



Pointe Harbor Owners Association Inc.

Environmental Control Committee Guidelines & Boat Lift Policy

*Ret: Pointe Harbor HOA
PO Box 8253
Bl^{oo} Seneca Sc 29678*

01156

Last Updated: February 28, 2019

[Signature]

Board Member

[Signature]

Board Member

[Signature]

Witness

[Signature]

Witness

Sworn to and scribed before me
on February 28th at Seneca, SC

Helen Westmoreland

Helen Westmoreland
Notary Public for State of SC
My Commission Expires: June 2, 2020



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FILED OCONEE COUNTY, SC
ANNAK DAVISON
REGISTER OF DEEDS



**Pointe Harbor
Table of Definitions**

The following list of definitions is for the document entitled *Environmental and Lake Buffer Guidelines*.

Community	Pointe Harbor
Developer	Crescent Communities S.C., LLC
Association	Pointe Harbor Owners Association, Inc.
County	Oconee County
The Lake	Lake Keowee
ECC	Environmental Control Committee
The Guidelines	Environmental and Lake Buffer Guidelines
Mature Trees	Trees 4" caliper and Larger
Lake Buffer Area	The Waterfront Setback that is fifty (50) feet from the 800' m.s.L contour or five (5) feet from the 804' m.s.L contour, whichever is greater.
Septic Inspection Contractor	The contractor selected by the Association to inspect septic systems as provided in the Declaration.

ENVIRONMENTAL AND LAKE BUFFER GUIDELINES

INTRODUCTION

These Environmental and Lake Buffer Guidelines (the "Guidelines") have been prepared by the ECC for the Community. The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions for the Community (the "Declaration"). The Guidelines consist of two components: Environmental Guidelines and Lake Buffer Guidelines, as set forth below. All defined terms used in the Guidelines, as indicated by their initial capitalization, shall have the same meanings ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be used in conjunction with the Declaration. If there is an express conflict between the terms of the Declaration and the terms of the Guidelines, the terms of the Declaration shall control and prevail; provided, however, the mere fact that the terms of the Guidelines may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict, and in such case the most restrictive provision shall control and prevail. Of course, in the event governmental or quasi-governmental rules, regulations or requirements that are applicable to the Community are more restrictive or more stringent than the terms of the Declaration and/or the terms of the Guidelines, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

GUIDELINES AND THE ECC

The Guidelines have been established to provide Lot Owners and their builders with a set of parameters for (i) the preparation of plans and drawings for Lot Improvements and/or Dock and Pier Improvements ("Site Improvement Plans"), and (ii) the general application of the "Lake Buffer Guidelines." Each Lot Owner and each Lot Owner's building team should become familiar with the Guidelines and the process set forth herein for the submittal, review and approval of Site Improvement Plans. If building in the Community for the first time, Lot Owners and their builders are encouraged to consult the ECC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ECC has been created to explain and assist in the review process as well as to review, approve, or disapprove Site Improvement Plans. It is the ECC's objective to best control and monitor construction activity as it relates to Erosion Control and to protect the Lake Buffer Area and the Lake itself from silt infiltration.

Schedule E also contains a Glossary of Terms to supplement the Table of Definitions.

FUTURE AMENDMENTS

The ECC reserves the right to amend any or all provisions of the Guidelines periodically and at any time, in the sole and absolute discretion of the ECC.

All Site Improvement Plans shall be prepared in compliance with the most current version of the Guidelines (and all amendments thereto) that has been promulgated by the ECC at the time such Site Improvement Plans are prepared.

ENVIRONMENTAL & LAKE BUFFER GUIDELINES

1. PROCEDURES AND APPROVALS

1.1. Site Improvement Plans Review Process

Prior to the commencement of any construction activity of any type (including any grading work) on any Lot, a Request for Review (using Schedule A or Schedule B) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ECC. The ECC must receive, review and approve the information and documentation required to be submitted under Section 1.3 entitled "Site Improvement Plans Review Procedure" prior to the commencement of any such work. Also, all Construction Escrow Deposits and review fees required under these Guidelines must be paid to the ECC prior to the commencement of any such work.

1.2. Pre-Application Procedure

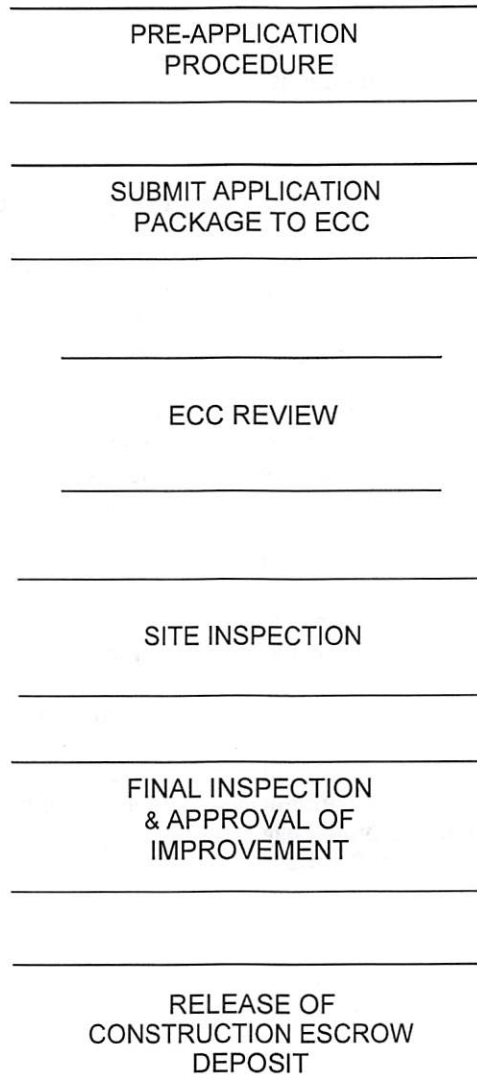
Each Lot Owner or a representative of each Lot Owner should contact representatives of Duke Energy Lake Services and any governmental or regulatory agency that has jurisdiction over the property at the beginning of the planning and design process relative to such Owner's Lot to ensure compliance with the rules, regulations and standards of such organizations. Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of Duke Energy Lake Services and other governmental and quasi-governmental authorities will satisfy all requirements of the ECC.

1.3. Site Improvement Plans Review Procedure

The successful completion of the Site Improvement Plans review procedure under the Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Guidelines and by reviewing and following the step-by-step improvement review format described below. The review format has

been structured to achieve a smooth and timely review from plan submittal to final site inspection and approval.

The following flow chart represents the necessary procedures in the process of building Improvements in the Community:



Site Improvement Plans must be submitted by the Lot Owner or the Lot Owner's representative to the ECC at its office by 5:00 p.m. at least six (6) days prior to the scheduled ECC review meeting. Each submittal of Site Improvement Plans must be accompanied by the following:

- Completed Request for Review (Schedule A and/or Schedule B)
- Check for \$3,000.00 for Construction Escrow Deposit made out to the Association. (Explained further in Section 5.4) Check Payable to: Pointe Harbor Owners Association.
- Check for the ECC review fees (\$1,000 for the site plans, \$100.00 for dock or pier improvements, and/or \$300 for additions/alterations of existing structures). Check Payable to: Pointe Harbor Owners Association

The Association will bill each Lot Owner for a Septic Assessment. These fees are subject to change at any point in time. Current amounts for Septic Fees can be obtained by contacting the ECC.

All required items listed above, along with any other materials necessary for the ECC to review Site Improvement Plans, shall be sent to:

Pointe Harbor Owners Association
Environmental Control Committee
PO Box 8253
Seneca, SC 29678

864-723-5162
pointeharborhoa@gmail.com

Review of Site Improvement Plans

The submittal of Site Improvement Plans shall incorporate all of the requirements stated in the appropriate Request for Review form, which are attached as Schedule A, Schedule B, and other portions of the Guidelines, as well as comments from previous meetings and design reviews.

If the ECC finds that the Request for Review is not in compliance with the Guidelines or is otherwise unacceptable to the ECC, one (1) copy of the Site Improvement Plans shall be returned to the Lot Owner marked "Resubmit" or "Disapproved," accompanied by a written statement of items found not to be in compliance with the Guidelines or otherwise unacceptable to the ECC.

When the Site Improvement Plans are approved (or conditionally approved) by the ECC, one (1) copy of the approved Site Improvement Plans shall be retained by the ECC and the other complete set of the approved Site Improvement Plans shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with comments. Once the ECC has approved Site Improvement Plans for Improvements to be constructed on a particular Lot, the construction of such Improvements must be promptly commenced and diligently pursued to completion. If such construction is not commenced within one (1) year following the date of approval of the Site Improvement Plans by the ECC, the approval of such Site Improvement Plans by the ECC shall be deemed automatically rescinded, without any further action by the ECC. In the event of any such rescission of the ECC's approval of Site Improvement Plans pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced or resumed only after resubmission of Site Improvement Plans together with the appropriate fees to the ECC, and approval of such final Site Improvement Plans by the ECC.

The "Approved" set of Site Improvement Plans must be strictly adhered to. Any modification or change to the "Approved" set of Site Improvement Plans must be submitted to the ECC for its review and approval (using the same procedure set forth in these Guidelines relative to the submission and approval of the original Site Improvement Plans).

1.4. Lot Staking, Site Inspection and Approval to Commence Work

Once Site Improvement Plans approval has been granted by the ECC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ECC prior to commencing any construction work (including, without limitation, grading work). The Lot Owner or the Lot Owner's representative must ensure the following things are completed prior to the site inspection:

1. Stake the Protected Waterfront Setback and Lake Buffer; and
2. Stake the location of Improvements shown on the Site Improvement Plans (i.e. - stake the four primary Dwelling corners, stake dock or pier location, etc.).

After the Lot has been staked in accordance with this Section 1.5 of the Guidelines, the Lot Owner or the Lot Owner's representative shall request the ECC to make a site inspection prior to the commencement of clearing and construction work on the Lot. Provided, however, and notwithstanding any term or provision herein to the contrary, "mature trees" located within the Lake Buffer Area may not be cut down, damaged or otherwise removed without specific written approval of the ECC, unless dead or diseased (see Section 4.1). The term "mature trees" is defined in the attached Table of Definitions.

The primary purpose of the site inspection by the ECC is to ensure compliance with the approved Site Improvement Plans, and to prevent any unnecessary damage to mature trees and other unique site features. (Please refer to the Lake Buffer Guidelines (Section 4) regarding requirements and restrictions relating to tree and vegetation protection and removal.) In addition to the foregoing matters, the site inspection shall include a review of the following:

- Lake Buffer Area Location (as per stakes);
- Clearing limits;
- Placement of excavation materials;
- Location of construction entrances; and
- Erosion control measures (silt fences, hay bales, diversion swales, stone filter dams, etc., as required).

The ECC shall conduct the site inspection within seven (7) business days after the request is received by the ECC. Written authorization by the ECC to proceed with the construction work will be issued to the Lot Owner or to Lot Owner's builder by the ECC promptly after the site inspection is completed or, if problems are detected during the site inspection, written notice of such problems shall be given to the Lot Owner or Lot Owner's builder by the ECC promptly after the site inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the ECC. The ECC shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of the Guidelines. The ECC may delegate its site inspection functions under this section to the Developer's project manager,

development construction manager or the Community compliance officer.

1.5. Foundation Survey

Within thirty (30) days of receiving approval from the ECC to proceed with construction activity, a certified foundation survey may be required to be submitted to the ECC for verification of the Dwelling location within the setbacks. If the foundation survey is not submitted within this 30-day period, the ECC may use \$500.00 of the Construction Escrow Deposit to comply with this requirement.

1.6. Failure of the ECC to Act

If the ECC fails to approve or disapprove any Site Improvement Plans and other submittals which conform (and which relate to Improvements which **will** conform) with the requirements of the Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Declaration, of all items that were to have been submitted to the ECC, the Lot Owner shall give written notice to the ECC asking it to act on the submittal. If the ECC again fails to approve or disapprove the Site Improvement Plans and other submittals within twenty (20) business days after receipt of the Lot Owner's written request, the ECC shall be deemed to have approved such conforming Plans and other submittals; provided, that the ECC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Supplemental Declaration for the Phase in which the Lot is located, and further provided, that the ECC shall not be deemed to have waived any of the requirements set forth in the Declaration or any corresponding provisions in the Guidelines. If final Site Improvement Plans or other submittals are not sufficiently complete or are otherwise inadequate, the ECC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

2. LOT IMPROVEMENTS

ECC Approval is required prior to the commencement of construction of Dwelling and septic Improvements within the Community (see Schedule A).

2.1. Building Setbacks

The building setbacks required by the Developer for the Community may exceed the minimum setbacks required by the County, and will be listed on the recorded plat for the Community.

2.2. Septic Drainfields

The chosen method of residential waste disposal within the Community is individual on-site septic systems. Each site has a planned initial primary system and a designated area for a repair system. For more details on the Septic Maintenance Program administered by the Association, refer to Section 5.6, entitled Septic System Installation and Maintenance.

3. DOCK & PIER IMPROVEMENTS

3.1. Docks, Piers, and Boatslips

It is the Owner's sole responsibility to obtain all permits or approvals required from Duke Energy Lake Services and/or other applicable agencies. ECC approval is required prior to the installation of any individual dock, pier, or boat slip within the Community (see Schedule B). Docks, piers, and boat slips, must be located within the recorded pier zone and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The point of access of a dock, pier or boat slip and any site disturbance or clearing associated with its placement or construction must be submitted to the ECC for approval. Enclosed docks, multi-level docks, or boathouses are not allowed; provided, however, the ECC will review requests to install two-level docks on a case-by-case basis, based on the slope, grade or topography of the Lot. Docks, piers, and boat slips must be newly constructed when initially installed at a Lot in the community.

3.2. Walkways

ECC Approval is required prior to the installation of any walkways through the Lake Buffer Areas within the Community. Walkways should be located and constructed so as to not disturb existing mature trees. All walkways shall be in compliance with the requirements imposed by Duke Energy Lake Services.

4. LAKE BUFFER IMPROVEMENT

4.1. Introduction

In order to insure the natural beauty and the recreational benefits of the Lake and to help preserve the quality of water in the Lake, the ECC has prepared the following Lake Buffer Guidelines for the Community.

The Lake Buffer Guidelines provide for a "Lake Buffer" which is a minimum distance setback from the full pond contour elevation along the entire shoreline of the Lake, within the boundaries of the Community as noted on the final plat. The areas within the Lake Buffer are the "Lake Buffer Areas."

Thus, if your Lot abuts the Lake, there is a "Lake Buffer" established on it. The intent of the buffers is to implement land use restrictions, which preserve the Lake

Buffer Areas in a "near-natural" state. The buffers are stated on the recorded plat(s) for the Community. Any construction (or modification of the surrounding environment) by individual Owners near, or in, the Lake Buffer Areas must be reviewed and approved by the ECC in accordance with the Lake Buffer Guidelines before commencing any such activity.

4.2. General Requirements

1.) Openings to provide access to the Lake are limited to 6 feet in width for walkways up to the Lot boundary. From the Lot boundary to the dock, walkways are limited to 4 feet width by Duke Energy Lake Services. ECC approval, in addition to possible Duke Energy Lake Services approval, must be obtained prior to establishing this opening.

2.) Erosion control devices are to be installed upstream out of the Lake Buffer Areas.

3.) Shoreline Stabilization must comply with Duke Energy Lake Services Guidelines.

4.) The following may be permitted once ECC approval has been granted:

- Removal of Dead or Diseased Trees
- Removal of Poisonous Plants
- Selective Clearing of Underbrush
- Planting of Shrubs and Groundcover

Vegetative Management Rules imposed by Duke Energy Lake Services must be complied with.

4.3. Lake Buffer Prohibitions and Restrictions

1.) No lawn areas (such as fescue, bermuda zoysia and centipede) will be permitted within the Lake Buffer Areas. Native wild grasses are permitted.

2.) Removal of natural leaf fall from within the Lake Buffer Areas is not allowed.

3.) No mature trees are to be removed, unless dead or diseased and approved by the ECC.

4.4. Lake Buffer Guideline Vegetation Requirements

1.) Tree pruning within the Lake Buffer Areas is allowed by removing only lateral links from the lower one-third of the tree's height. Topping is not allowed.

2.) Planting of additional trees, shrubs, groundcovers and perennials within the Lake Buffer Areas may be allowed if done with minimal disturbance to root systems of existing trees.

4.5. Tree Valuation Schedule and Reimbursement Obligations Relating to Damaged or Destroyed Trees

With the care given to protecting and preserving existing trees as outlined above and as set forth in the Lake Buffer Guidelines, there should be little or no damage to trees during the course of construction on any Lot. However, accidents and possibly even negligence on the part of contractors and/or subcontractors may occur to some limited degree, resulting in the destruction of existing trees intended to remain on the Lot after the completion of construction of any Improvements. The Tree Valuation Schedule, set forth in Figure 4.5.1 below, may be used to place an appropriate monetary value on any and all such existing trees severely damaged and/or destroyed within the Lake Buffer Area. Quantifying the value of existing trees will provide each Lot Owner with a method for calculating the proper amount of reimbursement such Lot Owner must pay to the Association upon written request as a result of the irreparable damage to, or destruction of, existing trees caused by a contractor's or subcontractor's construction operations on the Lot. The Association shall use the reimbursement amount to rehabilitate, restore and/or replace, as appropriate, the damaged or destroyed trees to the extent practicable and the reimbursement amount shall constitute a Special Individual Assessment under the Declaration. The Association shall retain any of the reimbursement amount not used for this purpose. For purposes of the Tree Valuation Schedule, the tree's trunk diameter is measured at twelve (12) inches above existing grade level. Trunk diameters that fall between any two sizes presented in the Tree Valuation Schedule shall be assigned a value calculated proportionally.

A qualified arborist and/or landscape architect, at the Lot Owner's expense, shall evaluate the quality of the damaged or destroyed tree(s), as they would have existed prior to their being damaged or destroyed. The Tree Valuation Schedule (Figure 4.5.1) may be used to determine the replacement value.

Tree Valuation Schedule

Trunk Diameter Inches (DBH)	Cross Section Square Inches	Deciduous Tree Value	Evergreen Tree Value
2	3	\$102.72	\$89.88
4	13	\$445.12	\$389.48
6	28	\$958.72	\$838.88
8	50	\$1712.00	\$1498.00
10	79	\$2704.96	\$2366.84
12	113	\$3869.12	\$3385.48
15	177	\$6060.48	\$5302.92
20	314	\$10,751.36	\$9407.44
30	707	\$24,207.68	\$21,181.72
48	1809	\$61,940.16	\$54,197.64

This schedule is calculated using plant appraisal techniques derived from The Guide for Plant Appraisal, 9th Edition, published by *The Council of Tree and Landscape Appraisers* and *The International Society of Arboriculture*, in conjunction with information provided by the Southern Chapter of the International Society of Arboriculture. This schedule may be superseded by the most current updated, information available from future editions and/or official publications.

Figure 4.5.1

4.6. Replacement of Damaged or Destroyed Trees

The Association, or the ECC as its agent, in its sole discretion, may require the planting of additional trees as a result of disturbance, damage, or destruction of existing trees on individual Lots. In this instance, a restoration plan may be requested by the ECG, detailing the size, type, and location of replacement vegetation. All vegetation planted for the purposes of restoration must be guaranteed for one year after installation. Any vegetation that is noted as dying, dead, or otherwise in poor health at the end of its first installation year will be required to be replaced. If such trees are replaced, the newly installed trees will also be subject to an additional one-year guaranteed requirement.

Under circumstances of extreme weather conditions, the ECC may, in its sole discretion, grant a Lot Owner a postponement of the buffer mitigation planting. The request for such a postponement must be submitted in writing to the ECC. Postponements of buffer mitigation planting will be considered only for the hotter summer months between mid-June and mid-September and for prolonged periods of below-freezing weather forecasted during the winter months.

For trees to be placed within the Lake Buffer Areas, all trees installed as part of a buffer mitigation plan will be considered "protected" regardless of caliper size.

4.7. Owner Responsibilities

4.7.1. General

The Community, as a unique, wooded, lakefront community, gains its intrinsic value from the Lake Buffer Areas. The Lake Buffer Areas are to be preserved by the Owner in accordance with the Lake Buffer Guidelines. This does not mean that the Lake Buffer

Areas cannot be entered or modified, but activities are limited and subject to ECC review and approval.

4.7.2. Permissible and Impermissible Activities

Recreation - The natural habitat preserved in the Lake Buffer Areas is an amenity for the Owner and can be used for walks, nature study, and limited children's play. These areas should be shown considerate respect by limiting children's impact and not allowing play areas to cause erosion or structures (such as play houses or play yards) to create impervious cover. Repeated, intense use could lead to denuded areas and subsequent erosion problems.

Disposal - Disposal of spent oil, chemicals (household cleaners, paint thinner, etc.), or other solids or liquids with the potential for damage into the storm drainage system or on the ground near the Lake Buffer Areas is prohibited.

Construction of Boat Piers must be permitted by Duke Energy Lake Services, and any part of the pier or access thereto which is located over the Lake Buffer Areas must be reviewed and approved by the ECC. In addition to the specific regulations, the Owner is encouraged to avoid the excessive use of fertilizers, pesticides or herbicides and to avoid land-disturbing activities immediately adjacent to the Lake Buffer Areas.

5. MISCELLANEOUS MATTERS

5.1. Diligent Construction

Any Lot Improvement to be constructed on a Lot must be completed within one (1) year following commencement of construction (i.e., commencement of grading), unless a longer time is approved in writing by the ECC. All Dwellings must be completed within one (1) year of commencement of construction of any Lot Improvement. Construction of the Dwelling must

commence prior to construction of any accessory structures excluding Dock and Pier Improvements, unless otherwise approved in writing by the ECC. If construction activity ceases for a period of thirty (30) days, any cleared areas must be stabilized to the ECC's satisfaction.

All Waterfront Improvements (including Dock & Pier Improvements) shall be completed in a time frame approved by the ECC at final approval of Improvement. If construction activity ceases for a period of thirty (30) days, the Lake Buffer Area is to be stabilized to the ECC's satisfaction.

5.2. Erosion and Sediment Controls

The design and development concepts of the Community call for the utilization and enhancement of the existing natural environment. The ECC is particularly conscious of the erosion and sediment disturbances that can occur during any clearing, grading, or construction activity on a Lot. To help minimize erosion and sediment disturbances, an erosion control plan (using erosion control measures such as silt fences, hay bales, diversion swales, stone filter dams, etc., as required) must be designed in accordance with Schedule F. Approval of the erosion control plan must be obtained from the ECC prior to any earth-disturbing operations on any Lot. Particular care must be exercised on Lots fronting the Lake to prevent any negative effect or impact upon the Lake and/or the Lake Buffer Areas. Erosion control measures implemented pursuant to an approved erosion control plan must remain in place until such time as all disturbed areas have been stabilized.

All erosion control plans submitted to the ECC shall be considered individually for each Lot. Recommendations or requirements of the ECC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the ECC determines impact upon the possible erosion and sediment disturbances for the Lot. At a minimum, however, each Lot Owner shall be responsible for causing the following minimum erosion control practices to be implemented and maintained throughout the course of all earth-disturbing operations until final seeding.

(a) Roadway and Lot Construction Entrance.

Prior to the commencement of any earth-disturbing operation, a stone construction entrance shall be installed on the building site (the "Construction Entrance"). The Construction Entrance shall: (i) if possible, be installed in the same location as the proposed driveway so as to minimize the amount of disturbed area; (ii) extend a minimum distance as approved by the ECC; and (iii) be installed, preserved and replaced, if necessary, in accordance with the standards more particularly set forth on Schedule F. During construction, each Owner shall use diligent efforts to minimize traffic traveling off of the Construction Entrance onto such Owner's Lot.

(b) Silt Control Devices. Prior to the commencement of any earth-disturbing operation; a diversion ditch and rock check (or stone filter) dam or other similar measures approved by the ECC shall be constructed and maintained on the building site (collectively, "Silt Control Devices"). The Silt Control Devices shall be located at the boundary of the estimated disturbed areas as set forth more particularly on Schedule E and shall be constructed, preserved, and replaced, if necessary, in accordance with the standards set forth on Schedule F.

In order to ensure the effectiveness of a particular Lot Owner's erosion control measures, the ECC shall have the right to enter any Lot to inspect any and all erosion control measures and to require additional erosion control measures, as necessary.

5.3. Drainage

Drainage considerations for individual Lots play an important part in the ecological balance of the Community. Generally, where feasible, each Lot should be graded so that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff and control is the responsibility of each Lot Owner relative to such Owner's Lot. The water runoff shall be handled so as to not adversely affect any neighboring Lots or the Lake.

5.4. Purpose and Use of Construction Escrow Deposit

The Construction Escrow Deposit required pursuant to Section 1.3 shall be deposited by the ECC in an escrow account. Any and all interest earned on the Construction Escrow Deposit shall be credited to and retained by the ECC for its sole use and benefit. If an Owner is submitting multiple Requests for Review (for example, Lot Improvements, as well as Dock or Pier Improvements), only one Construction Escrow Deposit is due. Otherwise, a Construction Escrow Deposit is due with each submission. The Construction Escrow Deposit paid by an Owner may thereafter be used by the ECC for any of the following purposes:

5.4.1. To pay for the cost to repair any damage to the Roadways or Common Areas in the Community caused by the Owner or the Owner's builder or subcontractors and not repaired by the responsible Owner or such Owner's builder or subcontractors.

5.4.2. To pay for the cost of completing any Improvement(s) so that they are in accordance with the approved Site Improvement Plans, if and to the extent the Owner fails so to complete such Improvement(s) consistent with the terms of the Guidelines and the Declaration.

5.4.3: To pay for the cost of restoring or replacing any trees, other vegetation, or other natural features improperly removed, altered or destroyed by the Owner, or Owner's builder or subcontractors, in violation of the Guidelines and in accordance with the Tree Valuation Schedule.

5.4.4. To reimburse the Developer or the Association for the cost of cleaning up any significant amount of dirt, cement, or debris left by the Owner or by the Owner's builder or subcontractors on any street, Roadways or Common Areas, if and to the extent such materials and debris is not immediately removed by the Owner or the Owner's builder or subcontractors.

5.4.5. To pay for the cost of enforcing any of the Owner's other obligations under the Guidelines or the Declaration.

5.4.6. To pay for the foundation survey (\$500.00) required under Section 1.6.

5.4.7. To pay any other costs, fines, expenses or Special Individual Assessments that, by the express terms of the Guidelines, may be deducted from the Construction Escrow Deposit. Except for the reimbursements described in Section 5.4, and except for the application of the Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ECC shall give an Owner prior notice that the ECC intends to use such Owner's Construction Escrow Deposit for a particular purpose. The Owner shall have twenty-four (24) hours from the date of the notice to complete the performance that is required and for which the ECC intends to use the Owner's Construction Escrow Deposit or, if the performance cannot be completed during that time, to begin the performance and to thereafter diligently pursue such performance to completion. Upon the completion of all Improvements (including all Landscape Improvements) and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Declaration, the ECC shall return to such Owner the unused portion (if any) of such Owner's Construction Escrow Deposit.

In the event the ECC expends sums on the Owner's behalf as provided above in excess of the Owner's Construction Escrow Deposit, the Owner shall pay the excess to the ECC within twenty (20) days of notice thereof. If the Owner fails to do so, the ECC shall request the Association to levy a Special Individual Assessment against the Owner's Lot.

5.5. Final Inspection and Construction Escrow Refund

Once all Improvements have been completed, a final inspection must be conducted to ensure compliance with the ECC's approval of Site Improvement Plans. A request must be made to the ECC in writing to conduct a final on-site inspection (see Schedule D).

The Construction Escrow Deposit will be refunded after

CLT 933587v9

this inspection has been conducted and the Lot is deemed to be "in compliance" with the approved Site Improvement Plans, provided that some or all the Construction Escrow Deposit has not been utilized during the building process as outlined in Section 5.4.

5.6. Septic System Installation and Maintenance

Every Dwelling erected on any Lot shall be served by an individual on site septic system approved by the South Carolina Department of Health and Environmental Control ("DHEC") for the disposal of sewage, or connected to a private or public sewage disposal system. All septic systems or other private sewage disposal systems shall be approved by, and constructed and maintained in accordance with all the regulations and requirements of all governmental authorities and regulatory agencies having jurisdiction. Every septic system must be installed with a "riser" to facilitate inspection. To prompt the periodic septic system inspections, each Owner shall furnish to the ECC a copy of the DHEC approval for the septic system installed upon such Owner's Lot immediately following such Owner's receipt thereof. If inspection by the Septic Inspection Contractor reveals needed emergency repairs (posing a threat to public health and safety or to the environmental condition of the Lake, the Septic Inspection Contractor is authorized to immediately make such repairs at Lot Owner's cost and to notify regulatory authorities as required. If needed emergency repairs are recognized by the Lot Owner outside of the Septic Inspection Contractor's inspection, the Lot Owner agrees to promptly notify the ECC and the Septic Inspection Contractor and authorize immediate repair to restore the system to proper operation at Lot Owner's cost. If inspection by the Septic Inspection Contractor reveals that non-emergency repairs are needed, the Septic Inspection Contractor will include a cost estimate to repair with its inspection report sent to the Lot Owner and the ECC. Within sixty (60) days of the notice of needed non-emergency repair, the Lot Owner must have the Septic Inspection Contractor complete the needed repairs or have repairs made by another licensed entity. If the repairs are made by another licensed entity, the Lot Owner must provide written verification of the repairs to the ECC.

5.7. Notices

Each notice, document or submittal (collectively, "notice") required or permitted to be given under the Guidelines must be given in compliance with the requirements of this Section 5.7.

5.7.1. Each notice shall be in writing.

5.7.2. Any notice to be given to the ECC shall be deemed to have been duly served and to be effective only when a receipt acknowledging delivery (such as a registered mail, overnight express service or hand

delivery receipt) is signed by a member or authorized representative of the ECC. The address of the ECC for delivery of notices shall be as follows:

Pointe Harbor Owners Association
Environmental Control Committee
PO Box 8253
Seneca, SC 29678

5.7.3. Any notice to be given to an Owner shall be deemed to be duly served (a) when picked up by the Owner (or the Owner's builder) at the ECC's office; (b) when delivered to the address of the Owner (or the Owner's builder) by regular U.S. Mail Service (such delivery being presumed to have occurred on the second (2nd) day following the deposit of such notice by the ECC in the U.S. Mail); (c) when sent by facsimile transmission to the Owner's or Owner's builder's facsimile number (such delivery being presumed to have been duly served on the day sent by the ECC); or (d) when sent by email to the email address of the Owner or Owner's builder (such delivery being served upon receipt of an automated receipt confirmation). The contact information for an Owner shall be as set forth in the Owner's submittal of Site Improvement Plans, or, if different, then as set forth in a notice to the ECC.

5.7.4. Either the ECC or an Owner may change its contact information for notices hereunder by written notice to the other party designating the new contact information, such written notice of the changed contact information to be given to the other party in accordance with this Section 5.7.

CONSTRUCTION RULES

1). Applicability. These construction rules (collectively, the "Construction Rules") shall apply to all Lot Owners and their builders, and any reference to an Owner shall also apply to the Owner's builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the Board and/or the ECC may establish from time to time.

2). Construction Hours and Noise. All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 8:00 p.m., Monday through Saturday; provided, however, no construction activities shall be conducted and no deliveries shall be made on July 4, Labor Day, Thanksgiving Day, Christmas Day or New Year's Day. In addition, certain construction activities are permitted on Sundays, but such activities shall be performed in a manner as to be considered "low impact" by the ECC in its sole discretion: excessive noise and the use of heavy equipment shall be prohibited on Sundays. No loud radios or distracting noise (other than normal construction noise) will be allowed within the Community during construction. This is distracting to Lot Owners. Normal radio levels are acceptable within the interior of fully enclosed Dwellings.

Radio and stereo speakers shall not be mounted on vehicles or outside of Dwellings under construction.

3). Rubbish and Debris. In order to maintain a neat and orderly appearance at all times throughout the Community, the following rubbish and debris rules must be strictly followed:

(a) Exterior Construction Debris. With regard to all construction debris located on a Lot outside the walls of a Dwelling that is under construction, the following rules shall apply:

(1) At the end of each day on which work occurs on the Lot, all lightweight, blowable construction debris, such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a silt fence pen or other approved containment device on the Lot.

(2) At the end of the day on each Friday or Saturday, all non-blowable construction debris, such as wood scraps, shingles, brickbats, drywall, bricks and masonry blocks, must be gathered into neat piles.

(3) During the last three (3) days of every month, all debris must be taken off the Lot and out of the Community, leaving the pens and the Lot free of all debris.

(b) No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4). Street Cleaning. The Developer or the Association shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the responsible Owner, to charge the cost of such clean up to the responsible Owner and to receive reimbursement for the expense of such clean up from the responsible Owner. The Owner shall have water service connected to allow the Owner or Builder to clean impacted street or curb areas.

5). Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ECC, and as shown on the approved erosion control plan.

6). Material Storage. No construction materials, equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved by the ECC.

7). Trailers. No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in the Community, except as approved in writing by the ECC.

8). Construction Access. During the time a Dwelling or other Improvements are being built, all construction access shall be confined to the approved driveway for the Lot, unless the ECC approves an alternate access way.

9). Construction Entrance. Prior to the commencement of construction on a Lot, the Owner of such Lot or such Owner's builder shall provide at the approved driveway location a Construction Entrance with a minimum of five (5) inches of #3 oversized stone base from the paved street toward the Dwelling under construction.

10). Parking. All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any streets within the Community overnight. Construction vehicles may be left on the gravel drive of a Lot overnight only if additional use of the vehicle will be made within the following three (3) days. Subcontractors are to be instructed to park on the street adjacent to the Lot or on the gravel drive, not in Common Areas or within the right-of-way.

11). Miscellaneous Practices. The following practices are prohibited within the Community:

(a) Changing oil of any vehicle or equipment;

(b) Allowing concrete suppliers and contractors to clean their equipment in areas other than the Lot on which the Dwelling is being constructed;

(c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by the Developer;

(d) Careless disposition of cigarettes and other flammable material; and

(e) Operators of vehicles are required to use due care to ensure that they do not spill any damaging materials while within the Community. If spillage does occur, it is the responsibility of the operator of the vehicle to properly clean up the spill. Any such clean up operations completed by the Developer's personnel will be charged to the responsible party. Any spills must be reported to the ECC and the Association Board in writing as soon as possible.

12). Pets. Builder and subcontractor personnel may not bring pets into the Community.

13). Common Areas. Except with the prior written permission of the ECC, builder and subcontractor personnel are not allowed in the Common Areas, and no construction access will be allowed across the Common Areas.

14). Accidents. The ECC and the Association Board shall be notified immediately of any accidents, injuries or other emergency occurrences.

15). Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided at each Dwelling under construction, and must be located in as inconspicuous a location as possible, unless otherwise approved by the ECC, at least 20 feet from the road curb.

16). Vehicular Traffic and Speed Limits. All vehicles must travel at safe operable speeds for construction traffic through all streets within the Community.

17). Signs. Building permits are the only sign or documentation that may be posted at a Dwelling or on a Lot during construction. Business signs or other forms of advertisement are not permitted. Building permits are to be attached to a post in a manner protected from the elements; and in no event may building permits or any other signage or documentation be attached to trees.

18). Property Damage. Any damage to streets and curbs, drainage inlets, water meters or boxes, streetlights, street markers, mailboxes, walls, fences, etc. may be repaired by the Association Board and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be assessed as a Special Individual Assessment. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such an accident within thirty (30) minutes to the ECC and the Association Board, and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

19). General Builder Responsibilities. Builders are encouraged to maintain strict control over subcontractors to minimize soil and mud build-up in streets. Builders are advised to educate employees and subcontractors as to the location of the Lake Buffer Areas, the restrictions applicable to the Lake Buffer Areas and the ramifications for violation of the Lake Buffer Guidelines (i.e., fines). Planning Dwelling construction with the erosion control measures and the Lake Buffer Guidelines specifically in mind will be crucial to the success of each builder in the Community. Where the builder desires to modify the vegetation in the Lake Buffer Area or construct pathways or shoreline stabilization in the Lake Buffer Area, a Lake buffer plan must be first submitted to the ECC for approval prior to construction. In addition to protecting the Lake Buffer Areas and controlling erosion, builders are encouraged to develop Lot plans which preserve natural wooded areas wherever possible and which minimize Lot grading and disturbance. Alignment of utilities and access should be planned to minimize the cutting of mature trees.

CLARIFICATION OF THE INTENT FOR ECC APPROVAL FOR LANDSCAPE ACTIVITIES

Section 9.1 of the Pointe Harbor Covenants under Article IX Environmental and Lake Buffer Guidelines, states "...no construction activity of any type, including, without limitation, ... any landscaping or cutting of trees on any Lot, shall be commenced, erected or maintained, until ... the ECC has given written approval ...". Pointe Harbor residents must also comply with Section 4 of the Environmental and Lake Buffer Guidelines. Because the word "landscaping" is not defined within the Covenants there has been some confusion within our community as to what requires prior ECC approval and what does not, with regard to landscaping activities. Therefore the Board wishes to clarify some landscaping activities that are deemed to require prior ECC approval and some that are deemed not to require ECC approval, as listed below:

Landscaping activities that clearly require prior ECC approval:

1. The removal of any trees, that have a diameter of 4" or greater (measured 6 inches above ground), whether planted by the homeowner or not, within the Lake Buffer Area. Trees that are dead or a danger to people or property due to disease or damage (and such damage or disease is not caused by the property owner) do not require prior approval, but prior notice to the ECC is required and the property owner must be able to provide documentary proof of such danger. **The Lake Buffer Area is defined as 50 feet from the 800 foot full contour or 5 feet from the 804 foot contour whichever is greater.** Note: Duke has substantial restrictions for removal of any vegetation within the 804 foot contour.
2. The construction or removal of any landscaping on a lot that could cause erosion or an environmental concern. Such items include but not limited to: driveways, walkways, patios, walls, fences, pools, hot tubs, fire pits, outdoor kitchens, gazebos, fountains, playhouses. **Note that all activities must abide by Article VII – Restrictions of Pointe Harbor Covenants.**
3. Any construction or activity that will create an impervious cover within the Lake Buffer Area. ECC approval is required prior to installation of a permanent walkway in the Lake Buffer area.

Landscaping activities that do not require ECC approval:

1. Planting of trees, shrubs, groundcovers, flowers, gardens, landscape lighting, irrigation systems, with minimal disturbance to root systems of existing trees.
2. Removal of invasive, noxious plants like kudzu, poison ivy, and brambles.

Complete Schedule A, Lot Improvements Request For Review, and submit ECC for review prior to starting any above landscaping activities. No additional Application fee is required.

SCHEDULE A

**LOT IMPROVEMENTS
REQUEST FOR REVIEW**

NAME _____ DATE _____

ADDRESS _____

PHONE NUMBER _____ COMMUNITY NAME POINTE HARBOR LOT _____

FACSIMILE NUMBER _____ EMAIL ADDRESS _____

Erosion Control Measure and Devices to be utilized:

Additional Comments/Explanation:

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1"=40') showing precise location of Dwelling, setbacks, septic system location, septic drainfield location, proposed locations of erosion control devices, landscaped areas, portable toilet and trash skip during construction, square footage of any improvements (gross and heatable per floor/level) and any other pertinent and/or applicable information
- Include check in the amount of (check whichever is applicable):
____ \$1,000.00 for ECC review fee (new construction)
____ \$300.00 for ECC review fee (additions/alterations of existing structure)
- Include check for Construction Escrow Deposit (\$3000.00) and Completed Schedule A as outlined in Section 1.3

Mail to: Pointe Harbor Owners Association
Environmental Control Committee
PO Box 8253
Seneca, SC 29678

Builder Declaration

I _____ do hereby certify that I have received a copy of the Construction Rules pertaining to the Pointe Harbor subdivision, that I have read such Construction Rules and will I follow them and have my employees, subcontractors and any of their employees, follow them while within the Pointe Harbor subdivision.

Name of Builder _____

Signature of Builder _____

Date _____

FILED COONEE COUNTY, SC
ANNEX DAVISON
REGISTER OF DEEDS
2019 JUL 26 P 2:07

POINTE HARBOR

NEW CONSTRUCTION

List of Submittal Requirements:

1. Set of Plans

- A. 11" x 14" minimum size, or electronically in pdf format.
- B. Floor Plans, including garage.
- C. Show all finished and unfinished square footage calculations for each level.
- D. Elevations, including garage.
- E. Show all roof pitches.
- F. Specify foundation material.
- G. Label all exterior materials.

2. Site Plan

- A. 11" x 14" minimum size, or electronically in pdf format.
- B. Show location of portable toilet and materials staging area
- C. Show finished grades including any site walls with finish material.
- D. Show location of all structures indicating Buffer Area and setback compliance.
- E. Show driveway location and materials.
- F. Indicate location of septic system and clean-out (copy of septic permit).
- G. Show all drainage including downspout and storm water applications, if any.
- H. Indicate location and square footage of any permitted accessory structures.
- I. If applicable, indicate location and square footage any improvements within Buffer Zone such as walkways, dock walkway platforms, etc.

3. Building Period

- A. Specify estimated start and completion dates.

4. Compliance Deposits (per existing Schedule A)

Once the requested information is submitted to the Board of Directors of Pointe Harbor, the package is reviewed for compliance with the subdivision covenants and ECC guidelines.

Architectural style and landscaping are determined by the individual property owner and reviewed for compliance to standards established in the Covenants, ECC Guidelines and Construction Rules. Maintaining attractive curb appeal and enhancing property values are underlying goals specified within the Covenants. The Board will render a written approval letter or a disapproval with conditions and required corrections.

SCHEDULE B

**DOCK & PIER IMPROVEMENTS
REQUEST FOR REVIEW**

COMMUNITY NAME: POINTE HARBOR

NAME: _____ DATE: _____

ADDRESS _____

PHONE NUMBER _____ FAX NUMBER: _____

EMAIL ADDRESS _____

Materials and Components List

**[] All docks must be made entirely of new material. Please confirm
by checking the box**

Decking: _____

Handrails: _____

Roof: _____

Pilings: _____

Additional Comments/Explanations:

- Attach Site Plan (Use recorded plat or plot plan) at 40 scale (1"=40') showing precise location of dock or pier within the Pier Zone and dimensions.
- Attach dock plans
- Include check in the amount of \$100.00 for dock and pier review fee
- Include check for Construction Escrow Deposit and completed Schedule B as outlined in Section 1.3

Mail to: Pointe Harbor Owners Association
Environmental Control Committee
PO Box 8253
Seneca, SC 29678

SCHEDULE C

CONSTRUCTION ESCROW INFORMATION SHEET

Community: Pointe Harbor Lot Number: _____ Date: _____

Owner's Name: _____

Owner's Address: _____

Owner's Fax: _____ Owner's Email: _____

Builder's Name: _____

Builder's Address: _____

Builder's Fax: _____ Builder's Email: _____

Notices to be given regarding the use of the Construction Escrow Deposit will be done in conjunction with Section 5.4, Purpose and Use of Construction Escrow Deposit and Section 5.7. Notices, of the Environmental and Lake Buffer Guidelines.

In accordance with the Declaration for the Community, the Declarant shall have the right to enter the above referenced Lot to remedy any violation that remains after the Owner or Owner's agent has been notified as referenced above and in the Guidelines.

Owner's Signature: _____ Date: _____

If the contact person is to be different than the Owner, then have the responsible party fill out the following:

In place of the Owner, I _____, agree to accept the terms and conditions for notification regarding the use of the Construction Escrow Deposit as outlined in this document, the Declaration for the Community, and the Guidelines.

Responsible Party's Signature: _____ Date: _____

Method of Contact _____

ECC USE ONLY:

Construction Escrow Utilized:

	Date	Reason	Amount
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

SCHEDULE D

REQUEST FOR FINAL INSPECTION/CONSTRUCTION ESCROW DEPOSIT FUND

Community: POINTE HARBOR Lot Number: _____ Date: _____

Owner's Name: _____

Builder's Name: _____

Builder's Address/Phone/Fax: _____

Requested Date of Inspection: _____

I do hereby certify in good faith that the improvements have been installed and maintained on the above referenced Lot, and the disturbed areas have been properly stabilized. The Lot conforms to the Environmental Control Committee requirements and standards as well as the final plans as approved by the Environmental Control Committee. All site work, landscaping, cleaning, removal of temporary utilities and repair of damage to rights of way and common areas has been implemented and completed. This constitutes a request for return of the Construction Escrow Deposit.

Owner's Signature: _____ Date: _____

Builder's Signature: _____ Date: _____

ECC USE:

_____ DEPOSIT REFUNDED IN FULL

_____ PARTIAL REFUND

AMOUNT RETURNED: _____

REASON FOR WITHHOLDING:

SCHEDULE E

GLOSSARY OF TERMS

Caliper

A term used in the nursery industry to describe the diameter of a tree to distinguish its relative size. Trees four inches (4") and under in caliper are measured six inches (6") above the ground to determine their caliper size; trees over four inches (4") in caliper at six inches (6") above the ground are measured at twelve inches (12") above the ground to determine their caliper size.

Construction Escrow Deposit

A deposit is required of all Lot Owners which is returned in full when all construction is completed according to the Guidelines set for by the ECG, less any funds utilized by the ECG in accordance with the Guidelines. All or a portion of the deposit may be forfeited in the event that the Guidelines are not followed, in the sole discretion of the EGC.

Crown or Canopy

These terms are used interchangeably to refer to the top part of a tree where the branching occurs and where the majority of the leaves exist on the tree.

Deciduous (Tree or Shrub)

Numerous plant species which lose or shed their leaves in the autumn, are without leaves for the colder winter months, and send out new leaves in the spring which remain throughout the summer are referred to as deciduous trees or shrubs.

Deep-Root Fertilization

Fertilization of typically large trees or groups of trees, most often those that have recently endured construction activity and exhibit signs of stress, where liquid fertilizer is administered directly to the roots of the plants by drilling with specialized equipment into the root zone. The fertilizer is therefore readily available to the plant. The goal is a more rapid and complete recovery of the tree as exhibited by improved vigor.

"Drip Line" (Tree)

This refers to the outermost perimeter of any tree or shrub canopy. It would be accurately described by the shadow cast by the sun if it

were directly above the tree. This line on the ground surface generally coincides with the outermost root growth of the tree.

Drought

Prolonged periods of time without rainfall. These periods require regular and complete supplemental watering to sustain newly planted or stressed, naturally occurring plant material.

Evergreen (Tree or Shrub, etc.)

Trees, shrubs and ground covers, etc. which retain the majority of their leaves throughout the year.

Groundwater

Water that naturally flows under the surface of the earth, often through the soil's pore spaces or in underground aquifers or streams.

Landscape Architect

A professional educated and trained in the thoughtful design of exterior spaces, whose design incorporates utility, practicality and aesthetics. Licensure is required in the State of South Carolina to refer to oneself as a landscape architect.

Landscape Designer

One who designs, landscapes. This individual may or may not have formal education in his or her field, and licensure is not required.

Lateral Branch (Tree)

A lateral branch of a tree is one that emanates from the main trunk. The main trunk has a vertical orientation relative to the lateral branches, which are more horizontal. The lateral branches comprise the majority of the tree's crown or canopy.

Pine Straw

Pine needles used as a mulching material for plants to retain moisture in the soil otherwise lost to evaporation and to reduce weed growth in planting beds.

SCHEDULE F

GENERAL EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE PROVIDED FOR EACH LOT AS IT IS DEVELOPED.
2. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING THE EROSION CONTROL MEASURES FOR EACH LOT OWNED BY SUCH OWNER.
3. THE OWNER SHALL INSTALL A #3 OVERSIZED STONE CONSTRUCTION ENTRANCE TO EACH LOT OWNED BY SUCH OWNER. ACCESS TO EACH LOT SHALL BE VIA THIS DRIVE ONLY. THE OWNER SHALL NOT ENCROACH OR ALLOW ANY ENCROACHMENT INTO THE UNDISTURBED GRASS AREA BETWEEN THE BACK OF CURB AND RIGHT-OF-WAY LINE WITH MATERIALS OR VEHICLES.
4. THE OWNER SHALL PROVIDE A MATERIAL STORAGE AREA ON EACH LOT OWNED BY SUCH OWNER. THIS STORAGE AREA SHALL BE ACCESSED ONLY FROM THE LOT OR THE CONSTRUCTION ACCESS DRIVE.
5. THE TYPICAL LOT EROSION CONTROL MEASURES SHOWN SHALL BE FIELD LOCATED AND ADJUSTED TO REFLECT THE FINAL GRADES AND ACTUAL FIELD CONDITIONS OF EACH LOT.
6. THE OWNER SHALL PROVIDE MAINTENANCE INSPECTIONS OF ALL LOT EROSION CONTROL MEASURES ON A DAILY BASIS AND AFTER RAINFALL. REPAIRS SHALL BE PERFORMED IMMEDIATELY.
7. THE OWNER SHALL AT TIMES REMAIN COGNIZANT OF AND IN OBEYANCE WITH THE RESTRICTION PROHIBITING CLEARING, GRADING OR CONSTRUCTION OF ANY KIND WITHIN THE LIMITS OF THE LAKE BUFFER AREAS.

CONSTRUCTION RULES

1). **Applicability.** These construction rules (collectively, the "Construction Rules") shall apply to all Lot Owners and their builders, and any reference to an Owner shall also apply to the Owner's builder and subcontractors. All Owners shall abide by the Construction Rules and such other rules as the Board and/or ECC may establish from time to time.

2). **Construction Hours and Noise.** All construction activities must be conducted and all deliveries must be made from 7:00 a.m. until 8:00 p.m. Monday through Saturday; provided, however, no construction activities shall be conducted and no deliveries shall be made on July 4, Labor Day, Thanksgiving Day, Christmas Day or New Year's Day. Additionally, certain construction activities are permitted on Sundays but such activities shall be performed in a manner as to be considered "low impact" by the ECC in its sole discretion; excessive noise and the use of heavy equipment shall be prohibited on Sundays. No loud radios or distracting noise (other than normal construction noise) will be allowed with the Community during construction. This is distracting to Lot Owners. Normal radio levels are acceptable with the interior of fully enclosed homes. Radio and stereo speakers shall not be mounted on vehicles of outside of homes under construction.

3). **Rubbish and Debris.** In order to maintain a neat and orderly appearance at all times throughout the Community, the following rubbish and debris rules must be strictly followed:

(a) **Exterior Construction Debris.** With regard to all construction debris located on a Lot outside the walls of a residence that is under construction, the following rules shall apply:

(1) At the end of each day on which work occurs on the Lot, all lightweight, blowable construction debris, such as roofing paper, insulation bags, foam sheathing, polyethylene, etc., must be placed in a silt fence pen or other approved containment device on the Lot.

(2) At the end of each day on each Friday or Saturday, all non-blowable construction debris, such as wood scraps, shingles, brickbats, drywall, bricks and masonry blocks, must be gathered into neat piles.

(3) During the last three (3) days of every month, all debris must be either (1) taken off the Lot and out of the Community, leaving the pens and the Lot free of all debris or (2) placed in a dumpster. If such debris is placed in a dumpster, the dumpster must be emptied when the contents become visible to passers-by.

(b) **No Burning or Burial.** Burning or burial of construction debris or vegetation is prohibited.

4). **Street Cleaning.** The Board/ECC shall have the right, without notice, to clean up any significant amount of dirt, gravel, cement, etc., left on any street if the same is not immediately removed by the responsible Owner, to charge the cost of such clean up to the responsible Owner and to receive reimbursement for the expense of such clean up from the responsible Owner.

5). **Silt Fences.** Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ECC, and as shown on the approved erosion control plan.

6). **Material Storage.** No construction materials, equipment or debris of any kind may be stored on any street, curb, sidewalk or area between streets and sidewalks, on any adjacent Lots or otherwise than in the locations approved by the ECC.

7). **Trailers.** No construction office trailers may be placed, erected or allowed to remain on any Lot or in any other area in the Community, except as approved in writing by the ECC.

8). **Construction Access.** During the time a residence or other Improvements are being built, all construction access shall be confined to the approved driveway for the Lot, unless the ECC approves and alternate access way.

9). **Gravel Drives.** **Prior to the commencement of construction on a Lot,** the Owner of such Lot or such Owner's contractor shall provide at the approved driveway location a gravel drive with a minimum of five (5) inches of #5 crushed stone base from the paved street toward the house under construction.

10). **Parking.** All vehicles must be parked so as not to impede traffic or damage vegetation. No vehicles (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any streets within the Community overnight. Construction vehicles may be left on the gravel drive of a Lot overnight only if additional use of the vehicle will be made within the following three(3) days. Subcontractors are to be instructed to park on the street adjacent to the Lot or on the Gravel drive, not in common area or with the right-of-way.

11). **Miscellaneous Practices.** The following practices are prohibited with the Community:

(a) Change oil of any vehicle or equipment;

(b) Allowing concrete suppliers and contractors to clean their equipment in areas other than the Lot on which the house is being constructed;

- (c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel, authorized in writing by the Developer;
- (d) Careless disposition of cigarettes and other flammable materials; and
- (e) Operators of vehicles are required to use due care to ensure that they do not spill any damaging materials while within the Community. If spillage does occur, it is the responsibility of the operator of the vehicle to properly clean up the spill. Ant such clean up operations completed by the Board/ECC will be charged to the responsible party. Any spills must be reported to the ECC in writing as soon as possible.
- 12). Pets. Builder and contractor personnel may not bring pets into the Community.
- 13). Common Areas. Except with the prior written permission of the ECC, builder and contractor personnel are not allowed in the Common Areas, and no construction access will be allowed across the Common Areas.
- 14). Accidents. The ECC shall be notified immediately of any accidents, injuries or other emergency occurrences.
- 15). Portable Chemical Toilets and Trash Skips. An enclosed and regularly serviced portable chemical toilet must be provided at each residence under construction. Portable chemical toilets and trash skips must be located in as inconspicuous a location as possible, and such locations must be approved by the ECC prior to placement.
- 16). Vehicular Traffic and Speed Limits. All vehicles must travel at safe operable speeds for construction traffic through an inhabited neighborhood.
- 17). Signs. Building permits are the only sign or documentation that may be posted at a residence or on a Lot during construction. Business signs or other forms of advertisement are not permitted. Building permits are to be attached to a post in a manner protected from the elements and in no event may building permits or any other signage or documentation be attached to trees.
- 18). Property Damage. Any damage to streets and curbs, drainage inlets, water meters or boxes, streetlights, street markers, mailboxes, walls, fences, etc. may be repaired by the Board/ECC and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be assessed as a Special Individual Assessment. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the responsible party's obligation to report such an accident within thirty (30) minutes to the applicable entity whose property was damaged and to the ECC, and any cost incurred in connection with repairing such damage shall be borne by the responsible party.
- 19). General Builder Responsibilities. Builders are encouraged to maintain strict control over subcontractors to minimize silt and mud build-up in streets. Builders are advised to educate employees and subcontractors as to the location of the Lake Buffer Areas, the restrictions applicable to the Lake Buffer Areas and the ramification for violation of the Lake Buffer Guidelines (i.e., fines). Planning home construction with the erosion control measures and the Lake Buffer Guidelines specifically in mind will be crucial to the success of each builder in the Community. Where the builder desires to modify the vegetation in the Lake Buffer Area or construct pathways or shoreline stabilization in the Lake Buffer Area, a lake buffer plan must be first submitted to the ECC for approval prior to construction. In addition to protecting the Lake Buffer areas and controlling erosion, builders are encouraged to develop Lot plans with preserve natural wooded areas wherever possible and which minimize Lot grading and disturbance. Alignment of utilities and access should be planned to minimize the cutting of mature trees.

Solar Panel Policy

Background

The Purpose of this standard is to clarify the placement, size and type of structures by limiting the intrusion of Solar Panels into the natural setting of the Community. This Standard is meant to encourage the conservation of electricity by allowing the installation of solar panels within established guidelines.

- The desired outcome is the harmonious blending of Solar Panels into the neutral character of our neighborhoods and the community, as a whole.

Rules

1. Solar Panels or any other exterior solar equipment shall not be installed or maintained without approval by the ACC.

Guidelines

1. Construction drawings showing the location and number of solar panels, method of attachment to the roof structure and location of the exterior system components must be submitted.
2. A sample or brochure of the proposed solar unit should be submitted with the application.
3. Solar Panels shall be installed flush with the roof and at the rear of the home whenever possible. If panels must be ground mounted, they must be screened. Parabolic solar collectors, which are not mounted so as to be flush with the roof, will not be approved. Solar panels that resemble skylights are the preferred style.
4. Solar Panel frames and all exterior equipment shall be bronze, black or compatible to existing roof.
5. No Solar Panel shall be mounted so that it extends above the roof's highest point of the roof line.
6. The [government] may require a building permit prior to the installation of Solar Panels. The Owner is responsible for obtaining a permit and ensuring compliance with any municipal requirements before installation.
7. Association, its Board of Directors, Architectural Control Committee and managing agent shall not be liable to any Owner for damage or defects caused by the installation of Solar Panels. The Association's approval of any Solar Panel installation shall not be construed as a representation that the selected Solar Panel is compatible with the Owner's roof and/or structures or is free of defects. The Owner is responsible for maintenance of all surfaces of the Solar Panel system, to include, without limitation, painting and generally preventing discoloration, rust and general deterioration.
8. Any violations of this Policy shall be subject to reasonable fines and legal action pursuant to the procedures set forth in the Declaration and Rules and Regulations promulgated by the Board of Directors.
9. le for reviewing any ramifications to the Owner's insurance policy or roof warranty prior to installation. The Owner assumes all liability and bears all risks regarding installation of any Solar Panel system.

November 6, 2015

POINTE HARBOR ASSOCIATION

CLARIFICATION OF THE INTENT FOR ECC FINE ASSESSMENTS

Should the ECC determine a property owner is in violation of the Covenants, By-Laws, Guidelines or the Rules or regulations promulgated by the ECC, they are empowered to assess fines against that property owner as set forth in Section 12.1 of the Pointe Harbor Covenants.

Prior to such fines becoming effective, the property owner shall be given notices of the violation and an opportunity to be heard and present evidence during a hearing with the ECC. Such hearing may be in person or by exchange of emails. Failure by the property owner to attend the hearing shall not be cause for delay of the imposition of any fines.

Fines shall commence as set forth in the notice of violation, or as determined during the hearing between the ECC and the property owner, and shall continue until such violation has been remedied. No additional hearing is required for imposing future fines if the property owner is again in violation of the same violation in the future.

Below is a list of specific violations and related fines:

1. Failure to maintain lot in a clean and orderly condition. Note that all home owners must maintain grass height less than 6 inches. The fine shall be \$10 per day for the first week, then \$25 per day thereafter.
2. Unapproved vehicle or watercraft improperly located on the lot. The fine shall be \$25 per day per unapproved vehicle or watercraft.
3. Violation of construction rules. The fine shall be \$25 per day per violation. For example, if a property owner is in violation of two different construction rules, the fine will total \$50 per day.
4. Unauthorized tree removal. The fine shall be \$25 per day per tree until such time as suitable replacements have been planted, as set forth in the notice of violation.
5. Unapproved clearance of trees (totally or partially) on a lot. The fines shall be as set forth in the Environmental and Lake Buffer Guidelines.
6. Any lease agreement shall provide that the terms and conditions shall be subject to the provisions of the Covenants, By-Laws, Guidelines, Rules and Policies of the Association. All leases shall be in writing and have a minimum term of six (6) months. The property owner shall provide the Board and the Community Manager prior notice of a lease agreement, including who will be renting and the duration of tenancy. Violation of this Rule shall be \$150 per day until such time the lessee exits the property.
7. Violations other than those above. The fines shall be as determined by the Board/ECC on a case-by-case basis.

Fines in excess of the above may be imposed for particularly egregious violations, however they shall not exceed \$150 per day per violation as set forth in Section 12.1 of the Covenants.

April 2018