

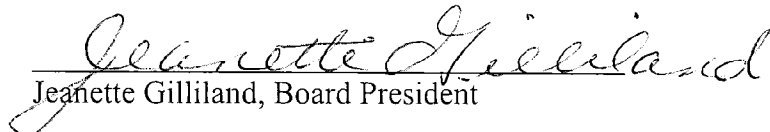
**CERTIFICATION**

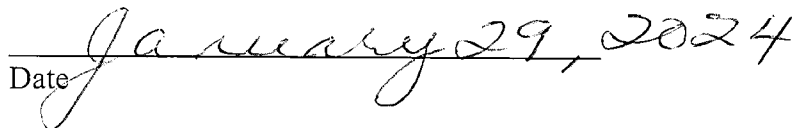
Matter: The Dye Estates Homeonwers Association, Inc.

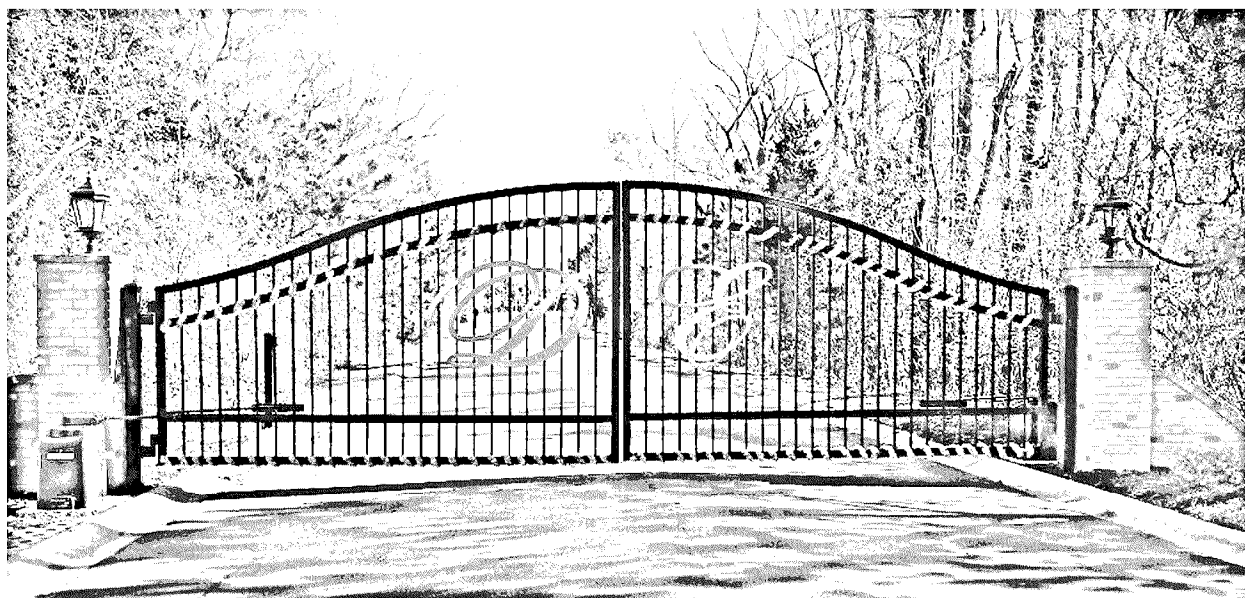
Location: North Myrtle Beach, South Carolina 29582

Contact: Ponderosa Management, LLC  
4876 Barefoot Resort Bridge Road, Suite C  
Myrtle Beach, South Carolina 29598  
Office 843-399-9888

These Architectural Review Guidelines of The Dye Estates Homeowners Association, Inc., were approved by the Board of Directors and the President prior to filing.

  
Jeanette Gilliland, Board President

Date 



*The Dye Estates*  
*Homeowners Association, Inc.*

**Architectural Review Committee  
Design Guidelines, Standards, and  
Procedures**

Adopted by

The Dye Estates Homeowners Association, Inc.

Version #: V5.4 Final for Board/ARC Approval

Date: 3/20/2023

Effective Date: 3/20/2023

FOR THE MOST UP-TO-DATE VERSION OF THIS DOCUMENT,

PLEASE GO TO THE FOLLOWING WEB PAGE: <https://barefoothoa.com/dye-arc.html>

Or Contact the Management Company for a copy or if you have suggestions for future updates!

## Authors

In 2017, the Rules Committee, a group of community members sanctioned by the Board of Directors, volunteered to not only review and amend the Rules and Regulations (R&R) document, but also the “Architectural Review Committee Design Guidelines, Standards, and Procedures.” Their goal was to ensure that these documents best served the interests of The Dye Estates Homeowner Association (HOA) members. The R&R Committee member authors were Jan Berry, John Craddock, Barbara McKenna, Jeffrey Rice, John Russo, Reba Siniscalchi, Patricia Saunders, and Deborah Strange.

In 2021, another group of community volunteers volunteered to establish goals, to ensure The ARC Guidelines remain useful and appropriate to meet the needs of our growing community. The committee authors were Craig Hough, John Craddock, Jeanette Gilliland, Daryl LeDuc, Barbara McKenna, and Robert Peiffer.

After many months of reviews and meetings with the goal of eliminating unnecessary restrictions and making the guidelines more relevant and less ambiguous, the ARC committee, as well as the entire community, was again asked to provide further input before finally being finalized and voted on by The Dye Estates, Inc., HOA Board of Directors. Note that Version 5.0 significantly relaxed ARC oversight with respect to changes to the side and backyards of existing homes.

## Foreword

The purpose of this Architectural Review Committee Design Guidelines, Standards, and Procedures document is to serve as a tool to help ensure that the Dye Estates remains a protected, private community where owners and guests can enjoy its natural beauty.

By purchasing a residence or property within The Dye Estates community association, you automatically become a member of the association and remain so for as long as you own your property. Membership in the association is mandatory and every owner must abide by the requirements set forth in your community’s governing documents, specifically, the Declaration, Master Deed or Covenants, Restrictions and Easements and associated amendments.

You should have received copies of these documents from your closing attorney. If you have not received a copy, please request a copy from your attorney, the Management Company, or The Dye Estates section of the Barefoot Resort Residential Association (BRRA) website (<https://barefoothoa.com/>). As a property owner in a community association, you will be required to pay assessments, abide by the community’s rules and restrictions, including these Architectural Guidelines, and maintain those areas of your home and property for which you are responsible.

**The Dye Estates Master Documents** and other important and useful information may be found on the Barefoot Resort Residential Association **website (<https://barefoothoa.com/>)** under Neighborhoods/Dye Estates.

## Summary of Changes (Version 5.4)

Below are the significant changes for this revision\*:

- **Changes to Fines and Fees (for example, re: new home construction, in rare occasion where fines exceed \$1,000, all future fines increase by 50%; road impact fees, compliance deposits, review fees,..)**
- **Change Requests (New Homes Only): Full set of plans must be submitted with all changes, accompanied by new Change Request Application**
- **Checklist changes (e.g., 3 full-size paper copies of plans now required)**
- **All properties (interior & intracoastal) required to submit drainage plans certified by a civil engineer. Drainage plans prepared by landscape architects and surveyors will no longer be accepted**
- **Warning the stop work orders will be issued when grading deviations are suspected (not new...added for emphasis)**
- **Application changes**
- **New Application (Fine policy acknowledgement & Change Request)**
- **Appeal application (not new) – added to document**
- **Community & Assistant Community manager name changes**
- **Added new ARC position (Deputy Chairperson) and defined role/responsibilities**
- **ARC Chairperson can serve no more than 2 consecutive terms (unless BoD approved)**

**\*Refer to the body of this document for additional details and possible restrictions.**

## Document Revision History

Version Number	Revision Date	Summary of Changes	Author
<b>V2.0</b>	12/7/2017	Initial Version Sent to Community (previous versions were draft only)	Rules Committee
V2.1	2/13/2018	ARC guidance as standalone document	Rules Committee
V2.2.2	6/15/2018	DRAFT: ARC Committee Fine/Fee review, gazebos, putting greens,...	ARC Committee / HOA Board
V2.2.3	6/20/2018	DRAFT, for community review	ARC Committee / HOA Board
V3	7/6/2018	Community Comments incorporated as appropriate – Satellite,	ARC Committee/HOA Board
V3.1	8/29/2018	Clarified use of Designers, Quorum, conflicts of interest, fireplaces/pits, tree removal, fines (burning, unauthorized changes, building w/o permits), added minor landscape reno form, added detail to Conceptual Reviews, improved forms	ARC Committee/HOA Board
V4.0	7/24/2020	Waccamaw Manager name change, Fire pits/Fireplaces, Recreational Equipment, Fencing not to obstruct views, pine straw no longer grandfathered, curb/street photos req'd for deposit refund, HOA board member cannot serve on ARC, timeline to submit ARC application, forms now located on website; specified fines for unauthorized landscape/fence/dock/misc changes; quiet, after-hours contractor work procedure established; change to new home design review fee; Changed Road Impact Fees; new fee for additional “Final” review inspections; NMB Tree Permit requirement; Unprotected tree size change; Conceptual Review cost change;	ARC Committee/HOA Board, Community Feedback
V4.1	01/01/2021	Silt fence color, port-o-john guidance, driveway widths & setbacks, construction tree protection zone guidance, added detail to rules on fencing and decorations, monthly ARC meeting is 4 <sup>th</sup> Thursday of the month, ARC chairperson vote process, new home compliance fees now paid by contractor, additional compliance deposits may be required, change in compliance fee for major landscape reno	ARC Committee/HOA Board, Approved 12/21/2020

Version Number	Revision Date	Summary of Changes	Author
V5.0	04/072021	Board must approve any ARC application submitted personally by ARC members, ARC Chairperson duties, New application forms, Process/efficiency changes, <u>Most</u> minor landscape changes to rear and side yards do not require ARC approval (e.g. converting mulch in existing bed to river rock). Notable exceptions that <u>do</u> require approval are fences and pool location. Guidelines are to be followed regardless. Pool Covers no longer need ARC approval, Bronze added as another permissible fence color, Generators no longer need ARC approval if guidelines are followed, Recreational Equipment no longer needs ARC approval if guidelines are followed, Free-standing hot tubs no longer need ARC approval if guidelines are followed, Side yard & back yard placement of Satellite dishes no longer need ARC approval if guidelines are followed. <u>Front yard</u> placement <u>does</u> require ARC approval., Fences may not be solid (Fences still require ARC approval), Tree removal now has a new, separate application, Outbuildings (barns, sheds,...) are not permitted (No change to requirement, just clarification, Revised exterior lighting requirements for new builds, Street Tree Requirement for new builds (Tuscarora Crepe Myrtles), New Tree Requirements, including minimum trees per lot – some of which require Board (vs. ARC) approval, Revised construction sign requirements for new builds and major additions, New fine penalty for lack of covered food waste receptacle (in addition to dumpsters); new driveway minimum depth requirement; Introduced Conditional Approval concept; Checklists are to be included with ARC submission	ARC Scrub Committee, Approved by ARC & HOA Board 4/6/2021
5.1	5/26/2021	Increased tree removal fee by \$25; Increased new home design fee by \$50; Added option to utilize community arborist for tree removals; Added Stop Work Order Section; added note that ARC does not have the authority to approve the construction of any fences or walls beyond lot lines of any lot, including areas controlled by the U.S. Army Corps of	

		Engineers; <b>Docks</b> - Owner must provide approved permit drawings to the ARC and as-built dock plans required prior to project close-out. Added New Construction Tree Removal Worksheet; Updated New Build Checklist (Form #10); Grading / drainage plans are required to be certified by a civil engineer, surveyor, or landscape architect engaged by the general contractor or owner	
5.2	1/1/2022	Management company change from Waccamaw Management Company to FirstService Residential.	
5.3	9/1/2022	Eliminated 5 max ARC members, Changed # of meetings ARC member can miss, Port-o-John guidance; HOA delegates may enter on owner's lot during daylight hours, Fee Schedule and Fine/Penalties tables changes, Time Limits section changes/penalty for not completing builds in 3 years, removed some references to the City's tree requirements, significant changes regarding tree care/ removal, Added specificity to tree fencing requirements, New Build Checklist/Topographic survey – added requirement to locate the corners of adjacent homes, silt fencing is to be installed per SC DHEC guidelines, updated the recommended trees, Reduced tree requirement minimums, added additional review fees when new-home applicants do not respond to ARC comments, height and maximum home square footage, Added Grading / Drainage Plan to checklist (a requirement since at least 2012), Structural sf & height maximums must be harmonious with the neighborhood. (Not new—consistent with “Architectural Theme/Vision” section.), Added an impervious surface requirement of 40%, modeled after NMB R-1 zoning requirements. Modified New Build and Conceptual applications accordingly, Added Construction Fencing section, Added a requirement to protect community storm water drainage box (when applicable) with safety fencing, Cuts/fills to be kept to a minimum, ARC may require tree roots to be pre-cut/pruned and stumps ground (vs. pulled out) in order to protect remaining trees.,	

		Modified references to City tree permits, Protection of CRZ of neighboring trees that extend across lot boundaries, Added wetland/wetland buffer information, Added map/"final" plat of Dye Estates as an Appendix, Recommended plant material , Added a \$1,000 refundable compliance deposit for new builds, payable by the owner, Added rows in New Construction Checklist for various required checks	
5.4	3/20/23	<b>Changes to Fines and Fees (for example, re: new home construction, in rare occasion where fines exceed \$1,000, all future fines increase by 50%; road impact fees, compliance deposits, review fees,...); Change Requests (New Homes Only): Full set of plans must be submitted with all changes, accompanied by new Change Request Application; Checklist changes (e.g., 3 full-size paper copies of plans now required); All properties (interior &amp; intracoastal) required to submit drainage plans certified by a civil engineer. Drainage plans prepared by landscape architects and surveyors will no longer be accepted; Warning the stop work orders will be issued when grading deviations are suspected (not new...added for emphasis); Application changes; New Application (Fine policy acknowledgement &amp; Change Request) Appeal application (not new) – added to document; Community &amp; Assistant Community manager name changes; Added new ARC position (Deputy Chairperson) and defined role/responsibilities; ARC Chairperson can serve no more than 2 consecutive terms (unless BoD approved)</b>	



TABLE OF CONTENTS

1.0 GENERAL INFORMATION 13

1.1 Architectural theme /Vision 13

1.2 Authorization 13

1.3 Abbreviations and Definitions 14

2.0 MANAGEMENT 16

2.1 Management Company 16

2.2 Board of Directors 17

2.3 Architectural Review Committee 17

2.3.1 Contacts 17

2.3.2 Authority 17

2.3.3 Appeals 18

2.3.4 Philosophy 18

2.3.5 Mission 18

2.3.6 Organizational structure 18

2.3.7 Conflicts of Interest 20

2.3.8 ARC Responsibilities 21

3.0 RULES & REGULATIONS 21

4.0 Construction site inspections 21

5.0 ARCHITECTURAL STANDARDS 22

5.1 Heated & Cooled Square Footage Minimums / Maximum 22

5.2 Footprint 22

5.3 Building Height 22

5.4 Setbacks 22

5.4.1 Setbacks for Home Sites & Other Structures 22

5.4.2 Setbacks for Fencing 23

5.4.3 Setbacks for Driveways, Walkways, and Other Hard Surfaces 23

5.5 Exterior Elevations 24

5.6 Exterior Colors and Materials 24

5.7 Roofs 25

5.8 Construction Fencing 25

5.8.1 Silt Fencing 26

5.8.2 Orange Safety Barrier & Other Fencing 26

5.9 Grading & Drainage 26

5.10 Finish Floor Minimum 27

<b>5.11</b>	<b>Impervious Surfaces</b>	<b>27</b>
<b>5.12</b>	<b>Outdoor Living Areas: Swimming Pools, Spas, Hot Tubs, decks, ...</b>	<b>27</b>
5.12.1	Cabanas and Docks	28
5.12.2	Pool Screen Enclosures	28
5.12.3	Gazebos	29
5.12.4	Other Outbuildings	29
<b>5.13</b>	<b>Mailboxes</b>	<b>29</b>
<b>5.14</b>	<b>House Numbers</b>	<b>29</b>
<b>5.15</b>	<b>Fences and Walls</b>	<b>29</b>
<b>5.16</b>	<b>Garages</b>	<b>30</b>
<b>5.17</b>	<b>Driveways, Walkways, &amp; Other Hard Surfaces</b>	<b>31</b>
<b>5.18</b>	<b>Exterior Lighting</b>	<b>31</b>
<b>5.19</b>	<b>Awnings &amp; Canopies</b>	<b>32</b>
<b>5.20</b>	<b>Trees and Shrubs</b>	<b>32</b>
5.20.1	Tree Removal / Damage	32
5.20.2	Tree Protection During Construction	33
5.20.3	Tree Requirements	34
5.20.4	Tree Massing	35
5.20.5	Tree Specimen Planting	35
5.20.6	Plant Sizes	35
<b>5.21</b>	<b>Landscaping</b>	<b>35</b>
5.21.1	Design, Plant Selection, Installation, & Upkeep	36
5.21.2	Landscape Rock & Boulders	37
5.21.3	Minor Landscape Changes That Do Not Require ARC Approval	37
<b>5.1</b>	<b>Wetlands &amp; Wetland Buffers</b>	<b>37</b>
<b>5.2</b>	<b>Irrigation</b>	<b>38</b>
<b>5.3</b>	<b>Utilities/Service Areas/ Accessory Buildings /Screening</b>	<b>38</b>
<b>5.4</b>	<b>Septic Tanks &amp; Wells</b>	<b>40</b>
<b>5.5</b>	<b>Recreational Equipment</b>	<b>40</b>
<b>5.6</b>	<b>Putting Greens</b>	<b>40</b>
<b>5.7</b>	<b>GAZEBOS</b>	<b>40</b>
<b>5.8</b>	<b>Signs</b>	<b>40</b>
5.8.1	Construction Signs	40
5.8.2	Permit Boxes	41
5.8.3	Real Estate Signs	41
5.8.4	Political Signs	41
<b>5.1</b>	<b>Flags &amp; Flagpoles</b>	<b>42</b>
<b>5.1</b>	<b>Decorations</b>	<b>42</b>

5.1.1	Holiday Decorations _____	42
5.1.2	Miscellaneous Decorative Objects _____	42
5.2	Vehicle Parking _____	42
5.3	Empty / Undeveloped Lot Usage _____	43
6.0	<b>CONSTRUCTION SITE REQUIREMENTS</b> _____	43
6.1	Work Hours & Holidays _____	44
6.2	Work site prep, dumpsters, Port-O-Johns, & upkeep _____	44
6.3	Worksite Safety & behavior _____	45
7.0	<b>ARCHITECTURAL REVIEW Participants</b> _____	45
7.1	Title Opinions/Policies _____	45
7.2	Preparers of Plans _____	45
7.3	Builder’s License _____	46
7.4	Owner as General Contractor _____	46
7.5	Owner Applying on behalf of Prospective Purchaser _____	46
8.0	<b>ARC New Build Roadmap</b> _____	46
9.0	<b>ARC Meetings</b> _____	48
9.1	ARC DEADLINES _____	48
9.2	Regularly-scheduled ARC Monthly submissions _____	48
9.3	“As-Needed” ARC Interim meetings _____	48
10.0	<b>Filing with the ARC</b> _____	48
10.1	Application For Review _____	48
10.2	Conceptual Submission _____	49
10.3	New Construction _____	50
10.4	New Construction Change Orders, including additional tree removal requests (Post Approval) _____	50
10.5	Additions, Renovations, and Alterations _____	50
10.6	Landscaping CHANGES _____	51
10.7	ARC Required Documents & Samples Checklist _____	52
10.8	Street/curb Photographs _____	52
11.0	<b>Design Review Results</b> _____	52
12.0	<b>ARC Inspections</b> _____	53
13.0	<b>Project Time Limits</b> _____	53

<b>13.1</b>	<b>Time Limits</b>	<b>53</b>
<b>13.2</b>	<b>Time Limit Extensions</b>	<b>54</b>
13.2.1	New Construction	54
<b>13.3</b>	<b>Other Projects</b>	<b>54</b>
<b>14.0</b>	<b>Fine Policy and Payment Procedure</b>	<b>54</b>
<b>15.0</b>	<b>Replacement After Damage or Destruction</b>	<b>56</b>
<b>15.1</b>	<b>Single Dwelling</b>	<b>56</b>
<b>15.2</b>	<b>Multiple Dwellings (Major Disasters)</b>	<b>56</b>
<b>16.0</b>	<b>APPENDIX</b>	<b>57</b>
<b>16.1</b>	<b>Contractor / Vendor Work Hours &amp; Holidays</b>	<b>57</b>
16.1.1	Holidays	57
16.1.2	Weekday Work Hours	57
16.1.3	Weekend Work Hours	57
16.1.4	Emergency Work	57
<b>16.2</b>	<b>Stop Work Order</b>	<b>58</b>
<b>16.3</b>	<b>ARC Fees</b>	<b>58</b>
16.3.1	Unpaid Assessments	58
16.3.2	General Contractor Payments	58
16.3.3	Compliance Deposits	58
16.3.4	General Payment Information	58
16.3.5	ARC Fee Schedule Table	59
<b>16.4</b>	<b>Fines and Penalties</b>	<b>63</b>
<b>16.5</b>	<b>Applications</b>	<b>67</b>
16.5.1	New Build Checklist Form #10	68
16.5.2	"Other" Checklist Form #11	70
16.5.3	Trust Account Agreement (Form #01)	72
16.5.4	Conceptual Submission: ARC Application for Design Review (Form #02)	73
16.5.5	Application for: New Construction Design Review, Major/Minor Additions, Major Landscaping, Pools, Docks, Fences,... (Form #03)	74
16.5.6	New Construction Tree Removal Worksheet (Form #03.1)	75
16.5.7	New Construction fine policy (Form 03.2)	76
16.5.8	Application for: New Construction Change Request #03.2	77
16.5.9	Application for Minor Landscape Renovation (Form #04)	78
16.5.10	Application for Tree Removal (Form #05)	79
16.5.11	Gate Access Request for Contractors & Recurring Guests (Form #06)	80
16.5.12	ARC Appeal Application (Form #12)	81
<b>16.6</b>	<b>Inspection Request Forms</b>	<b>82</b>
16.6.1	Site Stakeout Inspection Request (Form #07)	83
16.6.2	Foundation Height Inspection Survey Request (Form #08)	84
16.6.3	Request for Final Inspections / Deposit Refund (Form #09)	85
<b>16.7</b>	<b>Recommended Plant Material List</b>	<b>86</b>

16.7.1	Shade Trees	86
	Ornamental/Understory Trees	87
16.7.1	Evergreen Trees	87
16.7.2	Screen Plants	87
16.7.3	Deciduous Shrubs	87
16.7.4	Evergreen Shrubs	88
<b>16.8</b>	<b>Wetlands Restrictive Covenants</b>	<b>89</b>
<b>16.9</b>	<b>Maps / Plats</b>	<b>90</b>
<b>17.0</b>	<b>INDEX</b>	<b>93</b>
<b>18.0</b>	<b>Publishing Note</b>	<b>95</b>

## 1.0 GENERAL INFORMATION

### 1.1 ARCHITECTURAL THEME /VISION

The Dye Estates is a unique residential community within Barefoot Resort & Golf, North Myrtle Beach. From the breathtaking golf-course views to the spectacular view of the Intracoastal Waterway, our community possesses great natural beauty, including towering trees, a lake, and wetlands. Our community objective is to show respect for and to enhance this natural beauty through sensitive, thoughtful development and maintenance.

The Dye Estates design theme is described as Traditional, many with Historic Low Country references. Consequently, homes should be built with an unusually high level of quality, stressing understated elegance and quiet dignity. The maintenance of harmonious homes to foster overall aesthetic appeal and continued value of the property is of the utmost importance in The Dye Estates. Each home is part of the total neighborhood and should not be an individual creation or architectural entity, arbitrarily placed on the site. The various designs should complement and enhance the neighboring properties as they evolve through consistency of scale, quality of material and exterior material type and color.

In any private residential community such as The Dye Estates, certain rules and restrictions have been established to ensure that development can proceed in an orderly and well-planned manner. The original developer determined the overall land plan and infrastructure and prepared the initial regulations and covenants used for our community. The Covenants, guidelines, rules and regulations protect the community with the goal of enhancing the overall beauty and cohesiveness of the community, maintaining property values, and protecting the natural environment

### 1.2 AUTHORIZATION

The Declaration of Covenants, Conditions and Restrictions (DCCR) and Bylaws filed with Horry County grant The Dye Estates Homeowners Association, Inc., Board of Directors (the Board) the authority to establish rules, procedures and guidelines. Article V of the By-Laws of the Dye Estates Homeowners Associations, Inc., provides the authorization to establish the Rules Committee. The Board approved the Rules Committee's recommendations as codified herein. See Appendix Attorney Opinion Letter.

When warranted the Board will direct the Management Company to impose monetary fines or other penalties for violations of the requirements as defined in this document.

**Precedence:** Based on that authority these Architectural Guidelines are established and, after adoption, supersede all others previously adopted, including previous versions of "The Dye Estates at Barefoot Resort & Golf Architectural Review Committee Design Guidelines, Standards and Procedures." After adoption, the latest version will always supersede all others previously published. The effective date of any amendment (modification, addition, or deletion) will be noted on the title page and change history page of this document.

**Interpretation and Severability:** Whenever possible, each provision of this document shall be interpreted to be valid and effective under applicable law, but if any provision of this document is prohibited, invalid, or unenforceable under any particular circumstance, that provision shall be ineffective only to the extent of the prohibition, invalidity or unenforceability, without invalidating that provision under any other circumstance or invalidating the remaining provisions of this document.

All appendices listed herein and attached hereto are hereby fully incorporated by reference.

Amendment and Revision: These Architectural Guidelines cannot be amended or revised except by the vote of The Dye Estates Board of Directors.

### **1.3 ABBREVIATIONS AND DEFINITIONS**

**Applicant:** Refers to person requesting ARC changes to a property (typically the lot owner)

**ARC:** The Dye Estates Architectural Review Committee

**Architectural Guidelines:** “Architectural Review Committee Design Guidelines, Standards, and Procedures”

**Architectural Review Committee Design Guidelines, Standards, and Procedures:** The Dye Estates at Barefoot Resort & Golf Architectural Review Committee Design Guidelines, Standards, and Procedures

**Association:** The Dye Estates Homeowners Association, Inc.

**Board/BoD:** The Dye Estates Homeowners Association Board of Directors

**BRRA:** Barefoot Residential Resort Association

**BRRA Website:** <https://barefoothoa.com/>

**Building Envelope:** The area enclosed within setback lines.

**Bylaws or By-Laws:** The By-Laws recorded with Horry County, SC

**Cabana:** A single story, enclosed structure with minimal plumbing; most often associated with a swimming pool

**CCR:** Declaration of Covenants, Conditions and Restrictions for The Dye Estates

**City:** The City of North Myrtle Beach

**City Code:** The applicable rules and regulations promulgated by the City of North Myrtle Beach

**County:** Horry County

**CRZ:** Critical Root Zone

**DBH:** Caliper; Diameter Breast Height (for trees)

**DCCR:** Declaration of Covenants, Conditions and Restrictions for The Dye Estates

**DHEC:** Department of Health and Environmental Control

**HOA:** Homeowner Association

**ICW:** Intracoastal Waterway

**Management Company:** FirstService Residential

**Master Documents:** DCCR (including amendments), By-Laws, and all legal documents filed with the County

**NMB:** The City of North Myrtle Beach

**OCRM:** Ocean and Coastal Resource Management

**Outbuilding:** A building, such as a shed, barn, or garage, on the same property but separate from a house.

**PO:** Property Owner

**Right of Way:** Generally the 10' area between the curb and the property line. See Vehicle Parking for more detail.

**Rules and Regulations:** The Dye Estates Homeowners Association, Inc., Rules and Regulations; available from The Management Company or on the BRRA Website

**SC DHEC:** South Carolina Department of Health and Environmental Control

**Service Court:** The side or area of the residence where the power meter, cable boxes, irrigation boxes, trash cans, HVAC units are located.

**Setback Line:** A line at a predetermined distance within a lot and typically parallel to a property line as established by an indenture deed, recorded restrictive covenants and/or as shown on a recorded plat. In the case of conflict between the various documents establishing setback requirements, the most restrictive shall apply.

**Setback Area:** The area between the property lines and the required setback lines.

**Structural Square Footage:** Includes square footage under roof (both heated and unheated)

**US ACE:** United States Army Corps of Engineers



## 2.0 MANAGEMENT

### 2.1 MANAGEMENT COMPANY

FirstService Residential South Carolina provides the administrative services, physical property supervision, and fiscal management and invoicing services for The Dye Estates Homeowner Association as directed by The Dye Estates Homeowners Association Board of Directors. The HOA Board sets the policies based on community feedback and FirstService Residential implements it. FirstService Residential also provides the HOA Board advice based on lessons learned from other communities. Their contact information can be found on the BRRA website at <https://barefoothoa.com/dyeest-contacts.html>.

**Community Manager:** Julia Sluss

Phone: 843-904-7114, Email: [Julia.Sluss@FSResidential.com](mailto:Julia.Sluss@FSResidential.com)

**Assistant Community Manager:** Macey Imming

Phone: 843-904-7111, Email: [Macey.Imming@FSResidential.com](mailto:Macey.Imming@FSResidential.com)

**24/7 Customer Care Phone:** 800-870-0010

**Payment Website:** [www.ClickPay.com/FirstService](http://www.ClickPay.com/FirstService)

**Assessment Checks**, including fines and late fees, **should be mailed to:**

Dye Estates Homeowners' Association  
FirstService Residential South Carolina  
PO Box 93094  
Las Vegas, NV 89193-3094

**Checks for non-assessment related charges, such as ARC and barcode fees should be mailed to FSR Main Office:**

Dye Estates Homeowners' Association  
FirstService Residential South Carolina  
11822 Highway 17 Bypass South  
Murrells Inlet, SC 29576

**Myrtle Beach Office (By Appointment Only):** 9632 North Kings Highway, Myrtle Beach, SC, 29572

## **2.2 BOARD OF DIRECTORS**

The Dye Estates Homeowners Association, Inc., Board of Directors (the Board) is composed of elected volunteers who are owners of property in The Dye Estates. Their authority, mission, philosophy, and contact information is in The Dye Estates Homeowner's Association, Inc., Rules and Regulations document.

The current Board member names may be found on the BRRA **website** at <https://barefoothoa.com/> under Neighborhoods/Dye Estates/Contacts/Community Contacts or may be contacted via **email** at [dyeest@barefoothoa.com](mailto:dyeest@barefoothoa.com).

## **2.3 ARCHITECTURAL REVIEW COMMITTEE**

The Dye Estates Architectural Review Committee (ARC) is composed of volunteers, appointed by The Board, who are owners of property in the Dye Estates. The ARC also utilizes the support of paid architectural professionals.

### **2.3.1 CONTACTS**

The current ARC member names can be found on the BRRA **website** at <https://barefoothoa.com/> under Neighborhoods/Dye Estates/Contacts/Community Contacts or may be contacted via the Management Company.

Besides calling and emailing the Management Company to get questions answered about process, owners may contact the ARC directly via [dyeest\\_ac@barefoothoa.com](mailto:dyeest_ac@barefoothoa.com). Any message sent via this address will be automatically routed to every volunteer member of the ARC. Using the website may at times provide a quicker response to questions. However, the website should never be used to forward ARC-required information from owners to the ARC. If, for example, a photograph is required to complete your application, you must send that photo to the Management Company so that it can be logged and tracked; do not send that required photograph via the website.

### **2.3.2 AUTHORITY**

The establishment of Architectural Controls is provided in the Master Documents. The Architectural Review Committee (ARC) reports to The Dye Estates Board of Directors.

The ARC reviews applications and design documents for all new improvements and alterations to existing improvements at Dye Estates. Each application is evaluated on its own merits with reasonable flexibility for design function and creativity.

The ARC may recommend to the Board to bar any proposed new construction or changes to existing homes on purely aesthetic grounds, where, in its judgment, such action is required to maintain the Dye Estates standard of architectural excellence in exterior materials and design.

**Owners should not assume that a request will be approved because similar builds or modifications are present within our community.** Precedence is not grounds for granting

approvals. ARC rules have evolved, and will continue to evolve, based upon community feedback and as lessons are learned from previous builds (e.g., setbacks). Applications will be evaluated based upon the most recent guidelines at the time of submittal.

### **2.3.3 APPEALS**

Should an owner wish to appeal an ARC decision to the Board of Directors, he or she has sixty (60) days of issuance of that decision to email the Management Company a written description of why such decision should be reconsidered, along with all relevant documentation or other artifacts.

The ARC appeals process is as follows:

- Complete the Appeal application ARC Appeal Application (Form #12)
- Within five (5) days of receipt of the emailed application request for an appeal, the Management Company must acknowledge by email receipt of the request for an appeal.
- The Board of Directors shall investigate as it deems appropriate.
- (Optional) If requested by owner, the Board shall meet in person or by phone with the owner and hold another meeting to discuss any information learned at the owner meeting.
- Decision of the Board will be final and will be sent via email and by USPO to the address on file.

### **2.3.4 PHILOSOPHY**

Maintaining the high standards of excellence of the Dye Estates requires attention to many details. The architectural guidelines within this document reflect much thought and experience, along with significant community feedback. A variance is to be granted at the sole discretion of the Board.

The design of each residence directly impacts every neighbor. Each of the four elevations of every residence should be articulated and landscaped to be aesthetically pleasing from every angle of view. Natural exterior features and materials are desired. Landscaping should address the retention of natural spaces.

Property owners are encouraged to familiarize themselves with these guidelines, to follow the course of the development in The Dye Estates, and to make comments and recommendations to the ARC to improve these guidelines.

### **2.3.5 MISSION**

As members of the ARC, their mission is to guide fellow property owners who are building or remodeling the home of their dreams in such a way as to ensure the cohesiveness of improvements with the natural beauty and overall home design of The Dye Estates.

### **2.3.6 ORGANIZATIONAL STRUCTURE**

**The ARC is composed of volunteer members** who, per the By-Laws, are appointed by and report to The Dye Estates HOA Board of Directors (Board). The Board is responsible for hiring paid professional(s) to advise the ARC as needed. The Board also has the authority to remove a member. Effective 2022, if an ARC member misses 2 consecutive ARC meetings or 3 ARC

meetings in a 12-month period, the HOA will replace said member. (Site visits are not considered ARC meetings in this context.)

### *Voting*

Every ARC member has an equal vote. The Chairperson only votes in the event of a tie. The ARC members, including the Deputy Chairperson, always vote. Three committee members constitute a quorum. If the chairperson is one of only three in attendance, then the chairperson has a vote. Once a quorum is achieved, a simple majority of committee member votes is required for decisions/motions to be passed.

### *Member Roles/Duties:*

#### **ARC Chairperson**

- Chosen annually by ARC in January by the ARC members via secret ballot\*
- Term is approximately one year -- until the next chairperson is elected at the January ARC meeting
- Must be a Property Owner
- Approves the meeting agenda, including time allotted to each application
- Signs official minutes
- Presents ARC status to the Board at Board Meetings

\*Process for secret ballot:

- At least 3 weeks prior to the 2nd ARC meeting of the year, an ARC member interested in leading the ARC as the chairperson shall submit his/her name via email to the Management Company (and copy the HOA Board Vice President). ARC members should not be copied on this email. The previous chairperson may not submit their name if he or she has served the past 2 years as chair. In other words, the same ARC chairperson can serve as chairperson for a number of years but should not serve more than 2 years consecutively.
- Two week prior to the 2<sup>nd</sup> ARC meeting of the year, the Management Company sends an email with the names of those who volunteered to be chairperson, again copying the Board Vice President.
- ARC members should reply via private email to the management company with their vote, again copying the Board Vice President.
- Should no one volunteer for the position, the Board will recruit and appoint the chairperson for that year which could be a person who has previously served as the chairperson or a non-voting chairperson.

#### **ARC Deputy Chairperson**

- Chosen by the ARC Chairperson
- Must be a Property Owner / ARC Committee member
- May perform any of the duties of the ARC Chairperson
- Works with the ARC Chairperson to determine optimum division of responsibilities
- Follows the same voting rules of general ARC Committee members.

### **ARC Arborist Lead**

- Chosen by the Committee
- Responds to homeowner and ARC requests for consultations
- Coordinates with the Arborist as to timing and location of arborist calls
- Typically is an ARC Committee Member. Should a Committee Member not volunteer to hold this position, the Board of Directors may vote to allow a non-ARC Committee member to fulfill this role, in which case this position would be a non-voting role.

**Paid Professionals** (e.g., architect and/or landscape architect): Provide guidance, but do not vote

### **Property Owner (PO) Representatives**

- 2-year terms with January start (terms are not intended to all end at the same time); the expectation is that there will be a new member every year.
- The Board may decide that terms be more or less than 2 years to avoid losing several experienced ARC members at the same time.
- Effective January 1, 2021, HOA board members may not serve as both an ARC member and as a BoD member.

**Note: Contact the Management Company if you would like to be considered for future open volunteer positions.**

### **Management Company**

- Review & accept proper applicant form along with the corresponding payment(s)
- Prepares agenda & meeting materials
- Meeting Minutes
- Site Visits Minutes
- Maintains copies of design documents and related records, including decisions and actions of all proceedings. Note: Deliberations are kept confidential until a final determination has been made.
- ARC Point of Contact for correspondence (applicants, contractors, vendors, etc.)
- Historical record keeping (guidelines, applications, approvals, variances, correspondence,...)

#### **2.3.7 CONFLICTS OF INTEREST**

If an ARC member submits a project to the ARC for review or has a personal interest in a submitted project or vote, the ARC member is required to excuse him or herself from the meeting during the review (leave the meeting room or hang up, if on the telephone) and discussion of that project. ARC members do not vote on applications submitted by fellow ARC members. The ARC Chairperson would be responsible for presenting the project to the Board of

Directors since it is the Board of Directors role to vote to approve or disapprove applications submitted by ARC members. If the ARC chairperson is the applicant, then another member of the ARC should present the project to the Board.

### **2.3.8 ARC RESPONSIBILITIES**

On behalf of The Dye Estates Homeowners Association, Inc., the ARC:

- a) Approves architectural criteria and exterior design themes for the community and reviews for consistency and continued relevance with approved plans.
- b) Reviews all applications for compliance with design review criteria defined in the Master Documents.
- c) Recommends fee schedule changes (application, violations, etc.) to the Board for approval.
- d) Recommends policies, rules, and design review criteria to the Board for their approval and incorporation into ARC-related documents and forms.
- e) Provides feedback to applicants whose plans and specifications have been reviewed, and provides reasonable assistance and recommendations for any adjustments required to bring applications into compliance with design review criteria.
- f) Informs the Board regarding activities of the ARC, such as:
  - Active Construction by type (new home, major/minor renovations, pools, landscape changes), etc.
  - Final inspection completed
  - Violations, Fines, Remediation progress

## **3.0 RULES & REGULATIONS**

Contractors, Vendors, and guests of owners must follow The Dye Estates Homeowner Association, Inc., Rules and Regulations, a copy of which may be obtained from the Management Company or from the BRRA website [https://barefoothoa.com/communities/community\\_form/dye-estates](https://barefoothoa.com/communities/community_form/dye-estates) under “Community Info & Rules.”

## **4.0 CONSTRUCTION SITE INSPECTIONS**

**NOTICE:** Pursuant to DCCR Paragraph 7.4, HOA representatives have the authority to enter onto the lot (at a reasonable hour) after providing notice to the owner. Property inspections of lots are performed from time to time during daylight hours by ARC or Board members or their delegates for the purpose of spot checking whether jobsites are following the requirements outlined in this ARC Guidelines and Standards document and in the Rules & Regulations documents.

While the HOA delegates may identify violations, the responsibility for ensuring a safe and clean jobsite is entirely the responsibility of the owner and his or her contractors. See Appendix Section “Fines and Penalties.”

## **5.0 ARCHITECTURAL STANDARDS**

It is an owner’s responsibility to understand the architectural standards prior to submitting anything to the ARC. Knowledge of the standards and process can make a significant difference in approval time. The Management Company will do its best to answer questions and advise applicants prior to meetings of potential issues with submittals. If you are considering building a style home that is different than what has been previously built in The Dye Estates, it is highly recommended that you submit a Conceptual Design application before investing too much time or money into plans that may not get approved.

### **5.1 HEATED & COOLED SQUARE FOOTAGE MINIMUMS / MAXIMUM**

The following minimum heated square footage requirements should apply for the Dye Estates dwellings:

- One-story: 2,500 sq. ft.
- Two-story: 3,000 sq. ft., with 2,000 sq. ft. on first floor

The maximum permissible conditioned square footage of a residence shall be compatible with the site and in harmony with the community, especially the proximate neighboring homes. No structure should dominate the surroundings. See also Impervious Surfaces.

### **5.2 FOOTPRINT**

The footprint of each home shall be compatible with the site and the neighborhood. The ARC has the right to deny footprint locations based on neighboring lot considerations.

### **5.3 BUILDING HEIGHT**

The height of each home shall be compatible with the site and the neighborhood.

### **5.4 SETBACKS**

When conflicts exist between the various documents establishing setbacks, easements or similar restrictions, the most restrictive will be deemed to apply.

#### **5.4.1 SETBACKS FOR HOME SITES & OTHER STRUCTURES**

No Dwelling shall be erected or maintained on any Lot outside of the building envelope shown on the applicable Final Plat. For purposes of these building setback requirements, decks, porches, raised patios, stoops, eaves, overhangs, bay windows, chimneys, gazebos, and other similar projections shall be deemed to be part of the dwelling/structure. Approval for all structures will be subject to stringent review, including how it might block a neighbor’s view of the golf course or waterways.

The limits of the construction should be provided on the site plan, showing all areas that are proposed to be cleared.

Location	Home Site Category	Home Site/Structure Setback
Front	All	25 ft. (from property line)
Side	All	10 ft. (from property line)
Rear Yard	a) Golf Course*	30 ft. from golf course
“	b) Lakefront*	15 ft. from top of bank
“	c) Intracoastal	40 ft. – primary structure from property line
“	“	25 ft. – secondary structure from property line
“	Other	15 ft. – those not falling within categories a-c.

\* Applies to primary structure and other vertical construction with a height of 32” or greater above grade (e.g., pizza ovens, fire pits, ...)

#### 5.4.2 SETBACKS FOR FENCING

The limits of any fencing must be provided on the site plan. Approval for all fences, walls, and other vertical elements will be subject to stringent review, including how it might block a neighbor’s view of the golf course or waterways.

Additional fencing requirements, including additional requirements on setbacks, are covered under **the Fences and Walls section**. Every home has only one front yard. The “front yard” of a home situated on a corner lot is determined by the street address of the home. See following table. Please note that ARC does not have the authority to approve the construction of any fences or walls that extend past the lot lines of any lot, including areas controlled by the U.S. Army Corps of Engineers.

Fence Location	Fence Setback
Front yard	No fences in front of the dwelling--See “ <u>Fences and Walls</u> ” section.
Side yard adjacent to another property	Minimum of 5’ (from property line);
Side yard along a street (e.g., corner lot)	To be determined by the ARC. Requires submittal of an extensive, professional landscape plan, etc. See “ <u>Fences and Walls</u> ” section for additional requirements..
Rear yard	Minimum of 5’ (from property line)

#### 5.4.3 SETBACKS FOR DRIVEWAYS, WALKWAYS, AND OTHER HARD SURFACES

The limits of driveways and other hard surfaces must be provided on the site plan. Additional setbacks for driveways and other hard surfaces are covered in the Section Driveways, Walkways, & Other Hard Surfaces



## 5.5 EXTERIOR ELEVATIONS

Exterior elevations will be reviewed for architectural design, materials, and for aesthetic appearance in terms of the overall dwelling, its relationship to other homes, and design duplication with respect to proximity to other homes.

Design should be site specific and should take advantage of the natural setting.

Plans are to address the total design approach of the home site including front, rear, and side elevations.

Review of exterior design will be based upon the overall design themes and consideration of mass and scale; materials, textures, colors and finishes; continuity between primary design elements and secondary surface treatments; placement of windows, doors, and openings; vertical and horizontal lines; and roof pitches.

Depending on the architectural style, preferred exterior features and materials include horizontal or vertical wood siding, stone, brick, stucco, **high-pitched roofs**, brick chimneys (with vertical roofing elements such as caps and/or chimney pots), cupolas or dormers.

No large expanse of walls shall be allowed; wall elevations should provide properly spaced windows with design-appropriate window trim or brick mold, shutters, closed shutters detailed to appear as if someone has reached out and closed the shutters with outboard shutter dogs, and oversize foundation vents located under each window or closed shutters.

Brick detailing should provide a continuous water table at the floor level with bullnose or stepped out brick bands. Keystones with appropriate brick header and jack arch detailing are encouraged as are brick quoins and brick lattice detailing for HVAC enclosures or foundation arches.

## 5.6 EXTERIOR COLORS AND MATERIALS

Earth-tone exterior colors are preferred. Bright, coastal colors are not permitted. The intent is for the individual house to blend into the natural setting. ARC approval is required for all exterior colors and materials. Exterior colors that, in the opinion of the ARC, would be inharmonious, discordant or incongruous shall not be permitted. With respect to color, the ARC suggests you consider Benjamin Moore Historical Exterior Colors or Sherwin Williams Duron Colors of Charleston, although not every color in those palettes would be harmonious with the existing colors within The Dye Estates.

The selection of exterior materials shall be harmonious with the architectural motif of each dwelling unit and the community development as a whole. Natural materials are preferred over synthetic material. Depending upon the specific application, the following materials are recommended:

- WOOD (cypress/cedar/redwood/cement fiber board such as Hardie products): Board and batten lap siding; clapboard siding; cedar shingles; tongue and groove siding.

- STUCCO AND SYNTHETIC STUCCO: Approval is subject to application, texture and use of other primary, secondary, or decorative treatments. Only drainable EIFS will be permitted.
- MASONRY: Natural stone, brick. High quality simulated materials (e.g., stone and brick) will be considered on their own merit by the ARC but will be subject to disapproval.
- WINDOWS: Wood, clad or vinyl which resembles wood, traditional profiles. Window grids are required on front and side elevations. Rear windows without grids are subject to ARC approval. Scale, size, placement and all architectural elements are subject to review.
- GARAGE DOORS: Wood or wood-look carriage door profiles. Refer to the Garages section.
- CHIMNEY: Exterior materials should complement the house. Chimney caps of copper, metal, or clay chimney pots are required.

The following exterior materials will not be approved for construction: Metal siding; decorative concrete block; concrete block (except subsurface wall); fiberglass, plastic, vinyl or asphalt siding; logs (imitation or otherwise, except for landscaping purposes); flagstone used as siding; vinyl clad fascia; certain types of imitation stone and brick. No extruded landscape curbing will be permitted.

## 5.7 ROOFS

Flat roofs are not permitted. Overhangs are encouraged. Recommended roof-surfacing materials are cedar shingles, architectural asphalt shingles, natural slate, and copper seamed roofing. Certain tiles will be considered on an individual basis. Roofing materials shall be approved by the ARC on an individual basis.

Gutters and downspouts shall be painted to match the trim or may be made of copper. Any proposed leaf guards must either be compatible with the roof color or painted to match the gutter.

**All roof stacks, flashing and metal chimney caps shall have a dark dull finish.** For flashing, copper or anodized aluminum is recommended. Roof stacks and plumbing vents shall be placed on rear slopes of the roofs where possible.

Solar roof top engineered systems will be considered on a case-by-case basis.

Skylights shall be low in profile and match the roof color.

## 5.8 CONSTRUCTION FENCING

All construction fencing shall be properly installed and maintained, not only to serve its intended function but also for aesthetic reasons. Fencing that is ripped, sagging, fallen, or in any other form of disarray, is not permitted. See Appendix Fines and Penalties.

#### **5.8.1 SILT FENCING**

**Solid black** silt fencing is to be installed per SC DHEC guidelines, with the lower edge of the fence vertically trenched into the ground and covered by compacted backfill. In case of conflict between ARC guidelines and DHEC guidelines, the stricter of the two will prevail. The silt fence shall be maintained on all lot boundaries to collect debris and silt runoff. In addition to being solid black in color, silt fencing must be 24" to 36" in height.

#### **5.8.2 ORANGE SAFETY BARRIER & OTHER FENCING**

Orange Safety Barrier and other fencing may be required by the ARC depending upon the circumstances, such as for wetland & wetland buffer identification, tree protection, and other reasons as described in various sections of these guidelines. Several lots have a community storm water drainage box located on their property line. Orange safety fencing must be installed around those boxes to protect them during construction from heavy equipment and materials storage.

### **5.9 GRADING & DRAINAGE**

**Certified grading and drainage plans certified by a civil engineer are required** for ALL new construction. The ARC may require certified grading and drainage plans for major additions and/or major landscape renovations.

If, in the sole opinion of the ARC, grading appears to not have been done in compliance with the approved grading, drainage, and landscape plans, the ARC will issue a stop work order (SWO) and require that a new survey be performed. The SWO will specify what conditions need to be met in order to lift the SWO.

The ARC is comprised of community volunteers who are not qualified to approve grading / drainage plans to ensure proper grading / drainage on an individual building lot is in compliance with Federal, State, County or City statutes. Therefore, grading / drainage plans must be certified by a civil engineer engaged by the general contractor or owner. Should grading / drainage problems arise post construction on a newly developed or modified property, the issue will default back to the owners of the lots in question and any affected adjacent properties to engage the services of qualified professionals to review grading / drainage requirements and develop an adequate grading / drainage plan for the property.

For homes bordering the Intracoastal Waterway, plans must include a drainage plan with respect to the Barefoot Resort Storm Water Permit. These plans must be consistent with the design storm approved in any applicable Barefoot Resort permits.

The contractor is responsible for installing the drainage system in accordance with the approved plans. The contractor is to submit New Constructions Change Request application for any proposed field changes within the approved site and grading plans, such as a change in pipe diameter or a change in the number or location of basins, to the ARC for review and approval. The owner will be held responsible for unapproved changes from the previously approved site

and grading plans. Unapproved grading changes will result in a stop work order and a significant fine.

Several lots have a community storm water drainage box located on their property line. Orange safety fencing must be installed around those boxes to protect them during construction from heavy equipment and materials storage.

Storm water must be managed so that it will not drain directly toward the buildable area on adjoining home sites. It is to be diverted around such areas and connected to the Dye Estates storm drainage structure, if available, or carried to a low point and dispersed or discharged into properly located basins, energy dissipaters, or ponds.

For home sites bordering lakes, plans must provide for retention of a minimum of one inch of surface water run-off from all impervious paved surfaces.

Plans must include sufficient side boundaries. Grading plans are to be designed to preserve the line of sight at intersections. Finish grading should provide a minimum of 6" of fall away from the house for the first 10'.

No bulldozing, digging, or clearing of trees shall begin until site plans and specifications (showing the nature, type, shape, and location of work) have been submitted and approved by the ARC and permitted by the City of North Myrtle Beach.

Cuts and fills should be kept to a minimum and designed to complement the natural topography of the site.

#### **5.10 FINISH FLOOR MINIMUM**

**Slab on grade construction is not permitted.** A finish floor minimum of 40" above finished grade at front steps should be used to provide an on-site swale.

#### **5.11 IMPERVIOUS SURFACES**

No more than forty (40) percent of any lot surface shall be impervious to water absorption (excludes easements, wetland buffers, and road right of ways).

#### **5.12 OUTDOOR LIVING AREAS: SWIMMING POOLS, SPAS, HOT TUBS, DECKS, ...**

Outdoor living area materials must be compatible with that used on the home.

Generously proportioned front porches are encouraged.

The use of masonry or fire retardant material for decks is encouraged. In its review, the ARC will look for careful design and landscaping of decks, including appropriate elevations, materials compatible with those used on the home, and landscaping of sufficient size to screen the perimeter or a masonry foundation.

Piers supporting porches and decks are to be substantial masonry type structures unless a design alternative is specifically approved by the ARC. Areas beneath decks and elevated terraces are to be shielded from view and ARC approved.

**No outdoor fireplaces, fire pits, swimming pools, spas, hot tubs (other than free-standing hot tubs), docks, cabanas, or similar equipment or facilities shall be installed without the written consent of the ARC.** See Appendix Application for: New Construction Design Review, Major/Minor Additions, Major Landscaping, Pools, Docks, Fences,... (Form #03)

All new or replacement outdoor fire pits and fireplaces must be gas. Due to the fire risk of traveling embers, non-gas burning fire pits and fireplaces are prohibited.

No above ground swimming pools shall be permitted. The elevation of the top of any swimming pool construction, not including fence, on any home site may not be over two (2) feet above the natural grade unless integrated into terraced construction upon ARC approval. Swimming pools, spas, and hot tubs shall not be permitted on the street side of the residence. Safety barriers/fences which meet the standards of the City of North Myrtle Beach are required. Although not a requirement, the ARC strongly discourages the use of oyster shells, embedded in concrete, around the pool area because of its propensity to cause severe injury to bare feet.

The location of all patios greater than 500 sq. ft., swimming pools, spas, hot tubs (not including free-standing hot tubs), screen enclosures, and decks must be approved by the ARC.

#### **5.12.1 CABANAS AND DOCKS**

Cabanas and Docks must be constructed of similar material as home.

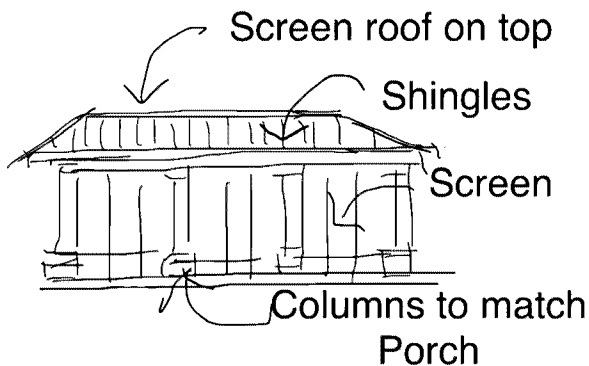
Any proposed docks must go through the permitting process with the South Carolina Department of Health and Environmental Control, the U.S. Army Corp of Engineers, and the City of North Myrtle Beach, and the Owner must provide approved permit drawings to the ARC. As-built plans conforming to the approved permit drawings are required prior to project close-out

Cabanas must be located within the buildable envelope, must adhere to building setback requirements, and will be subject to stringent review, including how it might block a neighbor's view of the golf course or waterways. It must never be designed in such a way that it could be used as separate sleeping quarters from the house.

#### **5.12.2 POOL SCREEN ENCLOSURES**

Pool screen enclosures/pool lanais require ARC approval and will also be subject to stringent review. A pool enclosure must complement the home, have architectural interest, must not adversely block sight lines of neighbors, must adhere to setback requirements, and must be connected to the house unless the lot size is of sufficient size to aesthetically support a standalone enclosure.

An example of a pool enclosure that might be approved is shown below. Aluminum pool enclosures will not be approved.



#### **5.12.3 GAZEBOS**

Gazebos require a NMB permit, as well as ARC approval, and fall under “Additions/Alterations” in the ARC Fee Schedule. Gazebos are considered structures and must be located in the rear yard within the side and rear yard setbacks as defined in the Setbacks for Home Sites & Other Structures section. The ARC shall consider how a new gazebo might block a neighbor’s view of the golf course or water view. Use the application found at Application for: New Construction Design Review, Major/Minor Additions, Major Landscaping, Pools, Docks, Fences,... (Form #03) .

#### **5.12.4 OTHER OUTBUILDINGS**

Outbuildings are not permitted in The Dye Estates. An outbuilding is a building, such as, but not limited to, sheds, barns, or garages that are separate from the house.

### **5.13 MAILBOXES**

Each applicant will use the mailbox design and type purchased through Sign Studios and Graphics: 843-651-3560.

Numbers shall be at least 3” in height, clearly visible, and placed on both sides of the mailbox post so that emergency personnel are able to locate a home when approaching the property from either direction. Numerals shall be reflective.

Owners shall be responsible for the upkeep of their mailboxes and posts (painting, ensuring posts remain straight, and numbers properly affixed).

### **5.14 HOUSE NUMBERS**

High contrast “911” numerical posting shall be prominently placed on each residence, facing the street that corresponds to their address. Numerals shall be of sufficient size as to be easily discernible from the street and correspond to the street number assigned that lot by the city.

### **5.15 FENCES AND WALLS**

**No wall, fence, hedge, or coping may be constructed on any home site unless specifically approved by the ARC.** Approval for all fences, walls, and other vertical elements will be

subject to stringent review, including how it might block a neighbor's view of the golf course or waterways.

Any Owner desiring to construct a fence and/or wall on his Lot shall submit a plot plan to the ARC showing the proposed location on the Lot and the height and type of fence, wall, etc., to be installed. A professional landscape plan with extensive plantings is required for **corner lot side yards** that extend alongside the road. Please note that ARC does not have the authority to approve the construction of any fences or walls that extend past the lot lines of any lot, including areas controlled by the U.S. Army Corps of Engineers.

The maximum height is 4' for the fence and 5' for the piers or posts.

Fences should be black or bronze aluminum (wrought iron look) and design should be harmonious with the both the applicant's home and neighboring houses. Solid fencing is prohibited.

Fences shall originate at the back corner of the house unless approved differently by the ARC. Set-back distances for fences is covered in the Setbacks for Home Sites & Other Structures section of this document.

No fence may be constructed on the portion of any Lot between the front of the Lot and the front of the dwelling constructed upon the Lot, and any fence constructed upon a Lot must be located in strict conformance with the plot plan approved by the ARC.

Attempts to establish property lines through individual fencing or hedges are prohibited.

**Every effort must be made to retain the feeling of open spaces. No fence shall obstruct another resident's view of the golf course or view of a pond, lake, or Intracoastal Waterway).** Living fences are encouraged to provide a buffer or screened area for vehicular courts. Living fences shall be wood or metal lattice with evergreen plantings, jasmine, or ivy that will smother the fence year round and maintain a buffer.

With the exception of holiday decorations, embellishments to fencing, such as vinyl wraps, privacy liners, netting, windscreens, and similar products are not permitted. See Decorations section for details and restrictions.

No wall, coping, fence, or boundary planting may be constructed or maintained in such manner as to interfere with vision of drivers at any intersection of streets or roads.

## **5.16 GARAGES**

All single family homes shall have a minimum of a two-car garage.

Garage doors must be compatible with the house design. Garage doors shall not directly face the street.

**5.17 DRIVEWAYS, WALKWAYS, & OTHER HARD SURFACES**

Driveway designs must be approved by the ARC. Acceptable driveway surfaces include concrete, concrete with aggregate surface, and concrete pavers. Brick inlays or brick edging are accents that are encouraged.

Driveways are to have a single entrance from the street. Exceptions may be granted in instances where frontage of the home site is sufficiently large to absorb the impact of two driveway “cuts” on the streetscape. Driveways shall curve and avoid straight runs. Curb cuts are prohibited.

Location / Description	Requirements
Curb Cuts	Prohibited
Driveway In Front of Garage	24’ minimum width*
Driveway Width at Street and Vehicular Court	18’ maximum width
Driveway Width	12’ minimum (other than otherwise specified in this table)
Driveway/Hard Surface Property Line Setback	5’ from side property lines (No exceptions)**

\* In order to have enough room to maneuver in and out of your garage without K-turns, at least 30’ of driveway width is highly recommended.

\*\* Due to lessons learned from previous builds, variances will no longer be granted for the installation of hard surfaces with respect to property lines.

**5.18 EXTERIOR LIGHTING**

Landscape lighting is required for new builds (e.g., lighting for driveway entrances, uplighting for significant trees, lighting of house numbers,...) Location of fixtures is to be indicated on Final Exterior Elevation Plans.

Landscape, pool, recreation, and security lighting ("outdoor lighting") shall be **low lumen** and designed so as to not be an annoyance to the surrounding residents. All outdoor lighting should be designed, installed, and maintained so that the source of the light (bulb) cannot be viewed off premises and with consideration of your neighbors.

No mercury vapor or similar stadium lights which are situated upon poles similar to street lights shall be permitted on any Lot without the prior written consent of the ARC. Security lights must be hooded and directed down.

Lighting for walkways and outdoor living areas should be low lumen diffused lighting, such as "mushroom" fixtures not over 30 inches high with shielding of the bulbs. The light source (bulb) should not be visible. Light placement should avoid a "runway" effect. A dimmer switch to accommodate the total wattage of existing line-voltage landscape lighting systems would help to achieve optimum lighting intensity.



## 5.19 AWNINGS & CANOPIES

Awnings and canopies affixed to the exterior of the residence require ARC approval.

## 5.20 TREES AND SHRUBS

**The Dye Estates ARC and HOA takes its trees very seriously and implements significant fines for any tree removed without ARC approval.**

Your arborist and/or The Dye Estates ARC may add specific tree removal requirements as part of the tree removal approval process. For instance, the ARC may require that the roots of selected trees be precut or pruned in order to protect nearby trees from damage during site preparation. In addition, the ARC may also require that the stumps of trees be ground, versus pulled out, in order to protect remaining trees. With a stump grinder, tree removal experts usually grind the stump down to a few inches below the soil.

### 5.20.1 TREE REMOVAL / DAMAGE

When not part of new home construction, complete the Application for Tree Removal form to request permission to remove a tree. Road Impact Fees are refundable if the ARC request to remove is denied. If approved, the ARC will likely require mitigation—planting of additional tree(s).

Removal of trees greater than twenty-four (24) inches (caliper measurement) may require permission from the NMB Board of Zoning Appeals regardless of **whether or not the tree removal falls within the footprint of the new home**. Always check with the City of North Myrtle Beach for additional requirements. In the case of conflict between ARC and City regulations, the stricter regulation applies.

**No owner**, other than Association, **shall** be entitled to **cut down, remove, or mutilate any trees**, shrubs, or bushes **having a trunk circumference of sixteen (16) inches or greater** (measured 3 feet from the ground) **without approval of the ARC**. If a tree of the aforementioned circumference is **diseased**, a letter from an arborist attesting to the disease and justification for the tree removal.

If an owner has submitted an ARC application and can wait until the next scheduled visit from the HOA's arborist, the HOA's arborist will provide the ARC a **verbal** opinion as to the tree health and whether or not measures can be taken to save the tree. There is no additional charge to the owner for this service. This verbal report may be used in lieu of The Dye Estates requirement for a written report to be provided to the ARC by the applicant's arborist. Typically the arborist is scheduled to visit monthly. Note that there is no guarantee that a monthly arborist visit won't be skipped or cancelled just prior to a visit. When the HOA's arborist is not available in the timeframe satisfactory to the applicant, the applicant's only recourse is to hire their own arborist. Contact the Management Company to see if the option to use the HOA's arborist might be available in the needed timeframe.

When part of **new home construction**, complete the New Construction Tree Removal Worksheet. Architectural Review Committee members are not tree experts, and may therefore, at the ARC's discretion, require an arborist report be submitted for tree removals on new home sites.

See Appendix "Fines and Penalties" for fines for unauthorized removal or damage to trees.

#### **5.20.2 TREE PROTECTION DURING CONSTRUCTION**

An ISA certified **tree arborist** is highly recommended prior to construction activity to assess and create a tree protection plan to avoid construction shock to the trees. At their discretion, the ARC and/or the City may require an arborist report. Call the City Tree Department for contact information of local arborists or go to

<https://www.treesaregood.org/findanarborist/findanarborist>.

At the time of publication of these guidelines, Todd Stephenson, ISA Certified Arborist, Total Tree & Lake Care, Inc., at [WeCare@totaltreeandlakecare.com](mailto:WeCare@totaltreeandlakecare.com) (843-651-8733) consults for The Dye Estates HOA and visits monthly. Send your specific questions via the Management Company to the ARC.

Before the site is graded or any work performed, **tree fencing** shall be installed and maintained to protect trees and their root systems from vehicles, equipment, and construction materials.

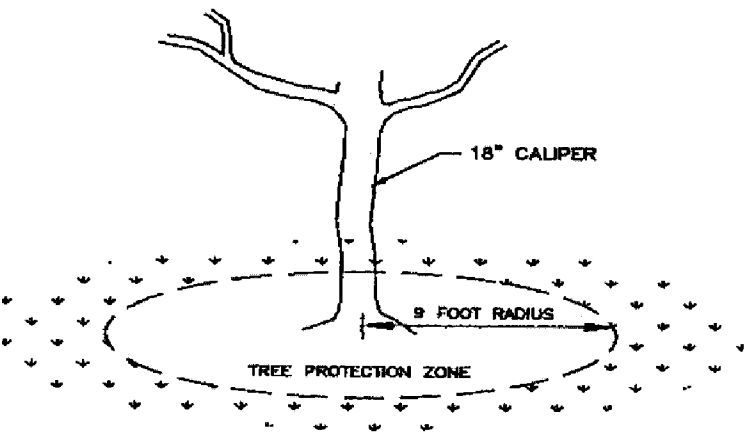
Depending upon the size of the tree protection zone, no fewer than four (4) metal posts shall be used to support fencing. Metal posts shall be anchored securely at a minimum of 2' below existing grade. Orange safety barrier or chain link fencing shall be installed to a minimum of 4' high and at a maximum of 8' on center for safety fence or 10' for chain link.

A tree protection zone (see diagram below) shall be established around all trees that could be impacted by construction. This zone shall exist on vacant lots, construction sites and sites where development has been completed. If the tree protection zone of a neighbor's tree extends across lot boundaries, those trees must be protected as well. Prior to any development on a property, a tree protection zone shall be shown on all construction drawings, site plans and subdivision plats (preliminary and final) equal to one-half (½) foot for each one (1) inch (caliper measurement) of the retained tree. Protection zones may intersect or overlap.

**Within a tree protection zone**, the following shall apply:

- a) **No storage or construction activity of any kind may take place within the tree protection zone**
- b) No building material or other construction-related material shall be stored;
- c) No dirt, rock, coquina, sand, or other natural material shall be stored;
- d) No impervious surface shall be allowed at any time; and
- e) No disturbance of the original land within the protection zone, such as trenching, installation of utilities or building foundations, shall occur except with prior approval of the zoning administrator. Protective barriers shall be placed around the perimeter of the tree protection area before land disturbance and remain until completion of the site improvements.

**How to measure the tree protection zone:** First determine the caliper: measure around the trunk (the tree's circumference), approximately four and a half feet above the ground. This measurement is referred to as DBH (diameter at breast height), also known as caliper inch. See diagram.



5.20.3 TREE REQUIREMENTS

*Street Tree Requirement*

**New construction shall incorporate Tuscarora Crepe Myrtles along the street in their landscape plans.** Established homes are encouraged to add Tuscarora Crepe Myrtles as appropriate. This is a rapid-growing tree can reach up to 25 ft. tall and 20 ft. wide at maturity. Note that Tuscarora Crepe Myrtles have been recently planted at the second gate entrance.

*Other Tree Requirements*

The following schedule shall be followed to ensure that a sufficient amount of plant material is specified for each Residential Unit. Area available for landscaping should be considered any portion of the property not taken up by the house or hardscape. Landscape plans should take into consideration the trees to be preserved. The following table provides the **minimum** tree requirements that must be met. Depending upon the homesite, the ARC may require more.

Available Area	Deciduous Trees	Evergreen Trees
Up to 5,000 square feet	3	2
5,001 – 7,500 square feet	4	3
7,501 – 10,000 square feet	5	4
10,001 – 12,500 square feet	6	5
Over 12,500 square feet	6 plus 1 for every 2,500 sf thereafter	5 plus 1 for every 2,500 sf thereafter

Palms (at a minimum height of ten feet) may be substituted for deciduous canopy trees at a ratio of two (2) Palms for every one (1) tree up to 25% of the total deciduous canopy tree requirement.

The ARC reserves the right to verify all plantings during and after construction. If the ARC finds violations or reductions in landscaping not in accordance with approved plan, the ARC Representative shall notify the Owner or Builder in writing of such violations. The Owner or Builder will then have thirty (30) days after receipt of said notice to cure the deficiency. If upon the expiration of said thirty (30) day period the deficiencies are not cured, the ARC may retain the services of a third-party landscaping firm to bring the Residential Unit into compliance with the Approved Final Plans and deduct the cost of such services from the Builder Compliance Deposit, plus any administrative fee.

#### *Tree Bank*

In the rare circumstance where the ARC permits an owner to install less than the stated minimum number of trees on a homesite, the HOA will retain the services of a third-party landscaping firm to establish the cost for the purchase and installation of those trees not installed for which the owner shall be responsible for paying. These funds will be used install new trees or shrubs on common property within the community.

#### **5.20.4 TREE MASSING**

Generally, newly introduced trees should be massed in groups of at least three. The larger plants should always be placed to the rear of the grouping creating a layered effect. This technique of layering should be used with trees, shrubs, and ground covers, exclusively or inclusively. Generally, shrubs and groundcovers should be planted in masses of at least two different types per mass and in sufficient numbers to create clumps or drifts of plants.

#### **5.20.5 TREE SPECIMEN PLANTING**

The exception to this is the placing of one specimen quality tree as a focal point. To create a garden-like appearance, each front yard shall have at least two specimen trees per half acre.

#### **5.20.6 PLANT SIZES**

Newly planted deciduous and evergreen trees should be of a substantial height and width. All single trunk trees shall have a minimum installed size of three (3') inch caliper width. All evergreen or multi-stem trees should be ten to twelve (10' to 12') feet or larger. Newly planted shrubs and trees should meet requirements set forth in the most recent American Standard for Nursery Stock. The plants shall be placed at appropriate distances off center according to their growth characteristics and desired effect.

All trees and shrubs must have a minimum height at install listed, not just gallon size.

### **5.21 LANDSCAPING**

See also the Rules and Regulations document for general rules and responsibilities.

Landscape maintenance, such as replacement of sod or shrubs, does not require ARC approval.

With the exception of putting greens, no artificial grass, plants, or other artificial vegetation shall be placed or maintained on the exterior of any Lot unless approved by the ARC. See Putting Greens section for details. New home construction should show any putting greens on plans.

All **ground covers** should be planted at a rate resulting in a 90 to 100 percent surface coverage within two (2) years of planting.

All homes must be landscaped and irrigated prior to obtaining a Certificate of Compliance from the ARC.

In cases where the applicant seeks approval of plans including a proposed future installation of additional plant material in excess of the requirements for the initial planting, the ARC may approve a phased landscaping plan to allow completion of the additional planting within 24 months of occupancy. The 24-month limit is to be stated on the plans.

#### **5.21.1 DESIGN, PLANT SELECTION, INSTALLATION, & UPKEEP**

The ARC recommends that deer tolerant plant material indigenous to the area be utilized. Great care should be taken to avoid invasive plants.

See Recommended Plant Material List for other plant recommendations.

The landscape plan must be prepared by a landscape professional and shall provide for plant material of sufficient size and quantity to maintain or re-establish the natural wooded setting and to unite the dwelling with the setting in keeping with the aesthetics of the Dye Estates. It is important to preserve shade trees when possible and to plant them when necessary.

Landscape plans must specify caliper, diameter, and height of plant material versus gallon or container size. Final approval will not be given if upon visual inspection the installed plant material does not match the size and quantities shown on the approved plan.

Landscape design should take advantage of opportunities to replant native shade trees on individual home sites to replace trees lost to construction activities.

Landscape beds may be edged with vegetative means, masonry, or metal landscape edging, masonry or by metal edging (provided it is subdued and blends with landscape) with the approval of the ARC. Extruded (rolled curbing) concrete landscape curbing is prohibited. **Fire-resistant mulch is highly encouraged. Pine straw is not allowed within 30 feet of structures.** The Dye Estates strives to follow Firewise USA guidelines.

Synthetic pine straw is discouraged due to its tendency to be slippery when stepped upon and to be blown away on windy days. Note that pine straw also provides a welcome habitat for snakes. The use of river rock or hardwood mulch is encouraged. River rock may not be good as cover for gardens that receive a lot of sun because they retain more heat than mulch. Although rocks do act as a weed block, they do not add nutrients to the soil like plant-based mulch.

### **5.21.2 LANDSCAPE ROCK & BOULDERS**

With the exception of river rock in existing beds, boulders and **other types of landscape rock must be approved by the ARC prior to installation.**

### **5.21.3 MINOR LANDSCAPE CHANGES THAT DO NOT REQUIRE ARC APPROVAL**

This Section does not apply to new home construction.

Note that other than the river rock exception below, front yard landscaping of 250 square feet or greater require submission of an ARC application (with the exception of replacing and supplementing shrubs and plants). For rules for pools and fencing see the sections Outdoor Living Areas: Swimming Pools, Spas, Hot Tubs, decks, ... and Fences and Walls.

The following, unless otherwise noted, does not require submission of an application nor ARC approval, however owners are still required to follow all ARC guidance, including, but not limited to, setbacks and view restrictions:

- Backyard and/or side yard minor landscaping changes of 500 sq. ft. or less:
  - Adding a new landscape bed to the backyard
  - Adding a patio to back yard
  - Adding a walkway from the side yard to the rear yard
  - Converting an existing mulch bed to river rock (Note: Rocks, other than river rock, must be ARC approved when installed in the front yard.)
  - Installation of a putting green to the backyard (See Section Putting Greens.)
- Installation of satellite dishes in rear or side yard. See Section Satellite Dishes.
- Installation of recreational equipment in the backyard. See Section Recreational Equipment for details.
- Installation of permanent basketball hoops.

## **5.1 WETLANDS & WETLAND BUFFERS**

The Barefoot Resort Residential Association, BRRA, owns the wetlands that are proximate to Barefoot Resort & Golf, including The Dye Estates.

If a Dye Estates owner's property abuts wetlands, that owner's property also has protected wetlands buffers within its property boundaries. It is the owner's responsibility to understand the precise location of the wetland buffers on their property and associated governmental rules. This information most likely will be mentioned in the property deed and on the property survey plat. The "Final" plat of the Dye Estates is included as an appendix in this document and does indicate wetland buffers on it. See Section Maps / Plats. The Dye Estates HOA /ARC cannot attest to its accuracy.

No Owner shall remove native vegetation nor add or introduce additional vegetation or other forms of plant life or landscaping within any wetland areas located on or adjacent to any portion of the Property without the express written permission from the controlling governmental agencies and in the case of the wetlands, the BRRA. The Dye Estates HOA Board nor the Dye

Estates ARC shall not authorize any owner to construct or maintain any building, residence, or structure, or undertake or perform any activity in any wetland areas or wetland buffer areas.

In addition to the ARC regulations, jurisdictional wetlands regulated / protected by the SC Department of Environmental Protection and/or the US Army Corps of Engineers are known to exist in The Dye Estates. Those state and federal regulations shall apply and must be fully adhered to and complied with. Owner is solely responsible for adherence to and compliance with any and all wetland buffer and/or wetland preservation requirements. Owner shall take all steps necessary to properly identify any regulated / protected wetland areas and to obtain all required agency approvals prior to any proposed land disturbance or clearing activities as such is outside the scope of ARC application review process.

Members of The Dye Estates ARC are not wetlands nor wetland-buffer experts and will not be verifying nor ensuring compliance. There may be additional approvals needed from governmental agencies other than the SC DHEC & USACE, and again, the owner is solely responsible for adherence to and compliance with any and all wetland buffer and/or wetland preservation requirements. SC DHEC & USACE fines can be enormous.

See appendix for additional information regarding the wetland restrictive covenants.. An email address for the USACE is [sac.rd.conway@usace.army.mil](mailto:sac.rd.conway@usace.army.mil).

## 5.2 IRRIGATION

An automatic underground irrigation system of sufficient size and capacity to irrigate all landscaped areas, including lawns, plant beds and planted or sodded areas adjacent to the street, must be installed and utilized throughout the year.

Sprinkler heads are to be directed away from the street to guard against saturation of the road base and discoloration of the curb and pavement.

The connection point to the irrigation system and location shall be identified on the Final Landscape Plan.

No Owner or other person shall do anything to adversely affect the **surface water management** and drainage of the Property.

## 5.3 UTILITIES/SERVICE AREAS/ ACCESSARY BUILDINGS /SCREENING

The applicant shall be responsible for all installations of utility services from the point of utility company connections underground to the Applicant's home. All utilities shall be underground except temporary electrical service for homes under construction.

### *Air Conditioning, Including Temporary A/C*

Only central air conditioning units are permitted, and no window, wall, or portable air conditioning units are permitted except during the construction process when temporary units are

needed to condition the house prior to final installation of central air conditioning units (in which case those temporary units shall not be visible from the street).

*Power Meter, Phone, Cable, & other boxes*

**Power meter, phone, cable boxes**, and other similar items not screened in an enclosure shall be **painted to match home color surface that it is connected to**. The intent is to help camouflage the unsightly appearance of such boxes. Although some existing boxes are grandfathered from following this rule, strict adherence is required for new builds. It is **highly recommended** that owners discuss this with their builders so that the boxes can either be ordered in an appropriate color or painted before installation.

*Propane / Oil Tanks*

Propane and Oil Tanks shall be installed underground. For ease of mowing, it is highly recommended that flat access covers for an underground tank be located in a garden.

*Equipment Enclosures / Screening*

HVAC, generators, water softeners, pool equipment, well pumps, etc., shall be located in rear yards or side yards behind the setback line and shall be screened or walled from front streets and adjoining properties.

No air conditioning or heating apparatus, unit or equipment shall be installed on the ground in front of, or attached to, any front wall of any Dwelling on a Lot.

Using shrubs as screening of units will not be approved for **new construction**. Equipment installed as part of **new construction** shall be screened with hardscape to match the foundation. **Equipment enclosures** shall be designed to reflect the home.

When a generator is added to an **existing home**, shrubbery as screening may be used if it substantially hides the equipment and is a minimum of 6 inches above the top of the unit(s) in height.

*Service Court Area*

Material of a hardscape screen and plantings of softscape shall provide a vegetative buffer to block the service court area from the street and adjacent property owners.

*Solar*

No **solar energy** collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any Lot unless it is approved by the ARC. Under no circumstances shall solar panels be installed that will be visible from any street in the Subdivision.

*Satellite Dishes*

**Satellite** dishes under 1-meter in diameter are permitted by law but shall be placed in the most inconspicuous location practicable on the property that doesn't result in a loss of signal or increase installation costs. Front yard placement is requires an ARC application for approval.



#### **5.4 SEPTIC TANKS & WELLS**

No septic tank shall be installed, used or maintained on any Lot. No wells shall be installed, used or maintained on any Lot for human domestic water consumption.

#### **5.5 RECREATIONAL EQUIPMENT**

Recreational equipment includes, but is not limited to, playground equipment, climbing apparatus, and swimming pool features that exceed 48" in height.

All recreational equipment shall be placed to the rear of the residence. Only basketball hoops will be permitted to be permanently installed in the front yard. It is strongly recommended that any guidelines established by the U. S. Consumer Product Safety Commission, the manufacturer and owner's insurance company be followed.

Playground equipment shall be of high quality materials in unobtrusive, earth-tone colors, preferably a natural wood look.

#### **5.6 PUTTING GREENS**

All putting greens shall be placed to the rear of the residence. Impervious requirement does apply.

#### **5.7 GAZEBOS**

Gazebos require a NMB permit, as well as ARC approval, and fall under "Additions/Alterations" in the ARC Fee Schedule. Gazebos are considered structures and must be located in the rear yard within the side and rear yard setbacks as defined in the Setbacks for Home Sites & Other Structures section. The ARC will consider how a new gazebo might block a neighbor's view of the golf course, Intracoastal Waterway, pond, or Lake. Use the application found at Application for: New Construction Design Review, Major/Minor Additions, Major Landscaping, Pools, Docks, Fences,... (Form #03) .

#### **5.8 SIGNS**

Per CCR, Article II, General Covenants, Section 2.4 Signs, "No sign or ornaments shall be erected or maintained on the property by anyone, including but not limited to, the Owner, a realtor, a contractor or subcontractor, except with written permission of the ARC, or except as may be required by legal proceedings. If such permission is granted, the ARC reserves the right to restrict site, color and content of such signs."

No sign of any kind shall be displayed to public view on a Lot or the Common Properties without the prior written consent of the ARC, with the exception of one (1) 'for sale' or "open house" sign as described below.

##### **5.8.1 CONSTRUCTION SIGNS**

**An ARC-approved construction sign is required for all new construction** and must be purchased through Sign Studios and Graphics: 843-651-3560. The sign must identify the:

- Lot,

- Owner,
- Architect or designer,
- Builder, and
- 24-hour/7 day emergency number.

This sign must be installed before tree removal and grading begins.

No signage, other than the ARC-approved contractor sign, is permitted at any job site unless required by law or approved by the ARC.

#### **5.8.2 PERMIT BOXES**

**Permits shall be posted in the permit box.**

#### **5.8.3 REAL ESTATE SIGNS**

**Approved real estate signs** are available through Sign Studio & Graphics located in Garden City, SC or a vendor of your choice. The sign specifications are as follows:

- Only one sign advertising a property for sale or rent may be displayed centered on the lot and five feet back from the curb or edge of the sidewalk. Signs may only be placed in the yard of available properties.
- 20"x20"X 1" Sandblasted/Routed Sign Face Green Background Tan Border and "Barefoot Resort" White "For Sale" and Phone Number Gold & Silver Logo Sign Mounted on a 4" Tan Treated Post
- A 4"x4" placard with the Real Estate Company Name will be permitted attached to the post, providing it is tan in color to match the post with company name printed in white.
- House Sold signs are not permitted.
- Real Estate signs advertising sale, rental or lease of the premise on which the sign is located must be removed within forty-eight (48) hours immediately after sale, rental or lease.

#### **5.8.4 POLITICAL SIGNS**

Additionally, signs of not more than six (6) square feet expressing support or opposition to political candidates or other issues which appear on the ballot of a primary, general or special election may be permitted, provided that such political signs shall not be placed on a Lot earlier than 30 days before such election and shall be removed within 2 days after such election. There shall be no more than three (3) political signs per property. Signs must be non-offensive, as determined by the HOA Board. No street sign or lamp posts are to be utilized for postings of any kind. Any notices or notifications found stapled, taped, or otherwise affixed to a street sign or lamp post will be removed and the owner will receive a violation.

## **5.1 FLAGS & FLAGPOLES**

Flags must be non-offensive, as determined by the HOA Board. American, state, or political flags are not permitted to be hung upside down. See Political Signs and Holiday Decorations sections for when political and holiday flags may be displayed.

Freestanding flagpoles shall not be visible from the street and must be approved by the ARC. Freestanding flag poles over 25 feet tall will not be approved. Installation of a freestanding flagpole falls under minor Landscape Renovations--ARC Fee Schedule.

A maximum of two (2) flags per lot are permitted to be placed on residences and mailbox posts without ARC approval.

## **5.1 DECORATIONS**

### **5.1.1 HOLIDAY DECORATIONS**

Christmas and Hanukah decorations may be displayed from the weekend before Thanksgiving until January 15th.

All other holiday decorations may be displayed 30 days preceding the Holiday until 7 days following the Holiday.

### **5.1.2 MISCELLANEOUS DECORATIVE OBJECTS**

No permanent decorative objects such as sculptures, figurines, fountains, and the like shall be placed or installed on the building site without approval of the ARC.

## **5.2 VEHICLE PARKING**

With the exception of the last 250 feet of Sanderling Drive and the circle at the end of Gray Heron Drive, parking on the first 10 feet of a right of way that is located in front of undeveloped lots and in front of wetlands is permitted; however, all damage must be repaired by the homeowner applicant prior to occupancy.

Street parking, when driveway space is not available, shall be limited to a **single side of the street**.

No overnight parking is permitted on any streets without written permission from the HOA Board. See The Dye Estates Homeowners Association Rules and Regulations for the complete list of parking rules. See [https://barefoothoa.com/communities/community\\_form/dye-estates](https://barefoothoa.com/communities/community_form/dye-estates) . Go to "Community Info & Rules" and then "Rules and Regulations." In case of conflict between the ARC Guidance and Rules and Regulations, please contact the Management Company for clarification.

Per the DCCR "Article II, General Covenants, Section 2.5, Other Buildings and Vehicles," "No mobile home, campers, trailer, recreational vehicles (campers), trucks (except passenger trucks), tent, barn, or other similar out-building, vehicle or structure shall be placed on any Lot at any time, either temporarily or permanently, without prior approval of the ARC [HOA] and such

approval shall normally be limited to temporary use of such structures reasonably essential to economical, orderly and efficient construction during the construction process only. The term “truck” as used herein is intended to refer to those vehicles of various sizes and designs for transporting goods, moving heavy articles or hauling quantities of cargo and which are used in trade or business in which the truck is used because of its commercial capabilities and not merely as a means of transportation. This is not intended to include such dual-purpose vehicles as station wagons, jeeps, ‘scouts’ or ‘wagoneer’ type vehicles or similar, attractive vehicles driven and maintained primarily as a means of transportation.”

### **5.3 EMPTY / UNDEVELOPED LOT USAGE**

Other than the first 10 feet of the right of way as described in the section “Vehicle parking,” the use of empty or undeveloped lots is **trespassing and is strictly prohibited**.

IMPORTANT: A fine shall be issued if written authorization process is not followed PRIOR to using an empty lot. Two written authorization are required:

1. Management Company
2. Empty lot owner.

In the case where an owner of an empty lot would like to grant permission for neighbor to use his property (e.g., to unload materials), the owner of the property who would like to use said property must contact the Management Company for the HOA Board of Director’s permission and written permission of the empty lot owner. If approved, the requesting owner will be set a letter of approval with any conditions of approval, such as repairing any damage to the empty lot. This letter of approval **must always include the requirement for tree protection**. Tree protection must be in place prior to the lot being used and the timeframe for which storage of materials is granted.

Construction shock to trees from vehicles parked and driving over the critical root zone can take up to 5 years to kill a trees, often costing owners thousands of dollars for tree removal.

If permission to use the empty lot is granted, storage of materials on that lot must not exceed one week and the storage location of such materials must not be any closer to the curb than the proposed backyard of the requesting owner. If use and storage of materials interferes with scheduled bushhogging and a special bushhogging is needed, the cost of the additional bushhogging will be charged against the compliance deposit of the lot that requested permission.

As described in the Rules and Regulations, leaves and other debris may not be blown onto vacant lots. See the Appendix “Fines and Penalties.”

## **6.0 CONSTRUCTION SITE REQUIREMENTS**

Any agents, subcontractors, and employees of builders who violate construction site requirements or any other ARC criteria may be removed and prohibited from entering the Dye Estates by the ARC.

## **6.1 WORK HOURS & HOLIDAYS**

**Construction hours** are listed in the Appendix "Contractor / Vendor Work Hours & Holidays". Note that "Monday after the Masters" is a holiday. The Dye Estates security regularly patrols the community to ensure contractors and vendors respect the permitted work-hour schedule and fines will be issues for those that do not. See Appendix "Fines and Penalties."

## **6.2 WORK SITE PREP, DUMPSTERS, PORT-O-JOHNS, & UPKEEP**

Starting from the back of the curb inward a minimum **15 feet of stone** must be placed on the construction vehicle entrance/driveway to reduce the amount of dirt and debris being tracked into the road from construction vehicles. **Streets are to be swept clean at the end of each working day.**

Dye Estate streets shall never be used as material staging areas. Piling materials, including but not limited to mulch, on any street or cul-de-ac is not allowed.

All **job sites** will be **kept in a clean and orderly condition**. No materials shall be stored or placed in the right-of-way, natural areas, empty lots, or golf course frontages.

**Roll-off dumpsters** must be utilized for construction debris. In general, roll-off dumpsters will be allowed on home sites for construction purposes only. Dumpsters must be emptied when trash is visible or when blowing out of dumpster. All dumpsters must be emptied 48 hours prior to the arrival of any named storm or hurricane predicted to affect North Myrtle Beach.

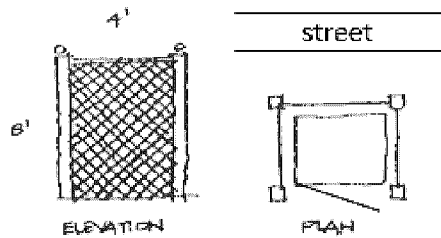
**A trash can must be used for non-construction related trash and must be sealable** to keep trash from blowing out and onto neighboring property and to avoid attracting wildlife. This trash can must be on site and secured before any site work begins.

**Job site debris shall be removed weekly by 6 pm, Thursday.** Should the ARC deem it necessary for the Dye Estates to clean a site or have a site cleaned, the Applicant will be responsible for paying the costs.

**The General Contractor is responsible for any damage caused by construction** delivery vehicles, concrete trucks and contractor vehicles to the edge of the street in front or on the side of the lot. The General Contractor is responsible for any base work and repaving that needs to be done to restore the street to original condition. If the General Contractor does not ensure this repair work is completed, the ARC will deduct this repair cost from construction compliance fees.

**Temporary construction site trailer offices may not be placed on any home site unless** the ARC has granted permission and approved the proposed trailer site.

**Port-o-John lattice screen is required** w/ 4x4 post treated, and lattice or louvers on 3 sides, and **door opening facing away from street view**. Lattice must be trimmed to fit as depicted in picture below. A Port-o-Johns (aka porta-potty/portajohn/port-o-let) must be placed inside the side fence at least 15' from the curb **before** tree removal and grading begins.



### 6.3 WORKSITE SAFETY & BEHAVIOR

The Contractor shall keep a **24-hour emergency phone number on record** with the Applicant, the Gatehouse, and the ARC.

Builders shall **take all reasonable precautions to prevent accidents**. When it is necessary to use a street for a brief period to load or unload or when using hidden drives, **flagmen** and warning devices shall be used.

**No fires** on construction sites are allowed at the Dye Estates.

All persons, including construction personnel, shall drive carefully and obey the community-wide **25 MPH speed limit**.

**The playing of loud music is prohibited.**

**No alcoholic beverages or illegal drugs** are permitted.

## 7.0 ARCHITECTURAL REVIEW PARTICIPANTS

ALL OWNERS, ARCHITECTS, ENGINEERS, DESIGNERS, BUILDERS, AND CONTRACTORS SHALL HAVE RECEIVED, READ, AND UNDERSTOOD THIS DOCUMENT AND, BY THE SUBMITTAL OF AN APPLICATION FOR ARC DESIGN REVIEW, HAVE AGREED TO COMPLY WITH THEM, AS APPLICABLE, WITH REGARD TO SUCH SUBMITTAL.

### 7.1 TITLE OPINIONS/POLICIES

The owner, architect/designer and surveyor and engineer are urged to review the title insurance policy/commitment and/or attorney's opinion of title to assure that all applicable restrictions and conditions provided by deeds and plats have been considered in the design process and are shown on each site plan submitted for Review.

### 7.2 PREPARERS OF PLANS

Plans for new construction, renovations and/or additions be prepared in accordance with South Carolina law.

### **7.3 BUILDER'S LICENSE**

All builders of residences in The Dye Estates must be licensed by the State of South Carolina.

### **7.4 OWNER AS GENERAL CONTRACTOR**

While not recommended, an owner of the property being built upon with consent of the ARC may serve as his or her own general contractor. If consent is granted, the owner must be as available to the ARC as would any licensed contractor under similar circumstances.

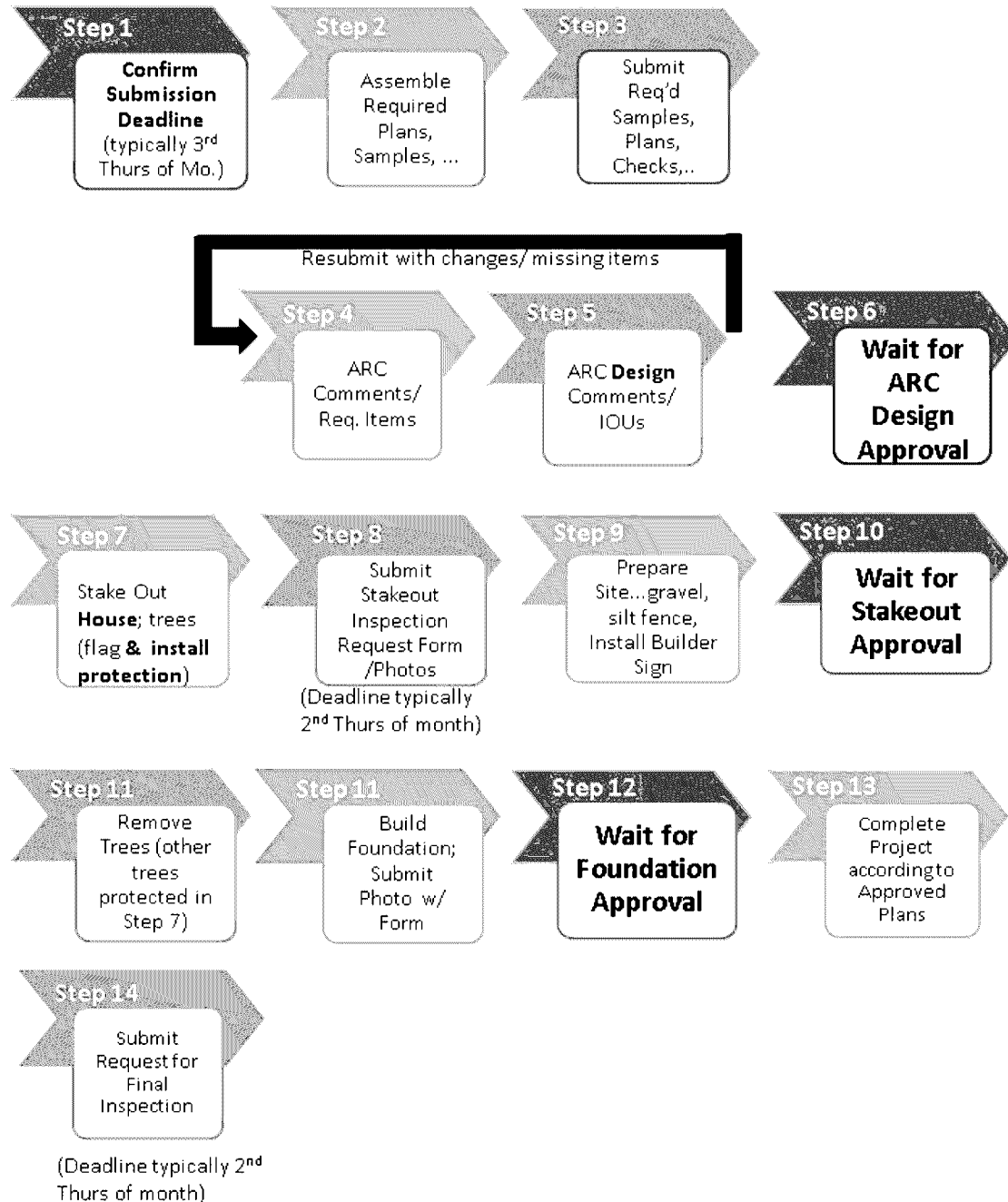
### **7.5 OWNER APPLYING ON BEHALF OF PROSPECTIVE PURCHASER**

In the event a sales contract is conditioned upon resolution of a design issue, an application for design conceptual review can be filed by the Owner on behalf of the prospective purchaser. In that event, a copy of the signed contract must be submitted with the application for design review in addition to the usual requirements set out in this document.

## **8.0 ARC NEW BUILD ROADMAP**

Below is a high level guide to help owners understand the ARC processes at a glance.

## The Dye Estates ARC Roadmap





## 9.0 ARC MEETINGS

### 9.1 ARC DEADLINES

Contact the management company regarding the current ARC deadline schedule as dates change from time to time.

### 9.2 REGULARLY-SCHEDULED ARC MONTHLY SUBMISSIONS

- Addresses “Formal Submissions” and, optionally, “Conceptual Submissions”
- New applications are **generally** due the **third Thursday of the month**. Check with the Management Company on the first of the month to ascertain whether a meeting date has changed. For example, during the months of **November and December**, meetings may be combined, thus making the submission deadline a week earlier.

### 9.3 “AS-NEEDED” ARC INTERIM MEETINGS

- Subject to the availability of the ARC. If granted, property owner is required to cover costs of requested meeting
- May be requested by property owners in writing via the Management Company
- Written request should be accompanied with a written description of the specific purpose of the meeting and any questions, along with supporting artifacts.

## 10.0 FILING WITH THE ARC

For submissions to be placed on the agenda, a completed Architectural Review Application (see Appendix), all paper/digital plans/samples (see checklist) and associated fees must be received by the Management Company by the published deadline as committee members and paid professionals are expected to come to review meetings fully prepared to discuss.

The ARC has the option of requesting additional information as may be necessary to evaluate any submittal.

It takes approximately a week for the feedback from the ARC meeting to be communicated to applicants as minutes from the meeting need to be written up and subsequently approved by the ARC volunteers before letters are sent.

### 10.1 APPLICATION FOR REVIEW

Prior to submitting an application for review, the applicant should understand that most projects have time limits on when a project must begin and when a project must be completed by. See Project Time Limits section and Fines and Penalties table.

New homes, as well as changes to the exterior of homes and property, require an ARC application to be submitted for approval along with the associated fees to be paid. Some minor landscaping changes may not require ARC approval. See Section Minor Landscape Changes

That Do Not Require a Landscape Plan or Submission and the Submission and Fee Schedule for more detail. Here is a link to the ARC Fee Schedule Table.

Owners, architects/designers, engineers, builders, and contractors by applying for design review acknowledge and certify that the proposed plans and home are in compliance with all applicable covenants, restrictions, zoning regulations, coastal regulations and any other statutes and regulations that may from time to time be applicable.

Where certain covenants and restrictions are more restrictive than these ARC Guidelines, those covenants and/or restrictions shall control. These ARC Guidelines may be more restrictive than the requirements of the City Zoning Ordinance or other government established minimum requirements, in which case these ARC Guidelines shall control.

Required exhibits and supporting documentation are to be submitted as defined in the Architectural Review Application.

See Appendix for applications.

## **10.2 CONCEPTUAL SUBMISSION**

**PURPOSE:** Requesting a Conceptual Review is encouraged prior to preparation of detailed drawings when there is concern about the acceptability of either the Site Plan or the architectural design aesthetics of the structure or similar concerns.

**MEETING:** The owner and/or architect/design professional may request to appear before the ARC to comment on the concept, which request will normally be granted so long as time is available on the ARC agenda for the date requested. Once the ARC is satisfied it understand the conceptual submission and has no further questions, the applicant will be asked to leave the meeting so that the ARC members can freely discuss the submittal.

**FEE:** The ARC charges a fee for a Conceptual Review. See Appendix Conceptual Submission: ARC Application for Design Review (Form #02).

**NON-BINDING REVIEW RESULTS:** Within a week, the ARC will provide feedback to the applicant via an email from the Management Company, which will include a statement that “the ARC cannot appropriately review and evaluate a proposal until all the requirements of the Final Review/Formal Submission have been received. Accordingly, the ARC review comments made upon a Conceptual Review are for property owner, architect or contractor guidance only and do not bind the ARC to subsequently approve any aspect of the project.”

#### CONCEPTUAL REVIEW SUMMARY / MISC.:

- Optional, at owner's request
- **ARC feedback/comments are non-binding**
- Purpose:
  - Provides opportunity for ARC and applicant to review proposed plan and get input early in the design process.
  - Especially important if there are any proposed deviations/variance requests, setback issues, questions, ...
- **Required submission materials** would include ARC Review application, non-refundable design fee, plus:
  - **New Construction:** Plot plan, written description of any issues that owner would like early ARC input on, photos/cut sheets (if applicable), etc.
  - **Additions/Changes:** Written description of any issues that owner wants ARC input on, photos/cut sheets (if applicable), etc.

### 10.3 NEW CONSTRUCTION

See Sections "ARCHITECTURAL STANDARDS" and "ARC Process".

See also Appendix Application for: New Construction Design Review, Major/Minor Additions, Major Landscaping, Pools, Docks, Fences,... (Form #03) and ARC Required Documents & Samples Checklist.

### 10.4 NEW CONSTRUCTION CHANGE ORDERS, INCLUDING ADDITIONAL TREE REMOVAL REQUESTS (POST APPROVAL)

When an ARC applicant finds it necessary to change an approved design for a project in progress, an Application for: New Construction Change Request #03.2 must be submitted, along with 2 full sets of paper plans and PDFs as described in the New Build Checklist Form #10. Individual change pages will not be accepted. If the requested change involves products, colors, materials and the like, provide samples, cut sheets, etc. as would have been required with the original submission. Be sure to provide all documentation necessary in the opinion of the ARC to fully and clearly depict the requested change. Change requests are reviewed at monthly ARC design meetings and must be submitted prior to the deadline for that meeting. Do not start work on any changes prior to receiving ARC approval.

Any non-approved changes or violations discovered during on-site inspections will be subject to a Stop Work Order and fines and likely require restoration to the approved plans.

### 10.5 ADDITIONS, RENOVATIONS, AND ALTERATIONS

All exterior enlargements, improvements, additions and/or alterations of existing structures shall be made only with prior written approval of the Architectural Review Committee (ARC). Approval of such projects may be withheld for purely aesthetic reasons. This will

include, without limitation, any color different from the original finishes (for example, paint, stain, varnish, stone, and roofing shingles). Please use the form: Application for: New Construction Design Review, Major/Minor Additions, Major Landscaping, Pools, Docks, Fences,... (Form #03).

## **10.6 LANDSCAPING CHANGES**

Major changes to ARC approved landscaping require professional landscape plans to be submitted for ARC review and approval. See Appendix ARC Fee Schedule for further information.

If landscaping changes include a fence or wall, please refer to the Fences and Wall section of this document for additional landscape requirements, including, but not limited to, a requirement for a professional landscape plan.

See also Minor Landscape Changes That Do Not Require ARC Approval.

## 10.7 ARC REQUIRED DOCUMENTS & SAMPLES CHECKLIST

Checklists are included in the Appendices New Build Checklist Form #10 and “Other” Checklist Form #11. A checklist is to be included as part of the application submission for all new builds, as well as most other ARC applications (as described in the “Applicable To” column of the “Other” Checklist form).

These forms define what artifacts must be submitted with an application, such as tree/topological surveys, landscape plans, elevations, samples, photographs, etc.

## 10.8 STREET/CURB PHOTOGRAPHS

Photographs of any street and curb damage along subject property shall be submitted with initial ARC application. Other photographs may be requested as deemed appropriate by the ARC. Should an owner neglect to submit photographs and call out pre-existing damage, he or she will be responsible for any and all damage noted during ARC inspections. **If no photographs are submitted, it will be assumed that no curb or street damage existed at the start of the project.**

## 11.0 DESIGN REVIEW RESULTS

Once the ARC has reviewed and approved, either conditionally or in its entirety, the management Company will issue a design review report on behalf of the ARC via email. The result of design reviews will be sent in writing to the Owner typically within five business days from review date. The report may set out: (1) any requirements to be met before the next submittal in which case the applicable section or sections of this ARC Guidance document, the Covenants and/or the By-Laws shall be cited and/or (2) any comments and suggestions for consideration in preparing for the next submittal in which case citations to the ARC Guidance document may be offered as a convenience but are not required.

In order to allow a new-build applicant to proceed to "Site Stakeout" step, a conditional approval may be granted if in the ARC's sole judgement the outstanding required items are not structural (e.g., lack of design-appropriate window trim/shutters, large expanses of wall, missing foundation vents, exterior colors, inadequate landscape design, and other similar items). If the owner decides to accept the conditional approval, he or she must also agree to resubmit, incorporating those required items described in the conditional approval letter prior to requesting a foundation height inspection. Once the ARC concurs that the outstanding items have been satisfied, a Design Review Approval letter will be sent to the owner. Note that a copy of this letter must be submitted with the request for future inspections.

Important Note: Neither Design Review approval nor Conditional Design Review approval means construction is authorized to begin. The next step is for the builder to stake out and flag trees and then submit a site stakeout inspection request. See Site Stakeout Inspection Request (Form #07) form in the Appendix.

## 12.0 ARC INSPECTIONS

Site inspections are typically scheduled for the third Thursday of the month. **Check with the Management Company on the first of the month to ascertain whether the meeting date has changed**, especially for the November and December meetings which are typically combined and held on the 2<sup>nd</sup> Thursday.

Applicants who are ready, or soon to be ready for their site inspection, should send an applicable inspection request form to the Management Company so as not to miss getting put on the agenda. This inspection form must be received at least 5 business days prior to the regularly scheduled monthly inspection. Advance notice is required in order to allow the Management company time to prepare inspection materials and to allow time for the Architect and ARC volunteers to review the inspection materials prior to the inspection.

Current inspection forms (Final Inspection, Formal Submission, Foundation Height, Site Stakeout,...) may be requested from the Management Company or downloaded from the Dye Estates Section of the BRRRA website (<https://barefoothoa.com/dye-arc.html>). To access the website you must be a Dye Estates property owner.

In order to allow time for the minutes to be reviewed and approved, **owner feedback from ARC inspections takes three (3) business days.**

## 13.0 PROJECT TIME LIMITS

### 13.1 TIME LIMITS

- New Home Construction Projects
  - **Must begin** within ninety (90) days after ARC Final Design Review Approval, after which a new application and design review fee will be required. This includes conditional approvals. This date is the basis for the timeline start.
  - **Must be completed** and have ARC Final Compliance Approval within eighteen (18) months of the ARC Final Design Review Approval.
- Home Additions and Alterations
  - **Must begin** within sixty (60) days of the ARC Final Design Review Approval
  - **Must be completed** within six (6) months of ARC Review approval..
- Major Landscape renovations must be completed within 180 days of approval.
- Minor Landscape renovations must be completed within 90 days of approval.
- All other projects must be completed within 180 days of approval.
- If construction is not completed and final inspections not completed within three years from the date the compliance deposit is received by the Management Company, the funds will be forfeited to the Community Association.

### 13.2 TIME LIMIT EXTENSIONS

Extensions may be granted by the ARC contingent upon the receipt of a written request for an extension with an acceptable justification, thirty (30) days prior to the expiration of the time limit.

#### 13.2.1 NEW CONSTRUCTION

If construction of a new home does not begin within the allotted time limits, the following would apply:

- Same application (Form #3) would be submitted for ARC review with a \$25 application fee, made out to the Management Company, and another check made out to the HOA.
  - Limited or No Design Changes: Assuming the changes, if any, included in the resubmission are considered minor by the ARC, the charge for the resubmission would be the same as what a fourth review would cost.
  - **Major Design Changes:** If the resubmitted changes are major, then the full new construction design review fee would apply.
- The most recent version of the ARC Design Guidelines, Standards, and Procedures would govern build, which may or may not be the version the original submittal was approved under. Fine and Penalties may change over time, regardless.
- **If after one year**, the project has not started, the ARC will return any compliance deposits and infrastructure road impact/service fees (assuming ground has not been broken nor trees removed). Once the compliance deposit is returned, the applicant would no longer have the option to reapply by paying the reduced rate (fourth review cost).
- If approved, the new approval date would be the basis for the timeline start.

### 13.3 OTHER PROJECTS

If an extension has been granted for other projects that have not started within the allotted time limits, the ARC extension letter from the Management Company will state whether another ARC review is required and, if so, which application and what fees will need to be submitted. If an additional ARC review is not required, the letter will establish a new timeline for that project.

## 14.0 FINE POLICY AND PAYMENT PROCEDURE

The fine for committing a violation, except as otherwise specifically provided in the rules, shall not exceed the amount listed in the fine schedule. See Appendix “Fines and Penalties”. In the rare case where the fines associated with a new home build exceed the fine threshold defined in the “Fines and Penalties” section, all fines thereafter will be increased by a percentage also defined in that section.

If an owner wishes to appeal the violation and/or fine notification, a hearing request may be mailed or emailed to Management Company (Click on link for address.). The Management Company will respond in writing with a notice stating the date, time, and place to be held, within ten days of the date of receipt of written notification by the owner.

If for any reason an owner does not attend the hearing scheduled after receiving notification, the owner waives the right to an appeal or hearing, and the Board of Directors will levy the appropriate fines until the violation is rectified.

Fines are to be paid in accordance with the authorized fine schedule and become due and payable within ten (10) days after the citation is issued. The fine may be paid at the Management Company office, and the check should be made payable to ***The Dye Estates Homeowners Association***. If the fine is not paid or a written notice of intent to appeal has not been given within ten (10) days after the citation is issued, the Board reserves the right to take further action such as refusing to review any ARC applications until fines are paid, placing a lien on the property, etc..

All individual members of The Dye Estates Homeowners Association, Inc., shall be susceptible to such fines so long as they are in violation of the governing documents or rules and regulations of Association.

If a warning is given for an architectural or vendor related issue, the owner will be ultimately responsible for the correction subject to fining schedule above. In addition, the owner may be required to remove or correct the violating change at his/her own expense.

All fines may be treated in the same manner as an assessment and will be added to the Owner's account and may be secured by a lien and collected in the same manner as provided in the Master Deed.



## **15.0 REPLACEMENT AFTER DAMAGE OR DESTRUCTION**

### **15.1 SINGLE DWELLING**

In the event of damage or destruction by fire or other casualty to any one dwelling, the owner may elect:

1. To not repair or rebuild the damaged or destroyed dwelling, in which case the owner shall clear away the debris of any damage to improvements or vegetation and leave the dwelling and the lot upon which it is located in a clean, orderly, safe and sightly condition within seventy-five (75) days of the damage or destruction; or
2. To repair or rebuild such dwelling and/or other improvements
  - a) to substantially the same condition as existed prior to the damage or destruction, or
  - b) proceed under the design Review Procedures and obtain Final Review approval by the ARC. Such work must be in accordance with all applicable provisions of this Manual including without limitation this Part 3 and the ARC rules and guidelines, all applicable zoning, subdivision, building, and other governmental regulations. Plans shall be submitted for design review for all such work, repair, or construction within seventy-five (75) days following such damage or destruction and shall be carried through diligently to conclusion in accordance with ARC regulations and requirements then in effect.
  - c) upon electing to proceed under either 2(a) or 2(b), the owner shall clear away the debris of any damage to improvements or vegetation and restore the lot and any remaining portion of the dwelling and any accessory structures to a clean, orderly, safe and sightly condition.

### **15.2 MULTIPLE DWELLINGS (MAJOR DISASTERS)**

In the instance of a major disaster affecting multiple properties, defined as the destruction of or major damage to three or more properties caused by hurricane, flood, tornado, wind or fire, the following modified procedures shall apply:

1. Restore the Property to Unimproved Condition including the Removal of Pools, if applicable, and the Application of Ground Cover Upon the receipt of a written Application, the ARC Administrator will issue a permit marked "CLEAR LOT". No fee is required.
2. Demolition, Total or Partial, and Debris Removal Prior to Restoration Upon receipt of a written Application, the ARC Administrator will issue a permit marked "DEMOLITION ONLY". No fee is required. In the case of a partial demolition, a set of marked drawings shall be submitted clearly showing the portion(s) to be demolished.
3. Restoration of the Property to Its Condition Prior to the Damage with No Exterior Changes Upon receipt of a written Application stating "NO CHANGES", the ARC Administrator will issue a permit marked "NO CHANGES". No fee is required.
4. Restoration of the Property with Proposed Exterior Changes and/or Additions or Changes Required by Current Applicable Building Codes, Ordinances, Rules, Regulations or Guidelines All applicable ARC procedures apply. Fifty Percent (50%) of the then applicable ARC fee is required with the Application.
5. ARC Quorum When Design Reviews are required, the ARC quorum requirements may be reduced to a minimum of two (2) eligible voting members. This section applies to multiple disaster situations only.
6. All Other Guidelines Shall Govern As Applicable

## 16.0 APPENDIX

### 16.1 CONTRACTOR / VENDOR WORK HOURS & HOLIDAYS

NOTE: Work hours and holidays are subject to change. The Management Company and the BRRA website will always have the most recent approved work schedule. Go to [https://barefoothoa.com/communities/community\\_form/dye-estates](https://barefoothoa.com/communities/community_form/dye-estates) and select “Community Info & Rules”.

#### 16.1.1 HOLIDAYS

Vendors and contractors will not be permitted to work on the following Holidays\*:

- “Monday after the Masters”
- New Year’s Day
- Easter Weekend (Friday-Sunday)
- Memorial Day Weekend (Saturday – Monday)
- 4<sup>th</sup> of July
- Labor Day Weekend (Saturday-Monday)
- Thanksgiving Weekend (Thursday-Sunday)
- Christmas Eve, Christmas, and day after Christmas

#### 16.1.2 WEEKDAY WORK HOURS

**Weekday** work hours for vendors and contractors are **7 am to 7 pm\***. Vendors are not permitted to arrive prior to stated work hours and must clean up and be **off the premises by 7 pm** on non-holiday weekdays.

#### 16.1.3 WEEKEND WORK HOURS

**Saturday** work hours for vendors and contractors are **8 am to 5 pm\***. Vendors are not permitted to arrive prior to stated work hours and must be clean up and be **off the premises by 5 pm** on non-holiday Saturdays.

#### 16.1.4 EMERGENCY WORK

Emergency work for repairs is permitted at any time (e.g., broken water pipe, unsafe condition,...). Homeowner should inform the guard gate to ensure gate access.

*\*Note: Quiet, interior vendor/subcontractor work may be allowed during daylight, non-contractor hours—this includes Sundays. To request permission, send an email to the Management Company, stating your name, lot, contractor name, description of work, and date(s) of proposed work at least 2 business days prior to work start. If approved, you will receive written notice and a special gate code. Do not give contractors your personal gate code. (Quiet work would include painting that doesn’t involve a compressor or other noisy equipment, spackling, wallpapering, and electrical work.) Vendors and contractors should park on the resident’s property. Homeowner should remind guard (843-390-0250) of upcoming quiet work to ensure gate access.*

## 16.2 STOP WORK ORDER

A stop work order is a written order from the ARC or the Community property manager requiring all construction to cease and desist until all conditions of the order are met at the discretion of the ARC. Stop work orders may be issued for grading deviations and for, but not limited to, matters of health, safety, and welfare and violations of the HOA governing documents. Stop work orders will be released at the sole discretion of the ARC if the ARC determines that the required action(s) to bring the offending property back into compliance with the governing documents have been met. A stop work order or other actions may also be taken for serious and/or repetitive violations.

## 16.3 ARC FEES

### 16.3.1 UNPAID ASSESSMENTS

In the event any HOA/ARC assessments on the subject property are unpaid, the ARC will not consider any submittal for review until all assessments are paid in full.

### 16.3.2 GENERAL CONTRACTOR PAYMENTS

New home compliance deposits and infrastructure/road impact/service fees **must be paid by the General Contractor on a check written on their business account.** Checks from owners will not be accepted.

### 16.3.3 COMPLIANCE DEPOSITS

**Compliance deposits** are held by the Management Company until construction is completed. Provided ARC requirements are complied with, no violation fees have been levied, and no damages to roadway or other property has occurred, the deposit will be returned in its entirety when work is completed and final ARC approval granted. The Dye Estates HOA has the right, but not the obligation, to use compliance deposits to remedy violations, such as safety issues, jobsite cleanup, tree replacements, etc., after giving owners reasonable notice to self-correct. When it is not feasible to replant required replacement trees, the Dye Estates has the option to use compliance deposits to plant said trees on Dye Estates common property.

The ARC has the right mandate additional compliance deposits after fines and noncompliance issues have depleted some or all of the deposits held.

### 16.3.4 GENERAL PAYMENT INFORMATION

Every ARC application requires a small administration fee check be made out to the Management Company. (See first row of ARC Fee Schedule Table).

To determine what other fees are required for the Application you are submitting, locate in the left-hand column of the ARC Fee Schedule Table the line that is applicable to your job at hand. For instance, if the application is for an Exterior Materials Renovation, you would need to write two checks: 1 to the Management Company for the Administrative Fee, and the other for both the Review Fee and the Infrastructure/Road Impact/Service Fee. Since the box is grayed out under Compliance Deposit, a check does not need to be written for that.

### 16.3.5 ARC FEE SCHEDULE TABLE

IMPORTANT : If a new-home applicant does not respond to the ARC's requests, comments, or questions within six months, an additional review fee of \$500 is required. After a period of one year, a full additional review fee is required and the most current ARC guidelines will apply.

<b>Form Date: 3/20/2023</b>	<b>Adm. Fee – Applies to all ARC Applicati ons (*Pay- able to Mgt. Co.)</b>	<b>REVIEW FEES (Non- refundable)</b>	<b>INFRA- STRUCTURE/ ROAD IMPACT/ SERVICE FEES (Nonrefundable)</b>	<b>COM- PLIANCE DEPOSITS (Refundable - See above)</b>	<b>APPLI- CATION FORM</b>
<b>DESCRIPTION</b>					
<b>Conceptual Review</b>	\$25 *	\$200 (1 hour max)			<u>Conceptual Submission</u>
<b>New Home Design Review</b> (If the applicant does not respond to the ARC's comments within six months, an additional review fee of \$500 is required. After a period of one year, a full additional review fee is required and the most current ARC guidelines will apply.)	\$25 *	\$1250 (includes 3 reviews); \$250 for each additional review until applicant received final design approval	\$1,400 for <6,000 structural sf*; \$1,820 for 6,000+ structural sf.*(paid by contractor) * Includes sq. footage under roof (both heated and unheated)	\$15,000 for <6,000 structural sf* and \$20,000 for 6,000+ structural sf.* (paid by contractor) \$1,000 (paid by owner)	<u>Application for Design Review</u>
<b>MINOR New Home Change Request</b> (Req'd for changes submitted post approval) –Only for color/product changes or landscape change <500 sf; Add. tree removal is not a minor change.	\$25*	\$250 /review until applicant receives change request design approval	(Typically N/A; ARC to determine if applicable )	N/A	<u>Application for: New Construction Change Request #03.2</u>

DESCRIPTION (Con't)	Adm. Fee – Applies to all ARC Applicati ons (*Pay- able to Mgt. Co.)	REVIEW FEES (Non- refundable)	INFRA- STRUCTURE/ ROAD IMPACT/ SERVICE FEES (Nonrefundable)	COM- PLIANCE DEPOSITS (Refundable - See above)	APPLI- CATION FORM
<b>MAJOR New Home Change Request</b> (Req'd for changes submitted post approval) – All other change such as structural, footprint, additional tree removal, ...	\$25*	\$500 - 2 reviews maximum for same change request before add. review fees apply	ARC to determine if applicable	ARC to determine if add. dep. Is warranted.	<a href="#"><u>Application for: New Construction Change Request #03.2</u></a>
<b>Tree Removal</b> (not applicable to new construction)	\$25 *	\$50	First 3 trees (no fee); \$35 / tree thereafter	N/A	<a href="#"><u>Application for Tree Removal</u></a>
<b>Boulders/ Retaining Walls/Etc. Add. Road Impact Fees</b>	\$25 *	\$25	TBD by ARC (based on scope) \$140 minimum	N/A	<a href="#"><u>Application for Design Review</u></a>
<b>Minor(Back &amp; Side Yards):</b> Up to & including 500 total sq. ft.	N/A	N/A	N/A	N/A	N/A
<b>Major:</b> Over 500 total sq. ft.	\$25 *	\$100	\$210	\$250	<a href="#"><u>Application for Design Review</u></a>
<b>Landscape Renovations</b> (ARC Approval Required) - Continued					
<b>Minor(Front Yards):</b> Up to & including 500 total sq. ft.	\$25 *	\$50	N/A		<a href="#"><u>Application for Minor Landscape Renovation</u></a>
River rock replacing mulch	N/A	N/A	N/A	N/A	N/A

DESCRIPTION (Con't)	Adm. Fee – Applies to all ARC Applicati ons (*Pay- able to Mgt. Co.)	REVIEW FEES (Non- refundable)	INFRA- STRUCTURE/ ROAD IMPACT/ SERVICE FEES (Nonrefundable)	COM- PLIANCE DEPOSITS (Refundable - See above)	APPLI- CATION FORM
<b>Additions/ Alterations:</b> New room(s), enclosed porches & expansion of the enclosed heated floor space, which requires a new foundation, and or expansion of roof cover					
<b>Minor:</b> Up to & including 500 total sq. ft.	\$25 *	\$250	\$210	\$1500	<a href="#"><u>Application for Design Review</u></a>
<b>Major:</b> Over 500 total sq. ft.	\$25 *	\$500	\$350 (501-1,000 sf) \$490 (1,001 – 1,500 sf) TBD (>1,500 sf)	\$2000	<a href="#"><u>Application for Design Review</u></a>
<b>Pool</b> No additional fence application & fee is required if pool & fence plans are submitted/installed together.	\$25 *	<b>\$250 (if not included as part of new home construction)</b>	\$280 (Fiberglass) \$560 (concrete)	\$1000 (if not included as part of new home construction)	<a href="#"><u>Application for Design Review</u></a>
<b>Dock</b>	\$25 *	\$100	\$560	\$1000	<a href="#"><u>Application for Design Review</u></a>
<b>Fence</b> (ARC Approval Required)	\$25 *	\$100	N/A	\$500	<a href="#"><u>Application for Design Review</u></a>

DESCRIPTION (Con't)	Adm. Fee – Applies to all ARC Applicati ons (*Pay- able to Mgt. Co.)	REVIEW FEES (Non- refundable)	INFRA- STRUCTURE/ ROAD IMPACT/ SERVICE FEES (Nonrefundable)	COM- PLIANCE DEPOSITS (Refundable - See above)	APPLI- CATION FORM
<b>Exterior Material Renovation--ARC Approval Required</b> (Changes to decks, windows, skylights, doors, fences, privacy screens, roof shingles, paint color changes, screening an existing porch, and other exterior changes which are not covered under other sections of this fee schedule)	\$25 *	\$100	N/A		<u>Application for Design Review</u>

## 16.4 FINES AND PENALTIES

**Refundable deposits must be replenished after fines. The HOA reserves the rights to deny access or stop work if deposits are not replenished or fines not paid within 30 days.**

**\*IMPORTANT NOTE FOR NEW CONSTRUCTION ONLY: Most builders are respectful of the rules and neighbors and thus rarely receive significant fines.**

**IMPORTANT: in the rare case where the fines associated with a new home build exceed \$1000, all fines thereafter will be increased by 50%.**

<b>Form Date: 3/20/2023</b>	First Occurrence *	2 <sup>nd</sup> Occurrence within a year*	Additional Occurrences within a calendar year*
<b>Description</b>			
<b>Project Time Limit Violations: See <u>Project Time Limits</u></b>  <b>Important Note:</b> If construction is not completed and compliance with the standards not completed within three years from the date the compliance deposit is posted by the Management Company the funds will be forfeited to the Community Association.			
<b>New Construction Start Delays</b> (No fine but another application and additional fees and new guidelines would apply)	N/A		
<b>New Construction Completion Delay</b> (if extension not approved)	\$500 (1 <sup>st</sup> month)	\$1000 (2 <sup>nd</sup> month)	\$1500 (3 <sup>rd</sup> & subsequent months)
<b>Additions &amp; Alternations Delays</b> (if extension not approved)	\$250 (1 <sup>st</sup> month)	\$500 (2 <sup>nd</sup> month)	\$750 (3 <sup>rd</sup> & subsequent months)
<b>Major Landscape Delays</b> (if extension not approved)	\$250 (1 <sup>st</sup> month)	\$500 (2 <sup>nd</sup> month)	\$750 (3 <sup>rd</sup> & subsequent months)
<b>Minor Landscape Delays - Front Yard</b> (if extension not approved)	\$100 (1 <sup>st</sup> month)	\$200 (2 <sup>nd</sup> month)	\$300 (3 <sup>rd</sup> month)
<b>Trees</b>			
<b><u>Unauthorized Tree Removal</u></b> All unauthorized tree removal listed below also requires tree replacement for every inch in diameter that was removed			
Removal of a tree 6-12" d.b.h	\$1,000		
Removal of a tree >12-16" d.b.h	\$2,000		
Removal of a tree greater than 16" d.b.h	\$4,000		
<b>Temporary or permanent removal of tree protection</b> without written authorization from the ARC (e.g., to allow room for construction vehicles, during site grading, ...)	\$500/ occurrence		
<b>(Continued on Next Page)</b>			



<b>Form Date: 3/20/2023</b>	First Occurrence *	2 <sup>nd</sup> Occurrence within a year*	Additional Occurrences within a calendar year*
<b>Description</b>			
<b>Severe Tree Damage</b> (8" or greater DBH); expense of assessment of damage & replacement of tree as necessary will be assessed and deducted	\$500 / tree	\$500 / tree	\$500 / tree
<b>Unauthorized Work* / Compliance</b> *Note that authorizations are always written-- never given verbally.			
<b>Unauthorized Site Plan/Building Change/Addition</b> (Stop work; submit application & wait for approval)	\$1,000		
<b>Building without proper NMB permitting</b> (stop work)	\$300		
Progressing to the next construction phase without required inspection(s) and/or approvals (e.g., Failing to wait for foundation height approval)	\$1,000		
<b>Lot clearing without ARC approval</b> and/or without meeting ARC requirements (e.g., lack of/inadequate silt fencing, wetlands/tree protection fencing,...)	\$5,000 plus restoration		
<b>Unauthorized Front Yard Minor Landscape Change</b> (cease work, submit application)	Phone Call / Letter	\$200	\$300
<b>Unauthorized Major Landscape Change</b> (cease work, submit application)	\$500 / occurrence		
<b>Unauthorized Fencing</b> (cease work, submit application)	\$500 / occurrence		
<b>Unauthorized Dock</b> (cease work, submit application)	\$750 / occurrence		
<b>Jobsite Preparation / Maintenance</b>			
<b>Failure to install dumpster <u>prior</u> to start of framing</b>	\$100		
<b>Overflowing dumpster</b> /3 business days	\$100/day		
<b>Lack of secured trash can</b> on site (for food trash, etc.) – A dumpster does not meet this requirement as food waste blows out, attracts wildlife, ...	Phone call/letter	\$100/day	
<b>Dumpster, building materials, or equipment placed in unauthorized location</b> (i.e. placed on street, adjacent properties, in tree protection zone, common areas)	\$500/day		
<b>Damage to Community Property</b> Natural Areas, storm drain covers, curbing or street or neighboring lots	\$500 / occurrence + cost to repair		
<b>Dumping</b> of job site debris other than the job site (e.g., concrete, concrete washing on areas, litter, etc.)	\$500 / occurrence		
<b>(Continued on Next Page)</b>			

<b>Form Date: 3/20/2023</b>	First Occurrence *	2 <sup>nd</sup> Occurrence within a year*	Additional Occurrences within a calendar year*
<b>Description</b>			
<b>Jobsite Preparation / Maintenance (Con't)</b>			
<b>Silt fence</b> poorly maintained or incorrectly installed /3 business days to correct (e.g., fence not taught, fence not healed to ground, ..) – See significant fine above for fencing not being installed <u>prior</u> to start of grading.	\$100/day		
<b>Gravel at curb cut:</b> Failure to user adequate gravel and/or contractors not using gravel drive / 3 business days to correct	Friendly warning for first occurrence	\$100/day	
<b>Port-o-John:</b> Failure to install prior to lot clearing	\$100		
<b>Port-o-John door visible</b> from street /5 days to correct for first occurrence	Friendly warning for first occurrence	\$100/day	
<b>Lot Maintenance, Littered construction site,</b> 1 day to correct	Friendly warning for 1 <sup>st</sup> occurrence	\$100/day	
<b>Dirt/debris dragged onto roads</b> / 1 business day to correct (Roads must be swept daily.)	Friendly warning for first occurrence	\$100/day	
<b>Nonconforming or Lack of Construction Sign</b> (5 business days to correct)	Phone call/letter	\$100 / week	
<b>Equipment left on property</b> after completion of approved work (after warning) or before work has been authorized to start	Phone call/email	\$100/day	
<b>(Continued on Next Page)</b>			

<b>Form Date: 3/20/2023</b> <b>Description</b>	<b>First Occurrence *</b>	<b>2<sup>nd</sup> Occurrence within a year*</b>	<b>Additional Occurrences within a calendar year*</b>
Contractor Conduct, Parking, & Other Violations			
Contractor/Vendor <b>Working Hours/Days Violation</b> (1 business day to correct)	Phone call/letter (first violation only)	\$100 / occurrence (gate access denied until paid)	\$300 / occurrence (gate access denied until paid)
<b>Parking:</b> Vehicles Parked on Adjacent Property, Parking on both sides of the street, Blocking Mailboxes & Other Parking Violations (1 day to correct)	\$100/day	\$100 / day	\$200 / day
<b>Trailers parked in street overnight</b>	\$100/day		
<b>Burning on lot</b> (leaves, yard debris,...) Must be corrected immediately.	\$1000 / occurrence		
<b>Improper Attire/Workers without shirts</b>	\$50/ occurrence		
<b>Loud music or pets on job site</b>	\$100		
<b>Contractor Misconduct</b>	Friendly warning for first occurrence	\$100/day	
<b>Other miscellaneous violations</b> (e.g., Replacement after damage or destruction of home, ...)	\$1,000 / month plus mitigation and/or repairs		

## **16.5 APPLICATIONS**

**The applications and forms included in this section are not necessarily the most up-to-date versions and therefore are watermarked as “DO NOT COPY.”**

**Applications submitted with the “DO NOT COPY” watermark will be returned.**

The most up-to-date applications and forms for The Dye Estates must be obtained from the Management Company or downloaded from the BRRA website, under The Dye Estates neighborhood tab for the Dye Estates Architectural Review Committee:  
<https://barefoothoa.com/dye-arc.html>.

### 16.5.1 NEW BUILD CHECKLIST FORM #10

Three (3) paper copies of all plans must be submitted, as well as PDFs.

✓	Format	<b>NEW BUILD CHECKLIST Form #10 (Page 1 of 2), Form Date 3/20/2023</b> Description
	Sketch / Analysis	[Required for Conceptual Submission only] A rendering or sketch of the proposed structure and any photographs that might be helpful in describing the concept. A site analysis describing the design principles and explaining how the house will fit contextually onto the site and any required photographs
	<b>THREE (3)</b> 24"x36" & PDF	A Tree/ Topographic Survey prepared as required for Final Review and containing all information required for Final Review. This survey must identify <u>all</u> trees on the lot. The corners of adjacent homes should be noted on the survey.
	Original	A completed, signed and dated Application for Design Review. By signing the Application for Design Review, the Architect or Designer certifies and the Owner acknowledges that the proposal is in compliance with the ARC Rules and with all applicable statutes, covenants and restrictions.
	Payment	Review Fee (payable to The Dye Estates HOA)
	Payment	<b>Contractor</b> Compliance Deposit (payable to The Dye Estates HOA)— NOTE: This must be paid from General Contractor's account— Owner may <u>not</u> write this check.
	Payment	<b>Owner</b> Compliance Deposit (payable to The Dye Estates HOA)
	Payment	Infrastructure/Road Impact/Service Fee
	Payment	Application Processing Fee (payable to Management Company)
	Original	<u>Trust Account Agreement (Form #01)</u> (See Appendix)
	Original	<u>New Construction fine policy (Form 03.2) (See Appendix)</u>
	<b>THREE</b> 24"x36" & PDF	A Site Plan prepared as required for Final Review and containing all information required for Final Review.

Instructions: Initial the first column to acknowledge the corresponding item has been submitted.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

✓	Format	<b>NEW BUILD CHECKLIST Form #10 (Page 2 of 2), Form Date 3/20/2023</b>  Description
	<b>THREE (3)</b> 24"x36"  & PDF	Landscape Plan with grading and Exterior Lighting, prepared/signed by a landscape professional
	<b>THREE (3)</b> 24"x36"  & PDF	Grading / drainage plan certified by a civil engineer engaged by the general contractor or owner.
	Original	New Construction Tree Removal Worksheet (Form #03.1)
	<b>THREE (3)</b> 24"x36"  & PDF	Floor Plan(s) showing overall house dimensions, windows and doors. Should include square footage: heated, unheated, and under cover.
	Sample	Siding, Roof, & Paving materials in requested color; (New: Color Sample of exterior boxes—see <u>Utilities/Service Areas/Accessory Buildings/Screening</u> )
	<b>THREE (3)</b> 24"x36"  & PDF	Exterior elevation drawings with all exterior materials clearly indicated and wall Sections and details as necessary to interpret the plans. Elevations must include roof plan with roof slope, materials description, and heights.
	Photographs	Photographs of Street & Curb (See Photographs section)
	Original	List of Contractors for Gate Access (See Appendix <u>Gate Access Request for Contractors &amp; Recurring Guests (Form #06)</u> )
	Original	<u>Site Stakeout Inspection Request (Form #07)</u> (See Appendix)  Do not submit with initial application
	Original	<u>Foundation Height Inspection Survey Request (Form #08)</u> (See Appendix)  Do not submit with initial application
	Original	<u>Request for Final Inspections / Deposit Refund (Form #09)</u> (See Appendix)  Do not submit with initial application

Instructions: Initial the first column to acknowledge the corresponding item has been submitted.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

**16.5.2 "OTHER" CHECKLIST FORM #11**

✓	Format	<b>ALL OTHER CHECKLIST Form #11 (Page 1 of 2), Form Date 3/20/2023</b> Description	Applicable to:
	Sketch / Analysis	[Required for Conceptual Submission only] A rendering or sketch of the proposed structure and any photographs that might be helpful in describing the concept. A site analysis describing the design principles and explaining how the house will fit contextually onto the site and any required photographs	Conceptual Submission
	<b>THREE (3)</b> 24"x36" & PDF	A Topographic Survey prepared as required for Final Review and containing all information required for Final Review.	Pools or changes that could affect water runoff.
	<b>THREE (3)</b> 24"x36" & PDF	A Tree Survey prepared as required for Final Review and containing all information required for Final Review, including trees to be reviewed clearly identified.	A professional tree survey is generally required when multiple trees are requested to be removed.
	Original	<u>Trust Account Agreement (Form #01)</u> (See Appendix)	For any application involving a refundable deposit.
	<b>THREE (3)</b> 24"x36" & PDF	A Site Plan prepared as required for Final Review and containing all information required for Final Review.	Major renovations
	<b>THREE (3)</b> 24"x36" & PDF	Landscape Plan with grading and Exterior Lighting, prepared/signed by a landscape professional	Major landscape renovations
	<b>THREE (3)</b> 24"x36" & PDF	Floor Plan(s) showing overall house dimensions, windows and doors. Should include square footage: heated, unheated, and under cover.	Additions

Instructions: Initial the first column to acknowledge the corresponding item has been submitted.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

✓	Format	<b>ALL OTHER CHECKLIST Form #11 (Page 2 of 2), Form Date 3/20/2023</b> Description	Applicable to:
	Sample	Siding, Roof, & Paving materials in requested color; (Color Sample of exterior boxes—see <u>Utilities/Service Areas/Accessory Buildings/Screening</u> )	All applications involving ARC approval of materials
	Cut Sheets	Exterior Light Fixtures, Exterior Doors, Window Grids, Fences	All applications involving ARC approval of materials
	Photographs	Photographs of Street & Curb (See <u>Photographs</u> section)	All applications
	Original	List of Contractors for Gate Access (See <u>AppendixGate Access Request for Contractors &amp; Recurring Guests (Form #06)</u> )	All applications
	Original	<u>Site Stakeout Inspection Request (Form #07)</u> (See Appendix)  Do not submit with initial application	<u>Additions involving changes to a footprint of an existing structure</u>
	Original	<u>Request for Final Inspections / Deposit Refund (Form #09)</u> (See Appendix)	For any application involving a refundable deposit.
	Photographs	Photographs of Street & Curb (See <u>Photographs</u> section)	All applications

Instructions: Initial the first column to acknowledge the corresponding item has been submitted.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_



**16.5.3 TRUST ACCOUNT AGREEMENT (FORM #01)**  
**3/20/2023**

The Dyes Estates

At

Barefoot Resort

Trust Account Agreement

Under South Carolina Law, your Construction and Landscape deposits belong to you until you complete your construction on your home and receive ARC completion approval.

The bookkeeping problems involved in calculating daily interest for you make it prohibitive to pay you the interest on such deposits. This form authorizes the bank to pay interest to us on our Trust account Funds.

I, the Undersigned, understand that the construction and landscaping deposits placed with The Dye Estates / ARC account for the purpose of building a home belongs to me, and as the owner of the funds, any interest earned shall accrue to my benefit. However, I undersigned, agree that all interest income from this deposit to the date of the ARC Final Completion Approval or in the event of forfeiture shall accrue to The Dye Estates / ARC account.

---

Signature of Owner(s)

---

Date

---

Print Name

16.5.4 CONCEPTUAL SUBMISSION: ARC APPLICATION FOR DESIGN REVIEW  
(FORM #02)

Form Date: 3/20/2023

Submit to the Management Company, attention: The Dye Estates. You will be notified by the Management Company as to when the ARC will be able to meet with you.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

Architect's or Designer's  
Name/ Phone No.: \_\_\_\_\_

Contractor/Phone No.: \_\_\_\_\_

Landscape Professional/  
Phone No.: \_\_\_\_\_

Total Impervious Surfaces/Ratio: \_\_\_\_\_ sf \_\_\_\_\_ %

Description of any issues that owner wants early ARC input on:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List of attachments/photos: \_\_\_\_\_

\_\_\_\_\_

Owner's Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

MANAGEMENT USE: Date Received : \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_ + \$ \_\_\_\_\_ **TWO SEPARATE CHECKS** should be written—one for the Administrative Fee payable to the management company and the balance, if any, payable to *The Dye Estates Homeowners Association*.

**16.5.5 APPLICATION FOR: NEW CONSTRUCTION DESIGN REVIEW,  
MAJOR/MINOR ADDITIONS, MAJOR LANDSCAPING, POOLS, DOCKS,  
FENCES,... (FORM #03)**

**Application for New Construction Design Review, Major/Minor Additions,  
Major Landscaping, Pools, Docks, Fences,... Form Date: 3/20/2023**

**The Dye Estates at Barefoot Resort – Architectural Review Committee**

Check all that apply: ☐ New Construction ☐ Major Addition/Reno ☐ Minor Addition/Reno ☐ Major Landscape Reno ☐ Pool  
☐ Dock ☐ Exterior Material Reno. ☐ Fence ☐ Boulders ☐ Retaining Wall

Lot Number:  Owner's Name:  Owner's Phone #:

Owner's Mailing Address:

Owner's Email Address:

Architect/Designer Name/Phone #:

Contractor Name/Email/Phone #:

Landscape Professional/Phone#:

Existing Curb/Street Damage: ☐ No ☐ Yes (If yes, attach photos of damage.)

Total Impervious Surfaces/Ratio:  sf  %

**I DO HEREBY CERTIFY IN GOOD FAITH THAT I HAVE RECEIVED, READ, AND UNDERSTOOD THE  
RULES, REGULATIONS, AND ARCHITECTURAL GUIDELINES DATED  /  /  AND, BY THE  
SUBMITTAL OF AN APPLICATION TO THE ARC HAVE AGREED TO COMPLY WITH THEM, AS  
APPLICABLE, WITH REGARD TO SUCH SUBMITTAL.**

Owner's Signature/Date:  (  /  / 20  )

Contractor's Signature/Date:  (  /  / 20  )

Architect's or Designer's

Signature/Date:  (  /  / 20  )

Landscape Professional's Signature/Date:  (  /  / 20  )

**Project Description, ARC Required Documents, & Samples Checklist must be attached!  
See Appendix Fee Schedule for Review Fee(s).**

**MANAGEMENT USE:** Date Received :

Fees Paid: \$  + \$  **TWO SEPARATE CHECKS** should be written—one  
for the Administrative Fee payable to the management company and the balance, if any,  
payable to *The Dye Estates Homeowners Association*.

16.5.6 NEW CONSTRUCTION TREE REMOVAL WORKSHEET  
(FORM #03.1)

Form Date: 3/20/2023

The Dye Estates at Barefoot Resort – Architectural Review Committee

Lot Number: \_\_\_\_\_ Owner’s Phone #: \_\_\_\_\_

Owner’s Name: \_\_\_\_\_

Owner’s Mailing Address: \_\_\_\_\_

Owner’s Email Address: \_\_\_\_\_

# of Trees to be Removed within House Footprint over 24 Inches or Greater Caliper: \_\_\_\_\_

See Tree Requirements Section for more information.

Lot Size in Sq. Ft.	
Proposed House Size (including hardscape) in Sq. Ft.	
Available Landscape Area Size in Sq. Ft. (Lot Size minus Proposed House Size	
# Existing Deciduous Trees to Protect	
# New Deciduous Trees to be added	
# Existing Evergreen Trees to Protect	
# New Evergreen Trees to be added	
# Tuscarora Crepe Myrtle Street Trees	

Comments:

\_\_\_\_\_

\_\_\_\_\_

I DO HEREBY CERTIFY IN GOOD FAITH THAT I HAVE RECEIVED, READ, AND UNDERSTOOD THE RULES, REGULATIONS, AND ARCHITECTURAL GUIDELINES DATED \_\_/\_\_/\_\_ AND, BY THE SUBMITTAL OF AN APPLICATION TO THE ARC HAVE AGREED TO COMPLY WITH THEM, AS APPLICABLE, WITH REGARD TO SUCH SUBMITTAL.

Owner’s Signature/Date: \_\_\_\_\_ ( \_\_/\_\_/20\_\_ )

MANAGEMENT USE: Date Received : \_\_\_\_\_

16.5.7 NEW CONSTRUCTION FINE POLICY (FORM 03.2)

**New Construction ARC Guidelines Special  
Acknowledgement (Form #03.2)** Form Date: 3/20/2023

**I DO HEREBY CERTIFY IN GOOD FAITH THAT NOT ONLY HAVE I RECEIVED, READ, AND UNDERSTOOD THE RULES, REGULATIONS, AND ARCHITECTURAL GUIDELINES, VERSION \_\_\_\_\_, DATED \_\_/\_\_/\_\_\_\_ AND, BY THE SUBMITTAL OF AN APPLICATION TO THE ARC HAVE AGREED TO COMPLY WITH THEM, AS APPLICABLE, WITH REGARD TO SUCH SUBMITTAL, BUT ALSO I ALSO UNDERSTAND THAT **SHOULD THE VIOLATIONS FOR THIS LOT EXCEED \$1,000, ALL FINES THEREAFTER WILL BE 50% HIGHER** THAN THE FINE AMOUNTS LISTED IN THE FINE SCHEDULE AND I FULLY UNDERSTAND AND AGREE TO THE APPEAL TIMELINE LISTED IN THE APPEALS SECTION OF THE ARC GUIDELINES.**

For example, once the \$1,000 fine threshold is exceeded, a fine that would normally be \$100 would be \$150 and a fine of that would normally be \$1000, would be \$1,500.

Lot #: \_\_\_\_\_

Owner's Name (Please Print): \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Contractor's Name (Please Print): \_\_\_\_\_

Contractor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

16.5.8 APPLICATION FOR: NEW CONSTRUCTION CHANGE REQUEST #03.2

**Application for: New Construction Change Request**  
**(Form #03.3) Form Date: 3/20/2023**

**The Dye Estates at Barefoot Resort – Architectural Review Committee**

Lot Number: \_\_\_\_\_ Owner's Name: \_\_\_\_\_ Owner's  
Phone: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

Contractor's Mailing Address: \_\_\_\_\_

Contractor's Email Address: \_\_\_\_\_

Impervious Surfaces/Ratio Change? Yes / No; If yes, requested Total Ratio: \_\_\_\_\_ sf \_\_\_\_\_%

Additional Tree Removal? Yes/No; If yes, please describe in change request description/  
transmittal table and attach a revised "New Construction Tree Removal Worksheet".

Change Request Description / Transmittal	Revised Plan Title(s), for example, landscape plan	Plan Rev. Date/ Version #/Page #
1.		
2.		

**I DO HEREBY CERTIFY THAT THE CHANGE DESCRIPTION TABLE ABOVE IS COMPLETE AND  
CLEARLY ITEMIZES ALL CHANGE CONTAINED IN THE SUBMITTED PLANS SINCE PREVIOUS ARC  
APPROVAL(S) AND, BY THE SUBMITTAL OF THIS APPLICATION TO THE ARC HAVE NOT AND WILL  
NOT PROCEED WITH THESE CHANGES WITHOUT WRITTEN ARC APPROVAL OF SAME.**

Owner's Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

Contractor's Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

**A COMPLETE set of all plans must be submitted (2 paper copies & digital)! See Appendix  
Fee Schedule for Review Fee(s).**

**MANAGEMENT USE:** \_\_\_\_\_ **Date Received :** \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_ + \$ \_\_\_\_\_ **TWO SEPARATE CHECKS** should be written—one  
for the Administrative Fee **payable to the management company** and the balance, if any,  
payable to ***The Dye Estates Homeowners Association.***

CHANGE REQUEST #: \_\_\_\_\_ (For example, 105-01 for 1<sup>st</sup> req. for Lot 105)

16.5.9 APPLICATION FOR MINOR LANDSCAPE RENOVATION (FORM #04)

This form should not be used for tree removal nor Major Landscape Renovations. Many minor landscape changes do not require ARC approval. See Section Minor Landscape Changes That Do Not Require ARC Approval .

Application for Minor Landscape Renovation

Form Date: 3/20/2023

The Dye Estates at Barefoot Resort – Architectural Review Committee

Lot Number: \_\_\_\_\_ Owner’s Phone Number: \_\_\_\_\_

Owner’s Name: \_\_\_\_\_

Owner’s Mailing Address: \_\_\_\_\_

Owner’s Email Address: \_\_\_\_\_

Landscape Professional: \_\_\_\_\_

Sq. Footage of Change: \_\_\_\_\_

Existing Curb/Street Damage: ☐ No ☐ Yes (If yes, attach photos of damage.)

Project Description: \_\_\_\_\_

\_\_\_\_\_

I DO HEREBY CERTIFY IN GOOD FAITH THAT I HAVE RECEIVED, READ, AND UNDERSTOOD THE RULES, REGULATIONS, AND ARCHITECTURAL GUIDELINES DATED    /    /    AND, BY THE SUBMITTAL OF AN APPLICATION TO THE ARC HAVE AGREED TO COMPLY WITH THEM, AS APPLICABLE, WITH REGARD TO SUCH SUBMITTAL.

Owner’s Signature/Date: \_\_\_\_\_ (    /    /20   )

Landscape Professional’s Signature/Date: \_\_\_\_\_ (    /    /20   )

**Landscape Plan must be attached!** See Appendix Fee Schedule for Fee(s).

MANAGEMENT USE: Date Received : \_\_\_\_\_

Fees Paid: \$        + \$        **TWO SEPARATE CHECKS** should be written—one for the Administrative Fee **payable to the management company** and the balance, if any, payable to *The Dye Estates Homeowners Association*.

**16.5.10 APPLICATION FOR TREE REMOVAL (FORM #05)**

Photos of trees must be attached to this application. A tree survey may be required, depending upon the number of trees involved. See Appendix Fee Schedule for Fee(s). **This application should not be used for trees being removed as part of new home construction.**

**Application for Tree Removal**

**Form Date: 3/20/2023**

**The Dye Estates at Barefoot Resort – Architectural Review Committee**

Lot Number: \_\_\_\_\_ Owner's Phone #: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

ISA Certified Arborist/ Tree Risk Assessor\*: \_\_\_\_\_

ISA Certification #: \_\_\_\_\_

# of Trees to be Removed: \_\_\_\_\_

\*With ARC's permission, the need to hire an arborist may be waived if HOA's arborist is available as described in the section: Tree Removal / Damage.

Reason / Proposed Mitigation Plan: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I DO HEREBY CERTIFY IN GOOD FAITH THAT I HAVE RECEIVED, READ, AND UNDERSTOOD THE RULES, REGULATIONS, AND ARCHITECTURAL GUIDELINES DATED \_\_/\_\_/\_\_\_\_ AND, BY THE SUBMITTAL OF AN APPLICATION TO THE ARC HAVE AGREED TO COMPLY WITH THEM, AS APPLICABLE, WITH REGARD TO SUCH SUBMITTAL.

Owner's Signature/Date: \_\_\_\_\_ ( \_\_/\_\_/20\_\_ )

**MANAGEMENT USE:** \_\_\_\_\_ **Date Received :** \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_ + \$ \_\_\_\_\_ **TWO SEPARATE CHECKS** should be written—one for the Administrative Fee **payable to the management company** and the balance, if any, payable to ***The Dye Estates Homeowners Association***.



16.5.11 GATE ACCESS REQUEST FOR CONTRACTORS & RECURRING GUESTS  
(FORM #06)

The Dye Estates

(To be submitted to the management company)

Form Date: 3/20/2023

Lot Number: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Please list all contractors/subcontractors/guests that will need access during the course of building. **IMPORTANT: There are specific hours and holidays that contractors and vendors will be denied access, including Monday after the Masters. For gate access restrictions, please contact the Management Company or go to [https://barefoothoa.com/communities/community\\_form/dye-estates](https://barefoothoa.com/communities/community_form/dye-estates) and select “Community Info & Rules”.**

Name of Contractor, Company, or Individual	Start Date	End Date

**16.5.12 ARC APPEAL APPLICATION (FORM #12)**

**The Dye Estates at Barefoot Resort**

**Architectural Review Committee Appeal Application**

**3/20/2023**

Lot Number: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

Owner's Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

**Instructions:** This appeal must be requested by the property owner. If more than one decision or fine is being appealed, copy and fill out the following table for every decision.

ARC Decision Being Appealed	<Insert only one decision here. Attach the documentation that you received that contains the decision text.>
Date Decision was Issued	
Why the decision should be reconsidered	
Supporting Attachments	<Include names of attachments here>
Meeting Requested? Yes/No	
Desired Appeal Outcome	

MANAGEMENT USE: Date Received : \_\_\_\_\_

Date Acknowledged: \_\_\_\_\_

## **16.6 INSPECTION REQUEST FORMS**

**The forms included in this document are not necessarily the most up-to-date versions and therefore are watermarked as “DO NOT COPY.”**

The most up-to-date applications and forms for The Dye Estates must be obtained from the Management Company or downloaded from the BRRA website, under The Dye Estates neighborhood tab for the Dye Estates Architectural Review Committee:  
<https://barefoothoa.com/dye-arc.html>.

**16.6.1 SITE STAKEOUT INSPECTION REQUEST (FORM #07)**

**Form Date: 03/20/2023**

**This application should be submitted after the following conditions have been met:**

- **ARC approval of submitted plans has been granted,**
- **Property and building lines have been strung,**
- **Trees to be removed have been flagged with pink ribbon**
- **Tree protection is installed on remaining trees**
- **For lots with drainage easements, community storm water drainage box is protected**
- **Gravel entrance is in place, and**
- **Silt fencing installed per DHEC guidelines**

**Attach photo(s) of trees proposed to be removed, along with tree survey.**

Submit to the Management Company, attention: The Dye Estates. You will be notified by the Management Company as to when the ARC has inspected the site.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

North Myrtle Beach Permit #'s: \_\_\_\_\_

Owner's Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

**MANAGEMENT USE:**

Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planned Inspection Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

(Site inspections are typically 3<sup>rd</sup> Thurs of Month, except Nov/Dec):

☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Dec

\*Request must be submitted at least five (5) business days prior to monthly meeting. See ARC Inspections Section.

**16.6.2 FOUNDATION HEIGHT INSPECTION SURVEY REQUEST (FORM #08)**  
**Form Date: 3/20/2023**

Submit to the Management Company, attention: The Dye Estates.

Please attach photographs of the front, back, and sides of the foundation. Also attach a copy of the Design Review approval letter.

You will be notified by the Management Company as to when the ARC has inspected the site.

Lot Number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

Owner's Phone Number: \_\_\_\_\_

Surveyor's Name/ Phone #: \_\_\_\_\_

I DO HEREBY CERTIFY IN GOOD FAITH THAT I HAVE SATISFIED THOSE ITEMS, IF ANY, OUTLINED IN THE ATTACHED DESIGN REVIEW LETTER TO BE COMPLETED PRIOR TO REQUESTING THIS INSPECTION.

Owner's Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

\_\_\_\_\_

MANAGEMENT USE: \_\_\_\_\_

Date Received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Planned Inspection Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

(Site inspections are typically 3<sup>rd</sup> Thurs of Month, except Nov/Dec):

☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct    Dec

\*Request must be submitted at least five (5) business days prior to monthly meeting. See ARC Inspections Section.

**16.6.3 REQUEST FOR FINAL INSPECTIONS / DEPOSIT REFUND (FORM #09)**  
**Form Date: 3/20/2023**

**An additional fee of \$200 per visit will be charged for the 3<sup>rd</sup> and subsequent inspections.**

**The Dye Estates at Barefoot Resort – Architectural Review Committee**

Lot Number: \_\_\_\_\_ Owner’s Phone #: \_\_\_\_\_

Owner’s Name: \_\_\_\_\_

Owner’s Mailing Address: \_\_\_\_\_

Owner’s Email Address: \_\_\_\_\_

Requested Month of Inspection\* (Site inspections are typically 3<sup>rd</sup> Thurs of Month, except Dec):

☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Dec

\*Request must be submitted at least five (5) business days prior to monthly meeting. See ARC Inspections Section.

I do hereby certify in good faith that the contracted structure on said lot does conform to the Standard Building Code, local codes, and The Dye Estates Architectural Review Committee requirements and standards and the final plans as approved by the Architectural Review Committee. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to rights of way and common areas/streets has been implemented. Attached is the Design Review Approval letter, as well as **current photographs of street and all curbing** along subject property that correspond to those submitted with initial ARC application. Also attached are **photographs of roof vent pipes and power meter, phone, cable boxes, and other similar items not screened in an enclosure**—See Section Utilities/Service Areas/Accessory Buildings/Screening .

This constitutes a request for return of Construction Compliance fee.

Owner’s Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

Contractor’s Signature/Date: \_\_\_\_\_ ( \_\_ / \_\_ /20\_\_ )

ARC USE:

\_\_\_\_\_ DEPOSIT RETURNED IN FULL      \_\_\_\_\_ PARTIAL REFUND  
\_\_\_\_\_ Number of “Final” Inspections      \$ \_\_\_\_\_ AMOUNT RETURNED

REASON FOR WITHHOLDING:

\_\_\_\_\_  
\_\_\_\_\_

16.7 RECOMMENDED PLANT MATERIAL LIST

Review all proposed plant materials with your landscape professional for deer tolerance and climate consideration is highly recommended. Some of the plant materials below may be toxic to pets and small children. The ARC has not considered toxicity in the following list, although it is well known that Sago Palms are poisonous. It is highly recommended that owners research whether or not your landscape materials are toxic.

In general, the Dye Arborist, Todd Stephenson, has advised that the following trees will not thrive in our area\*:

- Willow
- Cherry
- Most fruit trees except fig, loquat, blueberry, and pear
- Leland Cyprus
- Italian Cyprus
- Most Arborvitae
- Maple
- Invasives – Chinese Tallow (popcorn tree), Spreading Bamboo, & Bradford Pear

Todd Stephenson has also advised that Dogwood and Red Tip do not like irrigation or poorly drained soils but will do well if planted in well-drained, non-irrigated areas.

16.7.1 SHADE TREES

Shade Trees:	Common Name
Acer Rubrum Var.	Red maple* (See warning above)
Liriodendron Tulipifera	Tulip Poplar
Carpinus-Caronliniana	Blue Beech
Kocircuteria Paniculata	Goldenrain Tree
Plantanus Occidentalls	Sycamore
Quercus Laurifollla	Laurel Oak
Quercus Laurifollia Darlingtonia	Darlington Oak
Quercus Phelios	Willow Oak
Quercus Shumardi	Shumard Oak
Quercus Virginiana	Live Oak
Taxodium Distichum	Baldeypress
Ulmus Parvifolla	Chinese Elm
Zelkova Aerrate	Zelkoa
Fraxinus Pennsylvanica	Green Ash

#### ORNAMENTAL/UNDERSTORY TREES

<b>Ornamental/Understory Trees:</b>	<b>Common Name</b>
Acer Palmatum Var.	Japanese Maple* (See warning above)
Amelanchier X Grandiflora	Autumn Billiance Service Berry
Betula Nigra Heritage	Heritage River Birch
Liex Opacm	American Holly
Lagerstrecelmia Indica Var.	Crepe Myrtle (Note: Tuscarora Crepe Myrtle is highly recommended)
Magnolia Soulangiana	Saucer Magnolia
Magnolia Virginiana	Sweetbay Magnolia
Malus Var.	Crabapple* (See warning above)
Prunus X Okame	Okama Cherry* (See warning above)
Pyrus Calleryana Var.	Callery Pear* (See warning above)
Vitex Agnus-Castus	Chastatree
Acer Bluergeranum	Trident Maple* (See warning above)

#### 16.7.1 EVERGREEN TREES

<b>Evergreen Trees:</b>	<b>Common Name</b>
Cedrus Deodar	Deodar Cedar
Pinus Taeda	Loblolly Pine
Pinus Thunbergi	Japanese Black Pine
Magnolia Grandiflora	Southern Magnolia

#### 16.7.2 SCREEN PLANTS

<b>Screen Plants:</b>	<b>Common Name</b>
Cupressocyparis Leylandi	Leyland Cypress
Ilex Comuta Burfordi	Burford Holly
Ilex Opaca Var.	Holly
Ilex X Nellie R Stevens	Nellie R Stevens Holly
Myrica Cerifera	Wax Myrtle
Elaeagnus Pengens Fruitlandl	Fruitland Silverberry
Magnolia Grandiflora Var.	Southern magnolia
Osmanthus Fortuncl	Tea Olive

#### 16.7.3 DECIDUOUS SHRUBS

<b>Palms:</b>	<b>Common Name</b>
Sabal Palmetto	Cabbage palmetto
Sabal minor	Dwarf Palmetto
Butia Capitata	Jelly Palm
Cyeas Revoluta	Sago Palm (poisonous to dogs/cats)



16.7.4 EVERGREEN SHRUBS

Everygreen Shrubs:	Common Name
Aucuba Japonica Var	Aucuba
Azalea Indica Var	Indian Azalea
Azalea Kurume Var.	Kurume Azalea
Azalea Satsuki Var.	Satsuki Azalea
Buxus Var.	Box wood
Camellia Sasanqua	Sasanque Camellia
Fatsia Japonica	Fatsia

## 16.8 WETLANDS RESTRICTIVE COVENANTS

The restrictive covenants for the wetlands and wetland buffers are filed with Horry County. These covenants are very lengthy. One of the pages is included for the reader's convenience. Note that the following states that the wetlands "shall remain substantially in its natural condition forever." For questions, contact the BRRA and governing agencies.

701068 DEED 2220 0811 330269  
FILED  
HORRY COUNTY, S.C.  
DEC 30 17 PM 2:33  
STATE OF SOUTH CAROLINA  
HORRY COUNTY  
DECLARATION OF RESTRICTIVE COVENANTS  
COUNTY OF HORRY  
1999 DEC 30 AM 9:52  
THIS DECLARATION OF RESTRICTIVE COVENANTS is made this 29th day of December, 1999, by Silver Carolina Development Company, L.L.C. (as to deed recorded February 1, 1999 in Deed Book 2115, Page 023 and as to deed dated December 30, 1999 and recorded on even date herewith in Deed Book 2220 at Page 905), Intracoastal Development Company, LLC (as to deed recorded December 30, 1997 in Deed Book 2002, Page 621 and Corrective Quit Claim Deed recorded April 29, 1998 in Deed Book 2031, Page 1434), Barefoot Golf Properties Limited Partnership (as to deed recorded August 31, 1999 in Deed Book 2182, Page 0640), and Barefoot Private Golf, LLC (as to deed recorded June 4, 1999 in Deed Book 2151, Page 1484) as these interests shall appear ("Declarants").

### RECITALS

WHEREAS, Declarants are the owners of certain real property ("real property" includes wetlands, any interest in submerged lands, uplands, associated riparian/littoral right(s) located in Horry County, South Carolina, more particularly described on that certain Plat entitled "Wetland Buffer Plat" by DDC Engineers dated October 7, 1999 and recorded December 10, 1999 in Plat Book 166, Page 227 in the records of Horry County, South Carolina, and as a portion of the property described in the deeds referenced above ("Property"); and

WHEREAS, as compensatory mitigation under Federal and State law for Department of the Army Permit No.98-1X-304 ("Permit", attached hereto as Exhibit "A") issued by the U.S. Army Corps of Engineers, Charleston District ("Corps" or "Charleston District," to include any successor agency), and certification(s) and/or permit(s) issued by the S.C. Department of Health and Environmental Control ("DHEC," to include any successor agency), and in recognition of the continuing benefit to the permitted property, and for the protection of waters of the United States and scenic, resource, environmental, and general property values, Declarant Silver Carolina Development Company, L.L.C. has agreed to place and to have placed by the above-mentioned Declarants certain restrictive covenants on the Property, in order that the Property shall remain substantially in its natural condition forever.

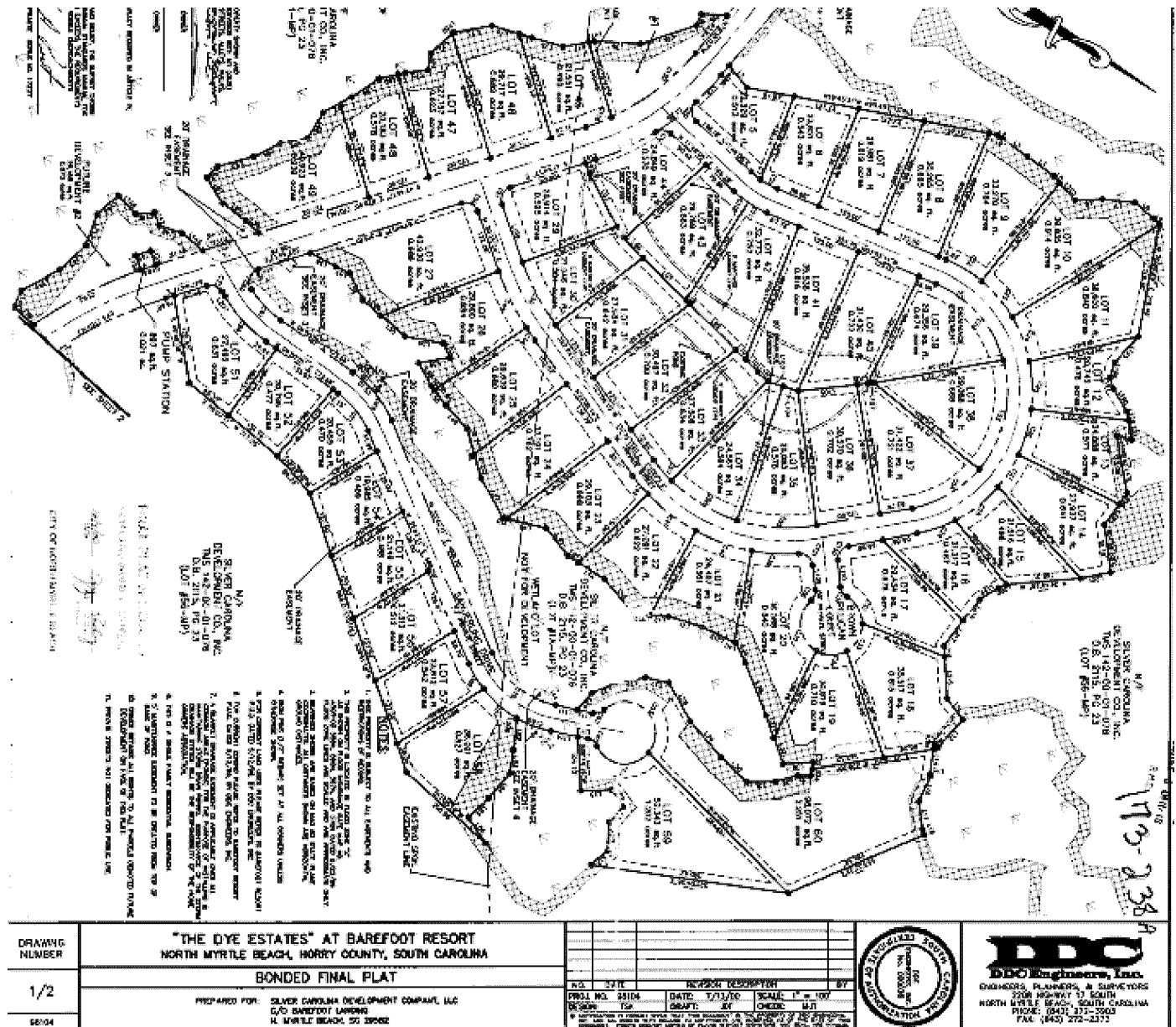
NOW THEREFORE, Declarants hereby declare that the Property, as is more particularly described in Exhibit "B" hereto) shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants, which shall run with the land and be binding on all heirs, successors, assigns (they are included in the term, "Declarants," below), lessees, or other occupiers and users.

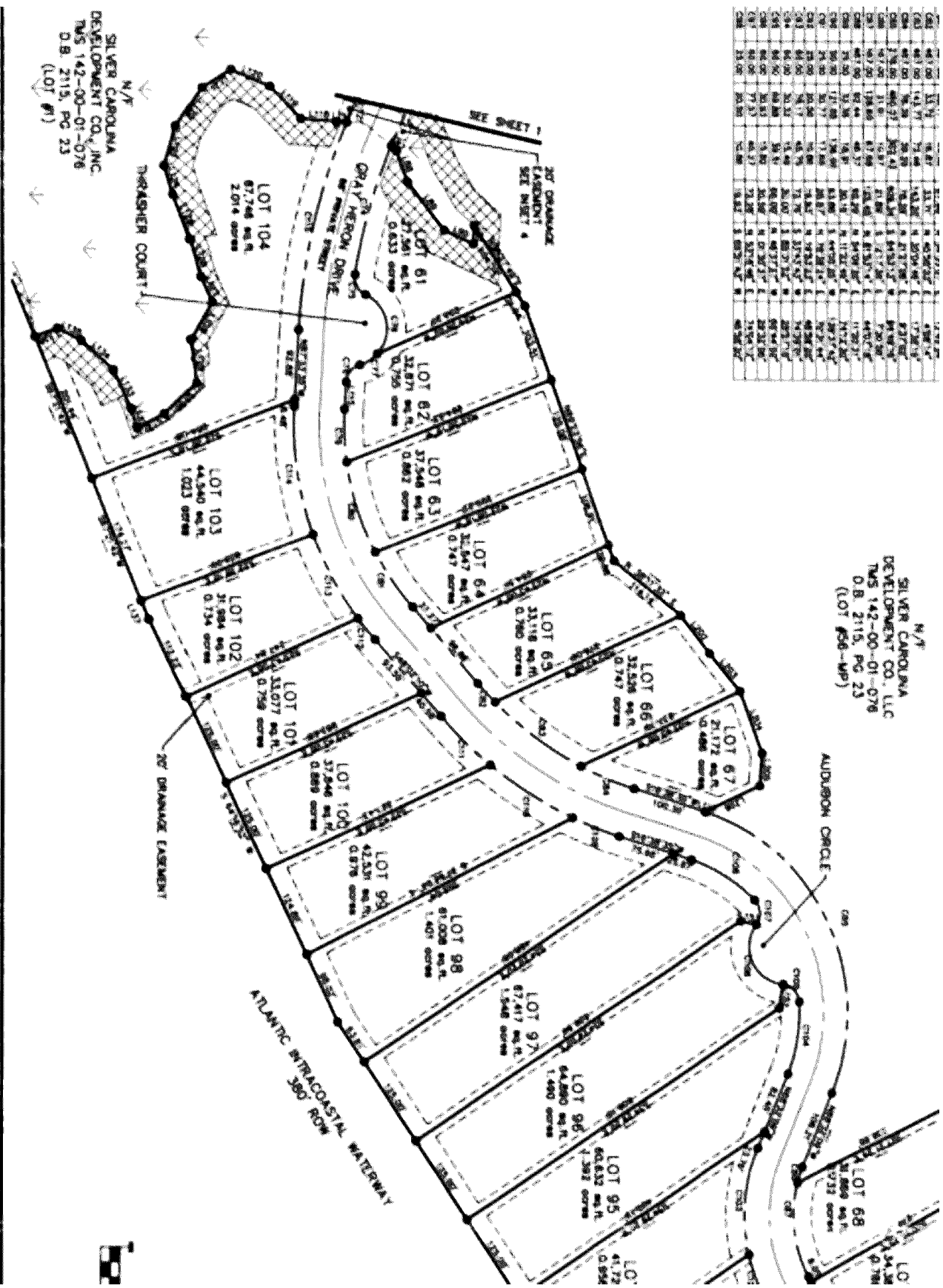
THIS DOCUMENT BEING RE-RECORDED DUE TO A CORRECTION OF A SCRIVNER'S ERROR IN THE PLAT BOOK AND PAGE OF THE LEGAL DESCRIPTION IN EXHIBIT "B"

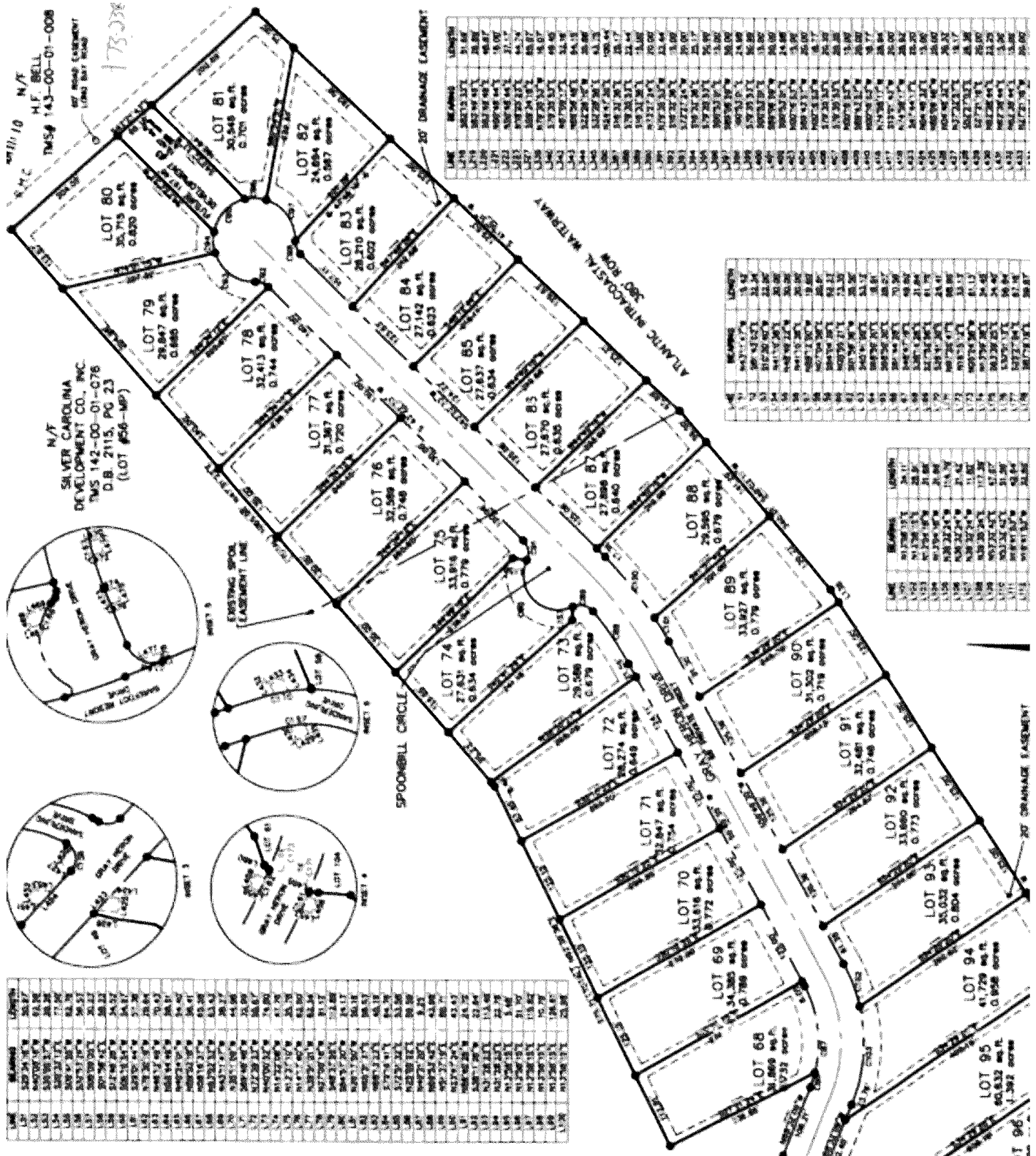
DEED  
2240 0539

## 16.9 MAPS / PLATS

The following is provided for informational purposes only and should not be relied upon as being the final depiction of wetlands and the infrastructure of the Dye Estates. **The Dye HOA and ARC cannot attest to its accuracy.** The crosshatching represents wetland buffers.







## 17.0 INDEX

The references below are included for the reader’s convenience but should not be considered a exhaustive list of related page numbers. It is recommended that the reader do a word search to find all references to a particular topic.

---

<b>A</b>
appeal · 55
<b>arborist</b> · 33
Architectural Review Committee · 17
assessments · 2
Awnings · 32

---

<b>B</b>
barn · 15, 42
barns · 5, 29
<b>BRRA Website</b> · 14
buffer · 26, 30, 38, 39
building envelope · 22
Bylaws · 13

---

<b>C</b>
chimneys · 22, 24
Conceptual Design · 22
conceptual review · 46
Conceptual Review · 4, 49, 50, 59
Conceptual Submission · 49, 59, 68, 70, 73
conflicts · 22
<b>CONFLICTS OF INTEREST</b> · 20
<b>construction sign</b> · 5, 40
<b>Construction Sign</b> · 65
<b>construction site trailer offices</b> · 44

---

<b>D</b>
damage · 44, 56, 85
Declaration of Covenants, Conditions and Restrictions (DCCR) · 13
decorations · 42
disaster · 56
Docks · 28
drainage box · 26, 27
Driveways · 31
<b>dumpsters</b> · 44

---

<b>E</b>
<b>emergency</b> · 29, 45

---

<b>F</b>
fence · 28, 29, 30
fencing · 4, 23, 26, 27, 30, 33, 37
fine · 54
fine schedule · 54
finest · 13
finish floor minimum · 27
fire · 23, 27, 56
<b>fireplaces</b> · 28
Flags · 42
fountains · 42

---

<b>G</b>
garage · 15, 30
GARAGE · 25
Gazebos · 29, 40
<b>ground covers</b> · 35, 36

---

<b>H</b>
Holidays · 57
hours · 41, 44, 57

---

<b>I</b>
Intracoastal · 13, 23, 26
irrigation · 38

---

<b>L</b>
landscape · See Minor Landscape
Landscape · 31, 36, 38, 73, 74, 78, See Major Landscape

lighting · 5, 31  
lights · 31

---

**M**

mailbox · 29  
Major Landscape · 53, 74, 78  
meeting · 20, 48  
Meetings · 48  
minor landscape · 4  
**mulch** · 36, 44  
**music** · 45

---

**O**

**Outbuilding** · 15  
Outbuildings · 5, 29

---

**P**

parking · 42  
**Permits** · 41  
Photographs · 52  
piers · 30  
**Pine straw** · 36  
plant · 36, 37, 38  
pool · 28, 31, 39  
pool lanais · 28  
Pool screen enclosures · 28  
**Port-o-John** · 44

---

**Q**

quorum · 19, 20, 56

---

**R**

**Right of Way** · 15  
RULES & REGULATIONS · 21

---

**S**

screening · 39, 62  
sculptures · 42  
septic · 40  
**Setback** · 15, 23, 31  
Setbacks · 22  
shed · 15  
sheds · 5, 29  
Sign Studios and Graphics · 29, 40  
**signs** · 40, 41  
silt fencing · 26, 64  
**solar** · 39  
Solar · 39  
Square Footage Minimums · 22

---

**T**

TIME LIMITS · 53  
trash · 15, 44  
trees · 13, 32, 33, 36

---

**U**

utilities · 38, 85

---

**V**

vehicle · 44  
**view** · 13, 18, 28, 29, 30, 37, 40  
violation · 41, 54

---

**W**

**website** · 2  
wells · 40  
wetland · 26, 27, 37, 38, 89, 90

## **18.0 PUBLISHING NOTE**

This page through Page 99 are intentionally left blank and are reserved for ARC future use. The Dye Estates Rules and Regulations are contained in a separate documents and begin on Page 100.



**HORRY COUNTY REGISTER OF DEEDS  
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.  
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,  
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Restrictions

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: The Pearce Law Group, PC

ADDRESS:

1314 Professional Dr

Myrtle Beach, SC 29577-5767

TELEPHONE: (843) 839-3210

FAX: (843) 839-3210

E-MAIL ADDRESS: lpagan@pearcelawgroup.com

Related Document

(s):

**PURCHASE PRICE / MORTGAGE AMOUNT: \$.**

**BRIEF PROPERTY DESCRIPTION:** Dye Estates ARC Guidelines 2024

**TAX MAP NUMBER (TMS #), / PIN NUMBER: ,**

**GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):**

FULL BUSINESS NAME

1. **DYE ESTATES HOMEOWNERS ASSOCIATION, INC.**

**GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):**

FULL BUSINESS NAME

1. **DYE ESTATES HOMEOWNERS ASSOCIATION, INC.**