

ARC PROCESS & PROCEDURES

INTRODUCTION

These Guidelines explain the architectural review procedures and processes, and outline useful information and requirements that will be helpful in the undertaking of additions and/or renovations, as well as design and construction and modification of homes and properties. They are intended to assure that all improvements are aesthetically compatible with each other; and are constructed and maintained to reflect the quality and permanence of the Dutch Island community and thereby protect the property values throughout the Dutch Island Community.

1. ARCHITECTURAL REVIEW COMMITTEE

The ARC consists of 3 members approved by the Board of Directors. The Association's board of directors' can adjust the numbers of members to the ARC when necessary. The ARC may use an Architectural Advisor in implementing their responsibilities, which must be licensed through the State of Georgia.

Functions of the ARC:

- a. The ARC published Guidelines are on Dutchisland.net. Further, the ARC shall propose amendments to the Association's Guidelines, as appropriate, to the Association's Board of Directors for approval.
- b. The ARC shall evaluate all plans and specifications submitted by an Applicant in accordance with the approved Guidelines and Covenants. Further, they shall approve or disapprove said plans and specifications.
- c. The ARC shall monitor the design, construction and/or renovation process. The Applicant is responsible, however, for ensuring that what is actually built is consistent with the plans approved by the ARC and any local government regulatory requirements as stipulated in their "County Permit(s)" – as required.
- d. An Applicant may appeal the rulings of the ARC to the Board of Directors. A hearing for the Applicant will be scheduled with the Board of Directors at the next regularly scheduled Board meeting.
- e. If the ARC finds that any improvement deviated significantly from the submissions receiving Final Plan Approval, they may remedy or remove the non-compliant improvement and charge all costs and expenses associated with such action to the Applicant or its builder and, if appropriate, restrict the vendor from further access to Dutch Island to complete work begun or any future work for property owners.

2. TYPES OF APPLICATIONS REQUIRED

All forms required can be accessed here: <https://dutchisland.net/legal/homeowner-forms/>

a. New Construction and Review Procedures.

Rules and regulations for new construction are located on our website.

b. Structural Additions and Modifications.

ARC approval shall be required for any major modification, alteration or removal of an existing structure, improvements or structural addition. ARC review shall include but not be limited to, all additions, exterior changes and/or modifications to any building, guest house, out building, swimming pool, dock, dock house, or such other structure. Should modifications to an existing structure be extensive in nature, the homeowner and the ARC should defer to the New Construction Process and Building Guidelines.

c. Non-Structural Additions and Renovations.

ARC approval shall be required, for the commencement of any minor-structural modification and non-structural alterations or additions. Proposed actions may include, major changes to landscaping, removal of any tree whose diameter is 20 inches or more as measured 4 ft. from the natural grade, lighting, exterior painting, and minor structural additions --- fence, driveway, wall, outdoor fireplace and kitchens, game and play structures.

d. Storage Buildings/Outbuildings.

Any storage or outbuilding must have prior ARC approval. Plans and specifications must show the nature, kind, shape, height, materials, exterior color scheme, location and approximate square footage. The ARC shall have the right to take into consideration the suitability of the proposed building and the materials of which it is to be built should be in keeping with the aesthetic of the overall community. If any such storage building is visible from the street or to neighbors, the homeowner must have written approval from the neighbors that are affected.

e. Tree Removal/Trimming

Tree Trimming or Tree Removal for trees that require an outside vendor or equipment, need ARC approval so that the guard gate can be notified in advance when these vendors will be accessing the island and to allow them in the gate. Any tree whose diameter is 20 inches or more as measured from 4 ft. from the natural grade requires ARC approval. The homeowner may submit a form which outlines the process for marking trees to be removed. Approval requires two members of ARC to agree and should there be any disagreement a third ARC member or use of an arborist may be deemed necessary.

f. Pod and Dumpster Control.

All Pods, and dumpsters will require notification to info@dutchisland.net so that the guard gate will allow delivery. In general, these containers will be allowed for 30 days for moving purposes and 6 months for renovation purposes. For moving purposes the resident will email info@dutchisland.net with the specific days requested. Renovation / new construction requests will be on the application forms required.

3. ARCHITECTURAL REVIEW PROCESS

a. Applications for Review.

Application for any type of ARC approval can be accessed here:

<https://dutchisland.net/legal/homeowner-forms/> Once completed, the forms will need to be submitted as a ticket. The resident can open a ticket at <https://dutchisland.net/my-tickets/>

b. ARC Response Once application is submitted via dutchisland.net, the committee will review and respond through the ticket system.

c. Meetings of the ARC. The ARC shall meet at the call of the Chairman when there are matters to be brought before the Committee and will be scheduled as needed.

d. Inspections by the ARC. A Representative of the ARC will make their best efforts to make scheduled inspections within 10 days, but no later than 30 days.

e. Appointments may be scheduled by the ARC contacting the resident at the address, email address, or phone number provided on the Application Form. The ARC Contact Member will contact the applicant upon receipt of ticket and may request any additional materials that may be needed before the application is reviewed. An inspection visit on the property may be scheduled with or without the resident in order to gather information about the planned project. No work should begin until the Applicant has received signed approval for their request.

f. ARC Response Time. In all cases the ARC will render a written decision on the ticket system no later than ten days following the ARC appointment meeting. For questions or a request for a 'quicker' response time, Applicants should request via email to info@dutchisland.net.

g. Actions Permitted by ARC. The ARC decisions that may be rendered are

(1) Approval; Approval requires 2 of the 3 members

(2) Approval with conditions;

(3) Disapproval with explanation;

or (4) Deferral pending submission of more information Decisions of the ARC shall be based on a simple majority of those present and shall not be arbitrary or capricious.

Any conditional approval, disapproval or deferral shall be substantiated by the ARC with due reason, and, if possible, by reference to the provisions of the applicable Guidelines and/or relevant Covenants. All decisions will be made in writing but shall in no way relieve the Applicant of his or her responsibility and liability for adherence to any applicable ordinances and codes that govern Dutch Island properties.

h. Resubmission and ARC Appeals. Disapproval or deferred submissions may be revised and resubmitted for review and approval within fourteen (14) days after a decision has been rendered. The Applicant or his or her representative may ask to personally address the ARC at its next scheduled meeting. All such submissions or appeals shall be made in writing.

i. Board Appeals. Any Applicant dissatisfied with a final decision of the ARC may appeal said decision by submitting to the Board of Directors of the Association a written appeal, together with supporting documentation and a copy of the Application. The Board of Directors will consider said appeal not later than the second regularly scheduled meeting of the Board of Directors after receipt of said appeal and may reverse the decision of the ARC by a two-thirds vote of the Directors present at said meeting, a quorum being required. Appeals should be made in writing, in letter format, via email to info@dutchisland.net.

4. LEGAL COMPLIANCE AND ENFORCEMENT

a. Regulatory Compliance. Plans submitted for ARC review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the Applicant to obtain all necessary permits. Regulatory approvals do not preclude the authority and responsibility of the ARC for design review and vice versa.

b. Enforcement. The provisions for enforcement of the Covenants shall apply to the enforcement of these Guidelines in addition to any other available remedies.

c. Waiver, Amendment and Third Party Benefit. The Association and ARC maintain the right from time to time, at their discretion, to waive, amend or modify these procedures and guidelines. The Association, including its Board of Directors and ARC or their agents, representatives or employees shall not be liable for failure to follow these Guidelines as herein defined. These Guidelines confer no third-party benefit or rights upon an entity, person or Applicant.

d. Non-liability of the Association and ARC. The Association, ARC and Developer, their respective members, successors, assigns, agents, representatives or employees shall not be liable for damages or otherwise to anyone submitting plans to the ARC for approval, or to any Applicant by reason of mistake in judgment, negligence or malfeasance, arising out of any action of the Association, ARC or Developer with respect to any submission, or for failure to follow these Guidelines. The role of the Association and ARC is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. The Association, ARC and Developer assume no responsibility with regard to design or construction, including, without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction, or technical suitability of materials.

e.Applicant Representation. The Applicant represents by the act of entering into the review process with the ARC that all representatives of Applicant, including, but not limited to, Applicant's architect, engineer, contractors, subcontractors, and their agents and employees, shall be made aware by the Applicant of all applicable requirements of the ARC and shall abide by these Guidelines and the Covenants with respect to approval of development plans and specifications.

f.Accuracy of Information. Any Applicant submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submissions, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

g.Conflicts with the Covenants. In the event of a direct conflict between these Guidelines and the terms of the Covenants, the latter shall prevail. Notwithstanding the forgoing, in the event that these Guidelines propose more detailed or restrictive requirements than those contained in the Covenants, these Guidelines shall control with respect to said requirements.