

OYSTER HARBOR PROPERTY OWNERS
ASSOCIATION, INC.
ARCHITECTURAL REVIEW BOARD
REVIEW AND APPROVAL GUIDELINES

Dated: September 4, 1990

The Oyster Harbor Property Owners Association
Architectural Review Board

REVIEW AND APPROVAL GUIDELINES

I. GENERAL PROVISIONS.

1.1 Terminology. Except as expressly provided to the contrary in these Architectural Review Board Guidelines, the terms used herein shall have the meanings ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Oyster Harbor (the "Declaration").

1.2 Purposes and Authority.

(a) Purposes. The primary purposes for adopting these guidelines are to enable the Property Owners and their guests the maximum enjoyment of their Lots and to protect, preserve and enhance Oyster Harbor's property and aesthetic values consistent with the health, safety and general welfare of the Owners of Lots (the "Record Owners") within Oyster Harbor. These Guidelines are subject to change by the Architectural Review Board (ARB) at any time without prior written notice so long as consistent with the provisions of the Declaration and other documents governing the use and ownership of lots in Oyster Harbor.

(b) ARB Authority. The Architectural Review Board is authorized in Article VII of the Declaration to set and enforce architectural and aesthetic control guidelines for Oyster Harbor.

(c) Relationship to Zoning Regulations. All actions of the ARB shall be guided by the objectives and design criteria specified herein and by the Declaration and other documents governing the use and ownership of Lots in Oyster Harbor. Record Owners are individually responsible for compliance with applicable zoning and other governmental land use regulations. Where zoning and other applicable government regulations are different from the requirements contained herein or in the Declaration, the ARB will apply the stricter of the regulations described.

1.3 ARB Functions.

(a) Exercise of Discretion. The execution of the architectural approval function performed by the ARB requires the exercise of discretion. Insofar as practicable, the ARB will carefully consider personal tastes and economic restraints for each Record Owner as it reviews plans. However the ARB must act in the best interest of the overall Oyster Harbor community and preserve the value of other Improvements in Oyster Harbor and the value of Oyster Harbor as a whole in its decisions. Therefore, the ARB may, in accordance with these Guidelines, require that a proposed

Improvement incorporate major design changes in order to become an acceptable asset to Oyster Harbor.

(b) Waiver of Architectural Requirements. Any of the architectural requirements contained herein may be waived if, in the sole opinion of the ARB, plans submitted to the contrary are in harmony with the objectives set forth above with the surrounding community.

(c) Severability. If any of the guidelines should be held to be invalid or unenforceable, that holding shall be without effect upon the validity or enforceability of any of the other guidelines.

1.4 Objectives.

(a) To preserve the natural beauty and setting of Oyster Harbor, and to prevent the indiscriminate clearing of property, removal of trees and earth moving.

(b) To ensure that the location and configuration of Improvements are visually harmonious with their sites and with surrounding sites and Improvements.

(c) To ensure that the architectural design of the structures and their materials and colors are visually harmonious with surrounding Lots, with Oyster Harbor's overall appearance, with surrounding development, with natural and manmade landforms and native vegetation.

(d) To ensure that landscaping plans conform to the regulations prescribed herein, provide visually harmonious settings for Improvements on the same Lot and on adjoining and nearby sites, and blend harmoniously with the natural landscape.

1.5 General Guidelines. No Lot shall be disturbed in any manner whatsoever until its Owner and/or the authorized representative of the Owner shall first apply for and obtain the approval of the Architectural Review Board on any planned improvement to the Lot. Further, all modifications or improvements to any existing residence or lot, of whatever type, must be reviewed and approved as well.

1.6 Limitation of Liability. Approval by the ARB shall in no way be construed as passing judgement or making a determination with respect to the correctness or adequacy of the location, structural design, suitability of water flow or drainage, location of utilities or other qualities of the item being reviewed. Neither shall approval hereunder be deemed a representation that plans or specifications satisfy applicable governmental requirements. The ARB assumes no responsibility with regard to design or

construction, including without limitation, the structural, mechanical or technical suitability of materials. Neither Declarant, nor the Board of Directors nor the ARB shall be liable for any loss, damages, injury or expense arising out of their duties hereunder. The procedures and guidelines confer no third party benefit or rights upon any entity, person or applicant.

1.7 Additional Guidelines. The ARB may amend or modify these Guidelines or adopt additional or clarifying guidelines from time to time as it deems necessary or appropriate. The failure of these Guidelines to include any guideline, rule or regulation shall not be deemed as a waiver of the right of the ARB to adopt any such guideline, rule or regulation from time to time or an intentional determination not to include such guideline, rule or regulation in the Guidelines.

II. PLAN SUBMITTAL PROCEDURE

2.1 The Owner or the Owner's authorized agent requesting plan approval shall submit all of the following items in triplicate to the ARB:

- (a) Site Plan.
 1. Show lot number.
 2. Show site configuration and dimensions drawn to scale.
 3. Show scale used.
 4. Show north indication.
 5. Show required setbacks.
 6. Show improvements, if any which exist and those being applied for.
 7. Show location of all trees 3" in diameter or greater that lie outside of proposed building footprint and driveway areas.
 8. Show all walks, patio, drive, turnarounds and parking applied for.
 9. Show all easements.
 10. Show proposed clearing limits and trees or tree masses to remain in a natural state.
 11. Show location of air conditioning compressors, power meters and phone pedestals.
 12. Show site accessories such as trash container pads, fences and site lighting.
 13. Show finished floor elevations.
 14. Provide surface water drainage plan, showing existing and design grades, and/or contours relating to the predetermined ground floor elevation as established by the ARB.
 15. Show all swimming pools and outdoor spas.

(b) Building Plans.

1. Show all exterior elevations, showing approximate finished grade.
2. Floor plan. (Not for review. Allows for easier elevation and site plan review.)
3. Exterior material, finish, and color schedule indicating:
 - a. Roofing material and color.
 - b. Finishes for each elevation (stone, stucco, vinyl siding, frame, etc.) and color for all materials including mortar and trim work. NOTE: The ARB may require finish and/or color samples. All schemes will be chosen from the Declarant's pre-approved color schemes or be subject to a separate color review. The cost of such review will be borne by the applicant.
4. The plans shall consist of working drawings in sufficient detail to permit determination of whether all requirements and inspections can be met.
5. The architectural plans and information contained on the application must be internally consistent.

(c) Landscaping and Irrigation Plans and Specifications.

In addition to the items required under (a) Site Plan above the following will be required:

1. Show type, location, quantity and size of proposed new plant material including trees, shrubs and ground cover.
2. Show area to be sodded and/or seeded.

(d) Miscellaneous

1. Before an application can be approved and plans released, Association records must indicate that title to the Lot is in the applicant's name. Proof of Lot ownership may be necessary before plan review.
2. Before the ARB will consider an application for construction of Improvements, all Association assessments due from the applicant must be paid in full.
3. All applications will be reviewed and the applicants advised in writing of the decision of the ARB within thirty (30) days of receipt of the completed application by the ARB.
4. The ARB shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in the ARB's sole

- discretion for aesthetic or other reasons.
5. All changes to the approved plans, elevations, or schedules that occur during construction must be submitted to the ARB for review and approval prior to implementation of the change.
 6. In the event the information submitted to the ARB is, in the ARB's opinion, incomplete or insufficient in any manner, the ARB may request and require the submission of additional or supplemental information.
 7. The provisions for enforcement of the Declaration of Covenants, Conditions and Restrictions of Oyster Harbor shall apply to the enforcement of the Approvals in addition to any other available remedies.
 8. The ARB and its respective members, successors, assigns, agents representatives or employees shall not be liable for damages or otherwise to anyone submitting plans to it for approval, or to any applicant by reason of mistake in judgement, negligence or non-feasance rising out of the action of the ARB with respect to any submission, or otherwise following these guidelines.
 9. Any person submitting plans to the ARB shall be responsible for verification and accuracy of all components of such submission, including without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site plans.
 10. The Applicant represents by the act of entering into the review process with the ARB that all representatives of Applicant including, but not limited to, Applicant's engineer, architect, contractors, sub-contractors, their agents and employees, shall be made aware of by the Applicant of all applicable requirements of the ARB and shall abide by the Procedures, the Guidelines and Covenants with respect to approval of development plans specifications.

III. SPECIFIC ARCHITECTURAL DESIGN GUIDELINES

3.1 The ARB will employ the following guidelines in reviewing applications. They are not intended to be all inclusive, but to address a broad range of exterior building plans.

3.2 In addition to the specific restrictions contained in the Declaration, the following guidelines and restrictions will apply:

(a) Only one single family residential dwelling shall be allowed on each lot.

(b) No residence or other improvement upon any lot shall exceed thirty-five (35) feet in height as measured from the average crown of the road fronting the subject lot. Chimney heights may exceed this limitation.

(c) Each residence shall not have less than 1200 square feet of enclosed covered space. The term "enclosed covered space" shall include garages, but shall not include terraces, decks, open or screened porches and like areas.

(d) Each residence shall have enclosed attached garage space having a two car minimum size. No carports will be permitted.

(e) All structures shall be set back from the front and rear lot lines and any adjacent streets at least twenty (20) feet, or such greater setback is shown on the plats or is otherwise required. The remaining setbacks shall be set back at least eight (8) feet each, unless a greater setback is shown on the plats or is otherwise required. The ARB may allow structures in the required setback, in its discretion, provided appropriate governmental approval and permits are obtained.

(f) No structures shall be permitted in any front yard building setback area, except decorative fences shall be permitted with approval of the ARB.

(g) Dog houses and freestanding playhouses are subject to ARB review and approval.

(h) Any swimming pool, fence or wall to be constructed on any lot shall be subject to the requirements of the ARB.

(i) Swimming pools, pool decks, screen enclosures, patio and terrace slabs may not extend into the minimum yard setback areas.

(j) Exterior lighting shall be limited to that which is necessary to make safe entry and exit possible and enhance the aesthetic quality of a structure. The lighting system shall be designed so as not to impinge on the neighboring structures.

(k) All single family residential dwellings shall be built in conformance with BOCA and Southern Standard codes of construction.

(l) Any deck plans submitted may encroach up to six (6) feet into rear yard setbacks. Any deck plans submitted may not encroach into side yard setbacks.

3.3 Except as expressly provided and/or required in Article VIII of the Declaration, the placement of free-standing structures and out-buildings on any Lot are prohibited.

(a) Under the authority stated above, the ARB has developed design guidelines and conditions to allow the construction of the Improvements to the extent permitted pursuant to Article VIII of the Declaration. The design guidelines are as follows:

1. The enclosure design must be architecturally

compatible with the house and aesthetically pleasing.

2. The enclosure shall not be located in front yards, although adjustments may be granted for corner Lots.
3. The enclosure shall not be higher than 48 inches, and shall have no wire, metal posts or rails visible.
4. The inside area shall be natural groundcover, grass, stones or patio blocks. The outside perimeter shall have shrubs or plantings.

(b) In addition to the design guidelines, the following conditions will also apply:

1. Adjoining Record Owners shall be notified by the applicant of the proposed enclosure and be allowed to present objections or suggestions for modification to the ARB.
2. If at any time the enclosure becomes unsightly, odorous or a nuisance as determined by the ARB after complaints from neighbors, the Record Owner will agree to remove the enclosure at his expense within thirty (30) days, and will sign the permit evidencing this agreement.

3.4 Building location, configuration, architectural design, material and colors shall be harmonious with Oyster Harbor's overall development plan and the natural environment. In addition to the specific restrictions contained in the Declaration, the following guidelines and restrictions apply:

(a) Exposed concrete block or poured concrete foundations will be painted to match the siding color. Any site retaining walls must be covered with brick or stone to complement the unit materials.

(b) Primary residential roofing materials must be architectural grade shingles, fiberglass or asphalt shingles in colors and textures which compliment the balance of the colors and materials selected for a unit. No material may be used which is not an earth tone.

(c) Color schemes must be chosen from the Declarant's pre-approved schemes and will be reviewed for compatibility with the architectural design of the unit.

(d) Stucco and synthetic stucco must be painted or integrally colored.

(e) Sheet metal and PVC work such as roof caps, flashing, plumbing vents, and chimney caps must be painted to match roof colors. Gutters and downspouts must be painted approved colors.

(f) Metal windows, doors, louvers, and window and doors screens must be anodized bronze or factory finish colors compatible with

the trim colors.

(g) Roof stacks and plumbing vents shall be located so as not to be visible from the street or from neighboring units, where feasible. Wind driven ventilators are prohibited.

IV. SPECIFIC SITE DESIGN AND LANDSCAPING GUIDELINES

The primary objective of the site design requirements and guidelines are to preserve the natural beauty and enhance the general appearance of Oyster Harbor.

4.1 Cut or fill areas should be sculptural in form, contoured to blend with the natural undisturbed terrain and shall be planted with grass or native shrubs. Steps must be taken to prevent erosion of bare lands and runoff into ditches, waterways, or adjacent Lots.

4.2 Every lot shall be landscaped in accordance with the plan submitted, and shall be required to be at a \$500 per lot minimum package cost. Landscaping may include plantings, planters, stones, mulch and chips, berms, seeding and walk edging. All lots must be hydroseeded or sodded.

4.3 No existing vegetation shall be removed or altered.

4.4 Any tree that is removed without ARB permission must be replaced with a tree of the same species or of a different species approved by the ARB with a caliber of two inches (2") or greater. This applies to trees more than four (4) feet outside of the building footprint.

4.5 Compressors for central air conditioning units must be sited in a location which will not cause a nuisance to neighbors. Compressors must be screened by landscaping or architectural treatment.

4.6 Exterior hot tubs must be screened from adjacent properties and streets.

4.7 All exterior lighting must be approved by the ARB.

4.8 Landscaping should relate to the existing terrain and natural features of the lot, utilizing plant materials native to the Northeastern United States.

4.9 The driveway from the road is to be paved with concrete or other approved surface. Driveway surfaces must be at least sixty (60) inches from the property line.

V. REQUIREMENTS AFTER PLAN APPROVAL

5.1 After approval by the ARB and the subsequent issuance of a building permit by applicable government authorities, the following requirements shall be met during construction:

(a) In accordance with governmental requirements, the building permit shall be posted in a conspicuous place on the building site at all times.

(b) It shall be required that the Owner or builder furnish a trash container or other suitable means of containing or disposing of debris on site during construction.

(c) All changes to the exterior of an Improvement, parking layout, trees to be removed, and another change affecting the appearance of the project upon its site and to its neighbors during construction shall be submitted to the ARB for approval.

(d) Any physical changes, additions, deviations, or noncompliance in any way or at any time from the DEclaration or these Guidelines during construction constitutes a violation and may result in stoppage of all work thru the issuance of a "Stop Work" order to be issued by the ARB. The "Stop Work" order will be rescinded when the violation has been corrected.

VI. SIGN REQUIREMENTS

6.1 The Declaration at Article VIII Section 7 restricts the placement of signs on the Subjected Property.

6.2 Signs required by law shall be permitted, subject, where appropriate, to the other restrictions contained in these Guidelines.

6.3 A temporary sign will be permitted for the purpose of identifying the builder constructing the Improvements. The sign shall not be posted prior to the start of construction and shall be limited in area to nine (9) square feet. It shall be located on and conform to the design criteria as stated in these regulations. The sign shall be removed within one (1) week following completion of work, and prior to occupancy. In any event the sign shall not be posted for a period longer than one (1) year.

6.4 Any sign not adhering to the requirements of this guideline may be removed by an authorized agent of the Association at the Lot owner's cost and expense.

6.5 The design criteria for permitted sign is as follows:

(a) Height. Signs shall be installed so as not to exceed two (2) feet from ground level to bottom of sign.

(b) Location. No sign shall be nailed or in any way fastened to trees. All signs shall be located between the front property line

and the primary structure and may be parallel or perpendicular to the street.

(c) Materials. Wood is recommended; however, depending on purpose and period of time involved, other materials may be considered. In any case, the material must be substantial enough so as not to fall into a state of disrepair for the period of time involved.

(d) Colors. All signs are to be of soft natural tones.

(e) Wording. Wording shall be clear and concise and extra information such as logos, franchises, slogans, addresses, etc. will not be permitted.

(f) Number. Only one (1) sign of any type shall be permitted on any Lot.

VII. COMMERCIAL VEHICLE REGULATIONS

The Declaration at Article VIII Section 6 prohibits the parking and/or storage of any commercial or inoperable vehicle on the Subjected Property. The objective of this guideline is to reduce the negative visible impacts of certain vehicles on the Oyster Harbor community.

7.1 The basic types of vehicles applicable to these Guidelines are as follows:

(a) Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis, having a self-contained or semi-self-contained living quarters.

(b) Travel Trailer: A vehicular portage unit mounted on wheels, with self or semi-self-contained living quarters, and of such size and weight as not to require a special highway movement permit when drawn by a passenger motor vehicle.

(c) Truck Camper: A cab or portable unit built to be mounted on a pick-up truck, usually having semi-self-contained living quarters.

(d) Tent Camper: A portable fold-down unit, mounted on a vehicular trailer chassis. Upper walls are fabric or of rigid materials. Contains cooking and sleeping facilities.

(e) Trucks: A "truck" shall be any tractor trailer, bus or other vehicle with a load capacity of one ton or greater.

(f) Boat Trailer: A vehicle, not driven or propelled by its own power, but drawn by some independent power, and designed or intended to be used for the transport of water-borne craft.

(g) Others: Vehicles converted for recreational or living purposes. Vehicles moved by a trailer. Step vans.