

STATE OF SOUTH CAROLINA        )  
  )  
COUNTY BEAUFORT                )     RESOLUTION AND CERTIFICATE OF  
  )     DESIGN AND CONTROL STANDARDS  
  )     FOR SEABROOK POINT PROPERTY OWNERS  
  )     ASSOCIATION, INC.

WHEREAS, Seabrook Point Property Owners Association, Inc., ("Seabrook Point"), is a non-profit corporation in good standing, organized for the purpose of administering the property known as Seabrook Point, as more particularly identified in the Declaration of Covenants, Conditions, and Restrictions for Seabrook Point, dated June 21, 2019 recorded June 24, 2019 in the Office of Register of Deeds for Beaufort County, South Carolina in Book 3770 at Pages 1953-1994.

WHEREAS, the South Carolina Homeowners Association Act, S.C. Code Ann. §27-30-110 et seq. ("SCHAA") mandates the Seabrook Point's rules, regulations, and amendments to rules and regulations be recorded with the ROD,

It is therefore resolved and certified:

1. That pursuant to the authority granted to it in the Declaration, and the Bylaws of Seabrook Point attached thereto, the Board of Directors of Seabrook Point (the "Board") duly established certain Design and Control Standards (collectively "Standards"). The Seabrook Point covenants requires the Board to establish an Architectural Control Committee (ACC), which serves at the pleasure of the Board and has authority over all aspects of the Standards. Seabrook Point Design and Control Standards are attached herein as, "Exhibit "A".
2. That these Standards are in full force and effect and shall remain so until such time as the Board may, in its discretion, file with the ROD an amendment, restatement or revocation thereof.
3. That the undersigned is the duly appointed President of Seabrook Point and as such, has the requisite knowledge and authority to execute this instrument on behalf of the Board and to record these Standards in accordance with the SCHAA.

So Certified this 5 day of Sept, 2024.

Cynthia Bellflower  
Witness

[Signature]  
Witness/Notary

Seabrook Point Property Owners  
Association, Inc.

By: Margaret Jo Nadler  
Its President

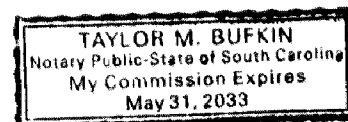
I, Taylor M. Bufkin do hereby certify that Margaret Jo Nadler President of Seabrook Point Property Owners Association Inc., appeared before me this 5 day of September, 2024, and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 5 day of September, 2024.

[Signature]

Notary Public of South Carolina

My Commission Expires: May 31, 2033





## Seabrook Point Property Owners Association, Inc. (SPPOA)

### Design and Control Standards

Adopted by the Board on August 15, 2024.

A Declaration of Covenants for Seabrook Point Development in northern Beaufort County, South Carolina is recorded in Record Book 3770, Page 1953, dated June 24, 2019. Article VI of that Declaration grants to the Board of Directors (hereinafter "Board") of the Association the right to establish Design and Control Standards (hereinafter "Standards") for the Lots in the subdivision. This document is the statement of those Standards. The SPPOA Covenants also require that the Board establishes an Architectural Control Committee (ACC), which serves at the pleasure of the Board and has authority over all aspects of the Standards. **The ACC shall approve applications in writing, and all Lot owners are responsible to ensure written approval by the ACC prior to commencing any work for which an application is required.**

### Section 1, Architectural Criteria.

The criteria outlined below reflect the exterior architectural criteria which are to be considered by the ACC in the design and site plan of structures and landscaping to be installed on a Lot.

1. Size of Home. Seabrook Point subdivision was developed in several phases, and square footages varied with each phase, depending on the location of the Lot. Unless outlined on specific Lots and Phases below, a minimum enclosed main house square footage requirement has been specified to range from 1600 to 2200 square feet. **The minimum first floor square footage of a two-story house is to be 1500 square feet if the size of the Lot can accommodate the house and unless otherwise provided below.** The minimum enclosed living area is defined as those areas that are heated within the house. Excluded from the minimum square footage are garages, porches, terraces, decks, attics, and basements, as examples, but this list is not all inclusive.



- Residences constructed on Lots 51, 60 and 63 shall contain not less than 1,600 square feet of finished heated space, exclusive of porches, garages, or outbuildings.
- Residences constructed on Lots 58, 61, 62, 64-81 and 86-88 shall contain not less than 1,800 square feet of finished heated space.
- Residences constructed on Lots 50, 52-57, 59, 82-85 and 89-97 shall contain not less than 2,000 square feet of finished heated space.
- All two-story homes constructed in Section III of Seabrook Point shall have a minimum of 1,000 square feet of heated space on the first floor.

**(Refer to subdivision plats in the Owner's Portal for specified Lot numbers and locations.)**

2. Design. The exterior of the house should be in harmony with and sensitive to the surrounding environment, especially neighboring houses, and designed by a South Carolina licensed architect with an architect's stamp on the plans to be submitted to the ACC. Modular homes and "spec" house blueprints may be considered on a case-by-case basis.
3. Maximum Height. No STRUCTURE shall be erected, altered, placed or permitted to remain on a Lot in excess of two and a half (2.5) stories, excluding a basement level.
4. Roof. Roofs with high, wide, unbroken lines should be enhanced with dormers, either functional or as a false architectural element. Roofing shingles are to be fungus resistant and of a tab or shake design. The architectural shake design is strongly recommended. The ACC will consider (at its sole discretion) other proposed material, (metal, tile, etc.) if texture, color and weight are satisfactory and the material complements the style of the house.
5. Exterior Siding Materials. Exterior material choices are brick, wood, stucco stone and cement board (clapboard or board and batten style). Aluminum, vinyl, plywood or T-111 siding shall not be used as exterior siding materials. New Materials that are appropriate substitutes for wood or stone may be considered for approval. Vinyl siding may be used as accent siding only, i.e. soffits. Samples of all siding materials must be approved by the ACC in advance of any installation.
6. Maximum Height. No STRUCTURE shall be erected, altered, placed, or permitted to remain on a Lot in excess of two and a half (2.5) stories, excluding a basement level.



7. Roof. Roofs with high, wide, and unbroken lines should be enhanced with dormers, either functional or as a false architectural element. Roofing shingles are to be fungus resistant and have a tab or shake design. The architectural shake design is strongly recommended. The ACC will consider (at its sole discretion) other proposed material (metal, tile, etc.) if texture, color, and weight are satisfactory and the material complements the style of the house.
8. Exterior Siding Materials. Exterior material choices are brick, wood, stucco stone and cement board (clapboard or board and batten style). Aluminum, vinyl, plywood or T-111 siding shall not be used as exterior siding materials. New Materials that are appropriate substitutes for wood or stone may be considered for approval. Vinyl siding may be used as accent siding only, i.e. soffits. Samples of all siding materials must be approved by the ACC in advance of any installation.
9. Exterior Colors. Colors of surrounding houses are to be taken into consideration when selecting exterior colors and are to blend with the community. Choice of exterior paint colors, brick, mortar, and roof colors must be submitted for ACC approval in advance of any installation.
10. Garages. The garage is to be designed as an integral part of or attached to the house, or as a detached accessory building. Note: Only one (1) outbuilding is allowed per Lot. (See Sec. 1., item 10. Outbuildings) If a garage is to be separate from the main house, any other outbuilding must be attached to the garage, and complement the style of the garage and main house. Garage doors are to be overhead type (unless specifically approved by the ACC) and have architectural appeal. Carports are prohibited.
11. Driveways and Parking. New Construction and/or alteration of any existing STRUCTURE or landscaping shall provide for enough parking spaces to meet the reasonably anticipated parking needs for vehicles owned by the residents of the Lot, their guests, and employees, in accordance with plans and specifications approved by the ACC. Plans should include materials to be used, and a sketch of the driveway and parking area as it relates to the house on the Lot. Driveways and parking areas are to be carefully located for practicality as well as overall aesthetic appearance. Pervious surface driveways (gravel, pavers, natural sand/clay) are encouraged. Unusually long driveways should be enhanced by gentle curves. As much as reasonably possible, driveways should allow adequate distance from the side boundary line. Parking for two or three cars, with a turnaround area, should be addressed in the plans.
12. Fences and Screens. Perimeter fences around individual Lots are not permitted. (A perimeter fence is one that encloses the entire boundary of a Lot.) Fences may be placed on all or a portion of the back yard, generally in line with the back of the house, and exterior boundaries of the back yard. Fences may also be used to screen air conditioning/heat



pumps and other service equipment, garbage cans, outside storage areas, kennels, swimming pools and playgrounds/play yards. Fence plans must be submitted to the ACC for approval prior to construction and must include a drawing of the fence location on the Lot. Fences may include wood, vinyl, metal, masonry, living fences or natural plantings as screens.

13. Outbuildings. The covenants allow each Lot to have, in addition to a main house, one (1) outbuilding. Possibilities include a detached garage (not attached to the house), a workshop, playhouse, or pool house, among others, but ONLY ONE (1) outbuilding. (Small covers over well heads are not considered outbuildings.) The construction of outbuildings must comply with ACC Standards and setbacks, and the Owner shall follow the same application procedures as for the construction of a new house. The outbuilding must complement the design of the house. Footers or concrete slabs are required. The ACC must approve any proposed outbuildings, conditioned on the exterior being finished to complement the home and no prohibited siding used. (See Section 1., Item 5. above) Prefabricated sheds are generally not allowed, but the ACC may consider a non-stick built (kit) outbuilding on a case-by-case basis.
14. Incomplete Construction. New Construction should be completed within twelve (12) months after construction commences. Any delays that would cause the construction to take longer, must be due to circumstances beyond the control of the Owner, and be communicated to the ACC prior to the end of the 12-month period. Reasonable time extensions may be granted, as requested. Any unapproved delays shall be declared in writing by the ACC to be in violation of these Standards in advance of imposing fines.
15. Landscaping. A detailed landscaping plan is required to be submitted, approved, and installed before construction is considered complete. We strongly recommend that a professional landscaper develop the permanent landscaping plan to be submitted for approval. Landscaping plans must show the scale of plants to the house at the time of planting, and include the number, types, sizes and kinds of bushes, shrubs, and trees with a detailed drawing.
16. Site Lighting. Exterior lighting on homes, garages, fences, or small light posts (not more than 10 feet in height) shall be designed to reduce off-site encroachment. Lighting should be directed downward to reduce direct light and glare being seen by neighbors and passersby. Low-wattage flood lights and "up-lighting" are recommended for security, ambiance, and to illuminate the exterior of the home and/or landscaping. No exterior lighting shall be installed, maintained, or permitted to remain on any Lot, the light source of which is a nuisance to neighbors. The ACC, with approval of the Board, will make the final decision in the event of any dispute.



17. Roads and Drainage Ditches. The SEABROOK POINT SPECIAL TAX DISTRICT - ROAD COMMISSION BOARD has jurisdiction over all roads and drainage ditches. Any damage or alteration to any road as a result of any construction by an Owner or his contractor must be repaired or paid for by the responsible Owner. **Under no circumstance** is a Lot Owner allowed to alter or trench roads or rights of way, or any existing drainage ditch in the community without first obtaining permission from the Road Commission Board. This Board may contact additional Beaufort County offices as well as the S.C. Ocean and Coastal Resource Management (OCRM) as needed. The Road Right-of-Way (ROW) line is generally 25' either side of the road centerline. Fencing, trees, shrubbery, plantings, planters, or any other encroachment in the ROW and/or in the ditch-line **are not allowed and must be removed**. Lot Owners are responsible to maintain overhanging tree canopies a minimum of thirteen feet, six inches (13' 6") above the adjacent asphalt road.
18. Docks, Bulkheads, and Seawalls. Any construction in the salt marshes or rivers, including plans for docks, bulkheads, seawalls, and other waterfront improvements must be submitted to the ACC for approval at the time of submission to DHEC, DNR, OCRM, and/or to any other government agency as required by law.
19. Well Pipes, Tanks, Pumps. These should be out of general sight, covered or screened from view, and be in design harmony with the main house and neighborhood. The cover is to be of the minimum size necessary to conceal this equipment and shall conform to setback requirements.
20. Satellite Dishes and Antennas. These should be installed out of general sight if possible and considering adequate satellite reception. When not serviceable or not in use, equipment must be completely removed.
21. Mailboxes. Mailboxes must meet U.S. Postal requirements.
22. Setback Requirements. The Covenants establish setback requirements in Article VII, Section 28. These provisions apply to setback distances for houses, garages and other buildings from the property lines. (These provisions are on file with and enforced by Beaufort County and the OCRM.) Refer to the Covenants for these requirements.
23. New Construction. New home construction front elevations and setback locations should generally be placed in line with adjacent homes, where size and topography of the Lot allow, and with consideration given to the aesthetic location of each situation. The ACC, with approval of the board, has final decision-making authority in this regard.
24. Water Source, Heat Pump, Geo-thermal Systems. If not of a closed loop design, any excess water must be discharged into a dry well, or in the case of waterfront Lots, into the marsh or river. Excess water must not be discharged into drainage/roadside ditches.



25. Solar Device Rules and Guidelines: Solar panels ARE allowed in Seabrook Point. The below Rules and Guidelines are crafted with a view to achieving harmonious and aesthetically acceptable installation. Each Lot owner requesting to install solar devices shall submit an application to the ACC prior to installing a solar system. Each request for approval will be considered individually on its own merits. It is the Lot owner's responsibility to ensure that placement, installation, etc. is in accordance with State and County regulations and that requisite permits are requested and in hand before starting installation. New solar devices such as solar shingles, metal roof panels, roofing tiles or other new, innovative solar devices may supplant the current panels as the industry standard. Use of these will be considered as technologies develop.

NOTE: The ACC and SPPOA Board of Directors claim no expertise regarding solar panels. ACC approval for installation of solar panels is not a representation that the system chosen by a Lot owner is safe to use or is compatible with the Lot owner's roof. The Lot owner assumes and bears all risks regarding installation and use of solar panels.

Below are some relevant guidelines:

- All solar devices must be installed on land or structures owned by the Lot Owner. No portion of the devices may encroach on adjacent Lots or common areas.
- Solar devices installed shall be commercially manufactured.
- The Contractor must be certified by the North American Board of Certified Energy Professionals (NABCEP) and licensed in South Carolina.
- Installations must comply with all applicable federal, state, and county regulations and building codes.
- Construction hours must adhere to ACC Standards
- Solar Panels should be installed on the roof at the back of the house or garage, not visible from the street at the front of the house. Alternative locations can be considered if they can be kept out of view of neighbors and street traffic.
- Solar Panels on roofs shall be installed so each panel lies flat with the roof pitch.
- Solar Panels should be of the same size and shape. Individual panels should be placed as closely together as possible to minimize gaps.
- No part of the installation should be visible above the peak of the roof.
- All non-absorbing parts should be a color to match the panel or the roof.
- Piping, wiring and control device installation must be minimally visible.
- All installations must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties.
- Solar panel arrays must be designed to withstand wind up to 140 knots/161 mph.



- All Solar devices shall be maintained in good repair. If damaged devices create a safety hazard to adjacent properties, they must be repaired or removed by the Lot owner.
- While current solar panels are designed to minimize solar glare, there remains the possibility, depending on the proximity of adjacent homes, that these adjacent homes could be negatively impacted by installation of the solar panels. If an approval is issued, the Lot owner shall be required to sign a statement accepting sole responsibility for any solar glare that impacts any adjacent homes, discoloration, peeling of paint, or structural damage to the subject home. Further, this statement shall further state that the Lot owner will indemnify, defend, and hold the ACC and the SPPOA Board of Directors harmless from any legal proceedings over the installation or effects of the solar panels. When submitting an ACC request for consideration relative to Solar devices, the following items should be included to facilitate review:
  - Drawings and/or photos showing proposed location on the roof, with color photos taken from street.
  - Detailed information on the type of solar device, size, installation details, cabling and control panels, materials, and color. A manufacturer's brochure is always helpful.

## Section 2. Pipes, Wires and Antennas.

All water, sewer and electrical pipes, conduits, cable, television and telephone wires and other wires and pipes shall be placed underground where possible. No pole, tower, antenna or other equipment or device for the transmission or reception of electrical television signals, radio signals, wireless, or any other form of electromagnetic radiation, or for any other purpose, shall be erected, placed, maintained, or permitted to remain on any Lot except by the written permission of the ACC.

## Section 3. Easements.

There is expressly reserved to the SPPOA, its successors and assigns forever, a fifteen-foot perpetual easement in, on, over and across any Lot or the COMMON PROPERTY for the following purposes:

- The erection, installation, construction and maintenance of wires, lines, conduits and the necessary or proper attachments to them in connection with the transmission of utilities, as well as stormwater drains, pipelines, and for any public or quasi-public facility, service, or function.
- To control bluff, shore, slope, and marsh water erosion, including the right to grade, construct walls, embankments, and similar erosion water control devices.





- The easement extends fifteen (15') from each side and back boundary of each Lot. There is a road easement at the front of each Lot that extends twenty-five (25) feet from the centerline of the road.

#### Section 4. Utilities.

No air conditioning compressors, window air conditioning units, heating and cooling equipment, solar devices, fuel tanks, electrical transformers nor meters, gas valves, telephone junction boxes, nor other utility equipment, devices, or facilities shall be erected, altered, placed or permitted to remain on any Lot except on the interior of the main STRUCTURE or accessory building, or behind a fence or shrubbery that provides screening sufficient to hide all such devices and facilities from view.

#### Section 5. Fees.

The ACC does not charge non-refundable application fees, but may charge fees sufficient to cover any costs associated with reviewing drawings and related data and to compensate any consulting architects, landscape architects, urban designers, inspections during construction, or attorneys retained in accordance with the terms hereof. Any costs that exceed the Refundable Compliance Deposit must be paid by the Lot Owner. The Board shall have the right to increase or decrease the amount of fees from time to time, as necessary.

#### Section 6. Fines.

No construction is authorized on Sundays or holidays unless authorized in writing by the ACC. Holidays include these days:

- a. New Year's Day
- b. Memorial Day
- c. Independence Day
- d. Labor Day
- e. Thanksgiving Day
- f. Christmas Day



Fines may be imposed against the Owner of the Applicable Lot for, but not limited to, the following violations during construction projects:

- Clearing Lots or starting construction on a Lot without ACC approval: \$500.00.
- Clearing healthy trees with a trunk diameter of 8 inches or more measured 4 feet from the ground, before written ACC approval, or mutilating or damaging a tree: \$100.00 per caliper inch measured 4 feet from the ground.
- Making changes to construction activities that alter the exterior appearance of the STRUCTURE without first obtaining written ACC approval. Forfeiture of all or a portion of the Refundable Fee and a fine, the amount to be determined by the ACC and approved by the Board for each violation.
- Construction workers' vehicles parked off construction site in such a manner that they impede traffic flow: \$25.00 each day.
- Not immediately repairing damaged roads or roadsides to pre-construction conditions: \$25.00 per day.
- Porta-Johns failing to be placed as inconspicuously on the Lot as possible, with the door facing an uninhabited direction: \$25.00 each day.
- No job site dumpster or having an overflowing dumpster: \$25.00 each day.
- 8. Not having a clean and orderly jobsite: \$25.00 each day.
- Any nuisance, loud noises, profanity: \$25.00 each day.
- Noise that can be heard beyond the property lines of the job site before 7:00 a.m. or after 7:00 p.m. weekdays, or before 7:00 a.m. to after 5:00 p.m. on Saturdays.
- Performing exterior work or causing noise on Sundays or holidays without ACC permission: \$100.00.
- Not completing construction within twelve (12) months from the commencement of construction (unless a written extension is granted by the ACC in writing): \$25.00 each day.

These fines in no way void, limit or replace the Board's right to further enforce the Covenants or the ACC Standards, or to impose additional fines. If fines exceed the amount of the deposit, the additional fines must be paid prior to a Certificate of Compliance being issued.

