



STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

**THE ELMS HOMEOWNERS ASSOCIATION**

RECORDING OF DOCUMENTS PURSUANT TO  
THE SOUTH CAROLINA HOMEOWNERS  
ASSOCIATION ACT (S.C. CODE ANN. §§ 27-30-  
110 TO -170):

1. RULES AND REGULATIONS FOR THE ELMS OF CHARLESTON
2. ARCHITECTURAL REVIEW GUIDELINES

**CROSS REFERENCE:**

1. *SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND EASEMENTS FOR THE ELMS OF CHARLESTON, RECORDED IN DEED BOOK L571 AT PAGE 061; AND*
2. *SUPPLEMENTAL RECORDING OF DOCUMENTS PURSUANT TO THE SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT (S.C. CODE ANN. §§ 27-30-110 TO -170), RECORDED IN DEED BOOK 854 AT PAGE 324.*

WHEREAS, the South Carolina Homeowners Association Act (S.C. Code Ann. §§ 27-30-110 to -170) requires Homeowners Associations to record Governing Documents, Rules, Regulations, and amendments thereto; and

WHEREAS, the Second Amended and restated Declaration of Covenants, Conditions and Easements for the Elms of Charleston was recorded on January 31, 2006 in the Office of the Register of Deeds for Charleston County in Deed Book L571 at Page 061 (as amended and supplemented, the "**Declaration**"); and

WHEREAS, pursuant to the Declaration, The Elms Homeowners Association is the Homeowners Association for the Elms of Charleston; and

NOW THEREFORE, The Elms Homeowners Association does hereby record the following pursuant the South Carolina Homeowners Association Act:

1. Rules and Regulations for The Elms of Charleston – attached as **Exhibit A**; and
2. Architectural Review Guidelines – attached as **Exhibit B**.

AFTER RECORDING, PLEASE RETURN TO:  
McCABE, TROTTER & BEVERLY, PC  
P.O. BOX 212069, COLUMBIA, SC 29221  
MTB FILE NO.: 21287.5

Effective January 1, 2021, **Exhibit A** hereto supersedes, replaces, and supplants the Rules and Regulations for the Elms of Charleston previously recorded as Exhibit A to that SUPPLEMENTAL RECORDING OF DOCUMENTS PURSUANT TO THE SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT (S.C. CODE ANN. §§ 27-30-110 TO -170), which was recorded on January 22, 2020, Deed Book 854 at Page 324.

Effective January 1, 2021, **Exhibit B** hereto supersedes, replaces, and supplants the Architectural Review Guidelines previously recorded as Exhibit B to that SUPPLEMENTAL RECORDING OF DOCUMENTS PURSUANT TO THE SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT (S.C. CODE ANN. §§ 27-30-110 TO -170), which was recorded on January 22, 2020, Deed Book 854 at Page 324.

IN WITNESS WHEREOF, The Elms Homeowners Association has by its duly authorized officer set its hand and seal this 17<sup>th</sup> day of January, 2021.

SIGNED SEALED AND DELIVERED  
in the presence of:

**THE ELMS HOMEOWNERS  
ASSOCIATION**

[Signature]  
(Witness 1)

By: [Signature] (L.S.)

[Signature]  
(Witness 2/Notary Public)

Print Name: ROD BELSKY  
Its: President

STATE OF SOUTH CAROLINA )  
COUNTY OF Charleston )

**ACKNOWLEDGMENT**

I, Linda L. Barnett, Notary Public for the State of South Carolina, do hereby certify that The Elms Homeowners Association, by Rod Belsky, its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 17<sup>th</sup> day of January, 2021.

[Signature]

Notary Public for South Carolina  
My Commission Expires:

**LINDA L. BARNETT**  
Notary Public, State of South Carolina  
My Commission Expires 1/27/2027



SIGNED SEALED AND DELIVERED  
in the presence of:

James A. Amendolia  
(witness #1)

[Signature]  
(witness #2)

**THE ELMS HOMEOWNERS ASSOCIATION**

By: [Signature] (L.S.)

Print Name: Rod Belsky

Its.: President

STATE OF SOUTH CAROLINA )  
COUNTY OF Charleston )

**ACKNOWLEDGEMENT**

I, Linda L. Barnett, Notary Public for the State of South Carolina, do hereby certify that The Elms Homeowners Association, by Rod Belsky, its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 6<sup>th</sup> day of January, 2021.



[Signature]  
Notary Public for South Carolina

My Commission Expires: 1/27/2027  
Notary Public, State of South Carolina  
My Commission Expires 1/27/2027

## **EXHIBIT A**

### **RULES AND REGULATIONS FOR THE ELMS OF CHARLESTON**

Article IV, Section 5(c) of the By-Laws confer upon the Board of Directors the power to adopt and publish rules and regulations, governing the use of property and the personal conduct of members, their guests and invitees in the Elms of Charleston. The following Rules and Regulations are effective as of January 1, 2021, and replace all previous Rules and Regulations.

#### **#1 No Solicitation**

Soliciting in the Elms is not permitted.

#### **#2 Gate Access**

A. There are three ways to enter the Elms through the gate:

\*Using a remote which may be purchased from the Resident Services Director

\*Using the #key and then the Owner's four-digit code number

\*Calling a Resident through the gate directory

a) Use the three-digit code listed on the gate directory

b) The Resident presses the 9 number and then the #key on their phone to open the gate. The Resident's phone must be hard-lined or a cell phone with a local (843 exchange) number.

If an incorrect number is entered three (e) times, the system will automatically lock out for approximately one (1) minute. This time must be allowed before attempting to enter the correct number again.

#### **B. Gate Operations**

\*Directors of the HOA and the Resident Services Director are acquainted with the operation of the gate.

\*The gate is equipped with a battery back-up in the event of power failure.

\*In the event of gate failure, the gate will be opened manually by one of the above-mentioned individuals.

\*Please report any problems with the gate to a Board member or the Resident Services Director. This is an electronic/mechanical gate system and is subject to malfunction.

\*The gate will be open from 7:00 am to 7:00 pm all year.

\*Do not force or lean against the gate. If it is determined that a resident has damaged the gate, the maximum fine plus repair work will be assessed to the Owner

\*When walking or biking please comply with "A" above.

#### **#3 Behavior**

No offensive or noxious activity may be carried on in any portion of the development.

#### **#4 Guests**

A. A guest is an individual invited by an owner or an authorized adult resident onto their property or into their dwelling.

\*Guests have use of the common property, subject to the Rules and Regulations.

\*The homeowner is responsible for the actions of the guest.

B. Guests may attend HOA sponsored activity only if there is sufficient space.

\*Residents who sponsor a guest at an HOA activity must be present with the guest.

\*Only residents may be regular participants in an HOA activity.

C. Guests are prohibited from using the fitness center.

- D. Guests are prohibited from using the clubhouse, clubhouse facilities, pool or tennis court unless accompanied by their resident sponsor.
- E. Anyone who has not attained the age of eighteen (18) must be accompanied by a responsible adult whenever they are off the resident sponsor's property.
  - \*They are not permitted in the clubhouse or to use recreational facilities unless accompanied by the adult resident sponsor.
  - \*They are not permitted to use the fitness center.
- F. When accompanied by the adult resident sponsor, anyone who has not attained the age of eighteen (18) may use the swimming pool, subject to the pool rules, only between the hours of 12:00 pm and 3:00 pm and after 6:00 pm.

#### #5 Traffic

- A. Unless otherwise posted, the SC Motor Vehicle Code applies with the Elms Community.
- B. The posted speed limit is 25 mph.
- C. All vehicles must display a current valid registration plate. Golf carts must display a current valid permit decal and may only be operated by a person who has attained the age of sixteen (16).
- D. Golf carts, bicycles and tricycles are only permitted to operate on the roads, as near to the right side as possible and must yield the right-of-way to vehicles and pedestrians.
- E. Golf carts, bicycles and tricycles may operate in the community after dark if equipped with a white light in the front visible from a distance of five hundred (500) feet and a red reflector on the rear.
- F. The use of go-cart, motorized skateboards or similar devices is prohibited.
- G. Skate-boards, roller skates and other human powered devices may only be operated on the roads during daylight hours. The user must yield the right-of-way to vehicles and pedestrians.
- H. Electric Personal Assistive Mobile Devices are not considered vehicles. They may be operated on a road but only as near as practical to the outer edge and only on the left side of the road facing traffic. They must yield the right-of-way to vehicles, pedestrians and human powered devices. If operated after dark they must be equipped with a white light visible from a distance of five hundred (500) feet and a red reflector on the rear.
- I. Pedestrians must yield the right-of-way to vehicles and should walk on the side of the road facing traffic. Pedestrians walking after dark are to wear a reflective vest, reflective clothing or carry an illuminating device.

#### #6 Parking

- A. Residents may not park vehicles on the streets in the development except for an emergency.
- B. Visitors and guests of residents may park their vehicles (excluding motor homes) on the street for short durations so long as they do not impede the flow of traffic, block access to any dwelling, create a safety problem, or

inconvenience occupants of other dwellings.

- C. No vehicle shall be regularly parked in a street overnight or for an extended period of time. Regularly means two or more consecutive nights.
- D. Overnight guests shall only use resident sponsor's driveway.
- E. Clubhouse parking is available for temporary parking.
- F. No unlicensed or inoperable vehicle shall be parked in any driveway, street or elsewhere within the development.
- G. No area within the development shall be used for vehicle repair work, whether performed by owner or others.
- H. All boats and equipment utilized with boats, including boat trailers, and all vehicles other than passenger automobiles, shall be kept under suitable cover so as to screen the time from view, such as in a garage or carport.
- I. No parking in front of any fire hydrant, in front of the clubhouse ramp, on the access road to the pump station, on yellow lines, on any undeveloped lot, on any portion of the common property, or on private property other than in designated parking places and driveways.

#### **#7 Pets**

- A. No animal, livestock or poultry of any kind shall be raised, bred, kept or used for commercial purposes in the development, except that dogs, cats, or other common household pets may be kept in a dwelling.
- B. All pets must be kept on a leash under the control of a responsible person at all times when outside the dwelling unit, except when on the pet owner's lot and under the direct supervision of a responsible person.
- C. When off of the owner's property, a pet must be curbed and kept on a suitable leash with a maximum length not to exceed six (6) feet.
- D. Pets can be walked or exercised on common property; however, they are not allowed to walk on other resident's lawns or become a nuisance or disturb other residents.
- E. Pet owners are required to promptly pick-up and properly dispose of any pet waste deposited by its pet anywhere in the development including that on the pet owner's lot.
- F. All Pets are required to have immunity against rabies and have a current immunization record or tag available for inspection.
- G. Call North Charleston Animal Control (843-740-2815) for any problems with a domestic or wild life animal roaming around your property.

#### **#8 Assistance Animals**

In accordance with the Fair Housing Act (the "FHA"), which prohibits discrimination in housing against protected classes including disability, the Elms adopts the following Assistance Animal Policy. FHA defines a disability as a physical or mental impairment that substantially limits one or more major life activities. The reasonable accommodations provision of the FHA requires a housing provider, including a homeowners' association ("HOA") to permit a change in rules, policies, practices, or services to afford a person with a disability an equal opportunity to use and enjoy a dwelling unit or common area.

At no time should anyone ask about the person's disability, demand to see certification, identification or other proof of an animal's training or status. If an individual does not have a readily apparent disability, the HOA may ask the individual to provide reliable documentation of the disability and the disability-related need for the assistance animal. \*The Elms is not considered a public accommodation under the Americans with Disabilities Act (the "ADA"); therefore, this policy does not address ADA requirements.

**PROCEDURES:**

- An assistance animal must be under the control of its handler and must not pose a direct threat to the health or safety of others or cause substantial damage to property of others. The Owner/handler shall be liable for any damages caused by the assistance animal.
- The owner/handler is responsible for the care and supervision of the assistance animal.
- Assistance animals are permitted to be in any area where residents are permitted (including all Common Areas); however, assistance animals are not permitted in the swimming pool water for health and environmental reasons.
- Assistance animals should not be permitted on the furniture unless necessary to perform a service/function for the disabled person and should not be fed from the table.

**#9 Weapons**

- A. Weapons are prohibited in all common areas and common facilities, i.e., clubhouse, pool area, tennis courts, ponds, etc.
- B. The use of firearms, pellet guns, air guns, slingshots, bows and arrows or any other weapon is prohibited.
- C. Fireworks are prohibited.

**#10 Contractors**

- A. Workers must not be a nuisance to neighbors.
- B. Contractors and their employees are not permitted to use any amenities with the exception of contractors to the Homeowners Association who may use restroom facilities in the clubhouse.
- C. A homeowner is responsible for the actions of their contractor. This included any damage to common property or to the property of others. If repairs to common property are not made in a satisfactory manner, the Board may complete the repairs and assess the cost to the homeowner.
- D. Requests for temporary use of dumpsters, pods, or similar containers must be approved by the Board prior to their use.

**#11 Properties**

- A. Homeowners are required to maintain their property in a good condition and in and attractive and safe manner.
- B. Garden hoses are to be stored in an inconspicuous manner.
- C. Garage doors must be kept closed except when in use or working in the yard. In the summer the door may be left open up to ten (10) inches for ventilation.

**#12 Trash/Refuse**

- A. Littering is prohibited.
- B. No garbage, trash or refuse shall be dumped or disposed of upon any portion of the development.
- B. Household garbage, trash, and recyclables shall be stored in appropriate containers and kept inside a garage or otherwise out of public view.
- C. Trash and recycle containers may not be put out until the evening preceding pickup and must be removed from the curb on the date of pickup.

**#13 Yard Debris**

- A. A curbside yard debris pickup program is scheduled through the City of North Charleston.
- B. Yard debris should be placed curbside, on your own property, the evening before of the day of the scheduled pickup, except for severe storms.
- C. No burning of leaves or trash outside of fireplaces or receptacles specifically designed for burning.

**#14 Trees**

The removal of any tree more than eight (8) inches in diameter at chest level (4-1/2 feet) must be approved by the ARC and City of North Charleston.

**#15 Mailboxes**

- A. Mailboxes shall be of uniform design as specified or approved by the ARC.
- B. Newspaper boxes must be attached to the mailbox post.

**#16 Antennae/Flagpoles**

- A. Permanent antennae are permitted in accordance with Article VII, Section 7 of the Covenants.
- B. With ARC approval, freestanding flagpoles are allowed on an owner's properties as long as they are properly maintained.
- C. Only the American Flag can be displayed on a freestanding flagpole.

**#17 Fences**

- A. Fence must be power washed on both sides each year.
- B. Fenced in yards must be kept clean and free of debris and animal waste.
- C. The bottom of a fence must be kept clear of vegetation except for mulch or pine straw, which is to be provided by the homeowner.

**#18 Signs**

- A. No sign or advertising displays, including signs or displays advertising the sale of dwelling units may be placed on any lot or dwelling unit, or in any window of a dwelling, except that a small security system decal may be placed on windows.
- B. No commercial sign or logo shall be displayed on any owner or occupant's



vehicle parked within the development overnight or for more than twelve (12) consecutive hours.

**#19 Garage/Estate Sales**

Garage/estate sales must be approval by the Board.

**#20 Business Use of Owners Property**

- A. A business activity must not be apparent or detectable by sight, sound, or smells from outside the building.
- B. The business must comply with applicable zoning and licensing requirements.
- C. The activity may not involve regular visitations by employees who do not reside in the dwelling unit, clients, customers, or other business invitees.
- C. A business activity must not constitute a nuisance, a hazardous or offensive use, or threaten the security or safety of others.
- E. A business activity is prohibited from involving door-to-door solicitation

**#21 Clubhouse**

Any person who abused the use of clubhouse facilities or common property as describe below shall be restricted from further use. The homeowner shall be responsible for any damages they or their guests cause.

- A. Except for service animals, dogs and other pets are not allowed in the clubhouse.
- B. Smoking is not permitted in the clubhouse.
- C. Appropriate attire (shoes and shirts) must always be worn in the clubhouse. Except in the locker room wet bathing suits are not permitted to be worn in the clubhouse.
- D. No one who has not attained the age of eighteen (18) is allowed the use of the clubhouse or its amenities unless accompanied by their adult resident sponsor.
- E. A gas grill as available for group use at scheduled events.
- F. Permanent decorations may not be removed from the walls and replaced by seasonal decorations.
- G. Tape, staples, nails, thumbtacks or other adhesives my not be used anywhere inside or outside of the clubhouse. Exceptions will be made with the approval of the Board for permanent hangings, i.e., clocks, pictures, plaques, Christmas wreaths, etc.
- H. Tables must be covered when serving food and/or drink. Plastic cloths must have a backing.
- I. Any spills or accidents on any surface are to be cleaned up immediately and reported to the person in charge.
- J. Candles may only be used on a stationary surface. The surface must be protected from wax drippings with a base (plate, mirror, etc.) of at least six (6) inches in diameter.
- K. Candles may not be hand held at any time.

## #22 Clubhouse Reservations

**A.** Requests for reservations of designated rooms in the Clubhouse are to be made through the Resident Services Director. The RSD will be responsible for scheduling event and administering paperwork. The HOA Board member in charge of the clubhouse will be responsible for pre-event and post-event walk through to assess condition of the clubhouse.

**B.** The Elms Clubhouse is available for reservation by Elms residents only (family members may reserve for memorial services) and is subject to approval by the RSD. Invited number of guests is at the discretion of the user. The Clubhouse reservation date and time will be posted on the bulletin board, in the monthly newsletter calendar and on Constant Contact. No reservations will be permitted on holidays or the day before a holiday. Functions may be prohibited if, in the judgment of the HOA and property manager, the event would detract from the enjoyment of the clubhouse facilities by general membership.

**C.** Applications will be picked up at the Resident Services Director's Office. All applications must be signed by the applicant and returned to the RSD. The security deposit must be received by the RSD at least three weeks prior to the event (with the exception of memorial services).

**D.** The Elms resident sponsor **MUST** attend the sponsored event and **MUST** be present at set up and remain while anyone attending the event is in the clubhouse. All users must sign a usage contract.

**E.** Smoking is prohibited in the Clubhouse and all outside surrounding area.

**F.** Alcohol may not be served or sold at any event in or outside the clubhouse.

**G.** Clubhouse reservations are subject to a four-hour time limit not including preparation and clean up times. The reserved Clubhouse rooms are available between 9:00 AM and 9:00 PM daily. Clubhouse rooms available to be reserved include the Great Room, the Sun Room, and kitchen facilities only.

**H.** The resident is responsible for ensuring the clubhouse is left in the condition it was found prior to the event. If any additional cleaning is required, an additional charge will be assessed.

**I.** A security deposit of \$500 (cash or check) is required. All or part of the security deposit will be forfeited if damages are incurred during the time period specified in the contract. Should damages exceed the \$500 security deposit, the applicant will be assessed the additional costs. The Board member in charge of the clubhouse will do a walk-through of the facilities, before and after the event with the resident sponsor. If no damages are found, the security deposit will be returned by the Resident Services Director. The above \$500 applies to all requesting clubhouse usage reservations, including for memorial services.

**J.** Reservations include use of kitchen for staging and serving only. No use of kitchen equipment, appliances or utensils is allowed, with the exception of the refrigerator. Caterer must supply flannel backed tablecloths, warming trays, paper goods, glassware and flatware. To protect Clubhouse wood tables, flannel backed tablecloths **MUST** be used on all tables. No permanent decorations may be removed from the walls and replaced by renter's decorations. No tape, staples, nails, thumbtacks or adhesive may be put anywhere inside or outside of the Clubhouse. No candles shall be lit in the Club House with the exception of cake candles. The Piano is not to be moved. Great Room and Sun

Room furniture is to be returned to its original placement. The large tables in the Great Room are not to be moved. Throwing of rice, confetti, rose petals, etc., is not allowed at any function. Bubbles are allowed only in front of Clubhouse.

**K.** The resident will assume the responsibility for guests' admission to the Clubhouse and assure that guests have access to the Clubhouse via the gate. No key to the Clubhouse is to be given to any non-resident. **Sponsoring residents are responsible for unlocking ALL the doors at the Clubhouse at the beginning of the event as per fire codes, and locking ALL doors at the termination of the event.**

**L.** Children attending the event must be properly supervised at all times. Guests are allowed access only to the rooms described in the Usage Policy, item 6. Guests are not allowed in other areas of the clubhouse or on the grounds, including the pool, pool deck, gym, game room, parking lot and tennis court. Failure to comply with these rules will result in automatic forfeiture of security deposit.

**M.** When the Clubhouse is reserved for a private event, other Elms residents may use the pool, restrooms, library, gym, Izard Room and game room. When the clubhouse is rented, a sign will be posted on the door indicating a private party. Residents will not have access to other areas of the clubhouse during the hours of the rental.

**N.** By order of the Fire Department, **maximum occupancy of the Clubhouse is 125 persons.** The RSD reserves the right to lower occupancy to below 125 persons for certain functions.

#### **#23 Fitness Center**

- A.** Only residents of the Elms of Charleston who are authorized by the HOA may use the fitness center equipment. Guests are not permitted to use the equipment.
- B.** The posted rules must be adhered to. Non-compliance of the rules may result in the issuance of fines.

#### **#24 Swimming Pool**

- A.** All persons using the swimming pool do so at their own risk.
- B.** Solo swimming is not permitted.
- C.** Regulations required by the South Carolina Department of Health and Environmental Control and those of the Elms HOA are displayed at the swimming pool. Observance of these regulations is mandatory.
- D.** Appropriate swimwear is required.
- E.** Children who are not toilet trained and other individuals who may be incontinent are restricted from using the pool.
- F.** Anyone who has not attained the age of eighteen (18) may use the pool between the hours of 12:00 pm and 3:00 pm and after 6:00 pm only if accompanied by the adult resident sponsor.
- G.** Diving or jumping into the pool is not permitted.
- H.** Dogs and other pets are not allowed in the swimming pool or the pool area.
- I.** A shower must be taken before entering the pool.
- J.** Pool area users must help maintain the cleanliness around the pool by disposing properly of any debris they may have generated.

- J. Pool area users must take all personal possessions with them when leaving the area. No personal items are permitted in the HOA bin by the pool.
- L. Glass items are prohibited in the pool and pool area.
- M. Guest must be accompanied by the adult resident sponsor.
- N. Smoking is not permitted in the pool area.

**#25 Tennis Court**

- A. Use of the tennis court is restricted to Elms of Charleston residents and their guests.
- B. The Court is for playing tennis and pickle ball.
- C. Tennis shoes are required when using the court.
- D. Proper etiquette is to be observed by players and spectators.
- E. Players are expected to limit their time of use when others are waiting to use the court.
- F. Anyone who has not attained the age of eighteen (18) is not permitted to use the tennis court unless accompanied by their adult resident sponsor.
- G. No dogs or other pets are allowed in the tennis court area.

**#26 Bus**

A. The purpose of the bus is to provide transportation for residents to various scheduled events. Transportation is provided from the club-house, to an activity, and back to the clubhouse.

B. The use of the bus must be made available to all residents prior to its use.

C. The Resident Social Director schedules the use of the bus. It is limited to fifteen (15) passengers include the driver. Space is provided for on a first-come base by means of prior arrangements with the Resident Services Director at which time all costs/fees must be paid. Failure to show up at the time of departure or to notify the Resident Services Director prior to departure will result in forfeiture of all costs/ fee.

D. Depending on the event, if there are an insufficient number of riders, the bus will be cancelled.

E. The bus is operated by trained volunteers who are provided with insurance coverage and reimbursements for legitimate expenses. The driver does not provide assistance to passengers. A passenger must provide for any assistance they may need.

**#27 Pond Areas**

A. Wildlife is not to be disturbed.

B. Beware of alligators and snakes.

C. Do not feed alligators, stray dogs, cats or other wild life except for birds.

D. The adult resident sponsor must accompany guests who have not attained the age of eighteen (18).

**#28 Recreational Areas**

A. Players and spectators using the recreation facilities are expected to be considerate.

B. The adult resident sponsor must accompany guests who have not attained the age of eighteen (18).

- C. Recreational areas may be utilized for game activity between the hours of 8:00 am and dusk.
- D. Regardless of time of day, the last player using any game equipment is responsible for restoring such equipment to the designated equipment storage location.
- E. All players and spectators are responsible for keeping the game area policed and clear of debris.

**#29 Leasing**

Leasing of property must be approved by the Board and in compliance with the Covenants, Article II, Section 5.

**#30 New Residents/Change in Occupancy**

A. All new residents are required to immediately meet with the Resident Services Director to provide emergency information and to comply with the requirements of a 55+ community under the Federal Fair Housing Act.

B. New residents are required to provide proof of age using a driver's license, passport or birth certificate and provide the names and ages of all occupants of the dwelling unit.

C. All pets and service animals are to be registered with the Resident Services Director.

D. In the event of any change in occupancy, the owner shall immediately notify the Resident Services Director and provide the names and ages of all occupants of the dwelling unit. After ten (10) days fines may accrue.

**#31 Solar Panels**

Solar panels are not allowed in The Elms

**#32 Portable On-Demand Storage Units (PODS)**

A. Residents must obtain approval from the Elms HOA Board of Directors to park a portable container in their driveway. This approval is for all residents, those moving into The Elms, those moving from The Elms, or for any other temporary storage needs.

B. Portable On-Demand Storage Units (PODS) must be parked in the homeowner's driveway at all times, never on the street.

C. PODS can be in the driveway for a maximum of four (4) nights. If a longer period of time is required due to particular circumstances, approval for the extension of times need to be obtained from The Elms Board of Directors.

D. A \$50.00 per night fine will be assessed for any POD parked in a resident driveway without obtaining permission from The Elms HOA Board of Directors.

E. A \$50 per night fine will be assessed for each night that exceeds the maximum of 4 nights without obtaining permission from The Elms Board of Directors.

F. Residents in the Deer Ridge community must obtain approval from the Deer Ridge POA Board of Directors by contacting the Resident Services Director at 843-572-8170. The POA Board will designate a parking location for the POD based upon the location of the residence, reasonable access to the move-in/move-out site, and

consideration of the parking needs of community as a whole. No POD can take up more than a single parking lane, and cannot be placed in a manner that blocks existing parking lanes unless for a time-limited special circumstance, to be approved by the POA BOD. All timelines and fines specified in the Elms policy apply equally to Deer Ridge with the understanding that the driveway requirement is not applicable.

### **#33 Realtor Open House**

#### **A. Open house must follow these requirements:**

- \*The sign must be commercially produced.
- \*The sign cannot exceed eighteen (18") inches by twenty-four (24") inches.
- \*The rider attached cannot exceed six (6") inches by twenty-four (24") inches.

#### **B. Open house signs that are not commercially products and do not follow size standards are prohibited.**

#### **C. A Maximum of five (5) signed are permitted within The Elms community gates.**

#### **D. Signs may be placed with The Elms community for no longer than five (5) hours.**

### **#34 ARC Guidelines**

The ARC guidelines are incorporated into and are a part of these Rules and Regulations. A violation of a Guideline is a violation of the Rules and Regulations.

Any member who undertakes work that requires ARC approval without first applying to the ARC will be assessed \$300.00 for each occurrence, and must file for ARC approval retroactively.

Any member who does work after submitting a request for ARC approval, but prior to receiving approval will be fined will be assessed \$250.00 for each occurrence.

Any member who fails to provide a required permit for work approved by the ARC prior to beginning the work will be assessed \$100.00 for each occurrence.

All assessments are subject to the appeal process indicated in the governing documents. Absent any appeal, failure to pay such a special assessment in a timely manner will result in a \$50.00 per month late payment fee.

Prior to beginning work on or after 21 days, any required permits must be provided to the ARC to be attached to the approved application. Work done without a required permit will be subject to an assessment of \$50.00 and will be reported to the City of North Charleston. (C.VII.2B; C, VII.3)

All ARC decisions (address, brief description of work, and decision) will be posted both electronically and in the clubhouse no later than one (1) day after the ARC meeting at which the votes are taken.

### **#35 Enforcement**

#### **A. Written Notice**

\*Should a violation of the Governing Documents occur, the Board of Directors or authorized representative will serve a written notice to the alleged violator describing the nature of the alleged violation, the proposed sanctions to be imposed, and indicate that there is a ten (10) day period to cure the violation and notify the board or to request, in writing, a hearing before the board.

\*After ten (10) days the right to a hearing is forfeited. If the violation is not cured a second notice will be sent.

**B. Second Notice**

\*With the second notice a non-refundable twenty-five (\$25.00) fine plus administrative costs will be assessed to the property owner of the property on which the violation occurred.

\*If the violation is not cured and the Board notified within ten (10) days, a third notice will be sent.

**C. Third Notice**

\*With the third notice the owner will be assessed a non-refundable fifty dollar (\$50.00) fine plus administrative cost.

\*If the violation is not cured and the Board notified within ten (10) days, the owner will be assessed an additional one-hundred dollar (\$100.00) fine plus administrative cost and the Board may take corrective action without further notice. Any cost may be assessed to the owner.

## **EXHIBIT B**

### **ARCHITECTURAL REVIEW GUIDELINES - Effective January 1, 2021**

#### **Architectural Review Committee**

The Covenants, Restrictions and Easements (the Covenants) governing The Elms of Charleston charge the Architectural Review Committee (ARC) with the task of establishing high community standards with regard to the exterior of homes and their grounds. The mission of the ARC is to work with homeowners to ensure their property is maintained so as to protect and enhance everyone's property values and investment in The Elms community.

The Elms of Charleston traces its beginnings to Ralph Izard who settled in the area in 1682 and purchased 250 acres in 1704. His son, Ralph Izard II, acquired additional property and developed the land into a 2,700-acre rice plantation, "The Elms Plantation". The Plantation was famously known for its stately main house and outstanding colonial gardens.

The aesthetics of the Elms of today has evolved from the Izard heritage into a residential community comprised of one-story dwellings adorned with columns and porches and in a style similar to the dwellings of historic Charleston. The homes sit on a landscape of natural contours within lush vegetation and stately trees. The Architectural Review Committee (ARC) is the means by which these aesthetics are maintained.

Many issues that come before the ARC are straightforward, i.e., replacing like with like, and are usually simple and quickly approved. Changes may require homeowners to provide copies of plans and/or a professional survey of their property, and a materials list from their contractor, along with the Homeowner's written request for approval. Permits required by the City of North Charleston must be obtained and displayed during work, when applicable. Some improvements require, by law, contacting utility companies prior to beginning work. The common areas belong to all Elms Homeowners, not to any one individual, and may not be encroached upon for personal use, of any kind, by any resident.

The ARC is charged by the Covenants to conduct the architectural review within the community. Standards and procedures established by the ARC are intended as a mechanism for maintaining and enhancing the overall aesthetics of the Elms; they do not create any duty to any person.

According to the Governing Documents: "No building, wall, fence, swimming pool, or other structure, other than a permitted antenna, ...shall be commenced, erected, or maintained upon any lot, nor shall landscaping be installed or removed, nor shall any exterior addition to any existing structure or exterior change or alteration, be made until a) plans and specifications for the proposed work, showing the nature, kind, shape height, materials, colors, finishes, and location of the same, have been submitted to and approved in writing by the ARC; and (b) copies of all the necessary governmental permits have been provided to the ARC."



The following items must be submitted in addition to the written request at the time of the request:

- Plans and specifications for the proposed work, showing the nature, kind, shape, height, materials, colors, finishes, and location
- A plot plan and/or professional survey of the property (if necessary)
- If a permit is required, a copy be provided to the ARC prior to beginning work

In arriving at a decision, the ARC may consider any factor it deems relevant, including, without limitation:

- Harmony of exterior design with surrounding structures
- Topography
- The environment
- Purely aesthetic considerations

Past decisions may be a consideration. However, they are not the only determining factor. Because each situation is different from another, each application is considered individually on its own merits.

Based on authority established by the Governing Documents, the ARC has adopted the following Guidelines. These Guidelines are effective as of January 1, 2021 and replace all previous Guidelines.

#### **ARC GUIDELINES**

##### **Lots**

1. Changes, additions, deletions or replacement of porches, decks, roofs (except in an emergency), fences, driveways, walkways, doors, storm/screen doors, windows, shutters, skylights, landscaping renovations and alternative energy systems require ARC approval.
2. No portion of any building or other structure shall be located on or protrude into any area between any property lines (lot lines) and the building setback lines as shown on the initial plat or any supplemental plat. Setback lines are building restrictions established by local government.
3. Patios, courtyards, decks, or the like, will not be approved for front yards.
4. Designs, patterns or color applications of any kind on the driveway/walkway are not permitted. Only clear concrete sealers may be used.
5. Applicants to expand driveways must verify property lines and must meet City of North Charleston setback requirements. Driveways cannot impede drainage or sewer lines. A permit from the City of North Charleston may be required. The ARC will encourage residents to use greenery to alter the effect of added concrete.

6. Fences are to be built in line with the house footprint and only in the rear yard. Fences are to be white vinyl picket in style, no higher than thirty-six (36) inches, with no embellishment\* and professionally installed. Fences must be power washed annually on both sides by the homeowner. For pet confinement underground electric pet fences are preferred to above ground fences.

\*The only embellishment exception is the addition of heavy gauge screening for pet confinement. The screening is not to be higher than twenty-four (24) inches from the ground and must be secured to the inside of the fence only.

7. Fuel tanks and containers shall be installed above ground and must be screened with shrubbery or lattice at the time of installation. Installation shall be consistent with normal safety precautions and all applicable governmental regulations.

8. Mailboxes

- a. Installation of mailboxes and posts shall be as specified by the United States Postal Service and approved by the ARC.
- b. Mailboxes must be black and of a design consistent with the community. Three (3) inch reflective house numbers are to be affixed to each side and be clearly visible.
- c. The mailbox post must be a white 4x4 wooden support. Newspaper boxes, if available, are to be attached to the post and not installed on a separate post.
- d. Any decorative items attached to the mailbox or post must have ARC approval.
- e. The base of the mailbox post is recommended to be protected from damage. The method chosen must have ARC approval.

9. Satellite dishes are approved in accordance with FCC regulations. Only one dish is allowed to be on a roof. Inactive satellite dishes must be removed.

10. Covered concrete front porches may be painted, stained, tiled or bricked. Materials and colors must be approved by the ARC.

**Structures**

1. Replacement windows, doors (except for front doors), garage doors, columns, trim and fascia must be white, similar to original installation and of conventional building material.
2. Front doors must be of the traditional six (6) panel raised panel style, with or without glass panels in the top two (2) panels. Front doors, if wood, can be stained natural wood colors. All front doors can be painted black or white or one of the ARC approved colors from the list of approved colors available in the club house.
3. Shutters must be painted black, white or color to match front door.

4. Storm/screen doors must be white, full view glass without etching or decorative elements. Split full view glass, allowing for a hidden screen, is allowed.
5. Patio decks and step additions must be constructed of conventional materials. Porch and deck flat surfaces and stair treads are to be finished in natural wood-tone colors. Porch, deck and stair railings and trim should be white or a natural wood-tone color.
6. Roof replacement shingles and patching must be black or charcoal with texture and style similar to the original.
7. For a garden home (duplex) or villa (quadplex) all units of the building shall be as similar as possible in roofing material as well as matching in shutter style and color.
8. Exterior window covering, shades and awnings will be considered on a case-by-case basis.

**Landscaping**

1. Any added bed, or modification or change to the size or shape of existing beds, requires ARC approval. Replacing plants or bushes in existing beds does not require ARC approval.
2. Removal of any tree more than eight (8) inches in diameter at chest level (4 and 1/2 feet) must be approved by the ARC and the City of North Charleston. The remaining stump should be removed (ground up) where it is possible to do so. If not possible, the stump should be cut down to ground level so as not to be visible.
3. Plantings and vegetation must not obstruct the view of traffic at any driveway, road or intersection.
4. There is a five (5) foot easement adjacent to the street for drainage and utilities. Any planting or obstruction within this area may be in danger of damage or removal by a utility company for which the company is not responsible.
5. Bark mulch will be allowed as the alternative to pine straw without ARC approval. Any other material used for mulch will require ARC approval.

**Decorative Items**

1. Artificial shrubs, trees and flowers (with the exception of a decorative wreath) are not to be displayed on the outside of any residence.
2. Benches and swings will be considered on a case-by-case basis.
3. When visible from the street, no more than five (5) yard ornaments and objects may be displayed. They must be tasteful, limited in size and must not impede lawn care.

4. Flower pots must contain thriving plant material, have a stable base and be subtle in color.
5. The installation of any exterior lighting will be reviewed on a case-by-case basis.
6. A reasonable number of outdoor seasonal holiday decorations are allowed from November 15th to January 15th.
7. Window boxes will be considered on a case-by-case basis. Unattached window boxes are preferred and should sit on a stand under a window.

The ARC Chair, or designee, must be notified of any emergency repairs. As soon as practical after the incident and stabilization of the property an application must be submitted to the ARC. "Emergency repairs" is defined as corrective action that is immediately necessary to make temporary and/or final repairs to restore the property to its original condition. Any deviation from the original condition requires ARC approval prior to any work. If the emergency repair involves an item that requires a permit, such as a roof, a North Charleston permit must be applied for as soon as possible after the repair.

A request for a modification, addition, deletion or replacement of an existing item will require bringing the item into compliance with current ARC guidelines, and, if necessary, authorization by North Charleston.

If the ARC approves a request for a specific accommodation for the needs of a homeowner or resident, once the accommodation is no longer needed it may be necessary for the homeowner to restore the property to its original condition. If the property is not restored to the original condition, the Board may do so and assess the homeowner.

#### **ARC APPLICATION PROCESS**

1. An application to the ARC, "Application for Review of Architecture or Landscaping", is to be submitted by placing the form (filled out in blue or black ink) with the necessary documentation (plat, detailed specifications, colors, manufacturer literature) attached into the ARC box in the Library.
2. Members of the ARC will schedule a meeting with the homeowner in order to become familiar with the project and verify that all necessary documentation is provided. ARC members do not have the authority to approve or disapprove the project at this time.
3. The ARC will respond, through the Management Company, in writing within forty-five (45) days after they have received all required information. Failure of the ARC to respond within forty-five (45) days constitutes approval of the application.

After the receipt of the approval notice, work should not begin until 21 days after the date of the ARC approval. If construction has not commenced within six (6) months after the date of the approval letter, the approval is deemed to be withdrawn and the owner must reapply for approval before commencing any work. All work must be completed within one (1) year of commencement. If the work is not completed, it shall be considered non-conforming and subject to enforcement by the HOA or any aggrieved owner. The ARC may grant an extension, but it is not obligated to do so. If any modifications are made to the original request, a new application must be submitted.

4. Certain modifications to a property require a permit from the City of North Charleston before work can start. The homeowner is responsible for this determination. If a permit is necessary, the homeowner needs first to obtain approval from the ARC and then submit the ARC approval letter with the permit application. A copy of any permits obtained must be provided to the ARC prior to commencing work. Any fee in this process is at the homeowner's expense. Permit applications and information can be found on-line at "[www.northcharleston.org](http://www.northcharleston.org)".

5. An applicant for ARC approval or any other owner aggrieved by the decision of the ARC may appeal the ARC decision to the Board of Directors by submitting a written appeal to the Board within twenty (20) days after the date of the ARC's written notice to the applicant. Failure to file a written appeal within the twenty (20) days constitutes a waiver of the right to appeal to the Board.

#### **BUILDING PERMITS**

A building permit from the North Charleston Building Inspection Department may be necessary for, but not limited to, the following items:

- Replacing/repairing a roof
- Replacing windows
- Replacing/repair of siding
- Replacing a garage door
- Replacing pillars holding up a porch
- Adding any type of addition to an existing building
- Adding a patio
- Adding a deck
- Adding a fence
- Adding a parking pad
- Installing a propane tank
- Removing a tree over 8" in diameter
- Interior renovations
- Replacing heat & air or ductwork
- Adding or replacing gas, electrical, plumbing, mechanical systems

Some permits carry a fee that varies according to the cost of the construction. The fee is payable at the time the permit is picked up.

Information on permits and names of contacts is available at:  
<https://www.northcharleston.org/business/construction-and-development/building-and-permit-inspections/>

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