



2024

MCOA

**Architectural Review Board
Guidelines & Procedures**

Approved by the MCOA Board January 4, 2024

Moss Creek Owners Association, Inc.

1523 Fording Island Road, Hilton Head Island, SC 29926

**ARCHITECTURAL REVIEW BOARD
GUIDELINES AND PROCEDURES**

TABLE OF CONTENTS

Section	Contents	Page
1	General Provisions <ul style="list-style-type: none">• Purpose• Meetings• Exceptions• ARB Action• Dispute Resolution• Cease and Desist Order• Guideline Violations	4
2	Construction Procedures and Submittal Information <ul style="list-style-type: none">• Preliminary Review• Final Review and Approval• Moss Creek Building Permit• Compliance	6
3	Fees, Deposits and Refunds <ul style="list-style-type: none">• Plan Submittal Fee• Compliance Deposits and Refunds	7
4	Construction Plan Requirements <ul style="list-style-type: none">• Preliminary Review• Final Review and Approval• Notification• Appeal to ARB	9
5	Building Requirements <ul style="list-style-type: none">• Residential• Moss Creek Village• Minimum Heated Square Footage• Patio Home Privacy Walls• Heights• Building Setbacks• Foundations• Garage and Parking Facilities• Service Yards• Outbuildings• Satellite Dishes and Antennas• Exterior Material and Colors• Mailboxes, Address Signs, and Driveway Reflectors• Docks, Bulkheads, and Sea Walls• Lot Drainage• Driveway and Roadside Drainage	12

MOSS CREEK OWNERS ASSOCIATION

	<ul style="list-style-type: none"> • Water Source Heat Pump Systems • Storm Shutters • Building Completion Requirement • Swimming Pools • Solar Panels • Fences • Electric Vehicle Charging Stations • Screened Enclosures • Dog Runs 	
6	Additions and Renovations	19
	<ul style="list-style-type: none"> • Exterior • Interior • P.O.D.S. (Portable On Demand Storage) 	
7	Demolition of Existing Structures	20
	<ul style="list-style-type: none"> • Permits • Utilities • Tree and Surrounding Property Protection • Debris Removal • Lot Restoration 	
8	Landscaping, Ornamentals and Yard Structures	21
	<ul style="list-style-type: none"> • Plans • General Requirements • Statues, Free-standing Trellises, Fountains, and other Ornamental Elements • Yard Structures • Exterior Lighting 	
9	Foraging Animal Fencing	24
10	Tree Protection Management	24
	<ul style="list-style-type: none"> • Preservation of Specimen Trees • Tree Identification • Temporary Wood Barrier Fences • Location of constructed Features • General Construction Practices • Clearing Adjacent to Salt Marsh • Tree Replacement • Residential Areas • Nature Preserves 	
11	Water Features Management	27
	<ul style="list-style-type: none"> • Definition, • Natural Waterside Buffers (Common Areas, Golf Courses, Residential Lots) 	

Appendix	Contents	
I	Board of Directors Declaration	29
II	Applications and Forms	30
	A. Application for Residential Construction	
	B. Application for Well Drilling	

MOSS CREEK OWNERS ASSOCIATION

	C. Application for Direct Broadcast System (satellite dish)	
	D. Tree Removal Request Form	
	E. Application for Reroofing/Repainting	
	F. Yard Structure Application	
	G. Letter of Understanding	
	H. Certificate of Compliance	
III	Building Instructions	39
IV	Schedule of Fines and Penalties	41
V	Community Pride Program	42

Architectural Review Board Guidelines & Procedures

Effective Date: January 1, 2023

PURPOSE: To detail the guidelines and procedures to be followed by the Moss Creek Architectural Review Board (ARB) pursuant to Board of Directors Direction.

Authority: MCOA Covenants Articles, IX, X, XI, XII, XIII, XV, XVIII; MCOA Rules and Regulations, Appendix I Declaration

POLICY:

SECTION 1. General Provisions

1.1 The Architectural Review Board (ARB) is the agent of the Moss Creek Owner's Association (MCOA) Board of Directors for the purpose of directing the orderly development of an architecturally pleasing and harmonious private residential community within Moss Creek. In addition, the ARB also maintains architectural control of Moss Creek Village. The following Guidelines and Procedures have been developed to ensure that purpose and, except as herein specified, no building, fence, or other structure, shall be located, erected, constructed, extended, enlarged, converted, modified (siding, stucco and roof color); and no lot landscaped, or altered, except in conformity with these Guidelines and Procedures.

Approvals granted by the ARB connote that such approved improvements are satisfactory to the ARB. They do not constitute an opinion, approval, warranty, or representation by the ARB as to structural safety, soundness or design, or compliance with any applicable governmental laws, codes or regulations. Compliance with all such laws, codes regulations and other safety requirements shall be the sole responsibility of the applicant. Previous ARB approval of any improvement does not guarantee future approval of like or similar improvements and these guidelines are subject to change at any time. In no event shall MCOA or the ARB be responsible for any damages arising from the applicant's implementation of plans approved by the ARB or for the ARB's administration and/or enforcement of these guidelines.

1.2 Meetings of the ARB are customarily scheduled on the second and fourth Monday of each month. For consideration by the ARB, submittals must be made by 5:00 p.m. on the Monday prior to a scheduled meeting. Special meeting accommodations will be made for catastrophic circumstances. Submittal packages must be complete with an application form, review fee, and all necessary plans, details, color samples, and any other required information for the particular submittal. **Piecemeal and/or incomplete submittals will not be accepted or reviewed.**

MOSS CREEK OWNERS ASSOCIATION

- 1.3 The ARB is authorized, but not obligated, to grant exceptions or variances to these Guidelines and Procedures provided that such exceptions are reasonably within the intent and purposes of these Guidelines and the Articles of Architectural Control contained in the MCOA Amended and Restated Declaration of Covenants, Conditions and Restrictions. All variance requests must be filed with and approved by the ARB. Each request will be reviewed on a case-by-case basis. The ARB will not consider any applications for variances on common properties.

Variances will not be granted routinely and should be considered: a) on a hardship basis, b) under circumstances that effectively deprive the Owner of the ordinary use and enjoyment of his/her property, or c) where the variance will allow for a substantial improvement to the property and neighborhood. Mere inconvenience is not sufficient cause to grant a variance. Variances granted on a hardship basis shall expressly provide that the variance only shall remain in effect for as long as the hardship persists. Prior to granting a request for a variance, the ARB shall provide the adjoining owners with written notice of the applicant's request and provide at least a 10-day opportunity for response.

- 1.4 The ARB shall review and approve or disapprove all plans and specifications submitted for structures, landscaping, drainage, additions, alterations or changes to existing structures or land, and shall issue building permits when appropriate. Plans will be reviewed for both quality of design and conformance with applicable covenants, guidelines and procedures. Plans may be disapproved on any grounds deemed objectionable, including purely aesthetic reasons. Applicants will be notified by letter of either approval or disapproval of an application. Reasons for disapproval will be included in such notification. All approvals will be valid for one year from date of issue.
- 1.5 ARB approval of any application is dependent upon the accuracy and completeness of information submitted in or with the application. If any application information subsequently is determined by the ARB to be inaccurate or incomplete, the ARB is authorized to vacate its determination(s) and, in the sole discretion of the ARB, impose such penalties as may be prescribed by these Guidelines. Failure to implement any ARB-approved property changes in a manner fully consistent with the information set forth in the application, or as modified and approved by the ARB, may result in the voidance of the ARB's approval and require the applicant to remove any property changes implemented in reliance upon that approval.
- 1.6 Resolutions of disputes associated with submitted applications may be sought by the aggrieved owner, or owner's agent, in a meeting with the full ARB.
- 1.7 The ARB requires that plans for new construction, and renovation involving structural changes, be prepared and signed by a South Carolina licensed civil engineer or architect.

MOSS CREEK OWNERS ASSOCIATION

- 1.8 When it is determined that construction on any Moss Creek property is being conducted in violation of the required submitted and approved plans, the ARB, by a majority of its members, shall ask the Moss Creek General Manager to issue a Cease and Desist Order. Thereunder, Moss Creek Security will be directed to prevent access to the construction site by the offending contractor, subcontractor and/or supplier. No further work shall be permitted at the site until the Cease and Desist Order has been lifted with the approval of the General Manager and the ARB Chairman.
- 1.9 The ARB shall also review alleged violations of these Guidelines and Procedures and, if found justified, recommend that the sanctions or fines and penalties set forth in Appendix IV be assessed by the ARB or by the MCOA Board of Directors against the party found responsible for the violations. If the violation is not corrected within the time period set by the ARB, the fines set forth will be imposed.

SECTION 2. Construction Procedures and Submittal Information

- 2.1 The steps of the plan review process and the necessary information for each are:

A. Preliminary Review (required)

- (1) Site Plan
- (2) Floor Plan
- (3) Exterior Elevations
- (4) Special Construction Conditions

- (5) Variance
- (6) Plan Submittal Fee

B. Final Review and Approval (required)

- (1) Site Plan
- (2) Drainage Plan
- (3) Floor Plan
- (4) Exterior Elevations
- (5) Typical Wall Section(s)
- (6) Exterior Details
- (7) Exterior Electrical Plan
- (8) Exterior Materials and Colors
- (9) Landscape Plan

C. Refer to Section 4 for specific plan requirements.

D. Additions and modifications to existing structures require the same procedures and information outlined in A, Band C above. Depending upon the scope of the project some information listed may not be needed or appropriate. Specific requirements will be given upon request.

MOSS CREEK OWNERS ASSOCIATION

E. The MCOA ARB does not provide certified copies of plats or plat information. Such copies or information may be obtained from the Beaufort County Court House.

2.2 Following are steps required before a Moss Creek building permit will be issued and any lot clearing/construction or tree removal can begin:

- A. Rough Stake out of the structure.
- B. Mark trees to be removed with red tape. This must agree with the approved site plan.
- C. Install specimen tree barricades (see Section 10.4) and side property line fences. Call for inspection.
- D. Pay all fees and deposits.
- E. Provide a copy of the Beaufort County building permit.
- F. Provide a copy of the MCOA Letter of Understanding.

2.3 Before placing concrete, batter boards or form boards must be inspected and approved (see Section 5.7). A foundation survey prepared by a South Carolina licensed surveyor is required.

2.4 Compliance, at the completion of the project refer to Section 3.2 E.

SECTION 3. Fees and Deposits

The ARB shall collect the following fees and deposits for all construction in Moss Creek and other areas under its jurisdiction:

3.1. Fees:

A. On submittal of plans:

Type of Construction	Amount
New Residence	\$ 1,000
Major Additions (2 or more rooms)	\$ 500
Minor Additions (1 room, garage, pool, decks, docks, bulkheads)	\$ 200
Multi-Unit Commercial	\$ 2,500
Single-Unit Commercial	\$ 1,500
Commercial Additions	\$ 1,000
	\$

B. New Drainage/Driveway:

MOSS CREEK OWNERS ASSOCIATION

Full size lot (2 or more curb cuts)	\$ 1,800.00
Full size lot (1 curb cut)	\$ 1,500.00
Patio Homes & Royal Pointe	\$ 1,200.00

NOTE: The above fees cover the costs for all work on common property performed by MCOA, in conformance with Moss Creek's master drainage plan, including street-side grading, sodding or seeding, and culvert installation, if required.

- C. Water/Sewer Tap Charges: As established by Water Oak Utility
- D. Reroofing/Repainting: No Fee
- E. Tree Removal: No Fee for trees approved for removal that are dead, dying or in a dangerous condition. See Section 10 of these Guidelines.
- F. Moss Creek permit fee for all construction projects not listed in 3.1. A, B, C, D & E: **\$25.00**

3.2. Deposits:

A. Compliance and landscape:

Type	Amount
Full size lots	\$ 4,000.00
Patio and Royal Pointe lots	\$ 3,000.00
Covered Additions, docks & bulkheads	\$ 2,000.00
Non-covered Additions	\$ 1,000.00
Commercial	\$ 5,000.00
Commercial additions	\$ 3,000.00

- B. Special Slab Construction: \$ 2,000.00
- C. Well drilling: \$ 400.00 (for use with closed water source HVAC systems only)
- D. Residential structure demolition: \$ 1,000.00
- E. Refunds will be made:
 - (1) After an on-site inspection confirms:
 - a. Satisfactory completion in conformity with approved plans of the building, lot drainage, landscaping and clean-up of the property.
 - b. Repairs to damaged road pavement, bicycle paths, and adjacent properties have been made; and
 - (2) Upon delivery to the ARB of:
 - a. An as-built survey and, if necessary, as-built plans.

MOSS CREEK OWNERS ASSOCIATION

- b. Color photographs of front, rear and side elevations (new residence) or specific addition(s)/changes.
 - c. Certificate of Compliance (see Appendix II, Form H).
 - d. Copy of Beaufort County Certificate of Occupancy.
 - e. Compliance documentation from Water Oak Utility.
 - f. Elevation certificate (if applicable).
 - g. Inspection report by drainage professional (if applicable).
- (3) Refunds may be forfeited, and fines may be issued:
- a. If, upon expiration of the 1-year Moss Creek building permit, items listed in Section E. (1) and (2) have not been satisfactorily addressed, the refund may be forfeited by notice from the ARB.
 - b. For each 30-day period post expiration date of the Moss Creek building permit, in addition to forfeiture of the compliance deposit, the ARB may assess a \$1,000 fine until all items have been addressed.
- F. Special slab construction deposits will be refunded upon satisfactory completion of all requirements pertaining to the slab.
- G. Well drilling deposits will be refunded upon completion and clean up around each well and receipt by the ARB of a South Carolina Department of Health and Environmental Control (SCDHEC) Certificate.
- H. Deposits shall be held in a special escrow account and will be returned only when conditions and circumstances cited herein are met. All or any portion of the deposits may be withheld to ensure compliance with these requirements.
- I. In the event a re-inspection is required because of non-compliance with approved plans (house, landscape, drainage, etc.), an additional fee of \$100.00 per inspection will be withheld from deposit.

SECTION 4. Construction Plan Requirements

- 4.1 All construction plans and data required for approval shall be prepared by a South Carolina licensed architect (see Section 1.7) and shall be of sufficient detail and clarity to accurately portray the proposed project. No existing design or element of a design will be considered as precedent for any future repetition by another owner. As a minimum, each plan required for the appropriate step in the review process must convey the information outlined below. Plans must be submitted on 24" x 36" sheets prepared to the required scale. Digital copies of final and as-built plans must be submitted in pdf format in addition to hard copies. The owner's name must be shown on all plan sheets. The architect, engineer, lot number, and location must be shown on all site plans. Application forms must be completed as necessary for each step. Any plans for an addition

MOSS CREEK OWNERS ASSOCIATION

to an existing home must be prepared by a South Carolina licensed architect and follow the same plan requirements as new homes.

A. Preliminary Review (required)

1. Site Plan:	1/8"=1' scaled drawing prepared on a survey of the property with all existing and proposed tree and topographic data; outline of the structure and all other vertical construction elements with setback dimensions from property lines, OCRM critical line (South Carolina DHEC's office of Ocean and Coastal Resource Management) (if applicable); finished floor elevation(s); roof plan, walks, driveways, decks, patios, swimming pools, outlines of adjacent structures, proposed drainage patterns, and all other salient features, views, etc., both on and around the lot.
2. Floor Plan:	1/4"=1' scaled drawing complete with all decks, patios, pools, stairs, service yards, windows, doors etc.
3. Exterior Elevations:	1/4"=1' scaled drawings of all four elevations including an accurate indication of existing and final grades at the perimeter of the structure, all vertical construction elements, and a maximum height dimension from existing grade or flood plain.
4. Special Construction:	Unusual site conditions which may affect the structure Conditions: or its location on the site must be graphically presented.

B. Final Review and Approval (required)

1. Site Plan:	Same as B (1) above.
2. Drainage Plan:	A separate plan indicating all fill and grading, designed by a South Carolina licensed engineer or landscape architect, superimposed on a site plan. Refer also to Section 5.15 of these Guidelines.
3. Floor Plan:	Same as B (2) with both construction dimensions and heated and unheated square footage indicated.
4. Exterior Elevations:	Same as B (3) with any non-typical hidden elevations shown.
5. Typical Wall Section(s):	All sections necessary, including unusual foundation conditions, patio walls, etc., to indicate construction details.
6. Exterior Details:	All exterior elements of the design not shown by C (5) above.
7. Exterior Electrical Plan:	All proposed exterior lighting including swimming pools. Refer also to Section 8.5 of these Guidelines.
8. Ext. Materials/Colors	All exterior elements of different materials and/or colors must be identified by name on a front elevation to clearly depict the proposed color scheme. May be included with C (4) above. In addition, 3" x 3" minimum size samples of all key materials and colors, properly labeled and affixed to a white 8 1/2 " x 11"

MOSS CREEK OWNERS ASSOCIATION

	maximum size foam core board, are to be provided. Major colors must be actual samples. Minor colors may be printed samples. Paint and stain samples from wood color fans are acceptable. Maximum overall thickness of board plus samples, to be no greater than 1/2."
9. Landscape Plan:	Refer to Section 8 of these Guidelines.

4.2 Plan Approval:

Construction plans shall be deemed to be approved when an approval has been granted by the ARB in writing and signed by that person given authority to do so by the ARB. Plans may be granted an approval, be denied an approval, or tabled for further discussion and receipt of additional information requested by the ARB until the next ARB scheduled meeting.

Plan approval will remain valid for a period of one year after the date of such approval. If construction has not commenced within this time frame the approval process must be repeated, and another ARB submittal fee paid.

4.3 Notification:

In addition to notification as provided in Section 1.2, adjoining Owners will be notified of a proposed plan for new construction, or an addition to an existing structure, including fence installation. Notification will be provided in writing via U.S. Mail, and notice will also be sent via email for owners who have an email address on file with MCOA. Email addresses and addresses for receiving U.S. Mail as provided by the Member and included in the official records of the Association shall be considered valid addresses.

Such adjoining Owners shall have ten (10) days from date of the letter/email of notification to inspect the plan at the offices of Moss Creek Owners Association ("Association") and to make an objection. If the adjacent Owner has an objection to the Plan, the objection must be made in writing via email or U.S. Mail and addressed to the Association's ARB Administrator, whose address shall be the same as the Association. If an adjoining Owner makes no written objection to the Plan or fails to provide such an objection within the ten-day time period required as referenced above, the adjoining Owner shall be deemed to have no objection to the plan.

The basis of any objection made to the construction plan by an adjoining Owner shall be considered by the ARB, but such objection shall not necessarily be a reason not to grant approval.

4.4 Appeal to ARB:

If the ARB denies a construction plan request, the applicant can submit an appeal to the ARB requesting reconsideration of the application. Such appeal must be in writing and received by the MCOA Administrative Office no later than fourteen (14) days following the ARB action. A letter of appeal should state

MOSS CREEK OWNERS ASSOCIATION

specifically why the Applicant believes the ARB erred in its decision to not approve the plans as submitted.

The appeal will be included on an ARB meeting agenda based on when it is received, in conformance with the submittal schedule provided in Section 1.3 of these Guidelines. The applicant will be notified when the appeal has been scheduled and may attend the meeting.

Note: Appellate decisions of the ARB are *Final*. If the Applicant, or an adjoining owner, believes the ARB failed to follow the procedural rules with respect to required notification of the owner or adjoining owners, they can appeal the decision to the MCOA Board of Directors. Such appeal must be in writing and received by the MCOA Administrative Office no later than ten (10) days following the ARB action.

A letter of appeal by an applicant or an adjoining owner shall state specifically what procedures of the ARB were violated. The Board of Directors will consider an appeal at its next regular meeting. The Board may either affirm the decision of the ARB, or rule in favor of the appellant in which case it shall be referred back to the ARB for re-consideration.

SECTION 5. Building Requirements

5.1 Residential Construction. Such construction must meet the requirements for all of the then current applicable Beaufort County Building Codes. In any instance, where MCOA standards applied to this type of construction are more stringent than those required by the County, MCOA standards shall govern.

5.2 Moss Creek Village and Other Property Construction. Site design and development standards must meet the requirements set forth in the then current Beaufort County Development Standards Ordinance. In any instance where MCOA standards applied to this type of construction are more stringent than those required by the County, MCOA standards shall govern. Other applicable requirements may be by contractual agreement.

5.3 Minimum Heated Square Footage for Structures:

Full Size Lots:	2200 sf (Where not restricted by deed requirements.)
Peninsula Lots:	2800 sf Lot Nos. 812-861 2200 sf Lot Nos. 862-898
Patio Lots:	1200 sf (Vertical structures under roof shall not exceed fifty percent (50%) of the total sf of the lot.)
Royal Pointe Lots:	1800 sf (Specific variances will be considered based on lot size and configuration, contingent upon Beaufort County approval)

5.4 Patio Home Privacy Walls.

MOSS CREEK OWNERS ASSOCIATION

Patio walls and privacy walls shall be within setbacks and of linear dimensions appropriate in relation to the size and structure of the dwelling, the property area, and the style and character of the surrounding neighborhood, as determined by the ARB.

5.5 Heights.

- A. For purposes of these Guidelines, vertical construction is defined as any element of a project that is eighteen inches (18") or more above existing grade.
- B. Building dimensions shall be approved by the ARB on the basis of overall consistency with the aesthetic character of the surrounding area. The lowest finished floor elevation shall be consistent with applicable law, code, ordinance, current floor elevation flood plain requirement or as otherwise approved by the ARB.
- C. Where existing structures are adjacent to the proposed site, conditions may be reviewed on a case-by-case basis in order to maintain consistency within the existing area.

5.6 Building Setbacks.

- A. Minimum setbacks are generally measured from property lines to any vertical construction (viz., building line of residence, bays, decks, or service yard enclosures). Rear setback distances are those distances from any vertical construction to the rear property line, the "survey control line", the current Ocean and Coastal Resource Management (OCRM) Critical Line, or the water's edge of lagoons, whichever is most restrictive. Swimming pools and patios are subject to the same setbacks required for vertical construction. Exceptions will be considered for ground level installations. Note that setback distances from an OCRM Critical Line may also require Beaufort County approval and proof of such approval must be provided to the ARB. No structure will be approved if located within 5 ft. of the property line unless specifically allowed in Section 5.6.B.
- B. Setback Minimums

	Front	Side	Rear		
Full Size & Peninsula Lots	30'	20'	30'		
Driveways		5'	30'		
	Floor	Patio Wall	Opp. Patio Wall	Front	Rear
Patio Lots	1 st	1'	3'	15'	20'
	2 nd	1'	13'	15'	20'
	Garage	1'	3'	3'	20'
Driveways		1'	3'		
<i>Note: Roof and/or gutter encroachments into sideline setbacks will be limited to ten inches (10").</i>					

MOSS CREEK OWNERS ASSOCIATION

Royal Pointe Lots	Specific variances will be considered based on lot size and configuration, contingent upon Beaufort County approval.
-------------------	--

- 5.7 Foundations. For all home construction, concrete slabs with integral perimeter footings placed on fill are permitted only when the finished floor elevation does not exceed two feet (2') above the existing elevations of the building site at any point on the perimeter of the slab. For patio home garages or carports, the finished floor elevation must not exceed one foot (1') above existing grade elevations. The ARB will consider written requests for special permission to construct concrete slabs with integral perimeter footings where the finished floor elevation at any point on the perimeter of the slab is more than two feet (2') above existing grade. Specific requirements will be furnished upon receipt of a request. For crawl space construction careful attention must be given to the location, size, and detail of foundation wall and hydrostatic vent fenestration. Excess fill dirt must be removed from site upon completion of foundation.
- 5.8 Garage and Parking Facilities.
- A. All driveway and parking areas require an approved hard surface material unless otherwise specifically permitted by the ARB.
 - B. Full Size Lot Home Construction: A garage or carport is required to provide shelter for at least one automobile with non-sheltered guest parking areas for at least two additional vehicles.
 - C. Patio Lot Home Construction: A non-sheltered parking facility for at least two automobiles is required, although a garage or carport is more appropriate for either or both parking spaces.
 - D. Royal Pointe Lot: (Same as B above).
- 5.9 Service Yard Enclosures. Service yards are required for all home construction. All utilities, including electrical service, garbage containers, HVAC equipment, water softeners, pool equipment, propane tanks, and other necessary equipment as may be approved by the ARB shall be located in the service yard. The service yard structure must be constructed upon a solid surface and within setbacks. It shall be constructed of materials and of linear dimensions appropriate in relation to the size and structure of the dwelling, the property area, and the style and character of the surrounding neighborhood, as determined by the ARB.
- 5.10 Outbuildings. Detached buildings are allowed in accordance with Article IX, Section 6 of the MCOA Residential and Governmental Covenants.
- 5.11 Satellite Dishes and Antennas.
- Installation of devices measuring no greater than 1 meter (39.4 inches) in diameter, shall require prior notification to the ARB, which shall include a detailed description of the intended placement of such device and the manner of its installation and screening.
- Exterior television antennas, radio receivers, and similar devices, including Direct Broadcast Satellite Receivers (DBSR), measuring greater than 1 meter (39.4

inches) in diameter are permitted but for each installation an application must be completed and approved in writing by the ARB prior to installation and shall be as provided below:

- A. Whenever possible, DBSR units shall be located within an existing service yard or courtyard. Ground pole installations shall be as low as possible. All installations must conform to ARB Guideline setback and height restrictions.
- B. When placed on the exterior of a structure or on a ground pole, the unit must be located and screened in a manner that is visually compatible with the structure and/or landscape and in all cases not conspicuous from the road or any adjacent or nearby properties, including golf courses.
- C. The removal or excessive pruning of trees for line of sight purposes is prohibited without prior ARB approval.

5.12 Exterior Materials and Colors

- A. The use of plywood, composition board, vinyl, fiberglass or metal for finished exterior walls is prohibited unless specifically approved. Solid cellular vinyl composite material may be approved for use in certain applications. Roofing materials may be wood shakes, wood shingles, asphalt shingles (30-year double-tab minimum), slate, synthetic slate, tile, standing seam metal, and other materials at the discretion of the ARB. Roof vents and accessories should ordinarily be located away from the front elevation and painted or stained to match the roof color. Finish material of exposed chimneys must be masonry of some type for all new construction. Flue bonnets for prefab fireplaces must be concealed by an approved windscreen. Repairs to existing chimneys may be of "like kind" materials or the property owner may request a change to masonry material.
- B. The selection of external house color, trim and finish is critical in developing the final appearance. All exterior colors shall blend with the surrounding environment. Earth tones and other natural colors are most appropriate. An exterior color may not be approved if nearby homes have the same or similar color scheme. Highly reflective colors and finishes will not be approved. Past approval of color combinations does not necessarily assure similar approvals of future submissions. There are no fees associated with color change requests. Proposed paint colors must be submitted on actual material samples for color changes as well as new construction.

5.13 Mailboxes, Address Signs and Driveway reflectors. Mailboxes shall be uniform in style, color, and lettering. Installation and maintenance shall be done by MCOA. Address blocks shall be uniform in style, color and lettering and placed beside the driveway in an unobstructed position. Installation and maintenance shall be done by MCOA. Driveway reflectors must be similar to reflectors available for purchase at the Moss Creek administration office. Reflectors must also be set back from the road edge by at least 1 ft.

5.14 Docks, Bulkheads, and Sea Walls.

MOSS CREEK OWNERS ASSOCIATION

- A. Docks may be erected only by owners of lots which have a property line located within fifty feet (50') of a navigable tidal creek and with written approval of the ARB, local, state and federal governing bodies.
 - B. Bulkheads and sea walls are discouraged but may be considered in particular situations and plans therefore must be submitted to the ARB following approval from local, state and federal governing authorities.
 - C. Construction materials and details and auxiliary devices will be reviewed on an individual basis.
- 5.15 Lot Drainage. The site plan should clearly depict the proposed drainage pattern for the lot. It is the responsibility of the owner, or his agent, to ensure that grading of the lot is accomplished in a manner which not only provides proper drainage of the property but also prevents water flow onto adjacent lots. If run-off does occur onto adjacent lots prompt action must be taken to correct the situation. A drainage plan for the lot must also be designed by a South Carolina licensed engineer or landscape architect. Implementation of the plan must be verified by the designer at the completion of the project and a copy of an approval letter from the designer given to the ARB.
- 5.16 Driveway and Roadside Drainage.
- A. Driveways in Moss Creek shall be designed to facilitate the proper flow of storm water in roadside drainage ways by the use of paved swales, culverts, or trench drains to conform to the Moss Creek master drainage plan. MCOA neither provides nor installs trench drains on owners' properties.
 - B. MCOA shall provide grading and ground cover as needed in roadside swales on common property in conjunction with driveway construction.
 - C. The owner, or owner's agent, shall notify MCOA not less than ten working days prior to the date of the intended driveway installation, so that the elevations and construction methods can be determined and approved. The driveway should be staked out prior to notifying MCOA.
 - D. When driveway elevations have been established and/or a culvert has been installed, the driveway has been formed, graded, and is ready to be paved, MCOA must be notified a second time so that a final inspection can be performed prior to paving.
- 5.17 Water Source Heat Pump Systems. ARB approval is required for the installation of water source heat pump systems. Specific requirements will be furnished upon receipt of a request. Two well systems are discouraged.
- 5.18 Storm Shutters. Storm shutters may be operable window shutters, roll-up shutters, or removable fixed panels. All proposed installations including plans, mounting details and material specifications shall be submitted for ARB approval. Fixed frames, header boxes, and panels shall be painted to match the house color. Operable window shutters in lieu of decorative fixed shutters may be painted in approved trim or accent color. For property owners installing hurricane shutters during the immediate time frame around a storm and removing them within fourteen (14) days after the all-clear notice, any type of shutter is

- acceptable. For property owners who want to install storm shutters outside the time frame of named storms, in keeping with the visual integrity of Moss Creek, the shutters must be submitted to the ARB for approval.
- 5.19 Exteriors Must be Completed within one (1) year. The exterior of all houses and other structures for new construction, additions, and renovations must be completed within one (1) year after the issuance of a MC building permit.
- 5.20 Swimming Pools. Swimming pools and attendant facilities are subject to the same setback requirements as vertical construction elements. On site disposition of any excavated material from a pool installation must be clearly indicated on a site plan. Pool enclosures (fencing) must be approved by the ARB prior to installation and a landscape plan must be approved and executed to soften the lines of said fencing. State and county regulations require protective pool barriers around in ground pools (refer to International Building Code Section 305, regarding pool barriers for specific guidance). (See also section 5.22.C.) Free-standing above-ground pools are prohibited.
- 5.21 Solar Panels and Outdoor Energy Devices
- A. Solar panels and other outdoor energy devices shall be architecturally compatible with Moss Creek building guidelines with the goal being the blending of the panels into the natural environment so as to be as visually unobtrusive as possible.
 - B. No solar panel shall be approved by the ARB, or allowed to continue to be used and installed, that causes reflective light issues for any resident as decided in the reasonable judgment of the ARB.
 - C. Solar energy panels or devices shall only be installed on the roof of residences and shall, when possible, match the color of the roof shingles.
 - D. Installation of Solar panels and approval of their construction specifications shall require ARB approval prior to installation. Construction specifications submitted to the ARB shall include, but not be limited to, the following:
 - (1) System type
 - (2) Panel size
 - (3) Panel color
 - (4) Panel orientation on the roof (height above and angle to the roof)
 - (5) Percentage of reflectivity
 - (6) Anti-reflective coating
 - E. All solar devices shall be mounted flush or nearly as possible consistent with technical installation requirements, and shall not have visible wiring, conduit, or fasteners upon completion of installation.
 - F. No tree removal or major/large limb pruning/trimming will be permitted for the purpose of solar device installation without the prior approval of the ARB.

MOSS CREEK OWNERS ASSOCIATION

- G. The ARB shall make such other additional rules and regulations with respect to the use and installation of solar panels and outdoor energy devices as it deems acceptable.

5.22 Fences

- A. Property line fencing is prohibited. No fencing shall be permitted except where required by law or upon application to the ARB wherein the applicant articulates a demonstrable and substantial need for such fencing and the request meets the following criteria:
 - (1) Fencing must be within all applicable setbacks. Application for fencing in Royal Pointe will be considered on an individual basis.
 - (2) Fencing must be of a kind and quality approved by the ARB.
 - (3) Fencing will be screened by evergreen vegetation encompassing at least 50% coverage of the fence at installation and 100% coverage within one year.Failure to meet the above requirements will result in removal of the fence at the owner's expense.
- B. No application for fencing shall be approved until adjacent property owners have received written notice of such application and at least a 10-day opportunity to provide written comment to the ARB.
- C. Pool fences shall be installed within the immediate area of the pool. Pools proposed for new construction should be designed so that the pool and any fencing be within required setbacks. (See also section 5.20).
- D. When a fence is approved by ARB because of a demonstrated substantial need, the fence shall be removed at the owner's expense when the hardship no longer exists.

Note: Nothing in this provision shall be construed to prohibit or discourage invisible pet fencing.

5.23 Electric Vehicle Charging Stations

- A. Applications to install electric vehicle charging stations located outside of a residence shall be submitted to the ARB for review.
- B. Electric vehicle charging stations shall be designed in compliance with all applicable state and local building standards and codes, and installed by a qualified, licensed electrician in a manner consistent with all applicable health and safety standards and requirements imposed by state and local authorities, and all other applicable zoning, land use, or other ordinances, or land use permits.
- C. Homeowner charging stations shall not be visible from the street or the golf course.

MOSS CREEK OWNERS ASSOCIATION

- 5.24 Screened Enclosures – All screened enclosures must be designed in a manner to incorporate elements of the existing residence so that the screened structure is an integral part of the architecture.
- 5.25 Dog Runs – Dog runs of any kind, whether within exterior fenced enclosures or exterior tether lines of cable or other similar materials, are prohibited.

SECTION 6. Additions and Renovations

- 6.1 See Section 4 for ARB submission requirements and Appendix III for building site instructions.
- 6.2 Exterior Additions and Renovations. Such construction must meet the requirements for all of the then current applicable Beaufort County Building Codes. In any instance where MCOA standards applied to this type of construction are more stringent than those required by the County, MCOA standards shall govern.
- 6.3 Exterior material and color changes (See Section 5.12). Any and all exterior color and/or material changes must be submitted to the ARB for review and must be approved prior to implementation. Color changes must be submitted on actual material. Minimum sample size of 3"x3" is required. Such changes done without approval could result in a fine to the property owner.
- 6.4 Interior Renovations. Interior renovations not affecting any exterior facade do not require ARB approval.
- 6.5 If a dumpster and/or portable toilet are required on site, a Moss Creek Building Permit must be obtained. Failure to complete the project and remove the dumpster within one year may result in the imposition of a fine of \$100.00 per month.
- 6.6 P.O.D.S. (Portable on Demand Storage). The use of temporary storage units such as "P.O.D.S." requires a Moss Creek permit and must be removed after 3 days. "P.O.D.S." must be placed on the Member's property, preferably the driveway, and not on neighboring or common properties.

SECTION 7. Demolition of Existing Structures

- 7.1 A property owner desiring to remove an existing residential structure must obtain a Demolition Permit from Beaufort County and the ARB prior to any demolition/removal work.
- 7.2 An MCOA permit must be posted prior to Demolition.
- 7.3 The MCOA permit will be valid for only 30 days unless an extension is approved by the ARB.
- 7.4 All utilities shall be terminated at entry and property prior to demolition including removal of buried propane tanks.

MOSS CREEK OWNERS ASSOCIATION

- 7.5 No trees or natural growth shall be removed unless approved by the ARB. Also extreme care must be taken to avoid damage to remaining trees.
- 7.6 Protection of Water Features, Marshes and Adjacent Properties is required. The ARB may also require wood barrier fences around trees and siltation fences to protect water features, marshes, golf courses and adjacent properties.
- 7.7 All debris must be removed from the community.
- 7.8 The lot must be restored to natural condition by means of grading and ground cover within 30 days after demolition. All depressions are to be filled and graded to avoid pooling rainwater. No bare earth areas shall remain.
- 7.9 Submission of a new home construction plan for the property will follow the same requirements as for any new home construction project.

SECTION 8. Landscaping, Ornamentals and Yard Structures

- 8.1 Landscaping is an important element in the appearance of Moss Creek for new, existing, and renovated structures and ARB approval is required for new and renovated structures. Owners who make substantial landscaping changes without ARB approval may be fined. For maintenance obligations on existing properties see Rules & Regulations section "Maintenance Obligations of Private Property Owners" and the MCOA Covenants. Plans An integral part of a submittal to the ARB for new construction or an addition or change to an existing structure is the landscape plan, which must be prepared by a landscape architect or ARB qualified designer and shall conform in every respect with the approved site plan. All plans must show the location, physical size, number and generic names of all existing and proposed trees, plants, shrubs and ground cover.
- 8.2 General Requirements All landscaping shall retain and incorporate as much natural vegetation as possible. The intent of landscape design themes is to be natural and informal causing lot lines to "disappear." Hedge type plantings are to be avoided.
 - A. Clearing of natural vegetation on marsh banks of lots or contiguous common property is prohibited. Such natural areas may be selectively trimmed, pruned or mowed to maintain their structure and allow vistas. Lagoon banks shall be similarly treated unless otherwise approved by the ARB or MCOA. These activities shall be pursued in late autumn and winter to avoid adverse impact on nesting birds.
 - B. See Covenants, Article X, Sections 1 and 4, regarding landscaping on golf fairway residential areas and planting that might impede play of a ball that is not out of bounds.

MOSS CREEK OWNERS ASSOCIATION

- C. Foundation planting on all sides shall be evergreen plantings that are naturally arrayed and layered with a minimum of fifty per cent (50%) foundation height coverage at installation. Absolute minimum size planting in back row shall be twenty-four inches (24") in height and eighteen inches (18") in width (3 gallon minimum).
 - D. If possible, effective immediately at installation, garage entry, parking areas, utility boxes, and pool areas shall be screened from streets and adjoining properties with plants that remain green year-round.
 - E. Borders, other than grass or shrubbery, on or around a house or lot within Moss Creek, shall require ARB approval prior to any installation.
- 8.3 Statues, free standing trellises, sculptures, fountains and other ornamental features are considered to be landscaping elements and require ARB approval prior to installation. Each proposed feature must be described and located on the proposed landscape plan, must be compatible with the overall property landscaping theme and consistent with the size of the property and character of the surrounding neighborhood. Prohibited features include artificial flowers and vegetation, excessive potted plants or other ornamental yard features, glittering or shining objects except as holiday decorations.
- 8.4 Yard structures of any kind require ARB approval prior to installation. Basketball stands/backstops, swing sets, trampolines, playhouses, gazebos, pergolas, patios, fire pits, hot tubs, compost bins and/or other recreational additions require ARB approval prior to installation. With the exception of flag poles, these should be located in rear or side yards, painted in earth tone colors and screened from adjacent properties, streets and golf courses.. Fire pits and outdoor fireplaces must be located more than 15 feet from any structure or combustible material. Any structure 18" in height or greater, including flag poles, must be located within building setbacks unless otherwise approved by the ARB. Shade sail must be affixed to posts and located within the shaded area. Temporary, non-structural enclosures are prohibited

The ARB, in conjunction with the MCOA Nature Club, supports the environmental benefits of community composting (i.e. the creation of natural/organic soil from yard and/or household waste) when conducted in a manner consistent with the recommended methods and practices of the United States Environmental Protection Agency. These methods and practices can be found at www.epa.gov/recycle/composting-home. Accordingly, nothing in this section shall be construed to prohibit applications for the use of compost bins that are located in service yards, or in rear or side yards, where such boxes are within the setback limits established by the ARB Guidelines, painted or manufactured in earth tones or dark colors (including black and brown) and screened from streets and adjoining properties with plants that remain green year-round. It is provided, however, that the applicant must certify that the use of such approved compost bins will conform to the methods

and practices referenced above, or such additional standards that may be established by the ARB.

8.5 Exterior Lighting

All exterior lighting requires ARB approval prior to installation. To reduce light pollution, not adversely affect wildlife, nor disturb neighbors or street traffic, the use of exterior lighting is discouraged except to illuminate driveways, walkways and entryways. The design and location of all exterior lighting shall be indicated on the site plan or landscape plan with photos and details about the proposed fixtures. The ARB may conduct an inspection of the final installation to ensure compliance with the requirements.

All outdoor lighting shall be extinguished no later than 11:00 PM. Lighting necessary for walkways and drives while guests are actively arriving or leaving shall be permitted.

- A. Exterior lighting shall be diffused with soft non-glaring illumination.
- B. Landscape lighting must be subtle, subdued and the source must be hidden from view. Direct light must not be visible from outside of the property perimeter.
- C. String lighting may only be used in the rear of a property and only along the perimeter of a deck or patio area. String lighting should not encompass the entire yard/property or illuminate across property lines which is a nuisance to adjacent property owners.
- D. Seasonal lighting, such as Halloween, Christmas and other celebrations, shall be permitted but shall be removed within a reasonable time after the occasion. The ARB shall notify owners whose decoration and audio are a disturbance to neighbors.

SECTION 9. Foraging Animal Fencing

- 9.1 Lot perimeter deer fencing and/or driveway and walkway access barriers are prohibited, as is any above ground electrified fencing.
- 9.2 Foraging Animal fencing, if desired, may be used only for deterrence and/or protection of relatively small areas. Layouts and details for such fencing shall be indicated on a landscape or site plan and must be submitted to the ARB for approval prior to installation.
- 9.3 Approved foraging animal fencing shall not exceed two feet (2') in height, be of dark earth-tone colors and may have a relatively fine mesh structure.
- 9.4 Setbacks for fenced areas must be a minimum of thirty feet (30') from property lines adjacent to streets, golf courses, lagoons, and marsh areas, and a minimum of five feet (5') from all other property lines. Some degree of flexibility in these setbacks will be used for patio lots.

Note: *Previously permitted 3 feet high 2 strand installations under the old MCOA Management Program for limiting deer incursions will no longer be permitted. Future sale of a property that has a deer fence will require that either the fence be removed or an application for such fence must be submitted in a timely manner to the ARB for review. Consideration will be given to requests for limited approval of shorter fencing intended to deter and exclude smaller herbivorous animals.*

SECTION 10. Tree Protection Management

A Tree Protection Management process is essential because trees are an integral part of community aesthetics. Moreover, trees provide a natural habitat for birds and other wildlife as well as important flood management and erosion protection for our homes, neighborhoods, and the entire community.

10.1 No tree six inches (6”) or more in diameter at breast height (DBH) may be removed without prior approval of the ARB.

10.2 Preservation of Specimen Trees.

A. DEFINITION:

Category	Type	Species	Specimen Status
I	Broad-leaved Evergreen Over story Hardwoods and Endangered Species	Spruce Pine, Bald Cypress, Southern Magnolia, American Holly, Live Oak	Eighteen-inch (18") DBH, or high wildlife habitat or aesthetic value
II	Deciduous Over story Hardwoods and Broad- leaved Evergreen Under story	Red Maple, Mockernut Hickory, Southern Red Oak, Yellow Poplar, Sweet Gum	Twenty-four-inch (24") DBH or high wildlife habitat or aesthetic value.
III	Cone Bearing Evergreens	Long Leaf Pine, Short Leaf Pine, Loblolly Pine, Southern Red Cedar	Twenty-four-inch (24") DBH or high wildlife habitat or aesthetic value.
IV	Ornamentals Including Palms	Sabal Palmetto, American Plum, Eastern Redwood, Flower Dogwood	High wildlife habitat or aesthetic value

B. RULES: The following rules apply:

- (1) Specimen trees as defined above shall be identified on site plans submitted for review by the ARB. The approximate drip line of specimen trees must be shown by a heavy dashed line on the site plan.
- (2) Healthy specimen trees shall not be removed during any construction activities, except as provided below.

MOSS CREEK OWNERS ASSOCIATION

- (3) The ARB may require replacement for any healthy specimen tree which must be removed.
 - (4) As needed, MCOA personnel and property owners shall consult with qualified arborists regarding methods of pruning, guying, fertilizing, watering, and spraying for pests.
- 10.3 Tree Identification. Except as may be otherwise approved by the ARB, specimen trees located where construction is occurring shall be saved. No construction plans shall be approved by the ARB until the tree removal plan and appropriate mitigation measures for the project are accepted.
- 10.4 Temporary Wood Barrier Fences. Temporary wood barrier fences (not silt fencing) shall be erected around specimen trees during construction and the area inside such barricades shall be mulched to a six-inch (6") depth. When practicable, such barriers shall be placed no closer to the trunk than the drip line. At a minimum, barriers shall be placed around the tree twelve feet (12') from the trunk.
- 10.5 Location of Constructed Features. Edges of building footings, driveways, walks, patios, and similar impervious features shall be located no closer than ten feet (10') from any specimen tree. If this is not practicable due to site conditions, no impervious surface shall cover more than twenty-five percent (25%) or ninety (90) degrees of the drip area.
- 10.6 General Construction Practices.
- A. No large equipment may be parked within the drip line of trees on the construction site or on common property adjacent to the construction site.
 - B. To avoid root compaction, vehicles and materials must be parked and stored either on proposed driveway locations on the site or reasonably adjacent to roadways.
 - C. No more than two inches (2") of topsoil may be added to the existing grade within the drip line of any tree.
 - D. Tree wells are not allowed.
 - E. Silt fences or hay bales may be used to control sedimentation within the barricaded area of any tree.
 - F. No changes in drainage patterns which will cause sheet flow or flooding within the drip line area are allowed.
 - G. To avoid contamination of other trees, all cut treetops and downed trees must be removed from the construction site within 24 hours of cutting.
 - H. Construction wastes may not be burned on site.
 - I. Utility lines, including irrigation lines, must be located outside drip lines. When located within fifteen feet (15') of trunks, such utility lines shall be augured beneath roots.
 - J. All roots cut during construction must be coated with antiseptic sealant.
 - K. New trunk wounds must be treated by removing dead and torn bark tissues.

MOSS CREEK OWNERS ASSOCIATION

- L. Roots may not be exposed by lowering grade. If roots are unearthed during the course of excavation, they must be covered by wet burlap and soil within 24 hours.
 - M. All pruning cuts must be made flush to the trunk or connecting branches and injured or diseased limbs must be removed.
 - N. Sod must not be installed closer than one foot (1') from the trunk of a tree.
- 10.7 Clearing Adjacent to Salt Marsh. Major clearing of trees and underbrush (shrubs and ground cover), is prohibited without the explicit approval of the ARB.
- Trimming is allowed in the thirty foot (30') setback (buffer) zone adjacent to salt marsh.
- 10.8 Tree Replacement. Owners may be required to replace trees that die within one year after completion of new construction.
- 10.9 Residential Areas. To retain healthy tree specimens and stands, provide vista opportunities, maintain natural buffers for privacy and salt spray, assist in soil conservation and enhance wildlife habitat, the following shall be observed:
- A. Specimen hardwoods (especially live oaks) must not be removed unless specifically approved by the ARB.
 - B. Lower limbs of any tree on Common Property may be removed to allow views from lower floor levels in nearby homes and to stimulate canopy growth. Trees on private property may only be trimmed for these considerations with the consent of the property owners.
 - C. Canopy limbs must not be removed.
 - D. Overcrowded species may be thinned.
 - E. Dead fronds on palm trees may be sheared.
 - F. Lower dead fronds on saw palmetto shrubs may be removed.
 - G. Dead trees must be removed by qualified personnel.
 - H. Tree stumps must be either cut flush with the ground or removed.
 - I. Property owners may trim any trees or vegetation that cross the vertical plane of their property line from an adjacent property.
 - J. In certain cases, the ARB may condition approval of tree removal on tree replacement at the residential site.
- 10.10 Nature Preserves. To protect and maintain such areas, property owners adjacent thereto shall maintain a natural buffer.

SECTION 11. Water Features Management

- 11.1 Definition. Water features are those bodies of water in Moss Creek that include interior lakes, ponds, lagoons, flooded drainage ditches or wetlands which:
- A. Provide storm water detention and retention reservoirs;
 - B. Provide golf course water hazards; and,
 - C. Enhance residential views.

11.2 Natural Waterside Buffers in Common Areas, on Golf Course Property and Residential Lots.

Program: To conserve the undisturbed natural waterside plant communities in all areas the following program shall be pursued:

- A. A twenty- foot (20') natural buffer zone ("buffer") of undisturbed vegetation as measured from the average annual wetted perimeter of water features shall be maintained. In no event shall such buffer be less than five feet (5) and only vegetated with native plants.
- B. Natural buffers may be selectively thinned, pruned, or mowed to maintain their structure and allow vistas. Such maintenance activities must be pursued in late autumn and winter to avoid adverse impacts upon nesting birds and animals.
- C. The use of fertilizer or pesticides is forbidden in such buffers.
- D. During residential construction, property owners, contractors, their employees, agents and others under their direction shall take steps to ensure that the buffer remains undisturbed. Silt fences must be used to control run-off onto buffers and into water features.
- E. Unless otherwise necessary on the golf courses, and unless otherwise allowed by the ARB on residential lots, bulk heading, riprap, and grading (leveling, excavating, filing, ditching, etc.) is prohibited in buffers. If sloped riprap is allowed, areas adjacent to the riprap materials shall be seeded and/or sprigged with natural vegetation. Natural grasses shall be allowed to grow among the riprap materials.
- F. Insofar as golf play, residential views, and/or drainage functions are not adversely affected, selective trees and emergent vegetation shall be left undisturbed at water's edge along roadways, in open spaces and in drainage corridors.
- G. Native trees, shrubs, and grasses shall be planted or transplanted in area sites that have been disturbed by construction.
- H. Unauthorized plant removal during construction shall be subject to imposition of a fine.

MOSS CREEK OWNERS ASSOCIATION

**APPENDIX I
DECLARATION**

WHEREAS, the Board of Directors of Moss Creek Owners Association, Inc., (MCOA), in consonance with the Moss Creek Covenants, Article VII, Sections 1 and 2, has the right to review and control construction within Moss Creek; this right is vested in an Architectural Review Board (ARB) appointed by said MCOA Board, and upon terms and conditions adopted by said MCOA Board.

NOW THEREFORE, the MCOA Board of Directors vests in the ARB all authority pertaining to construction on Residential Lots within Moss Creek, and all construction in Moss Creek Village; and retains for itself all authority pertaining to structures on Common Property, Membership Common Property, and Restricted Common Property.

NOW THEREFORE, the Board of Directors, having reviewed and approved the ARB Guidelines and Procedures, as amended, dated January 2024, do direct that such Guidelines and Procedures be implemented with an effective date established by the ARB, of no later than January 2024.

MOSS CREEK OWNERS ASSOCIATION, INC.

President, January 2024

Secretary, January 2024

MOSS CREEK OWNERS ASSOCIATION

APPENDIX II
APPLICATIONS AND FORMS

FORM A: APPLICATION FOR RESIDENTIAL CONSTRUCTION

SUBMIT TO: MOSS CREEK ARCHITECTURAL REVIEW BOARD

FOR REVIEW
BOARD USE ONLY

HOUSING TYPE:		NAME/ADDRESS OF PROPERTY OWNER:		LOT NUMBER:	
PRLIMINARY REVIEW:				STREET & NO.	
STAKE OUT:		TEL:			
		EMAIL:			
		NAME/ADDRESS OF ARCHITECT:		LOT SIZE:	
BATTER BOARDS:				FULL	<input type="checkbox"/>
				PATIO	<input type="checkbox"/>
FINAL APPROVAL:				SUBMITTED BY:	
		TEL:			
		NAME/ADDRESS OF CONTRACTOR:			
BLDG. PERMIT #s:				DATE:	
Moss Creek	<input type="checkbox"/>				
County	<input type="checkbox"/>			LANDSCAPE PLAN:	
		TEL:		YES	<input type="checkbox"/>
FEES/DEPOSITS:		CONTRACTOR'S S.C. LICENSE NUMBER		NO	<input type="checkbox"/>
Review	<input type="checkbox"/>			PLANS ARE:	
Compliance	<input type="checkbox"/>	DETAILED EXPLANATION:		Conceptual	<input type="checkbox"/>
Drainage	<input type="checkbox"/>			Preliminary	<input type="checkbox"/>
Foundation	<input type="checkbox"/>			Final	<input type="checkbox"/>
C.O. Date:	<input type="checkbox"/>				
C.C. Date:	<input type="checkbox"/>				
REFUNDS		EXCEPTION OR VARIANCE REQUESTED			
Compliance	<input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/> If Yes, provide written request with explanation			

Note: Digital Plans must be submitted in .pdf format along with 2 hard copy sets.

MOSS CREEK OWNERS ASSOCIATION

Page 2 FORM A: APPLICATION FOR RESIDENTIAL CONSTRUCTION			
1. Has a structure been previously constructed from these plans in Moss Creek?	YES	<input type="checkbox"/>	NO <input type="checkbox"/>
2. Is this construction for speculative purposes?	YES	<input type="checkbox"/>	NO <input type="checkbox"/>
3. What is the BFE requirement for the lot?			
4. What is the finished floor elevation? (in feet above MSL)			
5. What is the HEATED AREA of this structure? (In sq feet)			
6. What is the UNHEATED AREA of this structure? (In sq feet)			
7. What is the DECK/TERRACE AREA of this structure? (In sq feet)			
8. What is the TOTAL SQUARE FEET (In sq feet) for this structure?			
9. Is a water source heat pump system being contemplated for this structure?	YES	<input type="checkbox"/>	NO <input type="checkbox"/>
10. Is special slab construction being contemplated for this structure?	YES	<input type="checkbox"/>	NO <input type="checkbox"/>
11. EXTERIOR MATERIALS:			
Area	Material & Color		
BRICK:			
SIDING:			
STUCCO:			
STUCCO TRIM & BANDS:			
FOUNDATION VENT and/or LATTICE:			
FASCIA:			
WINDOW & DOOR TRIM:			
COLUMNS & RAILINGS:			
CORNER BOARDS OR WOOD BANDS:			
FRONT DOOR:			
GARAGE DOORS:			
WINDOWS:			
SHUTTERS:			
SERVICE YARD:			
ROOFING:			
GUTTERS:			
DRIVEWAY:			
OTHER:			

MOSS CREEK OWNERS ASSOCIATION

FORM B: APPLICATION FOR WELL DRILLING

SUBMIT TO: MOSS CREEK ARCHITECTURAL REVIEW BOARD

HOUSING TYPE:	NAME/ADDRESS OF COMPANY DRILLING WELL:		LOT NUMBER:
WELL LOCATION APPROVED:			STREET & NO.
MOSS CREEK BLDG PERMIT:	TEL:	LICENSE #:	
	NAME/ADDRESS OF HEAT/AIR CONTRTACTOR:		
DEPOSIT MADE:			
DHEC CERT. OF COMPLIANCE:			SUBMITTED BY:
	TEL:	LICENSE #:	
	COMMENTS:		
DEPOSIT REFUNDED:			OWNER:
			BEGIN DATE:
			END DATE:
			WELL DEPTH:

MOSS CREEK OWNERS ASSOCIATION

FORM C: APPLICATION FOR DIRECT BROADCAST SATELLITE TV DISH

SUBMIT TO: MOSS CREEK ARCHITECTURAL REVIEW BOARD

PROPERTY:		SUBMISSION DATE:
Lot Number	<input type="text"/>	<input type="text"/>
Street Address	<input type="text"/>	
Property Owner	<input type="text"/>	
Mailing Address	<input type="text"/>	
Phone Number	<input type="text"/>	
SYSTEM INFORMATION:		
System Contractor	<input type="text"/>	
Antenna Size	<input type="text"/>	
LOCATION:		
Description of antenna location**:	<input type="text"/>	
<i>**Please attach a sketch that indicates the proposed antenna location</i>		
Type of screening:	<input type="text"/>	

MOSS CREEK OWNERS ASSOCIATION

FORM D: TREE REMOVAL REQUEST

SUBMIT TO: Moss Creek Architectural Review Board

NOTE: MCOA approval is required for removal of any tree 6" or greater in diameter at breast height (DBH – 4').

DATE:		MEMBER NAME:		
LOT NUMBER				
PROPERTY ADDRESS				
<p>MCOA Management Staff, under the direction of the General Manager, has approval authority for trees that meet the following criteria:</p> <ol style="list-style-type: none"> 1. Requests for the removal of 5 or fewer trees 2. Trees believed to be diseased, dying, dead or dangerous 3. Trees within close proximity to a residence 4. Other trees that do not meet the definition of "specimen" as outlined in <i>ARB Guidelines, Section 10</i> 				
<p>MCOA procedures require that any tree removal request which does not meet the above criteria, or in a case where the Management Staff declines approval and the Member still wishes to pursue removal, the request must be submitted for approval to the ARB. The ARB may require that a report from a credentialed arborist be submitted regarding the condition of the tree(s). <i>The cost of the arborist's report will be the responsibility of the applying Member.</i></p>				
<p>Note: The ARB has the latitude to extend the criteria for removal beyond the criteria above and can take into consideration an owner's assessment that the tree coverage in the owner's yard is too dense, too drab, or makes the property excessively dark.</p>				
<p>Once a completed application and arborist's report is submitted, the request will be placed on the ARB agenda for their normal consideration and ruling.</p>				
<p>This Request is for (check one): Management Inspection <input type="checkbox"/> ARB Approval <input type="checkbox"/></p>				
Number of Trees Requested for Removal:				
How will trees be marked for inspection?		Ribbon Color:	Other:	
Description of each tree (attach sheet if additional space required):				
Number	Species	Trunk Diameter	Location on Lot	Reason for Removal
1				
2				
3				
4				
5				
Do any of the trees meet the criteria for "specimen" trees? (CIRCLE Yes or No)				
If yes, is arborist report attached (CIRCLE Yes or No)				
For Office Use Only				
1				
2				
3				
4				
5				

MOSS CREEK OWNERS ASSOCIATION

FORM E: APPLICATION FOR REROOFING/REPAINTING

PROPERTY		Date:	
Lot Number			
Property Owner			
Street Address			
Phone Number			
CONTRACTOR			
Company Name			
Address			
Phone Number	Email		
		EXISTING COLORS	PROPOSED COLORS
Roof	Material		
	Manufacturer		
	Color		
Siding			
Trim			
Shutters			
Front Door			
Stucco/Foundation			

NOTE:

- ANY PROPOSED CHANGE REQUIRES INFORMATION ON ALL EXISTING COLORS.
- SAMPLES OF PROPOSED PAINT COLORS MUST BE SUBMITTED ON ACTUAL MATERIAL ALONG WITH PAINT CHIPS AND THE APPLICATION.
- A COLOR PHOTOGRAPH OF THE EXISTING RESIDENCE IS HELPFUL AND MAY BE REQUIRED.
- REROOFING: A COPY OF THE BEAUFORT COUNTY PERMIT IS REQUIRED AT THE TIME THE MOSS CREEK PERMIT IS ISSUED.

Application Submitted by: (Print Name) _____

MOSS CREEK OWNERS ASSOCIATION

FORM F: YARD STRUCTURE APPLICATION

PROPERTY		DATE:		
Lot Number				
Property Address				
Property Owner				
Phone Number		Email		
STRUCTURE INFORMATION				
Type* (i.e. fountain, basketball goal, hot tub, fire pit, outdoor kitchen)				
Size/Dimensions (attach catalog cut sheet or color photograph)				
LOCATION				
<p><i>Attach a current site plan or as-built survey indicating the location of the structure relative to property lines and setback lines.</i></p>				
TYPE OF SCREENING (if applicable)				
<p>*NOTE: Yard structures such as play equipment and trampolines may require additional screening.</p> <p><i>See Architectural Review Board Guidelines & Procedures, Section 8, Paragraphs 8.3 and 8.4 for information on requirements.</i></p>				

MOSS CREEK OWNERS ASSOCIATION

FORM G: LETTER OF UNDERSTANDING

SUBMIT TO: MOSS CREEK ARCHITECTURAL REVIEW BOARD

Construction Address: _____

The undersigned Owner, or Owner's Agent , and Contractor each hereby certifies to the Moss Creek Architectural Review Board (hereinafter "ARB") that the residential construction or alteration to be commenced at the above referenced location, and as more specifically set forth in the Application for Residential Construction submitted herewith, shall be undertaken and completed in accordance with the recorded covenants running with certain lands in Moss Creek affecting such property, as amended to date, and in compliance with all the requirements of the current ARB Guidelines and Procedures

The undersigned each further acknowledges the receipt of copies of the Covenants and Guidelines and Procedures and hereby agrees to assume the responsibility of communicating the contents to all persons working on the project.

Upon completion of said construction or alteration, the Owner, Owner's Agent, and Contractor each shall deliver to the ARB a Certificate of Compliance certifying that said improvements have met all Guidelines and Procedure criteria.

The undersigned each understands and hereby acknowledges that if, upon final inspection by the ARB, the completed construction or alteration is not in compliance with the approved plans and specifications, or does not meet ARB Guidelines criteria, some or all of the deposits made with the application submitted herewith may be withheld or forfeited, in part or in their entirety, until such non-compliance is corrected and a Certificate of Compliance is re-submitted.

Owner Signature: _____ Date: _____

Printed Name: _____

Owner's Agent Signature: _____ Date: _____

Printed Name: _____

Contractor Signature: _____ Date: _____

Printed Name: _____

MOSS CREEK OWNERS ASSOCIATION

FORM H: CERTIFICATE OF COMPLIANCE

SUBMIT TO: MOSS CREEK ARCHITECTURAL REVIEW BOARD

The undersigned hereby certify to the Moss Creek Architectural Review Board that the building structure and other improvements situated at Lot No. _____ Street Address _____

(has) (have) been (constructed) (altered) in accordance with the recorded Covenants running with certain lands in Moss Creek affecting such lot, as amended to date.

The undersigned further certify that the improvements have been constructed in accordance with the final plans and specifications heretofore filed with and approved by the ARB on _____; that the contractor and/or owner's agent executing this certificate has conducted a final inspection of the improvements; and that the improvements meet the guidelines, criteria and requirements set forth by the Architectural Review Board in its approval of the plans and specifications.

OWNER		DATE	
CONTRACTOR		DATE	
OWNER'S AGENT		DATE	
Type of Improvement		Moss Creek Building Permit #	
Filed with and confirmed and accepted by the Moss Creek Architectural Review Board this _____ day of _____.			
FINAL INSPECTION			
ARB Inspector		DATE	
Drainage Manager		DATE	
Landscaping Advisor		DATE	
ARB Advisor		DATE	

APPENDIX III
BUILDING INSTRUCTIONS

During the course of the construction, the owner, the owner's agent, and/or the contractor will be responsible to abide by the following:

1. No clearing or construction work is to begin before a Moss Creek building permit has been issued by the ARB.
2. String lines placed along side and rear property lines shall remain in place until construction is completed. In addition, side property line and specimen tree barricades must be installed at the time of stake out and shall remain in place until construction is completed.
3. Adjacent lots and/or common property shall not be used for the storage of materials, vehicle parking, or access to the construction site.
4. Building sites shall be maintained in an orderly condition; buildings are to have scrap materials picked up as necessary to maintain an orderly condition.
5. A small trash container (barrel) is to be provided for the use of depositing used food containers and other small trash.
6. A large trash container/dumpster is to be provided for scrap material and building debris and other bulk trash items. The overflow or spillage around these containers is to be picked up daily. They shall be promptly removed from job site when full. Dumpsters must be screened from the street and/or golf course with green mesh, lattice or other non-vision material. Screening must be maintained in good condition.
7. Porta-potties are to be provided for the convenience of workers and should be placed so that the doorway will not front on the street or other public view. They should be placed a minimum of ten feet (10') inside of the property lines unless otherwise approved. Porta-potties must be screened from the street and/or golf course with green mesh, lattice or other non-vision material. Screening must be maintained in good condition.
8. Loud and offensive noise will not be permitted. The playing of radios is permitted provided the sound does not carry beyond the boundaries of the building under construction.
9. Contractors, sub-contractors, material suppliers and/or their respective employees who use a vehicle for access to the job site are required to have a MCOA sticker. This may be obtained at the Security Gate.
10. Construction workers are not permitted to fish or hunt in Moss Creek.
11. Saturday work is permitted, except when a holiday falls on Saturday. No work is permitted on Sundays.
12. Notify WOU when lateral locations and/or tap-ins are needed. A three-day advance notice is required.
13. Contractor's and Architect's Signs: Small signs not exceeding four square feet may be placed at the street side of the site for job identification purposes only. At the

MOSS CREEK OWNERS ASSOCIATION

- completion of the job, signs are to be promptly removed. No other signs are permitted.
14. Any signs or company identification on trash dumpsters and other receptacles are limited to four (4) square feet in size. In addition, it is further recommended that such receptacles be painted either dark green, dark brown or any other earth tone color. As an alternative, an approved screen must be placed around each receptacle.
 15. Construction work is permitted from 7:00 a.m. until 6:00 p.m., dependent on daylight.
 16. No burning of trash or fires of any kind is permitted.
 17. Any trees lost due to construction damage within one year after construction shall be replaced by one tree for each lost tree. Size, species and location will be at the discretion of the Board.
 18. Notify MCOA when driveway elevations are needed. A ten-day advance notice is required. See Section 5.16.
 19. No clearing of any kind is to be done on the banks of lagoons and marshlands or beyond property or survey control lines in these areas except in conformity with an approved landscape plan.
 20. Vehicles and heavy equipment are not to be left on job sites overnight, weekends or holidays without special permission from MCOA.
 21. It shall be the responsibility of the General Contractor or the Owner, as applicable, to ensure that all persons working on a construction project in Moss Creek are both informed of and familiar with the ARB Guidelines and Procedures.
 22. In the event of an impending storm, all construction materials on site must be removed or secured.

MOSS CREEK OWNERS ASSOCIATION

APPENDIX IV
SCHEDULE OF FINES AND PENALTIES

Depending upon the degree of non-compliance for failure to follow requirements of the Guidelines and Procedures, the Architectural Review Board is authorized to impose the following fines and/or penalties, which, if not paid, could result in a lien on the property:

Ref	Violation	Fine/Penalty
1	For starting any work prior to ARB approval and/or Moss Creek Building permit (excluding stake out)	Minimum \$500
2	Variation from the approved site location of the structure:	Removal of any work completed and re-positioning in correct location.
3	Variation in approved first floor and garage floor elevations	Modification of any work completed and/or rebuilding to the correct elevation.
4	Variation from approved driveway or drainage plans	Modification of any work completed and/or rebuilding as necessary.
5	Failure to follow procedures for driveway installation	Minimum of \$500.00 plus cost of any necessary removal, repairs or rebuilding
6	Any unapproved change in exterior design, construction, or color of the structure	<ul style="list-style-type: none"> • Forfeiture of all or a portion of compliance deposit. • Correction of the discrepancies at the discretion of the ARB. • Re-submittal of corrected plans
7	Unauthorized tree removal or damage	Specimen size tree: \$1,000.00 per tree plus implementation of an ARB approved tree restoration plan to be started within thirty (30) days of written notification. Tree six inches (6") or more in diameter: Up to \$500.00 per tree plus implementation of an ARB approved tree restoration plan to be started within thirty (30) days of written notification.
8	Failure to keep job-site free of litter and construction debris: per day after three (3) working days notification.	\$100.00 per day after three (3) working days notification.
9	Failure to remove any dumpster within 1 year without authorized extension:	\$100.00 per month.
10	Failure to keep construction activity confined to jobsite	\$100.00 per day per violation.
11	Non-compliance with conditions and requirements set forth in Appendix V	\$100.00, depending on severity, per violation plus implementation or correction of the condition.

Any property owner or resident found to be in violation of the ARB Guidelines will be notified in writing of the offense and will be required to correct the violation by a specific date or risk incurring a fine of \$1,000.00. If the owner is not responsive and the violation is not corrected by the specified date, a second notice will be sent to the owner advising that failure to correct the situation within 30 days will result in a fine of an additional \$1,000.00 and a lien will be placed against the property. Failure to correct the violation by the due date, a \$1,000.00 fine will be charged to the owner's monthly assessment and a lien will be placed against the property. Further, failure to correct the violation will also result in court action whereby MCOA will seek authorization to enter the owner's property to correct the violation. All expenses incurred by MCOA related to correcting the violation will be charged to the owner's account.

APPENDIX V

COMMUNITY PRIDE PROGRAM

Purpose

To preserve the character of the community, covenants and Architectural Review Board (ARB) guidelines were developed to set standards for both common and privately-owned property. The focus of this program is preservation of the natural beauty of the land while establishing property maintenance standards for private residences and undeveloped home sites. Every property owner has benefited from these standards and all have an obligation to abide by Community rules, regulations and ARB Guidelines. The purpose of the Community Pride Program is to educate and encourage owners to maintain their property and to uphold the standards outlined for maintaining home sites and undeveloped lots. As such, biannual inspections are performed by MCOA administration staff to ensure all properties meet the established standards.

Authority

To achieve the purpose of the Community Pride Program, the ARB has assigned responsibility to MCOA administration to identify and enforce community regulations and ARB Guidelines related to property maintenance as outlined in the following:

- Covenant: Article VI, Section 8 – Rules and Regulations
- Covenant: Article IX, Section 8 – Unclean or Unkempt conditions
- Article IX, Section 10 – Lot maintenance
- Article IX, Section 16 – Satellite Dishes
- Covenant: Article XVIII, Section 3 – Enforcement

Implementation

The ARB has established a basic 3-step process to ensure owner awareness and compliance.

- 1) The first step is that of EDUCATION, to ensure that owners are appropriately informed of what ARB Guidelines or MCOA Rules & Regulations require.
- 2) If step 1 does not achieve the results necessary, the next step is to ENCOURAGE owners to come into compliance by reminding them of their responsibility and the education provided

If the infraction has not been corrected after the specified timeframe, the owner may be fined. See Fines and Penalties below. In support of ARB direction, MCOA administration will perform the following:

- Provide biannual education on owner roles and responsibilities related to compliance with Community Rules, Regulations as well as ARB Guidelines and how this compliance benefits the entire community.
- Schedule, announce (in advance), and inspect each Moss Creek property twice per year for unclean, unsightly or unkempt conditions of residences and surrounding property.
- Notify by mail all property owners of the areas found to be non-compliant and remind the owner of the ARB Guidelines and how the rules are intended to help the

MOSS CREEK OWNERS ASSOCIATION

Community and the owner. If additional notifications are required to correct the compliance issue (refer to Enforcement and Collection of Fines in this section).

Property Owner Responsibility

Owners are ultimately responsible for being aware of the ARB Guidelines, Rules and Regulations they acknowledged and agreed to support on becoming a Moss Creek owner. As such, Property Owners are responsible for ensuring that their land and/or home complies with these directives. MCOA Administration will follow ARB directives and intent in implementing the Community Pride Program. However, if there are cases where compliance cannot be achieved through normal means, the issuance of fines can be administered to compel compliance.

Buildings

It is in every owner's best interest to preserve and extend the life of their land and property. To protect the property values of all owners and to enhance the external appearance of Moss Creek, owners need to ensure that their houses, driveways and walkways are kept free of excessive discoloration and/or staining (resulting from causes such as, but not limited to, algae, mold, rust, tree sap). NOTE: Seasonal pollen presence is not considered discoloration.

It is up to each homeowner to be diligent in maintaining their property (including, but not limited to structures, driveways, walkways, landscape, etc.) in such a manner that it remains in sound structural condition and is devoid of visible overgrowth or deterioration.

Roofs

Collection of significant debris and/or discoloration on a roof can substantially reduce its life span. As such, owners should take all necessary steps to remove debris accumulation and discoloration (usually caused by mildew, green algae or black mold) from roofs on the property.

Gardening Equipment

Maintaining a neat and orderly appearance promotes the look of Moss Creek. As such, any equipment used for gardening, including, but not limited to, tools, trashcans, fertilizer bags, and bagged soil, must be cleaned up and put away after use.

Play Equipment

Our community desires to maintain properties in a way that does not draw attention to play equipment. As such, play equipment installed on any part of the property outside the dwelling must have approval of the ARB prior to installation. An application form is available at administration or online on the Moss Creek web site.

Play equipment includes such items as Basketball backboards and hoops (permanent or portable), Swing sets, Bicycles, Trampolines and other devices that could be a visual distraction from the property. All bicycles and other play equipment must be stored out of sight when not in use.

Propane Tanks, HVAC units and trash receptacles

Fuel tanks, trash receptacles and HVAC equipment must be screened with an opaque fence enclosure, a minimum of five (5) feet in height. Window A/C units must be appropriately screened from view from the street and the golf course. Refer to ARB guidelines section 5.9 for service yard requirements.

Yard Areas

- Must be maintained consistent with neighborhood properties.
- Grass should be cut on a regular basis during the growing season and kept free of excessive natural debris.
- Bushes/Shrubs should be trimmed as needed so as not to become overgrown or unsightly. Growth height should not exceed that of the eaves of the roof.
- Ground Cover should consist of pine straw and or mulch in plant beds and areas of the yard where grass will not grow. Fallen leaves may be considered to be adequate ground cover for large barren areas so long as the areas are otherwise groomed and maintained in a manner consistent with the surrounding areas. Use of any type of rock filler must be approved by the ARB.
- Stone Edging location/placement and style requires approval from the ARB. Placing stone or other types of edging in an easement area is not permitted.

Enforcement and the Collection of Fines

In order to maintain a residential community that is aesthetically pleasing, operationally effective and focused on the preservation of the natural beauty of the land, the covenants and ARB guidelines establish property maintenance standards for private residences and undeveloped home sites. It may sometimes be necessary to invoke fines for violation of these standards. Fines are viewed as a method of last resort and are used to gain a homeowner's attention. It is the intent of the ARB and MCOA administration to work with homeowners, in a cooperative manner, to maintain their property.

Procedure:

If an area of ARB Guideline non-compliance is identified, the following general procedures and remedies will be used as tools by MCOA administration to bring about compliance.

- Step 1: Letter #1 – Advise the owner in writing, in a letter sent by U.S. Mail, and via email (when available), of the specific area(s) of non-compliance and remind the owners of the need to comply with ARB Guidelines and how this will support the Community. *Note: Owners who are notified should be provided adequate time to correct the non-compliant issue before proceeding to Step 2.*
- Step 2: Letter # 2 – If a second notification is required from the previous step, notify owner of the requirement to comply with ARB Guidelines and provide a specific timeline for correction of the infraction. The letter should remind owners of the community education provided (via the Moss Creek Advocate, Online or This Week in the Creek) along with the first notification letter and date. This letter should specify a timeframe for the owner to begin action to correct the identified problem(s). This time

MOSS CREEK OWNERS ASSOCIATION

frame is normally 30 days but could be longer depending on the circumstance. The letter should state that if more time is needed for correction, the owner must contact administration to prevent the issuance of a fine. A valid written rationale is needed for an extension of the time frame.

- Step 3: MCOA Administration to perform follow-up inspection in 30 days (or at the end of the specified time if additional time was requested by the owner) to verify the corrective action was completed. If the infraction has not been corrected after the specified timeframe, then see section on Enforcement and Collection of Fines for actions to eliminate the area of non-compliance. If the situation has been corrected, close the file.
- Step 4: Letter #3 – If the violation(s) is not corrected within the specified timeframe or no plan of action has been submitted by the property owner to correct the problem, a third letter is sent by U.S. Mail advising of the intent by the ARB to fine the owner if the correction is not completed by a specified date. Fine amounts are dependent upon the type and severity of the violation.

Appeals:

With each fine letter issued, Owners will be notified of their right to appeal the fine.

MCOA administration will handle owner requests for additional time to correct infractions on a case-by-case basis. If subsequent deadlines are not met and the owner does not work in good faith to resolve the violation, additional fines may be issued.

The first level of appeal is a hearing before the ARB. If the owner is dissatisfied with an ARB hearing, the owner may request a hearing before the MCOA Board. They must attend each hearing to discuss amicable resolutions.

Fines and Penalties

Any property owner or resident found to be in violation of the ARB Guidelines will be notified in writing of the offense and will be required to correct the violation by a specific date or risk incurring a fine of \$1,000 (depending on the violation).

- MCOA Administration will follow the procedures laid out in this Program.
- Failure to correct a violation by a required due date may result in a \$1,000 fine which would be charged to the owner's monthly assessment.
- If all previous steps fail to correct the situation, the MCOA shall seek legal guidance and consider requesting the owner to participate in alternative dispute resolution (arbitration or mediation) to resolve the dispute.
- Should financial penalties and alternative dispute resolution means prove ineffective, the MCOA may seek court action and authorization to enter the owner's property to correct the violation.
- All expenses incurred by MCOA related to correcting the violation will be charged to the owner's account.