

## **BAREFOOT RETREAT HOMEOWNERS' ASSOCIATION, INC. UPDATED ARC GUIDELINES**

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The attached documents are ARC Guidelines approved May 1, 2025, and The Retreat Fine Policy approved February 27<sup>th</sup>, 2025. Both Documents should be viewed as supplemental to the Master Deed & Bylaws.

This document is subject to updates periodically, as may be determined and adopted by the Board of Directors.

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The ARC Guidelines and The Retreat Fine Policy of the above named Association, Barefoot Retreat Homeowners' Association, Inc., were approved for filing on May 1, 2025.

  
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Signer ID: RTEC9FAF14...  
(Signature)

Gary Penebre, Board of Directors President



# **BAREFOOT RETREAT HOMEOWNERS ASSOCIATION, INC.**

**Architectural Review/Landscape Committee (AR/LC)**

## **Guidelines**

Revised May 1, 2025

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## SECTION I — Introduction

The Barefoot Retreat Architectural Review/Landscape Committee (“AR/LC”) is a standing committee of the Barefoot Retreat Homeowners Association, Inc. (the “Association”) designated and authorized by the recorded Declaration of Covenants, Conditions and Restrictions and Master Deed for the Association (“CC&Rs”). The AR/LC is appointed by the Board of Directors (the “Board”) to perform the architectural review functions described in the CC&Rs and to administer these Architectural Review/Landscape Guidelines (“Guidelines”) to preserve, for the mutual benefit of all Association members, the aesthetics and character of the Association’s planned community. These Guidelines have been adopted by the Board pursuant to its architectural control authority and rule-making authority as provided in the Association’s CC&Rs and Bylaws.

These Guidelines are intended for the protection of the rights of each homeowner in the community. Architectural approval from the AR/LC protects your rights as well as those of your neighbors and helps avoid legal complications that may arise from neighbor disputes over modifications to the lots or residences. Avoiding or ignoring the Guidelines or noncompliance with the requirements herein will only serve to slow down your project and cause additional work for you as well as the AR/LC. These Guidelines are also intended to:

- Permit each owner to enjoy their home without unreasonable interference by and to the owner’s neighbors.
- Minimize and stabilize the costs to maintain our properties.
- Preserve and/or enhance the community and its real estate values.
- Promote thoughtful design so there is harmony between buildings, the lots, and the landscaping and features on the lots, and no harsh contrasts in the visual perception of the community.

If you are planning a project at your home, early, free hand, or conceptual studies are encouraged to be submitted prior to the final, official architectural application is submitted. An informal meeting arranged with you, your architect, and/or landscape architect could avoid the time and expense of re-drawing plans. Please be advised that, notwithstanding any approvals or conditions of the City of North Myrtle Beach (the “City”), the Association is under no obligation to approve an application that fails to meet the requirements stated in the Association’s governing documents, including these Guidelines and the CC&Rs.

Please note that many modifications to your residence or lot may also require approval of the City, and certain permits may be required to perform the work. It is strongly suggested the City be contacted in order to determine whether such permits or approvals are required for the work you are considering. Another suggested contact is Santee Cooper with regard to plantings placed around the green power boxes in the front and side yards. If your proposed project involves any digging in the yard, it is suggested that you contact the City to identify any utility lines that may be buried.

## SECTION II — Application Requirements and Process

### A. Application Requirements

Prior to renovations or construction, owners are required to obtain all necessary approvals and permits from both the Association and governmental authorities, as may be applicable. This may involve approvals by the City, the Army Corp of Engineers, and the Association. Most exterior modifications require AR/LC approval. **Please refer to Section III below for further information on specific modifications.** Please call the Association’s management company to discuss any questions. In light of the fact that Barefoot Retreat is a planned community, certain design and construction limitations have been implemented.

Please note that, pursuant to the CC&Rs, Owners are responsible for repairs to their lots and residences, including existing structures and additions. No Application or prior approval of the Association is required to conduct such maintenance, repair, and restoration of the lots and residences to their original condition (same color and same materials); provided, however, that if a City permit is required for such work, approval by the Association shall also be required. If you have any questions as to whether Association approval is required, please contact the Association’s management company.

Owners seeking to make a modification must submit an Architectural Review/Landscape Application form (“Application”) along with all required supporting documentation and the required security deposit to the Association. A copy of the current

Application is attached at the end of these guidelines. Please note that the Application form may be updated by the Association from time to time. You may also request an Application from the management company. Along with the Application, you must also provide all necessary supporting documentation.

The supporting documentation listed below must accompany the Application, as applicable for the proposed change. **An application submitted without all required submissions would be considered incomplete.** In such case, the AR/LC's sixty (60) day review period will not commence until all required submissions have been provided. In general, an applicant should provide all documents and exhibits required by the City of North Myrtle Beach for the proposed improvements.

- a. **Paint or Stain Colors:** A sample of the color(s) to be used must be provided, both for repainting or re-staining existing improvements and for structural additions, together with a list of existing paint colors on the house or appurtenant structures, which will remain unchanged.
- b. **Finish Materials:** A description and/or sample of all finish materials to be used for the exterior surface of proposed improvements must be provided.
- c. **Plot Plan:** A site plan, drawn to scale, showing the location and dimensions of the proposed improvement, including orientation with respect to the property lines, unit, and adjacent dwelling units must be provided for pools, decks, patios, walls, fences, major landscape changes which require approval, and structural additions to the home. *Plot plans are required. Applications submitted without such plans will be deemed incomplete.*
- d. **Architectural Drawings and Landscape Plans:** Detailed architectural drawings or plans are to be provided for decks, house additions, and major landscape improvements, which would change the topography of the lot or landscape plan originally provided by the builder.
- e. **Photographs:** Photographs of the affected area are required with all applications. The inclusion of photographs with applications is appropriate for exterior lighting fixtures, decorative objects, and similar cosmetic additions to the unit or lot.
- f. **Other Exhibits:** Other exhibits may be required in order to permit adequate evaluation of the proposed change. Owners are advised to seek guidance from the AR/LC and/or the management company prior to the submission of an application.
- g. **City and Proof of Final Permit Sign-Off:** A copy of a valid permit for the proposed work from the City of North Myrtle Beach (as may be required by the City) must be supplied to the AR/LC upon receipt by homeowner. In addition, final permit sign-off/approval (such as a certificate of occupancy or certificate of completion) must be provided to the AR/LC upon completion of the project and final approval by the City, where applicable.

## **B. Security Deposit**

When any proposed work crosses or may impact any Association common area or elements, a refundable deposit will be required prior to the beginning of work on any improvement. Please contact the Association's management company regarding the amount of the security deposit.

Upon completion of the project, submittal of the Compliance Form to the Association, and final inspection and/or approval of compliance by the Association, the security deposit will be refunded to the owner. In the event that there has been any damage to the Association's common areas or elements caused by the owner's project, the Association may retain some or all of the security deposit to cover the costs incurred by the Association to repair any such damage to the common areas or elements. In such event, the Association will provide written documentation to the owner regarding the costs incurred and for which the security deposit (or a portion thereof) has been retained. In the event that the damage to the common area or elements exceeds the amount of the security deposit, the Association may hold the owner responsible for such additional costs as provided in Article IX, Section 3 of the CC&Rs.

## **C. The Architectural Review Process**

**1. Information Required with Submittal:** See Section II-A – Application Requirements, above.

### **2. Enforcement:**

- a. Architectural standards in these Guidelines help ensure that there is a consistent aesthetic to the Association's development and that property values are maintained. Please note that it is not possible for the Association to inspect

the lots every day, nor is it likely every completed but unauthorized modification will be noticed during inspections of the development. Therefore, we must rely on all owners to maintain the standards of our community.

- b. Failure to comply with the requirements of the Association's governing documents, including, without limitation, these Guidelines may result in disciplinary/enforcement action by the Association against the violating owner in accordance with the Association's governing documents, including the imposition of fines or legal action.

### **3. Hearings and Review:**

Completed Applications submitted to the Association will be reviewed by AR/LC. Applications may be approved as submitted, conditionally approved subject to additional requirements or modifications to the Application being provided to the AR/LC, or denied. If denied, the AR/LC will specify in writing the reason(s) for the denial.

The AR/LC may approve an Application only if it determines that: (1) the proposed modification(s) in the location proposed by the owner will not be detrimental to the appearance of the development as a whole; (2) the appearance of the proposed modification (s) will be in harmony with the existing structures and/or landscaping, and the overall design theme in the development; (3) the proposed modification(s) will not detract from the beauty, wholesomeness, and attractiveness of the development, or the enjoyment of the development by the owners; (4) maintenance of the proposed modification(s) will not become a burden on the Association; (5) the proposed modification(s) is/are consistent with the Association's governing documents; and (6) the proposed modification(s) do/does not violate any known governing provision of law, including, but not limited to state and federal fair housing laws, building codes, or other applicable laws governing land use or public safety.

The AR/LC may condition its approval of an Application on any one or more of the following: (1) the applicant's agreement to furnish the Association with security acceptable to the Association against any mechanic's lien or other encumbrance, which may be recorded against the Common Area or another owner's lot as a result of such work; (2) such changes to the application as the AR/LC deems appropriate; (3) the applicant's agreement to install water, gas, electrical, or other utility meters to measure any increased utility consumption; (4) the applicant's agreement to reimburse the Association for the cost of maintaining the improvement (should the Association agree to accept maintenance responsibility for the improvement as built); (5) the applicant's agreement to complete the proposed work within a stated period of time; and/or (6) the applicant depositing with the Association a refundable security deposit in an amount the Association determines to be appropriate to cover the cost of repairing or restoring damage to the common area or elements that is reasonably foreseeable.

If the owner's Application is denied, the applicant may request a hearing with the AR/LC by making such request in writing to the Association's management company. In such event, the applicant will be given written notice of a time and place where the AR/LC, as authorized by the Board of Directors, will conduct a hearing to review the case. At such hearing, the owner may present the reasons for objecting to the AR/LC decision and introduce new/supporting documentation including expert witnesses. Following the hearing, the owner shall receive written notice of the AR/LC's decision, which shall be binding on all parties.

Notwithstanding the foregoing, the owner may appeal the AR/LC's decision to the Board if at least one of the following conditions is met.

- a. The AR/LC (or its chairman) may certify a Board review on its own motion, within or subsequent to its decision that the Application qualifies and is eligible for Board review.
- b. The AR/LC's Application denial decision was rendered by a closely divided AR/LC vote.
- c. The AR/LC may recommend Board review and render a decision on the Application if the scope of an owner's Application identifies a problem that may affect a large segment of the community, that may impact the Association's common areas or elements, or that requires the review and approval of multiple committees reporting to the Board.
- d. The owner presents clear and convincing argument (in writing) that the AR/LC decision was based upon an invalid or improper interpretation of the Association's governing documents, including, without limitation, the Architectural Review/Landscape Guidelines.

If the AR/LC's denial of the application is subject to Board appeal, The Board will then review the owner's Application and all evidence, and issue its final decision in the matter. The owner shall receive written notice of the Board's final and binding decision.

#### **4. Costs:**

In the event of any violation of the Association's governing documents, including without limitation these Guidelines and the CC&Rs, the Board of Directors reserves the right to pursue any and all legal remedies to compel the violating owner's compliance with the governing documents, as provided in the Association's governing documents and applicable law.

#### **5. Correction Procedures:**

- a. An exterior change made without the prior written approval of the AR/LC constitutes a violation of the CC&Rs and may result in disciplinary/enforcement action by the Association, including, without limitation, the imposition of fines.
- b. A violation may require removal or modification of the work at the expense of the property owner, or payment of damages incurred by the Association in having the work removed or modified.
- c. The AR/LC may inspect authorized construction in progress to ensure compliance with the Application approved by the AR/LC. Additionally, all owners have the right to notify the Association of apparent violations of the Association's governing documents, including these Guidelines.
- d. The Association will investigate violations that are reported to the Association or otherwise identified by the Association.
- e. The AR/LC may request to meet with the owner making an improvement, which is in violation, to discuss the violations and how to correct the violations. Should the owner fail to comply with the required corrections, the matter will be addressed by the Board.

#### **6. Approval Standards and Assumptions:**

- a. Approval of any Application submitted to the Association will be conditioned upon the owner obtaining all required permits, as applicable.
- b. A decision by the Association on an Application shall be made in good faith and may not be unreasonable, arbitrary, or capricious.
- c. Approval by the Association of any Application shall not be construed by any person to constitute a finding that the work/modification:
  - (1) incorporates good engineering practices;
  - (2) complies with applicable laws, ordinances, codes, or regulations, including zoning laws or building and safety codes;
  - (3) complies with the requirements of any public utility; or
  - (4) is permissible under the terms of any easement, license, permit, mortgage, deed of trust, or other recorded or unrecorded instrument (other than the governing documents) that affects the lot or the development.
- d. All modifications, additions, or alterations made on or to existing units or structures containing units on any portion of the properties are subject to AR/LC review and approval.
- e. The Application and Guidelines can be obtained from the Association's management company. All information required on the Application and form must be complete and all required supporting documentation must be provided to the Association in order for an Application be considered for approval.
- f. All assessments must be current before an Application will be approved.
- g. In the event the AR/LC fails to approve or deny an Application or request additional information reasonably required within sixty (60) days after submission of a complete Application (with all supporting documentation), the Application shall be deemed denied.

#### **7. Variances:**

The AR/LC may authorize variances from compliance with any of the architectural and design control provisions of the CC&Rs, these Guidelines, or the other governing documents, including restrictions on height, size, floor area, placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations require. Variances must be evidenced in writing and must be signed by a majority of the Board. If a variance is granted, no violation of the governing documents shall be deemed to have occurred concerning the

matter for which the variance was granted. The granting of a variance does not waive any of the provisions of the governing documents for any purpose, except as to the particular property and particular provision of the governing documents covered by the variance, nor does it affect the owner's obligation to comply with all laws affecting the use of that owner's unit or lot. Any costs incurred by the Association in relation to the granting of a variance shall be levied against the owner as a specific assessment. No variance shall conflict with local ordinances or any specific plan of development for the neighborhood.

#### **8. Grandfathering of Existing Conditions:**

Existing architectural and design modifications within or to any lot or unit are grandfathered and excepted from compliance with these Guidelines if such conditions were in compliance with both the CC&Rs and the then-current Guidelines of the Association at the time such modification was made. Such grandfathered conditions must otherwise comply with the requirements of the governing documents and applicable law. Notwithstanding the foregoing, in the event a grandfathered modification requires replacement or reconstruction, such work will require new AR/LC approval and will be subject to the current Guidelines.

### **SECTION III—Architectural/Landscape Standards and Guidelines**

This section provides general guidelines which the Association considers when reviewing an Application. If the applicant is unsure if all guidelines and provisions are being met, a conceptual plan for pre-approval can be submitted. **Remember most exterior building or modification projects require AR/LC approval prior to the start of the project.**

\*\*\*PLEASE NOTE THAT THE ASSOCIATION CONTAINS BOTH LOTS AND BUNGALOW UNITS (WHICH DO NOT HAVE PRIVATELY-OWNED YARDS), WHICH ARE SITUATED DIFFERENTLY AND HAVE DIFFERING CONDITIONS. FOR THIS REASON, CERTAIN IMPROVEMENTS AND MODIFICATIONS MAY BE PERMISSIBLE FOR SOME OWNERS BUT NOT OTHER OWNERS. AS SUCH, THE ASSOCIATION MAY APPROVE (OR DENY) AN APPLICATION FOR ONE OWNER WHEN A SIMILAR APPLICATION MAY HAVE BEEN DENIED (OR APPROVED) FOR ANOTHER OWNER. \*\*\*

**Accessory Buildings:** Tool/storage sheds/shacks, outdoor saunas, tree houses, barns, tents, or other outbuildings (temporary or permanent) are prohibited.

**Air Conditioners/Ductless Units (Splitters):** This change will require an AR/LC Application.

- Exterior HVAC units or heat pumps may be relocated or added only if there is not an unreasonable adverse visual or audial impact on other lots/units.
- Exterior units are to be screened to obstruct their view from common areas as much as possible. Refer to section entitled "Trash Containers Shielding" for guidance.
- Individual air conditioning units extending from windows are prohibited.

**Attic Ventilators:** This change will require an AR/LC Application.

Attic ventilators and turbines are permitted if original silver in color or painted to match the color of the roof (if roof mounted) or the color of the house siding or trim (if mounted on a gable end). Ventilators and turbines are to be mounted on the least visible side of the roof ridgeline so as to minimize their visibility and meet the following standards:

- No part of the ventilator shall protrude more than 12 inches above the roof surface.
- Must be roof mounted and located on the least visible side of the roof and not extend above the ridgeline.
- If it becomes necessary to block airflow through the ventilator, this should be done from the inside of the structure.
- All other installations require an application showing elevations of the ventilator installation.

**Awnings:** This change will require an AR/LC Application.

Fixed cloth/canvas awnings are prohibited. The AR/LC will only approve an exterior retractable awning if the application demonstrates the awning shall be clearly compatible with the architectural design and qualities of the home, or is screened from the view of adjacent neighbors due to the proposed location of the installation, and meets the following criteria:

- Sun control devices are to be compatible with the architectural character of the house, in terms of style, color, and materials.



- Cloth and/or aluminum (e.g., Bahama shutters) are preferred materials. Awnings must be approved and made of a straightforward design, without decorative embellishment such as fringes. Although solid colors are preferred, stripes may be approved if the color contrast is subtle and generally earth toned and are compatible with the color scheme of the house.
- Awnings are to be consistent with the visual scale of the home to which they are attached. The location of any awning must not adversely affect sunlight or natural ventilation of adjacent lots/units.
- Cloth/canvas awnings shall be retracted when not in use.
- Pipe frames for awnings are to be painted white or a color compatible with the trim of the home. If awnings are removed, pipe frames must also be removed.

**Clothes Lines:** Clothes lines are prohibited, except as may otherwise be provided by applicable law.

**Common Area:** Applications for modification of a common area or that may impact the Association's common areas or elements will be considered on a case-by-case basis.

**Decks:** This change will require an AR/LC Application.

- a. **Location:** Decks, whether elevated or at ground level, will be located only to the rear of the main body of the home, with the exception of units whose rear yard fences extend beyond the width of the house, wherein such lower level decks can extend beyond the sides of the house toward the fence line, subject to applicable City setback requirements.
- b. **Scale and Style:** Decks are to be of a scale and style that are compatible with the home to which they are attached, adjacent homes, and the environmental surroundings.
- c. **Materials and Color:** Decks must be constructed with pressure-treated wood or composite decking material (e.g., Trex) only. Non-pressure-treated wood is prohibited. Colors are to be consistent with the style of the houses to which they are attached.

**Deck Screening/Arbors:** This change will require an AR/LC Application.

- Arbors are permitted on decks and/or patios only and must be firmly anchored to the deck or patio.
- Arbors can be placed on either side or at the rear (side parallel to the exterior wall) of the deck and/or patio and must comply with applicable City setback requirements. The maximum dimensions for arbors are 10 feet long and 6 feet high. Materials to be compatible in style and color with house or existing on-property structures.

**Doghouses/Dog Runs:** Doghouses and dog runs are prohibited.

**Driveways:** This change will require an AR/LC Application.

- Concrete, stamped concrete, and pavers allowed for driveway replacement.
- The color, texture, or design must stop at the public sidewalk if there is one crossing the driveway at its street end.
- Crack-control joints are to be consistent with existing driveways.
- Sealing of driveways is permitted.
- Widening of an existing driveway using concrete or pavers is allowed not to exceed 3 ft. total width.

**Earth tone colors allowed.**

**Exterior House and Trim Colors:** This change will require an AR/LC Application, only if new/different colors are requested. New color applications must include a color sample.

**Exterior Decorative Objects:** An AR/LC Application is not required, providing the below Guidelines are met.

The ARC will evaluate decorative-objects based upon:

- a. **Location:** A more narrow set of standards to objects located in front yards or positioned where they can be fully viewed from the street or sidewalk fronting the applicant's property than to those objects located in back yards, or within screened locations of lesser visibility and impact.
- b. **Color:** Objects must not contain colors or color combinations considered excessively bright, garish, jarring, overly reflective, or luminescent. The color or colors of an object are to compliment the overall appearance of the home and not distract from it in a way or draw excessive attention to the object.
- c. **Design:** Items are to be compatible in general style and in quality of materials and workmanship with the architectural characteristics of the applicant's home, adjoining homes, and the neighborhood setting.
- d. **Holiday Decorations:** Can be installed 4 weeks prior to a holiday and must be removed within 2 weeks after the holiday.
- e. **Intrusiveness:** Objects must not substantially intrude by sight, sound, or smell upon other lots or units, or the neighborhood as a whole.
- f. **Materials:** Objects are to be made of suitable natural or man-made materials capable of withstanding outdoor weather conditions and must be capable of maintaining an attractive appearance. An object may be allowed to become mossy, rusty, or weathered only if it is appropriate to such an object and only if it presents an attractive appearance compatible with the home, adjoining/adjacent homes, and the neighborhood as a whole.
- g. **Relationship to the Environment:** Objects shall not create an adverse impact on the natural environment by their installation or location. The AR/LC will consider such issues as an alteration in the rate or direction of water runoff, and/or the creation of attractions, which are hazardous to wildlife by their nature or location.
- h. **Safety:** Objects shall not create a hazard to public safety.
- i. **Size, Scale, and Number:** Objects are to be of an appropriate size and within an acceptable scale which is harmonious with the home and its location. Items must not be so numerous so as to present a cluttered or overwhelming appearance.
- j. **Taste:** Objects are to avoid using words and designs that are, by their nature, inflammatory, offensive, or vulgar to the community.

The following objects do not require approval:

- Door knockers, peep holes, camera doorbells, and kick plates.

**Exterior Lighting:** This change will require an AR/LC Application.

- Lighting should be directed away from neighboring lots/units and not shine into neighboring residences.
- Landscape lighting shall be white in color and the bulbs must be clear.
- Colored bulbs designed to repel insects may be installed only in lighting fixtures located at the rear of houses.
- Lighting which unreasonably illuminates either common areas or private property other than on which it is installed, including reflected "backwash" behind houses, is prohibited.
- Temporary lighting for decoration, holiday, and festival use, does not require an Application. Holiday lighting may be operative for a period not to exceed 6 weeks. After the period of use, all temporary lighting and decorations shall be removed.

**Fences:** This change will require an AR/LC Application. (Bungalow owners are prohibited)

- Wooden and chain link fences are prohibited.
- Only permanently installed PVC and aluminum fences will be permitted.
- Fences must be placed within the property lines and conform to City code regarding placement.
- Perimeter fences must be a minimum of 48" and a maximum of 54" in height. AR/LC applications for fencing require a certified survey and property lines are to be clearly identified with surveyor stakes/medallions prior to AR/LC approval and fence installation.
- The owner assumes full responsibility for lawn and landscape maintenance inside the fenced-in portion of their lot. Lawn/landscape maintenance within the fencing will no longer be provided by the HOA. However, an AR/LC application for modification to the lot inside the fenced-in area is still required.
- Patio privacy fences are permitted but may not exceed 6 feet in height.

- All fencing/privacy screens are to be installed with posts set in concrete (and/or firmly affixed to the house or adjoining sturdy structure) to avoid any unsightly leaning/shifting or that may present a safety hazard.

**Firewood:** Firewood will be kept neatly stacked on the rear ground level of the owner's property. Firewood is to be stacked in piles which do not exceed 6 feet in length and 4 feet in height for both aesthetic and safety considerations and may not be stacked against fences, garages, dwelling walls, or other units. Other than a limited quantity of firewood intended for immediate use, firewood may not be stacked on patios or decks.

**Flags and Flag Poles:** An AR/LC Application is not required, provided the following standards are met. One American flag and one decorative flag may be attached to the home.

- The flags must be displayed from a flag pole attached to the house, which does not exceed 6 feet in length and that is attached at an incline to the wall or pillar of the home.
- If the American flag is left out to fly in inclement weather it must be made of an all-weather material.
- If the American flag is left out at night it must be properly illuminated. This illumination must be directed away from neighboring properties and must not shine into neighboring residences.
- On holidays when it is common practice to display the American flag, small flags on a stick or similar decorations may be placed around the property. These flags or similar decorations must not be allowed to touch the ground when in place and they must be removed by the end of the holiday.
- Free standing flag poles are prohibited.

**Garages:** This change will require an AR/LC Application.

- No alterations, additions, or improvements shall be made to any garage that would defeat the purpose for which it was intended.

**Garage Doors & Screens:** This change will require an AR/LC Application.

The following are acceptable screens:

- Screens that are removable.
- Screens that run on tracks described as overhead screens.
- Screens with a doorway access when closed.
- Screens must be dark charcoal or white in color.

**Gardens (Vegetable):** An AR/LC application is not required, providing the following standards are met.

- Located in the rear of the house and no closer than 5 feet from the side/rear property line.
- Its size does not exceed 1/4 of the available area.
- All gardens must remain in the back yard.
- It is not placed on a grade that will cause damage/water run-off onto an adjacent property.

**Garden Architecture:** This change will require an AR/LC Application.

- Structures are to include: arbors, trellis, pergolas, and similar structures that are not installed on decking. Refer to Deck Screening/Arbors for additional guidance.
- Maximum height is not to exceed 8 feet. Must comply with City setback requirements.
- Gates may be replaced or installed without AR/LC approval if they do not differ in style, color, and neighborhood standards.
- All structures are to be set in/on concrete to prevent excessive leaning/shifting.

**Gazebos:** This change will require an AR/LC Application.

- Gazebos are to be open on all sides and no privacy screening of the structure will be permitted.
- Gazebos may not exceed 144 square feet in area. The floor may not exceed one foot above the ground or deck floor and the wall height may not exceed eight feet.
- If the gazebo is constructed as part of a deck, the construction and finish shall match the deck. The gazebo must be constructed of weather-resistant materials.
- Gazebos are to be located to the rear of the dwelling.
- Gazebos must comply with City setback requirements.

- Depending on the design, the gazebo must either be set in concrete or affixed to a concrete base.

**Generators:** This change will require an AR/LC Application.

- Small, gasoline-powered portable generators are allowed but (along with gas cans) must be stored indoors (i.e., garage, outdoor storage closet) when not in use.
- Large, permanent/fixed-base generators (e.g., Generac) are allowed under the following conditions:
  - Located in the backyard.
  - If the generator is to be placed along the property line a survey will be required and property lines clearly identified with stakes/medallions by a certified surveyor.
  - Generator is to be adequately screened, so as not to be visible from the street/thoroughfare/common areas and adjacent neighbors. Appropriate screening/enclosure methods include privacy fencing, shrubbery and planked walls, which match the main house in style, size and color. If shrubbery is chosen it must be of sufficient size to provide immediate and complete screening.
  - The owner is responsible for obtaining all necessary permits (e.g., electrical, plumbing, tank burial) from the City of North Myrtle Beach. Please refer to the section "Propane Tanks" in this document for additional guidance.
  - Proof of City inspection/approval is to be submitted with the Compliance Form to the Association.

**Grading and Drainage:** Drainage away from the foundation/concrete slab of the home is imperative. The development was designed with grading to disperse water away from the foundation/concrete slab of the homes.

Major changes in grading (For example: berms, mounds, retaining walls, etc.) must be submitted for review and approval. In addition, it should be noted major changes to the topography of a lot could result in flooding into a neighbor's yard, due to improper drainage. Neither the Board of Directors nor the AR/LC accepts any liability for any damage caused by any grading action, whether approved by the AR/LC or not.

It is imperative that the new drainage formed by excavation and grading be handled to direct water away from the home and existing structures and to prevent any erosion of the hillside or damage to neighboring property. Water cannot be directed to flow onto a neighboring property.

**Grills and Fire Pits:** This change will **not** require an AR/LC Application.

Permanent grills and fire pits are to be placed in the rear yard of the home and as far as practical from the adjacent property lines and in accordance with South Carolina state code and the City of North Myrtle Beach Fire Code.

**Ground Cover:** This change does **not** require an AR/LC Application as the only approved ground cover is brown mulch. Ground covers are to stay within the shrub bed or berm. No AR/LC application is required if an owner wishes to add to the height of mulch bed as long as it is consistent in color and texture with existing brown mulch.

Notwithstanding the foregoing, the Association may permit alternative ground cover (such as pine straw or rocks) Any such alternative ground cover shall require the owner to submit an Application and obtain AR/LC approval.

**Gutter Systems:**

- Association approval is not required for the installation/repair of gutters systems (including downspouts) which are white in color or match the color of the house trim.
- Outflow may not be directed onto a neighboring property. Owners are responsible for any runoff onto a neighbor's property resulting in flooding/pooling.

**Hot Tubs/Spas/Outdoor Showers:** This change will require an AR/LC Application.

- Exterior hot tubs, spas, and outdoor showers are to be located in the rear yard adjacent to the dwelling unit. Consideration will be given to and dependent upon the location. Must comply with City setback requirements.
- The exterior finish of these features must blend with the exterior finish of the home, deck, or patio to which it is attached or most closely related.
- Owner is responsible for securing any building permits required by the City of North Myrtle Beach.

- Screening material which will screen the hot tubs, spas, and outdoor showers from neighbors view, will be required.
- Drainage of the hot tub, spa, or outdoor shower must not flow into wetlands, ponds, or neighboring property.

**House Numbers:** This change does **not** require an AR/LC Application.

Four inch high black numbers only. The City of North Myrtle Beach Fire Department requires the house numbers to be clearly visible.

**Landscaping:** This change requires an AR/LC Application.

- Lawn and Garden Implements:** must be stored in the garage or off-site when not in use. Garden hoses should be properly stored indoors or outdoors on suitable mounts or neatly coiled up in an inconspicuous area.
- Plant bed landscape curbing:** Are to blend with the décor of the neighborhood. The owner is responsible for ensuring the installation does not cause drainage problems for adjacent properties. The maximum height for the landscape curbing is 6 inches. No AR/LC application is required to install landscape edging that matches existing landscape edging previously approved by the AR/LC.
- Modifications of Landscaping:** removal/replacement of existing shrubbery, trees and/or ground cover, sod, or installation of new shrubbery, trees, and/or ground cover requires an AR/LC Application. A drawing to scale identifying the placement of and specific plant species must accompany the application. Consult with AR/LC members or refer to the Barefoot Retreat website to obtain a list of suggested shrubs, trees and ground cover. The list is not all-inclusive, but is intended to assist homeowners in making choices that are suitable for growing conditions within the community. No AR/LC application is required to replace dead, dying or distressed (e.g., thinned out, stalky/discolored foliage) shrubs if replaced with identical species. Tree removal and replacement require AR/LC approval.
- Invasive Species:** Certain (invasive) shrubs are strictly forbidden. Please refer to the Planting Guide on the Barefoot Retreat website. If invasive shrubs are planted, the AR/LC will issue a notice of violation and the owner will assume all costs of removal.
- Tree cutting/removal:** Most established trees (e.g., crape/wax myrtles, holly) are permitted to be removed/replaced upon AR/LC approval. Tree removal may require replacement with a tree of similar species to be considered on a case-by-case basis.
- Sod:** Bermuda sod is the only permitted sod. When replacing sod you must ensure that irrigation is not damaged and if damage does occur you will be responsible for the repairs.
- Lawn Treatments:** Single family lots are permitted to apply landscape pest control (mole cricket treatments, moles, top choice, etc.) Per the Master Deed it permits the contracted landscaping process to be maintenance only. Grass and plantings upkeep are the responsibility of owners minus common areas.

**Mailbox and Mail Post:** This change will require an AR/LC Application.

Each owner is responsible for the maintenance and upkeep of their mailbox. This includes rust removal, repair of excessively leaning posts and peeling/fading paint. All mailboxes require numbers as required by the US Postal Service (minimum standards: 1 inch minimum height numbers mounted on a contrasting background on at least the “approach” (flag) side of the mailbox). The mailbox and post are to be painted-black and firmly fixed in place in a manner that avoids excessive leaning/shifting. Please consult the Association’s management company who can provide additional information on the approved model and vendor if replacing or adding a new mailbox.

Mailbox seasonal decorations/skins, hanging flowerpots, and small ornamental plants at the base of the mailbox do not require an AR/LC Application provided:

- They create no impediment to mailbox access or obscure the visibility of house numbers (e.g., overly large pots/plantings or climbing vines).
- Artificial plants/flowers of any kind are prohibited either hanging on the mailbox or set in the ground.
- The homeowner assumes complete responsibility for all care and maintenance.

**Maintenance of Property:** The appearance of each and every unit/lot in Barefoot Retreat affects not only the overall look of the community but the individual property values within it. Property ownership in Barefoot Retreat includes the

responsibility for continued maintenance of all structures and grounds, which are part of each owner's lot or unit. This includes, but is not limited to, keeping buildings and structures in good condition and repair.

- a. All owners are responsible for inspecting their own property periodically to ensure there is no fading or peeling paint, rotting wood, loose mortar, or spalled masonry. Homes, fences, and driveways should be power washed as necessary (it is prudent to power wash as often as twice per year. If the driveway is severely marred, it could be subject to a violation letter).
- b. It is necessary that all wood surfaces such as door and window trim, bay windows, dormers, and garage doors be cleaned, caulked, sanded, and painted periodically to keep them in good condition.
- c. All decks, fences, and other exterior structures such as recreation/play equipment are to be maintained as to appearance and working order. Owners must replace rotting or warped wood. It is recommended that all wood (e.g., decks, fences, and other structures) be treated periodically with transparent wood preservative (further described in the section of these Guidelines regarding decks) to maintain and enhance their condition.
- d. Homeowners who have fences are responsible for all landscape maintenance within the area enclosed by the fence. Owners who choose to opt out of any services normally provided by the Association's landscape contractor outside of the fenced areas (such as routine mowing, pruning, trimming, weed control) are responsible for such maintenance at their sole cost and expense.
- e. All exterior finishes, whether brick, metal, wood, or any other material, should be maintained in a state of good repair. A state of good repair consists of ensuring the residence/unit and its entire component parts look as good as it did when it was new.
- f. Siding, windows and doors must be clean and free of significant warping or bubbling. Exterior doors, windows and porches must be cleaned free of algae, mold, mildew and insect residue.
- g. Owners must replace or, if possible, repair any rotted wood components. Windows, doors, garage doors, exterior roof, and gable trim all need to be caulked and repainted on an average every 2 years.
- h. Mailboxes and posts present a unique problem. Lawn care companies commonly use trimmers. These trimmers may do damage to the mailbox post. We recommend painting the bottom of the post twice a year, once in the mid spring and again in late fall. Mailbox posts are susceptible to being hit by cars backing out of the driveway or lawn tractors. If a tilt becomes noticeable, please shore it up as close as centered as possible.

*Please note that the foregoing provisions are not a complete list of owners' maintenance responsibilities. Owners should refer to the maintenance provisions in the Association's CC&Rs for further details regarding their maintenance, repair, and replacement obligations.*

**Maintenance of Grounds:** Owners must keep all properties in the community free of pet excrement/waste and other debris.

**Moth Balls:** Exterior use of moth balls/flakes/solutions for pest control are strictly forbidden. Use of moth repellant in a manner other than approved labeling is a violation of EPA and SCDPR law and represents harm to the environment, people and pets.

**New Home Construction/Major Capital Improvement Projects:** This change will require an AR/LC Application.

- This section is inclusive of but not limited to home additions, swimming pool installations, and major landscape improvements such as stone patios. Plans prepared and sealed by a SC licensed Architect and Landscape Architect are required when required by the City.
- A \$1,000.00 security deposit is required (see Section II-B "Security Deposit" above for more information).
- Builders are required to obtain all required building permits from the City and to pay the associated fees prior to beginning any construction activities.
- Construction plans must include all exterior elevations, colors, materials, heated and cooled square footage, roof material, grading and drainage, setbacks, outdoor amenities, mailbox, garage and parking area, fence, walkways, accessory structure, landscape plantings, and lighting.
- Proof of City of North Myrtle Beach inspection/final permit sign-off/approval is to be submitted with the Compliance Form.

**Outdoor Fireplaces:** This change will require an AR/LC Application.

Fireplaces are to be placed in the rear yard of the lot and as far as practical from the adjacent property lines and in accordance with City code (including, without limitation, all ordinances relating to fires/open flames).

**Outdoor Kitchens:** This change will require an AR/LC Application.

Outdoor kitchens are to be placed in the rear yard of the lot and as far as practical from the adjacent property lines and in accordance with City code (including, without limitation, all ordinances relating to fires/open flames).

**Patios:** This change will require an AR/LC Application.

- a. **Location:** Patios should generally be to the rear of the home unless the site plan, topography, and/or elevation would appear to favor a side or wrap-around placement as more useful and aesthetically suitable, and the home and landscaping are designed with this potential in mind. Any slope of the walking surface of the patio must be downwards and away from the rear of the home;
- b. **Colors and Materials:** Visible portions of patios are to be constructed only of brick, slate, stone, concrete, or concrete interlocking pavers. Colors should coordinate with the existing materials and colors of the home. Where installation of a patio material dictates the use of joints or seams, the joint or seam must be entirely filled with sand, compacted stone dust, pea gravel, or mortar. Wooden borders or trim, as well as seating, planters, plant hangers, or other similar fixed accessories may be added if their material and finish matches those allowed for lower-level deck construction. Decorative tiling or stonework over an existing patio requires an AR/LC Application.
- c. **Foundations:** If a concrete surface is proposed, it should be integrally colored and include some form of surface texture treatment to replicate stone, brick, or pavers. There are limits to the area of concrete that can be poured without including control joints to prevent cracking. Owners should seek professional advice if uncertain about these limits based on the particular installation.
- d. **Drainage:** Any impact to existing drainage requirements, which might result from the construction of the patio must be considered, addressed in the Application, and architecturally and environmentally sound mitigation proposed. At least 1 foot of pervious ground surface should remain between the sides and rear of the patio and any adjacent properties or common area. Construction of the patio must not adversely affect the existing drainage scheme for surrounding properties or the common areas and elements. All discharge must be addressed on the owner's property. No portion of existing drainage systems shall be removed, nor their functioning impeded. Any French drains or similar runoff management systems constructed may not intrude into common areas (e.g., direct venting through piping extending beyond the owner's property line).

**Patio Enclosures/Screening:** This will require an AR/LC Application.

**Privacy Screening (Patios and Decks):** This change will require an AR/LC Application.

- Such screening shall originate from the home and may not extend into the side yard.
- The maximum height is 6 feet from either ground level or deck floor level if appropriate.
- The screening shall be no more than 30 linear feet and may not extend more than 20 feet across the back of the residence.
- All posts are to be set in concrete to avoid excessive leaning/shifting.

**Propane Tanks:** This change will require an AR/LC Application.

- All propane tanks must be buried and are to follow the City's "buried tank requirements," which requires a City permit. A tank that is 125 gallons or less can be buried at the structure. A tank that is 126 gallons or more must be at least 10 feet from the structure and 10 feet from the property line.
- Securing all necessary permits required by the City are the responsibility of the applicant.
- Proof of City of North Myrtle Beach inspection/final permit sign-off/approval is to be submitted with the Compliance Form.

**Recreational Equipment:** These change will require an AR/LC Application. (Prohibited for Bungalow Units)

The following factors will govern approval of such equipment:

- a. **Location:** All equipment must be placed in rear yards. All elements of the equipment must be within the homeowner's lot boundaries. Equipment should not be placed within 10 feet of the nearest structure, fence, or wall

and reasonably distanced from any public property such as greenways and streets. Equipment shall be maintained and positioned in accordance with manufacturer suggestions.

- b. **Scale and Design:** The equipment must be compatible with the lot size. The design and any individual screening are additional considerations in evaluating whether or not there will be an adverse visual impact. Natural colors are encouraged.
- c. **Height:** The equipment must not be readily visible from adjacent roadways and common elements.
- d. **Basketball Backboards:** Basketball hoops, either free-standing or attached to the home are prohibited.
- e. **Swing Sets:** Wood sets may be left natural, stained, painted white, or painted to match the exterior color of the house. The maximum height of a swing set structure is 15 feet.
- f. **Tree Houses:** Tree houses are prohibited.
- g. **Play Areas:** Play areas may include sandboxes around swing sets. Play areas must conform to the same setbacks as other structures, pursuant to City code. The areas may be edged with timbers or other suitable edging material. To avoid the use of sandboxes by animals, the owner is encouraged to cover them when not in use.
- h. **Trampolines:** Trampolines are to be placed at least 3 feet from the property line, restricted to the rear yard and anchored firmly to the ground. They must be kept rust-free with no torn canvas or missing springs.
- i. **Condition:** All equipment must be maintained as to appearance and working order.

**Retaining Walls:** This change will require an AR/LC Application.

Retaining walls may be used within the community to prevent erosion and loss of soil into the wetlands, retaining ponds, and from landscaping beds. The materials used in a retaining wall's construction must suffice in providing structural and aesthetic integrity. Those materials that might be used are concrete or stone block, free standing or cemented stone, timbers or railroad ties, wood planks, and where a serious problem exists, reinforced concrete.

**Design Considerations:** Please check with the City of North Myrtle Beach regarding a permit for your retaining wall, as some retaining walls, especially those over 4 feet require a permit. Building permits are generally required for retaining walls over 4 feet, or for walls supporting a surcharge (additional weight or load), regardless of height. For retaining walls under 4 feet or that do not support a surcharge (additional weight or load), the following may be considered:

- A portion of the wall may need to be buried to prevent slippage along the wall's bottom surface, depending on the wall height.
- The wall may need to be designed to lean back toward the retained soil to allow the wall's weight to counter some of the natural forces distributed on its internal surface. For taller or complex walls, or those in areas or aggressive soil, it may be necessary to consult with a structural engineer or experienced contractor to determine the appropriate wall lean angle for the specific project.
- Water build-up behind the wall may significantly increase the pressure against the wall. When the wall is built the soil/material directly behind it should be compacted to remove any air holes that could collect water. Also, the wall should be built on top of a layer of level crushed stone. In addition, a drainage pipe or drain holes may need to be incorporated in the wall to help with drainage and protect the wall.
- Depending the specifics of the project, the ground surface behind the wall may need to be designed slope toward the wall to allow run off to flow over the wall and thus eliminate pooling behind it.
- All run off water must be directed such that it does not flow on to a neighbor's property.

**Acceptance Process and Requirements:**

- A retaining wall that fronts any wetlands must go through 3 levels of acceptance: The Army Corp of Engineers, The City of North Myrtle Beach permit process, and the AR/LC. When wetlands are involved, the City requires that the Army Corp of Engineers be notified and requested to come out and flag the wetlands boundary. The Army Corp of Engineers' contact number is 843-365-4239. Written proof from the Army Corp of Engineers and the City permit will be required with the application.
- A retaining wall that does not front wetlands must be approved by the AR/LC and may require a City permit. If a permit is required by the City, the permit will be required with the Application.



**Roof Replacement:** This change will require an AR/LC Application.

All replacement roofing materials are to be consistent in design and color with the existing roofing materials (e.g., metal roofing and architectural shingles).

**Roof Vents:** This change will require an AR/LC Application.

**Satellite Dishes:** This change will need an AR/LC Application.

Satellite dishes and mounting equipment no longer in service must be removed. Requirements for AR/LC Application:

- The dish should be located in areas of the lot/unit where it is compatible with the natural setting of the home and the neighborhood.
- Every effort must be made to minimize the visibility from the street/public way and neighboring views.
- Ground level dishes are to conform to applicable City setback requirements.

**Security:** The use of security bars or grates on windows and doors is prohibited. Owners concerned about the security of their homes are advised to consider alternatives, including alarms and sophisticated lock systems. Any owners seeking to install surveillance cameras should be mindful that cameras do not point toward other homes or otherwise invade on other owners' reasonable expectations of privacy, in accordance with South Carolina law.

**Siding (Re-siding and Restyling Structures):** This change will require an AR/LC Application.

**Signs:** This change does **not** require an AR/LC Application; provided, however, that the following standards are met:

- Real Estate signs advertising sale, rental, or lease of the premise on which the sign is located and must be removed within 48 hours immediately after sale, rental, or lease.
- Only 1 approved residential "For Sale" or "Rent" sign will be allowed. The sign must be displayed in the center of the lot and 5 feet back from the curb or edge of the sidewalk.
- This sign is available through Sign Studio & Graphics located in Garden City, SC or a vendor of choice.
- The sign specifications are as follows:
  - 20 inch x 20 inch x 1 inch sandblasted/routed sign face.
  - Green background.
  - Tan border with the words "Barefoot Resort".
  - The words "For Sale" and the phone number in white.
  - Gold and silver logo.
  - Sign mounted on a 4 foot tan treated post.
  - A 4 inch x 4 inch 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.
- Signs may only be placed in the yard of available properties.
- House "Sold" signs are prohibited.
- One (1) temporary political sign advertising candidates or issues is permitted. The sign may be erected 45 days before an election, run off, primary or referendum, and must be removed within 2 days following the election, run off, primary or referendum date.
- Yard and garage sale signs must be removed within 1 day of the event.
- Community watch signs or 1 small "house is alarmed" sign is allowed.
- Sign lighting/illumination is prohibited.
- All other signs require AR/LC approval.
- No signs are permitted to be placed in the common areas except as expressly permitted by the Board of Directors.



**Skylights/Solar Tubes:** This change will require an AR/LC Application.

**Solar Collectors/Panels:** This change will require an AR/LC Application.

**Storm/Screen Doors:** This change will require an AR/LC Application.

- Full-view, store-in-door, security, and thermal pane doors are acceptable.
- Colors are to match existing color schemes or meet exterior color selection guidelines.

**Storm Shutters:** This change will require an AR/LC Application.

Storm shutters may be placed upon windows in the event a storm is forecasted to impact the North Myrtle Beach area. Shutters are to be removed within 10 days of the storm passing and/or the lifting of an evacuation order (if such an order is issued). An owner may apply to the AR/LC in writing for an extension. The AR/LC reserves the right to extend the 10-day limit on a case-by-case basis, in its discretion. A complete Application is required for the installation of permanent shutters. The AR/LC reserves the right to review and consider each application on a case-by-case basis.

**Swimming Pools:** This change will require an AR/LC Application.

- Above ground pools are prohibited.
- Owners are required to contact the Association's Landscape contractor to mark all irrigation lines and control boxes prior to any excavation. The owner shall bear all costs associated with irrigation modifications and repairs associated with pool installation.
- The AR/LC will conduct an on-site visit with the owner and the owner's pool contractor prior to Application approval to review sight lines, pool and pool mechanical equipment placement, fencing, potential effects on the irrigation system and any other items identified in the Application. The purpose of this visit is to ensure avoidance or mitigation of any potential adverse visual or auditory impact on neighboring lots/units.
- Securing all necessary permits required by the City is the responsibility of the applicant.
- Proof of City final inspection/permit sign-off/approval is to be submitted with the Compliance Form.
- Fencing is required per AR/LC Guidelines as stated under "Fencing" Section above and is to be in compliance with City code.
- Pool mechanicals are to be placed in the rear yard only and screened properly. (See Trash Containers Shielding Section below for guidance)

**Trash Containers Shielding:** This change will require an AR/LC Application.

Trash containers located outside residences must be kept in the rear or side yard out of sight from the street. Trash containers must be screened. Appropriate screening/enclosure methods include privacy fencing (posts set in concrete to prevent leaning/shifting), shrubbery and planked walls which match the main house in style, size and color. If shrubbery is chosen it must be of sufficient size to provide immediate and complete screening.

Trash containers may be placed at the curbside no earlier than sunset the day before regularly scheduled pickup. Trash containers are to be removed from the curbside and out of view no later than dawn the day after the day of garbage pick-up. Although permitted, owners are encouraged not to put out their trash and recycle containers the night before collection.

**Walkways:** Requires an AR/LC Application.

The applications must include the following:

- Plot map with location
- Materials and color to be consistent with color and style of house.

**Wells:** Underground wells are prohibited.

**Wetlands and Buffers:** Buffers and wetlands are not to be encroached upon in any way.

**Wind Turbines:** Any and all types of wind turbines are prohibited.

**Windows/Doors/Shutters:** This change will require an AR/LC Application.

**Wires and Cables:** All wires and cables shall be hidden, buried, or secured flush with the side of each home and painted the same color as the background, so as to minimize their visibility.

**Architectural Review/Landscape Application**  
**Barefoot Retreat Homeowners Association, Inc.**

<b>Please Hand Deliver To:</b> <u>dwashington@pm-llc.com</u> Ponderosa Management, LLC 4876 Barefoot Resort Bridge Road, Ste, C North Myrtle Beach, SC 29582	<b>Please Mail To:</b> P.O. Box 1706 North Myrtle Beach, SC 2959	<b>Please Fax To or Email To:</b> 843-399-1761
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NAME: (Please Type or Print): \_\_\_\_\_

ADDRESS OF PROPOSED CHANGE: \_\_\_\_\_

MAILING ADDRESS FOR DECISION LETTER: \_\_\_\_\_

CONTACT PHONE #: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**GENERAL DESCRIPTION OF PROPOSED CHANGE:**

Description of improvement: \_\_\_\_\_  
\_\_\_\_\_

Estimated Date of Modification to Begin: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Description of materials to be used: \_\_\_\_\_  
\_\_\_\_\_

Description of colors to be used: \_\_\_\_\_  
\_\_\_\_\_

*[Application continues on following pages.]*

The supporting documentation listed below must accompany the Application, as applicable for the proposed change. **An application submitted without all required submissions will be considered incomplete.** Please note: the AR/LC's sixty (60) day review period will **not** commence until all required submissions have been provided. In general, an applicant should provide all documents and exhibits required by the City of North Myrtle Beach for the proposed improvements. Specific requirements for particular projects may be found in the AR/LC Committee Guidelines.

- a. **Paint or Stain Colors:** A sample of the color(s) to be used must be provided, both for repainting or re-staining existing improvements and for structural additions, together with a list of existing paint colors on the house or appurtenant structures which will remain unchanged.
- b. **Finish Materials:** A description and/or sample of all finish materials to be used for the exterior surface of proposed improvements must be provided.
- c. **Plot Plan:** A site plan, drawn to scale, showing the location and dimensions of the proposed improvement, including orientation with respect to the property lines, unit, and adjacent dwelling units must be provided for pools, decks, patios, walls, fences, major landscape changes which require approval, and structural additions to the home. *Plot plans are required. Applications submitted without such plans will be deemed incomplete.*
- d. **Architectural Drawings and Landscape Plans:** Detailed architectural drawings or plans are to be provided for decks, home additions, and major landscape improvements which would change the topography of the lot or landscape plan originally provided by the builder.
- e. **Photographs:** Photographs of the affected area are required with all Applications. The inclusion of photographs with applications is appropriate for exterior lighting fixtures, decorative objects, and similar cosmetic additions to the unit or lot.
- f. **Other Exhibits:** Other exhibits may be required by the Association in order to permit adequate evaluation of the proposed change. Owners are advised to seek guidance from the AR/LC and/or the Association's management company prior to the submission of this Application.
- g. **City and Proof of Final Permit Sign-Off:** A copy of a valid permit for the proposed work from the City of North Myrtle Beach (as may be required by the City) must be supplied to the AR/LC upon receipt. In addition, final permit sign-off/approval (such as a certificate of occupancy or certificate of completion) must be provided to the AR/LC upon completion of the project and final approval by the City, where applicable.

**OWNER AGREEMENT AND REPRESENTATIONS:** *By submitting this signed Application to the Association, you ("Owner") agree and represent to the Association the following:*

- Owner agrees to give the Architectural Review and Landscape Committee (AR/LC) and/or management company representatives, express permission to enter on the Owner's property at a reasonable time to inspect the proposed project, the project in progress, and the completed project.
- Owner understands and agrees that any approval is contingent upon the completion of approved work in a workmanlike manner, in accordance with the approved plan and specifications, and in compliance with applicable laws and regulations.
- Owner acknowledges that Owner has read and is familiar with the architectural review requirements and procedures for the Association as described in the AR/LC Guidelines and the CC&Rs.
- Owner understands the authority to perform an alteration granted by this application will automatically expire if the work is not commenced within 180 days following approval, and completed within 1 year following commencement of work, unless another time frame is specifically authorized in writing by the Association.
- Owner agrees to store construction materials only on owner's own property, rather than on common areas, easements or parking areas, to bear the cost of repairing any damage caused to such areas, and to remove all unused materials from public view within 7 days following the completion of work.
- Owner understands and agrees no work on this request will commence until written approval has been obtained from the Association.
- Owner further understands and agrees any exterior modifications undertaken before written approval is obtained are not permitted and that Owner may be required to restore the property to its former condition at Owner's sole cost and expense if such modification(s) is/are made and subsequently disapproved in whole or in part. Owner further acknowledges and agrees that any legal expense associated therewith may be the responsibility of Owner.

- Owner acknowledges and agrees that neither the AR/LC, nor the Board, nor the members thereof, nor the Association, nor the Association’s management company personnel shall be liable to any Owner or any other person for: (1) any matter outside the scope of approval of the AR/LC; (2) any defect in any modification or alteration constructed by or on behalf of Owner pursuant to an approved Application; (3) any loss, damage, or injury to persons or property arising out of or in any way connected with work performed by or on behalf of an Owner pursuant to an approved application; or (4) any loss, damage, or injury to persons or property arising out of or in any way connected with the performance of the duties of the AR/LC pursuant to the Association’s governing documents, including without limitation, the AR/LC Guidelines, unless due to the willful misconduct or gross negligence of such person.
- Owner acknowledges and agrees that, in the event any personal injury or property damage is sustained by any person while physically within Owner’s lot or unit in any way related to the work that is the subject of this Application, the Association and its directors, officers, agents, committee members, and representatives shall not be liable for that injury or damage. Owner shall indemnify, defend, and hold harmless the Association and its directors, officers, agents, committee members, and representatives from and against any and all claims, actions, causes of action, expenses, costs, and liabilities resulting from or in connection with the personal injury or property damage, except to the extent that the negligence or willful misconduct of any of the foregoing indemnitees caused, or contributed to, the injury or damage.

I/we, \_\_\_\_\_, Owner(s), have read the above statements and requirements and agree to the foregoing as part of and a condition of the Association’s review and approval of this Application.

<b>Owner's Signature</b> _____ <b>Date</b> _____
For Association Use Only, this Application is: ____ Approved      ____ Not Approved      ____ Conditionally Approved
Date Approved: _____
Reason for Denial or Conditional Approval: _____

**Architectural Review/Landscape Compliance Form**  
**Barefoot Retreat Homeowners Association, Inc.**

<b>Please Hand Deliver To:</b> <u>dwashington@pm-llc.com</u> Ponderosa Management LLC 4876 Barefoot Resort Bridge Road, Ste. C North Myrtle Beach, SC 29582	<b>Please Mail To:</b> P.O. Box 1706 North Myrtle Beach, SC 29598	<b>Please Fax To or Email To:</b> 843-399-1761
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NAME: (Please Type or Print): \_\_\_\_\_

ADDRESS OF APPROVED CHANGE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

Type of Modification Completed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ I hereby certify the exterior modification as approved by the Barefoot Retreat Homeowners Association, Inc. AR/LC has been completed in accordance with the approved AR/LC Application.
- ☐ I, the property Owner, hereby grant the AR/LC and/or the Association’s management company personnel, express permission to enter on the property at a reasonable time to inspect the project.
- ☐ If applicable, I agree that a copy of the final inspection/permit sign-off/approval issued by the City of North Myrtle Beach will be submitted with this Compliance Form.

Signature: \_\_\_\_\_

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

SEND TO THE MANAGEMENT OFFICE AFTER MODIFICATION IS COMPLETE

This Compliance Form must be submitted to Ponderosa within 10 days of project completion. Failure to submit this form may subject the owner of the lot/unit to disciplinary action (such as fines) in accordance with the Association’s governing documents.

**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: Carolinas Legal Group, LLP

ADDRESS:

603 41st S Ave Apt B

North Myrtle Beach, SC 29582-5197

TELEPHONE: (843) 213-2819

FAX: (843) 213-2819

E-MAIL ADDRESS: carolinaslawfirm@gmail.com

Related Document

(s):

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

**BRIEF PROPERTY DESCRIPTION:** Architectural Review/Landscape Committee Guidelines

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

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

FULL BUSINESS NAME

1. **BAREFOOT RETREAT HOMEOWNERS ASSOCIATION, INC.**

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

FULL BUSINESS NAME

1. **BAREFOOT RETREAT HOMEOWNERS ASSOCIATION, INC.**