

BATTERY GAILLARD PROPERTY OWNERS ASSOCIATION, INC.

ARB Standards & Guidelines

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Battery Gaillard Property Owners Association, Inc.
ARB Standard & Guidelines

1.0 INTENT OF GUIDELINES

The following criteria created by Battery Gaillard Property Owners Association, Inc. (“Association”) are subject to revisions by the Board of Directors (“Directors”) and are to be used by the ARB (“ARB”) for reviewing and approving applications.

1.1 Design Objectives

Battery Gaillard is a privately developed subdivision off Highway 61, which enjoys breath-taking vistas and natural beauty.

In order to preserve the natural beauty of the community, homes should generally be unobtrusive in form and color and should complement their natural setting. No particular period, style, foreign or geographic influence or traditional approach is specifically enforced or discouraged. A low country look is recommended and stock house plans are discouraged.

This philosophy suggests that each home be treated not as an individual creation or architectural entity arbitrarily placed on its site, but rather as a carefully planned addition to the natural setting, embracing and becoming one with the site.

The ARB shall be the sole arbiter of all plans. The ARB may withhold approval for any reason, including pure aesthetic considerations.

1.2 Function of ARB

The Battery Gaillard Homeowner’s Association Restrictive Covenants (“Covenants”) delegate responsibility to the ARB for interpretation and enforcement of certain Covenants of the Association. The Covenants, restrictions and affirmative obligations are applicable to all properties in Battery Gaillard Subdivision.

The South Carolina Office of Coastal Resources and Management (“OCRM”) and the US Army Corps of Engineers (CORPS) have jurisdiction over some elements of the building process in Battery Gaillard. The Owner and his architect are solely responsible for compliance with OCRM and CORPS rules and regulations. These chiefly have to do with lots that border salt marsh and Lake Dotterer, which are considered as “critical areas” as well as regulation of structures near primary wetlands.

1.3 ARB Membership

The ARB membership shall consist of 3 members selected by the Board of Directors.

1.4 Purpose of Standards and Guidelines

The primary purpose of the Covenants and the foremost consideration in their origin has been the creation of a community which is aesthetically pleasing and functionally convenient. The establishment of objective standards relating to design, size and location of dwellings and other structures makes it impossible to take full advantage of the individual characteristics of each parcel of property and of technological advances and environmental values. For this reason such standards are not established by these Covenants. In order to implement the purpose of the

Covenants, the Association shall establish and amend from time to time objective standards and guidelines, which shall be in addition to the Covenants.

These “Standards and Guidelines” are intended to assist Battery Gaillard property owners during the design, construction and improvement of their Battery Gaillard residences. The standards are intended to protect the property values of all owners throughout the community, and the review procedures are intended to provide a systematic and uniform review for all construction requiring ARB approval. These “Standards and Guidelines” are amended from time to time as deemed necessary by the Directors.

1.5 Definition of a “Standard” and “Guideline”

A “Standard” is a specification or requirement which the ARB must insure full compliance. A waiver to deviate from a Standard will require a recommendation by the ARB and approval by the Directors.

A “Guideline” is a criteria to be used by the ARB in reviewing proposed construction activities. The Guidelines formed by these criteria is to insure a high level of consistency and equity in the action by the ARB in all instances. The guidelines also present to owners and architects the design and aesthetic expectations of the Homeowners Association.

2.0 DESIGN STANDARDS

After preparing the site analysis, the uniqueness of each becomes apparent. Because of this uniqueness, it becomes unlikely a residential design that was appropriate on one site will be equally appropriate for another site. Stock plans approved by the ARB are acceptable. However, the repetitive use of residential designs and stock plans is inappropriate and will not be accepted.

2.1 Setbacks; Single Family Homes

The Buildable area of every lot must be delineated to determine the portion of the lot upon which the house may be constructed. This area is sometimes specified by the easements and setbacks as may be recorded on the subdivision plat or in the Declaration of Covenants, Conditions, and Restrictions for Battery Gaillard ("Declaration"). As minimums and notwithstanding anything to the contrary contained in the Declaration, the ordinances, laws, rules and regulations of the City of Charleston and/or such other political subdivision with jurisdiction thereof, shall apply to front, side, rear setbacks, and OCRM buffers and setbacks from buffers, if such setbacks are greater than those set forth on the Subdivision Plat or in the Declaration.

IT IS IMPERATIVE THAT THE OWNER/ARCHITECT GET NECESSARY APPROVAL ON SPECIFIC SETBACKS BEFORE PROCEEDING BEYOND THE CONCEPTUAL STAGE.

Modest variances of up to 20% of the setback may be requested to save prominent trees or accommodate an unusually shaped lot. Variances are unique to the requested condition and as such are not precedent setting. Only variances specifically approved in writing shall be considered granted and valid. Adjacent neighbors must be advised in advance of variance request submittal to the ARB.

Front or Side yard adjoining a street	25 feet
Side Yard	9 feet
Rear Yard	25 feet
Side or Rear Yard adjoining a marsh	25 feet
Accessory Structure at Side or Rear Yard.....	3 feet

2.2 Building Size

The minimum square footage for lots is set forth in the Declaration. Building Heights shall be determined by the ARB based upon lot location, tree cover, neighboring homes and other factors affecting the site, but in no event shall such building heights exceed the maximum allowed under the applicable zoning and regulatory laws of the City of Charleston and/or such other political subdivision with jurisdiction thereof. Homes shall generally be from one to two stories in height with taller designs to receive approval from the Board **prior to Preliminary Review**. Particular attention should be given to the first floor elevation required by flood regulations adopted by Charleston County and Federal Emergency Management Act (FEMA). The Board will not approve any submittal which crowds the site and/or is out of context with other structures in the area. In general, designs in which the amount of the site covered by the house, including all decks, walkways, driveways, and other improvements, exceeds 35% of the total lot area will be disapproved.

2.3 Docks

Docks may be constructed only on such lots as are set forth in the Declaration and, with the exception of Lot 39, lots on which docks can be located shall have shared dock corridors as shown on the Master Dock Plan entitled "Battery Gaillard St. Andrews Parish Master Dock Plan City of Charleston, South Carolina", prepared by G. Robert George and Associates, Inc., dated April 1, 2005 and filed with the South Carolina Ocean and Coastal Resource Management. Notwithstanding the foregoing, there will be a Common Recreation Dock as shown on the said Master Dock Plan.

2.4 Support Facilities

The ARB requires that every elevated home have an enclosed first level, service area suitable for garbage, bicycles, etc. All exposed foundation piers or pilings must be covered by lattice work, louvers, or breakaway walls so that the understory is enclosed. Electric meters, air conditioner units and On-Demand hot water heaters must also be screened from view. Satellite dishes, solar panels, television antennas and radio antennas are subject to prior written approval by the ARB. Requests must include size and planned location. Clotheslines are not permissible.

3.0 DESIGN GUIDELINES

3.1 Architectural Designs

Home structures should be generally unobtrusive in form and color in order to complement their natural setting. Only after extensive site information has been collected and site development concepts have been formulated giving due consideration to neighboring properties can the building development be considered.

3.2 Building Form

The eventual building form of every residence should be a carefully planned addition to the material setting and embrace its site. Building shapes should provide interest and be compatible with neighbors. The roof-scape of each home should complement the design of the home, the natural surroundings and neighboring designs. Sloping roof pitches are preferred to be a minimum of 8/12 for functional and aesthetic reasons, but variances may be allowed by the ARB for elevated two-story homes. Homes must have at least a 36" minimum finished floor above adjacent grade and include a crawl space. Slab construction is not accepted for conditioned space.

3.3 Articulation

The aesthetic appearance of a residence obviously depends greatly upon the articulation of the siding, roofing, details, fenestration, walls and fences. Walls, fences and screens should be used to provide privacy, enclose service areas and HVAC units and to reduce the scale of large masses. Details at the soffit, fascia, base, corners, windows and decks should have common elements that help unify the appearance.

3.4 Materials and Colors

All exterior materials and colors should complement the surrounding environment. Color Samples for new construction shall be submitted to the Board for approval in advance of painting and staining. The use of garish and/or overly bright colors is uniformly prohibited. The use of natural woods, stucco and brick is encouraged. The ARB allows the use of high quality cement composite board (Hardi-plank or Semplank is recommended). No vinyl is allowed except in eaves and overhangs. Roofing material shall be wood shakes, wood shingles, dimensional fiberglass shingles, slate, tile or standing seam metal. Roof vents and accessories should be located away from the front elevation and painted to match the roof color.

3.5 Appurtenances

The proposed building of a dock or bridge into or across any natural or manmade water body must receive prior approval from the Board. Exterior lighting requires Board approval, and must be installed as to not to disturb neighbors or nearby traffic. The construction of game and play structures, as well as swimming pools are considered improvements and must be submitted to the Board.

4.0 LANDSCAPE GUIDELINES

Battery Gaillard's natural setting offers a unique environment which must be recognized and preserved as a framework for development. The Community's special natural environment is ecologically fragile and is difficult to replace once it has been disturbed.

The removal of any tree or any area of significant understory growth without the notification of, and permission being granted by the ARB is prohibited. The pruning of trees or understory growth in sensitive areas, without the Board's approval, is also prohibited. ("Sensitive Areas") include, but are not limited to, areas of -maritime forest, lake edges, marsh edges, and areas bordering defined wetlands. The following are guidelines which must be followed.

4.1 General

4.1.1 The entire site must be planned. If areas are to remain natural, it should be indicated on the plan.

4.1.2 Schematic or bubble diagrams may be used for preliminary plans.

4.1.3 Driveways, parking areas, and visually objectional elements such as service areas, storage yards, and utilities must be well screened from the street and adjoining lots.

4.2 Hardscape

4.2.1 Each lot is permitted to have only one driveway access from the street.

4.2.2 Driveways:

All residential Driveways shall be approved by the ARB and the City of Charleston and constructed pursuant to the following criteria:

- a.** Driveways shall be a minimum of ten (10) feet wide exclusive of connecting radii; driveways shall connect to the edge of existing roadway pavement at ninety (90) degrees plus/minus 10% with side radii having minimum radius of twelve (12) feet.
- b.** All driveway standards, design details, construction methods and materials shall be in accordance with applicable City of Charleston “Standards and Specifications”.

4.3 Exterior Lighting

4.3.1 The use of exposed, non-hooded spotlights will not be approved.

4.3.2 Lighting within street right-of-way is not allowed.

5.0 REVIEW PROCESS

5.1 Explanation of the Process

The ARB exists to review all building, remodeling, and/or alteration activity proposed in Battery Gaillard and to encourage high quality architectural design and characteristics appropriate to the surroundings and the special conditions of climate and environmental factors indigenous to the area.

This review process has been set up to establish a systematic and uniform review of proposed construction. Required drawings and submittal forms must receive Preliminary Approval before submission for Final Approval. All submittals to the Board for house construction are required to be made by an Architect or drawing must be in a form deemed to be acceptable by the ARB.

5.2 Preliminary Review (Application Forms available on Property Management website)

5.2.1 SITE ANALYSIS. A site analysis shall be presented at a scale of 1/8" = 1' or 1" = 10' depicting the site data gathered. The analysis should be drawn on a copy of the survey that shows property lines, easements, setbacks, contour lines, and other prominent, natural features.

5.2.2 DIMENSIONED SITE PLAN. Site plan at a scale of 1/8" = 1' or 1" = 10' shall show roof plan demonstrating conformity with all required easements and setbacks. Driveways and walks must be located along with the proposed service yard, HVAC units and electric meter. Driveways, garage backup areas, and guest parking areas should include the following area calculation: area of building footprint (all heated and unheated spaces, in square feet), area of all first floor deck stairs and porches, area of all driveways and walks, areas of improvements expressed as a percentage of the total lot area.

5.2.3 FLOOR PLANS. Floor plans at 1/4" scale shall be presented depicting the layout of spaces for all levels of the proposed building.

5.2.4 ELEVATIONS. Drawings shall be presented at 1/4" scale representing the view of all exterior sides of the proposed structure. Wood, Stucco and/or Masonry elements of all exterior walls shall be accurately and fully depicted.

5.2.5 PRELIMINARY STAKE OUT. The house shall be staked out on the lot with stakes. A string shall connect all stakes outlining the shape of the house. All trees proposed to be removed shall be tied about their circumference with red surveyor's ribbon.

5.2.6 COMPLETE PRELIMINARY REVIEW FORM. The Board will either grant Preliminary Approval or provide reasons for the rejection of the submittal, and normally will offer suggestions for improvement. A preliminary Approval is valid for (12) months from date of approval.

5.3 Final Review

5.3.1 FINAL STAKE-OUT. The preliminary stake-out must be updated reflecting changes, if any, in the location-of the house or driveway and any additional trees to be removed. No oak trees over 3" or other trees 6" in diameter at chest height may be removed or limbed at any time without prior Board approval. Extra care shall be taken by fencing to avoid injury to any trees not approved for removal.

5.3.2 COLOR SAMPLES. Proposed colors of all exterior materials including siding, trim, brick, roofing, stucco and lattice shall be submitted on actual samples of materials proposed for use.

5.3.3 LANDSCAPE PLAN. Plans drawn to scale of 1/8" = 1' or 1" = 10' must convey a scale representation of all planting material, identified as to size, common name, and variety. Plans should also show location of walks, fences, pools, and decks. Adequate plant or lattice screening shall be provided for HVAC units, service yards, trash enclosures, open areas as of the homes ground level structure, and electric meters.

5.3.4 FLOOR PLANS. Floor plans shall be drawn at 1/4" scale containing all information necessary for construction.

5.3.5 ELEVATIONS. Drawn at 1/4" scale, elevations shall accurately represent the view of all sides of the house. Floor elevations must be delineated and existing and proposed grade levels must be shown. All exterior materials must be labeled.

5.3.6 ELECTRICAL AND MECHANICAL PLANS. Plans submitted at 1/4" scale showing necessary information. Charleston County requires plumbing and electrical riser diagrams for homes in the "V-Zone". Electrical Plans must show the meter location and mechanical plan must show enclosed First floor and HVAC area.

5.3.10 DETAILS:

- Typical wall section
- Exterior trim
- Window and door details
- Exterior walls, fences, or screens
- Railings and/or seating
- Screen porch section
- Patio wall, as appropriate

5.3.11 SPECIFICATIONS. A full set of specifications must be submitted defining the quality of all work and materials.

5.3.12 COMPLETED FINAL REVIEW FORM. If the Board fails to grant Final Approval of the project, it will designate items to be corrected or resubmitted. If the Board grants Final Approval, appropriate permits and licenses will be required before construction commences.

5.4 Design Changes

Any changes to the approved drawings must be approved in writing by the ARB prior to implementation. A Design Change form must be submitted describing the planned change and reason for the request. Failure to seek approval prior to field changes may result in fines, construction delays, and/or correction of the unapproved installation.

5.5 Improvements

No alteration, including constructive maintenance, painting, staining, or reroofing, affecting the exterior appearance of any building, structure, or landscape shall be made without prior approval of the ARB. A request for approval must be submitted to the ARB including applicable fees, review forms, drawings if necessary to define the proposed improvement, and color samples. Additions also require a site stake-out. Adjacent neighbors must be advised in advance of improvements that affect common property lines, including but not limited to fences and courtyard walls.

6.0 SIGNAGE GUIDELINES

All signs related to construction must be uniform in size, construction and must be well maintained. Each sign must be submitted to the ARB for approval prior to installation.

The use of any sign, including those for the purpose of identification, renting, or selling of a property, is prohibited unless approved, in advance, by the ARB. Owner's names, house names and lot numbers shall be discrete and must be approved by the ARB before placed on the front of homes.

The Developer or its agent is allowed to place normal professional "for sale" signs within the development on both lots and homes during the new construction phase.

7.0 CONSTRUCTION GUIDELINES

7.1 Before Construction

After completing the review process and receiving Final Approval of the stake-out and construction documents from the ARB, several steps shall be followed before any lot clearing, material deliveries, or construction may begin.

Every job site must contain a job sign which will be approved by the ARB. A schedule of fees is provided in item 9.0.

An ARB Building Permit must be obtained for all renovations and new construction. Two (2) sets of the construction drawings and specifications and one (1) site plan must be stamped by the

ARB. These are required by the City of Charleston before the City will issue Building Permits. Owner must pay to the ARB the fees set forth in Article 9 herein.

All Builders and/or Contractors shall provide to the ARB a copy of their Certificates of Insurance and a copy of their South Carolina residential builder's/contractor's license.

The receipt of this Permit does not preclude the necessity of also obtaining a City of Charleston Building Permit. Both permits are required for construction along with any additional permits that may be necessary from other agencies (e.g., to build a dock, approval must be obtained from the OCRM).

In summary the following steps shall be completed before construction may begin:

7.1.1 Submit to the ARB two (2) sets of approved construction drawings and specifications and one (1) site plan for stamping with completed Construction Form and construction bond check and non-refundable Review fee.

7.1.2 Provide Certificate of Insurance to ARB and South Carolina residential builder's/contractor's license.

7.1.3 Obtain Battery Gaillard Building Permit from ARB.

7.1.4 Install on site job sign that has been approved by the ARB.

7.1.5 Obtain City of Charleston Building Permits (Battery Gaillard may require other permits in special situations.)

7.1.6 Post Building Permits at job site.

7.1.7 Place dumpster and portable toilet on job site; provided, however that if a builder is constructing more than one residence in Battery Gaillard, that builder may be allowed to share a dumpster and portable toilet between those job sites.

7.2 During Construction

All construction on Battery Gaillard will be under constant observation by the ARB. Each construction site is required to have a job toilet for the use of the workers. It must be placed at least twenty-five (25) feet from the street in an inconspicuous location with the door facing away from the street and neighboring homes.

Fires are not permitted on residential construction sites under any circumstances. It is imperative that all sites be maintained in a clean and tidy manner. All construction materials must be kept within the property lines maintaining a clear street right-of-way. Untidy sites are unnecessary and are unattractive to visitors and property owners. This requirement shall be strictly enforced. Should the ARB determine, in its sole discretion, that a site is not being maintained properly, it may undertake to have it maintained properly and will deduct the cost from the Construction Deposit.

Temporary utilities should be installed in a neat manner. The temporary power pole must be at least 15 feet from the front property line and must be installed plumb and must not be used for the placement of signs.

In summary, residential construction sites must contain the following:

- 7.2.1 Commercial dumpster
- 7.2.2 Job toilet
- 7.2.3 Temporary utilities
- 7.2.4 Standard job sign (with permits)

7.3 After Construction

7.3.1 When the Construction of a residence has been completed, the owner and contractor must satisfy several requirements before Final Inspection. These requirements include submittal of an as-built survey showing footprint of structures, paving, and setbacks. See Final Inspection Form for a complete list of requirements.

7.3.2 The construction of the residence shall be completed and the landscaping shall be installed conforming to the plans previously approved by the Board. Any unauthorized changes must be corrected before Final Inspection.

7.4 General Regulations

7.4.1 All builders of residences on Battery Gaillard must be licensed by the State of South Carolina. At a minimum, a S.C. residential builder's license is required. All builders must also have a City of Charleston business license. Construction workers are allowed access to and from the construction site only and are strictly forbidden from riding around the community.

7.4.2 The maximum hours allowed for construction personnel will be 7:00 a.m. to 7:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday. No residential construction work will be performed on Sundays or national holidays.

7.4.3 The conduct of all workmen is the responsibility of the General Contractor. Loud cars and speeding are not permitted in the community. All construction vehicles must be parked on the construction site or in ARB designated areas. Workers are required to wear shirts and shoes at all times. Loud music from radios will not be permitted.

7.4.4 The construction of all residences must be completed within one year of the later of the date of issuance of the Battery Gaillard Building Permit or the City of Charleston Building Permit with all exceptions requiring special Board approval.

7.5 Site Inspections

7.5.1 Three mandatory field inspections will be conducted by the ARB on every residence under construction.

First Inspection – location of the structure within the site. A foundation survey depicting location of the setbacks and distances from foundation corners to property lines must be submitted prior to first floor framing to facilitate.

Second Inspection – color samples. A sample board must be placed on the site for review of all proposed materials and colors. A Color Form must be submitted to facilitate review.

Third Inspection – final inspection of building and landscape.

7.5.2 Special Site Inspections

A special inspection of a specific site will be made upon receipt of a written request for such an inspection which cites a specific violation.

7.5.3 Violations

Violations which are discovered at a site will be photographed and described on a memo report form.

7.5.4 Notice

A notice will be sent to the contractor for the first violation of the Construction Guidelines requesting correction of the violation prior to the next regularly scheduled inspection. (Copies will be sent to the owner.)

7.5.5 Fines

Once one notice has been sent to the contractor and owner, all future violations of the Construction Guidelines and all unauthorized exterior changes to the approved building plan will be photographed/written up on a report, and a fine in the amount set forth in Article 12 herein levied against the deposit posted and, if the deposit is insufficient to cover such fines, against the owner of the lot as an additional assessment, collectible in accordance with the Declaration. A copy of the report will be sent to the contractor and owner.

7.5.6 Each Violation

Each violation which is not corrected by the following routine inspection will be again photographed, written up and a new fine will be posted.

7.5.7 Appeals

Appeals of the fines must be made in writing to the full Battery Gaillard Board of Directors.

7.5.8 Legal Action

The Board may elect to pursue legal action if it feels that is appropriate for violation of these standards and guidelines. The Board shall be entitled to collect from the owner and/or contractor all fines, and attorneys' fees and costs for pursuing violations.

8.0 FEE AND FINE SCHEDULE

8.1 New Residence: The non-refundable review fee shall be \$600.00 and the construction deposit shall be \$2,500.00.

8.2 Major Alterations or Additions or include but are not limited to garages, pools or spas, gazebos or boat houses, decks or porches, docks or bulkheads. The non-refundable review fee shall be \$300.00 and the construction deposit shall be \$500.00.

8.4 Minor Alterations (not changing the foot print, e.g., windows, doors, skylights) include fences, walls to enclose service yards, painting and are not subject to a fee.

8.5 Schedule of Fines

The following fines are per occurrence:

8.5.1	Littered site	100.00
8.5.2	Parking on right-of-way	50.00
8.5.3	No temporary sanitary facilities	50.00
8.5.4	Contractor/Subcontractor misconduct	100.00
8.5.5	Building material or equipment on right-of-way	100.00
8.5.6	Damage to right-of-way and/or landscape	500.00
8.5.7	Parking on adjacent property	100.00
8.5.8	Building material/equipment on adjacent property	100.00
8.5.9	Non-conforming job sign	100.00
8.5.10	Damage to natural areas	500.00
8.5.11	Burning without a permit	200.00
8.5.12	Unauthorized plan change (minor)	200.00
8.5.13	Unauthorized plan change (major)	500.00
8.5.14	Building without a permit	500.00
8.5.15	Damage to sidewalks, bike paths and curbs that is not corrected by the time of issuance by the City of Charleston of a final certificate of occupancy	500.00

*The fine for unauthorized finishes (paint, stain, roof material, etc.) shall be **TOTAL CONSTRUCTION DEPOSIT PLUS FUTURE PERMIT HOLD**.

*ARB will assess fines on a case by case basis and may pursue legal action if necessary. Repeated offenses will result in cease and desist orders from the Association and the barring of a repeat offender, whether an owner or a builder, from further building in the subdivision.

*The amounts of the fines given above are subject to periodic increases at the sole discretion of the ARB and they will supersede those set forth above on the date they are approved by the ARB. The receipt of fines by the Association is not in lieu of any other remedies available to the Association for violations of the ARB Standards & Guidelines or the Declaration.

Dated this _____ of _____, 2013.

Battery Gaillard Property Owner's Association, Inc.

By: _____
Matt Giacalone
President, Battery Gaillard POA