

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

**AFFIDAVIT TO RECORD**

RE: **Island West Homeowners' Association, Inc.**  
**ARC Architectural Guidelines – Effective November 3, 2022**

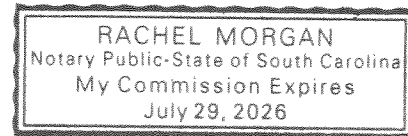
The attached document is being recorded to comply with the South Carolina Homeowners Association Act, Section 27-30-110, et. Seq., of the South Carolina Code of Laws 1976, as amended.

**Island West Homeowners' Association, Inc.**

By: *Richard E. Myers*  
Name: Richard Myers  
Its: President

SWORN to before me this 11<sup>th</sup> day  
of November, 2022

*Rachel Morgan*  
Notary Public for South Carolina  
My Commission Expires: 7-29-2026



# Island West Architectural Guidelines

Exterior Changes, Additions, Renovations  
And Regulations For  
**EXISTING** Residences

November 3, 2022

Owner Guideline Acknowledgement \_\_\_\_\_

Under the Authority of the recorded Covenants, Conditions, Restrictions and Bylaws of the managed community of Island West, the Board of Directors adopts the attached Architectural Review Guidelines and establishes the Architectural Review Committee (ARC) to promulgate and administer same. The Architectural Guidelines are effective

November 3, 2022

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## **GENERAL POLICIES**

**OWNERS, BUILDERS, CONTRACTORS, SUBCONTRACTORS, AND LANDSCAPE PROFESSIONALS ARE TO OBSERVE THE COVENANTS AND ARCHITECTURAL REVIEW COMMITTEE POLICIES, PROCEDURES AND GUIDELINES (PPG) AND ENSURE ADHERENCE BY ALL SUB-CONTRACTORS.**

1. **THE PROPERTY OWNER IS THE ULTIMATE RESPONSIBLE PARTY**
2. Adherence to plans, as they are submitted and approved, is required. Changes to approved plans must be submitted on an additional application.
3. Renovation/addition plan approvals are dated and effective up to (12) months from the date of approval. Construction is to begin upon receipt of a Notice To Proceed and is to be completed within 120 calendar days following issuance of the ARC Notice To Proceed.
4. Work at the site may not begin until a Notice To Proceed has been issued and all applicable permits have been posted.
5. Work may be performed Monday through Saturday between 7:00AM and 7:00PM. Noise or noxious behavior complaints from property owners will require the ARC or the Board of Directors to shut down the job and a penalty will be imposed. Work is NOT authorized on Sundays and National holidays.
6. The project site is to be kept in a reasonably clean and uncluttered condition at all times. The entire area is to be free of debris at the end of each day. Daily penalties may be imposed and/or the job may be shut down. NO BURNING OR DUMPING is permitted within Island West.
7. All Materials must be stored on the building lot, Not on adjacent properties. Access to a building site by means of an adjoining property is NOT PERMITTED without written and signed authorization of the effected property owner and a copy presented to the ARC. Any damage must be repaired to its original condition.
8. Noxious or loud music or behavior will not be allowed on the site, No fishing or hunting by construction workers is permitted. No pets of construction workers or any persons not associated with the job shall be allowed.
9. Street pavement must be kept clean during construction. Costs of repairs and maintenance to off-site areas damaged in the construction process are the responsibility of the owner.

## **SCOPE OF ARC DECISIONS**

The covenants grant the ARC authority to approve or disapprove plans based on subjective or aesthetic judgments as well as on objective, quantitative grounds. This authority is limited only by the requirements that the architectural review process not be conducted in an arbitrary or capricious manner. It would be arbitrary or capricious, for example, for the ARC to apply substantially different standards to similar cases reviewed during the same period of time. ARC decisions are based on reasonable grounds consistent with the objectives of the covenants, including, but not limited to the following:

- Size (square footage, height, mass and scale);
- Siting of structures, including setback requirements;
- Aesthetic considerations of harmony and suitability of overall design including color and construction materials;
- Landscaping and preservation of significant trees or unique vegetation;
- Exterior lighting and drainage;
- Auxiliary amenities such as pools, decks and sheds;
- Effect on neighboring properties;
- Appearance of the property from roads, golf courses, or walkways.

**IT IS UNDERSTOOD THAT ANY APPROVAL OF A PLAN WHICH, WHEN BUILT, IS NOT CONSIDERED DESIRABLE-- FOR FUTURE CONSTRUCTION, SHALL NOT BE CONSIDERED A PRECEDENT REQUIRING THE ARC TO APPROVE SIMILAR PLANS ON SUBSEQUENT SUBMISSIONS.**

## **SUBMISSION PROCEDURES**

### **General**

1. All applications, requests and forms are to be completed in their entirety and signed by ALL applicable parties. The signature of the property owner MUST be on the application. The Compliance Deposit and all other applicable fees , if required, MUST be submitted with the application.
2. All applications, plans, dimensional drawings and related documents must be submitted to the Island West management service to ensure consideration .
3. All plans and documents submitted to the ARC pursuant to these requirements and procedures become the property of the ARC.
4. All surveys shall have the seal of a South Carolina licensed land surveyor for any major construction. For typical construction and alteration upgrades a clear, legible dimensional drawing prepared by the homeowner or contractor may be sufficient. The ARC or the Board of Directors shall determine if drawings are sufficiently clear and detailed before review.

5. In unique cases the applicant or their representative may make a formal presentation to the ARC. A written decision will be provided subsequent to the meeting. Verbal determinations shall not be rendered.
6. All documents specified on the application form must be submitted to the management service. Approval does not constitute permission to commence any work at the site until proper permits are granted and the Notice to Proceed is granted by the management company following Board approval.

#### Complete Submissions

1. Any submission that does not include all necessary documents and signatures will not be considered.
2. Following approval, the management service must receive copies of applicable county building permits and deposits before a Notice To Proceed is issued.

#### Construction Completion Date

1. Construction is to begin following the issuance of a Notice To Proceed and be completed within 120 calendar days following issuance of the notice. Requests for any extension of a completion date must be received by the Island West management service prior to such completion date.

Extensions may be granted at the sole discretion of the ARC.

#### Change Requests

1. Change request forms must be submitted as a new ARC submittal for ANY change to the approved scope of work. The revised plans clearly showing all changes must be submitted and approved prior to any site change being made. NO EXCEPTIONS.

## **ARC Compliance**

1. Before beginning a project, the Homeowner must submit an Application for review by the ARC Committee. A project may not proceed until the Homeowner has been notified that it has been approved
2. If a project is started or completed before application approval and notification a \$250 fine will be levied against the homeowner.
3. Note: It is the responsibility of the homeowner to notify the management service of the project's completion and to arrange an inspection.

# **PERMIT PROCEDURES AND REQUIREMENTS**

## **Beaufort County Building Permits**

1. A copy of the applicable building permit is to be provided to the Island West management service if required for the project
2. It is the sole responsibility of the homeowner and their contractor to obtain such permits.

## **ARC NOTICE TO PROCEED**

1. No construction or site preparation shall commence until a Notice To Proceed is issued by the management service. A penalty will be imposed if work is begun before the application has been fully reviewed and approved and a notice to proceed has been issued.
2. The Notice to Proceed document (provided by IMC) and a copy of the Beaufort County Permit, if required, shall be posted in a front window during the project

## **SITE REQUIREMENTS**

1. Roadways in Island West may not be obstructed by construction traffic.
2. Portable toilet facilities at work sites must be placed with the door facing away from the street and adjoining houses. Minimum setback from the street is 15 ft. All toilets should be kept clean and odor free and removed promptly at the completion of construction .
3. Trash receptacles at work sites must have a minimum setback from the street of 15 ft. They must be emptied when full . Removed promptly at completion of construction. A container left full over a weekend or holiday is not permitted.

NOTE: The Homeowners association has the right to contract for cleanup, at the owner's expense, should the contractor or homeowner fail to maintain a neat and orderly work site.

4. The ARC reserves the right to require installation of a silt fence to guard against soil erosion or water runoff onto neighboring properties. No changes to water drainage affecting adjoining property.
5. Only an applicable building permit or documentation is allowed to be posted on the site. No advertisement or contractor's sign is permitted.

## **35 FT Height Restriction**

Island West has a 35 ft. mean height restriction above finished grade. Caution should be exercised to insure that a finished roof of any addition or structure does not exceed this. The ARC may request, at their discretion, a height certified survey.



## **INSPECTIONS**

### **INTERIM :**

1. Throughout the construction period, the site may be inspected by ARC members.
2. A final inspection will be conducted when the management service has received from the homeowner/contractor a request for the final inspection.
3. If the original submitted application and plans do not match construction and subsequent inspections are necessary until compliance, each subsequent inspection will be assessed to the homeowner at \$50 each and will not be refundable.

## **SITE PREPARATION AND MAINTENANCE**

1. All underground utility locations are to be flagged prior to any clearing, grading or digging. The Underground Utility Damage Prevention Act of July 18, 1978 provided for a penalty of \$1,000 to the person doing the excavating if the utility involved has not been contacted.
2. NO trees of any kind above six (6) inches in diameter at a point four (4) feet above ground level at the base may be removed without ARC approval. NOTE: Some trees are protected by the county and state and require a special permit from Beaufort County. Trees to be removed outside the building envelope must be designated on the site plan submitted with the application with the reason for removal (such as dead, diseased, deformed, etc). The removal of any tree requires a separate application.
3. All trees on the construction site must be protected against damage by orange mesh attached to 2X4 frame barricades, as close as possible to the tree's drip line, or a minimum of 5 ft. Mulch should be placed within the perimeter of the barricades
4. Under no circumstances should building materials, equipment or vehicular traffic or parked vehicles come into contact with any trees on the site.
5. Designate an area well away from trees for storage of building materials.
6. Root compaction is to be avoided within the drip line of the trees.
7. Caution should be exercised when making grade changes around trees. Tree wells are encouraged if the grade is altered.
8. When clearing around trees, avoid the use of heavy root raking equipment which may damage or destroy systems, resulting in tree failure.

## **TREE REMOVAL**

1. Permission is required from the ARC by application for the removal of trees six (6) inches in diameter at a point four (4) feet above ground level at its base. The property owner and a tree professional must sign the appropriate application. When the trees have been marked and the application and compliance fee received by the management office, an inspector from the ARC may visit the site. If approved, permission will be granted. If the removal is not approved, the property owner will be notified in a timely manner.
2. No work may commence until a Notice to Proceed is issued by the management service.

## **TREE REPLACEMENT**

1. The ARC may require a replacement of any tree approved for removal on a non-wooded lot. The type, size and number of the replacements will be at ARC discretion.

## **FILL/ GRADING / DRAINAGE**

1. Fill/grading is to be designed to prevent standing water and assure no runoff to adjoining properties.
2. The ARC reserves the right to require a certified drainage plan for any project.
3. If any future unforeseen issues impact the drainage the application process may be revisited

### **Easements**

1. NOTE: Improvements by a property owner within an easement are subject to disruption by the owner of the easement and need not be replaced.

## **FENCES AND WALLS**

1. A plan MUST be submitted along with an ARC application with all dimensions noted preferably on an approved site plan (Plat).
2. The application must be accompanied by an elevation (picture) of one section of the fence to be installed.
3. Maximum fence height is six (6) feet above grade. WOODEN FENCES ARE NOT ALLOWED.
  - A. Black aluminum may be approved by the ARC on any lot and is the only fence material permitted on golf course lots at a height not to exceed four (4) feet.
  - B. Solid six (6) foot high privacy fences or those that consist of a five (5) foot solid panel and a one (1) foot lattice accent may be permitted by the ARC but not on a property line adjoining the golf course.
  - C. Any lot that is exposed to multiple views from other homes must submit their request for ARC review and consideration.
4. Walls and fences may be approved provided they are attached to or within four (4) feet of the house as an architectural extension.
5. No fence or wall may be installed in front of the house. Fence installation must be attached to a point on the side of the house preferably at the rear corners. A point halfway back from the front may be considered.
6. 'Deer fences' are not acceptable.

## **SWIMMING POOLS. SURROUNDING DECK**

1. Above - ground pools of any type are prohibited in Island West.
2. Pool/surrounding deck setback must be within county setback lines, unless approved otherwise by county officials.
3. Pool mechanical equipment, including heaters, tools and chemicals are to be located in an enclosed service yard. Underground propane tanks must be located outside the service yard but must be a minimum of ten (10) feet from the property line.
4. Pool backwash and waste/drain hose is to be located in such a manner as to assure that the water drains and remains on the owner's property. Flexible/collapsible surface hoses are not acceptable.
5. Propane tanks, if used in conjunction with a pool heater must meet the requirements of the NFPA Document 58, administered by the office of the state of South Carolina Fire Marshall.
6. The ARC reserves the right to require complete landscaping upgrade if the property does not meet current guidelines. Landscaping for pool additions should complement or enhance the
7. Existing property and should provide for landscape planting beds between the house/raised
8. Decks and pool deck to allow adequate foundation plantings to screen and soften the mass of the house.
9. Pools MUST BE FENCED or completely enclosed with a full screened enclosure structure. Fences shall be a minimum of four (4) feet in height. Gates and doors must be equipped with code approved self-closing hinges and latches.
10. An ARC fence application MUST ACCOMPANY the application for the pool for the project to be reviewed and considered.
11. A site plan (plat), showing the exact location and all applicable dimensions and complete construction details including waterfalls, raised spas, construction materials as well as a landscape plan are required.
12. Siting of pools will be reviewed on a case-by-case basis.
13. The top of the pool construction may not be over two (2) feet above existing grade unless integrated into terraced construction with ARC approval.
14. Fencing or screened enclosure must be completed at the same time as the pool construction completion to be ready for final inspection.

## **HOT TUBS/ SPAS**

1. Hot tubs/spas must meet setback requirements and be adequately landscaped. An ARC application is required. Work may not proceed without ARC approval and a notice to proceed issued.

## **DECKS, PATIOS, TERRACES, AND TERRACES**

1. The design of decks, patios and terraces must be coordinated with the design of the residence. Consideration should be made in the planning for privacy from neighboring properties.
2. Grade-level patios and decks are subject to the same setback requirements as swimming pool decks.
3. A sample or color picture of paver or other construction material is required with the ARC application. This includes a picture of balusters, spindles, and rails if used.
4. A dimensional plan is required with the application showing the outline of the deck, property lines, setbacks, house and all effected structures and trees.
5. All visible wood must be painted to match trim.
6. All free-standing structures must be anchored to avoid movement in high winds.

## **FOUNDATIONS**

1. The enclosure of a raised foundation must receive the same attention to detail and finishes as the main portion of the house. Foundation walls are to be stucco or similar material. Exposed wooden/round pilings are not acceptable. The raised foundation must be fully enclosed with a foundation wall or combination of foundation wall, louvers, or the like. Lattice is not acceptable. The exterior wall of the raised foundation is to be of the same color as the remainder of the house or match other house trim.

## **GARAGES/ CARPORTS/ DRIVEWAYS**

1. Carports are NOT permitted.
2. A maximum of three (3) car garage is allowed or two (2) car with golf cart garage as part of the same garage unit.
3. Boats, trailers, recreational vehicles, commercial and similar vehicles must be stored in an enclosed garage and not be exposed to view from any side.

## **SERVICE YARDS**

1. Service yards are designed to enclose and hide from view, garbage cans, HVAC equipment, lawn equipment, etc. at the side of the house.
2. Service yards should be designed to complement the house. Lattice or similar see-through material is not acceptable.
3. Overlapping siding, stucco, louvers or manufactured white plastic privacy fencing is acceptable. No bare wooden structures are permitted.
4. Landscaping around the perimeter of the service yard is suggested.

## ROOFS

1. When replacing a roof on an existing residence with the same color shingles, an ARC application is not required; however, proper notice, including a copy of the building permit, must be given to the management service prior to the installation. This includes emergency installations as well.
2. If a new color or new roofing material is to be used an ARC application is required. A color or material sample must accompany the application along with a compliance deposit. Installation may not proceed without ARC approval and a notice to proceed issued by the management company.

## MAJOR LANDSCAPE

1. The ARC encourages a more maintained appearance with areas of lawns and shrubs. The intent of the landscape requirement is to enhance the house. Any major change in the appearance or original landscape spirit or design of the lot shall require ARC approval. This does not refer to simple gardening or landscaping practice such as re-sodding or re-seeding lawns, planting of trees or shrubs, etc. All landscape improvements and areas will be covered by an irrigation system.
2. All construction, including landscaping in street rights-of-way must be approved by the ARC. It is the responsibility of the homeowner to ensure lot landscaping included street right-of-way to edge of pavement and to all property lines.
3. Plant material should be salt air tolerant, unappetizing to deer, drought resistant and cold hardy to zone 8/9.
4. A landscape plan that uses rock or crushed stone as a PREDOMINANT element will not be accepted by the **ARC**. Rock or crushed stone may be used in planting beds in lieu of pine straw and/or mulch; however, cannot be used as a replacement for turf/grass .
5. At driveway entrances, for reasons of safety, no large plantings which obstruct sight lines between 2 ft and 6 ft above streets and roadways shall be permitted.
6. Walks, retaining walls or other hardscape improvements must be identified by material and dimensions including height above grade.
7. Grading and drainage shall be designed to ensure no storm water or roof water is directed toward adjacent home sites or directly into marsh areas. Runoff should be directed into swales. The areas of the lot that may be filled are limited to the area immediately under and around the house and driveway area. This area should transition down to existing grade as soon as possible once beyond the budding line.
8. It should be anticipated that the natural low-lying areas will be preserved and that these low areas might retain water for several days following rainfall. Cuts and fills should be designed to complement the natural topography. Grading should produce graceful contours not sharp angles. Provide smooth transition at the head and toe of the slope.

## **MAILBOXES**

All mailboxes and mailbox posts shall be flat or satin black in color and the style originally provided.

1. House numbers in white color will be part of the approved mailbox assembly in the font and location as originally provided.
2. House numbers are also required on the structure of the home and must be discrete, conservative and readable from the street.
3. House numbers may not be painted on the street curb.

## **AWNINGS**

1. Awnings may only be installed on the rear of residences with ARC approval.
2. Only fade-resistant, solid color fabric awnings may be installed. The awning color should be compatible with the exterior color of the house.

## **FLAGPOLES**

1. Flagpoles are permitted. They cannot be within 20 ft. of the front yard curb line.
2. The maximum height of the pole shall be 20 ft above natural grade.

## **EXTERIOR LIGHTING**

1. All major exterior lighting, changes or additions must be approved by the ARC prior to installation.
2. Location of all exterior lighting and type fixtures shall be shown on a drawing with the application.
3. All exterior lighting shall be installed in a manner and location so as not to disturb neighbors or street traffic.
4. Exterior lighting to illuminate driveways, walkways and entryways, or to highlight landscape features shall be of low intensity.

## **SATELLITE DISKS/ ANTENNAS**

1. The placement of a satellite disk or antenna does not require ARC approval, but the homeowner is required to notify the management service of their intent.
2. Satellite disks should be positioned where they are least likely to be seen from the street. If the best option for reception is in the front of the residence, screening shall be required.
3. Fines may be imposed if screening is not completed in 30 days

## **PLAY EQUIPMENT**

### **Basketball Backboards**

1. Only CLEAR portable basketball backboards are permissible.
2. The continued general clean and neat appearance, maintenance and upkeep of the basketball backboard and surrounding area is the responsibility of the respective homeowner.
3. Basketball goals shall not be arranged to allow a street to become a playing surface.

### **Play Structures**

1. The placement and use of play structures and facilities on an Island West residential home site must be approved in advance by the ARC.
2. An aesthetically pleasing playhouse may be placed in the rear yard of a residence. No play structure shall be placed in the front of the home. Screening is necessary if placing the structure allows a line of sight from the streets, neighboring houses, adjoining golf course fairways and lagoons. A homeowner shall plant shrubs or screen in an acceptable method to break up the view. Minimum setbacks from the property line shall be 20 ft. whenever practicable.
3. The color of the playhouse is to be neutral earth tone and should blend with its surroundings.
4. A gym set (with swings, slide, etc) may be placed in the rear yard provided it is a stained/varnished wooden structure to blend with its surroundings and adheres to the play structure screening policies mentioned above. Minimum setbacks apply.

### **Trampolines**

1. The placement of a trampoline, although it may be considered temporary, requires ARC approval.
2. Minimum setbacks from the property line shall be 20ft. whenever practicable.
3. The trampoline must be maintained in good repair, i.e., no rusted frames, no torn netting.
4. Trampolines must be placed to the rear of the home with similar requirements for screening from view as other play structures.
5. Trampolines MUST be anchored to avoid movement during high winds. Any unrestrained trampoline is subject to fines.

### **Tree houses**

1. Tree houses, tree stairs, platforms or any other structure in or on a tree are not permitted.

## **YARD SHEDS/UTILITY SHEDS/GAZEBOS**

1. The placements of a yard shed or utility shed requires ARC approval.
2. The structure must compliment the house with building material, color, and design.
3. The structure must not exceed a 10 ft X 10 ft footprint.
4. The structure must be placed in the rear of the home and not be visible from the street or golf course unless screened by shrubs or some other approved material.

## **WINDOW TREATMENTS**

1. The exterior surfaces of all windows, including hurricane protection devices, are to be compatible with and compliment the exterior of the residence.

## **FIRE PITS/ OUTDOOR FIREPLACES**

1. Permanent outdoor fireplaces require ARC approval.
2. Fire pits and fireplaces shall be placed to the rear of the residence and not seen from the street .
3. Minimum setback of 20 ft from property line whenever practicable.
4. NOTE: Due to the close proximity to neighbors, extra considerations should be made to prevent smoke and burning embers carried on the wind to adjacent properties in the placements of the structure. It is strongly recommended a screen device be utilized as part of the structure design.

## **SOLAR PANELS**

1. The installation of solar panels for both the generation of electricity or hot water shall require ARC approval. Ground-mounted panels are not allowed.
2. A licensed contractor is required to install the system
3. Roof-mounted solar panels must conform to the angle of the roof.
4. The mechanicals, ancillary equipment and wiring shall be enclosed and shielded from view.

## **Gutters & Downspouts**

1. All gutters and downspouts must be basic white.
2. The Installation of gutters & downspouts requires ARC approval
3. The drainage from the downspout shall not impact the neighboring property
4. The direction of the drainage shall be shown on a dimensional drawing accompanying the application.

## **HOUSE PAINTING**

1. The painting of the exterior of a residence requires ARC approval if the existing color is to be changed.
2. If the color is to remain the same, notification of the intent to repaint same color must be made to the management service.
3. All trim shall be a basic white or cream in flat or satin finish.
4. The color of the residence must conform to those already approved by the ARC and found within the community. A list and sample of approved colors is available upon request.
5. House colors must have a "LRV" (Light Reflectance Value) between 29.00 to 80.00. Light Reflectance Value refers to how much light or dark a paint color will look on a scale of 0 (black) to 100 (white). The higher the LRV number is, the lighter the color is.



## **DIRECT REPLACEMENT AND REPAIR**

1. The direct replacement of an exterior item with a duplicate item does not require an ARC application. If this is to be a 'major project' the homeowner is required to notify the management service of the intent. For example: a roof replacement.

## **ARCHITECTURAL RULES AND REGULATIONS**

1. The maximum roof height is 35 ft AMSL. The height of a chimney is left to the discretion of the ARC. Prefabricated chimney flue caps shall be screened with a metal or other non-combustible material shroud to conform with those already in place throughout the community.
2. Only one single-family residential unit, not to exceed three (3) habitable stories is allowed on each site. A separate structure to serve as a residence is not permitted.
3. All exterior walls are to be of stucco, hardiplank\*, brick or other ARC approved material. Vinyl or aluminum siding is not acceptable.
4. Permission must be obtained from the management service prior to the placement of a trash receptacle on a property for construction debris.
5. Setbacks are measured from the nearest vertical structure unless otherwise defined.
6. NO exterior construction, alteration, addition or erection of any nature, whatsoever, shall be commenced without prior approval from the ARC or in some particular cases, notification of the management service.
7. No exterior clotheslines of any type are permitted on any lot.
8. All garbage cans and wood piles must be screened from view.
9. All vehicles must be parked in paved designated parking areas on the lot. No parking of any vehicle is allowed on lawns.
10. Statuary and lawn ornaments are allowed but must be kept to a reasonable size and number.
11. All boats, trailers, campers, RV's and other recreational vehicles cannot be parked overnight without prior approval from the management service.

## **PENALTIES**

The ARC has the right to impose penalties for failure to comply with its policies and decisions. The amounts of such penalties are established and modified by the ARC at its sole discretion.

Penalties will be imposed for, but not limited to, the following:

1. Failure to construct the project in accordance with the approved plans and submittal.
2. Failure to complete construction by the completion date.
3. Tree removal without a notice to proceed issued by the management service.
4. Painting/staining exterior without notifying the management service or submitting an application where applicable.
5. Use of exterior materials or colors not approved by the ARC
6. Failure to submit an application to the ARC.
7. Failure to submit an as-built survey, where applicable

## Penalties Continued

Failure to submit height survey, where applicable

8. Failure to deposit trash in receptacle. (see below)
9. Overflowing trash receptacles (see below)
10. No portable toilet on site, where applicable
11. Use of privately owned property (adjacent home sites or lots) without providing the ARC with prior written permission from the effected home/lot owner.
12. Failure to protect trees on the construction site with proper barricades
13. Use of water /electricity from neighboring properties without permission
14. Failure to install an approved landscape/drainage plan
15. Legal or other expensed incurred.\*

### Fines:

The ARC may levy fines for violations of the regulations stated herein, and its decision shall be final.

A violation will be considered a separate offense for each day the violation is permitted to remain uncorrected. Fines will be deducted from refundable deposits.

NOTE: The ARC has the right to contract for cleanup of a construction site should the contractor or homeowner fail to maintain a neat and orderly work site. The cost of such cleanup will be deducted from the compliance deposit.

Repeat offenders of the above rules and regulations and guidelines will incur higher penalties for these offenses. Any higher penalties will be determined by the ARC.

## APPEAL PROCESS

AN APPLICANT MAY APPEAL AN ARC DECISION BY SUBMITTING A WRITTEN REQUEST TO THE ISLAND WEST MANAGEMENT SERVICE. SUCH REQUEST FOR APPEAL MUST BE RECEIVED WITHIN 30 DAYS FOLLOWING WRITTEN NOTIFICATION OF THE ARC'S DECISION. THE REQUEST WILL BE FORWARDED TO THE ISLAND WEST HOMEOWNER'S ASSOCIATION BOARD OF DIRECTORS TO HEAR THE APPEAL AND RENDER A DECISION. THE DECISION OF A MAJORITY OF THE BOARD WILL BE FINAL AND BINDING ON THE ARC, THE OWNER AND ALL OTHER PARTIES.

## REVISIONS

These policies, procedures and guidelines are subject to periodic review, revision and modification.

THE ARC RESERVES THE RIGHT TO REQUIRE ADHERENCE TO THE ABOVE GUIDELINES THAT, IN ITS SOLE JUDGEMENT, HAVE NOT BEEN FOLLOWED.