

ARCHITECTURAL STANDARDS COMMITTEE
RULES and GUIDELINES

Last Revised September 2023

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NOTE:

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

**Unless clearly intended otherwise, all Capitalized Terms herein
shall have the same meaning as those utilized in the Protective Covenants.**

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 (ASC)

All lot owners within Harbour Watch are required to submit a written request to the ASC at harbourwatchasc@gmail.com before conducting major exterior alterations or landscaping changes to their lot or home. The ASC reserves the right to approve or disapprove lot owner requests, using the **Harbour Watch Protective Covenants**, and the **Architectural Standards Committee Rules and Guidelines** as a basis for making determinations.

- 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 – Vb) thereof (Protective Covenants). These guidelines were established to assist all property owners in the planning and construction of their new homes and any lot or existing home exterior improvements. The guidelines are intended to protect the existing property owners and to provide a uniform review process for submission and approval by the ASC. The ASC Rules and Guidelines will be revised from time to time by the Harbour Watch Board of Directors (BOD) 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 Rules and Guidelines contained herein. The ASC will strive to maintain a cohesive architectural character within the community.
- 1.3 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 ASC Rules and Guidelines are intended to clarify the provisions of the Protective Covenants. (See Section 5.01 of the Declaration of Protective Covenants).
- 1.4 All lot and homeowners are urged to review the provisions of the Protective Covenants, in addition to reviewing these rules and guidelines, prior to submitting an application to the ASC.
- 1.5 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 or pathways, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, hot tubs, outdoor fireplaces, fire pits, tennis courts, outdoor athletic equipment, greenhouses, playhouses, awnings, walls, fences, satellite dishes, docks, rip-rap, bulkheads, boat slips and lifts, exterior lights or lamp posts, 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 major 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.

- 1.6 The ASC is not responsible for the enforcement of building codes, the accuracy of drawings, or the quality of work. Neither the Board of Directors (BOD), nor the ASC shall be liable in any way for losses arising out of the application for and/or the construction of any improvements on any Lot.
- 1.7 *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.*

SECTION II - ADMINISTRATION OF ASC

The Board of Directors (BOD) 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 Rules and 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 the BOD.

- 2.1 The regular term of office for each member may be three (3) years coinciding with the fiscal year of the POA. The membership shall be composed of no more than nine (9) members. 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.

- 2.2 The ASC may elect a Chairperson, a Vice-Chairperson, and a Secretary. Election of officers shall be conducted annually. In the Chairperson's absence, the Vice-Chairperson may preside over meetings. One member of the ASC shall serve as liaison to the Board.
- 2.3 With BOD approval, 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 reasonable notification by the chairperson of the date, time, and place of the meeting.
- 3.3 A quorum requirement will have been met if a majority of the ASC members are in attendance at any regular or special meeting.
- 3.4 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.
 - 3.4.1 For 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 to allow the chairperson to cast the deciding vote.
 - 3.4.2 All unanimous decisions of the ASC will be final. In the case of a split vote of the ASC members, the decision is appealed pursuant to the procedures set forth in (Section XIV) hereunder.
 - 3.4.3 Applicants will be notified in writing or via email 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 XI, 11.1) of this document.**
 - 3.4.4 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.

SECTION IV – NEW HOME CONSTRUCTION PLAN
SUBMISSION PROCEDURES

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

4.1 **General:** Construction within Harbour Watch, including site preparation, shall not begin before the following items have been accomplished:

- Submission of one complete set of **Construction Plans**, with **Elevation Drawings**, and **Site Plan** to the ASC.
- **Pre-Construction meeting with ASC** has been conducted.
- **Final Review Application** including all colors, samples, exhibits, etc. has been completed and submitted.
- **Review Fee** (currently \$350.00) made payable to “Harbour Watch POA” has been paid.
- **Refundable Compliance Deposit** (currently \$2,000.00) made payable to “Harbour Watch POA” has been paid.
- Signed copies of the following documents have been returned to the ASC:
 1. **Construction Statement of Understanding and Abidance** form,
 2. **Construction Access Agreement**
 3. **Protective Covenants** document
 4. **Propane Tank Certification**
 5. **Land Clearing Approval** form
 6. **ASC Rules and Guidelines** document
- Final Construction Plans have been approved and **Harbour Watch Construction Work Permit** has been issued in writing or email by the ASC.

4.2 **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.*

4.2.1 Proposed General Contractors must submit to the ASC a Certificate of Insurance, a current South Carolina Homebuilder/Contractor license, and may be asked to provide references of recently completed building projects.

4.2.2 A digital copy of the Certificate of Occupancy (CO) shall be presented to the ASC upon completion of construction, before refund of any Builder Compliance Deposit funds.

4.3 **Application Requirements:** To provide a systematic and uniform review of proposed construction, the ASC has established the following submission requirements and approval procedures.

4.3.1 **Preliminary Submission by Lot Owner of Schematic Presentation/Architectural Renderings (Optional):** At the option of the applicant, an artist's rendering or a schematic rendering of a proposed improvement may be submitted by lot owner 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

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 to save an applicant time and expense in pursuing a design that would ultimately be disapproved.

- 4.3.2 **Submission of Site and Construction Plans for Review:** One complete set of full-sized **Construction Plans**, and one copy of the **Site Plan** with **Exterior Elevations** must be submitted to the ASC, along with a completed **Final Review Application** form.

Site Plan/Registered Survey: One set 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)
- Location of all roads, driveways, walkways, utilities, and other exterior improvements
- North arrow
- Delineation of proposed disturbed site area and location of silt fencing. Dominion Energy South Carolina (DESC) Vegetative Buffer shall not be disturbed and must be protected by silt fencing
- Roof plan and foundation plan with porches, decks, solid underpinning, stoops, stairways, outdoor fireplace, etc.
- Location and identification of special features, (i.e., drainage ditches, swales, berms, easements, adjacent structures, docks, swimming pools, fences, retaining walls, foundations, etc.)

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 and doors
- All overhangs of floors and roofs above (shown as dashed lines)

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
- Location and type of any screening

Detailed Drawings: (one set) of typical wall section, patio-wall section (if applicable), and other features desirable for clarification, i.e., exterior walls, screens, pools, etc.

- 4.4 **Pre-Construction Meeting:** Prior to ASC Final Review of all new home submissions, a Pre-Construction Meeting between the home builder, the lot owner(s), and the ASC will be scheduled and held at the clubhouse. This meeting will provide an opportunity for all parties involved to communicate in a positive and productive atmosphere, and to discuss and answer any questions about the process for building in Harbour Watch.
- 4.4.1 Prior to the time of the Pre-Construction Meeting, 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, trees shall be flagged that are to be retained. An on-site review will then be made by the ASC and a report filed with the application prior to final consideration for approval by the ASC.
- 4.4.2 All required plan submission documents, review fees, and compliance deposits will be collected by the ASC at this meeting and reviewed for completeness. Signed copies of required documents will be collected and maintained by the ASC.
- 4.4.3 Samples of exterior home materials and colors must be submitted at the time of Pre-Construction Meeting.
- 4.4.4 ASC expectations for a **Final Landscaping Plan** (Section VI, 6.1) will be discussed, along with detailed plan to address water drainage issues due to the topographical challenges within Harbour Watch.
- 4.4.5 At this time, the ASC will assign an **ASC Site Manager** as an additional point of contact, who will periodically review and conduct on-site visits to the new home construction site to ensure that all construction activity is in accordance with plans approved by the ASC.
- 4.5 **Builder Responsibilities:** General Contractor acknowledges and agrees on behalf of themselves and all agents, to comply with the ASC Rules and Guidelines, Protective Covenants, and all rules and regulations of Harbour Watch.
- 4.5.1 General Contractors are required to post a **Compliance Deposit** in the amount of \$2,000 with the POA to ensure compliance (by the General Contractor and all agents)
- 4.5.2 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 any 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 process is intended to make certain that everyone involved throughout the construction 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.
- 4.5.3 Contractor shall provide a suitable post-pour **concrete wash down area**, within the confines of the job site, for all ready mixed concrete delivery trucks and for all job site mortar pans and mixers. Cleaning or washing down of concrete trucks and mortar mixers at street level or on vacant lots is **strictly prohibited**. Material wash down of any type must be contained on the construction site to prevent entry into the street and the stormwater drainage system. 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.
- 4.5.4 **Portable outdoor toilet facilities** must be provided during new home construction, with the general location to be identified on lot plans during the Pre-Construction Meeting.
- 4.5.4.1 Portable outdoor toilet facilities may not be placed on location prior to a final construction approval and receipt of the Builder Permit from the ASC and must be removed promptly upon completion of construction.
- 4.5.4.2 Facilities may be placed only in a location approved by the ASC. Facilities must only be placed within the construction site and not on neighboring lots or Common Property.
- 4.5.4.3 Effluent removed from the facilities may **not** be disposed of in the Harbour Watch sanitary sewer system.
- 4.5.5 Contractor shall identify the proposed location of the **dumpster** on the lot plans, with general location to be identified during Pre-Construction Meeting. Dumpster location shall ensure easy access for removal/replacement to so that no damage to existing HW roads and curbs occurs.
- 4.5.6 Contractors shall install **stone mud-mats** (#3-#5, or designated mud-mat stone is recommended) at the construction site future driveway location in order that vehicles may have a solid, mud-free surface upon which to drive.
- 4.5.6.1 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 XI, 11.4).
- 4.5.6.2 In order to reduce the physical impact of accessing the driveway, property owners 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.

4.5.7 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. Other contractors and subcontractors will not be permitted to place their signs on any Lot. Signs not complying with these rules may be removed and disposed of by the ASC

4.5.8 Contractor will be responsible for repair to any existing roads, curbs, and other community property within Harbour Watch that may be damaged by them or their agents, during the construction process.

4.6 **Completion Timeline:** *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*

4.7 **ASC Final Review and Vote:** Following the Pre-Construction Meeting, all plan submissions will be brought to the committee for final review and quorum vote. Results of ASC final vote upon submitted plans shall be forwarded in writing to the applicant reflecting an approval or outlining required plan changes. An **ASC Approval Notification** must be obtained prior to the commencement of any construction on any Lot. When feasible, 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 Notification. The lack of an ASC Approval Notification will constitute denial until such time as all recommended changes are instituted and an ASC Approval Notification 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.*

SECTION V – NEW HOME STANDARDS OF DESIGN

APPROVED WORK HOURS

for construction activities in Harbour Watch are:

7:00 a.m. – 7:00 p.m. Monday – Friday and 8:00 a.m. – 5:00 p.m. on Saturday

NO CONSTRUCTION ACTIVITIES MAY BE CONDUCTED ON:

Sundays, Christmas Day, New Year’s Day, Memorial Day, 4th of July, Labor Day, or Thanksgiving Day, except by special emergency permit to be issued by the ASC on a case-by-case basis.

The ASC reserves the right to periodically review and conduct on-site visits to the new construction site to ensure that all construction activity is in accordance with plans approved by the ASC.

The ASC does not favor any one 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 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.

- 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 **Home Design Parameters:** *All homes shall be elevated at a minimum of one and one half (1½) feet above ground level, excluding approved basements.*

- 5.2.1 Harbour Watch homes shall have a **minimum of 1.5 feet of exposed foundation above existing grade on all sides of the home**, excluding approved basements. These elevations pertain to lots above flood requirements. The ASC encourages an "elevated" appearance at the entry.
- 5.2.2 The minimum **roof pitch** for all dwellings shall be 7/12, however, higher pitches are recommended. The ASC reserves the right to require steeper roofs, depending on the design of the home. Lower pitches may be approved on certain roof cuts on homes with multiple roof angles.
- 5.2.3 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.
- 5.2.4 All homes should include an **enclosed, (double) garage** (side entry where feasible). Front entry garages should include upgraded, "designer" doors.
- 5.2.5 All homes shall have a minimum **indoor ceiling height** of nine (9') foot.
- 5.3 **Utility Installation:** Property owners are responsible for contracting local providers of utility service for installation and connections to their lot.
- 5.3.1 *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 to comply with the requirements of such sewage collection and disposal service of the Town of Lexington, or its successors or assigns.*
- 5.3.2 Each Owner is responsible for scheduling 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 are required to install a pressure reducer valve prior to connecting the house to the water main.**
- 5.4 **Surface Water Drainage:** *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.*
- 5.4.1 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 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.

5.4.2 Any water that is diverted, collected, concentrated, etc. during or after construction is the responsibility of the property owner and Contractor and may not be allowed to divert or drain onto a neighboring lot or HW Common Property. Water may only be dispersed upon any HW Common Property with prior ASC written approval.

5.5 **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.

5.6 **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. *The exact location of all homes must be approved by the ASC before the foundation is poured.* Each home should be designed to its specific lot. *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:*

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

5.6.2 *The minimum building setback requirements for **interior (side/rear) lot lines** is **ten feet (10')**, unless a variance is granted by the County, the BOD, and the ASC (i.e. waived by BOD on the recorded plat and/or approved for a variance) and a variance of any utility easements is granted by the BOD, 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 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.

5.6.3 *Eaves, overhangs, pools, detached buildings, patios, driveways, stairs, decks, and the like may extend beyond the setback line if approved by the County, and ASC. Each home is to be designed to its site.*

5.6.4 The ASC and the BOD have reserved the right to grant exceptions to some of the building setback requirements. *The BOD 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 BOD to unilaterally waive violations that must be approved by an appropriate governmental authority.

- 5.7 **Exterior Appearances:** *Property owner responsibility includes the maintenance and care of all exterior surfaces of all dwellings, buildings, and other structures as well as all lawns, trees, shrubs, hedges, grass, and landscaping.*
- 5.7.1 Exterior of home and construction site must be kept neat and free of clutter throughout construction.
- 5.7.2 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.
- 5.7.3 All homes shall be **elevated at a minimum of one and one half (1½) feet above existing grade on all sides of the home**, excluding approved basements.
- 5.7.4 *The exterior of all homes shall be composed primarily of a **masonry substance, fiber cement board siding (Hardie Plank)**, or with ASC approval, traditional hardboard siding. The primary siding of the home, whether it be brick, stone, high quality stucco, fiber cement board, 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., Hardie Plank homes with brick on the front/street side only. The preferred **exterior materials** are brick, stone, high-quality stucco, fiber cement board siding, or masonry composite siding. High quality, natural wood (cedar and cypress) may also be considered. Accent materials 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.*
- 5.7.5 Any metal chimneys, vents, and exposed metallic flashing must be painted to match the roof to diminish their reflective properties. Roof gutters and downspouts must be painted to match the surrounding trim and/or siding, unless approved by the ASC.
- 5.7.6 Any exposed areas under porches or patios shall be covered with appropriate solid underpinning or screening, and painted or stained in coordinating home colors, as approved by the ASC.
- 5.7.7 *Each Owner of a home shall provide visually screened areas to serve as service yards in which garbage receptacles, fuel tanks, gas and electric meters, air conditioning equipment, generators, 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. A combination of built enclosure and vegetation may be required in order to*

properly screen these areas and must be approved in advance by the ASC. Landscaping that is used for screening should be of the evergreen varieties that do not lose their screening properties in the wintertime. Hardscape screening should be low impact and blend in well with the surrounding environment and are limited in size and color.

- 5.8 **Fuel Tanks:** 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.
- 5.9 **Retaining Walls and Fences:** Garden walls and fences must be approved by the ASC. Fencing is used as a method to enclose an area of the yard and attaches to the home on two sides. *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.*
- 5.9.1 Fences are generally discouraged but may be considered on a case-by-case basis. Chain link, wooden, brightly colored, and white fences are prohibited on individual lots.
- 5.9.2 Fences in Harbour Watch must be approved by the ASC and should consist of a black wrought iron or black powder-coated aluminum material, be 4' (feet) in height, and placed approximately 1' (one foot) inside the property line.
- 5.9.3 All fencing should be visually screened from the road with landscaping. Fencing shall require evergreen or other ASC approved landscaping to soften the aesthetic appearance wherever fencing is visible from the street view.
- 5.9.4 Fencing coverage shall not exceed approximately 1/3 (one-third) of the lot.
- 5.9.5 Underground "invisible" fencing is the preferred method for exterior pet containment, with prior ASC approval.
- 5.10 **Mail, Newspaper & Information Boxes:** *Mail and newspaper boxes must conform to size, style and color of Harbour Watch mailboxes as approved by the ASC.* No permanent decoration or alterations may be made to the exterior of the mailbox. 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 approval from the ASC.

SECTION VI – NEW HOME LANDSCAPING REQUIREMENTS

During the Pre-Construction Meeting, the homeowner shall express their concept for plant and hardscape material landscaping.

- 6.1 **Final Landscaping Plan:** Homeowner Final Landscaping Plan shall be submitted to the ASC prior to receipt of Certificate of Occupancy (CO), and include the following elements:
- HVAC and service yard screening
 - Foundation Plantings around home
 - Lawn areas, pine straw/mulch areas, and shrubbery beds
 - Surface Water Drainage from lot
 - Underground irrigation system
 - Proposed Decorative landscaping
 - Proposed Recreational Equipment
- 6.2 **HVAC & Service Yard Screening:** Homeowner shall include on the Final Landscaping Plan information concerning the HVAC, utilities, generators, and service yard locations with a conceptual plan as to how these areas will be concealed from view. Landscaping that is used for screening should be of the evergreen varieties that do not lose their screening properties in the wintertime. When planted, they should be of at least the height of the HVAC or other utility equipment. Hardscape screening requires the advance approval by the ASC and should be low impact, blend in well with the surrounding environment, and are restricted in size, material, and color. Wherever screening is required, it may consist of hardscape or plant materials. **White lattice is not acceptable as a landscape material.**
- 6.3 **Foundation Plantings:** Foundation planting is required on all sides of the house. It is required that a minimum size of 7-gallon plants be used for the initial foundation plantings.
- 6.4 **Lawn Areas:** Landscape plans shall be sensitive to the natural local conditions including such factors as water and sunlight requirements. Grass lawns will generally be permitted to extend into the road right-of-way.
- 6.4.1 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. New home landscaping shall incorporate sod.
- 6.4.2 In general, front yards are intended to be landscaped and kept maintained, while the rear yards are intended to be mostly natural (except for foundation plantings).
- 6.4.3 Where feasible, side yards shall include a mixture of mature and younger plantings designed to provide privacy.
- 6.4.4 All DESC vegetative buffer zones must be protected with silt fence during construction activities

- 6.5 **Surface Water Drainage:** Homeowner shall discuss their plan for water drainage from their lot, due to the topographical challenges within Harbour Watch. Landscaping Plan shall depict all swales, berms, French drains, etc. meant to divert water away from lot owner and neighboring lots.
- 6.6 **Irrigation System:** Irrigation and turf shall be extended to the area along the road. Drainage pipes should be connected to the nearest storm drain catch basin or to the roadside under drain, where available. An irrigation plan, including location of spray heads, pumps, valve boxes, etc., must be included in the Landscape Plan. No individual wells are permitted.
- 6.7 **Decorative Landscaping:** Homeowner should discuss whether they intend to add something that is unique to their final landscaping. All decorative structures including, but not limited to flagpoles, lampposts, fountains, and bird baths to be placed in yards must be approved in advance by the ASC as to style, material, color, location, and quantity. Additionally, ASC approval is required for such items as back yard structures, landscape screening, fencing, swimming pools, landscape lighting, satellite dish, and generators. Screening for such items must be approved by the ASC in advance and is restricted in size, material, and color. If a complaint about decorative landscaping is received by a POA member, removal or relocation of item may be required, as determined by the **Harbour Watch Rules and Regulations**. All items that are considered offensive or obscene are not acceptable.
- 6.7.1 **Statues** of any size shall not be permitted in the front yard of a home. However, statues may be placed on the front porch of a home or stoop and may not exceed 24” (inches) in height. Statues placed in the backyard must not be visible from the street view. Statues that have received prior written approval from the ASC may be exempted. Those items that have been previously approved shall not serve as precedence for approval of other statues.
- 6.7.2 Larger decorative items in moderation including, but not limited to fountains, urns, gazing balls, bird baths, trellises, and benches, must be located close to the house and be surrounded by shrubbery. These items should blend in or complement the house in a low-impact fashion and may only be in earth tone colors. Written approval from the ASC is required prior to installation.
- 6.7.3 **Flowerpots** may be placed close to the front of the house within the foundation planting area, and may be located on the ground, hung from a decorative hook, placed on the front porch, at the base of entry stairway, or in front of garage frames without prior ASC approval. Flowerpots shall be complementary to the home in color and properly maintained throughout the year. Artificial flowers are not permitted in the front of homes. Additional flowerpots of any size to be placed away from the foundation of the home require prior approval from the ASC, and may only be placed in mulch, pine straw, rock, or flower beds.
- 6.7.4 Decorative items in moderation including, but not limited to wind chimes, whirlybirds, and decorative metal art may be placed close to the house within the foundation planting area.
- 6.7.5 Deer resistant screening, wiring, or string is not permitted in the front of the home.

- 6.7.6 One free standing **flagpole** for an American flag must be approved in design and location by the ASC prior to installation.
- 6.7.7 **Raised gardens** require approval from the ASC before installation. Gardens are not permitted in the front of a home and should not be visible from the street view. If placed in the side or rear yard, they may require screening, as determined by the ASC. Garden beds are not to exceed 4' (feet) x 6' (feet) in size.
- 6.7.8 Permanent or portable **fire pits** and chimneys shall not be visible from the street and must be approved by the ASC prior to installation.
- 6.8 **Recreation Equipment:** Recreational equipment including, but not limited to swing sets, trampolines, playhouses, backyard structures, pools, hot tubs, and koi ponds require approval by the ASC prior to installation. To lessen the visible impact from the street or neighboring lots, the ASC may require screening to soften the view. Screening must be approved by the ASC in advance and are restricted in size, material, and color. If a complaint about any recreational equipment is received by a POA member, removal or relocation of item may be required, as determined by the **Harbour Watch Rules and Regulations**. All items that are considered offensive or obscene are not acceptable
- 6.8.1 Permanent goals and posts, including but not limited to, basketball and soccer, are not permitted on individual lots. Portable goals may be allowed as long as they are stored in an area not visible from the street when not in use.
- 6.9 **Tree Preservation:** During construction extra care should be taken so that no damage to "specimen trees" occurs. *All reasonable efforts should be made to protect the "landmark" trees within Harbour Watch.*
- 6.9.1 All trees marked to save on a lot must be protected from damage during construction. As a result of construction activity, any subsequent tree damage or loss, including within the Common Areas, is the responsibility of the homeowner to remove and possibly replace.
- 6.9.2 Excavation and installation of underground utilities will be performed in such a manner as to avoid damaging the root system of specimen trees. No fill, excavation, or trenching may take place within the canopy drip line of saved trees.
- 6.10 **Landscaping Completion Requirement:** *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 in an on-going basis for more than sixty days (60 days), and without a Certificate of Occupancy are expected to be fully landscaped.

SECTION VII – MAJOR CHANGES OR LANDSCAPING TO EXISTING HOMES

APPROVED WORK HOURS

for construction activities in Harbour Watch are:

7:00 a.m. – 7:00 p.m. Monday – Friday and 8:00 a.m. – 5:00 p.m. on Saturday

NO CONSTRUCTION ACTIVITIES MAY BE CONDUCTED ON:

Sundays, Christmas Day, New Year’s Day, Memorial Day, 4th of July, Labor Day, or Thanksgiving Day, except by special emergency permit to be issued by the ASC on a case-by-case basis.

Homeowners wishing to conduct **major** exterior home or landscaping changes to their home or lot requiring work performed by a contractor or landscaping company are required to submit a written request to the ASC at harbourwatchasc@gmail.com, and receive an ASC approval before commencing work. **Approvals issued by the ASC are valid for a period of six (6) months.** If approved work has not started during this period, a new request must be submitted to the ASC for consideration. Work may not start until the ASC issues a new approval.

The ASC reserves the right to periodically review and conduct on-site visits to the existing home site to ensure that all construction or landscaping activity is in accordance with plans approved by the ASC.

Homeowners will be held liable for any fines that may be issued as a result of violations as per the **Harbour Watch Covenants, Work Rules and Regulations, or ASC Rules and Guidelines** on behalf of their hired contractors or landscapers.

Major homeowner construction or landscaping projects may require the submission of additional information from the homeowner, contractors, or landscapers, as described below.

7.1 **General:** Major construction or landscaping changes within Harbour Watch, including site preparation, shall not begin until the following checklist items have been accomplished:

- **Submission of request** sent to ASC, including a detailed overview of proposed project, to include diagram or drawing of project, depicting lot lines, dimensions, applicable materials colors, etc.
- **Mini Pre-Construction Meeting** with ASC representative has been conducted
- **Construction Access Agreement** has been executed by Owner, Contractor, and ASC.
- **Refundable Compliance Deposit** (currently \$350.00) made payable to “Harbour Watch POA” has been paid.
- **Final Project Plans** have been approved and issued in writing or email by the ASC.

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

7.3 **Builder:** General Contractors shall submit to the ASC a Certificate of Insurance, a current South Carolina Homebuilder/Contractor license, and references of recently completed building projects.

- 7.4 **Application Requirements:** To provide a systematic and uniform review of proposed construction, the ASC has established the following submission requirements and approval procedures. The following information should be sent to the ASC prior to scheduling the Mini Pre-Construction Meeting.
- 7.4.1 Submission of detailed project plan to include applicable lot diagram or drawing with dimensions, project materials, design, colors, timeline for completion, etc.
 - 7.4.2 Name of desired contractor or landscaping company.
 - 7.4.3 Proposed timeline for construction or project completion.
- 7.5 **Mini Pre-Construction Meeting:** Prior to ASC approval, a Mini Pre-Construction Meeting between the homeowner and the ASC will be scheduled. The contractor or landscaper may be required to attend the Mini Pre-Construction meeting. The Mini Pre-Construction meeting may be held at the clubhouse, or on-site at the homeowner property. All required project documents and Compliance Deposit will be collected by the ASC at this time.
- 7.5.1 Homeowner or contractor will provide hard copy of project plans to be maintained by ASC Site Manager and used as reference material throughout construction, as necessary.
 - 7.5.2 Signed **Construction Access Agreement** to be collected.
 - 7.5.3 Collection of refundable Mini Construction Compliance Deposit in the amount of \$350 made out to Harbour Watch POA.
 - 7.5.4 Contractor to provide Certificate of Insurance, Contractor License, and may be required to provide references of recently completed projects.
 - 7.5.5 For projects utilizing concrete or mortar, contractor shall propose a suitable post-pour **concrete wash down area**, within the confines of the job site, for all ready mixed concrete delivery trucks and for all job site mortar pans and mixers. Cleaning or washing down of concrete trucks and mortar mixers at street level or on vacant lots is strictly prohibited. Material wash down of any type must be contained on the construction site to prevent entry into the street and the stormwater drainage system. 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.
 - 7.5.6 Project completion date will be determined. Mini Construction projects should be completed within 6 (six) months, after receiving ASC approval. Homeowner should submit a formal request to extend the completion date if construction will not be completed within allotted timeframe.

- 7.5.7 An **ASC Site Manager** will be assigned to the Mini Construction project, to monitor construction progress and maintain an open channel of communication between the homeowner and ASC. The ASC will periodically conduct on-site visits to the construction site to ensure that all construction activity is in accordance with plans approved by the ASC.
- 7.5.8 Expectations for homeowner and contractor to abide by the **ASC Rules and Guidelines** throughout the project, acknowledging that applicable fines will be assessed for violations, (as per Section XI Fines).
- 7.6 **Final Walkthrough:** A final inspection by ASC members to be conducted upon completion of project to ensure that project was completed as per ASC approved plans.

SECTION VIII – MINOR CHANGES OR LANDSCAPING TO EXISTING HOMES

APPROVED WORK HOURS

for construction activities in Harbour Watch are:

7:00 a.m. – 7:00 p.m. Monday – Friday and 8:00 a.m. – 5:00 p.m. on Saturday

NO CONSTRUCTION ACTIVITIES MAY BE CONDUCTED ON:

Sundays, Christmas Day, New Year’s Day, Memorial Day, 4th of July, Labor Day, or Thanksgiving Day, except by special emergency permit to be issued by the ASC on a case-by-case basis.

Exterior home changes and landscaping projects require an ASC Approval Notice prior to the commencement of work. Request may be sent to harbourwatchasc@gmail.com. **ASC approvals are valid for a period of six (6) months.** If approved work has not started during this period, a new request must be submitted to the ASC for consideration. Work may not start until the ASC issues a new approval.

Homeowners will be held liable for any fines that may be issued as a result of violations as per the **Harbour Watch Covenants, Work Rules and Regulations, or ASC Rules and Guidelines** on behalf of their hired contractors or landscapers.

8.1 **Lakefront 75’ Vegetative Buffer Zone:** *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.* Dominion Energy South Carolina (DESC) owns and regulates the 75’ Vegetative Buffer Zone.

8.1.1 *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 Dominion Energy South Carolina. Dominion Energy South Carolina has restricted this area and must be contacted to approve any alterations therein. The ASC may not allow certain activity in this area even if DESC approves of the said activity.*

8.1.2 **The DESC vegetative buffer zone should be maintained in its present, natural condition.** The ASC and BOD 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, disease, etc.), the BOD 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 DESC and the ASC prior to any such removal, planting, or replacement by a property owner.

8.2 **Interior Lots Bordering Common Areas:** Most interior home lots border on the nature trails or common areas. In order to preserve the privacy of neighboring lots, recreational items, including but not limited to playground equipment, pools, hot tubs, fire pits, seating areas, etc. should not encroach into the POA Common Area.

8.3 **Roadside Visibility:** 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 and maintained by the homeowner. Corner lots should pay particular attention to roadside landscaping to ensure a clear view.

8.4 **Decorative Landscaping:** All decorative structures including, but not limited to flagpoles, lampposts, fountains, and bird baths to be placed in yards must be approved in advance by the ASC as to style, material, color, location, and quantity. Additionally, ASC approval is required for such items as back yard structures, landscape screening, fencing, swimming pools, landscape lighting, satellite dish, and generators. Screening for such items must be approved by the ASC in advance and are restricted in size, material, and color. If a complaint about decorative landscaping is received by a POA member, removal or relocation of item may be required, as determined by the **Harbour Watch Rules and Regulations**. All items that are considered offensive or obscene are not acceptable.

8.4.1 **Statues** of any size shall not be permitted in the front yard of a home. However, statues may be placed on the front porch or stoop of a home and may not exceed 24" (inches) in height. Statues placed in the backyard must not be visible from the street view. Statues that have received prior written approval from the ASC may be exempted. Those items that have been previously approved shall not serve as precedence for approval of other statues.

8.4.2 Larger decorative items in moderation including, but not limited to fountains, urns, gazing balls, bird baths, trellises, and benches must be located close to the house and be surrounded by shrubbery. These items should blend in or complement the house in a low-impact fashion and may only be in earth tone colors. Written approval from the ASC is required prior to installation.

- 8.4.3 **Flowerpots** may be placed close to the front of the house within the foundation planting area, and may be located on the ground, hung from a decorative hook, placed on the front porch, at the base of entry stairway, or in front of garage frames without prior ASC approval. Flowerpots shall be complementary to the home in color and properly maintained throughout the year. Artificial flowers are not permitted in the front of homes. Additional flowerpots of any size to be placed further away from the foundation of the home require prior approval from the ASC, and may only be placed in mulch, pine straw, rock, or flower beds.
- 8.4.4 Decorative items in moderation including, but not limited to wind chimes, whirlybirds, and decorative metal art may be placed close to the house within the foundation planting area.
- 8.4.5 Deer resistant screening, wiring, or string is not permitted in the front of the home.
- 8.4.6 One free standing **flagpole** for an American flag must be approved in design and location by the ASC prior to installation.
- 8.4.7 **Raised gardens** require approval from the ASC before installation. Gardens are not permitted in the front of a home and should not be visible from the street view. If placed in the side or rear yard, they may require screening, as determined by the ASC. Garden beds are not to exceed 4' (feet) x 6' (feet) in size.
- 8.4.8 Permanent or portable **fire pits** and chimneys shall not be visible from the street and must be approved by the ASC prior to installation.
- 8.5 **Recreation Equipment:** Recreational equipment including, but not limited to swing sets, trampolines, playhouses, backyard structures, pools, hot tubs, and koi ponds require approval by the ASC prior to installation. To lessen the visible impact from the street or neighboring lots, the ASC may require screening to soften the view. Screening must be approved by the ASC in advance and are restricted in size, material, and color. If a complaint about any recreational equipment is received by a POA member, removal or relocation of item may be required, as determined by the **Harbour Watch Rules and Regulations**. All items that are considered offensive or obscene are not acceptable
- 8.5.1 Permanent goals and posts, including but not limited to, basketball and soccer, are not permitted on individual lots. Portable goals may be allowed as long as they are stored in an area not visible from the street when not in use.
- 8.6 **Yard Debris:** Debris caused from landscape maintenance or modifications must be removed in a timely manner. **Yard debris, such as lawn or shrubbery clippings, should not be disposed of in Common Areas, construction dumpsters, vacant lots, or the 75-foot DESC Buffer Zone.** Removal of dead trees must receive prior approval from the ASC and debris from such work must be removed within one week.
- 8.7 **Driveways and Horizontal Improvements:** Any horizontal improvements including, but not limited to driveways, walkways, or retaining walls must be approved by the ASC.

- 8.7.1 In order to reduce the physical impact of accessing the driveway, property owners 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.
- 8.7.2 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 property line (and the extension of the side property 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 property line.
- 8.7.3 All driveways and walkways shall be constructed of concrete (unless specifically approved otherwise by the ASC). Any staining, stamping, or painting of concrete surfaces must be approved by the ASC.
- 8.8 **Signs:** *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 or in the 75-foot lakefront buffer zone. Signs not complying with the provisions of this Section may be removed and disposed of by the ASC.*
- 8.8.1 Lot 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.
- 8.9 **Retaining Walls and Fences:** Garden walls and fences must be approved in advance by the ASC. Fencing is used as a method to enclose an area of the yard and attaches to the home on two sides. *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.*
- 8.9.1 Fences are generally discouraged but may be considered on a case-by-case basis. Chain link, wooden, brightly colored, and white fences are prohibited on individual Lots.
- 8.9.2 Fences in Harbour Watch must be approved by the ASC and should consist of a black wrought iron or black powder-coated aluminum material, be 4' (feet) in height, and placed approximately one 1' (one foot) inside the property line.
- 8.9.3 All fencing should be visually screened from the road with landscaping. Fencing shall require evergreen or other ASC approved landscaping to soften the aesthetic appearance wherever fencing is visible from the street view.

- 8.9.4 Fencing coverage shall not exceed approximately 1/3 (one-third) of the lot.
- 8.9.5 Underground “invisible” fencing is the preferred method for exterior pet containment, with prior ASC approval.
- 8.10 **Mail, Newspaper & Information Boxes:** *Mail and newspaper boxes must conform to size, style and color of Harbour Watch mailboxes as approved by the ASC.* No permanent decoration or alterations may be made to the exterior of the mailbox. 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 approval from the ASC.
- 8.11 **Solar Panels:** No solar panels shall be placed, allowed, or maintained upon any lot without the prior approval from the ASC. Approval requests must show the location, dimensions, shape, and material for the requested improvement. Consideration should be given to installing these items in an inconspicuous or concealed location.
- 8.11.1 Solar panels that are readily visible from the lake or street are not permitted.
- 8.11.2 All panels must be flush mounted with the roof pitch, and of a solid color that blends with the roof color. All exterior mounted devices must be non-glossy to minimize any potential glare.
- 8.11.3 All exterior wiring and electrical boxes must be screened from view. No ground mounted solar panel systems will be permitted.
- 8.11.4 All solar installations must be done by a licensed and insured contractor and comply with applicable building codes, utility codes, and permitting requirements.
- 8.12 **Satellite Dish:** No exterior antenna or Satellite dish shall be placed, allowed, or maintained upon any lot without the prior approval from the ASC. The location must be approved in advance by the ASC and may not be more than eighteen (18”) inches in diameter and must be placed in an inconspicuous location and screened from view.
- 8.13 **Exterior Lighting:** The ASC shall administer, control, or prohibit any exterior lighting, including but not limited to home, landscaping, docks, and pathways, etc. ASC approval is required prior to installation of any exterior wired or solar lighting. Sidewalk or driveway lights on the front of the home should be placed between four feet (4’) and seven feet (7’) apart. The use of timers, motion detectors, hoods or shields may be required to minimize visual impact. Non-timed direct light rays should be shielded from view at all times.
- 8.13.1 All exterior lighting shall be “Soft White” color and brightness. It will be the responsibility of the homeowner to ensure that lighting is used in a manner not to be considered a nuisance or annoyance to the surrounding lots.

SECTION IX – 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 Dominion Energy South Carolina. DESC Lake Management is the governing authority on dock location.

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

- A copy of the approved dock application form from Dominion Energy South Carolina (DESC).
- A site plan or photo showing the location of the dock, including sideline setbacks.
- Detailed profile drawings to include dimensions, materials, proposed colors, and utilities.

9.2 **Specifications & Dock Dimensions:** In addition to all DESC building codes and restrictions, the lot owner must ensure all HW dock building requirements are met.

9.2.1 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.

9.2.2 The hinged ramp should not exceed 40' in length and handrails should not exceed 3'6" in height above the ramp surface.

9.2.3 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.**

9.2.4 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.

9.2.5 **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 minimize visibility by others. Motion detectors or timers may be required. Exposed wiring is prohibited. (Section VIII, 8.13).

9.2.6 Attached benches and seats are restricted from use on the hinged ramp and floating dock.

9.2.7 Attached wooden dock boxes are allowed only on the fixed dock.

9.2.8 Boathouses and open style slip coverings are prohibited.

- 9.3 **Materials:** 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
- 9.3.1 Exposed metal is prohibited on fixed or floating docks.
 - 9.3.2 Flotation materials should be rodent proof (no exposed Styrofoam permitted) with a compression factor of at least 1.50.
 - 9.3.3 All steel hardware should be primed and coated.
 - 9.3.4 All nails, screws, bolts, cleats, and other fasteners should be dipped galvanized or stainless steel, not electroplated.
 - 9.3.5 The bumper material should be white or black manufactured rubber material for the intended use.
 - 9.3.6 **Only semi-transparent stains or bleaching oils are permitted in natural wood colors, such as shades of tan, brown or driftwood.** Solid body stains or 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.
- 9.4 **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 BOD or the ASC shall have the right to cure such disrepair as allowed under the Protective Covenants Section 9.04. Expenses incurred by the POA on behalf of the Property Owner will be reimbursed to the POA by the owner as described in the Protective Covenants.

SECTION X - SHORELINE PROTECTION

*No pier, dock, sprinkler, wall, revetment, riprap, 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 Dominion Energy. Except with the prior written approval of the BOD 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 Dominion Energy South Carolina Lake Management. Granting of ASC approval does not release the property owner from responsibility of obtaining all inspections and permits from DESC. The issuance of a permit by DESC does not constitute ASC approval. **Both approvals** must be obtained before any dock or shoreline construction begins. Copies of approval documents and permits obtained from DESC Lake Management must be submitted to the ASC for recording purposes.*

10.1 **Application Procedure:** The property owner will be required to apply to the ASC by submitting the following:

- A site plan showing proposed alteration of shoreline.
- Detailed plans and cross-sections of all proposed alterations including fabric and material selection.
- Proof of prior approval from DESC and copy of Building Permit.

10.2 **Erosion Control and Riprap:**

10.2.1 Erosion must be controlled through the use of filter cloth and riprap.

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

10.2.3 Riprap shall be one man granite riprap, 25-150 lbs. with heavier weights preferred.

SECTION XI – 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** and **ASC Rules and Guidelines**. The homeowner and builder will both be formally notified in writing or email when a violation occurs and if/when it 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. The 12-month completion date still applies when work is stopped for a violation.

Violations which may incur immediate fine without prior ASC warning:

Violation	Fine
11.1 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
11.2 Construction that does not conform to plans approved by the Architectural Standards Committee (ASC)	\$500.00 per violation and correction. This violation warrants possible expulsion of the contractor and denial of future construction within Harbour Watch
11.3 Trespass on adjoining lots, docks, or properties, equipment, material, storage, etc. Trespass on private property or HW Common Property is prohibited without written consent from property owner or ASC	\$500.00 per violation and possible prosecution
11.4 Failure to comply with Ready Mixed Concrete/Cement Related Mortar Wash Down Rules	\$500 per violation
11.5 Trash fires	\$500 per violation
11.6 Incomplete construction after 12-month period without prior ASC approved extension	\$1000 fine
11.7 Exterior home repair, remodel, addition, or pool is not completed within ASC approved timeline or extension	\$500 fine

Violations that will receive ASC warning prior to issuance of fine:

	Violation	Fine
11.8	Non-compliant or improperly placed signage	\$100.00 per violation
11.9	Children or pets on construction site	\$100.00 per violation
11.10	Unauthorized fishing, swimming or other recreation	\$100.00 per violation
11.11	No silt fencing, or installation not maintained throughout construction	\$100 initially, with subsequent fines if noncompliant after warning period or with additional violations
11.12	No trash container/dumpster on site at commencement of construction, not emptied when full, or not removed from build site upon completion	\$100 initially, with subsequent fines if noncompliant after warning period or with additional violations
11.13	No portable toilet on site at commencement of construction, or a damaged or nonfunctional unit	\$100 initially, with subsequent fines if noncompliant after warning period or with additional violations
11.14	Unsightly lot or debris/trash not removed, dirt on curb or road; yard waste or debris improperly disposed	\$100 initially, with subsequent fines if noncompliant after warning period or with additional violations
11.15	Obnoxious noises (loud radios, etc.) or obnoxious behavior (cursing, etc.)	\$100 per occurrence
11.16	Working during non-approved hours without special permission	\$100 initially, with subsequent fines per continued or additional violations
11.17	Failure to submit final landscape plan and receive ASC approval prior to issuance of Certificate of Occupancy (CO)	\$300 initially, with subsequent fines if noncompliant after warning period
11.18	Incomplete landscaping after 60-days following issuance of CO	\$300 initially, with subsequent fines if noncompliant after warning period
11.19	Failure to screen HVAC, trash containers, generators, satellite dish, etc. from view on all sides	\$100 initially, with subsequent fines if noncompliant after warning period

11.20	Failure to screen play equipment, backyard structures, fencing, etc. from street view	\$100 initially, with subsequent fines if noncompliant after warning period
11.21	Construction is abandoned or delayed for more than 30 days	\$100 initially, with subsequent fines if noncompliant after warning period

All fines shall constitute a default assessment and a lien on subject Lot as provided in Article VI of the Protective Covenants. **Construction fines shall be deducted from Builder Compliance Deposit, billed to the Homeowner, or applied as a lien.**

SECTION XII - CONTRACTOR DEPARTMENT

- 12.1 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. To prevent noxious and offensive behavior, all visitors will be required to conduct themselves accordingly.
- 12.2 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 ASC. These Work Rules must be posted on the jobsite at all times during construction. 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, suppliers, and agents.
- 12.3 Repeated work rule violations and/or excessive non-conforming performance by any builder or sub-contractor shall be grounds for exclusion from working in Harbour Watch at the sole discretion of the ASC.

SECTION XIII - 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 XIV - APPEAL OF ASC RECOMMENDATIONS

- 14.1 An applicant receiving recommendations from the ASC is requested to revise the plans in accordance with said recommendations. The revised plans shall be resubmitted to the ASC for approval.
- 14.2 ASC recommendations that are made by unanimous vote of the quorum are final and must be instituted 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 BOD.
- 14.3 The BOD shall convene a meeting of the Appeal Board within fifteen (15) days of receipt of request.
- 14.4 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.)
- 14.5 The Appeal Board may request consultation of other professionals, as it deems necessary.
- 14.6 The Appeal Board will conduct a review of the plans of the applicant.
- 14.7 The appellant will be given an opportunity to speak before the Appeal Board, using appropriate visual aids or consultants.
- 14.8 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 XV – AMENDMENT

The aforementioned ASC Rules and Guidelines may be periodically amended without notice by the ASC, with approval from the BOD. Any preliminary or final plan, marked received, shall be subject to the ASC Rules and Guidelines applicable at that time, and upon notification of any amendments shall be subject to those changes.

SECTION XVI – 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.