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**EAGLES NEST**

**ARCHITECTURAL REVIEW GUIDELINES**

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# **EAGLES NEST ARCHITECTURAL REVIEW GUIDELINES**

The following information is intended to assist Builders, Architects and Owners in their Applications for the approval of plans for homes in Eagles Nest. The contact information for the Architectural Review Authority ("ARA") for Eagles Nest is as follows:

Billy Carter  
3710 Landmark Drive, Suite 114  
Columbia, South Carolina 29204

## **1. AUTHORITY**

The authority of the ARA is set forth in the Eagles Nest Declaration of Covenants, Restrictions and Easements. The Developer, Eagles Nest Development, LLC, is the ARA until such time as the Developer in its sole discretion relinquishes control of architectural review to the homeowners association.

## **2. DESIGN REVIEW APPROVALS**

All new construction and changes, including change of color, modifications, alterations and improvements to existing homes must be approved in writing by the ARA prior to obtaining building permits or commencing work.

## **3. DESIGN REVIEW DECISIONS**

Upon receipt of a properly completed Application, the ARA will review the Applicant's plans and specifications and render one of three types of decisions in writing

- (a) APPROVED
- (b) DISAPPROVED
- (c) APPROVED CONDITIONAL ON MODIFICATIONS

In the event an Application is DISAPPROVED, the Applicant must make appropriate changes and resubmit. Inspection by the ARA is solely for its benefit, and is not to be relied upon by the Owner, Architect or Builder with respect to quality or sufficiency of design or construction.

## **4. VARIANCES**

All variance requests must be made in writing. Any variance granted shall be considered unique and will not set any precedent for future decisions.

**5. WRITTEN APPROVALS/ORAL STATEMENTS**

All approvals of Applications by the ARA must be in writing. In no event shall any Lot Owner or Builder rely on any oral statements made by any member of the ARA or any other party.

**6. APPROVAL EXPIRATION**

Applicants must begin construction within one hundred and twenty (120) days of Approval by the ARA. Failure to do so will automatically revoke approval without prior notice from the ARA. Time extensions may be granted by the ARA if written requests are received prior to expiration.

**7. ADDITIONS/REMODELING/IMPROVEMENTS**

Applicants for changes, modifications, alterations and improvements to approved plans or existing homes shall consult with the ARA to determine the Design Documents required for approval. No work shall commence without written approval of the ARA. This includes repainting the exterior of a home if another color is used other than the originally approved color.

**8. CONSTRUCTION CHANGES**

All construction must be completed in accordance with the application and Design Documents as approved. Exterior changes to the subject property require prior written approval of the ARA. Applicants requesting design change approvals should consult with the ARA to determine Design Documents required, if any, for approval.

**9. CONSTRUCTION INSPECTIONS**

Periodic inspections may be made by the ARA while construction is in progress to determine compliance with the approved Design Documents. The Association is empowered to enforce its policies, as set forth in the Declaration and these guidelines, by any action, including an action in a court of law to insure compliance. Inspection by the ARA is solely for its benefit, and is not to be relied upon by the Owner, Architect or Builder with respect to quality or sufficiency of design or construction.

**10. TREE REMOVAL**

All removal of trees exceeding four inches (4") in diameter at one foot above grade must be approved by the ARA in conjunction with approval of the staking of all structures which are to be submitted on the site plan.

## 11. DESIGN REVIEW AND DOCUMENTS

In order to provide a systematic and uniform review of proposed construction, the Design Documents must adhere to the criteria and steps outlined below. (Builders, Owners and Architects submitting plans and required data are referred to herein as Applicants).

### Step One: Preliminary Architectural Review

Applicants must provide the following items at the time of Application.

1. Architect and Builder approval information with letter of application if not on approved list. All architects, builders and residential designers, etc., must be approved by ARA.

2. Complete set of working drawings to include the following:

A. SITE PLAN

Scale 1" = 20' Max., or other acceptable scale

Property Lines

Set Backs

Basements

Right - of - Ways

Driveways

Sidewalks

Patios/Decks

Walkways

Storage Facilities

Screened Areas (for Boats, RVs, clotheslines, exposed garbage containers, etc.)

Pool

Culverts

Well and Pump house (if applicable)

Dwelling Perimeters (1st/2nd floor), Roof Line/Overhang Walls & Fences

Mailboxes

Garage and Utility Areas

Electric Service, Air Conditioning

B. PLANS AND EXTERIOR ELEVATIONS

Show elevations ( $\frac{1}{4}'' = 1' 0''$  or other acceptable scale) and list of materials and manufacturers on all building exteriors (including walls, fencing and screening, decks, mechanical equipment, screened enclosures, etc.)

C. BUILDING SECTIONS

Scale  $\frac{1}{4}'' = 1' 0''$  or other acceptable scale

Roof: Structure, materials, manufacturers, color

Walls: Structure, materials, manufacturers, color

Facia and Trim: Construction, materials, color

- D. WINDOW AND DOOR SCHEDULE  
Window Specifications: Manufacturer, type, finish, color  
Doors/Garage Doors: Manufacturer, type, material, finish, color
- E. DRIVEWAY  
Materials, finish, color
- F. OTHER ITEMS  
Such other items as required by the ARA.  
Applicant is to meet on the lot to review stakeout and plans with a representative of the ARA. Lot will be staked prior to inspection showing setbacks & location of all structures.

### Step Two. Governmental Approvals and Permits

After ARA approval, Applicants must submit plans to the appropriate local authority and any other such agencies having jurisdiction for required permits.

### Step Three: Final Landscaping/Exterior Color Review

Applicants must submit landscape plans and exterior color schedules in advance of planting, painting, staining or installing.

- A. EXTERIOR COLORS, FINISHES, MATERIALS  
Selections of colors, exterior materials and finishes must be submitted on a complete ARA selection form with samples and product photos where required showing specifications and manufacturers as well as any other required information.
- B. LANDSCAPE PLANS  
Scale 1" = 20' (or other acceptable scale)  
Drainage Pattern  
Easements  
Right - of - Ways  
Existing Trees (site visit and marking may be substituted by ARA)  
Plant Material (grass) - names and sizes (approx. height)  
Surface Material (shrubs, trees) - names and sizes (approx. height)  
Exterior Lighting Details  
Other Structures  
Natural Areas

## 12. KEY DESIGN GUIDELINES

The following list summarizes those design elements which the ARA requires. The ARA recommends the use of certified professionals qualified in the fields of planning, architecture, landscape design, engineering, and surveying.

### Requirements

1. Compliance with all deed restrictions in the Declaration of Covenants, Restrictions and Easements for Eagles Nest.
2. Emphasis on the aesthetics of exterior architectural and landscape design.
3. Minimum Square Footage for any Dwelling is 2000 square feet, inclusive of both heated and unheated areas. Garage parking area is not included in meeting the square footage requirement. Space over the garage is included in meeting the square footage requirement.
4. Requirement for a minimum 9/12 roof pitch with thick tab architectural style shingles, selected fiber glass shingles and other approved materials and roof pitches as may be approved by the ARA.
5. Requirement for each house to be pre-wired for cable TV, if cable is available.
6. Overall high-grade, superior quality construction with emphasis on traditional design or materials such as stucco, stone, and brick (vinyl and other materials may be used on a limited basis as approved by the ARA in its sole discretion).
7. Strict signage control.

### Dwelling Size/Minimum Standards

All residences shall conform to the following standards:

- A. ENCLOSED GARAGE:  
3-car maximum  
Side entry suggested, front entry may be permitted in ARA's sole discretion based on number of this type located near the subject lot.
- B. OVERHEAD GARAGE  
18' minimum width for single door or
- C. OVERHEAD GARAGE DOORS:  
2 Doors with 8' minimum width each.

- D. DRIVEWAYS:  
18' minimum width at entrance to garage. When concrete is used, slab is to be 4" minimum. Surface material must be approved by the ARA. Any material other than concrete must be approved by the ARA. Location must be approved by ARA.
- E. FRONT SETBACK:  
35' (Setback defined as property-line to exterior finished face of wall.)
- F. SIDE SETBACK (not on street):  
10'
- G. SIDE SETBACK (on street):  
Minimum setback required by the County.
- H. REAR SETBACK:  
30'

Variance in setbacks are in ARA's sole discretion.

#### Exterior Elevations

1. Exterior elevations will be reviewed for traditional architectural design or materials and for aesthetic appearance in terms of the overall dwelling and its relationship to other homes within EAGLES NEST.
2. Applicants are prohibited from submitting plans addressing only frontal surface treatments, unless such details are part of the total design approach of the home.
3. Approval of exterior design will consider (among other things): 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; roof pitches; etc.
4. Designs employing traditional materials are encouraged.
5. The ARA may bar any proposed new construction or changes to existing homes on purely aesthetic grounds when, in the ARA's sole judgement, such action is required to maintain the desired character of the community development.

## Exterior Materials

1. The selection of exterior materials shall be harmonious with the architectural motif of each dwelling unit and the community development as a whole. Depending on specific applications, the following materials have been approved by the ARA:

- A. STUCCO: Approval subject to application, texture and use of other primary materials.
- B. MASONRY: Brick.
- C. VINYL SIDING: Vinyl and other materials may be used on limited bases as approved by the ARA in its sole discretion.
- D. WINDOWS: Wood, vinyl or color compatible aluminum frame.

2. The following exterior materials are discouraged for construction and are not permissible unless approved by the ARA: Decorative concrete block; concrete block (except sub-surface wall); fiberglass, asphalt, siding; fiberglass garage doors and certain types of imitation stone and brick.

3. Landscaping/Exterior Color Review, a plan showing the color of the roof, exterior walls, shutters, trim etc. The ARA shall consider the extent to which the color plan conforms with the natural color scheme of and for Eagles Nest. Exterior colors that, in the opinion of the ARA would be inharmonious, discordant and/or incongruous shall not be permitted.

The ARA shall have final approval of all exterior color plans. Each Applicant must submit exterior color plans to the ARA as part of final submission.

## Roof Pitch/Roofing Materials/Solar Water Heaters

1. The minimum roof pitch shall be 9/12; however, higher pitches are recommended (lower pitches are approvable on multiple roofs).

2. Flat roofs and tar and gravel surfaces are prohibited.

3. All roof stacks, non-copper flashing and metal chimney caps shall be painted to match the approved roof color. Roof stacks and plumbing vents shall be placed on rear slopes of the roofs where possible (metal fireplace flues must be entirely boxed in compatible, approved material).

4. Roofing materials will be approved on a manufacturer-by-manufacturer basis. Generally approved roofing materials included selected asphalt/fiberglass shingles.

5. Solar water heating panels shall be reviewed on an individual basis and, unless approved by the ARA, shall not be visible from the street which the house fronts.

#### Design Duplication

1. Applicants should select lots and home plans so as not to construct repetitious designs within close proximity. Similar designs or design duplications are discouraged and subject to disapproval without sufficient variations in exterior colors, materials, finishes, trim, and detailing.

2. It should not be possible to easily see similar elevations from any one point.

3. The approval of plans for a specific site does not imply approval on another lot by the ARA.

#### Grading/Clearing/Drainage

1. No bulldozing or clearing of trees shall be commenced until plans and specifications showing the nature, kind, shape, and location of work have been submitted and approved by the ARA. Fill shall not be deposited at any location without prior ARA approval. Cut or fill must be replanted with plant materials which shall blend with native vegetation, cuts and fills should be designed to compliment the natural topography of the site.

2. Applicant shall be responsible for grading and surface drainage so that surface run-off will not adversely affect adjoining properties. Applicant shall provide rip-rap, stepped terraces or other forms of erosion control as may be required by the ARA and the appropriate local authorities or any other such agencies having jurisdiction over such grading and drainage matters.

#### Swimming Pools/Screen Enclosures

1. The elevation of the top of any swimming pool construction on any lot may not be over two (2) feet above the natural grade without ARA approval.

2. Swimming pools shall not be permitted on a street side of the residence.

3. Screen enclosures must not be visible from the street in front of the residence unless approved by the ARA.

4. No swimming pools, pool docks, screen enclosures or patio/decks shall be located outside of minimum building setback areas unless approved.

5. All swimming pools must have a minimum 4 ft. fence or wall of approved design and be consistent with County requirements.

## Mailboxes

The design and color of all mailbox, newspaper box and other similar receptacles must be approved by the ARA.

## Fences

1. No fence or fence walls shall exceed a height of six (6') feet unless approved by the ARA.
2. Brick, masonry with stucco, wood, and wrought iron are recommended materials. All fence designs, colors and location must be approved by the ARA. Chain link fences are not allowed.

## Garages/Driveways/Sidewalks/Exterior Lighting

1. Garages are required. Buildings may have a maximum of a three car garage. Carports are not permitted. All garages shall be a minimum of twenty-two (22') feet by twenty (22') feet. Garage door should not be left open for extended periods.
2. No curbside parking areas may be created by extending any portion of the street pavement.
3. Sidewalks are required, and shall follow the grade at the top of curb unless otherwise approved by the ARA. Installation and maintenance of sidewalks shall be the responsibility of the Owner and Builder. Sidewalks in common areas shall be the responsibility of the Homeowners Association. Sidewalks shall be four feet (4') wide, four inches (4") thick and located two feet (2') from the back of the road curbing using standard gray concrete with a broom finish.
4. All driveways shall be a minimum of 18' wide at garage entry. Driveways if concrete slab shall be a minimum of 4" thick. Driveways shall not be located less than 3' from side property line without ARA approval.
5. All proposed exterior lighting, including bug lights, shall be detailed on plans submitted for Final Landscape/Exterior Color Review. No exterior lighting or bug lights shall be permitted which in the opinion of the ARA would create a nuisance to the adjoining property owners.
6. Finished, patterned concrete, asphalt, Chattahoochee, brick pavers, or other stone finishes are permitted with the approval of the ARA; however, concrete is preferred and other materials must be approved by the ARA.

## Awnings And Shutters

1. Awnings, canopies, and shutters shall not be permitted or affixed to the exterior of the residence without prior approval of the ARA.

#### Landscaping And Irrigation

1. All easements and right-of-ways shall be in accordance with ARA specifications, and maintained by the Owner.

2. All landscaping shall be completed in accordance with plans submitted for Landscaping Review. Any additional landscaping or changes to the approved plan must be submitted for approval of the ARA prior to installation.

3. All homes must be landscaped prior to obtaining a Certificate of Occupancy or, if not feasible, by the next planting season.

4. All Applicants shall make a diligent effort to protect all remaining trees during construction, to provide staked-off areas to protect root systems from heavy vehicles and equipment, to install tree wells and to take other precautions in cases where fill is required around trees.

#### Utilities/Service Areas/Accessory Structures

1. No temporary or permanent accessory structures such as playhouses, toolsheds, doghouses, animal pens, etc. shall be permitted unless written approval of the ARA is obtained.

2. All playground equipment shall be placed to the rear of the residence and properly screened.

3. No radio or television signals nor any other form of electromagnetic radiation shall be permitted to originate from any lot which interferes with the reception of television or radio on any other lot. No outside antenna or satellite dish for radio or television shall be constructed, erected, or maintained at any time on any lot without being screened and without ARA approval.

4. A flagpole for display of the American flag only shall be permitted subject to ARA approval of the size, placement, color, finish and design. No flagpole shall be used as an antenna.

5. Clotheslines shall not be allowed.

6. All garage containers, AC compressors, water softeners, pool pump equipment, etc. shall be located in rear yards or side yards and shall be screened or walled from streets and adjoining lots as required by the ARA.

7. Applicant shall be responsible for all 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. Meters, transformers, and other utility service equipment shall be shielded by screening walls or landscaping approved by the ARA.

8. Tennis courts are not permitted on any lot within Eagles Nest.

9. No window air-conditioning units will be permitted.

### Banners/Signs/Letters

1. All signs and letters of any kind and nature shall be approved by the ARA before installation.

2. Only one builder identification or one approved "for sale" sign may be permitted on any one lot for homes or lots for sale. No other types of signs are allowed unless required by law or approved by the ARA. "For sale" signs must be removed from lots or homes within 48 hours of withdrawal from the marketplace or 48 hours after closing or transfer of property.

3. Owners or their agents may not place any other signs on or about any of the lands, property, common areas, right-of-ways, or easements within Eagles Nest without approval of the ARA.

4. No sign shall exceed 24" wide X 24" in height. Bright colors shall only be used in moderation. No fluorescent or day glow colors will be permitted. All signs shall be professionally painted and provide a neat and orderly appearance. Only freestanding signs on support posts are allowed and must be located at least three (3) feet behind the front property line and eight (8) feet behind the curb.

5. No banners, signs or letters shall be attached to any home or located in or about windows visible from the street or adjoining properties without ARA approval.

### **13. VEHICLE PARKING**

Applicants will not be permitted to park any commercial vehicle, boat trailer, camper, mobile home, tractor, bus, farm equipment, recreational vehicle, all terrain vehicle, trailer coach or similar vehicle for a period over twenty-four (24) hours on any street within Eagles Nest or on any Owner's lot, unless such vehicle is parked inside a totally enclosed structure or screened area approved by the ARA. Notwithstanding the above, no overnight parking on any street will be allowed, and no parking on sidewalks will be allowed at any time, unless approved in writing in advance by the ARA. In addition, notwithstanding the above, no parking on the grass in front of any home will be allowed at any time.

**14. EXTERIOR REPAINTING OF EXISTING HOMES**

Repainting of any existing dwelling or structure with a color other than previously approved shall require the approval of the ARA. Color chips or samples coded to exterior elevations shall be submitted to the ARA for color change approval. All structures located on the lot must be maintained by the homeowner in good and slightly condition and repair.

**15. HEARING PROCEDURES**

The lot owner will be sent written notification to the address shown on the records of the Association or notice shall be posted on the lot citing any the violation of the Declaration or of these Guidelines, the corrective action required, the time in which the corrective action must be completed and the time and place of the hearing at which the lot owner may contest the violation or the required corrective action. If the lot owner fails to appear at the hearing or if, after the informal hearing, the ARA or its appointed hearing officer or committee determines that there is a violation and decides that corrective action is warranted, the ARA shall direct the Board of the Association to take corrective action at the lot owner's expense. Upon recommendation of the ARA or on its own initiative, the Board of Directors of the Association may impose an Assessment for Non-Compliance in accordance with the Declaration.

If a matter is heard by a hearing officer or committee appointed by the ARA, any lot owner who appears at the hearing and wishes to appeal the decision of the hearing officer or committee may do so by filing written notice of appeal and grounds for appeal with the ARA within five (5) days of the hearing. The ARA shall review the record of the hearing at the next meeting and may reverse the hearing officer's or committee's decision.

**16. AMENDMENTS**

These standards and procedures are subject to change by the ARA at any time and from time to time. The ARA shall not be bound by the above standards and any decisions made thereunder in making any subsequent changes that it deems necessary or desirable.

**17. DISCLAIMER**

No approval of plans, location or specifications by the ARA and no publication of architectural standards or guidelines shall be construed as representing or implying that such plans, specifications or standards will, if followed, result in a properly designed or constructed dwelling. All plans submitted shall meet the local government's building code and zoning ordinance. ARA assumes no responsibility for reviewing the plan for compliance with such codes or with architectural or engineering standards. When local government ordinances are in conflict with these requirements, the stricter requirement shall apply.

## **18. APPLICANT'S RESPONSIBILITIES**

The ARA assumes no liability for Applicant's responsibilities, which include but are not limited to the following:

- (a) Performance or quality of work of any contractor or subcontractor.
- (b) Compliance with all laws, codes and ordinances of any governmental agency or body.
- (c) Determination of environmental restrictions, drainage and grading requirements and surface and subsurface soil conditions.
- (d) Determination of structural, mechanical, electrical and all other technical aspects of a proposed design that can only be determined by competent architects, engineers contractors and other similar professionals.
- (e) Compliance with the Eagles Nest Declaration of Covenants and Restrictions.
- (f) Accuracy of all stakeouts and surveys.