the review process. This allows for softening of extreme property dimension differentials.
6. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for patio homes.

## **APPENDIX E**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR NORTH BOONE ROAD (LOT #S 360-364)**

1. A privacy or blind wall (no extensions necessary) will be required on homesites 361, 362 and 363. The privacy wall will be on the east side of each home.
2. No privacy walls are required on homesites 360 and 364.
3. No maximum heated/cooled square feet are specified, however, the maximum allowable lot coverage is 3,200 square feet.
4. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for patio homes.

## **APPENDIX F**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR PALMETTO POINT (LOT #S 1501-1523)**

1. Privacy walls and extensions on homesites 1502-1511 and 1513-1522 inclusive will be located on the east side of each property.
2. Privacy walls will not be required on 1501, 1512 and 1523. The ARB reserves the right to require some form of screening to maintain privacy between homes.
3. No maximum heated/cooled square feet is specified, however, the maximum allowable lot coverage is 3,200 square feet or forty (40%) percent of the homesite area, whichever is smaller.
4. The set back from the OCRM line shall be 25 feet.
5. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for patio homes.

## **APPENDIX G**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR PEE DEE POINT (LOT #S 4001-4017)**

1. Side property setbacks are 20 feet.
2. No maximum heated and cooled square feet is specified provided the home meets the remaining guidelines for height, setback and site coverage.
3. For all aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for conventional homes.

## APPENDIX H

### SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR THE POINT (LOT #S 50 - 55)

1. All healthy live oaks in this area must be saved, when possible and practical. In order to preserve as many trees as possible, 2 or 2 ½-story home designs are encouraged.
2. Side and rear setbacks remain the same as in the *Design Guidelines* with side setbacks set at 15 feet and rear setbacks at 50 feet.
3. No specific maximum square feet is established. Maximum site coverage is 30%.
4. The southern side setback for homesite #50 is 60 feet as it intersects to a 50' setback from the southeast corner property point. This setback benefits all Dataw Island Club members by providing a view of Jenkins Creek and its marshes.
5. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for conventional homes.

## **APPENDIX I**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR REEVE'S POINT (LOT #S 672 - 707)**

Homes must meet the following criteria:

1. For homesites less than 10, 668 square feet: Maximum homesite coverage, which includes all heated and unheated roofed square feet on the first floor of a home may not exceed 30% of the lot and/or 3,200 square feet, whichever is smaller.
2. For homesites larger than 10,668 square feet: Maximum homesite coverage may not exceed 30% of the lot and/or 3,200 square feet, whichever is smaller. However, a variance to the 3,200 square feet maximum may be considered on a case-by-case basis, but in no case will the lot coverage exceed 3,700 square feet.
3. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for Patio homes.

## **APPENDIX J**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR SPARROW NEST POINT (LOT #S 6001 - 6027)**

1. Minimum square feet for heated/cooled areas will be 2200 square feet.
2. No residential structures (living areas) will be permitted in the pole areas of the flag homesites (Lot #s 6012, 6013, 6014, 6017, 6020, and 6021) unless the pole area is greater than 85 feet wide.
3. The Board will consider some type of buffer on homesites backing up to roads and patio homesites in this area of the island.
4. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for conventional homes.

## **APPENDIX K**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR COCHRANE'S COURT ON ROWLAND DRIVE (LOT #S 70-91)**

1. Side setbacks are 10 feet
2. Setbacks from the street side are 0 feet for the garage and 25 feet for the house.
3. Rear setbacks are 15 feet.
4. There are no maximum heated and cooled square feet limitations. However, the site coverage is limited to 30%.
5. The maximum area of the second story of the house having 5 feet or more of height is limited to 50% of the area of the first story.
6. One completely detached structure (in addition to the garage) is permitted
7. Detached garages may be one-story only.
8. Garages may be located anywhere on the homesite within the setbacks.
9. Lanai pool insect screened enclosures are permitted provided that they are not visible on the street side and street elevation views.
10. Rear constructed pools must be landscaped to shield visibility from the golf course.
11. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for conventional homes.

## **APPENDIX L**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR CERTAIN LOTS ON THE EASTERN SIDE OF LOCUST FENCE ROAD (LOT #S 1301-1317), AND THE NORTHERN SIDE OF ROWLAND DRIVE (LOT #S 1223-1227)**

1. No maximum heated/cooled square feet are specified, but the maximum allowable lot coverage is 3,000 square feet. However, the Board may consider a variance to maximum site coverage for lots greater than 6,000 square feet.
2. All space above the first level of a home or garage with 5 feet or higher clearance is limited to 40% of the lot coverage of the first level. This criterion applies to single story structures (including garages) as well as two story structures. First level vaulted ceilings that extend into the second level will be counted as part of the 40%. (Plans must delineate areas with 5 feet or higher clearance.)
3. Two-car garages are required, and the size of the garage must be in proportion to the size of the house.
4. The use of dormers for windows installed in attics on the street side is encouraged.
5. Unbroken rooflines are permitted.
6. For all other aspects of design not referenced above, refer to the *Dataw Island Design Guidelines* for patio homes.

## **APPENDIX M**

### **SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR MULTI-FAMILY DESIGNS**

1. Applications for modifications or exterior changes to existing multi-family housing (The Bluff and The Fairways) must comply with the applicable design specifications for these areas.
2. To be considered for approval, requests must first be presented to the appropriate Association (BOA or FOA) for approval, and then to the ARB with a copy of the Association's written decision attached.
3. Design guidelines for any area subject to the Dataw Island *Covenants* and zoned or rezoned for residential or multi-family housing in the future will be developed in accordance with existing Dataw Island residential, or multi-family housing specifications for The Bluff or The Fairways, or as approved by the ARB for that specific area. Any proposed plans must be submitted to and approved by the ARB before construction can commence.

**SPECIAL CONDITIONS TO THE DESIGN GUIDELINES FOR THE COMMERCIALLY ZONED DATAW ISLAND MARINA**

1. No external improvements, additions, or changes may be made to the Marina property before plans are submitted to and approved by the Dataw Island Architectural Review Board.
2. The application process, review criteria, meeting, fee, and escrow deposit schedules, will be the same as listed in the current Design Guidelines or as available from the ARB Administrator for new home construction (if a new building is to be constructed), or the same as for an addition that changes the footprint or the roofline, if an addition.
3. The setbacks for any proposed structure from the nearest property line must be a minimum of 20 feet, except the setback from the nearest property line on which a single family home is or will be built must be a minimum of 30 feet. The current setback required from the OCRM critical line, fire lanes, parking spaces, and distance between buildings, must be in compliance with Beaufort County regulations and codes for commercial activities.
4. The height of any proposed structure must be limited to 33 feet when measured from the finished grade at the front of the structure to the highest point of the roof.
5. Changes, additions, or modifications to exterior lighting or signage will be considered by the ARB and must be approved by them in writing prior to installation.
6. Architectural style, materials and colors must be compatible with those used on residences on Dataw Island, and the existing Dataw Island Marina.
7. A landscaping buffer to minimize the sound and visual effects of commercial activity will be required. No tree with a diameter of 4 inches or more when measured at breast height or any other existing vegetative cover may be cleared, cut, or removed without the express written permission of the ARB. Any changes, additions, or modifications to existing landscaping must be submitted to the ARB for consideration of approval in accordance with the landscape plan requirements listed in the Design Guidelines for residential homes. (See Addendum A to the Sales Contract for Homesite #60.)
8. Parking for Marina guests and visitors will be permitted only on Marina property, without the special written approval of the DIOA Board. If any change is made to the use of the interior of the Marina building that might impact or increase the number of parking spaces required, a parking plan must be submitted to the ARB for consideration of approval or disapproval before the change is made.
9. Issues such as, but not limited to, noise from commercial activity, traffic, security, hours of operation, change in use of the existing buildings or property, or that might impact any resident or homesite on Dataw Island, must be in accordance with the *Covenants and Design Guidelines* and/or referred to the DIOA Board by the property owner for clarification and consideration of approval or disapproval.

## APPENDIX O

### SPECIAL CONDITIONS FOR OAK ISLAND

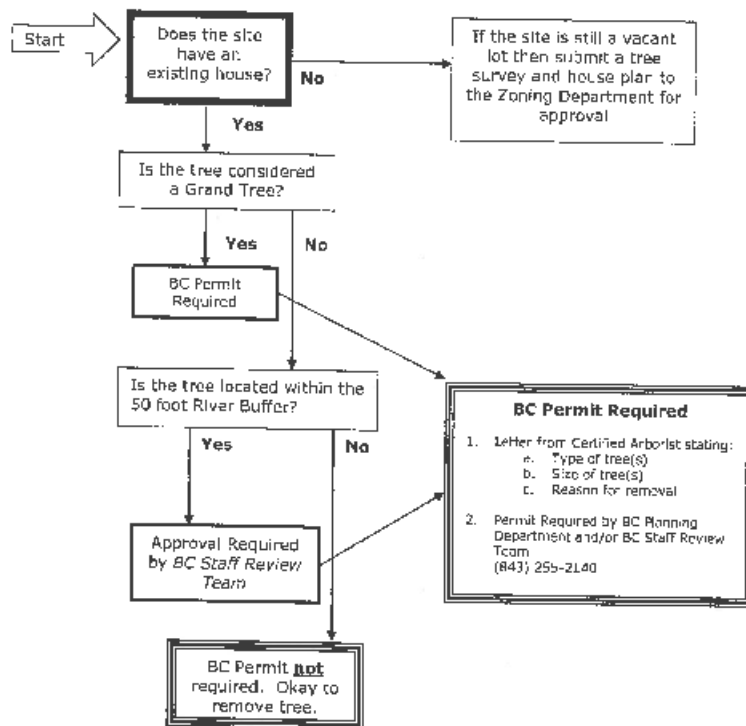
1. Because of the topography of Oak Island, garage parking and access areas such as stairwells and elevator shafts are allowed below the first floor living area, but the distance from the finished floor of this lower level to the finished floor of the first floor living space may not exceed 10 feet 6 inches. (This lower level will not be counted by ARB as an additional story of the house.)
2. The maximum roof height shall be the same as stated in the Guidelines for homes on Conventional lots on Dataw Island.
3. The “Finished Floor Elevation (FFE) Requirement for a Conventional Home”, as shown on page 8 of the 2008 Design Guidelines will not apply to Oak Island, except that no house shall be required to have a finished floor elevation less than 12 inches above the natural grade that exists anywhere beneath the footprint of the home. Open areas under elevated homes in this area shall be screened with lattice, louvered panels, beams, or continuous curtain wall, on all elevations.
4. Site coverage includes all roofed areas, both heated and unheated, of all the structures on the lot. The total site coverage may not exceed 30% of the square feet of the total lot.
5. All structures will be built within the established building setbacks for Dataw Island for homes on conventional lots that are located on the marsh.
6. All secondary structures shall follow the general design of the main residence and shall be of similar exterior material and color.
7. The aggregate size of all secondary structures may not exceed 30% of the site coverage square feet of the main structure, and must be of a size to give balance and enhance the aesthetics of the property.
8. Driveway entrance gates, columns, and posts must be located on the private property of the property owner.
9. Property owners are strongly encouraged to submit house plans that are low country in style.
10. For all other aspects of design not referenced above, please refer to the *Dataw Island Design Guidelines* for conventional homes.

## APPENDIX P

### **REMOVAL OF TREES ON SINGLE FAMILY LOTS WITH HOMES**

(Within Unincorporated Beaufort County)

Beaufort County Community Development Code: Division 5.11.100.F.1.a.



#### **Grand Trees**

1. Live oak, Black walnut, or Longleaf pine that are equal to or greater than a diameter of 24 inches DBH.
2. Loblolly pine, Slash pine, or Shortleaf pine that are equal to or greater than a diameter of 36 inches DBH.
3. All other species of trees, not defined above, that are equal to or greater than a diameter of 30 inches DBH except those identified as invasive species in Table 5.11.100.C.

Please Note that some communities require Architectural Review Board, Home Owners Association, or Property Owners Association approval in addition to Beaufort County approval for tree removal.

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