

SECTION II

EXTERNAL AMENITIES

A. SWIMMING POOLS AND SPAS

Setback Requirements

For residential lots facing any of the Sea Pines golf courses, no swimming pool, spa or hot tub or any part of the deck (or fencing, where applicable) around such units may be located within thirty (30) feet of the golf course property line, regardless of the grade (elevation) of the pool deck. For lots where a separation of twenty (20) feet or greater exists, the deck around an "in-ground" pool (see definition below) may be located as close as ten (10) feet to the rear property line, if desired; and an "above-ground" pool and deck may be placed anywhere within the building setback limits for the particular property.

For beachfront lots, the decks of "in-ground" pools may be placed no closer than 20 feet to the oceanfront property line. "Above-ground" pool and spa units, including decking, are considered "vertical" structures and are thus subject to the minimum 50-foot setback from the oceanfront property line,

For all other (non-golf course and non-oceanfront) lots, except patio lots, swimming pools and pool decks may be elevated (i.e., above ground) so long as the boundary of such pool and its deck is not closer than 20 feet to any property line, except front property lines. For patio lots, swimming pool placement is limited to established building setback requirements (see Section I.C.). The boundary of "in-ground" pools and pool decks may be placed no closer than 10 feet from side and rear property lines, again except in the case of patio lots where 10-foot rear and 3 or 7-foot side setbacks govern.

To qualify as an "in-ground" pool, the surface of the pool deck can be no more than 24 inches above the average finished grade adjacent to the pool area.

Permit applications for construction of a pool or spa, or for installation of a pre-packaged hot tub should include:

1. An **As-built Survey** along with a scaled site plan (1/8 inch = 1 foot) showing the shape and location of the pool, decking, fencing (if any), and pool equipment enclosure -- all shown with respect to the principal residential structure and property lines.

2. **Elevation details** of the pool equipment fence enclosure and fencing around the pool or spa area. Include stain color samples for the fencing, or indicate "to match existing house."
3. A **sample of the water-level tile** to be used, and a description of the decking material and color.
4. **Additional Elevation details** (including materials and colors) of any structure raised above and adjoining the main pool deck, e.g., waterfall, planter, artistic splash plate, etc.
5. For all pool installations, **a landscape plan** also must be submitted with the application. It is particularly important to allow for planting beds between the pool deck and the foundation of the house to ensure that a minimum of 50 percent of the foundation is covered with plant materials.

Pool and pool deck hardscape designs should provide for landscape planting beds between the house and pool deck to allow adequate foundation plantings to screen and soften the mass of the house. Substitution of upright planters on the pool deck (in the form of movable pots or other similar designs) for these landscape beds will be considered but is generally discouraged as a substitute for sufficient landscape planting beds.

The landscape plan should include plant materials sufficient to visually buffer the swimming pool and pool deck from adjacent neighbors or streets. The landscape plan should also mitigate "above ground" pool foundations in a manner similar to a residential structure (see Section 1-E). A similar level of landscaping will be required for fences around swimming pools and pool equipment. The landscape plan should also show existing tree species and sizes for any proposed tree removals as well as for adjacent trees that may be impacted by pool construction.

Screened pool enclosures are discouraged by the ARB and will not be permitted unless the design of the enclosure complements and blends with the architectural style of the house. **Metal and screen enclosures are not permitted.**

B. BEACH BOARDWALKS

The land between the oceanfront property lines and the mean high tide line, known as the Beach Trust Property, is not to be developed **or cleared**, and is held in trust for the benefit of all Sea Pines property owners. Nevertheless, the ARB does, on a case-by-case approval process, allow a walkway from the oceanfront property line to the beach to be constructed by some front-row

property owners within the limitations and design restrictions described in this section. Prior to submitting an application for a beach walk over, it is required that approval from CSA be obtained as well as OCRM approval.

Design Specifications

The following boardwalk design requirements must be strictly adhered to:

1. The walkway must generally conform to the contours of the land and the dunes.
2. It must be constructed at a minimum elevation of one foot above grade, a maximum of two feet above grade, and have an adjustable elevation capability to allow conformation with long-term dune accretion.
3. It must not exceed four feet in width.
4. No more than eight (8) steps are allowed between landings. Step treads should be a **minimum** of 10" and risers a **maximum** of 7-1/2".
5. No continuous railings are permitted on a walkway. Railings can be installed **only where necessary for safety**, e.g., where the stile over a dune is steep.

C. FENCES & WALLS

Fences are generally discouraged, but where planned, must be approved by the ARB. In general, permitted fences are usually limited to those which enclose utility areas, swimming pools and circumscribed gardens. **PERIMETER FENCES ARE NOT ALLOWED.** The Board will consider applications for fences or walls on a case by case basis, aesthetic considerations being paramount. All fences and walls should be planned with appropriate landscaping to soften the overall visual impact.

Fence Setbacks

The minimum distance from property lines for which the ARB will consider fence applications are:

1. **Streets**: Normally 15 feet from a property line paralleling a street, though the ARB may adjust (increase or decrease) this setback where the street pavement is very close to, or distant from, the property line or when a property is bordered on two or more sides by a street.
2. **Side Property Lines**: The minimum setback for a fence is 6 FEET** FROM THE SIDE PROPERTY LINE UNLESS AN ACCEPTABLE CASE CAN BE

MADE FOR CLOSER PLACEMENT related to the height of the fence, including post caps. ** Patio lots may have different setbacks.

Where an easement (for drainage, walkway or utility purposes) exists, the minimum setback may be greater, based on a case-by-case evaluation by the ARB. If the Board allows placement of a fence within an easement area, it will be with the understanding that future use of, or access to, the easement could require relocation of the approved fence by the owner and at the owner's expense.

3. **Property Abutting Golf Fairways, Lagoons, Marshes, Open Space:** In order to protect views, fences are seldom approved in these situations, and only with the following considerations;
 - a. Fences parallel to side property lines require specific ARB evaluation based on type of lot and location.
 - b. On those lots abutting golf fairways, open marshes, or lagoons, no fence should extend more than 50 percent of the distance from the rear of the principal building structure to the rear lot line.
 - c. On golf fairway lots, however, fences must be set back a minimum of 30 feet from the golf course property line.
 - d. On property abutting "open space" (other than lagoon or marsh), a minimum three-foot setback from the line involved is required.

Fence Height

Rarely will the Board consider a fence height greater than six feet above finished grade, including the fence post caps. Extensive fencing, such as around swimming pools, should generally be restricted to three or four feet high. The maximum of six feet will be considered by the ARB only for special cases. The design of a fence should take the topography of the lot into consideration and special care should be taken to design a fence that presents a level top and avoids a "step down" design which is generally aesthetically unpleasing. Architectural style, mass and scale of the fence posts will be evaluated on a case by case basis.

Fence Materials and Colors

Preferred materials of construction include wood board or masonry, whose style and color are selected to match or complement the principal house structure siding or to blend into the natural landscape setting. Wire mesh fencing is discouraged. See fence design suggestions, Figure C.

D. DOCKS, SEAWALLS AND BULKHEADS

No seawalls, bulkheads, other erosion control structures or docks may be constructed in Sea Pines Plantation without approval by the ARB. Where applicable, approval must also be obtained from the South Carolina Office of Coastal Resource Management (OCRM) and Community Services Associates and any other governmental agencies responsible for monitoring this type of construction activity. The ARB will withhold its consideration of any application for this type of structure until after the OCRM permit has been issued, Community Services Associates has approved the application and a copy of such permit and CSA approval has been provided to the ARB.

All lot owners who construct an ARB-permitted dock, seawall or bulkhead must maintain these structures in good repair and keep them safe, clean and orderly in appearance at all times, and further agree to paint or otherwise treat with preservatives all wood or metal located above the high water mark, exclusive of pilings, and to maintain such paint or preservatives in an attractive manner.

E. DRIVEWAY ENTRANCE GATES

Driveway entrance gates normally will not be permitted. However, such gates may be approved by the ARB, on a case-by-case basis. No driveway gate equipped with automatic or remote actuation controls or with any power actuation mechanism (i.e., hydraulic or pneumatic cylinders, or electric drive) will be approved.

F. TV AND RADIO ANTENNAS

No satellite receiver or other type of television antenna shall be installed on the exterior portion of any residential lot without the express approval of and permit by the ARB. A property owner may submit an application with fee for these types of devices including size and placement and describes how the unit will be screened from view by residents and visitors. If the satellite receiver is placed on the roof or the wall, it must be painted to match the roof or wall color to minimize the visual impact.

Additionally, no radio or television signals, or any other form of electromagnetic radiation shall be permitted to originate from any residential property which may unreasonably interfere with the reception of television or radio signals upon any other such property.

G. MAILBOXES AND SIGNS

Upon request, Community Services Maintenance (671-6487) will, for a modest fee, provide and install a standard rural type of mailbox with post for a residential property. This mailbox will be located adjacent to the front street, normally near

the driveway entrance, and installed in compliance with U.S. Postal Department regulations. The street postal number is shown, with decal numerals, on the door of the mailbox, and the resident's name is shown on a metal placard on top of the mailbox. No other color or type of mailbox is allowed in Sea Pines Plantation.

H. WATER WELLS AND WATER SOURCE HEAT PUMPS

Sea Pines Restrictive Covenants were amended in 1983 to permit two well water source heat pump systems providing : a) that the Ocala aquifer is not penetrated, b) the South Carolina " Well Standards and Regulations (r.61-71) are followed , c) the well water is re-injected into the second well and, d) the well water is not to be used for any other purpose.

The ARB will consider formal applications for both closed loop heat pump systems vertical cased or uncased well boreholes and horizontal design open loop two well water source heat pump systems.

Additional requirements include, but are not limited to the following:

1. ARB approval must be obtained prior to any drilling.
2. Well drilling companies are required to make an escrow deposit prior to drilling. Such deposits will be refunded upon a final inspection of the site by an ARB representative.
3. The application must include:
 - a. A site plan showing the locations of the proposed well boreholes, the above-ground heat pump equipment and all other improvements.
 - b. Proof of the well driller's certificate (copy of State license).
 - c. Information on the nature and type of injection facility and well, including drawings of surface and subsurface construction details.
4. Strict adherence to "Well Standards and Regulations", South Carolina R.61-71 effective June 1985.
5. Location of the proposed boreholes must be accurately marked (staked) on the job site prior to rigging or start of drilling.
6. Wells must be properly sealed to prevent contamination of ground water either through or around the wells.

7. Source and injection wells must be approximately one hundred feet apart and ten feet minimum from any property line with particular care being taken to insure that an owner's injection well is not placed in close proximity to an adjacent owners existing source well.
8. Expansion tanks, disconnect switches, well heads and other above-ground devices shall be surrounded by evergreen plants in order to screen these devices from view after installation.
9. Malfunction of wells, particularly the injection wells, shall be corrected immediately. Corrective measures may require an additional injection well to be located in the area of the first injection well and shall meet the requirements outlined above. Overflow or discharge of any water onto adjacent property or into any creek, lagoon, ditch, marsh or piped drainage system, is prohibited.

I. FLAGPOLES AND STATUARY ELEMENTS

Statuary elements are normally permitted only in the rear of the residential lot and within established building property line setback guidelines. Bright or glittering objects are not permitted. All plumbing and electrical fixtures associated with statuary elements also shall be adequately screened.

Flag or banner poles also are usually permitted only in the rear of the lot and not within 20 feet of the property line, with a maximum height of 25 feet above natural grade.

J. EXTERIOR LIGHTING

All exterior lighting must be approved by the ARB prior to installation. (See Section I, page 20 for more information.)

K. DECKS AND TERRACES

The design of decks and terraces must be coordinated with the design of the residence. Grade-level decks and terraces, i.e., those for which the floor surface is no higher than 24 inches above the average finished grade adjacent to the deck or terrace area are considered "horizontal structures" subject to the same setback requirements as for swimming pool decks (see Section II.A.). Elevated decks and terraces, i.e., those for which the floor surface is more than 24 inches above the average finished grade adjacent to the deck or terrace area are considered vertical construction and are, therefore, subject to the same setback distances as for house walls (as specified in Section I Table C.).

All open spaces beneath an elevated deck must be closed with lattice or other form of "open air" paneling between the outermost vertical posts or piers, and such vertical surfaces are to be screened by landscape planting.

All exposed vertical elements of a wooden deck or terrace, including benches, railings, and below-deck outside structure, must be stained/painted to match the house siding.

L. GAZEBOS AND CABANAS

Sea Pines covenants allow for the construction of one single-family dwelling and "one small one-story accessory building" on a residential lot. Setbacks for gazebos and cabanas will be the same as for the main house.