

TWELFTH – ARCHITECTURAL CONTROL FINAL VERSION FOR BOARD APPROVAL

ARCHITECTURAL CONTROL AUTHORITY

TWELFTH AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS OF THE KIAWAH ISLAND COMMUNITY ASSOCIATION, INC.

NOW THEREFORE, the Declaration of Covenants and Restrictions of the Kiawah Island Community Association, Inc. (the “KICA Covenants”) is hereby amended as follows:

ARCHITECTURAL CONTROL

1. Article VI, Functions of the Association, Section 3: Services, paragraph (l) of the KICA Covenants, is hereby amended as follows:

To set up and operate an Association Architectural Review Board (“Association ARB”), applicable to any or all Properties, as defined in Articles I and II of these Covenants and to take any and all actions as authorized in Article VII.

2. Article VII, Architectural Control, Sections 1, 2 and 3 of the KICA Covenants, are hereby deleted in their entirety and replaced with the following:

Section 1. **Purpose.** A purpose of these Covenants is the creation and maintenance of a community that is aesthetically pleasing, functionally convenient, and environmentally sensitive. The Properties derive their unique character and enhanced value from the cooperation of all Owners in upholding minimum design, landscaping, and aesthetic standards. This Article VII explains how those standards will be established and how they will be applied and maintained through a process requiring prior approval for construction on and exterior modifications to improvements on a Property.

Section 2. **Association Architectural Review Board or Authority.** The Association shall have jurisdiction over architectural matters including the right to establish and operate the Association ARB and to delegate to such Association ARB any or all of the Association’s architectural review and approval rights or powers. The Association ARB shall have such composition, governance, and operating structure as the Board of Directors of the Association determines and approves in its sole discretion with adoption of an architectural review plan, including standard operating procedures (“Architectural Review Plan”) that the Association ARB will follow in carrying out the purposes of this Article VII. The Association shall periodically update the Architectural Review Plan and provide notice to the Members on the Association website.

Additionally, in the event that the Company assigns, delegates, or names the Association as its agent to execute any of its architectural review and approval rights or powers granted under the Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to All Property in Kiawah Island (the “General Covenants”), the Architectural Review Plan shall also describe the respective architectural review powers of the Association and the Company during any transition of approval rights.

Section 3. **Approval of Construction, Modification, and Improvement.** No building, wall, fence, swimming pool, or other structure or improvement shall be commenced, erected, installed, altered, maintained, or reconstructed upon any Property, nor shall any site clearing, grading or landscaping be done, nor shall any exterior addition, change, or alteration to any existing structure be made, unless approved in advance in writing in accordance with the Association’s Architectural Review Plan. Notwithstanding the foregoing, each Owner will have the right to

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modify, alter, repair, or improve the interior of a building or improvement on the Property subject to other jurisdictional authorities.

The Association ARB may refuse to approve plans, specifications, and location for proposed construction, improvements or modifications of any Property on any grounds that, in the sole and absolute discretion of the Association ARB, are deemed sufficient, including, but not limited to, purely aesthetic reasons or incomplete submissions. The Association ARB may postpone its review of any plans and specifications submitted for approval pending receipt of any information or material which the Association ARB, in its sole discretion, may require. The Association ARB shall maintain records of its actions taken in connection with its architectural review function.

Section 4. Design Guidelines. In furtherance of the purposes of this Article VII, the Association shall adopt and publish written architectural guidelines and objective standards for design, construction, landscaping, and exterior improvements and alterations for any Property, and the application and review procedures for any of the foregoing to be installed upon any Property, as may be amended, modified, or supplemented by the Association pursuant to this Article VII (the “Design Guidelines”). The Association will have the power but will not be obligated from time to time to amend, modify, or supplement the Design Guidelines in its sole discretion. The Association shall also be empowered to impose fees, fines, and deposits in connection with the architectural review and approval activities described herein, which shall be approved and published by the Association and shall be duly recorded.

Section 5. Enforcement. Upon written notice from the Association or the Association ARB, any Owner who fails to comply with the provisions of this Article VII shall, at such Owner’s cost and expense, remove any construction, alteration, or other work deemed to be nonconforming and a breach of these Covenants, and shall restore the property to substantially the same condition as existed prior to the nonconforming work. Should an Owner not comply with such notice, the Association shall have the right to stop work on such construction and enter the property, remove the nonconforming construction, alteration, or other work, and restore the property to substantially the same condition as existed prior to the nonconforming work. All costs thereof, including reasonable attorneys’ fees, may be assessed against the applicable Owner and collected as an assessment under these Covenants. In addition to the foregoing, the Association shall have the authority and standing to impose reasonable fines and to pursue all legal and equitable remedies available to enforce the provisions of this Article VII and its decisions.

Section 6. Non-Liability of Association and Association ARB. As a condition of approval for a requested improvement or alteration for any Property an applicant shall assume all responsibilities for the construction, maintenance, repair, replacement, and insurance of such improvement or alteration including compliance with building codes or other governmental requirements. Neither the Association, the Association ARB, nor any member thereof shall be responsible or liable in any way for any defects in any plans or specifications submitted, revised, or approved under this Article VII nor for any defects in construction pursuant to such plans and specifications.

IN WITNESS WHEREOF, the undersigned officers of the Kiawah Island Community Association, Inc. hereby certify that the above Amendment to the Declaration of Covenants and Restrictions of the Kiawah Island Community Association, Inc. was duly adopted by the requisite vote of the Kiawah Island Community Association Membership. This Amendment will become effective as of the date listed below.

This ___ day of ___, 20____.

KIAWAH ISLAND COMMUNITY ASSOCIATION, INC.

By: _____
Chair

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Attest: _____
Secretary

[CORPORATE SEAL]

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