



2022024351

RESTRICTIVE COVENANTS AMEND  
RECORDING FEES \$25.00

PRESENTED & RECORDED:

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BK: RB 20203

DAVID HAMILTON  
CLERK OF COURT

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YORK COUNTY, SC  
BY: REGINA PRUITT CLERK

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

SECOND  
AMENDMENT OF RESTRICTIVE COVENANTS

PREAMBLE

WHEREAS, May Green Properties, LLC (hereinafter "Declarant") previously executed and recorded a document entitled "Declaration of Covenants and Restrictions for Shepherds Trace" on September 30, 2020 in Record Book 18623, Page 31 (hereinafter "Restrictions"), which was amended by Amendment of Restrictive Covenants recorded on September 14, 2021 in Record Book 19594, Page 165 and supplemented by Supplemental Declaration of Covenants and Restrictions for Shepherds Trace recorded on September 14, 2021 in Record Book 19594, Page 168; and

WHEREAS, paragraph 18 of the Restrictions provides that the Restrictions may be amended by the Declarant so long as the Declarant owns land affected by these Restrictions in any phase of Shepherds Trace, which it presently does;

WHEREAS, it is the desire and intention of the Declarant that the Restrictions, as herein modified, be extended so as to cover the property described current phases 1, 2 and 3 of Shepherds Trace, as well as any future additional phases of the subdivision;

NOW, THEREFORE, the Restrictions are hereby amended as follows:

1. The property affected by this Amendment shall be Tracts 1-7, Phase 1 and Tracts 21-41 of Phase 2 of Shepherds Trace as more particularly described on plat of Phases 1 and 2 of Shepherds Trace recorded in Plat Book 165, Page 40, as well as Tracts 55-70 of Phase 3 of

Shepherds Trace, as more particularly described on plat of Phase 3 recorded in Record Book 167, Page 342.

2. Paragraph 6B of the Restrictions is hereby deleted, and it is hereby being replaced and amended with a new Paragraph 6B which shall read as follows:

**6B. Residential and Auxiliary Units:**

Materials for all buildings, whether residential or auxiliary, shall be properly painted, stained or veneered with wood, brick, stone, stucco or cement board. If wood or cement board material is used, it shall consist of individual boards each of which shall be no wider than twelve (12) inches. Board and batten application may be used. Vinyl can be used only as accents and soffits. No exposed concrete block is permitted. Foundations of the residence, auxiliary residence, and garage shall be a minimum of eighteen (18) inches above finish grade and this shall include the use of slab foundations. All foundations shall have a straight line elevation, and no step down type elevations shall be allowed. The exterior of all foundations shall be veneered with brick or stone. The use of a stucco exterior finish may be used on a stucco home as long as the seams of any concrete block foundation are concealed. The basements of houses that are veneered with wood and fiber cement board must be brick or stone. All chimneys must be made of brick, stone, stucco, or cement board. Roof pitch of all residences and of any attached or detached garage shall be a minimum of 7:12, except that screen porches, sun rooms and similar ancillary rooms may have a minimum roof pitch of 3:12. Bonus rooms above garages may have a minimum roof pitch of 3:12 on the rear elevation only. All roof shingles shall be architectural, 3 ply shingles or metal roof. A variance may be applied for a type of architecture that calls for a different roof pitch, type of shingle, new standard of veneer for elevations, and design that will not negatively affect the value of other homes in the development (such as a flat roof design). All construction of residential and auxiliary units must be approved by the ARC. All yards need to be properly grassed and stabilized. This includes planting of shrubs within the front beds of all homes. Please submit a landscape plan showing the type of grass and shrubs to be used. This plan will include plants with a minimum of three-gallon container size. ARC review required. Color for all buildings shall be approved by the ARC committee. Colors that are not in keeping with the natural surroundings and other homes in the development shall not be permitted.

3. Paragraph 6C of the Restrictions is hereby deleted, and it is hereby being replaced and amended with a new Paragraph 6C which shall read as follows:

**6C. Walls and Fences:**

No walls or fences shall be permitted between the front wall of the dwelling and the street it faces. Walls or fences constructed on the remainder of the property shall not

be higher than six (6) feet and shall be constructed of wood, metal or aluminum, chain link (coated with colored vinyl) brick, stone or concrete block with stucco finish. No vinyl fencing is permitted. Chain link dog kennels are not allowed unless the chain link is covered with colored vinyl and screened behind a residence. All chain link fencing must be vinyl coated. The color of the chain link fence must be black and located behind the residence. If any chain link, picket, or privacy fence is seen from the road, the fence must have landscaping along that section of fence. All fencing placement shall be reviewed and approved by the ARC committee before installation. Columns and gates are permitted if approved by the Declarant or the ARC.

Privacy Fences. No white privacy fencing is permitted. No vinyl privacy fencing is permitted. All other privacy fencing, which shall be constructed with wood, will be permitted with more natural colors, such as beige, brown, tan. All privacy fencing shall be restricted to building set back requirements for side and rear property lines. All privacy fencing seen from the road shall have landscaping to break up the fencing elevations along the road. Plantings of shrubs and/or trees that will grow up to five (5) feet in height shall be planted along the fence every fifteen (15) feet, for which placement and plant type shall be approved by the ARC review committee.

4. Paragraph 13 of the Restrictions is hereby deleted, and it is hereby being replaced and amended with a new Paragraph 13 which shall read as follows:

13. Any satellite reception dish must be screened from view from the road and adjoining neighbors. Location of the dish should be behind the residence unless a hardship occurs. In the event of a hardship such that the dish cannot be placed in the rear, then the dish should be properly screened from view. No above ground pools are permitted. Should an Owner install an ARC-approved swimming pool, a fence or other barrier structure shall be installed around the swimming pool to prevent unwanted access. In the event that an owner wants to have solar panels for such owners' house, any such solar panels shall be placed on the rear elevation of the structure away from the side of the neighbors' line of sight.

5. The following language shall be added as an additional, new restriction:

Exterior lighting shall not be directed onto adjacent properties, nor shall it be so bright as to interfere with nocturnal views or create a nuisance. No pole lighting over six (6) feet in height is allowed. Pole lighting shall be used for walkways and must be black in color and decorative. Landscape lighting is permissible as long as it does not affect adjacent properties. All other lighting shall be attached to a building.

6. The following language shall be added as an additional, new restriction:

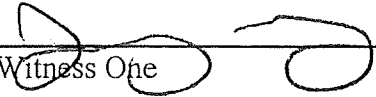
No building shall be constructed nearer than fifteen (15') feet to any side property line, nor nearer than fifty (50') feet to the front property line, nor nearer than fifty (50') feet to the rear property line. The rear setback is also a fifty (50') foot natural buffer which shall remain intact for the purpose of privacy and water quality. Corner lots shall have a twenty-five (25') foot set

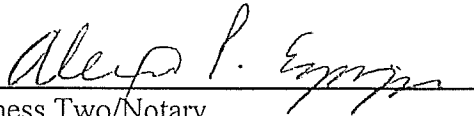
back from the side road. A hardship variance due to use of a septic repair area or drive access can be permitted within the natural buffer area only. Only vegetation that can be bush hogged or trees smaller than 4 inches in diameter at breast height may be removed. The Declarant may grant a variance for setbacks in other areas due to hardships based on septic, topography, lot configuration, or anything that would help the owner and placement of the home or auxiliary building without negatively affecting the value of surrounding properties. Any variance over 25% of the side setback where there is an adjoining property owner other than the Declarant, will require a written consent by that owner. All setbacks must abide by York County standards for the applicable zoning. In the event that any property owner shall violate or disturb the fifty foot (50') natural buffer by clearing the buffer area of trees, the property owner shall be required to restore the buffer area by planting trees having at least a total combined minimum diameter of one hundred inches (100") measured at forty-eight inches (48") above the ground. The minimum diameter of trees planted, measured at the 48" above ground level, shall be two inches (2"). Any trees remaining in the buffer shall count towards the 100" minimum. The Declarant and thereafter the property owner Association for the subdivision shall have the right to enforce this provision.

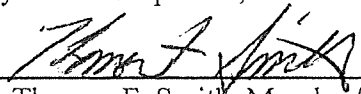
7. Except as hereby amended herein, all other provisions of the Restrictions recorded September 30, 2020 in Record Book 18623, Page 31, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has set its hand and seal this 24<sup>th</sup> day of May, 2022.

Signed and sealed in the presence of:

  
\_\_\_\_\_  
Witness One

  
\_\_\_\_\_  
Witness Two/Notary

May Green Properties, LLC  
  
\_\_\_\_\_  
By: Thomas F. Smith, Member/Manager

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 24 day of May, 2022, by Thomas F. Smith, Member/Manager for May Green Properties, LLC.

Alexis P. Espinoza (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 12/06/27

