



ARCHITECTURAL GUIDELINES

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I. INTRODUCTION

Windmill Harbour enjoys a most fortunate location along South Carolina's barrier island coast, one of uncommon natural beauty, temperate climate, pristine waters, panoramic views and majestic vegetation. These guidelines assist property owners in planning their residences in such a way as to capitalize on these unique assets without undue intrusion on the environment, their neighbors, or on the community.

In addition, these guidelines ensure compliance with Windmill Harbour's Charlestonian architectural theme established several years after the community's inception. Consequently, earlier residences should not be viewed as precedents for the type and style of architecture now adopted through these guidelines.

THE WINDMILL HARBOUR ASSOCIATION BOARD OF DIRECTORS OR ITS ARCHITECTURAL REVIEW BOARD DECISIONS ARE NOT, AND WILL NOT BE, BOUND OR RESTRICTED BY ANY PRECEDENT RELATING TO EXISTING RESIDENTIAL CONSTRUCTION ON ANY OTHER LOT WITHIN WINDMILL HARBOUR.

In any instance where these guidelines conflict with the covenants, the recorded covenants shall prevail. Periodically, these guidelines, related forms, fees, and meeting schedule may be changed. Please contact the administrative office for an update on any changes that may have occurred prior to submitting a permit application.

II. COMPOSITION AND FUNCTION OF THE ARCHITECTURAL REVIEW BOARD

The Board of Directors of the Association has established, through its recorded Covenants and Deed Restrictions, an architectural review board, consisting of five (5) or seven (7) property owners to serve three (3) year staggered terms at the pleasure of the Windmill Harbour Board. The Architectural Review Board will review and approve all proposed improvements and construction within Windmill Harbour. The WHARB functions as an agent of the association to maintain and enforce architectural design, site plans, landscape design and construction standards in conformance with the Covenants and these Guidelines.

The WHARB and these guidelines have been set up to achieve the following objectives:

1. Ensure that the quality of all design is compatible with the overall objectives of the Windmill Harbour community.
2. Provide a systematic and uniform design review process for approval of construction.
3. Ensure that the unique natural setting of the community is preserved and enhanced by preventing excessive clearing and grading.
4. Ensure that the siting and architectural design of structures is visually compatible with the neighboring homes, existing terrain, and vegetation.
5. Ensure that landscape plans provide visually pleasing settings, functional satisfaction and blend with the natural landscape and neighboring properties.
6. Ensure the construction of all buildings and the installation of all landscaping comply with the provisions of the covenants and these guidelines.

The authority of the Windmill Harbour Architectural Review Board (WHARB) is derived from the Windmill Harbour Declaration of Covenants. The WHARB has the authority to accept or reject plans as submitted or any specific items in submitted plans, upon any ground, including purely aesthetic considerations, in the sole discretion of the WHARB. ¹

¹ Similar covenants, as applied through a plantation's Architectural Review Board, were specifically upheld in a 1985 case in the Court of Appeals of South Carolina (Palmetto Dunes Resort vs. Brown, 336 S.E. 2nd, 15) in which purely aesthetic considerations were the controlling factors.

The WHARB meets periodically to consider proposed new construction, renovations or alterations. The meeting schedule is established annually but may change from time to time. Please contact the administrative office for the current meeting schedule.

III. PROCESS

Before the commencement of new construction, or a change to any structure, property or landscape feature, or delivery of materials, WHARB approval and a Windmill Harbour permit must be obtained. The owner should provide their architect with a copy of their deed showing restrictions and setbacks and a copy of these guidelines for use and reference in design and planning.

The applicant must be the property owner and the property owner submitting the plans to the WHARB must ensure that their Association fees are current since the application will not be processed for properties having delinquent association assessments.

The applicant must submit all required items to the WHARB's administrator seven (7) days prior to the WHARB's scheduled meeting. Any submissions that do not have **all** required items for review will not be placed on the agenda until such items are supplied to the WHARB administrator. Any drawings submitted to the WHARB for all residential designs, changes or additions must be prepared by a registered South Carolina architect and shall bear the appropriate seal and signature. This requirement may be waived by the ARB for minor alterations at the ARB's discretion.

The review process requires several steps - a pre-design conference, conceptual plan review, preliminary plan review, a final plan review and a final compliance inspection.

- A. **Pre-Design Conference** - Prior to completing any significant design work for new construction or remodeling, the property owner (applicant) and his/her architect must request a pre-design conference with the WHARB. The purpose of this meeting is to provide guidance to the applicant and architect regarding site improvements, classical architectural style, colors and materials to be utilized (photos acceptable) and a description of the plan parameters.
- B. **Conceptual Plan Review** - The conceptual plan review provides critical feedback on the architectural details of the project prior to completion of significant work. The elements required for this review are (one (1) hard copy and one (1) digital copy):
 1. **Completed application form.**
 2. **Non-refundable application fee.** These funds go to defray the costs of operating the WHARB. See section XV. for fee schedule.
 3. **Copy of Deed** with all information relating to setbacks and other necessary requirements.
 4. **Site plan at 1/8" scale** showing:
 - a. Location of adjacent lot's structures, houses, sidewalks and driveways, garden walls, fences, trees over 8" in trunk diameter and any features which could influence design
 - b. Property lines with bearings and distances
 - c. Setbacks, easements and existing utilities
 - d. Topographic contour lines at one-foot intervals

- e. Existing ditches, water courses and drainage structures
- f. Edge of pavement for existing roads
- g. Water edge at average high tide, water level and top of bank
- h. Location of DHEC/OCRM critical line and FEMA flood zone elevation requirements
- i. Minimum finished floor elevation
- j. North arrow, scale and name and address of legal owners

All trees (indicate size and species) in excess of 8" or larger in diameter (measured at 4' above ground level), and clusters of smaller trees that may influence design and appearance. Must indicate trees or co-dominant leaders/trunks to be removed.

- 5. **Floor plan at 1/8" = 1'0" scale**
 - 6. **Elevations at 1/8" = 1'0" scale** showing (conceptual drawings may be soft line drawings or renderings of the elevations):
 - a. At least front, rear and sides (if applicable)
 - b. Approved or built buildings on adjacent lots beside your proposed front and rear elevations
 - 7. **Variance Request Form** – if proposed construction or alteration includes any variance from the covenants or these guidelines, a variance request form must be submitted.
- C. **Preliminary Plan Review** - The preliminary plan review provides greater design detail to the WHARB. The elements required for this review are (one (1) hard copy and one (1) digital copy):
- 1. **Site plan at 1/8" = 1'0" scale** (showing all elements required for Conceptual Review)
 - 2. **Floor plan at 1/4" = 1'0" scale**
 - 3. **Exterior elevations at 1/4" = 1'0" scale** showing:
 - a. All sides of the proposed structure
 - b. Label existing/proposed grades and overall height from pre-construction grade to the highest roofline.
 - c. Full dimensions of cornices, corner boards, band boards, window trim, door trim, columns, railings, spindles and other appropriate details
 - 4. **Highlight changes from the conceptual plans**
- D. **Final Plan Review** - The required elements for the final plan review are:
- 1. **Completed application form.**
 - 2. **Stakeout of the entire perimeter of the buildings AND tree markings on the site:** The site must be staked out and the perimeter of the buildings and other hardscape strung, and the trees to be removed must be identified with red ribbon.

3. **Building Materials and Colors**

- a. Samples of all exterior materials and colors.

Color Board –Final color approval will be given after inspection of large samples applied on site using a color board. See color board diagram for specifications, which must show all exterior colors in an adjacent composition (i.e., base, trim, window, shutters, doors, cornice, roof, etc.). Color selections must be true representative samples of the finished material. Final approval must be given before applying exterior materials during construction. The color board must be displayed on site for final review and until the ARB completes its 3rd inspection. The ARB may require a colored front elevation.

- b. Manufacturer’s cut sheets or photographs of all outside lighting fixtures and supporting hardware.

4. **Highlight Changes** from the Preliminary plans

TWO (2) COMPLETE HARD COPY SETS AND ONE (1) DIGITAL SET of the following documents and information (D.4.-D.11.):

5. **Site Plan** – The site plan must show all the information required for the preliminary site plan review and all improvements to the property, including:

- a. Exterior building walls, raised decks and terraces, and edges of roof overhangs
- b. Dimensions and materials for driveway, walks and miscellaneous site improvements
- c. Dimensioned service court, fences, privacy walls and swimming or reflecting pools
- d. Site utilities including water, sewer, electric, cable TV, telephone and exterior HVAC units; include meter, transformers and compressor sizes and locations with finished elevation above grade
- e. Flood elevation statement indicating required finished floor
- f. Location of outside lighting and address bollard

6. **Mobilization Plan** showing

- a. tree protection, marsh protection, and silt fencing. See diagrams.
- b. Location of dumpster, portable toilet, and materials staging areas

Note: If materials are to be staged elsewhere than the subject property, a letter of permission from the owner of the property must be included with the final plan review submission.

7. **Drainage Plan** – Submit a separate site plan with final grade and drainage details prepared and sealed by a registered South Carolina engineer. All trees that will be removed during construction should be indicated on plan.

8. **Foundation and Framing Plan** – Show the location and sizes of foundation and framing

elements, including raised decks and terraces, with dimensions from all outer edges to property lines.

9. **Floor Plans** – Show all levels, fully dimensioned.
10. **Elevations** – Show all sides of the buildings. Indicate existing grade, fill and label finished floor elevations. If fences appear in the foreground of an elevation, a second elevation must be presented showing proposed vertical elements beyond the fence line. Graphically depict and label all material selections for trim, siding, railings, windows, French doors, chimney, chimney cap, foundation and entry steps. Show location of exterior lighting fixtures and satellite dish, if any.
11. **Building Sections and Details** – Detailed drawings:
 - a. Typical wall section, from bottom of footings through roof
 - b. Typical sections and/or details of cornices, window and door head, jamb and sill, decks and railings, fences, patio walls, screening devices and other features (i.e. dormers, pediments, columns, sections through unusual framing and construction)
12. **Landscape Plan** – The plan must be an accurate scale representation of the plant size at time of installation. The landscape plan must be prepared at the same scale as the final site plan and shall include:
 - a. Proposed grading, irrigation and drainage, including all spot grades, necessary to ensure proper function and construction must be included.
 - b. Variety, size, location, quantity and name (common and botanical) of all plant material
 - c. Types and limits of lawn areas (if proposing artificial turf, turf sample must be provided. Artificial Turf will not be approved in large, open areas with significant visibility.)
 - d. Ground level floor plan with overhangs indicated
 - e. Paving, borders, fences, pools, decks, patios and retaining walls
 - f. Landscape lighting
 - g. Grading illustrating drainage intent
 - h. Existing trees. Indicate trees to be removed.

Note: Elevations may be required on some submissions if the reviewers require the information to fully evaluate the plans.

- E. **Results of Review Process** - A letter will be sent to the property owner within (10) business days of completion of the final plan review to give notice of the WHARB's decision, which will be one of the following:
 1. **Project Approval** - Approval is granted on the aesthetic appearance of the home as it appears on the elevation drawings. If there is any discrepancy between the depictions shown on the elevations and information shown on plans and / or details, the elevation shall prevail.

Note: By approval of submitted plans, the Windmill Harbour Association Board of Directors and the WHARB in no way assume liability for structural design, government building ordinance or code compliance, good workmanship or damage to other property during the approved construction.

Note: **If any item(s) on the approved plans were, due to an inadvertent oversight by the WHARB, in violation of the Windmill Harbour covenants, governing documents, or these guidelines, such approval would not later prevent the WHARB or the Association Board of Directors from seeking enforcement of the covenants, governing documents or these guidelines.**

Note: **Approvals are effective for twelve (12) months.** If the 12-month period expires and no construction has begun (has not broken ground), a new application with the appropriate application fee and the review process will be required.

2. **Project Acceptance Subject to Specific Modifications** - The project may qualify for approval provided certain minor aspects of the design are modified as required by the WHARB. Upon WHARB acceptance of a modified project, the plans will be marked approved, and a letter will be sent to the owner indicating final WHARB approval.
3. **Deferral** for Additional Information or Other Reasons the WHARB may deem appropriate
4. **Project Rejection** - The letter will include specifics regarding the basis for rejection, and may, where appropriate, propose possible changes to clarify WHARB comments and recommendations. Application fees are not refunded upon project rejection.

Note: An appeal of a rejection must be in writing and submitted to the WHARB's administrator seven (7) days prior to the WHARB's meeting. The appeal must state reasons for the appeal and show examples of why the rejected design complies with the covenants and these guidelines. If the WHARB upholds the rejection, the homeowner may, in writing, appeal to the Windmill Harbour Association Board of Directors. See appeal form.

5. **Demand for Action** - In the event approval of plans is neither granted nor denied within sixty (60) days after receipt by the WHARB of written request for approval, the applicant may send a demand for action by certified mail, and, if the application is neither granted nor denied within ten (10) days of receipt by the WHARB of such demand, said application shall be deemed approved by the Association.
- F. **Prior to Commencing Approved Work** - The following items must be completed prior to breaking ground, including clearing, delivery of materials, or beginning major renovations.
1. **Acknowledgement Form and List of Contractors Form** - With the final approval letter, the owner will receive a copy of the rules, regulations, including fines and penalties, a list of the contractors employed for the project and an acknowledgement form. The contractors list must be completed and returned to a security guard at the front entrance guardhouse. A copy of the contractors list must also be supplied to the WHARB's administrator. The acknowledgment form must be signed by all required parties indicated on the form. The Windmill Harbour building permit will not be issued until the contractors list and the acknowledgement forms are properly executed and returned to all required parties.
 2. **Refundable Compliance Deposit** - The appropriate compliance deposit must be submitted to the WHARB's administrator. The compliance deposit is collected to insure 1) compliance with the approved plans, 2) site maintenance, 3) correction of all off-site damage caused by the contractor's actions, and 4) compliance with the Windmill Harbour covenants. The

Windmill Harbour building permit will not be issued until the appropriate refundable compliance deposit is received.

3. **Construction Sign** – The Association has prepared a standardized construction contractor identification sign to be placed on the job site. The contractor’s signboard must be constructed in accordance with diagram XIV.B. and placed in a visible street side location on the applicant’s property after the building permit has been issued and removed prior to refunding of the compliance deposit.
4. **Windmill Harbour Building Permit, Construction Procedures, Rules and Regulations, and Beaufort County Permit** must be obtained and displayed on the construction sign.
5. **Silt Barrier** – Silt fencing must be installed around the project to prohibit the drainage of silt, mud and any other debris that may pollute or damage the adjoining property.
6. **Marina and Marsh Protection** – The appropriate material to prevent any erosion or washout from the site into the harbor, marina promenade or marsh areas **MUST** be provided as required. See diagram.
7. **Tree Protection** - All trees to be saved must be encased with sufficient fencing to ensure that the roots and the trunk are protected from damage and the soil is protected from compaction within the drip line.
8. **Portable Toilet and Trash Containers** must be on site per approved plan and screened. See diagram of screening sample.
9. **Staging of Materials** – Construction materials must be staged in location approved by the ARB.
10. **Notification of Commencement** – The applicant must notify, in writing, the WHARB’s administrator of the date of commencement of construction within not more than fourteen (14) days of such commencement.

After completion of all items listed above, construction may begin. **The exterior of all buildings and other structures must be completed within eighteen (18) months after the construction of a particular building or structure shall have commenced.** All of the approved landscaping shown in the plans must be completed within ninety (90) days after receipt of the Certificate of Occupancy from Beaufort County.

G. **During Construction**

1. **Change Order** - Any exterior changes to the approved plans that will affect the appearance must be submitted to the WHARB for review and approval prior to commencing such change(s). The elements required are:
 - a. Change Order Request Application
 - b. Site Plan – A dimensional plan showing the proposed location for the improvements.
 - c. Modified Elevation Drawings highlighting changes and supporting details, as necessary.
2. **Inspections by WHARB** - The WHARB will conduct inspections at various stages of construction to help ensure compliance with the approved plans, these guidelines and the covenants. Failure of any WHARB inspector to detect or object to an unauthorized design

change or other non-compliance matter does not relieve the owner of non-compliance. Any issue of non-compliance observed at any point during or after construction will be provided to the owner. If unapproved changes from the plans are observed, the owner will be charged a fine and required to complete an improvement review with the WHARB. Should the changes be disapproved, the WHARB is entitled to require the removal or correction of any work in place which does not comply with the original approved plans at the owner's expense.

If any non-compliance issue(s) are not corrected within a reasonable time period, the WHARB and / or the WHARB administrator has the authority to fine the owner and a) issue a verbal or written stop work order to the builder or owner until the project complies, and / or b) correct the non-compliance issue at the owner's expense. ²

The following inspections are required during construction: Inspections will be conducted at the direction of the WHARB and its Administrator.

- a. **1st Inspection** – The applicant or builder must request, in writing, an inspection after completion of clearing, batter board placement, foundation excavation, grading, filling, setting of forms, concrete pour, placement of plates and/or first masonry course to show location of all vertical planes on the perimeter of the structure, and after the location of these vertical planes and elevations in relation to the property lines and required setbacks are certified by a SC registered land surveyor. This shall be documented on the signed site plan at 1/8" = 1'0". The SC registered surveyor shall certify that the foundation profiles were installed consistent with the site and foundation plan. A copy of this survey must be provided to and approved by the WHARB before proceeding. The four (4) corner markers must be present for this inspection.
- b. **2nd Inspection** – The applicant or builder must request, in writing, an inspection when all the roof material is applied, windows are in place, exterior door openings are framed, porches and decks are in place, color board is erected and after a SC registered surveyor certifies the height of the building is consistent with the WHARB approved plans. A copy of this survey must be provided to the WHARB. After WHARB approval is received, the project may proceed, and the exterior materials and color can be applied.
- c. **3rd Inspection** – The applicant or builder must request, in writing, an inspection after exterior detailing is complete. This requires:
 1. all exterior trim, stairs, railings, gutters and downspouts are in place and painted or have finished stucco in place.
 2. all drives and walks and curb modifications are formed, not placed
 3. finished grades are established
- d. **Final Inspection** – After all construction and landscaping is complete, the applicant or builder must request, in writing, a final inspection. Final project approval by the WHARB will be issued when each of the listed items below are judged to be complete:

² The Beaufort County Building Inspector will make inspections of your site at certain times during construction of your new home. These inspections are conducted to determine that the construction is being performed according to the county building codes. The WHARB is not responsible for County, State or Federal code compliance.

1. construction is completed pursuant to the approved plans
2. address post is installed
3. dumpster, porta-potty, construction materials, color board, etc. are removed
4. satisfaction that all damages to the common and / or private properties were properly repaired
5. the color / material inventory form is completed and provided to the WHARB administrator
6. all as-built plans are provided in digital form

Upon the WHARB's final approval, the refundable compliance deposit will be returned in full minus any fines assessed to the owner, and costs incurred to the association for compliance correction(s) and / or repairs of damages caused by the construction project.

3. **Access and Parking** – Any variance from the access and parking regulations must receive prior approval from security. Violators may have their access passes revoked and / or be subject to fines.
4. **Utility Services** - Water usage is not permitted until the meter is installed and the appropriate tap fees are paid directly to the utility company. Any modification to existing utility lines and facilities required by the construction are the responsibility of the contractor or lot owner. Temporary utilities may be installed for electricity and water; temporary power poles must be erected plumb.
5. **Rule Compliance and Damage Repairs** - Owners are responsible for their contractors, suppliers, and anyone related to the construction project. Owners must make sure their contractors fully understand these guidelines and the construction procedures and rules and regulations. Damage to Association property and private property must be repaired within a reasonable time period. If repairs are not timely or properly completed, the association may make the necessary repairs to its property. Fines, repairs of damages to common or other property caused by the construction, and / or all costs associated with such repairs are ultimately the owner's / applicant's responsibility. Any unpaid charges or fines will be deducted from the compliance deposit or charged to the owner's / applicant's association account for payment.

IV. DESIGN GUIDELINES

All projects will be evaluated for artistic considerations and compliance with the Windmill Harbour Covenants and Guidelines. Considerations may be based on scale, use of exterior materials, color, trim, siting and compatibility with existing natural and manmade conditions. Meeting an acceptable range of common design criteria is necessary to ensure that individual improvements reflect the overall design objectives of the entire community.

A. General Design Concept

1. For acceptable Classical Architecture Styles that create a feeling of Charleston refer to: A field guide to American Houses by McAlister, chapters titled: Colonial Houses: Georgian, Adam and Early Classical Revival and Romantic Houses. The details at the beginning of each chapter are particularly important.
2. Examples of Unacceptable architectural styles are:

- a. Home builder magazine stock plans.
 - b. Victorian, Mediterranean and modern styles (not exhaustive, indicative).
3. Outbuildings with connectors to the main building are encouraged.
 4. Where possible, homes should be set back into the landscape, rather than open and exposed.
- B. Architectural Design Standards** - Raised first floors, roof overhangs, dormers, moderate roof pitches, ample porches, decks, verandahs and courtyards, paneled windows, high ceilings, the use of natural materials and expressions of local climatic conditions prior to air-conditioning are some of the architectural elements often associated with “Charleston” styles. See Paragraph a., page 3, Classical American Architecture. The aesthetic appearance of a residence depends greatly upon the articulation of siding, roofing, details, fenestration, walls and fences. All projects will be evaluated for aesthetic appearance and guideline conformance with particular emphasis on the following items:
1. **Foundations** - Concrete floor slabs with integral perimeter footings placed on fill may be permitted only when the first-floor elevation does not exceed two (2) feet above existing and final grade. Because flood insurance and county code requirements often dictate a finish floor more than two (2) feet above natural grades, a raised foundation with “crawl space” is often required. The enclosure of this foundation must receive the same careful attention to detail and finishes as the main portion of the house. Concrete block foundations are to be finished in stucco or brick; timber pilings are to be encased in wood and open areas under siding or other appropriate architectural treatment. Elevated homes must be screened with lattice, louvers, or other materials that would be appropriate for the design and approved by the WHARB.
 2. **Building Height** – No building shall be constructed on the property which has a height more than forty-five (45) feet above pre-existing grade at the center front wall of the home to the highest roof ridgeline. This height limitation shall not include roof-top air conditioning, heating, chimneys, solar arrays, and energy conservation equipment, and shall not apply to antennas and other similar structures.
 3. **Exterior Wall Finishes**
 - a. **Materials** - Exterior wall and trim surfaces must be smooth sawn wood (or smooth Hardiplank™ beaded or plain or equivalent siding), stucco or tabby (oyster shell exposed in concrete) and shingles for historic value. Vinyl clad siding will not be acceptable. A traditional Charleston or Savannah type brick may also be used as an exterior wall treatment. Paint finishes shall be solid color stains and paints, not semi-transparent stains.
 - b. **Colors** - The dominant color for any project should be compatible with the environment and neighboring homes. Trim colors should complement (contrast with) the dominant color. Recommended color sample board formats have been prepared by the WHARB and can be seen at the Administrator’s office. Historic Charleston colors are preferred. (Reference – Sherwin-Williams “Historic Charleston Colors”)
 4. **Railings** - Railing spindles and balusters should be turned or chamfered wood or metal or cast stone for all frontages.

5. **Windows and Shutters** - All windows and shutters shall be of historic shape and proportion. Windows, French doors and sliding glass doors must have muntins. Muntins must be either true divided lite or simulated true divided lite. Grids in the insulated glass air space, and windows with removable grids are **not** acceptable. Proposed muntin grid patterns must be clearly shown on the approved elevation drawings. Shutters shall be of proportion and style to either be functional or give the appearance of being functional. Functional shutters are encouraged, but not required. All shutters, functional or non-functional, must be fitted with hinges and dogs / tiebacks.
6. **Entrance Doors** - Entrance doors shall have style and proportion of historic precedent. (See Historic Homes of Charleston, South Carolina, by Riggs)
7. **Roofs and Dormers** - Hip or gabled roofs with pitches of between four-in-twelve and ten-in-twelve are recommended. Large expanses of roof masses should be avoided or broken up by intersecting roofs or dormers. Slate, composition, clay or concrete shingles, standing seam metal or coppers are the recommended roofing materials. Skylights are not encouraged on the front elevation. All roof accessories and penetrations, such as vent stacks and exhaust fans, shall be painted to match roof color and located away from the front elevation. In the case of a metal roof, the flashing will be the same as the roof color. Dormers shall have style and proportion of historic precedent.
8. **Chimneys** - In order to maintain the traditional character desired at Windmill Harbour, all chimneys must be constructed of masonry (stucco) or have masonry veneers. Exposed metal flues and prefab chimney caps are not permitted. They must be screened.
9. **Garages / Carports and Detached Structures** - Any permitted outbuildings on a lot such as detached garages, carports and pool houses, must be compatible in style, materials and color with the main house. An enclosed carport must have its interior and contents fully screened from the street. Side facing garages/carports are recommended, except for townhouse lots where recessed single doors are preferred. Carports and detached garages should be connected to the house by a covered passageway, if possible.
10. **Service Yards** - All home sites are required to have a service yard sized to accommodate and conceal mechanical equipment, trash receptacles, utility meters and miscellaneous equipment. Yards must be screened from view by fence or wall of at least six (6) feet in height and compatible in material and color with the house. The location of the service yard should not be generally visible from the road.
11. **Antennas, Satellite Dishes, Solar Panels, etc.** - No television antenna or other device used for reception or television broadcast signals, or solar panels may be erected on the exterior portion of any structure or land without approval by the WHARB.
12. **Hurricane Protection Systems** - Any hurricane protection shall be designed to complement and blend with the architecture of the house. Any such system should be submitted to the WHARB for approval in the design stage, prior to entering a contract for installation.

C. **Site Planning Standards**

1. **Parking / Driveways / Walkways** - A minimum of two off-street parking spaces in a garage, carport or open parking on an approved surface must be provided for each residence. It is strongly recommended that two off-street guest spaces also be provided. Off-street parking and driveways within ten (10) feet of the property line must be screened from adjacent property with walls or landscape materials. Driveways and parking areas must be paved with concrete or approved materials. A minimum of 2-2" conduits under

driveways and walkways approximately 3' back of curve or edge of street must be installed. See roll curb diagram if modification to the street curb is desired.

2. **Fences and Walls** - Fences and garden walls, where not mandatory, may be approved if attached to the house as an architectural extension and serve to define an entrance space or courtyard, or to provide privacy for rear patios and decks. Privacy fences should be from 6 feet to 8 feet in height and must be compatible with materials and colors of the main house.
3. **Exterior Lighting** - Exterior lighting requires WHARB approval and must be installed to avoid glare from light sources extending to neighboring properties and traffic. No flood lights or wall wash fixtures are permitted. Creative adaptations of traditional fixtures (i.e., the Windmill Harbour streetlights) will be encouraged. Lighting used to accent vegetation should be subtle, subdued and hidden from view.
4. **Decks and Patios** - Decks and patios shall be designed to be an extension of the interior space. Decks and patios should be carefully located in order to preserve existing vegetation and tree root structures as well as to provide a transition from the building to the landscape. Scale, dimension, detail and material shall be consistent with the architecture. Brick, stone, tile, wood and concrete aggregate are recommended paving materials.
5. **Drainage and Storm Water Runoff** - All drainage should be handled by providing relief and will be approved on a case-by-case basis.

D. **Landscape Requirements** - The following requirements are intended to ensure the landscaping complements, in scale, the site and the finished home as well as following the design criteria of Windmill Harbour.

1. **Grading and Drainage**
 - a. Buildings should be located to keep site grading to a minimum as much as possible.
 - b. Grading and drainage should be designed to ensure that no storm water or run off is directed to adjacent home sites, into the marsh areas, harbor, or community open spaces.
 - c. Grading and site disturbance should not exceed the limit of surveyed lot.
 - d. Gutters and downspouts should direct drainage away from foundations and not onto adjacent sites, marsh areas, harbor, or community open spaces.
2. **Tree Protection**
 - a. Excavation within 6 feet of the drip lines of trees must be minimized.
 - b. All trees that will be removed during construction should be noted on the landscape plan, site plan, and drainage plan at a minimum. If there are any discrepancies, the site plan shall prevail.
 - c. No tree or a co-dominant leaders shall be removed with a trunk greater than 8 inches (measures 4 feet above existing grade) without prior approval from the WHARB.
 - d. Trees that are not being removed, should be protected during the construction process with barriers erected at least 6 feet from the drip line of the tree.
 - e. The board reserves the right to request the recommendation of a Certified Arborist in the state of South Carolina at any time.
3. **Planting Design**
 - a. Existing trees should be protected and used to anchor new construction and provide a visual buffer where necessary to adjacent home sites. Windmill Harbor places great value on the tree canopy in the neighborhood. Should trees be approved for

removal due to age or disease, owner may be required to replace the lost specimen with an appropriate tree.

- b. Plant material should be massed and staggered to create a natural appearance. Straight line planting is acceptable for specific applications such as limited space and formal courtyard design.
 - c. Any formal planting should be kept close to the house and informal planting method should be used away from the house.
 - d. Lawn areas are encouraged in open areas around the home sites where sunlight is available.
 - e. Artificial turf is discouraged but may be acceptable in small areas.
 - f. Any parking that would provide visual disturbance to adjacent properties should be screened using mature plant material. Mature plant material should be at a minimum 7 gallon at installation.
 - g. Plant material should be mature at installation. Front and side yards at a minimum should not use any smaller material than 30 gallon for trees, 15 gallon for ornamental trees, 7 gallon for shrubs, 3 gallon for small shrubs (ferns, flax lily, ECT.), and 1 gallon for perennials.
 - h. No planting which obstructs street sight lines shall be permitted.
4. **Hardscape Materials** - Hardscape materials should tie into the architecture of the home by material, color, or theme. The use of rock, stone or decorative stone is discouraged and will be considered only under extraordinary circumstances.

E. **Miscellaneous Design Standards**

- 1. **Swimming Pools / Spas** - All proposed swimming pools and spas must be submitted to the WHARB for approval. Extreme care must be taken in locating pools to avoid an excessive amount of clearing and disturbance to existing vegetation. Pool equipment shall be placed inside an enclosure and preferably integrated into the building. Inflatable "bubble" pool covers, and metal or vinyl above-ground pools are not permitted.
- 2. **Mailboxes** - The Association has prepared a standardized design for cluster mailbox streetscape graphics system for all patio, townhouse lots and Harbour Cove lots. Full-sized lots in the Millwright section will utilize an individual station as a part of coordinating mailbox for each lot. Mailboxes must be obtained from the Association.
- 3. **House Numbers** - The Association has designed a standardized construction bollard for the purpose of displaying your house number in accordance with fire department requirements. These bollards must be placed near the entrance of your residence (townhouse or patio lots), plainly visible from the road, the bollard shall be placed within ten (10') feet of the road for full size lots. See address post diagram.

V. **SPECIAL GUIDELINES - FULL-SIZED LOTS**

- A. **Building Setbacks** - Owners must check their individual recorded plats for specific setback requirements to their lot. Unless otherwise stated on the plats, the general setback requirements for full-sized lots in Windmill Harbour are as follows:

Front adjoining a street property line.	30 feet
Side and rear yard adjoining another yard	15 feet
Side or rear property line adjoining a lagoon, marsh or open area	20 feet
Side or rear property line adjoining harbor	35 feet

- ★ On full-sized lots which are in excess of 100 feet in average width, the normal minimum side yard setback is 20 feet.

No vertical construction more than 18 inches in height above finished grade, including fill, will be allowed in the setback zone.

NOTE: Setback for lots adjacent to wetland and marsh areas will be influenced by the presence of the DHEC office of Ocean and Coastal Resource Management Critical Line and may have a greater setback requirement than that listed above. Anyone with specific questions on defining the edge of the marsh or further setback requirements should contact DHEC/OCRM in Beaufort at 843-523-6885.

- B. **Building Size** - The minimum first floor square footage for residences built on full size lots is 2,000 square feet of enclosed heated space.
- C. **Landscaping** - The great live oaks in the Millwright Drive area form a canopy under which architecture and plants that flourish under this canopy are placed. Because of this canopy, planting should be more natural, of the indigenous understory tree type, rather than ornamental species placed in a formalized way. The emphasis for plant materials should be on those found in the natural environment.

Landscape should provide buffers:

1. Between the house and the front property line.
2. Between the house and the side property line.
3. Between the drive and the side property line.

An analysis of the landscape proposal is a part of the pre-design conference.

- D. **Swimming pools / Spas** and associated decks must be ten (10) feet from property lines at ground level and twenty (20) feet if elevated more than three (3) feet above grade, with full landscape screening from adjoining property.

VI. SPECIAL GUIDELINES - PATIO HOMESITES

Residential units constructed on patio home sites must be constructed to utilize a patio wall as designated on plats or described herein. Patio lots are designed to maximize privacy and space utilization by placing the house close to one side of the lot to free up the rest of the site for usable open space. Overlooking porches, terraces and gardens are encouraged in the side yards. The dwelling unit shall utilize a portion of the patio wall as one of its exterior walls unless an alternate location of the dwelling is approved by the WHARB.

- A. **Setbacks** - Owners must check the recorded plats for specific setback requirements affecting their lot. Unless otherwise stated on the plats, the setback requirements for patio lots in Windmill Harbour follows:

1. Zero lot line minimum 3-foot setback to patio wall
2. Opposite the Zero lot line minimum 7-foot easement
3. Front setback from property line minimum 20 feet
4. Rear setback from property line minimum 15 feet
5. No structures shall be located within twenty (20) feet of the line of jurisdiction of the DHEC/OCRM unless approved by the WHARB.
6. The following encroachments are permitted but must receive approval of the WHARB.
 - a. Fireplace projections may encroach a maximum of 18 inches into the 3-foot side setback, provided an 8-foot vertical clearance is observed.

- b. Patios and walks on grade may encroach into the side, front and rear setbacks. No vertical construction more than 18" in height above finish grade will be allowed in the setback zone, excluding patio walls.

The area included within the above-mentioned setbacks is considered to be the "Buildable Area".

B. Size Restrictions

1. The minimum square footage for residences built on patio lots is 1,600 SF of enclosed heated area.
2. The first-floor enclosed area of a patio home may not be constructed so as to cover or occupy in excess of forty-five (45 %) percent of the total gross area of the patio lot. The calculation must be shown on the site plan.
3. An outdoor roof deck is acceptable provided it does not offer a view into the adjacent patio lot.

C. Location of Patio Wall - The patio wall must extend within ten (10) feet of the front and rear property line.

1. The patio wall is constructed inside and parallel to the designated lot line on the recorded subdivision plat.
2. There is a 3-foot easement on each lot between the exterior of the patio wall and the adjoining property line for the use of the adjacent lot owner. This three- (3) foot easement area may be used by the adjacent lot owner for landscaping, providing this activity does not interfere with the structural integrity of the patio wall.
3. The adjacent lot owner may extend his wall or fence into the three- (3) foot easement area to tie into the patio wall in order to enclose his outdoor living area.
4. A seven- (7) foot easement is reserved along the property line of each lot, opposite the patio wall lot line, for the construction, maintenance and repair of the patio wall and/dwelling unit on the adjoining lot. The use of this easement area by an adjoining lot owner is not to exceed a reasonable period during construction and not to exceed a period of thirty (30) days each year for maintenance. Any shrubbery or planting in the seven-foot easement area that is removed or damaged by the adjoining lot owner during the construction, maintenance or repair of his patio wall and/or dwelling unit, shall be repaired or replaced at the expense of the adjoining lot owner causing such damage.
5. Should an owner of a patio lot desire to locate his patio home on a portion of the lot other than contiguous to the designated patio wall line, he may apply to the WHARB for approval of the alternative location. A site plan showing the proposed alternative location must accompany such application. The WHARB's approval of the alternative location will not relieve the owner's responsibility to construct and maintain a privacy wall along the zero-lot line designated for the patio wall.
6. The patio home must not have a view into the adjoining patio lot from any window or door.

D. Character of the Patio Wall

1. A patio wall must form an integral part of the end wall of the house (unless Section VI.C.5. is approved) and should turn to form a courtyard wall.

2. The patio wall should not be merely a “fence” but part of a privacy courtyard enclosure. A long wall that ends abruptly at the setback line is not desirable.
3. The patio wall at the rear may not turn if it would block views of the marsh, forest or lagoon, but should end with a column or pilaster. However, the owner will be allowed to enclose his property if he so desires.
4. The patio wall should be constructed of materials that blend with the home and be without openings.
5. In a two-story patio home, a full height extension of the patio wall should be extended three (3) feet beyond the face of a deck or wall with a window opening that allows a view into neighboring private outdoor space.
6. It is important that end lots do not have a long windowless building facade facing the street. The required patio wall should be located along the lot line opposite the street. A lot owner would have the option of erecting a privacy wall at the street side property line.

E. Height of the Patio Wall

1. To provide visual privacy between homes, the height of the patio wall shall be a minimum of six (6) feet and a maximum of eight (8) feet above the adjacent finished floor of deck or terrace.
2. Where the wall turns, it is permissible to introduce another screening material. These front/rear walls may have openings to allow air circulation, while maintaining privacy.
3. Temporary privacy wall: If a neighboring patio lot is vacant and if privacy is desired, a temporary fence erected along the property line could be permitted, after review by the WHARB. This fence shall be removed when the patio wall is constructed on the adjacent lot.

F. Use of Exterior Space in Patio Homes

1. FRONT YARD: The patio wall extending toward the street must turn to form a courtyard or a properly designed termination. A privacy screen erected within the front easement is acceptable if it screens parked vehicles from the street. Maximum height of this screen is six (6) feet.
2. REAR YARD: A rear yard-enclosing wall may extend to and along the real property line irrespective of the ten (10) foot setback requirement (except at wetland or marsh areas).
3. Patio homes shall be constructed with gutters in order to manage roof run-off and ensure that there is no discharge upon the adjoining property. Adequate drainage should be provided for open courts, between the houses. Drainage of courts through weep holes in privacy wall will not be allowed.

VII. SPECIAL GUIDELINES - TOWNHOUSE LOTS

- A. **Townhouse Definition** - The townhouse is a single-family attached dwelling unit with at least one common party wall shared with an adjacent townhouse. Each property shall have its own firewall with any abutting property. Each dwelling has its own front entry and parking. A townhouse dwelling unit shall have a minimum of 1600 square feet of enclosed, heated, dwelling area designed principally for two-floor occupancy. Area calculations should be shown on floor plan. A third floor for occupancy may be approved on a case-by-

case basis, providing it is contained within the roofline. In these cases, the use of dormers or gables that are part of the roofline are recommended. Occasionally, roof decking accessed from the livable third floor space may be approved that is not contained within the roofline on a case-by-case basis. These design features are highly recommended. Occasionally, roof decking accessed from the livable third floor space may be approved that is not contained within the roofline on a case-by-case basis. The above design features are highly discouraged on townhouses where the back of the lots face the harbor promenade. They are more acceptable where townhouse lots back up to the marsh areas and less visible from within the community. The concept is to maintain a sense of residential scale, the interesting traditional design character of the community, and prevent an abundance of “flat” roofs. Regardless, all designs must be derived from traditional architectural precedents referenced above.

B. **WHARB Review Objectives** - The WHARB will review plans submitted, placing emphasis on building massing, materials, and color. Efforts will be made to see that each dwelling is afforded maximum view, sun orientation and cross ventilation opportunities. Each owner will be required to solve any drainage problems of their lot in such a way that creates no problems for neighbors and as approved by the WHARB. **THE MASTER PLAN FOR WINDMILL HARBOUR PROVIDES FOR THE VIEW FROM EACH LOT TO BE STRAIGHT TO THE FRONT OR THE REAR OF THE LOT. PERIPHERAL VIEWS BEYOND THE EXTENDED SITE LINES CANNOT BE ASSURED OR EXPECTED.**

C. **Building Setbacks** - Building setback lines may vary depending upon the location of the lot, lagoons, wetlands, marsh and WHARB deliberations. The following setback will generally be observed:

1. Fifteen (15) feet from the property line at a lagoon and the Harbour promenade.
2. Twenty (20) feet from the property line at a designated wetland and/or the DHEC/OCRM Council line.
3. Twenty (20) feet from the property line at the street.
4. The WHARB reserves the right to control the precise location of any dwelling unit.

A masonry garden wall must be erected along common-property lines and extend within ten (10) feet of the front property line. The minimum height for this wall is seven (7) feet above finished grade. The wall will then form a “garden” enclosure. This garden wall may be penetrated for pedestrian and vehicular entrances, provided that such openings are protected with decorative gates. To provide an attractive streetscape, some offset in the line of the front and rear walls of neighboring properties is necessary. However, the maximum permissible setback from a neighboring wall (front and/or rear) is fifteen (15) feet and, preferably, much less. Such exposed sidewalls are the responsibility of the owner to finish with the same texture and color as the building’s front wall.

D. **Building Massing** - No structure constructed on a townhouse lot shall be more than (2) stories in height above the minimum height established by applicable floor regulations of the United States. For purposes of this paragraph, the first level or deck underneath a building built approximately at or above grade and used for parking shall not be considered a “story”. It may be possible to incorporate usable attic (above the second floor) space, provided it is accomplished within the roofline of the structure which otherwise presents the appearance of a two-story building (or three-story, if the first story is for parking). The roofline of the structure will begin at the second-floor ceiling joists and plane up to the ridge, which shall be at an elevation no greater than forty-five (45) feet above pre-existing grade. Offsetting ridges, window dormers, gables or similar design devices shall break large roof masses.

- E. **Privacy** - To achieve privacy between neighboring homes, if decks or windows provide overlooking an adjacent living area or deck, an extended party wall approximately three (3) feet beyond the affected area shall be provided with appropriately designed termination. Whether the desired privacy is accomplished shall be at the sole discretion of the WHARB.
- F. **Roof Lines** - Variations in roof ridgelines are encouraged. Higher roof elements should be located on the common lot line side of an “end” lot. Skylights that are visible in the slope of a roof are greatly discouraged.
- G. **Wall Projections** - Elements of any dwelling unit which project over or beyond the boundary lines or established setback lines of any lot will not be permitted; however, design elements as bay windows, shallow balconies or other minimal projections which will provide a sense of scale and architectural interest on the side elevations of houses on “end” lots may be used subject to approval. Approval for these design elements shall be requested by a variance request form; however, this does not mean an approval is automatic.

VIII. SPECIAL GUIDELINES - THE REEF CLUB ³

A. General

1. It is the intent of the Reef Club to feature the elegant simplicity of the “Charleston House” living concepts including:
 - a. Two-story side porches, extra-large windows, and raised first floor vital for collecting breezes and reducing heat and humidity.
 - b. High ceilings with paddle fans encouraging the natural movement of air, and thermal chimneys and cupolas.
 - c. Exterior landscape elements such as courtyards, entry yards, fences, gates, walls and semi-formal planting.
2. The Reef Club is ideally situated to enjoy the views and prevailing breezes of the Calibogue Sound, in the same manner as the homes on the Battery in Charleston, South Carolina, enjoy the Cooper River.
3. A “Charleston House” refers to an individually designed, multi-story, single-family dwelling unit built along one property line utilizing a “Privacy Wall” to provide one large usable side yard, as exemplified by the Pringle house in Charleston, South Carolina. See diagrams “Reef Club Figures”.

B. Size and Height Restrictions

1. The enclosed building footprint area of each floor of a Reef Club home may not exceed 2,500 feet.
2. The minimum total area can be no less than 2,300 square feet.
3. First floor elevations are to be a minimum of 36 inches above grade and must be greater than or equal to the minimum elevation designated by the current Flood Insurance Rate Maps.

³ These Reef Club Guidelines have been taken verbatim from the recorded specific land-use covenants; consequently, the WHARB acts only to interpret and apply these guidelines.

4. To help maintain the character of the Reef Club, building height will result from the house having at least two full floors of enclosed living space plus the roof.
5. An outdoor roof deck is acceptable, provided it does not offer full view into immediately adjacent home and is in keeping with the architectural character of the Reef Club.

C. PLACEMENT OF HOMES AND ENCLOSURES See Diagrams “Reef Club Figures”.

1. A “House” must be built three (3) feet inside the lot and parallel to the “Privacy Wall” lot line. Fireplace projections and roof overhangs may encroach into these three feet.
2. From the property line opposite the “Privacy Wall” lot line, a seven (7) foot maintenance and access easement along with a fifteen (15) foot building setback shall be maintained. Minor portions of the house may encroach into the setback depending on the design of the dwelling. In no case shall this encroachment exceed eight (8) feet or violate the privacy of the adjoining lot.
3. The street setback for building construction shall be a minimum of five (5) feet from the property line.
 - a. This street setback area will be an easement for streetlamps and is to be heavily landscaped by each lot owner.
 - b. The entire street frontage of a lot at this setback line is to be defined by building façade, wall, fence, gates or any combination thereof.
 - c. The street side wall/fence is not to exceed six (6) feet in height except at columns, posts and gates, which are permitted to be proportionately taller.
 - d. When a Reef Club home is set back farther than the five (5) feet, the street yard wall/fence must provide for an eventual continuous street yard enclosure by returning to the house along the “Privacy Wall” lot line.
 - e. The WHARB will permit no more than two houses to be located consecutively at the same setback. WHARB must then require a minimum offset of five (5) feet.
4. The rear setback for building construction must be no less than required by Beaufort County D.S.O. from the South Carolina Coastal Council Critical Line.
5. Courtyards, pools, steps and walks on grade may encroach into front and side setbacks.
6. The Charleston house is to be designed to its site. When reviewing a Charleston house, the WHARB will consider existing and future adjacent homes.
7. Rule of Averages: For every decrease in a specified dimensional standard there shall be a corresponding opposite and equal increase.

For example, if a setback encroachment of six (6) feet is permitted for a length of twenty (20) feet, then a six (6) foot by twenty (20) foot increase in that setback must also be provided. This procedure encourages design variety and the preservation of natural site features. The WHARB is to encourage the application of the Rule of Averages.

D. Location of Privacy Wall See Diagrams “Reef Club Figures”

1. The “Privacy Wall” is to be constructed simultaneously with the home. A “Privacy Wall” is to be located so the exterior face of the wall is approximately three (3) feet inside of and parallel to the “Privacy Wall” lot line on the recorded subdivision plat.
2. There is a three (3) foot easement between the exterior face of the “Privacy Wall” and the property line for the use and enjoyment of the adjacent lot owner. These three (3) feet in easement and the exterior face of the wall may be used by an adjacent lot owner to plant shrubbery and other landscaping, providing this activity does not interfere with the structural integrity of the wall and/or dwelling unit.
3. An adjacent lot owner may extend a wall or fence into the three (3) foot easement area to tie into the “Privacy Wall”.
4. A seven (7) foot easement is reserved along the property line opposite the “Privacy Wall” lot line for the construction, maintenance and repair of the “Privacy Wall” and/or dwelling unit. The use of this easement area by an adjoining lot owner is not to exceed a reasonable period during construction, and not to exceed thirty (30) days in any 365-day period for essential maintenance. Any shrubbery or planting in the seven-foot easement area that is removed or damaged during the construction, maintenance or repair of property, shall be repaired or replaced at the expense of the lot owner causing such damages.
5. Viewing into the indoor/outdoor living area of the adjoining lot from the “Privacy Wall” side of a house is not permitted.

E. Character of Privacy Wall

1. The “Privacy Wall” must form an integral part of the end wall of the house.
2. The “Privacy Wall” must not be merely a “fence” but a wall. A long wall that ends abruptly without a pillar or end statement will not be permitted.

F. Extent of the Privacy Wall

1. To provide visual and acoustical privacy between homes, the height of the “Privacy Wall” must be a minimum of six (6) feet and a maximum of eight (8) feet above the finished outside elevation and constructed predominantly of the same material as that portion of the “Privacy Wall” that is the exterior wall of the house. The “Privacy Wall” must extend at least ten (10) feet from the real façade of the house. No “Privacy Wall” is permitted at the front of a house.
2. Outdoor living areas adjacent to the “Privacy Wall” lot line must be bordered by the “Privacy Wall”. Openings in this wall will be permitted only when the WHARB receives written agreement between the affected adjacent lot owners, and this agreement is duly recorded with the deed of both properties.
3. Once a wall turns, it is permissible to introduce another height, material and type of screen, provided it is submitted in detail and approved by the WHARB. Turns may not be used to circumvent the “Privacy Wall” standards.
4. INTERMEDIATE PRIVACY WALL: If a neighboring lot is vacant and privacy is desired, an aesthetic fence erected along the property line will be permitted, subject to approval of the WHARB. This fence shall be removed when the adjacent lot is improved in accordance with VIII.C. (Placement of Homes and Enclosures) of this design statement.

G. Use of Yards in Reef Club Lots

1. **STREETSIDE YARD:** May be used for a terrace, entrance courtyard and motor court, and may include an enclosed utility court.
 - a. HVAC and any other utility items are preferred to be placed underneath the house or in an approved “utility court”.
 - b. No more than two open parking spaces are permitted within the lot area. A privacy screen erected within the front yard is acceptable when it screens parked vehicles from the street. Maximum height of this screen is six (6) feet.
 - c. Garages must be underneath houses except on Lots 9 and 10, upon which out-building-type garages may be permitted.
2. **SIDE YARDS:** In keeping with the concept of a Charleston home, the large side yard is to be designed as an outdoor extension of the house itself. It may be used as an outdoor living area, a pool, a motor court or an enclosed utility court.
3. **REAR YARD:** A wall enclosing the yard may extend to and along the rear property line, irrespective of the setback requirement, allowing maximum use of the property, provided it does not violate applicable state and local laws. Uses permitted include outdoor living area, a pool or an enclosed utility court.

H. Maintenance of Privacy See Diagram “Reef Club Figures”

1. To facilitate privacy for a neighboring home, dwelling units must be constructed so that the “Privacy Wall” side of the unit provides no view openings looking into or over-viewing the adjacent lot and provides no access way or entry way into said adjacent lot, except as may be specifically agreed to in writing by adjoining lot owners. However, ventilation openings may be permitted so long as the view concept is not violated.
2. The multistory Charleston home must provide an extended privacy wall three (3) feet beyond the rear façade of all indoor/outdoor living areas on all levels, e.g., porches, verandahs, balconies, and windows.

I. Additional Restrictions

1. The cost of construction, maintenance and repair of the “Privacy Wall” is the sole responsibility of the lot owner on whose lot the wall is located.
2. The Charleston house will be constructed with gutters such that rainwater does not fall onto adjacent property or maintenance easements.
3. Every effort must be made to preserve natural vegetation and to fully utilize existing site amenities.

J. End Lots

1. End lot #10 is permitted to modify the “Privacy Wall” side of the house to provide select view, light and access openings.
2. Because it is at the “front door” to the Harbour, end Lot #1 must provide special design, construction and maintenance quality for its façade and side yard facing the harbor lock.

- K. **Colors** - Exterior façade and trim colors must be Charleston pastels. Tasteful and complementary accent colors may be permitted for shutters and embellishments. (Reference – Sherwin-Williams “Historic Charleston Colors)
- L. **Roofs** - Metal roofs are preferred and are strongly encouraged.
- M. **Review and Interpretation** - Review and actual interpretation of this design statement is at the discretion of the WHARB, which must approve all design considerations for the Reef Club.

IX. GUIDELINES AFFECTING OTHER SPECIAL DISTRICTS

- A. **SPARWHEEL LANE** - The limited depth of these lots requires particular care in siting structures relative to the street. The WHARB will consider each application individually and vary the setback between 0 feet and 20 feet on front and back setbacks. All other setback requirements remain as in Sections V. and VI.

Patio Lots Nos. 1 to 28 and 45 to 75 must have front walls or fences and gates. Front yard setbacks for walls, fences and gates will also be established by the WHARB at 0’ to 10’ from the street right of way based on the location of existing trees and the fences, walls, gates and buildings of adjacent lots.

- B. **HARBOUR COVE AREA** - Harbour Cove refers to those full-sized lots (1 through 17 Harbour Passage and 29 through 44 Sparwheel Lane) that are associated with the private harbor. The Harbour Cove area is one of full-sized lots that would allow successful design concepts to be more rural in character, but this area is unique in Windmill Harbour and deserves special architectural consideration. Each of these lots is considered to be a full-sized lot. The guidelines for full-sized lots will govern with the following exceptions:

- All residences in this area are highly visible from front, sides and rear. Massing and balance of each elevation will be specifically reviewed. Details must be consistent at each elevation. Siting and footprint design to preserve specimen trees will be specifically reviewed.
- Building Setbacks - Owners must check their individual recorded plats for specific setback requirements to their lot. Unless otherwise stated on the plats, the general setback requirements are as follows:

▪ Front yard adjoining street	30 feet
▪ Side or rear yard adjoining another yard	10 feet
▪ Side or rear yard adjoining harbor	35 feet

X. OTHER GUIDELINES FOR EXISTING RESIDENCES

A WHARB permit is not only required for all exterior alterations, but also for exterior maintenance such as but not limited to wood rot repairs, roofing repairs or replacement, window repairs or replacement, driveway resurfacing, tree trimming, tree removal, re-landscaping, satellite dish installation, etc. If it is unclear whether WHARB approval is needed, the owner should contact the WHARB administrator prior to commencing any work.

A WHARB permit is issued upon the WHARB or the WHARB administrator’s approval of the owner’s application. **Most projects that do not alter the exterior appearance of the property can be approved by the WHARB administrator.** All applications will be applied to the most current WHARB guidelines. Meaning, any proposed alterations or replacements need to comply with the most current WHARB guidelines. Proposed repair projects may also be applied to the most current WHARB guidelines upon the discretion of the WHARB.

Minor projects and maintenance, other than an extensive remodel or addition, must be completed within ninety (90) days of commencement of such project. The owner may request an extension in writing to the WHARB administrator a minimum of fifteen (15) days prior to the completion deadline.

- A. **Exterior Repainting or Re-staining** – Even if the owner plans to repaint all or part of their home the same color(s) existing on the home, the owner must first apply to the WHARB for approval. An owner who wishes to repaint their home using different colors must submit an application, picture of existing front elevation, and color samples to the WHARB and erect a color board (See Diagram for color board specifications) in a visible street side location on applicant’s property. Color selections do not need to be on true representative samples of the finished material.

Note: Exterior colors approved for a given house, including applicant’s, may no longer be considered acceptable by the WHARB. It should not be assumed that colors approved on another house within Windmill Harbour will be approved for applicant’s house. The location of the home within Windmill Harbour, the colors of the neighboring homes and the architectural design of the applicant’s home are taken into consideration.

Historic Charleston colors are preferred. (Reference – Sherwin-Williams “Historic Charleston Colors”)

- B. **Roof Repair or Replacement** – Replacing missing shingles or repairing a portion of the existing roof must be done with the same color and material as existing. When a roof addition of an existing roof is made, the existing roof must be re-shingled to the nearest valley or roof break to ensure continuity of color.
- C. **Window Repair or Replacement** – Requires WHARB approval. Minor repairs may be approved by the WHARB administrator.
- D. **Tree Removal or Trimming** – WHARB approval is required for the removal of any tree or co-dominant leader that is 8” or greater in diameter at a point 4’ above the ground level. Removal of trees less than 8” in diameter and tree trimming must be approved by the WHARB administrator. Heavy trimming (removal of 30% or more of the leaf surface) of a tree 8” or greater in diameter may be referred to the WHARB for approval. The WHARB may require an appropriate replacement of any removed tree (i.e., Live Oak, Native Hardwood, Magnolia, or Palm variety).
- E. **Resurfacing or Reforming Driveways, Walks or Patios** – Sealcoating, repairs and replacement can be approved by the WHARB administrator so long as the configuration, size, color, material, and location of the driveway or patio are not being changed. If any change is to be made, WHARB approval is required.
- F. **Other Hardscapes** – Fences, firepits, fountains, statues, garden accessories, etc. require ARB approval.
- G. **Landscape Modifications** – A change(s) or upgrade(s) to landscaping must be approved by the WHARB. Please refer to section IV.D. and V.C. for landscape design requirements.
- Repairing, altering, replacing or adding retaining walls, garden borders, fences, privacy walls, lighting, fountains, pools, and other such landscape/hardscape structures must be approved by the WHARB.
- H. **Playhouses, Play Structures and Basketball Backboards** – These types of additions must be approved by the WHARB. Play equipment must be nature blending in color. Excluding basketball hoops, the preferred location for play equipment is in the rear yard directly behind and as close as possible to the house. A tree house and / or separate playhouse are prohibited.

- I. **Interior Remodeling** – WHARB approval and permit are not required for interior alterations provided the alterations do not change the exterior appearance of the home. Please be sure contractor is aware of the community’s rules and regulations. Dumpster and/or portable toilet are required to be screened if needed for more than 30 days. If street parking is needed, the contractor must make parking arrangements with security prior to commencing work.

XI. VARIANCES

Variance requests from these guidelines are discouraged. Any such request must be clearly identified on the appropriate drawings and requested in writing on the Variance Request Form for the Conceptual Review and shown as approved on the Final submittal. Variances shall not be granted if the variance has an adverse effect on the adjoining properties. Variances to building setbacks are not approved except in extraordinary circumstances.

Encroachment onto POA property - Contingent or abutting POA properties are designated as green space unless otherwise identified. Such properties may not be encroached as part of a property owner’s site for their personal use or enjoyment without specific authorization by the POA Board of Directors. If authorization is given to the property owner for their use, then the property owner shall be responsible for the maintenance of the property and shall assume liability as if it were their own. The POA may revoke the “use authorization” once given, without cause and without compensation.

XII. DEMOLITION OF EXISTING STRUCTURES

Prior to demolition of any structure, approval and a Windmill Harbour permit must be obtained from the WHARB. See Application. In the event of severe damage caused by fire, storm, etc., the owner must submit a properly completed application to the WHARB within sixty (60) days of such occurrence in order for the damaged property to be demolished and removed within six (6) months of the occurrence. WHARB approval of demolition of undamaged structures is effective for twelve (12) months and demolition must be completed within six (6) months of commencement.

The elements required for Demolition Review are:

- A. **Application Form and Fee**
- B. **Tree and Topographic Survey**
- C. **Site plan** showing location of dumpster, portable toilet, and equipment staging areas

The owner is responsible for flagging or clearing utility lines to prevent disruption of power, water, etc. to other properties.

During demolition, all debris must be placed in dumpsters or removed prior to the end of each workday.

Demolition will be considered complete when no parts of the demolished structure, including foundations, driveways, etc. are left unless so indicated on the approved plan. The site must be restored to a near-natural state with approximate natural grade. All depressions and excavated areas are to be filled and graded to avoid pooling of rainwater. All bare earth areas are to be covered with pine straw to prevent dust, unless new construction will commence immediately after demolition.

XIII. RULES, REGULATIONS & GUIDELINES

Notifications of compliance violations or rule violations can either be made by phone or by written notification, or in person by a representative of the WHPOA, WHARB or WH security. All questions or information should be directed to the WHARB administrator.

Owners are responsible for their contractors, and contractors are responsible for the actions of their employees and subcontractors. All construction personnel and visitors are subject to the regulations and control of the Association and the Chief of Security at Windmill Harbour. Violations will be subject to restrictions imposed by the Association, including denial of access to the site, fines, etc.

The owners and the contractor will be responsible for the immediate and approved repairs to curbs, paving, utility lines and other existing finished work damaged as a result of the construction or other site improvements. Common areas, roads, curb and utilities shall not be used, cut or otherwise altered without prior written approval of the Association.

It is the responsibility of the owner and contractor to advise all persons working, visiting or having any business at the site of the contents of these rules and regulations.

A. Access and Parking

1. All construction personnel must display proper decals/pass when entering, and while parked within Windmill Harbour. Contractor passes must be obtained from the gatehouse upon payment of the proper fees for the duration of the job. The passes are good for the construction site only.
2. Drivers of material delivery trucks must provide a bill of lading with the general contractor's name on it to gain access.
3. All vehicles must be parked on the construction site(s) or in designated parking areas. If on-street or other common area parking is needed, prior parking arrangements must be approved by security. Parked vehicles may not block traffic, fire hydrants, mailboxes, and driveways. Emergency vehicles must always be able to pass by the construction site(s) UNENCUMBERED. If the contractor wishes to utilize private property, a letter of permission from the owner of the property must be provided to security and the WHARB administrator.
4. All construction personnel and tradesmen will enter Windmill Harbour and the site only through corridors specified by the Chief of Security.
5. The construction gate is for use of large vehicles only and the contractor must get prior approval from security to use the construction gate. It is the responsibility of the contractor to notify suppliers to use the construction gate and to notify security when the gate is to be opened. Passenger vehicles and pick-up trucks will use the main gate.
6. Construction / Contractor access is allowed Monday through Friday between 7a.m. and 6p.m. DST or 7a.m. and 5p.m. EST. Interior quiet work is permitted on Saturday between 8a.m. and 12p.m. Work (other than emergency) is prohibited on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
7. Construction workers will not be permitted to enter or leave Windmill Harbour on foot.
8. Visitors to construction employees will not be permitted.
9. Contractors must supply names of all persons having appointments or other interest at the job site.
10. The speed limit in Windmill Harbour is 25 MPH. The Windmill Harbour traffic laws are strictly observed and enforced.
11. Workers are not permitted at any time in the Sports Center area or in the Marina area without specific business. Workers must always remain on the job site.

B. Etiquette / Behavior

1. All personnel on the construction site must wear proper dress attire (shoes, shirts etc.)

2. The possession and /or consumption of alcohol and drugs at Windmill Harbour is prohibited. Violators will be removed from the premises. Repeat offenders will not be allowed on Windmill Harbour property.
3. Firearms or other weapons at the site of the work and throughout the project are also prohibited and will be confiscated by the Chief of Security.
4. Loud disturbances not related to construction activity such as radios, profanity and loud vehicles are prohibited.

C. Construction Site

1. There will be no trespassing on adjoining properties for the purposes of material storage, parking, loitering or any other activity, without the expressed written approval of the property owner and the ARB/POA. A copy of the written approval must be provided to security and the ARB administrator.
2. All construction sites must have a barrier around the project to prohibit the drainage of silt, mud and any other debris that may pollute or otherwise damage the adjoining property. See site specs.
3. All brick, masonry, and concrete cutting must be with a wet saw to reduce dust.
4. Clearing, grading, preparing, moving equipment or materials on site before the issuance and posting of a Beaufort County Building Permit and a Windmill Harbour (WH) building permit is prohibited.
5. All trees which are not expressly authorized to be removed pursuant to approved plans, shall be protected during the construction process by physical barriers.
6. WH and Beaufort County building permits and a copy of these rules must be posted before work begins on approved signs per the WHARB sign specifications.
7. Tarps used to house or cover materials, dumpster, etc. must be black, dark green, or brown.
8. Open trash and/or debris piles are prohibited. Trash and debris must be contained in dumpsters or hauled off site daily.
9. Trash containers must be emptied when the debris reaches the top of the container. The ARB requests that the containers be emptied once a week, preferably Fridays. The dumpster size cannot exceed eight (8) yards in capacity for town house projects; other projects will be evaluated at time of issuing the permit. Dumpsters must be screened if on site for more than 30 days. Dumpsters on site for 30 days or less must be securely covered with black or dark green cover at the end of each workday.
10. The construction site must be maintained and kept in an orderly, clean, tidy and “picked up” condition. All construction sites must be secured for the weekend, securing building materials, trash etc.
11. Fires are not permitted on the construction site.
12. Non-compliance with the approved construction plans, including the site variance, or making changes without prior WHARB approval will result in the WH building permit being pulled. Owner may be required to resubmit corrected architectural “as-built” drawings, with the approved Change Order Request. WHARB may require demolition, re-siting or rebuilding at owner’s expense. Once in compliance, building permit will be reinstated.

D. Construction Project Progress

1. The owner or applicant must notify, in writing, the WHARB’s administrator of the date of commencement of construction within not more than fourteen (14) days prior to commencement.
2. Construction shall commence within twelve (12) months of approval. If not, the project must be resubmitted for reconsideration by the WHARB. Construction is “permitted” in phases by the WHARB. Do not proceed to the next phase of construction without securing approvals from the WHARB. Non-compliance may result in loss of building permit.
3. Any exterior changes to the approved plans that will affect the appearance must be submitted to the WHARB for review and approval prior to completing such change(s).

4. The contractor/owner must notify the WHARB administrator of required inspections as called for in the Guidelines in a timely manner.
5. Survey must be submitted to the WHARB after footings, pilings or other foundation work is done and prior to beginning any vertical construction. This survey must be inspected and approved by the WHARB, must match the approved site plan and conform to the position of the foundation. An as-built survey is required in order to have on record that the site plan has been approved.
6. Survey certifying height of building is consistent with WHARB approved plans must be provided to the WHARB when all roof material is applied.
7. Applying any exterior color treatments, including roofing, etc., before WHARB approval of on-site color boards is prohibited. Color boards must conform to specifications.
8. The exterior of all buildings and other structures must be completed within eighteen (18) months after the construction of a particular building or structure shall have commenced. All of the approved landscaping shown in the plans must be completed within ninety (90) days after receipt of the Certificate of Occupancy from Beaufort County. The owner may request an extension in writing to the WHARB administrator a minimum of fifteen (15) days prior to the completion deadlines.
9. The building cannot be occupied prior to issuance of Beaufort County's CO or before furnishing a copy of CO to WHARB and occupancy before issuance of WHARB occupancy permit.

E. Procedures for Change Orders Requests

1. All changes needed to be made to the original approved plans will require a Change Order Request.
2. Change Order Request forms may be picked up at the ARB administrator's office or emailed to you.
3. You should submit the requests to the ARB before the next meeting in order to get a timely response to your request.
4. Change order requests will be reviewed by the Board in the same way all other plans are reviewed.
5. Please submit a change order before you change, modify or in any way deviate from the original plans.
6. A copy of all approved change orders must be attached to the construction site copy of the plans.

The owner, architect and contractor are responsible for changes made to the original approved plans without WHARB approval.

There will be a charge for Change Orders depending upon the additional time needed to process the request by the ARB. The following are the charges:

Simple CO requests that can be approved by staff in the field: \$75.00 per change order.

CO requests that must be reviewed by the ARB (depending upon the change and time spent): up to \$500.00 per change order. This determination will be made by staff personnel. All change orders must be submitted to the ARB administrator along with the appropriate fee before the CO will be reviewed.

F. Compliance Refund Policies

In order to receive your compliance deposit refund, the following procedure must be complied with. Refund requests will not be honored without the proper approvals from the WHARB.

1. A letter from the owner or builder must be sent to the ARB requesting final inspections and the deposit refund.

2. A copy of the final plans, including any change orders; need to be sent to the ARB administrator in digital form.
3. The completed “Color/Materials Inventory” form including a photograph of the finished house must be sent to the ARB administrator.
4. Once the final inspection is completed and all issues are resolved and approved by the ARB inspectors and the ARB, then the deposits will be refunded.
5. Please allow five (5) working days after the approved inspection for the refund to be sent.
6. If there are any outstanding issues found during the final inspection, a letter will be sent to the owner or builder, identifying any deficiency and the expected correction necessary. When corrected, the owner or builder may call the ARB and schedule a re-inspection.

G. Other

Any ARB guideline or Windmill Harbour rule or covenant that inadvertently was missed in the above rules and regulations.

H. Schedule of Fines and Penalties

The owner and contractor will be notified in writing of all infractions. The written notice will describe with reasonable particularity the alleged infraction; the recommended fine to be assessed, and, if applicable, a date by which the infraction must be cured.

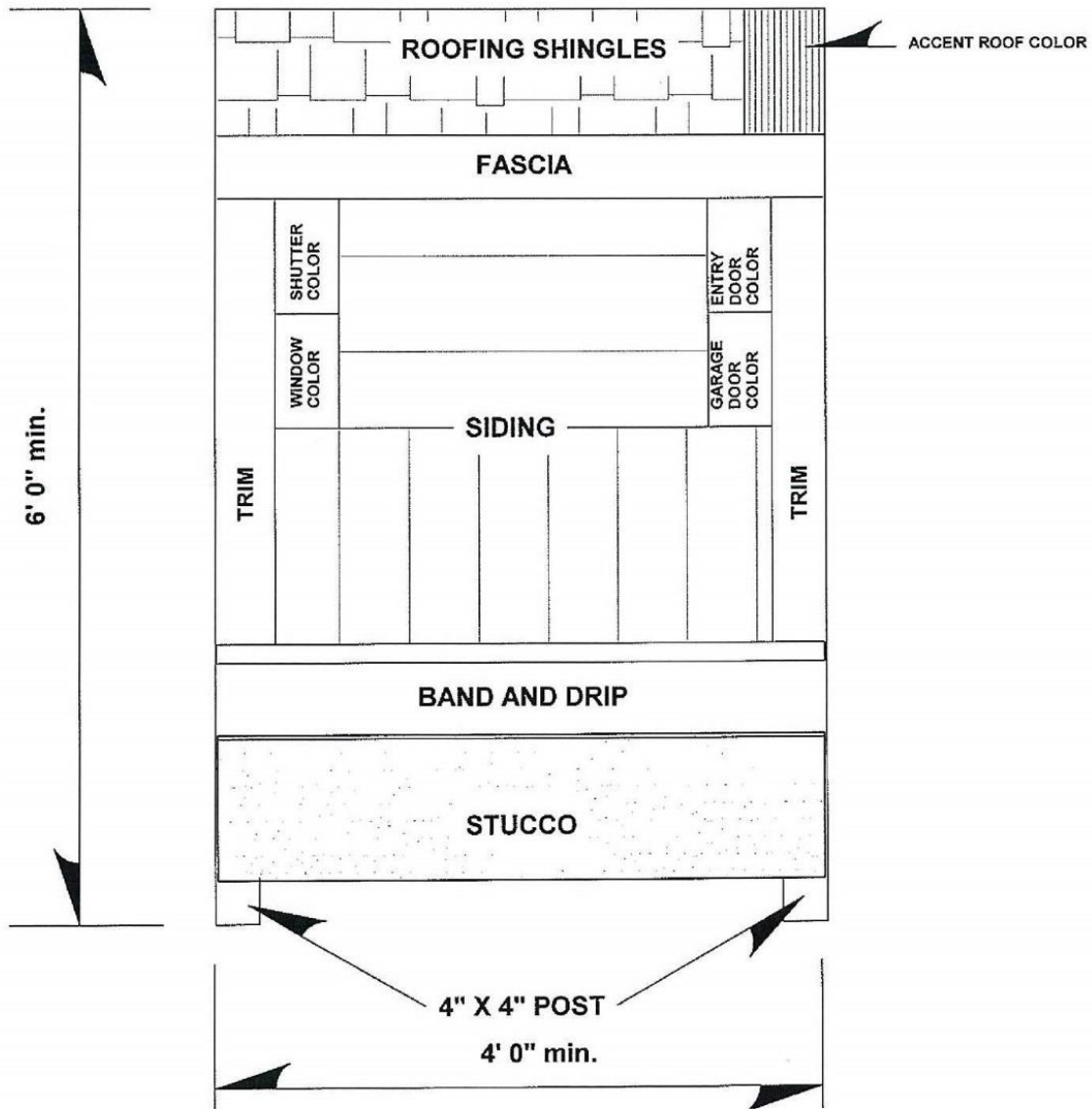
Reference	Description	1 st Offense	2 nd Offense	Subsequent Offenses
A.-1.-11.	Parking & Access	warning	\$100.00	\$200.00
B.1.-4.	Etiquette / Behavior	warning	\$100.00	\$200.00
C.1.-2.	Trespassing; Fencing/Erosion Barrier	Warning	\$200.00 / day	\$300.00 / day
C.3.	Cutting concrete, etc.	Warning	100.00	\$200.00
C.4.	Clearing prior to ARB & County permit	Amount equal to application fee. Owner may be required to replace any plants or trees that were disturbed at the owner’s expense.		
C.5.	Tree damage/removal of trees greater than 8”	Pine or Palmetto = \$5000 / tree Oak (any variety) = \$10,000 / tree Other hardwoods = \$5,000 per occurrence ARB may require replacement tree(s).		
C.5.	Tree damage/removal of trees 8” or less	Maximum of \$1,000/tree. ARB may require replacement trees(s).		
C.6.	Posting of permits & rules	Warning	\$100.00 / day	\$250 / day
C.7.-10.	Toilets/Dumpsters, Tarps, Open Trash, Tidiness	Warning	\$100 / day	\$250 / day
C.11.	Fires	\$100	\$500	\$2500
D.1.	Notification of commencement of work	\$500	NA	NA
D.2.	Proceeding without ARB inspections	Warning	\$500 / day	\$1000 / day
D.3.	Alteration without ARB approval	Max. of \$2,500-and/or removal of alteration to structure. Max. of \$1,000 and/or removal of alteration to landscape or hardscape. ARB may consider granting approval/permit for alteration if app fee twice the amt normally charged is paid as part of such application.		
D.4.	Inspection notification	Warning	\$100	\$250
D.5.	Footing survey	Warning	\$100 / day	NA
D.6.	Height Survey	Warning	\$100 / day	NA
D.7.	Color boards	Warning	\$100 / day	\$250 / day
D.8.	Completion	10% of compliance deposit / day		
D.9.	Certified Occupancy	Warning	\$100 / day	
G.	Other	Warning	\$500	\$1000

Any habitual infractions or any infractions not corrected within a reasonable time frame upon written notice may result in the WHARB permit being pulled and work stopped on the project until all fines are settled and/or the infraction is cured. ARB may consider the suspension of a Contractor or Architect for up to a year if the infractions are considered sufficiently serious in the estimation of the ARB and with approval of the POA Board

XIV. DIAGRAMS

XIV.A. Sample Color Boards and Digital Streetscape with appropriate colors applied

NEW CONSTRUCTION & MAJOR RENOVATION SITES REQUIRE A COLOR SAMPLE BOARD WITH THE FOLLOWING INFO AND A DIGITAL COLOR REPRESENTATION OF THE PROJECT:

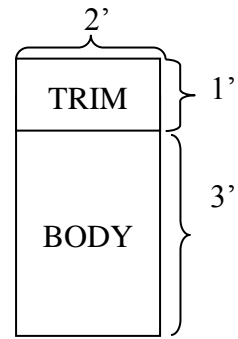


NOTE: USE ACTUAL CONSTRUCTION MATERIALS

COLOR SAMPLE BOARD for RE-PAINTING EXISTING STRUCTURE

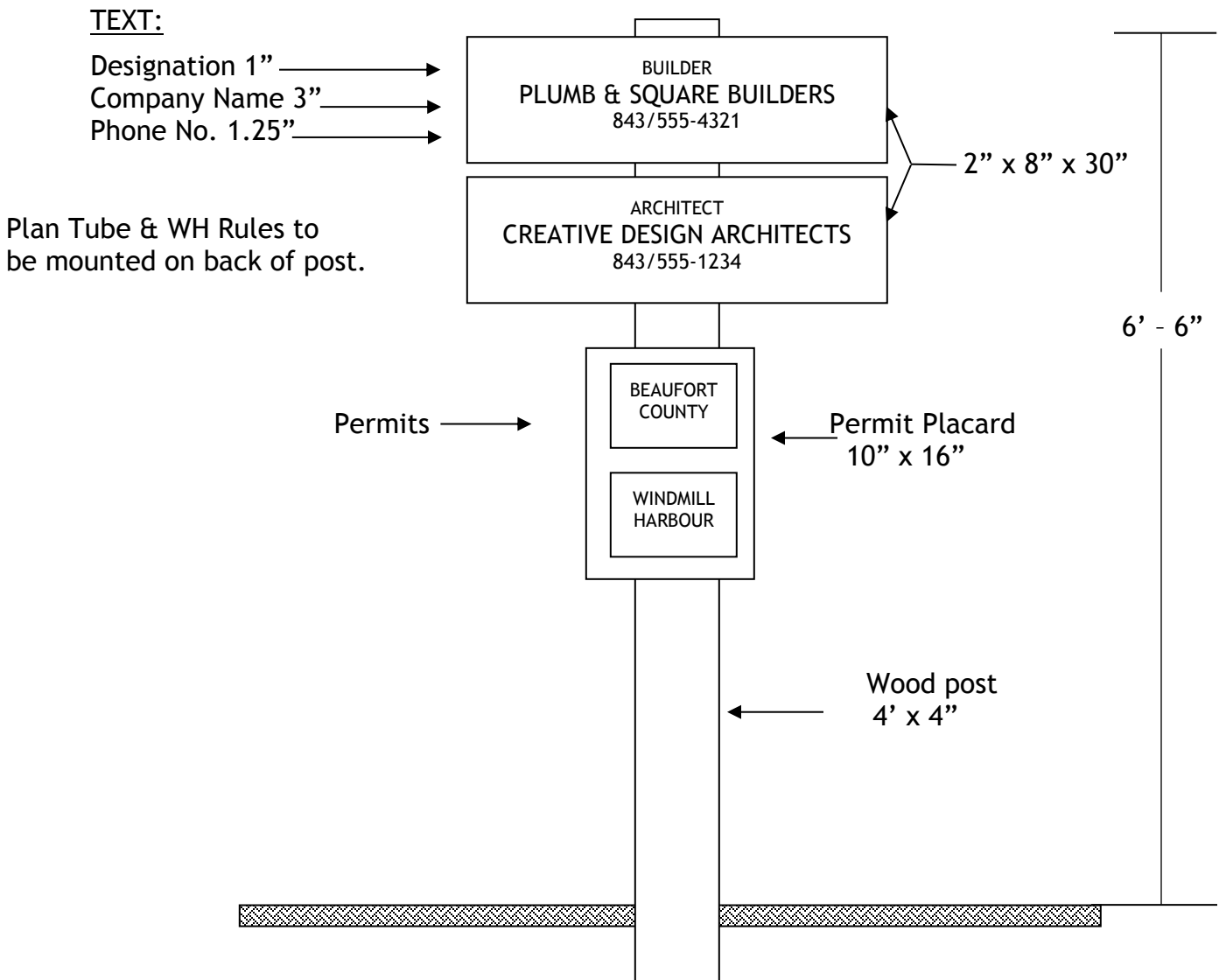
NOT TO SCALE

Samples do not need to be on actual material. Proposed paint colors for existing structures may be painted on wood.
Color board needs to be staked and displayed in front yard, approximately 6' to 8' from street curb.



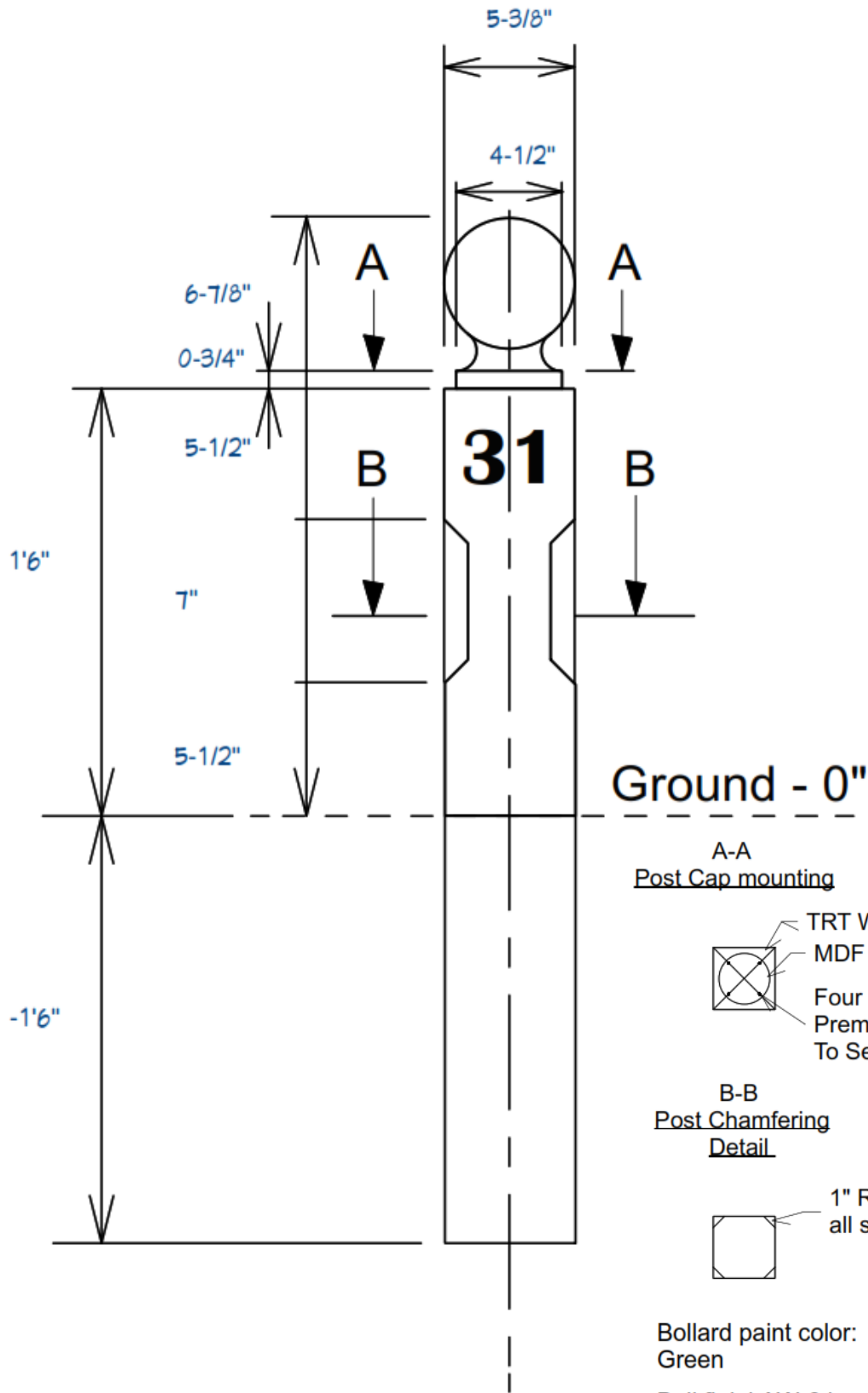
XIV.B. Construction Signage Requirements

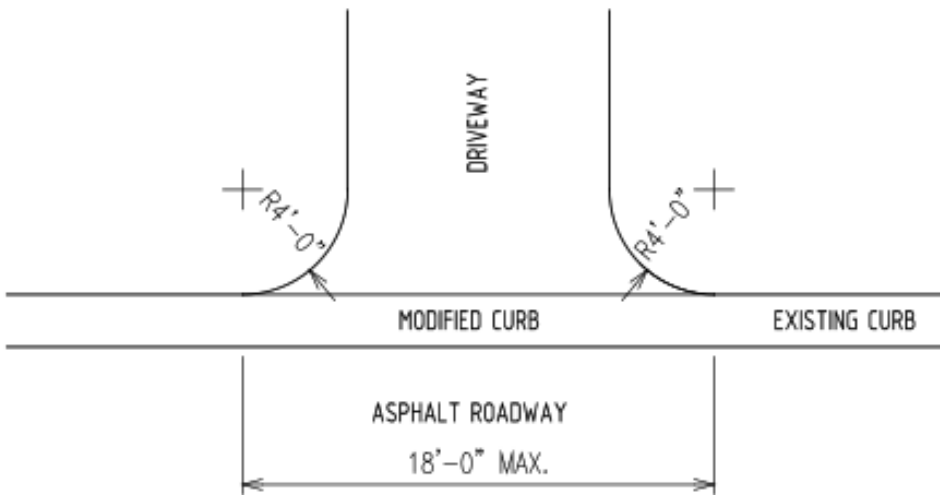
Sign post and all Signage background color to be CHARLESTON GREEN. (Same as community signs)
Lettering: Painted or sign vinyl transfer in Helvetica type. Color: White



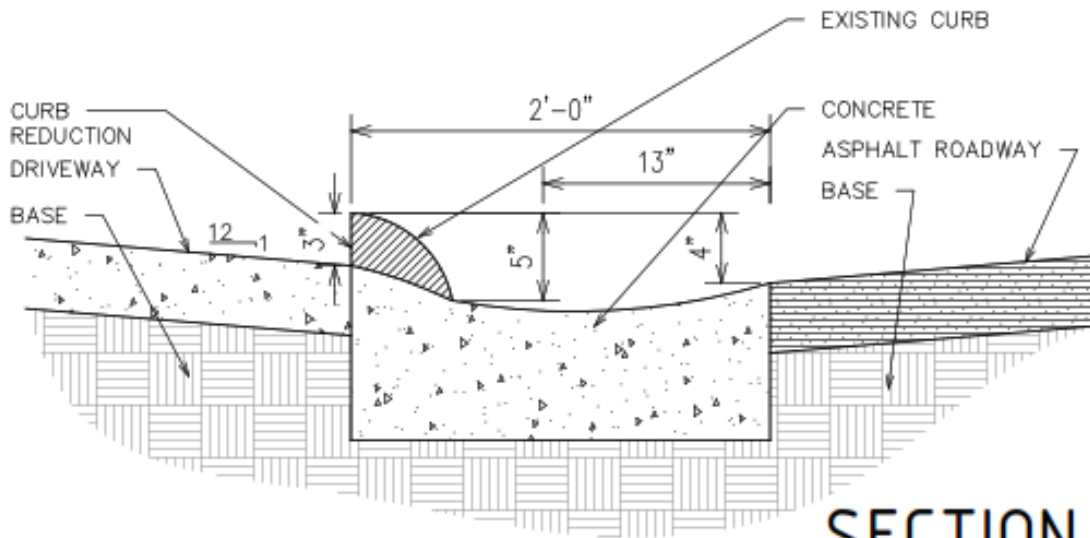
XIV.C.

House Number Requirements: Lot Bollard





1 PLAN @ DRIVE/ROADWAY
SCALE : 1/8"=1'-0"

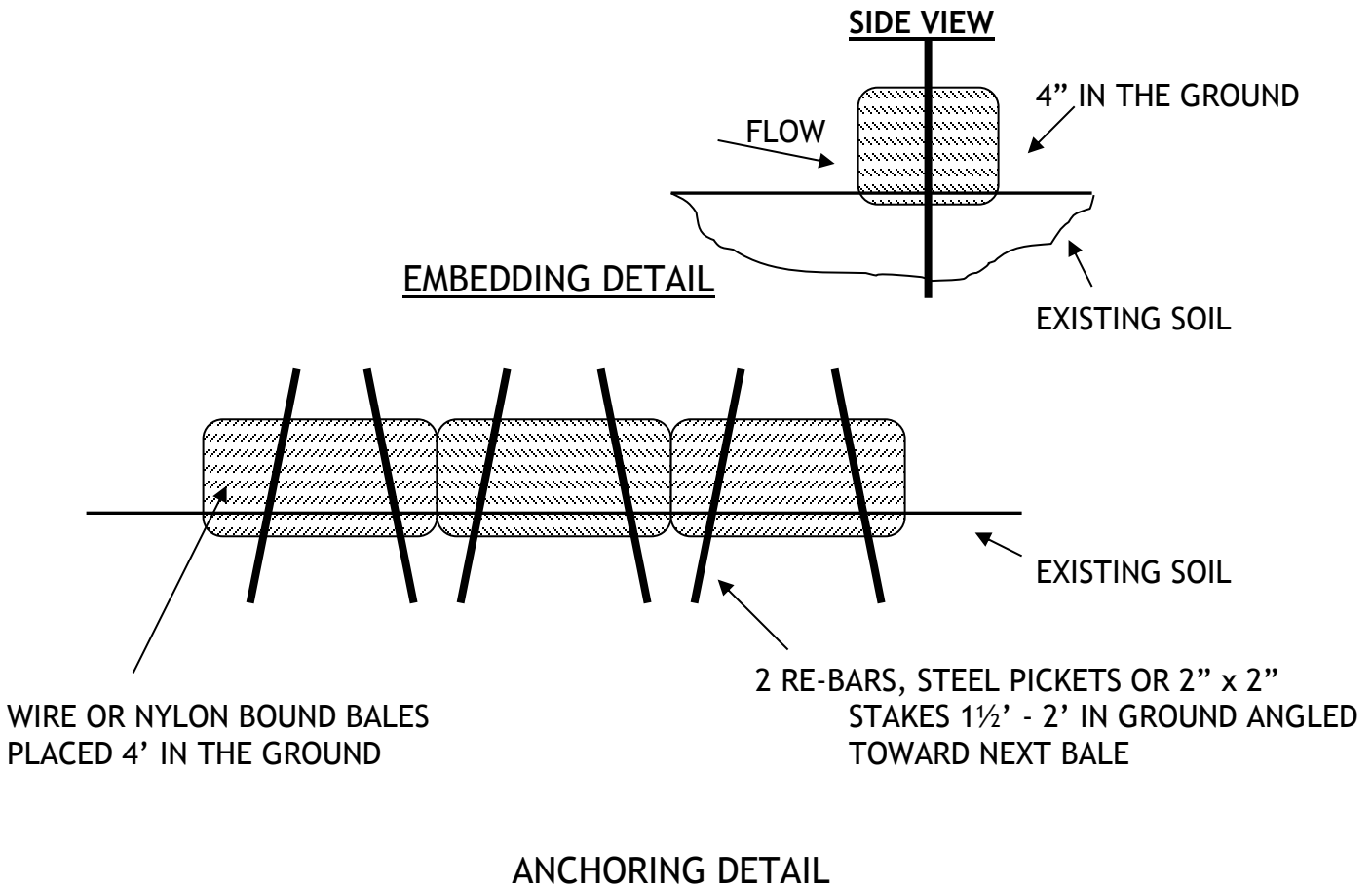


2 SECTION @ DRIVE/ROADWAY
SCALE : 1"=1'-0"

XIV.E. Erosion Protection

Special erosion protection is required before construction for lots 11 to 17 Harbour Passage and 29 through 34 Sparwheel Lane to protect the marina harbor.

1. Existing grass sod is not to be disturbed during construction for a distance of fifteen (15) feet from the bulkhead.
2. A filter fabric barrier two (2) feet high or more is to be placed five (5) feet inland from the bulkhead across the entire construction site and turned inward toward the front of the lot and supplemented by a line of hay bales along its entire length. Following any appreciated rain that causes erosion, the area should be cleaned immediately. If erosion is allowed to enter the harbor, the owner/Builder is responsible for all costs associated with removal and return to prior condition.

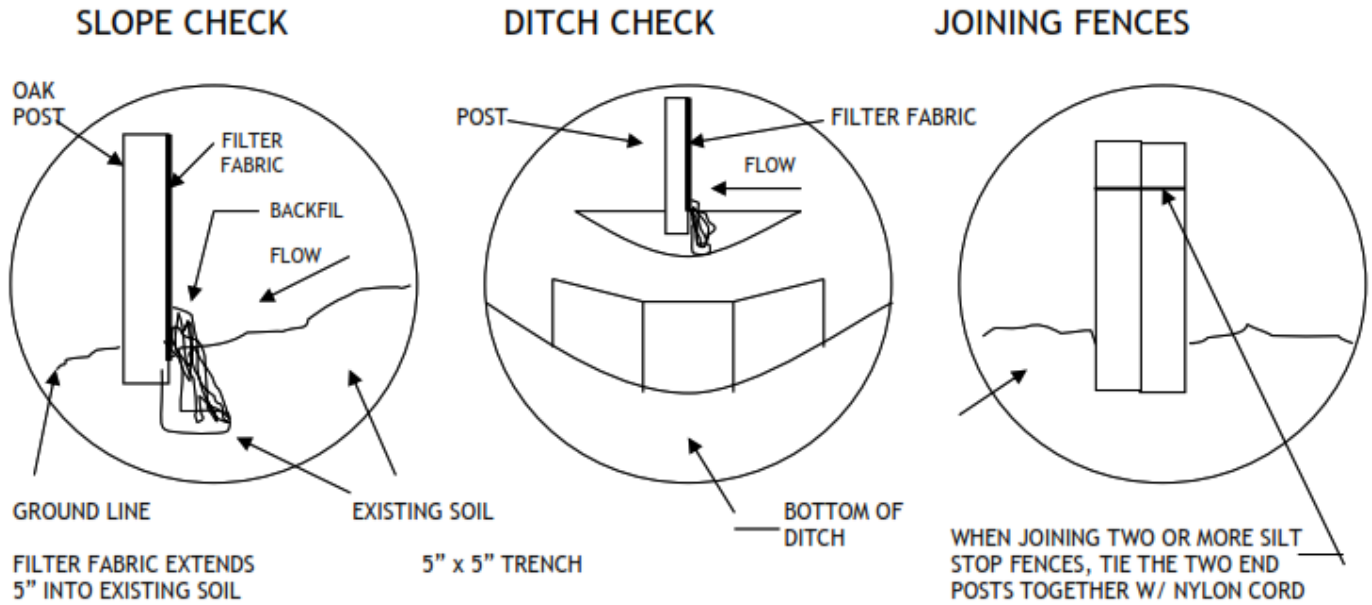


WIRE OR NYLON BOUND BALES
PLACED 4' IN THE GROUND

NOTES:

1. ANCHOR AND EMBED INTO SOIL TO PREVENT WASHOUT OR WATER WORKING UNDER A BARRIER.
2. REPAIRS OR REPLACEMENT MUST BE MADE PROMPTLY AS NEEDED.

HAY BALE DETAIL
SEDIMENT BARRIER
NOT TO SCALE

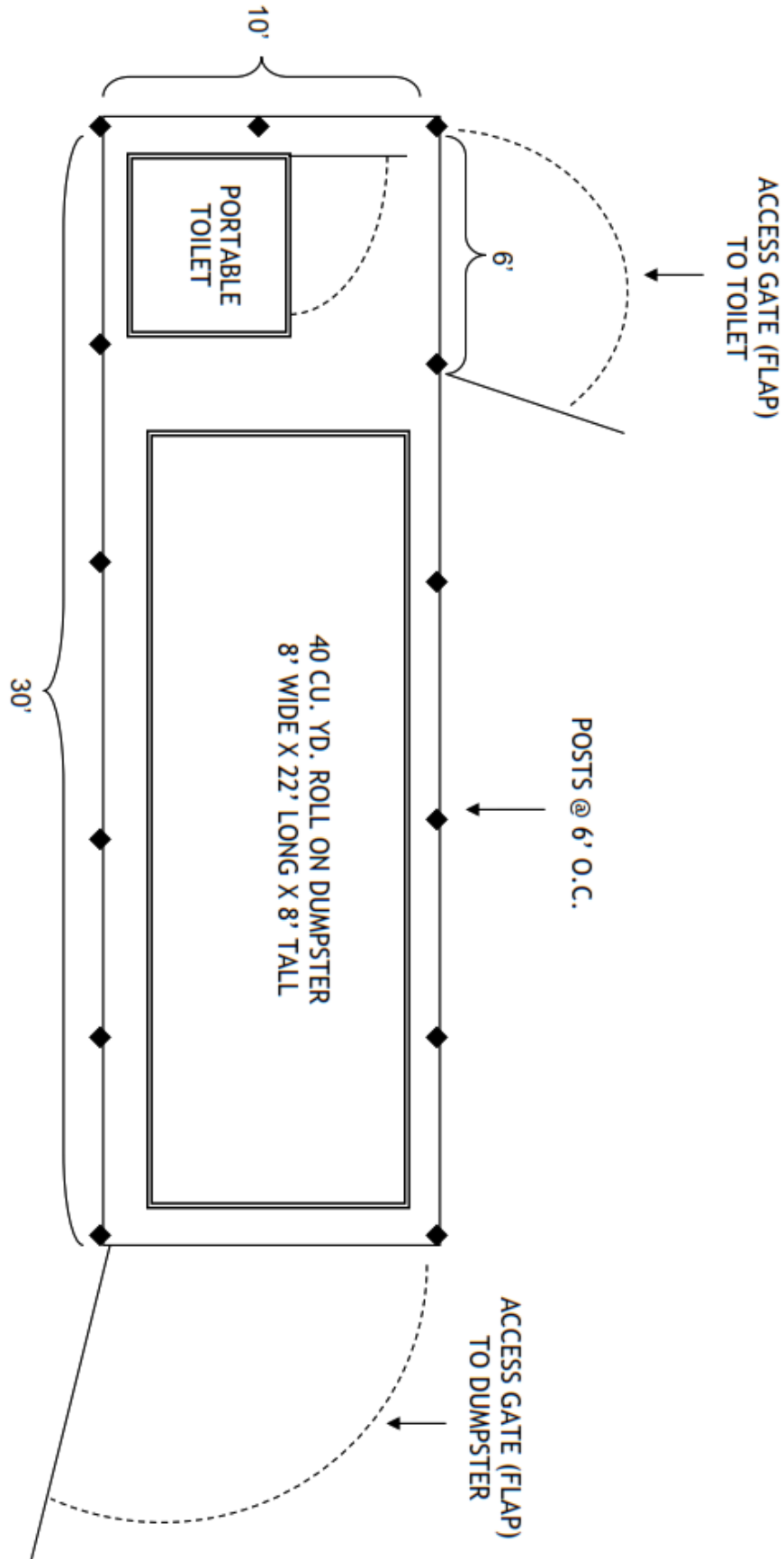


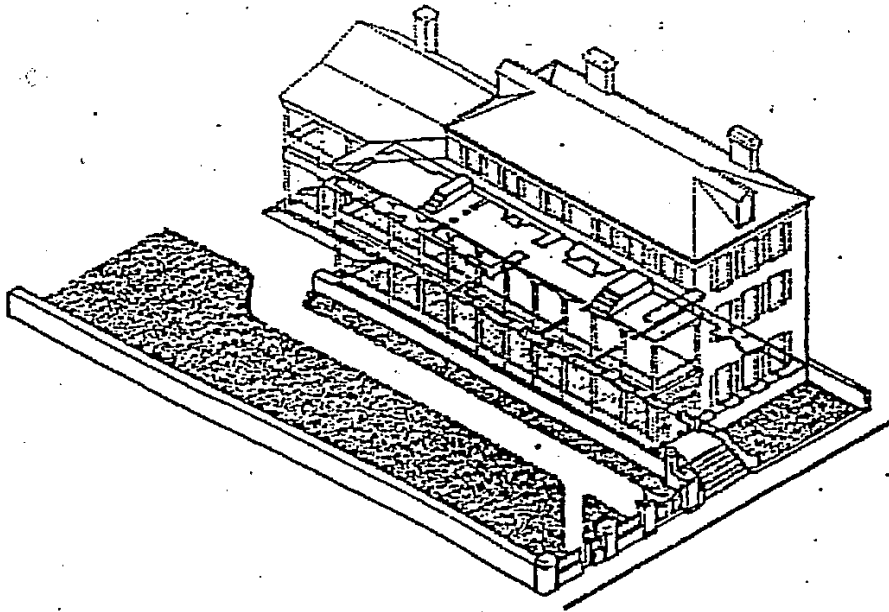
36" BLACK FILTER FABRIC ATTACHED TO 1¹/₃" x 1¹/₈" x 54" CURED OAK POST. POSTS ARE SPACED APPROXIMATELY 7" - 8" APART. EACH FENCE IS REINFORCED WITH HEAVY DUTY NYLON CORD. TWO OR MORE FENCES CAN BE JOINED TOGETHER WITH 12" OF EXCESS NYLON CORD REMAINING AT EACH END POST. AVAILABLE IN 50' AND 100' LENGTHS.

SILT FENCE DETAIL
SEDIMENT BARRIER
 NOT TO SCALE

XIV.F.

Dumpster and Portable Toilet Screening (NOT TO SCALE)





Pringle house, Charleston, South Carolina, 1774

FIGURE 1

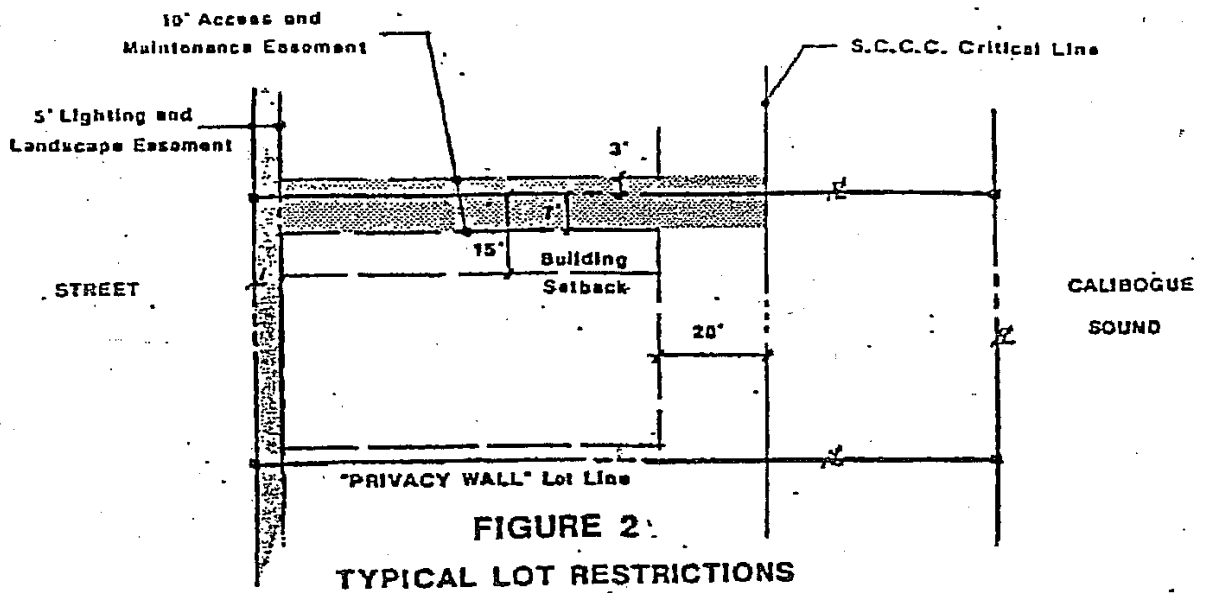


FIGURE 2

TYPICAL LOT RESTRICTIONS

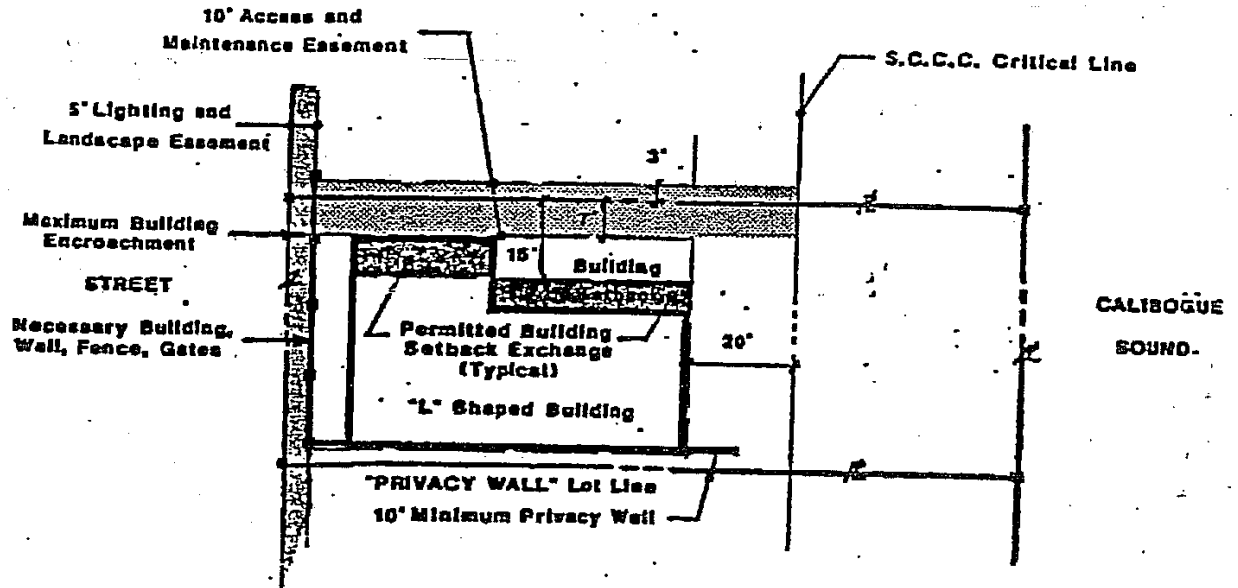
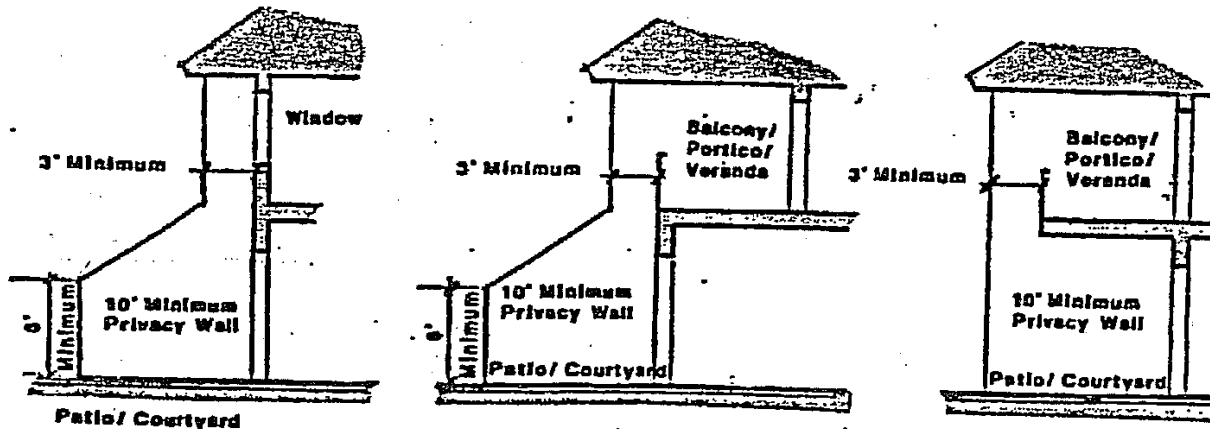


FIGURE 3



EXTENDED PRIVACY WALL

FIGURE 4

XV. PERMIT APPLICATION FEE AND COMPLIANCE DEPOSIT SCHEDULE

All exterior projects (changing appearance or not), except for power washing & palm tree trimming, require a WHARB permit. Interior projects needing a portable toilet, dumpster, and/or overnight storage container also require a WHARB permit.

<i>EFFECTIVE DECEMBER 1, 2022</i>	WHARB REVIEW APPLICATION FEE <i>(non-refundable)</i>	COMPLIANCE DEPOSIT <i>*(refundable)</i>
NEW CONSTRUCTION:	\$4,850	\$15,000 additional charge of \$10 / sq. ft. over 2000 sq. ft.
<ul style="list-style-type: none"> ▪ 4 change order submissions included under the published fee. ▪ 4 construction inspections & 2 landscape inspections included under published fee. 		
VERTICAL ADDITIONS & ALTERATIONS:		
<ul style="list-style-type: none"> ▪ Under roof greater than 800 sq. ft. 4 construction inspections included under published fee 	\$2,700	\$7,500 add charge of \$5 / sq. ft. over 2000 sq. ft.
<ul style="list-style-type: none"> ▪ Under roof less than or equal to 800 sq. ft. 4 construction inspections included under published fee 	\$1,700	\$7,500
<ul style="list-style-type: none"> ▪ Free standing structures (i.e. , pergola, arbor, gazebo, pavilion, trellis, etc.) 	\$250	\$1,000
<ul style="list-style-type: none"> ▪ Fencing, courtyard walls, service yard, fire pit, etc. 	\$100	\$250
POOLS & SPAS		
<ul style="list-style-type: none"> ▪ Greater than 100 sq. ft. 	\$500	\$7,500
<ul style="list-style-type: none"> ▪ Less than or equal to 100 sq. ft. 	\$250	\$2,500
ON GRADE ADDITIONS & ALTERATION: (i.e. patios, driveways, walks, etc.)		
<ul style="list-style-type: none"> ▪ Greater than 200 sq. ft. 	\$250	\$2,500
<ul style="list-style-type: none"> ▪ Less than or equal to 200 sq. ft. 	\$125	\$1,000
RESIDENTIAL MAINTENANCE:		
<ul style="list-style-type: none"> ▪ Exterior paint color change / roof material or color change / driveway or patio material or color change 	\$100	\$0
<ul style="list-style-type: none"> ▪ Minor exterior alterations 	\$50	\$0
<ul style="list-style-type: none"> ▪ No change in exterior appearance 	\$0	\$0
LANDSCAPING ALTERATIONS:		
<ul style="list-style-type: none"> ▪ Major alterations 2 landscape inspections included under published fee 	\$250	\$100
<ul style="list-style-type: none"> ▪ Minor alteration 	\$50	\$0
<ul style="list-style-type: none"> ▪ Tree removal <i>(WHARB may require planting another tree.)</i> 	\$50	\$0
<ul style="list-style-type: none"> ▪ Tree trimming 	\$0	\$0
DEMOLITION (rebuild or non-rebuild):	\$500	\$15,000
<ul style="list-style-type: none"> ▪ Non-rebuild lots must grade and hydro mulch entirely ▪ Tear downs will be treated as new construction 		

PROFESSIONAL INSPECTION (whether or not a project requires an inspection is at the discretion of the WHARB.)		
▪ Construction Inspection	\$175	\$0
▪ Landscape Inspection	\$75	\$0
CHANGE ORDERS: Fee dependent upon complexity of submission	\$75-\$500	\$0

- The application fee and the compliance deposit payments must be paid separately and made payable to Windmill Harbour Association.
- Please review the compliance refund policy. See section XIII.F. of the ARB guidelines. * Full or partial compliance refunds may be forfeited if damages to common or neighboring property are not repaired by the contractor / owner and/or if the project is in non-compliance with the covenants and/or WHARB approved plans.
- Deposits for new and under roof construction are for 18 months of the permit issue date.
- Deposits for all other projects, except for new and under roof construction, are for six (6) months of the permit issue date. An extension is available UPON REQUEST.
- Please check with the WHARB administrator or the Windmill Harbour website for the ARB schedule. Complete submissions, including the application fee, must be received one (1) week preceding the ARB meeting to be included on the agenda.

XVI. APPLICATIONS AND FORMS

XVI.A.

Windmill Harbour Association Architectural Review Board
 Application for Review and Building Permit for
NEW CONSTRUCTION OR VERTICAL ALTERATIONS/ADDITIONS

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
 Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Application for:	Required Application Fee	Refundable Compliance Deposit: (due upon ARB approval)
<input type="checkbox"/> New Construction <input type="checkbox"/> conceptual <input type="checkbox"/> preliminary <input type="checkbox"/> final	<input type="checkbox"/> \$4,850 check # _____	\$15,000 (additional charge of \$10 per sq. ft. over 2000 sq. ft.)
<input type="checkbox"/> Vertical Additions / Alterations <input type="checkbox"/> conceptual <input type="checkbox"/> preliminary <input type="checkbox"/> final	<input type="checkbox"/> \$2,700 Under roof > 800 sq. ft. <input type="checkbox"/> \$1,700 Under roof ≤ 800 sq. ft. <input type="checkbox"/> \$250 Free standing structure <input type="checkbox"/> \$100 Fencing, etc. Check # _____	<input type="checkbox"/> \$7,500+ Under roof > 800 sq. ft. <input type="checkbox"/> \$7,500 Under roof ≤ 800 sq. ft. <input type="checkbox"/> \$1,000 Freestanding structure <input type="checkbox"/> \$250 Fencing, etc. Check # _____

PAYMENTS TO BE MADE PAYABLE TO WINDMILL HARBOUR ASSOCIATION.

Brief Description of Vertical Addition / Alteration:

Architect Information, if applicable:

Name:	Phone #:
Email:	Address:

Contractor/Builder Information:

Name:	Phone #:
Email:	Address:

Landscape Architect Information:

Name:	Phone #:
Email:	Address:

Enclosed Dwelling Area	
First Floor:	
Second Floor:	
Total:	

Elevations (AMSL)	
Existing at Center of Building Footprint:	
Proposed Fill / Grade:	
First Floor:	
Roof Height:	

XVI.A.1.

Windmill Harbour Association
ACKNOWLEDGEMENT FORM:

Your signatures indicate that you are thoroughly familiar with and agree with Sections 3.1 through 3.30 of the Windmill Harbour covenants and the Windmill Harbor Architectural guidelines. You also understand that when all construction documents, drawings, site location, materials and colors have been approved by the WHARB, **NO DEVIATION MAY BE MADE FROM THESE APPROVED PLANS WITHOUT PRIOR WRITTEN APPROVAL FROM THE WHARB.**

The owner, contractor and architect acknowledge that the WHARB has the right to assess penalties against the owner, builder, architect or any other party that may have authority on behalf of the owner. The WHARB has the right to withdraw the building permit for failing to comply with all of the rules, regulations, approved plans or failing to complete the project in a timely fashion.

The owner, contractor and architect agree and understand that the WHARB or WHPOA are not responsible for any loss time or expense, when the project is out of compliance with any of the above rules and regulations.

The above schedule of penalties applicable to this project has been reviewed and is acknowledged and agreed to by my/or our signatures below. All fines and/or penalties will be paid at the offices of PAI, unless otherwise directed.

Property Location / Address:	
Property Owner:	

_____ PROPERTY OWNER	_____ BUILDER	_____ ARCHITECT
_____ DATE	_____ DATE	_____ DATE
_____ JOB SUPERVISOR / FOREMAN	_____ LANDSCAPER	
_____ DATE	_____ DATE	

XVIA.2.

Windmill Harbour Association
CONTRACTORS LIST

JOB LOCATION: _____ **DATE:** _____

GENERAL CONTRACTOR: _____ **PHONE #:** _____

TRADE	SUBCONTRACTOR	ADDRESS	PHONE #
Site Work			
Concrete			
Masonry			
Metals			
Framing			
Exterior Trim			
Interior Trim			
Stucco			
Insulation			
Roofing			
Hardware			
Drywall			
Painting			
Ceramic Tile			
Carpet			
Vinyl			
HVAC			
Plumbing			
Electrical			
Specialties			
Paving			
Underground Utilities			
Other			

XVIA.3.

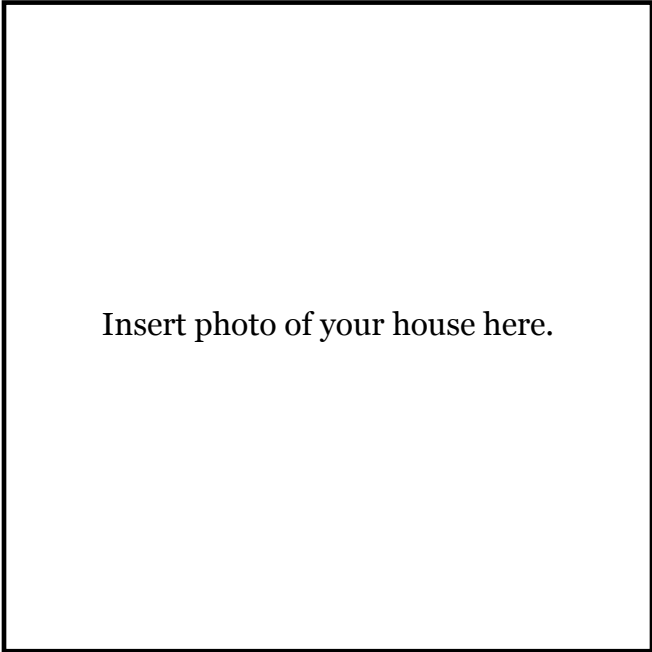
WINDMILL HARBOUR ARB COLOR / MATERIALS INVENTORY

Lot: _____ Street Address: _____

Owner: _____

Architect/Designer: _____

Total Dwelling Area: _____

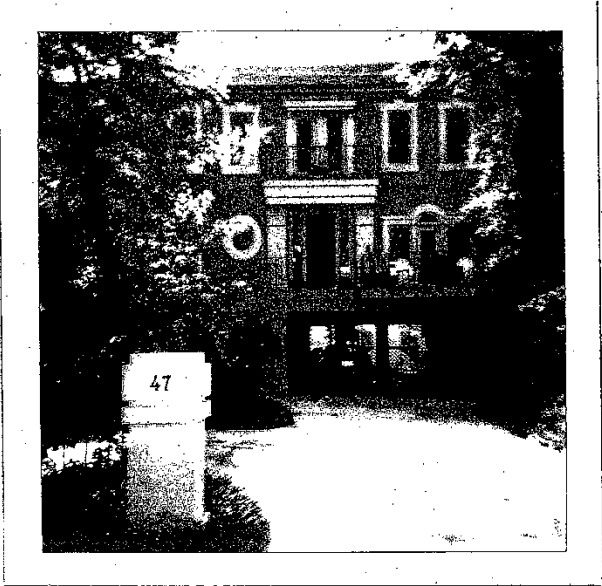


EXTERIOR MATERIALS & COLORS:

ITEM	MATERIAL/COLOR	MANUFACTURER/PRODUCT #
Siding (Masonry):		
Roofing:		
Facia Trim:		
Other Masonry:		
(i.e. Chimneys, foundation walls, etc.)		
Front Door:		
Garage Door:		
Shutters:		
Drive (Paving):		
Walks (Paving):		
Railing:		
Approval Date:		

Address: Lot #47 Harbour Passage East
 Owner: Mr. & Mrs. Ed Anderson
 Architect/Designer: Group III
 Total Dwelling Area: 2,520

EXAMPLE



EXTERIOR MATERIALS & COLORS:

ITEM	MATERIAL/ COLOR	MANUFACTURER/ PRODUCT #
Siding (Masonry):	Stucco/London Fog	Synenergy
Roofing:	Shingles/Weatherwood	Elk Prestique
Fascia Trim:	Wood/Shell White	Duron
Other Masonry :	Trim/Stucco/Stark White	Synenergy
(ie. Chimneys, founda- tion walls, etc.)	Chimney/Stucco/London Fog	Synenergy
Front Door:	Wood/Approx. Walnut	
Garage Door:	Gray to Match London Fog	
Shutters:		
Drive (Paving):	Concrete	
Walks (Paving):	Concrete	
Iron Railing:	Stormy Night	Pratt & Lambert
Approval Date:		

XVI.B.

Windmill Harbour Association Architectural Review Board
Application for Review and Building Permit for
POOLS & SPAS APPLICATION FORM

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Application for:	Required Application Fee	Refundable Compliance Deposit: <i>(due upon ARB final approval)</i>
<input type="checkbox"/> Pool &/or Spa <input type="checkbox"/> conceptual <input type="checkbox"/> preliminary <input type="checkbox"/> final	<input type="checkbox"/> \$500 > 100 sq. ft. <input type="checkbox"/> \$250 ≤ 100 sq. ft. Check # _____	<input type="checkbox"/> \$7,500 > 100 sq.ft <input type="checkbox"/> \$2,500 ≤ 100 sq. ft.

PAYMENTS TO BE MADE PAYABLE TO WINDMILL HARBOUR ASSOCIATION.

Please provide brief description of project. With application, please submit: 1) site plan indicating proposed pool / spa 2) cross section drawing (shows the depths over the length of the pool/spa and the distance between the top of the pool/spa to the adjacent grade -- should be 18" or less.) 3) landscaping plan, if landscaping is being altered. 4) Applicant is required to obtain County permit if applicable.

Architect Information, if applicable:

Name:	Phone #:
Email:	Address:

Contractor/Builder Information:

Name:	Phone #:
Email:	Address:

Please be sure contractor is aware of the community's rules and regulations. Dumpster and/or portable toilet are required to be screened if needed for more than 30 days. If street parking is needed, the contractor must make parking arrangements with security prior to commencing work.

XVI.C.

Windmill Harbour Association Architectural Review Board
 Application for Review and Building Permit for
LANDSCAPING / ON-GRADE ALTERATIONS

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
 Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Application for:	Required Application Fee	Refundable Compliance Deposit: <i>(due upon ARB final approval)</i>
<input type="checkbox"/> Landscaping Addition/Alteration <input type="checkbox"/> conceptual <input type="checkbox"/> preliminary <input type="checkbox"/> final	<input type="checkbox"/> \$250 major alteration <input type="checkbox"/> \$50 minor alteration Check # _____	<input type="checkbox"/> \$100 major alteration <input type="checkbox"/> \$0 minor alteration
<input type="checkbox"/> On Grade Addition/Alteration <input type="checkbox"/> conceptual <input type="checkbox"/> preliminary <input type="checkbox"/> final	<input type="checkbox"/> \$250 > 200 sq. ft. <input type="checkbox"/> \$125 ≤ 200 sq. ft. Check # _____	<input type="checkbox"/> \$2,500 > 200 sq. ft. <input type="checkbox"/> \$1,000 ≤ 200 sq. ft.

Please provide brief description of project. With application, please submit detailed scope of work, picture(s) of the location being altered and site plan showing alteration(s)/landscape plan. Sample or picture of material may be required.

Architect Information, if applicable:

Name:		Phone #:	
Email:		Address:	

Contractor/Builder Information:

Name:		Phone #:	
Email:		Address:	

Please be sure contractor is aware of the community's rules and regulations. Dumpster and/or portable toilet are required to be screened if needed for more than 30 days. If street parking is needed, the contractor must make parking arrangements with security prior to commencing work.

XVI.D.

Windmill Harbour Association Architectural Review Board
 Application for Review and Building Permit for
RESURFACING (CHANGE OF COLOR/MATERIAL): PAINTING, ROOFING, DRIVEWAY

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
 Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Date:		Street Address:		Lot #:	
Owner Name:			Mailing Address:		
Phone #:			Email:		

PROPOSED COLORS:

	<u>Manufacturer</u>	<u>Color Name / No.</u>
Main Body of House (siding, stucco, brick)		
Deck, Benches, etc.		
Garage Doors		
Trim (check all that apply):		
<input type="checkbox"/> windows		
<input type="checkbox"/> Window & Door Trim		
<input type="checkbox"/> Shutters		
<input type="checkbox"/> fascia		
<input type="checkbox"/> soffits		
<input type="checkbox"/> hydrostatic vents		
<input type="checkbox"/> columns		
<input type="checkbox"/> Corner Boards		
<input type="checkbox"/> Band Board		
<input type="checkbox"/> Front Entry Door		
<input type="checkbox"/> Exterior Doors		
<input type="checkbox"/> Fences, Handrails, Pickets, etc.		
<input type="checkbox"/> Cartouche, Quoin, or Corbel		
<input type="checkbox"/> Other		
Roof		
On Grade Surface (driveway, patio)		

Application Requirements: 1) installation of on-site color board of large samples showing all proposed exterior colors in an adjacent composition 2) photograph of front exterior prior to repainting or re-roofing 3) \$100 application fee, payable to Windmill Harbour Association 4) Applicant/Owner is responsible for obtaining County permit, if applicable.

Contractor/Builder Information:

Name:		Phone #:	
Email:			Address:

Please be sure contractor is aware of the community's rules and regulations. Dumpster and/or portable toilet are required to be screened if needed for more than 30 days. If street parking is needed, the contractor must make parking arrangements with security prior to commencing work.

XVIE.

Windmill Harbour Association Architectural Review Board
 Application for Review and Building Permit for
**MAINTENANCE WITH NO EXTERIOR CHANGE or MINOR EXTERIOR ALTERATION or
 INTERIOR WORK REQUIRING DUMPSTER, PORTABLE TOILET OR STORAGE UNIT**

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
 Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Application for:	Required Application Fee	Refundable Compliance Deposit: (due upon ARB approval)
<input type="checkbox"/> Maintenance with NO changes	<input type="checkbox"/> \$0	\$0
<input type="checkbox"/> Minor Alteration	<input type="checkbox"/> \$50 Check # _____	\$0

Please provide detailed scope of work, sample of materials(s), pictures(s) or drawing of the location being altered and sketch/plans/pictures of alteration, etc. Elevation drawings and/or site plan may be required.

Contractor/Builder Information:

Name:		Phone #:	
Email:		Address:	

Please be sure contractor is aware of the community's rules and regulations. Dumpster and/or portable toilet are required to be screened if needed for more than 30 days. If street parking is needed, the contractor must make parking arrangements with security prior to commencing work.

XVI.F.

Windmill Harbour Association Architectural Review Board
 Application for Review and Building Permit for
TREE REMOVAL / PRUNING APPLICATION

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
 Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Owner Information:

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Arborist / Tree Service Contractor Information:

Company:		Phone #:	
Email:			

Tree(s) Requested for Removal / Trimming:

Location <small>ALL TREES LISTED MUST BE ON OWNER'S PROPERTY.</small>	Species	Diameter @ 4' above ground	Removal or Trim	Reason for Removal / Trimming

The tree(s) requested for removal and/or trimming must be identified by tying a ribbon around the tree(s). Use two different color ribbons: one for removal and one for trimming. The ARB may require a letter from a certified arborist stating reason for removal.

** Accurate siting of the tree, knowledge of local and federal ordinances and laws related to the tree work, and arrangements with the tree owner if applicable, are the responsibility of the applicant.*

\$50 Fee Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<i>Application fee is not required for trimming. Fee is required for all tree removals.</i>
--	---

NOTE: Beaufort County approval and permit may also be required for your tree removal request. It is the applicant's responsibility to obtain other permits/approvals that may be required. Please contact the Beaufort County Planning & Zoning Department for verification on whether or not a County permit is required.

XVI.G.

Windmill Harbour Association Architectural Review Board
 Application for Review and Building Permit for
DEMOLITION

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
 Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Contractor Information:

Name:		Phone #:	
Email:			
Mailing Address:			

Please submit the following elements:

<u>Attached</u>	<u>Required requisites to application:</u>
<input type="checkbox"/>	Non-refundable \$500 application fee, payable to Windmill Harbour Association <small>Note: Refundable \$15,000 compliance deposit is due upon approval of application.</small>
<input type="checkbox"/>	Tree and Topographic Survey
<input type="checkbox"/>	Site Plan showing location of dumpster(s), portable toilet, and equipment staging areas
<input type="checkbox"/>	Proof of Beaufort County approval for demolition

It is understood that the owner is responsible for flagging or clearing utility lines to prevent disruption of power, water, etc. to other properties. During demolition, all debris must be placed in dumpsters or removed prior to the end of each workday. Demolition will be considered complete when no parts of the demolished structure, including foundation, driveways, etc. are left unless so indicated on the approved plan. The site must be restored to a near-natural state with approximate natural grade. All depressions and excavated areas are to be filled and graded to avoid pooling of rainwater. All bare earth areas are to be covered with pine straw to prevent dust, unless new construction will commence immediately after demolition. Demolition must be completed within six (6) months of commencement.

XVI.H.

Windmill Harbour Association Architectural Review Board
CHANGE ORDER REQUEST

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Do NOT construct, build, install, paint, plant, etc. different than shown on approved construction documents. If you have a question or need urgent response, please call 843-785-4775 ext. 110 or e-mail Jaime@IMCResortServices.com.

Change Order #		Date:		Street Address:	
Owner Name:				Lot #:	
Mailing Address:					
Phone #:			Email:		

Architect Information, if applicable:

Name:		Phone #:	
Email:		Address:	

Contractor/Builder Information:

Name:		Phone #:	
Email:		Address:	

-
1. Description of change request:

 2. Detailed drawing(s) of change request attached: Yes No

 3. Reason for change request:

 4. Drawing numbers and details affected by change:

XVII.

Windmill Harbour Association Architectural Review Board
VARIANCE REQUEST

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Approval of the below described variance(s) to Windmill Harbour Association ARB guidelines is requested for the building permit application to which this request is attached. If multiple variance requests under one permit application, please use additional forms and number the variances. If the form does not provide adequate room, please attach supporting material / information.

Variance Request #:		Date:		Street Address:	
Owner Name:				Lot #:	
Mailing Address:					
Phone #:		Email:			

State ARB Guideline:

Describe the Variance Sought and Reason/Justification for Variance:

XVI.J.

Windmill Harbour Association Architectural Review Board
APPEAL NOTIFICATION

Return completed application to % IMC Resort Services, Inc., 2 Corpus Christi, #302, Hilton Head Island, SC 29928.
Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMChhi.com

Any property owner (“applicant”) seeking review of disapproval of architectural plans or review of conditions imposed by the ARB must complete this appeal notification and file it with the ARB administrator. Return completed notification to IMC Resort Services, Inc., 2 Corpus Christie Pl. #302, Hilton Head Island, SC 29928. Please direct questions to: 843-785-4775 ext. 110 or by email to Jaime@IMCResortServices.com.

Date:		Street Address:	
Lot #:		Owner Name:	
Mailing Address:			
Phone #:		Email:	

Explain briefly the determination by the ARB from which you seek appeal and the grounds for such appeal (attach additional sheet(s), if more space is needed):

Explain briefly the determination by the ARB from which you seek appeal and the grounds for such appeal (attach additional sheet(s), if more space is needed):

Will you be present at the ARB meeting at which this appeal will be reviewed? Yes No

The ARB meets on the 2nd Thursday of every month beginning at 8:30a.m. at the SCYC. Appeals received after the 1st Thursday of the month will be reviewed on the 2nd Thursday of the following month.

Will you have a representative or legal counsel attending the ARB meeting? Yes No

If yes, please provide name, title, and phone # of such person: _____