



Settlers Pointe Homeowners Association, Inc.

Rules and Regulation Guidelines

“Taking Pride in our Community” This document is Guidance to Settlers Pointe owners regarding requirements for additions and modifications to property in the community and of concern to the Architectural Control Committee.

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CHAPTER I

1.1 Applicability

This Rules and Regulations Guideline (“Guide”) is adopted pursuant to the *Articles of Incorporation*, and the *Declaration of Covenants, Conditions, and Restrictions*, (“CC&R”). These documents provide for the establishment of reasonable rules and regulations concerning the use of individual lots and Common Areas. The Architectural Control Committee (“ACC”) serves as representatives of the Board of Directors (“Board”) while enforcing the Guide. Compliance with this Guide is required, but is not the sole basis for review or approval, nor does it guaranty approval of any application. In reviewing each application, the ACC may consider any factors it deems relevant. Each owner acknowledges that determinations as to such matters are purely subjective in nature and that opinions may vary as to the desirability and attractiveness of a proposed addition or modification; however the decision of the ACC is final.

IMPORTANT NOTE: ALL exterior modifications require the submission of a “Home Improvement Application”. If a guideline does not exist for a particular project you are considering, you are still required to submit a Home Improvement Application. Work may not begin on ANY exterior project until after the homeowner receives written approval from the Architectural Control Committee (ACC). Failure to comply with the community covenants and guidelines may result in fines.

1.2 Purpose

This document is not intended to replace the CC&Rs, but to clarify the process by which homeowners may customize and modify the exterior presentation of their homes and/or lots. The intent is to provide consistent guidance to owners regarding requirements for additions and modifications to property in the community, and matters of particular concern to the ACC when considering applications for approval of such conditions and modifications. Additionally, the Guide sets forth various restrictions on other matters relating to community standards and the overall appearance of property in the community.

1.3 Application and Review Process

Unless otherwise specifically exempted by the CC&Rs or this Guide, each and every proposed exterior modification/addition to residential units or lots requires prior approval of the ACC. Submit a copy of the Home Improvement Application in the appendix of this document. Each application must include a copy of the lot survey showing the size and location of the proposed modification/addition as well as a list and description of the materials to be used. Color samples may assist the ACC in rendering its decision and expedite the review process. The ACC may require submission of such additional information as may be reasonably necessary to consider any application.

On an annual basis, the Rules and Regulations Committee and/or the Board will review and update the community guidelines as necessary.

CHAPTER II

ARCHITECTURAL CONTROL COMMITTEE REVIEW PROCEDURE

The ACC will not review any Home Improvement requests if there is any outstanding balance on the applicants Home Owners Association account.

In instances where architectural changes will encroach upon shared property lines (i.e. fences), it is recommended that the applicant advise all affected Owners of the proposed change.

Oral requests for approval will not be considered.

In most cases, applicants will receive a reply from the ACC within thirty (30) days of receipt. If the ACC fails to approve or to disapprove submitted plans and specifications within thirty (30) days after receipt of all required plans and specifications, such approval shall be deemed to have been given. If construction does not commence on a project for which plans have been approved within twelve (12) months of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the homeowner to resubmit the plans to the ACC for reconsideration.

If the application is returned for any reason, the approval time is extended by the amount of time that had elapsed until the revised application is received.

The written reply will contain either ACC approval, an explanation of any restrictions upon the approved project, or why the project was not approved.

The applicant may request reconsideration if he/she can supply new or additional information, which might clarify the request or demonstrate its acceptability.

The applicant may not deviate from the plans and specifications submitted to and approved by the ACC without prior approval of the Committee. Deviation from the approved plan shall constitute a violation and removal of the alteration may be required.

Approval of any plan shall not be construed as approval of the structural integrity of the alteration or addition nor does it relieve the applicant from acquiring the requisite permits, consents and approvals from state, county or city agencies.

The granting of approval by the ACC or the Board, shall in no way subject the ACC, the Association, or their Members and/or Directors to any liability resulting from the applicant's failure to obtain the necessary governmental permits, consents and approvals and such applicant shall indemnify and hold the ACC, the Association, and their Members and/or Directors harmless from such liability. Furthermore, neither the ACC, the Association or their Members and/or Directors, or any agent or employee thereof, shall be liable or responsible in any way for any defect in any plans or specification submitted, revised or approved in accordance with these procedures, nor shall such parties be liable or

responsible in any way for any injury or damage to persons, or real or personal property resulting directly or indirectly from any work done in accordance with any plans, specification or applications submitted to or approved by the ACC or the Board.

The decision rendered by the ACC may be appealed to the Board, provided such appeal is registered in writing to the Board within ten (10) days of notification of the ACC's decision. The Board may reverse, modify or uphold the decision of the ACC. In case of an appeal to the Board, all persons with a properly registered objection to the original application will be notified of the appeal by the Board.

When a specific guideline is not available for a proposed project, the ACC and/or the Board will review these types of applications on a case-by-case basis. Upon occasion, the Board may also grant exceptions for proposed exterior changes.

- ❖ The homeowner must provide sufficient documentation to support their request.
- ❖ Emphasis will be placed on the type and size of the lot, proper scale, materials and impact on neighboring properties.

CHAPTER III

PROCEDURE FOR MONITORING ARCHITECTURAL COMPLIANCE

The penalty for commencement of work on any exterior home improvement requiring ACC approval prior to receiving such approval will result in an automatic fine of \$100.00. The applicant shall have the right to request a hearing by the ACC within ten (10) days from receipt of the violation notice and fine.

Right to Remove or Correct Violations. In the event of any violation of the CC&Rs the ACC will notify the violators to remove or correct the violation within ten (10) days and restore the property to its original condition (“Compliance”).

If the violation is not removed or corrected within the allotted time, the ACC shall have the right upon resolution of the Board to enter upon the owner’s property and take steps to remove the violation. Any costs incurred may be assessed against the owner of the property and statement of the amount shall be rendered to the owner. At that time, the assessment is due and payable. This assessment becomes a lien on the lot until removed by payment. Alternately, the Association may opt to turn the matter over to legal counsel for resolution.

See Article 6.7 of the CC&Rs for details.

CHAPTER IV

COVENANT ENFORCEMENT PROCEDURE

In accordance with the CC&Rs, the Board has the authority to impose penalties for violations of the community covenants.

In order to promote the general welfare and protect the rights of all owners, the Board shall not impose a fine, suspend voting, or otherwise infringe upon any members' rights (except for a homeowner commencing any work without prior approval) for violations of rules until the following procedures are followed:

Violations of the CC&Rs and Rules and Regulations Guidelines

The recommended procedure for violations is:

- A. The first notice shall be a notice only and state:
 1. The violation
 2. If immediate compliance is required – if not 5 days or 10 days
 3. There is a 10 day window for appeals from date of notice only for 10 day compliance guidelines. Immediate and 5 day compliance do not have appeal rights
 4. A second violation will result in a fine of \$50.00

- B. Second notice shall state:
 1. The violation
 2. A fine of \$50.00 is due within 10 days
 3. If a third notice is required it will be a \$100.00 fine

- C. Third notice shall state:
 1. The violation
 2. A fine of \$100.00 is due within 10 days
 3. Further violations shall result in a \$10.00 per day fine with photographic evidence required to prove compliance

All fines shall be cumulative, if done in the same immediate time frame. Example:

- If 1st notice is sent May 1st, 10 days for compliance
- Second note (10 days later if non complaint), May 11th fine of \$50, if not paid
- Third note (10 days later if non complaint) May 22nd fine of \$100.00 and original \$50 fine is still due. If still not paid and still in non-compliance after the last 10 days have passed, the

homeowner will now be fined \$10.00 per day until photo evidence is provided that proves compliance.

Fining Procedure. The Board shall not impose a fine (a late charge shall not constitute a fine) unless and until the following procedure is followed:

- A. Written notice shall be delivered to the member by first-class or certified mail sent to the address of the member shown on the Association's records, specifying:
 1. the nature of the violation, the fine to be imposed and the date, not less than ten (10) days or, in the event of an unapproved sign, twenty-four (24) hours, from the date of the notice, that the fine will take effect;
 2. that the violator may, within ten (10) days from the date of the notice, request a hearing regarding the fine imposed;
 3. the name, address and telephone numbers of a person to contact to challenge the fine;
 4. that any statements, evidence, and witnesses may be produced by the violator at the hearing; and
 5. that all rights to have the fine reconsidered are waived if a hearing is not requested within ten (10) days of the date of the notice.
- B. If a hearing is requested, it shall be held before the Board in executive session, and the violator shall be given a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing. No fine shall be imposed prior to the date that is five (5) days after the date of the hearing.

See Article 3.21 of the CC&Rs ByLaws for details.

Violations of Architectural Guidelines

- A. Failure to submit an application and obtain written approval for any alteration which requires approval, prior to beginning construction of the alteration shall constitute grounds for a \$100.00 fine in accordance with the guidelines set forth in the ***Procedure For Monitoring Architectural Compliance*** (page 7).
- B. Homeowners who have made alterations to the exterior of any home without prior approval and outside the guidelines may receive a first class or certified letter specifying:
 1. The alteration which is not in compliance.
 2. The Guideline which is in violation.
 3. Corrective action to be taken to abate the violation.

4. A period of time not less than ten (10) nor more than thirty (30) days to correct the violation.

General Rule of Action

- A. Homeowners who have corrected violations and brought their homes into compliance must provide written notification of the compliance to the ACC.
- B. Homeowners who are in violation are subject to all costs involved to obtain compliance, including administrative, postage and legal fees. Failure to correct the violation within the requisite notice and time frame shall result in immediate legal action against the homeowner, cost of the same to be borne by the homeowners in violation.

CHAPTER V

GUIDELINES, RULES, REGULATIONS AND RESTRICTIONS

Guideline #1: AIR AND HEAT CONDITIONING UNITS / WINDOW FANS

Window air-conditioning units and window fans are *strictly prohibited*.

A completed application is *not* required if the exterior heat pump or central air-conditioning unit is replaced, added or relocated to an area that does not interfere visually or acoustically with neighbors.

See Article 7.18 of the CC&Rs for details.

Guideline #2: ANIMALS AND PETS

The Town of Lexington Ordinance Title IX - General Regulations, Chapter 91, Section 91.17 - Restraint states the following regarding pets:

- A. All dogs and other pets must be kept under restraint or confinement within the city limits. Any person who owns or keeps a pet must confine such pet in an enclosure or keep it on a leash, under the physical control of a person. Any pets not so restrained will be deemed unlawfully running at large within the city limits.
- B. Owners of pets allowed to run at large within the city are guilty of a misdemeanor and are subject to the penalties provided by law for violation of this article. The citation will prescribe the amount of bond to be posted by the violator at the Municipal Court.

Other than normal household pets, no other animals, livestock or poultry of any kind shall be raised, bred or kept on the properties. Dogs, cats or other normal household pets may be kept in homes provided that such pets are not kept, bred or maintained for any commercial purpose.

Pets shall not be permitted upon the Common Area (as defined in Guideline #10) unless accompanied by a responsible person and unless they are carried or leashed. Owners are responsible for immediately cleaning up and disposing of any excrement deposited by their pets on the Common Areas (including around the Lake) and other homeowner's property. For disease prevention and sanitary reasons violators will be subject to aggressive penalties, including fines, by the Board.

The Association may require the removal of any animal that presents an actual threat to the health or safety of residents and require abatement of any nuisance or unreasonable source of annoyance.

See Article 7.6 of the CC&Rs for details.

Guideline #3: ATTIC VENTILATORS

Upon written approval by the ACC, attic ventilators can be installed provided the following conditions are met:

1. **Location.** Ventilator should be located on the roof and not extend above the roof peak.
2. **Design and Structure.** Attic ventilators or other mechanical apparatus requiring penetration of the roof shall be as small in size as is functionally possible. *Wind powered units are strictly prohibited.*

See Article 6.1 of the CC&Rs for details.

Guideline #4: AWNINGS & SUN TRELLISES

Awnings and other fabric are *prohibited* in the front and sides of the home. Written approval is required for awnings in the rear of the home with the following conditions:

1. **Function.** The awning must be retractable and attached to the home.
2. **Material and Color.** Must be constructed of fabric material that must be maintained and be in good condition. Must be in harmony with the current color scheme of the homes exterior.

Guideline #5: BACKYARD PLAY EQUIPMENT

ACC approval is required prior to the placement of swing sets, trampolines, and all other play structures over 8 feet and must be placed inside the perimeter fencing behind the dwelling.

See Article 7.20 of the CC&Rs for details.

Guideline #6: BASKETBALL HOOPS

Basketball hoops constitute an addition to the exterior of a home and need approval of the Architectural Control Committee. A Home Improvement Application must be submitted and approved *before* installing or placing a basketball hoop on your lot. On the Home Improvement Application include the type of hoop to be installed, and the location; photos of the placement location would be helpful. The following guidelines have been developed by the Architectural Control Committee:

1. Permanent basketball hoops can be installed in the rear yard or in the front of the home in accordance with these guidelines.
2. No backboard or hoop may be attached to any portion of the house or garage.
3. No portable basketball goals will be permitted.
4. Basketball hoops must never be placed near/on the sidewalk, street or Common Areas.
5. If placement is in front driveway, it can only be installed on the side yard facing the driveway and should be set back a minimum of 15 feet from the curb.

In the placement of recreational equipment, homeowners need to be sensitive to the privacy needs of adjacent neighbors.

See Article 7.7 and 7.20 of the CC&Rs for details.

Guideline #7: BOATS / TRAILERS / TRUCKS / RV'S

Major vehicle renovation or repair may NOT be undertaken within the community. Per Article 7.4 of the CC&Rs, boats, trailers, camp trucks, tractor-trailers, house trailers, inoperable vehicles, any vehicle without current registration, or any similar items may NOT be stored on the community streets, Common Areas, parking lots, driveways, or any portion of any lot. ***For more information, see "Guideline #33: PARKING / VEHICLES".***

Boats, campers, buses, recreational vehicles, commercial trucks and vans or vehicles of a capacity exceeding 10,000 GVW may NOT be permanently or temporarily stored or parked on community streets, Common Areas, parking lots, driveways, or any portion of any lot.

See Article 7.4 of the CC&Rs for details.

Guideline #8: BUG LIGHTS/ZAPPERS

Bug lights do not require prior ACC approval if installed in rear yards only, or behind privacy fencing and must follow Town of Lexington and Lexington County noise regulations, if applicable.

Guideline #9: CITY & COUNTY BUILDING PERMITS

It is the responsibility of the homeowner to apply for a building permit with the Town of Lexington and Lexington County, if such permits are required for the work being performed.

Guideline #10: CLOTHES LINES

No exterior clothesline or hanging device shall be allowed upon any lot. No drying or air drying of any clothing, bedding, towels or similar materials shall be permitted outdoors within any lot. No towels, rugs shall be hung on the front porch.

See Article 7.24 of the CC&Rs for details.

Guideline #11: COMMON AREAS

“Common Areas” is defined as all areas in the community not owned by residents. Common Areas include streets, sidewalks, retention ponds, lake, easements and the front entrance.

No dumping of trash, grass clippings, weeds or gardening debris is allowed on any of the Common Areas including gutters and street drainage. No sign of any type is allowed on the Common Areas or the front entrance of the community (i.e. “For Sale” signs). No storage of any type is permitted on the Common Areas. No activity that is harmful or adverse to living things is permitted on the Common Areas.

See Article 5.1, 7.8, 7.25, 7.29, 7.30 of the CC&Rs for details.

Guideline #12: DECKS / PATIOS / SCREENED PORCHES

ACC approval is required prior to construction, modification or extension of decks, patios, and screened porches. Deck footings and patios must stay within the required setback for your lot as designated on your property plat. Decks must be attached to the dwelling. No free standing decks greater than 8 inches from the ground will be permitted. No deck or patio shall extend into the side yard beyond the side plane of the residence. Clear deck waterproofing and clear water sealant are pre-approved and do not need prior ACC approval. Color staining must have prior ACC approval.

See

ADDENDUM "A" - DECK REQUIREMENTS for specific deck guidelines and ADDENDUM "B" for specific patio requirements.

Upon approval by the Architectural Committee, the homeowner may commence construction.

See Article 7.20 of the CC&Rs for details.

Guideline #13: DOCK / LAKE RULES

Residents of Settlers Pointe have lake and dock access via Sixteen Mile Court (i.e. Hegman Place). This access is shared with residents in that area. Please use common courtesy when using these facilities. The following dock and lake guidelines should be observed.

- Settlers Pointe HOA is not responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of Lake Murray or the Dock.
- Loading only, no parking of any motorized vehicles (to include but not limited to cars, trucks, golf carts, and motorcycles). Violators will be towed.
- Do not share the access codes with non-residents of Settlers Pointe and Hegman Place properties.
- Use permitted only during daylight hours. Violators will be prosecuted.
- Unattended watercrafts are prohibited. Please do not tie any type of watercraft to the dock and leave unattended.
- Commercial use and activities for profit are prohibited.
- No parking of motorized vehicles, including golf carts, at any time.
- No use of glass containers or bottles at any time.
- Please dispose of all trash in receptacles.
- Make sure the gate is locked upon leaving.
- Should you find suspicious individuals in the area, especially at night, as well as any offensive activity, it is suggested that you contact the Lexington County Sheriff's Department at 803.785.8230.

See Article 7.30 of the CC&Rs for details.

Guideline #14: DOGHOUSES / DOG RUNS

Dog houses are permitted provided they are at the rear of the house inside the perimeter fencing. Dog houses *not* located within perimeter fencing require prior written approval from the ACC. Dog pens and dog runs are not permitted anywhere on the property.

See Article 7.6 of the CC&Rs for details.

Guideline #15: DRAINAGE

No alterations or additions shall be made to any house or lot which will change the drainage patterns and cause runoff onto Common Areas, adjacent lots or streets.

See Article 7.11 of the CC&Rs for details.

Guideline #16: DRIVEWAYS

No driveway extensions, widening or rerouting is permitted.

Guideline #17: EXTERIOR CHANGES (SHUTTERS/DOORS/WINDOWS)

Prior ACC approval is required for all exterior changes. All exterior colors must conform to the original scheme designed by the builder. Shutters and doors should complement the exterior color scheme, and homeowners are highly encouraged to maintain the original colors intended by the builder. Regardless of color scheme chosen, shutters and doors must match in color.

Upon written approval by the ACC, storm doors are permitted. They must be full-view glass and must match the existing façade color scheme. Door hardware must also match the existing hardware (brass handle for brass lights, etc). Storm doors with metal or decorative grills are strictly prohibited.

Prior ACC approval is required for the installation of an exterior French door or door or window replacements, if the door and/or windows match the other windows or doors in the house in style, material and color, or if they are white.

When submitting a request for a color change, color chips or siding samples should be attached to the Home Improvement Application.

Front doors shall be wood or with simulated wood grain. Front doors may be painted or stained provided they match the color of the shutters. Metal or decorative grills on doors and windows are prohibited.

See Article 7.27 of the CC&Rs for details.

Guideline #18: EXTERIOR MAINTENANCE

Lots and all improvements located thereon shall be maintained in good order and repair and with such frequency as is consistent with good property management. This includes, but is not limited to:

- ❑ **Yard Maintenance.**
 - ❑ Edging (including at the street curb), mowing, watering and weeding of all lawns, including lawns between the sidewalk and street, as applicable. This includes removal of lawn clippings from sidewalks and streets.
 - ❑ Mulching, pruning, watering and weeding of all trees and shrubbery.
 - ❑ Mulching, watering and weeding of flowerbeds.
- ❑ **Exterior Maintenance.**
 - ❑ The repair and other appropriate external care of the exterior of all buildings and other improvements. This includes the proper maintenance of garage doors and trim areas around exterior doors and windows.

See Article 5.2 and Article 7.8 of the CC&Rs for details.

Guideline #19: FENCES

Unless constructed by the Builder at the time of house construction, all fences require prior ACC approval. Fence height must be 6 feet. *Corner lot applications will be considered on a case-by-case basis.*

- Chain link fencing in any form is strictly prohibited (including dog pens/runs)
- A single fence IS permitted between adjacent lots sharing a common property line provided it is mutually agreed upon by homeowners. No double fencing between lots is permitted.
- Fences are not permitted in the front yard. Fences may come from the rear corners of the dwelling or may come forward no more than 1/3 the length of the house from the rear. Under no circumstances may a homeowner erect a fence outside of the lot property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
- Fence finishes may be one of the following: 1) unstained, 2) stained with a transparent, clear (uncolored) stain or clear water sealant (#1 and #2 do not require prior ACC approval), or 3) colored wood stain (which requires prior ACC approval). Residents are responsible for maintaining all landscape and property inside fenced area.
- **FENCING OF ANY SORT INSTALLED OR ALTERED WITHOUT APPROVAL IS NOT PERMITTED. RESIDENTS WILL BE REQUIRED TO IMMEDIATELY REMOVE ANY FENCE INSTALLED OR ALTERED WITHOUT THE WRITTEN APPROVAL OF THE ACC.**

Prior to the construction of a fence, a homeowner must submit a Home Improvement Application to the ACC for review. See ADDENDUM "B" - FENCE REQUIREMENTS for specific fence guidelines. **Upon approval by the ACC, the homeowner may commence construction.**

Homeowners who construct a fence in accordance with the approved guidelines assume full responsibility for compliance with the rules and regulations for both the Town of Lexington and Lexington County, if applicable.

See Article 7.18 of the CC&Rs for details.

Guideline #20: FIREARMS/FIREWORKS

A. Firearms

The Town of Lexington Ordinance Title XIII – General Offenses, Chapter 136 – Weapons Control states the following regarding firearms:

LOADED GUNS - It is unlawful to carry any loaded gun in the municipality. This section shall not apply to any law enforcement officer or other person entitled by state law to carry a loaded gun.

SHOOTING GUNS OR PISTOLS - It is unlawful for any person to shoot or discharge any firearm within the municipality.

CARRYING A CONCEALED WEAPON - It is unlawful for any person within the corporate limits of the municipality to carry concealed about his person any pistol, dirk, slingshot, metal knuckles, razor or other deadly weapons, commonly used for inflicting personal injury.

Nothing herein shall be construed to apply to:

- (1) Persons carrying concealed weapons on their own premises;
- (2) Persons carrying concealed weapons pursuant to and in compliance with [S.C. Code] Article 4 of Chapter 31 of Title 23;
- (3) Persons carrying concealed weapons pursuant to and in compliance with S.C. Code § 16-23-20. (S.C. Code § 16-23-460)

B. Fireworks

Use of fireworks during the Independence Day and New Year's Day celebrations are permitted provided that cleanup of large debris occurs immediately and complete cleanup within 12 hours of use and proper adult supervision is provided. Please note safety tips from the National Council on Fireworks Safety:

- Always read and follow label directions.
- Have an adult present.
- Buy from reliable sellers.

- Use outdoors only.
- Always have water handy (a garden hose and a bucket).
- Never experiment or make your own fireworks.
- Light only one firework at a time.
- Never re-light a "dud" firework (wait 15 to 20 minutes and then soak it in a bucket of water).
- Never give fireworks to small children.
- If necessary, store fireworks in a cool, dry place.
- Dispose of fireworks properly by soaking them in water and then disposing of them in your trashcan.
- Never throw or point fireworks at other people.
- Never carry fireworks in your pocket.
- Never shoot fireworks in metal or glass containers.
- The shooter should always wear eye protection and never have any part of the body over the firework.
- Stay away from illegal explosives

See Article 7.15 of the CC&Rs for details.

Guideline #21: FIREWOOD/WOODPILES

Firewood and/or woodpiles may be stored outside if stacked neatly in the rear of the house on homeowner property.

Woodpiles shall be located so as to be concealed from view from neighboring streets and properties.

Firewood may *not* be stacked on the Common Areas and shall not be stored in any manner beyond the front building lines of any house.

See Article 7.13 of the CC&Rs for details.

Guideline #22: FLAGPOLES/FLAGS

Flags and poles may not be attached or installed without the written approval of the ACC using the required Home Improvement Application attached to these guidelines. Current US or State of SC flags do not need prior approval. Flagpoles are to be used for displaying flags only and the maximum flag size shall be 3' X 5'.

See Article 7.20 of the CC&Rs for details.

Guideline #23: GRILLS & FIREPLACES

A completed application is *not* required for permanent grills or fireplaces if the grill is located behind the house and within fifteen (15) feet of the dwelling and it *meets all Town and County Codes or Ordinances.*

Guideline #24: GUTTERS & DOWN SPOUTS / ROOFTOP EQUIPMENT

Modification to a rooftop requires an approved *Home Improvement Application* prior to modification. Approved rooftop accessories or equipment must match the existing roof colors, compliment the residence, and be as inconspicuous as possible. The following restrictions must also be met:

- Exposed flashing, gutters and down spouts must match the existing color scheme of the residence.
- Skylights shall not exceed 3' x 5' in size and shall be mounted on the backside of the roof so as not to be seen from the street.
- Solar energy equipment will have the appearance of a skylight, have finished trim, and shall not be visible from the street.

See Article 6.1 and 7.20 of the CC&Rs for details.

Guideline #25: HOME BASED BUSINESS

Home based businesses are permitted provided the following criteria are met:

- It is not evident that home based business is being conducted.
- No unusual traffic, other than normal residential traffic, is permitted.
- Only removable signs are permitted on vehicles and said vehicles must be parked in the garage or the signs may be required to be removed while in the community.
- Commercial vehicles too large for a garage must be parked in the driveway. No vehicle larger than a pickup truck or standard van (not to exceed 10,000 GVW) is permitted.
- Use of the Common Areas and facilities for the home based business is not permitted

See Article 7.2 of the CC&Rs for details.

Guideline #26: HOT TUBS, SPAS, SAUNAS

Hot tubs, spas, and saunas are permitted using the Home Improvement Application for approval prior to installation. These items must be located in the rear of the residence screened from view of the street and neighboring properties. Owners are required to install safety features such as locks or covers and comply with all applicable state and local codes, if applicable.

See Article 7.21 of the CC&Rs for details.

Guideline #27: LANDSCAPING (GARDENS / SHRUBS / TREES)

Residents who wish to alter the landscape of their property in the front or side of the property must obtain written approval for the changes prior to making them.

1. Plants, shrubs and flowers are permitted within the existing builder-provided planting beds. Any modifications to the size or shape of existing beds or any other additions need ACC approval. Hedge or other planted fencing on lot lines must be approved by the ACC.
2. No trees that are more than four inches in diameter at a point 12 inches above the ground and no ornamental or flowering trees, including, but not limited to, dogwood trees, cottonwood trees, cherry trees or apple trees, regardless of diameter, shall be removed without the prior written consent of the ACC.
3. No prior ACC approval is needed for planting of plants, shrubs, trees and flowers in the rear of the home.
4. Plant refuse and stakes must be removed at the end of the growing season.
5. Decorative borders greater than 6" in height require ACC approval.
6. Vegetable gardens are permitted behind perimeter fencing.
7. Decorative wood mulch and pine straw are permitted. All other mulch types need ACC approval.

See Article 6.1, 7.10 and 7.20 of the CC&Rs for details.

Guideline #28: LAWN ORNAMENTS / WATER FEATURES / BIRD ACCESSORIES

A completed application is required for any lawn ornaments, statuary, water features, and bird accessories (birdbaths, birdfeeders, and birdhouses) in the front and/or side yard which includes a complete description of size, location on lot, materials, color and design. A drawing or photograph should be included. **Upon approval by the ACC, the ornaments may be placed on the lawn/yard.**

See Article 7.20 of the CC&Rs for details.

Guideline #29: LEASING

Homeowners may lease their homes for residential purposes. All leases shall have a minimum term of at least twelve months. All Lease Agreements must state that the tenant shall abide by the conditions set forth in the CC&Rs and this Guide adopted by the Association and failure to do so shall constitute a breach of the Lease. The owner of any house that is leased to a tenant must provide a copy of the Lease Agreement to the Management Agent within thirty (30) days from the date of occupancy.

See Article 7.5 of the CC&Rs for details.

Guideline #30: LIGHTING

Permanent Exterior Lighting.

1. An application is *not* required if replacing an existing light fixture with one similar in size, shape and color to the old fixture.
2. A completed application is required if a change in style, size, shape, color or positioning is desired or if additional light fixtures are to be installed on existing or new structures.
3. Permanent party lights are prohibited.
4. Fluorescent lights used outdoors will not be approved.

Temporary Exterior Lighting.

Decorative holiday and festive lighting does not require approval; however, holiday lighting shall not be installed earlier than thirty (30) days prior to the holiday or occasion and must be removed within two weeks after the holiday or occasion.

See Article 7.2, 7.19 of the CC&Rs for details.

Guideline #31: MAILBOXES

Mailboxes and mailbox posts other than the original builder installed style require ACC approval. If replacement or repair is required, the mailbox must be restored to the original design specification. Removable mailbox accessories are approved, but no permanent changes to the mailboxes are permitted without ACC approval.

See Article 7.23 of the CC&Rs for details.

Guideline #32: NUISANCE/OFFENSIVE ACTIVITY

No adverse or harmful activity shall be carried on upon any lot nor shall anything be done thereupon which may become a nuisance to the neighbors. It's the responsibility of each owner and occupant to prevent the development of any unclean, unhealthy, unsightly or unkempt condition on a Lot or in the community.

See Article 7.2, 7.7 of the CC&Rs for details.

Guideline #33: PARKING / VEHICLES

The term "vehicles," as used herein, shall include, without limitation, motor homes, boats, trailers, motorcycles, minibikes, scooters, go-carts, golf carts, trucks, campers, buses (specifically including without limitation school buses), vans and automobiles. Curbside parking is not permitted, except for occasional overflow parking not to exceed 48 hours. Vehicles shall be parked only in appropriate parking spaces serving the Lot. Recreational vehicles, campers, boats and trailers must be kept in the garage except temporarily in preparation for use or repair, if such period does not exceed 48 hours.

Carports shall not be permitted. Garage doors should be kept closed at all times, except during times of ingress and egress from the garage. No vehicle may be left upon any portion of the Common Areas.

Abandoned, stored, junked vehicles or those without current license plates are prohibited. Any extraordinary vehicle maintenance which requires dismantling the vehicle OR WILL TAKE LONGER THAN 48 HOURS TO COMPLETE is prohibited. During the 48-hour period of such maintenance, tools, parts, supplies, etc. must be kept within a restricted area on the homeowner's property. Tools, supplies, parts, etc. must not be left on private or public area lawns. Oil and other vehicle lubricants must not be dumped or discarded on the property.

See Article 7.4 of the CC&Rs for details.

Guideline #34: SATELLITE DISHES/ANTENNAS

Homeowners who wish to place a satellite dish on the exterior of the residence must submit a Request for Architectural Approval to the ACC. If installation is required in other than the following approved locations, include a statement from the installer with the ACC application. Standard, approved placement of a satellite dish is:

- Attached to or mounted on a pole in the rear of the residence
- Attached to or mounted on the rear wall or rear roof of the residence so as to extend no higher than the ridge line of the residence at a point directly above the position where attached or mounted to the wall.

Pursuant to FCC Section 207 of the Telecommunican Act of 1996, the Association will not require prior approval for antennas/dishes in the attic crawl space, garage, or other interior space of the dwelling, or another approved structure so as not to be visible from the exterior of the residence.

See Article 7.9 of the CC&Rs for details.

Guideline #35: SHEDS/ACCESSORY BUILDINGS

Utility buildings and/or storage sheds are not permitted on the property without prior approval by the ACC. General guidelines for shed approval are set forth in Addendum D: Sheds.

Homeowners who install a shed in accordance with the approved guidelines must comply with the Rules and regulations for both the Town of Lexington and Lexington County, if applicable.

Guideline #36: SIGNS

No signs of any type or kind shall be erected, placed or permitted to remain on any residence or lot except:

- A single "For Sale" sign which shall not exceed 2'x3' in size.
- An Open House sign if removed within 24 hours of the event
- A security system warning sign, not to exceed 12"x12" in size, may be displayed at the entrance to the residence

No signs of any type or kind shall be erected, placed or permitted to remain on any Common Areas or easement areas except:

- Such permits as required by legal/government agencies
- Official community events as approved by the Board

No signs shall be permitted on the Common Area or any easement areas except those installed by the developer or those approved in writing by the ACC or the Board.

See Article 7.3 of the CC&Rs for details.

Guideline #37: SOLICITING

No outside soliciting of any kind by any person shall be permitted on the property. To report a violation of this guideline, please contact the Town of Lexington police department.

See Article 7.7 of the CC&Rs for details.

Guideline #38: STORAGE

Exterior property areas shall not be utilized for any period of time for the open (visible) storage of lumber (other than firewood as specified in Guideline #18), rubbish or refuse, garbage cans, paint cans, building materials, ladders, lawn equipment, dirt, sand, gravel, bathroom or kitchen fixtures, household appliances, glass, furniture, tires, automobile parts or similar discarded items or materials, regardless of age or condition unless delivered within no more than 3 weeks of an approved home improvement project.

See Article 7.8 of the CC&Rs for details.

Guideline #39: SWIMMING POOLS

Prior ACC approval is required. Only in-ground swimming pools in the rear yards will be approved. A detailed plan showing the location of the pool on the property, the materials to be used, the location of pool equipment and surrounding decks must be submitted with the application. This plan should also show the proposed drainage pattern for any overflow of water from the pool. In no case will drainage be allowed to flow onto the Common Areas or adjacent lots. The property must be staked by a professional engineer to insure that the pool and the surrounding decks do not encroach onto adjoining properties.

Above-ground pools, with the exception of temporary “kiddie pools” in rear yards, are prohibited.

Homeowners who install a pool in accordance with the approved guidelines must comply with the rules and regulations for both the Town of Lexington and Lexington County, if applicable.

See Article 7.21 of the CC&Rs for details.

Guideline #40: TRASH CANS / YARD WASTE / RECYCLE CONTAINERS

Garbage containers and recycle bins must be stored in one of the following pre-approved locations (stated in order of preference):

- Inside the garage
 - Behind the house (screened from street view by your house)
 - Behind an approved screening fence on the side of your house
 - Containers are not to be stored in the front of house
1. Covered trash cans and yard waste shall be placed for collection at the curb in front of the home, by 7:00 AM on the scheduled day of collection but *no earlier than 5:00 PM of the prior day, and must be retrieved no later than 24 hours after collection.*
 2. Yard Waste Pickup. Trimmings from lawns (i.e. grass clippings), hedges, shrubs or trees must be bagged and shall not be permitted to remain in public view except on the scheduled pickup day.
 3. Bulk trash removal is the responsibility of the owner. Placing bulk trash on the Common Area is prohibited.
 4. The burning of trash is not permitted.
 5. Trash containers shall be maintained in good repair at all times.

See Article 7.13 of the CC&Rs for details.

Guideline #41: WINDOW BOXES / PLANTERS

Window boxes and plants must have ACC approval. The following restrictions apply:

- They are of a color and material complimentary to the residence exterior and shall be maintained in a neat and attractive manner.
- Statues and figurine planters are permitted in the front yard with prior ACC approval.
- Dead and diseased plants and all weeds shall be promptly removed.

See Article 7.20 of the CC&Rs for details.

Guideline #42: OTHER ALTERATIONS

It is impossible to write the guidelines necessary to cover all exterior changes. **When a guideline is *not* available for the project you are proposing, a completed Home Improvement Application is needed.** Emphasis will be placed on proper scale, materials and impact on the neighboring properties.

Work may not begin until you receive written notification that the project has been approved by the ACC. Failure to comply with the guidelines stated within this document may result in a monetary fine being assessed against the violating homeowner(s). For more information, refer to **CHAPTER IV - COVENANT ENFORCEMENT PROCEDURE** (page 8).

ADDENDUM “A” - DECK REQUIREMENTS

Before starting work on a deck that meets the requirements stated below, a homeowner must submit a *Home Improvement Application* to the ACC for review and approval. See “**Guideline #12: Decks**” on page 14.

Work may not begin until you receive written notification that the project has been approved. Failure to comply with the community guidelines will result in fines in accordance with the fine schedule outlined in Chapter IV.

Homeowners who install a deck in accordance with the approved guidelines must comply with the Rules and regulations for both the Town of Lexington and Lexington County, if applicable.

- A. **Materials.** Decks may be constructed of pressure treated lumber, solid redwood, pine or cedar woods, or composite decking (i.e. Trex) is permitted.
- B. **Finish.** Clear deck waterproofing and clear water sealant are pre-approved and do not need prior ACC approval. Color staining must have prior ACC approval.

- B. **Design.**
 - 1. Decks thirty inches (30”) or more off the ground must have railings and balusters no lower than three feet (3’) no higher than three feet six inches (3’6”) around the perimeter.
 - 2. All support posts which make contact with the ground must be either installed in concrete footers or be anchored above ground to a concrete footer.
 - 3. Decks need not be square or rectangle and may include offsets or angled portions.
 - 4. Wooden patios that are installed one inch (1”) or more above ground are considered decks and must comply with deck guidelines.

ADDENDUM “B” - FENCE REQUIREMENTS

Before starting work on a fence that meets the requirements stated below, a homeowner must submit a *Home Improvement Application* to the ACC for review and approval. See “**Guideline #19: Fences**” on page 17.

Work may not begin until you receive written notification that the project has been approved. Failure to comply with the community guidelines may result in fines.

Homeowners who install a fence in accordance with the approved guidelines must comply with the rules and regulations for both the Town of Lexington and Lexington County, if applicable.

A. Acceptable Type & Style.

Privacy Fence – Arch Up, Arch Down or Straight are permitted provided it is pressure treated lumber with natural wood finish.

B. Maintenance.

Treatment of Wood surface:

- Fence finishes may be one of the following: 1) unstained, 2) stained with a transparent, clear (uncolored) stain or clear water sealant (#1 and #2 do not require prior ACC approval), or 3) colored wood stain (which requires prior ACC approval).
- Homeowners are responsible for treating all surface areas of their fence. That would include interior, exterior and top areas of the fence.

C. Specifications.

1. Fence height shall be 6 feet.
2. Fences are not permitted in the front yard. Fences may come from the rear corners of the dwelling or may come forward no more than 1/3 the length of the house from the rear. Under no circumstances may a homeowner erect a fence outside of the lot property line. In the event of an obstacle, the homeowner must shift the fence inside the boundary line of the lot.
3. Fencing to secure whirlpools and pools within the yard is permitted with prior ACC approval.
4. All fencing must be installed with the finished side facing out.
5. Caps must be installed on fence posts.
6. Application of wood finishes shall be in accordance with Item B above.
7. Electronic/Radio controlled fencing advertised as “*Invisible fencing*” is permitted provided that the exterior control box or panel is not visible from the street.

ADDENDUM “C” - PATIO REQUIREMENTS

Before starting work on a patio that meet the requirements stated below, a homeowner must submit an *Architectural Change Request Application* to the ACC for review and approval. **See Error! Reference source not found..**

Work may not begin until you receive written notification that the project has been approved. Failure to comply with the community guidelines may result in fines.

Homeowners who install a patio in accordance with the approved guidelines must comply with the rules and regulations for both the Town of Lexington and Lexington County, if applicable.

- A. **Materials.** Patios may be reinforced concrete, flagstone or brick. If brick or flagstone is used, then a sturdy railing must surround the perimeter of the patio (unless the flagstone or brick is at ground level).
- B. **Placement.**
1. Patios can be built forward of the rear foundation wall of the house.
 2. Patios may not interfere with the natural or man-made grade or interfere with the natural flow of water or drainage to either adjoining lots or Common Area, or be located in any easement areas.
- C. **Design.** Patios need not be square or rectangle and may include offsets or angled portions.

ADDENDUM “D” - SHED REQUIREMENTS

Before starting work on a shed that meet the requirements stated below, a homeowner must submit a Home Improvement Application to the ACC for review and approval. See “Guideline #35: Sheds” on page 23.

Work may not begin until you receive written notification that the project has been approved. Failure to comply with the community guidelines may result in fines.

Homeowners who install a shed in accordance with the approved guidelines must comply with the rules and regulations for both the Town of Lexington and Lexington County, if applicable.

A. Materials.

1. Storage sheds may be installed provided they are either custom built with wood framing construction, pre-fabricated of wood construction, or plastic/vinyl of quality acceptable to the ACC.
2. All sheds of wood construction must have roofing and siding material that *is the same* match in type and color as the materials used by the Builder of the home.
3. No steel or metal sheds are permitted.
4. Sheds must be constructed on a slab or attached permanently to a secure foundation. Sheds may *not* be attached to any portion of any fence.

B. Placement.

1. Sheds may be placed in rear yards only.
2. Sheds may not interfere with the natural or man-made grade or interfere with the natural flow of water or drainage to either adjoining lots or Common Area, or be located in any easement areas.

ADDENDUM “E” – Solar Equipment

Added: February 9, 2017

1. An illustration of the proposed solar panel system shall be submitted with the Home Improvement Application. All solar installations must be approved by the Architectural Review Committee (ARC) prior to installation or the homeowner will be subject to daily fines. The illustration of the proposed solar panels must include the following information:
 - a. An outline of the materials to be used.
 - b. Drawings showing the location and number of collectors.
 - c. Position of the attachment to the roof structure.
 - d. The location of exterior system components, specifically any new items that will be added that are required as part of the solar panel operation such as power boxes, solar panels, meters, wiring, etc.)
2. Location of solar equipment:
 - a. Ground mounted solar panels are not permitted.
 - b. Roof mounted solar panels are not permitted anywhere between the two outermost front corners of the house. This means that any roof facade facing the street which fronts the house will not be an approved location for solar equipment.
 - c. Any roof facade between the two outermost front corners of the house - regardless of its orientation - will not be an approved location for solar equipment.
 - d. Panels installed on the rear of the house are permitted.
 - e. For corner lots where there is a side street running along the side of house, all efforts must be made to keep all solar equipment off of the roof on the side of the house facing the side street. The ARC and HOA Board will make a reasonable attempt to work with homeowners to find a workable design. At any time, the ARC and/or the HOA Board may request a revised solar panel proposal showing alternate placement of the panels.
3. Solar panels should be an integrated part of the roof design and mounted directly to the roof deck or if mounted on or over the existing roof tile, should be flush with the slope of the roof. Solar units, solar panels, piping/conduit, or any exposed part of the installation may not break the roof ridgeline.
4. All exterior plumbing lines and conduit shall be painted to match, or the color of the materials used must match, the color of adjacent roof material and walls.
5. Homeowners will ensure that all surfaces of such devices and/or equipment, whether painted or colored materials, are properly and regularly maintained to prevent peeling and cracking of paint, loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community.

Recommendations to Owners

1. The Association strongly suggests to Owner that he/she use an installer which is a licensed solar equipment contractor with the appropriate contractor's license. Owner is entirely and solely responsible for knowing what permits may be required, and obtaining any such permits before installation begins.
2. Homeowners are urged to check with their insurance company prior to installation of devices for how such installation may impact their roof warranty or other aspects of their structure. Neither the Architectural Committee nor the HOA Board of Directors is liable to the property owners from roof damage or for effects to roof warranties. The Association and its Board has no expertise or special knowledge regarding such systems and therefore the Association's approval for installation of any such device(s) or system is not a representation that the system chosen by an Owner is safe to use or is compatible with Owner's roof or other structures on the Lot or the Lot involved, and Owner assumes and bears all risks regarding installation and use of such a system.

ADDENDUM “F” – YARD/GARAGE SALES

Any resident in good standing of Settlers Pointe at Lake Murray is permitted to hold a maximum of 2 garage or yard sales per calendar month. A garage or yard sale is defined as the sale of household or personal articles (such as furniture, tools, or clothing). Residents wishing to hold more than 2 sales per calendar month must receive written approval from the HOA board prior to the sale.

Guidelines

1. Sales must be conducted on the weekend and not before the hour of 7:00 a.m.
2. The homeowner accepts all responsibility for any and all individuals entering and on their property during the sale.
3. The homeowner may post a maximum of three (3) freestanding and self-supported signs within the neighborhood to advertise the sale.
 - a. Signs must not be attached to any HOA property including, but not limited to, street signs, stop signs and the entrance monument.
 - b. Signs must not impede traffic, line of sight or placed on another homeowner's property without prior permission.
 - c. Signs may be placed 24 hours prior to the sale and must be removed by 6:00 PM day of the sale.
4. Homeowners conducting a sale must abide by any town or county noise or nuisance ordinance, and use common sense and good judgment as to not disturb neighbors or others in the neighborhood.

SETTLER'S POINTE HOME IMPROVEMENT APPLICATION

Owner's Name: _____ Home Phone: (____) _____

Address: _____ Work Phone: (____) _____

Neighborhood: _____ Lot number: _____

Email Address: _____

Nature of Improvement:

- Fence** Height: _____ Picket Spacing: _____
Contractor Name: _____
- Satellite** Size: _____ Style: _____
- Other** _____

Please describe all colors, materials etc. Please **include site plan** with dimensions and all specifications.

NOTE: Include all items that will help fully describe the scope of the proposed work. Often a photograph can be very helpful in this process.

I understand that the Architectural Control Committee (ACC) should act upon this request at the next regular meeting; however, the covenants allow a 30-day period for review if required. If enough information is not included in this application for home improvement, it will be returned to me for more information. I cannot begin the work until I have received written approval from the Architectural Control Committee. Return complete form, site plan, and description of proposed changes to Settler's Pointe, 300 Long Pointe Lane Ste. 200, Columbia, SC 29229.

Homeowner's Signature

Date of Request

Inspected By (Signature)

Date of ACC Inspection