

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF BEAUFORT                )           AFFIDAVIT TO RECORD

IN RE:           Burkes Beach Property Owners Association

The attached documents are being recorded to comply with the South Carolina Homeowners Association Act, Title 27, Chapter 30, Section 110, et. seq., South Carolina Code of Laws (1976), as amended.

1. Architectural Review Committee Guidelines (Revised 3/13/2021)

Burkes Beach Property Owners Association

By:  \_\_\_\_\_

David Geruets \_\_\_\_\_

(Printed name)

Its: President

SWORN TO BEFORE ME

On this 21 Day of May, 2021.

Kathleen Smith \_\_\_\_\_

Notary Public for South Carolina

My Commission Expires: 10/20/2027

**KATHLEEN SMITH**  
Notary Public, State of South Carolina  
My Commission Expires 10/20/2027

# **BURKES BEACH / SEASIDE SUBDIVISION**

## **Architectural Review Committee**

### **Guidelines**

#### **1. SITE:**

- a) No chain link fences
- b) All fences and exterior walls need ARC approval
- c) No construction of fences on property lines
- d) Enclose or screen all outdoor showers, trash cans, A/C and pool equipment. Pool equipment can be placed inside a service yard.
- e) Need ARC landscape approval. Should be materials consistent with local foliage. Landscape professional encouraged.
- f) Access driveways off streets only ... not Burke's Beach Road
- g) Two parking places for owners and two for guests (4/lot) minimum (two may be enclosed).
- h) Site must be graded to allow water to run to the community storm water system

#### **2. POOLS:**

- a) Pool, spas and deck area plans must be submitted and approved.
- b) Pools must conform with approved architectural design.
- c) Pools must have landscape screening, and if fences are required, they must be permanent, nature blending, visually attractive and must coordinate with the design of the house.

#### **3. EXTERIOR MATERIALS:**

- a) Materials need to change at interior corners
- b) Materials should require minimum maintenance
- c) No reflective glass, no vinyl ... unless approved
- d) Natural materials (brick, wood, stucco) are preferred to synthetic materials.
- e) Underside of houses must be screened (or enclosed)

#### **4. ROOF CONSTRUCTION:**

Primary roof form slopes between 6 in 12 and 9 in 12 preferred. Dormers, walk out balconies, windows walks, cupola vents and chimneys encouraged. Aluminum roof vents are discouraged and, if required, need to be painted to blend with the roof. Roof materials may be wind resistant architectural asphalt shingles 300 lbs. / sq or greater, slate, terra cotta roof tiles, cement roof tiles or corrugated metal (with finish to resist rust and color deterioration).

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**5. PREFERRED MATERIALS & PROCEDURES:**

- a) A preferred list of construction assemblies and materials should be consulted before plans are submitted (i.e. railings, steps, dormers).
- b) See “Architectural Guidelines – Structure” packet

**6. LOT COVERAGE & TREE PROTECTION:**

- a) Open Space required (homes should not touch all building limits for more than 60% of total boundary).
- b) Setbacks, Side and Rear yards as required by Covenants
- c) Tree and plant removal. Trees may be removed in building areas. Every effort should be made to protect and preserve specimen trees outside building area. Any tree 12 inches in diameter (at breast height / approximately 4 feet high) shall be replaced with a specimen(s) of like species, and at a ratio of two inches of replacement to 4 inches of removal. Trees in setback buffers shall not be removed, except for access to the lot.

**7. SIGNAGE:**

- a) Homes must have a house number. We will have a standard neighborhood small wooden post in front yards with house number. Details will be provided.

**8. MAILBOX:**

- a) New constructions will have a standard neighborhood mailbox design. Information will be given when requested by permanent home owners.

**9. MISCELLANEOUS:**

- a) Construction traffic must be parked or positioned to leave adequate passage for residents and emergency vehicles at all times.
- b) There is to be no parking at neighboring properties, without approval of the ARC

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- c) Dumpsters must be placed on the property of the permit and not on common property
- d) Exterior renovations and new build construction may not be undertaken between June 1 and August 31. This policy can be appealed to the ARB Board for consideration on an emergency basis.
- e) Work is permitted between 7am and 7pm Monday—Saturday. NO work on Sundays or following holidays: New Years, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.
- f) Worksite and dumpster area is to be cleaned up daily.
- g) ARB may assess homeowners for the expense incurred in cleaning streets, and lots, or for policing abandoned structures, should this become necessary.

**10. VARIANCES:**

- a) 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 ARC will make a preliminary decision as to whether or not the request may be granted.

**11. DECKS, TERRACES, PATIOS AND PORCHES:**

- a) 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 screen colored and only used around the perimeter of the screened opening.

**12. EXTERIOR LIGHTING:**

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

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- c) 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.
- d) 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.
- e) 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.
- f) **COLORED LIGHTING IS NOT ALLOWED** for landscape lighting. Temporary holiday lighting is excluded.

**13. PROPANE TANKS:**

- a) Propane tanks, 60 gallon or more, must be buried underground and located no closer than 5 feet to the property line.
- b) Propane tanks, of less than 60 gallon, including 100 lb. exchange units, may be installed above ground but must be hidden from view by enclosures or year round screening shrubs.
- c) All propane tank installations must comply with the current NFPA documents administered by the State Fire Marshall.

**14. FOUNDATION PLAN:**

- a) 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.

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**15. LANDSCAPING:**

The ARC 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.

- a) 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.
  
- b) 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.
  - i. House/deck/garage/service yard/ mechanical platform and foundation walls are to be fully/heavily landscaped on all sides. Foundation and service yard plants must provide a minimum of 50% height and width coverage at installation. Depending on the height of the foundation, plant size and spacing requirements will vary to assure that effective screening is provided.
  
  - ii. 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.
  
  - iii. Property line utility service boxes must be screened with evergreen landscaping yet provide reasonable access by the utility companies.
  
- c) All improvements, including landscaping, in street rights-of-way must be approved by the ARC. The homeowner's entire yard must be grassed (sod) unless a natural area of the property is approved by the ARC. Property owners are responsible for landscaping and maintenance of landscaping from property line to the roadway.

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- d) A landscaping plan that uses rock or crushed rock as a predominant element will not be accepted.
- e) 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.
- f) Planting design:
  - i. 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.
  - ii. 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.
  - iii. At driveway entrances, for reasons of safety, no planting that obstruct sight lines shall be permitted.
  - iv. Landscaping at the rear corners of a lot shall not impede the view corridor of the neighbors.
- g) 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 by the ARC.
- h) The cutting or trimming of any vegetation outside of an Owners' property line is strictly prohibited.

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- i) Walks, retaining wall, or other hard-scape improvements will be identified by material and dimensions; including height above finished grade.
- j) Sod areas and shrubs will be covered by an underground irrigation system.
- k) At final inspection of the landscape installation, the ARC, 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.
- l) 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 by the ARC.

**16. EXTERIOR STORM / HURRICANE SHUTTERS:**

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

**GENERAL:**

No decision of the ARB establishes a precedent and if the Board, in their collective wisdom, believes that a previous decision of the ARC will be detrimental to the community, they are free to make new decisions that may be counter to previous decisions.