

Ocean Neighbors Lake Shore Line Construction Procedures & Requirements

As of March --- 2014

Introduction:

Ocean Neighbors Home Owners Association (HOA) has specific regulations within its Architectural Review Standards that require prior approval of the Ocean Neighbor's Architectural Review Board (ARB) before construction or repair of any bulkhead system that is adjacent to the lake or any marsh areas can be performed. A bulkhead system is defined as any structure, fill, breakwater, stone revetment or other structure that is adjacent to tidal waters within Ocean Neighbors (which includes the lake and all marsh front areas).

In addition the South Carolina Department of Health and Environmental Control Ocean Coastal Resource Management (OCRM) division has specific regulations that govern the permitting and installation of any structures constructed adjacent to any tidal waters. In the case of Ocean Neighbors the large lake as well as any marsh areas are classified as tidal waters and fall under South Carolina Code Section 48-39-10 (Attachment #1) and OCRM Regulation Summary (Attachment #2).

To ensure that both ARB standards and OCRM regulations are complied with prior to repair or construction of any bulkhead structure along any tidal waters within the Ocean Neighbors community, the HOA has developed the following summary of requirements, forms and regulations that must be complied with to ensure any bulkhead is properly reviewed and permitted prior to any construction activity. **It is important to note that this document is provided as a convenience to property owners and does not circumvent any HOA regulations or requirements nor any regulations or requirements of any federal, state or local governmental authority.**

Approval Processes:

All bulkhead repairs, additions or new construction must be approved in advance of construction by the ARB. In addition any such activities must be approved or permitted by OCRM prior to any construction activity. To ensure that all residents of Ocean Neighbors understand the processes for gaining ARB and OCRM approval or permits the HOA has prepared the following information to assist with compliance with both ARB and OCRM requirements:

Repair or Maintenance of Existing Bulkheads:

The following steps will need to be taken to ensure that the appropriate approvals are gained prior to any construction activities related to repair or maintenance of any existing bulkhead:

1. The legal property owner (applicant) must submit a Modification Application to the ARB requesting permission to undertake repairs or maintenance of any bulkhead:
 - a. Describe in detail the reason such repair or maintenance is necessary, what repairs or maintenance activities are planned and what measures will be taken to protect water quality in the lake (i.e. floating containment booms, sediment fences, etc.)
 - b. Provide pictures of the existing bulkhead
 - c. Provide the address of the bulkhead location as well as the name and contact information of the legal property owner and responsible party (if different)

- d. The name and license number of the contractor performing the work. If the property owner is self-performing the repairs or maintenance please indicate accordingly
2. The ARB will review the application for repair or maintenance and will respond to the applicant within 30 days of receipt of the request for repair or maintenance with its approval or reasons why approval was not granted.
3. If approval is not granted then the applicant will be provided the opportunity to meet with the ARB to discuss the reasons why the request for repair or maintenance was not approved and what may be necessary to gain approval of the ARB.
4. Once approval is granted by the ARB then the applicant can begin the OCRM Maintenance and Repair Request (Attachment #3). The applicant should provide OCRM with the following:
 - a. A OCRM Maintenance and Repair Request completed by the legal property owner and noting the owner's agent (if the owner wishes for someone other than themselves to manage the OCRM Maintenance and Repair Request)
 - b. A description of the repairs needed and the reason for such repairs including drawings and material specifications
 - c. Photographs of the existing bulkhead
 - d. Tax map number of the property, address, adjacent waters of the state (lake or creek name)
5. All of the above items should be included in the completed OCRM Maintenance and Repair Request and should be submitted to the Charleston office of OCRM. Please note the conditions outlines in the OCRM form (Attachment #3).
6. Once OCRM approval is received, the applicant should submit a copy of the approved OCRM approval to the ARB a minimum of 2 weeks prior to construction of any maintenance or repair operations. If any aspect of the proposed maintenance and repair has changed since the ARB approval, the applicant must advise the ARB in writing of such changes prior to any construction activities. Any such changes must be approved by the ARB prior to commencement of any maintenance or repair activities.
7. The applicant shall advise the ARB in writing one week in advance of the commencement of work.
8. Once work is completed, the applicant shall advise the ARB and OCRM in writing that the work is complete and is in conformance with the ARB approved plans and specification as well as with any OCRM Maintenance and Repair Request requirements.
9. During construction activities, should the design of the bulkhead repair change from that which was provided in the applicant's initial ARB submittal, the property owner shall immediately advise the ARB and OCRM in writing of such changes and the reasons for such changes.
10. The ARB will review the work to confirm compliance with the approved plans and specification. Any non-conforming work will be corrected immediately by the applicant.

Construction of New Bulkheads or Additions to Existing Bulkheads:

The following steps will need to be taken to ensure that the appropriate approvals are gained prior to any construction activities related to construction of any new bulkhead or any addition to an existing bulkhead:

1. The legal property owner (applicant) must submit a Modification Application to the ARB requesting permission to undertake construction of a new bulkhead or addition to an existing bulkhead
 - a. Provide plans and specifications in sufficient detail of all construction activities associated with the construction of the proposed bulkhead and what measures will be taken to protect water quality in the lake (i.e. floating containment booms, sediment fences, etc.) during the construction process.
 - b. Provide pictures of the existing shoreline
 - c. Provide the address of the proposed bulkhead location as well as the name and contact information of the property owner or responsible party (if different)
 - d. The name and license number of the contractor performing the work. If the property owner is self-performing the repairs or maintenance please indicate accordingly
2. The ARB will review the request for construction of a new bulkhead and will respond to the applicant within 30 days of receipt of the request for construction of the proposed bulkhead with its approval or reasons why approval was not granted.
3. If approval is not granted then the applicant will be provided the opportunity to meet with the ARB to discuss the reasons why the request for construction of the proposed bulkhead was not approved.
4. If approval is granted by the ARB then the applicant can begin the OCRM General Permitting process (Attachment #4). The applicant, **by state regulations**, must provide OCRM with the following:
 - a. An OCRM General Permit Application completed by the legal property owner and noting the owner's agent (if the owner wishes for someone other than themselves to manage the OCRM General Permit Application process)
 - b. Via Certified Mail, provide all property owners within 100 feet of the address where the proposed bulkhead is to be constructed as well as the City of Charleston, SC of the proposed construction of a bulkhead at the requested location. (See OCRM General Permit form for notice wording)
 - c. The applicant must place a Public Notice in the Post and Courier newspaper stating the construction activities proposed at the site and the OCRM contact information to send Public Comments related to the General Permit Request (See OCRM General Permit form for wording)
 - d. Obtain a Proof of Publication (must be requested at the time the Public Notice is placed in the newspaper) as well as a copy of the Public Notice
 - e. Obtain photographs of the existing shoreline
 - f. Provide tax map number of the property, address, adjacent waters of the state (lake or creek name)
 - g. Complete the above **before** sending the General Permit request to OCRM
5. The completed OCRM General Permit Application should then be submitted to OCRM, with a copy of the application package sent to the ARB. The General Permit Application should be completed and submitted to the Charleston office of OCRM and must include the following:
 - a. All the information gathered in 4a through 4f above

- b. Plans and specifications of the proposed bulkhead construction (see General Permit application form)
 - c. Original Certified Mail receipts of all Public Notices
 - d. List of all property owners within 100 feet of the proposed bulkhead construction location (include legal property owner, TMS number, address)
6. Once OCRM issues the General Permit, the applicant should submit a copy of the approved OCRM approval to the ARB a minimum of 2 weeks prior to construction of any new bulkhead construction. If any aspect of the proposed new bulkhead construction has changed since the ARB approval, the applicant must advise the ARB in writing of such changes. Any such changes must be approved by the ARB prior to commencement of any new bulkhead construction activities.
7. During construction activities, should the design of the bulkhead repair change from that which was provided in the applicant's initial ARB submittal, the property owner shall immediately advise the ARB and OCRM in writing of such changes and the reasons for such changes.
8. Once work is completed, the applicant shall advise the ARB and OCRM in writing that the work is complete and is in conformance with the ARB approved plans and specification as well as with any OCRM General Permit requirements.
9. The ARB will review the work to confirm compliance with the approved plans and specification. Any non-conforming work will be corrected immediately by the applicant.