

The Architectural Review Restrictions
The Elms of Charleston , Inc.
October 2008

The Covenants, Restrictions and Easements (CR&Es) governing The Elms of Charleston, Inc., 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 goal of the ARC is to ensure that the highest community standards are maintained. In this way, we hope to protect and enhance property values and our investment in the community.

The Committee works with Homeowners on changes or additions to the exterior of their house and landscaping. Homeowners must submit a request in writing to the ARC using the ARC form available in the Clubhouse library and returning it as directed and must receive approval in writing BEFORE proceeding. The ARC meets at the Clubhouse on the third Monday of each month at 10:00 a.m. The Committee is allowed by our governing documents up to 45 days to approve or disapprove plans, but the time required for response is usually much shorter. Completion date, and any extension thereof, of the approved project will be set by the ARC.

Many issues that come before the ARC are straightforward, i.e., replacing like with like, and are usually simple and quickly approved. More complicated 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 and/or licenses, insurance, etc., required by the City of North Charleston and/or the County of Charleston must be obtained and displayed during work. You must be certain of your property lines. Some improvements require, by law, contacting utility companies prior to beginning work. This is the Homeowner's responsibility. 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.

We list below some requirements which cover the most common issues that come before the ARC. These should be informative and helpful in your planning.

1. Changes, additions, deletions or replacement of porches, decks, roofs (except in emergencies), fences, driveways, walkways, doors, storm/screen doors, shutters and landscape renovations require ARC approval.
2. Replacement windows, doors, storm/screen doors and garage doors must be similar to original installation and of conventional building materials. Front doors must be painted traditional colors and must be maintained by the owner. Garage doors and storm/screen doors, on which paint IS allowed, must be white. Storm doors may not have designs and must be traditional in style.
3. Porches, decks and step additions must be constructed of conventional building materials and may be stained using subtle color only. The ARC will consider, on a case by case basis, the use of white paint, and only white in color, on railings and

balustrades. Steps and deck flooring must be finished with subtle color stain only. The Homeowner shall be responsible for all HOA required maintenance. The use of paint, as above, will require regularly scheduled painting and annual pressure washing, both sides at the Homeowner's expense.

4. Roof replacement (and patching) must be similar in color, texture and style to the original. 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.
5. Patios, courtyards, or the like will not be approved for front yards. No designs or patterns on the driveway/walkway will be approved. Window coverings/awnings and patio deck coverings will not be approved.
6. Fences must be: installed professionally, compatible with neighbors' fences, white vinyl slat style, no higher than 36 inches. No fence embellishments such as lattice, etc. will be approved. A 6 inch wire mesh may be installed inside the bottom, if required for pet security. Fences must be built in line with the house footprint and in the rear yard only. The gate must be in the side of the fence that is perpendicular to the street. Underground electric pet fences are encouraged, using the same guidelines for rear yard only. Most fences are used as dog runs, rather than for aesthetic reasons. Fences must be power washed on both sides each year. This guideline is an effort to control the sprawling, unplanned spread of fences at The Elms.
7. With the exception of decorative wreaths, the ARC prohibits the use of artificial plants/shrubs/trees outside of any residence. Front yard benches will be considered on a case by case basis. Excessive plaques and decorative items are not acceptable. Statuaries are limited to 3 in number, small in size and placed near the home. Elms' mailbox posts are uniform in style and street number and they must be kept clear, except for a simple trellis and live, healthy plants at the base.
8. If the request for removal or addition of a tree or shrubs is approved, the Committee may require a replacement. The ARC has a list of recommended plantings. New shrubbery must be placed no closer than 5 feet from the street. Existing plantings must be trimmed low for safety. (CR&Es Article II, Section 3(h).)
9. Outside lights and decorative lampposts must be traditional in style. Installation of lights, including security/walkway lights will be considered on a case by case basis. Consideration of neighbors is paramount. (Holiday lights are addressed in the *Rules and Regulations*.)
10. All propane tank installations require ARC approval. Those installed above ground must be screened with shrubbery or lattice at the time of installation.
11. All satellite dishes require written ARC approval of location prior to installation.

12. Violations, unless corrected, will subject the homeowner to appropriate sanctions as set forth in our governing documents.
13. Prior to the beginning of construction, a \$1,000 Construction Access fee must be paid in full. The construction access fee is in place for future repairs to the roads within the community due to heavy equipment and vehicles traveling the roads due to construction.

Even with the Construction Access Fee, the Elms Homeowners and builders are held responsible for the actions of their contractors. This includes damage to the community property caused by construction activity. In such cases, all damage must be repaired by the builder or Homeowner. Items to be repaired can include curbs, sidewalks, irrigation, landscaping, grass, drainage pipes, drainage swales, etc. If such repairs are not performed in a satisfactory manner by builders or Homeowners, the ARC can have the repairs done and charge the builder's or Homeowner's account. These charges WILL NOT be taken out of the Construction Access fee for these repairs.

Any truck, van, or even car observed jumping curbs, cutting corners, creating ruts, and damaging property within the community in any way, that can be connected to a particular construction site or lot may generate a \$500 fine charged to the builder's or Homeowners account. A second offense and further offenses may generate a \$1,000 fine for each offense. Such fines will be due and payable to The Elms Homeowners Association within 10 calendar days of notice or the impacted job site will be shut down until payment is received.

The Board of Directors of The Elms Homeowners Association, Inc., and each member thereof, as well as all HOA committee members, are bound by the governing documents in the management of our common property. It is the absolute obligation of the Board of Directors to enforce our governing documents.