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OLDE PARK

ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS

Effective as of April 19, 2000

Charleston: 164370

EX-D-1"

Olde Park

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ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS

Olde Park

Effective as of April _____, 2000

1. Overview.

1.1. The Standards. Olde Park is a residential neighborhood on Mathis Ferry Road and Hobcaw Creek in the Town of Mount Pleasant, Charleston County, South Carolina.

The following Architectural and Landscape Design Standards (the "Standards") have been developed to aid homeowners, architects, builders, and landscape architects in the understanding of what the Olde Park neighborhood is to be, and how to accomplish the goals of the development as a whole. The residents of Olde Park can respond to the natural environment by encouraging quality, respect for the land and attention to detail, by creating a traditional theme and consistency in improvements. By so doing, the serenity and beauty can be preserved and the property values can be protected and enhanced. In this regard, these Standards are intended to provide direction to lot owners, architects, builders and the design team in the planning, design and construction of their residences.

Further, these Standards are established to be used in harmony with the covenants, restrictions and codes that are noted on deeds, plats, and the Declaration of Covenants, Conditions and Restrictions for Olde Park. The provisions of these Standards shall not be construed as absolute rules binding on the Olde Park Architectural Review Board (ARB), as they may not contain all building uses, materials, easements, setbacks, deed restrictions, etc. which may apply to each individual lot. Therefore, each property owner and builder should familiarize themselves with the various applicable codes and building regulations.

1.2. Authority. These Standards are established by GR, LLC. (the "Declarant") pursuant to the Olde Park Declaration of Covenants, Conditions and Restrictions. Any capitalized terms in these Standards not defined herein shall have the same meaning as more specifically set out in the Olde Park Covenants, Conditions and Restrictions (as defined below).

These Standards are in addition to the Development Standards established by the Olde Park Homeowners Association, Inc.

These Standards shall be administered by an Architectural Review Board (ARB) established by the Declarant and consisting of a minimum of three persons appointed by the Declarant which may be or not be, employees of the Declarant. Prior to commencing the preparation of Final Plans, it shall be the responsibility of each Lot Owner to obtain from the ARB the most current version of these Standards (and all amendments hereto). All Final Plans shall be prepared in compliance with the most current version of these Standards (and all

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amendments hereto) that have been promulgated by the ARB as of the date Final Plans are submitted to the ARB.

1.3. Applicability to Lots. As to any platted Lot in Olde Park (hereinafter referred to as "Lot") sold to builders or consumers, no Improvements may be commenced, erected or maintained until the ARB has given its written approval of Final Plans under Paragraph 3.4. below, and given its written Approval to Commence construction under Paragraph 3.5. below, pursuant to these Standards, including any amendments or revisions hereto in effect on the date such Final Plans are submitted to the ARB.

These Standards shall apply to all such Lot Owners and builders at Olde Park, and any reference herein to an "Owner" shall also apply to the Owner's builder and subcontractors.

1.4. Advisory Design Professionals. The ARB may retain an architect and/or other design, landscaping and construction professionals to advise it in the plan review and approval process. Lot Owners and builders may wish to consult with these professionals on a preliminary, informal basis with questions about the design intent of these Standards and their application to the overall design or design features of individual houses and landscaping. Since these professionals will be advisors only, their views and opinions will be considered by, but will not be binding on, the ARB. The ARB will make the names and telephone numbers of these professionals available on request.

1.5. Definition of "Improvements". The term "Improvements" shall mean and include any and all man-made changes or additions to a Lot, connecting to, or appurtenant to, a Lot, including but not limited to, the location, materials, size and design of all buildings (including any exterior devices attached to or separate from buildings, such as heating and air conditioning equipment, solar heating devices, antennae, satellite dishes, clothes lines, etc.), storage sheds or areas, piers, mooring posts, boat lifts, docks, boat slips, boathouses, roofed structures, parking areas, fences, "invisible" pet fencing, pet "runs", lines and similar tethers or enclosures, walls, landscaping (including cutting of trees), hedges, mass plantings, poles, driveways, ponds, lakes, changes in grade or slope, site preparation, swimming pools, hot tubs, Jacuzzis, tree houses, basketball goals, skate ramps and other sports or play apparatus, signs, exterior illumination and changes in any exterior color or shape. The definition of Improvements includes both original Improvements and all later changes to Improvements. However, the definition of Improvements does not include the replacement or repair of Improvements previously approved by the ARB, provided that such replacement or repair does not change exterior colors, materials, designs or appearances from that which were previously approved by the ARB.

1.6. Philosophy. These Standards have been developed to implement the design philosophy of Olde Park. Specifically, to blend structures and resident lifestyles into a harmonious and aesthetically pleasing residential community while placing a strong emphasis upon the preservation and enhancement of the natural beauty of Olde Park. These Standards are intended to provide direction to Lot Owners and builders in the planning, design, and construction of their residences. The purpose of these Standards is to create a theme and

consistency in Improvements with an emphasis upon quality of design and compatibility among all Improvements while maintaining the integrity of Olde Park. No one residence, structure, or other Improvement should stand apart in its siting, design, or construction so as to detract from the overall environment or appearance of Olde Park.

2. **Design Standards.** The statements and Standards in these Standards shall be explanatory and illustrative of the general intent of the development of the Lots and are intended as a guide to assist the ARB in reviewing preliminary plans, the Final Plans and other submittals. The provisions of these Standards shall not be construed as absolute rules binding on the ARB. The ARB may issue changes to these Standards from time to time due to changing requirements of governmental agencies and financial institutions; due to the evolution of the state of the art of community planning and development; due to changes in technology including changes in materials; and, due to other considerations as determined by the ARB.

2.1. **Architectural Theme.** Olde Park is a residential neighborhood designed in response to the environmental and cultural heritage of the land. The developers of Olde Park believe that it is appropriate for the residences planned and built here to reflect the heritage that recalls the elegance, simplicity, and grace of the 18th, 19th and 20th-century architecture of the Low Country. Such building styles as Federal, Plantation Revival, Traditional Low Country, Greek Revival and Georgian Colonial will be considered as appropriate, properly site adapted for the Olde Park setting. The purpose of these Standards is to create a theme of consistency in improvements with an emphasis upon quality of design and compatibility among all improvements. No one residence, structure or other improvement should stand apart in siting, design or construction as to detract from the overall appearance of Olde Park. Through the faithful adoption and enforcement of these Standards, Olde Park will be assured of the values and traditions that this land so respected.

2.2. **Buildings.**

2.2.1. **Dwelling Types.** Each Lot may contain only one detached single-family private dwelling and an attached side loaded private garage (unless the ARB in its sole discretion permits, in writing, front loaded garages or detached garages) and only such other accessory structures as approved by the ARB.

2.2.2. **Dwelling Size.** The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, and unheated storage areas, decks and patios. "Waterfront" Lot as used in these Standards shall mean a lot that fronts upon Hobcaw Creek.

Any dwelling erected on a lot shall not contain less than the following square feet:

Lots #1-92	2,500 Square Feet
Lots #93-114	3,000 Square Feet

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Notwithstanding the foregoing requirements, the ARB shall have the right, in its sole and absolute discretion, because of restrictive topography, lot dimensions, unusual site related conditions or other reasons (as determined solely by the ARB) to allow variances of up to ten percent (10%) of such minimum square footage requirements by a specific written variance.

2.2.3. Maximum Height. The maximum height for a house may not exceed the currently adopted building height restrictions of the Town of Mount Pleasant.

2.2.4. Ceilings. Interior ceiling heights shall be a minimum of nine (9') feet on the first (street grade) floor, and, if possible within applicable Mount Pleasant height limitations, eight (8') feet on the second floor for two story homes.

2.2.5. Garages. Every house shall have an attached garage for not less than two (2) vehicles. Garage doors are required, and may not face the front elevation street unless a variance is approved by the ARB in writing in its sole discretion, which approval will be given only where particular hardship would otherwise result because of Lot size, configuration, topography or other circumstances deemed sufficient by the ARB. All interior walls and ceilings of garages must be finished. Carports are not allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side loading garages, use of either landscaping, a wall, fencing or a combination of these elements must provide adequate screening. Unless the ARB otherwise allows in its sole discretion, the garage turnaround area must provide for a minimum of twenty-six (26') foot back up distance, with an additional three (3') foot buffer between the edge of the driveway and the property line (total minimum of 29'). Driveway slope should not exceed a 12% grade.

2.2.6. Porticos / Entries. Covered entries, porticos, front porches were very dominant in the historic design setting. Hence, porticos integral with the main house present a formal, simple elegant arrival and are encouraged. Likewise, columns and handrails of compatible traditional detailing are a historic and proper detail element to the entrance. Cornices, exterior trim and authentic detailing will be reviewed as well. Detailing around window and door openings should be reviewed and presented on the elevations. A cut sheet on the entry door and surround must be provided. Also, to be considered will be exterior lighting adjacent to the front porch. A cut sheet of the fixture selection must be provided for exterior lamps.

Only rear porches may be screened and should be detailed with columns that appear to have existed first, then screened later. Metal columns are discouraged. All columns should be of proper entasis or curvature to the historic theme.

2.2.7. Facade Treatments. The Olde Park neighborhood can best be envisioned as having a Low Country influence. Unique variety is encouraged on facade treatments, a balanced, historic emphasis is to be placed on building details, massing and proportions. Symmetry is encouraged to provide a simple and elegant arrival elevation. Detailing should be consistent with the order on all elevations and structures. Materials on the main body of the structures should be of similar materials with no veneers of two or more materials. Careful detailing should be considered when

two or more materials are introduced onto a façade design.

2.2.8. Roofs. As the roof profile is of great importance to the traditional historic theme, the main structure pitch or slope should not be less than 8:12 unless otherwise approved by the ARB. Porches, breezeways, and other secondary structures may be less. As gable, hip, and gambrel roofs were the order, flat roofs (less than 1:12) are only acceptable when used to create the period character. Dormers and other historic roof elements are encouraged providing the proportions are in keeping with the design proposed.

Roofs and roof pitches should be in proportion to the overall size and shape of the house. Acceptable roofing materials are natural or manmade slate, tile or minimum twenty-five (25) year warranty, variegated color, architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing prior to commencement of construction. Standing seamed metal roofs may be an acceptable material as determined on an individual basis at the sole discretion of the ARB. In the event that a metal seamed roof is approved, the lot owner shall be required to paint said roof a color from the approved ARB list. Acceptable colors include Dark Bronze, Matte Black, Slate Gray. Other variations of these colors may be considered by the ARB, whose approval shall be at its absolute and sole discretion. Unpainted copper standing seamed roofs shall be considered on an individual basis at the absolute and sole discretion of the ARB. Roof vents, roof power vents, plumbing vent pipes and skylights will not be permitted on roofs visible from any street, unless approved in advance in writing by the ARB. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate. Any other roof treatments or features (i.e., ridge vents) shall be so noted on the architectural plans and approved by the ARB.

2.2.9. Exterior Materials and Colors. Exterior materials should be brick, stucco, wood, or cement fiberboard, all as approved by the ARB. Exterior Insulation Finish Systems (EIFS) materials will not be permitted. Use of vinyl siding will not be allowed nor will a mix of vinyl and other allowed materials. Vinyl, however, as approved by the ARB will be allowed for fascia, soffits, windows and shutters. Vinyl windows must be of a high quality grade as determined by the ARB. Horizontal siding (wood and cement fiberboard) as approved by the ARB must be fully back supported to maintain a straight and even outer surface, and must be fully and properly finished. Natural weathering of exterior wood materials is not desired. Imitation or brick-like materials are generally not approved, and may be used only upon prior written approval by the ARB.

The exterior colors and materials used on a house should blend together to create a harmonious whole and color schemes are subject to the approval of the ARB. To this end, samples of proposed exterior materials and colors must be submitted as part of the Final Plans. Trim colors should not contrast strongly with the exterior wall color. The color of a masonry foundation should generally blend rather than contrast with the exterior wall color. Dark trim colors generally will not be approved.

2.2.10. Porches and Decks. Porches and decks should be designed with substantial, well-proportioned railings, flooring and support posts meeting building code requirements. The size and design of porches and decks should be architecturally compatible with the house. Porch and deck support columns constructed of masonry shall be 12" x 12", and porch and deck support columns constructed of wood shall be 6" x 8" (with base and capital detailing). Space below decks should be screened with lattice, shrubbery or other means appropriate to the house design. The finished elevation of the patio, or the floor of the uncovered deck, shall be either at or within two (2') feet of natural grade unless approved by the ARB.

2.2.11. Chimneys. Chimneys are an integral and important element of the architectural statement of the historic theme. As such, location and massing should be in keeping with that order. Interesting, appropriate and historic detailing at the chimney peak is required. Chimneys should be full foundation based and made of brick, stucco or other material approved in writing by the ARB, and of a design, location and material appropriate to the house. Metal flues and wood chases are not recommended for use in Olde Park. If approved by the ARB in its sole discretion, a metal flue must be installed with an appropriate shroud.

2.2.12. HVAC Equipment. No air conditioning or heating apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Air conditioning or heating apparatus shall be screened from view from the street by landscaping and/or fencing. Suitable fencing shall be four (4') feet high with lattice, louvers or brick lattice and a design acceptable to the ARB. The following is a list of recommended size, type, and number for HVAC screening:

<u>Plant</u>	<u>Size</u>	<u># Needed</u>
Dwarf Burford Holly	5 gallon	5 to 7
Yaupon Holly	7 gallon	5 to 7
Cleyera	5 gallon	7 to 9
Wax Myrtle	3 gallon	7 to 9
Ligustrum	5 gallon	5 to 7
Sweet Viburnum	5 gallon	5 to 7
Anise	5 gallon	5 to 7

Evergreen plants not listed above may be submitted for consideration by the ARB on a case by case basis.

2.2.13. Attachments, Satellite Dishes and Antennas. No permanent attachments of any kind or character whatsoever (including, but not limited to, television and radio antennas, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building or otherwise placed or maintained on any Lot unless such attachments or devices are approved in advance in writing by the ARB. An owner generally may have one receiving satellite dish or disc not to exceed twenty-four (24") inches in diameter. Any such devices approved by the ARB shall be located in the rear as approved by the

ARB and shall not be visible from the street. Lightning rods may be considered for approval at the sole discretion of the ARB.

2.2.14. Windows and Shutters. Windows should generally be the same type and style all around the house. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted. Operable shutters are encouraged, should fit the proportion and shape of the windows and, when used, should be located at a minimum on all elevations visible from the street. Unless specifically waived in writing by the ARB, all windows and doors shall have caps of soldier course brick, jack arches, wood caps or other approved decorative treatment and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board. All front windows must be simulated or true divided light windows, which reflect the period detailing, and character of a traditional residence. Windows of vinyl clad will be considered upon submittal of actual window cut sheet or window samples. Green house designs will be discouraged due to their contemporary design.

2.2.15. Mailboxes and House Identification. All mailboxes and newspaper boxes must be of a standard color, size and design as approved by the ARB or as provided by Declarant and may be installed only in a location approved by the ARB. Mailboxes will be reviewed for location relative to the residence.

House numbers may be displayed on buildings or mailboxes only as approved by the ARB. Each home shall be identified by numerals to coincide with the 911 numerical listing. Review applicable ordinances requiring posting and location prior to selecting location on the residence. All numerical posting will require ARB approval.

2.2.16. Electric Transformers and Refuse Containers. All electric transformers and all refuse containers stored outdoors must be screened from view by methods and with materials approved by the ARB. CATV coaxial may not be run on exposed exterior surfaces. Builders must consult with applicable service or utility provider prior to planting near or around the transformers.

2.2.17. Foundations. Unless specifically waived in writing by the ARB, all foundations must be raised with a minimum two (2') feet high crawl space, and slab-on-grade foundations will generally not be permitted except for garages, patios and unheated porches. Only houses located in a flood zone shall be allowed to be raised to allow for parking beneath the house unless approved by the ARB.

2.2.18. Pools, Therapy Pools and Spas. The size, shape and setting of pools must be carefully designed to achieve a feeling of compatibility with the surrounding natural and man-made environment. The location of swimming pools, therapy pools and spas should consider the following:

1. Indoor/Outdoor relationship

- 2. Setbacks
- 3. Views both to and from the pool area
- 4. Wind
- 5. Sun
- 6. Terrain (grading and excavation)
- 7. Fencing and privacy screening

Pools will not be allowed outside of the Building Envelope area, except in limited circumstances as approved by the ARB. Pool decks may encroach outside the Building Envelope area if at or within two (2') feet of natural grade and no closer than ten (10') feet to any property line and the location complies with Mount Pleasant regulations. Pool and pool equipment enclosures must be architecturally related to the residence and other structures in their placement mass and detail. Such structures shall be screened or treated so as to avoid distracting noise and views. Screened enclosures of tubular design will not be approved over pools. Pool slides are not allowed unless low in vertical profile. Pump houses and filter rooms will be integrated into the landscape and compliment the home's detailing.

2.2.19. Play Equipment. Elements of a planned park or playground, swing sets and similar outdoor play areas, structures and equipment should be located where they will have a minimum impact on adjacent Lots and where they will be best screened from general public view. The types of materials allowed are subject to the approval of the ARB.

2.2.20. Remodeling and Additions. Lot Owners desiring to remodel existing Improvements and/or to construct additions to existing Improvements shall follow these Standards as if such remodeling or additions were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscaping and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ARB are skylights and solar collectors, recreational features, lighting, antennas and satellite television equipment. The afore-mentioned possible future improvements or additions shall not be visible from the street unless approved by the ARB. ARB approval is required for remodeling and additions just as it is for new construction. Renovation and addition plans must be submitted to the ARB for approval in accordance with Paragraph 2.2.20 of these Standards, accompanied by an Additions/Renovations Review Fee of ~~\$150.00~~ 200.00.

2.3. Primary View. Building Envelopes and Driveways.

2.3.1. Primary View. The location and design of each residence and all other Building Improvements should be tailored to the specific features of each Lot. The term "Building Improvements" means all Improvements other than landscaping and trees; provided, the term "Building Improvements" shall include hedges and other mass plantings. All building Improvements should be sited so as to minimize disruption to the existing natural setting, including mature trees, drainage ways and the Primary View.

Notwithstanding the above, Primary Views and other view corridors from a Lot to the

Olde Park Common Areas are subject to the rights of Lot Owners, GR, LLC, and others under the terms and conditions of these Standards to construct Improvements and install landscape Improvements that might obstruct or diminish such views and view corridors. The ARB will use the Primary View concept as a guide, but not an absolute rule, when reviewing proposed Building Improvements.

2.3.2. Building Envelopes. Setback requirements are as prescribed by the Town of Mount Pleasant. The minimum setback for the front is thirty (30') feet and the rear is also thirty (30') feet. The combined minimum side setback is twenty-five (25') feet with a minimum of ten (10') feet on one side. However, the ARB encourages a minimum of 12.5' feet on each side where possible. In addition, the ARB will control the location and orientation of the house within the Building Envelope to maximize the aesthetics of the landscape.

All buildings on the Lot (including any stoops, porches, patios, terraces, etc.) and all swimming pools and similar recreational improvements must be erected within the Building Envelope established by the ARB; provided, however, that docks and piers are exempt from this Building Envelope restriction provided they are approved by the ARB pursuant to Paragraph 2.9 of these Standards.

It is not intended that an Owner design his/her residence or other Improvements so as to completely fill the Building Envelope. Designs which fit within the Building Envelope, but which in the opinion of the ARB overwhelm the Building Envelope and are therefore inconsistent with the philosophy of Olde Park, will not be approved.

2.3.3. Driveways, Sidewalks and Utilities. The ARB may establish a recommended driveway location for each Lot. The ARB may also establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. Driveway location will vary on each Lot depending on the Lot size, shape, topography, vegetation, placement of the Building Envelope, sight distances at the entry to the public street and the location of other houses and access drives in the vicinity. Driveways and sidewalks should be curved where practical between existing trees to avoid unnecessary cutting, and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. In general, a distance equal to at least fifteen (15') feet should separate driveways at the property line and planting acceptable to the ARB is provided between them. This will not be possible in all situations, particularly on cul-de-sac lots, fan lots, or flag lots, but should be applied wherever practical. Driveways must be constructed of a lightly brushed concrete or pre-cast concrete unit pavers, unless other material is approved for that particular lot by the ARB.

No common driveways will be allowed unless approved by the ARB. Circular driveways will be considered on an individual basis and shall only be allowed with ARB approval.

Each lot owner will be required to pave the first fifteen (15') feet of the driveway apron with pre-cast concrete unit pavers as specified by the ARB, in accordance with standard ARB approved design. Pavers shall be installed and maintained to provide a smooth crossing for

sidewalks to meet ADA requirements. Driveways shall be located so as to avoid street trees planted by the developer.

2.3.4. Exceptions. Variances. Although the size, shape and location of the Building Envelope and designated driveway, sidewalk and utility areas are intended to be somewhat flexible, exceptions can be made only by the ARB in writing. The ARB will consider proposed modifications only if their implementation will not result in a significant adverse impact upon the natural features of the Lot, neighboring Lots, or Olde Park as a whole. For any request for a variance exceeding ten percent (10%) of the setback established by the ARB's Building Envelope for a particular Lot, comments from Owners of any contiguous Lots or other contiguous property in Olde Park will be given consideration. Notwithstanding the above, all setbacks must comply with the minimum setbacks of the Town of Mount Pleasant.

2.4. Fences and Walls.

2.4.1 Location and Design. Walls and fences should be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the site. All wall and fence designs should be compatible with the total surrounding environment. Special consideration should be given to design, placement, impact and view of the wall or fence from neighboring homesites. Fences and walls should be considered as design elements to enclose and define courtyards, pools and other private spaces, provide security and relate building forms to the landscape. Fences and walls should be run or curved where practical between existing trees to avoid unnecessary cutting. The ARB, prior to any installation, must approve the location, materials, size and design of all fences and walls in advance and in writing.

Walls should be constructed of solid masonry or wrought iron with columns, using the same materials as found in the architecture of the residence. Prefab wood, prefab brick, board-on-board, chain link or welded wire fencing will not be permitted. Wood privacy fences must have masonry columns finished in brick, stucco or stone.

Walls and fences constructed on lots that are interior, non-waterfront lots must 1) be erected along the side and rear lot lines only and 2) conform to the ARB restrictions on removing trees. Once one approved fence or wall has been erected on a side or rear lot line, that approved fence or wall generally will be the only approved fence or wall to be erected on that lot line. In other words, double fencing by adjoining Lot Owners will generally not be allowed on side or rear lot lines.

Fences along rear property lines fronting on common areas shall conform to standard ARB approved design.

The ARB in its discretion may allow privacy fences (or walls that provide total seclusion) in certain areas of the community. For all Lots, privacy fences and walls which provide total seclusion generally will be allowed to enclose the unused rear Building Envelope area and remain inside the required setbacks.

Fence¹ - An enclosure or dividing "framework" for land, yards or gardens.

Wall - A "structure" which serves to enclose or subdivide a building usually presenting a continuous surface except where penetrated by doors, windows, and the like.

2.4.2. Front Yard. No fence or wall shall be erected, placed or maintained on a Lot nearer to any street fronting such Lot than the front building corner of the main dwelling constructed on such Lot. Entry columns may be considered on an individual basis at the sole discretion of the ARB.

2.4.3. Waterfront Lots. Consistent with the Primary View provisions of Paragraph 2.3.1, no fence or wall shall be erected, placed or maintained on a Waterfront Lot which will substantially obstruct Primary Views as determined by the ARB in its sole discretion.

2.4.4. Maximum Height. Fences and walls shall not exceed four (4') feet in height unless the ARB in its sole discretion permits in writing a higher fence. The piers, columns, etc. can extend up to 4' 8" high.

2.4.5. Retaining Walls. The use of retaining walls on Lots will generally be permitted where their omission would result in excessive slopes, erosion, excessive maintenance or extensive clearing. Retaining walls visible from streets and adjoining Lots must be constructed of, or faced with, material of a type approved by the ARB. All such walls must be designed to be structurally sound and properly drained.

2.5. Grading and Drainage.

2.5.1. Grading and Excavating. The design and development philosophy for Olde Park calls for the utilization and enhancement of the existing natural environment. The ARB is particularly conscious of site design and seeks to ensure that each residence blends aesthetically with the natural site features and existing terrain of the Lot and neighboring Lots. To help ensure compliance with this philosophy, as part of the Final Plans, a Lot Owner must submit a grading plan along with the site plan. Approval of the grading plan must be obtained from the ARB (as part of the approval by the ARB of the Final Plans) prior to moving or removing any dirt from any Lot. No grading shall be permitted on a Lot without first obtaining such authorization from the ARB.

Recommendations or requirements of the ARB with respect to grading plans may be based on individual Lot locations, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions which the ARB determines may bear upon the site grading for

¹ Source: The Dictionary of Architecture and Constructions. (Harris Cyril M.) McGraw-Hill, Inc. New York 1975).

the Lot.

The creation of fill sections to artificially elevate residences will generally be disallowed. In the event of a low-lying homesite or in areas where such artificial elevation will not adversely affect views from surrounding Lots, filling to provide elevation may be acceptable.

2.5.2. Drainage. Drainage considerations for individual Lots play an important part in the ecological balance of Olde Park. Generally, each Lot should be graded such that water drainage onto adjoining Lots is avoided; slopes should be created to direct runoff to the nearest natural drainage areas or storm drainage facilities. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. The water runoff shall be handled in such a manner as not to adversely affect any neighboring Lots. Particular care must be taken on Lots fronting the lakes/ponds and other amenities to protect those areas. The drainage for each lot must comply with the master drainage plan for Olde Park and each lot must be graded to so comply.

The ARB shall have the authority, at its sole option, to require that the Final Plans for any Lot include a drainage plan for the Lot.

2.6. Erosion and Sediment Controls. During any clearing, grading and construction activities on a Lot, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Lot must be contained within the Building Envelope. In addition, individual trees or tree groups within the Building Envelope, which are designated for preservation must also be protected from run-off, erosion or sediment damage.

2.7. Protection of Vegetation. The existing trees at Olde Park are a prized natural amenity, which add value to the community in a multitude of ways. The Developer has exercised care to retain much of the existing vegetation in the design of the land plan and Lot Owners, their builders and contractors are expected to continue to preserve this valuable resource during the course of construction. Notwithstanding any other provision herein, no trees may be cut or removed on any lot and no lot may be cleared unless first approved in writing by the ARB. Owners are encouraged to save as many trees as possible on each lot and especially trees at the front, sides and rear that help form a natural canopy. Also, owners and builders need to be aware that covering of tree roots with large amounts of fill/soil can cause trees to die within 2 or 3 years. A tree survey is required for all trees over five (5") inches in diameter, measured four (4') feet above grade.

2.7.1. Inside Building Envelope. In the site planning and placement of a residence, consideration shall be given to preserving mature trees (as defined below) located within the Building Envelope. Equipment used for the removal of trees inside the Building Envelope shall be operated in a manner to avoid damage to vegetation outside the designated clearing area.

2.7.2. Outside Building Envelope. "Mature trees" outside the Building Envelope may not be cut down or otherwise removed without the specific written approval of the ARB. "Mature trees" for purposes of these Standards shall mean the following (and shall be measured at

existing grade):

<u>Tree Type</u>	<u>Diameter</u>
Evergreen	5" or greater
Deciduous	5" or greater
Dogwoods and other Flowering trees	1 1/2" or greater

Notwithstanding the above, no trees may be removed from any Lot in violation of the ordinances and regulations of the Town of Mount Pleasant. All builders and owners shall take all reasonable steps necessary to protect mature trees during construction including fencing and other types of barricades. All trees deemed significant by the ARB must be barricaded for protection as determined by the ARB. Barricades must extend, at a minimum, to the dripline of trees. Groupings of trees will be barricaded around the perimeter of the group.

2.7.3. Fines for Unauthorized Cutting. The ARB shall have the authority, in its sole discretion, to assess penalties against an Owner who cuts, damages or removes any trees, shrubs or other vegetation on its Lot contrary to the provisions of these Standards. Such penalties shall be in addition to any costs charged against the Owner's Construction Escrow Deposit, if any, under Paragraph 6 of these Standards. An Owner shall not under any circumstance cut, damage or remove any trees, shrubs or other vegetation on any other Lot or Common Area property. The ARB shall have the authority, in its sole discretion, to assess penalties against any Owner who violates this rule.

2.7.4. Lot, Sidewalk and Curb Protection During Construction. The approved driveway location shall be the sole access point for construction for a lot. Prior to beginning clearing and delivery of material, the roadside sidewalk shall be saw cut and removed at the location of the driveway at the sole expense of the Lot Owner. A barricade fence shall be erected to protect the sidewalk in accordance with the ARB. No parking is allowed on the sidewalk or landscape strips at any time.

Any roadside sidewalk or concrete curb areas damaged during construction shall be replaced to match the original sidewalk or curb. The Lot owner/builder of each lot will be required to remove and replace the existing roadside sidewalks, as needed, to transition the roadside sidewalk to meet the driveway flush on each side of the driveway. Sidewalk transition shall not exceed a slope of five (5%) percent. The ARB recommends that each Lot owner/builder photograph the existing condition of the roadside sidewalk, curb and road area that fronts the Lot prior to any construction activity.

2.8. Maintenance of Natural and Introduced Vegetation or Landscaping. Each Owner is responsible for maintaining in a healthy condition all natural and introduced vegetation on its

Lot. Removal of dead or diseased plant material must be done on a regular basis in accordance with the best practices for the plant material involved. This is typically prior to, or at the end of, the growing season for that vegetation type. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including any pinestraw covered areas.

2.9. Docks and Boat Houses.

2.9.1. General. Subject to approval by the ARB and subject to the rules and regulations of all federal, state and local agencies having jurisdiction, the Owner of each Waterfront Lot designated as eligible to apply for a dock permit will, subject to receiving all required permits from all agencies having jurisdiction, be permitted to construct one dock in a location and with a design approved in writing by the ARB. All docks including all devices and features must meet design criteria established by the ARB.

No Owner shall have the right to construct more than one dock in front of a single Waterfront Lot without the prior written consent of the ARB.

The design, color, location, dimensions and materials of docks, piers, and seawalls and any other structure or improvement constructed adjacent to or appurtenant to a Waterfront Lot or otherwise within the boundary of Olde Park must be approved in advance in writing by the ARB.

Generally, any waterfront improvement should have a low profile and open design to minimize obstruction of neighbors' views.

Docks should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The use of riprap, bulkheading or other shoreline stabilization methods or materials may not be initiated without approval by all agencies having jurisdiction and the ARB. The point of access of a dock creating any site disturbance or clearing associated with its placement or construction must be submitted to the ARB for approval along with the Final Plans.

Docks must be constructed of new materials, and must be compatible in style with other Improvements on the Lot, the Lot width on the water, the shoreline configuration and vegetation massing.

Any ramp or lift device connected to a dock to hoist personal watercraft, unless approved by the ARB prior to installation, is subject to removal by order of the ARB.

2.10. Exterior Lighting. Exterior lighting must be limited to areas within the Building Envelope and low-level fixtures that illuminate only the boardwalk and deck surface of the docks. Exterior lighting can not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ARB in its sole discretion. Floodlights shall be hooded to avoid the bulbs being visible from the street and neighbors. Cut sheets are required for

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all exterior fixtures.

2.11. Tennis Courts. Tennis courts and practice backboards will not be allowed on Lots.

2.12. Landscape Design. Olde Park has been planned utilizing the natural elements as much as possible. Various hardwoods and pine trees are plentiful within the community, and it is the ARB's intent to maintain this landscape integrity. Landscape design should always complement and account for the architecture and location of the residence. When reviewing specific landscape plans, the ARB will consider the various relationships of house to site, house to house, views, prevailing breeze, solar orientation, the lakes, ponds and other amenities. When reviewing specific landscape plans, decisions regarding specific landscape plans to ensure that the overall beauty of the community is preserved and enhanced, the ARB has the authority to approve or disapprove landscape plans for individual residences at its sole discretion.

2.12.1. Design Criteria. A fundamental design criterion is the need for gardens and lawns to harmonize with the native vegetation, terrain and natural beauty of the community. In order to recognize and protect as many of these trees as practically possible, an Owner must obtain from the ARB prior written approval before any tree is removed from any Lot. Owners will be encouraged to landscape their lots with plant material which is indigenous to the area and leave untouched as much as possible the existing vegetation and natural amenities. A minimum of three (3) mature trees (4" base) will be required in the front yard of each lot. Plants should be those considered as resistant to or tolerant of deer.

2.12.2. Landscape Submittal Requirement. As described at Paragraph 3.4.4.4, the landscape plan must be submitted and approved no later than prior to the start of installation of the outside finish on the residence. However, it is encouraged that the landscape plan be submitted earlier, along with the Final Plans to avoid any unnecessary delay and expense. Landscaping must be substantially completed prior to occupancy; otherwise the ARB shall have the discretion and authority to fine Owners up to \$100.00 per day starting thirty (30) days from date of occupancy until the landscaping is completed. However, depending on the season, conditions, and heat, the ARB may agree by written variance to permit plants not tolerant of existing conditions for planting at the time of occupancy to be planted on a schedule as set out in such written variance. The landscape plan must show all proposed site structures and features including drives and turnarounds, walks, patios, decks, fences, pools, spas, mailboxes, utility boxes and any other site features. Utility, trash, air conditioning and other visual screens should also be noted. Existing vegetation to remain should be specifically located and labeled.

The location, type and quality of all proposed planting must be accurately described on the plan. A complete plant list is required indicating the size, quality and spacing of the proposed plantings. Areas to be mulched or planted as a lawn should also be shown. Mulching, preferably with pine straw, is required for all planted areas and areas within ten (10') feet of any structure, lawn, or plantings. The mulched areas provide a smooth transition to the existing natural vegetation. Irrigation systems are strongly encouraged for the entire yard but as a minimum 1) all front and side yards visible from the street must be irrigated, and 2) the entire yard for all

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waterfront lots must be irrigated unless otherwise decided in writing by the ARB in its sole discretion. Irrigation helps maintain a quality landscape throughout the year, especially in times of drought. All irrigation systems must be on the Town of Mount Pleasant water system or other system approved in writing by the ARB. No wells will be permitted in Olde Park unless approved in writing by the ARB in its sole discretion. All wells will be required to be equipped to prevent any staining from iron and tannin or be abandoned.

2.12.3. ARB Responsibility. On its review, the ARB will take into consideration all elements of the individual landscape plan and plant materials selected. In addition to the already established natural vegetation, many other plant types will be acceptable for use within the community. The ARB has attached to these Standards as Exhibit C a listing of recommended plant types to be used in planning the various landscape designs. These plant materials have been selected because of their traditional influence in South Carolina and their other desirable characteristics. Following landscape plan approval, the ARB reserves the right to request additional plantings or replacement of plantings if deemed necessary by the ARB at the time of final inspection.

2.12.4. Forestation/Reforestation. While the preservation of existing trees is important, the ARB recognizes that certain clearing and filling work may be necessary resulting in the loss of existing trees. If any existing trees are to be removed, the Owner shall follow the requirement of Paragraph 2.7 of these Standards and attempt to incorporate new trees in the Owner's landscape plan. Similarly, for a Lot on which, prior to clearing, there were less than a sufficient number of trees as determined by the ARB, the Owner's landscape plan should incorporate new trees.

An Owner's forestation/reforestation plan should be submitted as part of the overall landscape plan but should be distinguished from the formal landscaping. For any forestation/reforestation plan, the ARB will generally require the following:

1. The site shall average at least one tree per 2,000 square feet of area contained in the Lot. New trees will be required to meet this average.
2. At least fifty percent (50%) of the new trees shall be shade or canopy trees acceptable to the ARB; and,
3. Each new tree shall have a minimum diameter of four (4") inches [measured six (6") inches from grade].

For a Lot on which existing trees will be substantially preserved, the ARB will generally reduce the number of new trees the Owner is required to plant. The extent of that reduction will depend on the quality and size of the preserved trees and similar factors, and will be determined by the ARB on a case-by-case basis.

3. Design Review Procedure.

3.1 Approval Process and Procedures.

3.1.1. Process Steps. The following sequence has been established to provide a systematic and uniform review process of all proposed designs, plans and construction. These steps represent the necessary procedures in the review process of building a residence. Any deviation from the procedures could cause unnecessary delay or additional costs.

1. Pre-Application Research
2. Conceptual Design Review
3. Payment of Fees and Application
4. Preliminary Design Review and Approval
5. Final Construction Documents Review and Approval
6. Landscape Plan Review and Approval
7. Execution of Agreement between Owner and Board
8. Payment of Deposits and Fees
9. Issuance of Olde Park Building Permit
10. Pre-Construction Conference
11. Stake Out Pre-Clearing Inspection and Approval
12. Periodic Inspections During Construction
13. Final Inspection Upon Completion of Construction
14. Completed Landscape Inspection

3.1.2. Qualified Design Professionals. To ensure that Olde Park maintains a high quality of architectural design, all plans for the construction of dwellings and other buildings or significant structures at Olde Park must be designed, drawn, and certified by a South Carolina Registered architect who has significant experience in residential design and construction. An experienced landscape architect registered in the state of South Carolina must prepare all plans for the landscape and associated sitework of dwellings and other significant structures.

3.1.3. Pre-Application Research. The owner should be acquainted with the ARB process and the ARB Design Standards. The design professionals are required to visit Olde Park, if possible, for an on-site tour prior to beginning preliminary design plans. The design team can then creatively design the residence in a compatible manner with the overall goals of Olde Park and the ARB. A member of the board will be available for an initial conference with the owner and/or design team for general information, design guidance and to explain the Standards and concepts in more detail. By visiting the site and observing the other homes in the area of Olde Park, this act will provide valuable information relative to the site, site placement, existing site parameters, trees of significance and the design process.

Before the design begins, initial documents to be reviewed by the owner and design team are:

1. Purchase Agreement

- 2. Indenture Deed
- 3. Recorded Plat of the Subdivision
- 4. Declarations of Covenants and Restrictions for Olde Park
- 5. Olde Park ARB Procedures and Standards
- 6. Applicable Mount Pleasant Ordinances and Fees
- 7. Applicable Local and State Building Codes
- 8. Applicable County Ordinances
- 9. Applicable Fire Impact Fees

3.2. Survey Information. The owner is to obtain a topographical survey of the lot as soon as possible to establish site planning and site evaluation per guideline requirements. The topographical survey shall verify the corner pins of the property, wetland boundaries and buffers, if applicable, and provide contours of the grades at one (1') foot intervals as well as spot elevations. It must also show the location and species of all trees five (5") inches or larger in diameter, all drainage features, underground utilities and the location and identification of any special features of the lot. The survey shall provide the name of the lot owner and be scaled at 1" = 20'-0". Setbacks, existing utilities and easements shall also be included.

3.3. Preliminary Plan Approval. The Owner of any Lot may request a preliminary review of the design of its proposed Improvements upon the submission to the ARB of the following (three [3] sets of all submittals are required to be submitted):

- 1. Architectural Review Fee. The Architectural Review Fee (including landscaping) is ~~\$300.00~~ ^{\$450.00} for new construction (which will also constitute the fee to be paid for final plan submission as set forth in paragraph 3.4 below) and ~~\$150.00~~ ^{\$200.00} for Additions/Renovations. All fees are payable to the Olde Park Homeowners Association, Inc.
- 2. Schematic site plan at a scale of 1" = 20'-0" showing one (1') foot contour topography, building and driveway locations and dimensions;
- 3. Schematic floor plans at a scale of 1/8" or 1/4" inch equals one (1') foot;
- 4. Schematic elevations, showing all sides, exterior materials and exterior colors and accurate grade at a scale of 1/8" or 1/4" inch equals one (1') foot;
- 5. Owner's address (or the address of Owner's authorized agent) to which the ARB should mail its written notice of approval or disapproval of the items Owner submits to the ARB under these Standards.

The ARB shall review such preliminary plans and return them to the Owner marked "Approved" or "Disapproved" as the case may be, together with all conditions and/or changes required by the ARB. As to any preliminary plans marked "Approval" by the ARB, Final Plans produced thereafter must be in substantial conformity therewith including all required conditions

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and/or changes, provided, however, that the ARB's approval of preliminary plans shall in no way bind or obligate the ARB to approve the subsequent Final Plans.

The ARB may refuse approval of preliminary plans, location and style of Improvements, exterior colors or finishes or other specifications for any reason including purely aesthetic reasons and architectural merit, in the sole discretion of the ARB.

3.4. Final Plan Approval. Final plans and specifications (hereinafter, the "Final Plans") for all Improvements proposed to be constructed on any Lot shall be submitted in triplicate to the ARB for approval or disapproval. The Owner must obtain a written receipt from the ARB that the ARB has received the Final Plans and all other required submittals. Final Plans submitted for approval must be accompanied by the Architectural Review Fee of \$300 as set forth above if such Fee has not already been paid in connection with a preliminary plan submission. In addition, the following items must be submitted with the Final Plans prior to the ARB beginning the Final Plan review process:

3.4.1. Mailbox Fee. The Mailbox Fee is \$225.00. The Mailbox Fee should be by check payable to GR, LLC. The Mailbox Fee will be used to cover the cost of a mailbox/newspaper box to be provided to each Lot Owner. It shall be the Owner's responsibility and at Owner's cost to have the mailbox installed in a location approved by the ARB. It is also each Owner's responsibility and cost to maintain each mailbox.

3.4.2. Construction Escrow Deposit. Construction Escrow Deposit as set by the ARB as of the date the Final Plans are submitted. The Deposit as of the Effective Date of these Standards is One Thousand Dollars (~~\$1,000.00~~). The Deposit should be by check payable to Olde Park Homeowners Association, Inc. The fee will be paid by the Builder. In the event, the Builder fails to do so, the Owner will be responsible for the fee. The Deposit will be held and used for the purpose and uses set forth in Paragraph 6 of these Standards. The maximum Deposit required from any one Approved Builder in the community will be Five Thousand Dollars (\$5,000.00).

3.4.3. Lot Improvements Agreement. Fully executed contract for construction of the Improvements between the Lot Owner and Builder.

3.4.4. Lot Agreement. Evidence that the Owner of the Lot (or if the Owner is an Approved Builder with a prospective purchaser, that the Approved Builder's prospective purchaser) has executed one of the following approved documents, as applicable, available from Declarant or its authorized agent:

- a. Lot Purchase and Sale Agreement, or
- b. Home Purchase and Sale Agreement.

If found not to be in compliance with these Standards or if found to be otherwise unacceptable to the ARB, one set of Final Plans shall be returned to the Owner marked

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"Disapproved", accompanied by a written statement of items found not to be in compliance with these Standards or otherwise unacceptable. The ARB may impose an additional review fee as it determines in its sole discretion for each re-submittal of Final Plans to the ARB.

At such time as the Final Plans meet the approval of the ARB, two complete sets of Final Plans will be retained by the ARB and the other complete set of Final Plans will be marked "Approved" and returned to the Owner. Once the ARB has approved the Final Plans for Improvements, the construction of such Improvements must be promptly commenced and diligently pursued to completion. If such construction is not commenced within six (6) months following the date of approval of the Final Plans therefore by the ARB, such approval shall be deemed rescinded. Before construction of Improvements can thereafter be commenced on the portion of the Property in question, the Plans therefore must again be approved by the ARB pursuant to this Paragraph 3.3.

Any modification or change to the "Approved" set of Final Plans must again be submitted in triplicate to the ARB for its review and written approval, and an additional review fee may be required.

The Final Plans as referred to in these Standards shall include the following:

1. Final site plan at a scale of 1" = 10' showing one (1') foot topography, building location and dimensions, and all areas of the Lot more than five (5') feet outside the building foundation in which any vegetation is to be cut or removed. The ARB may also require the Owner to stake the location of the house, construction access, driveway, decks and other proposed Improvements. The staking shall consist of stakes driven at each major corner of the Improvement, connected with string or colored tape to clearly indicate the Improvement location. The driveway location shall also be indicated by stakes, and string or tape. Any erosion control measures required for construction should be shown on the site plan. A boundary survey shall be provided either separate of or inclusive of the above in the site plan.
2. Final floor plans at a scale of 1/4" inch equals one (1') foot, including calculations showing heated and unheated square footage on a floor by floor basis.
3. Final elevations, showing all sides, exterior materials and exterior colors and accurate grade at a scale of 1/4" inch equals one (1') foot.
4. Final landscaping plan and budget. The landscaping budget, exclusive of any irrigation, should be of an amount that the ARB determines will provide satisfactory landscaping of the Lot; provided, the ARB may authorize a lower landscaping expenditure for a particular lot if the ARB determines in its sole discretion that, based upon the landscaping plans submitted and other circumstances, a lower expenditure is adequate and appropriate. NOTE: the ARB may defer receipt of the final landscaping plan and budget to a later date, but in no event later than the start of application of the home's exterior brick, stucco or other approved finish material. The plan and budget must be submitted and approved prior to the start of landscaping on the Lot; in

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any event, the cutting and clearing plan referred to in Paragraphs 2.7 and 2.12 must be submitted to and approved by the ARB prior to any cutting or clearing.

5. Location and dimensions of utility lines and equipment, walks, drives, walls, terraces, decks, pools, etc.

6. Any samples of proposed construction materials required by the ARB such as brick, stucco, wood siding, shingles, paint colors, window samples, etc.

7. Owner's name and address (or the address of Owner's authorized agent) to which the ARB should mail its written notice of approval or disapproval of the items Owner submits to the ARB under these Standards.

8. The name and address of the Approved Builder that will construct the Improvements.

The ARB may refuse approval of Final Plans, location and style of Improvements, exterior colors or finishes or other specifications for any reason including purely aesthetic reasons or architectural merit, in the sole discretion of the ARB.

3.5. Approval to Commence Construction. Following the ARB's written approval, if any, of the Final Plans, the ARB will issue an approved site plan to Olde Park development construction manager. It is the responsibility of the Owner's Approved Builder to stake the lot in accordance with the approved Final Plans and set a meeting with the development project manager to review the following prior to start of construction:

Setbacks, side yards and building corners (as per stakes)

First floor elevations

Clearing limits

Placement of excavation materials

Location and protection of water meter, sanitary sewer boxes and underground pressure sewer grinder pump (if any)

Location of construction entrance and site access

Location of temporary toilet

Trash containers

Erosion control measures

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Protection of trees and natural vegetation

Parking

Delivery and Laydown areas

Upon satisfaction of the above matters, the development construction manager will issue a written site inspection approval to the Approved Builder authorizing commencement of construction. No construction may be commenced prior to issuance of the site inspection approval; the ARB shall have the right to halt any unauthorized construction.

3.6. **Failure of the ARB to Act.** If the ARB fails to approve or disapprove any Final Plans or other submittals which conform (and which relate to Improvements which will conform) with the requirements hereof or to reject them as being inadequate or unacceptable within forty-five (45) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with these Standards, of all items that were to have been submitted to the ARB, and provided the ARB shall again fail to approve or disapprove of such Final Plans or other submittals within ten (10) business days after additional written request to act on such items is delivered to the ARB following the passage of the above described forty-five (45) business day period, it shall be conclusively presumed that the ARB has approved such conforming Final Plans and other submittals, EXCEPT that the ARB has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Olde Park Declaration of Covenants, Conditions, and Restrictions except where variances shall be expressly permitted therein and EXCEPT FURTHER, that the ARB shall not be deemed to have waived any of the requirements set forth in Paragraphs 3.1.1, 3.2, 3.3 or 5 of these Standards. If Final Plans or other submittals are not sufficiently complete or are otherwise inadequate, the ARB may reject them as being inadequate or may approve or disapprove a portion of the Final Plans, conditionally or unconditionally, and reject the balance.

3.7. **Address of ARB.** The address of the ARB for delivery of plans and all notices shall be as follows:

~~Olde Park Homeowners Association, Inc.
ATTN: Architectural Review Board
310 Meeting Street
Charleston, South Carolina 29401~~

4. **Diligent Construction.** All Improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction of the first of such Improvements, unless a longer time is approved in writing by the ARB.

5. **Approved Builders.** A Lot owner may use a builder of their choice to construct a home in Olde Park provided that the ARB determines, in its sole discretion, that the chosen builder is qualified to build a home in Olde Park. The ARB, at its sole discretion, shall have the

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right to disapprove any builder it deems unqualified to construct a home in Olde Park. A Lot Owner seeking to have its builder approved shall submit to the ARB, along with its Final Plans, the following:

1. A copy of the builder's South Carolina Residential Builder's license.
2. Financial statements, references and credit records of the builder.
3. Evidence that the builder is regularly engaged as a residential or commercial building contractor.
4. Evidence of examples of homes previously constructed by the builder of quality and aesthetic appearance consistent with residences constructed in Olde Park, if applicable.
5. Evidence of insurance coverage meeting all of the requirements mandated for Olde Park Approved Builders; and,
6. The Fees and Construction Escrow Deposit required by the ARB.

A Lot Owner who desires to build her or his own personal residence may apply to become an Approved Builder provided that the Lot Owner will occupy the residence as his/her personal home for at least two (2) years. In the event that a Lot Owner who gets approved as an Approved Builder does not occupy the home for two (2) years and/or sells its home in Olde Park prior to the end of the above two (2) year period, such Lot Owner may not construct another house on any Lot at any time thereafter without the prior written permission of the ARB, which permission the ARB may grant or deny in its sole and arbitrary discretion.

6. **Purpose and Use of Construction Escrow Deposit.** The Construction Escrow Deposit, if any, required in Paragraph 3.4.2 above shall be deposited by the ARB in a construction escrow account established by the Olde Park Homeowner's Association, Inc. or the ARB. The Construction Escrow Deposit may thereafter be used by the ARB for any of the following purposes:

1. To pay for the cost to repair any damage to the roadways, roadside curbs, sidewalks or Common Areas caused by an Owner or Owner's builder or subcontractors not repaired by the responsible Owner, such Owner's builder or subcontractors.
2. To complete any landscaping shown on the Final Plans for a Lot which has not been completed within three (3) months after completion of the residence on such Lot.
3. To pay for the cost of completing any Improvements so that they are in accordance with the approved Final Plans, if Owner fails so to complete such Improvements.
4. To pay for the cost of restoring or replacing any trees, other vegetation, grades

or other natural features improperly removed, altered or destroyed by Owner in violation of these Standards.

5. To reimburse the Developer or Olde Park Homeowners Association, Inc. for Owner's share of street cleaning costs during construction. If Owner does not pay such amounts to the Developer or Olde Park Homeowners Association, Inc., in a timely manner as specified in the Construction Rules.

6. To reimburse the Developer or Olde Park Homeowners Association, Inc. for its cost of cleaning up any significant amount of dirt, cement, etc. left by the Owner on any street if the same was not immediately removed by the Owner.

7. To pay for the cost of enforcing any of the Owner's other obligations under these Standards.

Except for the reimbursements described in Paragraph 6.6 above, the ARB shall give an Owner prior notice that it intends to use the Owner's Construction Escrow Deposit for a particular purpose. The Owner shall thereafter have five (5) days from the date of the notice to repair the damage, complete the landscaping or Improvements, or otherwise perform the work for which the ARB intended to use the Owner's Construction Escrow Deposit, or, if the work cannot be completed during that time, to begin the work and thereafter diligently pursue it to completion. If the Owner, upon receipt of the notice, shall fail to perform the work, then the ARB shall thereafter be free to perform it and to use the Owner's Construction Escrow Deposit to pay for the cost thereof. Upon the completion of Improvements and when all work has been completed by either the responsible Owner or the ARB, the ARB shall return to the Owner any unused portion of the Owner's Construction Escrow Deposit.

In the event the ARB expends sums on the Owner's behalf as provided above in excess of the Owner's Construction Escrow Deposit, the Owner shall pay the excess to the ARB within twenty (20) days of notice thereof.

In the event no Construction Escrow Deposit has been required by the ARB, the ARB shall have the authority to expend money for the purposes set forth in this Paragraph 6 and to charge the Owner for reimbursement thereof.

Any and all interest earned on the Construction Escrow Deposit shall be credited to and retained by the Olde Park Homeowners Association, Inc. or ARB for its sole use and benefit.

7. **Construction Rules.** Attached as Exhibit D to these Standards are the Construction Rules for All Owners and Contractors at Olde Park. The ARB reserves the right to amend such Rules from time to time in its sole discretion. All construction at Olde Park must proceed in accordance with the Rules.

8. **Zoning and Other Governmental Regulations.** In addition to complying with the

04/19/00

requirements imposed by this Association, the Owner of any Lot must comply with all zoning and other applicable governmental laws, rules and regulations. Approvals by the ARB pursuant to these Standards shall in no event be construed as representations or warranties that the Owner's plans, Final Plans or Improvements comply with any such governmental requirements.

9. **Signs.** No signs may be placed on a Lot except for signs approved in writing by GR, LLC or its authorized agents or otherwise approved of in writing by the ARB. The only other signs or documentation that may be posted at a residence or on a Lot during construction are grading and building permits. Business signs or other forms of advertisement not approved in writing by the Developer or ARB are not permitted. Grading and building permits must be attached to a post in a manner protected from the elements; in no event may building permits or any other signage or documentation be attached to trees.

10. **Final Survey.** Upon substantial completion of a residence on a Lot, the Lot Owner shall provide the ARB with a certificate of occupancy for the residence and a final, as-built survey certifying that the location of the Improvements complies with the Final Plans approved by the ARB.

BK K 346PG077

**Procedures for Submission of
Preliminary Review Plans**

**To
Olde Park
Architectural Review Board**

April 19, 2000

Procedures for Submission of Preliminary Plans

To Olde Park Architectural Review Board

I. Preliminary Concept Submittal

Preliminary and conceptual level reviews are encouraged to make sure your plans comply with the covenants and restrictions of the ARB. However, if you have any concerns of your concept as unusual or extraordinary and you are concerned about acceptance by the ARB, then you may submit a Preliminary Concept for discussion prior to a final submittal. A rough draft is acceptable. These plans should include:

- A. Preliminary Review Application (attached)
- B. Architectural Questionnaire (attached)
- C. Landscape Architectural Questionnaire (attached)
- D. Architectural & Landscape Review Fee of \$~~300.00~~
- E. Floor plan with square footage scaled at 1/8" or 1/4" = 20'-0"
- F. Front, Side and Rear Elevations scaled at 1/8" or 1/4" = 20'-0"
- G. Wall section encouraged but not mandatory scaled at 1" = 1' 0"
- H. Site plan showing boundaries, set backs, and survey lines as well as drives walkways and service Courts scaled at 1" = 20' - 0". Building footprint of adjacent structure(s) should be shown if possible.
- I. A preliminary landscape plan is optional but encouraged.
- J. North arrow nomenclature must be used. Graphic scales are encouraged. Site orientation and "views" must be studied at this point. Sun control, shading details and devices, view corridors, landscaping shall also be considered. Relationship to existing or planned neighbor structures, as well as the building street impact.
- K. Site photographs are encouraged to support the design theme.

OK K 346PG079

Plans must be submitted to the offices of the ARB at Olde Park, Attn: ARB, 310 Meeting Street, Charleston, SC 29401, (843-577-2230).

If desired, the Owner may submit a letter stating he/she has appointed an architect or builder as their representative to the ARB. Otherwise, all correspondence will be directed to the Owner.

PRELIMINARY REVIEW APPLICATION

OLDE PARK ARCHITECTURAL REVIEW BOARD

DATE: _____

LOT NUMBER: _____

STREET/ROAD: _____

OWNER: _____

ADDRESS: _____

TELEPHONE: _____

ARCHITECT: _____

ADDRESS: _____

TEL./FAX: _____

CONTRACTOR: _____

ADDRESS: _____

TEL./FAX: _____

SURVEYOR: _____

LANDSCAPE ARCHITECT: _____

ADDRESS: _____

TEL./FAX: _____

FOR OPARB USE:

CONCEPTUAL PLAN APPROVED

SAMPLE BOARD

SURVEY

ARCHITECTURAL QUESTIONNAIRE

SITE PLAN

LANDSCAPE PLAN

FLOOR PLAN

ELEVATIONS

BUILDING STAKED IN FIELD

ON-SITE INSPECTION

APPROVED/DATE: _____

DISAPPROVED: _____

COMMENTS: _____

ARCHITECTURAL QUESTIONNAIRE
OLDE PARK ARCHITECTURAL REVIEW BOARD

ARB-3

To be completed by all architects submitting documents for approval at preliminary and final stages.

Preliminary

Final

Lot number: _____

Owner's name: _____

Architect's name (hereafter called "the architect"): _____

Firm: _____

Address: _____

Telephone/Fax number: _____

S.C. Registration number: _____

1. Has the architect visited the site? Yes No
2. Date of last visit: _____
3. Has the architect read the Declaration of Covenants, Conditions and Restrictions, Lot Development Restrictions, and Architectural and Landscape Design Standards and designed the house accordingly? Yes No
4. Has the house been designed according to the Standard residential building code, especially in regard to wind resistant construction? Yes No
5. Has the architect attempted to minimize the amount of site to be graded? Yes No
6. Has the architect attempted to minimize the removal or damage of existing vegetation? Yes No
7. Does the building(s) block principal views from dwellings on adjacent properties or properties across the street? Yes No
8. If yes, has an attempt been made to minimize this effect? Yes No
9. Has the house been staked out on the lot (required prior to submitting this form)? (Trees to be removed to be tied with red surveyor's tape) Yes No
10. Area of lot: _____
11. First floor elevation (FFE) (minimum 2' above grade) _____
12. Area under perimeter of all construction (building footprint) including all decks, stairs _____

and roof overhangs: _____

13. Percentage of site to be graded: _____

Note: This area should be kept to a minimum and generally include only the building pad and drive and walk area.

14. Screening material: _____

15. Heated first floor area: _____

16. Heated mezzanine area: _____

17. Heated second floor area: _____

18. Total heated area: _____

19. Total of screened porch under roof: _____

20. Total square footage: _____

21. Total screened porch area: _____

22. Total of deck and balconies: _____

23. Are any variances from the Architectural Review Board standards being requested under this application?

Yes No

If yes, please describe and give reason: _____

24. Describe and give color for exterior materials for the following:

A. Siding/wall finish: _____

Color: _____

B. Trim: _____

Color: _____

C. Roofing: _____

Color: _____

Color: _____

D. Doors: _____

Color: _____

E. Grade Level Screening: _____

Color: _____

F. Paving: _____

Color: _____

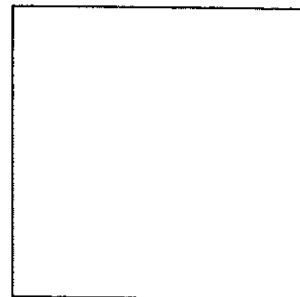
G. Other: _____

To the best of my knowledge, the foregoing statements are true.

Architect's Signature

Date

Architect's Seal



LANDSCAPE ARCHITECTURAL QUESTIONNAIRE
OLDE PARK ARCHITECTURAL REVIEW BOARD

ARB-4

Date: _____

To be completed by all landscape architects submitting documents for approval at preliminary and final stages.

Preliminary

Final

Lot number: _____

Owner's name: _____

Landscape Architect's name (hereafter called "the landscape architect") _____

Firm: _____

Address: _____

Telephone/Fax number: _____

S.C. Registration number: _____

1. Has the landscape architect visited the site? Yes No

2. Date of last visit: _____

3. Has the landscape architect read the Declaration of Covenants, Conditions and Restrictions, Lot Development Restrictions, and Architectural Landscape and Design Standards and Guidelines and designed the house accordingly? Yes No

4. Has the landscape/site improvement plan been designed according to the Architectural Landscape and Design Standards and Guidelines? Yes No

5. Has the landscape architect attempted to minimize the amount of site to be graded? Yes No

6. Has the landscape architect attempted to minimize the removal or damage of existing vegetation? Yes No

7. Does the landscape screen undesirable views from dwellings on adjacent properties or properties across the street? Yes No

8. Have exterior spaces and circulation been staked out on the lot (required prior to submitting this form)? (Trees to be removed to be tied with red surveyors tape) Yes No

9. Area of maintained landscape: _____

10. Percentage of site to be graded: _____
Note: This area should be kept to a minimum and generally include only the building pad and drive and walk area.

11. Have drainage requirements been addressed? Yes No
How? _____

12. Are any variances from the Architectural Review Board standards being requested under this application? Yes No

If yes, please describe and give reason: _____

13. Describe and give color for exterior materials for the following:

A. Trellis, Arbors, and Gazebos: _____

Color: _____

B. Decks and Terraces: _____

Color: _____

C. Fences: _____

Color: _____

D. Walls: _____

Color: _____

E. Driveways and Paving: _____

Color: _____

14. Attached proposed plant materials list.

To the best of my knowledge, the foregoing statements are true.

Landscape Architect's Seal

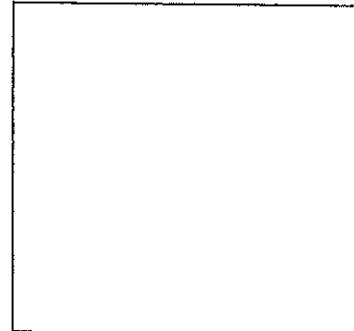
Landscape Architect's Signature

Date

Charleston: 164371

Version 2 04/19/00

Exhibit A



**LANDSCAPE CONSTRUCTION APPLICATION
OLDE PARK ARCHITECTURAL REVIEW BOARD**

Date: _____

New construction

Major improvement to existing structure

Lot number and Street _____
Owner's name _____

Contractor: _____
Address: _____
Telephone/Fax number: _____
S.C. License number: _____

PREVIOUS LANDSCAPE EXPERIENCE

Have you previously worked in Olde Park? Yes No

Please attach a selective list of Five (5) completed jobs of similar level within Charleston County area.

AGREEMENT

I, _____, as contractor for
The landscape project described above, do hereby submit this deposit in good faith to the Olde Park
Architectural Review Board for assurance that the construction will be implemented in accordance with the
final plans as approved by the Architectural Review Board..

I further agree that:

1. I have read the Architectural and Landscape Design Standards, and Declaration of Covenants, Conditions and Restrictions and do agree to follow these in full understanding.
2. I agree to construct and fulfill the plans and specifications as approved for this project in the final Review by the Architectural Review Board. Any changes to these plans will be first approved by the Board prior to implementation.
3. I understand that the deposit submitted will be returned in full after a satisfactory inspection, unless a deduction is necessary for any corrections to changes not approved by the Board, work to clean up an untidy site, or repairs necessary to streets, road shoulders, sidewalks or common areas.
4. I am responsible for the behavior and actions of all workers contracted to do work on this job while they are at Olde Park
5. I am responsible for maintaining a clean construction site at all times and understand that I am bound by the restrictions covered under the Architectural and Landscape Design Standards.

This application, agreement, and deposit made this _____ day of _____, 2005

By:

Signature: _____

Witness: _____

DEPOSIT DATE: _____ AMOUNT RECEIVED: _____ CHECK# _____

Approved by Architectural Review Board by: _____ Date: _____