

## **Wexford Architectural Standards Committee**

### **Policies & Procedures, Architectural Guidelines and Landscape Guidelines**

This edition supersedes all previous editions.

#### **Approvals:**

Architectural Standards Committee	August 14, 2008
Wexford Board of Directors	September 23, 2008
Architectural Standards Committee	October 13, 2009
Wexford Board of Directors	October 16, 2009
Architectural Standards Committee	August 13, 2013
Wexford Board of Directors	August 23, 2013
Architectural Standards Committee	March 10, 2015
Wexford Board of Directors	March 20, 2015
Architectural Standards Committee	March 22, 2016
Wexford Board of Directors	March 25, 2016
Architectural Standards Committee	July 26, 2016
Wexford Board of Directors	July 29, 2016
Architectural Standards Committee	July 11, 2017
Wexford Board of Directors	July 21, 2017
Architectural Standards Committee	February 13, 2018
Wexford Board of Directors	February 27, 2018
Architectural Standards Committee	April 23, 2019
Wexford Board of Directors	May 17, 2019
Architectural Standards Committee	February 10, 2021
Wexford Board of Directors	February 19, 2021
Architectural Standards Committee	April 26, 2022
Wexford Board of Directors	April 29, 2022
Architectural Standards Committee	September 15, 2022
Wexford Board of Directors	September 23, 2022
Architectural Standards Committee	May 9, 2023
Wexford Board of Directors	May 19, 2023

# Index

<b>1. Overview</b>	<b>1</b>
1.1 Introduction .....	1
1.2 Purpose and Authority of the ASC.....	1
1.3 Amendment .....	1
1.4 Property Owner Responsibilities .....	2
1.5 Architectural Standards Committee .....	2
<b>2. ASC Policies and Procedures</b>	<b>3</b>
2.1 General Policies and Procedures .....	3
2.1.1 Getting Started .....	3
2.1.2 Submissions.....	3
2.1.3 Notifications .....	3
2.1.4 Design Resubmissions .....	3
2.1.5 Construction Change Orders .....	3
2.1.6 Approval to Commence Construction .....	4
2.1.7 Precedent .....	4
2.1.8 Approval Not A Guarantee .....	4
2.1.9 Delayed Projects.....	4
2.1.10 Site Inspections .....	4
2.1.11 Construction Work Rules.....	4
2.1.12 Common Property and Adjacent Lots .....	4
2.1.13 Active Projects.....	4
2.1.14 Interior Improvements .....	5
2.1.15 Mailbox and Street Address Sign.....	5
2.2 Landscape Policies and Procedures.....	5
2.2.1 New Home Construction .....	5
2.2.2 Existing Landscape Modification .....	5
2.2.3 Submissions.....	5
2.2.4 Penalties.....	5
2.2.5 Continuous Maintenance (Including Undeveloped Lots).....	5
2.3 Tree Preservation Policies and Procedures .....	6
2.3.1 Tree Removal .....	6
2.3.2 Mitigation .....	6
2.3.3 Protection during Construction .....	6
2.3.4 Tree Damage Penalties.....	6
2.4 The ASC Process for New Home Construction .....	7
2.4.1 Overview .....	7
2.4.2 Plan Submissions for ASC Review and Approval.....	7
2.4.3 ASC Approval to Commence Construction .....	8
2.4.4 Pre-Construction Meeting .....	8
2.4.5 Permits, Inspections and Site Visits .....	8
2.5 Process for Existing Home Exterior Renovations, Additions and Improvements .....	9
2.5.1 Overview .....	9
2.5.2 Plan Submissions for ASC Review and Approval.....	10
2.5.3 ASC Approval to Commence Construction .....	10
2.5.4 Pre-Construction Meeting .....	10
2.5.5 Permits, Inspections and Visits .....	11

2.6	Fees, Deposits and Penalties .....	11
2.6.1	Application Fees .....	11
2.6.2	Refundable Escrow Deposits .....	11
2.6.3	Completion Penalties.....	11
2.6.4	Compliance.....	12
2.6.5	Tree Damage Penalties.....	13
<b>3.</b>	<b>Architectural Guidelines</b> .....	<b>14</b>
3.1	Overview .....	14
3.2	Design Intent and Historical Background .....	14
3.3	Size.....	14
3.4	Height.....	15
3.5	Building Setbacks .....	15
3.6	Horizontal Improvements .....	15
3.7	Pools.....	15
3.8	Walls and Barriers .....	16
3.9	Foundations .....	16
3.10	Outbuildings .....	17
3.11	Garages .....	17
3.12	Driveways.....	17
3.13	Windows and Exterior Shutter .....	17
3.14	Fireplaces and Chimneys.....	18
3.15	Roofs .....	18
3.16	Entrances.....	18
3.17	Exterior Color and Materials .....	19
3.18	Exterior Wall Finishes .....	19
3.19	Exterior Lighting .....	19
3.20	Service Yards and Pool Equipment Enclosures.....	19
3.21	Drainage .....	19
3.22	Exterior Site Accessories .....	20
3.23	Docks, Seawalls and Bulkheads .....	20
3.23.1	Waterfront Property.....	20
3.23.2	Dock Construction .....	21
3.23.3	Dock Dimensions .....	21
3.23.4	Broad Creek Docks .....	21
3.23.5	Concrete Bulkhead Protection.....	21
3.23.6	Mooring Posts and Cleats.....	21
3.23.7	Lot Lines and Mooring Limits.....	21
3.23.8	Permitted Dock Equipment, Furniture, and Accessories .....	21
3.23.9	Non-Standard Marine Equipment and Accessories .....	22
<b>4.</b>	<b>Landscape Guidelines</b> .....	<b>22</b>
4.1	Overview .....	22
4.2	Foundation Softening and Screening .....	23
4.3	Additional Screening .....	23
4.4	Plant Usage.....	23
4.5	Planting Beds.....	23
4.6	Street, Golf Course, Harbour and Waterfront Abutments .....	24

---

4.7	Trees .....	24
4.8	Landscape Lighting .....	24
4.9	Wexford on the Green, Wexford Commons and Wexford Garden Homes.....	24
<b>5.</b>	<b>Builder/Contractor Guidelines/Work Rules</b>	<b>25</b>
5.1	Builder/Contractor Responsibilities .....	25
5.2	Work Time and Days .....	25
5.3	Posting of Permits .....	25
5.4	Use of Common Property.....	25
5.5	Use of Private Property .....	25
5.6	Parking .....	26
5.7	Equipment Storage .....	26
5.8	Construction Supply Storage .....	26
5.9	Maintenance of Construction Sites.....	26
5.10	Placement and Use of Dumpsters .....	27
5.11	Worker Transportation .....	27
5.12	Placement of Portable Toilets .....	27
5.13	Use of Wexford Facilities.....	28
5.14	Removal of Debris .....	28
5.15	Miscellaneous.....	28
5.16	Emergency Preparedness Requirements .....	28
5.17	Removal, Closure or Fines for Failure to Comply with Work Rules .....	28
5.18	Penalties for non-compliance of Builder/Contractor Guidelines/Work .....	29
<b>6.</b>	<b>Application for Design Review - Design Review Applications is in "<u>Forms</u>" section</b>	

# Wexford ASC Policies and Procedures

## 1. Overview

### 1.1 Introduction

The Wexford HOA Architectural Standards Committee Policies and Procedures, Architectural Guidelines and Landscape Guidelines (hereinafter “ASC Policies and Procedures” or “Policies and Procedures”) has been prepared to meet the challenging demands of our growing but aging community, Wexford HOA (“Wexford”).

As Wexford grows into a mature community, creating and maintaining a high standard of residential design and landscape is essential to preserve the aesthetic appearance and natural setting of Wexford in addition to adding value to the community and individual properties.

This document has been prepared by the Architectural Standards Committee (“ASC” or “Committee”) for the purpose of informing property owners, design professionals, and builders of Wexford’s ASC Policies and Procedures, and of the ASC’s role, requirements and processes affecting all exterior construction and improvements to better facilitate a smooth and efficient review and approval process and construction experience.

### 1.2 Purpose and Authority of the ASC

In order to preserve the natural setting and beauty of Wexford, establish and maintain a harmonious and aesthetically pleasing design for Wexford, and protect and promote the value of Wexford, Article X of Wexford HOA Declaration of Covenants, Conditions and Restrictions (the “Covenants”) establishes an ASC and sets forth specific conditions and restrictions regarding all exterior improvements and repair including landscaping and tree preservation. Per Covenant 10.05, the Architectural Standards Committee shall have the sole discretion to determine whether plans and specifications submitted for approval are acceptable to the Association. Therefore, the ASC has express authority and discretion to grant exceptions in policies and procedures without notifying the Board of Directors.

The ASC has been established for the purpose of defining aesthetic standards of construction in Wexford and reviewing and approving all proposed exterior improvements taking into consideration elements affecting the architectural, aesthetic and environmental aspects of the Wexford.

Article X of the Covenants sets forth the ASC’s jurisdiction, authority and obligations for developing and enforcing policies and procedures to ensure that Wexford’s standards, requirements and restrictions are properly met. It should be noted that each Lot or Dwelling shall be used for residential purposes only. No trade or business of any kind may be carried on therein. This includes but is not limited to garage/yard and estate sales. Home office use as described in Covenant 10.10 is permitted.

The Covenants require that the ASC review and approve designs for new home construction including landscaping, and all existing home exterior renovations, additions or improvements.

The decisions of the ASC can be based purely upon aesthetic considerations, including, maintaining the architectural integrity and character of Wexford HOA.

The statements contained in this document are to condense, amplify or clarify the provisions of the Covenants. In the event of a conflict, the provisions of the Covenants will prevail.

### 1.3 Amendment

The ASC Policies and Procedures may be amended at any time by majority vote of the ASC at a duly constituted meeting and requires the subsequent approval of a majority vote of the Board of Directors. No prior notice or announcement will be required to amend these Policies and Procedures. Preliminary or final architectural or

landscape plans marked “received” by the ASC will be subject to the ASC Policies and Procedures applicable at the time of their receipt.

#### **1.4 Property Owner Responsibilities**

Every grantee of any interest in Wexford, by acceptance of a deed or conveyance of such interest, agrees to be bound by the provisions of Article X of the Covenants.

Therefore, before beginning a construction, exterior improvement or landscaping project, property owners are urged to become familiar with the provisions of the Covenants, these Policies and Procedures (and where applicable the supplemental guidelines and/or covenants for Wexford on the Green, Wexford Commons, Wexford Garden Homes, and the Multi-Family Areas), Wexford Harbour Yachting Guide Policies and Procedures and Builder/Contractor Guidelines/Work Rules (“Construction Work Rules”).

#### **1.5 Architectural Standards Committee**

The Wexford Covenants state that the ASC shall be composed of a maximum of seven (7) but not less than three (3) volunteer members of the Wexford community, that are Owners, who are appointed by the Board of Directors for a one (1) year term. ASC members are requested to serve three (3) one year terms. The terms are staggered in order to provide continuity from year to year. The terms should coincide with the fiscal year of Wexford. The committee members may or may not be Wexford Board members. The Committee must have a Chairman and a Vice Chairman. The ASC is authorized to retain the services of architects, certified arborist, landscape professionals, urban designers, engineers, inspectors and attorneys, as necessary, to advise and assist the Committee in performing its functions.

The ASC Administrator manages the day-to-day activities of the ASC and carries out the application of and adherence to the Committee’s Policies and Procedures, and decisions.

The ASC Office is located at Village of Wexford, Suite J-18, 1000 William Hilton Parkway, Hilton Head Island, S.C. 29928. Telephone: # 843-686-8820, Fax # 843-686-8819.

Mailing Address: PO Box 4100, Hilton Head Island, SC 29938

The ASC typically meets the second and fourth Tuesday of each month, but must meet at least once a month, to review and approve plans and requests submitted for new construction, existing home exterior renovations, additions and improvements, landscaping and tree removal requests. Meeting dates are subject to change.

Upon request to the Administrator, the ASC will be pleased to invite property owners, designers and builders to meet with the Committee at a regularly scheduled meeting regarding specifics of their project or other specific concerns they want to bring to the attention of the ASC.

## **2. ASC Policies and Procedures**

### **2.1 General Policies and Procedures**

#### **2.1.1 Getting Started**

Prior to planning any new home construction, any external renovations additions or improvements, significant changes to existing landscaping or the removal of any trees, a property owner must contact the ASC Administrator to review the scope of the intended project and the applicable provisions of the following:

- Covenants
- ASC Policies and Procedures, which includes all Architectural and Landscape Guidelines
- Supplemental guidelines and/or covenants for Wexford on the Green, Wexford Commons, Wexford Garden Homes and the Multi-Family Areas
- Wexford Harbour Yachting Guide Policies and Procedures

The ASC Administrator also will review with the property owner, as applicable:

- The ASC process for new home construction
- The ASC's contractual obligations with the homeowner
- The ASC process for existing home exterior renovations, additions and improvements
- The possible penalties to homeowners and their contractor
- Builder/Contractor Guidelines/Work Rules (Refer to Section 5)
- Application for Design Review (Refer to Section 6)

#### **2.1.2 Submissions**

Property owners must ensure that their design, construction and landscape professionals are thoroughly knowledgeable of the provisions of the documents listed above. Submissions of plans and related information that are incompatible with the Covenants, or Policies and Procedures or are incomplete with respect to the submission requirements can delay the ASC review and approval process. Submissions should be made by completing the Application for Design Review form (Refer to Section 6 or obtain from the ASC Administrator or on the Wexford web site).

Submissions must be received by the ASC Administrator by 3:00 p.m. on the Wednesday prior to a scheduled ASC meeting in order for them to be reviewed at that meeting. The ASC Administrator has the authority to make exceptions.

#### **2.1.3 Notifications**

Property owners will be notified in writing of ASC decisions with copies to their design professionals and/or builders. Oral representations of Committee decisions will be non-binding on the Committee.

#### **2.1.4 Design Resubmissions**

Revised submittals of home design plans and/or related material resubmitted in response to ASC comments must include a letter from the architect or landscape designer describing the design modifications and must be responsive to the concerns expressed by the ASC.

#### **2.1.5 Construction Change Orders**

The ASC recognizes that as a construction project progresses, slight changes to ASC approved plans may become necessary. The desired changes should be submitted to the ASC together with an Application for a Change Order (Refer to Section 9 or obtain from the ASC Administrator or on the Wexford web site) for its review and written approval prior to constructing such changes. Changes made without ASC approval may result in a penalty (Refer to Section 2.6 – Fees, Deposits and Penalties).

### **2.1.6 Approval to Commence Construction**

Receipt of the ASC's approval to begin construction does not constitute permission to commence any work at the job site until proper permits are granted and posted.

### **2.1.7 Precedent**

Neither the ASC nor property owners may use precedent as justification for approval of a new design.

### **2.1.8 Approval Not A Guarantee**

Compliance with local and national building codes as well as other regulatory agencies having jurisdiction is the sole responsibility of the property owner, architect and builder.

In accordance with the Covenants, Article X, Section 10.07 "No approval of plans and specifications and no publication of architectural standards will be construed as representing or implying that such plans, specifications, or standards will, if followed, result in properly designed improvements. Such approvals and standards will in no event be construed as representing or guaranteeing that any Dwelling or other improvements built in accordance therewith will be built in a good and workmanlike manner. The ASC will not be responsible or liable for any defects in any plans or specifications submitted, revised, or approved pursuant to the terms of this Article X, nor any defects in construction undertaken pursuant to such plans and specifications.

### **2.1.9 Delayed Projects**

If construction has not substantially commenced within six (6) months of the date of the ASC's final approval, the plans may require re-submittal for a new ASC review and approval together with another application fee. (Covenant, Section 10.05)

Section 10.05 of the Covenants provides that in the event the ASC fails to approve or disapprove in writing any proposed plans and specifications within forty five (45) days after such plans and specifications shall have been submitted, such plans and specifications will be deemed to have been expressly approved.

### **2.1.10 Site Inspections**

The ASC may conduct site inspections at various times during construction. ASC members and the Administrator will have the right during reasonable hours to enter upon and inspect any construction site.

### **2.1.11 Construction Work Rules**

Contractors will maintain construction sites in a reasonably clean and uncluttered condition and upon completion of construction all equipment will be removed immediately. Construction Work Rules have been established and work sites are monitored by Wexford's Security Department, the ASC Administrator and ASC members to ensure that such rules are being followed. These work rules are in Section 5 or can be obtained from the ASC Administrator or on the Wexford web site. Non-compliance with these rules is subject to penalty. (Refer to Section 2.6 – Fees, Deposits and Penalties)

### **2.1.12 Common Property and Adjacent Lots**

Any damage to common property during construction including to leisure paths and roadways must be repaired to its original condition by the contractor. Approval for the use of the adjacent property for parking and storage of materials must be in writing from the owner of said property and any damage must be repaired to its original condition.

### **2.1.13 Active Projects**

A Construction Status Report listing projects currently underway in Wexford is posted at the entrance to the ASC Office for property owners to view during business hours.

Should they so desire and for informational purposes only, property owners may make arrangements with the ASC Administrator to view the exterior plans only pertaining to a new home construction or a renovation project.



### **2.1.14 Interior Improvements**

A property owner may make interior improvements and alterations without the necessity of review or approval by the ASC. However, exterior construction parking, placement of dumpsters, storing of materials, etc., related to an interior project is subject to ASC Policies and Procedures.

### **2.1.15 Mailbox and Street Address Sign**

Once a property owner has received a Certificate of Occupancy for a new home or closing documents for the purchase of an existing home, Wexford will place his/her nameplate on a mailbox. Wexford's Master Plan and the United States Postal Service determine the location of the mailbox.

Wexford will provide each homeowner with a uniform street address sign that will be placed in the front yard. The cost of the sign will be billed to the homeowner's Wexford account. Replacement signs can be ordered through the ASC Administrator.

## **2.2 Landscape Policies and Procedures**

### **2.2.1 New Home Construction**

Landscape plans related to new home construction will be subject to ASC review and approval in advance of its installation.

A landscape plan must be submitted to the ASC as part of the Final Plan Submission phase.

Landscape plans must conform to the Landscape Guidelines (Refer to Section 4) and meet the requirements outlined in the Landscape Plan Submission Procedures (Refer application form #13). Landscaping must be installed in accordance with the approved plan and completed within ninety (90) days from the exterior construction having been deemed complete by the ASC. The ASC reserves the right to require landscape revisions at Final Inspection if the landscape does not conform to the ASC Landscape Guidelines.

### **2.2.2 Existing Landscape Modification**

Advance ASC review and approval is required for any landscape modification that involves more than fifty percent (50%) of the existing landscaping on any side of a residence or that results in a screening issue. The landscape plan submitted for ASC review and approval must conform to the Landscape Guidelines (Refer to Section 4) and meet the requirements outlined in the Landscape Plan Submission Procedures (Refer application form #13). The landscape installation must conform to the approved landscape plan and be completed within a specified time frame to be determined on a case by case basis.

### **2.2.3 Submissions**

The Landscape Plan Submission Procedures can be obtained from the ASC Administrator or on the Wexford web site.

### **2.2.4 Penalties**

A landscape installation that does not comply with the ASC approved landscape plan and/or is not completed in the required time frame is subject to penalties. (Refer to Section 2.6 - Fees, Deposits and Penalties.)

### **2.2.5 Continuous Maintenance (Including Undeveloped Lots)**

Property owners must maintain their landscaping in a manner consistent with the Landscape Guidelines (Refer to Section 4) in order for the community to be aesthetically pleasing as a harmonious whole as it matures.

It is the property owner's responsibility to landscape and maintain landscaping from property lines to the roadway and, if applicable, to lagoons/waterways.. This includes areas between leisure paths and the street.

Homeowners and Landscape Professionals may not blow, rake, or shovel yard debris on to any street, down storm drains, onto the cart paths or leisure trails, into the Harbour or onto any common area or private property. Landscape professionals are responsible for removing all their yard debris from Wexford.

Undeveloped lots are also to be maintained in accordance with this policy. In addition, undeveloped lots are to be bush hogged on an as-needed basis. If not done, Wexford has the right to do the bush hogging and bill the property owner. Bush hogging can be arranged through the Director of Greens and Grounds.

When maintaining an unimproved lot, a 5 ft. vegetative privacy buffer must be maintained along the side property lines if bordering an existing home and, if bordering a tidal waterway, a 20 ft. buffer of natural vegetation must be maintained (may be trimmed to a height of 3 feet). Properties bordering a concrete bulkhead are no longer under OCRM jurisdiction for vegetation restrictions.

Downed, dead or dying trees or trees deemed dangerous by an arborist or his designee must be removed from a lot, whether improved or unimproved, to insure the safety and health of Wexford members and their properties. The ASC must approve all tree removal with the exception of downed trees.

## **2.3 Tree Preservation Policies and Procedures**

### **2.3.1 Tree Removal**

For new home construction, the property owner must submit a tree and topographical survey to the ASC that clearly indicates those trees requested to be removed and those trees to remain. Per the Wexford Tree Removal Policy adopted in 2015, a certified Arborist must do a pre-clearing inspection and give a report indicating what trees can be removed at clearing. No tree may be removed prior to receiving this Arborist report and a Wexford Clearing Permit.

ASC approval is required prior to the removal of any tree having a trunk diameter of six inches (6") or more at a point of four feet (4') above grade, unless located within ten feet (10') of a building. Although approval is not required, the ASC Administrator must issue a Wexford Tree Removal Permit which will be available to the Wexford Gatehouse as well as emailed to the homeowner and tree removal company.

Other tree removal requests are to be submitted to the ASC Administrator by filling out an Application for Tree Removal (Refer application form #12). Upon receipt of the Application, the ASC Administrator will visit the site and then schedule an Arborist inspection per the Wexford Tree Removal Policy adopted in 2015. Upon receiving the Arborist report, the ASC Administrator will issue a Wexford Tree Removal Permit. A copy of the tree removal permit will be available to the Wexford Gatehouse as well as emailed to the homeowner and tree removal company.

### **2.3.2 Mitigation**

In certain circumstances, ASC approval to remove a tree(s) may require mitigation by the property owner with a tree(s) of significant size.

### **2.3.3 Protection During Construction**

Trees are to be protected against construction related damage including but not limited to breaking of roots, scarring or removal of bark, poisoning from oil, paints or other toxicants and compaction due to storage of construction related equipment or materials within the tree canopy line.

Prior to the commencement of any construction activity, tree protection must be in place for any tree so designated by the ASC to remain. Such protection will remain until construction is completed. Specifications for tree protection are described in the Construction Work Rules.

### **2.3.4 Tree Damage Penalties**

The unauthorized removal of trees or tree damage caused by construction related activities may be subject to penalty including, but not limited to, fines, work stoppage, damage repair, mitigation and/or supplemental fertilization, watering and/or mulching. (Refer to Section 2.6 - Fees, Deposits and Penalties)

## **2.4 The ASC Process for New Home Construction**

### **2.4.1 Overview**

Before beginning a new construction project, the property owner and his/her design professionals and contractors should become familiar with the Wexford Covenants, ASC Policies and Procedures, Construction Work Rules, Application for Approval of Construction and, if applicable, the supplemental guidelines and/or covenants for Wexford on the Green, Wexford Commons, Wexford Garden Homes and the Multi-Family Areas.

All designs for new construction projects, including landscape plans, will be reviewed by the ASC. Approvals by the ASC will be sent to the homeowner and contractor in writing. No construction related activity can begin until ASC approval is given and permits issued.

The ASC process for new construction requires that phased architectural plans, material samples, cut sheets, a landscape plan, and other information be submitted for ASC review and approval, and includes certain required inspections, survey and permits during the construction process.

An architect licensed and registered in South Carolina must sign and seal all plans submitted to the Wexford ASC, prior to submitting for review. By signing and sealing the plans, the architect, per SC law, declares that they are an Architect registered to practice in the State of South Carolina and have participated in the design of the home described in the drawings and other documents submitted to the Wexford ASC. Property owners using a designer or architect not registered in S.C. should ensure that he/she makes the necessary arrangements to work with a South Carolina licensed architect

### **2.4.2 Plan Submissions for ASC Review and Approval – New Construction and Major Renovations**

The specific submission requirements for each phase of plan submissions are contained in the Application for Design Review form (Refer to Section 6 or obtain from the ASC Administrator or on the Wexford web site). Incomplete submissions will not be placed on the ASC's agenda for consideration.

A non-refundable review fee must accompany the initial design submission (Refer to Section 2.6- Fees, Deposits and Penalties).

The 3 plan submission phases are briefly summarized below:

#### **1. Conceptual Plan and Drawing (Required)**

This submission consists of Elevations of the front and rear of the proposed home. A tree and topographical survey is required and must include spot elevations 15 feet into any adjoining property to show slope, high & low spots and existing inlets that will aide in a proper drainage plan. A site plan with floor plan overlay is also required. A hardscape/softscape calculation must also be included. As part of this review, the Committee may visit the intended site.

ASC approval at this phase will not preclude the Committee from addressing specific issues in subsequent reviews as more fully developed plans provide additional details.

#### **2. Preliminary Plans and Samples (Required)**

This submission phase requires, but is not limited to: basic architectural drawings, information regarding the site, setbacks, drainage, elevations, hardscape/softscape calculation, square footage, roof height, floor plans and the new home's relationship to surrounding dwellings. Updated Elevations are required. Exact requirements are in the Application for Design Review. Upon review, the ASC will identify areas of concern prior to the property owner incurring the time and expense of preparing the more extensive Final Plan submission phase.

The ASC may also require a color rendering of the front and rear of the proposed home.

ASC approval at this phase will not preclude the Committee from addressing specific issues in subsequent reviews as more complete plans provide additional details.

#### **3. Final Plans and Samples/Related Documents (Required)**

The submission phase for final plans requires substantially more detailed architectural drawings, engineered drainage plan, samples and or cut sheets of all exterior design elements, a Landscape Plan and a construction

mobilization plan. This submission must represent exactly what is to be built. Exact requirements are outlined in the Application for Design Review.

The ASC will also require a color rendering of the front and rear of the proposed home.

Failure to build in accordance with final plans that have been approved by the ASC or that have been modified by subsequent ASC approved change orders may subject the property owner and/or their contractors to penalties, including work stoppages. (Refer to Section 2.6 - Fees, Deposits and Penalties)

### **2.4.3 ASC Approval to Commence Construction**

Upon final approval by the ASC of the architectural plans, material samples, cut sheets, etc., the property owner or his/her designee may begin the construction process. The first step of the construction process is to have a pre-construction meeting with the ASC Administrator. Under no circumstances may any construction activity or removal of trees begin prior to the pre-construction meeting.

### **2.4.4 Pre-Construction Meeting**

The ASC Administrator will schedule a meeting with the property owner, or his/her designee, contractor and architect to review the ASC requirements and process pertaining to new home construction, review construction completion dates and penalties, collect the appropriate deposits, and ensure the necessary permits, insurance forms, etc., are in order. The property owner and contractor will be required to acknowledge in writing their intent to comply with ASC Policies and Procedures. A copy of the Town Building Permit is required at this meeting. The NPOIF assessment, if applicable, must be paid at or before the pre-construction meeting.

### **2.4.5 Permits, Inspections and Site Visits**

The ASC process for new construction includes required inspections, surveys and permits as described below. Additional information about these inspections and permit requirements is obtainable from the ASC Administrator. Permits must be posted on site on a Wexford approved residential construction sign.

#### **Wexford Clearing Permit**

A lot may not be cleared until a certified Arborists & ASC Administrator conducts a site visit to inspect the trees and other natural vegetation identified by the property owner on the site plan to be removed or retained. In preparation for this site visit, the contractor will stake out and string the perimeter of the house and the other hardscape, and identify trees, etc., to be removed/retained with color-coded ribbons (red = trees to be removed; green = trees to remain). Upon a satisfactory inspection, the ASC Administrator will issue a permit enabling the contractor to clear the site. After the site has been cleared but before any foundation work begins, the ASC Administrator will do a site inspection to review the adequacy of the tree protection, silt fencing and erosion and sedimentation control.

**The 12 month building time frame for new construction completion will begin upon the issuance of the Foundation Permit or 6 weeks from the completion of clearing, whichever occurs first. Exceptions may be granted due to the weather or other unforeseen problems.**

#### **Foundation Permit - Foundation Survey and Foundation Elevation Certificate Required**

The contractor must submit to the ASC a Foundation Survey and Foundation Elevation Certificate confirming that setback requirements, slab-on-grade and first floor elevation were independently surveyed and are in conformity with the approved final plans. Wall framing/construction may not begin until the ASC approves the Foundation Survey and Foundation Elevation Certificate. If the Foundation Survey and Foundation Elevation Certificate are found to be in compliance, the ASC Administrator will issue the Foundation Permit. If the foundation location is not within the setbacks or doesn't conform to the approved plan, there are 2 possible solutions:

1. The foundation must be adjusted to meet the setback requirements or the approved plan

2. A variance may be requested by the homeowner. The ASC may consider this variance request.

### **Wexford Building Permit**

Upon issuance of the Foundation Permit, a Wexford Building Permit will be issued enabling the contractor to finish the foundation and begin framing. Rough grading and parking preparation for construction vehicles must be in place before this Permit is issued.

### **Roof Elevation Certificate**

Any home with a roof height between forty-eight feet (48') to fifty feet (50') AMSL noted in final approved plan must be independently surveyed before the installation of roofing materials. This survey certifies that the finished roof height does not exceed fifty feet (50') AMSL to be in compliance with the Covenants. (See supplemental Guidelines and/or Covenants for Wexford on the Green, Wexford Commons, Wexford Garden Homes and the Multi-Family Area.) This certificate must be provided to the ASC for its review and approval. .

### **Periodic Site Inspections**

Periodic site inspections may be conducted by the ASC Administrator and Committee members to help ensure that the construction, landscaping, etc., is being completed in conformity with the approved final plans and any approved change orders and that the Construction Work Rules, Wexford Harbour Yachting Guide Policies and Procedures, and the ASC's Policies and Procedures are being followed.

However, it is not the ASC's responsibility in any way to act as an agent for the property owner to help ensure that their project is progressing properly.

### **Final Inspections**

Upon completion of the exterior construction, the property owner or his/her designee is to submit to the ASC an "As-Built" Survey, Final Elevation Certificate and photographs of all four sides of the home. Letters of compliance from the drainage professional, landscaper and pool companies are also required. Upon receipt of these items, the ASC will conduct a site visit to compare the completed construction to the ASC approved final plans and change orders. Landscaping must be completed within 90 days from the exterior construction having been deemed complete by the ASC. After the ASC approves the finished home and landscaping, escrow deposits, less amounts forfeited, if any, due to compliance or completion penalties will be refunded (Refer to Section 2.6 - Fees, Deposits and Penalties.)

The ASC Administrator will coordinate with the builder as to the proper time for the removal of all builder signs, permits, portable toilets, dumpsters, and all construction equipment.

The Covenants state "Dwellings may not be temporarily or permanently occupied until the exteriors thereof have been completed". The ASC also requires a copy of the Certificate of Occupancy is required.

## **2.5 Process for Existing Home Exterior Renovations, Additions and Improvements**

### **2.5.1 Overview**

Any change to the appearance of the exterior of an existing structure will require ASC approval, including but not limited to the following: awning, bulkhead, chimney, paint/stain colors, deck, dock, door, driveway, flagpole, fountain, garage, greenhouse, lighting, patio, pool, porch, playhouse, play equipment, roof, screens, service yard, sign, spa, sports equipment, stairway, statuary, trellis, walls, windows, etc.

The ASC process for existing home exterior renovations, additions and improvements requires that, where appropriate, architectural plans, material samples and cut sheets be submitted for ASC review and approval.

Before beginning a renovation, addition or improvement project, the property owner and his/her design professionals and contractors should become familiar with the Wexford Covenants, ASC Policies and Procedures, Wexford Harbour Yachting Guide Policies and Procedures, Construction Work Rules, and, if applicable, the

supplemental guidelines and/or covenants for Wexford on the Green, Wexford Commons, Wexford Garden Homes and the Multi-Family Areas.

Any renovation or addition submission that requires a change in the footprint of the home or property requires a current (within 2 years) As Built Survey before the plans will be reviewed by the ASC. An updated hardscape/softscape calculation is also required.

Major renovations/additions usually entail a foundation or structural change. Minor renovations/additions ordinarily are projects where no foundation or structural changes are needed. The scope of the project will determine whether plans must be drawn and sealed by an architect registered in South Carolina.

The process for a Major Renovation/Addition is similar to that of a new build. Signed and stamped plans, ASC approval process, a pre-construction meeting, completion time requirements, site prep procedures, silt fence installation and site visits are required. Foundations surveys and elevation certificates may be required by Wexford and the Town of Hilton Head. A copy of the Town of Hilton Head Permit is required. Once the renovation/addition is complete, a new As Built Survey will be required where the changes to the footprint of the home or property additions have occurred. Wexford Permits are required and all work rules apply.

Minor Renovations/Additions may be reviewed by the ASC Administrator and/or Architect Consultant and given Staff Approval. The ASC Administrator will determine if the scope of work requires ASC committee approval. Wexford Permits are required, all work rules apply and completion time requirements will be imposed.

All plans for existing home exterior renovations, additions, or improvements including accompanying landscape modifications will be reviewed and approved by the ASC prior to the commencement of any construction related activity. (Refer to Section 2.2 - Landscape Policies and Procedures for ASC approval requirements for substantial landscape modifications.)

### **2.5.2 Plan Submissions for ASC Review and Approval**

The specific submission requirements for ASC review and approval vary depending on the nature and extent of the project and are explained in the Request for Renovation/Additions (Refer application form #15) or obtain from the ASC Administrator or on the Wexford web site).

The requirements may be as simple as a cut sheet or material/paint sample or more comprehensive, such as architectural plans for an addition to a house, etc. Incomplete submissions will not be placed on the ASC's agenda for consideration. All the required information must be submitted by the submission deadline. A non-refundable application fee must accompany the initial design submission. (Refer to Section 2.6 - Fees, Deposits and Penalties.)

For work on existing houses, additional forms may need to be filled out and returned to the ASC Administrator (these forms can be obtained from the ASC Administrator or on the Wexford web site- [Wexfordhiltonhead.com](http://Wexfordhiltonhead.com))

### **2.5.3 ASC Approval to Commence Construction**

Upon final approval of architectural plans by the ASC,, material samples, cut sheets, etc., as appropriate, the property owner may begin the construction process. The first step of the renovation process may be a pre-construction meeting with the ASC Administrator. Under no circumstances may any construction activity or removal of trees begin without written ASC approval, an agreed upon completion date and a signed Compliance Agreement. Appropriate permits will be issued and must be placed on site in a visible location.

### **2.5.4 Pre-Construction Meeting**

The ASC Administrator may schedule a meeting with the property owner, or his/her designee, contractor and architect to review the ASC requirements and process pertaining to existing home renovations, additions and improvements, review construction completion dates and penalties, collect the appropriate deposits, and ensure the necessary permits, insurance forms, etc., are in order. The property owner and contractor will be required to acknowledge in writing their intent to comply with ASC Policies and Procedures. Refer to Compliance Agreement.

A copy of the Town Building Permit is required at this meeting should the nature of the project require this permit.

### **2.5.5 Permits, Inspections and Visits**

Depending upon the nature and scope of the project, the ASC process for exterior renovations, additions and improvements may require some or all of the surveys and permits as described in Section 2.4 – The ASC Process for New Home Construction. The ASC Administrator will inform the homeowner which of these will be required. Permits must be posted on site on a Wexford approved residential construction sign or posted in a window visible from the street.

## **2.6 Fees, Deposits and Penalties**

### **2.6.1 Application Fees**

In accordance with Wexford's Covenants, the ASC will establish non-refundable fees to cover the expense of reviewing plans and related data including the compensation of architects, certified arborist, landscape professionals, engineers, inspectors, attorneys and other consultants who may be retained by the ASC. The application fees are payable at the time plans are submitted to the ASC for review: Refer to the Wexford ASC Fee Schedule at [Wexfordhiltonhead.com](http://Wexfordhiltonhead.com)

For those projects that have no application fees, the ASC Administrator may determine, at the Administrator's discretion, the need for a 3<sup>rd</sup> party consultant such as an architect to evaluate the proposed project. In these cases, the property owner will be billed the actual cost to Wexford of such 3<sup>rd</sup> party consultants fees in excess of one hour. For example, if the 3<sup>rd</sup> party consultant bills three hours, then the property owner will be billed two hours of actual cost.

### **2.6.2 Refundable Escrow Deposits**

The ASC requires that the property owner and/or his or her contractor, subcontractors, etc., for a planned construction, renovation, demolition, landscaping, etc., project, post refundable escrow deposits. Performance bonds or cash bonds, in lieu of or in addition to these deposits may be required. Wexford members who are planning to build on their unimproved lot but are not direct owners (property title is in the name of an LL entity, Corporation, etc.) are required to sign a Personal Guarantee prior to Final Plan approval. This guarantee will assure compliance with ASC Policies and Procedures and all Wexford Covenants.

The escrow deposits must be paid prior to the commencement of any construction activity: Refer to the Wexford ASC Schedule of Fees at [Wexfordhiltonhead.com](http://Wexfordhiltonhead.com)

Contractors, etc., who are considered to be repeat offenders of ASC Policies and Procedures may be required, at the ASC's sole discretion, to post larger escrow deposits, performance bonds or cash bonds.

The ASC will be entitled to retain all or part of these deposits as penalty(s) for failure(s) to comply with the ASC Policies and Procedures. These amounts will be remitted to and will be the property of the Wexford HOA Homeowners Association Inc. The balance of those funds remaining in escrow are refundable at the satisfactory completion of the project in accordance with the ASC approved plans and the ASC Policies and Procedures. The property owner or his/her contractor, subcontractors, etc., must contact the ASC office upon completion of the project and request the return of the escrow deposit. If the request for the refund of the escrow deposit is not received within six (6) months of the completion of the project, the ASC may keep such deposits and they will become the property of the Wexford HOA Homeowners Association.

### **2.6.3 Completion Penalties**

#### **Construction:**

New Home Construction - All or part of the Construction Completion Escrow Deposit may be forfeited as a penalty if the exterior of a new home construction project is not considered complete by the ASC within twelve (12) months from the issuance of the Wexford Foundation Permit or six (6) weeks from the completion of clearing, whichever occurs first or another date agreed to by the homeowner, contractor and ASC.

Building completion extensions may be considered on a project to project basis. The homeowner must submit this request to the ASC in writing. All requests must be received by the submission deadline for review at the following ASC meeting.

Because the ASC's contractual agreement is with the homeowner, not the contractor, fines (as indicated below) may be assessed to the property owner beginning the day following the scheduled completion date and continue until the ASC considers the exterior construction complete.

- 1<sup>st</sup> 40 workdays – fine is \$300 per workday.
- After 40 workdays the fines increase to \$600 per workday until the project is complete.

Please note section 2.6.2 which states the ASC requires property owners and/or contractors to post a refundable escrow deposit. Performance bonds or cash bonds, in lieu of or in addition to these deposits may be required.

#### **Landscaping:**

For new home construction, all or part of the Construction Compliance Deposit may be forfeited as a penalty if the landscaping is not completed according to the ASC approved landscape plan within ninety (90) days from occupancy or after the home's exterior is considered complete by the ASC, whichever is earlier.

For landscape modification, all or part of the landscape escrow deposit may be forfeited as a penalty if the landscape is not completed within the time period agreed upon by the ASC, homeowner and contractor. and per the approved plan.

Because the ASC's contractual agreement is with the homeowner, not the contractor, fines (as indicated below) may be assessed to the property owner at the time of deposit forfeiture and continue until the ASC considers the landscaping to be complete in accordance with the ASC Landscape Guidelines and the approved Landscape Plan.

- 1<sup>st</sup> 40 workdays – fine is \$300 per workday.
- After 40 workdays the fines increase to \$600 per workday until the project is complete.

Please note section 2.6.2 which states the ASC requires property owners and/or contractors to post a refundable escrow deposit. Performance bonds or cash bonds, in lieu of or in addition to these deposits may be required.

#### **Renovation/Remodeling:**

Renovation and remodeling escrows will be forfeited as a penalty if the exterior of a home is not considered complete by the ASC within the timeframe specified to complete the project. The escrow amount and the timeframe for completion of the project will be determined by the scope of the project and agreed upon by the homeowner, contractor and the ASC at the time the compliance agreement is signed, but not to recede one (1) year.

Because the ASC's contractual agreement is with the homeowner, not the contractor, fines (as indicated below) may be assessed to the property owner beginning the day following the scheduled completion date and continue until the ASC considers the exterior construction complete.

- 1<sup>st</sup> 40 workdays – fine is \$300 per workday.
- After 40 workdays the fines increase to \$600 per workday until the project is complete.

Please note section 2.6.2 which states the ASC requires property owners and/or contractors to post a refundable escrow deposit. Performance bonds or cash bonds, in lieu of or in addition to these deposits may be required.

#### ***Failure to complete or abandon new build, renovation/remodeling project:***

In the event any renovation/remodeling project is abandoned and not completed or there is no construction activity for 30 calendar days, the Wexford permit will be withdrawn and the escrow will be forfeited. The owner must restore the exterior of the home, including landscaping, to a neat, clean and sanitary condition (per Wexford Covenants Article V, Maintenance). The owner will be granted 10 work days to remove all construction materials, dumpster and port-a-john and return the property to an acceptable appearance.

Failure to comply within 10 workdays will result in fines (as indicated below) will be assessed to the property owner until the ASC considers the property to have been returned to an acceptable appearance.



- 1<sup>st</sup> 40 workdays – fine is \$300 per workday.
- After 40 workdays the fines increase to \$600 per workday until the project is complete.

Please note section 2.6.2 which states the ASC requires property owners and/or contractors to post a refundable escrow deposit. Performance bonds or cash bonds, in lieu of or in addition to these deposits may be required.

Section 2.6.3 changes effected July 1, 2023

## **2.6.4 Compliance**

### **New Construction & Major Renovations**

Compliance penalties will be assessed in cases where actual construction and/or landscaping does not conform to the plans submitted to and approved, in advance, by the ASC or when the property owner or his/her agents fail to comply with ASC Policies and Procedures, Wexford Harbour Yachting Guide Policies and Procedures, Construction Work Rules, etc.

Compliance fines are \$500 per infraction plus an additional penalty as deemed appropriate by the ASC. When fines are assessed, they must be paid before construction may continue. Such additional penalties, determined at the sole discretion of the ASC, may include but not be limited to one or more of the following depending on the nature, severity and frequency of the infractions:

1. Forfeiture of all or part of the applicable compliance deposit. Particularly egregious infractions or frequent offenders may have monetary penalties exceeding the applicable compliance deposit.
2. Job site work stoppage until the issue is resolved to the ASC's satisfaction.
3. Requirement that non-ASC approved construction, landscaping, etc., be redone to be brought into conformity with ASC approved plans.

### **Maintenance, Renovation, Landscaping Projects**

**General Maintenance:** Per Covenant 5.1 & 5.2, the property owner has the responsibility to maintain their property, whether improved or unimproved, in a neat, clean and sanitary condition. A homeowner who fails to maintain the home, property or landscaping may receive a notification indicating the required corrective action. . Refer to the Compliance Policy. The homeowner must notify the ASC office prior to the commencement of a non-routine maintenance project so that the scope of the work can be reviewed and a Maintenance Permit issued.

**Approved Projects:** Upon final inspection, compliance penalties will be assessed in cases where actual maintenance, renovation and/or landscaping does not conform to the plans and/or application forms submitted to and approved, in advance, by the ASC or when the property owner or his/her agents fail to comply with ASC Policies and Procedures, Wexford Harbour Yachting Guide Policies and Procedures, Construction Work Rules, etc.

Compliance fines are \$250 per infraction plus an additional penalty as deemed appropriate by the ASC. When fines are assessed, they must be paid before the approved project may continue. Such additional penalties, determined at the sole discretion of the ASC, may include but not be limited to one or more of the following depending on the nature, severity and frequency of the infractions:

1. Forfeiture of all or part of the applicable escrow.
2. Job site work stoppage until the issue is resolved with the ASC.
3. Requirement that non-ASC approved maintenance, renovation or landscaping, etc., be redone to be brought into conformity with ASC approved plans.

### **Failure to Notify and Receive Approval from ASC of Any Exterior Maintenance, Renovation, Landscaping Project**

Any unapproved work may be subject to a \$500 fine plus an additional penalty as deemed appropriate by the ASC. Such additional penalties, determined at the sole discretion of the ASC, may include but not be limited to one or more of the following depending on the nature, severity and frequency of the infractions:

Job site work stoppage until the issue is resolved with the ASC.

Requirement that the project plan(s) and application form(s) be submitted to the ASC for approval and appropriate fees and escrows paid.

Any unapproved work that has been performed must be redone to be brought into conformity with ASC approved plans.

### **2.6.5 Tree Damage Penalties**

To ensure the preservation of Wexford's trees, penalties will be assessed when trees are removed without ASC approval or are damaged in the construction process. Such penalties may include one or more of the following: mitigation cost of special care and fines in accordance with the following schedule where the caliper measurement is made at 4 feet (4') above grade:

	<b>Pine•</b>	<b>Oak</b>	<b>Other</b>
<b>6"-10" caliper</b>	0	\$2000	\$1000
<b>10"-20" caliper</b>	\$500	\$4000	\$2000
<b>Greater than 20"</b>	\$1000*	\$8000	\$4000

Fines for unauthorized tree removal must be paid before construction may continue.

## 3. Architectural Guidelines

### 3.1 Overview

The ASC is charged by Wexford to administer the provisions of Article X of the Covenants, as well as the concept and intent of the ASC Policies and Procedures. The Committee's purpose is not to restrict design freedom or to make design decisions, but to review all plans for exterior improvements of dwellings and properties to ensure that individual residences reflect the design objectives of the community as a whole.

The architectural guidelines and building restrictions outlined in this section apply to all homes in Wexford except where there are additional or different requirements contained in the supplemental Guidelines and/or Covenants for the specific portions of Wexford known as Wexford on the Green, Wexford Commons, Wexford Garden Homes and the Multi-Family Areas. (These documents may be obtained from the ASC Administrator.)

### 3.2 Design Intent and Historical Background

Wexford is a community with a strong visual identity based on a British Colonial design theme. This theme is a mix of several styles of British Architecture (Georgian, Jacobean and British Caribbean) as it was influenced by the British Colonial experience.

The Architectural Guidelines were established to ensure that all residents of Wexford enjoy the sophistication of the rich architectural heritage of the British Colonies. It is in this tradition that Wexford residents are strongly encouraged to have their design professionals create distinctive homes that integrate lush landscaping with home designs.

The design philosophy for Wexford is based upon historic architectural styles, but these guidelines are not intended to restrict design to historic reproduction. The Architectural Guidelines provide basic information which should be used to produce a contemporary interpretation of historic forms and materials, resulting in a community with a cohesive identity which reflects the rich vocabulary of architecture found in the British Colonies. Notwithstanding this, there are materials such as chain link fencing, glass block, metal roof shingles etc., that are considered to be inappropriate as an expression of the culture and tradition of historic British Caribbean architecture.

The exterior ornamentation of homes in the Island Colonies was very simple because the limestone used was not suitable for elaborate carving. Quoins, some simple rustication around doorways, simple coursing on chimneys, a projecting belt course, and a dripstone, an eyebrow shape over the doorways and windows, were the most common ornaments found on even the finest, most elaborate homes in the Islands.

Nearly all windows had louvered shutters, which allowed ventilation even when closed for privacy. A particular type of shutter, hinged at the top and propped open at the bottom was developed in the West Indies and used extensively on the east and west sides of homes to provide shade from harsh morning and afternoon sun.

Balconies were sometimes added to the second story. These balconies often had curved brackets for support, showing the influence of the skills of shipwrights who often stayed in the Islands and worked as carpenters.

### 3.3 Size

The overall mass and bulk of a home's design as well as its appropriateness for site and topography, appearance in relation to surrounding structures and views from Wexford streets and amenities will be taken into consideration by the ASC in the review process.

Although each home will be considered on a case-by-case basis, in order to help ensure a balance between the hardscape being constructed and the remaining softscape that will soften and complement the home, typically a hardscape vs. softscape ratio shall not exceed fifty (50) percent .. Hardscape includes but is not limited to dwelling, outbuildings, driveways, walks, pools, pool decks, and patios (even if constructed of pervious materials.) Softscape includes landscaped areas and areas left in a natural state.

A home should not touch all four (4) setback lines and not touch more than two (2) lines for more than two percent (2%) of the total length of the contiguous setback line, except for Wexford Garden Homes and Wexford Commons homes.

A minimum of 2200 square feet of living space will apply to all single-family homes, except for Wexford Garden Homes and Wexford Commons homes. See supplemental Guidelines and/or Covenants for these homes.

### 3.4 Height

The maximum finished roof height for homes or other structures will not exceed thirty five feet (35') above the finished surface of the first floor or more than fifty (50') feet Above Mean Sea Level (AMSL). For other height restrictions see supplemental Guidelines and/or Covenants for Wexford on the Green, Wexford Commons and Wexford Garden Homes.

All homes will have as a minimum first floor elevation that complies with the official Beaufort County flood plain maps. However, typically the first floor height above the garage grade and crawl space slab should not exceed ten feet (10').

### 3.5 Building Setbacks

The buildable area of every lot will be determined by the easements and setbacks recorded on the legal description of the lot and the following setback requirements from the property lines:

- Front or side yard adjoining a street 30 Feet
- Side or rear yard adjoining water 30 Feet (or as verified by OCRM)
  - Whereby water not deemed a drainage waterway \*See Below
- Side yard adjoining another yard 15 Feet
- Side or rear yard adjoining a golf course 40 Feet
- Side or rear yard adjacent to drainage waterways \*See Below

\*Per the Town of Hilton Head LMO Guidelines, they require a 15' easement from the top of the bank for lots that are adjacent to drainage channels or waterways, in order to access, inspect and maintain these areas for proper drainage. Therefore, Wexford setback requirements on these lots when applicable is 15' from top of bank or 30 feet from the property line whichever is most restrictive.

Multiple lots legally consolidated into one lot will have a side yard setback of twenty five feet (25'). If an adjacent lot is purchased and split with the other adjacent property owner, the side yards on the common property line between the two lots may be reduced to twenty feet (20'). The other side yards of both enlarged lots will be twenty five feet (25').

When determining whether a construction is within the buildable setback area, the measurement is made to the vertical foundation walls or their equivalent.

The Covenants provide that the ASC may grant variances, on a limited basis, with respect to such setbacks.

### 3.6 Horizontal Improvements

All horizontal improvements (placement of anything of a permanent man-made nature) outside buildable setbacks may not exceed eighteen inches (18") above the highest natural grade on that property (as measured from Mean Sea Level) and may not be placed closer than five feet (5') to any property lines, except for driveway entrances and exits.

### 3.7 Pools

Pools must be screened with landscaping and be architecturally integrated into the home design. Pools and pool decks that are outside the buildable setbacks must not exceed eighteen inches (18") above the highest natural grade on that property as measured from Mean Sea Level. Pools and pool decks must not encroach into the extended side setbacks. On Golf course lots and properties bordering a waterway other than the Harbour, the

setback for the pool and/or deck is ten feet (10') from the rear property line and on Harbour Lots, the setback is twenty feet (20') from the concrete bulkhead. This setback will ensure the integrity of the bulkhead and its' supports (variances may be granted for surface decking). A current (within 2 years) As Built survey is required for all new pools, pool additions or spas. Standalone hot tubs must be placed within the buildable setbacks and screened with landscaping.

### 3.8 Walls and Barriers

- A. Fences or fence structures are prohibited. The exception is fencing around swimming pools and in-ground hot tubs/spas. NO PET FENCE STRUCTURES ARE ALLOWED

Pool fence or fence structure requirements:

1. Fence and screening plans must be drawn on an approved site plan and will include an elevation of one section of fence and screening. All pool fences will be evaluated by the ASC on a case-by-case basis.
2. Pool fences must be attached at both ends of the home and must be of a decorative steel or aluminum material. The style and color must be submitted to the ASC for approval.
3. The fence must be equipped with a gate located inside the buildable setback.
4. If the ASC allows any portion of the fencing to be located outside the normal building setback, fences may not exceed 36" above finished grade unless required by state law or local ordinance. This is an exception to Section 3.6
5. Fences must be no closer to the property line than 10 feet on Golf Course lots and 20 feet on Harbour or waterway lots and within the side setback lines.
6. Significant landscaping will be required around pool fences, unfenced pool decks and spas to provide adequate screening from the Harbour, neighboring properties and from the golf course. All installed fencing must be screened with evergreen shrubbery that covers a minimum of 50% of the height of the fence and the entire width of the fence at the time of landscape installation. The landscaping that is installed must cover 75% of the fence by the end of one year. Landscape that is screening a pool fence or unfenced pool decks and spas, must be maintained on a continuous basis.
7. Compliance for fences:  
It will be solely the property owner's responsibility for compliance with all other applicable codes, rules, regulations or insurance company construction and safety requirements.
8. Liability for fences:  
Neither the HOA nor the ASC shall be held liable in any way for any ensuing legal litigation pertaining to these fences.

- B. Underground Electronic Pet Fencing is allowed.

1. During installation, flags may be placed according to instructions.
2. Flags must be removed within one month.
3. Neither the HOA nor the ASC shall be held liable in any way for any ensuing legal litigation pertaining to these fences.

- C. Posts, pillars, pilasters, walls and large plantings are permitted on cul-de-sac lots for the purpose of screening and alleviating the crowded appearance of multiple driveways in close proximity to each other. The size of the pillars are to be a minimum of two feet (2') square, a maximum of six feet eight inches (6'8") in height and are to be constructed of stucco or other approved material. No lights or signage are permitted on posts, pillars, etc., outside the buildable setbacks unless approved by the ASC.

### 3.9 Foundations

Because the finished first floor level of each house is governed by the Federal Flood Damage Ordinance, a raised foundation is necessary. The enclosure and finish of this raised foundation must receive the same careful

attention to detail as the main portion of the house. Concrete block foundations are to be finished in stucco. Exposed round pilings are not acceptable.

Raised foundations and spaces below exterior stairs and ramps must be fully enclosed with foundation walls, louvers or siding. Finished, open activity areas located under the home are permitted but must comply with the jurisdictional codes, Town ordinances and FEMA requirements. Visibly open storage areas are not permitted.

Hydrostatic vents must complement the architecture of the home. Arched openings are preferred. Vents should be painted to match the adjacent wall.

Planting beds are recommended between the foundation and stairways, pools, pool decks, patios, driveways and motor courts to soften the mass of hardscape and reduce apparent foundation height. (Refer to Section 4 - Landscape Guidelines.)

### **3.10 Outbuildings**

Outbuildings must be located within the buildable setback. The structure(s) should complement and blend with the architectural style, material and colors of the home. Detached garages should be connected to the house by a covered passageway.

### **3.11 Garages**

A garage that can house a minimum of two (2) cars is mandatory for each lot.

Panel and custom designed garage doors are preferred. If at all possible, garage doors should not face the street. Where garage doors do face the street, they must be recessed a minimum of three (3) feet. They are to be screened with landscaping and addressed with design features that make them more attractive. Any garage doors can be effectively shaded by placing them between three feet (3') and four feet (4') behind the structure above.

Recessed garage doors may also be desirable in order to ease tight turning radii or simply for appearance purposes.

If at all possible on the cul-de-sac lots, the garages should be placed under the house with the garage doors recessed, if necessary and screened from the street view with mature landscaping.

### **3.12 Driveways**

A minimum of two (2) off-street parking spaces, in addition to garage space, is required for each home. Off-street turn-around or back-up areas must be provided. Driveways and off-street parking areas must be screened with mature landscaping.

In order to minimize the amount of hardscape and increase the amount of uninterrupted green softscape at the curb line, single curb cuts for driveways should be considered. Special effort should be made to configure driveways in a manner that preserves specimen landscape.

The minimum width of a driveway is to be twelve feet (12'), at the driveway entrance the maximum width is fifteen feet (15') and the turning and maneuvering radii must be adequate especially around garage door openings.

All driveways must have a 2 inch PVC sleeve placed beneath the width of the driveway that is 6 feet from the road, 16 inches deep and extends 12 inches past the width of the driveway on each side. This sleeve will allow for future electrical wiring and other Wexford utilities as needed without damage to driveways.

Driveways and parking areas should be paved with pavers, brick, stone, granular stone (granular stone must have a permanent edging) or exposed textured concrete aggregate. All driveway materials must be approved by the ASC. If concrete materials are used, an approved apron material with a range of 6' to 8' in depth is required. The approved apron material must be used for concrete dividers within the driveway. If stamped concrete is proposed, a sample must be provided to the ASC for review. Paver driveways must have a "soldier" border on all sides and have a minimum of 2 courses of "soldiers" at the entries that abut any roadway or curbing.

The use of granular asphalt for driveways is not permitted.

### **3.13 Windows and Exterior Shutter**

Areas with large expanses of windows and patio doors should be oriented to afford privacy while taking advantage of special views such as Harbour, marsh or fairways. Windows should be carefully proportioned and located to enhance both the exterior appearance and interior light quality and views. Glazed windows and doors are encouraged to be designed as divided light rather than large areas of glazing. Multiple panes with muntins are preferred throughout the home and are required on the street side(s) of the house. Windows and doorframes with sashes should be wood frame or clad. The color of the window muntins and frames should blend with the homes' exterior color palate.

Bow windows and glass block windows are not permitted. The Covenants state that no foil or other reflective materials will be used on any windows for sunscreens, blinds, shades or other purposes. If wind protection film is used it must be non-reflective.

Louvered shutters hinged at the top and propped open at the bottom must be installed with concealed hardware. Louvers used as window trim should be of sufficient dimension so as to fully cover the window as if the louvers were to close.

Shutter styles must conform with Wexford's British Colonial design intent.

Permanent hurricane protection for windows, doors, and garage doors are permitted upon the approval of the ASC. The protection must blend with the color(s) and the architecture of the house.

### **3.14 Fireplaces and Chimneys**

Fireplaces with chimneys or vents are to be of masonry in order to maintain the character of Wexford. The use of chimney pots is encouraged.

If the fireplace is on an exterior wall, the exterior chimney structure must go to the ground. Maximum chimney heights are detailed in the "Heights" Section 3.4 of these Policies and Procedures. Exposed metal flues are not permitted.

Ventless fireplaces without chimneys are permitted.

Outdoor wood burning (or similar) fireplaces and fire pits must comply with the Town of Hilton Head ordinances and design. Propane/Gas fireplaces and fire pits are recommended.

### **3.15 Roofs**

Gable and hip roof pitches must be at least 7:12 but no more than 9:12. Slate, composition shingles, standing seam metal, ceramic, tile and clay are acceptable roofing materials. Roof materials must be compatible with the architecture of the home and color blends should be limited to two tones. Corrugated metal roofing is not permitted.

Accent roofing material and color must be submitted and approved by the ASC. Some flat roofs for porches, dormers and other architectural features will be considered on a limited basis.

When any roof extension or replacement of an existing roof is to be constructed, roof materials must be compatible with the existing roof and must be installed to the nearest valley or roof break to ensure continuity of color. Roof brackets must match the trim color. Skylights must be flat with non-reflective glass and are not permitted on the front of the house or highly visible roof surfaces. All roof accessories, such as vent stacks and roof vents, will be painted to match the roof and located away from the front elevation of the house. All flashing is to be copper or appropriate metal equivalent (e.g., in the case of a metal roof, where the flashing will be of the roof material).

Solar Power – Flush mounted solar panels will be considered for installation on a case-by-case basis. ASC approval will be largely dependent on the panel's location on the roof, the location of the home in relation to the other homes and the visibility of the panel from all other properties and common areas. Solar panels must closely resemble the color of the existing roofing material and are not permitted on the front side roof plane of the home. The panels shall not extend above ridge of the roof plane to which the panel is mounted. All solar panel related equipment not on the roof must be contained in a service yard.

Gutters and downspouts, although not required, are recommended, to ensure excessive rainwater is not discharged onto adjacent property and should blend with the house design and color scheme. Downspouts should be integrated with the site's drainage plan.

### **3.16 Entrances**

Prominent front entrances are found on nearly all houses in the Island Colonies. Therefore, oversized entry doors with transoms over the doors are preferred.

Bull nose steps are required on front entrance stairs. An exception may be made for man-made brick (for example, Old Savannah Grey). Stair rails must have a termination post at the bottom. The minimum picket size for metal stair rails without a collar is 3/4"; however, metal stair rail pickets with a collar may be narrower. All railings must be approved by the ASC.

Other primary entrances to the home should be of consistent quality and compatible design. Secondary entrances (e.g. spaces under the home, garages, service yards, etc.) may be of different quality but should complement the structure of the home.

### **3.17 Exterior Color and Materials**

No more than three exterior materials or colors are allowed. Roof brackets must match the trim color unless they are certified by a structural engineer to be solely dependent for the stability of the roof and its overhangs.

Window muntins and frames should blend with the window trim color. Elements below the first floor should blend with the foundation colors (exterior wall of raised foundation, service yards, garage doors, hydrostatic vents, etc.).

Pool tile and/or other finished surface on pool/spa exterior walls are to be in a color that blends with the natural surrounding and complements the color of the home. Marine colored tiles must be limited to the interior of the pool/spa.

### **3.18 Exterior Wall Finishes**

Exterior wall surfaces of stucco, horizontal or vertical cementitious siding, or traditional brick are preferred. Plywood, other wood or metal composite sidings are not acceptable. Mediterranean style stucco swirl finishes are not recommended. Exterior finishes must be approved by the ASC.

### **3.19 Exterior Lighting**

The Covenants provide that all exterior lighting must be approved by the ASC. All exterior lights should be in proportion to the home. Exterior lights may not exceed 45 watts (incandescent) per fixture. Refer to a light comparison chart when submitting LED, Halogen lights or similar. All exterior light bulbs must be clear in color and project a clear light and be of the same color spectrum.

Area flood lighting is not permitted. Motion sensor lighting may be approved.

Lights are not permitted on outdoor ceiling fans; service yard lights must be screened from view. Any fixed interior light fixture (e.g., chandelier) that will be visible from the street or amenity view is subject to ASC approval.

Landscape lighting fixtures should be designed so the source of light is not visible from outside the property perimeter. Light fixtures installed outside the building setbacks must not exceed eighteen inches (18") in height.

### **3.20 Service Yards and Pool Equipment Enclosures**

Every home will have a service enclosure(s) for trash receptacles, utility meters, tankless hot water heaters, HVAC equipment, pool equipment, propane tanks, lawn care equipment and other vehicles, materials, supplies and equipment to be stored outside. Enclosures for any mechanical equipment must be designed to minimize all mechanical noise. Detailed drawings are required.



All service enclosures must completely conceal lights and utility boxes mounted on walls. Structures consisting of a combination of stucco posts with louvered inserts or solid stucco to match the home are appropriate. All enclosures will be screened from the street, amenity and adjacent property views with mature landscaping.

Any equipment located above flood elevation must be completely concealed behind a service yard structure attached to home and located inside the buildable setback. The structure must be screened with mature landscaping. Screening details are outlined in Section 4 - Landscape Guidelines.

### **3.21 Drainage**

Site drainage plans must be prepared by a licensed professional certified to do drainage and grading. Drainage and grading plans are required for all new home construction and some home additions, at the discretion of the ASC, large landscaping changes, pool additions and renovations that include the removal of landscape, include foundation work or any changes in property grade elevations. The ASC will forward the drainage plan to Wexford's drainage consultant for confirmation that the plan will properly tie into Wexford's master drainage system.

Site drainage plans may not direct storm water run-off onto an adjoining property. Surface run-off (storm water), up to 50% of a lot, is allowed to be directed towards any body of water. Storm water drainage systems must be designed and built to meet all federal, state and local requirements and regulations.

No storm water, pool backwash, any sub-surface well overflow or system(s) can be piped into any body of water, including but not limited to the Harbour, or allowed to infiltrate an adjoining property. Per Town of HH, all geo-thermal systems and similar must have a functioning re-injection well.

No free flowing well water is permitted by the Town of Hilton Head's Land Management Ordinances and codes. Storm water drains and sanitary manhole covers may not be altered, removed, or covered with any landscaping material or manmade material. These drains are maintained by the Town of Hilton Head and utility companies. Any infraction of this ordinance will be reported to the Town of HH and South Island PSD. Remediation of this deficiency must be reported to the ASC for review and approval.

### **3.22 Exterior Site Accessories**

Exterior site accessories include but are not limited to items such as flags, flagpoles, fountains, play equipment, satellite dishes, sports equipment, statuary elements, trellises, etc. The Exterior Site Accessories Form must be completed and approved prior to placement or installation.

The Exterior Site Accessories Form must be completed and approved prior to placement or installation.

All exterior site accessories should be located within the buildable setback area and be constructed of materials that complement the home and blend with natural surroundings. They should be screened with landscaping as outlined in Section 4 - Landscape Guidelines. Brightly colored or glittery objects must be completely screened by landscaping from view from outside the property.

Flags must be displayed properly from an approved flagpole. All flags must have prior approval except for an American Flag. All flags must be in good condition. No ripped, torn or faded flags will be allowed.

Satellite dishes are to be located as inconspicuously as possible and the wiring and connections concealed. When antennae and connectors cannot be concealed, they either should be painted or the colors need to be selected to make them blend with their surroundings as much as possible. When mounted on the ground, they must be screened with mature landscaping. The Covenants provide that no other antennas are allowed.

The Covenants prohibit various items, such as temporary buildings (except for approved outdoor functions), no window air conditioners, no clotheslines, no outdoor speakers, no dog houses, no water wells, and no septic systems.

The Covenants state that there will be no signs on property owner's property, without the approval of the ASC. The ASC has approved small private security company signs on the lawns and on the doors of homes.

Basketball Goals: Placement and screening of permanent or portable basketball goals must be approved by the ASC.

Exterior Holiday decorations are to be removed within 30 days of a Holiday.

All other portable play equipment must be out of sight at dusk.

### **3.23 Docks, Seawalls and Bulkheads – The Harbour Master is responsible for enforcement**

#### **3.23.1 Waterfront Property**

In order to preserve the aesthetic appearance of Wexford's Harbour and waterfront, elements such as (without limitations) dock, seawall and bulkhead construction materials, piling extensions, jet ski or other floating docks, exterior lights, etc., are subject to the ASC review and approval prior to the commencement of any improvement activity

The Architectural and Landscape Guidelines regarding setbacks, horizontal improvements, exterior lighting and landscaping requirements apply to properties abutting the Harbour or waterfront with respect to construction, alterations and additions to docks, seawalls and bulkheads.

Swimming pools cannot be backwashed into the Harbour.

#### **3.23.2 Dock Construction**

Docks will be constructed using pressure treated piles, beams, and cross braces. The centers of the five outer piles will be approximately ten feet (10') apart and the outer edge will project no more than six feet (6') into the Harbour. The five inner piles will be similarly spaced adjacent to the bulkhead. No part of the dock may be attached to the bulkhead. Decking materials may be pressure treated timber, synthetic timber, or hardwood provided the material has been submitted to and approved by the ASC. Property owners wishing to resurface an existing dock must complete the Application for Re-Decking of a Private Dock (Refer to Section 11 or obtain from the ASC Administrator or on the Wexford web site).

#### **3.23.3 Dock Dimensions**

Docks will be no more than forty four feet (44') in length overall and will project away from the bulkhead no more than six feet (6'). The top of the deck will be level with the top of the bulkhead.

#### **3.23.4 Broad Creek Docks**

Construction of private docks in Broad Creek and Broad Creek access way is not permitted. Construction beyond the property lines on the water side will be limited to planting and re-nourishment of eroded areas in conformity with the Coastal Council where applicable.

The three lots on Broad Creek at the end of Bridgetown Road ("Z" section) may install docks subject to the following provisions:

- They do not come within thirty (30) feet of the channel.
- They are maintained by the property owner.
- No vessels may be berthed at the docks.
- They may not impede the channel in any manner.
- They may not be lighted.
- They may not have any superstructure except hand rails and benches in compliance with town building codes.
- Required approvals must be obtained from the appropriate town, county, and state authorities prior to any construction being started.

#### **3.23.5 Concrete Bulkhead Protection**

No structure may be attached to the bulkhead either in-ground or above-ground including cleats, mooring rings and mooring posts. No vegetation can grow on or over the bulkheads.

### **3.23.6 Mooring Posts and Cleats**

Cleats and their footings may be placed anywhere on the property owner's property but must not contact, connect to, or interfere with the bulkhead and its support in any way. Mooring posts, cleats, rings, etc., located within the Green Belt, are subject to a height limitation of eighteen inches (18").

### **3.23.7 Lot, Lines and Mooring Limits**

The line separating adjacent properties extends as an imaginary line straight out to the center of the Harbour. Vessels must be berthed so that they do not protrude within five feet of this line.

### **3.23.8 Permitted Dock Equipment, Furniture and Accessories:**

- a. Temporary Furniture: Temporary lawn furniture and equipment includes, but is not limited to bars, chairs, grills, tables, fenders, benches, umbrellas, and coolers. All fenders and furniture must be portable, and not fastened to the deck in any way. No fenders or furniture, etc., shall be left on the dock if not intended to be used for a period of thirty (30) days or longer.
- b. Boating Related Equipment: All loose boating and related equipment, e.g., fenders, life jackets, fishing equipment, oars, and gas cans etc., must be stored out of sight at all times when not in use.
- c. Dock Boxes: One, white, fiberglass box up to 96" x 24" x 24" may be mounted on the dock parallel with the bulkhead.
- d. Power Center: One white mini center with light(s) limited to four watts total.
- e. Telephone Outlet: In Power Center or attached to center piling.
- f. Television Outlet: In Power Center or attached to center piling.
- g. Electrical Outlets: to conform to applicable codes – no limit.
- h. Ladder: One, non-folding, brushed aluminum at dock end; height above dock 30" max.
- i. Cleats: Not to exceed 14" inches length.
- j. Water Faucet: One metal faucet to conform to plumbing codes.
- k. Permanent Dock Edge Fenders: White, grey, or black. Material should not be subject to fading or yellowing.
- l. Fire Extinguisher: One, red, in natural wooden box to conform to applicable codes.
- m. Recommended Marine Equipment and Accessories: The Harbourmaster has a list of recommended suppliers and equipment, e.g., dock boxes, power centers, ladders, cleats, fenders, etc., and property owners are encouraged to seek his assistance and utilize the recommended equipment whenever possible.

### **3.23.9 Non-Standard Marine Equipment and Accessories:**

- a. Cranes, Davits, Hoists, and other equipment. Apart from the items listed under Section 3.23.8, all other equipment is specifically prohibited. This prohibition includes, but is not limited to, cranes, davits, hoists, winches and boat lifts.
- b. Approval: Any property owner wishing to utilize non-standard equipment must apply in writing for approval to the ASC.

## **4. Landscape Guidelines**

### **Overview**

The Landscape Guidelines and plant specifications are meant to enhance the beauty of individual properties, soften and screen the appearance of elevated foundations, service yards, parking areas, large building masses, swimming pools, etc., taking into account the appearance of the view of the home from the street, harbour, lagoons, waterfront, golf course and neighboring properties.

Landscape plans related to new construction and landscape modifications that affect more than fifty percent (50%) of any side of a residence or significantly affects the screening of the property, pool or home will be subject to the ASC process for review and approval. Depending on the scope of the project, a current Tree & Topo Survey or an

As Built Survey may be required. A completed application, landscape plan, review fee and escrow deposit are required. The application can be obtained from the ASC Administrator or on the Wexford website.

#### **4.1 Foundation Softening and Screening**

- Foundation plantings must provide a minimum of fifty percent (50%) foundation height coverage at installation. (Seven (7) gallon is the minimum size for all foundation plants.)
- Plantings are to be in double staggered rows. Plant smaller shrubs and/or ground covers in front of larger shrubs for a layered appearance to help reduce the apparent foundation height.
- House, deck, garage, service yard, property lines, etc., are to be fully landscaped on all sides.
- Planting beds are to be placed between the foundation and stairways, pools, pool decks, patios, driveways and motor courts to soften the mass of the hardscape and structure.

#### **4.2 Additional Screening**

- Garage entrances, parking areas, service yards, etc., are to be screened from the street, adjoining properties, golf course, Harbour and lagoons.
- Swimming pool(s) and spa(s), play equipment, sports equipment, satellite dishes, statuary elements and all plumbing and electrical fixtures, ornamental elements, etc., must be sufficiently screened with landscape to make them inconspicuous from the property perimeter at time of plant installation.
- Plantings may not obstruct street/roadway site lines (specifics are stated in Article X of the Covenants).
- Site utility boxes are to be fully screened from the street with landscaping. But must not impede access to the utility for required maintenance.

#### **4.3 Plant Usage**

- Heavy foliage and evergreen plants are to be used for all screening applications.
- Native plants are encouraged to maintain the unique character of the low country and withstand climate conditions.
- Larger plants are recommended to soften home foundations and for the purpose of screening structures.
- Hardy plants are encouraged (native, deer resistant, drought tolerant, winter hardy) to maintain an aesthetically pleasing appearance year round.
- Massing plants together throughout the property is desired to provide an overall cohesive appearance to the property.
- Some specimen and/or accent plants are to be included to enhance the overall aesthetics of the property.
- Mulch should be pine straw, pine bark, wood chips or stone (all of which shall be muted earth tone in color) or otherwise approved by the ASC.

#### **4.4 Planting Beds**

- Planting bed edges should “gracefully flow” around the property for aesthetic purposes and ease of maintenance.
- All plants in planting beds are to be staggered to achieve a “full look.”
- Three (3) gallon plant material is the minimum size for all plants used away from foundation – three-gallon plant material must be massed in groups of a minimum of ten (10) plants.

#### **4.5 Street, Golf Course, Harbour and Waterfront Abutments**

- A significant lawn of sod is to be planted and maintained along the front roadside so as to serve as a continuous landscape feature throughout Wexford (specify sod species).
- Site utility boxes are to be fully screened from the street with landscaping . But must not impede access to the utility for required maintenance.

- It is the property owner's responsibility to landscape and maintain landscaping from property lines to the roadway and, if applicable, to lagoons/waterways.. This includes areas between leisure paths and the street.
- No deep rooted vegetation, drains or irrigation systems/sprinklers can be installed within 24" of the bulkhead.
- A portion of all residential lots bordering the golf course may have to be in general conformity with the overall landscaping plan of the golf course. Specific treatment of these areas will be determined on a case-by-case basis. (Article X of the Covenants.)
- Natural vegetation that measures ten feet (10') in diameter at the canopy (particularly the Saw Palmetto that is indigenous to this area) will be preserved.
- In order to prevent encroachment into the golf course and interfere with the out of bounds markers, all landscaping abutting golf course is to be maintained to stay within the homeowner's property line. New landscaping must be planted far enough within the property line so that the entire spread of the plantings at maturity will be entirely within the property line.

#### **4.6 Trees**

- The planting of sizeable trees may be required to mitigate second story heights.
- All newly planted trees must be a minimum height of ten feet to twelve feet (10'–12') and two inches (2") caliper.
- Trees and their eventual full growth canopy should be considered as they could have an effect on an adjacent neighbor's property.
- Consideration should be given to protect site lines of adjoining properties.

#### **4.7 Landscape Lighting**

- Direct light should not be visible from outside the property perimeter.
- Light fixtures installed outside of the property building setbacks will not exceed eighteen inches (18") in height.
- Floodlights are discouraged.

#### **4.8 Wexford on the Green, Wexford Commons and Wexford Garden Homes**

- Homes in these areas are on smaller than normal size lots that are narrow and deep. As such, supplemental landscape guidelines have been prepared in addition to the overall guidelines to promote a sense of community and lend continuity of design to these unique areas. (Refer to respective Covenants and/or Guidelines for specific details)
- Dense plantings in the form of a visual screen are required to conceal/soften motor/entry courts.
- Lushly landscaped entry courts/private courtyards are required.
- Foundation plants are required to blend structure to site.
- Coordination with adjacent landscaping may be required.
- Plant materials are required to be sized for relatively immediate effect.
- Erosion control on lagoons is required.

## **5. Builder/Contractor Guidelines/Work Rules**

### **5.1 Builder/Contractor Responsibilities**

- The builder/contractor is responsible for ensuring that all of their employees, including sub-contractors, are obeying the Builder/Contractor Guidelines/Work Rules as presented in the Pre-Construction Meeting. A copy of the Work Rules must be posted on the construction sign, in English and Spanish. The posting of this information is the responsibility of the builder/contractor.
- All permits must be obtained and displayed before clearing any lot or beginning construction.
- The builder/contractor must ensure that any assessed fine is paid within the designated time period and any violation has been corrected.
- For new builds and major renovations, a pre-construction meeting is required.
- The builder/contractor must show proof of liability insurance and workman's compensation insurance before any work can begin. Required for New Builds and Major Renovations

### **5.2 Work Time and Days**

- Construction hours are 7:00 a.m. to 6:00 p.m., Monday through Friday. Workers must be off Wexford property by 6:00 p.m.
- Permission to perform work on Saturday or outside of normal work hours must be requested, in advance, and approved by the ASC Administrator or their designee.
- Construction work may not be performed on the following days: Weekends, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

### **5.3 Posting of Permits**

- The builder/contractor must place a residential construction sign before any clearing or construction on a lot begins. The construction sign must meet the specifications reviewed in the Pre-Construction Meeting. All documents will be placed in plastic covers or laminated and will be affixed to the construction sign so they can be read. All documents will be on one side of the display board facing the street.
- The display board will be as shown on the ASC approved site plan.
- No permits, notices, plans, work rules or any other item will be nailed, tacked or attached to any tree.
- Builders/contractors will immediately display permits when they are received.

### **5.4 Use of Common Property**

- Builders/contractors may not use any Wexford common property unless first requesting and receiving written permission from the Wexford General Manager. The Wexford common property will include but is not limited to roads, leisure trails, grass areas, landscaping, golf cart paths, etc.
- Builders/contractors will reimburse Wexford for the cost of repairing or replacing any damaged or destroyed property, equipment, or supplies caused by their employees. Additional cost will include labor provided by Wexford to repair or replace damaged or destroyed property.
- All common property must be restored to the condition that existed before the clearing or construction commenced.

### **5.5 Use of Private Property**

- Builders/contractors may not access or use any private property unless first receiving written permission from the property owner. A copy of the written permission will be provided to the ASC office.
- Workers may not use the facilities, electricity or water from another construction site or residence unless written permission has been obtained first.
- Workers will not access or use private property as a short cut to get to a construction site.

- All private property must be returned to the condition that existed before the use of such property began unless written permission from the property owner has been obtained stating that returning the property to such condition is not required.

## **5.6 Parking**

- Basecoat rock must be placed on site, in accordance to the approved site plan to help maintain the edge of the roads and reduce the dirt on the primary roads. Placement will be determined by the ASC Administrator.
- Builders/contractors may not park any vehicle, trailer or equipment on any Wexford common property unless written permission has been obtained from the Wexford General Manager. This includes the shoulder of roadways.
- Builders/contractors may not park any vehicle, trailer or equipment on any private property unless written permission has been obtained from the property owner.
- All vehicles, trailers and equipment must be parked on the construction site unless Wexford Security Department or the ASC Administrator has authorized permission to park on the street.
- Vehicles parked on the street must be on the side that is designated by the Wexford Security Department. One lane for vehicle travel must be left open at all times. Vehicles from all construction sites must be parked on the same side. Vehicles will not block any driveway.
- Cars, trucks and vans may not be left at a construction site overnight unless approved in advanced by the Wexford Security Department or the ASC Administrator.
- Parking conditions will vary at each work site. The ASC Administrator will work with each builder/contractor to develop a parking solution for each site. The parking plan must be reviewed and approved by the ASC.

## **5.7 Equipment Storage**

- Equipment that is needed on a construction site may be left on the site until no longer needed. Equipment does not include cars, trucks or vans.
- Equipment will be placed in the garage (when available) or other location where the equipment is least visible.
- If the equipment cannot be placed inside the structure, it is to be parked as close as possible to the structure. It does not have to touch the structure.
- Equipment is not to be left on a side that faces the Harbour.
- If one side of the property faces a vacant lot the equipment is to be stored on that side.
- Equipment that is no longer required at a construction site must be removed from Wexford. Equipment will include trailers, forklifts, backhoes, mixers, etc.
- Failure to comply with the above rules will result in a fine of \$250.00 and a requirement to remove the equipment from Wexford.

## **5.8 Construction Supply Storage**

- Builders/contractors may not store any construction supplies or material on any Wexford common property or private property unless written permission has been obtained in advance from the Wexford General Manager or the property owner.

## **5.9 Maintenance of Construction Sites**

- Builders/contractors are required to maintain construction sites in a neat and orderly condition. Before completing work for the day the builder/contractor is to ensure that the site is cleaned. All trash is to be placed in a dumpster or trashcan.
- Construction waste is to be placed in the dumpster. This includes broken bricks or blocks, plastic containers, wood, bags, paper, plastic, etc.

- A debris fence is to be placed around three sides of all construction sites to prevent waste and trash from getting into the Harbour, any lagoon, the marsh or other properties.
- Builders/contractors must also place debris fences around all catch basins to prevent debris from entering the storm sewer system.
- Any equipment that is left on a construction site must be secured.
- Any debris that leaves the construction site must be cleaned up immediately.
- Construction supplies will be stacked and stored in a neat and orderly fashion.
- If a construction site requires cleaning by Wexford personnel, due to a lack of responsiveness by the builder/contractor, the builder/contractor will be billed at a rate of \$20.00 per hour for each employee that is required to clean the site in addition to a fine of not less than \$50.00.

#### **5.10 Placement and Use of Dumpsters**

- A dumpster is a requirement for each work site. Builders/contractors must obtain a dumpster that is large enough to handle the expected debris and trash that is produced at the construction site.
- Builders/contractors are not to use the dumpsters that are on Wexford common property or on the private property of others.
- The dumpster must be emptied or replaced when the full line is reached.
- A dumpster may not be placed on Wexford common property or on the private property of others unless written permission has been received in advance.
- Any debris that is left on the ground due to a full dumpster must be placed in one pile covered with a tarp. The debris will immediately be placed in a dumpster when a dumpster is returned. Debris may not be left on the ground for an extended period of time.
- Builders/contractors are to schedule the removal of a full dumpster to avoid being fined.
- Dumpster must be tarped and lashed at the end of each work day and on weekends.
- Dumpster must be completely screened if needed for more than 4 weeks.

#### **5.11 Worker Transportation**

- All vehicles that enter Wexford are subject to being searched.
- All drivers must have a valid driver's license in their possession.
- All vehicles must have current automobile insurance.
- Vehicles must have a valid commercial decal or daily pass issued by the Wexford Security Department to be granted entrance to Wexford.
- Vehicle operators must take the most direct route to the construction/work site.
- Vehicle operators must comply with all parking rules and all traffic laws.
- Builders/contractors/workers may not bring bicycles in to Wexford.
- Workers may not walk to a construction/work site.
- Workers may not gather on Wexford property to wait for transportation.
- Workers must notify employers of the need for transportation before arriving.
- Wexford common property and the private property of others may not be used for short cuts or U-turns.
- Commercial vehicle decals may be removed and access denied for failure to obey the rules.

#### **5.12 Placement of Portable Toilets**

- For new builds, the builders/contractors must place at least one portable toilet on each construction site. For all other approved construction, a portable toilet may be placed at the site as needed.
- The portable toilets will be emptied on a regular basis, depending on size of work crew. They must be emptied more frequently during summer months.



- The portable toilet is to be screened from view.
- If there is a vacant lot on one side of the structure, the toilet is to be placed on that side.

### **5.13 Use of Wexford Facilities**

- Builders/contractors and their employees may not use any Wexford facilities, equipment, supplies, water, ice or electricity unless written permission has been received from the Wexford General Manager or a Department Manager.
- Builders/contractors and their employees will not purchase food items from the Wexford Clubhouse or the Harbour Center.
- Contractor employees will not enter the employee-only areas of the Wexford Clubhouse for any reason.

### **5.14 Removal of Debris**

- Builders/contractors and yard workers are responsible for removing all debris from Wexford. Debris will include lot clearing, yard work and construction material.
- Yard debris may not be placed on any private property, in the Harbour, in any lagoon or on any common property.
- Debris may not be burned on Wexford HOA Property.
- Yard workers may not blow, rake or shovel yard debris on to any street, cart path, leisure trail, into any storm drains or into the Harbour.

### **5.15 Miscellaneous**

- Wexford assumes no liability for equipment left on job sites.
- Builders/contractors may not bring family members or animals to construction sites. This does not apply to property owners that are the builder or contractor or if a family member is employed by the builder or contractor and is working on the construction site.
- Power cords may not be laid across a roadway unless prior approval has been given by the Wexford Security Department. Cords must be covered with a material that prevents the cords from being damaged or cut.
- All work must be performed on the construction site unless written approval to work at another location has been given by the Wexford General Manager, a Department Manager or the property owner.
- Builders/contractors must immediately report to the Wexford Security Department any broken water line(s) or cut power line(s).
- Workers are not allowed to fish or crab in the Harbour or from the floating dock areas.
- Music must be played at a level so that it cannot be heard beyond the construction site.
- Workers may not bring or possess any weapon in Wexford.
- Workers must discard all personal trash in appropriate containers on the job site, or will be subject to a fine.

### **5.16 Emergency Preparedness Requirements**

- In the event of an emergency that requires evacuation or closure of the work site, builders/contractors will: remove all equipment; place all supplies inside the structure or remove from Wexford; take down, remove or secure all scaffolding and turn off power and water to the work site. All workers will leave Wexford after this has been accomplished.
- Builder/contractor will notify the ASC Administrator when the work site has been secured.

### **5.17 Removal, Closure or Fines for Failure to Comply with Work Rules**

- The Wexford Security Department or the ASC Administrator will have the authority to close a construction site and direct the workers to leave Wexford for failure to abide by the Builder/Contractor

Guidelines/Work Rules. Workers may not return to a construction site until assessed fines have been paid and/or a violation has been corrected.

- All fines must be paid at the Wexford Gatehouse between 9 am & 2 pm, M-F. All fines must be paid within 3 business days or the construction site may be closed.
- Construction workers may not remove any tape, signs or any other barrier that has been placed there by Wexford Security to identify the closure of a construction site. Only the Wexford Security Department or the ASC Administrator will remove all tape, signs or barriers that have been placed on a construction site.
- Builders, contractors and their employees will not engage in arguing or fighting with Wexford Security Officers or the ASC Administrator who are enforcing the Builder/Contractor Guidelines/Work Rules. Builders, contractors or their employees may inquire and discuss with the Wexford Security Officer the cause of the fine or the closure. A violation of this rule will result in possible permanent removal from Wexford and may initiate criminal charges.
- Fines for violations will begin at a minimum of \$100.00 per violation per day and may reach a maximum of \$250.00 per violation per day.

#### **5.18 Penalties for non-compliance of Section 5 - Builder/Contractor Guidelines/Work Rules**

1. 1<sup>st</sup> offense – WARNING
2. All subsequent offenses - \$100- \$250 (depends on severity and frequency of the violation)

Confrontation with or disrespect of Security Officer or ASC Administrator

1. \$250 for each violation & report to be given to the GM and Board of Directors for possible Board action

#### **6. Application for Design Review - Design Review Applications is in "Forms" section**