

**SOUTH BAY COMMUNITY ASSOCIATION**

**South Bay Design Standards**

**SBCA ARC**

*Revision 4  
02/04/05*

## **INTRODUCTION**

Port Ludlow is known as one of the finest residential and recreational communities in the Pacific Northwest. Those people who own homes and property in Port Ludlow become parties to a long-standing tradition of exemplary stewardship of some of Washington's most superb natural resources.

The purpose of these Standards is to protect the substantial financial commitment made by the many individual property owners who have chosen to live within the confines of South Bay and, in particular, the area administered by the South Bay Community Association. The Standards attempt to assure the highest quality of living environment, while at the same time, allowing an appropriate degree of individual choice in site planning and residential design and construction.

The information contained herein is derived from the South Bay Master Declaration and is formatted so as to provide clarification and ease of reference.

South Bay Design Standards shall mean the rules and standards established by the SBCA Architectural Review Committee which rules shall be enforceable in the same manner as the Master Declaration.

### **1.0 DEFINITIONS**

**1.1 *South Bay Community Association*** shall mean the committee of the South Bay Community Association created pursuant to the provisions of the ***South Bay Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements'*** as amended from time to time, recorded under Jefferson County Auditor's No. 324010.

**1.2 *Board*** shall mean the Board of Directors of the South Bay Community Association.

**1.3 *SBCA-ARC*** shall mean the South Bay Community Architectural Review Committee.

**1.4 *Common Areas*** shall mean:

- A. All land owned by the South Bay Community Association,
- B. All land within South Bay which the Declarant makes available to members of the South Bay Community Association and evidences its intent to convey to South Bay Community Association at a later date; and,
- C. All land within South Bay which comprises the trail or pathway system, or which the Declarant indicates on a recorded subdivision plat or within a Supplemental Declaration is to be used for the benefit of all Owners within South Bay; but expressly excluding any Open Space within a subdivision which shall be construed as Limited Common Area.

- 1.5 **Declarant** shall mean Port Ludlow Associates, its successors, and assigns, but only if such successors or assigns should acquire all or substantially all of the then-developed portions of South Bay from Declarant for the purpose of development.
- 1.6 **Limited Common Areas** shall mean all land within South Bay which the Declarant designates on a recorded subdivision plat as Limited Common Area or Open Space.
- 1.7 **Community Association Land** shall mean such part or parts of South Bay, together with the buildings, structures, and improvements thereon, and other real property which the South Bay Community Association owns or may at any time have an easement or leasehold interest, which property is designed for the use and enjoyment of the members of the South Bay Community Association.
- 1.8 **Recreational Facilities** shall mean all real property within South Bay owned by the South Bay Community Association or Declarant for the common recreational use and enjoyment of the members.
- 1.9 **South Bay** shall mean all real property subject to the ***Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitude's, Liens, Reservations. And Easements'*** recorded under Jefferson County Auditor's No. 324010.
- 1.10 **South Bay Community Association** shall mean the Washington non-profit corporation organized to administer and enforce the covenants and to exercise all rights, powers, and duties set forth in the Declaration, its successors and assigns.
- 1.11 **South Bay Permit** shall mean the permit obtained from the SBCA-ARC upon satisfaction of the requirements set forth in these Standards.
- 1.12 **South Bay Rules** shall mean the rules for South Bay as adopted by the Board of Directors of the South Bay Community Association pursuant to the Declaration.
- 1.13 **Standards** shall mean these South Bay Design Standards adopted pursuant to the Declaration.
- 1.14 **Supplemental Declarations** shall mean a Supplemental Declaration recorded pursuant to the terms of the Declaration to which portions of South Bay, or certain villages may be subjected.
- 1.15 **View.** A view shall mean a vista observable from the residence of a property. The view can be either unobscured or partially obscured by an adjoining building or natural vegetation. The view may change in time by the natural growth of vegetation.
- 1.16 **Village-ARC** shall mean the individual or group responsible for the administration of these Standards and Supplemental Declarations within their respective Villages.
- 1.17 **Visible from Neighboring Property** shall mean, with respect to any given object, that such object is or would be visible to a person six feet tall, standing at ground level on any part of a lot, Common Area, or Limited Common Area neighboring that on which such objects exists.

## 2.0 **AUTHORITY AND APPLICATION**

- 2.1 **Authority.** The authority for these Standards is set forth in the *South Bay Master Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitude, Liens, Reservations, and Easements'* (hereinafter "Declaration") as recorded under Jefferson County Auditor's File No. 324010, records of Jefferson County, Washington.
- 2.2 **Scope-Applicability.** These Standards apply to that portion of the South Bay subject to the above-referenced Declaration and are wholly in addition to applicable standards set forth in federal, state, county and local regulations. With the exception of structures designed and/or constructed by Declarant, no alteration or modification to an existing dwelling unit or other structure previously approved by the SBCA-ARC shall be made unless complete plans and specifications therefore have been first submitted to and approved in writing by the SBCA-ARC. Where these standards are more stringent than federal, state, county and local regulations, these standards shall apply.
- 2.3 **Exemptions.** The SBCA-ARC shall have no authority, power, or jurisdiction over Lots or other property within South Bay owned by Declarant, and these Standards shall not apply to Lots or other property within South Bay owned by Declarant until such time as Declarant conveys title to the Lot or property to a purchaser thereof.

Nothing contained in these Standards shall be construed to prevent the erection or maintenance by Declarant, or its duly authorized agents, of any buildings, utilities, structures, improvements or signs necessary or convenient to the development or sale of property within South Bay.

- 2.4 **Health, Safety, and Welfare.** In the event additional uses, activities, and facilities other than those regulated by these Standards are deemed by the Board to be a nuisance or to adversely affect the health, safety, or welfare of Owners, Residents, or Occupants, the Board may make rules restricting or regulating their presence in South Bay as part of the South Bay Rules or it may direct the SBCA-ARC to make rules governing their presence on Lots as part of these Standards.
- 2.5 **Lot, Common Area, and Limited Common Area Architectural Control.** No improvements, alterations, repairs, excavation, grading, removal of trees with base trunk diameter exceeding six inches (6"), or other work which in any way alters the exterior appearance of any Lot, Common Area, or Limited Common Area within South Bay, or the improvements located thereon, from its natural or Declarant improved condition (existing as of completion of Declarant's construction thereon or improvements thereto) shall be made or performed without prior approval of the SBCA-ARC, except as otherwise expressly provided in these Standards. Other than as constructed by Declarant, no building, or structure, shall be commenced, erected, maintained, painted, improved, altered, or made without the prior written approval of the SBCA-ARC or as stated in the Village Supplemental Declaration to reflect the peculiar character of that Village. Such verbiage must be approved by vote of the Village Association members and

ratified by the SBCA Board of Directors. All subsequent additions to, changes or alterations in any building or structure, including exterior color scheme, and all changes in the grade of Lots, Master Association Land, Common Areas, Limited Common Areas or Recreational Facilities, shall be subject to the prior written approval of the SBCA-ARC. No changes or deviations in or from the plans and specifications once approved by the SBCA-ARC shall be made without prior written approval of the SBCA-ARC. All original construction as well as any modifications or additions thereto as shall be constructed by Declarant shall be exempt from the provisions of this Paragraph. Landscaping will be controlled as defined in section 4.2. For further information refer to section 11.2 of the South Bay Master Declaration.

2.6 **Supplemental Declarations.** In addition to the Declaration, individual villages may have Supplemental Declarations regulating aspects of construction and landscaping. It is the responsibility of each Owner to ensure compliance with any additional requirements set forth in an applicable Supplemental Declaration.

### 3.0 **RESPONSIBILITIES**

3.1 **South Bay Architectural Review Committee.** The South Bay Architectural Review Committee (hereinafter "SBCA-ARC") is that group responsible for the administration of these Standards.

The Board has established the SBCA-ARC to administer the architectural control provisions of the Declaration, any Supplemental Declarations, and these Standards. The SBCA-ARC has the right to adopt rules and regulations for preparation, submission, and decision-making procedures relating to application of these Standards. The SBCA-ARC shall consist of not less than three (3) or more than five (5) members. Any member of the SBCA-ARC, by written notification to the Board, may resign from the SBCA-ARC at any time. The Board shall have the power to appoint all of the members of the SBCA-ARC. Members of the SBCA-ARC shall be required to be property owners in South Bay. The Board may ask the Declarant to assign a member from the Declarant's staff to serve on the SBCA-ARC. Decisions of the SBCA-ARC shall be by a majority vote of its members. Subject to the provisions of Subsection 4.6, the decision of the SBCA-ARC shall be final on all matters submitted to it pursuant to the Declaration, Supplemental Declaration, or these Standards. The SBCA-ARC approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specifications comply with good engineering or design, or with zoning or building ordinances, or other governmental regulations or restrictions. By approving such plans and specifications, neither the SBCA-ARC, the members thereof, the Master Association, any member thereof, nor the Board, assumes any liability or responsibility therefore for any defect in the structure constructed from such plans or specifications. None of the above stated entities or individuals shall be liable to any Member, Owner, Resident, Occupant, or other person or entity for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings, and specifications, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved plans, drawings, and specifications.

3.2 **Village Architectural Review Committee.** The Village Architectural Review Committee (hereafter “Village-ARC”) is that group responsible for the administration of these standards and Supplemental Declarations within their respective Villages. Each Village Homeowners Board of Directors shall name the Village-ARC. There is no set number of participants for the Village-ARC or required term for participation on the Village-ARC. The Village-ARC shall be responsible for the approval and oversight of those projects that fall within their defined area of responsibility.

The Village -ARC members may assist the Homeowner in securing the proper project form, will do the initial review of all projects, and then pass those projects that require the approval of the SBCA-ARC to that Committee. For those projects not requiring the attention of the SBCA-ARC, the Village-ARC will, if the project is approved at the Village level, issue the necessary permit.

3.3 **Property Owners.** Owners are required to strictly adhere to the procedural and substantive standards contained herein, as well as any specific conditions prescribed on a South Bay Permit. The Declaration makes it clear that under Washington State law legal proceedings may be undertaken against those who proceed otherwise. It is also the responsibility of Owners to comply with County land use, planning, building and Public Works at the beginning stage of project consideration.

In addition, each owner who receives a South Bay Permit from the SBCA-ARC will insure the following:

- 1) No domestic animals will be allowed on the job site.
- 2) Portable toilets will be made available by the Owner at the job site for workers;
- 3) All materials, vehicles, and associated apparatus will be stacked or stored on the job site only, unless otherwise approved by the SBCA-ARC;
- 4) There will be no trespassing onto adjoining Lots or common areas, or golf course.
- 5) Provisions will be made for trash accumulation on the job site and for frequent removal.
- 6) Exterior construction will occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.

Individual property Owners will assume complete responsibility for the actions of their contractors and subcontractors.

#### 4.0 **PROCEDURES**

4.1 **Preliminary Review.** For all projects contact your Village-ARC representative to determine if the project needs a permit. If a permit is required the Village-ARC will determine if the project will be reviewed by the Village-ARC or the SCBA-ARC. For new construction, remodeling, additions, landscaping, or other improvements, projects, or actions referred to in Section 2.2, design review can be conducted so that the applicant has an opportunity to communicate with the Village-ARC or SBCA-ARC on matters of concept and basic form prior to investing in fully completed architectural plans. Preliminary review is of an advisory nature and submittal may consist of informal presentations and plans.

## 4.2 **Application and Permits**

- 4.2.1 Permits are required for all types of construction and landscaping except as set out in 4.2.2. Appendix A. shows examples of permit requirements and fees.
- 4.2.2 Landscaping permits are **not** required for the following:
- a) Annual planting in existing cultivated areas.
  - b) Perennials, which do not exceed forty-two (42) inches in height at maturity.
  - c) Replacement in kind of existing plants.
- 4.2.3 Landscaping permits **are** required for the following:
- a) Landscaping associated with new home construction. The initial submittal should be included with the Building Permit Application and may be in the form of a preliminary sketch. The final design shall be submitted prior to the start of installation. Only one fee will be required for the new home and landscaping permits.
  - b) Additions to landscaping with exception of those listed in 4.2.2 above. Applications for landscaping must contain sketches showing existing and proposed location of types of plants and hard features such as ponds, arbors and rockeries. Changes in grade (filling and grading) must provide detailed information on drainage, erosion and possible impact on surrounding lots, common areas, drainage ditches and ponds. Proposed landscaping must comply with Supplemental Declarations for the Village where work is to be done.
- 4.2.4 Applications for all work other than landscaping must contain a site plan, 2 sets of Drawings and specifications, and job site provisions called for in the Permit Application Form.
- 4.2.5 Applications for NEW construction are to be submitted to: South Bay Community Association, 120 Spinnaker Place, Port Ludlow, Wa. 98365, Attention SBCA-ARC All other applications are to be submitted to your Village-ARC Representative.
- 4.2.6 The permit process is as follows:
- a) The first page of the application form is completed and submitted to your Village-ARC Representative.

- b) The Village –ARC Representative may approve/ disapprove the project based upon the preliminary application or request additional information needed for approval/ disapproval at the Village level.

*Or*

- c) Request a Project Application Form to be completed for submittal to the SBCA-ARC.

4.2.7 Application forms check lists and assistance can be obtained from your Village-ARC Representative.

- 4.3 **Timetable.** Applications submitted to the Village-ARC will be reviewed and acted upon normally within fifteen (15) days of receipt. The decision of the Village- ARC will be transmitted to the applicant in writing.

Applications submitted to the SBCA-ARC will be reviewed and acted upon as expeditiously as possible depending upon the complexity of the project, time required for site inspections, and cooperation of the applicant in submitting necessary information.

Within thirty (30) days of receiving a complete Project Application, the SBCA-ARC may approve, disapprove, or conditionally approve plans and specifications which have been submitted. Such action will be by a majority vote of the SBCA-ARC and will be transmitted to the applicant in writing. No prior approval or failure to disapprove similar projects will constitute a controlling precedent.

- 4.4 **South Bay Permit.** A South Bay Permit will be issued once all project review has been completed and approved by the Village-ARC or SBCA-ARC. Only after all applicable governmental permits have been secured may an Owner undertake alterations, construction, or improvements on any Lot.

Work as delineated in the Project Application package must be fully completed within one (1) year after issuance of a South Bay Permit. Extenuating circumstances should be brought to the attention of the SBCA-ARC in order to arrange an extension of the required completion date. However, the SBCA-ARC has the absolute discretion to approve or deny any extension request. The SBCA-ARC will inspect work in progress at the following timelines: (1) staking of foundation; (2) completion of footings and foundation forms prior to pouring concrete; (3) completion of framing of improvements; (4) establishment of location and perimeters of patios and decks. The intent is to monitor compliance with height, setbacks, and possible view obstructions before work is undertaken. Owner or Contractor shall contact the SBCA-ARC either prior to or within the same time as notification is given to the County for inspections.

- 4.5 **Non-Compliance.** As stated in detail in section 11.6 of the Master Declaration, failure to comply with the Declaration, any Supplemental Declaration, or these Standards, or with specific

conditions attached to an approved South Bay Permit, shall constitute grounds for immediate revocation of said South Bay Permit. In the event of revocation of a South Bay Permit, or any construction or improvement where a South Bay Permit has been denied, the SBCA-ARC or Board may seek injunctive relief or any other legal remedy available under Washington State law.

4.6 **Appeal.** Any owner aggrieved by a decision of the Village-ARC or SBCA-ARC may appeal the decision to SBCA-ARC in accordance with the following procedures:

- 1) Owner submits letter to SBCA-ARC stating reasons for grievance within 30 days of notification of decision;
- 2) SBCA-ARC meets with Owner within 15 days of receipt of grievance letter to discuss Owner's contentions.
- 3) The SBCA-ARC shall render a written decision on the appeal within 15 days of the meeting with the Owner.
- 4) Owner may appeal the SBCA-ARC decision to the Board for review.

## 5.0 **STANDARDS**

The purpose of the Standards is to preserve and promote the character and orderly development of South Bay. All project applications will be evaluated on such factors as site, design, height, square footage, orientation, color, mode of architecture, landscaping design, compatibility with natural and manmade surroundings, and relevant criteria deemed important by the SBCA-ARC for the construction of improvements. In addition to the specific criteria, which follow, the SBCA-ARC reserves the right to judge project applications on the basis of other aspects that it deems as pertinent to its general responsibilities. During reasonable hours and upon reasonable notice to the owner, resident or occupant of a lot, any member of the SBCA-ARC, any member of the Board, or any authorized representative of any of them, shall have the right to enter upon and inspect any lot and the improvements thereon, except for the interior portions of any dwelling unit, for the purpose of ascertaining compliance with this design criteria.

### 5.1 **BUILDINGS**

5.1.1 **Clearing and Grading.** No improvements, alterations, repairs, excavation, grading or other work which in any way alters the exterior appearance of any Lot, Common Area, or Limited Common Area within South Bay, or the improvements located thereon, shall be undertaken without approval from the SBCA-ARC. Special attention shall be paid toward the Supplemental Declarations. Each Owner shall bring to the attention of the SBCA-ARC any special standards for clearing, grading, and vegetative removal contained within applicable Supplemental Declarations.

5.1.2 **Building Size.** The square footage of the proposed home shall be 1500 square feet or greater.

- 5.1.3 **Building Style.** Modular, sectional, or other factory-built or preconstructed homes will not be approved.
- 5.1.4 **Building Height.** No building, structure, or other improvement of any Lot shall exceed 35 feet in height. The height shall be defined as the vertical distance to the highest point of the building, structure, or improvement including equipment and appurtenances thereon, when measured from grade. Grade shall be defined as the highest point of elevation of the existing natural surface of the ground immediately adjacent to the foundation of said building, structure, or other improvement before grading. Refer to Jefferson County Unified Development Code section 2 for a detailed description of reference datum point.
- 5.1.5 **Garages.** It is the intent to restrict on-street parking as much as possible. Vehicles of all Owners, residents, and Occupants, and their employees, guests, and invitees, are to be kept in the garages and residential driveways of Lot Owners, and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a Lot. Each single-family residential structure shall allow for the off-street parking of at least two automobiles. If a garage is provided, regardless of its size or automobile capacity, that structure will fulfill the requirement of one space; at least one additional open, off-street parking space must be provided.
- 5.1.6 **Setbacks.** Setbacks apply to any part of any building, including overhangs, eaves, and decks. The minimum setback for front property lines is twenty (20) feet from the adjacent road right-of-way. The minimum setback for rear and side yards is five (5) feet, unless adjacent to a road right-of-way in which case the twenty (20) foot setback will apply. In addition, structural setbacks contained in any Supplemental Declaration, or on any subdivision plat map, shall control.
- 5.1.7 **Exterior Finishes.** Structures shall be of new construction. No asphalt, fiberglass, metal or plastic shall be used as finished exterior siding. The use of transparent wood stains in lieu of paints is acceptable.
- All exposed metals such as roofing, flue pipes, fireplace chimneys and caps, plumbing stacks, miscellaneous flashing, spark arrests, satellite dishes etc., must be painted with a flat dark color.
- 5.1.8 **Roof Materials.** No particular type of material is preferred and each will be judged by the general criteria noted in Section 5.0. Regardless of the type of material used, the color must be earth tone and muted. No reflective metal roof material may be used.
- 5.1.9 **Driveways and Walkways.** Driveways, walkways, and paths made of asphalt, stone, concrete, bark chips, and gravel are preferred. Surfacing material which is reflective, such as white stone chips, is prohibited.

- 5.1.10 **Walls**. Unless authorized by a Supplemental Declaration, and other than as initially constructed by Declarant, no walls of any type shall be constructed or maintained on any Lot. At its sole discretion the SBCA-ARC may approve walls that are architecturally integrated and physically connected to the main structure. The SBCA-ARC will consider variances, e.g. retaining walls.
- 5.1.11 **Drainage**. No roof drains or driveway drainage shall be directed as to adversely impact neighboring properties.
- 5.1.12 **Service Areas**. No trash or other debris shall be placed or kept on any Lot, except in covered sanitary containers. Proposed plans must provide for screening of garbage cans and trash areas, propane or oil tanks, heat pumps, generators, and air conditioner condensing units from the view of the adjacent property, roads, and paths. Such screening shall be of materials and finish consistent with the principal structures on the site or plantings of suitable plant materials whose growth patterns will screen the height, density, and noise levels. Trash containers may only be visible while available for collection and then only for a period of time not exceeding fifteen (15) hours which is deemed to be a reasonable time to effect collection. No outdoor incinerators shall be kept or maintained on any Lot. No plan will be considered without location of garbage/trash enclosure being shown.
- 5.1.13 **Utilities**. No lines, wires, or other devices for the communication or transmission of electric current or power, including telephone, television, and radio signals, shall be erected, placed, or maintained anywhere in or upon any Lot unless the same shall be contained in conduits or cables installed and maintained underground or on buildings or other structures initially constructed by Declarant, or subsequently approved by the SBCA-ARC and any governmental or public authority with jurisdiction. The erection of temporary power or telephone structures incident to the construction of buildings or structures by Declarant or as approved by the SBCA-ARC is permissible.
- 5.1.14 **Exterior Lighting**. Artificial outdoor lighting shall be arranged so that the light is shaded and otherwise directed away from adjoining properties and so that not more than one foot-candle of illumination leaves the Owner's property. The type and placement of exterior lighting devices must be an integral part of the Project Application and be approved by the SBCA-ARC. One exterior light with a photocell must be incorporated in the plan.
- 5.1.15 **Porches and Decks**. All porch and deck additions, if approved, shall have an appearance consistent with the exterior of the dwelling. No patio or deck addition shall extend beyond that dwelling's property setback line. No post or supports may be installed on common areas or designated open spaces.
- 5.1.16 **Solar Equipment**. Solar equipment, whether active or passive, must be architecturally consistent with the structure which it serves, must be attached thereto, and must comply with any height restrictions.

5.1.17 **Animals.** No provision for the care, housing, or confinement of any pet shall be constructed so as to be visible from neighboring property.

5.1.18 **Additional Wells.** No water wells shall be placed on any Lot by any Owner.

5.1.19 **Antennas.** The Declaration allows that unless specifically permitted by a Supplemental Declaration or placed by Declarant, or its duly delegated representative, no antenna, satellite dish, or other device for the transmission or reception of television or radio (including ham radio) signals or any other similar device shall be erected, used, or maintained outdoors on any Lot, unless approved by the SBCA-ARC. If approved, the installation shall be as unobtrusive as possible consistent with good reception, and will be painted with flat dark color.

5.1.20 **Clothes Drying Facilities and Playground Equipment.** Unless specifically permitted by a Supplemental Declaration, the following shall not be erected or maintained on any Lot if visible from neighboring property.

- A. Outside clotheslines or other outside facilities for drying or airing clothes;
- B. Playground equipment including, but not limited to, swing sets, slides, and sandboxes.

5.1.21 **Signs.** No signs whatsoever which are visible from neighboring property shall be erected or maintained on any lot or Common Areas except;

- A. Signs required by legal proceedings, and then the sign shall not exceed 18" by 24" unless mandated by Court or Washington Law;
- B. One "For Sale" or "For Rent" sign not exceeding 18" by 24".
- C. One identification sign for individual residences not exceeding 18" by 24";
- D. No more than two emergency services address plates, which are issued by Jefferson County;
- E. Signs of Declarant or signs authorized by Declarant for placement on any property within South Bay;
- F. Signs receiving prior written approval from the SBCA-ARC specifying the size, colors, design, message content, location, and period for which said sign may be displayed.

All such signs, with the exception of the emergency services address plates, shall be removed by the Owner promptly upon completion of their intended use.

5.1.22 **Repair of Structure.** No structure on any Lot shall be permitted to fall into disrepair and each such structure shall at all times be kept in good condition and repaired and adequately painted or otherwise finished. In the event any structure is damaged or destroyed, then, subject to the approvals required herein, such structure shall be immediately repaired and rebuilt or shall be demolished.

5.1.23 **Storage Sheds and Outside Storage .** No storage building or sheds, whether prefabricated, metal, or any other construction whatsoever, whether permanent or temporary, shall be moved, placed, assembled, constructed, or otherwise maintained on any Lot. Furniture, fixtures,

appliances, or other goods not in active use shall not be stored on any Lot in such manner that such items are visible from neighboring property or Common Areas.

- 5.1.24 **Temporary Occupancy and Temporary Buildings.** No trailer, recreational vehicle, boat, basement of any incomplete building, shed, tent, shack, garage, or barn, and no temporary buildings or structures of any kind, shall be used at any time for a residence, either temporary or permanent. Temporary buildings or structures used during the construction of improvements on any Lot shall be removed immediately after the completion of construction.
- 5.1.25 **Trucks Trailers, Recreational Vehicles, Campers, or Boats.** Any truck, recreational vehicle, boat, etc., ("vehicles") may be stored in a garage approved by the SBCA-ARC, providing said vehicles are not visible from neighboring property or Common Areas. The SBCA-ARC may, however, at its discretion, determine limitations as to the size and shape of such vehicles to be stored, and such storage areas may not be permitted on Lots solely on the merits of the overall aesthetic impact for the Lot. This Subsection shall not apply to cleaning, loading or unloading and short term parking which shall be permitted for a cumulative period not to exceed seventy-two (72) hours in any calendar month.

## 5.2 **LANDSCAPING**

- 5.2.1 **Landscaping.** No landscaping other than that defined in section 4.2 or other work which in any way alters the exterior appearance of any Lot, Common Area or Limited Common Area within South Bay, or the improvements located thereon, shall be undertaken without approval from the SBCA-ARC. Special attention shall be paid toward the Supplemental Declarations. Landscaping shall be in accordance with any restrictions provided in the Declaration or any Supplemental Declaration. In addition, landscaping shall emphasize plantings and other features, which will complement and enhance the native, existing character of South Bay. The SBCA-ARC shall have the right to disallow any planting or other vegetation that may now, or in the future, impede the view of other Owners within any portion of South Bay. On new construction an Owner shall, within one hundred eighty (180) days after the issuance of a Certificate of Occupancy from Jefferson County, substantially complete all landscaping of the Lot. Approved landscaping shall be maintained as required to provide a neat and attractive appearance. The SBCA-ARC shall be the sole and final judge as to whether or not landscaping meets the approved criteria and whether or not it is, at any given time, properly maintained.
- 5.2.2 **Trees and Vegetation.** Removal of trees with trunk diameter exceeding six inches (6") measured at breast height requires approval of the SBCA-ARC. Special attention shall be paid toward the Supplemental Declarations, which may contain additional restrictions. Trees that are diseased or dangerous to people or property may be cut down with prior approval of the SBCA-ARC. The SBCA-ARC will request the applicant to obtain the opinion of a Licensed Arborist.
- 5.2.3 **View Maintenance.** Property owner may maintain views in accordance with the following guidelines: bushes or low growing vegetation may be trimmed as necessary. Trees with base trunk diameter exceeding six inches (6") at breast height may be pruned in accordance with SBCA-ARC approval and where necessary in the opinion of a licensed Arborist. Property

owners may not enter upon other property to perform these activities without the written permission of that property owner and that of the SBCA-ARC. Lot owners should make a sincere effort to resolve view maintenance problems on an owner –to –owner basis. If such efforts fail, and the problem involves trees or vegetation, then the matter shall be referred to the Village-ARC for resolution. Payment of costs, if any, for pruning, trimming or removal of trees or vegetation, will be the responsibility of the requesting owner, unless the owner of the trees or vegetation involved accepts a share of the cost. The affected lot owner will control any work done on his or her property. Lot owners may be able to maintain or improve their own views by trimming or removing trees on their own property subject to prior approval of the SBCA-ARC.

- 5.2.4 ***Fences and Hedges***. Unless authorized by a Supplemental Declaration and other than as initially constructed by Declarant, no fences or hedges of any type shall be constructed or maintained on any lot. Fences and hedges are defined as structures or growths that exceed a height of more than 3 feet, divide property in one continuous length or that screen a lot owners view.

## **6.0 VARIANCES**

Variations from these Standards may be granted when in the judgement of the SBCA-ARC, extraordinary or unusual circumstances exist. Variance requests should be noted by the applicant on a Project Application. In granting variances, the SBCA-ARC may require conditions that will, in its judgment, secure substantially the objectives of the Standards so varied.

***Appendix A: Examples of Projects and Approving Entities***

This is not an inclusive list of projects, only common examples.

Check with the SBCA Design Standards and the Village ARC for more information.

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***1. No Application Necessary. No Permit or ARC Approval Required***

- Plant annuals in existing beds
- Trim or remove dead or wind-felled trees (or trees felled by other sudden acts of nature) of any size provided that a photograph of the fallen tree before the tree is cut is available for review by the Village or SBCA ARC.
- Trim or remove live tree(s) that meets the following conditions— (a) the tree’s trunk has a diameter less than 6 inches at a height 5 feet above the ground, **and** (b) the tree’s base is farther than 15 feet from the shoreline of marine waters.<sup>1</sup>

***2. Submit Application to Village ARC. Projects Approved by the Village ARC Unless They Are Extraordinary In Nature Or Have The Potential For Impacting Multiple Villages. Village ARC to consult with SBCA-ARC on new installations or when there is a question on the project’s potential impact.***

- Paint house exterior, same or new color
- Install or replace heat pump
- Install or replace emergency generator
- Install or replace hot tub
- Install or replace satellite dish
- Install or replace propane tank
- Install or replace exterior light fixtures
- Install or replace skylights
- Install or replace solar panels
- Install or replace siding or roof with material like or identical to original
- Modify original landscaping (other than that covered in part 1 (above))

***3. Submit Application to SBCA ARC. SBCA-ARC Review and Approval***

- New home construction & landscaping
- New or expanded garage
- New or expanded deck
- New or expanded patio
- New or modified retaining wall
- New or expanded deck conservatory
- New or expanded pet containment
- New or expanded room, including sunrooms
- Trim or remove a tree with a trunk diameter greater than 6” at 5 feet above the ground

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<sup>1</sup> For shoreline lots, ensure project is consistent with the Jefferson County Vegetation Management Formula.