



Eagle's Pointe

PROPERTY OWNERS' ASSOCIATION, INC.

ARCHITECTURAL DESIGN STANDARDS

February 2006

October 2007

April 2008

March 2009

July 2009

September 2013

February 2017

April 2017

March 2018

**ARCHITECTURAL
DESIGN STANDARDS**

TABLE OF CONTENTS

I.	Purpose, Powers and Duties of the Architectural Control Committee	1
II.	Architectural Design Standards Scope	1
III.	Administrative Procedures	2
IV.	Submission of Plans and Specifications	
	A. Submission of Plans	2
	B. Design Submittals	3
	C. Refundable Deposits	3
	D. Disposition of Construction Deposit	3
V.	Approval or Disapproval of Plans and Specifications	
	A. Obligation to Act	4
	B. Written Notification	4
	C. Approval	4
	D. Disapproval	4
	E. Disclaimer as to ACC Approval	5
	F. Construction	5
	G. Inspection Rights	5
	H. Violations	6
VI.	Specific Design Guidelines	
	A. Maintenance	6
	B. Erosion Control	6
	C. Landscaping	7
	D. Signs	7
	E. Setbacks	8
	F. Fences	8
	G. Driveways	9
	H. Clotheslines, Garbage Cans	9
	I. Recreation Equipment	9
	J. Dog Runs, Storage Sheds	10
	K. Solid/Liquid Waste	10
	L. Mailboxes	10
	M. Antennas and Satellite Dishes	11
	N. Swimming Pools, Spas, Hot Tubs	11
	O. Propane Tanks	11

**ARCHITECTURAL
DESIGN STANDARDS**

TABLE OF CONTENTS (CONT'D)

P. Decks, Terraces, Patios and Screened Porches.....	12
Q. Flag Poles.....	12
R. Exterior Lighting, Holiday Lighting and Decorations.....	12
S. Roofs.....	13
T. Painting, Repainting or Restraining	13
U. Improvements and Renovations	13
V. Home Replacement.....	13
W. Parking and Related Restrictions.....	14
X. Nuisances	14
Y. Garage Sales	15
Z. Estate Sale.....	15
AA. Solar Panel.....	15
BB. Rain Barrels.....	15

Appendix 1 Fines

Exhibits

- A. Exhibit 1: Architectural Control Committee Submittal Form
- B. Exhibit 2: Architectural Control Committee As-Built Inspection Form
- C. Exhibit 3: Notice of Violation (back and front)
- D. Exhibit 4: ACC Request for Board Action
- E. Exhibit 5: Approved Shutter and Front Door Colors for Eagle's Pointe

I. Purpose, Powers and Duties of the Architectural Control Committee (ACC)

The purpose of the ACC is to review and approve any proposed installation, construction or alteration of any structure on any home site.

All plans shall be submitted to the ACC for approval:

- A.** As to whether the proposed installation, construction or alteration is in conformity and harmony of external and general quality with the existing Community-Wide Standard;
- B.** As to the location of structures and with respect to topography, finished ground elevation and surrounding structures.

To the extent necessary to carry out such purpose, the ACC shall have all the powers and duties to each and every thing necessary, suitable, convenient or proper for, or in connection with, or incidental to, the accomplishment of such purpose, including, without being limited to, the power and duty to approve or disapprove plans and specifications for any installation, construction or alteration of any structure on any homesite.

II. Architectural Design Standards Scope

- A.** The ACC may from time to time adopt, promulgate, amend, revoke and enforce guidelines (the Design Standards) subject to Board of Directors review and approval for the purposes of:
 - 1.** Governing the form and content of plans and specifications to be submitted to the ACC for approval pursuant to the provisions of these Design Standards and the Declaration of Covenants, Conditions and Restrictions for Eagle's Pointe.
 - 2.** Governing the procedure for such submission of plans and specifications.
 - 3.** Establishing guidelines with respect to the approval and disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of structures and all other matters that require approval by the ACC pursuant to these Design Standards and the Declaration of Covenants, Conditions and Restrictions for Eagle's Pointe.
 - 4.** Assuring the conformity and harmony of external design and general quality of the Eagle's Pointe development.
- B.** The ACC may publish copies of any current Design Standards adopted by it. They shall be made readily available to members and prospective members of the Association and to all applicants seeking the ACC's approval.

III. Administrative Procedures:

The ACC may establish and from time to time amend its administrative procedures. In general the procedure will be as follows:

- A. The ACC will meet on a schedule determined annually by the board and the ACC chair(s). Special meetings may be called from time to time when necessary.
- B. All changes and/or amendments to these Design Standards proposed by the ACC must be ratified by the Eagle's Pointe Board of Directors before being adopted.

IV. Submission of Plans and Specifications

A. Submission of Plans:

No structure shall be commenced, erected, placed, moved onto or permitted to remain on any homesite. No existing structure upon any homesite may be altered in any way which materially changes the exterior appearance of the structure or homesite. This includes the paint color and roof shingles of any dwelling, unless plans and specifications therefor shall have been submitted to and approved in writing by the ACC. Such plans and specifications shall be submitted to the ACC at least two (2) weeks prior to the next ACC meeting along with the appropriate application form (see Exhibit I, "Eagle's Pointe Architectural Control Committee Submittal Form") and any required deposit (see Section IV C). The application should contain such information as required by the ACC, including and without being limited to:

1. A site plan showing the location of all proposed and existing structures on the homesite including building setbacks, open space, driveways, walkways, parking spaces and all siltation and erosion control measures;
2. A foundation plan;
3. A floor plan;
4. Exterior elevations of all proposed structures and alterations to existing structures as such structures shall appear after all backfilling and landscaping are completed;
5. Specifications of materials, color scheme, lighting scheme and other details affecting the exterior appearance of all proposed structures and alterations to existing structures;
6. Plans for landscaping and grading;
7. Plans for in-ground pools, spas, hot tubs, fencing and pool equipment location on site plan.

B. Design Submittals:

Design submittals will constitute the only basis for conclusive action by the ACC and must adequately reflect to the ACC the true design quality of the proposed work. The

owner or his/her representative may be present to discuss the previously submitted design submittals at the ACC meeting.

Golf course management shall have the right to review and approve all such submittals that involve a permanent or temporary structure that is within any setback (side or rear) of any lot contiguous to the golf course. Such submittals shall be provided to the ACC in duplicate. It is the responsibility of the ACC to forward one copy to the golf course management for its approval. Such approval shall not be unreasonably withheld. Said review and approval shall occur concurrently with the review of all submissions to the ACC. If written communication is not received from the golf course management within 15 days of receipt of the plan submitted, the plan shall be deemed approved by the golf course management.

C. Refundable Deposits

A construction deposit (**check**) is required to be paid with the submittal form. (Exhibit 1)
Fees:

Pools/spas/exterior construction such as sunrooms, Screened porches, decks, or room additions	\$300.00
Fencing, including service yards	\$100.00

D. Disposition of Construction Deposit

Upon as-built inspection by the ACC:

1. If any deviation from the project as it was approved by the ACC is discovered, the deposit shall be withheld until the deviation is corrected.
2. If any damage to common property occurs as a result of the construction of the project, the deposit shall be withheld until the common property is repaired to the satisfaction of the Eagle's Pointe POA.
3. Should any deficiency as noted in Paragraph D1 or D2 above not be corrected within 30 days of notice to the homeowner, unless an extension of time is requested and approved by the ACC, the construction deposit shall be forfeited and the required corrections made by the Eagle's Pointe POA at the owner's expense.
4. If no deficiencies are found, the deposit will be destroyed by Bundy Management.

V. Approval or Disapproval of Plans and Specifications:

A. Obligation to Act:

Upon receipt of all items required for review, the ACC must take action and notify the owner, in writing or email, on any plans and specifications submitted as herein provided within thirty (30) days after receipt thereof. ACC approval of an owner design submittal shall have occurred when the ACC Chair or Co-chair confirms that agreement for the design has been received from a simple majority of the ACC membership. Approval by the ACC, if granted, together with all conditions imposed by the ACC, shall be placed in writing on the plans and specifications and shall be returned to the applicant. A copy of the written decision shall be maintained by the association. (CC&R, Section 6.04)

B. Written Notification:

Applicants will be notified in writing or email of all decisions of the ACC within ten (10) working days of the ACC meeting. The applicant may, within ten (10) days after receipt of notice of any decision which he/she deems unsatisfactory, file a written request to have the matter in question reviewed by the ACC. Upon the filing of any such request, the matter with respect to which the request was filed shall be submitted to and reviewed promptly by the ACC, but in no event later than thirty (30) days after the filing of such request.

C. Approval:

Approval for use, in connection with any homesite or structure, of any plans and specifications shall not be deemed a waiver of the ACC's right, in its discretion, to disapprove similar plans and specifications or any of the features or elements included therein if such plans, specifications, features or elements are subsequently submitted for use in connection with any other homesite or structure. Approval of any such plans and specifications relating to any homesite or structure, however, shall be final as to that homesite or structure and such approval may not be revoked or rescinded thereafter, provided that there has been adherence to and compliance with such plans and specifications as approved and any conditions attached to any such approval.

D. Disapproval:

The ACC shall have the right to disapprove any plans and specifications submitted pursuant to these Design Standards for any of the following reasons:

1. The failure to include information in such plans and specifications as may have been reasonably requested;
2. The failure of such plans or specifications to comply with the Eagle's Pointe CC&Rs or these Design Standards;
3. Any other matter which, in the judgment of the ACC, would be likely to cause the proposed installation, construction or alteration of a structure (i) to fail to be in conformity and harmony of the external design and general quality with the Eagle's Pointe community, or (ii) as to location, to be incompatible with

topography, finished ground elevation and surrounding structures. In any case in which the ACC shall disapprove any plans and specifications submitted hereunder, or shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the grounds upon which such action was based. In any such case the ACC shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal may be prepared and submitted for approval.

E. Disclaimer as to ACC Approval:

Plans and specifications are not reviewed for engineering or structural design or quality of materials, and by approving such plans and specifications neither the ACC, the POA, nor the members thereof assumes any responsibility for any defect in any structure constructed from such plans and specifications. Neither the Eagle's Pointe POA, nor the ACC, the Board, or the officers, directors, members, employees and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any owner of property affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every owner agrees that he/she will not bring any action or suit against the Eagle's Pointe POA, the ACC, the Board or the officers, directors, members, employees, and agents of any of them to recover any such damages and hereby releases, remises, quit-claims, and covenants not to sue for all claims, demands and causes of action arising out of or in connection with any judgment, negligence, or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of the action not known at the time the release is given.

F. Construction:

All construction shall be completed within 90 days of commencement unless an extension is requested and is granted by the ACC.

G. Inspection Rights:

Any employee or agent of Eagle's Pointe POA or the ACC may, after responsible notice, at any reasonable time or times, enter upon any homesite and structure thereon for the purpose of ascertaining whether the installation, construction, alteration or maintenance of any structure or the use of any homesite or structure is in compliance with the provisions of these Design Standards. Neither the Eagle's Pointe POA, nor the ACC, nor any such agent shall be deemed to have committed a trespass or other wrongful act solely by reason of such entry or inspection, provided such inspection is carried out in accordance with the terms of this section.

Such inspection shall be at a time and date as mutually agreed upon by the property owner and the ACC. The property owner may require that he/she be present during such inspection.

H. Violations:

If any structure shall be erected, placed, maintained or altered upon any homesite, other than in accordance with the plans and specifications approved by the ACC pursuant to the provisions of these Design Standards, such erection, placement, maintenance or alteration shall be deemed to have been undertaken in violation of these Design Standards and without the approval required herein. If in the opinion of the ACC, such violation shall have occurred, the ACC shall notify the Eagle's Pointe POA Board. If the Board shall agree with the determination of the ACC with respect to the violation, then the Board shall provide written notice to the owner by certified mail, setting forth in reasonable detail the nature of the violation and the specific action or actions required to remedy the violation. If the owner shall not have taken reasonable steps toward the required remedial action within thirty (30) days after the mailing of the aforesaid notice of violation, then the Eagle's Pointe POA shall have the Right of Abatement as provided in Section 9.0, titled "Right of Abatement," of the Eagle's Pointe CC&Rs.

The written notice of any violation deemed to have occurred shall be "Notice of Violation" form (see Exhibit 3). As noted on this form, a "right to cure" time limit is imposed and an appeal process is delineated.

VI. Specific Design Guidelines:

The specific design guidelines are intended to clarify or expand on Article VI of the General Covenants, Conditions and Restrictions, beginning on page 33 of the CC&Rs.

A. Maintenance:

Each owner shall keep and maintain his/her homesite and structure in good condition and repair, including, but not limited to:

1. Repairing and painting (or other appropriate external care) of all structures.
2. Seeding, watering and mowing of all lawns.
3. Pruning and trimming of all trees, hedges and shrubbery so that the same are not obstructive of a view by motorists or pedestrians of street traffic.
4. Maintaining the landscaping on their homesite including that which is located between the roadway and the sidewalk.
5. Removing mold/mildew to maintain a clean exterior appearance.
6. Before removing any dead trees please submit the appropriate form to the ACC. It is strongly recommended that a licensed and bonded tree company is used.

B. Erosion Control:

No activity which may create erosion or siltation problems shall be undertaken on any homesite without the prior submittal of the appropriate form (see Section IV) and without the written approval of the ACC of plans and specifications for the prevention and control of such erosion or siltation. The ACC may, as a condition for approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation. Such means may include (by way of example and not of limitation) physical devices to control the run-off and drainage of water, special precautions for grading and otherwise changing the natural landscape and required landscaping as provided for in Section VI.C herein.

C. Landscaping:

The ACC restricts the use of any artificial landscaping including, but not limited to fountains, birdbaths, statuary, etc. to (4) feet in height. Structures exceeding four (4) feet in height require ACC approval.

The ACC restricts the use of natural boundary fencing or hedges. Any such natural boundary fencing or hedges is limited to the rear yard only. The height of any natural boundary fence or hedge is limited to four (4) feet above the natural grade. Plans for any natural boundary fence or hedge must be submitted on the appropriate form (see Section IV), have written approval by the ACC and conform to the following guidelines:

1. At the driveway entrance, for reasons of safety, plantings which obstruct sight lines (between 2' and 6' above streets and roadways) shall not be permitted.
2. Tree removal permits are granted by the ACC after the appropriate submittal form has been submitted.

The ACC encourages the addition of natural landscaping (flowers, trees, shrubbery, etc.) to enhance the appearance of the community and will regulate only the landscaping addressed in the CC&Rs and these Design Standards.

D. Signs:

1. Homesite Signage:

- a. No signs whatsoever shall, without the ACC's prior written approval of plans and specifications therefor, be installed, altered or maintained on any homesite or on any portion of a structure visible from the exterior thereof except such signs as may be required by legal proceeding.
- b. "For Sale" signs on any homesite or structure are prohibited. However, informational tubes with home specifications are permitted to be attached to mailbox posts.

- c. Other signs, such as those for the sale of goods or services, are prohibited.
- d. Homeowners and Sales agents may hold an “Open House” **only** on Saturday and/or Sunday from **10:00 AM** to 4:00 PM. Signs are permitted within 30 minutes prior to and 30 minutes after the completion of the open house. **Three (3)** directional signs may be used, one at the front gate and one at the street corner. Only one “Open House” sign is permitted in the yard of the property. These “Open House” signs do not require prior approval by the ACC.

E. Setbacks:

- 1. Each dwelling erected on a homesite is situated on such homesite in accordance with the building and setback lines shown on the recorded plat. For purposes of this section, all uncovered porches, patios, decks, shutters, awnings, eaves, gutters and other such overhangs will not be considered in violation thereof, even though such structure shall extend beyond the said building and setback lines.
- 2. In approving plans and specifications for any proposed structure, the ACC may establish setback requirements for the location of said structure.
- 3. Fences may extend beyond the setback lines but should connect to an existing fence to prevent gaps. Neighboring homeowners should be consulted prior to erecting a fence on a property line. Written approval from adjoining homeowners should be included in the application request.

F. Fences:

- 1. No fence or wall of any kind shall be erected, maintained, or altered on any homesite without the prior written approval of the ACC. Wood, plastic or chain-link fences are not permitted. Invisible fences for animal control are permitted and do not require ACC approval. All other fences shall:
 - a. Be black in color;
 - b. Be made of aluminum, metal or wrought iron;
 - c. Be four (4) feet in height, except when enclosing a pool area. The fence may then be five (5) feet in height to meet the minimum insurance requirements.
- 2. All applications for fences shall be submitted on the appropriate form with the required deposit (see Section IV C) and must include the following:

- a. Site plan, showing the property boundaries and house footprint marked to clearly indicate the location of the fence and all gates.
- b. Specifications indicating the fence material.
- c. Name and phone number of the builder/installer.

G. Driveways:

No driveway shall be constructed or altered on any homesite without the prior written approval of the ACC. The request must be submitted on the appropriate application form. Any driveway sealant must be approved by the ACC before application to the driveway.

H. Clotheslines, Garbage Cans, Window Air Conditioning units etc.:

Clotheslines and window air conditioning units are not permitted. All equipment and garbage cans must be kept in a garage, ACC-approved service yard or screened by adequate planting or approved fencing so as to conceal them from view by neighboring residences and streets. A service yard enclosure must be four (4) feet high with solid sides and no slats or lattice work. Color can be white or painted to match the siding on the residence. If plantings are used they should be at least four (4) feet high and able to fully conceal garbage cans and equipment from view by neighboring residences or streets.

I. Recreation Equipment:

Recreational and playground equipment standing five (5) feet but not taller than 10 feet may not be placed or installed upon a homesite without approval by the ACC. Tree houses and tree swings are not permitted.

Recreational and playground equipment, with the exception of basketball goals, must be placed in the rear of the home and must remain behind the rear corners of the homesite. All recreational and playground equipment is subject to ACC maintenance standards.

1. Recreational and playground equipment including trampolines may not be placed or installed upon a home site without the approval of the ACC and may not be attached to the dwelling.
2. Rental playground equipment such as inflatable play equipment, carousels, and party tents does not require approval by the ACC and may be set up for a period of time not to exceed 72 hours.
3. Basketball goals over three (3) feet must be portable and located so that any use thereof will not affect public roadways. Basketball goals smaller than three (3) feet must be stored in accordance with the Design Standards (see Section VI, H) when not in use.

4. Plastic slides, sandboxes, and playhouses smaller than five (5) feet may be placed in the backyard of any home site.
5. All recreational and playground equipment standing five (5) feet but no taller than 10 feet must:
 - a. Be made of wood;
 - b. Be natural or earth tone (no painted wood);
 - c. Have canopies or covers that are earth tones or dark in color.

J. Dog Runs, Storage Sheds, etc.:

1. Dog runs, storage sheds, including dog houses, are not permitted. No Applications will be accepted.

For their safety, well-being and protection, all animals must be sheltered within the home except when the owner or designated person is present on the premises.

2. Temporary moving containers (PODS) and temporary moving vehicles may remain on the owner's property for up to 7 days.

K. Solid/Liquid Waste:

1. No person shall dump rubbish, garbage or any other form of solid/liquid waste on any homesite or on common property.
2. No person shall burn rubbish, garbage or any other form of solid/liquid waste on any homesite or on common property.
3. Except for building materials employed during the course of construction of any structure approved by the ACC, no lumber, metals, bulk materials or solid/liquid waste of any kind shall be kept, stored or allowed to accumulate on any homesite unless screened or stored in the garage.
4. If rubbish, garbage or any other form of solid/liquid waste is to be disposed of by collection on a regular and recurring basis, containers may be placed in the open on the day of such pick-up. At all other times, such containers shall be stored in the garage, approved service yard or screened by adequate planting or approved fencing so as to conceal them from view by neighboring residences and streets.

L. Mailboxes:

Homeowners may make no alteration to the structure or color of the mailbox or post. All mailboxes and mailbox supporting posts shall be similar in design, and color (green) as those that presently exist throughout Eagle's Pointe. Two sizes of mailboxes are approved for Eagle's Pointe; Standard (T1) size and Large (T2) size.

Mailbox house numbers (required) shall be white vinyl, 2.5 inches high and name lettering (optional) shall be white vinyl 0.5 to 0.75 inches high. A change from the current T1 size to a T2 size mailbox requires ACC approval. Additionally the newspaper box on the support post must be widened to match the larger T2 size mailbox. Any other changes in mailbox design, color, lettering style or embellishments are not permitted.

M. Antennas and Satellite Dishes:

1. Satellite dishes that do not exceed 36 inches in diameter may be erected and maintained on the property. The appropriate application form (see Section IV) must be submitted to the ACC for written approval of location only. The application must include the location of the dish on the owner's original site plan or elevation plan (if it is to be located above grade level). While it is understood that the placement of the satellite dish is reception sensitive, every effort should be made to locate the dish in such a place that its view from the street is minimized.
2. Other than 1 above, no television antenna, radio receiver, sender or other similar device may be attached or installed on the exterior portion of the property within Eagle's Pointe.
3. No exterior speaker, horn, whistle, bell or other sound device which is unreasonably loud or annoying, except devices used exclusively for security purposes, shall be located, used or placed upon lands within Eagle's Pointe.

N. Swimming Pools, Spas and Hot Tubs:

No swimming pools, spas or hot tubs shall be constructed or placed on any homesite unless plans, specifications and location for said structure have been submitted on the appropriate application form (see Section IV) along with the required deposit (see Section IV.C) for written approval by the ACC. The following shall apply:

1. Pool equipment shall be screened by natural vegetation;
2. The top of the pool construction may not be over two (2) feet above the existing grade unless it is integrated in to the terraced construction and approved by the ACC.
3. Backwash is not permitted to be discharged into the sanitary sewer system or storm water sewer system or onto the golf course and must be contained on the lot.
4. All pools are required to have fencing in accordance with Section VI.F herein or be enclosed within an approved lanai.

O. Propane Tanks:

Propane tanks may be located above ground or underground and must meet the requirements of the NFPA Document 58 administered by the Office of the South Carolina Fire Marshall. Tanks must be screened by natural vegetation and require approval by the ACC. Requests must be submitted on the appropriate application form (see Section IV). Propane tanks for barbeque units do not require ACC approval.

P. Decks, Terraces, Patios and Screened Porches and Additions:

1. Decks, terraces, patios and screened porches shall be designed as an extension of the architecture of the house and shall use compatible materials matching the existing exterior elevation where it is attached, such as hardiplank, stucco, etc. The appropriate application form (see Section IV) and required deposit (see Section IV.C) must be submitted to the ACC for written approval.
2. Screened porches may include arbors (with glass or polycarbonate roofs), screened roofs or a combination thereof,
 - a. Screened enclosures that would extend beyond the existing footprint of the home must be submitted to the ACC for approval prior to any construction.
 - b. Any request for screened enclosure/swimming pool must include written approval from neighbors that have adjoining property.
 - c. Any request for screened enclosure/swimming pool that faces the golf course must include written approval from the management company of the golf course.
 - d. All requests will conform to the Declaration of Covenants, Conditions and Restrictions including those on pages 1597-1603 of said document.
 - e. All requests will conform to the current Architectural Design Standards.
3. Screened additions with shingled roofs and/or skylights may extend beyond the existing foundation of the home with ACC approval.

Q. Flagpoles:

Flagpoles shall be portable and removable. They shall not exceed 20 feet in height and shall be confined within the sides of the home extended on either the front or rear yard within the building setback lines.

R. Exterior Lighting, Holiday Lighting and Holiday Decorations:

1. Exterior lights must be installed to avoid glare from light sources to neighboring properties.
2. Landscape lighting used to accentuate a home, its driveways, pathways and vegetation should be subdued and subtle.
3. Colored exterior lighting is not permitted.
4. Holiday lighting and holiday decorations do not require ACC approval. All holiday lighting and decorations may not be installed more than 30 days prior to such holiday and must be removed within 30 days after such holiday.

S. Roofs:

Requests for changes in roofing material or color require ACC approval and must be submitted on the appropriate application form (see Section IV). Re-roofing or roof repair using similar materials and color do not require ACC approval but must match existing roof. (As a reference the approved colors are Weatheredwood, Sablewood and Antique Slate as offered by Elk Premium Building Products.)

T. Painting, Repainting or Restaining:

Changes in house color or trim from the original, approved color must be submitted to the ACC for approval. Work may not be commenced until the applicant has received approval from the ACC. Repainting or re-staining the same, approved, original color does not need to be submitted to the ACC for approval. Touchup painting and/or touchup staining a home in the original, approved color does not require ACC approval.

U. Improvements and Renovations:

1. Alterations, including painting or staining, that affect the exterior appearance of a building, structure or landscape require prior approval by the ACC. Requests must be submitted on the appropriate form and should include drawings depicting the proposed changes, color samples and a copy of the site plan (where applicable). Work may not be commenced until the applicant has received approval from the ACC.
2. Repairs or replacements as a result of storm or other damage do not require ACC approval if the repairs return the structure to its original look prior to the damage. If the repairs or paint colors change the look of the house from the original or if additions are made, they require ACC approval. The replacement styles and materials used must

conform to existing styles and materials already used in the development.

V. Home Replacement:

In the event that a home is damaged beyond repair due to a catastrophic event, i.e., fire or natural disaster, it shall be rebuilt to the same specifications as the original plan or another existing model in the Eagle's Pointe community. If the home is rebuilt to the existing plan for that site prior to the damage, approval is not needed by the ACC. Plans must be submitted to the ACC for approval if the replacement home is different from the original structure or if additions are made to the original plan that was in place prior to the damage.

W. Parking and Related Restrictions:

In order to maintain safety and the neat and attractive appearance of the Eagle's Pointe community:

1. Parking on the street is not permitted between the hours of midnight (12:00 am) to 6:00 am.
2. Large and oversized vehicles and equipment must be hidden from view at all times.
3. School buses, trucks, commercial vehicles over one (1) ton capacity, house trailers, mobile homes, motor homes, recreational vehicles, campers, habitable motor vehicles of any kind, boats, boat trailers or trailers of any kind or like equipment shall **not** be allowed on any home site at any time.
4. Boats and kayaks will be allowed on a home site provided they are stored in the garage with the door closed.
5. Commercial vans and equipment may be stored in the homeowner's driveway during the evening hours only. Such vehicles are not permitted on a home site during daylight hours and on the weekends.
6. Any trash, firewood, weed scraps, building or work materials or other such materials contained in any vehicle or trailer must be covered from view.
7. All vehicles in Eagle's Pointe must be in operating condition and have a current registration and license plate. Vehicles not in compliance with South Carolina vehicle codes will be removed from Eagle's Pointe at the owner's expense.
8. Vehicles must be parked on a paved surface and must not block sidewalks.

9. Maintenance or construction of a vehicle requiring dismantling and assembly of the major components of such vehicle must be performed in the owner's garage.
10. Any person who falls under the Americans with Disabilities Act (ADA) is permitted to utilize a golf cart or mobility vehicle on the lake path.

X. Nuisances:

Noxious or offensive activity is not permitted in the Eagle's Pointe Community. Activities that are or may become a nuisance to other homeowners or the community are **strictly prohibited**.

Y. Garage Sales:

Private garage sales are not permitted. Community garage sales are regulated by the POA at designated times.

Z. Estate Sales:

In the event of a hardship, application for an estate sale may be submitted to the ACC for approval. After approval has been received, the sale should be advertised as such. It must be limited to two (2) days and must be conducted within the home.

AA. Solar Panels

Solar panels may be of benefit to some of the homeowners of Eagle's Pointe. Solar panels can only be installed on the rear/back roofs of a house and they may not show from the front of the home. The solar panels must be installed as to be an extension of the architecture of the home's roof line.

All owners who wish to install solar panels must submit an application to the ACC.

BB. Rain Barrels

Portable, non-stationary rain barrels are environmentally sound and of use in the location/climate of Eagle's Pointe. Rain barrels should be installed in the side or rear yard of a home and located so they are not visible from any direction in these areas. Tall shrubs or plantings should hide the rain barrel from view.

If a water collection point/gutter is not available in the rear or on the side of a home the ACC will consider an application for a front yard installation on an individual basis.

All owners who wish to install a rain barrel must submit an application to the ACC.

All fines deemed appropriate due to violation of these Design Standards are subject to written notice. Such notice shall be the “Notice of Violation” form (See Exhibit 3). A right to cure time limit is outlined on the form as is the appeal process. Subsequent violations do not carry appeal rights and a fine will be imposed without a “time to cure” period. All fines imposed shall be subject to the provisions of Section 9.03 of the CC&Rs titled “Fines and Penalties and Creation of Lien.”

Non-refundable fines will be imposed for the following violations:

- A. Construction not in accordance with plans approved by the ACC or having a variance of greater than one (1) foot or any exterior change made without prior ACC approval will be subject to a fine of **\$50.00 per day** until corrections are made.
- B. Violation of sign rules, trash overflow, failure to deposit trash in receptacles or to conceal trash container from view from the exterior of the homesite will be subject to a fine of **\$25.00 per day per violation** until the ACC is notified by the homeowner that the said violation has been corrected.
- C. Use of exterior colors not approved by the ACC will be subject to a fine of **\$50.00 per week** until the colors are changed to an approved color stipulated by the ACC/BOD.
- D. Failure to maintain one’s property in good condition pursuant to Section VI A will be subject to a fine of **\$25 to \$100.00 per week** depending on the severity and frequency of the violation.
- E. Failure to allow ACC inspection or interference with such inspection will be subject to a fine of **\$25.00 per day** until the homeowner allows the final inspection by the ACC.
- F. Failure to remove unauthorized landscaping will result in a fine of **\$50.00 per week** until the ACC is notified by the homeowner that the violation has been corrected
- G. Overnight street parking will be subject to a fine of **\$25.00 per day** until the violation is corrected
- H. Commercial vehicles in violation of Section VI.W 2, 3, & 5 will be subject to a fine of **\$25.00 per day** until the violation is corrected.
- I. Failure to submit a Submittal Form (Exhibit 1) prior to beginning work on any changes or additions to a home or landscaping as referenced in the Design Standards will result in a fine of **\$100.**



Eagle's Pointe

PROPERTY OWNERS' ASSOCIATION, INC.

**ARCHITECTURAL CONTROL COMMITTEE
SUBMITTAL FORM**
(Please Print or Type)

Owner(s) of Record: _____

Phone (H): _____ Phone (W): _____

Lot No.: _____ Street Address: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Initial Submittal; Re-submittal after Disapproval; Re-submittal with Additional Information

Please provide a brief description of proposed changes or additions to your home or landscaping, and attach all plans (site plan, building plans, elevation plans, etc.), specifications (type of material to be used, color chips, etc.), and any other material that will assist the ACC in making its decision. If additional space is required, please add additional pages.

Name of Contractor: _____ Phone No.: _____

Submittal Fee Attached: \$ _____

Submitted by: _____ Date Submitted: _____
(Signature)

For ACC (Bundy) Use Only

Date Submittal Received: _____

Case Number: _____ Date of ACC Review: _____

Action Taken: Approved; Disapproved; Returned for Additional Information

Date of Notice to Owner: _____

Date Construction Deposit Received: _____ Amount Received: \$ _____

Date Construction Commenced: _____ Date of Final as-Built Inspection: _____

Date Construction Deposit Destroyed: _____



ARCHITECTURAL CONTROL COMMITTEE
SUBMITTAL FORM PAGE 2

1. Architectural Control Committee Submittal Form (Front of this form) is to be completed and submitted to Bundy Management prior to the commencement any construction on the project. (Architectural Design Standards IV, A - D).
2. Requests shall be submitted to the ACC at least two weeks prior to the ACC committee meeting. The ACC committee meets regularly. Please contact Bundy Management for dates and times of meetings. Plan your submittal to coincide with your construction schedule.
3. The ACC must take action and notify the owner in writing or by email on any project within 30 days of receipt of the submittal form. Applicants will be notified in writing or email of all decisions of the ACC within 10 days of the ACC committee meeting.
4. The applicant may, within ten days after receipt of notice of any decision that he/she deems unsatisfactory, file a written request to have the matter in question reviewed by the ACC. Upon the filing of any such request the matter with respect to which the request was filed shall be submitted to and reviewed promptly by the ACC, but not later than thirty (30) days after the filing of such request.
5. All construction shall be completed within 90 days of commencement unless an extension is request and it granted by the ACC.
6. At the completion of the construction, the homeowner should notify Bundy Management so that a final inspection can be made.
7. Any member of or agent of Eagle's Pointe POA or the ACC may, after responsible notice, at any reasonable time enter any home site and inspect the submitted project to assure that the construction is in compliance with the provisions of the Design Standards and the application submitted for the project.
8. Within 30 days after construction is completed, and if no deficiencies are found, the homeowner will be notified by email of the approval. Then the refundable deposit provided with the Submittal Form will be destroyed by Bundy Management (Architectural Design Standards, IV-D)



ARCHITECTURAL CONTROL COMMITTEE
AS-BUILT INSPECTION REPORT

Lot No.: _____ Street Address: _____

Owner(s) of Record: _____

Date of As-Built Inspection: _____ Inspected By: _____

Results of Inspection:

- Construction conforms to the project as approved by the ACC
Construction does not conform to the project as approved by the ACC for the following reasons:

Multiple horizontal lines for listing reasons for non-conformance.

The construction deficiency must be corrected no later than: _____ and another inspection scheduled.

NOTICE: This inspection was conducted only to insure that the project conforms to the project as it was approved by the ACC. This inspection was NOT conducted to insure the quality of engineering or design, the quality construction, or the quality of materials, and neither the ACC, the members thereof, nor the Association assumes any liability or responsibility therefore, nor for any defect in any structure constructed.

Signature of Inspector: _____



Eagle's Point

PROPERTY OWNERS' ASSOCIATION, INC.

NOTICE OF VIOLATION

Date of Notice: _____

Owner of Record: _____

Lot No.: _____ Street Address: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

You are hereby notified of the following violation(s):

- Eagle's Pointe Declaration of Covenants, Conditions and Restrictions
- Eagle's Pointe Architectural Design Standards
- Eagle's Pointe Common Area Rules and Regulations

Nature of Violation (Refer to specific section of the document(s) checked above and provide detail):

If this violation is not cured within _____ days of the date of this notice the following sanctions shall be applied:

NOTICE

Please refer to the reverse side of this Notice of Violation for your right to appeal and have a Board hearing convened. To schedule an appeal hearing regarding this violation, please contact Bundy Appraisal & Management Company at 843-524-2207.

VIOLATIONS

Upon any violation of 1) the Declaration of the Covenants, Conditions and Restrictions, 2) the Architectural Design Standards; or 3) the Common Area Rules and Regulations, by an Owner, a family member of an Owner, a guest of an Owner, or a tenant of an Owner, the Board of Directors of the Eagle's Pointe Property Owners' Association (Association) shall have the power to impose sanctions pursuant to Article IV, Section 4.09 at Page 17; Article V, Section 5.07 at page 24; Article VI, Section 6.11 at page 32; Article VII, Section 7.02 at page 34; and Article IX, Sections 9.01 through 9.06 beginning at page 41 of the Declaration of Covenants, Conditions and Restrictions for Eagle's Pointe (Eagle's Pointe CC&R's).

The Board shall not impose any sanction unless and until notice of the violation is given to the violator as provided in the pertinent sections of the Eagle's Pointe CC&R's identified above; notwithstanding the alleged violator's right to request a hearing before the Board to challenge such penalties under subsection (2) below,

(1) Notice

If any provision of 1) the Declaration of the Covenants, Conditions and Restrictions, 2) the Architectural Design Standards; or 3) the Common Area Rules and Regulations of the Association is violated, the Board shall serve the violator with a written notice sent certified mail, return receipt requested, which shall state: (i) the nature of the alleged violation; (ii) the proposed sanction, to be imposed; (iii) a statement that the violator may challenge the fact of the occurrence of a violation, the proposed sanction, or both, by written challenge and written request for a hearing before the Board, which request must be received by the Board within ten (10) days of the date of the notice; (iv) the name, address, and telephone number of a person to contact to challenge the proposed action. If a timely challenge is made and the violations cured within the time frame stated in the written notice of violation, the Board, in its discretion, may, but is not obligated to, waive any sanction, or portion thereof. In the event of a continuing violation, each day the violation continues or occurs again constitutes a separate offense, and fines may be imposed on a per diem basis without further notice to the violator.

(2) Hearing.

If the alleged violator timely challenges the proposed action, a hearing before the Board shall be held in executive session affording the violator a reasonable opportunity to be heard. The hearing shall be set at a reasonable time and date by the Board, and notice of the time, the date and place of the hearing, and an invitation to attend the hearing and produce any statements, evidence, and witnesses shall be sent to the alleged violator. The date shall be not less than ten (10) days from the giving of notice without the consent of the alleged violator. The minutes of the meeting shall contain a written statement of the results of the hearing. This section shall be deemed complied with if a hearing is held and the violator attends and is provided an opportunity to be heard, notwithstanding the fact that the notice requirements contained herein are not technically followed.

(3) Additional Enforcement Rights

Notwithstanding anything to the contrary herein contained, the Association, acting through the Board, may elect to enforce any provisions of 1) the Declaration of the Covenants, Conditions and Restrictions, 2) the Architectural Design Standards; or 3) the Common Area Rules and Regulations by self-help as stated in the pertinent sections of the Eagle's Pointe CC&R's identified above. The Association may initiate a legal proceeding to enjoin any violation or to recover monetary damages or both. In any such action, to the maximum extent permissible, the Owner or Occupant responsible for the violation for which abatement is sought shall pay all costs, including attorney's fees.



**Request for Board Action
Eagle's Pointe ACC - Violation Report**

Name of Owner: _____ Initial Date of Violation: _____

Address of Violation: _____ CC& R/Design Std.Violation: _____
(Section and page #)

Summary of Violation: (attach photos and additional pages as needed)

Has a personal contact been made with owner regarding the violation? ___yes ___no

Date/time of contact with owner: _____ Person who made the contact _____

Date the violation was to be corrected: _____ was the violation corrected by this date? _____

Reason (if known) why the violation was not corrected?

Date/time of additional follow up: _____ Person who made the follow-up:

Type of follow up: ___phone call ___email* ___letter* ___personal visit (*provide copies)

Has the violation been corrected? ___yes ___no If no, reason? _____

Was a new date for correcting the violation negotiated? ___no ___yes Date: _____

Was the violation corrected by the new date? ___yes ___no

Due to the failure of the owner to correct the violation listed above, the ACC requests the Board of Directors send a formal Notice of Violation and assess fines in the amount of _____.

ACC Board Chairperson Signature

Date

***Note: All Requests for Board Action must be preceded by a personal contact with the homeowner.**



Exhibit 5

Eagle's Pointe Design Standards – Shutter & Front Door Colors Color Chart 2009 [Revised 3/12/09]

The following colors on small sample shutters from *DINESOL Building Products* can be viewed/purchased at:

Sherwin Williams Paint, Rt. 138 Bluffton Road, Bluffton, SC
[by Bluffton Post Office]

If an owner wants to use an alternate color on the front door and/or shutters they can request approval from the ACC. Further, if an owner wishes to change the color of shutter/front door from one of the twelve [12] approved colors to another it can be done without ACC approval. [Example: change shutter/front door from #10 Hunter Green to #0007 Merlot.]

The current page shows small sample shutters with the following colors illustrated:

white 001

black 002

navy blue 003

ocean blue 0004

wedgewood blue 005

storm gray 006

merlot 0007

cranberry 008

brick 009

hunter green 010

heritage green 011

coffee brown 012