



Making Modifications to Your Regime Villa, Cottage or Home

Sept. 28, 2010

When planning and constructing modifications to your Kiawah Island property, it is important to adhere to the following important steps. These are not all inclusive of what may be required; however, this short document provides a general framework and a means to get started. For your convenience, a "To Do" check list is provided at the end of this document.

First, Determine Who Owns What

It is critical that you read and understand your regime's¹ governing documents. These will specify the common elements owned by all members in common, the limited common elements that may be reserved for your use but are still held in common by all, and your personal rights and obligations of use or ownership. Why is this important? Because before you decide to change a window or front door of your villa, cottage, or home, it is important to know if you own that window or door.

- Go to your community's website to review your community's governing documents. These show what is privately owned, and what is owned in common with other regime owners.

Second, Contact your Regime Board of Directors

Because regime buildings and property are most often owned in common by all members, interior modifications may also need approval from your regime board – not just exterior modifications. This is important to you because if a neighbor is modifying or removing load bearing walls, your board needs to know and advise your neighbor as soon as possible that this may not be permissible. For fee simple homes in Kiawah, approval may not be required from the regime board for interior modifications. However, always contact your regime board to verify. If you have an exterior modification, consider how it will affect, change or fit into the overall aesthetic of your regime campus.

- Contact your regime's board of directors.

¹ The term "regime" is peculiar to a few states including South Carolina. It comes from SC statute 27 chapter 31 "The Horizontal Property Act", and refers to a condominium type of community association in most instances, although some fee simple housing communities are also considered regimes.

Third, Contact Your Regime Manager

Your regime manager has on file all necessary documents to proceed with regime modification. Remember that your board is the fiduciary for the community, making decisions and setting policy on behalf of your regime. Your board holds the power to approve or disapprove modification projects, including the amount of space that your contractors will take on the outside of your home for parking and dumpsters. Some regimes require that a specific architect or engineer be used. Some regimes require sign-offs by the board or the board president before the project can be approved by the Kiawah Island Architectural Review Board (ARB). For example, some regimes require that only members in good standing with no debts owed to the association can make modifications to their property.

- Contact your regime manager

Fourth, Get ARB Approval

The Kiawah Island Architectural Review Board (ARB) approves all exterior modifications for every property on Kiawah whether residential or commercial, including the Kiawah Island Community Association. The ARB will consider how your modification integrates into the overall regime campus or neighborhood.. When you have a project, always obtain prior written approval of the ARB 843-768-3419 or www.kiawaharb.com.

The ARB tailors its approach to what your regime board prefers in terms of approvals. For specific information about whether your regime makes approvals first or if ARB makes approvals first, contact the ARB.

- Get ARB Approval

Fifth, Get County Approval

Whether your project is an interior or exterior modification, Charleston County requires that you post a County Permit. Info on obtaining permits is at 843-202-6930 or www.charlestoncounty.org/departments/buildinginspections/index.htm. Your contractor will be required to hold a Town of Kiawah Island Business License. Info at 843-768-9166 or www.kiawahisland.org/OnlineServices/Applyforabusinesslicense.aspx. Your contractor will be required to obtain a gate pass from the community association commercial pass office. Info at 843-768-8240 or www.kica.us/PDFs/MemberForms/2010GateAccessPolicy.pdf.

- Receive and post the County permit
- Verify that your contractor has a Town license
- Assure that your contractor knows to obtain a gate pass from KICA.

Sixth, Get KICA Encroachment Permit

KICA requires an encroachment permit or waiver from you or your contractor, for any or all exterior modifications that affect KICA community property. Info at 843-768-9194.

- Contact KICA's encroachment permit officer.

Last, Be a Good Neighbor

Some regime boards require that as a last step you sign a form indicating that you will follow their rules. Some do not. In either case, it is important that you and your contractor act as good neighbors in the community. For example, your regime may limit the time of year in which you can work, such as in winter after the busy summer season. Regimes do not allow contractors to dump construction debris in the community dumpsters. Your Regime may have rules regarding the need to keep a clean and orderly work site. When your contractor is aware of and sensitive to your regime's regulations, you are acting as a good neighbor.

- Verify time of year and hours/days of week when your regime allows construction
- Sign off that you understand the rules for your regime (or read your regime rules about modifications).

End of Project Follow-ups

If your approved, completed project has changed the regime's building footprint or single family home footprint, your regime may require that you record a revision to your regime's Master Deed or Master Lease and/or a revised survey plat or plan at the Charleston County Register Mesne Conveyance (RMC) office. Info at 843-958-4800 or www.charlestoncounty.org/Departments/RMC/index.htm.

- Record your change at the Charleston County RMC Office
- Request ARB Inspection

Thank you for following these steps!

Regime Modification Check List

January 2011 Revision

- Review your regime governing documents to determine ownership
- Contact your regime board of directors
- Contact your regime property manager regarding submittals and receive approvals.
- Contact ARB regarding submittal requirements and receive approvals.
843-768-3419 or www.kiawaharb.com
- Assure building professionals have the following:
 - Town of Kiawah business license- 843-768-9166 or
www.kiawahisland.org/OnlineServices/Applyforabusinesslicense.aspx
 - Kiawah Island gate pass- 843-768-8240 or
www.kica.us/PDFs/MemberForms/2010GateAccessPolicy.pdf
 - KICA encroachment permit- 843-768-9194
- Obtain Kiawah ARB permit : 843-768-3419 or www.kiawaharb.com
- Obtain Charleston County permit- 843-202-6930 or
www.charlestoncounty.org/departments/buildinginspections/index.htm
- Sign off on any regime required paperwork that relates to exterior modifications and/or contractors (Permitted Hours of Work, Clean-Site Rules, Parking Availability, etc.)
- Register with Charleston County RMC office, if necessary- 843-958-4800 or
www.charlestoncounty.org/Departments/RMC/index.htm
- Check with your personal insurance provider to assure proper coverage for the new modifications.
- Contact ARB office for inspection and release of any construction deposits once the project is complete.