



**THE PRESERVE II AT FENWICK HALL
PROPERTY OWNERS ASSOCIATION, INC.**

DECLARANT RESOLUTION

**Affirmation and Adoption of
ARB Fence Guidelines**

THIS RESOLUTION for The Preserve II at Fenwick Hall Property Owners Association, Inc. ("Association") is made this 6th day of March, 2020, by 1776, LLC (a South Carolina limited liability company), hereinafter referred to as "Declarant."

WHEREAS, pursuant to Article 5, Section 5.03 of the Declaration of Covenants and Restrictions for The Preserve II at Fenwick Hall ("Declaration) and Provisions for and By-Laws of the Preserve II at Fenwick Hall Property Owners Association, Inc. ("Bylaws") recorded December 12, 2019, in Book 0846 at Page 099 in the Charleston County Register of Deeds, Declarant may amend, modify, supplement and add to the Design Guidelines during the Declarant's Development Period.

WHEREAS, the South Carolina Homeowners Association Act, S.C. Code Ann. Section 27-30-110, et seq., requires all existing homeowner association rules, regulations, guidelines, procedures and policies to have been recorded by January 10, 2019.

WHEREAS, Declarant previously made and promulgated ARB Fence Guidelines, attached hereto as Exhibit A and incorporated herein by reference, which were and are in the best interests of The Preserve II at Fenwick Hall Property Owners Association, Inc, the Association and the Members/Owners, and therefore has determined to affirm and adopt such ARB Fence Guidelines, and to record them.

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 Declarant hereby affirms and adopts the ARB Fence 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, unless the context shall clearly suggest or imply otherwise.
3. Declarant hereby certifies the Declarant's Development Period is in force, and has not expired or been terminated.

4. Declarant hereby affirms and adopts the ARB Fence Guidelines, attached hereto as Exhibit A and incorporated herein by reference.

5. The attached ARB Fence 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 ARB Fence Guidelines upon recording to all Members/Owners. Members/Owners are responsible for distributing the same to all occupants and residents.

DECLARANT:

1776, LLC (a South Carolina limited liability company),

By: 

Name: EUGENE J. ZURLO

Title: MANAGER

**THE PRESERVE II AT FENWICK HALL
ARB FENCE GUIDELINES**

GENERAL: As the intention of the Declaration and Architectural Review Board ("ARB") Covenants is to preserve the openness and the natural setting and beauty of The Preserve, fences are discouraged, and, if approved, should be "live" fences that are as minimal as possible and blend into the natural setting, both on the Owner's property, and the surrounding area (e.g., neighboring lots, ponds, paths) of The Preserve.

GUIDELINES:

A. Goal and Purpose

- The goal is to make approved fences and gates as minimal and invisible as possible.
- The Owner should state the intended purpose of the fence (for example, protect pets from alligators in the adjacent pond) and explain the reason for the proposed size and location.

B. Fence Location

- Fences should be in backyards; and avoid side yards unless appropriate and consistent with the Declaration and Covenants; and The Preserve Planned Unit Development Guidelines (the "PUD").

C. Fence Site Plan

A proposed site plan shall be submitted to the ARB and depict and include the following:

- Boundary line of house and any other accessory structures (e.g., detached garage)
- Fences are not allowed to encompass an entire lot and shall be at least 10 feet from the property line, subject to the following two exceptions:

(1) Lots on Ponds: There is a 20 foot drainage easement around the ponds. Fences can be placed 5 feet from the edge of the pond, but should be in a straight line or a curved line that generally parallels the edge of the pond. Any fence permitted within the drainage easement must be removed by the owner if access is required within the easement area to perform maintenance. If the owner does not remove the fence upon notice, the ARB may contract to have the fence removed at the owner's expense. The fence shall preserve the natural setting and view along the pond.

(2) Lots on the Marsh: Fences along the marsh must comply with the critical line buffer set forth in the PUD and shall preserve the natural setting and view of the path along the marsh. Fences are permitted along the rear property line and are allowed to have permitted plantings on the common area and access to maintain such permitted plantings.

- Grand trees and drip lines, if applicable
- Trees with ≥ 12 inch diameter within 10 feet of each side of the fence
- Pond drainage easement, if applicable
- Boundary line of common area paths, if applicable
- Critical line for marsh lots. Applicants must provide an updated critical line determination from an independent professional.
- Proposed location of fence (i.e., bird's eye view). The fence should generally be of a rectangular or square shape and be in fitting with the home, lot, and adjacent houses.
- Typical side view of fence, with height to be minimized, but in no case to exceed 5 feet
- Side view of any gates
- Location of any paths and proposed surface material of paths
- Staking out the location of the proposed fence is suggested, but not required.

D. Fence Materials

- The application submission should include a list of proposed construction materials for the fence, gates, and any paths.
- Gates and any part of the fence not hidden by vegetation should be naturally stained or painted a dark color regardless of house paint colors.
- Wire mesh in between fence posts shall be a dark colored vinyl coated material.
- No galvanized chain link fences are permitted.

E. Plantings to Create a "Live Fence"

- The application must include a planting plan showing the species and location of proposed plants.

- The vine plants for the fence panels shall be of a species that will cover the fence and make it a "live" fence within one to two years of planting.
- The fence shall also have plantings, with species identified, along the outside of the fence and at the corners to "soften" the fence and provide depth.

F. Maintenance

- The fence must be maintained; including the fence plantings which, if necessary, must be replaced to maintain the fence as a "live" fence.

G. Application and Deposit Fee

A \$200.00 application and review fee payable to "Preserve II at Fenwick Hall" shall be paid at the time the application is submitted to the ARB.

A \$1,500 deposit is required prior to the commencement of construction and is returnable upon completion of construction in compliance with the approved plan.

H. Professionals

It is recommended that owners use a landscape architect but, at a minimum, a landscape professional familiar with the low country area be retained to prepare the plan. (Some landscape companies have landscape architects on staff that provide design services as part of the project fee.)

I. Identification of Professionals

The Site Plan or other document must include the name, address and contact information for any design company (e.g., landscape architect) and the installation contractor.

J. Compliance with Declaration, Covenants, Laws, Ordinances and Regulations

No fence shall be erected, placed, or altered until the proposed design is approved in writing by the ARB.

Fences must comply with the Declaration for The Preserve II, the Architectural Review Board Covenants, and all applicable laws, ordinances, and regulations, including the City of Charleston Building Code.

The South Carolina Department of Health and Environmental Control (DHEC) Office of Ocean and Coastal Resource Management (OCRM) has jurisdiction over some aspects of the construction process at The Preserve, especially lots or "critical areas" that share edges with salt marsh or ponds. The OCRM also regulates compliance with the Storm Water Management Act.

RECORDER'S PAGE

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



Filed By:

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