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Cross Reference

Book G118, Page 170

Book O125, Page 172

Book V143, Page 381

Book N148, Page 621

Book 1106, Page 746

WATERWAY ARMS TOWNHOUSE COMPANY

BOARD RESOLUTION

**Adoption and Affirmation of
Community/Architectural Guidelines**

WHEREAS, the Board of Directors ("Board") of Waterway Arms Townhouse Company ("Association") is responsible for management, operation and control of Waterway Arms and the Association, and is also responsible for exercising for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of the Declaration of Covenants, Conditions and Restrictions of Waterway Arms Townhouse Company ("Declaration") recorded July 13, 1971 in Book B97 at Page 20 and the By-Laws of Waterway Arms Townhouse Association ("Bylaws") recorded April 12, 2021, in Book 0980 at Page 654 in the Charleston County Register of Deeds (collectively hereinafter, the Declaration and Bylaws may be referred to as "Governing Documents").

WHEREAS, Article VI, Section 3, of the Bylaws states, "a majority of the number of directors shall constitute as quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board."

WHEREAS, Article IV, Section 5, of the Bylaws provides that any "action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors."

WHEREAS, the South Carolina Homeowners Association Act, S.C. Code Ann. Section 27-30-110, et seq., requires all existing homeowner association's rules, regulations, and amendments to the rules and regulations be recorded.

WHEREAS, the Board has determined to adopt and affirm the attached Community/Architectural Guidelines, and to record same.

WHEREAS, a duly held and authorized meeting of the Board was held August 4, 2023, and the within Resolution and attached Community/Architectural Guidelines were put to a vote of the Board. The required quorum was present and the within Resolution was approved by the requisite members of the Board.

NOW THEREFORE, BE IT RESOLVED, in order to protect and assure an attractive, high-quality community, and to best maintain and preserve the community, the Board hereby affirms and adopts the attached Community/Architectural Guidelines as follows:

1. The foregoing whereas paragraphs and recitals are and shall be deemed material and operative provisions of this Resolution, and not mere recitals, and are fully incorporated herein by this reference.

2. All capitalized terms used herein shall have the same meaning ascribed to them in the Declaration and Bylaws, unless the context shall clearly suggest or imply otherwise.

3. Each member of the Board expressly waives any notice requirement, if any, for the meeting.

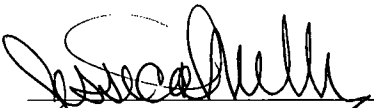

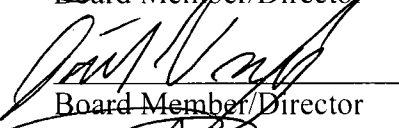
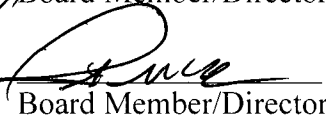

4. The Board hereby affirms and adopts Waterway Arms Townhouse Company Community/Architectural Guidelines, attached hereto as Exhibit A and incorporated herein by reference.

5. This Resolution was adopted by the Board on August 4, 2023, and the attached guidelines shall be effective upon recording.

6. Distribution. The Association and/or the Association's property manager is authorized and directed to circulate a copy of this Resolution and the Community/Architectural Guidelines upon recording. Members/Owners are responsible for distributing the same to all occupants and residents.

Each Board Member/Director voting in favor of this resolution has signed his/her name below, and by signing below, s/he acknowledges that this Resolution and the attached shall be effective upon recording.

WATERWAY ARMS TOWNHOUSE COMPANY:

 _____ Board Member/Director	<u>8/4/23</u> Date	 _____ Board Member/Director	<u>8/9/23</u> Date
 _____ Board Member/Director	<u>8/4/23</u> Date	 _____ Board Member/Director	<u>8/4/23</u> Date
 _____ Board Member/Director	<u>8/4/23</u> Date	_____ Board Member/Director	_____ Date

WATERWAY ARMS TOWNHOUSE ASSOCIATION (WATA)

Community/Architectural Guidelines (MINIMUM STANDARDS FOR UPKEEP)

This document has been created to satisfy a mandate stated in the Declarations of Covenants, Restriction and Conditions that the WATA Board create a minimum standard for exterior maintenance and improvements, see ARTICLE IV, EXTERIOR MAINTENANCE, SECTION 3 (next page).

This document has been approved by the WATA Board on August 31, 2020 and as such the guidelines and standard in this document will be applicable to all property owners.



ARTICLE IX
EXTERIOR MAINTENANCE

SECTION 1. In addition to the common area and recreational facilities, the association shall provide exterior maintenance upon each lot which is subject to assessment hereunder as follows: Care of grass, shrubs, and trees (excluding planting of same) and maintenance of sidewalks and parking areas. In order to enable the association to accomplish the foregoing, there is hereby reserved to the association the right to unobstructed access over and upon each lot at all reasonable times to perform maintenance as provided in this article.

In the event that the need for maintenance, repair, or replacement is caused through the willful or negligent act of the owner, his family, guests or invitees, or is caused by fire, lightning, windstorm, hail, explosion, riot, riot attending a strike, civil commotion, aircrafts, vehicles, and smoke,

as the foregoing are defined and explained in South Carolina standard fire and extended coverage insurance policies, the cost of such maintenance, replacement, or repair, shall be added to and become a part of the assessment to which such lot is subject.

SECTION 2. Maintenance, upkeep, and repairs of the exterior, roof, patio, and fencing appurtenant to any lot shall be the primary responsibility of the individual owner of the lot. Any cooperative action necessary or appropriate to the proper maintenance and upkeep of the common area, recreation and parking areas, and walks, shall be taken by the board of directors or by its duly delegated representatives.

SECTION 3. The board of directors of the association, or the architectural committee composed of three or more representatives appointed by the board, shall devise written minimum standards for upkeep required from each property owner. These standards shall be a part of the records of the association on file with its secretary. In the event that an owner fails to maintain his unit in accordance with the minimum standards, and does not respond to written notices from the board of directors or the architectural committee within the notice period provided in the standards, the association shall contract for and provide the required maintenance or repairs. A special assessment for the cost of such maintenance and repairs plus an interest charge equal to the highest yearly rate allowable under state law shall be levied on the lot owner. Such assessment shall constitute a lien against the property, as per article VI, Section 1 and 8.

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PART I - INTRODUCTION

This document defines Waterway Arms Townhouse Association (WATA) guidelines which accompany our Restrictive Covenants. It is important to note adherence to these guidelines and standards is required to the extent possible. Non-compliance may result in penalties and/or fines.

What is the Architectural Review Board (ARB)?

The ARB is a committee comprised of members elected by the WATA board. They are neighbor volunteers who review ARB requests, visit the site referred to in the request, and determine whether the proposed request meets the community covenants and standards. All requests are reviewed by the ARB and final disposition done by the full WATA board. The ARB will follow-up after completion of each approved project to ensure that the homeowner has complied with the approved plan. An ARB request that is denied may be revised and resubmitted.

When is an ARB Request Necessary?

WATA is a community governed by covenants and restrictions. This means if you want to undertake home improvement or upgraded maintenance project, such as a new roof, painting the exterior, making major landscaping changes (including removing a tree), building an addition or making any other change to the exterior of your home, the homeowner must submit a request to and obtain approval from the Architectural Review Board. It is the owner's responsibility to verify any addition or change to property meets codes, regulations and guidelines of all parties have jurisdiction (town, city, state). It is also the owner's responsibility to secure all necessary permits prior to building.

How do I file an ARB Request?

The forms are available through our property management company (A-Plus Property Management). Please call/email to request a form (see Exhibit "A"). There is no cost to submit the request and ARB review will be completed in a timely fashion once all required information is submitted. Remember to file requests and wait for written response from Architectural Review Board Chairman of WATA prior to starting work. Changes to approved requests need to be resubmitted to the ARB for review and approval.

You may also mail to:

A-Plus Property Management
PO Box 1903
Mt. Pleasant, SC 29465

OR

Email: aplus@apluspm.com
Phone: (843) 856-6556
Fax: (843) 856-1818

ARB requests will not be considered for homeowners with an outstanding WATA dues balance unless a prior agreed upon payment schedule exists and is current.

Fine Imposed for Failure to Submit ARB Request

The Architectural Review board is specified in the Restrictive Covenants of the community. This section states that "In the event of a violation or breach, or threatened violation or breach, of any of the same the Developer, the Association, the Architectural Control Committee or any Owner, jointly or severally, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration and for the recovery of damages, or for injunctive relief, or both. When homeowners fail to comply with the rules, regulations, use restrictions and covenants, the Board of Directors has the right to impose fines or other sanctions. "

The fine for beginning work without the required ARB Request has an initial fee of \$50, even if the work is ultimately approved. If a project is completed without prior approval, the homeowner risks the potential for additional fines and/or the requirement to remove or replace the project at their expense if it is not approved. (Any construction completed greater than \$500 must have a Town of Mount Pleasant permit before proceeding).

PART II - VIOLATION FINE SCHEDULE

A violation of any of the guidelines in this document or the By Laws and Restrictions of Waterway Arms by a homeowner will be fined. Each violation will receive a warning letter prior to a fine being assessed. It is the responsibility of the homeowner to correct the violation within 14 days of receipt of letter.

Each violation will cost the homeowner \$50. An additional \$50 will be added to the violation fine every 14 days the violation remains - up to \$500. Once a violation fine has reached \$500, the WATA will pursue legal action to collect the debt. WATA Board may file lien per binding Covenants & Restriction – Article VIII Section 1. Enforcement.

Example:

- \$50 – 1st 14 days
- \$75 – 2nd 14 days (total \$115)
- \$100 – 3rd 14 days (total \$225)
- \$125 – 4th 14 days (total \$350)

If the violation persists after the fines are recovered, the fine schedule will begin again, starting with a letter of warning of violation.

For repeat offenders of a previously committed violation, there will not be additional warning letters, but a letter stating the repeat violation including fines.

PART III - DAMAGED PROPERTY

Common Property owned by the community that is damaged by a homeowner due to neglect or other circumstances will be fined. The fine assessed will be up to 75% of the cost of repair.

PART IV - GUIDELINES

GUIDELINE NO. 1 - TRASH/RECYCLING/TRASH CORALS

1. Trash and recycle bins should be stored out of view. They may be placed on the end of your parking area on the night before pickup and should be removed after picking up before the end of the day. Bins should be maintained – unsanitary or broken bins should be removed by contacting the Town of Mount Pleasant Sanitation department @ 843-849-2022.
2. Household trash (furniture, mattresses, appliances, etc.), should not be put to the street earlier than the day before picking up. It is the owner's responsibility to contact the sanitation department to confirm pick up or removal of household trash within 5 business days from putting the trash on the street.
3. The homeowner must apply to the ARB to build or modify a trash coral and include a sample of the material to be used. A maximum of a five (5) foot high coral will be allowed and the material should blend or match the existing fence material and must not intrude into neighbor's property or common area.

GUIDELINE NO. 2 - LIGHTING, FLAGS/BANNERS, EXTERIOR DECORATIVE OBJECTS, FLOWERS, ETC.

1. No more than one (1) freestanding flagpole (maximum 20 feet) or two (2) flagpoles attached to the residence (maximum six (6) feet) is permitted.
2. The United States flag, the flag of the State of South Carolina, an official flag of any branch of the United States Armed Forces, or a flag from another country, may be displayed. Flags must be maintained in good condition; a deteriorated flag must be removed or replaced. The flags must be displayed and maintained in accordance with 4 U.S. Code § 8.
3. Decorative/seasonal flags, school flags, sports theme flags are also permitted on the flagpole if they are tasteful, unobtrusive and are no larger than 3' X 5'.
4. Sports banners are permitted but must be removed from the property within seven (7) days of special sporting event, such as a local championship game, regular local games, or the Super Bowl.
5. Flags, banners or signs that carry a political message may only be displayed within 14 days of any public election. These signs must be removed the day after an election.
6. Flags, banners or signs that advertise a business or service may only be displayed during the actual time of service.
7. Flags, banners or signs that are offensive or obscene are prohibited. The Board of Directors reserves the right to ask an owner to remove these prohibited flags/banners/sign. The judgment as to whether a flag/banner/sign is offensive/obscene is in the sole discretion of the Board.
8. Small decorative garden banners are permitted assuming they are in good condition; i.e., not frayed or faded.
9. Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the house. Plants and flowers in pots must always be neat and healthy. Neatly maintained front porch flowerpots containing evergreens/flowers do not require submission of an ARB Request.
10. Decorative yard art/statues: All yard art and other ornaments are subject to ARB approval. However, an excessive number of objects could be considered to be not harmonious to the appearance of the community.
11. Christmas decoration should be removed by January 31.

12. Storm shutters: Temporary storm shutters or window coverings of any kind for the prevention of storm damage should be removed after the threat of storm has passed.

GUIDELINE NO. 3 - PLAY EQUIPMENT, PLAYHOUSES AND TREE HOUSES

1. All apparatus such as tree houses, play sets, slides, and trampolines are not permitted.
2. No pools of any kind, portable or permanent shall be placed in front of any townhouse.
3. Any equipment that is of such a size and weight that it is easily portable must be stored out of sight when not in use.
4. When play equipment is in disrepair, it must be removed or repaired.
5. Basketball hoops/goal posts: Are to be well maintained. Basketball backboards may NOT be attached to the townhouse. A free standing basketball hoop, must be kept off of the street and in the designated parking area of the owner/tenant/user.

GUIDELINE NO. 4 - EXTERIOR LANDSCAPING AND MAINTENANCE

1. Homeowners shall keep their lot and all improvement thereon in good order and repair. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding community.
2. Trees, shrubs and plants. Landscaping or container plants shall not obstruct access to any entrance or exit or block pedestrian or auto traffic or fire hydrant. Trees, shrubs or plants, in the ground or in containers, that are dead, block ingress or egress to any structure or interfere with pedestrian or auto traffic in any way, are subject to removal.
3. Outdoor storage of garden tools and hoses must be stored from view.
4. At the end of the growing season, all dead plants should be removed. It is suggested that the bare earth be covered with pine straw, mulch or similar cover to prevent soil erosion.

GUIDELINE NO. 5 - DRAINAGE/SEDIMENTS/SOILS

1. Changes in grading, e.g. berms, swales, slopes, mounds, etc., or channeling of any drainage water onto neighboring or common areas is not permitted.
2. Sediments/soils onto neighboring or common areas is not permitted.
3. An ARB Request must be filed for any large sediment/soil or grading changes.
4. Grading and Drainage. All property must be graded and maintained so as to prevent accumulation of water on, within or beneath any structure or unimproved property. No improvement or excavation shall occur on any property that will have an adverse effect on drainage.

GUIDELINE NO. 6 - TREE REMOVAL

1. An ARB Request must be filed to request the removal of any tree. The decision of a certified arborist may be required regarding the health and safety issues of the tree in question. A Town of Mount Pleasant permit for tree removal does not satisfy the requirement for ARB approval.
2. Trees removed without prior ARB approval will be considered as live trees and shall result in a fine levied against the homeowner.
3. Trees downed by storms, or acts of nature may be removed without ARB approval to maintain the overall appearance of the neighborhood.

4. Tree replacement may be imposed on the homeowner by the PCHA board for any unauthorized tree removal.
5. Approval is not required for trimming and pruning of any tree or shrub to retain its health and appearance.
6. The Board of Directors may require a homeowner to remove, at homeowner's expense, any tree that dies or becomes a hazard.

GUIDELINE NO. 7 - PERSONAL BELONGINGS

1. Personal belongings such as bicycles, grills, tables, tools, toys, shelving, garbage cans, equipment, building materials, etc. are not allowed anywhere outside the townhouse fences area or patio. When they are not in use items left outside for three (3) days may be picked up for disposal without prior notice. Nothing is to be left on the fence or top of the walls of the patio. Examples are rugs, towels, blankets, tarps, etc.

EXHIBIT "A" - WATERWAY ARMS ARCHITECTURAL REVIEW – REQUEST FORM

In submitting plans for ARB approval, an "Application" is required to be completed in full and submitted with any related plans, drawings, information, etc. ARB approval and the appropriate governmental agency building permits are required to be properly posted on site prior to the start of construction.

Owner Information

Owner Name: _____

Address: _____

Telephone: _____ Email: _____

Project Information

Desired Start Date: _____ Projected Completion Date: _____

Description of Request: _____

**DO NOT USE
UPDATED FILE AVAILABLE**

Contractor Information (If applicable)

Name: _____ S.C. Contractor License #: _____

Telephone: _____ Email: _____

Owner Signature: _____ Date: _____

ARB signature of Approval: _____ Date: _____

ARB Denial for the Following Reasons: _____

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

SIMONS & DEAN ATTY AT LAW
 147 WAPPOO CREEK DR
 STE 604
 CHARLESTON SC 29412 (MAILBACK)

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