

# ARCHITECTURAL STANDARDS COMMITTEE GUIDELINES

Last Revised October 1, 2012

## TABLE OF CONTENTS

AIM OF THE DEVELOPMENT .....	2
SECTION I – FUNCTION AND PURPOSE OF THE ASC .....	2
SECTION II – ADMINISTRATION OF THE ASC .....	3
SECTION III – ASC MEETINGS .....	4
SECTION IV – PLAN SUBMISSION PROCEDURES .....	5
SECTION V – STANDARDS OF DESIGN & CONSTRUCTION .....	8
SECTION VI – DOCKS .....	19
SECTION VII – SHORELINE PROTECTION .....	21
SECTION VIII – FINES .....	22
SECTION IX – SCHEDULE OF FEES .....	24
SECTION X – MISCELLANEOUS .....	24
SECTION XI – ENFORCEMENT .....	25
SECTION XII – APPEAL OF ASC RECOMMENDATIONS.....	25
SECTION XIII – CONTRACTOR DEPARTMENT .....	26
SECTION XIV – AMENDMENT .....	26
SECTION XV – SEVERABILITY .....	27
SECTION XVI – CAPITALIZED TERMS.....	27

*NOTE: Wording that comes from the Harbour Watch Protective Covenants is in italics.*

## **AIM OF THE DEVELOPMENT**

*Harbour Watch is intended to be a highly restricted and environmentally sensitive, residential community. The primary aim of the development of Harbour Watch is to create a high quality, aesthetically pleasing and compatible residential community which strives to preserve the environmental setting as well as to preserve and enhance the value of each property owner's investment.*

## **SECTION I - FUNCTION AND PURPOSE OF THE ARCHITECTURAL STANDARDS COMMITTEE**

- 1.1 The Architectural Standards Committee (ASC) was created to ensure that development occurs in accordance with the Declaration of Protective Covenants, Conditions, Restrictions, and Easements for Harbour Watch Phases I – V(a) thereof (Protective Covenants). These guidelines were established to assist all property owners in the planning and construction of their homes and any improvements. The guidelines are intended to protect the existing property owners and to provide a uniform review process for approval by the ASC. The ASC Guidelines will be revised from time to time by the Harbour Watch Property Owners Association (POA) in order to facilitate the mutual goals of the community.
- 1.2 All proposed construction reviewed by the ASC will be evaluated according to the Protective Covenants, aesthetics and current policy. The ASC is concerned with all aspects of aesthetics. Submissions may be disapproved for purely aesthetic reasons deemed contrary to the goals and objectives of the ASC. As a rule, the ASC will not dictate any particular architectural style or hinder personal design preferences so long as the submitted plans are in keeping with the ASC Guidelines contained herein. The ASC will strive to maintain a cohesive architectural character within the community. Traditional design details may be incorporated in the design but "pure styles" which tend to create disharmony are discouraged.
- 1.3 A great deal of thought and effort has been put into the master planning of Harbour Watch. In order to ensure a harmonious integration of new construction, all man-made improvements should be designed and constructed in such a way as to blend-in with the natural setting where feasible. The result will be a more harmonious and aesthetically pleasing community within which to live.
- 1.4 As further assurance that these objectives will be achieved, a Declaration of Protective Covenants has been declared and recorded. The Protective Covenants establish the ASC, set forth its jurisdiction, powers, and obligations, and set forth the rules and regulations under which the ASC will conduct a review of proposed improvements. These guidelines are intended to clarify the provisions of the Protective Covenants. (See Section 5.01 of the Declaration of Protective Covenants).
- 1.5 All applicants are urged to review the provisions of the Protective Covenants, in addition to reviewing these guidelines, prior to submitting an application to the ASC.

- 1.6 The ASC shall have the responsibility to define aesthetic standards of construction in Harbour Watch and examine and approve or disapprove any and all proposed improvements for all Lots within Harbour Watch, including but not limited to: dwellings, garages, any other buildings, construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, tennis courts, outdoor athletic equipment, greenhouses, playhouses, awnings, walls, fences, satellite dishes, docks, rip-rap, bulkheads, boat slips and lifts, exterior lights, any exterior addition to, change, or alteration to existing structures, including without limitation painting or staining of any exterior surface. **The approval of the ASC must be obtained prior to any landscaping, dredging or fill operations, shaping of land areas, drainage alterations, or removal of any trees more than six (6) inches in diameter measured at a height of two (2) feet above natural grade.** Hardwood trees over three (3) inches in diameter (measured two feet above natural grade) should be retained when practical.
- 1.7 The ASC is not responsible for the enforcement of building codes, the accuracy of drawings, or the quality of work performed. Neither Declarant, Developer, the Board of Directors, the Officers, nor the ASC shall be liable in any way for any losses arising out of the application for and/or the construction of any improvements on any Lot.
- 1.8 *Any construction, reconstruction, refinishing or alteration of any part of the exterior of any Building or other improvement on the Property is absolutely prohibited until and unless the Owner or builder first obtains approval from the ASC and otherwise complies with the provisions of the Covenants. All improvements shall be constructed only in accordance with approved plans. No Building, fence, wall or other structure or planting or landscaping shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to, or change or alteration therein, including without limitation any plantings or landscape be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the Board, or by the ASC.*
- 1.9 As a courtesy, the ASC shall provide written notification to adjoining property owners of all new construction and/or subsequent material improvements that are covered under these guidelines.

## SECTION II - ADMINISTRATION OF ASC

*Declarant has established an Architectural Standards Committee (the "ASC") for the purpose of examining and passing upon all proposed plans for any improvements to be constructed or placed on and around the Lots and the Common Property. Approval of the ASC, its designated agent, successors or assigns, shall be required on the design of all improvements placed within the Lots and the Common Property (including, but not limited to, all buildings, landscaping, driveways, and structures of any kind. The provisions of these Covenants, the ASC Guidelines and all other Harbour Watch Documents shall govern such approvals and all other functions of the ASC. The members of the ASC (consisting of three or more representatives) shall be appointed by Developer until such time as the right of Developer to appoint members of the Board shall terminate, at which time the power to appoint the members of the ASC shall be transferred to the Board.*

- 2.1 The regular term of office for each member shall be three (3) years coinciding with the fiscal year of the POA. The membership shall be composed of nine (9) members with one-third (1/3) of the membership rotating annually. The initial ASC membership will compose of nine (9) members: three (3) members to serve a term of three (3) years; three members to serve a term of two (2) years; and, three members to serve a term of one (1) year. Any member appointed by the Board may be removed with or without cause by the Board at any time by written notice to such appointee. Any successor appointed to fill such vacancy shall serve the remainder of the term of the former member.
- 2.2 The ASC shall elect a Chairperson, a Vice-Chairperson and a Secretary. Election of officers shall be conducted annually. In the Chairperson's absence, the Vice-Chairperson will preside over meetings. One member of the ASC shall serve as liaison to the Board.
- 2.3 The ASC is authorized to retain the services of consulting architects, landscape architects, urban designers, engineers, inspectors, attorneys and/or other like experts in order to advise and assist the ASC in performing its functions as set forth herein.

### **SECTION III - ASC MEETINGS**

- 3.1 The ASC will conduct regular monthly meetings providing there is business to conduct. The date, time and location may be amended periodically upon the approval of a majority of the ASC members.
- 3.2 The ASC may conduct special meetings upon three (3) days notification by the chairperson of the date, time and place of the meeting.
- 3.3 The fourteen (14) day advance submission requirement may be waived for plans submitted to special meetings upon approval of the chairperson.
- 3.4 A quorum requirement will have been met if a majority of the ASC members are in attendance at any regular or special meeting.
- 3.5 Resolutions, approvals, approvals with conditions, and disapprovals of the ASC may be passed only upon majority vote of those present provided the quorum requirement has been met.
  - 3.5.1 For the purpose of passing a resolution, the chairperson may propose resolutions and vote on any resolution. In the event of a tie vote on a resolution, the vote of the chairperson shall be weighted by a factor of 1.5 so as to allow the chairperson to cast the deciding vote.
  - 3.5.2 All decisions of the ASC will be final unless, in the case of a split vote of the ASC members, the decision is appealed pursuant to the procedures set forth in Section XII "Appeal of ASC Recommendations" hereunder.

- 3.5.3 Applicants will be notified in writing of all decisions of the ASC. Oral representations of any decision will not be valid and will not represent the decisions of the ASC. Applicants are required to acknowledge receipt of ASC decisions and agree to comply with ASC requests and stipulations before lot clearing or construction may proceed. **Lot clearing or construction begun prior to written approval from the ASC may result in fines as described in Section VIII of this document.**
- 3.5.4 Applicants may have returned to them a copy of plans reviewed by the ASC with appropriate markings to clarify ASC comments or recommendations. Markings on plans so received will not bind the ASC to any design indicated thereon but are offered only as advisory comments.
- 3.5.5 *A copy of such plans and specifications, as approved, shall be deposited for permanent record with the ASC.*
- 3.5.6 Special visual aids, such as models, slides, etc., may be reclaimed by the applicant.

#### **SECTION IV - PLAN SUBMISSION PROCEDURES**

*All Owners and contractors shall familiarize themselves with the portions of the ASC Guidelines relating to construction regulations and comply within.*

- 4.1 **General** Construction within Harbour Watch, including site preparation, **shall not begin** before the following checklist items have been accomplished:
- **Final Review Application** including all colors, samples, exhibits, etc. has been completed and submitted.
  - One complete set of **Construction Plans** and one set of **Elevation Drawings** with **Site Plan** have been submitted.
  - **Review Fee** [currently (\$350.00)] made payable to “Harbour Watch POA” has been paid.
  - **Construction Access Agreement** has been executed by Owner, Contractor, POA and ASC.
  - **Compliance Deposit** payable to Harbour Watch POA has been paid – currently \$2,000.00
  - **Final Construction Plans** have been approved in writing by the ASC.
- 4.2 **Application Requirements** To provide a systematic and uniform review of proposed construction, the ASC has established the following submission and approval guidelines.
- 4.2.1 **Preliminary Review Submission (Schematic Presentation/Architectural Renderings):**  
At the option of the applicant, an artist's rendering or a schematic rendering of a proposed improvement may be submitted to the ASC in order to receive a preliminary opinion as to the suitability of a particular style or design for construction in Harbour Watch. The ASC will render a preliminary opinion as to whether or not a particular design would be acceptable. Because an artistic rendering is not always an accurate depiction of a design scheme, the opinion will be non-binding and will be offered only in an effort to save an applicant's time and expense in pursuing a design that would ultimately be disapproved.

4.2.2 **Final Review Submission** One complete set of construction plans and three copies of the site plan and exterior elevations must be submitted along with a completed Final Review Application form which is attached to these ASC Guidelines (see 4.1 for other required items).

4.2.2.1 Final Review Application with all required items must be submitted at least fourteen (14) days prior to the next scheduled ASC meeting in order to allow enough time for a thorough review.

4.2.2.2 Application must be submitted to an ASC member.

4.2.2.3 Application will be recorded as to the time and date of receipt.

4.3 **Construction Plans** Complete construction plans with all required information must be submitted and approved prior to commencing any construction on a building site (including removal of any trees with a diameter greater than six (6) inches measured two (2) feet above natural grade). **Vegetative Buffers** must be protected by silt fence and shall not be disturbed. The following items shall be included with the **Final Review Application**:

4.3.1 **Site Plan/Registered Survey** [one copy] (as required) of existing property, including:

- Survey by a South Carolina registered surveyor or civil engineer;
- minimum scale of 1" = 10';
- Lot number and area of Lot;
- title block with Owner, surveyor and surveyor's seal;
- property lines with bearings and distances;
- distances from all property lines and location and width of all easements (including footprint of house on plat with all building setback lines and any Vegetative Buffer Areas);
- (optional requirement) topography in 1' increments;
- location and type of all trees to be retained as part of permanent landscape plan;
- location of all roads, driveways, walkways, utilities, and other exterior improvements, including a **temporary gravel mud-mat**;
- north arrow;
- delineation of proposed disturbed site area and location of **silt fencing**;
- roof plan and foundation plan with porches, decks, stoops, stairways, and screened utility area (HVAC, garbage, etc.); (optional requirement: downspouts shown)
- (optional requirement) exterior lighting plan, show motion detectors or timers; and,
- location and identification of special features, (i.e., drainage ditches, swales, berms, easements, adjacent structures, docks, swimming pools, fences, retaining walls, foundations, etc.).

4.3.2 **Building Plans**

- 4.3.2.1 **Floor Plans** (one set) for each floor, depicting:
- scale of 1/4" = 1' or 1/8" = 1';
  - exact computation of enclosed heated/air-conditioned square footage (stated by floor in the case of a multi-floored structure);
  - overall dimensions of structure;
  - all rooms labeled with dimensions;
  - all walls, windows (with swings) and doors (with swings);
  - all overhangs of floors and roofs above (shown as dashed lines);and,
  - (optional requirement) all fixtures, cabinets, and appliances.
- 4.3.2.2 **Elevation Drawings** (one set) including:
- scale of 1/4" = 1' or 1/8" = 1';
  - all sides indicating existing grade, fill and finished grade and finished floor level and including treatment of building from grade to floor;
  - overall height from grade to ridge of roof; and,
  - location and type of any screening.
- 4.3.2.3 **Detailed Drawings** (one set) of typical wall section, patio-wall section, if applicable and other features desirable for clarification, exterior walls, screens, pools, etc.
- 4.3.3 **String/Stake-Out of Lot and Proposed Structures** - At the time of submission of Construction Plans, the applicant **shall have strung out the boundary of the property and strung out the approximate location of the structure(s) with string and stakes.** Additionally, all trees greater than six (6) inches in diameter measured two (2) feet above natural grade shall be flagged to be retained, unless specific permission is granted by the ASC to remove the tree. An on-site review will then be made by the person(s) designated by the ASC and a report filed with the application by such designee(s) prior to final consideration for approval by the ASC. A tree survey may be required by the ASC.
- 4.3.4 **Samples** of exterior materials and colors must be submitted when application and plans for construction are submitted to the ASC for final approval. In some cases, the ASC may require a 2' x 3' sample of the desired exterior color.
- 4.3.5 **Landscape Concept Plan** Homeowner should be prepared to explain his/her "vision" of their proposed landscaping.(See Section 5.6.1 for more details.)
- 4.4 **Builder** *All construction of Buildings on any Lot located within the Property of Harbour Watch shall be made by a builder approved by the ASC.* Proposed General Contractors must submit to the ASC, a Certificate of Insurance, a current S. C. Homebuilder's/Contractor's license, and references of recently completed building projects.
- 4.5 **Compliance Deposit** General Contractors are required to post a Compliance Deposit, currently in the amount of \$2,000, with the POA to ensure compliance (by the General Contractor and all agents) with the approved Construction Plans as well as with the Protective Covenants and all

rules and regulations of Harbour Watch. Noncompliance with the rules and regulations will be considered justification for implementation of fines and/or corrective actions to the offending General Contractor (and/or Lot Owner). The Compliance Deposit will be held until all construction is completed according to the approved plans. *The balance (less any unpaid fines) shall be refunded to the Lot Owner (and /or General Contractor).* Lot Owners are advised to insert requirements in their builder contracts that the builder shall be responsible for any Compliance Deposits and/or fines imposed by the ASC until such time as the construction has been properly completed, the work has been approved by the ASC and a full lien waiver has been provided to the Lot Owner. This is intended to make certain that everyone involved in the construction process has an incentive to complete their respective jobs properly -- and, within the rules and regulations that have been established to protect the long-term investments of Harbour Watch Property Owners.

- 4.6 **ASC Approvals** A written ASC Approval Letter must be obtained prior to the commencement of any construction on any Lot. In general, rather than issue a blanket denial, the ASC will issue recommendations. All ASC recommendations must be included in the proposed plans and the plans must be resubmitted for approval prior to the issuance of an Approval Letter. The lack of an ASC Approval Letter will constitute denial until such time as all recommended changes are instituted and an ASC Approval Letter has been issued. ASC approvals (Work Permits and Landscaping Plan Approvals) are valid for a period of three hundred sixty-five (365) days from the date of ASC approval. *If construction has not commenced during this period, all plans and accompanying documents must be resubmitted to the ASC for consideration, as if they were a new application.*
- 4.7 **ASC Meetings** Unless specifically noted otherwise, the ASC will hold regular meetings at least once monthly (on the first Tuesday of each month) and special meetings upon three (3) days notification by the ASC Chairperson. **Submissions for the review process must be received at least fourteen days prior to the next meeting.** Depending upon their complexity, late submissions may not be reviewed until the following meeting. (See Section III above)
- 4.8 **Positive, Productive Attitudes** In an attempt to avoid misunderstandings, **applicants are asked to meet with the ASC to review issues in a constructive and positive manner.** Everyone involved should make an effort to maintain a very positive attitude throughout the review process.

## SECTION V - STANDARDS OF DESIGN & CONSTRUCTION

The ASC does not favor any one particular style or period of architecture, but merely promotes designs that successfully integrate the structure(s) into the surrounding landscape and the remainder of the community. All construction must comply with the general aesthetic standards established by the ASC as well as with all of the Protective Covenants. **Previously approved construction (features, materials, designs, etc.) shall not constitute precedence.** The ASC reserves the right to disapprove any features of design/construction that it may have allowed in the past. At this time, modular homes or modular type homes, as well as log cabin style homes, are not considered appropriate for construction in

Harbour Watch. The following is a summary of some of the more pertinent design and construction standards for Harbour Watch. Additional requirements may be imposed upon “spec homes” as seen in Section 5.17.

5.1 **Minimum Sizes of Homes (heated living space)** The following minimum approvable square footage limits shall apply to Harbour Watch. These are minimum requirements. *Proposed dwellings that utilize more favorable architectural qualities (ex. masonry exteriors, higher entrance elevations, higher pitch roofs, architectural shingles, and other higher quality architectural features) may be approved with smaller square footage requirements than proposed dwellings without all of these features.* The ASC will only approve these minimum sizes if the construction quality is extremely high (i.e. masonry construction, heavy trim, covered porches, ornamental molding, extensive landscaping, etc.) higher minimums will be required for other homes.

5.1.1 *Lots #23 – 50, #77 – 107, #133 – 140, and #178 – 189: All single family homes shall have a minimum of two thousand (2000) square feet of heated living space.*

5.1.2 *Lots #51 – 64, #108 – 132, #150, #152 – 155, and #191 – 197: All single family homes shall have a minimum of eighteen hundred (1800) square feet of heated living space.*

5.1.3 *Lots #1 – 22, #65 – 76, #141 – 149, #151, #156 – 177, #190, #198 – 226 and #264 - 267: All single family homes shall have a minimum of sixteen hundred (1600) square feet of heated living space.*

5.2 **Swimming Pools** No “aboveground” pools shall be erected, constructed or installed on any Lot. The ASC recommends that approved safety fencing be installed around all pool areas for safety and liability reasons.

5.3 **Flood Requirements** All residential structures constructed on a lot shall have a minimum first floor elevation as required by the County of Lexington in order to meet or exceed the level of the 100-year flood as designated on official Lexington County flood plain maps on file with the Lexington County Planning Commission; and, shall be designed and constructed in compliance with the requirements of the Lexington County Building Code relating to construction in flood hazard areas.

5.4 **Building Setbacks** No vertical construction greater than eighteen (18) inches in height above natural grade (measured from vertical surface) will be permitted within building setback areas.

5.4.1 *The exact location of all homes must be approved by the ASC before the foundation is poured. Each home should be designed to its particular site. The appropriate setbacks for each Lot/home will differ, depending on the design characteristics of the home and the landscape. However, the following **minimum setback** restrictions shall serve as guidelines:*

5.4.1.1 *No home may be located nearer than **twenty-five feet (25')** to any road right of way unless waived or approved by Declarant, Developer or the ASC (i.e.*

waived by Declarant and/or Developer on the recorded plat or approved for a variance). The 25' setback from any road right-of-way in Phase V(a) has been waived so that the ASC may allow reduced setbacks (*no less than 20' from right-of-way*) on certain lots where deemed reasonable and beneficial by the Developer or by majority vote of the ASC.

5.4.1.2 *The minimum building setback requirements for **interior (side/rear) lot lines is ten feet (10')**, unless a variance is granted by the County, the Developer, and the ASC (i.e. waived by Declarant and/or Developer on the recorded plat and/or approved for a variance) and a variance of any utility easements is granted by Declarant, Developer and/or POA, in which case the minimum building setback, as reserved in the Protective Covenants, will still apply. The 10' setback from side lines in Phase II and Phase V(a) has been waived so that the ASC may allow reduced setbacks on certain lots where deemed reasonable and beneficial by Developer or by majority vote of the ASC. Said reduced setbacks should be rare and in no case may any setback be reduced to less than eight feet (8') in Phase II or to less than five feet (5') in Phase V(a). Setback restrictions in the Protective Covenants do not apply to the 75' buffer line (along Lake Murray) which shall have no minimum setback imposed by the ASC other than the required utility easements as shown on the recorded Plats.*

5.4.1.3 *Eaves, overhangs, pools, detached buildings, patios, driveways, stairs, decks, and the like may extend beyond the setback line if approved by the County, and Developer or the POA. Each home is to be designed to its site. In passing on the acceptability of a home, the ASC will consider plans in good faith.*

5.4.1.4 *The ASC and Developer have reserved the right to grant exceptions to some of the building setback requirements. Developer or the POA may, for good cause, waive violations of the minimum setback restrictions above. Such waiver must be in writing and recorded in the Register of Deeds office for Lexington County. Such recording shall be conclusive evidence that the requirements hereof have been met. However, nothing herein shall be deemed to allow the Developer or the POA to unilaterally waive violations that must be approved by an appropriate governmental authority.*

## 5.5 **Exterior Appearances**

- Harbour Watch is intended to be a very well kept community. Exteriors of all homes must be kept neat and clear of clutter. *Each Owner shall be responsible for maintaining his Lot in a neat, clean and sanitary condition, and such responsibility shall include the maintenance and care of all exterior surfaces of all dwellings, buildings and other structures and all lawns, trees, shrubs, hedges, grass and landscaping.*
- All homes should include an **enclosed, (double) garage** (side entry where feasible). Front entry garages should include upgraded, “designer” doors.
- *Chain link fences and brightly colored, white, and high-gloss fences are prohibited on any Lot within Harbour Watch.*

- No foil or other reflective materials shall be used on any windows for sunscreens, blinds, shades or other purpose, nor shall any window-mounted heating or air-conditioning units be permitted.
- *All homes shall be elevated at a minimum of one and one half (1½) feet above ground level, excluding approved basements. (see section 5.14.1 for detail)*
- *The exterior of all homes shall be composed primarily of a **masonry substance** with the exception of some hardboard siding with the specific approval of the ASC. The primary siding of the home, whether it be brick, stone, stucco, or approved hardboard siding, should comprise at least approximately 75% of the siding of the home. It is not considered to be in keeping with the community to have homes with a different siding on the front that is not on the other three sides, i.e. hardi-plank homes with brick on the front/street side only. The preferred **exterior materials** are brick, stone, and stucco. High quality, natural wood (cedar and cypress) siding may perform well in this environment as long as exterior stains are properly maintained. Technological advances are being made every year in the construction industry. These advances may produce an acceptable vinyl or masonry composite material such as “Hardi-plank.” The ASC will consider samples of these new materials, taking into consideration aesthetics, color, durability, etc. *At the present time, “masonite,” aluminum and vinyl siding construction, as the primary external surface, are not considered to be in keeping with the community. Although vinyl siding is often indistinguishable from wood when viewed at a distance, when examined from just a few feet, or touched, the imitation quality is obvious. Over the years, prejudices have developed and many people currently consider vinyl siding to be an “inferior” choice of siding. However, new alternatives such as “Cedar Impressions” (small, expensive, thick vinyl panels that give the appearance of cedar shakes) may be considered for some uses. Vinyl or aluminum may be used in the soffits and eaves. Vinyl trim and high quality vinyl on dormers will be considered on a case-by-case basis. Plastic/vinyl lattice is not acceptable as an accent construction material. The choice of exterior siding is very important. The ASC believes that the perception of Harbour Watch may suffer if the use of “inferior” and/or non-durable alternatives is not discouraged.**
- Storage “sheds” must be attached to the house, with a foundation, and match the house in color, materials and design. Free-standing storage “sheds” are prohibited.
- The **preferred roofing materials** are architectural grade shingles and/or pre-finished (non-reflective, non-gloss) metal roofs. Composite fiberglass shingles should be mildew resistant and should weigh at least 280 pounds per square.
- Any metal chimneys, vents, and exposed **metallic flashing** must be painted to diminish their reflective properties. It is also recommended that plumbing vents which are visible from the road be colored to match the roofing material. Roof gutters and **downspouts** must be painted to match the surrounding trim and/or siding.
- *Each Owner of a home shall provide visually-screened areas to serve as service yards in which garbage receptacles, fuel tanks (if not buried), gas and electric meters, air conditioning equipment, materials, supplies, and equipment must be placed or stored in order to conceal them from view from roads and adjacent properties from all directions, including the lake. Any such visual barrier shall generally be at least six (6) feet high and shall consist of fencing or other screening approved by the ASC. All garbage cans, above-ground tanks and other similar items shall be located or screened so as to be*

*concealed from view of neighboring Lots, streets and property located adjacent to the Lot.* The ASC may grant an exception to allow visual barriers of at least four (4) feet in height where the barrier is deemed to be of sufficient quality and items less than four (4) feet tall are stored therein. The best approach will likely be a combination of built enclosure and vegetation. Vegetation that is used for screening should be of the evergreen varieties that do not lose their screening properties in the winter time. Screening should blend in with the surrounding landscaping. Therefore, enclosures that are used for screening should be in low impact, earth tone colors that blend in with the surrounding environment.

- All fuel tanks must be buried. Homeowners shall plan for the location of their fuel tank during the pre-construction phase and submit their request for approval to the ASC. The ASC has made some exceptions to the policy in the past, thus allowing for some fuel tanks not to be underground. This however, is not meant to “set precedent”. In rare cases, owners with extenuating circumstances (such as the installation of a tank in an area with a large amount of rock present, after construction of the home has already been completed), tanks have been allowed to be placed on a temporary basis in the visually screened service yard. However, because the ASC has adopted a policy of notifying all lot owners of the requirement to bury fuel tanks prior to the construction of homes, these special exceptions shall not serve as precedent to allow exceptions in the future.

## 5.6 **Landscaping**

5.6.1 **A Landscape Concept Discussion** must be submitted with the ASC Final Review Application. This “plan” will be used for future planning and conversational purposes only. Homeowner should be prepared to explain his/her “vision” of their proposed landscaping (ex. traditional South Carolina plantings, coastal, tropical, or mostly floral, etc.). Homeowner should also discuss whether they intend to add something that is unusual to their final landscaping, i.e. fountains, rock gardens, Asian gardens, terraces, etc. Discussion should also include as much information that is currently known concerning HVAC and service yard locations and a conceptual plan as to how you will shield these areas from view.

5.6.2 **A Final Landscape Plan** must be submitted to and approved by the ASC prior to application for a Certificate of Occupancy (CO). *Landscaping on new homes shall be completed within sixty (60) days of issuance of a Certificate of Occupancy.* Compliance Deposits shall not be refundable until after the Landscape Plan is fully installed. If the Landscape Plan is not fully installed within sixty (60) days following issuance of the Certificate of Occupancy, the Lot Owner may be fined by the ASC and/or the Landscape Plan may be completed by the ASC. The cost of said fine(s) and/or completion shall constitute a default assessment and a lien on subject Lot as per Article VI of the Protective Covenants. “Spec” homes that are substantially complete, where work is no longer being performed on an on-going basis for more than sixty days (60 days), and without a Certificate of Occupancy are expected to be fully landscaped.

- 5.6.3 **Landscaping plans** must show all HVAC and service yard screening, house foundation plantings on all sides of the house, lawn areas, pine straw areas, shrubbery beds, swales, berms, French drains and natural areas for entire lot. *Some portions of the yard (i.e. the streetscapes) will be landscaped and manicured while other portions (i.e. the Vegetative Buffer Areas) will be set aside and maintained in a more natural state.* In general, front yards are intended to be landscaped and highly manicured, while the rear yards are intended to be mostly natural (except for foundation plantings). Where feasible, side yards shall include a mixture of mature and younger plantings designed to protect privacy. It is recommended that a minimum of 3 gallon - 5 gallon plants be used for the initial foundation plantings, especially in the front and sides of the house. Large, bushy shrubs or trees planted in the front or side yards that are intended to be privacy screening are to be considered on a case by case basis. "Lake view" easements and privacy landscaping can not be valued one over the other.
- 5.6.4 **Irrigation Systems** In order to maintain lawn areas and shrubbery beds in a healthy and attractive manner, an **underground irrigation system will be required.** An irrigation plan, including location of spray heads, pumps, valve boxes, etc., must be included in the Landscape Plan. *No individual water system or well of any type shall be maintained, drilled or permitted on any Lot without the express written permission of Developer or the ASC.*
- 5.6.5 Grass lawns will generally be permitted to extend into the road right-of-way; however, (in order to avoid damage to the roads) **sprinkler heads and drainage pipes** should not be buried immediately behind the curb. Drainage pipes should be connected to the nearest storm drain catch basin or to the roadside under drain, where available.
- 5.6.6 The ASC reserves the right to disapprove any type of grass, plants, trees, mulch, bedding material, sprinklers, etc. that it shall deem unsuitable for use in a certain location both on one's lot and in the buffer areas. White lattice is not acceptable as a landscape material.
- 5.6.7 *All lakefront lots in Harbour Watch border a 75' vegetative buffer zone along the shoreline that adds a sense of nature to every yard, softens the visual characteristics of the shoreline, and preserves the sensitive ecosystems in the shallow waters. SCE&G owns and regulates the SCE&G 75' Vegetative Buffer Zone. SCE&G has restricted this area and must be contacted to approve any alterations therein. Any proposed activity in this area which may affect the natural environment, vegetation, underbrush and/or trees, (including planting, removal, or disturbance of any type) must receive approval in advance from the ASC and SCE&G. The ASC may not allow certain activity in this area even if SCE&G approves of the said activity. The vegetative buffer zone must be protected with silt fence during construction activities. **The vegetative buffer zone should be maintained in its present, natural condition. The ASC and HWPOA do not promote landscaping of any kind in the buffer zone.** Some natural thinning of the tree canopy in the vegetative buffer zone may occur over time. If trees die from natural causes (i.e. wind, lightening, age, etc.), then the POA may recommend replacement of lost vegetation; however, many environmental experts recommend that the tree canopy*

- not be allowed to become so dense as to prohibit adequate sunlight from reaching low growing vegetative ground cover within the 75' buffer. **Proper approved ground cover will help protect against soil erosion and help filter impurities from surface water run-off prior to entering Lake Murray.** In any case, permission must be obtained from SCE&G and the ASC and HWPOA prior to any such removal, planting or replacement by a property owner.
- 5.6.7.1 **Recreational items** such as picnic tables, chairs, hammocks, etc. may be placed in the 75-foot vegetative buffer zone with prior written approval from the ASC. These items must blend in with the natural setting; be easily removable; and, must not be permanently placed. Any item placed in the buffer zone must not disturb the natural environment.
- 5.6.8 Most interior lots border on the **nature trails** and have **vegetative buffers areas**. These areas (generally the rear 10'-15' of the interior lots) are intended to remain natural. *These buffers are intended to preserve the natural setting of the community, while also preserving and improving the privacy of the residents. Any proposed activity which may affect the natural environment, vegetation, underbrush and/or trees, (including planting, removal, or disturbance of any type) within the Vegetative Buffer Areas must be approved in advance by the ASC.* The ASC discourages any unnatural activities in the vegetative buffer areas (such as the clearing of existing vegetation or the planting of grasses or "imported" plants). However, the ASC may approve activities such as irrigation systems, the planting of "indigenous" plants, and the clearing of a narrow, "zigzagged" path connecting the home site to the nature trail system. Vegetative buffer must be protected with **silt fence** during construction.
- 5.6.8.1 In order to preserve the **privacy** of neighboring lots, recreational items, including playground equipment, should not encroach into the vegetative buffer zone behind interior lots.
- 5.6.9 For traffic safety reasons, no shrubbery or trees will be allowed to obstruct the visibility of the roadside area. Generally, any planting that is done in or near the road right-of-way should be no more than two or three feet in height. Corner lots should pay particular attention to roadside landscaping to ensure a clear view.
- 5.6.10 Excessive use of pesticides, herbicides, fertilizers, and other hazardous chemicals is prohibited within Harbour Watch. If necessary, the use of non-hazardous, organic alternatives is recommended.
- 5.6.11 Landscape plans shall be sensitive to the natural local conditions including such factors as water and sunlight requirements. Irrigation and turf shall be extended to the area along the road. Indigenous plants should be utilized when possible.
- 5.6.12 All "decorative" structures (such as flagpoles, fountains, bird baths, statues, etc.) to be placed in the front yards must be approved in writing by the ASC as to style, material, color, location, etc. In general, fountains, urns, flower pots and trellises, etc. are

acceptable as long as they are situated close to the house and are bordered or surrounded by shrubbery and blend or complement the house in a low-impact fashion. Also, items such as benches in the yard may be acceptable as long as they are natural and low-impact in color and complemented by shrubbery. One American flag may be displayed in the front yard without prior ASC approval; however, a free-standing flagpole must be approved prior to placement. Any additional flags must be limited to one per household, e.g. seasonal flags, holiday flags, special occasion flags, mascot flags, or state flags, etc. If the flag size is over six square feet, the flag must be approved by the ASC. Seasonal decorations, such as for Fall/Halloween or Christmas, do not require prior approval from the ASC as long as they are not excessive and are not placed in the front yards for an unreasonable amount of time before or after the holiday. Items in the rear yards are to be less restricted and may be required to be submitted for approval to the ASC if a complaint about such item is brought to the ASC by a POA member. This clarification for the rear yard is in addition to the requirement to seek ASC approval for swing sets, back yard structures, landscape screening, fencing, swimming pools, landscape lighting, etc. All items that are considered offensive or obscene are not acceptable.

- 5.6.13 Significant landscape modifications or improvements must receive prior approval from the ASC. Debris caused from landscape maintenance or modifications must be removed in a timely manner. Removal of dead trees must receive prior approval from the ASC and debris from such work must be removed within one week. Yard debris, such as lawn or shrubbery clippings, should not be disposed of in common areas, vacant lots, vegetative buffer areas, or the 75-foot buffer zone.

## 5.7 **Horizontal Improvements**

- 5.7.1 Any horizontal improvements such as driveways, walkways or retaining walls must be approved by the ASC. In order to reduce the impact of accessing one's driveway, one may vertically cut down the curb up to 3 inches. So not to disrupt the designed water flow in the gutter portion of the curb and gutter, the curb cut cannot be closer than 10" to the asphalt street line. Adding any type of filler to the curb and gutter is not permitted.
- 5.7.2 Horizontal improvements may not be placed closer than five feet (5') feet to any side property line save for driveways, which may be no closer than three (3) feet from the side line (and the extension of the side line to the road right-of-way) unless a variance has been granted. The ASC may grant a variance allowing driveways within one foot (1') of the side line for that portion of the side line that is over 12 ½ feet back from the curb of the road.
- 5.7.3 All driveways and walkways shall be constructed of concrete (unless specifically approved otherwise by the ASC). Most lots will only be allowed one curb-cut for driveway access. Circular driveways will generally be discouraged (In the past, circular driveways have been allowed in rare instances – primarily for certain corner lots where special needs with reduced impact were demonstrated and along the portion of Breezy Pointe Lane near Sunrise Pointe, where the road has no cul-de-sac turnaround.)

5.7.4 Contractors shall install **stone mud-mats** (size 1-3, or designated mud-mat stone is recommended) at the site's future driveway location in order that vehicles may have a solid, mud-free surface upon which to drive. Contractors are responsible for cleaning the curb and removing road debris caused by construction activities. Cleanings should be performed on a regular basis – see section VIII - Fines.

## 5.8 **Signs**

5.8.1 *No sign or other advertising device of any nature shall be placed upon any part of the Property except as provided herein. Signs and other advertising devices may not be erected, placed or maintained on any Lot or any portion of the Common Property unless approved in writing by both the ASC and Developer as to color, location, nature, size, and other characteristics. In no instance will an Owner be allowed to erect or maintain a "sale" or "rent" sign to advertise the resale or rental of a Lot or dwelling within the Property, in the 75 foot lakefront buffer, on gazebos, on fixed piers or floating docks, or along the shoreline. (Signs in windows are **not** allowed). Notwithstanding the foregoing, Developer, its successors, nominees, and assigns shall be allowed to place and maintain signs in connection with identification and information anywhere on the Property and along the shoreline. A sales board has been provided outside the entrance gates in order to allow Owners to advertise properties for sale. Homeowners may utilize the 9" x 12" all-weather brochure boxes on the sales board to offer brochures to prospective purchasers. Lot Owners may advertise their lots by listing the lot number, asking price, and contact number on the list of Available Lots. Homeowners and Lot Owners are not allowed to put flyers in newspaper boxes unless approved in advance by the HWPOA. Flyers will be permitted for charity or community interest (i.e. HW Adopt-a-highway) as long as submitted by an individual community member. Flyers intended for solicitation, e.g. sales of homes, services, business opportunities, etc. are not permitted for distribution in newspaper boxes.*

5.8.2 The General Contractor may be allowed to erect one (1) sign during the construction period (from the date of issuance of the Harbour Watch Work Permit until the date of issuance of a Certificate of Occupancy). Such sign shall be limited in size to 18 inches by 24 inches, and must be mounted on an approved frame in a manner approved by the ASC. Small "Spec Home" sign may be posted on front of sign/post, if applicable (contact Harbour Watch staff for approved sign). County Building Permit and Harbour Watch Work Permit shall be posted on the rear side of the sign. Other contractors and subcontractors will not be permitted to place their signs on any Lot.

5.8.3 Signs not complying with the provisions of this Section may be removed and disposed of by the ASC or Developer.

5.8.4 Property owners will be permitted to erect one small (max 6" x 12") sign indicating the property lot number. This lot number sign must be professionally constructed and erected with a 1" x 2" wooden picket.

## 5.9 **Portable Outdoor Toilet Facilities**

- 5.9.1 Portable outdoor toilet facilities must be provided during construction. They may not be placed on location prior to a final construction approval of the ASC and must be removed promptly upon completion of construction.
- 5.9.2 Facilities may be placed only in a location approved by the ASC. Facilities must only be placed on the construction site and not on neighboring lots.
- 5.9.3 Effluent removed from the facilities may not be disposed of in the Harbour Watch sanitary sewer system.

5.10 **Care of Specimen Trees During Construction**

- 5.10.1 *All reasonable efforts should be made to protect the “landmark” trees within Harbour Watch.* All specimen trees, as designated by the ASC, must be protected from damage during construction. Specimen trees are generally hardwoods larger than 18 inches in diameter.
- 5.10.2 Batter boards and/or filter cloth shall be erected prior to lot clearing and maintained throughout the construction process around any specimen trees as designated by the ASC.
- 5.10.3 Excavation and installation of underground utilities will be performed in such a manner as to avoid damaging the root system of specimen trees.
- 5.10.4 No fill, excavation, or trenching may take place less than fifteen (15) feet from the base of specimen trees. Consult a tree specialist if you wish to build near a specimen tree. Pruning and other special care may be required in order to save these trees.

- 5.11 **Garden Walls and Fences** Garden walls and fences must be approved by the ASC. *No wall or fence shall be erected, placed or altered on any Lot nearer to any street than the minimum setback line unless the same be a retaining wall of masonry construction which does not in any event rise above the finished grade elevation of the earth embankment so retained, reinforced or stabilized, except that this restriction shall not apply to fences or walls which have been approved by the ASC. The exposed part of retaining walls shall be made of a clay brick, natural stone, stucco, or veneered with brick or natural stone, and the finished side of fences must be the side exposed to view by those outside of the Lot.* Fences are generally discouraged but may be considered on a case by case basis. *Chain link fences* and brightly colored, white, and high-gloss fences *are prohibited* on individual Lots. The preferred fencing material is a decorative black iron fence, similar to the one surrounding the pool area. Underground “invisible” fencing is the preferred method for exterior pet containment.

- 5.12 **Mail, Newspaper & Information Boxes** *Mail and newspaper boxes must conform to size, style and color of Harbour Watch mailboxes as approved by the ASC.* At the present time, the standard mailbox dimensions are 19”L x 6”W x 9”H. The next larger size mailbox (22”L x 8” W x 11”H) may be used with prior written approval from the ASC. Information boxes for the sale of homes are not allowed. **A sales board has been provided** outside the entrance gates in order

to allow Owners to advertise properties for sale. Homeowners may utilize the 9” x 12” all-weather brochure boxes on the sales board to offer brochures to prospective purchasers. Lot Owners may advertise their lots by listing the lot number, asking price and contact number on the list of Available Lots.

5.13 **Satellite Dishes** *No exterior television or radio antennas or satellite dishes of any kind shall be placed, allowed or maintained upon any Lot or other portion of the Property, without the prior written consent of the ASC. The ASC must approve the **location** of satellite dishes, which must be no more than eighteen (18) inches in diameter and must be placed in an inconspicuous or concealed location. A typical installation might be on the outside wall within the screened utility enclosure.*

5.14 **Design Parameters**

5.14.1 *All homes shall be elevated at a minimum of one and one half (1½) feet above ground level, excluding approved basements. As further clarification: Harbour Watch shall have a minimum of 1.5 feet from finished floor to the existing grade with a minimum of 1.5 feet of exposed foundation at the entrance elevation. Measurement of this requirement will be from the bottom of the front entrance door threshold to the bottom of the first entry step. These elevations pertain to lots above flood requirements. The ASC is encouraging an "elevated" appearance on the entry elevation.*

5.14.2 The minimum roof pitch for all dwellings shall be 7 to 12; however, higher pitches are recommended; and, the ASC reserves the right to require steeper roofs – depending on the design of the particular home. Lower pitches may be approved on certain roof cuts on homes with multiple roof angles.

5.15 **Exterior Lighting** *It will be the responsibility of each individual Lot Owner to ensure that all lighting is used in such a manner not to be considered a nuisance or annoyance to the surrounding Lots. The ASC shall have the authority to administer, control and prohibit any and all exterior lighting to include the authority to require the use of timers, motion detectors, hoods and/or shields in order to minimize the impact of such lighting on neighboring Lots. The reasonable use of exterior Holiday lights from 12:01am on Thanksgiving Day until 11:59 pm on New Years Day shall be exempt from these provisions. All exterior lighting (except landscape lighting, holiday lighting, etc. specifically approved by the ASC) must be operated by motion detectors and/or timers. Non-timed direct light rays should be shielded from view by others.*

5.16 **Recreation Equipment** Swing sets, trampolines, play houses, etc. may be approved on a case-by-case basis. Generally, they will be approved only for the back yard and screened from view from the street. To lessen the visual impact of recreation equipment from neighboring lots, the ASC may recommend that some landscaping be used to “soften the view”. Permanent basketball goals and posts are not permitted on individual lots. Portable basketball goals may be allowed on a case-by-case basis so long as they are stored in a proper location, not visible from the street, when not in use. The noise level when using recreation equipment must be kept to a reasonable minimum in order to avoid a “nuisance” factor for neighboring homeowners. The use of

recreational equipment that may be deemed to cause a nuisance shall be limited to the hours of 7:00 AM till 10:00 PM.

**5.17 “Spec” Homes** The ASC may recommend “upgrades” to the inside of a “spec” home in order to ensure comparable quality with other homes in Harbour Watch. “Spec” homes that are substantially complete, where work is no longer being performed on an on-going basis for more than sixty days (60 days), and without a Certificate of Occupancy are expected to be fully landscaped.

**5.18 Ready Mixed Concrete/Cement Related Mortar Wash Down Rules**

It is the contractors’ responsibility to provide a suitable post-pour wash down area for all ready mixed concrete delivery trucks and for all job site mortar pans and mixers. This wash down area must be well within the confines of the job site. This area will be designed to eliminate any rinse water discharge off the site that would reach storm sewers and eventually state streams and waters. Some examples of wash water containment methods are as follows: dig a small pit for wash out, provide a gravel based area with sufficient gravel depth to prevent run off, use straw bales or other retention method to block run off.

Cleaning or washing down of concrete trucks and mortar mixers at street level or on vacant lots is strictly prohibited. Wash down areas are for rinsing of truck hoppers/chutes only and washing out of the entire mixing drum is strictly prohibited. **Aside from causing environmental damage, improper disposal of concrete, cement-related mortars and concrete/cement wastes violates state and federal laws and could lead to costly fines and penalties.** It is against federal and state laws to discharge any non-storm water substances, including biodegradable substances, into the storm water collection system, which includes street gutters, storm drains and open channels.

**SECTION VI – DOCKS**

The ASC requires that anyone desiring to construct a dock at Harbour Watch will be required to obtain written approval from the ASC prior to the start of the construction. This approval is in addition to any permits required by SCE&G Lake Management. SCE&G is the governing authority on dock location. SCE&G Lake Management phone number: 803-217-9000

**6.1 The Application Procedure:** The property owner will be required to apply to the ASC in writing and submit the following:

6.1.1 A copy of the approved dock application form from SCE&G.

6.1.2 A site plan showing the location of the dock, including sideline setbacks.

6.1.3 Detailed plans and profile drawings to include dimensions, materials, colors and utilities.

## **6.2 Specifications & Typical Dock Dimensions:**

- 6.2.1 The fixed pier should not extend landward more than 10 feet from the 360° contour and not exceed 4-1/2 feet in width; however, specific site conditions will be taken into consideration. The fixed pier is required to be at a vertical elevation between 360' and 362'. Handrails should not exceed 3'6" in height above the pier surface.
- 6.2.2 The hinged ramp should not exceed 40' in length and handrails should not exceed 3'6" in height above the ramp surface.
- 6.2.3 Floating dock should not exceed 35 feet in overall length. The height of the floating dock should not exceed a height of 2 feet above the waterline. Flotation materials may not be openly visible.
- 6.2.4 Handrails can be used on both the fixed dock and the hinged ramp, but are restricted from use on the floating dock. Railings must be no more than 3'6" above the finished surface. They should have upright 2 x 2 pressure treated pickets which are no more than 6" on center with a cap width not to exceed 8 inches.
- 6.2.5 All lighting on docks must be approved in advance by the ASC. All lighting on docks must be installed in such a manner as to prohibit bright and direct lighting that causes a nuisance for surrounding property owners. Dock lighting must be low voltage, low wattage, and hooded as necessary to prevent causing a nuisance. Motion detectors and/or timers may be required. Exposed wiring is prohibited. (See also, Exterior Lighting Section above).
- 6.2.6 Attached benches and seats are restricted from use on the hinged ramp and floating dock.
- 6.2.7 Attached wooden dock boxes are allowed only on the fixed dock.
- 6.2.8 Boathouses and open style slip coverings are prohibited.

## **6.3 Materials:**

- 6.3.1 All fixed docks and floating docks should be constructed of #1 pressure treated lumber, treated to a retention factor of 0.40 or better. Some composite materials or synthetic lumber, such as Trex, may be acceptable with prior written approval from the ASC. Such composite materials or synthetic lumber must be in natural wood colors in shades of tan, brown or driftwood. Ramps may be constructed of metal (galvanized or painted) with pressure treated lumber for the walk surface.
- 6.3.2 Exposed metal is prohibited on fixed or floating docks.
- 6.3.3 Flotation materials should be rodent-proof (no exposed styrofoam permitted) with a compression factor of at least 1.50.

- 6.3.4 All steel hardware should be primed and coated.
- 6.3.5 All nails, screws, bolts, cleats, and other fasteners should be dipped galvanized or stainless steel, not electroplated.
- 6.3.6 The bumper material should be white or black manufactured rubber material for the intended use.
- 6.3.7 Only semi-transparent stains or bleaching oils are permitted in natural wood colors, such as shades of tan, brown or driftwood. No solid body paints or stains are allowed on the lumber surfaces. Any color added to a dock must have prior written approval from the ASC. Transparent waterproofing of the dock that does not change the natural color of the wood on the dock needs no prior approval and is considered routine maintenance.

**6.4 Site Planning for Docks:**

Typical dock setbacks are as follows:

Side lot line extension setback	15'
Neighboring and opposite dock separation	50'

As a standard design criterion, the overall dock length is not to exceed 100' as measured along the dock surface from the beginning of the fixed dock to the end of the floating dock. As a general rule, two opposite docks should not exceed 25% for each dock of the overall dimension from shore to shore. A minimum of 50% of this distance should be maintained as circulation space for maneuvering boats. Individual boat ramps are prohibited.

- 6.5 **Maintenance** Dock owners are required to keep their docks in good repair. Should owners neglect the maintenance of their docks and the docks fall into disrepair, the POA/ASC shall have the right to cure such disrepair as allowed under the Protective Covenants Section 9.04. Expenses incurred by the POA/ASC on behalf of the Lot Owner will be reimbursed to the POA/ASC by the owner as described in the Protective Covenants.

**SECTION VII - SHORELINE PROTECTION**

*No pier, dock, sprinkler, wall, revetment, rip-rap or other structure shall be built, placed or maintained upon or adjacent to any Lot or shoreline except with the specific written approval of the ASC. As to any such structure, approval by the ASC shall be required prior to submission for approvals or permits from South Carolina Electric & Gas Company. Except with the prior written approval of the POA or the ASC, no device or material may be constructed, placed or installed upon any Lot which shall in any way alter the course of natural boundaries of any water way or which shall involve or result in the removal of water from any waterway. This approval is in addition to any permits required from SCE&G Lake Management. Granting of ASC approval does not release the property owner from responsibility of obtaining all permits and all inspections from SCE&G Lake Management. The issuance of a permit by SCE&G does not constitute ASC approval. **Both approvals** must be obtained before any dock or*

shoreline construction begins. Approval is not effective until receipt of appropriate approvals from SCE&G Lake Management and copies of the same are submitted to the ASC and written approval is granted by the ASC.

7.1 **Application Procedure** The property owner will be required to apply to the ASC in writing and submit the following:

7.1.1 A completed application form obtained from the ASC.

7.1.2 A site plan showing proposed alteration of shoreline.

7.1.3 Detailed plans and cross-sections of all proposed alterations including fabric and material selection.

7.2 **Specifications:**

7.2.1 Erosion must be controlled through the use of filter cloth and rip-rap.

7.2.2 Filter cloth shall be heavy grade geo-textile material.

7.2.3 Rip-rap shall be one man granite rip-rap, 25-150 lbs. with heavier weights preferred.

## **SECTION VIII – FINES**

Homeowners are responsible and accountable for any violations by themselves, their guests, and their agents and for those which occur during the building process due to builder and/or sub-contractor non-compliance of Harbour Watch Work Rules and Regulations. The homeowner and builder will both be formally notified in writing when a violation results in a fine. If the violation requires corrective action and is not corrected by the due date, this will be considered justification for additional fines and possible work stoppage. Appropriate fines must be paid prior to resumption of any work. The 12-month completion date still applies when work is stopped for a violation.

<b>Violation</b>	<b>Fine</b>
8.1 Unauthorized tree removal or clearing of Lot without first obtaining a Harbour Watch Construction Permit	\$500.00 per violation. This violation warrants possible expulsion of the responsible Contractor and denial of further construction within Harbour Watch.
8.2 Construction that does not conform to plans approved by the Architectural Standards Committee	\$500.00 per violation and correction. This violation warrants possible expulsion of the contractors and denial of construction within Harbour Watch.

8.3	Non-complying/placed signage	\$100.00 per violation.
8.4	Children / Pets on construction sites	\$100.00 per violation.
8.5	Unauthorized fishing, swimming or other recreation.	\$100.00 per violation.
8.6	Trespass on adjoining lots, docks, or properties, equipment, material storage, etc. <b>Trespass on private property is prohibited without written consent from property owner</b>	\$500.00 per violation and possible prosecution.
8.7	No silt fencing at construction site	\$100 initially. After 3 working days, \$50 per day until installed.
8.8	No trash container on site at commencement of construction or trash container not removed from site in a timely manner	\$100 initially. After 3 working days, \$50 per day until installed or removed
8.9	No portable toilet on site at commencement of construction	\$100 initially. After 3 working days, \$50 per day until installed.
8.10	Unsanitary lot or debris not picked up dirt on curb or road; <b>yard debris improperly disposed</b>	\$100 per occurrence. Each working day shall constitute a separate occurrence.
8.11	Trash fires	\$100 per occurrence.
8.12	Obnoxious noises (loud radios, etc.) or obnoxious behavior (cursing, etc.)	\$100 per occurrence.
8.13	Working during non-approved hours without special permission will be treated as trespassing	up to \$500 and possible prosecution.
8.14	Failure to submit final landscape plan and receive approval prior to issuance Certificate of Occupancy (CO)	\$100 plus \$20/day until submission & approval of Final Landscape Plan
8.15	Incomplete landscaping after 60-days following issuance of CO	\$100 + \$20/day for first 30 days and \$50/day after first 30 days.
8.16	Failure to screen A/C or trash container	\$100 + \$20/day until completion.

from view on all sides

8.17	Incomplete construction after 12-month period	\$100 + \$50/day for first 30 days and \$100/day after first 30 days.
8.18	Construction is abandoned for more than 30-days	\$100 per day until resumption.
8.19	Repair or reconstruction is not completed within 240 days	\$100 per day until completion of repair or reconstruction.
8.20	Failure to comply with Ready Mixed Concrete/Cement Related Mortar Wash Down Rules	\$300 per violation.

All fines shall constitute a default assessment and a lien on subject Lot as provided in Article VI of the Protective Covenants.

### SECTION IX – SCHEDULE OF FEES

9.1 *The ASC may charge a review fee of up to three hundred fifty and no/100 dollars (\$350.00) for initial review, which fee may be increased or decreased from time to time by the POA. Subsequent reviews may require additional fees.*

9.2 The ASC has established the following fees for the review of proposed Construction Plans. All required fees must be paid prior to plan submission. ASC review fees are as follows:

- Initial Review of a single family dwelling \$350.00
- Subsequent Reviews of a dwelling/additions (including pools, decks, fences, covered areas, basketball goals, gym sets, etc.) (\$100.00 fee waived at this time) N/C
- Re-painting or re-staining house, replacement of shingles (\$50.00 fee waived at this time) N/C
- Preliminary Review of Concept Site Approval N/C
- Re-inspection caused by or special meeting requested by owner/builder \$ 50.00  
(This applies to stakeout, toilet placement, trash compliance inspections, etc.)

### SECTION X – MISCELLANEOUS

10.1 The ASC will periodically review the building site to ensure that all construction activity is in accordance with plans approved by the ASC.

- 10.2 *All construction of improvements on any Lot shall be prosecuted diligently to completion and shall be **completed within twelve (12) months of commencement** of Lot clearing activities, unless an exception is granted in writing by the ASC. If an improvement is commenced and construction is then **abandoned for more than thirty (30) days**, or if construction is not completed within the required time period, then fines may be imposed on the Owner of the Lot. Such charges shall be a default assessment and constitute a lien as provided in the Protective Covenants.*
- 10.3 *Each Owner, at his/her expense, shall **connect the sewage disposal line** of his/her dwelling to the sewage collection line provided to serve his/her Lot so as to comply with the requirements of such sewage collection and disposal service of the Town of Lexington, or its successors or assigns.*
- 10.4 *Each Owner is responsible for making arrangements with the Town of Batesburg-Leesville, its successors or assigns, for connection to the water supply line. Water tap fees are the responsibility of the lot owner. Each Owner is responsible for making sure that all requirements are followed. **The water main is under very high pressure. In order to avoid damage, plumbers must install a pressure reducer valve prior to connecting the house to the water main.***
- 10.5 *No Owner shall do or permit any work, construct any improvements, place any landscaping or allow the existence of any condition whatsoever which shall alter or interfere with the drainage pattern of the Property. Owners and Contractors are reminded that the individual lot owners are responsible for the **proper handling of water drainage** crossing over and exiting on individual lots. Land disturbance (including clearing, excavation, construction, etc.) will change the natural flow of water. Prior to any land disturbance, thought should be given as to the handling of all surface and sub-surface water flow. Shallow swales, small berms and/or French drains may be approved in order to properly handle water drainage and maintain a dry construction site. **If any of these techniques are to be utilized (on a temporary or permanent basis) they must appear on the Site Plan and the Final Landscape Plan and be properly marked at time of submittal.** As a general rule, any water that is diverted, collected, concentrated, etc. during or after construction is the responsibility of the Owner and Contractor and may not be “dumped” onto a neighboring lot and may only be dispersed upon any common property with ASC approval.*

## **SECTION XI - ENFORCEMENT OF THE DECLARATION**

The ASC will have the authority to enforce all provisions of the Declaration as they pertain to the ASC. (See Section XIV of the Protective Covenants.)

## **SECTION XII - APPEAL OF ASC RECOMMENDATIONS**

- 12.1 An applicant receiving recommendations from the ASC is advised to revise the plans in accordance with said recommendations and resubmit them to the ASC for approval.
- 12.2 ASC recommendations that are made by unanimous vote of the quorum are final and must be instituted in order to receive an Approval Letter. However, if a recommendation is made by a split vote of the majority of the ASC members, the applicant may request a hearing before the Appeal Board. The request must be made in writing and directed to the chairperson of the ASC.
- 12.3 The ASC chairperson shall convene a meeting of the Appeal Board within fifteen (15) days of receipt of request.
- 12.4 The Appeal Board will initially consist of three (3) members to be appointed by the chairperson of the Board and shall not include current members of the ASC. (When practical, the Appeal Board members should be chosen from a list of past ASC members.)
- 12.5 The Appeal Board may request consultation of other professionals, as it deems necessary.
- 12.6 The Appeal Board will conduct a review of the plans of the applicant.
- 12.7 The appellant will be given an opportunity to speak before the Appeal Board, using appropriate visual aids or consultants.
- 12.8 All Appeal Board members must be present for a quorum. The majority vote of the Appeal Board will constitute a final decision on the matter.

### **SECTION XIII - CONTRACTOR DEPARTMENT**

- 13.1 The Protective Covenants contain numerous provisions relating to contractors, sub-contractors, material delivery personnel and any other agents of Lot Owners doing business in Harbour Watch. In order to prevent noxious and offensive behavior, all visitors will be required to conduct themselves accordingly.
- 13.2 A set of **Work Rules and Regulations for Contractors, Sub-contractors, Employees, Materials Suppliers, and Agents** has been established and may be periodically amended by the Board or by majority vote of the Owners, with the approval of Developer. All contractors must sign a receipt for this document and distribute copies to their employees, sub-contractors, and agents. The general contractor will be responsible for his employees, sub-contractors, and agents.

### **SECTION XIV – AMENDMENT**

The aforementioned rules and regulations may be periodically amended, without notice, by majority vote of the Board or by majority vote of the Owners, with the written approval of Developer while Developer has the right to appoint and remove officers and board members as per the Protective

Covenants. Any preliminary or final plan, marked received, shall be subject to the rules and regulations applicable at that time and upon notification of any amendments and be subject to the changes.

#### **SECTION XV – SEVERABILITY**

This document shall not be rendered invalid or unenforceable should any of the provisions of this document or the application or effect thereof be invalid or unenforceable for any reason and to any extent. These provisions which are not invalid or unenforceable shall be enforced to the greatest extent permitted by law.

#### **SECTION XVI – CAPITALIZED TERMS**

Unless clearly intended otherwise, all capitalized terms herein shall have the same meaning as those utilized in the Protective Covenants.