

APPENDIX C-1
EXCERPTS FROM MASTER DECLARATION RE ARCHITECTURAL REVIEW

2.4. DEVELOPMENT AND ARCHITECTURAL REVIEW

2.4.1. Development Activity Requiring Review

Unless otherwise expressly permitted in writing by the Declarant, the Board of Directors or the Development Review Board, no clearing, grading or excavation; removal or severe pruning of a tree having a trunk diameter greater than eight (8) inches at five (5) feet above surrounding grade; or construction of any residence, building, fence or wall, pool, fountain, terrace, patio, deck, road, walkway, antennae, lighting, or other structure on a Lot shall commence, and no modification thereto shall occur (such commencement or modification being cumulatively referred to as "Development Activity"), until such Development Activity has been approved by the Development Review Board. In its sole discretion, however, the Board of Directors or Development Review Board may delegate in writing some or all of its authority for review of such Development Activity to any Person or Persons, including the Board of Directors of any Subordinate Association or any architectural review entity that may be established by such Subordinate Association.

2.4.2. Compliance with Development Guidelines

The Developer of a Parcel and each Unit Owner shall comply with the Development Guidelines for Park West, dated June 1, 1999, prepared by Design Works L.C., as they may be amended by Declarant from time to time (the "Development Guidelines"), which Development Guidelines are incorporated herein by reference.

2.4.3. Composition of Development Review Board

As long as the Declarant has a Controlling Interest in the Property, the number of Persons composing the Development Review Board shall be determined by the Declarant or its designee. Thereafter, the number of Persons composing the Development Review Board shall be determined by the Board of Directors of the Association. A member of the Development Review Board need not be an Owner. The Development Review Board may also select such non-voting advisors or consultants as it may determine are useful in evaluating a submission for Development Activity.

2.4.4. Review of Development Plans for Parcels

Unless waived in writing by Declarant, the following shall require written approval by the Development Review Board in accordance with review procedures issued by the Development Review Board from time to time: (i) Development Plan (as defined in the Development Guidelines); (ii) a site plan showing the proposed location of all structures in the Parcel (excluding single family homes), roads, curbs, utilities, paths, signage, exterior lighting,

landscaping, etc.; and (iii) all construction, landscaping, lighting, signage or similar development in the Park West Boulevard Buffer, the Neighborhood Entry Buffers or the Adjacent Parcel Buffers, as defined in the Development Guidelines. The Developer of a Parcel may also impose additional restrictions on such Parcel if such restrictions do not conflict with the Development Guidelines, in the opinion of the Development Review Board.

2.4.5. Review of Residences and Other Development Activity

The Development Review Board may, from time to time, establish procedures and policies for review of proposed residences and other Development Activity. In addition, the Board of Directors may, from time to time, establish or approve, in writing, architectural and/or landscape design standards for various Parcels within the Property, which standards shall be set forth in one or more Subordinate Declarations. In recognition of the fact that various portions of the Property may be intended for residences and structures of different types, cost, quality, complexity, motifs, architectural concepts and density, there shall be no requirement that the procedures and policies for review of all structures and Development Activity within the Property be identical, or that the architectural and/or landscape design standards for various Parcels be identical. The Development Review Board may, in its sole discretion, modify or waive established procedures and policies, or architectural and/or landscape design standards, in order to deal with hardships determined to exist, or new or unique issues, or for other purposes determined by the Development Review Board to be in the best interests of the Property.

2.4.6. Enforcement

The Declarant, the Association or the Development Review Board shall have authority to monitor Development Activity and to halt or require modification of Development Activity not executed in accordance with approved plans, established procedures, policies or standards, this Declaration, or the Rules and Regulations. Enforcement shall occur in accordance with Section 8.3 of this Declaration.

2.4.7. Obtaining Copy of Development Guidelines, Policies and Procedures

A copy of the current Development Guidelines and/or any current review procedures or policies which apply to a particular Parcel or portion of the Property shall be provided to any Owner by the Association upon written request to the Development Review Board, in care of the Association, as set forth in Section 8.11 of the Declaration. The Association may charge a reasonable fee to cover the delivery, administrative and reproduction costs for so providing.

2.4.8. Fees for Review of Development Activity

The Board of Directors may establish a schedule of fees for review or inspection of Development Activity in order to cover the reasonable costs to the Development Review Board or the Association regarding such matters, such as administrative and operating expenses, storage of materials, consultation, site inspections; etc.

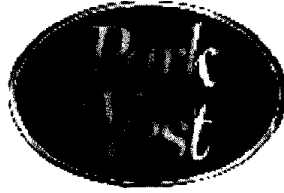
2.4.9. Deposits for Proper Performance of Development Activity

The Board of Directors may establish a schedule of deposits to be paid by an Owner prior to commencement of Development Activity. The purpose of such deposits may include, without limitation, to provide adequate funds to insure compliance with approved plans and conditions for Development Activity, including required landscaping; to enforce applicable rules and regulations; to place and collect trash containers at the site or to remove trash from the site; to enforce parking rules and regulations; etc. Upon completion of the Development Activity, any unused deposits shall be refunded to the depositing Owner.

2.4.10. No Liability for Development Activity Review

Neither the Development Review Board, the Declarant, the Board of Directors, the Association, nor any Person who is a member of such entity, shall be responsible or liable in any way for any defects in any plans or specifications approved by the Development Review Board or any entity to which the Development Review Board has delegated responsibility, nor for any structural defects in any work done according to such plans and specifications. Further, such Persons shall not be liable for damages to any Person submitting plans or specifications for approval under this Section, or to any Person affected by such plans, specifications, approval or disapproval as a result of mistake of judgment, negligence or non-feasance arising out of, or in connection with, the approval or disapproval or failure to approve or disapprove any such plans or specifications.

APPENDIX C-2



ANDOVER

NOTE: IF THERE IS A CONFLICT BETWEEN ANY PROVISIONS OF THIS APPENDIX C-2 AND THE RULES AND REGULATIONS OF EXHIBIT C, THE BOARD OF DIRECTORS OF THE MASTER ASSOCIATION, OR ITS DESIGNEE, SHALL HAVE THE AUTHORITY TO DETERMINE THE PROPER STANDARD.

ARCHITECTURAL AND LANDSCAPING DESIGN STANDARDS

Effective as of November 1, 1999

Park West

BK T338PG369

Andover

ARCHITECTURAL AND LANDSCAPING DESIGN STANDARDS

Effective as of November 1, 1999

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ARCHITECTURAL AND LANDSCAPING DESIGN STANDARDS

Andover

Effective as of June 1, 1999

1. Overview.

1.1. The Standards. Andover is a residential neighborhood in the Park West Planned Unit Development in Mount Pleasant, South Carolina, located on the historic Wando River in Charleston County. *Park West* includes 1,700 acres and is bordered with over four miles of water frontage on the Wando River, Toomer Creek and Darrell Creek and is nestled within a sanctuary of marshes, century old oaks, tall pines and natural vegetation. These lands blessed with natural beauty and bountiful resources, through thoughtful stewardship and basic respect, will remain largely intact and undisturbed. As such, it is imperative that the homes and the homesites must not detract from or conflict with the natural character that has survived over hundreds of years.

The following Architectural and Landscaping Design Standards (the "Standards") have been developed to aid homeowners, architects, builders, design professionals, landscape architects and designers in the understanding of what the Tenneyson neighborhood is to be, and how to accomplish the goals of the development as a whole. Buffered on the north and west by Toomer Creek and protected beautiful marshes, the residents of Andover can respond to the natural environment by encouraging quality, respect for the land and attention to detail, by creating a traditional theme and consistency in improvements. By so doing, the serenity and beauty can be preserved and the property values can be protected and enhanced. In this regard, these Standards are intended to provide direction to lot owners, architects, builders and the design team in the planning, design and construction of their residences.

Further, these Standards are established to be used in harmony with the covenants, restrictions and codes that are noted on deeds, plats, and the Declaration of Covenants and Restrictions for *Park West* and Andover. The provisions of these Standards shall not be construed as absolute rules binding on the Park West Architectural Review Board (ARB), as they may not contain all building uses, materials, easements, setbacks, deed restrictions, etc. which may apply to each individual lot. Therefore, each homeowner and builder should familiarize themselves with the various applicable codes and building regulations.

1.2. Authority. These Standards are established by Park West Development, Inc., (the "Declarant") pursuant to the Andover at Park West Association, Inc., A Park West Neighborhood, Declaration of Covenants, Conditions and Restrictions. Any capitalized terms in these Standards not defined herein shall have the same meaning as more specifically set out in the Master Association Covenants, Conditions and Restrictions (as defined below).

These Standards are in addition to the Development Standards established by the Park West Master Association Covenants, Conditions and Restrictions (the "Master Association").

These Standards shall be administered by an Architectural Review Board ("ARB") established by the Declarant (which may be the Development Review Board of the Master Association) and consisting of a minimum of two persons appointed by the Declarant, neither of which need, but may be, employees of the Declarant. Prior to commencing the preparation of Final Plans, it shall be the responsibility of each Lot Owner to obtain from the ARB the most current version of these Standards (and all amendments hereto). All Final Plans shall be prepared in compliance with the most current version of these Standards (and all amendments hereto) that have been promulgated by the ARB as of the date Final Plans are submitted to the ARB.

1.3. Applicability to Lots. As to any platted Lot in Andover (hereinafter referred to as "Lot") sold to builders or consumers, no Improvements may be commenced, erected or maintained until the ARB has given its written approval of Final Plans under Paragraph 3.4. below, and given its written Approval to Commence construction under Paragraph 3.5. below, pursuant to these Standards, including any amendments or revisions hereto in effect on the date such Final Plans are submitted to the ARB.

These Standards shall apply to all such Lot Owners and builders at Andover, and any reference herein to an "Owner" shall also apply to the Owner's builder and subcontractors.

1.4. Advisory Design Professionals. The ARB may retain an architect and/or other design, landscaping and construction professionals to advise it in the plan review and approval process. Lot Owners and builders may wish to consult with these professionals on a preliminary, informal basis with questions about the design intent of these Standards and their application to the overall design or design features of individual houses and landscaping. Since these professionals will be advisors only, their views and opinions will be considered by, but will not be binding on, the ARB. The ARB will make the names and telephone numbers of these professionals available on request.

1.5. Definition of "Improvements". The term "Improvements" shall mean and

include any and all man-made changes or additions to a Lot, connecting to, or appurtenant to, a Lot, including but not limited to, the location, materials, size and design of all buildings (including any exterior devices attached to or separate from buildings, such as heating and air conditioning equipment, solar heating devices, antennae, satellite dishes, clothes lines, etc.), storage sheds or areas, piers, mooring posts, boat lifts, docks, boat slips, boathouses, roofed structures, parking areas, fences, "invisible" pet fencing, pet "runs", lines and similar tethers or enclosures, walls, landscaping (including cutting of trees), hedges, mass plantings, poles, driveways, ponds, lakes, changes in grade or slope, site preparation, swimming pools, hot tubs, Jacuzzis, , tree houses, basketball goals, skate ramps and other sports or play apparatus, signs, exterior illumination and changes in any exterior color or shape. The definition of Improvements includes both original Improvements and all later changes to Improvements. However, the definition of Improvements does not include the replacement or repair of Improvements previously approved by the ARB, provided that such replacement or repair does not change exterior colors, materials, designs or appearances from that which were previously approved by the ARB.

1.6. Philosophy. These Standards have been developed to implement the design philosophy of *Park West*. Specifically, to blend structures and resident lifestyles into a harmonious and aesthetically pleasing residential community while placing a strong emphasis upon the preservation and enhancement of the natural beauty of *Park West*. These Standards are intended to provide direction to Lot Owners and builders in the planning, design, and construction of their residences. The purpose of these Standards is to create a theme and consistency in Improvements with an emphasis upon quality of design and compatibility among all Improvements. No one residence, structure, or other Improvement should stand apart in its siting, design, or construction so as to detract from the overall environment or appearance of Andover.

2. Design Standards. The statements and Standards in these Standards shall be explanatory and illustrative of the general intent of the development of the Lots and are intended as a guide to assist the ARB in reviewing preliminary plans, the Final Plans and other submittals; the provisions of these Standards shall not be construed as absolute rules binding on the ARB. The ARB may issue changes to these Standards from time to time due to changing requirements of governmental agencies and financial institutions; due to the evolution of the state of the art of community planning and development; due to changes in technology including changes in materials; and, due to other considerations as determined by the ARB.

2.1. Architectural Theme. Andover is a planned residential neighborhood within the Planned Unit Development of *Park West*, designed in response to the environmental and cultural heritage of the land. For centuries, this land has been treasured for its serene and peaceful forests, relationships to the rivers and creeks and its abundant wildlife. The

developers of Andover believe that it is appropriate for the residences planned and built here to reflect the heritage that recalls the elegance, simplicity, and grace of the 18th, 19th and 20th-century architecture of the Low Country. Such building styles as Federal, Plantation Revival, Traditional Low Country, Greek Revival and Georgian Colonial will be considered as appropriate, properly site adapted for the Andover setting. The purpose of these Standards is to create a theme of consistency in improvements with an emphasis upon quality of design and compatibility among all improvements. No one residence, structure or other improvement should stand apart in siting, design or construction as to detract from the overall appearance of Andover. Through the faithful adoption and enforcement of these Standards, Andover will be assured of the values and traditions that this land so respected.

2.2. Buildings.

2.2.1. Dwelling Types. Each Lot may contain only one detached single-family private dwelling and attached side loaded private garage (unless the ARB in its sole discretion permits in writing front loaded garages or detached garages) and only such other accessory structures as approved by the ARB.

2.2.2. Dwelling Size. The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, carports and unheated storage areas, decks and patios. "Waterfront" Lot as used in these Standards shall mean a lot which fronts upon Toomer Creek.

Any dwelling erected upon any Lot shall contain not less than the following heated floor areas (unless provided otherwise in the Phase Declaration applicable to the Lot):

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1 story (interior)	2,200	2,200
1 story (waterfront)	2,800	2,800
2 story, 2½ story (interior)	2,500	1,250
2 story, 2½ story (waterfront)	3,000	1,500

Notwithstanding the foregoing requirements, the ARB shall have the right, in its sole and absolute discretion, because of restrictive topography, lot dimensions, unusual site related conditions or other reasons (as determined solely by the ARB) to allow variances of up to ten percent (10%) of such minimum square footage requirements by a specific written variance.

2.2.3. Maximum Height. The maximum height for a house is two and one-half (2 1/2) stories above ground; provided, that the ARB shall have the right, because of steep topography or similar reasons, to allow greater heights on rear and side elevations. Notwithstanding the above, the house may not exceed the height allowed under the Dunes West Planned Development Ordinance, that is, not more than 40 feet above the average grade of building corners. In determining maximum height, chimneys, spires, belfries, cupolas and domes not intended for human occupancy; electrical and mechanical elements; elevator shafts; and other elements permitted by Town of Mt. Pleasant development ordinances and the ARB shall be excluded.

2.2.4. Ceilings. Interior ceiling heights shall be a minimum of nine (9) feet on the first (street grade) floor, and, if possible within applicable Mount Pleasant height limitations, nine (9) feet on the second floor for two story homes.

2.2.5. Garages. Every house shall have an attached garage for not less than two (2) vehicles. Where circumstances dictate due to trees or lot configuration, the ARB may permit a detached garage provided such garage is located at the rear or side of the house. If located at the side of the house, the front of the garage must be even with or behind the rear corner of the house. Garage doors are required, and may not face the front elevation street unless a variance is approved by the ARB in writing, which approval will be given only where particular hardship would otherwise result because of Lot size, configuration, topography or other circumstances deemed sufficient by the ARB. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width doors. All interior walls and ceilings of garages must be finished. Carports are not allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side loading garages, use of either landscaping, a wall, fencing or a combination of these elements must provide adequate screening. Unless the ARB otherwise allows in its sole discretion, the garage turnaround area must provide for a minimum of twenty-six foot (26') back up distance, with an additional three foot (3') buffer between the edge of the driveway and the property line (total minimum of 29'). Driveway slope should not exceed a 14% grade.

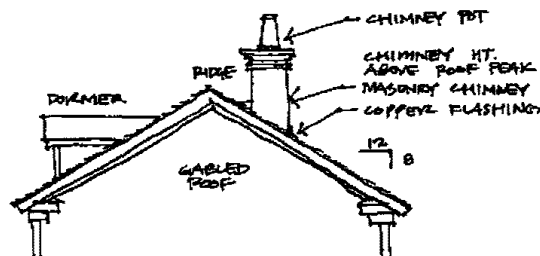
2.2.6. Porticos/Entries. Covered entries, porticos, front porches were very dominant in the historic design setting. Hence, porticos integral with the main house present a formal, simple elegant arrival and are encouraged. Likewise, columns and handrails of

compatible traditional detailing are a historic and proper detail element to the entrance. Cornices, exterior trim and authentic detailing will be reviewed as well. Detailing around window and door openings should be reviewed and presented on the elevations. A cut sheet on the entry door and surround must be provided. Also, to be considered will be exterior lighting adjacent to the front porch. A cut sheet of the fixture selection must be provided for exterior lamps.

Porches may be screened, but should be detailed with columns that appear to have existed first, then screened later. Columns should be of proportion to the residence theme – not slender metal tubes. Metal columns are discouraged. All columns should be of proper entasis or curvature to the historic theme.

2.2.7. Façade Treatments. The Andover neighborhood can best be envisioned as having a balanced Georgian/Low Country influence. Unique variety is encouraged on façade treatments, a balanced, historic emphasis is to be placed on building details, massing and proportions. Symmetry is encouraged to provide a simple and elegant arrival elevation. Detailing should be consistent with the order on all elevations and structures. Materials on the main body of the structures should be of similar materials with no veneers of two or more materials. Careful detailing should be considered when two or more materials are introduced onto a façade design.

2.2.8. Roofs. As the roof profile is of great importance to the traditional historic theme, the main structure pitch or slope should not be less than 8:12 unless otherwise approved by the ARB. Porches, breezeways, and other secondary structures may be less. As gable, hip, and gambrel roofs were the order, flat roofs (less than 1:12) are only acceptable when used to create the traditional century character. Dormers and other historic roof elements are encouraged providing the proportions are in keeping with the design proposed.



Roofs and roof pitches should be in proportion to the overall size and shape of the house. Acceptable roofing materials are wood shingles, wood shakes, natural or manmade slate, tile or minimum twenty-five (25) year warranty, variegated (not solid) color, architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing prior to commencement of construction. Roof vents, roof power vents, plumbing vent pipes and skylights will not be permitted on roofs visible from any street, unless approved in advance in writing by the ARB. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate. Any other roof treatments or features (i.e., ridge vents) shall be so noted on the architectural plans and approved by the ARB.

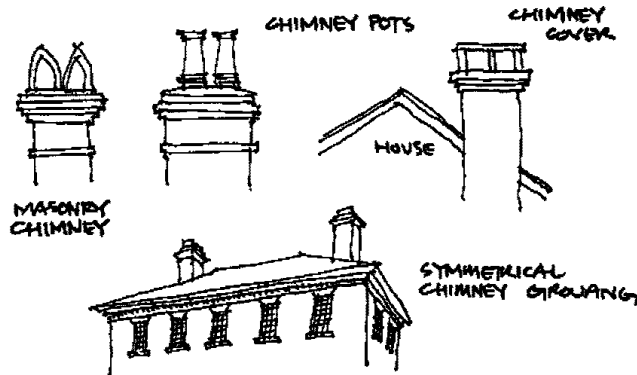
2.2.9. Exterior Materials and Colors. Exterior materials should be brick, stucco, wood, or cement fiberboard, all as approved by the ARB. Exterior Insulation Finish Systems (EIFS) materials will not be permitted. Use of vinyl siding will not be allowed nor will a mix of vinyl and other allowed materials. Vinyl, however, as approved by the ARB will be allowed for fascia, soffits and windows. Horizontal siding (wood and cement fiberboard) as approved by the ARB must be fully back supported to maintain a straight and even outer surface, and must be fully and properly finished. Natural weathering of exterior wood materials is not desired. Imitation or brick-like materials are generally not approved, and may be used only upon prior written approval by the ARB.

The exterior colors and materials used on a house should blend together to create a harmonious whole and color schemes are subject to the approval of the ARB. To this end, samples of proposed exterior materials and colors must be submitted as part of the Final Plans. Trim colors should not contrast strongly with the exterior wall color. The color of a masonry foundation should generally blend rather than contrast with the exterior wall color. Dark trim colors generally will not be approved.

2.2.10. Porches and Decks. Porches and decks should be designed with substantial, well-proportioned railings, flooring and support posts meeting building code requirements. The size and design of porches and decks should be architecturally compatible with the house. Porch and deck support columns constructed of masonry shall be 12" x 12", and porch and deck support columns constructed of wood shall be 6" x 8" (with base and capital detailing). Space below decks should be screened with lattice, shrubbery or other means appropriate to the house design. Patios and uncovered decks encroaching into the rear yard Building Envelope on Lots contiguous to the water or on Lots that have a Building Envelope depth of 60' or more shall not be allowed. However, if a Lot is not contiguous to the water and has a Building Envelope depth of less than 60', then a 10' variance for a patio or uncovered deck may be allowed by the ARB. The finished elevation of the patio, or the floor of the uncovered deck, shall be either at or

within 2' of natural grade.

2.2.11. Chimneys. Chimneys are an integral and important element of the architectural statement of the historic theme. As such, location and massing should be in keeping with that order. Interesting, appropriate and historic detailing at the chimney peak is required. Chimneys visible from the street should be full foundation based and made of brick, stucco or other material approved in writing by the ARB, and of a design, location and material appropriate to the house. Metal flues and wood chases are not recommended for use in *Park West*. If approved by the ARB in its sole discretion, a metal flue must be installed with an appropriate shroud.



2.2.12. HVAC Equipment. No air conditioning or heating apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Air conditioning or heating apparatus shall be screened from view from the street by landscaping and/or fencing. Suitable fencing shall be 4 feet high with lattice, louvers or brick lattice and a design acceptable to the ARB. The following is a list of recommended size, type, and number for HVAC screening:

<u>Plant</u>	<u>Size</u>	<u># Needed</u>
Dwarf Burford Holly	5 gallon	5 to 7
Compactor Holly	7 gallon	5 to 7
Cleyera	5 gallon	7 to 9
Wax Myrtle	3 gallon	7 to 9
Variegated Privet	3 gallon	5 to 7
Ligustrum	5 gallon	5 to 7

2.2.13. Attachments, Satellite Dishes and Antennas. No permanent attachments of

any kind or character whatsoever (including, but not limited to, television and radio antennas, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be made to the roof or exterior walls of any building or otherwise placed or maintained on any Lot unless such attachments or devices are approved in advance in writing by the ARB. An owner generally may have one freestanding receiving satellite dish or disc not to exceed twenty-four inches (24") in diameter. Any such devices approved by the ARB shall be located in the rear as approved by the ARB and shall not be visible from the street.

2.2.14. Windows and Shutters. Windows should generally be the same type and style all around the house. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted. Shutters are encouraged, should fit the proportion and shape of the windows and, when used, should be located at a minimum on all elevations visible from the street. Unless specifically waived in writing by the ARB, all windows and doors shall have approved decorative treatment and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board. All front windows must be simulated or true divided light windows, which reflect the period detailing, and character of a traditional residence. Windows of vinyl clad will be considered upon submittal of actual window cut sheet or window samples. Green house designs will be discouraged due to their contemporary design.

2.2.15. Mailboxes and House Identification. All mailboxes and newspaper boxes must be of a standard color, size and design as approved by the ARB or as provided by Declarant and may be installed only in a location approved by the ARB. Mailboxes will be reviewed for location relative to the residence.

House numbers may be displayed on buildings or mailboxes only as approved by the ARB. Each home shall be identified by numerals to coincide with the 911 numerical listing. Review applicable ordinances requiring posting and location prior to selecting location on the residence, all numerical posting will require ARB approval.

2.2.16. Electric Transformers and Refuse Containers. All electric transformers and all refuse containers stored outdoors must be screened from view by methods and with materials approved by the ARB. Builders must consult with applicable service or utility provider prior to planting near or around the transformers.

2.2.17. Foundations. Unless specifically waived in writing by the ARB, all foundations must be raised with a minimum two feet (2') high crawl space, and slab-on-grade foundations will generally not be permitted except for garages, patios and unheated porches.

2.2.18. Pools, Therapy Pools and Spas. The size, shape and setting of pools must be

carefully designed to achieve a feeling of compatibility with the surrounding natural and man-made environment. The location of swimming pools, therapy pools and spas should consider the following:

1. Indoor/Outdoor relationship
2. Setbacks
3. Views both to and from the pool area
4. Wind
5. Sun
6. Terrain (grading and excavation)
7. Fencing and privacy screening

Pools will not be allowed outside of the Building Envelope area, except in limited circumstances as approved by the ARB. Pool decks may encroach outside the Building Envelope area if at or within two (2) feet of natural grade and no closer than ten (10) feet to any property line and the location complies with Mount Pleasant regulations. No such encroachment is permitted for Waterfront Lots. Pool and pool equipment enclosures must be architecturally related to the residence and other structures in their placement mass and detail. Such structures shall be screened or treated so as to avoid distracting noise and views. Screened enclosures of tubular design will not be approved over pools. Pool slides are not allowed unless low in vertical profile. Pump houses and filter rooms will be integrated into the landscape and compliment the home's detailing.

2.2.19. Play Equipment. Elements of a planned park or playground, swing sets and similar outdoor play areas, structures and equipment should be located where they will have a minimum impact on adjacent Lots and where they will be best screened from general public view. Unless otherwise approved by the ARB, such play equipment must be located in the middle third of the rear of the Lot. The types of materials allowed are subject to the approval of the ARB.

2.2.20. Remodeling and Additions. Lot Owners desiring to remodel existing Improvements and/or to construct additions to existing Improvements shall follow these Standards as if such remodeling or additions were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscaping and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ARB are skylights and solar collectors, recreational features, lighting, antennas and satellite television equipment. ARB approval is required for remodeling and additions just as it is for new construction. Renovation and addition plans must be submitted to the ARB for approval in accordance with Sections 2.2.20 of these Standards, accompanied by an Additions/Renovations Review Fee of \$150.00.

2.3. Primary View, Building Envelopes and Driveways.

2.3.1. Primary View. The location and design of each residence and all other Building Improvements should be tailored to the specific features of each Lot. The term "Building Improvements" means all Improvements other than landscaping and trees; provided, the term "Building Improvements" shall include hedges and other mass plantings. All building Improvements should be sited so as to minimize disruption to the existing natural setting, including mature trees, drainage ways and the Primary View. The "Primary View" for each Waterfront Lot differs based on the Lot's relationship to other Lots as determined by the ARB, but is generally defined as the area facing the water and formed by extending opposing lines (1) at a 45° angle from each rear corner of a Lot's building envelope or (2) from the rear corners of a Lot's building envelope through the closest rear corners of neighboring Lots' building envelopes, whichever area is smaller.

Notwithstanding the above, Primary Views and other view corridors from a Lot to the Park West Common Areas and other areas within *Park West* are subject to the rights of Lot Owners, Park West Development, Inc., and others under the terms and conditions of the Master Association and these Standards to construct Improvements and install landscape Improvements that might obstruct or diminish such views and view corridors. The ARB will use the Primary View concept as a guide, but not an absolute rule, when reviewing proposed Building Improvements.

2.3.2. Building Envelopes. Setback requirements are as prescribed by the Town of Mount Pleasant. The minimum setback for the front is 15 feet and the rear is also 15 feet, except where applicable law imposes a greater setback. The ARB has established a more restrictive setback for the sides of the Building Envelope of a minimum of 12.5 feet on both sides. However, the ARB encourages a minimum of 15 feet on each side where possible. In addition, the ARB will control the location and orientation of the house within the Building Envelope to maximize the aesthetics of the landscape.

All buildings on the Lot (including any stoops, porches, patios, terraces, etc.) and all swimming pools and similar recreational improvements must be erected within the Building Envelope established by the ARB; provided, however, that docks and piers are exempt from this Building Envelope restriction provided they are approved by the ARB pursuant to Paragraph 2.9 of these Standards. The Building Envelope approved by the ARB for the Property will be available on an unrecorded map for Owner's review.

It is not intended that an Owner design his/her residence or other Improvements so as to completely fill the Building Envelope. Designs which fit within the Building Envelope, but which in the opinion of the ARB overwhelm the Building Envelope and are therefore inconsistent with the philosophy of *Park West*, will not be approved.

2.3.3. Driveways, Sidewalks and Utilities. The ARB may establish a recommended

driveway location for each Lot. The ARB may also establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. Driveway location will vary on each Lot depending on the Lot size, shape, topography, vegetation, placement of the Building Envelope, sight distances at the entry to the public street and the location of other houses and access drives in the vicinity. Driveways and sidewalks should be curved where practical between existing trees to avoid unnecessary cutting, and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. In general, a distance equal to at least one-half the Lot frontage should separate driveways on the same side of the street. This will not be possible in all situations, particularly on cul-de-sac lots, fan lots, or flag lots, but should be applied wherever practical. Driveways should be constructed of brick or lightly brushed concrete, unless the ARB approves another material for a particular Lot.

No common driveways will be allowed unless approved by the ARB. If the ARB approves a common driveway, the Owner's ratable share of the cost of a common driveway, if any, serving the Lot will be in an amount to be determined by Declarant. This requirement applies only to Lots sharing a common driveway, where another Lot Owner has assumed responsibility for constructions of the common driveway. In the event no other Lot Owner has yet assumed such responsibility, the Owner first seeking Final Plan approval shall include the cost and design of the common driveway and shall construct the common driveway in accordance with the Final Plans. Upon completion of the common driveway, the Owner shall be entitled to reimbursement from Declarant for the portion of the total cost attributable to the other Lots owned by Declarant served by the common driveway. Declarant shall receive reimbursement for such amount from the Owners of the other Lots served by the common driveway at the time of their Lot closings. The share of the common driveway installation and maintenance costs will be shared equally among the Lots served thereby.

2.3.4. Exceptions. Variances. Although the size, shape and location of the Building Envelope and designated driveway, sidewalk and utility areas are intended to be somewhat flexible, exceptions can be made only by the ARB in writing. The ARB will consider proposed modifications only if their implementation will not result in a significant adverse impact upon the natural features of the Lot, neighboring Lots, or *Park West* as a whole. Any request for a variance exceeding ten percent (10%) of the setback established by the ARB's Building Envelope for a particular Lot should be accompanied by approval from Owners of any contiguous Lots or other contiguous Property in *Park West*. Notwithstanding the above, all setbacks must comply with the minimum setbacks of the Town of Mount Pleasant.

2.4. Fences and Walls.

2.4.1 Location and Design. Walls and fences should be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural

forms of the site. All wall and fence designs should be compatible with the total surrounding environment. Special consideration should be given to design, placement, impact and view of the wall or fence from neighboring homesites. Fences and walls should be considered as design elements to enclose and define courtyards, pools and other private spaces, provide security and relate building forms to the landscape. Fences and walls should be run or curved where practical between existing trees to avoid unnecessary cutting. The ARB, prior to any installation, must approve the location, materials, size and design of all fences and walls in advance and in writing.

For all Waterfront Lots, fences and walls will be generally be prohibited except for "invisible fences" (electronic barriers established for pets). The only fences or walls that will be permitted on Waterfront Lots are within the unused rear Building Envelope area that may be enclosed by a privacy fence or privacy wall for use to screen a pool or other private space.

Walls should be constructed of solid masonry or wrought iron with columns, using the same materials as found in the architecture of the residence. Prefab wood, prefab brick, board-on-board, chain link or welded wire fencing will not be permitted. Wood privacy fences must have masonry columns finished in brick, stucco or stone.

Walls and fences constructed on lots that are interior, non-waterfront lots must 1) be erected along the side and rear lot lines only and 2) conform to the ARB restrictions on removing trees. Once one approved fence or wall has been erected on a side or rear lot line, that approved fence or wall generally will be the only approved fence or wall to be erected on that lot line. In other words, double fencing by adjoining Lot Owners will generally not be allowed on side or rear lot lines.

The ARB in its discretion may allow privacy fences (or walls that provide total seclusion) in certain areas of the community. For all Lots, privacy fences and walls which provide total seclusion generally will be allowed to enclose the unused rear Building Envelope area and remain inside the required setbacks.

Fence¹ - An enclosure or dividing "framework" for land, yards or gardens.

Wall - A "structure" which serves to enclose or subdivide a building usually presenting a continuous surface except where penetrated by doors, windows, and the like.

¹ Source: The Dictionary of Architecture and Constructions. (Harris Cyril M.) McGraw-Hill, Inc. New York 1975).

2.4.2. Front Yard. No fence or wall shall be erected, placed or maintained on a Lot nearer to any street fronting such Lot than the front building corner of the main dwelling constructed on such Lot.

2.4.3. Waterfront Lots. Consistent with the Primary View provisions of Paragraph 2.2.1, no fence or wall shall be erected, placed or maintained on a Waterfront Lot which will substantially obstruct Primary Views as determined by the ARB in its sole discretion.

2.4.4. Maximum Height. Fences and walls shall not exceed five (5) feet in height unless the ARB in its sole discretion permits in writing a higher fence. The piers, columns, etc. can extend up to 4' 8" high.

2.4.5. Retaining Walls. The use of retaining walls on Lots will generally be permitted where their omission would result in excessive slopes, erosion, excessive maintenance or extensive clearing. Retaining walls visible from streets, from *Park West*, from adjoining Lots must be constructed of, or faced with, material of a type approved by the ARB. All such walls must be designed to be structurally sound and properly drained.

2.5. Grading and Drainage.

2.5.1. Grading and Excavating. The design and development philosophy for *Park West* calls for the utilization and enhancement of the existing natural environment. The ARB is particularly conscious of site design and seeks to ensure that each residence blends aesthetically with the natural site features and existing terrain of the Lot and neighboring Lots. To help ensure compliance with this philosophy, as part of the Final Plans a Lot Owner must submit a grading plan along with the site plan. Approval of the grading plan must be obtained from the ARB (as part of the approval by the ARB of the Final Plans) prior to moving or removing any dirt from any Lot. No grading shall be permitted on a Lot without first obtaining such authorization from the ARB.

Recommendations or requirements of the ARB with respect to grading plans may be based on individual Lot locations, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions which the ARB determines may bear upon the site grading for the Lot.

The creation of fill sections to artificially elevate residences will generally be disallowed. In the event of a low-lying homesite or in areas where such artificial elevation will not adversely affect views from surrounding Lots, filling to provide elevation may be acceptable.

2.5.2. Drainage. Drainage considerations for individual Lots play an important part in the ecological balance of *Park West*. Generally, each Lot should be graded such that

water drainage onto adjoining Lots is avoided; slopes should be created to direct runoff to the nearest natural drainage areas or storm drainage facilities. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. The water runoff shall be handled in such a manner as not to adversely affect any neighboring Lots. Particular care must be taken on Lots fronting the lake and other amenities to protect those areas. The drainage for each lot must comply with the master drainage plan for Andover and each lot must be graded to so comply.

Additionally, each Lot Owner shall have underground downspout drainpipes made of corrugated, bendable black plastic to channel rainwater from the roof of the dwelling through the corrugated pipes to be "daylighted" at the nearest natural drainage area or storm water drainage facilities, but not onto adjacent Lots. The "daylighted" ends of the corrugated pipes must be cut at an angle, flush with the ground level so as to be less visible, and may not intrude into, upon or over the street curbing.

The ARB shall have the authority, at its sole option, to require that the Final Plans for any Lot include a drainage plan for the Lot.

2.6. Erosion and Sediment Controls. During any clearing, grading and construction activities on a Lot, all run-off, erosion, and sediment beyond that which occurs in the natural, undisturbed condition of the Lot must be contained within the Building Envelope. In addition, individual trees or tree groups within the Building Envelope, which are designated for preservation must also be protected from run-off, erosion or sediment damage. Particular care must be exercised on Lots fronting *Park West* to prevent any negative effects upon these amenities.

2.7. Protection of Vegetation. The existing trees at *Park West* are a prized natural amenity, which add value to the community in a multitude of ways. Park West Development, Inc. has exercised care to retain much of the existing vegetation in the design of the land plan for *Park West*; and Lot Owners, their builders and contractors are expected to continue to preserve this valuable resource during the course of construction. Notwithstanding any other provision herein, no trees may be cut or removed on any lot and no lot may be cleared unless first approved in writing by the ARB. Owners are encouraged to save as many trees as possible on each lot and especially trees at the front, sides and rear that help form a natural canopy for Andover. Also, owners and builders need to be aware that covering of tree roots with large amounts of fill/soil can cause trees to die within 2 or 3 years. A tree survey is required for all trees over 4 inches (4") in diameter.

2.7.1. Inside Building Envelope. In the site planning and placement of a residence, consideration shall be given to preserving mature trees (as defined below) located within the Building Envelope. Equipment used for the removal of trees inside the Building Envelope shall be operated in a manner to avoid damage to vegetation outside the

designated clearing area.

2.7.2. Outside Building Envelope. "Mature trees" outside the Building Envelope may not be cut down or otherwise removed without the specific written approval of the ARB. "Mature trees" for purposes of these Standards shall mean the following (and shall be measured at existing grade):

<u>Tree Type</u>	<u>Diameter</u>
Evergreen	3" or greater
Deciduous	3" or greater
Dogwoods and other Flowering trees	1 ½" or greater

Notwithstanding the above, no trees may be removed from any Lot in violation of the ordinances and regulations of the Town of Mount Pleasant. All builders and owners shall take all reasonable steps necessary to protect mature trees during construction including fencing and other types of barricades. All trees deemed significant by the ARB must be barricaded for protection as determined by the ARB.

2.7.3. Fines for Unauthorized Cutting. The ARB shall have the authority, in its sole discretion, to assess penalties against an Owner who cuts, damages or removes any trees, shrubs or other vegetation on its Lot contrary to the provisions of these Standards. Such penalties shall be in addition to any costs charged against the Owner's Construction Escrow Deposit, if any, under Paragraph 6 of these Standards. An Owner shall not under any circumstance cut, damage or remove any trees, shrubs or other vegetation on any other Lot or Common Area property. The ARB shall have the authority, in its sole discretion, to assess penalties against any Owner who violates this rule.

2.8. Maintenance of Natural and Introduced Vegetation or Landscaping. Each Owner is responsible for maintaining in a healthy condition all natural and introduced vegetation on its Lot. Removal of dead or diseased plant material must be done on a regular basis in accordance with the best practices for the plant material involved. This is typically prior to, or at the end of, the growing season for that vegetation type. Maintenance of plant materials and landscaping required of the Owner includes all planting beds, trees, shrubs, flowers, ground cover and lawn areas, including any pinestraw covered areas. The ARB shall have the authority to visit and inspect Lots on a regular basis or at times that, in its opinion, are appropriate for such inspections to determine if proper care and healthy condition of all plant materials and landscaping is being maintained. If an Owner fails to maintain all plant materials within a Lot in the

manner described herein, the ARB may remedy such failure by whatever methods it deems necessary and appropriate. The Owner shall reimburse the ARB for all expenses incurred by it in performing its duties under this Paragraph.

2.9. Docks and Boat Houses.

2.9.1 General. Subject to approval by the ARB and subject to the rules and regulations of all federal, state and local agencies having jurisdiction, the Owner of each Waterfront Lot designated as eligible to apply for a dock permit within *Park West* will, subject to receiving all required permits from all agencies having jurisdiction, be permitted to construct one dock in a location and with a design approved in writing by the ARB. All docks including all devices and features must meet design criteria established by the ARB. No Owner shall have the right to construct more than one dock in front of a single Waterfront Lot without the prior written consent of the ARB. All waterfront lots in Andover are subject to Joint Use Dock Covenants for Andover at Park West.

The design, color, location, dimensions and materials of docks, piers, and seawalls and any other structure or improvement constructed adjacent to or appurtenant to a Waterfront Lot or otherwise within the boundary of *Park West* must be approved in advance in writing by the ARB.

Generally, any waterfront improvement should have a low profile and open design to minimize obstruction of neighbors' views.

Docks should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The use of riprap, bulkheading or other shoreline stabilization methods or materials may not be initiated without approval by all agencies having jurisdiction and the ARB. The point of access of a dock creating any site disturbance or clearing associated with its placement or construction must be submitted to the ARB for approval along with the Final Plans.

Docks must be constructed of new materials, and must be compatible in style with other Improvements on the Lot, the Lot width on the water, the shoreline configuration and vegetation massing.

2.9.2. Number of Watercraft. Watercraft may not be moored, docked or stored on a Lot, in the water adjacent to a Lot, or on a dock except as provided below, or as allowed by the ARB in writing.

Only one (1) watercraft may be kept in the water at a dock.

Only one (1) personal watercraft may be kept on a dock. "Personal watercraft"

refers to inflatable rafts and similar relatively small watercraft deemed by the ARB to be appropriate for storage on a dock. Any ramp or lift device connected to a dock to hoist personal watercraft, unless approved by the ARB prior to installation, is subject to removal by order of the ARB.

Jet skies, wave runners or similar watercraft will not be permitted on any water body within *Park West*.

2.10. Exterior Lighting. Exterior lighting must be limited to areas within the Building Envelope and one lamppost per dock. Exterior lighting can not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ARB in its sole discretion. Floodlights shall be hooded to avoid the bulbs being visible from the street and neighbors. Cut sheets are required for all exterior fixtures.

2.11. Tennis Courts. Tennis courts and practice backboards will not be allowed on Lots.

2.12. Landscape Design. *Park West* has been planned utilizing the natural elements as much as possible. Various hardwoods, dogwoods and pine trees are plentiful within the community, and it is the ARB's intent to maintain this landscape integrity. Landscape design should always complement and account for the architecture and location of the residence. When reviewing specific landscape plans, the ARB will consider the various relationships of house to site, house to house, views, prevailing breeze, solar orientation, the lake and other amenities. When reviewing specific landscape plans, decisions regarding specific landscape plans to ensure that the overall beauty of the community is preserved and enhanced, the ARB has the authority to approve or disapprove landscape plans for individual residences.

2.12.1. Design Criteria. A fundamental design criterion is the need for gardens and lawns to harmonize with the native vegetation, terrain and natural beauty of the community. Throughout *Park West* many fine native, mature, specimen trees exist. Many are in prominent view from the streets, giving them special significance. In order to recognize and protect as many of these trees as practically possible, an Owner must obtain from the ARB prior written approval before any tree is removed from any Lot. Owners will be encouraged to landscape their lots with plant material which is indigenous to the area and leave untouched as much as possible the existing vegetation and natural amenities. A minimum of three mature trees (4" base) will be required in the front yard of each lot.

2.12.2. Landscape Submittal Requirement. As described at Paragraph 3.4.4.4, the landscape plan must be submitted and approved no later than prior to the start of installation of the outside finish on the residence and the plan must meet the minimum of

\$7,000.00 as defined in that paragraph. However, it is encouraged that the landscape plan be submitted earlier, along with the Final Plans to avoid any unnecessary delay and expense. Landscaping must be completed prior to occupancy; otherwise the ARB shall have the discretion and authority to fine Owners up to \$100.00 per day from date of occupancy until the landscaping is completed. However, depending on the season, conditions, and heat, the ARB may agree by written variance to permit plants not tolerant of existing conditions for planting at the time of occupancy to be planted on a schedule as set out in such written variance. The landscape plan must show all proposed site structures and features including drives and turnarounds, walks, patios, decks, fences, pools, spas, mailboxes, utility boxes and any other site features. Utility, trash, air conditioning and other visual screens should also be noted. Existing vegetation to remain should be specifically located and labeled.

The location, type and quality of all proposed planting must be accurately described on the plan. A complete plant list is required indicating the size, quality and spacing of the proposed plantings. Areas to be mulched or planted as a lawn should also be shown. Mulching, preferably with pine straw, is required for all planted areas and within areas ten feet (10') from any structure, lawn, or plantings. The mulched areas provide a smooth transition to the existing natural vegetation. Irrigation systems are strongly encouraged for the entire yard but as a minimum 1) all front and side yards visible from the street must be irrigated, and 2) the entire yard for all waterfront lots must be irrigated unless otherwise decided in writing by the ARB in its sole discretion. Irrigation helps maintain a quality landscape throughout the year, especially in times of drought. All irrigation systems must be on the Town of Mount Pleasant water system or other system approved in writing by the ARB. No wells will be permitted in Andover at *Park West* unless approved in writing by the ARB in its sole discretion. All front and side yards visible from the street must be done with sod.

2.12.3. ARB Responsibility. On its review, the ARB will take into consideration all elements of the individual landscape plan and plant materials selected. In addition to the already established natural vegetation, many other plant types will be acceptable for use within the community. The ARB has attached to these Standards as Exhibit C a listing of recommended plant types to be used in planning the various landscape designs. These plant materials have been selected because of their traditional influence in South Carolina and their other desirable characteristics. Following landscape plan approval, the ARB reserves the right to request additional plantings or replacement of plantings if deemed necessary by the ARB at the time of final inspection.

2.12.4. Forestation/Reforestation. While the preservation of existing trees is important, the ARB recognizes that certain clearing and filling work may be necessary resulting in the loss of existing trees. If any existing trees are to be removed, the Owner shall follow the requirement of Paragraph 2.7 of these Standards and attempt to incorporate new trees in the Owner's landscape plan. Similarly, for a Lot on which, prior

to clearing, there were less than a sufficient number of trees as determined by the ARB, the Owner's landscape plan should incorporate new trees.

An Owner's forestation/reforestation plan should be submitted as part of the overall landscape plan but should be distinguished from the formal landscaping. For any forestation/reforestation plan, the ARB will generally require the following:

1. The site shall average at least one tree per 2,000 square feet of area contained in the Lot. New trees will be required to meet this average.
2. At least fifty percent (50%) of the new trees shall be shade or canopy trees acceptable to the ARB; and,
3. Each new tree shall have a minimum diameter of 3 inches [measured at a minimum of four (4) feet from grade].

For a Lot on which existing trees will be substantially preserved, the ARB will generally reduce the number of new trees the Owner is required to plant. The extent of that reduction will depend on the quality and size of the preserved trees and similar factors, and will be determined by the ARB on a case-by-case basis.

3. Design Review Procedure.

3.1 Approval Process and Procedures.

3.1.1. Process Steps. The following sequence has been established to provide a systematic and uniform review process of all proposed designs, plans and construction at Andover. These steps represent the necessary procedures in the review process of building a residence at Andover. Any deviation from the procedures could cause unnecessary delay or additional costs. If approvals are not obtained prior to construction.

Pre-Application Research

1. Conceptual Design Review
2. Payment of Fees and Application
3. Preliminary Design review and Approval
4. Final Construction Documents Review and Approval
5. Landscape Plan Review and Approval
6. Execution of Agreement between Owner and Board
7. Payment of Deposits and Fees
8. Issuance of *Park West* Andover Building Permit
9. Pre-Construction Conference
10. Stake Out Pre-Clearing Inspection and Approval
11. Periodic Inspections During Construction

12. Final Inspection Upon Completion of Construction
13. Completed Landscape Inspection

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3.1.2. Procedural Path. On the page following is a chart, Procedural Path Procedural for Review Process for Building a Residence in Andover which shows the necessary steps in approving house and landscape plans.

3.1.3. Qualified Design Professionals. To ensure that Andover maintains a high quality of architectural design, all plans for the construction of dwellings and other buildings or significant structures at Andover must be designed, drawn, and certified by an experienced design professional, either an architect or residential designer who has significant experience in residential design and construction. An experienced landscape design professional or landscape architect must prepare all plans for the landscape and associated sitework of dwellings and other significant structures.

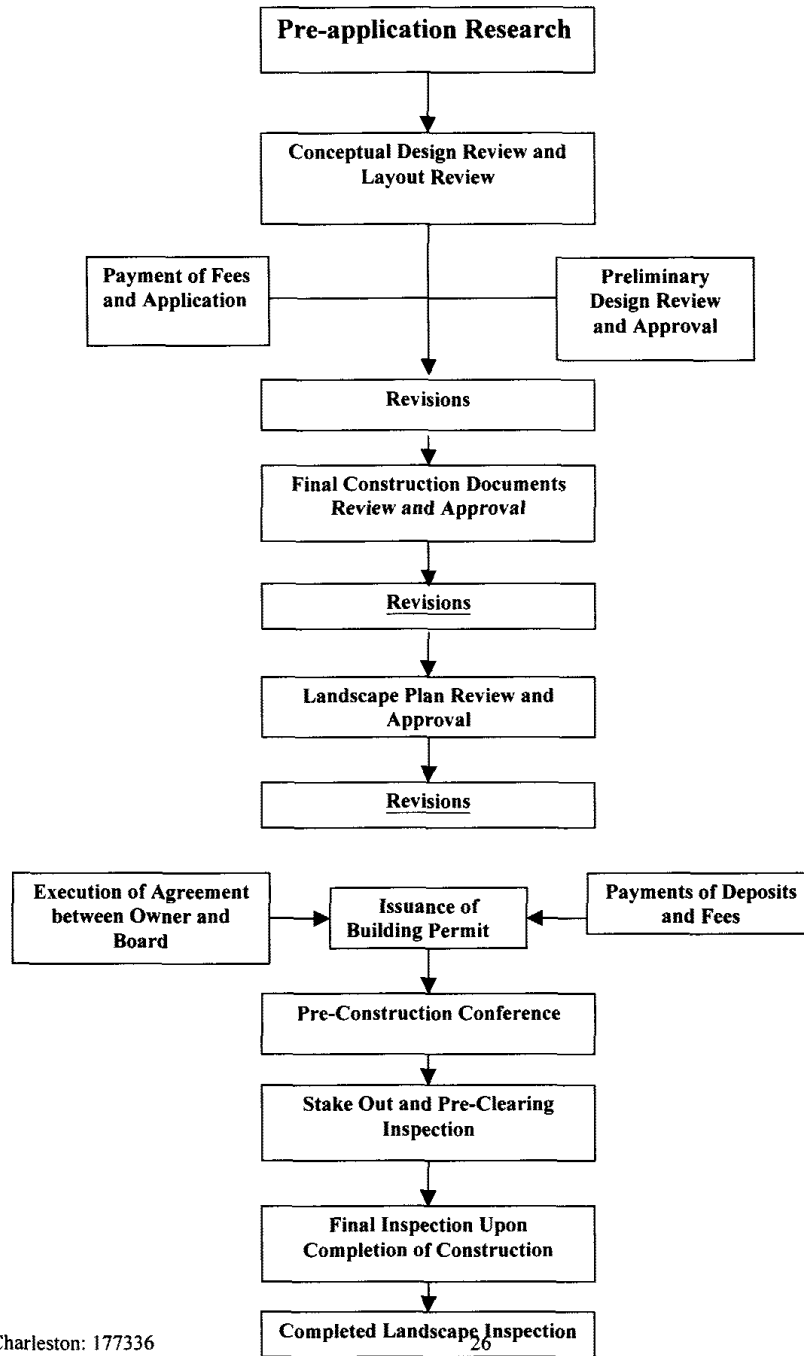
3.1.4. Pre-Application Research. The design team and the owner should be acquainted with the ARB process and the ARB Design Standards. The design professionals are required to visit Andover for an onsite tour prior to beginning preliminary design plans. The design team can then creatively design the residence in a compatible manner with the overall goals of Andover and the ARB. A member of the board will be available for an initial conference with the owner and/or design team for general information, design guidance and to explain the Standards and concepts in more detail. By visiting the site and observing the other homes in the area of Andover, this act will provide valuable information relative to the site, site placement, existing site parameters, trees of significance and the design process.

Before the design begins, initial documents to be reviewed by the owner and design team are:

1. Purchase Agreement
2. Indenture Deed
3. Recorded Plat of the Subdivision
4. Declarations of Covenants and Restrictions for Andover
5. Andover ARB Procedures and Standards
6. Applicable Mount Pleasant Ordinances and Fees
7. Applicable Local and State Building Codes
8. Applicable County Ordinances
9. Applicable Fire Impact Fees

3.2. Survey Information. The owner is to obtain a topographical survey of the lot as soon as possible to establish site planning and site evaluation per guideline requirements. The topographical survey shall verify the corner pins of the property, wetland boundaries, if applicable, and provide contours of the grades at two-foot intervals as well as spot

**Procedural Path for Review Process for
Building a Residence in Andover**



elevations. It must also show the location and species of all trees 4" or larger in diameter and the location and identification of any special features of the lot. The survey shall provide the name of the lot owner and be scaled at 1"=10'-0". Setbacks, existing utilities shall also be included.

3.3. Preliminary Plan Approval. The Owner of any Lot may request a preliminary review of the design of its proposed Improvements upon the submission to the ARB of the following (three [3] sets of all submittals are required to be submitted):

1. Architectural Review Fee. The Architectural Review Fee (including landscaping) is \$300.00 for new construction (which will also constitute the fee to be paid for final plan submission as set forth in paragraph 3.4 below) and \$150.00 for Additions/Renovations. All fees are payable to the Park West Master Association.

2. Schematic site plan at a scale of 1" - 10' showing two-foot (2') contour topography, building and driveway locations and dimensions;

3. Schematic floor plans at a scale of 1/4-inch equals one foot;

4. Schematic elevations, showing all sides, exterior materials and exterior colors and accurate grade at a scale of 1/4 inch equals one foot;

5. Owner's address (or the address of Owner's authorized agent) to which the ARB should mail its written notice of approval or disapproval of the items Owner submits to the ARB under these Standards.

The ARB shall review such preliminary plans and return them to the Owner marked "Approved" or "Disapproved" as the case may be, together with all conditions and/or changes required by the ARB. As to any preliminary plans marked "Approved" by the ARB, Final Plans produced thereafter must be in substantial conformity therewith including all required conditions and/or changes, provided, however, that the ARB's approved of preliminary plans shall in no way bind or obligate the ARB to approve the subsequent Final Plans.

The ARB may refuse approval of preliminary plans, location and style of Improvements, exterior colors or finishes or other specifications for any reason including purely aesthetic reasons, in the sole discretion of the ARB.

3.4. Final Plan Approval. Final plans and specifications (hereinafter, the "Final Plans") for all Improvements proposed to be constructed on any Lot shall be submitted in triplicate to the ARB for approval or disapproval. The Owner must obtain a written receipt from the ARB that the ARB has received the Final Plans and all other required

submittals. Final Plans submitted for approval must be accompanied by the Architectural Review Fee of \$300 as set forth above if such Fee has not already been paid in connection with a preliminary plan submission. In addition, the following items must be submitted with the Final Plans prior to the ARB beginning the Final Plan review process:

3.4.1. Mailbox Fee. The Mailbox Fee is \$175.00. The Mailbox Fee should be by check payable to Park West Development, Inc. The Mailbox Fee will be used to cover the cost of a mailbox/newspaper box to be provided to each Lot Owner. It shall be the Owner's responsibility and at Owner's cost to have the mailbox installed in a location approved by the ARB.

3.4.2. Construction Escrow Deposit. Construction Escrow Deposit as set by the ARB as of the date the Final Plans are submitted. The Deposit as of the Effective Date of these Standards is Five Hundred Dollars (\$500.00). The Deposit should be by check payable to Park West Master Association. The fee will be paid by the Builder. In the event, the Builder fails to do so, the Owner will be responsible for the fee. The Deposit will be held and used for the purpose and uses set forth in Paragraph 6 of these Standards. The maximum Deposit required from any one Approved Builder in the community will be Five Thousand Dollars (\$5,000.00).

3.4.3. Lot Improvements Agreement. Fully executed contract for construction of the Improvements between the Lot Owner and Builder.

3.4.4. Lot Agreement. Evidence that the Owner of the Lot (or if the Owner is an Approved Builder with a prospective purchaser, that the Approved Builder's prospective purchaser) has executed one of the following *Park West* approved documents, as applicable, available from Declarant or its authorized agent:

- a. Lot Purchase and Sale Agreement, or
- b. Home Purchase and Sale Agreement.

If found not to be in compliance with these Standards or if found to be otherwise unacceptable to the ARB, one set of Final Plans shall be returned to the Owner marked "Disapproved", accompanied by a written statement of items found not to be in compliance with these Standards or otherwise unacceptable. The ARB may impose an additional review fee for each re-submittal of Final Plans to the ARB.

At such time as the Final Plans meet the approval of the ARB, two complete sets of Final Plans will be retained by the ARB and the other complete set of Final Plans will be marked "Approved" and returned to the Owner. Once the ARB has approved the Final Plans for Improvements, the construction of such Improvements must be promptly

commenced and diligently pursued to completion. If such construction is not commenced within six (6) months following the date of approval of the Final Plans therefore by the ARB, such approval shall be deemed rescinded. Before construction of Improvements can thereafter be commenced on the portion of the Property in question, the Plans therefore must again be approved by the ARB pursuant to this Paragraph 3.3.

Any modification or change to the "Approved" set of Final Plans must again be submitted in triplicate to the ARB for its review and written approval, and an additional review fee may be required.

The Final Plans as referred to in these Standards shall include the following:

1. Final site plan at a scale of 1" = 10' showing two foot (2') topography, building location and dimensions, and all areas of the Lot more than five (5) feet outside the building foundation in which any vegetation is to be cut or removed. The ARB may also require the Owner to stake the location of the house, construction access, driveway, decks and other proposed Improvements. The staking shall consist of stakes driven at each major corner of the Improvement, connected with string or colored tape to clearly indicate the Improvement location. The driveway location shall also be indicated by stakes, and string or tape. Any erosion control measures required for construction should be shown on the site plan. A boundary survey shall be provided either separate of inclusive of the above in the site plan.

2. Final floor plans at a scale of 1/4 inch equals one foot, including calculations showing heated and unheated square footage on a floor by floor basis.

3. Final elevations, showing all sides, exterior materials and exterior colors and accurate grade at a scale of 1/4 inch equals one foot.

4. Final landscaping plan and budget. The landscaping budget, exclusive of any irrigation, should total at least Nine Thousand Dollars (\$9,000.); provided, the ARB may authorize a lower landscaping expenditure for a particular lot if the ARB determines in its sole discretion that, based upon the landscaping plans submitted and other circumstances, a lower expenditure is adequate and appropriate. NOTE: the ARB may defer receipt of the final landscaping plan and budget to a later date, but in no event later than the start of application of the home's exterior brick, stucco or other approved finish material. The plan and budget must be submitted and approved prior to the start of landscaping on the Lot; in any event, the cutting and clearing plan referred to in Paragraphs 2.7 and 2.12 must be submitted to and approved by the ARB prior to any cutting or clearing).

5. Location and dimensions of utility lines and equipment, walks, drives, walls, terraces, decks, pools, etc. (including plans for the location of the sewer pump

system, if any, to be installed on the Lot).

6. Any samples of proposed construction materials required by the ARB such as brick, stucco, wood siding, shingles, paint colors, window samples, etc.

7. Owner's name and address (or the address of Owner's authorized agent) to which the ARB should mail its written notice of approval or disapproval of the items Owner submits to the ARB under these Standards.

8. The name and address of the Approved Builder that will construct the Improvements.

The ARB may refuse approval of Final Plans, location and style of Improvements, exterior colors or finishes or other specifications for any reason including purely aesthetic reasons, in the sole discretion of the ARB.

3.5. Approval to Commence Construction. Following the ARB's written approval, if any, of the Final Plans, the ARB will issue an approved site plan to *Park West* development construction manager. It is the responsibility of the Owner's Approved Builder to stake the lot in accordance with the approved Final Plans and set a meeting with the development project manager to review the following prior to start of construction:

Setbacks, side yards and building corners (as per stakes)

First floor elevations

Clearing limits

Placement of excavation materials

Location and protection of water meter, sanitary sewer boxes and underground pressure sewer grinder pump (if any)

Location of construction entrance

Location of temporary toilet

Trash containers

Erosion control measures

Upon satisfaction of the above matters, the development construction manager

will issue a written site inspection approval to the Approved Builder authorizing commencement of construction. No construction may be commenced prior to issuance of the site inspection approval; the ARB shall have the right to halt any unauthorized construction.

3.6. Failure of the ARB to Act. If the ARB fails to approve or disapprove any Final Plans or other submittals which conform (and which relate to Improvements which will conform) with the requirements hereof or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with these Standards, of all items that were to have been submitted to the ARB, and provided the ARB shall again fail to approve or disapprove of such Final Plans or other submittals within ten (10) business days after additional written request to act on such items is delivered to the ARB following the passage of the above described thirty (30) business day period, it shall be conclusively presumed that the ARB has approved such conforming Final Plans and other submittals, EXCEPT that the ARB has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Master Association or the Association in which the Lot is located, except where variances shall be expressly permitted therein and EXCEPT FURTHER, that the ARB shall not be deemed to have waived any of the requirements set forth in Paragraphs 3.1.1, 3.2, 3.3 or 5 of these Standards. If Final Plans or other submittals are not sufficiently complete or are otherwise inadequate, the ARB may reject them as being inadequate or may approve or disapprove a portion of the Final Plans, conditionally or unconditionally, and reject the balance.

3.7. Address of ARB. The address of the ARB for delivery of plans and all notices shall be as follows:

Park West Master Association
ATTN: Architectural Control - ARB
1100 Park West Boulevard
Mount Pleasant, South Carolina 29466

4. Diligent Construction. All Improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction of the first of such Improvements, unless a longer time is approved in writing by the ARB.

5. Approved Builders. Except as specifically allowed by this Paragraph 5, only builders then in good standing under the *Park West Preferred Builder Program* may routinely construct Improvements on any Lot. Upon request, the ARB will make available a list of these builders. A Lot Owner in Andover may request that a builder other than a builder in the *Park West Preferred Builder Program* construct a home on a Lot that Owner owns, provided that the ARB determines, in its sole discretion, that the

Lot Owner's builder is qualified to be an approved outside builder in *Park West* (an "Approved Outside Builder"). A Lot Owner seeking to have its builder approved as an Approved Outside Builder shall submit to the ARB, along with its Final Plans, the following:

1. A copy of the builder's unlimited South Carolina general contractor's license.
2. Financial statements, references and credit records of the builder.
3. Evidence that the builder is regularly engaged as a residential or commercial building contractor as Lot Owner's primary means of livelihood.
4. Evidence of examples of homes previously constructed by the builder of quality and aesthetic appearance consistent with residences constructed in *Park West*.
5. Evidence of insurance coverage meeting all of the requirements mandated for *Park West* Approved Builders; and,
6. The Fees and Construction Escrow Deposit required by the ARB.

A Lot Owner who desires to build her or his own personal residence may apply to become an Approved Outside Builder as set forth above provided that the Lot Owner will occupy the residence as his/her personal home for at least two (2) years. In the event that a Lot Owner who gets approved as an Approved Outside Builder does not occupy the home for two (2) years and/or sells its home in Andover prior to the end of the above two (2) year period, such Lot Owner may not construct another house on any Lot at any time thereafter without the prior written permission of the ARB, which permission the ARB may grant or deny in its sole and arbitrary discretion.

6. Purpose and Use of Construction Escrow Deposit. The Construction Escrow Deposit, if any, required in Paragraph 3.2.2 above shall be deposited by the ARB in a construction escrow account established by the Master Association or the ARB. The Construction Escrow Deposit may thereafter be used by the ARB for any of the following purposes:

1. To pay for the cost to repair any damage to the Roadways or Common Areas caused by an Owner or Owner's builder or subcontractors not repaired by the responsible Owner, such Owner's builder or subcontractors.
2. To complete any landscaping shown on the Final Plans for a Lot which has not been completed within three (3) months after completion of the residence on such

Lot.

3. To pay for the cost of completing any Improvements so that they are in accordance with the approved Final Plans, if Owner fails so to complete such Improvements.

4. To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by Owner in violation of these Standards.

5. To reimburse Park West Development, Inc. for Owner's share of street cleaning costs during construction, if Owner does not pay such amounts to Park West Development, Inc., in a timely manner as specified in the Construction Rules.

6. To reimburse Park West Development, Inc. for its cost of cleaning up any significant amount of dirt, cement, etc. left by the Owner on any street if the same was not immediately removed by the Owner.

7. To pay for the cost of enforcing any of the Owner's other obligations under these Standards.

Except for the reimbursements described in Paragraph 6.6 above, the ARB shall give an Owner prior notice that it intends to use the Owner's Construction Escrow Deposit for a particular purpose. The Owner shall thereafter have five (5) days from the date of the notice to repair the damage, complete the landscaping or Improvements, or otherwise perform the work for which the ARB intended to use the Owner's Construction Escrow Deposit, or, if the work cannot be completed during that time, to begin the work and thereafter diligently pursue it to completion. If the Owner, upon receipt of the notice, shall fail to perform the work, then the ARB shall thereafter be free to perform it and to use the Owner's Construction Escrow Deposit to pay for the cost thereof. Upon the completion of Improvements and when all work has been completed by either the responsible Owner or the ARB, the ARB shall return to the Owner any unused portion of the Owner's Construction Escrow Deposit.

In the event the ARB expends sums on the Owner's behalf as provided above in excess of the Owner's Construction Escrow Deposit, the Owner shall pay the excess to the ARB within twenty (20) days of notice thereof.

In the event no Construction Escrow Deposit has been required by the ARB, the ARB shall have the authority to expend money for the purposes set forth in this Paragraph 6 and to charge the Owner for reimbursement thereof.

Any and all interest earned on the Construction Escrow Deposit shall be credited

to and retained by the Master Association for its sole use and benefit.

7. **Construction Rules.** Attached as Exhibit D to these Standards are the Construction Rules for All Owners and Contractors at *Park West*. The ARB reserves the right to amend such Rules from time to time in its sole discretion. All construction at *Park West* must proceed in accordance with the Rules.

8. **Zoning and Other Governmental Regulations.** In addition to complying with the requirements imposed by this Association, the Owner of any Lot must comply with all zoning and other applicable governmental laws, rules and regulations. Approvals by the ARB pursuant to these Standards shall in no event be construed as representations or warranties that the Owner's plans, Final Plans or Improvements comply with any such governmental requirements.

9. **Signs.** No signs may be placed on a Lot except for signs approved in writing by Park West Development, Inc. or its authorized agents or otherwise approved of in writing by the ARB. The only other signs or documentation that may be posted at a residence or on a Lot during construction are grading and building permits. Business signs or other forms of advertisement not approved in writing by Park West Development, Inc. are not permitted. Grading and building permits must be attached to a post in a manner protected from the elements; in no event may building permits or any other signage or documentation be attached to trees.

10. **Final Survey.** Upon substantial completion of a residence on a Lot, the Lot Owner shall provide the ARB with a certificate of occupancy for the residence and a final, as-built survey certifying that the location of the Improvements complies with the Final Plans approved by the ARB.

**Procedures for Submission of
Preliminary Review Plans**

**To
Park West
Architectural Review Board**

November 1, 1999

**Procedures for Submission
of Preliminary Plans**

***To the Park West*
Architectural Review Board**

I. Preliminary Concept Submittal

Preliminary and conceptual level reviews are encouraged to make sure your plans comply with the covenants and restrictions of the ARB. The ARB only requires for you to submit a set of plans for final approval. However, if you have any concerns of your concept as unusual or extraordinary and you are concerned about acceptance by the ARB, then you may submit a Preliminary Concept for discussion prior to a final submittal. A rough draft is acceptable. These plans should include:

- A. Preliminary Review Application (attached)
- B. Architectural Questionnaire (attached)
- C. Landscape Architectural Questionnaire (attached)
- D. Architectural & Landscape Review Fee of \$300.00
- E. Floor plan with square footage
- F. Front elevation
- G. Wall section
- H. Site plan showing boundaries, set backs, and survey lines as well as drives walkways and service Courts
- I. A preliminary landscape plan is optional

Plans must be submitted to the offices of the ARB at Park West, Attn: ARB, 1100 Park West Boulevard, Mt. Pleasant, SC 29466, (843) 884-8595.

If desired, the Owner may submit a letter stating he/she has appointed an architect or builder as their representative to the ARB. Otherwise, all correspondence will be directed to the Owner.

PRELIMINARY REVIEW APPLICATION
PARK WEST ARCHITECTURAL REVIEW BOARD

DATE: _____

LOT NUMBER: _____

STREET/ROAD: _____

OWNER: _____

ADDRESS: _____

TELEPHONE: _____

ARCHITECT/DESIGN PROFESSIONAL: _____

ADDRESS: _____

TEL./FAX: _____

CONTRACTOR: _____

ADDRESS: _____

TEL./FAX: _____

SURVEYOR: _____

LANDSCAPE ARCHITECT/DESIGNER: _____

ADDRESS: _____

TEL./FAX: _____

FOR PWTARB USE:

CONCEPTUAL PLAN APPROVED

SAMPLE BOARD

SURVEY

ARCHITECTURAL QUESTIONNAIRE

SITE PLAN

LANDSCAPE PLAN

FLOOR PLAN

ELEVATIONS

BUILDING STAKED IN FIELD

COMMENTS: _____

ON-SITE INSPECTION

APPROVED/DATE: _____

DISAPPROVED: _____

ARCHITECTURAL QUESTIONNAIRE
PARK WEST ARCHITECTURAL REVIEW BOARD

ARB-3

To be completed by all architects submitting documents for approval at preliminary and final stages.

Preliminary Final

Lot number: _____

Owner's name: _____

Architect's name (hereafter called "the architect"): _____

Firm: _____

Address: _____

Telephone/Fax number: _____

S.C. Registration number: _____

1. Has the architect visited the site? Yes No
2. Date of last visit: _____
3. Has the architect read the Declaration of Covenants and Restrictions, Lot Development Restrictions, and Architectural Design Standards and Guidelines and designed the house accordingly? Yes No
4. Has the house been designed according to the Standard residential building code, especially in regard to wind resistant construction? Yes No
5. Has the architect attempted to minimize the amount of site to be graded? Yes No
6. Has the architect attempted to minimize the removal or damage of existing vegetation? Yes No
7. Does the building(s) block principal views from dwellings on adjacent properties or properties across the street? Yes No
8. If yes, has an attempt been made to minimize this effect? Yes No
9. Has the house been staked out on the lot (required prior to submitting this form)? (Trees to be removed to be tied with red surveyor's tape) Yes No
10. Area of lot: _____
11. Virgin site low point (AMS): _____

12. Height of structure (highest roof range) above this point: _____

13. First floor elevation (FFE) (minimum 2' above grade) _____

14. Area under perimeter of all construction (building footprint) including all decks, stairs, and roof overhangs: _____

15. Mean finished grade within this footprints: _____

16. Percentage of site to be graded: _____

Note: This area should be kept to a minimum and generally include only the building pad and drive and walk area.

17. Enclosed area under main girders: _____

18. Screening material: _____

19. Heated first floor area: _____

20. Heated mezzanine area: _____

21. Heated second floor area: _____

22. Total heated area: _____

23. Total of screened porch under roof: _____

24. Total square footage: _____

25. Total screened porch area: _____

26. Total of deck and balconies: _____

27. Are any variances from the Architectural Review Board standards being requested under this application? Yes No

If yes, please describe and give reason: _____

28. Describe and give color for exterior materials for the following:

A. Siding/wall finish: _____

Color: _____

- B. Trim: _____
Color: _____
- C. Roofing: _____
Color: _____
- D. Doors: _____
Color: _____
- E. Grade Level Screening: _____
Color: _____
- F. Paving: _____
Color: _____
- G. Other: _____

To the best of my knowledge, the foregoing statements are true.

Architect's Signature

Date

Architect's Seal

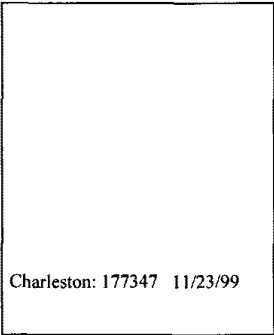


Exhibit A

LANDSCAPE ARCHITECTURAL QUESTIONNAIRE
PARK WEST ARCHITECTURAL REVIEW BOARD

ARB-4

Date: _____

To be completed by all landscape architects submitting documents for approval at preliminary and final stages.

Preliminary Final

Lot number: _____

Owner's name: _____

Landscape Architect's name (hereafter called "the landscape architect") _____

Firm: _____

Address: _____

Telephone/Fax number: _____

S.C. Registration number: _____

1. Has the landscape architect visited the site? Yes No
2. Date of last visit: _____
3. Has the landscape architect read the Declaration of Covenants and Restrictions, Lot Development Restrictions, and Architectural Design Standards and Guidelines and designed the house accordingly? Yes No
4. Has the landscape/site improvement plan been designed according to the Architectural Design Standards and Guidelines? Yes No
5. Has the landscape architect attempted to minimize the amount of site to be graded? Yes No
6. Has the landscape architect attempted to minimize the removal or damage of existing vegetation? Yes No
7. Does the landscape screen undesirable views from dwellings on adjacent properties or properties across the street? Yes No
8. Have exterior spaces and circulation been staked out on the lot (required prior to submitting this form)? (Trees to be removed to be tied with red surveyors tape) Yes No
9. Area of maintained landscape: _____

10. Percentage of site to be graded: _____

Note: This area should be kept to a minimum and generally include only the building pad and drive and walk area.

11. Have drainage requirements been addressed? Yes No
How? _____

12. Are any variances from the Architectural Review Board standards being requested under this application? Yes No

If yes, please describe and give reason: _____

13. Describe and give color for exterior materials for the following:

A. Trellis, Arbors, and Gazebos: _____

Color: _____

B. Decks and Terraces: _____

Color: _____

C. Fences: _____

Color: _____

D. Walls: _____

Color: _____

E. Driveways and Paving: _____

Color: _____

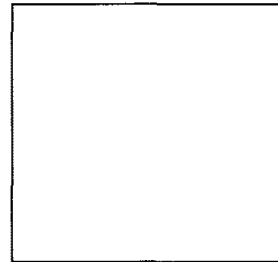
14. Attached proposed plant materials list.

To the best of my knowledge, the foregoing statements are true.

Landscape Architect's Seal

Landscape Architect's Signature

Date: _____



**Procedures for Submission
of Final Plans**

**To
Park West
Architectural Review Board**

November 1, 1998

**Procedures for Submission
of Final Plans**

***To the Park West*
Architectural Review Board**

II. Final Plans

The ARB only requires for you to submit a set of plans for final approval. However, as mentioned earlier, if you have any concerns of your concept and you have doubts about acceptance by the ARB, then you should submit a Preliminary Concept for approval before providing all the detail required for submitting Final Plans. The Final Plans must be submitted in duplicate (2 sets), and should include the following:

1. Final Review Application (form attached).
2. Floor Plan dimensioned to scale. ($\frac{1}{4}'' = 1'-0''$).
3. All exterior elevations to scale ($\frac{1}{4}'' = 1'-0''$) detailing all exterior material and roof pitches. (Roof, walls, columns, railing shutter, trim, etc.).
4. Aerial roof plan to scale ($\frac{1}{4}''$ or $\frac{1}{8}'' = 1'-0''$).
5. Exterior wall sections and/or details with ceiling heights.
6. Electric plans (optional).
7. Foundation plans (optional).
8. Site Plans: All plans should be submitted in consistent scale. Unless otherwise impractical, scale should be $1''=10'$ for all submissions. Site plans must depict:
 - a. Access street(s) and walkways(s), drives and other exterior improvements.
 - b. Grading/draining plan.
 - c. Exterior lighting plan such as flood, lamps or landscape lighting.

- d. Service yards.
 - e. Location and species of trees to be removed must be identified. A tree survey is required.
 - f. Location and identification of special features (e.g. drainage ditch, nearby lagoon, easements, adjacent structures, etc.). Note: adjacent structures including previously built residences shall be depicted in relationship to property lines.
 - g. Location of contractor's I.D. sign and portable outdoor toilet facilities.
9. Landscape Plan with Landscape Architectural Questionnaire (if not previously submitted).
10. Architectural Questionnaire with sample of exterior materials and paint colors as listed on Application for Agreement.
11. Owners' Trash and Debris Agreement signed (form attached).
12. Window manufacturer's cut sheets or sample.
13. Reduced elevations and landscape plans to 11" x 17" size paper.
14. Construction Application (form attached).

FINAL REVIEW APPLICATION
PARK WEST ARCHITECTURAL REVIEW BOARD

DATE: _____

LOT
NUMBER: _____

STREET/ROAD: _____

OWNER: _____

ADDRESS: _____

TELEPHONE: _____

ARCHITECT/DESIGN
PROFESSIONAL: _____

ADDRESS: _____

TEL./FAX: _____

CONTRACTOR: _____

ADDRESS: _____

TEL./FAX: _____

SURVEYOR: _____

LANDSCAPE
ARCHITECT/DESIGNER: _____

ADDRESS: _____

TEL./FAX: _____

FOR PWTARB USE:

PRELIMINARY PLAN APPROVED ON-SITE INSPECTION

SAMPLE BOARD

APPROVED/DATE: _____

SURVEY

DISAPPROVED: _____

ARCHITECTURAL QUESTIONNAIRE COND

APPROVED: _____

SITE PLAN

LANDSCAPE PLAN

FLOOR PLAN

ELEVATIONS

BUILDING STAKED IN FIELD

COMMENTS: _____

CONSTRUCTION APPLICATION
PARK WEST ARCHITECTURAL REVIEW BOARD

BK T338PG415

Date: _____

New construction Major improvements to existing structure

Lot number and Street/Road: _____

Owner's name: _____

Contractor: _____

Address: _____

Telephone/Fax number: _____

S.C. License number: _____

PREVIOUS CONSTRUCTION EXPERIENCE

Have you built in Park West before? Yes No

Please attach a selective list of five (5) completed jobs of similar level within the Charleston County area.

AGREEMENT

I, _____,
as contractor for the construction project described above, do hereby submit this deposit in good faith to the Park West Architectural Review Board for assurance that the construction will be implemented in accordance with the final plans as approved by the Architectural Review Board.

I further agree that:

1. I have read the Architectural Design Standards and Guidelines, and Declaration of Covenants and Restrictions and do agree to follow these in full understanding.
2. I agree to construct and fulfill the plans and specifications as approved for this project in the final review by the Architectural Review Board. Any changes to these plans will be first approved by the Board prior to implementation.
3. I understand that the deposit submitted will be returned in full after a satisfactory inspection, unless a deduction is necessary for any corrections to changes not approved by the Board, work to clean up an untidy site, or repairs necessary to streets, road shoulders or common areas.
4. I am responsible for the behavior and actions of all workers contracted to do work on this job while they are at
5. I am responsible for maintaining a clean construction site at all times and understand that I am bound by the restrictions covered under the Architectural Compliance Guidelines.

This application, agreement, and deposit made this ____ day of _____, 19____.

By:

Signature: _____

Witness: _____

DEPOSIT DATE: _____ AMOUNT RECEIVED: _____ CHECK #: _____

Approved by Architectural Review Board by: _____ Date: _____

REQUEST FOR FINAL INSPECTION/DEPOSIT REFUND
PARK WEST ARCHITECTURAL REVIEW BOARD

Date: _____

Lot number: _____

Owner's name: _____

Owner's address: _____

Architect: _____

Contractor: _____

Landscape Architect: _____

Requested Date of Inspection: _____

I do hereby certify in good faith that the contracted structure on said lot does conform to the Standard Building Code, local codes, and the Park West Architectural Review Board requirements and standards and the final plans as approved by the Architectural Review Board. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to rights of way and common areas has been implemented. This constitutes a request for return of Architectural Compliance deposit.

Contractor's signature: _____

Date: _____

Architect's signature: _____

Date: _____

Landscape Architect's signature: _____

Date: _____

ARB USE:

DEPOSIT RETURNED IN FULL

PARTIAL REFUND

AMOUNT RETURNED: _____

REASON FOR WITHHOLDING: _____

MINOR CHANGE APPLICATION
PARK WEST ARCHITECTURAL REVIEW BOARD

Date: _____

Lot number: _____

Owner's name: _____

Owner's address: _____

Architect: _____

Architect's signature: _____

Landscape Architect: _____

Landscape Architect's signature: _____

Description of Requested change: _____

Reason for change: : _____

(Please attach sketch/specifications of proposed change)

ARB USE:

On-Site Inspection Conducted

Inspected By: _____ Date: _____

APPROVED CONDITIONAL APPROVAL

Conditions: _____

DISAPPROVED

I understand and approve of this change:

Signed:

1) _____ Date: _____

2) _____ Date: _____

**OWNERS AGREEMENT WITH
PARK WEST**

RESPECTIVE TO TRASH & DEBRIS

This acknowledges that I am the Owner of Lot _____ in *Park West* and I agree to keep the lot free from all trash and debris and to keep the lot clean.

TRASH. Such as paper products will be cleaned daily. I recognize that the wind could blow trash onto surrounding lots, thus I will keep such trash that could be blown from our worksite to surrounding lots, including lots across the street, picked up.

DEBRIS. Such as building materials will be removed by each sub-contractor at the appropriate time. No debris will be deposited on any adjacent lots.

Furthermore, I agree that such trash or debris will be hauled off *Park West's* property and I recognize that if my Builder or any Sub-contractor is proven to have dumped any trash or debris on *Park West's* property, I will pay a determined fine in the amount of damages (such as cost to remove) and I will make such payment within 30 days of receiving an agreed upon bill.

Dated: _____

Owner Signature: _____

The Builder is:

**PLANT
RECOMMENDATIONS:**

BK T338PG419

TREES:

COMMON NAME

BOTANICAL NAME

AMERICAN HOLLY
BALD CYPRESS
BERMUDA PALMETTO
BLACK LOCUST
CAMPHOR TREE
CANARY ISLAND DATE PALM
CHERRY LAUREL
CHINESE FRINGE TREE
CREPE MYRTLE
CYPRESS VARIETIES
DESERT FAN PALM
EASTERN RED CEDAR
EASTERN REDBUD
FLOWERING DOGWOOD
GINGKO
CAROLINA SILVER BELL
LIVE OAK
LOBLOLLY BAY
LOBLOLLY PINE
MEXICAN PALMETTO
MIMOSA
PECAN
PINDO PALM
RED BUCKEYE
RED MAPLE (October glory,
Autumn flame, autumn radiance)
RIVER BIRCH
SABAL PALM
SAGO PALM
SASSAFRASS
SOURWOOD
SOUTHERN MAGNOLIA
SOUTHERN SUGAR MAPLE
SUMAC
SWEET GUM
SWEET BAY MAGNOLIA
SYCAMORE
TULIP POPLAR
CHASTE TREE
WAX MYRTLE
WASHINGTONIA PALM
WEeping WILLOW
WEeping YAUPON HOLLY
WATER OAK
WINDMILL FAN PALM

ILEX OPACA
TAXODIUM DISTICHUM
SABAL BERMUDIANA
ROBINIA PSEUDOACACIA
CINNAMOMUM CAMPHORA
PHOENIX CANARIENSIS
PRUNUS CAROLINIANA
LOROPETALUM CHINESE
LAGERSTROEMIA INDICA
CUPRESSUS VAR.
WASHINGTONIA FILIFERA
JUNIPERUS VIRGINIANA
CERCIS CANADENSIS
CORNUS FLORIDA
GINGKO BILOBA
HALESIA
QUERCUS VIRGINIANA
GORDONIA LASIANTHUS
PINUS TAEDA
SABAL MEXICANA
ALBIZIA JULIBRISSIN
CARYA ILLINOENSIS
BUTIA CAPITATA
AESCULUS PAVIA
ACER RUBRUM

BETULA NIGRA
SABAL PALMETTO
CYCAS REVOLUTA
SASSAFRAS ALBIDUM
OXYDENDRUM ARBORETUM
MAGNOLIA VIRGINIANA
ACER BARBATUM
RHUS TYPHINA
LIQUIDAMBAR STYRACIFLUA
MAGNOLIA VIRGINIANA
PLATANUS ACERIFOLIA
LIRIODENDRON TULIPFERA
VITEX AGNUS-CASTUS
MYRICA CERIFERA
WASHINGTONIA ROBUSTA
SALIX BABYLONICA
ILEX VOMITORIA "PENDULA"
QUERCUS NIGRA
TRACHYCARPUS FORTUNEII

SHRUBS:

BK T338PG420

COMMON NAME

BOTANICAL NAME

ANISE
ASPIDISTRA
BAMBOO VARIETIES
BARBERRY
BEAUTYBERRY
BEAUTYBUSH
BOTTLEBRUSH
BOXWOOD
BUTTERFLY BUSH
CAMELIA
CLEYERA
CORAL BEAN
COTONEASTER
ELEAGNUS
EUCALYPTUS
EUNONYMUS
FLOWERING QUINCE
FORSYTHIA VARIETIES
GARDENIA VARIETIES
GEORGE TABOR AZALEAS
HOLLY VARIETIES
HOLLY FERN
HYDRANGEA VARIETIES
JAPANESE KERRIA
JUNIPER VARIETIES
LANTANA VARIETIES
LIGUSTRUM VARIETIES
MAHONIA
MEDITERRANEAN FAN PALM
MYRTLE
NANDINA
NEEDLE PALM
OLEANDER
PINEAPPLE GUAVA
PODOCARPUS
PYRACANTHA
REDTIP PHOTINA
RICE PAPER PLANT
SAW PALMETTO
SERISSA
SPIREA VAR.
TEA OLIVE
TEXAS SAGE
VIBURNUM VAR.
WITCH HAZEL
YUCCA VARIETIES

ILLICIUM VARIETIES
ASPIDISTRA ELATIOR
PHYLLOSTACHYS (running types)
BERBERIS THUNBERGII
CALLICARPA
KOLKWTZIA AMABILIS
CALLISTEMON
BUXUS
BUDDLEIA
CAMELIA JAPONICA & SASANQUA
CLEYERA JAPONICA
ERYTHRINA BIDWILLII
COTONEASTER VARIETIES
ELEAGNUS
EUCALYPTUS
EUNONYMUS
CHAENOMELES SPECIOSA
FORSYTHIA SPECIES
GARDENIA SPECIES
SOUTHERN INDICA hybrid azalea
ILEX SPECIES
CYRTOMIUM FALCATUM
HYDRANGEA SPECIES
KERRIA JAPONICA
JUNIPERUS SPECIES
LANTANA SPECIES
LIGUSTRUM VARIETIES
MAHONIA BEALEI & AQUIFOLIUM
CHAMAEROPS HUMILIS
MYRTUS COMMUNIS
NANDINA DOMESTICA
RAPIDIOPHYLLUM HYSTRIX
NERIUM OLEANDAR
FEIJOA SELLOWIANA
PODOCAROUS MACROPHYLLA
PYRACANTHA
PHOTINIA FRASERII
TETRAPANAX PAPYRIFERUS
SERENOA REPENS
SERISSA FOETIDA
SPIREA SPECIES
OSMANTHUS FRAGRANS
SALVIA COCCINEA
VIBURNUM VARIETIES
HAMMAELIS
YUCCA SPECIES

GROUNDCOVERS,
PERENNIALS, GRASSES
ANNUALS & VINES:

AFRICAN IRIS (DIETES)
AGERATUM
ASPARAGUS FERN
ASIAN JASMINE
AZTEC GRASS
BUTTERFLY WEED
BOG SAGE (SALVIA ULIGINOSA)
CALIFORNIA POPPY
CAROLINA JESSAMINE
CHRYSANTHEMUM
CLEMATIS
COLUMBINE
COMMON FIG
CONEFLOWER
CREEPING FIG
CRINUM LILIES
DAFFODIL
ECHINACEA
ENGLISH IVY
EVERGREEN GIANT LIRIOPE
FOUNTAIN GRASS
GAZANIA
GERANIUM
HIBISCUS COCCINEA (TEXAS STAR)
HELIANTHUS ANGUSTIFOLIA
HIDDEN GINGER (CURCUMA)
HOLLYHOCK
IMPATIENS
IRIS
LENTEN ROSE
MAIDEN GRASS
MARIGOLD
MEXICAN PETUNIA (R. BRITTOLIA)
MORNING GLORY
NEOPOLITAN ONION (ALLIUM)
N. SEA OATS (CHAS. LATTIFOLIA)
PAMPAS GRASS
PETUNIA
PHYTOSTEGIA
PINKS
RAIN LILY
ROSEMARY
SALVIA LEUCANTHA
SNAPDRAGON
SPIDER LILY
SUNFLOWER
SWEET ALYSSUM
TRUMPET VINE

UMBRELLA GRASS (C. ALTERNIFLORIS)
VERBENA
VIRGINIA SPRAY (O. NARBONESE)
YARROW
ZINNIA

**EXHIBIT D TO ARCHITECTURAL DESIGN
AND
LANDSCAPING STANDARDS**

**CONSTRUCTION RULES
FOR
ALL OWNERS AND CONTRACTORS
*AT Park West***

November 1, 1998

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TO
CONSTRUCTION RULES**

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**CONSTRUCTION RULES FOR
ALL OWNERS AND CONTRACTORS AT *PARK WEST***

1. **Applicability.** These Rules shall apply to all Lot Owners and builders, and any reference herein to an Owner shall also apply to the Owner's builder and subcontractors. While at *Park West*, all Owners shall abide by these Rules and such other rules as the Master Board and/or the Development Review Board may establish from time to time.

2. **Construction Hours and Noise.** All construction activities must be conducted and all deliveries must be made from 6:00 a.m. until 8:00 p.m. Monday through Saturday. Any construction activities conducted or access to *Park West* after these hours must be scheduled with the Development Review Board twenty-four (24) hours in advance. No loud radios or distracting noises will be permitted during construction.

3. **Rubbish and Debris.** In order to maintain a neat and orderly appearance at all times throughout *Park West*, the following rubbish and debris rules must be strictly followed:

3.1. **Domestic Refuse.** At least one (1) trash container must be located at all times inside each residence under construction. All domestic refuse such as food scraps and packaging, cups, plates, napkins and similar items which at any time exist in the residence or on the Lot must be placed in the trash container. The trash container shall be emptied regularly and its contents properly disposed of off the Lot and outside of *Park West*.

3.2. **Interior Construction Debris.** All parties are strongly encouraged to frequently clean up and remove rubbish and construction debris located within the walls of a residence.

3.3. **Exterior Construction Debris.** With regard to all construction debris located on a Lot outside the walls of a residence, the following rules shall apply:

(i) By the end of each day on which work occurs on the Lot, all lightweight construction debris such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a steel

dumpster unit provided by a trash disposal company and located on the Lot;

(ii) By the end of the day on each Friday, all non-blowable construction debris such as wood scraps, shingles' brickbands, drywall, bricks and masonry blocks must be gathered and placed in the steel dumpster; and

(iii) The steel dumpster must be emptied and the debris hauled away on an as-needed basis and before it is filled to overflowing.

Within the last three- (3) days of every month, all debris must be taken off the Lot and out of *Park West*, leaving the Lot free of all debris.

3.4. No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4. Excess Natural Materials. Excess plant matter, rock, topsoil and similar materials must be offered first to *Park West Development, Inc.* prior to their removal from *Park West*, and no such materials may be removed from *Park West* without the prior approval of *Park West Development, Inc.*

5. Street Cleaning. Approximately once each week near the end of the week, the *Park West Homeowners Association* ("Association") will engage a street cleaning service to clean the streets in *Park West* of normal construction dirt, mud and gravel. The Association shall pay for twenty-five percent (25%) of the cost of such service. The Owners constructing homes at the time such services are rendered shall pay for the remaining seventy-five percent (75%) of the cost, in accordance with the following formula:

A particular Owner's pro-rata share of street cleaning costs shall be determined by multiplying the total cost of the service times (a) .75 and (b) a fraction, the denominator of which is the total number of houses in *Park West* that have been under construction for six (6) months or less, and the numerator of which is the number of houses in *Park West* that such Owner has had under construction for six (6) months or less. The intent of this formula is to ensure that each house under construction bears its fair share of the street cleaning costs for the first six (6) months it is under construction, but not thereafter. Invoices from the Association for reimbursement of the street cleaning costs must be paid within thirty (30) days.

Park West Development, Inc. shall also have the right, without notice, to

clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the Owner responsible therefore, charge the cost of such clean up to the responsible Owner and receive reimbursement for the expense of such clean up from the Owner or the Owner's Construction Escrow Deposit.

6. Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the Development Review Board.

7. Materials Storage. No construction materials, equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved of by the Development Review Board.

8. Trailers. No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in *Park West*, except as approved in writing by the Development Review Board.

9. Construction Access. During the time a residence or other Improvements are being built, all construction access shall be confined to the approved driveway for the Lot unless the Committee approves an alternative access way.

10. Gravel Drives. Prior to commencement of construction on any Lot, the Owner contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base from the paved street to the house under construction.

11. Parking. All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any streets within *Park West* overnight. Construction vehicles may be left on a Lot overnight only if additional use of the vehicle will be made within the following three (3) days.

12. Miscellaneous Practices. The following practices are prohibited at *Park West*:

1. Changing oil of any vehicle or equipment;
2. Allowing concrete suppliers and contractors to clean their equipment other than at locations, if any, designated for that purpose by the DRB;
3. Carrying and/or discharging any type of firearms, except by law

enforcement officials and security personnel authorized in writing by *Park West* Development, Inc.;

4. Careless and thoughtless disposition of cigarettes and other flammable material.
13. Pets. Builder and contractor personnel may not bring pets onto *Park West* property.
14. Common Areas. Except with the prior written permission of the Committee, Builder and contractor personnel are not allowed in the common or amenity areas and no construction access will be allowed across the Amenity or other Common Areas.
15. Accidents. *Park West* Development, Inc. shall be notified immediately of any accidents, injuries or other emergency occurrences. Subsequent to a 911 or other emergency calls, *Park West* Development, Inc. should be notified at 843-884-8595.
16. Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided at each residence under construction, in as inconspicuous a location as possible.
17. Speed Limits. The established speed limit within *Park West* community (except for traffic on *Park West* Boulevard) is twenty-five miles per hour (25 mph) for all vehicles, and this limit must be obeyed. Individuals violating speed limits may be cited by the *Park West* Security.
18. Property Damage. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by *Park West* Development, Inc. and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be deducted from the Landscape/Construction Escrow Deposit. If the Landscape/Construction Escrow Deposit is not sufficient to cover the entire repair cost, the additional amount will be charged to and promptly paid by the Owner. If any telephone, cable T.V., electrical, water or other utility lines are cut, the party causing such damage shall (1) report the matter within thirty (30) minutes to personnel at *Park West* Development, Inc. and at the respective utility company and (2) bear any cost incurred in connection with repairing such damage.
19. Failure to Abide. Failure to abide by any of the above rules may result in the loss of a contractor's privilege to enter *Park West* on a temporary or permanent basis.

**OWNERS AGREEMENT WITH
BUILDER CONTRACTOR**

RESPECTIVE TO CONSTRUCTION RULES

This acknowledges that I am the Owner of Lot _____ in *Park West* and _____ is my Builder Contractor for my house. By affixing our signatures below, we agree to all the Construction Rules as defined in Exhibit D of the Park West Architectural and Landscaping Design Standards. We will ensure that the rules are followed by all parties (i.e., owner, builder, sub-contractors, etc.) working within *Park West*. Failure to abide by any of the above rules may result in the loss of a contractor's privilege to enter Park West on a temporary or permanent basis.

Dated: _____
Owner
Signature: _____

Dated: _____
Builder: _____

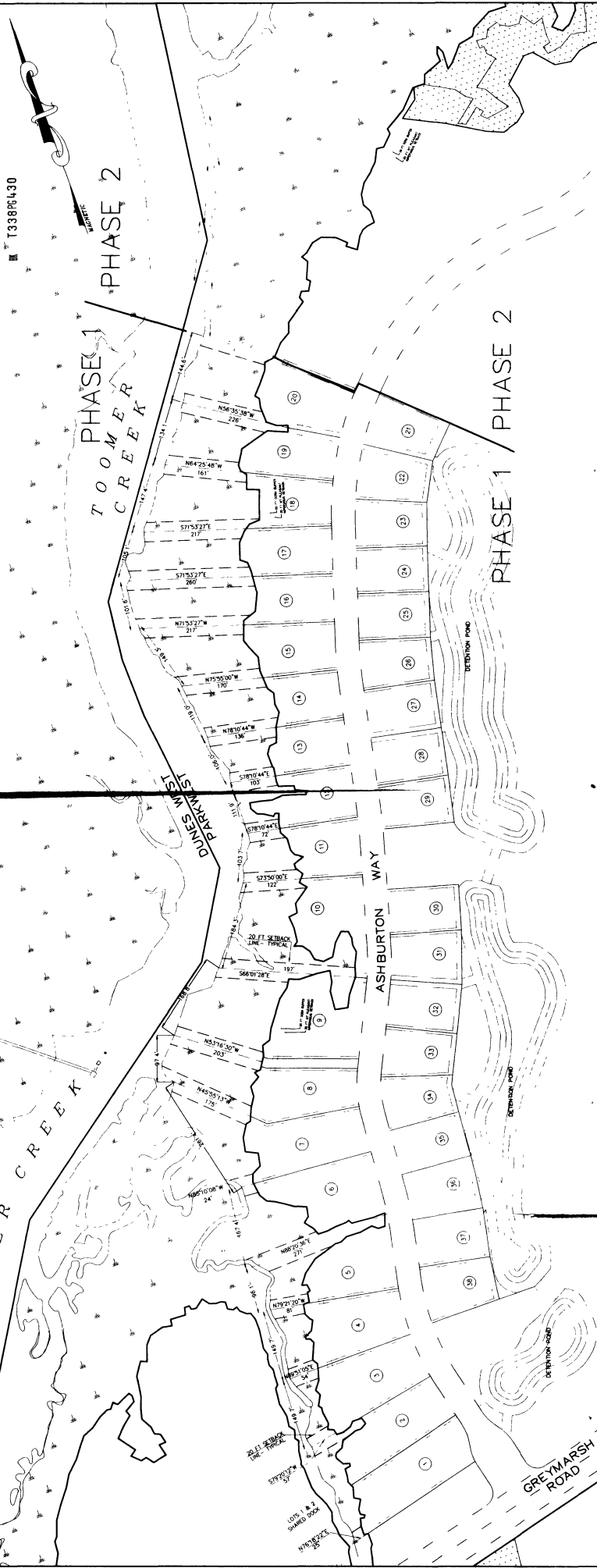
T338P6430

PHASE 1
TOOMER CREEK

PHASE 2
TOOMER CREEK

PHASE 1
ASHBURTON WAY

ASHBURTON WAY

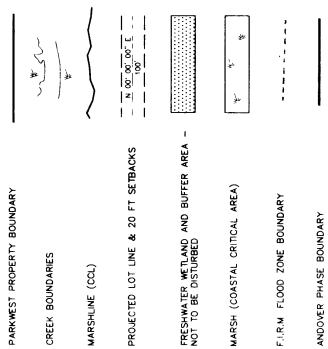


NOTES:

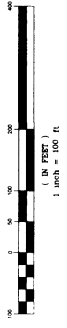
1. THIS PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE DUE TO FUTURE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, ORDINANCES, REGULATIONS, AND REVIEW FROM ALL AFFECTING AGENCIES, AND OTHER FACTORS.
2. TOOMER CREEK BOUNDARY IS TAKEN FROM SURVEY AND HAS BEEN FIELD VERIFIED.
3. A STORMWATER BUFFER OF 20 FEET WIDTH SHALL BE LOCATED ALONG THE ESTABLISHED COASTAL CRITICAL LINE (CCL) AS SHOWN ON THE APPROVED SUBDIVISION PLAT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
4. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
5. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE BUFFER SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
6. THIS PLAN IS CONCEPTUAL IN NATURE AND INTENDED TO GIVE ADVANCE FOR THE FUTURE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, ORDINANCES, REGULATIONS, AND REVIEW FROM ALL AFFECTING AGENCIES, AND OTHER FACTORS.
7. LOT WITH AT MARSH LINE (COASTAL CRITICAL LINE) AND WITH BETWEEN PROJECTED LOT BOUNDARY AND CREEK BOUNDARY SHALL BE CLEAR OF POINTS, AND SHALL BE MAINTAINED AT THEIR NEAREST NEIGHBOR.
8. ENCLOSED BOAT HOUSES ARE PROHIBITED.
9. DOCKS OR PIERS GREATER THAN 1000 FT. LONG ARE PROHIBITED.
10. NO STRUCTURES SHALL BE ALLOWED WITHIN 20 FT. OF PROJECTED PROPERTY LINES.
11. DOCK SIZE AND ORIENTED ARE DEPENDENT ON WIDTH OF CREEK. WITH PROJECTED PROPERTY LINES, STRUCTURAL DESIGN SHALL BE DONE BY THE DEVELOPER. THE DEVELOPER SHALL SUBMIT A DOCK MASTER PLAN.
12. THE MAXIMUM SQUARE FOOTAGE OF DOCK BASE SOLELY ON CREEK WITH ARE:

LESS THAN 20 FT	MAXIMUM 3000
20 TO 50 FT	120 50 FT
51 TO 100 FT	180 50 FT
GREATER THAN 100 FT	CASE BY CASE BASIS
13. REFER TO SECTION 30-1.1 SPECIFIC PROJECT STANDARDS FOR REGULATIONS AND COASTAL WATERWAYS.

LEGEND:



GRAPHIC SCALE



APPENDIX A-2

REVISION: 11/07/99
 REVISION: 02/14/99
 REVISION: 04/29/99
 1111 CHURCH STREET
 CHARLESTON, S.C. 29403
 PHONE: (843) 722-0596

CS&E ENGINEERS ARCHITECTS

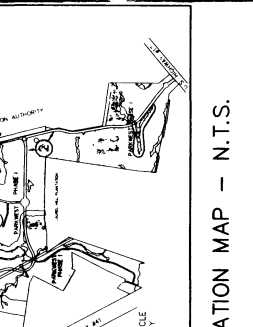
PHASE III
 ANDOVER PHASE III
 ANDOVER AT PARK WEST SUBDIVISION, PHASE 1
 FOR: Parkwest Development, Inc.

P.O. BOX 37
 CHARLESTON, S.C. 29402
 PHONE: (843) 723-4444

DATE: 04/29/99
 DRAWN BY: DWZ
 LAST REV. 11/07/99
 DRAWING NUMBER: 79491-006

APPROXIMATE CREEK WIDTHS FOR POTENTIAL INDIVIDUAL LOT PERMITS ARE:

LOT NUMBER	APPROXIMATE CREEK WIDTH
1 & 2	6 FT
3	7 FT
4	9 FT
5	9 FT
6	13 FT
7	13 FT
8	100 FT
9	100 FT
10	125 FT
11	125 FT
12	142 FT
13	142 FT
14	111 FT
15	111 FT
16	155 FT
17	155 FT
18	108 FT
19	108 FT
20	108 FT



LOCATION MAP - N.T.S.

McNair Law Firm

15
hr

BK T338PG431

128.00
A

FILED

T338-303

1999 DEC -3 PM 1:52

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC