

*Woodcreek at Conway*



*Home Owners' Association, Inc.*

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**ARCHITECTURAL  
STANDARDS COMMITTEE BY-LAWS  
AND  
ARCHITECTURAL GUIDELINES  
FOR  
WOODCREEK AT  
CONWAY  
SUBDIVISION**

# **Architectural Standards Committee By-Laws and Architectural Guidelines**

## **Part I – General Information**

### **Section A – Introduction**

Subject to the more specific language set out in the Declaration of Protective Covenants, Conditions, Restrictions and Easements for WoodCreek at Conway Subdivision dated February, 2000 and recorded in the Horry County ROD office in Deed Book 2293 at Page 275 on August 24, 2000 dated \_\_\_\_\_ February, 2000, and Deed Book 2247 at Page 1365 filed April 3, 2000 dated March 17, 2000, (collectively the “Declaration”), the Architectural Guidelines for the community address and better explain some of the applicable language in the Declaration, further define the authority granted by the Declaration to the Architectural Standards Committee (“ASC”), fully describe the establishment of the ASC, provide information on and set out processes for application, examination and approval or disapproval of all proposed plans for any Building or Buildings (hereinafter sometimes referred to as “Buildings”) and any additions thereto and remodeling thereof intended to be placed on any portion of the Property, all of which must be approved prior to construction or installation.

The Architectural Guidelines provide some of the actual guidelines for what can be constructed, erected or planted on Lots within the WoodCreek Community and for adjustment to existing Buildings in the WoodCreek Community. It also further defines the authority of the ASC to amend these guidelines, to grant variances to specific guidelines for specific Lots and to waive part or all of the process for application that is required of a Lot Owner.

We encourage you to review this document and the Declaration, to familiarize yourself with the processes set out in this document and to embrace the standards that these documents establish.

*All capitalized terms used herein shall have the same meaning as set out in the Declaration.*

### **Section B – Authority and Functions**

This Section provides information on: What the ASC is and what its functions are; How the ASC is appointed; What a Building or other improvement (“Building”) are and what types of things require and approval; What authority is given to the ASC, and When and how appointment of the ASC is transferred to the Board.

## **Architectural Standards Committee**

The Declaration states that the ASC has been established by the Declarant as more fully described in these ASC By-Laws, which By-Laws are set out herein.

### **Source of Authority**

The scope of the authority granted by the Declarant to the POA and to the ASC is set forth in the Declaration, which is a recorded document that encumbers every Lot, and in these ASC By-Laws. The ASC is granted the right and authority: to establish or amend Architectural Guidelines, to approve or disapprove any plans, specifications or landscape plans for a Lot, to set the amount and conditions of any application fee or compliance fee to be paid by a Lot Owner, to waive any portion of the architectural requirements or review process requirements for an individual Lot within the community. Until one Hundred (100%) percent of the dwellings permitted by the master plan have certificates of occupancy issued thereon and have been conveyed to owners other than builders holding title for purposes of development and sale, the Declarant may amend or override any decision of the ASC, amend the Architectural Guidelines or the processes for review set out herein, may be-subdivide or combine Lots creating new Lots and may create, change and grant variances to easements and setbacks (subject to approval by any governmental authority). *The failure of the ASC to publish the Architectural Guidelines shall not diminish the architectural control and review authority of the Declarant the POA or the ASC as set forth in the Declaration.* The ASC can appoint subcommittees as it determines necessary and delegate its authority as it sees fit.

### **Establishment of ASC**

Declarant shall appoint the member or members of the ASC as long as it owns any of the Property and thereafter the Board shall appoint the ASC by majority vote at a duly called meeting of the Board. The ASC may have one or more members and the members shall serve at the pleasure of the entity that appointed them. The Declarant may remove any member appointed by it and the Board may remove any member of the ASC appointed by it. A Member of the ASC does not have to be an Owner and may be a member or agent/employee of the Declarant.

The ASC may increase its size, set up panels or committees from its members or qualified outside persons as long as the cost and functions or any of these activities is approved by the Declarant or the Board of Directors of the POA.

### **Functions and Services**

The authority granted to the ASC includes but is not limited to the performance of the following functions and services:

1. The amendment of these Guidelines, from time to time, subject to the approval of the Declarant, so long as it owns any portion of the Property in WoodCreek, and thereafter the Board.
2. The review of all properly completed applications including plans, specifications, or landscape plans for compliance with these Guidelines and with the Declaration.
3. The determination, based solely upon their opinion, that all Buildings are compatible with respect to architectural designs and the harmonious relationships with neighboring lots.
4. The requirement of reasonable standards of design and quality of construction.
5. The establishment of fees for the review of applications and compliance deposits both of which may be set on a general or a case-by-case basis and must be approved by the Declarant or the Board.

## **Section C – Building: Applications Responsibility, Decisions, Wavers, Precedents, Variances, Appeal and Expiration**

This Section provides information on: What your responsibilities as an applicant are; When and approval is Required; What your responsibilities as a homeowner are for maintenance; How the review process works; When meetings are held and how voting is conducted; Who can grant wavers and variances to the process and to standard criteria; How the re-evaluation and appeal processes work; When construction must be completed and When and approval expires.

### **“Building”**

The term “BUILDING” is defined in the Declaration and includes among other items, any thing or object or structure upon any portion of the Property, the entire development tract, where applicable Lots and roadways and Common Areas, including way of illustration and not limitation, any building or part thereof, garage, porch, shed, mailbox, greenhouse, or bathhouse, coop or cage, covered or uncovered patio, siding, doors, fixtures, equipment, any appliances (including without limitation the heating and air-conditioning system for the structure), furniture, glass, lights and light fixtures (exterior and interior), awnings, canopies, shutters, window boxes, window treatments (such as curtains, blinds and other such applications that are viewable for the exterior of the Building), window screens, screens or glass-enclosed porches, balconies, decks, chutes, flues, ducts, conduits, wires, pipes, plumbing, and other like apparatus, playgrounds, playground equipment, tree houses and yard art, statuary, concrete pads

driveways and driveway extensions, basketball courts, basketball goals (permanent or temporary) or other temporary or permanent sports equipment, swimming pool, fence, curbing, paving, driveways, walkways, wall or hedge, radio, television, wireless cable, or video antenna, satellite dishes (subject to applicable law), yard, lawn, landscaping, trees, shrubs, bushes, grass, well, septic system, sign, appurtenance, or signboard, whether temporary or permanent; any excavation, fill, ditch, diversion dam or other thing or device which affects or alters the natural flow of waters from, through, under or across any portion of the Property, or which affects or alters the flow of any waters in any natural or artificial stream, wash or drainage channel from upon or across any portion of the Property; and any change in the grade of any portion of the Property of more than six (6) inches.

### **Requirement of Lot Owner to Obtain Approval**

Unless part or all of the requirements for submittal are waived by the Declarant or ASC and except as prohibited by law (including 47CFR/4000), Lot Owners shall be required to submit an application with any required information attached for review and approval as further described herein to the Declarant or the ASC for the construction, placement or installation of any Building (see definition in this Section) and for any alterations, modifications or changes to any existing Building or landscaping located on any Lot or Common Area. Each Application shall be evaluated on its own merits with reasonable flexibility for design function and creativity. **UNLESS A WRITTEN VARIANCE IS GRANTED BY THE ASC GRANTING SUCH APPROVALS, LAND DISTURBANCE, CLEARING OF TREES AND DELIVERY OF CONSTRUCTION MATERIALS OR THE DELIVERY OF A BUILDING TO BE PLACED ON A LOT SHALL NOT BE COMMENCED UNTIL ALL PLANS AND SPECIFICATIONS SHOWING THE NATURE, KIND, SHAPE, AND LOCATION OF WORK TO BE PERFORMED SHALL HAVE BEEN SUBMITTED AND APPROVED IN WRITING BY THE ASC, BY ANY UTILITY OR OTHER ENTITY FOR WHICH AN EASEMENT ON THE LOT HAS BEEN PROVIDED AND BY ANY GOVERNMENTAL AUTHORITY HAVING JURISDICTION OVER SUCH MATTERS.**

### **Repair and Maintenance of Homes, Landscape Maintenance, Underbrush, and Removal of Debris or Trash from Lots**

Each Owner shall be responsible for the exterior maintenance of his home, any other structure or Building, the maintenance of the landscaping established on his Lot, and the removal of underbrush, trash and other debris from the Lot. Nothing herein shall preclude the ASC from allowing any Owner of a Lot from stockpiling materials or construction debris on a Lot during the period while a home is under construction. The method and timeframe for stockpiling material or for allowing debris to remain on the Lot shall at all times be approved by the ASC.

**Upon notice from the POA any Owner shall repair or maintain said building or clean or clear away any debris or underbrush on the Lot. In the event that,**

after reasonable notice to a Lot Owner, as provided herein and in the Declaration, the POA may take additional action, including legal action or perform such exterior maintenance, repair or replacement, maintain said landscaping, or remove said underbrush, material, debris, or trash or non-conforming Building from a Lot, the costs of such action, maintenance, replacement repairs or removal together with any fines levied against that Owner and all costs of collecting said costs from the Owner shall be added to and become a part of the lien to which that Lot is subject.

## **Applicant's Responsibilities**

The Declarant and the ASC assume no liability for any applicant's responsibilities, which include but are not limited to the following:

1. The quality of plans, specifications or landscape plans submitted and the performance or quality of work of any contractor or subcontractor.
2. The determination of structural, mechanical, electrical and all other technical aspects of a proposed design that can only be determined by competent architects, engineers, contractors and other similar professionals.
3. The accuracy of all stakeouts and surveys.
4. Compliance with the Declaration and these Guidelines.
5. Compliance with all laws, codes and ordinances of any governmental agency or body.
6. Compliance with approval and permitting requirements of all applicable governmental bodies and authorities.
7. Approval by any appropriate governmental authority and proper recordation of any variances to easements or setback requirements granted by the Declarant or the ASC.
8. The determination of environmental restrictions, drainage and grading requirements and all surface and subsurface soil conditions.

## **Waiver of Process and Guidelines (No Precedents Set)**

The Declarant or the ASC shall have the right to waive any part or all of the review process or to waive or grant a variance to any requirement or Design Criteria contained in these Guidelines or the Declaration, subject in each case to the approval of the applicable governmental authority. The approvals of plans, specifications or

landscape plans or the granting of any type of variance for one Lot by the Declarant or the ASC shall not in any way set a precedent, establish a policy for architectural review, or infer or indicate that approval will be granted for those, or any variation of those, plans, specifications, or landscape plans for any other Lot.

The fact that the Declarant or ASC does not exercise any right or authority granted hereunder or in the Declaration or By-laws of the POA shall in no way be construed to set a precedent, establish or amend a policy or guideline, or nullify or transfer any of those rights or that authority hereby granted.

### **Variances to Easements, Setbacks, etc.**

The Declarant or the ASC, subject to the approval of the Declarant or the Board of Directors shall have the right to grant variances to utility easements and building setback requirements at their sole discretion. Any approval the Declarant or the ASC is, however, subject to any applicable approval of any appropriate governmental authority having jurisdiction. Recordation of all variances shall be the responsibility of the Owner requesting the variance and recording of the variance shall be in the Horry County ROD office. All variance requests shall be made in writing. Variances to an easement or setback requirement shall be accompanied by a site plan showing the original setback or easement line(s) and the proposed variance. Any variance granted shall also be in writing, shall be considered unique, and shall not set any precedent for future decisions pertaining to other Lots.

### **Meetings**

The ASC shall review applications for approval as scheduling allows, but shall attempt to address each application in a timely manner. The ASC shall not be required to hold review meetings and the ASC shall meet at times, places, and as frequently as it is deemed necessary by the ASC or its Chairman. The ASC will in all cases, attempt to respond to applications within a period after the date of the submission of all information required to complete and application that it deems to be reasonable. There shall be no time limit for review by the ASC. An application shall be deemed "disapproved" should no decision be rendered and delivered to the applicant in person, by phone or by mail within a sixty (60) day period from the date of receipt of any "complete" application by the ASC. An application shall be marked "complete" with a "received" dated as of the date of receipt of all required information and documentation by the designated representative(s) of the ASC in order to establish this date of receipt. At its sole discretion, the ASC may issue a written extension to the period during which an application shall remain active and under review without being deemed disapproved.

### **Majority Vote**

Each member of the ASC shall have an equal vote. A majority (51%) vote of the members of the ASC shall constitute a decision for approval or disapproval of a



complete application. A decision of the ASC may be appealed as set forth in the APPEAL section of these Guidelines.

## **Review Decision(s)**

Upon receipt of a properly completed application, the ASC will review that Applicant's plans, specifications and landscape plans (where applicable) and render one of four (4) types of decisions:

1. Approved
2. Disapproved
3. Approval conditioned on modifications or specific performance
4. Application tabled pending delivery and review of additional requirement information, which shall exceed the 60 day period until 60 days after receipt of the additional required information.

## **Written Approvals and Oral Statements**

Applications for architectural review, either partial or complete, will be returned with the determinations, comments and limiting conditions of the ASC signed by a representative of the ASC along with one set of application and required drawings and design documents. The foregoing items shall be the sole enforceable source of reference regarding approval. Oral statements should not be relied upon unless incorporated into written approvals or conditional approvals noted on design documents and signed by the ASC, its duly authorized representative or an authorized member of the ASC.

## **Appeal**

### **Re –Evaluation of Decisions of the ASC by the ASC:**

Applicants may ask for a re-evaluation by the ASC of the decisions of the ASC with respect to architectural review, non-compliance with these Architectural Guidelines, requests for variances, or other items covered hereunder through either of two processes to be decided upon by the Chairman of the ASC.

- (A) Review of the full membership of the ASC at a scheduled meeting or at other times when they may be individually available, or
- (B) Presentation by the applicant to those members of the ASC attending the next scheduled meeting of the ASC.

In order to be considered for review, a request for re-evaluation by the ASC must be in writing and must identify clearly the specific decision or decisions (or portion of a decision) that the Lot Owner is requesting that the ASC re-evaluate and any pertinent



reason(s) for re-evaluation or appeal and must be field within seven (7) days or the time set in the notice of the decision of the ASC. The applicants shall pay such costs and fees for their re-evaluation as set by the ASC and all other fees and costs incurred by the applicant.

## **Re-Evaluation and Appeal of the Decisions of the ASC by the Board:**

The decisions of the ASC with respect to architectural review, non-compliance with these Architectural Guidelines, requests for variances, or other items covered hereunder may be appealed through a written request from that Lot Owner to the Board of the POA. Only after the process set out above for re-evaluation by the ASC or a decision of the ASC has been completed may an aggrieved Lot Owner petition the Board of the POA in writing for a final appeal of the decision. In order to be considered for review, a request for appeal to the Board must be in writing and must identify clearly the specific decision or decisions (or portion of decision) that the Lot Owner is requesting be appealed and any pertinent reason(s) for re-evaluation or appeal.

A request for re-evaluation or appeal must be delivered, to the address indicated in the notice, within seven (7) days of the date of the notice of the decision of the ASC to that Lot Owner, in order to be re-evaluated by the ASC or appealed to the Board of the POA. Failure to meet this deadline shall cause the Lot Owner to forfeit the right of appeal. If the Board of the POA determines that an appeal unwarranted or if the Board of the POA reviews the appeal, the decision of the Board of the POA with respect to this matter shall then be final. Disapproval after an appeal to the Board of the POA shall require the applicant to make any required changes to the application in order to obtain approval or to resubmit an application for approval of a Building or Buildings, if allowed. The Applicant shall pay such fees and costs for the Appeal as the Board may set any all other costs or fees incurred by the Applicant.

## **Part II – Application Process and Requirements**

### **Section A – General Information (Important)**

The following information relates to all applications, approvals and the commencement of construction or of the placement of a Building on a Lot.

#### **Application Requirements and Changes to those Requirements**

You should review the Design Guidelines (Part III) portion of this document before development of plans or the completion of the documents required for application for architectural review. In addition, the ASC shall at all times have the authority to determine which specific Buildings or types of Buildings fall into the category of Primary Buildings and Secondary Buildings (further defined in this Section B) for the purpose of the approval process. Before submitting an application, it is recommended that you contact the POA or the ASC to determine which type of application will be required, exactly what type of descriptions and drawing can be accepted, what portion(s), if any, of the requirements for an application may be or may have been waived, and whether any additional criteria or standards may have been established or waived by the ASC.

#### **Commencement of Construction or of the Placement of a Building on a Lot**

**No work of any type, including clearing and site preparation, shall be commenced and no material may be delivered to the site without the aforementioned approval by the ASC.**

#### **Design Duplication**

Unless similarity of design or specific characteristics of design are an element of the design criteria for the community or for a particular part of the community, or unless market demand, as determined by the Declarant, reflects a strong need for this type of duplication in the approval of plans for Primary Buildings (new homes, additions or changes to existing homes and initial landscaping, etc.), applicants should select Lots and home or landscape plans so as not to construct repetitious designs within close proximity. Similar designs or design duplications without sufficient variations in exterior colors, materials, finishes, trim, and detailing, as well as plant selection, are discouraged and subject to disapproval.

Similarly, design or specific characteristics of design and their coloration with the home and other Buildings built or to be placed upon a Lot are an element of the design

criteria with respect to Secondary Buildings. As an example, approvable fence types may be limited to a selected design or group of designs available from the POA or the ASC (See specific criteria for these Buildings).

## **Design Review and Documents**

All new construction (and changes to approved plans for new construction), all changes to existing homes (including changes of color, modifications, alterations and improvements), all landscape plans (and changes to approved landscape plans) and all Building to be constructed or placed upon a Lot (such as sheds, fences, yard art, statuary, water accents, ponds, pools and all yard decoration) must receive written approval from the ASC prior to the acquisition of building permits or the commencement of any work, including site preparation. In order to provide a systematic and uniform review of the proposed construction, except where agreed to by the Declarant or the ASC, the design documents must adhere to the criteria and steps outlined below. (Builders, Owners, & Architects submitting plans & required data may be referred to hereafter as Lot Owner or applicants).

## **Submission of Plans to Government Authorities and Approval of Utilities**

Prior to the commencement of construction or of the delivery of materials or of a Building to a Lot and independent of this process, but after obtaining the approval of the ASC applicants must submit plans and all other required documentation to all appropriate governmental authorities and/or other such agencies having jurisdiction. Further, applicant must obtain all required permits and approvals, including any requests for variances (after obtaining variance approval from the ASC) to setback requirements and easements required by these agencies or entities. Independent of this process, applicant must obtain any approval required by a utility company or other entity to which or for which an easement has been provided.

**In no case shall the approval of the ASC supersede the authority of any agency of this type or of any utility or other entity to which or for which an easement has been provided nor shall the approval of the ASC limit any requirement of a homeowner to obtain such permits or approvals.**

## **Approval Expiration and Completion of Construction**

All improvements commenced on the Property shall be prosecuted diligently to completion and shall be completed within twelve (12) months of commencement, unless a different time is requested in writing by the ASC. In an improvement is commenced and construction is then abandoned for more than ninety (90) days, or if construction is not completed within the required 12 month period, then fines may be imposed. In addition to any other remedy, the POA may impose a fine of not less than \$500.00 per day on the Owner of the Lot who violates these requirements. Such charges shall be a

default Assessment and lien as provided in Section 4.02 of the Declaration. Landscaping shall be completed within 150 days of completion of construction (final) landscape plans within ninety (90) days of Certificate of Occupancy, landscaping completed within sixty (60) days of final submission) or fines may be imposed by the POA.

## **Construction Inspection**

Periodic inspections, with or without notice, may be conducted by the Declarant or the ASC while construction is in progress to determine compliance with any approval(s) granted. The POA is empowered to enforce its policies (as set forth in the Declaration and these Guidelines) by any action, including legal action, to insure compliance.

## **Completion in Accordance with Plans and Changes to Approved Plans**

The construction or placement of a Building on a Lot must be completed in accordance with the application and attached plans, designs or drawings as approved. Applications for changes, modifications, alterations and improvements to approved plans, specifications or landscape plans or to existing Buildings, including the repainting of a home or other structure with a color other than the originally approved color, must be approved by the ASC. No work shall commence without the aforementioned approval.

## **Exterior Repainting of Existing Homes**

Repainting of any existing Building with a color other than previously approved shall require the approval of the ASC. Color chips or samples coded to exterior elevations shall be a submittal requirement for color change approval.

## **Easements for the Declarant, the POA and for Utility/Service Entities**

It should be clearly noted by all applicants and builders that easements are provided the Declaration for the Declarant and the POA on all Lots and Common Areas and that additional easements are provided for governmental agencies and service and utility entities (cable, power, water, etc.). These easements are provided to allow the Declarant, the POA and for service and maintenance personnel associated with or employed by these parties, utility companies or other entities for which an easement is granted access for such purposes as are set out in the Declaration, the Architectural Guidelines and any established Rules and Regulation for the community, including enforcement of these documents and the construction of Buildings or the utilities that serve those Buildings or the community. These parties are allowed access to all lots in

the community and to the Common Areas at reasonable times, and where required by the Declaration, upon notice to the Lot Owner or in cases of a perceived emergency, without the permission of the Lot Owner. Subject to its rights set forth in the Declaration or in that easement, should the Declarant, the POA or such other authorized entity choose to access a Lot or Common Area through an easement granted for that purpose, they may do so and may in doing so remove, cut or displace any Building, including fencing, landscaping or any other Building within the easement, without responsibility or obligation for repair or replacement. Entry by one of these parties or their representatives on a Lot or Common Area under the terms set out in the easement or in the Declaration is not trespassing. If you would like more information on these easements and the rights of these entities to enter a Lot or a Common Area, this information is more defined in the Declaration, which is available through the office of the Declarant or where the Declarant no longer provides copies of these documents, the POA.

## **Section B – “Primary Buildings”**

This section pertains to larger Buildings such as new homes, garages, additions to existing homes, reconstruction of an existing home due to fire or other damage (with changes to exterior elevations or surfaces) and the initial landscape plan for a new home, etc. (“Primary Building”).

There shall be at least two (2) steps in the review process for new homes and for additions to existing homes: (1) ARCHITECTURAL REVIEW and (2) LANDSCAPE DESIGN REVIEW, which may be one process or which may be separated by the Declarant or the ASC by granting conditional approvals. In addition, the requirements for review for any Primary Building may be more limited or may require that information or documentation in addition to that set out herein be submitted.

As part of the completion of any approved Primary Building or landscape installation, Lot Owners are required to install adequate sod, shrubs and drainage and erosion control elements so as to provide proper control of drainage and erosion upon and from a Lot.

## **Step One: Architectural Review (for Non-Landscape Primary Buildings)**

### **Submittal Requirements**

Applicants must provide the following items at the time of application:

#### **(A) Architect & Builder Information**

A letter of application, if not on an approved list. (The ASC must approve all architects, builders and residential designers etc.)

**(B) Working Drawings:**

Two (2) complete sets of working drawings to include the following:

**1. Site Plan**

A 1" = 20' scale (or other acceptable scale) site plan defining all pertinent information that would include, but is not limited to, where applicable: property lines, set backs, easements, basements, right-of-ways, driveways (material and specifications), sidewalks (material and specifications), patios/decks (material and specifications), walkways (material and specifications), storage facilities, dog houses and pens, screened areas (for boats, RVs, clotheslines, exposed garbage containers, etc.), pools (material and specifications), culverts, well and pump house (if applicable), dwelling perimeters (1<sup>st</sup>/2<sup>nd</sup> floor), roof line/overhang, walls & fences (include type of material and design), mailboxes (include manufacturer and design), garbage and utility areas, electric service, and air conditioning equipment.

**2. Exterior Elevation and Plans**

**(a) Exterior Elevations**

Exterior elevations providing a reasonable representation (satisfactory in clarity and detail to the ASC) of all Building(s) to be constructed or placed on the Lot must be submitted. Elevations will be reviewed for, among other criteria, architectural design, color, and materials and aesthetic appearance in terms of the overall dwelling and its relationship to other homes within the community. With the application for review, applicant shall provide material and color choices for visible exterior surfaces (with samples and product photos showing specifications & manufacturers etc., when required) of all Building(s) to be placed on the Lot. The ASC may consider the extent to which the color plan conforms to the natural color scheme of and for the community.

**(b) Plans**

¼" = 1'0' scale (or other acceptable scale) site-plan and construction drawings including wall detail, roof pitches, (and if not provided with accompanying elevations, a list of materials and manufacturers to be used on any visible exterior surfaces, such as: building walls, fencing & screening, decks, mechanical equipment,



screened enclosures, etc.). The following are examples of details that should be included, where applicable on plans:

**Roofs:** materials, manufacturers, color

**Building Walls:** materials, manufacturers, color

**Windows and Doors:** Manufacturer, style, finish, color

**Facia and Trim:** materials, color

**Shutters:** material and color

**Railings:** materials, manufacturers, color

**Garage Doors:** manufacture, style, material, finish, and color  
(see garage in GENERAL DESIGN GUIDELINES)

**Driveway Criteria:** materials, finish, color (see Driveways in  
General Guidelines)

(c) **Other Submittal Requirements:**

Applicant shall submit all other items as required by the ASC.

**Note: REVIEW OF STAKING:** If required by the ASC applicant shall meet on the Lot to review stakeout and plans with a representative of the ASC. Lot will be staked prior to inspection showing setbacks & location of all Buildings.

**Step Two: Landscaping Plan Review (New Home or Initial Plan)**

Applicants must submit and have approved landscape plans in advance of planting and special grading.

**Submittal Requirements**

**(A) Criteria for Landscape Plans:**

A Landscape Plan shall be provided by the Lot Owner at a 1' = 20' scale (or other acceptable scale), which shall include in addition to all other pertinent information, where applicable, a drainage pattern, all easements, right-of-ways, existing trees (site visit and marking may possibly be substituted), plant material (grass, shrubs, trees including names, sizes, approximate heights), exterior lighting details, and other Buildings (material and colors) and all natural areas to be left unchanged.

The design and location of all water accents such as fish ponds, waterfalls, etc. on any Lot must be approved prior to installation and Buildings of this type shall only be approved in areas where they cannot be viewed from the community's streets or from adjoining Lot.



**(B) Builder and Applicant’s Requirements for Completion of Landscaping:**

- 1. Landscaping and drainage/erosion control for all homes:** Prior to delivery of a Lot and home for occupancy, the Lot shall be landscaped in accordance with the minimum builder standards set out by the Declarant or an alternative landscape plan approved by the Declarant or the ASC. Thereafter, the responsibility for meeting the criteria set out herein, in the Declaration or by the ASC, shall be that of the Owner of the Lot. In addition to meeting these aesthetic standards and prior to occupancy, builders are required to install any necessary landscaping and drainage/erosion control elements, so as to provide proper control of drainage and erosion upon and from a Lot (see drainage and erosion control sections of this document and the Declaration for further details).
- 2. Completion in Accordance with Approved Plans:** All landscaping shall be completed in accordance with the minimum builder standards set out by the Declarant or an alternative landscaping plan approved by the Declarant or the ASC. Prior to installation, any additional landscaping or changes to the approved plan must be submitted and approved by the Declarant or the ASC.

**Section C – “Secondary Buildings”**

This section pertains to smaller Buildings such as fences, sheds, pools and changes to installed landscaping, water accent areas and Buildings, etc.

There shall be at least two (2) types of approvals required for Secondary Buildings: (1) ARCHITECTURAL REVIEW and (2) LANDSCAPE PLAN REVIEW, which may be one process or which may be separated by the ASC by granting conditional approvals. In addition, the requirements for review for any Secondary Building may be more limited or may require that information or documentation in addition to that set out herein be submitted.

As a part of the completion of any approved Building or landscape installation, Lot owners are required to install adequate sod, shrubs and drainage and erosion control elements so as to provide proper control of drainage and erosion upon and from a Lot.

The design and location of all water accents such as fish ponds, waterfalls, etc., on any Lot must be approved prior to installation and Buildings of this type shall only be approved in areas where they cannot be viewed from the community’s streets or from adjoining Lot.

## **TYPE I: Architectural Review for Non-Landscape Secondary Buildings**

In addition to any other information, drawings, pictures or other illustrations requested by the ASC applicants must provide the following items at the time of application:

### **Submittal Requirements**

#### **(A) Site Plan, Closing Survey or Other Acceptable Documents:**

Two (2) copies of a closing survey or other acceptable document identifying any existing Buildings on the Lot and the proposed location of any Secondary Building(s) to be placed or constructed on the Lot. These Buildings may include where applicable, but shall not be limited to: property lines, set backs, easements, right-of-ways, driveways, sidewalks, patios/decks, walkways, storage facilities, dog houses and pens, screened areas (for boats, RVs, clotheslines, exposed garbage containers, etc.), pools, culverts, well and pump house (if applicable), dwelling perimeters, walls & fences, mailboxes, garbage and utility areas and air conditioning equipment.

In the case of changes to existing Secondary Buildings, two (2) copies of closing survey or other acceptable document with the information outlined above indicating the location and dimensions of any adjustments to the size, shape, material or color of any existing Building(s).

#### **(B) Plans & Exterior Elevation:**

With respect to all non-landscape applications, two (2) copies of a drawing, picture or other illustration of the Secondary Building to be placed or constructed on the Lot, that are acceptable to the ASC. Drawings and exterior elevations will be reviewed for, among other criteria, architectural design, color, and materials and aesthetic appearance in terms of the overall dwelling and its relationship to other homes within the community.

#### **(C) Materials List:**

With respect to all non-landscape applications, two (2) copies of a list of the material(s) to be used on any exterior surface(s) of the Secondary Building that may be visible from the roads, surrounding properties or any Lots within the community. Applicant shall provide

exterior material and color choices for: walls, fencing & screening, decks, mechanical equipment, screened enclosures, etc. and if requested, samples and product photos showing specifications & manufacturers as well as any other information.

## **TYPE II: Landscape Plans (In addition to New Home or Initial Plan)**

### **Submittal Requirements**

#### **(A) Criteria for Landscape Plans:**

Landscape plans for any portion of a Lot shall be submitted by applicants and approved by the ASC in advance of planting or grading. A landscape plan shall be provided by the applicant at a scale acceptable to the ASC and shall contain, in addition to all other pertinent information, where applicable, a drainage pattern, all easements, right-of-ways, existing trees, plant material (grass, shrubs, trees including names, sizes, approx. heights), exterior lighting details, and other Buildings (material and colors) and all natural areas to be left unchanged.

#### **(B) Changes to Landscape Plans:**

With respect to changes to any existing landscape plans, applicant shall submit two (2) copies of a closing survey or other acceptable document providing the details of the adjusted (finished) landscape plan (including plant material to be removed or added) and any major changes to the existing plan (cutting of trees, changing of elevation or drainage patterns, etc.) that are proposed.

#### **(C) Completion of Landscape:**

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

## **Part III – Design Guidelines and Standards**

This portion of the Document provides several important definitions and sets out guidelines for the placement or construction of some, but not all Buildings on Lots and Common Areas.

### **Section A – Definitions and General Information**

#### **Minimum Square Footage**

The “**Minimum Square Footage**” means and refers to air-conditioned/heated space within a dwelling. The Minimum square footage for all dwellings shall be as established by the Declaration and modified by the Declarant or the ASC as they desire from time to time.

#### **Building Setbacks**

A “**Setback**” is a specific distance from a front, rear or side property line that establishes an area in which the construction or placement of Buildings is limited or entirely prohibited. Setbacks are established by the Declaration, by their inclusion on recorded plats and by ordinances created and enforced by local and county governmental entities that are granted this authority. Most Primary Buildings may not extend into the area established as a building setback from a property line. In some cases, Secondary Buildings, if approved, can be placed in these areas. When minimum setbacks are established by the Declaration or by a recorded plat, in most cases they mirror those setbacks established by the governmental entity. Where a variance exists between those set out in the Declaration or on a recorded plat and those created by a governmental entity, the most restrictive standard shall apply. To have assumed the responsibilities of a co-permittee and be bound to the above mentioned Plans and indemnify and hold the Declarant, the POA and the ASC harmless from any and all deviations by the Lot Owner or their builder from that Plan or from the Lot Owner’s or builder’s failure to comply with this Declaration or any applicable legislation, laws, statutes or ordinances, whether such language is included in that deed, contract, or acceptance or assignment document or whether they have executed a “co-permittee agreement” or not.

All grading, temporary and permanent shall be performed in a manner to allow for proper drainage, to properly manage the flow of storm water run-off and to control erosion. During and after construction, Owner (and during construction, Owner’s building contractor) shall be responsible for maintaining all grading and surface drainage so that surface run-off grading will neither cause the damming of water or excessive run-off to occur or sediment loss to wash onto or accumulate on adjacent lots, or other adjacent properties, into bodies of water, or onto the streets of the Community or into the storm drainage system, nor shall it adversely affect any adjoining Lot or properties, any Building(s) on that Owner’s Lot or on other properties or any

portion of any adjoining Lot or other properties, the streets of the community, the storm drainage system or any body of water. Owner and Owner's building contractor shall provide rip-rap, gravel exits, water bars, berms, sediment fences, hydro-seeding and sod, or other forms of erosion control as may be required by the POA or ASC or any governmental agency.

Owner (and owner's building contractor upon completion of construction) shall insure that the grade of the Lot and any adjustment to that grade thereafter, does not cause the depth of any utilities installed upon the Lot to be reduced to less than the standard set forth by the utility provider or any applicable code, statute or law, whichever may be deeper.

Minor drainage, defined as drainage affecting more than one Lot that is not accepted for maintenance by any county or municipality or other like entity, shall be maintained by the Owner of the Lot or the Owners of the Lots, unless accepted for maintenance by the POA provided, however, that in the event that an Owner neglects or fails to keep the minor drainage located on their Lot free and clear of obstructions or blockage or if an Owner shall damage or destroy the minor drainage on their Lot, the POA may in addition to any other remedy, enter the Lot and clear any obstruction of and repair any damage to the minor drainage on the Lot. The determination as to whether an Owner has neglected or failed to keep the minor drainage located on the Lot free and clear of obstructions or blockage or has damaged or destroyed the minor drainage on the Lot shall be made by the Board of the POA or by an entity authorized to do so by the Board of the POA in its sole discretion. In the event that the POA determines that the need for maintenance, repair or replacement of the minor drainage, which is the responsibility of the POA hereunder, is caused through the willful or negligent act of an Owner, or the family, guests, employees, lessees, or invitee(s) of any Owner, then the POA may perform such maintenance, repair or replacement at the sole cost and expense of the Owner of the Lot or the Owners of these Lots, and all costs thereof, together with any Assessments for Non-Compliance (where applicable) levied by the POA for non-compliance and all costs of the collection shall be added to and become a part of the assessment to which such (Owner(s) is subject and shall become a lien against the Lot of such Owner(s). Each Owner is responsible for the actions of and the compliance with these documents and the regulations by the family, guests, lessees, employees or invitee(s) of that Owner and shall further be responsible for the payment of any Assessments levied for that non-compliance and all costs associated thereto.

## **Removal of Trees**

The removal of any tree more than 8" in diameter at a height 4' above grade must be approved by the ASC. All applicants shall make a diligent effort to protect all remaining trees during construction, to provide staked-off areas to protect root systems from heavy vehicles and equipment, to install tree wells and to take other precautions in cases where fill is required around trees. Fill shall not be deposited at any location without prior approval of the ASC. Cut or fill shall be planted with plant materials that

shall blend with native vegetation. Cuts and fills should be designed to compliment the natural topography of the site.

## **Section C – General Design Guidelines**

The following list summarizes some of the design elements that the ASC may require. Also required is compliance with all deed restrictions as found in the Declaration.

### **Air-Conditioning Units**

The location and type of screening for all air-conditioning/heating equipment to be located on any Lot must be approved by the ASC. No window air-conditioning units will be permitted except as approved by the ASC.

### **Antennae, Satellite Dishes, Etc.**

Except as prohibited by law, but not limited to 47 DFR 1.4000, no radio or television transmission or reception towers or antennae shall be erected on any Building or within the property without the prior written approval of the ASC nor shall any other form of electromagnetic radiation be permitted to originate from any Lot that interferes with the reception of television or radio received upon any other Lot. In no event shall free standing transmission or receiving towers, or satellite dishes, be permitted without approval of the ASC provided such approval does not violate the law.

Except as otherwise required by 47 CFR 1.4000 no outside antenna or satellite dish for radio or television shall be constructed, erected, or maintained at any time on any Lot without being screened and without the approval of the ASC. Subject to applicable law, no Building, other than a Building approved by the ASC shall be used as an antenna.

### **Basketball Goals and Playground Equipment**

There shall be no permanent basketball goals installed on a home and no basketball goal or other form of playground equipment installed in any location on a Lot that is within view of the roadways or other lots, unless screened in a manner that is approved by the ASC.

### **Clothes Lines**

Clothes lines shall **not** be allowed

### **Decks and Patios**



All decks and patios must be approved by the ASC.

## **Driveways**

The minimum width of any driveway shall be 10'. The minimum width of any driveway at the entrance to any garage shall be 6" outside of the door opening. With the exception of standard, un-patterned concrete, surface material and any design must be approved by the ASC. When concrete is used, slab is to be 4" minimum. The location must be approved by the ASC.

Finished materials other than concrete must be approved by the ASC. Additions to existing driveways must be of a sufficient size to prevent them from appearing to be additions and must match the existing driveway in elevation, finish, material and color, etc.

## **Exterior Lighting**

All exterior lighting, including bug lights, shall be subject to approval by the ASC. No exterior lighting of any type shall be permitted on a Lot, which in the opinion of the ASC would create a nuisance to the adjoining property owners.

## **Fences**

The design and specific location of all fences and other similar Buildings that are to be constructed or installed on a Lot must be approved by the ASC prior to the start of clearing, site preparation or delivery of materials to the site. Fences that are an average of six feet (6') in height are encouraged. Where possible, fences should completely surround the perimeter of the rear yard, extending no further forward on either side of the home than the center one-third (1/3) of the home. In areas where there is an existing fence adjacent to the Lot line (on or near the property line) it is suggested that any new section of fencing be attached to that existing fence. In order to connect any portion of a fence to an existing fence on an adjoining Lot, the permission of the adjoining Lot owner must be obtained prior to the start of construction. In areas where no existing fence exists, fences should be constructed three inches (3") to six inches (6") on the inside of the property line and adjoining Lot owners should be allowed to connect to the fence when a request to do so is made. In all cases, any unfinished side of a fence must be constructed or placed in a manner that causes that unfinished side of the fence to face the interior of the Lot.

## **Flags**

Flags and the poles for displaying the same (other than the American flag) shall be permitted only upon the approval as to size, content, placement, color, finish, and design of the ASC.



## **Garages**

All new construction must include a two-car attached garage. The size, location, number of bays and the width of the driveway approaching and entering any garage shall be subject to approval by the ASC. Carports are not permitted where seen from the road. All garages shall have concrete floors. The use of side loading garages is encouraged where possible. Front loaded garages shall be considered based on the exterior elevation and the number of this type located near the subject Lot.

## **Sidewalks**

All sidewalks on the street side of the house are to be a minimum width of 4 feet and minimum thickness of 4 inches. Material must be of standard concrete.

## **Mailboxes and Property Identification Markers**

The ASC shall have the right to approve the location, color, size, design, lettering and all other particulars of receptacles for the receipt of mail, newspapers or similarly delivered materials, and of name signs for such receptacles, as well as property identification markers. All such receptacles shall conform and be maintained specifically in accordance with the approved design for the community, if established by the ASC. Any replacement shall be an exact replica from the supplier designated by the ASC.

## **Playground Equipment, Etc.**

All playground equipment, including but not limited to basketball goals, soccer nets, etc., shall be placed to the rear of the residence, and shall only be permitted if property screened and upon the approval of the ASC.

## **Roofs**

Roofs for all additions to existing Buildings must match the roofs on the existing Building in material, color and pitch, etc., unless other wise approved by the ASC.

## **Signs/Banners/Etc.**

Unless approved by the ASC signs of any type are prohibited. No banners, letters, or signage of any kind shall be erected or attached to any home or Lot or located in or about windows visible from the street or adjoining properties without the approval of the ASC. Such approval shall not in any way set a precedent or establish a policy

with respect to the approval or disapproval of other signage to be located in any other location within the Community.

For Rent signs are **not** allowed. Only one builder-identification and one approved "For Sale" sign shall be permitted on any one Lot for homes or lots for sale that are owned by the Declarant or by a builder approved by the Declarant, unless approval for multiple signs is granted by the ASC. No "For Sale by Owner", subcontractor, lending institution or other types of signs are allowed unless required by law or approved by the ASC. All Builder identification signs and "For Sale" signs must be removed from lots or homes within 10 days of withdrawal from the marketplace or 10 days after closing or transfer of property.

Owners or their agents may not place any other signs on or about any of the road right-of-ways (in or adjacent to the community), lots, common areas, or easements within the community without approval of the ASC.

If permitted, no sign shall exceed 3' X 2' unless approved by the ASC. The type of post or mounting Building, as well as the color selections, shall be approved. No fluorescent colors will be permitted. All signs shall be professionally painted and provide a neat and orderly appearance. Only free-standing signs on support posts are allowed and must be located at least three (3') behind the front property line.

## **Solar Panels**

Solar panels or any type shall be reviewed on an individual basis and approved by the ASC.

## **Storage Buildings and Outbuildings**

All outbuildings, including but not limited to storage buildings, dog houses and play houses and any required screening thereof shall be approved by the ASC, who shall have the sole authority to determine the appropriateness of such outbuildings. The design and specific location of all outbuildings, storage buildings and other such Buildings to be constructed or placed on a Lot must be approved by the ASC prior to the start of clearing, site preparation or delivery of materials to the site. All Buildings of this type shall be constructed of exterior materials (siding, shingles, trim and exterior paint color) and be of a design (roof pitch, overhang, etc.) that closely match those of the home on the Lot on which they are to be constructed or placed, unless otherwise approved by the ASC.

## **Swimming Pools**

The type, elevation, size, color, materials composition, construction and any other visible characteristic of any swimming pool shall be subject to the approval of the ASC. All swimming pools must be consistent with reasonable standards of safety and

any and all County or other governmental agency requirements. Applications for swimming pools are viewed on a case-by-case basis. In any case where a pool is approved, its installation and use shall comply with all SCDHEC rules, regulations and standards and the pool Building shall be fully decked and screened with evergreen trees and shrubs in a manner approved by the ASC that properly hides the pool and pool equipment from view. The installation of a 6' privacy fence (or other approved fencing) surrounding the pool area or the entire rear yard shall be a condition of any approval. Approval for the construction or placement of a pool on one Lot in no way sets a precedent or guarantees approval for a similar pool on any other Lot within the community.

### **Temporary Buildings, Etc.**

Unless approved by the ASC, no Building of a temporary nature shall be erected or allowed to remain on any Lot. This shall not be construed to prevent the Declarant or builders approved by the Declarant and those engaged in construction from using sheds, construction trailers, or other temporary Buildings during construction in a manner approved by the ASC.

### **Trash Containers**

The ASC shall have the right to approve the location, color, size, design, lettering and all other particulars of receptacles for the receipt of trash and garbage and the location for pickup for such receptacles, if not determined by a governmental agency. All such receptacles shall conform and be maintained specifically in accordance with the approved design. Any replacement shall be an exact replica from the supplier designated by the ASC.

### **Walls**

No fence or wall shall be erected, placed, replaced or altered on any Lot unless approved by the ASC. (See in Community Specific Criteria for fence standards.)

## **Part IV: Amendment of this Document**

These standards and procedures are subject to change by the ASC at any time, and from time-to-time. The ASC shall not be bound by the standards set forth herein and any decisions made there under in making any subsequent changes to these Guidelines that it deems necessary or desirable.

**NO APPROVAL OF PLANS, LOCATION OR SPECIFICATIONS BY THE ASC AND NO PUBLICATION OF ARCHITECTURAL STANDARDS OR GUIDELINES SHALL BE CONSTRUED AS REPRESENTING OR IMPLYING THAT SUCH PLANS, SPECIFICATIONS OR STANDARDS WILL, IF FOLLOWED, RESULT IN A PROPERTY DESIGNED OR CONSTRUCTED RESIDENCE. ALL PLANS SUBMITTED SHALL MEET LOCAL GOVERNMENT'S BUILDING CODE AND ZONING ORDINANCES. THE ASC ASSUMES NO RESPONSIBILITY FOR REVIEW FOR COMPLIANCE WITH THESE CODES. WHEN LOCAL GOVERNMENT ORDINANCES ARE IN CONFLICT WITH THESE REQUIREMENTS, THE STRICTER SHALL APPLY. NEITHER DECLARANT, NOR ANY OTHER MEMBER OF AN ASC SHALL BE RESPONSIBLE OR LIABLE IN ANY WAY FOR THE DEFECTS IN ANY PLANS OR SPECIFICATIONS APPROVED BY THE ASC, NOR FOR ANY STRUCTURAL DEFECTS IN ANY WORK DONE ACCORDING TO SUCH PLANS AND SPECIFICATIONS APPROVED BY THE ASC. FURTHER, NEITHER THE DECLARANT, THE POA, THE ASC NOR THEIR RESPECTIVE SHAREHOLDERS, DIRECTORS, OFFICERS, AGENTS, OR ATTORNEY SHALL BE LIABLE TO ANYONE BY REASON OF MISTAKE IN JUDGMENT, NEGLIGENCE, MISFEASANCE, MALFEASANCE OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL OR DISAPPROVAL OR FAILURE TO APPROVE OR DISAPPROVE ANY SUCH PLANS OR SPECIFICATIONS OR THE EXERCISE OF ANY OTHER POWER OR RIGHT OF THE DECLARANT OR THE ASC PROVIDED FOR IN THIS DELCARATION. EVERY PERSON WHO SUBMITS PLANS AND SPECIFICATIONS TO THE ASC FOR APPROVAL AGREES, BY SUBMISSION OF SUCH PLAN AND SPECIFICATIONS, AND EVERY OWNER OF ANY LOT AGREES, THAT HE WILL NOT BRING ANY ACTION OR SUIT AGAINST DECLARANT OR THE POA, ITS BOARD MEMBER OR OFFICERS, OR ANY MEMBER OF THE ASC TO RECOVER ANY SUCH DAMAGES, AND HEREBY RELEASES, REMISES, QUIT CLAIMS, AND COVENANTS NOT TO SUE OF ALL CLAIMS, DEMANS, AND CAUSES OR ACTION ARISING OUT OF OR IN CONNECTION WITH ANY LAW WHICH PROVIDES THAT A GENERAL RELEASE**

DOES NOT EXTEND TO CLAIMS, DEMANDS AND CAUSES OF ACTION NOT KNOWN AT THE TIME THE RELEASE IS GIVEN. NEITHER THE DECLARANT, THE POA NOR THE ASC SHALL BEAR RESPONSIBILITY FOR THE REPAIR OR REPLACEMENT OF ANY LANDSCAPING, SPECIAL GRADING, OR BUILDING PLANTED OR CONSTRUCTED WITHIN A PROSCRIBED EASEMENT, WHETHER PLANTED OR CONSTRUCTED INTENTIONALLY OR INADVERTENTLY AND WHETHER APPROVED OR NOT BY THE ASC.

## **Builder Requirements**

**Important Note:** All exterior plans, specifications and elevations of any Building, including landscaping and outbuildings, must be approved by the ASC and any appropriate governmental authority prior to the clearing of the Lot or the commencement of construction. No Lot Owner should assume that approval is granted or that approval will be granted for plans that are the same or similar to those already approved. The criteria for design, the process for approval, and all other conditions for beginning construction are outlined in the Architectural Review Guidelines.

## **Conflict Between Documents**

In case of a conflict between these Architectural Guidelines and the Declaration, these Architectural Guidelines will control.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006

WOOD CREEK AT CONWAY, LLC.  
BY: \_\_\_\_\_

ITS: \_\_\_\_\_