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ATTN: Wm. Weston J. Newton  
PO Box 1938  
Bluffton, SC 29910

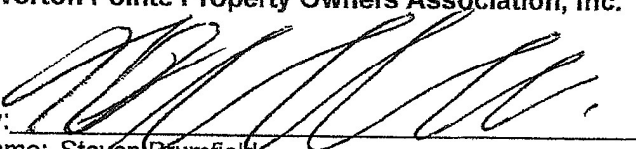
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COUNTY OF BEAUFORT         )     **AFFIDAVIT TO RECORD**


RE:   **Riverton Pointe Property Owners Association, Inc. – Riverton Pointe Design Guidelines Effective as of June 28, 2007 Revised April 22, 2025**

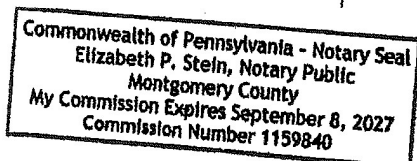
The attached document is being recorded to comply with the South Carolina Homeowners Association Act, Section 27-30-110, et. Seq., of the South Carolina Code of Laws 1976, as amended.

**Riverton Pointe Property Owners Association, Inc.**

By:   
Name: Steven Brumfield  
Its:   President of the Board of Directors of  
      Riverton Pointe Property Owners Association, Inc.

SWORN to before me this 13<sup>th</sup> day  
of May, 2025.

  
Notary Public for \_\_\_\_\_  
My Commission Expires: 9/8/2027



# **RIVERTON POINTE Design Guidelines**

**Effective as of June 28, 2007  
Revised October 14, 2025**

## **I. INTRODUCTION:**

The Architectural Review Board (ARB), appointed by the Board of Directors of the Riverton Pointe Property Owners Association, Inc., is responsible for approving all new construction, modifications, additions and landscaping in Riverton Pointe.

To achieve its objectives as well as ensure a pleasant building experience for the homeowner, the ARB has set forth these Architectural Guidelines. It is important to note that there is no specific architectural style in Riverton Pointe. These design guidelines are intended to provide a framework for the construction of a home and the subsequent landscaping around the home. These guidelines are not developed to predetermine a set style of architecture.

The Riverton Pointe ARB will administer these guidelines to help preserve the natural beauty of Riverton Pointe while protecting the property investments made by its members.

Each project submitted to the ARB will be reviewed toward:

- Ensuring that any development, structure or landscaping compiles with the Riverton Pointe Covenants as delineated in the effective Architectural Guidelines.
- Ensuring that the plans for landscaping provide proper drainage of surface water, visually pleasing settings for structures on the lot and blend harmoniously with the adjacent landscaping.

The present guidelines have been approved by the Riverton Pointe Board but may from time to time be amended. Prior decisions or rules regarding design will not be deemed to have set a precedent, if the ARB feels, in its sole discretion that the repetition of such actions will have any adverse effects on the community.

The Riverton Pointe ARB recommends that you obtain professional design assistance in planning your new home. It is important that both you and your professional read and understand these guidelines. In regard to the Design Documents, it is the responsibility of the Property Owner and the Architect or Designer to ensure that all plans, documents, and submittals prepared by the architect or designer are in accordance with these Guidelines, satisfy the building codes and all other governing codes, rules and restrictions. A Final Design Approval letter from Riverton Pointe's ARB will not be issued until all design documents have been completed and approved, including color boards and landscape plans and until all appropriate fees and deposits have been paid.

The ARB recommends that approved projects be started within ninety (90) days after final approval of plans, however, all projects must commence within twelve (12) months of the final approval date. Any projects not commencing within twelve (12) months must be resubmitted for approval under the applicable sections of the current guidelines and to verify there have been no changes since final approval was granted. Further, any changes to plans after final approval must be re-submitted for approval before work is begun.

Once begun, new construction projects must be completed within twenty-four (24) months. Exceptions may be granted by the ARB contingent on the receipt of a written request for an extension with a justification acceptable to the ARB prior to the expiration of the time limit.

## **II. THE REVIEW PROCESS**

### **A. ARB Meetings**

The ARB reviews applications electronically, as needed. Other meetings may be called from time to time when necessary.

### **B. Review Procedure**

Drawings and specifications for any proposed work in Riverton Pointe must be submitted to the ARB administrator for review and approval by the ARB. **All submittals and re-submittals must include an application stating what the submittal is for and the appropriate review fee.**

#### **1. Conceptual Design Submittal:**

Conceptual designs may be submitted if the property owner or architect would like comments on the concept before proceeding with the preliminary plan.

#### **2. Preliminary Design Submittals:**

Review of preliminary submittals is of an advisory nature, meaning that even very favorable reviews will neither imply nor guarantee acceptance of final design submittals.

Preliminary submittals should include a completed, signed and dated application accompanied by the appropriate review fee, a site plan, all elevations, as well as a certified tree and topographical survey.

#### **3. Final Design Submittals:**

Final design submittals must adequately reflect to the ARB the true design quality of the proposed work. Submissions must include a complete set of construction plans, detailed site plan, and an updated application as detailed in section C below.

## C. Submittal Procedure

**The following items must be submitted to insure the timely review of the project.**

**1. A completed application:**

Any request for review and approval of new construction, modifications, additions and landscaping must start with a completed application.

**2. Applicable Fees:**

Separate checks for all application fees and deposits are payable to the Riverton Pointe POA. Checks for fees cannot be combined and checks for deposits cannot be combined.

**3. NPDES Co-Permittee Agreement:**

To comply with Riverton Pointe's NPDES Permit for Storm Water Discharge, all lot owners must obtain their own coverage under the South Carolina NPDES General Permit for Stormwater Discharges from Construction Activities as a Secondary Permittee. All lot owners must submit an Individual Lot Notice of Intent and meet permit requirements before land disturbance activity commences. Signing this agreement is part of the construction approval process. A copy of Riverton Pointe's NPDES General Permit Issued by SCDHEC is on file and available for inspection at the ARB administrator's office; administration fees may be required. All builders in Riverton Pointe must comply with the findings of any inspections.

**4. Drawings:**

One complete set of drawing/building plans, minimum sheet size 11" X 17", containing the following minimum drawings:

**NOTE: These site drawing requirements also apply to additions, screened enclosures, pools, etc.**

**1. Tree and Topographic Survey:**

- Scale at minimum of 1" = 10'.0", 1/s"=1'.0" preferred.
- Sealed by a registered South Carolina surveyor.
- Survey should show the location of all trees 12" or larger in diameter.

**2. Site Plan:** the following information must appear on the site plan:

- Scale at minimum of 1" = 10'.0", 1/s"=1'.0" preferred.
- Should be overlaid on Tree and Topographic survey.
- Include legal description, lot number, and street address.
- Detail and dimension the location of all vertical and horizontal construction.
- **The following calculations are required:**
  - Square footage of lot
  - Square footage of all impervious coverage on the lot
- Show elevation above mean sea level (MSL) of finished floor of lowest habitable level of the house and top of the slab at garage.

- Label materials for driveways, walkways, decks, patios, etc.
- Show trees to be removed by marking with an "X".
- Must include all buildings, structures, pools, fences and entry elements.
- Dimensions should reflect the closest point from the property line to the building foundation on all four sides of the house/garage.
- Plans are to Include existing and finished grade lines in one-foot intervals as well as spot elevations of sited home.
- The finished first floor elevation at the front of the house is to be a **minimum of twenty-four inches (24") above finished grade across the front of the home.**
- Show silt fence locations with installation details.
- Show other erosion control devises such as check dams, if required.
- Show footprint and elevation of closest side of any vertical structure (over 18") on adjacent lots.
- Show correct setback lines.

**NOTE: For existing homes. Any building additions or exterior remodeling, including screened enclosures, requires the submittal of a full-size site plan containing the above information.**

### **3. Drainage Plan:**

- Must comply with the master drainage plan.
- May be part of Site Plan or separate.
- Must be same scale as Site Plan.
- Must show the following:
  - House and garage finished floor elevations.
  - Existing and finished grade lines at 1' Intervals maximum extending 10' Inside the adjacent property lines.
  - Spot elevations minimum at corners of lot and at corners of house, and any other pertinent locations.
  - Swales, berms with grades and direction of drainage.
  - Culverts or other drainage structures as required.
  - If there are significant elevation changes over 6" between the proposed site and adjacent lots then detailed drainage plans will be required.

### **4. Floor Plans:**

- Scale at  $\frac{1}{4}" = 1'-0"$ . ( $\frac{1}{8}"$  scale minimum may be allowed with approval from the ARB).
- Show the following calculations:
  - Square footage of air-conditioned space for each floor.
  - Square footage of garage.
  - Square footage of covered decks, screen porches, etc.
  - Square footage of open decks or patios.
- Must show the following:
  - All pertinent items, particularly items visible from the exterior of the house, including stairs, decks, patios, railing, planters, walls,

- doors, windows, skylights, etc.
  - Materials for exterior decks, railings, etc.
  - Complete dimensioning.
- 5. **Roof Plan:**
  - May be part of Site Plan or separate
  - Scale  $1/8" = 1'-0"$  minimum
  - Must show the following:
    - Roof slopes
    - Roof elements (skylights, chimneys, power ventilators, etc.)
- 6. **Building Elevations:** Scale  $1/4" = 1'-0"$  (Scale  $1/8" = 1'-0"$  minimum may be used if approved by ARB). Must show the following:
  - All major elevations and other elevations which may not be visible on the major elevations.
  - Vertical dimensions, including first floor and garage slab elevations (above MSL), floor to floor dimensions, dimension from finished first floor to highest point of roof (excluding chimney), floor to rafter bearing plate heights, roof pitches.
  - Existing grade lines (dashed line) and finish grade lines (solid line).
  - Label exterior finish materials.

**NOTE: Existing Homes: Any building additions or exterior remodeling, including screened enclosures, requires the submittal of architecturally drawn, full size elevation plans showing the proposed work as seen from the three affected sides of the building. These plans must also contain the above information.**

- 7. **Wall Sections:** Scale  $1" = 1/8"$  minimum. Must include the following:
  - Section at main house and garage, and other sections as necessary which may depict unique conditions.
  - Complete notes and dimensions.
- 8. **Details:** Scale  $1" = 1/8"$  minimum, where applicable. Must include the following:
  - Service yard wall.
  - Corner detail.
  - Columns and pilasters.
  - Banding and frieze details if not shown on wall sections.
  - Door and window head, jamb, and sill details (larger scale preferred).
  - Door and window schedules - must list type, size, any special features.
  - Other details as necessary to depict unique features.
- 9. **Electrical Plan:** Scale  $1/8" = 1'-0"$  minimum. Must show the following:
  - All Interior and exterior lighting, switches, and electrical outlets.
  - Electrical meter located in service yard.
  - Provide catalog cut sheets for all exterior lighting fixtures.
  - Show power and wiring requirements for **Fiber Optic service** in service

yard.

10. **Landscape Plan:** Landscape plans must be approved before landscaping starts.

**5. Color Board:**

The ARB encourages the designers, architects and owners to be aware of the color scheme of nearby residences to avoid duplications. An 8 1/2" X 11" color board shall be submitted containing the following information:

- Paint chips showing exterior wall, trim, shutter colors and any other vertical construction (2x2 sample size)
- Siding material and color
- Masonry or brick sample
- Roofing sample
- Driveway material and color

**D. Final Design Approval**

Once the ARB has given final approval to the design package the ARB will issue a **Final Design Approval** letter. No permit can be issued nor work start without this approval letter.

**E. Changes / Modifications**

Once ARB Final Design Approval has been granted, it is expected that the home will be built per the approved drawings. In the event a plan needs to be modified during construction, the change must be submitted to the ARB for approval. If the drawings are not submitted until after the change is underway or if the change is found during final Inspection, additional review fees and penalties may result.

**F. Variances**

A variance request, required for a unique site condition, must be filed no later than final design submittal. Once the variance request has been received, the ARB will make a preliminary decision as to whether or not the request may be granted.

**III. DESIGN GUIDELINES:**

**A. Setback Requirements:**

Setback is defined as the minimum distance from a property line that any structure may be placed. Compliance with setback requirements will be determined by measurement of the distance from property lines to the closest portion of the proposed construction. Setback variances will be considered by the ARB on a case- by-case basis.

	<b><u>75' Lots</u></b>	<b><u>65' Lots</u></b>	<b><u>55' Lots</u></b>
<b>Front Setback</b>	25 feet	25 feet	25 feet
<b>Side Setback*</b>	5 feet / side	5 feet / side	5 feet / side
<b>Rear Setback**</b>	10 feet	10 feet	10 feet
<b>Golf Setback***</b>	30 feet	30 feet	30 feet

**\*Side Service Yards**

Side service yards may encroach a maximum of five (3) feet into the side setback.

**\*\*Screened Enclosures**

Subject to ARB approval, the screened enclosure of a home may reach a minimum rear setback of 3 feet on wooded lots, 10 feet on lagoon lots, and 15 feet on the golf course.

**\*\*Pools**

Subject to ARB approval, pools may encroach to a maximum distance of one half the setback.

**\*\*\*Declarant's Discretion**

The Declarant, or the Declarant's Designee in their sole and absolute discretion, may grant variances to golf setback requirements. Variances will be considered based (among other things) on the distance of the applicable lot line to golf course play.

## **B. Easements**

- There is also a ten-foot (10') utility easement inside all front property lines, rear property lines and side property lines if adjacent to the road right-of-way, of each lot to allow for access to underground utilities. Other easements for storm sewers, etc. may be shown on the plat drawings.

These easement areas are an important aesthetic and functional feature of Riverton Pointe. Any proposed improvements in the easement will require specific approval by the ARB.



### **C. Site/Positioning of New Construction:**

1. Homes do not have to be placed square with the street or setback lines. Homes may be placed with a maximum angle of 5% deviation from the street or setback lines. Any plot plan depicting an angle of deviation greater than 5% will require ARB approval and will be reviewed based on the individual site condition.
2. Homesites can be combined in Riverton Pointe subject to the approval of the ARB Board.
3. In general, homes should be designed and positioned on the lot to minimize the removal of all hardwoods and other large trees. All trees 6 inches or larger must be identified for stakeout inspection or will require written approval by the ARB prior to removal.
4. To aid the Architect/Owner and the ARB in the positioning of the new home, the plot plan for the proposed home should include the location and first floor elevation of the adjacent homes.

### **D. Garages/Driveways/Guest Parking/Entry Elements:**

1. Garages shall be located in the front half of the property. A garage that is more than 45° off the bearing of the street shall not be considered as being a front entry garage.
2. Any attached or connecting buildings on a lot such as garages, etc., must be compatible in style, material and color with the main house.
3. Detached garages must be connected to the house by a covered passageway.
4. Carports are not allowed. Porte-cocheres are allowed. Golf cart garage bays do not count toward minimum.
5. Garages must have finished interior walls.
6. Boats, trailers, recreational vehicles, and similar vehicles will be stored in an enclosed garage and not be exposed to view.
7. Driveways should be concrete, approved pavers or a combination thereof. It is recommended that pervious material, e.g., brick, stone or concrete pavers, be used for driveways and walkways near specimen trees and desirable natural vegetation that is to be saved. Painting, staining, or other decorative coatings applied to concrete driveways are prohibited. Any repairs to driveways, or other hardscape surfaces, that alter the original color or texture must be approved in advance in writing.
8. One driveway access to the street is recommended. Double driveway entries are

permitted subject to ARB approval. If more than one curb cut is allowed, the outer edge of the driveway paving will be a minimum dimension of 15' from the side property line where it joins the street. Circular driveways must have an adequate turning radius and be appropriately landscaped.

9. While the Declarant does not currently offer non-white garage doors with the purchase of a new home, homeowners may (with advance written approval) change their garage door color. Similarly, builders constructing new homes on previously conveyed vacant lots may apply to the Declarant's ARB for non-white garage doors on those homes.
10. Two off-street guest-parking spaces must be provided on an approved surface. These spaces must not impede egress into or out of the garage. They must not be located closer than five feet from the property line. Off-street guest parking spaces and driveways within five feet (5') of property lines must be screened from adjacent properties and the road with landscape material.
11. No building elements, other than mailboxes, can be located in the easement between the curb and the property line. All entry elements must be shown on the architectural and landscape drawings and must be located inside the property line. It is strongly recommended that any entry element of a structural nature not be constructed in the utility easement. If the property owner places any structural element in this easement, it will be at risk if underground utility work takes place. If entry elements have landscaping or lighting, these details must be shown on the appropriate drawings.

#### **E. Decks, Terraces, Patios and Porches:**

1. Decks, terraces, patios, and screened porches should be designed as an integral part of the architecture of the main structure using compatible materials in both color and texture. If aluminum trim is used, it must be dark colored and only used around the perimeter of the screened opening. White trim will be considered to match the trim on the house.
2. Pergolas must be free-standing structures and must not be attached to the house. Pergolas must be built on a concrete slab or paver patio, must be painted/stained to match the color palate of the house, and must be appropriately landscaped. Pergola construction and landscaping shall be approved in advance in writing.

#### **F. Screened Enclosures:**

Screened enclosures are allowed in Riverton Pointe. All screened enclosures should be constructed in a manner that is architecturally pleasing and complementary to the house. Gabled screened roofing is preferred to flat screened roofing and may be required by the ARB on lots that are viewed from the golf course. No exterior aluminum tubing (facing out) should exceed 3 inches in width. The depth of aluminum tubing is dependent on the size of the screened enclosure.

**Other Screened Enclosure Guidelines**

<b>Color:</b>	Black
<b>Max Height:</b>	Cannot exceed the height of the exterior roof line
<b>Min Height:</b>	Not lower than the exterior soffit (overhang)
<b>Width:</b>	Cannot exceed the width of the home
<b>Depth:</b>	Must conform to ARB setback guidelines

**Additional landscaping may be required by the ARB.**

**G. Exterior Lighting:**

Exterior and security lighting must be installed so that neighboring properties and street traffic are unaffected by the glare.

1. The design and location of all exterior and landscape lighting shall be indicated on the site plan and the landscape plan. The property owner is advised that all elements, including lampposts, that are installed in the utility easement (which is a 10-foot-wide easement located inside the front and side right-of-way or property line) are installed at the property owner's risk.
2. Building perimeter lights must be installed to ensure that the source of light is not visible from off the home site, thus recessed soffit lights are preferable.
3. Driveway and walkway lighting must be of the type that is located close to the ground with no more than 180-degree light spread. Cut sheets must be submitted for approval with the landscape plan for all exterior lighting.
4. Landscape lighting should also be subdued. If up-lighting is used, care should be taken to avoid creating a halo or glow in the night sky. Down-lighting should be focused on specific landscape vegetation should be subtle, subdued, hidden from view, and not used for general illumination purposes.
5. COLORED LIGHTING IS NOT ALLOWED for landscape lighting. Temporary holiday lighting is excluded.
6. Carriage/Town House Coach Lights - Coach lights may be replaced on each unit. To maintain consistency, each building must have coach lights similar in color and design which are subject to written approval.

**H. Water Heaters/Furnaces:**

1. Both electric and gas water heater and furnaces are allowed.

2. If electric water heater or furnaces is used a contribution fee may be required to Palmetto Electric.

#### **I. Service Yards:**

Where applicable, all residences are required to have an attached service yard. A reasonable effort shall be made to locate all utilities, including electrical service, garbage containers, water softeners, pool equipment, well equipment, etc. in a service yard.

1. All service yards shall be designed to have minimum impact on neighboring residences and be located within the setback lines. Exceptions may be considered for non-standard lots.
2. The service yards should be located in the side or rear yards.
3. The primary service yard enclosing equipment shall be screened from view by a wall or fence with a minimum height of six feet (6') feet. All service yard equipment must be completely screened from view at the top and at the slab portion or bottom. The maximum distance between the bottom of the screening enclosure and the slab is three inches (3"). Use of lattice on service yards is not allowed. The door of the service yard is to be full height.
4. The service yard will have colors compatible with the house.
5. All service yards will have concrete slabs or pavers.

#### **J. Minimum Square Footage of Interior Air-Conditioned Space, Excluding Garages:**

1. 100' lots minimum = 2,000 square feet.
2. 80' lots minimum = 1,800 square feet.
3. 70' lots minimum = 1,600 square feet.

#### **K. Foundation Plan:**

1. Due to FEMA flood elevation requirements, a substantial foundation may be required.
2. No more than 4' of foundation should be exposed around a home as measured from the finished grade to the first-floor level. High foundation walls will require careful architectural and landscape treatment to help soften their height and massiveness. All openings in the foundation wall are to be louvered. The amount of louver openings in the foundation wall must be less than 40% of the wall area.

**L. Materials:**

1. Exterior walls should be of brick, wood, stucco, stone, fiber-cement siding, etc. Siding materials must be approved by the ARB. No vinyl siding will be allowed.
2. Various styles of windows may be desired to accent the architectural style of the house. Low country and traditional style homes are encouraged to have permanent exterior grids (minimum 7/8" wide) on all windows of rooms that do not face the rear of the house unless the architectural style demands otherwise. It is recommended that the Interior grids be permanent but if removable, the grids must be framed. It is also encouraged that all windows be of a style compatible with the rest of the house.
3. All exterior wood trim or wood siding including stairs will be painted or stained. All exterior colors must be approved by the ARB.

**M. Building Elevation and Height:**

1. Single-family residences must conform to federal flood zone regulations for minimum finished floor elevation established by Federal Emergency Management Agency (FEMA). The ARB requires that the proposed finish floor be at least 1 foot higher than the 100-year flood, but not be excessively higher than the required elevations.
2. The exterior walls shall be a minimum of 10' from finished grade at the exterior of the structure, to the top of the plate at the exterior wall on all single-family lots. The height of the front foundation wall of the home (garage not included), as measured from finished grade at the exterior of the structure, to the finished floor elevation will be between a minimum of twenty-four (24 inches) and a maximum of 6" (6 Inches). Allowances will be made for homes located in the flood plain.
3. The maximum height of a residence as measured from finished first floor to the top of the tallest roof ridge beam is 35 feet. No house should exceed forty feet of height from the finished grade. All lots are limited to two (2) habitable levels.

**N. Roofs:**

1. Architectural roofing materials must be approved by the ARB. If fiberglass shingles are used, colors and configurations that do not call attention to the roof should be chosen. If fiberglass shingles are used a minimum of 300 # and/or 30-year warranty is recommended. Metal roofs must be standing seam with a minimum gauge of 24.
2. Exaggerated roof slopes (both high and low) should be avoided.
3. Roof vents, plumbing vents and other penetrations will be painted to blend with the

roof. All roof penetrations will be on the rear side of the roof ridge.

4. Low profile roof ventilators will be used.
5. Skylights should not be visible on the street side elevation.
6. Direct vent fireplaces through the roof are not allowed unless they are vented through a full chimney. Prefabricated chimney flue caps shall be screened with a metal or other non-combustible material shroud for safety and ornamentation.
7. The ARC may for aesthetic reasons condition its approval of an Owner's roof replacement project on (i) coordination with any other carriage house owner's similar project as to type, color and configuration of roofing material and (ii) replacement of any adjacent roof surface to match, such that the owner (at such owner's cost) shall replace his/her adjacent neighbor's roof shingles for any roof areas where the respective owner's shingles are In contact or in direct proximity, In such an instance, the ARC shall assist the applicant owner by seeking the consent of the adjacent owner for access and necessary shingle replacement. Such roof replacement project shall be in accordance with this section and Article VIII, section A of these Architectural Design Guidelines and any other applicable provision of same.
8. Solar panel installations must be approved in advance and in writing by the ARC. **Solar panels are permitted on the rear side of the roof of homes *only*.** Solar panels must be positioned so that no portion of them or their supporting equipment, lines etc. is visible from the street on which the home fronts. Free-standing solar panels (e.g., installed on posts at ground level - not attached to a home) are ***not*** permitted. Solar panels are ***not*** permitted to be installed on side or front roofs, regardless of the directional orientation of the home. Solar panel applications for homes adjacent to the Golf Course must be approved by the Declarant's Architectural Review Board and/or the Golf Club in addition to (and following) review and approval by the ARC.

#### **O. Antennas, Satellite Disks and Accessory Structures:**

1. Satellite dishes, which meet solely the minimum requirements of the Telecommunications Act of 1996, any amendments thereto, and any applicable South Carolina statutory requirements, may be erected and maintained on the property with ARB approval. It is recommended that satellite dishes be mounted within the service yard. If satellite dishes must be mounted on the roof they must be mounted on the rear of the roof. The location must be approved by ARB.
2. Other than 0-1. above, no television antenna, radio receiver, transmitter, or other similar device shall be attached or installed on the exterior portion of the property within Riverton Pointe.
3. No exterior speaker, horn, whistle, bell, or other sound device, which is

unreasonably loud or annoying, except home security devices used exclusively for security purposes, shall be located, used, or placed within Riverton Pointe.

**P. Wells:**

1. Closed loop water systems are allowed in Riverton Pointe provided the holes bored for the loop shall be drilled by a South Carolina licensed well driller in accordance with South Carolina regulations and approval by ARB.
2. No private water wells for the purpose of domestic consumption will be drilled or maintained on any residential lot.
3. Wells for irrigation purposes may be installed on an owner's property (limited to the backyard) subject to the approval of the ARB. All wells constructed on an owner's property must comply with all State regulation and be constructed within the applicable rear setbacks.

**Q. Grading and Drainage:**

1. Grading and drainage shall be designed to ensure no storm water or roof water runoff is directed toward adjacent home sites, golf course, Riverton Pointe POA property or directly into marsh areas. Runoff should be directed into swales or dry wells to prevent runoff onto any adjacent properties.
2. In general, the areas of the lot that may be filled are limited to the area Immediately under and around the house and adjacent driveway. This fill area should start transitioning down to existing grade as soon as possible once beyond the building line. It should be anticipated that natural low-lying areas will be preserved and that these low areas may retain water for several days following heavy rainfall.
3. Cuts and fills should be designed to complement the natural topography. Grading should produce graceful contours, not sharp angles, and provide smooth transitions at the head and toe of the slope, no grading (cut or fill) should occur under the drip lines of large significant trees.

**R. Pools:**

1. Pool equipment shall be placed inside a service yard.
2. The top of the pool or pool deck may not be over 2' above existing grade unless Integrated into a terraced landscaping plan approved by the ARB.
3. Backwash is not permitted to be discharged into the sanitary sewer system, storm water sewer system, or onto the golf course, and must be contained on the lot.
4. Significant landscaping will be required around pools and pool decks to screen adjacent properties and views from the golf course.

5. Pool fences are allowed but shall be no higher than 48" above grade. The pool fence should be constructed from a substantial material such as heavy gauge anodized aluminum or painted wrought iron.
6. All pool fences should be installed in the immediate area of the pool in conformance with the normal setback requirements. No pool fence can be installed closer than three feet (3') of the property line.
7. All pool fences will be evaluated on a case-by-case basis.
8. Pools cannot be built within utility easements. Subject to ARB approval, pools may encroach to a maximum distance of one half the setback.
9. The Owner is solely responsible for complying with any South Carolina DHEC rules and regulations applicable to residential pools.

#### **S. Landscaping:**

The ARB recommends the property owner select a landscape professional familiar with the soil and growing conditions of the area. The landscape architect should advise the homeowner of the type of soil and the effect on the landscape plan.

1. Landscape plans must be submitted at the time of framing. Landscape plans must be approved before landscaping starts. Landscaping must be completed before final inspection of the property is performed. All landscaping must be complete prior to occupancy of the home.
2. The landscaping plan should contain all the vital information from the previously approved site plan and will show existing plants and trees and will indicate trees to be removed. Landscape plants/materials schedule is to be on the plan itself and is to show number of plants, botanical name, common names, species, container size, spread, height, and spacing at installation.
  - a. House/deck/garage/service yard/mechanical platform and foundation walls are to be fully/heavily landscaped on all sides. Depending on the height of the foundation, plant size and spacing requirements will vary to assure that effective screening is provided.
  - b. Garage entry, parking areas, and pool areas are to be fully/heavily screened from the street and adjoining properties with tall/full evergreen screening type plants to provide effective screening immediately upon installation.
  - c. Property line utility service boxes must be screened with evergreen landscaping yet provide reasonable access by the utility companies.
3. All improvements, including landscaping in street rights-of-way, must be approved



by the ARB. The homeowner's entire yard must be grassed (sod) unless a natural area of the property is approved by the ARB. Property owners are responsible for landscaping and maintenance of landscaping from property lines to the roadway.

4. A landscaping plan that uses rock or crushed rock as a predominant element will not be accepted. Crushed rock includes seashells, gravel, etc. Predominant element includes but is not necessarily limited to landscaping beds around the house, trees, and landscaping that isn't street facing.
5. Use of mature/well established plant material (existing and/or new) is strongly encouraged. The use of native materials, including deer resistant, drought resistant, winter hardy plant varieties, is encouraged. Winter hardy/evergreen plants are to be used for foundation and screening/buffering purposes.
6. Planting design:
  - a. A simple massing of plant materials is generally the most effective method of creating a successful planting scheme. Lawn areas are encouraged in open areas around homes where sunlight is available for a good portion of the day. Otherwise, wooded areas should be preserved and enhanced by the selective Introduction of ground cover and edge planting. Plant material berms, fences, and walls should also be incorporated into the design of outdoor spaces for functional use such as to provide screening and privacy.
  - b. Leaving "natural" areas may be appropriate and acceptable in some cases, but owners are cautioned that these areas must be maintained (cleaned, pruned, weeds/vines removed) and not left to grow wild. Natural does not mean unkempt.
  - c. At driveway entrances, for reasons of safety, no planting that obstruct sight lines shall be permitted.
  - d. Landscaping at the rear corners of a lot shall not impede the view corridor of the neighbors.
7. It is the responsibility of the property owner to ensure compliance with both ARB and City of Hardeeville tree protection requirements before any removal. No hardwood tree with a trunk diameter measuring 6" or more at a distance of 4' above ground level or pine tree with a trunk diameter measuring 24" or more shall be removed, or effectively removed through damage, without written approval.

In addition, per the City of Hardeeville ordinance, any hardwood tree measuring 12 inches DBH (Diameter at Breast Height) or greater—excluding Sweet Gum trees and Water Oaks—is considered a protected tree and may not be removed or destroyed without compliance with city regulations.

Therefore, approval in writing is required, and city approval may also be required, for removal of protected trees.

8. The cutting or trimming of any vegetation outside of an Owners' property line is strictly prohibited.
9. Walks, retaining walls, or other hardscape improvements will be identified by material and dimensions; including height above finished grade. Walks should be concrete or set pavers (evenly leveled in the ground, not just placed on the ground). Retaining walls may not be placed in view of the golf course.
10. Sod areas and shrubs will be covered by an underground irrigation system.
11. St. Augustine grass will not be permitted if contiguous to golf course turf.
12. At final inspection of the landscape installation, the ARB, in its sole judgment, will determine if the landscape plan design intent has been met, particularly as it relates to landscaping that is used for screening purposes and foundation coverage. Every property owner is responsible for preventing the development of any unclean, unsightly or unkempt conditions of buildings or yards, which shall reduce the beauty of the neighborhood as a whole. All formal landscaped areas, bed and lawn areas must be maintained. In natural areas, weed growth must be controlled, trees pruned, vines removed and yard debris removed.
13. Any proposed changes in landscaping such as fences, fountains, lighting, game structures, pole supported feeders/bird houses, drives, walks, landscape structures and statuary must be approved in writing.

**T. Landscape Accessory Structures and Ornaments:**

1. All landscape accessory structures such as birdhouses, statues, flagpoles, lampposts, etc. must be within the applicable setbacks and be approved in writing. Landscape name and number signs are prohibited.
2. All playground equipment must be nature blending in color. All exterior play equipment, including basketball nets, shall be placed only with approval in writing.
3. No exposed clotheslines, tool sheds or doghouses shall be permitted.

**U. House Numbers:**

1. House numbers must be three inches (3") in height and black in color. House numbers may not be painted on the curb. "All occupancies shall display their correct physical address on the building. If the building is more than 50' from the street or road, this number must also be posted near the walk, driveway, gatepost, fence or common entrance so as to be clearly visible from the road." (Mandate from the South Carolina State Legislation, Section 23-47-60).

**V. Fences:**

1. Walls and fences may be approved provided they are attached to the house.
2. Fence plans must be drawn on a previously approved site plan and will include an elevation of one section of fence/screening. Fences cannot be closer than 3' to any property line. Maximum fence height is 5' above grade and a minimum of 3' above grade. Fences may be either wrought Iron, black aluminum, brick, stucco, etc. Fences cannot be built within utility easements. The ARB has sole discretion on the use of fence materials and fence location.
3. Deer fences are not acceptable. The ARB encourages each Owner to consider that deer live on the property. When establishing a landscape plan owners should choose plants and plant materials which are less attractive to deer.
4. Fence location may not create any drainage concerns or impede adjacent drainage.
5. Carriage/Town Houses - Carriage/Town houses that are considered a middle unit, meaning they are connected to a similar house by a common wall on *both* sides of the property, may install a fence directly on the shared property line **only**. Fences may not be closer than 3ft on any side or rear property lines. The Declarant, or the Declarants Designee in their sole and absolute discretion, may grant variances to property line setback requirements. Variances will be considered based on the configuration of the lot. Once a fence is installed, the property will no longer receive landscape maintenance service to the enclosed areas and the area must be properly maintained by the homeowner. Fences can be installed near a drainage easement, but the flow of water cannot be obstructed. No fences of any kind are allowed for the front yard areas.

#### **W. Exterior Storm / Hurricane Shutters:**

All storm shutters will be reviewed by the ARB on a case-by-case basis. In no case will shutters be allowed to remain closed for more than two weeks.

#### **X. Basketball Hoops:**

1. Only permanent, pole-mounted basketball goals will be acceptable. Backboards not mounted to poles (e.g., back boards affixed to house walls, roofs, trees, etc.) are not acceptable.
2. Front and rear yard basketball poles must be set in the ground permanently, should be placed on the outside off the driveway, and screened from view.
3. Basketball goals may not be installed on the interior side of the driveway.
4. Installation must be performed in a professional and workmanlike manner as determined by the Board or ARB in their sole and absolute discretion.

5. Architectural requests must include a site plan of the exact location at which the goal will be installed, including distance from all lot lines.
6. Submittal must also include photos or renderings, as well as details and specifications of the basketball goal and landscape plan showing how the goal will be screened from the street.
7. PORTABLE OR TEMPORARY BASKETBALL GOALS ARE NOT PERMITTED.
8. All poles and support brackets must be black or, if available, natural blending in color. Backboards must be clear Plexiglas or other clear simulated glass.
9. Netting is limited to nylon or similar cord netting. Metal or other chain nets are prohibited.
10. Spotlights or other lighting for the purpose of illuminating the area of play for use after sunset are prohibited.
11. Painting of the driveway for a basketball court layout or any other similar purpose in the front yard is prohibited.
12. All equipment must be maintained in like-new condition at all times.

**Y. Fire Pits:**

1. Fire pits shall not exceed forty-eight Inches (48") in diameter and twenty-four inches (24") in height.
2. Fire pits must be located in rear yard of the homeowner's property.
3. Fire pits must have a concrete, stone, paver, or other non-combustible material forming an apron completely around the pit area to prohibit flames from spreading to adjacent combustible areas/materials.
4. Only fire place logs, charcoal or other dry, non-treated wood may be burned.
5. Only allowed between the hours of 9:00am and midnight, if conditions permit, pursuant to the Fire Chief's discretion.
6. Fire pits shall be placed at least 10 feet away from any structure, fencing, trees, shrubbery, overhanging limbs or combustible material.
7. Outdoor Fireplace construction must meet all building codes for structural integrity.
8. Outdoor burning is not permitted outside of fire pits and fire places.

#### **IV. CONSTRUCTION START UP/ SITE PREPARATION:**

After Final Design Approval of the drawing package, the contractor shall stake out the lot in preparation for string line inspection. No trees are to be cut or clearing of any kind to proceed until after the string line inspection is approved. Trees to be cut shall be banded in red; trees to be protected shall be double banded in yellow. After string line approval an ARB approval will be issued.

##### **A. Tree Protection:**

Shall be constructed of 2"x 4" posts on 8' centers with 2"x 4" top rail covered with Burke Safety Fence. Tree protection shall be 4' high and located around the drip line of the tree (approximately 1 foot in radius for every inch in tree diameter). Specific recommendations from the arborist's survey and report will also need to be followed.

##### **B. Silt Fence:**

Prior to starting construction, a silt fence will be installed on all property lines of the lot and maintained throughout construction. Care must be taken to install the silt fence with the bottom curl under a dirt cover so that silt and debris do not run under the silt fence.

##### **C. Portable Chemical Toilet:**

Prior to starting construction, a portable chemical toilet will be placed within the setback line, emptied on a regular basis and will be removed when construction is complete. The door of the toilet should not face the street. It should be facing toward the center or rear lot line of each lot unless otherwise approved by the ARB. Portable toilets may be grouped if a home builder has an adjacent home under construction.

##### **D. Dumpster:**

Prior to starting construction, a metal dumpster will be in place and must be present on the lot during the entire construction process. The dumpster must be removed when construction is complete. It will be the permit holder's responsibility to collect all trash and have a clean and orderly construction site at the conclusion of each day's activities.

##### **E. Illegal Dumping:**

No dumping or burning of debris is permitted within Riverton Pointe.

##### **F. Utilities:**

The appropriate utility companies shall provide completely underground connections to water, sanitary sewer, electricity, telephone, and cable TV. The installation of all utilities to homes within Riverton Pointe will be installed meeting the specifications prescribed by the providing utility.

##### **G. Signs:**

No signs other than the approved homeowner and contractor signs are to be placed on a property during construction. The contractor signpost will contain the contractors sign and will have the County and Riverton Pointe Building Permits affixed to the

signpost. There shall be only one contractor sign on the lot. This sign must be placed on the street side of the home site. This information is to remain posted throughout the building process and be removed when final approval is requested. There shall be no other subcontractor or supplier signs on the lot.

## **V. CONSTRUCTION GUIDELINES**

### **A. Contractor Licensing and Insurance:**

All General contractors will provide to the ARB office, a copy of:

- South Carolina Residential Builder or General Contractor license.
- City of Hardeeville Business license.
- General liability and workman's compensation insurance.
- Vehicle insurance.

### **B. Access to Construction Sites:**

All Contractors and their work teams will use the gate designated by the ARB for access into Riverton Pointe. No contractor's employees, commercial vehicles or privately owned property owner vehicles are allowed to use the golf cart paths or walkways for access to homes or job sites.

### **C. Site Protection / Traffic Laws / Parking:**

1. All vehicles, trailers and building supplies shall be limited to the job site property. No privately owned undeveloped lots may be used for parking or storage of any construction related equipment without the written approval from the property owner.
2. The utmost caution must be used to avoid damage to the road right of way and the curbing. Any damage to curbs, sidewalks and easements must be restored to the original condition at the completion of the project. The edge of the road pavement shall be protected from damage by construction vehicles. Placing heavy wood planks, or other effective material, to make the transition between the pavement and the road smooth, should be used. Deposits will not be returned until any/all damaged areas are satisfactorily restored.
3. Posted speed limits and safe driving practices will be strictly enforced. Parking should be limited to one side of the street to allow ample space for traffic. Under no circumstances shall construction vehicles park on the sidewalk, interfere with the flow of traffic or cause hazardous conditions.
4. Failure to comply with the above requirements during construction may result in fines being levied and / or other appropriate action.

### **D. Utility Vehicles:**

Only one utility vehicle will be authorized to remain on a new construction site overnight. It must be fully enclosed, locked, have appropriate registration and be approved by the ARB prior to remaining on site. A locking device must be used to secure the axel so the vehicle cannot be moved. Responsibility for loss of equipment,

theft or damage is the sole responsibility of the contractor. If additional utility vehicles are desired, you must acquire approval from the ARB.

**E. Construction Rules:**

The following rules and regulations are designated to enhance Riverton Pointe's overall appearance and to protect the aesthetics and the property values of all Owners. Contractors will be held responsible not only for the actions of their own employees, but also for the actions of their subcontractors' employees.

1. No work, including lot clearing, will begin until both a Riverton Pointe Building Permit and a City of Hardeeville Building Permit are issued and posted at the job site.
2. Construction work, both exterior and interior, must be limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday. (These hours may be amended from time to time by the ARB according to season and special occasions.) Workers and their vehicles should not arrive more than 15 minutes prior to opening and should depart the job site no later than 15 minutes after the posted close of business, without exception.
3. No work will be permitted on Sundays, Thanksgiving Day, Christmas Day or New Years Day.
4. No water usage will be permitted until the appropriate tap fees are paid and meters are installed by the Beaufort Jasper Water & Sewer Authority.
5. No construction trash burning will be permitted on the site.
6. The General Contractor is responsible for enforcing the following work rules for all construction workers and suppliers at the job site:
  - No workers will be allowed to enter or leave Riverton Pointe on foot.
  - No workers will be allowed to enter Riverton Pointe to seek employment at a job site.
  - Workers are not permitted to use any Riverton Pointe facilities. (This includes golf course restrooms).
  - Workers are not permitted to fish in any lagoon or from any boat dock.
  - The possession and/or consumption of alcohol or drugs are strictly prohibited on Riverton Pointe property.
  - Workers should refrain from using Inappropriate language, honking horns and playing loud music.
  - Workers are prohibited from bringing firearms or other weapons into Riverton Pointe,
  - Workers are prohibited from bringing dogs, cats, or other pets into Riverton Pointe.
  - Workers are prohibited from bringing children to a job site.
  - Workers must obey all posted speed limits when driving on Riverton Pointe roads.
  - Workers must not throw litter from windows of vehicles and must prevent litter on job sites,
  - Workers must wear shirts.

**Failure to comply with these rules may result in loss of deposits or other sanctions.**

7. Portable toilets must be located according to the ARB guidelines and with ARB approval and must conform to current pollution prevention requirements.

8. Vacant and undeveloped adjacent properties may not be used for access, parking or storage of material and equipment without written permission of the Owner. A copy of the permission letter must be filed with the ARB Administrator. The Contractor/Owner will be responsible for repairing any damage done to adjacent property before their deposits will be returned.

**F. OSHA Regulations:**

All contractors shall comply with all Federal, State and Local safety and health regulations as well as all applicable environmental requirements.

**VI. CLEAN CONSTRUCTION SITES:**

**A. Sediment:**

Controlling sediment at the site to minimize the amount of sediment released from the site into the street, the municipal separate storm sewer system (MS4), stream, creeks, wetlands, drainage channels, lakes, bays, or rivers is the goal of the storm clean site program. Sediment will be controlled at the site through an effective combination of erosion and sediment controls specified in the Storm Water Pollution Prevention Plan.

**B. Trash:**

Priority will be placed on controlling blowing trash from the site through instructing the subcontractors at the site to put trash in appropriate containers at the site. Regular site inspections by construction and project management will identify trash that is not in containers and trash containers that are reaching capacity and need to be removed from the site. Trash containers will also be monitored to ensure that no controlled hazardous materials are being disposed of Improperly in the site trash containers.

**C. Washout Waters:**

Controlling washout waters from concrete, stucco, mortar mixing, gunite, gypcrete and paint operations at the site is essential in the storm water clean construction program. Controlling concrete wash water in a designated, marked, and contained area is essential until the cement wash water has hardened or evaporated. Water based paint, gunite and gypcrete washout can be contained in the same manner as concrete washout ensuring that washout waters never reach a storm inlet, drainage channel or leave the washout site. After the concrete and paint washout waters have dried, the residue will be removed from the site as solid waste. Non-water-based products shall not be washed out in the washout area and shall be disposed of in accordance to manufacturers' recommendations.

**D. Leaks and Spills:**

Cleaning up leaks and spills is the fourth element in the storm water clean construction site program. Leaks and spills can come from petroleum-based products in equipment at the site or from chemicals used at the site as part of the construction process. Leaks and spills and the source of the leak or spill will be removed from the site along with any potentially contaminated material for proper disposal from the site. All leaks and



spills cleaned and removed from the site will be performed and reported in accordance with the law and shall be documented in the site inspection reports.

Refueling shall only be allowed from a proper container (a plastic can is not proper and does not meet OSHA requirements).

A proper spill kit must be present.

Subcontractor accepts all liability for spill clean-up.

Refueling shall not occur within 50' of a storm inlet, steep slopes, a wetland or water body.

Maintenance that could potentially cause a spill of regulated materials (oil change) shall only be allowed in an area designated on the SWPPP that is not within 50' of a storm inlet, steep slopes, a wetland or water body.

Work must be performed over a waterproof tarp or plastic sheet that shall be removed from the project once the maintenance is completed.

All waste materials (drain oil, spent filters, etc.) shall be removed from the project site and disposed of properly.

Fuel or oil storage tanks are discouraged but shall be allowed in cases of hardship with the expressed written permission of the Land Development Manager with the following conditions:

- Tank shall be located in an area designated in the SWPPP that is not within 50' of a storm inlet, steep slope, wetland or water body;
- Tanks shall not exceed 500-gallon capacity and shall have appropriate secondary containment;
- Tanks shall be secured and vandal-proof;
- Sub-contractor must know the State spill reporting rules, have a proper spill kit at the tank when refueling, post his phone number and the phone number of an environmental clean-up company in case there is a spill; and
- Tanks shall be removed from site immediately upon completion of the contractor's work.

**E. Good Housekeeping:**

Keeping materials properly stacked and protected, trash collected and properly disposed, scrap materials regularly removed, liquid products stored inside or in closed containers on pallets, and equipment stored in designated areas is better for the environment and makes the site more productive.

**VII. ARB INSPECTIONS/ PERMITS:**

**A. Stakeout Survey/Building Permit:**

After **Final Design Approval** of drawings, the contractors will stakeout the building

footprint, driveway, pools, decks, porches and service yards. The contractors will also stakeout the property line and wetlands. Trees to be removed will be banded with red tape. Trees that will have tree protection will be double banded with yellow tape; the contractor will advise the ARB when the stakeout is ready for inspection. The ARB will perform the inspection and, if approved, issue the contractor an ARB Building Permit. The ARB will also inspect the condition of the adjacent lots, sidewalks and curbs and document their condition for reference at final inspection.

**B. Building Construction:**

Following clearing, the lot is prepared for construction:

- a) Dumpsters and Port-a-Johns are set in place.
- b) Slit fence and tree protection installed.

**C. Form Board Survey:**

The contractor will provide a form board survey by a licensed South Carolina Surveyor to the ARB as soon as the foundation is formed. Concrete slab work cannot proceed until the form board survey is approved by the ARB.

**D. Foundation Survey:**

The contractor will provide a foundation survey and an elevation certificate by a licensed South Carolina Surveyor to the ARB as soon as the foundation is poured. Framing cannot proceed until the foundation survey is approved by the ARB.

**E. As-built Survey:**

As Built Survey: An as built survey that includes all vertical and horizontal construction (i.e., walks, driveways, pools, decks, etc.) will be required as part of the final inspection documentation provided by the Contractor. If the approved plans call for a peak dimension within two feet (2') of the maximum height limitations, then a surveyed height must be provided.

**F. Intermediate inspections:**

The ARB may conduct a survey of construction anytime during the construction process. The contractor will be notified of any issues/concerns resulting from the inspection.

**G. Final Inspection:**

The following documents must be on file at the ARB office prior to final inspection:

- Form Board Survey
- Foundation Survey
- Elevation Certificate
- As-built survey
- Certificate of Occupancy

As soon as the ARB is notified by the contractor or homeowner that a Certificate of Occupancy has been received a final inspection will be performed. The inspection is to assure that the building is complete in accordance with approved plans, color and material samples, landscaping is in place and the house is ready for occupancy. Special

attention will be given to surface water drainage, site clean-up, builder sign removal, and removal of waste materials on adjoining lots, adjoining lots, sidewalks and curbs will be restored to their original condition prior to construction.

Final approval of the landscaping will not be granted unless the plant material is installed as detailed on the approved submitted landscape plan and also meets the requirements of the ARB Guidelines, especially for foundation coverage. The ARB, in its sole judgment, will determine at final inspection if the landscaping is adequate or if additional trees or plants are required.

## **VIII. EXISTING HOME GUIDELINES**

- A. **Exterior Modifications:** Any exterior modifications or additions including repainting and roofing to an existing home must follow the same procedure as for a new home.
  - A. Prepare a submittal package outlining the work to be done and complete with a color board.
  - B. Pay fees and deposits and submit application to ARB for approval.
  - C. Proceed with work after Compliance Deposit is paid to the ARB and a Riverton Pointe Building Permit is issued.
  - D. Notify ARB when work is complete so that a final inspection may occur.
  - E. Appropriate deposits will be refunded within thirty (30) calendar days of an acceptable final inspection.
- B. **Landscaping Additions:** Landscaping additions to support a home modification, pool addition, or to substantially replace/upgrade existing landscaping requires updating the existing landscaping plan and submitting the proposed changes to the ARB for approval.

## **IX. FEES AND DEPOSITS**

- A. **Non-refundable fees:** Consist of a review fee and a road use fee.
  - 1. Review Fee: Payable at the time of submittal of plans for review.
  - 2. Road Use Fee: Payable following Final Design Approval of plans and prior to a Permit being issued.
- B. **Refundable Deposits:**
  - 1. Construction Compliance Deposit: payable by the Builder/Contractor or Owner, and,
  - 2. Landscape Compliance Deposit: payable by the Owner/Contractor. Both deposits are due after the plan/drawing has approval and before a Riverton Pointe Building Permit is issued.

**C. Deposit Refund:**

All refundable deposits will be returned to the payer of record after final inspection and approval of the home and landscaping.

**D. Penalties and Post Construction Review Fees:**

Any changes to the final drawings, once approved, that occur during the construction process will be reviewed without additional cost if submitted before the change is implemented. If changes are not submitted prior to construction and/or found during final inspection, the contractor and homeowner are subject to additional fees and loss of refundable deposits. Any penalties that occur during the construction process will also be deducted from the Owner and/or Contractor's deposit.

**E. Non-Compliance:**

If the contractor fails to complete the home according to the approved plans, the ARB may refer the issue to the POA for resolution, which may result in a lien against the property to cover the costs of completing construction that does meet the approved plans.

**X. FEE SCHEDULE**

<b>A. REVIEW FEES</b>	<b>NON-REFUNDABLE</b>	<b>REFUNDABLE</b>
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New Construction;		
Conceptual (credited against full review)	100.00	-0-
New Home Construction	1,500.00	-0-
Significant Plan Revisions After Approval	300.00	-0-
Modifications or Additions;		
Covered Modifications/Additions, Pools	300.00	-0-
Uncovered Additions (fences, decks, landscape structures, walks, driveways)	100.00	-0-
Demolition	300.00	-0-
Road Use Fee (New Construction Only)	1,500.00	-0-

**XI. SCHEDULE OF PENALTIES:**

The following is a schedule of penalties that may be levied when a property owner or general contractor violates the Covenants or Guidelines. Monetary penalties will be deducted from the escrow deposit (refundable deposits) paid by the building contractor and/or property owner, as appropriate. If the amount of the refundable deposits falls below 50% of the initial required deposit they must be replenished to the full initial amount by the Contractor/Owner.

**A STOP ORDER OR OTHER ACTIONS MAY ALSO BE TAKEN, FOR SERIOUS, REPETITIVE, OR UNCORRECTED VIOLATIONS.**

## A. Minor Offenses:

\$100 first offense  
\$500 second offense  
\$1,000 third offense & shutdown of site

If a minor violation is not corrected **within** 48 hours of notification, the project will be shut down until the violation is corrected.

- Failure to keep site clean
- Loud music or yelling
- Adjacent lots unclean
- Working during unauthorized hours or non-working days
- Failure to maintain silt fences
- Failure to maintain tree protection
- Children or pets at work site
- Open fires
- Failure to provide port-a-johns or dumpsters
- Parking on trails, cart paths, sidewalks or adjacent lots
- other offenses determined to be minor by the ARB

## B. Major Offenses:

**Major offenses may cause job shutdown, but will also result in the automatic loss of a portion or *all of the refundable deposit.***

Begin work on construction site without a permit	\$500.00 minimum
Unauthorized clearing, removing of trees or vegetation	\$500.00 minimum + replacement
Pouring of slab without approved Form Board Survey	\$500.00
Failure to repair damage to existing ROW, curb, walks	\$500.00 minimum + replacement
Changing of exterior design or appearance of house without review and approval or failure to build according to approved plans	\$500.00 (if correctable)
Installation of landscape without approval	\$500.00 minimum
Failure to install landscaping after 60 days	\$500.00 minimum
Occupation of home before final approval of exterior and landscaping	\$500.00 minimum
*Other offenses determined to be major by the ARB	\$500.00 minimum

## XII. APPEALS

All appeals to an ARB decision will be submitted in writing to the ARB Administrator within 30 days of the date of the decision notice. An appeal meeting will be scheduled by the ARB Administrator to include the Chairman of the ARB Committee with a second member of the ARB Committee as chosen by the Chairman and a member of the POA Board of Directors as appointed by the President of the POA Board of Directors.

### **XIII. FAILURE TO COMPLETE THE HOUSE IN TWENTY-FOUR MONTHS**

If a house is not completed to the point of occupancy within twenty-four (24) months from issuance of an ARB Approval, the ARB has the authority to finish the house and invoice the property owner.

**THESE DESIGN GUIDELINES ARE INTENDED TO PROVIDE GUIDANCE TO OWNERS AND THEIR BUILDERS REGARDING MATTERS OF PARTICULAR CONCERN TO THE RIVERTON POINTE ARB IN CONSIDERING APPLICATIONS; PROVIDED, HOWEVER, THE DESIGN GUIDELINES ARE NOT THE EXCLUSIVE BASIS FOR A DECISION BY THE RIVERTON POINTE ARB CONCERNING A SUBMITTAL AND COMPLIANCE WITH THE DESIGN GUIDELINES DOES NOT GUARANTEE APPROVAL OF ANY APPLICATION, THESE DESIGN GUIDELINES ARE SUBJECT TO CHANGE AT ANY TIME BY THE RIVERTON POINTE ARB AND ALL CHANGES WILL APPLY TO APPLICATIONS WITHOUT FINAL APPROVAL. APPROVALS BY THE RIVERTON POINTE ARB INVOLVE SUBJECTIVE DETERMINATIONS AND OPINIONS OF THE RIVERTON POINTE ARB MAY VARY AS TO THE DESIRABILITY OR ATTRACTIVENESS OF PARTICULAR IMPROVEMENTS. PRIOR APPROVAL OF ANY IMPROVEMENT DOES NOT GUARANTEE FUTURE APPROVAL OF A LIKE IMPROVEMENT AND THESE DEVELOPMENT GUIDELINES MAY BE CHANGED TO PROHIBIT IN THE FUTURE IMPROVEMENTS SIMILAR OR LIKE IMPROVEMENTS PREVIOUSLY APPROVED. THE RIVERTON POINTE ARB MAY IN ITS SOLE DISCRETION AUTHORIZE VARIANCES FROM COMPLIANCE WITH THESE DEVELOPMENT GUIDELINES, INCLUDING ALL SETBACK REQUIREMENTS AS SET FORTH THEREIN OR AS SHOWN ON A SUBDIVISION PLAT, AND PROCEDURES SET FORTH HEREIN WHEN THE RIVERTON POINTE ARB IN ITS DISCRETION DETERMINES THAT CIRCUMSTANCES SUCH AS TOPOGRAPHY, NATURAL OBSTRUCTIONS, HARDSHIP, OR AESTHETIC CONSIDERATIONS, ENVIRONMENTAL CONDITIONS, OR OTHER CONSIDERATIONS SO REQUIRE BUT NO VARIANCE SHALL BE EFFECTIVE UNLESS IN WRITING. EACH OWNER SHALL HAVE SOLE RESPONSIBILITY FOR ENSURING THAT ANY IMPROVEMENTS APPROVED BY THE RIVERTON POINTE ARB OTHERWISE MEET ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, ORDINANCES, RULES, AND REGULATIONS, INCLUDING BUT NOT LIMITED TO APPLICABLE HEIGHT RESTRICTIONS, SETBACKS, FLOOD RESTRICTIONS OR REQUIREMENTS, SQUARE FOOTAGE LIMITATIONS, LANDSCAPE REQUIREMENTS, BUFFERS AND PARKING REQUIREMENTS.**