



*BAYVIEW FARMS AT OYSTER POINTE*

*HOMEOWNERS ASSOCIATION*

*ARCHITECTURAL REVIEW GUIDE*

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## **INTRODUCTION**

The Architectural Review Board has compiled this information to help homeowners of Bayview Farms conform to the Covenants, Code and Restrictions. The Guide is intended to explain the ARB's position on certain sections. The CC&R's are printed in bold and the ARB's positions are printed in regular print.

The Guide as address the most common questions and requests. The Architectural Review Board looks forward to suggestions to strengthen and improve its ability to service the homeowners of Bayview Farms.

## KEY POINTS

<b>Address ARB:</b>	<b>Bayview Farms</b> <b>7410 Northside Dr., Ste 230</b> <b>North Charleston, SC 29420</b> <b>Fax: 866-919-5696</b> <b><a href="mailto:bayfarms@ciramail.com">bayfarms@ciramail.com</a></b>	
<b>Plan Submittal Deadline:</b>	<b>Fax or email at any time, most requests are handled by email</b>	
<b>ARB's Meeting Date:</b>	<b>As Required</b>	
<b>Property Set Backs:</b>	<b>Front: 20'</b> <b>Side: 7.5' Corner Lot: 20'</b> <b>Rear: 15' from rear line or "Critical" Line</b>	
<b>Size Home Requirements:</b>	<b>Heated Square Footage – 1200 One Story Minimum</b> <b>- 1350 Two Story Minimum</b> <b>- 1500 Marsh Minimum</b>	
<b>Underground Cable Location Service:</b>	<b>1-800-922-0983 (Free Service) – Allow 3 days for service</b>	
<b>Location of Lot Corner Pins:</b>	<b>Alchris Engineers</b>	<b>843-567-3672</b>
<b>Other Phone Numbers:</b>	<b>Clemson Extension</b>	<b>843-722-5940</b>
	<b>DHEC</b>	<b>843-744-5838</b>
	<b>Creek &amp; Beach Watch</b>	<b>800-768-1516</b>
	<b>Animal Control</b>	<b>843-720-3915</b>

## Frequent Requests & Questions

- 1) I would like to install a fence in the backyard, what is the process I need to follow?
  - a) Read Section 9
  - b) If you wish to build a “pre-approved” fence fill out a copy of the submittal form on page 39, fill in the blanks and sign. Under request write the type of fence you are applying for and attach a copy of your final survey; mark the location of the fence.
  - c) Mail, fax or email your request to the Management Company.
- 2) I would like to install a different type of fence, what should I do?
  - a) Read Section 9.
  - b) Fill out a copy of the submittal form. Attach either a drawing or pictures of the proposed fence with height dimension and type of materials.
  - c) Mail, fax or email your request to the Management Company.
- 3) I would like to change the color of our exterior trim, do I need approval?

Yes, you must submit a request along with pint chips or paint samples. Approval is not necessary if your paint is the same color as the original color.
- 4) I plan to plant additional flowers, shrubs and possibly a few trees; do I have to submit a landscape plan?

If you use the guide on pages 45 – 48 you do not need approval. However, it is recommended that no shrubs be planted in the easement to avoid having utility crews remove or damage the plants. When in doubt, submit your plans to the ARB.
- 5) I would like to have a basketball goal, do I need approval?

Yes. On lake and marsh lots, no goals are allowed. On perimeter lots, if the goal cannot be seen from the street, the goal may be allowed. However, a request must go through the ARB. Portable goals should always be stored out of sight when not in use.
- 6) We are planning to install a storm door, do we need approval?

Yes. The storm door must match the trim color of the house and must not have any ornate design or bars. A picture or advertisement picture may accompany the submittal form.

**\*Special Note\*** Depending on your doors orientation to the sun, the installation of a storm door may cause damage to the door and/or void the door’s warranty.

- 7) I am purchasing a boat, can the boat be stored on my property, and if so where?  
If you live on a lake or marsh lot the boat must be stored in your garage. If you live on a perimeter lot and have an approved fence, which screens the boat from the road, you can store the boat in your yard.
- 8) What are the guidelines I must adhere to for a garage sale?  
Homeowners are limited to one (1) garage sale a year. Signs at the entry are prohibited. Small directional signs must be removed immediately after the garage sale.



## **Violation Procedure**

When a violation is brought before the Architectural Review Board, the procedure is as follows:

- Step 1.       The owner is contacted by phone, mail or email requesting compliance with the covenants and restrictions.
- Step 2.       If compliance is not met, nor contact with the ARB has been made to address the situation, a fine will be levied.
- Step 3.       If needed, the Association Attorney will notify the Homeowner of the violation and request compliance.
- Step 4.       If the Homeowner is still in non-compliance, the attorney will file suit against the homeowner seeking appropriate relief in court.

## Use of Fertilizers, Pesticides and Herbicides

The CC&R's state "all property owners adjacent to the lakes and marshes shall be prohibited from using insecticides, pesticides and other hazardous materials within twenty-five (25) feet of such lakes." This policy must be followed.

### **Fertilizer Application**

Fertilizers applied along the lake can cause problems by increasing algae and scum and other aquatic growth. After applying fertilizers, water the treated areas along the lakes in short periods. Allow the water to "soak in" vs. long periods which will cause the water and fertilizer to "run" into the lakes.

The lake and marsh homeowners must be extremely careful when applying fertilizers, pesticides and herbicides. The results of misuse can cause immediate and lasting damage to the lake and wildlife. The expense of the clean up is costly and the homeowners will bear the cost. **Read all labels and apply as directed. If you are unsure of the effects, contact U. S. Soil Conservation or the Clemson Extension.**

### **Pesticide Mortality**

Fish deaths due to pesticide toxicity are not common. Occasionally a heavy rain immediately after pesticide application will wash chemicals off the plants and into an adjacent pond. Careless spraying can also result in the pesticide mortality.

Homeowners should be encouraged to spray carefully and then only under minimum wind conditions. Once the toxin is in the water, little can be done. Pesticides, if present in sufficient concentrations, will usually affect smaller fish first, rapidly working its way up to the larger ones. Often the pond will require renovation after a pesticide kill.

## **ARCHITECTURAL REVIEW PROCESS**

In conformance with the Declaration of Easements and Restrictions for Bayview Farms, an Architectural Review Board has been appointed consisting of three (3) to five (5) persons. For additions and/or new construction the homeowner or builder will prepare all submissions to the Architectural Review Board. The forms include the ARB Submittal Request, a Construction Application and an Application for Final Inspections. Mail all submittals to the Management Company:

Bayview Farms  
7410 Northside Dr., Ste 230  
North Charleston, SC 29420

Requests can also be faxed to 866-919-5696 or emailed to: [bayfarms@ciramail.com](mailto:bayfarms@ciramail.com).

The Board will meet as required.

The following pages contain portions of the Covenants, Codes and Restrictions (CC&R's) and following some sections, the Architectural Review Board (ARB) position on these sections.

## **USE RESTRICTIONS AND ARCHITECTURAL REVIEW BOARD**

CC&R Section 1. Conformity and Approval of Structures. No structure, fence, sidewalk, drive or other improvement shall be placed or altered on any Lot except in accordance with the provisions of this Declaration.

CC&R Section 2. Architectural Review Board. No building, fence, wall or other structure, and no change in topography, landscaping, grading, filing or any other item shall be commenced, erected or maintained upon any portion of the Subdivision, including any Common Area, nor shall any exterior addition to or change be made until the plans and specifications (including but not necessarily limited to all elevations a complete landscaping plan for the Lot and a complete tree survey of the Lot, including any Common Area) showing the grading, filling, nature, kind, size, shape, height, materials, color, and location of the same on the Lot or Common Area shall have been submitted to and approved in writing as to the harmony of the external design and location in relation to the surrounding structures and topography by the Architectural Review Board. Any change in exterior appearance of any building, wall, fence or other structural improvements, and any changes in the appearance of the landscaping, shall be deemed an alteration requiring approval.

The Architectural Review Board shall be comprised of not less than three (3) representatives to be appointed by the Board of Directors of the Association. The Architectural Review Board may require a reasonable fee of \$75.00 with each request or submission of plans and specifications. The Architectural Review Board shall have the power and authority to adjust the application fee from time to time.

In the event that the Architectural Review Board fails to approve or disapprove or request additional information with respect to any application within thirty (30) days after complete written plans and specifications have been submitted to it, the same shall be deemed as approved, and this article shall be deemed to have been fully complied with, provided, however, that no such failure to act shall be deemed an approval of any matters specifically prohibited by any other provisions of this Declaration. Refusal or approval of plans, specifications and plot plans or any of them may be based on any grounds, including purely aesthetic grounds, which in the sole and uncontrolled discretion of the Architectural Review Board may deem sufficient. No member of the Architectural Review Board shall be responsible or liable in any way for any defects in any plans or specifications approved by the Architectural Review Board, nor for any structural defects in any work done according to such plans or specifications approved by the

Architectural Review Board. Further, no member of the Architectural Review Board shall be liable for damages to anyone submitting plans or specifications for approval under this Section, or to any Owner of property affected by this Declaration by reason of mistake in judgment, negligence, or non-feasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications to the Architectural Review Board for approval agrees, by submission of such plans and specifications, and every Owner of any Lot agrees, that he will not bring any action or suit against the Developer, or any member of the Architectural Review Board, to recover for any such damage. No approval of plans, location or specifications shall be construed as representing or implying that such plans, specifications or standards will, if followed, result in a properly designed residence. Such approvals and standards shall in no event be construed as representing or guaranteeing that any residence or improvement thereto will be built in a good workmanlike manner. Neither the Developer, the Association or the Architectural Review Board shall be responsible or liable for any defects in any plan or specification submitted, revised or approved under these covenants nor for any defects in construction pursuant to such plans and specifications. The Owner shall have sole responsibility for compliance with approved plans and does not hereby hold the Architectural Review Board and the Developer harmless for any failure thereof caused by the Owner's architect or builder.

CC&R Section 3. Objectives of the Architectural Review Board. Architectural and design review shall be directed towards attaining the following objectives for the Subdivision:

- (1) Preventing excessive or unsightly grading, indiscriminate earth moving or clearing of property, removal of trees and vegetation which could cause disruption of natural water courses or scar natural land forms.
- (2) Insuring that the location and configuration of structures are visually harmonious with the terrain, with the vegetation of the Lot or Common Areas and with surrounding Lots and structures, and does not unnecessarily block scenic views from existing structures or tend to dominate any general development or natural landscape.
- (3) Insuring that the architectural design of structures and their materials and colors are visually harmonious with the Subdivision's overall appearance history, and cultural heritage, with surrounding development, with natural land forms and native vegetation and with development plans, officially approved by the Owner, or any governmental or public authority, if any, for the areas in which the structures are proposed to be located.
- (4) Insuring the plans for landscaping provide visually pleasing settings for structures on the Lots and Common Areas and on adjoining or nearby Lots which blend harmoniously with the natural landscape.
- (5) Insuring that any structure, building or landscaping complies with the provisions of these covenants.

- (6) Promoting building design and construction techniques that respond to energy consumption and environmental quality considerations such as heat loss, air emissions and run-off water quality.

CC&R Section 4. Residential Use of Lots. All lots shall be used for single-family residential purposes exclusively. No structures, except as hereinafter provided, shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached single-family dwelling and such accessory structures as may be approved by the Architectural Review Board, provided, however, that nothing contained herein shall be construed to prevent the Developer from maintaining one or more model homes and/or sales offices in the Subdivision for the purpose of selling Lots or other property in or near the Subdivision.

CC&R Section 5. Setbacks and Building Lines. Each dwelling which shall be erected on any Lot shall be situated on such Lot in accordance with the building and setback codes of the City of Charleston, South Carolina. However, in each case individual setbacks and sidelines must be approved by the Architectural Review Board for its aesthetic value and the Architectural Review Board may require a more stringent setback so long as the required setback does not violate the setback requirements of the City of Charleston, South Carolina. In addition, no portion of any house shall be placed less than 20 feet from any street nor less than 7.4 feet from any side lot line, nor less than 15 feet from the water line of any lake, nor within any "critical area" as established by the South Carolina Coastal Council. The Architectural Review Board shall have the power and authority to promulgate and publish setback requirements for each Lot. In certain cases, the Architectural Review Board may require an Owner to seek a variance from the City of Charleston, South Carolina, if necessary, to protect important trees, vistas or to preserve aesthetic value.

CC&R Section 6. Size Requirements. The living space of the main structure of any single story residence shall not be less than 1200 square feet of heated living space. The living space of the main structure of any two story residence shall not be less than 1350 square feet of heated living space.

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## **ARB**

**ARB** The ARB recommends homes located on marsh lots shall not be less than 1500 square feet of heated living space.

CC&R Section 7. Landscaping. All yard areas must be seeded. A landscaping plan containing a minimum of two (2) trees and basic shrubbery must be submitted to the Architectural Review Board for approval at the same time Plans and Specifications are submitted.

## ARB

**ARB** The Architectural Review Board has elected to make the following Landscape Standards mandatory for Bayview Farms.

### Landscaping Design Reference

#### Site Landscaping

Each site is divided into three landscape zones: the front zone, the middle zone and the rear zone. The minimum landscape requirements are established for each zone. A planting plan developed from the Plant Materials Matrices Appendix included on pages 45 – 48 must be reviewed and approved by the Architectural Review Board for new construction.

(1) The Front Yard

This zone includes the front and side portion of the lot which is contiguous with all public streets and extends to the curb. No trees are to be planted in the front easements which lie between the curb and the property line. It is also recommended no shrubs be planted in the easement.

- (a) If specimen trees do not already exist (excluding pines and gum trees), two (2) shade trees (minimum) shall be planted by the builder. Trees in this zone shall be same type per lot and shall be one of the following:
  - Betula nigra – River Birch
  - Pyrus calleryana – Bradford Pear
  - Quercus phellos – Willow Oak
  - Quercus virginiana – Live Oak
  - Acer rubrum – Red Maple
- (b) Do not plant trees in a formal row, stagger randomly. No existing trees shall be removed over 6" in diameter, unless approved by the Architectural Review Board. If removal is granted, the relocation or replacement of the tree may be required. Additional tree planting in the front area shall be in keeping with the character of the neighborhood. All major trees in the front area shall have a minimum height of 10' to 12' and spread of 3'.
- (c) No ornamental columns, bollards, fencing or other architectural elements shall be allowed in the front zone.
- (d) The following lamp posts installed by Dominion Energy (SCE&G) have been approved:
  - The Traditional
  - The Tudor
- (e) All plantings shall be properly maintained. AN underground irrigation system is recommended. If well pumps are located on the exterior of the home; the equipment must be screened by plants or an approved method.

- (f) Sodded lawns are required in this area. All drainage swales (ditches) must be sodded.
- (g) All planting shall be properly maintained and irrigated.
- (h) A minimum of ten shrubs shall be planted for new construction.
- (2) The Middle Yard  
This zone includes that portion of the lot extending from the edge of the front zone to the front portion and sides of the house.
  - (a) The minimum requirement is seeding. It is recommended when planting close to the property lines, to take into account the size of the plant at maturity. It is recommended to plant inside the property line 18".
- (3) The Rear Yard  
This zone represents that portion of the lot that is the rear private space.
  - (a) All pools and decks shall be screened to a height of 5' with appropriate plant materials. Pools shall be located a minimum of 15' from side or rear property lines. No out-of-ground pools will be allowed on any lake or marsh lot.
  - (b) Properly maintained vegetable and ornamental gardens are encouraged: Commercial cultivation of crops is prohibited. Once the growing season is over, cut or plow under the plantings and keep the area neat.

CC&R Section 8. Tree Removal. No trees or bushes of any kind having a diameter of six (6") inches or more (measured from a point two (2') feet above the ground level) shall be removed from any Lot or Common Area without the express written authorization of the Architectural Review Board. The Architectural Review Board shall further have the authority to require any person removing a tree in violation of this clause to replace same at such Owner's cost. The Architectural Review Board reserves the right to have specimen trees preserved and to have site planning provide for their preservation.

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## ARB

### **ARB** Tree Preservation

- (1) Lot owners are responsible for preserving as many existing trees as possible.
- (2) Major tree locations should be taken in careful consideration when planning for house and driveway location, grading and other site improvements.
- (3) All major trees in excess of six (6") inches in diameter, measured at 2' height above grade shall be identified and located on final stake out plan.

CC&R Section 9. Fences. No fences whatsoever shall be erected or allowed to remain in the Subdivision except as shall be approved by the Architectural Review Board. No fences shall be permitted which obstruct the view of the marsh, stream or other body of water when viewed from inside any adjacent lot.



## ARB

### ARB Fences

The following drawings (Pictures) will show fence details and guidelines for approved fencing. Changes may be made on a case by case basis. If you wish to install a recommended fence as drawn, you may fill in the form for the ARB approval. All fence additions must be approved by the Architectural Review Board before installation. No fences whatsoever shall be erected or allowed to remain in the Subdivision except as shall be approved by the Architectural Review Board. No fences shall be permitted which obstruct the view of any marsh, stream or other body of water when viewed from inside any adjacent Lot. Aluminum, black, 5-foot fences are permitted along the marsh, stream or other body of water in the community. There is to be no chain link, wire fences permitted in the community whatsoever.

The approval process is as follows:

- (1)(a) If you wish to install a “recommended” fence, fill in the ARB submittal request form, mail it to the Management Company for a signed approval. Enclose a copy of your plat with the location of the fence.
- (1)(b) If you wish to seek approval for an un-approved style fence, send a drawing of the fence, the proposed height, material, color and a plat of your lot showing where the fence will be located. If you have pictures of an existing fence this will help, but is not required.
- (2) Locate the lot corners.
- (3) The City of Charleston requires a fence permit.
  - (a) You must go to the City Zoning Department located at 116 Meeting Street.
  - (b) You will need a copy of the site plan and drawing of the fence. A fee may be required.
  - (c) After Zoning approves your fence, you will have to go to the City building Permit Office, located at 701 E. Bay Street for the building permit. A fee may be required.
- (4) You must receive a signed approval before you may install any fence.

Top Detail “Dog Eared”	Board Size	1 x 6 Treated
Re-Sawn Face or Smooth Face	or	1 x 8 Treated

The recommended fence height is 5’0” or less, however, you must show the fence height in your application.

No Approval will be granted for a solid wood fence parallel with the lakes water line.

The homeowners are responsible for maintaining their fence. If a fence becomes unstable due to poor construction, storm winds, digging by pets, etc., the fence must be secured and reconstructed to its original condition within thirty (30) days.

\*On most if not all lots, there may be a utility easement, access easement and/or drainage easements. Utility crews, County and City work crews, etc., have the right to have access through those areas. If you build your fence on those easements the work crews may and have the right to take the fence down as needed. Keep this in mind when planning the fence layout. For example, on the lake, there are both utility (Dominion Energy) and access easements. If the power line was damaged and needed replacing, the utility company must have access to the area. By installing panels which can be easily removed in the easement, damage may be minimized. Remember the work crews do not have to replace the fence.

CC&R Section 10. Prohibition of Open Outdoor Storage. No junk, debris or materials of any kind shall be stored on a Lot other than an approved enclosed structure or in a manner that is visible from any other Lot, Common Area, street, easement or amenity area. Firewood, trash cans and bicycles may be stored outside in side yards or rear yards only, which are not visible from any Common Area or street unless otherwise approved by the Architectural Review Board.

### **ARB**

**ARB** No toys or temporary structures can be left visible on the front or side lawns without special permissions from the ARB.

Trash cans must be removed from the street by the evening, after being emptied. Also, care must be taken in leaving the recycle bin. Secure your papers and objects that may be blown into the neighborhood.

CC&R 11. Prohibition of Accessory Structures. No clotheslines, drying yards, dog houses, treehouses, swimming pools, sheds, or any other accessory structure shall be constructed upon any Lot unless approved by the Architectural Review Board prior to installation or construction.

CC&R Section 12. Uniform Mail Boxes. All mail boxes located within the Subdivision shall be uniform and shall be provided by the Association. The Association may charge a reasonable fee for the mail boxes as may be determined by its Board of Directors, at an initial cost of \$100.00, subject to the right of the Association to increase the cost in the future.

CC&R Section 13. Garages. All lots shall have an enclosed garage for two (2) cars, unless otherwise approved by the Architectural Review Board. All driveways and entrances to garages shall be of substance approved in writing by the Architectural Review Board and of a uniform

quality. The entrance to the garage shall not face the street unless specifically approved by the Architectural Review Board. There shall be no overnight parking on the street or the lawns unless the Association shall determine otherwise.

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## ARB

**ARB** Due to the size of the lots, the entrance can be from the front without ARB approval. However, if the garage doors open to the front, the doors are requested to be closed when not in use. If one car garage and single driveway is planned, a parking pad for a second car must be installed.

Overnight parking on the street for visiting guests (short term) is permitted – however, overnight parking for residents is not permitted on the street or lawns.

### CC&R Section 14. Additional Restrictions for Lots or Common Areas Fronting Lakes and Marsh.

- a) No foliage or vegetation on lakes or marsh shall be removed or altered without permission of the Architectural Review Board.
- b) A lake or marsh Owner shall maintain and mow the area between the Lot line and the lake or marsh even though such area may be owned by the Association or others.
- c) No dock, pier, or wharf shall be constructed on any lake and no dock, pier or wharf shall be constructed on the marsh without the approval of the Architectural Review Board. In order to obtain such approval, it will be necessary to submit plans specifying the location, color, height, finish and other details of such proposed facility. The Architectural Review Board shall have the right to require uniformity of design and to require submission of designs for docks, piers or wharfs. The Architectural Review Board has the right to approve/disapprove such plans on any ground including aesthetic consideration. Any approved dock, pier or wharf must be well maintained by the Owner and if not maintained as required, enforcement of this requirement may be enforced as provided herein in cases of violations of these covenants.
- d) The Association shall have the authority to subject to the approval of the Architectural Review Board to build bridges and walkways around the lakes or on the Common Areas.
- e) No water vehicles shall be permitted in the lakes without approval of the Association.
- f) No waste, garbage or waste water are to be discharged, dumped or otherwise placed in the lakes.

- g) Fishing will be allowed only in accordance with the rules to be established by the Association.
- h) Swimming, bathing or wading in the Lakes is prohibited.
- i) The Association shall have the authority to establish fines and regulations governing the lake and all other Common Areas.

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## **ARB**

**ARB** It is the approved policy of the ARB to allow the use of small, non-motorized boats on the lakes. The only exception to motorized boats is the maintenance crew for the lakes. This will continue to be the policy unless the number of boats causes problems or the boats and operators become disorderly.

CC&R Section 15. Sign Controls. No signs of any character shall be erected on any Lot or displayed to the public on any Lot or Common Area except “for Sale” signs or signs indicating the name of one contractor only (not subcontractors) during the period of sale or construction only, provided said signs (a) shall not exceed nine square feet in size; (b) shall only refer to the premises on which it is displayed; (c) shall be located within 15 feet of the main structure but no less than 25 feet from the front street right of way; and (d) shall not exceed more than one per Lot. This restriction shall not apply to signs used to identify and advertise the Subdivision as a whole, nor to signs for selling Lots during the development and construction period, which period shall not exceed twenty (20) years from the date hereof, provided such signs are approved by the Architectural Review Board. Also the provisions of this Section shall not apply to anyone who becomes the Owner of any Lot as purchaser at a judicial or foreclosure sale conducted with respect to a first mortgage or as transferee pursuant to any proceeding in lieu thereof.

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## **ARB**

**ARB** If you are selling your home, or have listed your home with a broker, “Bandit” signs can only be used for open houses and must be removed at the end of the day. Small alarm system decals are approved for windows; yard signs for alarm systems are prohibited.

CC&R Section 16. Water Systems. No individual water supply system shall be permitted upon any Lot with the exception of a shallow well to be used for irrigation purposes only which shallow well shall be approved in writing in all respects, including the pump and the covering or screen thereof and method of operation by the Architectural Review Board, prior to installation. The owner shall be responsible for connecting the Lot to the central water system, including payment of all tap-in and meter fees in connection therewith.

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## ARB

**ARB** The ARB recommends the pumps and equipment for the wells be installed in the garage for safety, security and preventing damage from freezing temperatures. If the equipment is outside and can be seen from the street, it must be screened by planting or an approved enclosure. Planting must be of the size to screen the equipment within weeks of installation. Back-flow preventers are highly recommended to be installed on all wells. The danger of pesticides, etc., siphoning back into the well and contaminating the water is possible and carelessness on your part could contaminate the ground water.

CC&R Section 17. Sewer System. No surface toilets or septic tanks are permitted in the Subdivision. Plumbing fixtures, dishwashers, toilets or sewage systems shall be connected to the central system of the Subdivision. The Owner shall be responsible for connecting the Lot to the central sewer system, including payment of all tap-in and meter fees in connection therewith.

CC&R Section 18. Exclusion of Above Ground Utilities. All electrical service, wires, pipes, lines, telephone, cable television (CATV) lines and utility services of any type shall be placed in appropriate conduit underground and no outside electrical lines shall be placed overhead unless approved by the Architectural Review Board. No exposed or exterior radio or television transmission or receiving antenna shall be erected, placed or maintained on any part of the Subdivision except those facilities approved by the Architectural Review Board. Provided, however, that the normal service pedestals, etc., used in conjunction with such underground utilities shall be permitted within the Subdivision. Overhead utilities shall be permitted during the construction period and until utility companies can place them underground.

CC&R Section 19. Communication of System. There shall not be permitted or maintained any type of radio or communications system antenna (other than normal received-only radio antennae) or satellite disc on any exterior portion of a dwelling or on any Lot unless approved by the Architectural Review Board.

CC&R Section 20. Timely Construction Progress. Once construction of improvements on a residence is started on any Lot, the improvements must be substantially completed within twelve (12) months from the commencement of construction and all landscaping must be completed within ninety (90) days after completion of the improvements or residence. All construction sites must be maintained in an orderly fashion and all construction debris must be place in a trash container or removed within forty-eight (48) hours.

## ARB

**ARB** The above CC&R is primarily for new construction. The ARB requires the work (for example: painting house trim, installing a fence, etc.) to be completed in thirty (30) days or a time approved by the Board from the start of the project.

The minimum landscaping stated under Section 7, must be completed prior to occupying the home.

CC&R Section 21. Re-Building Requirement. Any dwelling or outbuilding on any Lot which may be destroyed in whole or in part by fire, windstorm or other cause or act of God must be rebuilt or all debris removed and the Lot restored to a natural condition with reasonable promptness, provided, however, that in no event such debris remains longer than three (3) months.

CC&R Section 22. Elevation and Drainage Changes. No changes in the elevation, topography or drainage characteristics of the Subdivision shall be made on the premises without the prior written approval of the Architectural Review Board nor shall any fill be used to extend any property beyond the boundary line of any waterfront property.

CC&R Section 23. Replatting of lots. No lots shall be subdivided by an Owner, or its boundary lines changed, except as herein provided. Property lines between Lots may be adjusted and modified with the consent of the Adjacent Owners and the Architectural Review Board.

CC&R Section 24. Prohibition against Business Activity. No business activity, including but not limited to, a rooming house, boarding house, gift shop, antique shop, professional office or beauty/barker shop or the like or any trade of any kind whatsoever shall be carried on upon or in any Lot. Provided, however, that nothing contained herein shall be construed so as to prohibit home occupations (i.e. any occupation on a Lot and clearly incidental thereto, carried on by a member of the family resident of the premises is employed, so long as stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic, or household purposes, and there is no exterior indication that the building is being used for any purpose other than a dwelling), or the construction of houses to be sold on said Lots or the showing of said Lot for the purpose of selling or leasing Lot in the Subdivision. Nothing herein shall be construed to prevent the Developer from erecting, placing or maintaining signs, structures and offices as it may deem necessary for its operation and sales and lease or management of Lots in the Subdivision. Provided, however, that nothing herein contained shall prevent the Developer from erecting and maintaining sales and marketing signs in Common Areas or on other property owned by Developer.

CC&R Section 25. Prohibition Against Time-Sharing. No lot or structure shall be “time shared”, as defined by the statutory provisions regulating Vacation Time Sharing Plans, S. C. Code Ann. Sections 27-32 10 Et esq (1986 Supp.), as the same may be amended from time to time.

CC&R Section 26. Temporary Structures. No structure of a temporary character shall be placed upon any Lot at any time, provided, however that this prohibition shall not apply to shelters approved by the Developer and used by a contractor during construction of a house, it being clearly understood that the latter temporary shelters may not, at any time, be used for residence or permitted to remain on the Lot after completion of construction. No trailer, mobile home, double-wide, park model trailer, motor home, tent, barn, bus or similar vehicle, out-building or structure shall be placed on any Lot or on any portion of the Common Areas at any time either temporarily or permanently.

CC&R Section 27. Mining and Drilling Prohibition. No oil or natural gas drilling, refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot, and no derrick or other structure designed for use in boring for oil or natural gas shall be stored, erected, maintained or permitted in the Subdivision.

CC&R Section 28. Junk or Disabled Vehicles. No stripped, partially wrecked, unlicensed or invalidly licensed, disabled or junk motor vehicle, or part thereof, shall be permitted to be parked or kept in the Subdivision.

CC&R Section 29. Prohibited Vehicles. The Association shall have the authority to prohibit or regulate the use or maintenance or storage of motorcycles, campers, trailers, trucks, commercial vehicles, boats or boat trailers in the Subdivision.

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## **ARB**

**ARB** The ARB’s policy is no trailers, campers, commercial vehicles or step vans are allowed. Boats must be stored in the garage or on perimeter lots screened by ARB approved fencing.

CC&R Section 30. Pets. The Association shall promulgate rules and regulations concerning pets in the Subdivision, including regulations relating to the number, type, noise, odor and restraint of such pets.

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## **ARB**

**ARB** The ARB's position follows the city's leash law: City Ordinance 5.5 Restraint of animals, which states: Every person owning or having possession, charge, care, custody, or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that, any such animal may be off such premises if it is under the control of a competent person and restrained by a chain or leash or other means of adequate physical control, or under strict voice control; provided, however, that when any animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, become a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control. Any animal not in an enclosed or fenced area or under strict voice control must be leashed at all times.

CC&R Section 31. Nuisances. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance or a nuisance. No trash, leaves or rubbish may be burned on any Lot or within the Subdivision nor shall there be maintained anything of any sort, the normal activities or existence of which is in any way noxious, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the enjoyment of other property in the Subdivision by the Owner thereof.

CC&R Section 32. Special Hazards. Each owner accepts and assumes all the risks and hazards of ownership or occupancy attendant to the ownership of such lots, including but not limited to its proximity to any recreational facility of Common Area or the marsh and other bodies of water. Specifically, the Developer does hereby disclaim any and all liability for any property damage or personal injury resulting from erosion along the bank of the marsh, and all ditches, streams, lakes, or other bodies of water or watercourses located in the Subdivision.

CC&R Section 33. Ponds and Lakes. The lakes within the Subdivision are not designed for boating, swimming, or bathing purposes and the same is prohibited unless authorized by the rules of the Association. No docks, landings or other structures may be located in or adjacent to any lake without the prior written consent of the Architectural Review Board. Fishing shall be permitted within the ponds from the Homeowner's access and maintenance easement areas designated on the Subdivision Plat if authorized by the rules of the Association so long as all regulations of the South Carolina Wildlife and Marine Resources Department and the Association, as the same may be changed from time to time are strictly observed. All property Owners adjacent to the lakes and marsh shall be prohibited from using insecticides, pesticides and other hazardous materials within twenty-five (25) feet of such lakes. Lake and marsh homeowners need to be especially careful when using fertilizers, herbicides or pesticides along the waterfront. The run-off from these chemicals can change the balance of the water quality causing increased plant and algae growth and destroy the precious wildlife of Bayview Farms.



## **ARB**

### **Fertilizer Application**

Fertilizers applied along the lake can cause problems by increasing algae and scum and other aquatic growth. After applying fertilizers, water the treated areas along the lakes in short periods. Allow the water to “soak in” vs. long periods which will cause the water and fertilizer to “run” into the lakes.

The lake and marsh homeowners must be extremely careful when applying fertilizers, pesticides and herbicides. The results of misuse can cause immediate and lasting damage to the lake and wildlife. The expense of the clean-up is costly and the homeowners will bear the cost. Read all labels and apply as directed. If you are unsure of the effects, contact the U. S. Soil Conservation or the Clemson Extension.

### **Pesticide Mortality**

Fish deaths due to pesticide toxicity are not uncommon. Occasionally a heavy rain immediately after pesticide application will wash chemicals off the plants and into an adjacent pond. Careless spraying can also result in pesticide mortality.

Applicators should be encouraged to spray carefully and then only under minimum wind conditions. Once the toxin is in the water, little can be done. Pesticides, if present in sufficient concentrations, will usually affect smaller fish first, rapidly working its way up to the larger ones. Often the pond will require renovation after a pesticide kill.

CC&R Section 34. Perimeter Access There shall be no access to any Lot on the perimeter of the Subdivision except from designated roads within the Subdivision, provided, however, the Developer reserves the right to construct and operate temporary construction roads during the construction and development period.

CC&R Section 35. Rental Period No owner shall lease or rent any Lot more than three (3) times in any given twelve (12) month period.

## **ARTICLE VI GENERAL PROVISIONS**



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(If more space is needed, use back of form)

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**Builder's Name & Phone Number**

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**Builder's License #**

**I understand if the ARB approves this request, that the work must be completed in thirty (30) calendar days after start, unless more time has been approved. If the work has not been started within one (1) year from the approval date, I must resubmit my request.**

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**Owner's Signature(s)**

### **CONSTRUCTION APPLICATION**

**Contractor:** \_\_\_\_\_ **Name**

\_\_\_\_\_ **Phone**

**Checklist:** \_\_\_\_\_ **Construction Deposit**

**Agreement: I, \_\_\_\_\_, hereby agree that I have read the Bayview Farms Design Guidelines and will build the subject structure in accordance with the final approved Construction Documents. I will not make any changes without prior approval of the Architectural Review Committee.**

**I understand that my Deposit may be used to make corrections for unauthorized work to clean up site clutter, and/or repair streets or road shoulders damages by my personnel and attorney's fees to collect the balance.**

**Signed:** \_\_\_\_\_ **(Contractor)**

**Date:** \_\_\_\_\_

### **APPLICATION FOR FINAL INSPECTION**

**Date requested for inspection:** \_\_\_\_\_

I, \_\_\_\_\_, certify that construction has been completed and that all work conforms to the State, County and local codes and meets Bayview Farms standards as approved.

**Signed** \_\_\_\_\_  
**Contractor**

**Date** \_\_\_\_\_

**Original Deposit** \$ \_\_\_\_\_

**Deposit Offsets:**

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**Balance Returned** \$ \_\_\_\_\_

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**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Representative of Bayview Farms  
Architectural Review Board**

## **FINISH STANDARDS GUIDE**

### **PAINT**

The following paint colors are based on products provided by Duron Paints. Color matched products by others are acceptable.

### **APPROVED EXTERIOR TRIM**

Colors for the trim of the homes are:

**White**

**Duron Weathershield Semi-Gloss**

**Crème**

**Duron Semi-Gloss, High Hiding White Tint**

### **VINYL SIDING**

**Certainteed – Monogram**

**Sterling Grey**

**Oxford Blue**

**Winter Mauve**

**Sandstone Beige**

**Linen**

**Silver Ash**

**Desert Tan**

**Granite Grey**

**Mastic**

White	Clay
Herringbone	Slate
Victorian Grey	Wicker
Shadow	Flagstone

#### ROOF SHINGLES

Black	Dark Grey
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#### SHUTTERS

The shutters may be paneled or louvered

#### FRONT ENTRY DOOR

Only paneled doors, with or without glazing are acceptable. No flush doors are approved at this time.

#### GARAGE DOORS

Garage doors are to be paneled and may have windows.

#### ARCHITECTURAL REVIEW BOARD APPEAL REQUEST

Bayview Farms  
7410 Northsdie Dr., Ste 230  
North Charleston, SC 29420

\_\_\_\_\_  
Owner's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

#### ARB USE ONLY

Approved \_\_\_\_\_

\_\_\_\_\_  
Phone Number (Home)

Denied \_\_\_\_\_

\_\_\_\_\_  
Phone Number (Cell)

Date \_\_\_\_\_

Appeal or Change Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(If more space is needed, use the back of this form)

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**Builder's Name & Phone Number**

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**Builder's License Number**

**I understand if the ARB approves this request, the work must be completed in thirty (30) calendar days after start, unless more time has been approved. If the work has not been started within one year from the approval date, I must resubmit my request.**

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**Signature of Homeowner(s)**

## PLANT MATERIAL MATRIX

### GROUND PLANE PLANTING

			CHARACTERISTICS					MOST COMMON USE					
BOTANICAL NAME		COMMON NAME											
Chamaeropsis excelsia		Windmill Palm	◆				⊕	∅	*				⊗
Hydrangea quercifolia		Oak Leaf Hydrangea		◇			⊕	∅				▽	
Mahonia beali		Leatherleaf Mahonia	◆		>	#	⊕	∅				▽	
Ligustrum lucidum		Glossy Privet	◆				⊕		*		●	▽	⊗
Ligustrum Recurvifolium		Sweet Viburnum	◆				⊕	∅	*		●	▽	⊗
Viburnum Odratissimum		Sweet Viburnum	◆				⊕	∅	*		●	▽	
Viburnum Suspensum		Sandankwa Viburnum	◆										
Podocarpus macrophylla		Yew Podocarpus	◆				⊕	∅	*			▽	⊗
Pittosporum tobira		Green Pittosporum	◆				⊕	∅	*		●	▽	⊗
Pittosporum tobria "Wheeleri"		Wheeler's Dwarf	◆				⊕					▽	
Nerium Oleander		Oleander	◆		>		⊕		*		●		⊗
Nerium Oleander "Petite"		Nerium Oleander	◆		>		⊕					▽	
Rhapiolepis indica		India Hawthorne	◆		>	#	⊕	∅			●	▽	

Evergreen	◆	Specimen	∅
Decidous	◇	Screen	*
Flower	>	Shade	
Fruit	#	Border	●
Foliage	⊕	Foundation	▽
		Framing	⊗



## PLANT MATERIAL MATRIX CONTINUED

### GROUND PLANE PLANTING

BOTANICAL NAME	COMMON NAME	CHARACTERISTICS						MOST COMMON USE					
Fatsia japonica	Japanese Fatsia	◆				⊕		∅				▽	⊗
Ilex vomitoria	Youpon Holly	◆				⊕		∅				▽	
Ilex vomitoria "nana"	Dwarf Youpon Holly	◆				⊕						▽	⊗
Nandina domestica	Nandina	◆		>	#	⊕		∅				▽	⊗
Myrica cerifera	Wax Myrtle	◆				⊕			*			▽	
Trachelospermum asiaticum	Asian Jasmine	◆											
Liriope muscari	Lily-turf	◆				⊕					•	▽	
Hermerocallis	Daylilies	◆		>		⊕					•		
Cyrtomium falcatum	Holly Fern	◆				⊕		∅			•	▽	
Ophiopogon japonicus	Mondo Grass	◆											
Juniiperus conferta	Blue Pacific Juniper	◆				⊕						▽	
Bamboosa multiplex	Clump Bamboo	◆				⊕		∅	*		•		⊗
Yucca gloriosa	Gloriosa Yucca	◆				⊕		∅				▽	
Yucca filamentosa	Yucca	◆				⊕		∅					

Evergreen	◆	Specimen	∅
Deciduous	◇	Screen	*
Flower	>	Shade	
Fruit	#	Border	•
Foliage	⊕	Foundation	▽
		Framing	⊗

## PLANT MATERIAL MATRIX

### ACCENT TREES

			CHARACTERISTICS					MOST COMMON USE					
BOTANICAL NAME		COMMON NAME											
Eriobotrya japonica		Loquat	◆			#	⊕	∅					⊗
Sabal Pametto		Cabbage Palm	◆				⊕	∅	*			▽	⊗
Cornus florida		Flowering Dogwood		◇	>	#		∅					
Ilex Opaca "Savannah"		Savannah Holly	◆			#	⊕	∅	*		●	▽	⊗
Lagerstroemia indica		Crape myrtle		◇	>			∅			●		⊗
Pinus Thunbergi		Japanese Black Pine	◆				⊕	∅	*		●		⊗
Pyrus calleryana		Bradford Pear		◇	>		⊕	∅					
Malus floridunda		Japanese Crabapple		◇	>	#		∅					⊗
Sapium sebiferum		Chinese Tallow Tree		◇			⊕						
Gliditsia inermis "Shademaster"		Honey Locust		◇		#	⊕	∅					
Cuprueecyparis leylandii		Leyland Cypress	◆				⊕	∅	*		●	▽	⊗

Evergreen	◆	Specimen	∅
Deciduous	◇	Screen	*
Flower	>	Shade	
Fruit	#	Border	●
Foliage	⊕	Foundation	▽
		Framing	⊗

# PLANT MATERIAL MATRIX

## CANOPY TREES

			CHARACTERISTICS						MOST COMMON USE				
BOTANICAL NAME		COMMON NAME											
Quercus nigra		Water Oak		◇			⊕					⊗	
Quercus virginiana		Live Oak	◆										
Quercus phellos		Willow Oak		◇								⊗	
Taxodium disticum		Bald Cypress		◇			⊕		∅				
Acer Rubrum		Red Maple		◇			⊕		∅				
Magnolia Grandiflora		Southern Magnolia	◆		>		⊕		∅	*		●	⊗
Salixsbabylonia		Weeping Willow		◇					∅				
Fagus grandiflora		American Beech		◇									

Evergreen	◆	Specimen	∅
Deciduous	◇	Screen	*
Flower	>	Shade	
Foliage	⊕	Border	●
		Framing	⊗