

# **THE POINT ON NORMAN, LLC**



# THE POINT

## **ARCHITECTURAL AND LANDSCAPE GUIDELINES**

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## ARCHITECTURAL AND LANDSCAPE GUIDELINES

### INTRODUCTION

These Architectural and Landscape Guidelines (the "Guidelines") have been prepared by the Architectural Control Committee (the "ACC") for the residential community known as The Point. The Guidelines are contemplated in and are promulgated pursuant to that certain Declaration of Covenants, Conditions and Restrictions for The Point (the "Declaration"). The Guidelines consist of three components: Architectural and Design Guidelines, Landscape Guidelines and Construction Rules, as set forth below. All defined terms used in the Guidelines, as indicated by the initial capitalization thereof, shall have the same meaning ascribed to such terms in the Declaration, unless otherwise specifically defined herein.

The Guidelines shall be employed 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 Point 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.

### DESIGN PHILOSOPHY

The Guidelines have been developed to implement the design philosophy of The Point, namely, to blend structures, a lake, a golf course, and residents' lifestyles into a harmonious and aesthetically pleasing residential community which places a strong emphasis on the preservation and enhancement of the natural beauty of The Point, and facilitating a community lifestyle. The Guidelines are intended to provide direction to Lot Owners and builders in the planning, design, and construction of residences and related Improvements on Lots. It is not the purpose of the Guidelines to create look-alike residences and other Improvements or to suggest that all residences employ the same colors, styles, and materials. Rather, the primary emphasis of The Point is on quality of design and compatibility among all Improvements, without unduly restricting the ability of Lot Owners to exercise individuality in their choice or design of a residence and related improvements. The ACC will be open to and encourage creativity, innovative use of materials and design and unique (if appropriate) methods of construction as long as the final result is consistent with the spirit of the Guidelines and the guiding philosophy of The Point. The authority of the ACC to approve or disapprove plans, specifications

and drawings for residences, related improvements and landscape improvements is provided by the Declaration.

The Guidelines have been established to provide Lot Owners and their architects and builders with a set of parameters for the preparation of plans, specifications and drawings for the construction of residences and related Improvements on Lots ("Building Plans and Specifications") and for the installation of landscape improvements on Lots ("Landscape Plans and Specifications"). 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 Building Plans and Specifications and Landscape Plans and Specifications (together, "Plans and Specifications"). If building in The Point for the first time, Lot Owners and their builders are encouraged to consult the ACC with questions regarding the application of the Guidelines to the Lot Owners' design concepts prior to the initiation of any design work.

The ACC has been created to explain and assist in the design review process as well as to review, approve, or disapprove Plans and Specifications. It is the ACC's objective to maintain an aesthetically pleasing relationship of building to site and building to building and not to restrict individual creativity or preferences. The ACC will use the Guidelines for the purpose of reviewing each design, but the ACC may consider creative and innovative approaches in order to address special site conditions or circumstances, provided such approaches are permitted under the Declaration and are otherwise consistent with the spirit of the Guidelines. The ACC may retain advisory design professionals to serve as members of the ACC to aid in the review of Plans and Specifications.

### FUTURE AMENDMENTS

The ACC reserves the right to amend any or all provisions of the Guidelines at any time and from time to time, in the sole and absolute discretion of the ACC. Also, the ACC reserves the right to rule on all issues on a case by case basis, taking into account the fact that these guidelines are to be used as benchmarks for policies and procedures, and may be interrupted from time to time by the ACC to reflect certain circumstantial issues.

Prior to commencing the preparation of Building Plans and Specifications and Landscape Plans and Specifications, it shall be the responsibility of each Lot Owner to obtain from the ACC the most current version of the Guidelines (and all amendments thereto). All Building Plans and Specifications and all Landscape Plans and Specifications shall be prepared in compliance with the most current version of the Guidelines (and all amendments thereto) that has been promulgated by the ACC at the time such Building Plans and Specifications and Landscape Plans and Specifications are prepared.

## ARCHITECTURAL AND DESIGN GUIDELINES

### 1. PROCEDURES AND APPROVALS

#### 1.1. Architectural Review Process.

Prior to the commencement of any construction activity of any type (including any grading work) on any Lot, an Application for Approval (using a form to be obtained from the ACC) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under Section 1.3 herein entitled "Design Review Procedure" prior to the commencement of any such work. Also, all design and construction escrow fees required under these Architectural and Design Guidelines must be paid to the ACC prior to the commencement of any such work.

#### 1.2. Pre-Application Procedure.

As set forth in Section 5.2 herein and subject only to the terms thereof, to insure the quality of the The Point community, the ACC requires that each Lot Owner contract with a Featured Builder (as more particularly described herein) to serve as builder and general contractor for the construction of Improvements on such Owner's Lot. Iredell County and its planning department have jurisdiction over the community at The Point. Each Lot Owner or a representative of each Lot Owner should contact representatives of Iredell County and its planning department 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 Iredell County. 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 Iredell County and other governmental and quasi-governmental authorities will satisfy all requirements of the ACC, the Declaration or the Guidelines

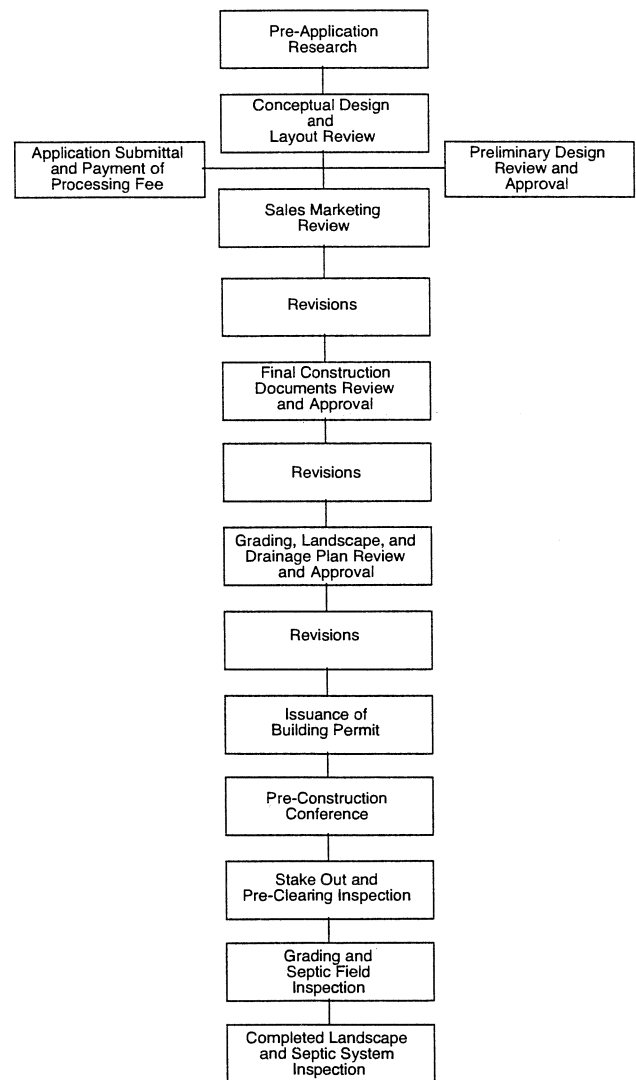
##### 1.2.1 North Carolina Catawba Buffer Rules

Lot Owners shall become familiar with the North Carolina Catawba Buffer Rules. These Guidelines are not intended to conflict with the NC Catawba Buffer Rules (see Schedule U) as administered by the state of North Carolina and the North Carolina Department of Environmental Health and Natural Resources (NCDEHNR). In the case where there is a direct conflict between any governmental or regulatory agency laws, ordinances, rules, or provisions including the NC Catawba Buffer Rules, the more stringent stipulations shall apply.

#### 1.3. Design Review Procedure.

The successful completion of the design review procedure under the Architectural and Design Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Architectural and Design Guidelines and by reviewing and following the step-by-step design review format described below. The review format has been structured to achieve a smooth and timely review from preliminary plan submittal to final site inspection and approval.

If a new residence is to be built "on speculation," the builder must submit a set of Building Plans and Specifications for such Improvements to the The Point on Norman, LLC sales office to receive the benefit of the review and comments of personnel in the The Point on Norman, LLC sales office prior to submitting such Building Plans and Specifications to the ACC for its review. An extra copy of the final Building Plans and Specifications submittal is to be delivered to the sales office for future reference by sales office personnel. The review of the Building Plans and Specifications by personnel in the The Point on Norman, LLC sales office helps to ensure the quality and marketability of homes within the The Point community.



## The Point

The following flow chart represents the necessary procedures in the process of building a residence in The Point:

\*Addressed more particularly in the Landscape Guidelines herein.

The ACC has established a schedule for submittal of Building Plans and Specifications, review of Building Plans and Specifications, and meeting with the Lot Owner or the representative of the Lot Owner to discuss any questions or concerns of the ACC relative to the Building Plans and Specifications. The established schedule permits a timely review of submitted Building Plans and Specifications and allows Lot Owners and their representatives to accurately plan their schedules. Building Plans and Specifications must be submitted by the Lot Owner or the Lot Owner's representative to the ACC Coordinator [Phone Number: (704) 660-1185] at the The Point on Norman, LLC office by 5:00 p.m. on the Friday prior to the scheduled ACC review meeting. Each submittal of Building Plans and Specifications must be accompanied by a completed Application for Approval form (available from the ACC), a one-time processing fee (the "Processing Fee") of Five Hundred Fifty Dollars (\$550.00), and three (3) complete sets of the Building Plans and Specifications [four (4) sets if the residence is to be built "on speculation"]. Please contact the ACC coordinator for additional submission requirements. The ACC has a review meeting once a week to review the Building Plans and Specifications that have been submitted since the most recent ACC review meeting. Each Lot Owner that has submitted Building Plans and Specifications for review is encouraged, although not required, to attend the ACC review meeting at which such Lot Owner's Building Plans and Specifications will be reviewed to respond to any questions that the ACC may have relating to such Lot Owner's Building Plans and Specifications. Appointments for ACC review meetings can be made by contacting the ACC Coordinator.

As set forth above, each Lot Owner will be charged a Processing Fee for the review of such Lot Owner's Building Plans and Specifications. The Processing Fee, which is Five Hundred Fifty Dollars (\$550.00), shall be paid by check and shall be made payable to the ACC. The ACC shall have the right to increase the amount of the Processing Fee from time to time as stated in the Declaration and these Guidelines. The Processing Fee is intended to partially cover the expense incurred by the ACC in reviewing Building Plans and Specifications, including the cost of compensating any consulting architects, landscape architects, urban designers, inspectors, or attorneys retained by the ACC.

Several additional Architectural Control Committee Review Fees and charges are as follows:

- Third resubmittal of Home, Site and Landscape plan whether preliminary or final \$250
- Swimming Pool plans \$25
- Playground Equipment \$25

- Home Additions \$175
- Landscape plan resubmittals \$50
- Exterior color changes \$25
- Site visits for nonconformity of approved plans \$200
- Dock, slip, pier, boat lift \$25
- Fence, retaining and sea walls \$25
- Landscape Upgrade Submittals \$25

The Application for Approval, the Processing Fee, the Building Plans and Specifications and all other materials necessary for the ACC to review Building Plans and Specifications shall be sent to:

Architectural Control Committee  
The Point on Norman, LLC  
2214 Brawley School Road  
Mooresville, North Carolina 28117

### 1.4. Review of Preliminary Building Plans and Specifications.

The ACC encourages Lot Owners and builders who are building in the The Point community for the first time to participate in the preliminary Building Plans and Specifications review process. Although not required, the preliminary Building Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Building Plans and Specifications review process. The ACC will review with the Lot Owner or the Lot Owner's representative such Lot Owner's proposed design approach to confirm general compliance with the Architectural and Design Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Building Plans and Specifications review process, a completed site plan and the architectural drawings for the Improvements (as outlined in the enclosed Application for Preliminary Design Approval form, a copy of which is attached hereto as Schedule A) shall be included as part of the preliminary Building Plans and Specifications submittal. The preliminary Building Plans and Specifications submittal shall also include a completed Application for Approval and the Processing Fee.

The ACC shall review the preliminary Building Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Building Plans and Specifications that are marked "Approved" by the ACC, final Building Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Building Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Building Plans and Specifications.

The ACC may refuse to approve preliminary Building Plans and Specifications or any component(s) thereof, including, without limitation, the location, style, exterior materials, colors or finishes or other specifications of

the proposed Improvements for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

**1.5. Review of Final Building Plans and Specifications.**

The submittal of final Building Plans and Specifications shall incorporate all of the requirements stated in the Application for Final Design Approval form, a copy of which is attached hereto as Schedule B, and other portions of the Architectural and Design Guidelines as well as comments from previous meetings and design reviews.

Three (3) complete sets of the final Building Plans and Specifications must be submitted to the ACC. Provided, however, four (4) complete sets must be submitted if the Improvements are to be built "on speculation." Also, the Processing Fee (\$550.00) must be submitted as part of the final Building Plans and Specifications submittal if the Processing Fee has not been paid to the ACC previously. In addition, the following items must be submitted to the ACC as a condition to the final Building Plans and Specifications review process:

- The landscape/construction escrow deposit (the "Landscape/Construction Escrow Deposit"), as set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. The Landscape/Construction Escrow Deposit is currently One Thousand Dollars (\$1,000.00) per Lot. The Landscape/Construction Escrow Deposit shall be paid by check made payable to The Point Owners Association, Inc. (the "Property Owners Association") The Landscape/Construction Escrow Deposit will be held by the Property Owners Association and used for the purposes set forth in the Construction Rules. With respect to builders in The Point, the Landscape/Construction Escrow Deposit will be carried forward from lot to lot as long as the builder remains in the Featured Builder Program at The Point. The maximum Landscape/Construction Escrow Deposit required from any one builder in the The Point will be Five Thousand and No/100 Dollars (\$5,000.00).
- Owner's prorata share of the cost of the Common Driveway, if any, serving such Owner's Lot, which amount is to be set and determined by the ACC as of the date the final Building Plans and Specifications are submitted. This requirement applies only to Lots sharing a Common Driveway in cases where another Lot Owner has assumed responsibility for construction of the Common Driveway. In the event the Lot will share a Common Driveway and no other Lot Owner has assumed responsibility for the construction of the Common Driveway as of such time, the Owner first seeking approval of final Building Plans and Specifications shall include the cost and design of the Common Driveway in such Owner's final Building Plans and Specifications and shall construct the Common

Driveway in accordance with the approved final Building Plans and Specifications; and in such case, upon completion of the Common Driveway, the Owner that constructed such Common Driveway shall be entitled to reimbursement from The Point on Norman, LLC or its successor or assign as developer of The Point, for the prorata share of the total cost attributable to the other Lots served by the Common Driveway. The Point on Norman, LLC shall receive reimbursement for such prorated share from the Owners of the other Lots served by the Common Driveway at the time they acquire title to the applicable Lots. The Common Driveway installation and maintenance costs will be shared equally among the Lots served thereby.

- A true and complete copy of a fully executed contract for construction of the Improvements between the Owner and a Featured Builder. Except as otherwise specifically allowed under Section 5.3 herein, only Featured Builders may construct Improvements on any Lot. Furthermore, in the case of construction of Improvements on a Lot "on speculation" (i.e., where a builder is building such Improvements for sale to a third party) or in the case of construction of Improvements on a Lot by a builder for such builder's personal occupancy, there shall be no requirement that a true and complete copy of a fully executed contract for construction of the Improvements be submitted.

- Evidence that the Lot Owner (or if the Lot Owner is a Featured Builder with a prospective purchaser, that the Featured Builder's prospective purchaser) has executed at least one of the following The Point on Norman, LLC documents:

- 1) Lot Purchase and Sale Agreement;
- 2) Builder Purchase and Sale Agreement (in the case of a sale of a Lot directly to a Featured Builder);
- 3) Home Purchase and Sale Agreement; or
- 4) Request for Waiver of Right of First Refusal.

The required evidence of compliance with this requirement shall be the delivery to the ACC of a counterpart fully executed original of each such The Point on Norman, LLC document.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Building Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ACC. If the first resubmittal of final Building Plans and Specifications occurs more than a year from the original submittal of the final Building Plans and Specifications, such

resubmittal shall be accompanied by another Processing Fee (\$550.00); also, each resubmittal of final Building Plans and Specifications in excess of two (2) submittals (including both the original submittal and any resubmittals) shall be accompanied by a supplemental processing fee of \$250.00.

At such time as the final Building Plans and Specifications are approved (or conditionally approved) by the ACC, one (1) complete set of the approved final Building Plans and Specifications shall be retained by the ACC and the other complete set of the approved final Building Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with design comments. Once the ACC has approved final Building Plans and Specifications for Improvements to be constructed on a particular Lot, the construction of such Improvements must be promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the final Building Plans and Specifications by the ACC, the approval of such final Building Plans and Specifications by the ACC shall be deemed rescinded. In the event of any such rescission of the ACC's approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced thereafter only after resubmission of final Building Plans and Specifications to the ACC for approval and approval of such final Building Plans and Specifications by the ACC.

Any modification or change to the "Approved" set of final Building Plans and Specifications must be submitted in triplicate to the ACC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Building Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Building Plans and Specifications.

### 1.5.1 Realty / Builder Signage.

No sign(s) of any kind shall be displayed on any Lot, Common Area or Maintenance Area except for signs provided by or approved by The Point on Norman, LLC. The Point on Norman, LLC shall be entitled to erect and maintain signs or billboards advertising the property, the project, or portions of either, or for any other purpose, on any portion of the property owned by The Point on Norman, LLC or in the Common Areas or Maintenance Areas.

All sold Lots shall have the option of a Lot sign that strictly matches the sign format approved by the ACC and The Point on Norman, LLC (see Schedule S). No riders are allowed unless approved by The Point on Norman, LLC in advance. No informational boxes or other items shall be attached to any portion of the sign and post, or otherwise placed anywhere in the

right-of-way, on the lot or in the yard. The sales department will assist in these matters, Lot signs shall be displayed on unimproved lots no longer than 12 months.

No sign may be used for the display or the storage of construction or inspection information. Builders must use a standard type of inspection display box that is inconspicuous. No custom construction/inspection displays or similar items will be allowed.

### 1.6. Lot Staking, Site Inspection and Approval to Commence Work.

Once final Building Plans and Specifications approval has been granted by the ACC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ACC prior to commencing any construction work thereon (including grading work). The Lot Owner or the Lot Owner's representative must clearly stake the proposed house septic system drainfield envelope (Both the primary field and the repair area), driveway location, and property lines and, if applicable, pool and tennis court location. Staking shall be with a continuous ribbon or string encircling the area to remain undisturbed, and any additional trees to remain undisturbed located outside the encircled area shall be ribboned individually or in groups. See Figure 1.6.1.

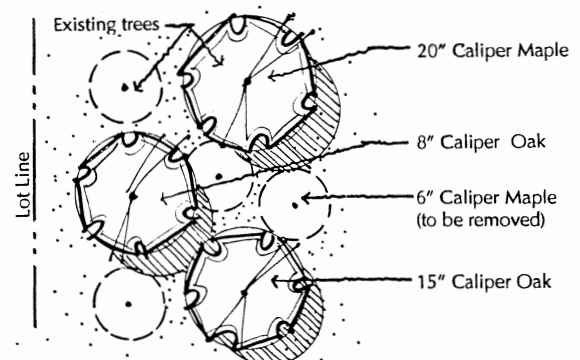


FIG. 1.6.1 EXISTING TREES/TREE SAVE AREA

Figure 1.6.1 - Existing Trees/Tree Save Area

After such staking of the Lot has been completed, the Lot Owner or the Lot Owner's representative shall request the ACC to make a site inspection prior to the commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the ACC is to ensure compliance with the approved Building Plans and Specifications in order to prevent any unnecessary damage to specimen trees and other unique site features. (Please refer to the Landscape Guidelines 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 matters and issues:



## The Point

Building setbacks (as per stakes);

Side yards (as per stakes);

Clearing limits;

Placement of excavation materials;

Protection of water meter and common septic easement areas;

Location of septic drain field;

Location of construction entrances;

Location of temporary toilet;

Location of trash containers; and

Erosion control measures  
(fencing and hay bales as required).

Inspection by the ACC shall be made within seven (7) business days of the date the request is received by the ACC. Written authorization by the ACC to proceed with the Lot clearing and construction work will be issued to the Lot Owner or to such Lot Owner's builder by the ACC promptly after the inspection is completed or, if problems are detected during the site inspection, written notification of such problems shall be given to the Lot Owner or such Lot Owner's builder by the ACC promptly after the inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the ACC. The ACC 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 this paragraph. The ACC may delegate its site inspection functions under this section to The Point on Norman, LLC's development construction manager for The Point.

### 1.7. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Building Plans and Specifications 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) business 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 required to be submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Building Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be conclusively presumed that the ACC has approved

such conforming Building Plans and Specifications and other submittals, EXCEPT that the ACC 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 Additional Declaration for the Phase in which the Lot is located, and EXCEPT FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in Article VIII, Section 8, Section 9.0 or Section 10 of the Declaration or any corresponding provisions in the Guidelines. If final Building Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance. The ACC is authorized to request the submission of samples of proposed construction materials.

### 1.8. Changes to Approved Plans

All changes, once Final Building Plans and Specifications have been reviewed and approved, must be submitted to the ACC for approval (as outlined in the Minor Change Application attached hereto as Schedule D).

### 1.9. Final Inspection and Landscape/Construction Escrow Refund

Once all improvements have been completed, including landscape improvements, a final inspection must be conducted to ensure compliance with the ACC's approval of Final Building Plans and Specifications. A request must be made to the ACC in writing to conduct a final on-site inspection (see attached Schedule F). The Landscape/Construction Escrow Deposit, will be refunded after this inspection has been conducted and the lot is deemed to be "in compliance" with the approved plans and specifications, and provided the escrow deposit has not been utilized during the building process as outlined in Section 5.4

## 2. SITE PLANNING

### 2.1. Site Analysis and Siting Considerations.

The siting of a house is a critical and important design decision. The site plan concept developed for each Lot Owner (as part of the Plans and Specifications for such Owner's Lot) should reflect functional needs but also should be sensitive to the unique characteristics of the Lot as well as the unique characteristics of the surrounding neighborhood.

Each builder will be required to submit a final foundation survey prior to the rough framing stage on each homesite under construction.

The ACC shall consider each Lot independently but shall give consideration to the impact of each individual Lot (and the Improvements proposed to be constructed thereon) on adjacent Lots and view corridors. Care must be taken to

locate each structure, when and where possible, so as not to infringe upon adjacent Lots and structures constructed or to be constructed thereon, view corridors and natural amenities of the area. Consideration in this regard must be given to the following:

- 1) Topography of the Lot and other Lots in the vicinity.
- 2) Distant and intimate views from the Lot.
- 3) Distant and intimate views of the Lot from other Lots and from the waterfront and the Golf Course.
- 4) Existing vegetation type and quality.
- 5) Existing water and drainage patterns.
- 6) Septic system requirements
- 7) Driveway access.
- 8) Setback from street to align with adjacent Lots.
- 9) Percolation testing

### 2.2. Building Envelopes and Building Setbacks.

The Iredell County Planning Department has established minimum standards for building setbacks for various types of residential structures within Iredell County. The building setbacks required by Iredell County, however, are not to be construed necessarily as setbacks that will be approved by the ACC relative to Lots in The Point, and the ACC reserves the right to impose setback requirements relative to some or all of the Lots that are more stringent than the setback requirements imposed by Iredell County. The ACC has provided setback requirements that, when viewed in total, are designed to ensure that the The Point community will be pleasing in appearance from views not only from the Roadways, but also from the waterfront, the Golf Course, or other "public" facilities such as the Club Facilities and Common Areas. In that regard, the ACC has established a specific Building Envelope for each Lot, and the Building Envelope approved by the ACC for each Lot will be available from the ACC on an unrecorded plat. The Building Envelope for each Lot defines the front, side, and rear yard setbacks, which setbacks are generally more restrictive than the setback requirements imposed by Iredell County. The intent of the ACC in imposing the Building Envelope is to allow for harmonious alignment of the Improvements on Lots to help assure appropriate views of and from the residences located on the Lots.

Within the Building Envelope, the residence and all other Improvements shall be located and tailored to the specific features of the particular Lot. Provided, however, due to certain governmental requirements and/or site-related conditions, portions of the building envelope on

a particular lot may not be available for the location of improvement. All Improvements shall be located so as to minimize disruption or disturbance to the existing natural setting, including mature trees, drainage ways, and views. As part of the review and approval of Plans and Specifications, the ACC may require that the location and orientation of the house and other Improvements within the Building Envelope be modified. No building on any Lot (including any stoops or porches, patios, terraces, etc.) and no swimming pool, tennis court or other recreational Improvement on any Lot shall be erected or permitted to remain outside of the Building Envelope for that particular Lot. Provided, however, and notwithstanding the foregoing to the contrary, (i) docks, piers, and boat slips are exempt from this building envelope restriction provided they are approved by the ACC in accordance with the applicable provisions of the Guidelines, (ii) exterior steps at the front and rear of the structure may project into the setback area established by the Building Envelope up to a distance of five (5) feet, provided no stair tread projecting into the setback area may be more than eighteen (18) inches above finished grade and (iii) fireplace chimney structures projecting from the side of a dwelling may encroach eighteen (18) inches into the side yard setback established by the Building Envelope.

As set forth in the Declaration, the ACC shall have the right, in its sole discretion, to make exceptions to any Building Envelope to recognize any special topography, vegetation, Lot shape or dimension, or other site-related condition.

### 2.3. Driveways, Sidewalks, and Utilities.

The ACC has established a recommended driveway location for each Lot, and such recommended driveway location is depicted on the unrecorded plat that shows the Building Envelope for such Lot. The ACC also may establish particular areas of the Lot in which the driveway, sidewalks, and utility lines must be located. The driveway location will vary from Lot to Lot, depending on the Lot size, shape, topography, vegetation, placement of the Building Envelope, sight distances at the entry to the adjacent public Roadway(s) and the location of other houses and access driveways in the vicinity of the Lot. Driveways and sidewalks should be configured and curved, where practical, to accommodate existing trees to avoid unnecessary cutting of existing trees and to avoid a "straight shot" view to the garage, parking area or front or side doors of the house. (See Figure 2.3.1) In general, the driveway on a Lot should be separated from driveways on adjacent Lots by a distance equal to at least one-half ( $\frac{1}{2}$ ) of the frontage of the Lot where the driveway is to be located. However, complying with this driveway siting guideline will not be possible in all situations, particularly on cul-de-sac lots, fan lots, flag lots and lots with unusual septic areas, but in no case shall the side boundary of a driveway be located less than two (2) feet from a side boundary line of the Lot. Driveways should be constructed of brick, imprinted concrete or lightly brushed concrete



with a smooth trowelled decorative edge, unless another material is approved for a particular Lot by the ACC. On cul-de-sac lots, circular drives with two (2) street entrances will not be permitted. Driveway width should be 12' except at garage backup area.

Exceptions to the designated driveway, sidewalk and utility areas can be made by the ACC in writing. However, the ACC will consider proposed deviations only if their implementation will not result, in the judgment of the ACC, in an adverse impact upon the natural features of the Lot, neighboring Lots, or the The Point community as a whole.

The placement of any permanent coverings, such as, but not limited to, driveways or walkways, is generally prohibited by the ACC where they would cover any septic system components. Plans must be submitted to the ACC for septic system impact consideration if the permanent covering is intended for placement within 5' of any system component.

Absolutely no utility lines are to be installed within the Septic System "Drainfield envelopes" or over tankage areas. All utility contractors shall be made aware of the system component locations and must locate their services outside the perimeter of the system.

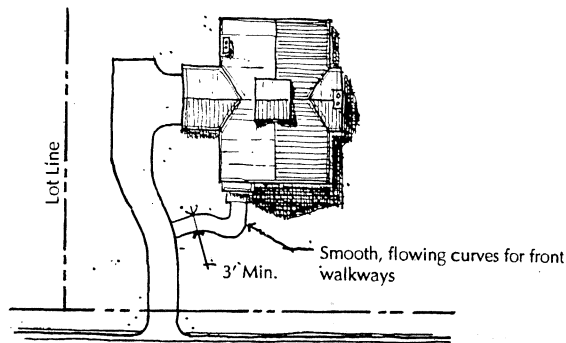


FIG. 2.3.1 FRONT WALKWAY DESIGN

Figure 2.3.1

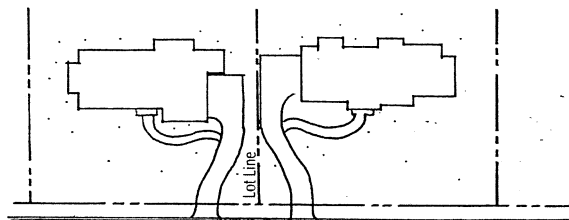


Figure 2.3.2 - \* Not Drawn to Scale  
NOT APPROVED

## Approved

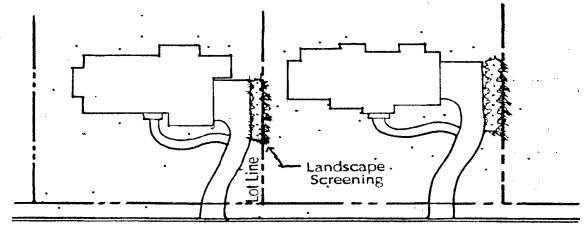


Figure 2.3.3 - \* Not Drawn to Scale

Lots with building pads that measure **80' OR LESS** across the front line will be allowed to project the concrete "turn-around" pad to the side lot line with the following stipulations:

1. Drainage must be contained by the drive on that particular lot. No run-off should be allowed to escape across the common line. Containment may be achieved with an approved wall, curb or swale.
2. Drives that do not meet recommended driveway access location will be excluded from this variance, i.e. drives may not share a common lot line under any circumstances. (See Figure 2.3.2)
3. Cul-de-sac lots' drive variances will be taken on a case-by-case basis.
4. Landscape screening will still be required to help screen garage doors from the street and the adjacent lot. An example of screening can be found in Figure 2.3.3.

## 2.4. Easements.

Landscape Improvements (as defined in the Landscape Guidelines) and the building of driveways or fencing within utility easements is permissible (unless otherwise prohibited herein or by a recorded easement instrument). Provided, however, if in the future there is a need to disturb or remove such Landscape Improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Owner of the Lot.

## 2.5. Grading and Excavating.

The design and development concepts of the The Point community call for the utilization and enhancement of the existing natural environment. The ACC is particularly conscious of site design and its potential and seeks to ensure that each residence accommodates and blends aesthetically with the natural site features and existing terrain of the Lot and the neighboring Lots in the best possible manner. Absolutely no grading whatsoever shall be permitted on a Lot without first obtaining such authorization from the ACC.

Grading and clearing the area for placement of the septic system is very critical to its long-term integrity

and performance. No equipment will be allowed on the "Drainfield envelope" areas under wet conditions, which will cause soil compaction. Even in dry conditions, careful limits should be considered when heavy equipment is used in removing debris from the drainfield areas. The natural topography is also essential to the proper performance of the system. Therefore, artificial fill or cuts are prohibited without the approval of the ACC. This applies to all reserved repair areas.

All grading plans submitted to the ACC shall be considered individually for each Lot. Recommendations or requirements of the ACC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fill, and any other conditions the ACC determines impact upon the site grading for the Lot.

### 2.6. Drainage and Erosion Control.

The design and development concepts of The Point community call for the utilization and enhancement of the existing natural environment. The ACC is particularly conscious of the erosion and sediment disturbances that can occur during any clearing, grading, or construction activity on the Lot. To help minimize erosion and sediment disturbances, as part of the final Building Plans and Specifications, 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 Q attached hereto and must be incorporated within the site plan. Approval of the erosion control plan must be obtained from the ACC (as part of the approval of the ACC of the final Building Plans and Specifications) 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 ACC shall be considered individually for each Lot. Recommendations or requirements of the ACC in that regard will be based on individual Lot location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the ACC 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 stabilization:

- (a) Roadway and Homesite 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 from an existing roadway as approved by the ACC; and (iii) be installed, preserved, and replaced, if necessary, in accordance with the standards more particularly set forth on Schedule Q attached hereto. During construction, each Owner shall use diligent efforts to minimize traffic traveling off of the driveway 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, silt fence, and / or other similar measures approved by the ACC 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 Q attached hereto and shall be constructed, preserved, and replaced, if necessary, in accordance with the standards set forth on Schedule Q attached hereto.

In order to ensure the effectiveness of a particular Lot Owner's erosion control measures, the ACC 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.

Drainage considerations for individual Lots play an important part in the ecological balance of the community. Generally, where feasible, each Lot should be graded such that all water draining from such Lot does not drain onto any adjoining Lots. Water runoff for each individual Lot can possibly be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control are the responsibility of each Lot Owner relative to such Owner's Lot.

Swales for storm-water drainage shall be used when applicable to protect excessive water runoff moving over the septic system drainfield areas. Water runoff will not be allowed to encroach on the "Drainfield envelope" of any individual lot from adjacent lots. If the natural slopes drain the stormwater across multiple lots, swales shall be cut to intercept and redirect the water around the "Drainfield envelopes". In addition, if within an individual lot, water runoff from any area greater than 10% of the total lot size drains onto or over the "Drainfield envelope", a swale will be cut to direct the runoff away from the envelope of the drainfield. Swales shall not be cut within the "Drainfield envelope".

Berms for the purpose of redirecting water runoff, away from the septic system, can be used as long as they do not "hold" the water as a dam resulting in subsurface saturation and possible horizontal flows that could encroach on the "Drainfield envelope". This effect could cause premature

## The Point

septic system failures from overloading of the drainlines. Berms can be used where complex topography situations occur in order to redirect a section of runoff to avoid the "Drainfield envelope".

The final grade over all septic system components should contain slight mounding or sloping to properly shed rain water. Do not allow ponding to occur as would happen with "flat" topography.

In order to assign the responsibility for drainage features that direct storm water away from lower lying lots, the following will apply: Instances in which Owners have homes under construction at the same time and share common lot lines, with one lot being higher than the other, both Owners shall be equally responsible for a common solution alleviating water runoff onto the lower lot. It shall be their joint responsibility to communicate, agree on a solution and assign financial responsibility. In instances where homes share a common lot line, one being lower than the other, and were not under construction at the same time, solutions for alleviating water runoff of the home shall be the sole responsibility of the Owner of the home built at the later date. A noted exception is the piping of the higher home's downspouts, which is the responsibility of that home Owner.

Additionally, downspout drainpipes made of corrugated, bendable black plastic will assist the collection of rainwater from the roof of the dwelling and carry it underground through the pipes to be "daylighted" or emptied at the street. "Daylighted" ends of the pipes must be cut at an angle, flush with the ground level so as to be less visible.

All dwelling downspouts shall be piped underground away from the dwelling and "daylighted" on the downslope side of any septic system component. The piping shall not come within 24" vertically and 10 feet horizontally of any system component during a run. The pipe used cannot be of a perforated type; only solid wall shall be used, such as black corrugated bendable plastic. (See Figure 2.6.1)

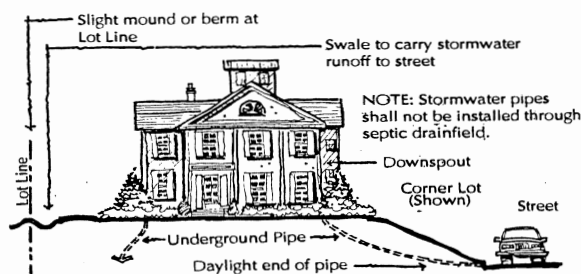


Figure 2.6.1 - Stormwater Drainage

The ACC shall to require that the Building Plans and Specifications for any Lot include a drainage plan for such Lot. The ACC may also at its sole option rule on any drainage disputes. (See Shedule K)

Erosion controls shall be in place from time of clearing the lot to insure the protection of the septic system "envelopes". The protection will remain until the time final landscaping is performed. Silt fencing or approved measures will provide protection from possible damage to the soil or system integrity from erosion or construction traffic.

### 2.6.1. Drainage Easements

The general drainage plan for The Point diverts all runoff from the streets to the lake or drainage channels that eventually lead to the lake or similar low lying areas. All piped drain outlets are positioned so that the force of the water being channeled has a chance to dissipate and the water can spread and flow gently.

The piped infrastructure and output areas are placed within the boundaries of a drainage easement that typically follows the common lot lines between two lots. The end of the pipe will typically contain a riprap channel that will come no closer to the lake than the edge of the 50' Buffer, as per the Catawba River Buffer Rules (see Schedule X). This channel is designed to spread the water out as much as possible so it causes minimal disturbance to the buffer area.

The maintenance of this channel shall be the responsibility of the property owners who live on either side of the easement. The riprap in this area may fill in as sediment and soil deposition over time will be unavoidable, and the design of these areas does allow for this.

### 2.7. View Corridors.

Each Lot Owner must recognize and understand that views and view corridors to and from such Owner's Lot, the Waterfront, Golf Course, Common Areas and other areas within The Point are in all respects subject to the rights of other Lot Owners, the ACC, The Point on Norman, LLC and others under the terms and conditions of the Declaration and these Guidelines to construct buildings and other Improvements and install Landscape Improvements (as defined in Section 6.2) that might obstruct or otherwise diminish such views and view corridors.

The location and design of each residence and all other building improvements should be tailored to the specific features of each lot. The term "building improvements" means all improvements other than landscaping and trees; provided, the term "building improvements" shall include hedges and other mass planting. All building improvements should be sited so as to minimize disruption to the existing natural setting, including mature trees, drainage ways and the Primary View. The "Primary View" for each lake and golf course lot differs based on the lot's relationship to the other lots as determined by the committee, but is generally defined as the area facing the lake and golf course and formed by extending opposing lines (1) at a 135° angle from each rear corner of a lot's building envelope through the closest rear corners of neighboring lots' building

envelopes, whichever is smaller. For example, in the accompanying Figure 2.7.1, building envelopes are shown with shading ; Lines A and B are at 135° angles from the rear corners of the Lot 2 building envelope; and Lines C and D extend from the rear corners of the Lot 2 building envelope, through the closest rear corners of the lots 1 and 3 building envelopes. The smallest area between any opposing lines is the area between opposing Lines A and D. Therefore, the Primary View from Lot 2 is the area between Lines A and D.

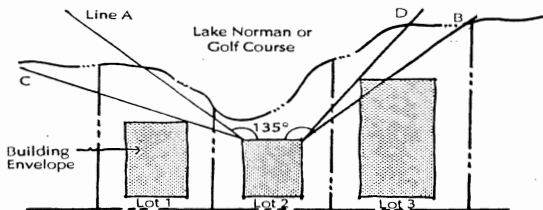


Figure 2.7.1 - Primary View Concept

Notwithstanding the above, Primary Views and other view corridors from a Lot to the lake or golf course, Common Areas, and other areas within The Point are subject to the rights of Lot Owners, The Point on Norman, LLC and others under the terms and conditions of the Declaration and these Guidelines to construct Improvements and install landscape Improvements that might obstruct or diminish such views and view corridors. For example, in Figure 2.7.1, the Committee might approve construction of a swing set for Lot 3 within the Primary View from Lot 2, but disallow the installation of hedges within such Primary View. The Committee will use the Primary View concept as a guide, but not an absolute rule when reviewing proposed building Improvements.

## 2.8 Watershed Buffer Area

A shoreline buffer area, measuring fifty (50) feet upland from the 760' contour occurs on all waterfront lots. No permanent structures, built upon areas, or septic systems shall be permitted within this buffer. No clearing of existing vegetation within the buffer shall be permitted except as follows:

1. Deciduous trees less than 2 1/2" caliper and pine trees less than 4" caliper may be removed.
2. Undergrowth may be removed if it is replaced with mulch or a suitable ground cover
3. Dead or diseased trees or undergrowth of any size may be removed.
4. Selective thinning or limbing up of trees to provide view enhancement is permitted only if a plan is submitted to, and approved, by the ACC.
5. New trees, shrubs and ground cover may be planted in the buffer area to enhance existing vegetation provided there is no disturbance to the root systems of existing trees (See Schedule M). Plans delineating the location and type of all additional

plant material must be submitted to the ACC and its approval must be obtained prior to planting. (See Schedule P)

Only one penetration of the buffer area vegetation, of a maximum width of ten feet, shall be permitted on each lot to gain access to the lakefront. Access paths must be of pervious materials, either wood chips, mulch, or a raised slatted "catwalk" or boardwalk.

## 2.9 Shoreline Management

### 2.9.1 Environmental Areas

Certain areas of shoreline have been designated by Duke Power Company, in its Shoreline Management Plan, as "Environmental Areas." These areas contain bottom conditions and submerged or emergent vegetation, which provide desirable fish habitat. No placement of docks or piers or other disturbance of these areas will be permitted nor will removal of submerged vegetation below the 760' contour. Environmental areas are shown on the building envelopes and recorded plats.

### 2.9.2 Other Areas of Productive Habitat

Additional areas along the shoreline called Shallow Water Habitat Areas, have been identified as providing desirable habitat but have not been officially designated as "Environmental Areas." Piers and docks may be permitted on waterfront lots upland of these areas, subject to approval by Duke Power Company, with the following additional restrictions:

- A. No clearing of submerged vegetation between the 755' and 760' contour will be permitted.
- B. Dredging to increase water depth (subject to approval by Duke Power Company as well as other designated agencies) or other bottom disturbance should not occur between the 755' and 760' contours.

### 2.9.3 Shoreline Stabilization

**ACC Approval is required prior to the installation of an individual dock, pier, or boatslip in The Point Community (See Schedule N attached hereto).** Mechanical stabilization of shoreline areas will be permitted only where erosion is in evidence. Methods of stabilization will be limited to riprap and or planting of "emergent" grasses which will grow in fluctuating water levels.

The use of bulkheading will generally not be permitted except in areas with steep shoreline banks exhibiting significant erosion due to wave action. Approval of bulkheading by the ACC will be on a case-by-case basis.. Only wooden bulkheading of an approved type will be permitted.

### 2.10 Dock & Pier.

Subject to approval by Duke Power Company and compliance with the terms of the Declaration, the Owner of each Waterfront Lot within The Point will be permitted to construct one dock (i.e. one pier with a single boatslip), within the pier zone adjacent to said Waterfront Lot, provided that, in the sole and absolute discretion of the ACC, Duke Power Company and or any applicable governmental authority, the Waterfront Lot is not located in an area where the narrowness or environmental condition of a cove precludes the construction of a dock. The pier zone will be shown on an individual dock location prepared for each Waterfront Lot by the ACC. Before planning a dock location, a Lot Owner should obtain a copy of the applicable map identifying the pier zone from the ACC. No Owner shall have the right to construct more than one dock or boatslip in front of a single Waterfront Lot. The use of mooring posts, boat lifts and other devices which allow additional boats to be moored or otherwise docked or kept at or near any dock will not be permitted.

The design, color, location, dimensions and materials of docks, piers, boatslips, mooring posts, seawalls, boathouses and any other structure or improvement constructed adjacent to or appurtenant to a Waterfront Lot or otherwise within the boundary of Lake Norman must be approved in advance in writing by the ACC (See Schedule N). It is the Owner's sole responsibility to obtain any permits or approvals required from Duke Energy Corporation.

Generally, any waterfront improvement, which include lifts, should have a low profile and open design to minimize obstruction of neighbors' views. Enclosed or two-story docks and enclosed or two-story boathouses will not be allowed.

Docks, piers, boatslips, and seawalls should be located and constructed so as to minimize grading and clearing of vegetation at or near waterfront areas. The use of rip-rap, bulkheading or other shoreline stabilization methods or materials may not be initiated without approval by Duke Power Lake Management and the ACC. The point of access of a dock, pier or boatslip and any site disturbance or clearing associated with its placement or construction must be submitted to the ACC for approval along with the Final Plans.

Docks, piers, boatslips and seawalls must be constructed of new materials, and must be compatible in style with other Improvements on the Lot, the Lot width on the lake side, the shoreline configuration and vegetation massing.

Piers may extend from the shore for a distance of 80 feet regardless of the water depth and may extend to a maximum length of 120 feet to achieve a water depth of 10 feet, measured at full pond. In no event may a pier extend more than 1/3 of the width of the cove in which it

is located. The top decking of all piers must be at least 1 foot above the water level at full pond.

No covered boatslips will be allowed.

#### Materials

- 1) Treated Lumber: Wood decking and handrails to be no less than Grade 1 .40 treated pine. Wooden structural components such as joist and girders shall be of no less than grade 2 .40 treated pine.
- 2) Steel: Any steel components in a marine environment shall be adequately protected against corrosion and chemical breakdown. Hot-dipped galvanizing is the most common and effective method in freshwater.
- 3) Aluminum: Construction shall be of adequate strength as to support implied dead and live loads.
- 4) Vinyl: Vinyl structural components shall be of adequate strength to support implied dead and live loads. Joist spacing shall be tight enough as not to allow for decking to sag. Alternative materials are to be approved structurally and aesthetically.
- 5) Flotation: All flotation material shall be approved by Duke Power Lake Management. Encapsulated PolyStyrene is the most commonly accepted flotation material.
- 6) Piles: Wood piles should be of no less than .60 treated pine. Steel piles should be protected against corrosion. Painted with an epoxy or hot-dipped galvanizing are the most common methods.
- 7) Hardware and Miscellaneous: All nails, bolts, screws, hangers, brackets and miscellaneous hardware items shall be hot-dipped or galvanized.

#### Maintenance:

- 1) Decking and handrail: Annual pressure washing followed by the application of a wood preservative is the most effective procedure in maintaining a wooden deck. Wooden structures need a preservative to lessen splintering and decay due to exposure to sun and moisture. Washing replenishes the overall appearance of the dock as well as allowing the preservative to be applied to a clean surface. Vinyl decking requires less maintenance in that no preservative is needed. Pressure washing, however, will clean and improve the appearance.
- 2) Boatslips, Docks and Piers: Floating structures are susceptible to high wind and wake. Constant movement causes wear to pile guides and other hinged components. Squeaking or grinding should be investigated to insure structural damage has not occurred. Dockbumpers can tear or pull loose due to normal boatdocking and mooring. Staples, nails, and screws are most commonly used in attaching dockbumpers. Mildew will occur to light colored

bumpers. Mildew remover or bleach and a scrub brush will clean it off. All piers and docks will, at some point, require some attention to loose screws and nails. Delayed repair can cause warped or heavy splintering. Mooring cleats will become loose, but can easily be tightened.

**Rafts:** In lieu of a dock, no more than one raft may be located in Lake Norman adjacent to a Waterfront Lot, and the surface area of any raft shall not exceed 64 square feet.

### Number of Watercraft

Watercraft may not be moored, docked or stored on a Lot, in the water adjacent to a Lot, or adjacent to a dock except in an approved inland storage, as provided below, or as allowed by the ACC in writing.

Only 3 watercraft may be kept in the water at a dock - one watercraft in the slip, and one watercraft adjacent to each side of the slip. The watercraft stored adjacent to the dock may be secured to the dock only with devices approved by the ACC. Only one watercraft may be kept on the slip on a regular basis.

Only 2 personal watercraft may be kept on a dock. "Personal watercraft" refers to jet skis, wave runners and similar relatively small watercraft deemed by the ACC to be appropriate for storage on a dock. Any ramp or lift device connected to a dock to hoist personal watercraft, unless approved by the ACC prior to installation, shall not be permitted and shall be subject to removal at the request of the ACC.

### 2.11 Shoreline Stabilization

**ACC Approval is required prior to the installation of shoreline stabilization within The Point Community (See Schedule O attached hereto).**

**Docks and Seawalls for Waterfront Lots** Across from the Village.

For these specific Lots, only one penetration of the shoreline buffer for one approved dock/pier and walkway will be allowed. The penetration shall be no more than ten (10) feet wide.

No Waterfront gazebos, covered boatslips, dock roofs, sheds or similiar improvements will be approved for construction on these Lots, or on the piers and docks serving these Lots.

The maximum width for a dock or pier adjacent to these Lots will be twelve (12) feet. The dock or pier cannot be parallel to the shoreline; it must be generally perpendicular to the shoreline, subject to ACC approval.

Property Owners for these Lots should familiarize themselves with the Iredell County Watershed Buffer ordi-

nance which details the limitation on clearing, thinning, and "limbing up" of existing trees, shrubs and ground covers.

For Waterfront Lots, shoreline stabilization is restricted to a limited number of uniform, low visual impact improvements. The following improvements will be allowed:

1. Biological Methods of Stabilization - Low (1' - 3' in height) herbaceous plant species that can accept dry conditions and/or shallow water depths. Approved plants for meeting these requirements:

- Spikerush (*Eleocharis Quadrangulata*)
- Arrow Arum (*Peltandra Virginica*)
- Softstem Bulrush (*Scirpus Validus*)
- Lizard Tail (*Saukurus Sagittaria*)

These plants can be placed in combination with netting, grids or any of a variety of other geo-binders to provide additional stabilization of the shore.

2. Rounded River Rock - This technique provides a rock that will blend into the shoreline color. Its rounded edges are conducive to plant growth and easy to walk on. Standard grey rip-rap will not be allowed. The River Rock should be placed in two (2) or a maximum of three (3) layers generally more than 14" deep total, but not upland beyond the 760' contour.

3. Wooden Bulkhead - A low profile (not more than three (3) feet in height) wooden bulkhead of an approved uniform design will be allowed. Examples of acceptable bulkhead designs may be obtained from the ACC. Approved "Shallow emergent" and/or "deep emergent" herbaceous species approved by the ACC shall be planted in front of the bulkhead on the water side to screen some of the bulkhead's height. The bulkhead shall not extend above the 760' contour except as allowed by the ACC on "point" Lots which experience greater exposure to weather. All Lots for which bulkheading is proposed will be reviewed on an individual case basis to determine the appropriate maximum height of the bulkhead. In no case shall the bulkhead extend above the 762' contour.

### 4. Natural Color Rip Rap - Earthtones

Construction of the improvements above must occur when the water levels are low and virtually all construction can be done from the water side. This will minimize the disturbance of shoreline and buffer areas above the 760' contour.



**3. ARCHITECTURAL DESIGN**

**3.1. Architectural Style.**

The intent of the Architectural and Design Guidelines is to encourage the excellent design of a community of individual residences which, when viewed together, produce an outstanding total community environment. It is not the intent of the Architectural and Design Guidelines to dictate a particular architectural style, but rather to provide Lot Owners and their architects with a set of guidelines that will foster an attractive community.

The residential architecture at The Point should be custom-designed for each Lot to maximize the natural features of the Lot. Traditional architectural styles are preferred as the basis or foundation of the design, and examples of preferred traditional design are Colonial, Georgian, New England, Plantation, Southern, Low Country, and French Country. However, contemporary interpretations of traditional designs are acceptable, provided they adhere to the criteria of the Architectural and Design Guidelines. The designs employed shall be compatible with traditional architectural styling in terms of make, shape, profile, scale, and proportion.

**3.2. Quality Design Features.**

The homes in The Point should reflect the individuality of their Owners while adhering to the principles of fine architecture. The following considerations are among those to be addressed when developing the architectural design for Improvements to be constructed on a Lot:

- 3.2.1. The residence shall be located on the Lot with minimum disruption to the natural topography, vegetation, and unique site features.
- 3.2.2. There shall be a consistency in the site planning, architecture, and Landscape Improvements.
- 3.2.3. Sensitive interpretation of the architectural style is encouraged within the constraints of budget and site.
- 3.2.4. Specific features of the architectural style shall be well developed and carefully detailed. The features should be researched to ensure a certain degree of historic authenticity.
- 3.2.5. A consistent scale shall be used throughout the design of the residence and other Improvements, with each element designed in proportion to the other design elements.

- 3.2.6. The various building materials shall allow for a pleasing and harmonious exterior appearance for the residence and other Improvements. Building materials shall be used logically.
- 3.2.7. Appropriate colors shall be used, and colors shall be used with restraint.
- 3.2.8. The main dwelling entrance shall be located in a position of prominence that is reflected in the design of the facade. The main entry shall be sheltered on the exterior and shall include attractive front entrance treatment such as French doors with or without sidelites. The main entry shall contain more architectural detail than other openings and entries but all openings and entries shall be consistent in styling.
- 3.2.9. Consistency of detailing on all elevations shall be maintained. Windows and doors shall reflect restraint in the variety of types, styles, and sizes. All openings shall be accented with the use of shutters, flat or arched lintels, projecting sills or relief surrounds.
- 3.2.10. Bay windows shall be carried down to grade or visual support of any cantilevered conditions must be expressed. When bay windows are stacked in a two-story configuration, the blank panel between all facets shall be accented.
- 3.2.11. Masonry or stucco used as a veneer material on the facade of a residence shall continue around the front corners of such residence to a logical point of termination. The use of combinations of exterior materials is not encouraged. Each proposed residence of this type will be carefully reviewed on an individual basis by the ACC.
- 3.2.12. No roof shall extend continuously to cover both single and two-story sections of a residence. The primary objective of this architectural guideline is to avoid the appearance of a single-story facade with a two-story rear elevation.
- 3.2.13. The main roof shall have a minimum slope of eight (8) vertical to twelve (12) horizontal. Shed roof forms are discouraged. Roof shapes and configurations shall be planned to avoid complex, awkward, or odd roof designs.
- 3.2.14. Gutters and downspouts shall be used at all eave lines, unless deemed

inappropriate. All exterior downpipes (except copper downpipes) shall blend with the color of the exterior walls of the residence. In cases where a high contrast exists between gutters/fascia and the exterior wall material, downpipes shall be painted to be compatible with the wall color to avoid conspicuous contrast.

3.2.15. All roof structures, such as attic vents, plumbing vents, etc., shall be treated or painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.

3.2.16. All exterior utility service connections must be provided in unobtrusive and inconspicuous locations. All electric meters and main fuse boxes must be positioned away from view. This may be accomplished by providing an enclosed recess in the side of the dwelling or through approved Landscape Improvements and/or screening.

3.2.17. Exposed electrical equipment, stubouts, conduit, drain lines, pipes and vents must be painted to match the color of the home. Exterior disconnects for air conditioning equipment, etc. shall be mounted at the lowest point allowed by applicable building codes.

3.2.18. Gas meters must be adequately screened with Landscape Improvements to conceal equipment from view.

3.2.19 See the ACC Window Detail Guide (Schedule T).

#### 4. DESIGN CRITERIA

##### 4.1. Dwelling Types.

Each Lot may contain only one detached single-family private dwelling and one private garage for not less than two (2) vehicles and only such other accessory structures as are approved in advance in writing by the ACC. Provided, however, The Point on Norman, LLC shall be entitled to use Lots owned by it from time to time for the construction and operation of construction offices and sales/marketing offices (and related uses) for the The Point project.

##### 4.2. Dwelling Size.

The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling

areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Any dwelling erected upon any Lot shall contain not less than the following heated floor areas:

##### A.

	Minimum Total Heated Area	Minimum Ground Floor Heated Area
1 Story	2,500	2,500
1 <sup>1</sup> / <sub>2</sub> story, split level, tri-level and others	2,500	1,800
2 story, 2 <sup>1</sup> / <sub>2</sub> story	2,700	1,500

Notwithstanding the foregoing requirements, the ACC shall have the right (but not the obligation), because of restrictive topography, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

##### 4.3. Maximum Dwelling Height.

No dwelling erected upon a Lot shall contain more than two and one-half (2<sup>1</sup>/<sub>2</sub>) stories above main entry ground level; provided, however, the ACC shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow dwelling heights greater than two and one-half (2<sup>1</sup>/<sub>2</sub>) stories on rear and side elevations.

##### 4.4. Ceilings.

Interior ceiling heights in dwellings constructed on Lots are recommended to be a minimum of nine (9) feet on the first (i.e., street grade) floor and a minimum of eight (8) feet on all other floors.

##### 4.5. Garages.

Every house shall have an enclosed garage for not less than two (2) vehicles. Garage openings may not face the front elevation street unless approved in advance in writing by the ACC; and such approval will be given by the ACC only where particular hardship would otherwise result because of Lot size, configuration, topography, or other circumstances deemed sufficient by the ACC.

The placement of garages and driveways has a great effect on the overall aesthetics of the street scene and on the architectural appeal of each specific residence. A street



scene with emphasis on residences instead of garages and driveways is more visually interesting. For that reason, certain garage placements on a Lot are discouraged.

Side entry attached garages on corner Lots are acceptable as long as architectural details are provided to avoid an overwhelmingly blank side facade. Also, landscape screening shall be required to minimize the view of garage doors from the street.

Garage doors are required for all garages, and the garage doors must be paneled and/or detailed to provide appropriate scale. All garage doors must have operating remote control door openers. Single bay garage doors are preferred over double width garage doors. Carports shall not be allowed. All ducts, pipes and wiring in garages shall be concealed from view above the level of the finished ceiling. For side entry garages, adequate screening of the garage opening and the garage doors must be provided (to minimize the view of the garage opening and the garage doors from the street) by the use of either Landscape Improvements, a wall, fencing, or a combination of these elements. The garage turnaround area must provide a minimum twenty-four (24) foot back-up distance, with an additional two (2) foot buffer between the edge of the driveway and the Lot boundary line [i.e., there must be a total minimum distance of twenty-six (26) feet between the garage opening and the adjacent side Lot boundary line].

The driveway slope on a Lot shall not exceed a fourteen percent (14%) grade. As set forth above, the driveway shall be located on each Lot within the area designated therefor by the ACC on the unrecorded plat that also depicts the Building Envelope for such Lot.

#### 4.6. Exterior Materials and Colors.

Exterior materials shall be brick, stucco, stone, cedar shake, or, if approved in advance in writing by the ACC, horizontal siding. If approved by the ACC, the horizontal siding used must be fully back-supported to maintain a straight and even outer surface and must be fully and properly finished. Natural weathering of exterior wood materials is not desired. Imitation stone or brick-like materials are generally discouraged and may be used only upon prior written approval of the ACC. The ACC reserves the right to require builders to produce sample boards of colors if they are not on file with the ACC.

If there is a change of material from front to side, front veneer material must be wrapped to cover 24" of the adjoining side. The practical exception to this would be a cedar shake and lap siding combination. Architectural features such as quoins-corners are encouraged.

#### 4.7. Roofs.

Roofs and roof pitches shall be in proportion to the overall size and shape of the house. Except as

specifically approved otherwise in writing by the ACC, the minimum roof slope for the main house structure shall be eight (8) vertical to twelve (12) horizontal. Acceptable roofing materials are (i) wood shingles, (ii) wood shakes, (iii) natural or man-made slate, (iv) tile or (v) minimum twenty-five (25) year warranty, variegated (or solid) color, dimensional architectural (sculpted) style, composition (fiberglass) shingles. All specific roof materials to be used must be approved in writing by the ACC as part of the final Building Plans and Specifications prior to commencement of construction.

Roof vents, roof power vents, plumbing vent pipes and skylights will not be permitted on roofs visible from any street, unless approved in advance in writing by the ACC. Roof vents, roof power vents, rain diverters, skylight housings, plumbing vent pipes and non-copper flashing shall be painted to blend with the roof shingles, except that flashing applied to vertical surfaces may be painted to blend with the vertical materials where more appropriate.

Eave lines shall align whenever possible. Eaves and rakes shall be accented by multiple fascia boards, cove and crown moldings or gutters.

#### 4.8. Windows and Shutters; Doors.

Windows shall generally be the same type and style all around the house. Thermal pane windows are preferred, and exterior storm windows generally will not be permitted. Wood windows are preferred; however, vinyl windows will be considered, provided the style and profile are visually similar to wood windows. All windows with the exception of non-conventional sizes (transoms, bathroom windows) shall have mullion grids. Shutters are encouraged, shall fit the proportion and shape of the windows and, if used at all, shall be used for all windows on elevations that are visible from the Roadway(s). Unless specifically waived in writing by the ACC, all windows and doors shall have caps of soldier course brick jack arches, wood caps or other approved decorative treatment, and no running bond brick will be permitted over any door or window of any elevation. No window or door casing or decorative treatment shall abut any frieze board. If decorative molding (e.g., dentil molding) is desired, it shall be run in a consistent manner around the perimeter of the home. Gables may be exempted from this (See Schedule T).

#### 4.9. Chimneys.

Chimneys shall be full foundation based and constructed of brick, stone, stucco or other material approved in writing in advance by the ACC. Chimneys shall have a design and location, and shall be constructed of a material that is appropriate to the house. Exposed metal flues and wood chases shall not be used. Chimney cap covers are required for prefabricated metal flues. Direct vent fireplaces are discouraged if the location is a side elevation; and direct vent fireplaces shall not be permitted on a front elevation

or on any elevation that is visible from the Golf Course or Lake.

#### 4.10. Foundations.

Unless specifically waived in writing by the ACC, all foundations must be raised with a minimum two (2) foot high crawl space, and slab-on-grade foundations generally will not be permitted, except for garages, patios and unheated porches.

#### 4.11. Porches and Decks.

Porches and decks shall be designed with substantial, well proportioned railing, flooring and support posts meeting applicable building code requirements. Porches and decks shall blend with the style and material of the house (e.g., stucco deck fascia and piers with stucco house, or brick piers with a brick house). Deck support columns that are 5' or more in height from finished grade must be constructed with the material of the house. Porch and deck support columns constructed of masonry shall be 12" x 12", and porch and deck support columns constructed of wood shall be 6" x 8" (with base and capital detailing). One-story decks shall be appropriately screened with lattice and/or sufficient Landscape Improvements. (See Figure 4.11.1). Under no circumstances may porch and deck support columns be constructed of the 4' x 4' material.

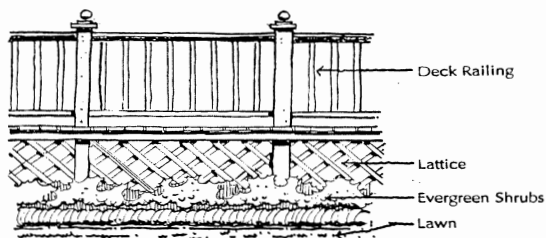


Figure 4.11.1 - Deck Foundation/Perimeter Planting

#### 4.12. HVAC Equipment.

No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of, any residence on a Lot. Additionally, air conditioning and heating equipment and apparatus shall be screened from view from streets, waterfront, and the Golf Course by Landscape Improvements, as more particularly provided in the Landscape Guidelines herein.

#### 4.13. Attachments; Satellite Dishes and Antennae.

No permanent attachment of any kind or character whatsoever (including, but not limited to, television and radio antennae, solar energy-related systems, satellite or microwave dishes or similar improvements) shall be

made to the roof or exterior walls of any building on any Lot or otherwise placed or maintained on any Lot, unless such attachments or devices are approved in advance in writing by the ACC. Notwithstanding the above to the contrary, one satellite or microwave dish may be installed within the rear yard of the Building Envelope of any Lot, provided such satellite or microwave dish does not exceed eighteen (18) inches in diameter and is properly screened from view. The location and screening of the satellite or microwave dish must be approved in writing by the ACC prior to installation.

Satellite dishes and play ground equipment placement shall be reviewed and approved by the ACC if they are to be placed within the "Drainfield envelope" or over any tankage area. Absolutely no concrete footings or anchoring will be allowed within these same areas without the approval of the ACC.

#### 4.14. Mail and Newspaper Boxes; House Numbers.

All mailboxes and newspaper boxes must be of a standard color, size and design as approved by the ACC and shall be installed only in a location approved by the ACC. In that regard, a standard mailbox and plans for a post will be provided to each Lot Owner (at such Lot Owner's expense) by The Point on Norman, LLC promptly following such Owner's taking occupancy of the residence on such Owner's Lot. Lot Owners and their selected mailbox installer should refer to the diagram on Schedule R attached hereto for installation instructions. In general, either side of the driveway is acceptable for the installation of the mailbox, and the Lot Owner should select the side of the driveway that will be most convenient to provide easy access to the mailbox; however, it is generally most aesthetically desirable to locate the mailbox on the side of the driveway that is closest to a side Lot boundary line. The cost of the mailbox is \$250.00 and is included in the Lot price. House numbers may be displayed on houses and/or mailboxes only as approved by the ACC.

#### 4.15. Pools, Therapy Pools and Spas.

The size, shape and setting of pools (including standard swimming pools, therapy pools and spas) must be carefully designed to be compatible with the surrounding natural and man-made environment. In locating swimming pools, therapy pools and spas, the following shall be considered:

- 4.15.1. Indoor/Outdoor relationship;
- 4.15.2. Setbacks imposed by the applicable Building Envelope;
- 4.15.3. Views both to and from the pool area;
- 4.15.4. Terrain (grading and excavation); and

## 4.15.5. Fencing and privacy screening.

Pools, decks and related equipment will not be allowed outside of the Building Envelope area. Provided, however, pool decks may encroach into the setback area imposed by the Building Envelope on Lots that are not contiguous with the Waterfront or Golf Course if such deck is either at or within two (2) feet of natural grade and no closer than twenty (20) feet to any Lot boundary line. No such encroachment of pool decks into the setback area imposed by the Building Envelope shall be permitted pursuant to the immediately preceding sentence on Lots that are contiguous with the Waterfront or Golf Course. Decks, pools and spas shall not be placed within fifteen (15) feet of any component of the septic system. Pool and pool equipment enclosures must be architecturally consistent and harmonious with the residence and other structures on the Lot in terms of their placement, mass and detail. Pools, decks and related equipment and pool and pool equipment enclosures shall be screened or treated so as to avoid distracting noise and views.

Due to septic field locations, not all houses within The Point will have room to place a pool. Where possible, the builder has left room in the rear of the structure. In all cases, the pool must be within the building envelope and behind the structure of the pool. From time to time, the ACC may consider a pool in another location, but only if significant hardship prevents a homeowner from siting the pool behind the house, and any affected neighboring property owner has no objection. In all cases the pool must be within the setbacks.

Prior to a pool being approved, the septic maintenance contractor shall make an on-site inspection to ensure the pool does not affect any of the septic components on the lot. The Lot Owner / Pool Contractor shall stake the pool out on site prior to submitting to the ACC.

## 4.16. Exterior Lighting.

Exterior lighting (which must be approved by the ACC as part of the Building Plans and Specifications) must be limited to areas within the Building Envelope (unless otherwise approved in writing by the ACC), must not result in excessive glare and must not interfere with the privacy of nearby dwellings, all as determined by the ACC in its sole discretion.

## 4.17. Tennis Courts.

Tennis courts will be permitted only when they can be constructed so as not to infringe upon view corridors and can be naturally screened from adjacent Lots. A site plan showing the tennis court location with proposed grading and screening shall be provided for review by the ACC. The minimum setback for a tennis court from any Lot boundary line is twenty-five (25) feet. The design and color of fencing materials for tennis courts must blend naturally into the surrounding area and plant materials must be added to

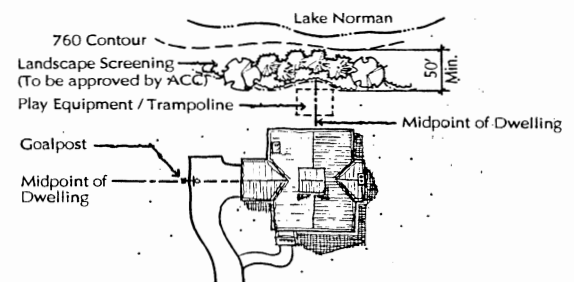
soften the visual impact. Tennis court fencing shall be vinyl coated chain link and shall be black in color. Tennis court wind screens must be kept to moderate heights. Tennis court surface colors shall be restricted to colors such as soft reds and greens and not be highly reflective. Night lighting of tennis courts shall not be permitted.

## 4.18. Play Equipment.

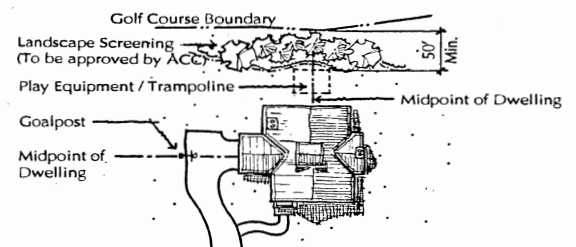
Unless elements of a planned park or playground, swing sets, trampolines, basketball goals, and similar outdoor play structures and equipment must be located where they will have a minimum impact on adjacent Lots and where they will be screened from general public view. Such play equipment on lots contiguous with the Waterfront or Golf Course shall be located in the middle of the Lot unless waived in writing by the ACC, and no play equipment may be located within fifty (50) feet of the Golf Course, nor within fifty (50) feet of the 760 contour on Waterfront Lots.

All play equipment must have ACC approval before being erected. All play equipment must be of earth tone colors, i.e. dark greens, browns, tans. Bright, eye catching colors will not be permitted. In addition, all play equipment and or play sets contiguous to the Waterfront or golf course must be screened from public view by landscaping approved by the ACC.

Basketball goal backboards must be constructed of clear, see through material. Solid colors will not be allowed. The basketball goal post must be located in the rear 50% of the yard, as measured from the mid-point of the dwelling on the side that the goal is to be constructed. In addition, the goal should not face the street. See Figure 4.18.1 and 4.18.2.



**Figure 4.18.1 - Play Equipment Location**



**Figure 4.18.2 - Play Equipment Location**

Trampolines must be located in the rear 50% of the yard, as measured from the mid-point of the dwelling on the side that the trampoline is to be installed. In addition, the trampoline should not face the street.

#### 4.19. Fences and Walls.

Walls and fences shall be considered an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the Lot. All wall and fence designs shall be compatible with the total surrounding environment. Special consideration must be given to design, placement, impact and view of the wall or fence from neighboring Lots. Fences and walls shall be considered as design elements to enclose and define courtyards, pools, and other private spaces, provide security and relate building forms to the landscape. Fences and walls must be run or curved where practical between existing trees to avoid unnecessary cutting of existing trees. The location, materials, size and design of all fences and walls must be approved in advance in writing by the ACC prior to installation.

Privacy fences or walls which inhibit visibility (i.e., whether a solid masonry wall or wood fence) are permitted in certain areas of the The Point community. For all Lots, privacy fences and walls which provide total seclusion generally will be allowed to enclose the unused rear Building Envelope area inside the required setbacks. For Lots that are contiguous to the Waterfront or Golf Course, the unused rear Building Envelope area is the only area which can be enclosed by a privacy fence or wall. For side walls that are not used as retaining walls, there must be a minimum of 2' buffer between wall and lot line for landscape purposes.

Walls and fences shall be constructed of solid masonry or wrought iron with columns, using the same materials as found in the architecture of the residence. Prefab wood, prefab brick, chain link (except for approved tennis court fencing), or welded wire fencing will not be permitted. Wood privacy fences must have masonry columns finished in brick, stucco or stone. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material(s) will be the only approved fence or wall design and material(s) that may be erected on that common Lot line. No double fencing will be allowed on side or rear Lot lines.

No fence or wall (including for this purpose densely planted hedges, rows or similar landscape barriers) shall be erected, placed or maintained on any Lot nearer to any Roadway fronting such Lot than the front building corner of the main dwelling constructed on such Lot (unless otherwise approved in advance in writing by the ACC). No fence or wall shall be erected, placed or maintained on a Lot in a location that will substantially obstruct views of any lake or pond within the Common Areas of the The Point community. Enclosure fences or any fence system

designed for pet enclosures that are smaller than the total rear yard area shall not be permitted. Fences and walls shall not exceed six (6) feet in height, except fences enclosing approved tennis courts may be up to ten (10) feet in height if located at least twenty-five (25) feet from all Lot boundary lines.

The Architectural Control Committee, in their sole and absolute discretion, may allow the construction and use of fencing along or near the front side and/or rear boundary lines of certain designated Lots within the project-Phase 1 only. These Lots are numbers 1, 53, 57, 58, 59, 60, 61, 62, 126, 127, 128, 129 and 130. All fences and walls shall be maintained in a structurally sound and attractive manner. No fence or wall shall be erected on any Lot until the ACC has given its prior written approval of the color, size, design, materials and location for such fence or wall.

The Architectural Control Committee, in their sole and absolute discretion, may allow the construction & use of Accent Fencing in the Sconset Village area of the Point Community.

Notwithstanding the provisions of Section 5 of Article VII of the Master Declaration, Sconset Village Owners may install "Nantucket" style or other accent or architectural fences on their Sconset Village Lots in any locations approved by the ACC, even if such locations are not near a boundary of the Sconset Village Lot, or are nearer to a Roadway fronting such Sconset Village Lot than the front building corner of the main Dwelling Unit constructed on such Lot. In all other respects, fences on Sconset Village Lots shall be subject to the requirements of Section 5 of Article VII of the Master Declaration.

Accent Fencing, as defined in the paragraph above, shall be attached to the house. In no way may accent fences act as a privacy fence. The fencing shall be at least 50% open. The height may not exceed 3 and 1/2 feet. Fencing colors shall be harmonious to the house colors. All aspects of any proposed Accent Fencing, including location, style and color, must be approved by the ACC in writing prior to installation. Inclusion on the initial plans and specifications, or on the Landscape Plans, does not constitute approval. All Accent Fencing must be submitted separately for approval.

Alterations of lot elevations and grades which create the need for retaining walls shall be the responsibility of the altering party. Specifically, any owner creating an earthen "cliff" over 12 inches in height on common lot lines due to their desired grading practices shall be responsible for designing and building a retaining wall. However, there may be some instances in which a wall is not warranted, e.g. the adjacent owners may alter their grade to match when they begin construction or; it is agreed upon by the parties involved that a transition slope can be created between the two properties in lieu of a wall, depending on side yard setbacks, driveway locations, and "cliff" height.

It shall be the responsibility of the altering owner (the owner creating the situation due to their grading practices) to identify and contact all parties involved and affected to facilitate negotiations and arrive at an agreed upon solution. This shall include all affected unsold lots belonging to The Point on Norman, LLC, of which a representative will be available for negotiations.

A retaining wall that is attached to the residence on a Lot shall utilize the same materials as the residence wall that it adjoins. Cross-tie timber walls may be used for retaining walls if set apart from the residence.

Fences and walls shall not be located within ten (10) feet of any septic system component.

Fences shall not be located within ten (10) feet of the 760' contour and cannot be light in color.

#### 4.20. Outbuildings / Accessory Structures.

The construction and location of outbuildings / Accessory Structures (Gazebo, potting shed, storage shed, statues, gates, playhouses, etc.) shall be subject to the review and approval of the ACC (See Schedule P). All Outbuildings / Accessory Structures (including detached garages) must be attached to the house. Conditions of the site and faithfulness to the architectural themes indicate the logic for an outbuilding related to the house. Their design and location in relationship to the house is essential. Building materials should reflect those of the main house. Wherever possible, buildings should be oriented so that access is indirect and their opening does not face the street.

**Plans and architecture of outbuildings shall be submitted to the ACC for review and approval, prior to being shown on landscape plans. Approval of the landscape plans does not constitute approval of any outbuildings.**

#### 4.21. Remodeling and Additions.

A Lot Owner desiring to remodel existing Improvements and/or to construct additions to existing Improvements is required to follow the Guidelines to the same extent as if such remodeling or addition were new construction. All criteria governing site location, grading and excavating, structures, roofs, landscape, colors and aesthetics will apply to remodeling and additions to the same extent as to new construction. Possible future Improvements or additions that will be of particular concern to the ACC are skylights and solar collectors, recreational features, lighting, antennas and satellite television and new colors. An approval from the ACC is required for remodeling and additions just as it is for new construction. Placement of an addition shall remain ten (10) feet outside of any septic system component.

As set forth in the Declaration, the Board (i.e., the

board of directors of the Property Owners Association) may hereafter create and establish an Architectural Changes Committee (the "Changes Committee") to review and approve Building Plans and Specifications for all renovations, changes and additions to existing Improvements on Lots. In the event the Board acts to create and establish the Changes Committee, with regard to renovations, changes and additions to existing Improvements on Lots, the Changes Committee shall have all rights and powers that are reserved to the ACC in the Guidelines.

## 5. MISCELLANEOUS MATTERS

### 5.1. Diligent Construction.

All Improvements to be constructed on a Lot must be completed within one (1) year following commencement of construction (i.e., commencement of grading) of the first of such Improvements, unless a longer time is approved in writing by the ACC.

All Waterfront Improvements (including Dock & Pier, and Shoreline Stabilization) shall be completed in a time frame approved by the ACC at final approval of improvements. If Construction activity ceases for a period of thirty (30) days, area is to be stabilized to the ACC's satisfaction.

### 5.2. Featured Builders.

Except as otherwise specifically allowed by the ACC, only builders then in good standing under the The Point Featured Builder Program (collectively, "Featured Builders"; each, a "Featured Builder") may serve as the general contractor/builder for the construction of Improvements on any Lot. Upon request, the ACC will make available to any Lot Owner a list of the then-current Featured Builders. To qualify as a Featured Builder, a builder must satisfy certain criteria and requirements established by the ACC and The Point on Norman, LLC. However, the criteria and requirements established by the ACC and The Point on Norman, LLC for a builder to qualify as a Featured Builder are solely for the protection and benefit of the ACC and The Point on Norman, LLC and are not intended to, and shall not be construed to, benefit any Owner or any other party whatsoever. The ACC and The Point on Norman, LLC make no representation, express or implied, to any Owner or any other party whatsoever with regard to the Featured Builders (which, for the purposes of Section 5.2 shall include all subcontractors and suppliers of featured builders), including, without limitation, the existence, nature and extent (including coverage amounts and deductibles) of insurance policies that may be maintained by the Featured Builders from time to time, the solvency or financial status of the Featured Builders from time to time, the nature and amount of any bonds that may be maintained by the Featured Builders from time to time, the performance



(or the ability to perform) by the Featured Builders of their contractual obligations, or other legal duties and obligations, (including any contractual obligations of any of the Featured Builders in favor of any Owner or any other party whatsoever), the Featured Builder's qualifications and ability to construct a particular type of house or other structure to any particular standard or level of quality, the use of any substance or material, including, without limitation, any stucco or synthetic stucco material by the Featured Builders, the compliance by the Featured Builders with building codes and other requirements, rules, laws and ordinances of federal, state and local governmental and quasi-governmental bodies and agencies relating to the construction of homes and other activities engaged in by the Featured Builders from time to time the compliance by the Featured Builders with any licensing requirements imposed by federal, state and local governmental and quasi-governmental bodies and agencies from time to time, including without limitation, the maintenance of any required builder's and/or contractor's license or the failure or alleged failure of any Featured Builder to comply with any industry standard or any other reasonable standard or practices with respect to such Featured Builder's work or materials used in the construction of houses and other activities engaged in by the Featured Builder at The Point. Furthermore, neither the ACC nor The Point on Norman, LLC, nor the officers, directors, members, employees, agents or affiliates of either of them, shall have any responsibility whatsoever for any sum that any Owner or any other party may deposit with a Featured Builder, including, without limitation, any earnest money or other deposit that any Owner may deliver to a Featured Builder. The selection of a Featured Builder by an Owner shall be conclusive evidence that such Owner is independently satisfied with regard to any and all concerns such Owner may have about the Featured Builder's work, product, and or qualifications. Owners shall not rely on the advice or representations of the ACC, The Point on Norman, LLC or the officers, directors, members, employees, agents or affiliates of either of them in that regard.

### 5.3. Intentionally Omitted

### 5.4. Purpose and Use of Landscape/Construction

#### Escrow Deposit.

The Landscape/Construction Escrow Deposit that is required to be paid to the ACC by each Lot Owner pursuant to Section 1.5 herein shall be deposited by the ACC in an escrow account. The Landscape/Construction Escrow Deposit paid by an Owner may thereafter be used by the ACC 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 Point 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 complete any Landscape Improvements shown on the approved final Landscape Plans and Specifications for such Owner's Lot, if and to the extent such Landscape Improvements have not been completed within three (3) months after completion of the residence on such Lot.

5.4.3. To pay for the cost of completing any Improvements so that they are in accordance with the approved final Building Plans and Specifications, if and to the extent the Owner fails so to complete such Improvements consistent with the terms of the Guidelines and the Declaration.

5.4.4. To pay for the cost of restoring or replacing any trees, other vegetation, grades or other natural features improperly removed, altered or destroyed by the Owner in violation of the Guidelines.

5.4.5. To reimburse The Point on Norman, LLC for the Owner's share of street cleaning costs during construction, if the Owner does not pay such amounts to The Point, LLC in a timely manner as specified in the Construction Rules.

5.4.6. To reimburse The Point on Norman, LLC 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, if and to the extent such materials and debris is not immediately removed by the Owner or the Owner's builder or subcontractors.

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

5.4.8. To pay any other costs, fines or expenses which, by the express terms of the Guidelines, may be deducted from the Landscape/Construction Escrow Deposit.

Except for the reimbursements described in Section 5.4.6 above and except for the application of the Landscape/Construction Escrow Deposit in accordance with the express terms of other provisions in the Guidelines, the ACC shall give an Owner prior notice that the ACC intends to use such Owner's Landscape/Construction Escrow Deposit for a particular purpose. Such Owner thereafter shall have five (5) days from the date of the notice to complete the performance that is required and for which the ACC intended to use such Owner's Landscape/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 and all Landscape Improvements and the performance of all other obligations by an Owner pursuant to the terms of the Guidelines and the Declaration, the ACC shall return to such Owner the unused portion (if any) of such Owner's Landscape/Construction Escrow Deposit.

### 5.5 Septic System Installation and Maintenance

#### 5.5.1 General

The chosen method of residential waste disposal by The Point on Norman, LLC is individual on-site septic systems. Each Lot will have its own septic disposal system that has been designed specifically for that site. The types of individual systems and their designated placement within the site have been predetermined by a North Carolina registered soil scientist along with the Iredell County Department of Environmental Health. Each site has a planned initial primary system and a designated area for a repair system of equal size to the initial area.

Some sites will utilize a gravity method of sewage disposal to their drainfield areas, while others may utilize an effluent pump system to "lift" the wastewater to the specific drainfield area for disposal. The Owner of each Lot shall be responsible for becoming familiar with their system and its location. The Lot Owner shall always use "best efforts" to protect and extend the life of their system by using good household habits as suggested within the contents of the separate issued document titled "The Point Septic Systems Information for HomeOwners."

The Builder shall contract with a reputable septic system contractor that is authorized by Iredell County Environmental Health Department to do business in Iredell County. A current "Featured Installer" list is available from Tri-County Wastewater Management of certified installers trained on the rigid specifications required at The Point. Specifications for the installation of septic systems are detailed under the separate cover "The Point Septic System Installation Specifications" as issued to the builders by The Point on Norman, LLC. These specifications exceed the minimum requirements set forth by the rules and regulations of the State of North Carolina. Inspections are required periodically by both Iredell County Environmental Health Department and Tri-County Waste water Management. Details on these inspections can be found in the aforementioned separate cover. Also see Section 2.6, Drainage and Erosion Control for drainage and grading in and around septic drainfields.

#### 5.5.2 Installation and Maintenance Program

An installation and maintenance program has been implemented by The Point on Norman, LLC to ensure a quality and controlled septic system environment. Tri-County Wastewater Management, is the management company overseeing the septic program for The Point. Additional information concerning any issue of constructions affecting the septic system can be received by contacting:

Tri-County Wastewater Management  
P.O. Box 1830  
Indian Trail, NC 28079  
704.821.8841  
Contact person: Tim Bannister  
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The maintenance on the septic systems at The Point will be performed by Tri-County Wastewater Management under a maintenance plan administered by The Point Property Owners Association, Inc. All homes of The Point shall be required to participate in the septic system maintenance program. Details of the maintenance program can be found under separate cover entitled "The Point Septic System Information for builders and Homeowners".

Failure to comply with any of the referenced septic system program guidelines or specifications by the builders or their contractors shall result in their being liable for non-compliance and fines that may be imposed by The Point on Norman, LLC.

#### 5.5.3. Required Practices.

The septic drainfields (the "Septic Areas") of each Lot in the Point have been reviewed and the location predetermined by a soil scientist and Iredell County Environmental Health in a Preliminary Septic System Permit for each Lot. These drainfields are sensitive to pedestrian and vehicular traffic, and must be protected from such activity to ensure the proper performance of the system. Misuse of this area may compact the soil of the drainfield, and therefore inhibit the viability of, as well as permanently damage, the on-site septic system.

The Property Owners Association and the ACC require the following in regards to the Septic Area:

1. Prior to Commencement of construction, all septic areas are to be wrapped with blaze-orange barrier fencing.
2. Clearing of the Septic Area should be carried out by, or under the direction of a septic installer. Septic areas may not be cleared when the ground is saturated and/or during times of precipitation.
3. Storage of any kind of materials within the Septic areas is absolutely prohibited.
4. Under no circumstances whatsoever may vehicular or pedestrian traffic traverse, infiltrate, or otherwise utilize the septic area.
5. See Section 8.4, Tree Removal in drainfield envelope.
6. All utility lines shall be located a minimum of 10 feet outside of the Septic drainfield envelope.

The Owners Association may, in their sole discretion, levy fines, or other penalties as may be deemed necessary, for failure to abide by the provisions contained within this, Section 5.5.

#### 5.6. 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.

5.6.1. Each notice shall be in writing.

5.6.2. Any notice to be given to the ACC shall be deemed to have been duly served and to be effective only when a receipt acknowledging such delivery (such as a registered mail, overnight express service or hand delivery receipt) is signed by a member or authorized representative of the ACC. The address of the ACC for delivery of notices hereunder shall be as follows:

The Point on Norman, LLC  
Architectural Control Committee  
2214 Brawley School Road  
Mooresville, North Carolina 28117

A copy of each notice shall be mailed to The Point, LLC (via certified or registered mail, return receipt requested) at the following address:

The Point on Norman, LLC  
2214 Brawley School Road  
Mooresville, North Carolina 28117

5.6.3. Any notice to be given to an Owner shall be deemed to be duly served when picked up by the Owner at the ACC's office or when delivered to the Owner's address 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 ACC in the U.S. Mail). The address of an Owner shall be as set forth in the Owner's submittal of preliminary Building Plans and Specifications, or, if different, then as set forth in the Owner's submittal of final Building Plans and Specifications.

5.6.4. Either the ACC or an Owner may change its address for notices hereunder by written notice to the other party designating the new address, such written notice of the changed address to be given to the other party in accordance with this Section 5.6.

### 5.7. Variances for Designated Lots Surrounding Club Village and Sconset Village.

In order to accentuate certain architectural styles of the club village and Sconset village and pursuant to the authority granted in Article VIII, Section 7 of the Declaration, the Architectural Control Committee may, from time to time, in its sole discretion, permit the construction and use of Improvements which are at variance with the restrictions, requirements and/or provisions of these Guidelines and/or the Declaration on the following designated Lots: 1, 53, 57-62, 126-129 and 134, 1001-1040. Such variances shall be in basic conformity with and shall blend effectively with the general architectural style and design of the club village area and Sconset village. The grant of a variance to the Owner(s) of any of the aforesaid designated Lots shall not constitute a waiver of the Architectural Control Committee's

right to strictly enforce the covenants, restrictions, requirements and/or provisions of these Guidelines and/or the Declaration against the Owner(s) of any other Lots in The Point.

### 5.8. Homes Along the Golf Course

Solicitation along the cart paths and golf course is prohibited and a violation of the The Point Lake & Golf Club rules and regulations.

## LANDSCAPE GUIDELINES

### 6. GENERAL LANDSCAPE MATTERS

#### 6.1. Goals and Objectives.

These Landscape Guidelines have been prepared for use by all Lot Owners and their builders, contractors, architects and landscape architects who are involved in making site improvements to Lots in the The Point community. Adherence to the Landscape Guidelines by all such parties will help ensure the continued success of The Point as a premiere residential community of the highest caliber. Extensive time and resources have been, and will continue to be, invested to create a high quality living environment at The Point. The Landscape Guidelines, implemented in concert with the Architectural Design Guidelines and the Construction Rules (which are the other two primary components of the Guidelines), will help assure that the foregoing objectives will be realized. The overall success of the The Point community is dependent, in large part, on the coordination of Landscape Improvements (as defined herein) and architectural improvements. A Glossary of Terms for a number of terms used in the Landscape Guidelines is attached hereto as Schedule G and is incorporated herein by reference and a Reference List that was used in the preparation of the Landscape Guidelines is attached hereto as Schedule I. All landscape Improvements should be installed in accordance with industry standards and practices (See Schedule L).

The specific objectives of the Landscape Guidelines are to:

6.1.1. Provide all Owners with the minimum standards for the installation of Landscape Improvements and associated site Improvements within Lots at The Point.

6.1.2. Establish criteria to ensure visual continuity in the Landscape Improvements at The Point, exemplary of the design excellence for which The Point is known.

6.1.3. Present clear, concise, and enforceable guidelines for the installation and maintenance of Landscape Improvements at The Point.



**6.2. "Landscape" and "Landscape Improvements" Defined.**

For the purposes of the Guidelines, and to distinguish landscape elements from other site structural elements (which are covered by the separate Architectural and Design Guidelines), "Landscape" shall be deemed to be the combination of existing and introduced plant material and all of the land area within each Lot located outside the boundaries of the building perimeter of the house. As used in the Guidelines, "Landscape Improvements" include, but are not limited to, trees, shrubs, ground covers, annual and perennial flowers, turf grasses, mulches, irrigation and landscape lighting systems, and similar existing and introduced Improvements. For additional applicable terms and definitions, see Schedule G.

**6.3 Septic System Matters**

Builders and landscape contractors shall become familiar with the layout and installation of the septic system components and drainfield envelope requirements prior to performing any work in these designated areas. This information can be found under separate covers titled, "The Point Septic System Installation Specifications" and "The Point Septic System Information for Builders and HomeOwners" as issued to the builders by The Point. Additional information can be received by contacting Tri-County Wastewater Management at 704-821-8841.

Failure to comply with these guidelines, by the builders or their contractors, resulting in damage to the septic system or its components shall result in their being liable for bearing responsibility for repair costs and/or fines imposed by The Point on Norman, LLC.

**7. PROCEDURES AND APPROVALS**

**7.1. Landscape Review Process.**

Prior to the commencement of any Landscape activity of any type (excluding any grading or similar site work encompassed by the Building Plans and Specifications) on any Lot, an Application for Landscape Plans and Specifications Approval (the form of which is attached hereto as Schedule C) must be submitted by the Lot Owner or such Owner's designated agent to the ACC. The ACC must receive, review and approve the information and documentation required to be submitted under the section herein entitled "Final Landscape Plans and Specifications Review Procedure" prior to the commencement of any such Landscape work.

**7.2. Design Review Procedure.**

The successful completion of the landscape review process under the Landscape Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Landscape Guidelines and by reviewing and following

the landscape review procedure described herein.

The Landscape Plans and Specifications Review Application, the Landscape Plans and Specifications and all other materials necessary for the ACC to review the Landscape Plans and Specifications shall be sent to:

Architectural Control Committee  
The Point on Norman, LLC  
2214 Brawley School Road  
 Mooresville, North Carolina 28115

**7.3. Review of Preliminary Landscape Plans and Specifications.**

The ACC encourages Lot Owners and builders who are building in the The Point community to participate in the preliminary Landscape Plans and Specifications review process. Although not required, the preliminary Landscape Plans and Specifications review process may help avoid unnecessary expense and delay by expediting later phases of the Landscape Plans and Specifications review process. Each Lot Owner may, at such Lot Owner's discretion, submit preliminary Landscape Plans and Specifications to the ACC at the time final Building Plans and Specifications for the Lot are submitted to the ACC (as contemplated in the Architectural and Design Guidelines). Four copies of the plan are to be submitted, along with a completed Schedule C form.

The ACC shall review the preliminary Landscape Plans and Specifications and return them to the Owner marked "Approved" or "Disapproved," as the case may be. As to any preliminary Landscape Plans and Specifications that are marked "Approved" by the ACC, final Landscape Plans and Specifications produced thereafter must be in substantial conformity therewith; provided, however, the ACC's approval of preliminary Landscape Plans and Specifications shall in no way bind or obligate the ACC to approve the subsequent final Landscape Plans and Specifications.

The ACC may refuse to approve preliminary Landscape Plans and Specifications, or any component(s) thereof, for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ACC.

**7.4. Final Landscape Plans and Specifications Review Procedure.**

The submittal of final Landscape Plans and Specifications must incorporate all of the elements described herein as being required as part of the final Landscape Plans and Specifications submittal. It is critical that final Landscape Plans and Specifications (and the other required documentation, as described above) be submitted to the ACC for review in a timely manner. In that regard, four (4) complete sets of the final Landscape

Plans, Specifications and a completed Schedule C form for each Lot must be submitted to the ACC with the final building plans and specifications. Lot Owners submitting final Landscape Plans and Specifications after the final building plans and specifications have been submitted will receive a written request for the final Landscape Plans and Specifications from the ACC. Beginning on the thirtieth (30th) day following the date such written request is sent by the ACC to such Lot Owner, funds will be withheld from the Landscape/Construction Escrow Deposit (as defined in the Architectural and Design Guidelines) at the rate of \$50.00 per day; and such funds that are withheld shall be deemed earned by the ACC and shall be non-refundable to the Lot Owner. Such charges will accrue daily until the date that the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Furthermore, if final Landscape Plans and Specifications are not submitted to the ACC by the date the Lot Owner occupies the residence on the Lot, whether or not Landscape Improvements have been installed and whether or not any written notice has been given to the Lot Owner by the ACC as described above, fines shall accrue against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner, at a rate of \$100.00 per day from the occupancy date until the date on which the final Landscape Plans and Specifications submittal (including all elements and documentation required herein) is received by the ACC. Such fines will be deducted first from the Landscape/Construction Escrow Deposit and, if and when the Landscape/Construction Escrow Deposit is depleted as a result of such daily deductions, such fines will continue to accrue at the daily rate until final Landscape Plans and Specifications are received by the ACC. No exceptions will be made to the circumstances described above which allow the ACC to withhold and retain part or all of the Landscape/Construction Escrow Deposit.

Landscape Plans and Specifications submitted to the ACC will be reviewed by a certified landscape architect who is licensed in the state of North Carolina and who is either a member of the ACC or is hired by the ACC to conduct such review on behalf of the ACC.

If found not to be in compliance with the Landscape Guidelines or if found to be otherwise unacceptable to the ACC, one (1) set of the final Landscape Plans and Specifications shall be returned to the Lot Owner marked "Resubmit," accompanied by a written statement of items found not to be in compliance with the Landscape Guidelines or to be otherwise unacceptable to the ACC. If the final Landscape Plans and Specifications for a Lot are submitted and rejected two (2) or more times, the ACC may require an additional review or processing fee to be deposited by the Lot Owner to cover the additional time and expense incurred by the ACC in reviewing the resubmitted final Landscape Plans and Specifications.

At such time as the final Landscape Plans and Specifications are approved (or conditionally approved)

by the ACC, one (1) complete set of the approved final Landscape Plans and Specifications shall be retained by the ACC and the other complete set of the approved final Landscape Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and returned to the Lot Owner, along with a written statement with any comments of the ACC. Once the ACC has approved final Landscape Plans and Specifications for Landscape Improvements to be installed on a particular Lot, the installation of such Landscape Improvements must be promptly commenced and diligently pursued to completion.

Any modification or change to the "Approved" set of final Landscape Plans and Specifications must be submitted in triplicate to the ACC for its review and approval along with a completed Schedule C (using the same procedure as set forth herein relative to the submission and approval of the original final Landscape Plans and Specifications). The ACC may require the Lot Owner to pay an additional review fee in connection with any submittal of modifications or changes to previously approved final Landscape Plans and Specifications.

### 7.5. Required Elements of Final Landscape Plans and Specifications.

All final Landscape Plans and Specifications shall include the following: (See Schedules J and K)

7.5.1. A 24" x 36" blueprint or a 30" x 42" blueprint with accurate boundaries of the Lot (i.e., as taken from the most recent boundary survey of the Lot) drawn at a scale of 1" = 10' or larger (e.g., 1/8" = 1').

7.5.2. Accurate adjoining street right-of-way lines, accurate back of curb and face of curb lines, and the appropriate names of adjoining street(s).

7.5.3. Accurate locations and widths of any and all utility easements, each labeled as to the specific type of utility occupying the easement (i.e., septic, water, electric power, etc.). Accurate location of primary and 100% repair septic drainfield envelopes.

7.5.4. Accurate location of the Building Envelope for the Lot.

7.5.5. Accurate North direction shall be shown and labeled.

7.5.6. A title block located in either the lower right-hand corner of the sheet, across the entire bottom edge of the sheet, or down the entire right-hand edge of the sheet shall contain the following information:

- 1) Lot number and section/village within the The Point community.
- 2) Scale of the drawing.

3) Date of the drawing, including any revision dates.

4) The name, address and telephone number of the preparer of the Landscape Plans and Specifications.

5) Lot Owner's name.

7.5.7. All accurate locations of existing trees over eight (8) inches in diameter as measured twelve (12) inches from ground/grade level. Of these trees, all trees to remain shall be so marked.

7.5.8. "Limits of Clearing and Grading Line" shall be shown exactly as it appears on the grading plan previously submitted by the Lot Owner as part of the approved final Building Plans and Specifications. All "No-Clear Areas" shall be shown and shall conform to the "No-Clear Areas" shown on the unrecorded plot plan received by the Lot Owners.

7.5.9. Precise location of the dwelling, garage and all other structures as depicted on the approved final Building Plans and Specifications for the Lot.

7.5.10. Precise location of all exterior doors and windows on the first floor/ground level of the dwelling.

7.5.11. Precise location of driveways, walkways, decks and steps, screened porches, gazebos, swimming (or other) pools, fountains, spas/hot tubs, fences and gates, garden walls, sculptures, sundials, bird houses, basketball goals, play equipment/swing sets, retaining and freestanding walls, etc.

7.5.12. Location of all proposed new Landscape Improvements, clearly labeled and indicating the species and quantities. Show all lawn areas as "lawn seed" or "lawn sod."

7.5.13. Plant list/planting schedule listing all proposed plant material, quantities, their common name and their botanical/scientific name, their size at the time of planting, and any special or notable distinguishing characteristics. (See the sample final Landscape Plans and Specifications attached hereto as Schedule J-1/J-2 and the recommended plant list, Schedule H.)

7.5.14. Location of gas and electric meters, location of heating, ventilating and air conditioning units and pool equipment/pump or other utility-related equipment and apparatus. Location of septic tanks, pumps and related equipment.

7.5.15. Label appropriately the number of any Golf Course hole, Club Facilities, Common Areas or Maintenance Areas that adjoin the Lot and show any adjoining golf cart paths (where applicable).

7.5.16. All plants shown on the final Landscape Plans and Specifications are assumed to be scheduled for installation in the initial planting of the Lot. Any plants to be installed in a later phase (i.e., following the initial planting of the Lot) must be clearly labeled to that effect on the final Landscape Plans and Specifications and in the plant list that constitute a part of the final Landscape Plans and Specifications.

7.5.17. Street trees must be located and the species must be noted as is specified by the Street Tree Planting Plan for each street. (The Street Tree List is attached hereto as Schedule J.)

7.5.18. Street light locations shall be noted on the final Landscape Plans and Specifications (where applicable).

7.5.19. The type(s) of mulch material(s) to be used and their location(s) must be clearly indicated.

7.5.20 Drainage Plan - At a minimum, plans are to include downspout locations, drainpipe locations, and direction of over land water flow. (See Schedule K)

If any of the foregoing information or detail is not provided in the final Landscape Plans and Specifications, in whole or in part, the final Landscape Plans and Specifications will be rejected until all of the required information and detail is included, regardless of how elaborate and extensive the actual design may be. (see Schedule J and K)

### Upgrades to Landscaping

All additional landscaping proposed for installation following final approval and/or installation of original landscaping must be reviewed and approved by the ACC prior to installation. Depending on the scope of the work, review fees may be required. All upgrade submittals are to be accompanied by a completed Schedule C, marked for 'upgrade review'.

### 7.6. Failure of the ACC to Act.

If the ACC fails to approve or disapprove any final Landscape Plans and Specifications and other submittals which conform (and which relate to Landscape Improvements which will conform) with the requirements of the Landscape Guidelines and of the Declaration or to reject them as being inadequate or unacceptable within thirty (30) business days after receipt thereof, and provided such submittal was a full and complete submittal, in accordance with the Landscape Guidelines and the Declaration, of all items that were to have been submitted to the ACC, and provided the ACC shall again fail to approve or disapprove of such final Landscape Plans and Specifications and other submittals within ten (10) days after additional written request to act on such items is delivered to the ACC following the passage of such first above-described thirty (30) business day period, it shall be

conclusively presumed that the ACC has approved such conforming Landscape Plans and Specifications and other submittals, EXCEPT that the ACC 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 Additional Declaration for the Phase in which the Lot is located, and EXCEPT FURTHER, that the ACC shall not be deemed to have waived any of the requirements set forth in Article VIII, Section 8, Section 9 or Section 10 of the Declaration or any corresponding provisions in the Guidelines. If final Landscape Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance.

### 7.7. Lot Owner Responsibility.

Although a landscape contractor, landscape architect, or landscape designer may prepare the final Landscape Plans and Specifications for a particular Lot on behalf of the Lot Owner, it is the ultimate responsibility of the Lot Owner to review the final Landscape Plans and Specifications for completeness (consistent with the Landscape Guidelines); and it also is the ultimate responsibility of the Lot Owner to ensure the timely submission of the Landscape Plans and Specifications and related documentation to the ACC for review as contemplated herein. Additionally, each Lot Owner is responsible for making those individuals acting on behalf of such Lot Owner aware of the requirements contained herein relating to the preparation and submittal of the final Landscape Plans and Specifications.

### 7.8. Field Verification.

Following the approval of final Landscape Plans and Specifications for a Lot and the subsequent installation of Landscape Improvements in accordance with such approved final Landscape Plans and Specifications, the Lot Owner shall so notify the ACC by submitting a completed Schedule E, and the ACC shall inspect the Landscape Improvements installation for compliance with the approved final Landscape Plans and Specifications. Plant locations, plant species and plant sizes shall be consistent with those shown on the approved final Landscape Plans and Specifications. Please Review Schedule L, Recommended Planting Details, for further information on planting specifications. Plant sizes shall conform to the latest edition of the American Standards For Nursery Stock, published by the American Association of Nurserymen, Inc. Upon positive field verification of installation of the Landscape Improvements on the Lot in accordance with the approved final Landscape Plans and Specifications, the Landscape/Construction Escrow Deposit (or any residual portion thereof not previously retained by the ACC as provided herein) shall be returned to the Lot Owner. If the Landscape Improvements, as installed, do not conform to the approved Landscape Plans and Specifications, at the sole discretion of the ACC and without limiting any other rights or remedies

of the ACC or any other party under the Guidelines or under the Declaration, the Landscape/Construction Escrow Deposit may be withheld until the Landscape Improvements installation is brought into conformance with the approved final Landscape Plans and Specifications.

All resubmittals for disapproved installation inspections are to be submitted to the ACC by a completed Schedule E.

## 8. PRESERVATION OF EXISTING TREES

The existing trees at The Point are a prized natural amenity which add value to the community in a multitude of ways. The Point on Norman, LLC has exercised care to retain as much of the existing vegetation as possible in the design of the land plan for The Point; and it is expected that Lot builders and contractors will continue to preserve and protect this valuable resource during the course of construction.

### 8.1. Owner Responsibilities.

Each Lot Owner shall be responsible for ensuring that such Lot Owner's general contractors and subcontractors adhere to the requirements of the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees. The Landscape/Construction Escrow Deposit will be retained by the ACC if, in the sole discretion of the ACC, the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees are not followed and result in the destruction of or severe damage to otherwise healthy and desirable existing vegetation.

The ACC may employ the services of a qualified arborist and/or landscape architect to analyze the condition of existing trees and to assist the ACC in monitoring adherence to the provisions in the Landscape Guidelines pertaining to the protection and preservation of existing trees.

### 8.2. Tree Protection and Preservation Procedures.

It is essential that tree trunks, canopies, and root systems all be protected from heavy equipment and other harmful construction practices. Soil located from the "drip-line" of the tree to the trunk of the tree must remain undisturbed to enhance the likelihood that the tree will survive. Studies have shown that damaged root systems, especially damage to the feeder roots at the top ten (10) feet of the soil where a tree "breathes," are the most common cause of the fatal decline of otherwise healthy existing trees. Signs of the resulting stress often are not evident for months or sometimes years after the damage occurs, resulting in additional, often unforeseeable, costs and inconvenience to the then-current Lot Owner and to the community as a whole.

A qualified arborist or Landscape Architect shall be consulted by each Lot Owner or such Lot Owner's builder for an on-site evaluation of the existing trees prior to, during, and after construction. In addition, the following plan of protective measures must be followed by the Lot Owner and the Lot Owner's builder to ensure the protection of existing trees that are intended to remain on the Lot following the construction of Improvements thereon.

8.2.1. All healthy, individual existing trees over eight (8) inches in caliper, as measured twelve (12) inches from ground level, and all groups of trees comprising a "tree save area" must be identified with blaze-orange flagging tape before any clearing, grading or other construction activity is commenced on the Lot. The tree protection boundary shall be established at the drip-line(s).

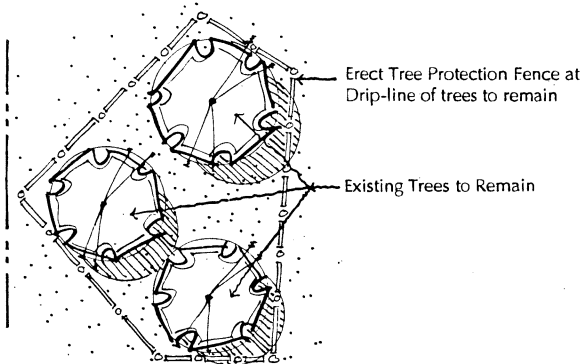


FIG. 8.2.1 TREE PROTECTION BOUNDARY

### Figure 8.2.1 - Tree Protection Boundary

8.2.2. Keep trash, construction debris, fires, chemical liquids and stored construction materials out of the drip-line area.

8.2.3. Stored construction materials, stockpiles, equipment or vehicles shall be located no closer than ten (10) feet to the tree drip-line.

8.2.4. Supply supplemental water and/or deep-root fertilization (as recommended by the arborist) before, during and after construction, as appropriate. Severe and prolonged heat, cold and/or drought conditions, coupled with nearby construction activity, often cause an adverse lowering of available groundwater levels requiring protective measures.

8.2.5. When changes in grade are required near existing trees, erect a tree well, retaining wall or walls outside the "drip-line" of the existing trees, to preserve the existing grade around the tree. Supply supplemental water and/or deep-root fertilization, as recommended by the arborist, to ease the stress of possible root loss due to grading operations and the construction of retaining walls.

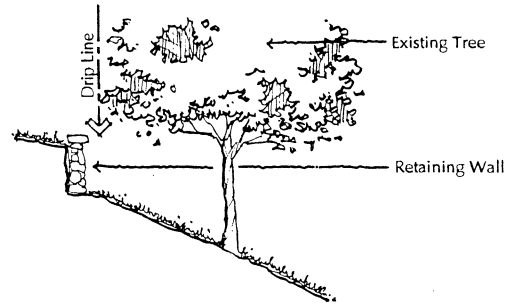


Figure 8.2.5 - Tree Preservation - Retaining Wall

8.2.6. In some instances, the ACC may require additional tree protection measures to ensure the preservation of especially valuable existing trees.

### 8.3. Tree Repair Procedures.

When trees are inadvertently damaged during construction, the Lot Owner shall retain a qualified arborist to make the necessary repairs. The arborist selected by the Lot Owner must have a minimum of five (5) years of working experience as an arborist and must be actively involved in the care and maintenance of trees in the southeastern United States.

The following tree repair measures shall be taken by the arborist (as deemed appropriate by him or her) subsequent to his or her thorough inspection of the damaged area and determination as to the severity thereof.

8.3.1. Tree trunks scarred during the construction process shall be treated immediately. The scarred area must be properly cleaned. Any and all torn bark and/or ragged edges shall be cut cleanly away, and the wound shall be shaped into an ellipse where possible.

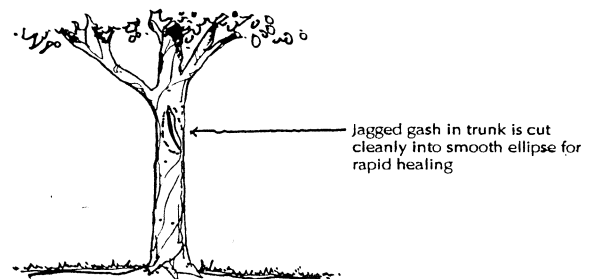
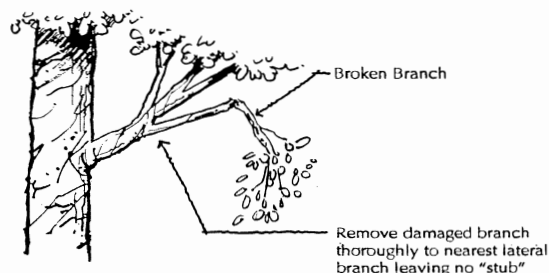


Figure 8.3.1 - Tree Repair - Scarred Trunk

8.3.2. Limbs or branches damaged by construction operations shall be removed. Clean cuts with sharp pruning tools are to be made at the nearest lateral branch or flush with the trunk for major limbs.



**Figure 8.3.2 - Tree Repair - Broken Branch**

8.3.3. If, during or after construction, minor root damage is observed, reducing the crown by as much as thirty percent (30%) during the appropriate season of the year may be advisable. Crown reduction by pruning several of the small to medium-sized branches will reduce the demand on the damaged root system, thereby increasing the tree's prospects for survival and eventual full recovery.

#### 8.4 Tree Removal in Drainfield Envelopes

The removal of trees should be done selectively within the drainfield "envelopes". Only those with adverse effects should be removed from the areas. The areas should remain in as natural a state as possible. When removing any tree with a caliper of 3" or greater, cut the tree at grade and if desired, grind the stump. Do not PULL any trees out of the ground. The excavation of the root ball may do serious damage to the drainfield.

#### 8.5. 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 will likely occur to some limited degree, resulting in the destruction of existing trees intended to remain on the Lot after the completion of construction of the improvements thereon. The Tree Valuation Schedule, set forth in Figure 8.5.1 below, will be used to place an appropriate monetary value on any and all such existing trees severely damaged and/or destroyed within the tree preservation areas. 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. Any of the reimbursement amount not used for the purpose shall be retained by the Association. For purposes of the Tree Valuation Schedule, the tree's trunk diameter is measured twelve (12) inches above existing grade level. Trunk diameters that fall between 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

#### Tree Valuation Schedule

Trunk Diameter Inches (DBH)	Cross Section Square Inches	Deciduous TreeValue	Evergreen TreeValue
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, 9<sup>th</sup> 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 8.5.1**



existed prior to their being damaged or destroyed. The Tree Valuation Schedule (Figure 8.5.1) shall be used to determine the replacement value.

## 8.6. Replacement of Damaged or Destroyed Trees

The Owner's Association, or the ACC as its agent, in its sole discretion, may require the planting of additional trees as a result of a disturbance, damage, or destruction of existing trees on individual Lots. In this instance, a replanting plan, a separate document from the Landscape Plan, may be requested by the ACC, detailing the size, type, and location of replacement vegetation. The ACC may have different mitigation requirements than the NCDENR, the authority governing the NC Catawba Buffer Rules, or vice versa. Compliance with either organization shall not constitute compliance with the other.

All vegetation planted for the purposes of replacement 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 guarantee requirement.

In general, replacement trees must be planted expeditiously once the violation has occurred and the replacement planting plan has been approved. The ACC may grant, during times of extreme weather conditions, that replacement tree planting be postponed until such time as weather conditions are optimum for planting. A formal request, in writing, must be given to the ACC once the replanting has been approved. The ACC will review the request in accordance with Section 9.2 of the Landscape Guidelines. If the ACC grants a postponement, failure to install the buffer mitigation trees by the agreed upon date will result in a minimum fine of the actual installed cost of the buffer mitigation trees previously agreed upon as per approved Buffer Mitigation Plan, assessed against such Lot (as a lien), and shall constitute a personal obligation of the applicable Lot Owner.

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

## 9. MINIMUM PLANTING REQUIREMENTS

Minimum requirements for the initial landscape improvements to be installed on each Lot within the The Point on Norman, LLC community have been devised to ensure that the high quality, visually appealing house styles and associated landscaping portray an aesthetically pleasing streetscape image. Essential to this is a unified and consistent balance between the quality of the architecture and the quality of the Landscape Improvements. A Recommended Plant List is attached hereto as Schedule H, and a landscape reference list has been attached as Schedule I.

Of course, as provided above, the ACC may, from time to time and at the sole discretion of the ACC, make revisions or amendments to all requirements and provisions in the Guidelines, including, without limitation, these minimum initial Landscape Improvements planting requirements.

Minimum initial Landscape Improvements planting requirements are established for each of the three Lot size categories planned for The Point. Of course, as provided above, the ACC may, from time to time and at the sole discretion of the ACC, make revisions or amendments to all requirements and provisions in the Guidelines, including, without limitation, these minimum initial Landscape Improvements planting requirements. The Lots at The Point are distinguished by their respective sizes measured in total number of square feet of land area within their boundaries; and, for purposes of this Section 9, the Lots at The Point are divided into three (3) categories: Lots containing fewer than 35,000 square feet of land area, Lots containing between 35,000 square feet of land area and 43,500 square feet of land area (inclusive) and Lots containing more than 43,500 square feet of land area. The minimum initial Landscape Improvements planting requirements for each category of Lots are specified below.

### 9.1. Lots Containing Fewer Than 35,000 Square Feet of Land Area - Minimum Initial Landscape Improvements Planting Requirements.

Minimum Initial Landscape Improvements Planting Requirements (Per Lot) for Lots Containing Fewer Than 35,000 Square Feet of Land Area.

Plant Type	Non-Corner Lot Quantity	Corner Lot Quantity	Size	Remarks
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	1	2	2.5-3" cal.	B&B
Accent Trees	2	4	2-2.5" cal.	B&B
Evergreen Trees	3	3	6-7' ht.	B&B
Evergreen Shrubs	28	30	5-7 gallon	Cont.
Small Shrubs	23	25	3 gallon	Cont.
Ground covers	300 SF	350 SF	Flats or 2" Pots	Cont.
Annual Flower Beds	75 SF	75 SF	Flats or 4" Pots	Cont.
Lawn Seed	All disturbed/graded areas other than plant beds or sod.			
Mulch/Pine Straw	All plant beds and natural areas.			

(Note: "B&B" means "Bag and Burlap," "cal." means "caliper" and "Cont." means "Container.")

## The Point

### 9.2. Lots Containing Between 35,000 Square Feet of Land Area and 43,500 Square Feet of Land Area (Inclusive)

#### Minimum Initial Landscape Improvements Planting Requirements.

#### Minimum Initial Landscape Improvements Planting Requirements (Per Lot) for Lots Containing Between 35,000 Square Feet of Land Area and 43,500 Square Feet of Land Area (Inclusive)

Plant Type	Non-Corner Lot Quantity	Corner Lot Quantity	Size	Remarks
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	1	2	2.5-3" cal.	B&B
Accent Trees	2	3	2-2.5" cal.	B&B
Evergreen Trees	3	3	7-8' ht.	B&B
Evergreen Shrubs	32	34	5-7 gallon	Cont.
Small Shrubs	26	28	3 gallon	Cont.
Ground covers	300 SF	350 SF	Flats or 2" Pots	Cont.
Annual Flower Beds	75 SF	75 SF	Flats or 4" Pots	Cont.
Lawn Seed	All disturbed/graded areas other than plant beds or sod.			
Mulch/Pine Straw	All plant beds and natural areas.			

Lawn Seed All disturbed/graded areas other than plant beds or sod.

Mulch/Pine Straw All plant beds and natural areas.

### 9.4 Recommended Planting Seasons

Optimum planting times are from March 15 to May 15 and from September 15 to November 1 for most plant materials. Trees may be planted throughout the winter months if the ground is not frozen and as long as the plants receive adequate water.

### 9.5. Postponement of Planting.

Under circumstances of extreme weather conditions, the ACC may, in its sole discretion, grant a Lot Owner a postponement of the initial Landscape Improvements planting. The request for such a postponement must appear in writing on the final Landscape Plans and Specifications as submitted to the ACC for review. Generally, postponements of the initial Landscape Improvements planting will be considered only for the hotter summer months between July 1 and August 30 and for prolonged periods of below-freezing weather forecasted during the winter months. Such a postponement, when granted by the ACC, in no way releases the Lot Owner from the obligation to install the initial Landscape Improvements pursuant to the approved final Landscape Improvements Plans and Specifications at the earliest time that weather permits and in all events not later than the timetable set forth in the ACC's written postponement.

## 10. REFORESTATION OF LOTS

### 9.3. Lots Containing 43,500 Square Feet of Land Area - Minimum Initial Landscape Improvements Planting Requirements.

#### Minimum Initial Landscape Improvements Planting Requirements (Per Lot) for Lots Containing More Than 43,500 Square Feet of Land Area

Plant Type	Non-Corner Lot Quantity	Corner Lot Quantity	Size	Remarks
Street Trees	1	2	3-3.5" cal.	B&B
Shade Trees	2	2	3.5-3" cal.	B&B
Accent Trees	3	3	2-2.5" cal.	B&B
Evergreen Trees	4	4	7-8' ht.	B&B
Evergreen Shrubs	36	38	5-7 gallon	Cont.
Small Shrubs	29	31	3 gallon	Cont.
Ground covers	400 SF	425 SF	Flats or 2" Pots	Cont.
Annual Flower Beds	100 SF	100 SF	Flats or 4" Pots	Cont.

The existing Landscape at The Point is a combination of mixed hardwood forest, pine forests and open fields. Areas containing open fields will require additional reforestation/tree planting by each Lot Owner. These additional Landscape Improvements must be installed as part of the initial Landscape Improvements planting on the Lot, and these additional Landscape Improvements represent planting required over and above the required minimum Landscape Improvements planting for each lot as provided above in the Landscape Guidelines. Refer to the Unrecorded Lot Plat provided by the ACC for each Lot to identify if the Lot is a designated "Wooded Lot" or a "Partially Wooded Lot" and that are encompassed by the additional planting requirements in this section. The Reforestation Chart set forth below lists the number of additional trees required for each Lot classification.

### 10.1. Existing Vegetation Classification.

All Lots within the The Point community will be assigned a vegetation classification by an arborist and/or landscape architect retained by the ACC for such purpose. Such vegetation classification of the Lots is based on their existing mature vegetative cover as follows:



- **Wooded Lots:** Lots containing substantial stands of mature or maturing trees, not requiring additional reforestation.
- **Partially Wooded Lots:** Lots containing fifty percent (50%) or greater coverage with mature or maturing trees, requiring fifty percent (50%) of the reforestation planting required of an Unwooded Lot.
- **Unwooded Lots:** Lots containing either no mature existing trees or insignificant, immature existing trees, and requiring one hundred percent (100%) of the designated reforestation planting.

## 10.2. Reforestation Chart.

Lots:	Under 35,000 SF	35,000-43,500 SF	Over 43,500 SF
Wooded Lots	N/A	N/A	N/A
Partially Wooded Lots	2 Shade Trees	2 Shade Trees	3 Shade Trees
Unwooded Lots	3 Shade Trees	4 Shade Trees	4 Shade Trees

The species of trees used for reforestation purposes shall be Oaks, Maples, Elms or similar large-maturing shade trees. Evergreen trees and Bradford Pear trees or their cultivars will not be permitted to satisfy the reforestation requirement. All trees will have a straight, single trunk with a full canopy or crown, and shall conform to current American Nursery Association Standards. All trees will be 3" caliper or larger at the time of planting.

## 11. LANDSCAPE DESIGN GUIDELINES — REQUIRED PRACTICES

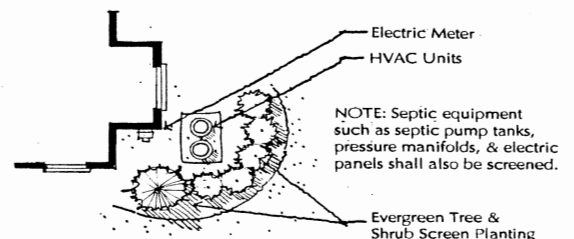
The following guidelines shall be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing Landscape Improvements on Lots within The Point, LLC. These guidelines contain specific required practices and techniques for creating an aesthetically pleasing landscape.

### 11.1. Screening of HVAC Units, Utility Meters, Utility Transformers, Septic Equipment, Outside Refuse Containers, Etc.

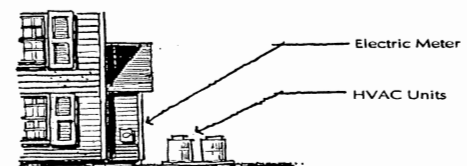
All heating, ventilating, and air conditioning units, septic equipment, utility meters, electric utility transformer boxes, swimming pool pump equipment, permitted satellite or microwave dishes and similar equipment, apparatus and fixtures on each Lot, including all refuse containers stored outdoors, must be screened from view from streets and from the Waterfront, Golf Course and from neighboring

Lots. Plants used as screening should be maintained by the Lot Owner so that the equipment, apparatus or fixture being screened is accessible (wherever possible) by service personnel and/or meter readers. Plant materials for this purpose shall be installed using either five (5) or seven (7) gallon sizes, evergreen only. Recommended plant types include Otto Luykens Laurel, Schipka Laurel, Dwarf Burford Holly, Compacta Holly, Variegated Ligustrum, Wax Myrtle, and Fortunes Osthmanthus, although this is not intended as an exclusive listing. (See Figures 11.1.1., 11.1.2., 11.1.3.)

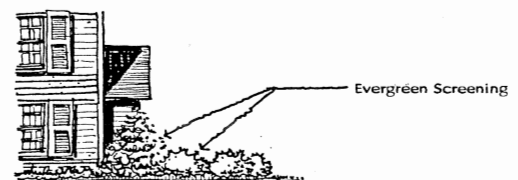
Condensation drains from HVAC units can dispose considerable water during their operation times. Their drain tubes shall be piped away from any septic system component and "daylighted" on the downslope of the system.



**Figure 11.1.1 - Evergreen Screening of Utilities**



**Figure 11.1.2 - Before Screening of Utilities**

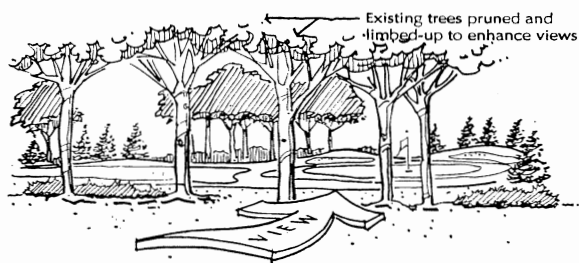


**Figure 11.1.3 - After Screening of Utilities**

## 11.2. Waterfront and Golf Course Lots - Special Requirements.

With regard to Lots that are contiguous to the Waterfront and Golf Course, plant material hedges will not be permitted outside of the Building Envelope for each such Lot. This restriction is intended as a means of facilitating the view of the Waterfront and Golf Course from all Waterfront and Golf Course Lots.

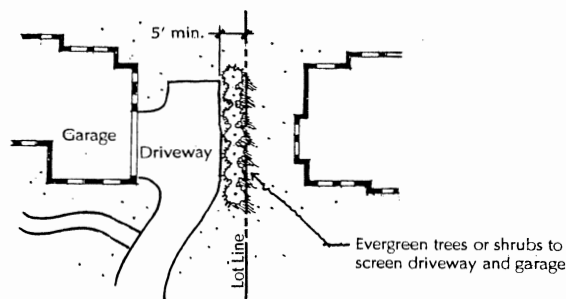
Existing trees adjacent to the Waterfront and Golf Course are essential to creating a well-defined vegetated edge to the Waterfront and Golf Course. Accordingly, Owners of Lots whose rear yards abut the Waterfront and Golf Course shall adhere to the provisions for tree preservation as outlined in Section 8 herein. In order to maximize their views of the Waterfront and Golf Course, however, Owners of Lots whose rear yards abut the Waterfront and Golf Course may, in their reasonable discretion, trim or remove hardwood trees under 2 $\frac{1}{2}$ " in caliper and pine trees under 4" in caliper. Also, any such trees may be pruned or limbed-up, judiciously, to enhance views of the Waterfront and Golf Course. (See Figure 11.2.1.)



**Figure 11.2.1 - Pruning/Limbing to Enhance Views**

## 11.3. Driveway Location and Planting.

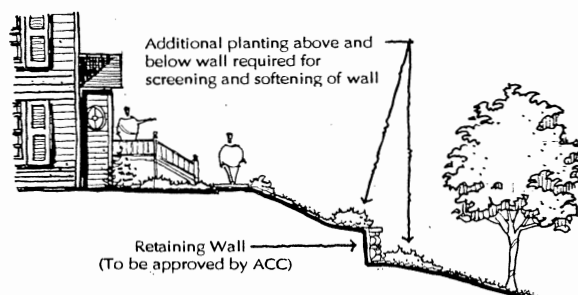
As set forth in Section 2.3 in the Architectural and Design Guidelines, driveways shall not be located closer than two (2) feet to the side Lot boundary line. Where a driveway exists on a Lot that is adjacent to a neighboring Lot which does not have a driveway on the same adjacent side, the Owner of the Lot on which the driveway exists shall be responsible for landscaping the two (2) foot strip between such Owner's driveway and the side Lot boundary line with a row of seven or more evergreen shrubs or narrow, conical evergreen trees to screen the view of the driveway from the neighboring Lot. This plant material will be required in addition to the minimum initial Landscape Improvements planting requirements set forth in Section 9 herein. (See Figure 11.3.1.)



**Figure 11.3.1 - Driveway/Garage Screen Planting**

## 11.4. Retaining Walls.

As set forth in the Architectural and Design Guidelines, all retaining walls must be approved by the ACC prior to construction, and the material, location, and height of all retaining walls must be clearly labeled on the final Building Plans and Specifications. Where retaining walls are located on a Lot in an area that is visible from a street, additional plant material, over and above the minimum initial Landscape Improvements planting requirements herein, will be required to screen, or otherwise "soften" the retaining wall from view at the street. Additionally, it is recommended that retaining walls that are visible from neighboring Lots, Waterfront, and the Golf Course be screened and/or "softened" with plant material. Additional plant screening material required to be installed pursuant to this Section 11.4 must be installed at the same time the minimum initial Landscape Improvements are installed hereunder. (See Figure 11.4.1.)

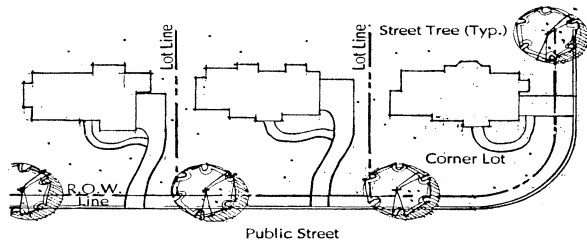


**Figure 11.4.1 - Screening of Retaining Walls**

## 11.5. Street Tree Location.

Street trees will be required on each Lot. The required species, size and location of each required street tree will be shown on the unrecorded plat provided by The Point on Norman, LLC or the ACC in connection with the initial sale of each Lot. The street trees planted on each Lot are expected to contribute to the overall effect of a unified street planting scheme that distinguishes each street with a particular species of tree. It is the responsibility

of each Lot Owner (over and above the minimum initial Landscape Improvements planting requirements herein), to plant the precise size and species of tree described on the unrecorded plat provided by The Point on Norman, LLC or the ACC in the designated location(s) shown on such unrecorded plat and to maintain the same in a healthy, well-maintained condition in perpetuity. Additional trees required to be installed pursuant to this Section 11.5 must be installed at the same time the minimum initial Landscape Improvements are installed hereunder. (See Figure 11.5.1.)



**Figure 11.5.1 - Typical Street Tree Location**

### 11.6. Lawn Ornaments/Bric-a-Brac.

All lawn ornaments and bric-a-brac constitute Landscape Improvements and therefore are subject to review and approval by the ACC. Without limiting the generality of the foregoing, no such landscape elements will be permitted in the front yard of any Lot without the prior written approval of the ACC. If, in the sole discretion of the ACC, such landscape elements are incompatible with the objectives of the Guidelines, they must be removed or relocated by the responsible Lot Owner, as specified by the ACC, within ten (10) days from the date of written notification to the Lot Owner.

### 11.7. Mulch Materials.

Annual flower beds and perennial flower beds shall receive two (2) inches of small/fine pine bark mulch. All planting beds and natural areas require a cover of three (3) inches of mulch. Acceptable mulch materials for covering planting beds and natural areas include pine straw, pine bark nuggets, shredded hardwood mulch, brick chips or dark-colored gravel (i.e., dark gray granite or dark brown "lava-rock"). White gravel will not be permitted without the prior written approval of the ACC. Consistent use of the same mulch material for any given Lot is required. Each Lot Owner shall be responsible for replacing and maintaining mulch material on such Owner's Lot from time to time consistent with the requirements of this Section 11.7.

### 11.8. Respect For "NO-CLEAR" Areas.

"NO-CLEAR" areas will be clearly marked on the unrecorded plat provided by The Point, LLC or the ACC in connection with the initial sale of each Lot. These "NO-

CLEAR" areas have been designated as tree preservation areas due to the exceptional, mature trees located in their boundaries. Utmost care and consideration by all Lot Owners, builders, contractors and subcontractors is required relative to the "NO-CLEAR" areas, as set forth in Section 8 herein. Failure to follow such guidelines will result in the Owner being required to pay compensation according to Section 8 herein.

### 11.9. Walkway Layout.

Walkways from the driveway to the front door or porch of the house shall be designed with smooth, flowing curves (where possible), rather than rigid straight lines. Walkways shall be at least three (3) feet wide.

Openings to provide access to the lake and dock areas are allowed, but are limited to a maximum width of 10 feet for boats and 6 feet for walkways. Access to the streams are limited to a maximum width of 6 feet for walkways. (pervious materials should be used as base materials or elevated boardwalks can be used.)

### 11.10 Elevated Deck and Patio Foundation Planting.

Decks and patios that are elevated above ground level shall be landscaped around their perimeters with appropriately sized plant material to screen the view of the space underneath the structure. It is especially important to screen those portions which are visible from the public street (i.e., especially on corner lots with elevated rear decks), Waterfront and Golf Course.

### 11.11 Septic Systems - Special Requirements

Having accessibility to the septic system components is necessary for scheduled preventative maintenance and regular service. The planting of shrubbery and decorative landscaping items shall not be placed within a 5' radius of any septic system component that extends above ground. All planting and decorating must be approved by the ACC.

The septic system electrical control panels associated with certain system types will be attached to the side of the dwelling. No landscaping items will be allowed within a 3' radius from the box to allow for service without obstruction.

The planting of trees within the area of the septic systems should be performed carefully and very selectively. Only with the approval of the ACC will certain trees be allowed to be planted within the drainfield "envelope" or in the tankage area. No tree of any type shall be planted within 3' of any septic system component; e.g., tankage, distribution devices or drainlines.

The drainfield "envelope" shall have sufficient vegetative covering of the type identified by the ACC. Mulching is generally not allowed over the drainfield area.

If the landscaping design shows mulching extending into the "envelope" and covering more than 10% of the "envelope" area, approval will be at the discretion of the ACC. In addition, if mulching is desired over the tankage or distribution device areas, detailed plans including septic system component locations must be submitted to the ACC for approval.

### 11.12. Aggressive Exotic Plants

There are plant species commercially available by growers that are non native species to this region. While many of these species have adapted favorably to the regions' climate and soils, a number have naturalized and have an adverse affect on the environment. Such plants can actually spread out of control, stifling more advantageous species along the way. The best example of an aggressive exotic plant is Kudzu, a plant brought over from Japan in the early settlement days for erosion control. Many of you have seen this throughout the southeastern United States.

The Landscape Architecture industry has recommended that many of these plant types not be used in the design of residential or commercial landscapes. The ACC recommends this as well. A list of Aggressive exotic plants is attached as Schedule H-2.

## 12. LANDSCAPE DESIGN GUIDELINES - RECOMMENDED PRACTICES

The following guidelines are recommended to be followed by all Lot Owners and the builders, contractors, subcontractors, and architects of the Lot Owners when planning for and installing Landscape Improvements on Lots within The Point. These guidelines contain specific recommended practices and techniques for creating an aesthetically pleasing landscape.

### 12.1. Automatic Irrigation Systems.

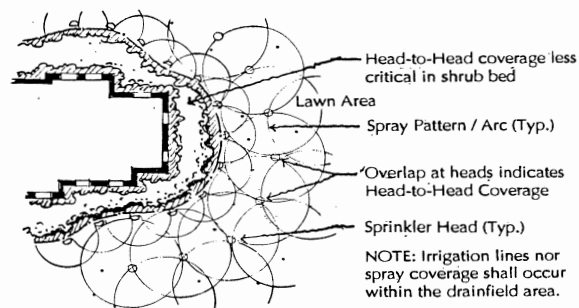
Automatic irrigation systems are highly recommended. Besides the obvious advantage of convenience, automatic irrigation systems, when designed, installed and operated properly, should provide plant and lawn sod Landscape Improvements with the consistent waterings they require to thrive. Landscape Improvements that are installed between March 15 and September 30 likely will be subjected to periods of intense heat and periods of low precipitation. Automatic irrigation systems are especially beneficial during such periods to help ensure a consistent amount, frequency and duration of watering.

When designing an automatic irrigation system it is recommended that lawn areas and shrub beds be placed on separate zones since the watering requirements for the two differ substantially. Also, the automatic irrigation system plan shall provide complete coverage, or "head-to-head" coverage, of all lawn areas. Without "head-to-head" coverage, lawn areas that are not covered will become

brown or will suffer "brown-out." Often this phenomenon occurs in the area immediately surrounding the irrigation system heads, where little water actually falls on the ground. Another consideration is whether or not to meter the automatic irrigation system separately from the house water system. Waterfront lots are required to use the lake as the irrigation source. Separate water meters can be purchased at an additional cost from governmental authority having jurisdiction over the municipal water supply. In the event a Lot Owner elects to install an automatic irrigation system on such Owner's Lot, the automatic irrigation system shall be designed and operated so that water from the system remains on the Lot being irrigated without overspraying onto adjacent Lots. (See Figure 12.1.1.) Furthermore, no irrigation or trenching shall be allowed within the primary or repair septic fields.

No irrigation systems are allowed within the Septic drainfields. No irrigation piping of ANY kind shall be placed or installed in the drainfields. Irrigation can be installed outside the perimeter of the drainfield and sprayed onto the field provided it is on a separate zone and can be turned off or adjusted from a central control panel. Careful consideration shall be given to the placement of the spray heads and supply lines where not to encroach into the drainfield envelope. The septic system installer is available and should be contacted to mark all components and nitrification lines prior to installation of the irrigation system. If irrigation is installed in the "repair area" of the septic system be advised that if a system expansion is needed in the future that the irrigation lines would be taken out of this area and capped off.

All irrigation that services the drainfield envelope should be placed on separate zone or zones that are independant of the rest of the irrigation system. If this zone must be turned off for septic maintenance purposes, the rest of the landscape will not be affected.



**Figure 12.1.1 - Head-To-Head Irrigation Design**

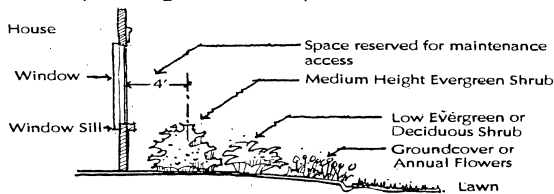
### 12.2. Landscape Lighting Systems.

Subject to the restrictions in Section 4.16 in the Architectural and Design Guidelines, landscape lighting systems are encouraged, although approval of landscape lighting systems may be granted or denied by the ACC in its sole discretion. Landscape lighting systems shall be

designed, installed and operated to enhance the architecture of the house and the Landscape Improvements on the Lot in a tasteful and subtle manner. Overlighting the house and/or landscaping shall be avoided. Landscape lighting shall be confined to the Owner's Lot only, and no direct illumination from such landscape lighting shall encroach onto any other Lot, the Waterfront or Golf Course or any other location beyond the boundaries of such Owner's Lot. Trenching for landscape lighting systems shall not occur through the septic field envelope.

## 12.3. Foundation Planting.

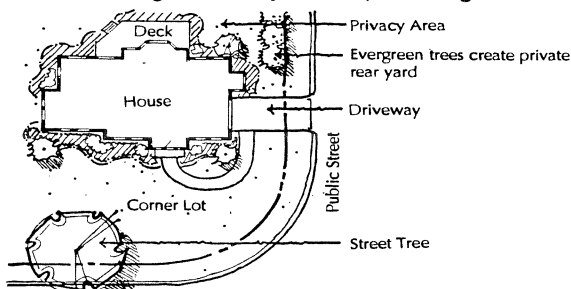
When designing foundation plantings, several important factors must be considered. Select shrubs that will not overgrow the location at maturity (i.e., covering windows). Select evergreen shrubs to be planted adjacent to the house foundation to provide an aesthetically pleasing appearance during all seasons, rather than deciduous plants (which shed their leaves in the winter months). Select plant types and varieties that require moderate to low maintenance and pruning. Locate foundation shrubs on either side of windows instead of directly under windows; this allows the shrubs more vertical growing room without blocking the window. Locate foundation plants far enough from the foundation of the house to allow ease of maintenance access to the house (e.g., with a ladder or to paint the wall directly behind the shrubbery). Foundation plants shall be layered from front to back, with taller plants (evergreen) at the back and successively lower plants in the front. (see Figure 12.3.1.)



**Figure 12.3.1 - Foundation Planting Hierarchy**

## 12.4. Corner Lots.

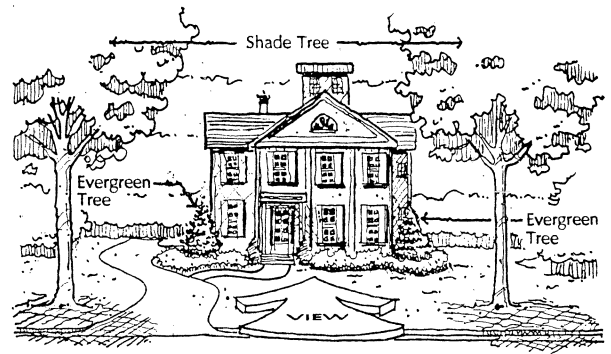
With regard to Landscape Improvements, corner Lots shall treat both facades or elevations of the house which face the streets with equal care and consideration. Both facades or elevations are "public" sides of the house to the degree that both elevations front on a public street. Care and consideration shall be given to selecting plant material that will lend privacy to the rear yard by grouping evergreen trees and/or shrubs near the side right-of-way line. (See Figure 12.4.1.)



**Figure 12.4.1 - Corner Lot Privacy Screening**

## 12.5. Plants as Enframing Devices.

Trees and shrubs can and shall be utilized to enframe a view of the house (e.g., the front elevation). For instance, street trees located near the Lot boundary line at the street are best located near the side Lot boundary lines to create visual parameters through which to view the front of the house. This idea is further illustrated by locating evergreen trees (e.g., Nellie R. Stevens Hollies) at the front corners of the house to enframe the house with a plant material during all seasons of the year. (See Figure 12.5.1.)

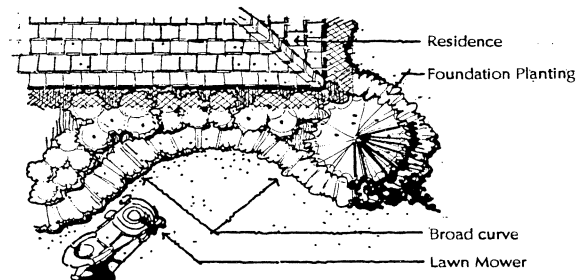


**FIG. 12.5.1 PLANTS AS ENFRAMING DEVICES**

**Figure 12.5.1 - Plants as Enframing Devices**

## 12.6. Planting Bed Layout.

Planting beds containing plant materials such as trees, shrubs, ground covers, and annual flowers shall be designed and constructed with smooth, flowing curves (wherever possible). The curves shall be broad enough to allow ease of maneuvering lawn mowing equipment along the edges of the planting beds. Consideration also should be given to the type of lawn mowing equipment that will be used (i.e., riding lawn mower or push-type lawn mower) and its minimum turning radius. (See Figure 12.6.1.)



**Figure 12.6.1 - Play Equipment Location**

## 12.7. Landscape and Architecture Compatibility.

The landscape design for each Lot should enhance the architectural style of the residence on such Lot. Different architectural styles call for different landscape styles. Lot Owners/builders are urged to hire an experienced, qualified landscape architect or landscape designer to assist in achieving such compatibility.

**12.8. Fish Ponds and Fountains.**

Fish ponds and fountains are permitted to be installed on Lots, subject to the ACC prior written approval. Generally, such site amenities must be restricted to rear yards only. Professional design and installation services are highly recommended for such amenities.

**12.9. Yards and Visual Importance**

Any area of a Lot that is visible from a public street takes on a "semi-public" character in that the visual quality of that portion of the Lot contributes to the overall quality and character of the community at large. It is incumbent upon all Lot Owners, therefore, to landscape and maintain all such "semi-public" areas of their Lots with utmost care and consideration. Corner Lots effectively have two such "semi-public" yards due to the fact that such Lots front on two public streets.

In contrast, rear yards tend to be the private domain of the Lot Owner, allowing somewhat more flexibility in the uses of the rear yard space. However, it is the hope of the ACC and The Point on Norman, LLC that equal care and attention will be given to the landscaping and maintenance of these areas. Additionally, rear yards become more "semi-public" where they front on Common Areas, common recreation facilities, Waterfront, or the Golf Course or other Club Facilities; and rear yards in these locations should always be well-maintained and adequately landscaped as "semi-public" areas.

**CONSTRUCTION RULES**

1). Applicability. These construction rules (collectively the "Construction Rules") shall apply to all Lot Owners and their builders, and any reference herein 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 ACC 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 Years Day. Any construction activities conducted or access to The Point on Norman, LLC other than during the foregoing hours must be scheduled with the ACC at least twenty-four (24) hours in advance and must be approved by the ACC in writing. 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 and golfers alike. Normal radio levels are acceptable within the interior of fully enclosed homes. Radio and stereo speakers shall not be mounted on vehicles or outside of homes under construction.

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

- (a) Interior Construction Debris. All parties are strongly encouraged to frequently clean up and remove rubbish and construction debris located within the walls of a residence that is under construction.
- (b) 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, polyethelene, etc., must be placed in a silt fence pen or other approved containment device on the Lot; and
  - (2) At the end of the day on each Friday, all non-blowable construction debris, such as wood scraps, shingles, brickbands, 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 Point, leaving the pens and the Lot free of all debris.
- (c) No Burning or Burial. Burning or burial of construction debris or vegetation is prohibited.

4). Excess Natural Materials. Excess plant matter, rock, topsoil and similar materials must be offered first to The Point on Norman, LLC prior to their removal from The Point, and no such materials may be removed from The Point without the prior approval of The Point on Norman, LLC.

5). Street Cleaning. Approximately once each week near the end of the week, The Point on Norman, LLC will engage a street cleaning service to clean the streets in The Point of normal construction dirt, mud, and gravel. The Point on Norman, LLC shall pay for twenty-five percent (25%) of the cost of such service. The Owners who are constructing homes in The Point at the time such services are rendered shall pay for the remaining seventy-five percent (75%) of the cost, in accordance with the following formula:

A particular Owner's pro-rata share of street cleaning costs shall be determined by multiplying the total cost of the service times (a) .75 and (b) a fraction, the denominator of which is the total number of houses in The Point that have been under construction for six (6) months or less, and the numerator of which is the number of houses in The Point that such Owner has had under construction



for six (6) months or less. The intent of this formula is to ensure that each house under construction bears its fair share of the street cleaning costs for the first six (6) months it is under construction, but not thereafter. Invoices from The Point on Norman, LLC for reimbursement of the street cleaning costs must be paid within thirty (30) days.

The Point on Norman, LLC also 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.

6). Silt Fences. Silt fences and/or other devices for sedimentation control shall be installed where necessary or as directed by the ACC. Silt fences on rear of lots contiguous to the waterfront or golf course must be of the reinforced wire mesh type with steel poles for support.

7). 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 ACC.

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

9). 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 ACC approves an alternate access way.

10). 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 to the house under construction.

11). 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 Point overnight. Construction vehicles may be left on a Lot overnight only if additional use of the vehicle will be made within the following three (3) days. No construction vehicles, trailers or equipment may be parked or left overnight on any street or common area. Construction vehicles may be parked only on the street side of any Lot that is contiguous to the Waterfront or Golf Course (i.e., away from the Lot's common boundary with the Golf Course).

12). Miscellaneous Practices. The following practices are prohibited at The Point:

(a) Changing oil of any vehicle or equipment;

(b) Allowing concrete suppliers and contractors to clean their equipment other than at locations, if any, designated for that purpose by the ACC;

(c) Carrying and/or discharging any type of firearms, except by law enforcement officials and security personnel authorized in writing by The Point on Norman, LLC;

(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 Point. 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 Point on Norman, LLC's personnel will be charged to the responsible party. Any spills must be reported to the ACC and The Point in writing as soon as possible.

13. Pets. Builder and contractor personnel may not bring pets into The Point.

14. Common Areas. Except with the prior written permission of the ACC, builder and contractor personnel are not allowed in the Common Areas or on the Golf Course, and no construction access will be allowed across the Common Areas or the Golf Course.

15. Accidents. The Point on Norman, LLC and the ACC shall be notified immediately of any accidents, injuries or other emergency occurrences.

16. Portable Chemical Toilets. An enclosed and regularly serviced portable chemical toilet must be provided for at least every two homes under construction, and must be located in as inconspicuous a location as possible.

17. Speed Limit. The established speed limit within The Point community is twenty-five miles per hour (25 mph) for all vehicles, and this limit must be obeyed at all times.

18. Signs. Building permits are the only sign or documentation that may be posted at a residence or on a Lot during construction. Business 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.

19. Property Damage. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, fences, etc. will be repaired by The Point on Norman, LLC and the cost of such repairs will be billed to the responsible Owner. If not paid promptly, the repair cost will be deducted from the Landscape/Construction Escrow Deposit. If the Landscape/Construction Escrow Deposit is

not sufficient to cover the entire repair cost, the additional amount will be charged to and promptly paid by the Owner. 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 Point on Norman, LLC personnel; and any cost incurred in connection with repairing such damage shall be borne by the responsible party.

20. Failure to abide. Failure of a builder or contractor to abide by any of the Construction Rules may result in the loss of such builder's or contractor's privilege to enter The Point on a temporary or permanent basis, or a fine, the amount being The Point on Norman, LLC's discretion, may be levied for infractions and failure to abide.

21. Septic Areas. All septic areas are required to be wrapped with Blaze-Orange Barrier Fencing, to prevent access to the area and protect it from compaction by construction traffic. This fence is required to be maintained at all times, including after installation of the septic system, until the Lot has been landscaped and all other related construction completed. All utility lines must be located at least 10' away from the septic drainfield area.

22. 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 Architectural Guidelines (i.e. fines). Planning the home constructions with the erosion control measures and the Architectural Guidelines specifically in mind will be crucial to the success of each builder in The Point. 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 ACC 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.

Builders are encouraged to be guardians against:

- Excessive trash build-up and/or disposal on the project either in lots or in Common Areas
- Changing of oil, maintenance of equipment, or disposal of chemicals or paints resulting in spills on the Lots or into the storm drainage system for The Point.
- Use of excessive amounts of fertilizer or herbicides on seeded area;  
Destruction or modification of any part of the permanent storm drainage system for The Point;
- Unpermitted shoreline modification;
- Unauthorized disturbance of any Lake Buffer Areas;
- Improper use of, or disregard for, septic drainfield v areas.

**The Point**  
**SCHEDULE A**  
**APPLICATION FOR PRELIMINARY DESIGN APPROVAL**

(The Point — Lot \_\_\_\_)

Submit this form with four (4) copies of preliminary site and house plans along with \$550.00 payable to The Point on Norman, LLC. One copy will be kept in the ACC's files and one copy will be returned to you..

Name of Lot Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_

**I. Preliminary Site Plan (1/10" = 1' - 0")**

Location (with dimensions and materials) should be illustrated for each of the following site improvements on the Building Envelope Lot plan:

- A. House and Other improvements (garage, decks, patios, swimming pools, tennis courts, etc.) within Building Envelope
- B. Front, rear and side yard setbacks dimensioned (50' watershed buffer where applicable)
- C. Driveway, sidewalks, and utility easements as shown on recorded plat
- D. Septic drainfield and 100% repair envelopes
- E. Fences and walls (including retaining walls)

**11. Preliminary Floor Plans and Exterior Elevations (1/4" = 1' - 0")**

Heated finished square footage:

_____	First Floor
_____	Second Floor
_____	Third Floor
_____	Basement
_____	Total

ACC Required and Suggested Modifications:

Required: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Advisory Design Professional:

_____	Date: _____
_____	Date: _____

The Point on Norman, LLC

By: CLT Development Corp

Authorized Member

By: _____	Date: _____
By: _____	Date: _____

# **SCHEDULE B** **APPLICATION FOR FINAL DESIGN APPROVAL** (The Point — Lot \_\_\_\_)

Submit this form with four (4) copies of final site and house plans along with a \$550.00 check made payable to The Point on Norman, LLC. One copy will be kept in the ACC's files and one copy will be returned to you.

Name of Lot Owner: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: Work \_\_\_\_\_ Home \_\_\_\_\_

**I. Final Site Plan (1/10" = 1' - 0')**

Location (with dimensions and materials) should be illustrated for each of the following site Improvements on the Building Envelope Lot Plan:

- A. Grading plan with 2' contour topography
- B. House and Other improvements (garage, decks, patios, swimming pools, tennis courts, etc.) within Building Envelope
- C. Front, rear, and side yard setbacks dimensioned (50' Watershed buffer where applicable)
- D. Driveway, sidewalks, @ utility easements from recorded plat (include septic system)
- E. Fences and walls (including retaining walls)

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

**II. Final House Plans (1/4" = 1' - 0")**

Heated finished square footage:

_____	First Floor
_____	Second Floor
_____	Third Floor
_____	Basement
_____	Total

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

**III. Final House Elevations (1/4" = 1' - 0")**

Front, side, and rear elevations shown  
 Design Exterior and Layout appropriateness

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

**IV. Exterior Specifications: Submit samples with manufacturer specifications**

	Material	Color
Foundation:	_____	_____
Wall:	_____	_____
Trim:	_____	_____
Front Door:	_____	_____
Shutter:	_____	_____
Garage Door:	_____	_____
Roof:	_____	_____

Window: \_\_\_\_\_  
Other: \_\_\_\_\_

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

V. ACC Required and Suggested Modifications:

Required: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. Final Approval

\_\_\_\_\_ Granted as noted above; however construction start is subject to Approval to  
Commence Work  
\_\_\_\_\_ Granted with Approval to Commence Work  
\_\_\_\_\_ Denied

**Reviewed and Approved by:**

Advisory Design Professional:

\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ The Point on Norman, LLC  
By CLT Development Corp.  
Authorized Member

By: \_\_\_\_\_ Date: \_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVAL OF FINAL PLANS ALONE DOES NOT MEAN CONSTRUCTION MAY  
START.**

VII. Approval to Commence Work

- \_\_\_\_\_ 1. Private driveway (ratable cost) paid (if applicable).  
\_\_\_\_\_ 2. Site visit to review staking.  
\_\_\_\_\_ 3. Receipt of contract for construction between Owner and Featured Builder.

In accordance with the receipt of the above items as required in the Architectural and Landscape Guidelines, you are approved to commence construction on this lot.

\_\_\_\_\_  
Authorized ACC Member

Date: \_\_\_\_\_

The Point  
**SCHEDULE C**  
**APPLICATION FOR LANDSCAPE PLANS**  
**AND SPECIFICATIONS APPROVAL**  
(The Point — Lot \_\_\_\_)

\_\_\_\_\_ SF  
\_\_\_\_\_ Wooded  
\_\_\_\_\_ Partially Wooded  
\_\_\_\_\_ Unwooded

**REQUIRED INFORMATION:**

Submission Date: \_\_\_\_\_  
Lot Number: \_\_\_\_\_  
Lot Owner: \_\_\_\_\_  
Landscape Contractor: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Landscape Architect/Designer: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Projected Landscape and Irrigation Initiation Date: \_\_\_\_\_  
Projected Landscape and Irrigation Completion Date: \_\_\_\_\_

Note: All pertinent information as outlined in **The Point Landscape Guidelines** shall be included on the plan submission prior to plan review consideration.

This landscape is submitted for: \_\_\_\_\_ Preliminary Review  
\_\_\_\_\_ Final Review  
\_\_\_\_\_ Upgrade Review

The submitting party shall fill in all information above this line.

---

**ACC PLAN REVIEW:**

Review Date \_\_\_\_\_ Reviewed by \_\_\_\_\_

The following action was taken subsequent to plan review:

\_\_\_\_\_ **Approved** with the condition that all plants be installed as represented on the approved plan without additions, deletions, or size modifications, unless approved in writing by the ACC.

\_\_\_\_\_ **Contingent Approval** - The plan as submitted does not meet the requirements of the ACC; however, approval will be given if the following required changes are made in full:

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\_\_\_\_\_ **Disapproved (revise and resubmit plans) for the following reasons:**

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ACC File Copy \_\_\_\_\_ Contractor/Owner Copy \_\_\_\_\_

**January 31, 2006**



The Point  
**SCHEDULE D**  
**MINOR CHANGE APPLICATION**  
THE POINT ON NORMAN, LLC

Date: \_\_\_\_\_

Lot number: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Architect: \_\_\_\_\_

Architect's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_

Landscape Architect's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Description of  
requested change: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for change: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please attach sketch specifications of proposed change)

---

ACC USE:

☐ On-Site Inspection Conducted

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

☐ APPROVED

☐ CONDITIONAL APPROVAL

Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ DISAPPROVED

I understand and approved of this change:

Signed:

1) \_\_\_\_\_ Date: \_\_\_\_\_

2) \_\_\_\_\_ Date: \_\_\_\_\_

**SCHEDULE E**  
**REQUEST FOR FINAL LANDSCAPE INSTALLATION INSPECTION**  
**THE POINT ON NORMAN LLC**

Date: \_\_\_\_\_

Lot number: \_\_\_\_\_

Builder's Name: \_\_\_\_\_

Builder's Address/Phone/Fax: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_

Landscape Contractor: \_\_\_\_\_

Requested Date of Inspection: \_\_\_\_\_

I do hereby certify in good faith that the contracted landscape on said lot does conform to the "Architectural and Landscape Guidelines for The Point" and the final plans as approved by the Architectural 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.

---

ACC USE:

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_

☐ APPROVED

☐ DISAPPROVED

REASON FOR DISAPPROVING: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE F**  
**REQUEST FOR FINAL INSPECTION / DEPOSIT REFUND**  
**THE POINT ON NORMAN LLC**

Date: \_\_\_\_\_

Lot number, \_\_\_\_\_

Builder's Name: \_\_\_\_\_

Builder's Address/Phone/Fax: \_\_\_\_\_

Architect: \_\_\_\_\_

Contractor: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_

Landscape Contractor: \_\_\_\_\_

Requested Date of Inspection: \_\_\_\_\_

I do hereby certify in good faith that the contracted structure on said lot does conform to the Standard Building Code, local codes, and The Point Architectural Control Committee requirements and standards and the final plans as approved by the Architectural 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. This constitutes a request for return of Landscape/ Construction Escrow deposit.

Contractor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Landscape Contractor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Architect's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Landscape Architect's signature: \_\_\_\_\_

Date: \_\_\_\_\_

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ACC USE:

☐ DEPOSIT RETURNED IN FULL

☐ PARTIAL REFUND

AMOUNT RETURNED: \_\_\_\_\_

REASON FOR WITHHOLDING: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE G**  
**GLOSSARY OF TERMS**  
(The Point, LLC)

**Accent Tree**

A small flowering tree or a non-flowering tree with exceptionally unique and interesting characteristics, such as leaf shape, leaf color, and/or flower color.

**Annual Flowers**

Flowers which are hot-house grown and available for seasonal displays in yards and gardens for colorful seasonal accents. These are replaced with other appropriate annuals when the season changes (e.g., annual periwinkle of summer replaced with pansies for the late fall and winter season).

**Arbor**

A decorative wood or metal structure used in the landscape to support the growth of plants (e.g., a wisteria arbor or rose arbor).

**Arborist**

A trained professional of Horticultural Science specializing in field identification, management, and maintenance of woody trees and shrubs.

**Automatic Irrigation System**

A network of underground pipes and sprinkler heads connected to a time clock which may be set to deliver a predetermined amount of water to various parts of a landscape at predetermined times of the day, operating independent of manual controls.

**Bailed and Burlapped (B&B)**

Trees and large shrubs which have been field grown rather than having been grown in containers. These plants are either hand-dug or machine-dug and their root balls are placed in tightly fitted burlap sacks to secure the root ball during transport prior to being planted.

**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.

**Container (Plant)**

A plant which has a root system and is grown and sold in a plastic container. The container size is changed for a larger one, successively, as the plant matures. These plants are referred to as "container plants" in the nursery industry to distinguish them from other plants which are grown and sold with other various root conditions (e.g., B&B or Bare Root, etc.).

**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.

**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.

**Drainfield Envelope**

Refers to the area that contains the nitrification (drainfield) lines of the on-site septic system for an individual dwelling. The term can also be used to refer to the reserved repair area.

**"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.

**Final Landscape Plans and Specifications**

The only landscape plans and specifications required by the ACC. The final landscape plans and specifications for a lot must contain certain basic information listed in the Guidelines and must be submitted at or before exterior finishes are begun on the house. Specific minimum planting requirements are listed in the Guidelines for each lot category.

**Flats**

Plastic containers in which many annual flowers and ground cover plants are grown and sold.

#### Ground Cover (plants)

Plant materials which have as one of their primary growth characteristics the predisposition to spread over the ground, often creating a dense mat over a period of time.

#### 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, which designs incorporate utility, practicality and aesthetics. Licensure is required in the State of North Carolina to refer to oneself as a landscape architect.

#### Landscape Contractor

A person educated and/or trained in the installation of plants and other materials to create aesthetically-pleasing outdoor environments.

#### Landscape/Construction Escrow Deposit

A deposit required of all lot Owners which is returned in full to the depositor when all construction is completed according to the Guidelines set forth by the ACC. 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 ACC.

#### 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.

#### Limits of Clearing and Grading Line

The line beyond which no cut and no fill are permitted, with the intention of preserving existing trees. The line is clearly shown on all lot plots which are provided to every lot Owner.

#### Lot Category

Categories which organize the various lots within The Point based upon their relative sizes. Each lot category has its particular minimum landscape planting requirements.

#### Perennials

Plants which die back with the onset of cold winter

temperatures only to return each spring of the year, or perennially — with a new flush of spring growth. The largest group of perennials is the herbaceous perennials which are often planted for their spectacular show of spring, summer, or fall flowers.

#### Pergola

A heavy wood or metal structure, sometimes similar to an arbor, but typically much longer (e.g., covering a portion of a walkway) and constructed of heavier construction materials than an arbor.

#### 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.

#### Preliminary Landscape Plans and Specifications

Landscape plans and specifications which are not required by the ACC and will not be considered a substitute for the final Landscape Plans and Specifications. Preliminary Landscape Plans and Specifications are recommended when the lot Owner desires feedback from the ACC on the adequacy of the lot Owner's landscape plan prior to submission of the final Landscape Plans and Specifications.

#### Shade Tree

A large maturing tree, such as most oaks and elms which develop significantly large canopies or crowns, providing much-desired shade on a hot summer afternoon.

#### Site Improvements Application

A required form to be filled out completely and submitted with the final Landscape Plans and Specifications for review by the ACC. The form is returned to the applicant by the ACC with the appropriate response given as a result of the plan review.

#### Streetscape

The portion of the landscape on either side of a street or roadway where trees, shrubs and other plant materials are combined with other street elements, like driveways, lightposts, street signs, etc., creating a distinct character to the experience of driving or walking along a particular street.

**SCHEDULE H-1**  
**RECOMMENDED PLANT LIST**  
(The Point)

Street and Shade Trees:

October Glory Red Maple  
Red Sunset Red Maple  
Legacy Sugar Maple  
Shumard Oak  
Southern Red Oak  
Bloodgood London Planetree  
Ginkgo Biloba  
Zelkova  
Pin Oak  
Darlington Oak  
Littleleaf Linden  
Purpleleaf Beech  
White Oak  
Bald Cypress

Large Evergreen Trees:

Deodar Cedar  
Southern Magnolia  
Austrian Pine  
Loblolly Pine  
Norway Spruce  
Nellie R. Stevens Holly  
American Holly  
Cryptomeria Japonica (protected)  
Fosters Holly  
Emily Bruner Holly  
Pyramidal Arborvitae  
Savannah Holly

Accent Trees (flowering):

Kwanzan Cherry  
Yoshino Cherry  
Weeping Japanese Cherry  
White Dogwood  
Kousa Dogwood  
Pink Dogwood  
Smoketree  
Crabapple (improved varieties)  
Washington Hawthorn  
Purpleleaf Plum  
Eastern Redbud  
Saucer Magnolia  
Star Magnolia  
Sweetbay Magnolia  
Smoketree  
Witch Hazel  
Amelanchier (protected)  
Japanese Snowball Viburnum

Crape Myrtle Species  
Sourwood  
Vitex (Chaste Tree)  
Styrax (Japanese Snowbell)  
White Fringetree  
Pagoda Tree

Accent Trees (non-flowering):

Black Gum  
Chinese Pistache  
Wax Myrtle  
Bloodgood Japanese Maple  
Green Japanese Maple  
Amur Maple  
Trident Maple  
American Hornbeam  
Thornless Honey Locust  
Heritage River Birch  
Carolina Cherry Laurel

Evergreen Shrubs:

Holly Species (e.g., Dwarf Burford Holly, Compacta Holly, Helleri Holly, etc.)  
Euonymus Species  
Abelia  
Ligustrum Species  
Pieris  
Aucuba  
Boxwood  
Azalea  
Otto Luykens Laurel  
Schipka Laurel  
Zabel Laurel  
Dwarf Indian Hawthorn  
Camel Japonica (protected)  
Camellia Sasanqua (protected)  
Gardenia (protected)  
Cypress mid False Cypress Species  
Juniper Species  
Nandina Species  
Plum Yew  
Wax Myrtle  
Cleyera Japonica  
Cotoneaster Species  
Osthmathus Fortunei  
Osmanthus  
Rhododendron Species



Deciduous Shrubs:

Althea  
Barberry Species  
Spirea Species  
Burning Bush Euonymus  
Butterfly Bush  
Forsythia  
Flowering Quince  
Hydrangea Macrophylla  
Oakleaf Hydrangea  
Viburnum Species  
Lilac Species (improved varieties)  
Sweetspire  
Mock Orange  
Dwarf Crape Myrtle  
Weigela

**Schedule H-2**  
**Aggressive Exotic Plants**  
(The Point)

The following plants are **not** recommended for residential or commercial use by the Landscape Architecture industry as well as the Architectural Control Committee. They are classified as Severe or Significant threats to native ecosystems:

The following Plants are considered severe threats to native ecosystems:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of Heaven
<i>Albizia julibrissin</i> Durz.	Mimosa
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic-mustard
<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	Alligatorweed
<i>Celastrus orbiculatus</i> Thunb.	Asian bittersweet
<i>Elaeagnus angustifolia</i> L.	Russian olive
<i>Elaeagnus umbellata</i> Thunb.	Autumn olive
<i>Hedera helix</i> L.	English ivy
<i>Hydrilla verticillata</i> (L.f.) Royle	Hydrilla
<i>Lespedeza bicolor</i>	
<i>Lispedeza cuneata</i> (Dum.-Cours.) G. Don	Sericia lespedeza
<i>Ligustrum sinense</i> Lour.	Chinese privet
<i>Lonicera fragrantissima</i> Lindl. & Paxton	Fragrant honeysuckle
<i>Lonicera japonica</i> Thunb.	Japanese honeysuckle
<i>Microstegium vimineum</i> (Trin.) A. Camus	Japanese stilt-grass
<i>Murdannia keisak</i> (Hassk.) Hand.-Mazz.	Asian spiderwort
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather
<i>Paulownia tomentosa</i> (Thunb.) Sieb. & Zucc. Ex Steud.	Princess tree
<i>Phragmites australis</i> (Cav.) Trin. ssp. <i>australis</i>	Common reed
<i>Polygonum cuspidatum</i> Seib. & Zucc.	Japanese knotweed
<i>Pueraria montana</i> (Lour.) Merr.	Kudzu
<i>Rosa multiflora</i> Thunb.	Multiflora rose
<i>Salvinia molesta</i> Mitchell	Aquarium water-moss
<i>Vitex rotundifolia</i> L.f.	Beach vitex
<i>Wisteria sinensis</i> (Sims) DC	Chinese wisteria

The following Plants are considered significant threats to native ecosystems:

**Scientific Name**

Ampelopsis brevipedunculata (Maxim.) Trautv.  
Arthrazon hispidus (Thumb.) Makino  
Bambusa spp.  
Broussonetia papyrifera (L.) L'Her. ex Vent.  
Centaurea biebersteinii DC  
Clematis terniflora DC (=C. dioscoreifolia)  
Conium maculatum L.  
Coronilla varia L.  
Dioscorea oppositifolia L.  
Eichhornia crassipes (Mart.) Solms  
Euonymus fortunei (Turcz.) Hand. - Mazz.  
Glechoma hederacea L.  
Lamium purpureum L.  
Lespedeza bicolor Turcz.  
Ligustrum japonicum Thunb.  
Ligustrum vulgare L.  
Lonicera maackii (Rupr.) Maxim.  
Lonicera morrowii A. Gray  
Lonicera xbella (morrowii x tatarica)  
Ludwigia uruguayensis (Camb.) Hara  
Lythrum salicaria L.  
Mahonia beali (Fourn.) Carriere  
Miscanthus sinensis Andersson  
Morus alba L.  
Myriophyllum spicatum Komarov  
Persicaria longiseta (de Bruijn) Moldenke  
(=Polygonum caespitosum Blume)  
Persicaria maculata (Rafinesque) S.F. Gray  
(=Polygonum persicaria L.)  
Phyllostachys spp.  
Poncirus trifoliata (L.) Raf.  
Pseudosasa japonica (Sieb. & Zucc. ex Steud.) Makino  
ex Nakai  
Pyrus calleryana Decne.  
Rhodotypos scandens (Thunb.)  
Rubus phoenicolasius Maxim.  
Solanum viarum Dunal  
Sorghum halepense (L.) Pers  
Stellaria media (L.) Vill.  
Veronica hederifolia L.  
Vinca major L.  
Vinca minor L.  
Wisteria floribunda (Willd.) DC  
Xanthium strumarium L.

**Common Name**

Coralberry  
Hairy jointgrass  
Exotic bamboo  
Paper mulberry  
Spotted knapweed  
Leatherleaf clematis  
Poison hemlock  
Crown vetch  
Air-potato  
Water-hyacinth  
Winter creeper  
Gill-over-the-ground, ground ivy  
Henbit  
Bicolor lespedeza, shrubby bushclover  
Japanese privet  
Common privet  
Amur bush honeysuckle  
Morrow's bush honeysuckle  
Hybrid Bush Honeysuckle  
Creeping waterprimrose  
Purple loosestrife  
Oregon grape  
Chinese silver grass  
White mulberry  
Eurasian watermilfoil  
  
Oriental ladies-thumb  
  
Lady's thumb  
Exotic bamboo  
Hardy-Orange  
  
Arrow bamboo  
Bradford pear  
Makino jetbead  
Wineberry  
Tropical soda apple  
Johnson grass  
Common chickweed  
Ivyleaf speedwell  
Bigleaf periwinkle  
Common periwinkle  
Japanese wisteria  
Common cocklebur

## **SCHEDULE I**

### **LANDSCAPE REFERENCE LIST** **(The Point)**

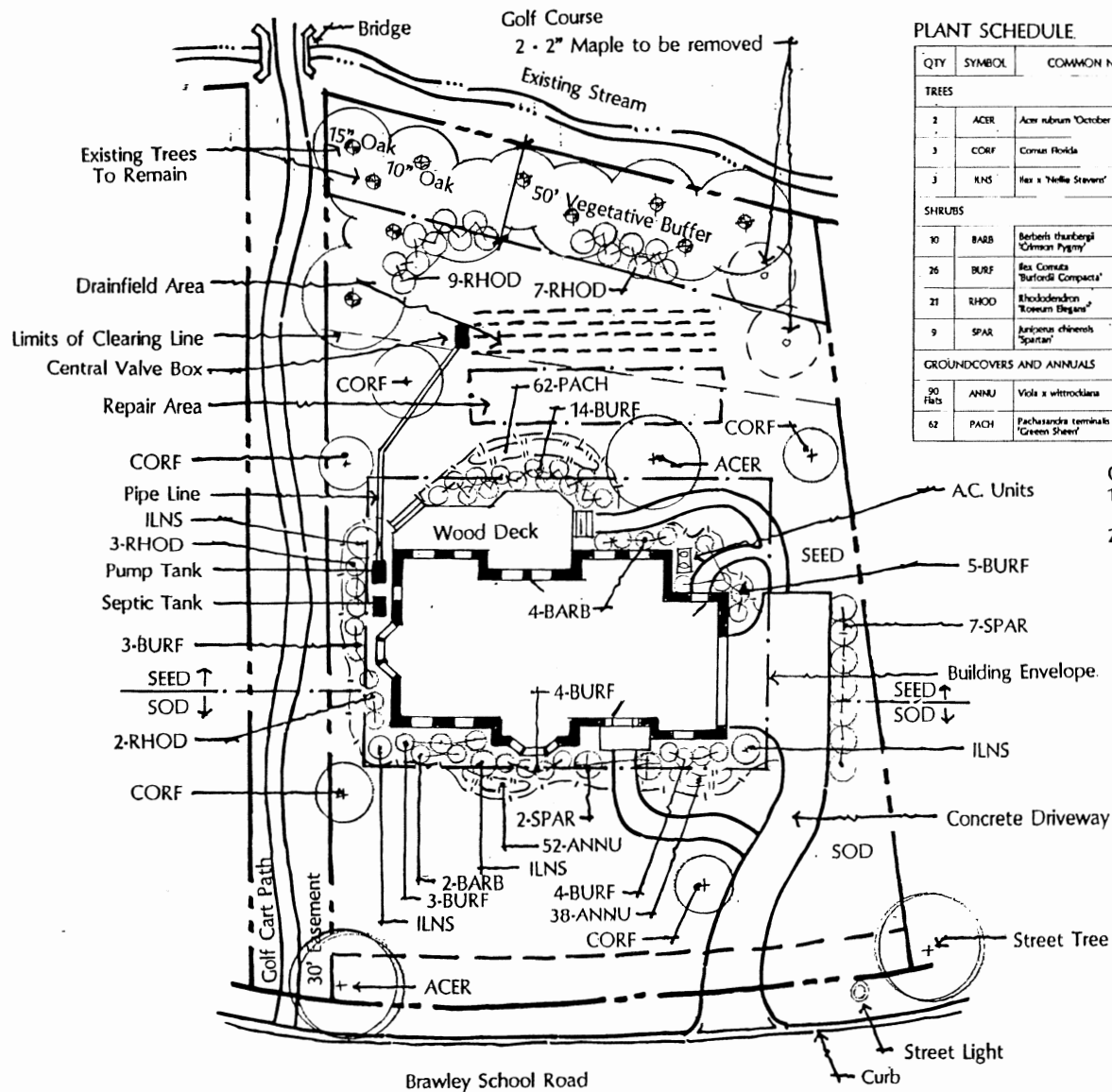
Landscape Plants of the Southeast, by Gordon Halfacre and Anne R. Shawcroft, Fifth Edition, 1992, Sparks Press.

Gardening in the South, by Don Hastings, 1987, Taylor Publishing Company, Dallas, Texas.

Trees for American Gardens, by Donald Wyman, 1965, MacMillan Publishing Company.

The Audubon Society Field Guide to North American Trees - Eastern Region, by Alfred A. Knopf, 1980, The Chanticleer Press.

American Standards for Nursery Stock, by The American Association of Nurseryman, Inc., Latest Edition.



## PLANT SCHEDULE

QTY	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE / SPECS
<b>TREES</b>				
2	ACER	Acer rubrum 'October Glory'	October Glory Red Maple	DBH 3\"-3 1/2\" Cal. 10' Hgt.
3	CORF	Coronilla Florida	Flowering Dogwood	DBH 2\" Cal. 6'-8' Hgt.
3	ILNS	Illex x 'Nellie Stevens'	Nellie Stevens Holly	Mult stem, 8'-9' Hgt.
<b>SHRUBS</b>				
10	BARB	Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry	3 Cal. 4' o.c.
26	BURF	Ilex Cornuta 'Burfordii Compacta'	Dwarf Burford Holly	3 Cal. 4' o.c.
21	RHOD	Rhododendron 'Korean Elegans'	Rhododendron	5 Cal. 5' o.c.
9	SPAR	Juniperus chinensis 'Spartan'	Spartan Juniper	BARB, 5'-6' Hgt. 5' o.c.
<b>GROUNDCOVERS AND ANNUALS</b>				
90	ANNU	Viola x wittrockiana	Parry	8\"-10\" o.c.
62	PACH	Pachysandra terminalis 'Green Sheen'	Japanese Spurge	Cal. 10\" o.c.

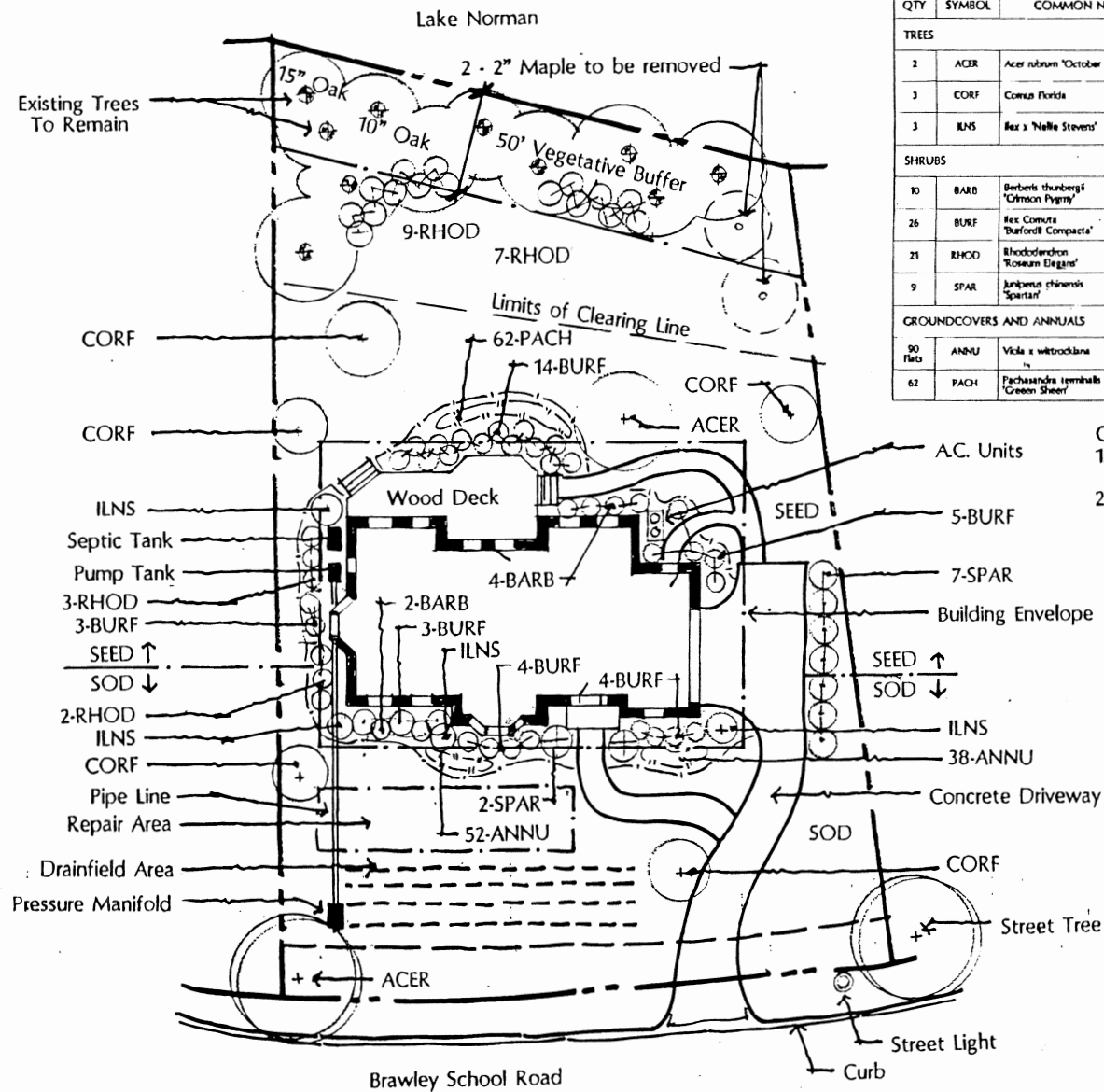
## GENERAL NOTES:

1. All plant beds to receive 3\" depth clean pine straw mulch.
2. All annual beds to receive 1-1/2\" depth fine pine bark mulch.

LANDSCAPE PLAN  
Scale 1\" = 10'-0\"



**SCHEDULE J-1**  
**SAMPLE FINAL LANDSCAPE PLANS**  
**AND SPECIFICATIONS**  
(The Point)



## PLANT SCHEDULE

QTY	SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE / SPECS
TREES				
2	ACER	Acer rubrum 'October Glory'	October Glory Red Maple	B&B, 3"-3 1/2" Cal, 18' Hgt.
3	CORF	Cornus Florida	Flowering Dogwood	B&B, 2" Cal, 6'-8' Hgt.
3	ILNS	Ilex x 'Nelle Stevens'	Nelle Stevens Holly	Multi stem, 8'-9' Hgt.
SHRUBS				
10	BARB	Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry	3 Cal, 4' oc.
26	BURF	Ilex Cornuta 'Burford Compacta'	Dwarf Burford Holly	3 Cal, 4' oc.
21	RHOD	Rhododendron 'Roseum Elegans'	Rhododendron	5 Cal, 5' oc.
9	SPAR	Juniperus chinensis 'Spartan'	Spartan Juniper	B&B, 5'-6' Hgt, 5' oc.
GROUNDCOVERS AND ANNUALS				
90 Flats	ANNU	Viola x wittrockiana	Pansy	8"-10" oc.
62	PACH	Pachysandra terminalis 'Green Sheer'	Japanese Spurge	Cal, 16" oc.

## GENERAL NOTES:

1. All plant beds to receive 3" depth clean pine straw mulch.
2. All annual beds to receive 1-1/2" depth fine pine bark mulch.

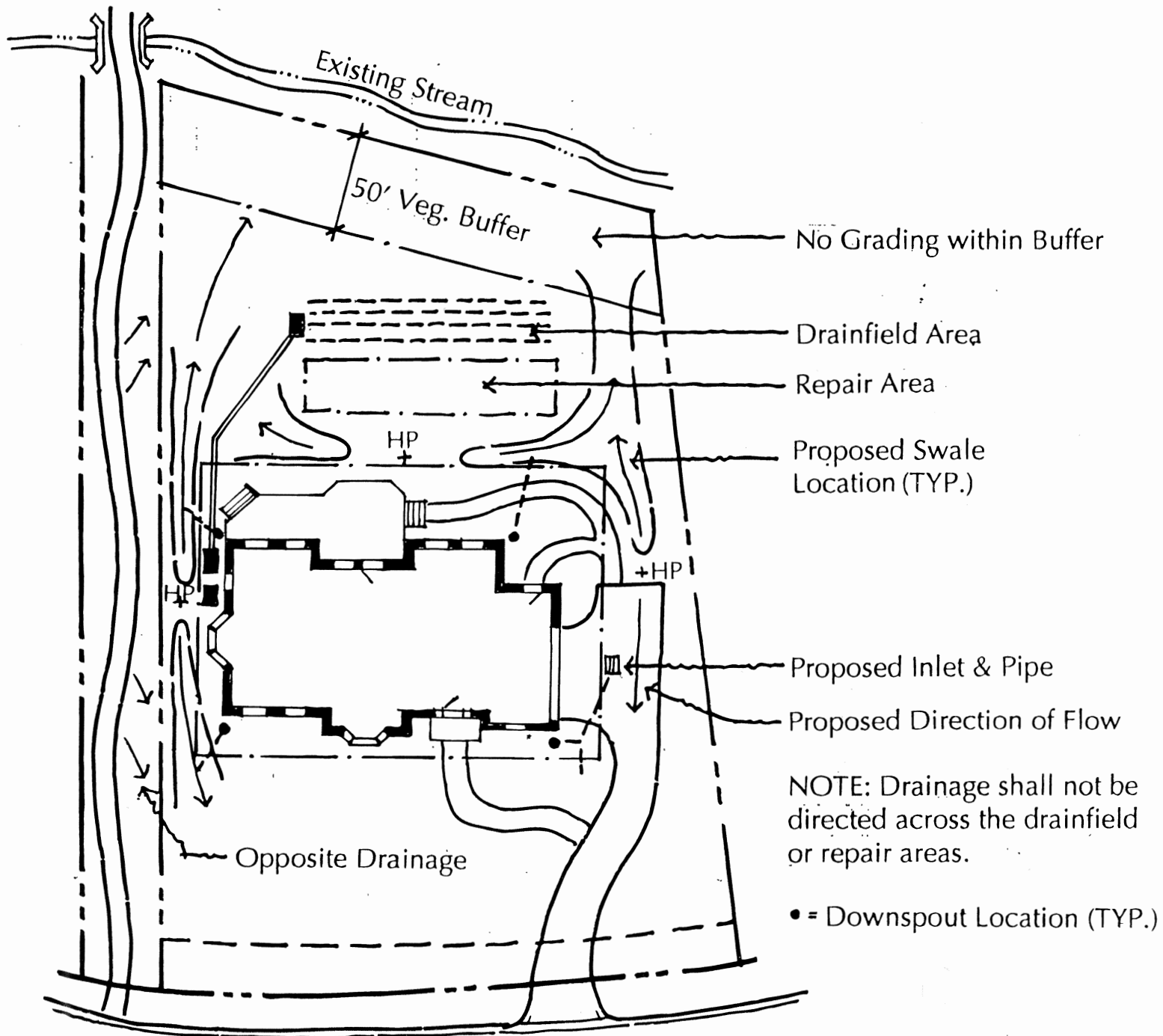
LANDSCAPE PLAN  
Scale 1" = 10'-0"



**SCHEDULE J-2**  
**SAMPLE FINAL LANDSCAPE PLANS**  
**AND SPECIFICATIONS**  
**(The Point)**



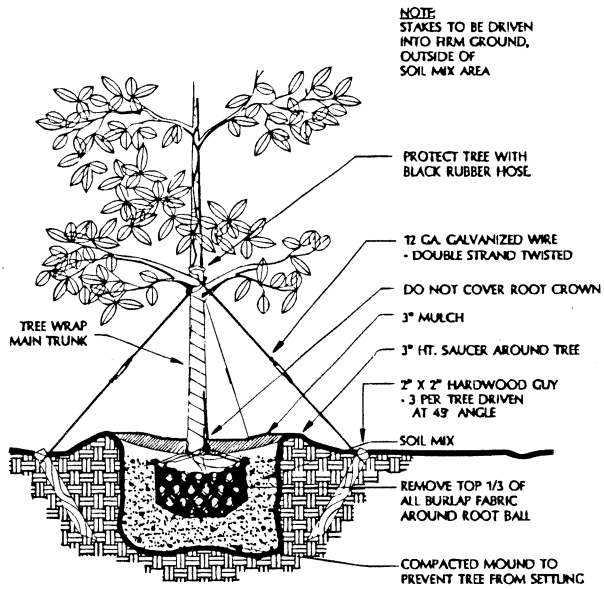
**SCHEDULE K**  
**SAMPLE DRAINAGE PLAN**  
 (The Point)



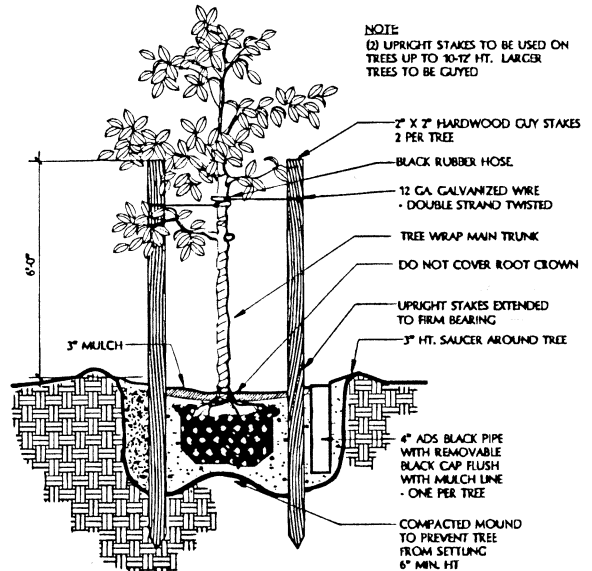
# SCHEDULE L

## RECOMMENDED PLANTING DETAILS

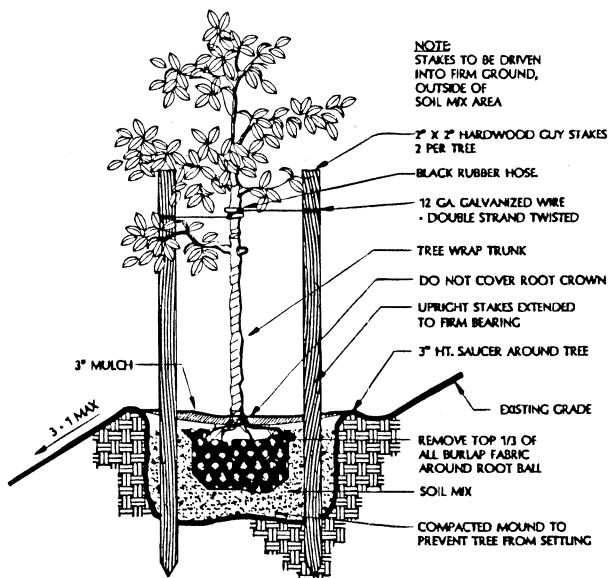
(The Point)



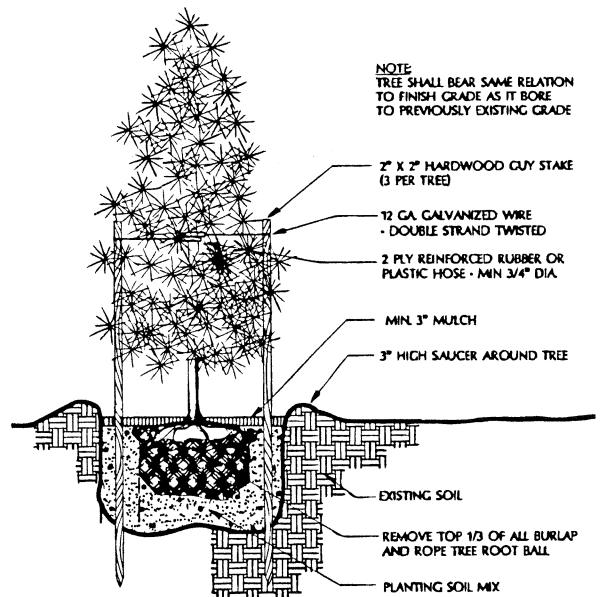
TREE GUYING DETAIL FOR  
LARGE SPECIMEN TREES



TREE PLANTING WITH DRAIN



TREE ON SLOPE



EVERGREEN TREE

# SCHEDULE M

## RECOMMENDED WATERSHED BUFFER PLANTING LIST

(The Point)

### Native Shrubs for Buffer Area Planting, Mecklenburg County@ North Carolina

Moisture requirements range from dry to low to wet.

Adapted from David D. Patrick, Jr., HDR Engineering, Charlotte, NC

<u>Common Name</u>	<u>Moisture Requirements</u>
Blueberry (Sparkleberry)	dry
(Gooseberry)	dry
Chinquapin	dry
Dogwood	low
(Flowering)	low-dry
Hawthorn	dry
Hazel-nut	low
Hop Hornbeam	low
Ironwood	low
Mountain Laurel	dry
Paw Paw (Asimina triloba)	low
(Asimina parviflora)	dry
Persimmon	dry
Plum (Chickasaw)	dry
(Wild Plum)	dry
Silverbell	low
Sourwood	low
Spicebush	wet
Swamp Azalea	wet
Sweet-shrub	wet
Tag (Hazel) Alder	wet-low
Viburnum (Possum Haw)	wet-low
(Nannyberry)	wet-low
(Blue Haw)	dry
Rose (Wild Rose)	dry
(Swamp Rose)	wet
Willow (Black Willow)	wet
(Silky Willow)	wet

### Tree Species For Buffer Area Planting

Suggested trees can be used in three different soil moisture types and are grouped in the following categories:

- Wetland: Areas that are periodically inundated and have wet to moist soils.
- Transitional: Areas that are infrequently inundated and have moist soils.
- Upland: Areas that have no moisture restrictions and include most normal landscaping species.

Species	Wetland	Transitional	Upland
Black Willow	X		
Brookside/River Alder	X	X	
Green Ash	X	X	
River Birch	X	X	
Black Gum	X	X	X
Eastern Cottonwood	X	X	X
American Hornbeam	X	X	X
Shagbark Hickory			X
Pecan Hickory	X	X	X
London Plane	X		
Red Maple	X	X	X
Silver Maple	X	X	X
Cherrybark Oak	X	X	X
Humard Oak	X	X	X
Swamp Oak	X	X	X
Water Oak	X	X	X
Willow Oak			X
Sweetgum	X	X	X
Sycamore	X	X	X
Tuliptree/Yellow Poplar	X	X	X
American Beech			X
Black Walnut		X	X
Eastern Hop Hornbeam		X	X
Flowering Dogwood		X	X
Southern Red Oak		X	X
Redbud		X	X
Sugar Maple		X	
Pecan		X	
Deodar Cedar		X	
Japanese Aryptomeria			X
White Ash			X
Maidenhair Tree			X
Southern Magnolia			X

**SCHEDULE N**

**THE POINT  
DOCK & PIER  
REQUEST FOR REVIEW**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Materials and Components List (include colors and attach samples)

Decking: \_\_\_\_\_  
\_\_\_\_\_

Handrails: \_\_\_\_\_

Roof: \_\_\_\_\_  
\_\_\_\_\_

Pilings: \_\_\_\_\_

Additional Comments/Explanations: \_\_\_\_\_

Contractor Performing Work: \_\_\_\_\_ Phone #: \_\_\_\_\_

Lot Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1" = 40') Showing Precise Location Within the Pier Zone, and Dimensions
  - Include Elevations Drawn to an Acceptable Scale
  - Attach copies of all approvals and/or permits from all applicable Governmental and Regulatory Agencies
  - Include Check for Review Fee (See Section 1.3) Made out to The Point ACC
  - Mail to: The Point  
Architectural Control Committee  
2214 Brawley School Road  
Mooresville, North Carolina 28117
- 

ACC Use Only: Site Inspection Date: \_\_\_\_\_

Approved: ☐ Conditionally Approved: ☐ Disapproved: ☐

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Point ACC: \_\_\_\_\_ Date: \_\_\_\_\_

**SCHEDULE O**

**THE POINT  
SHORELINE STABILIZATION  
REQUEST FOR REVIEW**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Shoreline Stabilization Type:  
(Circle One)

Rip Rap

Rock (include type): \_\_\_\_\_

Block

Masonry

Other: \_\_\_\_\_

Color(s): \_\_\_\_\_

Height above High Water Mark: \_\_\_\_\_

(Note: If height varies, note locations and approximate heights on site plan. Include Elevations if Necessary)

Additional Comments/Explanations: \_\_\_\_\_

Contractor Performing Work: \_\_\_\_\_ Phone#: \_\_\_\_\_

Lot Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1" = 40') Showing Precise Location of the Wall(s), Limits of Clearing, and Vehicular Access Points
  - Include Check for Review Fee (See Section 1.3) Made out to The Point ACC
  - Mail to: The Point  
Architectural Control Committee  
2214 Brawley School Road  
Mooresville, North Carolina 28117
- 

ACC Use Only: Onsite Inspection Date: \_\_\_\_\_

Approved: ☐ Conditionally Approved: ☐ Disapproved: ☐

Comments: \_\_\_\_\_

\_\_\_\_\_

The Point ACC: \_\_\_\_\_ Date: \_\_\_\_\_

**SCHEDULE P**  
**THE POINT**  
**MISCELLANEOUS**  
**REQUEST FOR REVIEW**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Items for Review: \_\_\_\_\_  
\_\_\_\_\_

Materials & Color(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Overall Dimensions: \_\_\_\_\_  
\_\_\_\_\_

Additional Comments/Explanations: \_\_\_\_\_  
\_\_\_\_\_

Lot Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Attach Site Plan (Use Recorded Plat or Plot Plan) at 40 Scale (1" = 40') Showing Accurate Location(s), Limits of Clearing, and Equipment Access Points
- Attach drawing(s) in Plan View & Elevation
- Include Check for Review Fee (See Section 1.3) Made out to The Point ACC
- Mail to:

The Point  
Architectural Control Committee  
2214 Brawley School Road  
Mooresville, North Carolina 28117

ACC Use Only:

Approved: ☐ Conditionally Approved: ☐ Disapproved: ☐

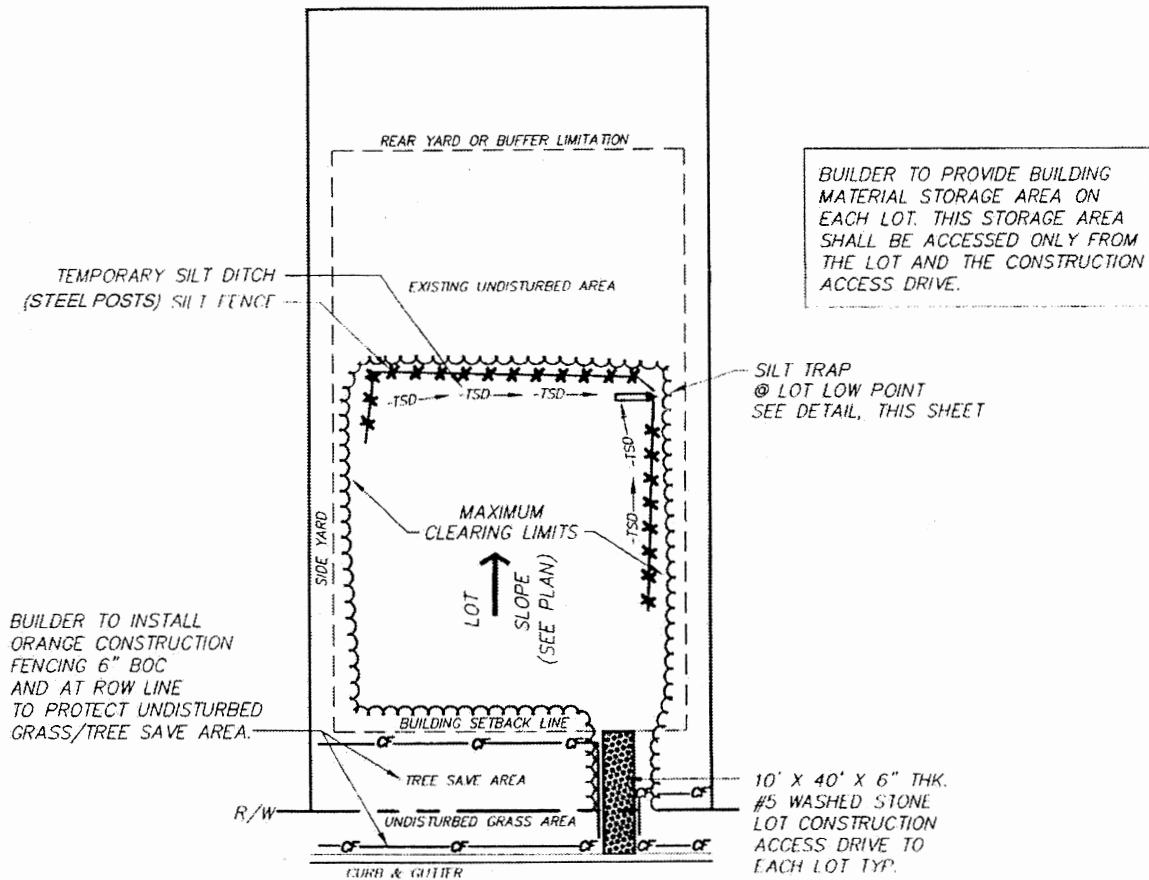
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Point ACC: \_\_\_\_\_ Date: \_\_\_\_\_



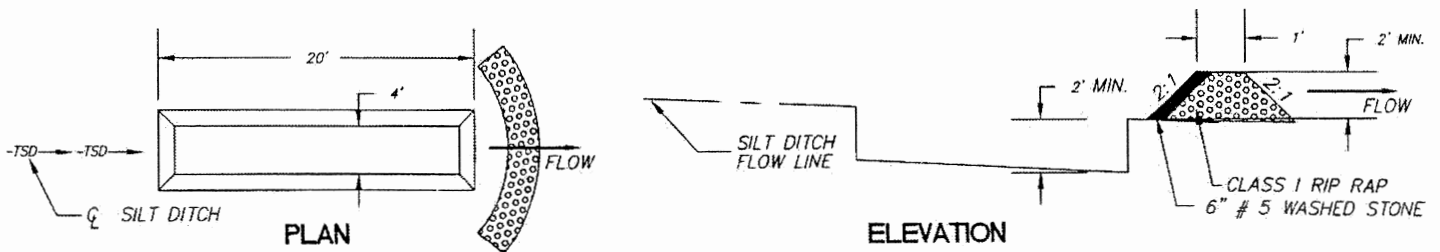
# SCHEDULE Q

## THE POINT GENERAL EROSION CONTROL NOTES



### TYPICAL LOT DEVELOPMENT EROSION CONTROL

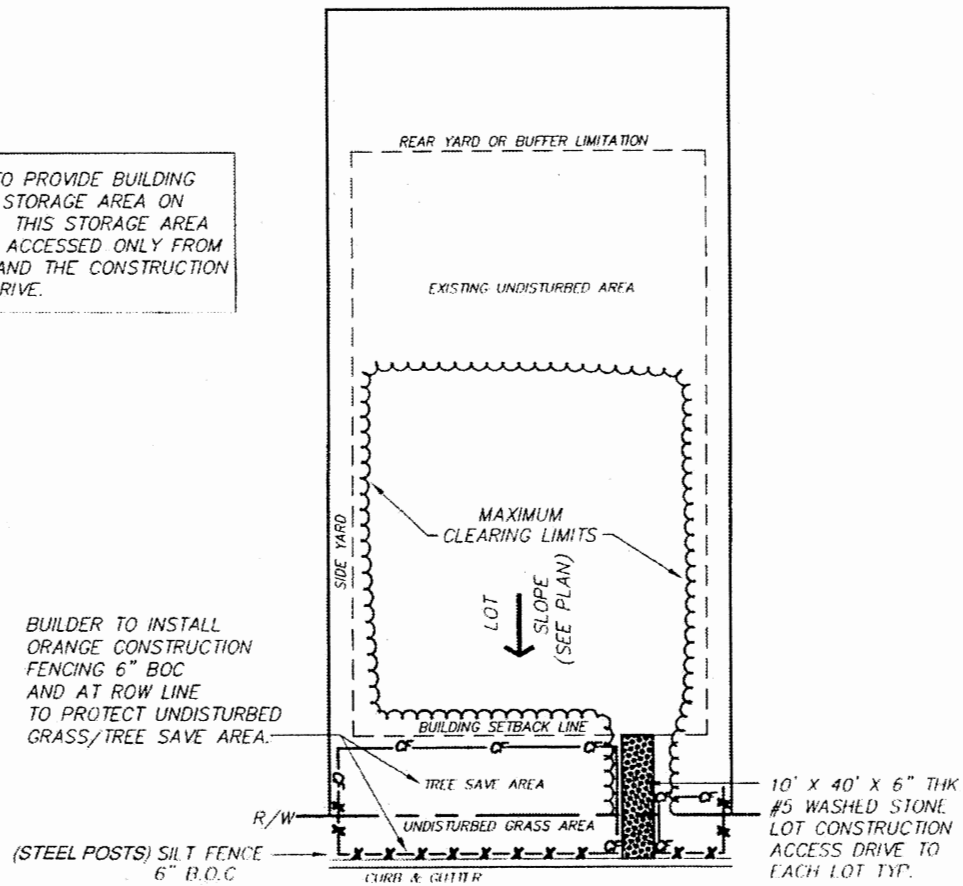
LOT SLOPING AWAY FROM STREET



### SILT TRAP DETAIL

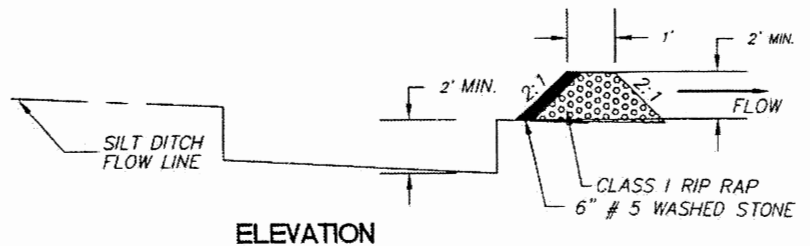
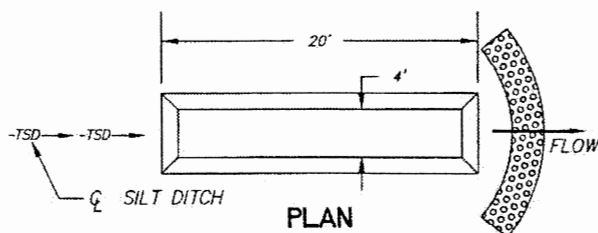
BUILDER TO PROVIDE BUILDING MATERIAL STORAGE AREA ON EACH LOT. THIS STORAGE AREA SHALL BE ACCESSED ONLY FROM THE LOT AND THE CONSTRUCTION ACCESS DRIVE.

BUILDER TO INSTALL ORANGE CONSTRUCTION FENCING 6" BOC AND AT ROW LINE TO PROTECT UNDISTURBED GRASS/TREE SAVE AREA.



## TYPICAL LOT DEVELOPMENT EROSION CONTROL

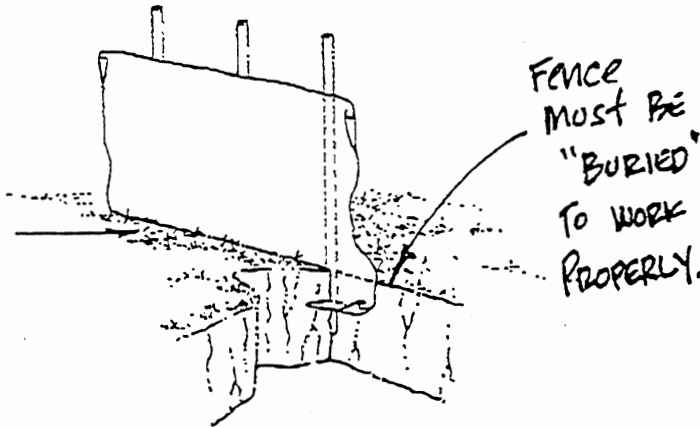
### LOT SLOPING TOWARD STREET



## SILT TRAP DETAIL

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 #5 WASHED STONE CONSTRUCTION ACCESS 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 THE 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 ALL 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.

# Silt Fences



## Description

A silt fence is a temporary barrier designed to retain sediment on the construction site. It consists of a geotextile attached to supporting posts that are trenched into the ground. The fence retains sediment primarily by retarding flow and promoting deposition on the uphill side of the fence. Runoff is also filtered as it passes through the geotextile.

Silt fences are intended to intercept and detain small amounts of sediment from disturbed areas. They can also prevent sheet erosion by decreasing the velocity of runoff. In some instances, straw or hay bales could be used, however their failure rate is high.

The use of silt fences as a sediment barrier is not recommended in areas of concentrated flow, such as ditches. In those cases, soil berms, silt dikes, straw wattles and excelsior logs, or rock check dams should be used.

## Advantages

- Easy installation
- Cost-effective
- Materials readily available
- Widely accepted practice
- Effectiveness is superior to straw bales

## Limitations

- Not effective for concentrated flows less than 1.0 cfs
- • Proper installation is critical for effective performance
- • Frequent inspection and maintenance required

## Purpose

### Water Quantity

- Flow attenuation ☐
- Runoff volume reduction ☐

### Water Quality

#### Pollution prevention

- Soil erosion ☒
- Sediment control ☒
- Nutrient loading ☒

#### Pollution removal

- Total suspended sediment (TSS) ☐
- Total phosphorus (P) ☐
- Nitrogen (N) ☐
- Heavy metals ☐
- Floatables ☐
- Oil and grease ☐
- Other
- Fecal coliform ☐
- Biochemical oxygen demand (BOD) ☐

<input checked="" type="checkbox"/>	Primary design benefit
<input checked="" type="checkbox"/>	Secondary design benefit
<input type="checkbox"/>	Little or no design benefit

# Silt Fences

---

## Design

### General Planning and Siting

In operation, the fence generally becomes clogged with fine particles, which in turn reduces the flow rate. This causes a pond to develop more quickly behind the fence. The designer should anticipate ponding and provide sufficient storage areas and overflow outlets to prevent flows from overtopping the fence. Since silt fences are not designed to withstand high standing water, locate them so that only shallow pools can form. Tie the ends of a silt fence into the landscape to prevent flow around the end of the fence before the pool reaches design level. Often a crescent shape will perform better than the traditional straight line. Provide stabilized outlets to protect the fence system and release storm flows that exceed the design storm.

Deposition occurs as the storage pool forms behind the fence. The designer can direct flows to specified deposition areas through appropriate positioning of the fence or by providing an excavated area behind the fence. Plan deposition areas at accessible points to facilitate routine cleanout and maintenance. Show deposition areas in the erosion and sedimentation control plan. A silt fence acts as a diversion if placed slightly off the contour. This may be used by the designer to control shallow, uniform flows from small, disturbed areas and to deliver sediment-laden water to deposition areas.

Silt fences serve no function along ridges or near drainage divides where there is little movement of water. Confining or diverting runoff unnecessarily with a silt fence may create erosion and sedimentation problems that would not otherwise occur, as well as add costs.

- Install silt fences on the contour (as opposed to up and down a hill) and construct so that flow cannot bypass the ends.
- Ensure that the drainage area is no greater than 1/4 acre per 100 feet of fence.
- Make the fence stable for the 10-year peak storm runoff.
- By design, ensure that the depth of impounded water does not exceed 2 feet at any point along the fence.

### Types

The following three types of silt fences are used for different circumstances. For details on each type of fence, see Table 1.

- *Heavy Duty.* Use at locations where extra strength is required, such as near water bodies; on areas with unstable wetland soils, steep slopes, highly erodible soils or high runoff; and on areas that are inaccessible to equipment.
- *Preassembled.* For light-duty applications, to protect temporary construction or to supplement the other types of silt fence. This type is installed with plow-type equipment with preattached stakes spread at 6- to 8-foot intervals.
- *Machine-Sliced Installation.* Appropriate for general use during site grading and to protect critical areas. Preferred for most sites due to the effective installation method.

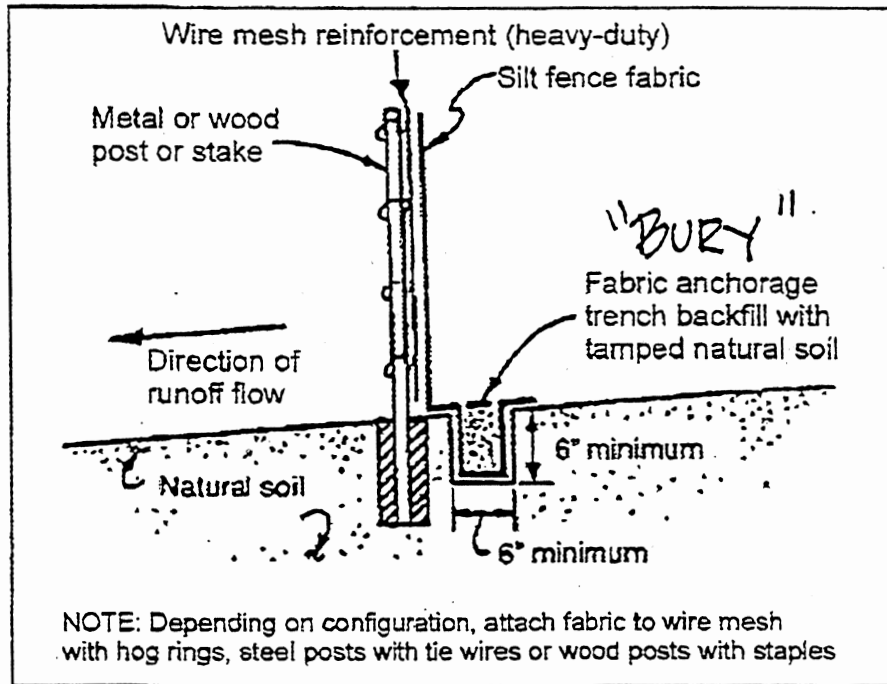
# Silt Fences

**Table 1: Silt Fence Specifications**

Source: MnDOT, 2000

	Heavy Duty	Machine Sliced	Preassembly
<b>Description</b>	Composite of mesh backing, posts, geotextile and fasteners, assembled	Machine installed geotextile fastened to posts on site	Ready-to-inst geotextile attached to driveable post
<b>Geotextile</b>			
Type	Woven	Woven monofilament *	Woven
Width	48 inches	36 inches	36 inches
Grab Tensile ASTM C4632 (machine direction)	100 lb. minimum	130 lb. minimum	100 lb. minimum
Apparent Opening Size ASTM D4751	#20-70 sieve	#30-40 sieve	#20-70 sieve
UV Stability ASTM D4355 500 hours	70 percent minimum	70 percent minimum	70 percent minimum
Flow Rate ASTM D4491 gal/min./sq. ft.		100 gal./min./sq. ft.	
Top Fastening Component	6-inch overlap, top of mesh backing	Selvaged edge	Sewn-in cord
<b>Net Backing</b>			
Material	Woven wire mesh	Plastic mesh	
Steel Wire Gauge	14 minimum	-	
Max Mesh Opening	6 inches	2 inches	
<b>Rope for Ditch Check</b>			
Type		Polyethylene	
Diameter		5/8-inch minimum	
<b>Posts</b>			
Material	Steel T-post	Steel T-post with welded plate	Wood
Minimum Size	1.26 lbs./in./ft.	1.26 lbs./in./ft.	2 x 2 inch
Minimum Length	5 feet	5 feet	5 feet
Min. Embedment	24 inches	24 inches	18 inches
Maximum Spacing	8 feet	6 feet; 4 feet for ditch checks	6 feet
Post Fastener	U-shaped clips (for both	Plastic zip ties, 50 lb. tensile	Gun staples, or
Minimum Fasteners per	3 (for both woven wire		

# Silt Fences



DO NOT  
SIMPLY LAY  
FENCE ON  
GROUND AND  
COVER -  
IT MUST BE  
BURIED &  
TAMPED.

Figure 1: Typical Installation for Silt Fence

Source: MPCA, 2000

## Design

### Basic Components

- *Geotextile* should be uniform in texture and appearance and have no defects, flaws or tears that would affect its physical properties. It should contain sufficient ultraviolet (UV) ray inhibitor and stabilizers to provide a minimum two-year service life outdoors. (See Table 1)
- *Wire mesh backing* is required with heavy duty silt fence. Use three vertically placed wire fasteners ("hog rings") to fasten the geotextile woven wire fence material at a minimum spacing of 2 feet (see Table 1).
- *Steel posts* are used for heavy duty silt fence (maximum 8 feet apart) and machine-sliced installation (maximum 6 feet apart). Steel posts should be 1.25 lb./linear ft. with a minimum length of 5 feet. They should have projections to facilitate fastening the fabric. Standard metal T posts with a welded plate for both installations.

Standard applications may use *wooden posts*, 1.5-inch hardwood with a minimum length of 4 feet. They should have a sharpened end and should be set in the ground at least 1.5 feet deep. Each post should be spaced 4 to 8 feet apart, depending on the type, and securely fastened to the geotextile and net backing by ties or staples suitable for such purpose. (See Table 1)



# Silt Fences

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## Construction

### General Notes and Cautions

- Installation of each type of silt fence should meet the requirements of MnDOT Specifications 3886.
- Silt fence that is inadequately embedded in the ground will blow out, releasing water and sediment under the fence. Failure to properly install, inspect and maintain are the primary causes of this failure.
- Another common failure is when silt fences are overtopped in concentrated flow areas. The silt fence is not meant to be placed in concentrated flow areas—the slope length calculations in this document do not apply to concentrated flows.
- Silt fences are not terraces; they cannot be put in sequence to extend the slope length allowable. Other methods must be used if the allowable distance is exceeded.
- Improperly designed and installed silt fences are often eroded around the ends. The fence must be tied into the slope so that the base of the fence is above the design storage depth.
- Construct the silt fence from a continuous roll of geotextile if possible. Cut to the length of the barrier to avoid joints. When joints are necessary, securely fasten the geotextile fabric. It is preferred that the material be overlapped to the next post or the adjoining fabrics wrapped together around posts.
- Never attach silt fence to trees.

### Heavy Duty Silt Fence

- Posts should be spaced maximum of 8 feet apart
- The geotextile should be attached to the upstream side of the post and any backing. The bottom edge of the geotextile should be buried at least 6 inches deep in a vertical slot or trench, with the soil pressed firmly against the embedded geotextile.
- When wire mesh is used, wire fasteners (hog rings) shall fasten the geotextile of the top of the mesh along the upper edge at a maximum spacing of 1 foot. A minimum of 3 metal U-shaped clips or wire shall fasten the wire mesh and two layers of geotextile to the metal posts.
- When plastic mesh is used, the mesh backing should be joined to the geotextile at the top with two rows of stitching. Geotextile should protrude below the bottom edge of the plastic mesh to allow embedment. A minimum of 3 metal U-shaped clips or wire shall fasten the plastic mesh and geotextiles to the metal posts.

### Machine-Sliced Silt Fence

- Posts should be set a maximum of 6 feet apart.
- A geotextile fabric should be inserted in a slit in the soil (6 to 12 inches deep). The slit should be created such that a horizontal chisel point, at the base of a soil-slicing blade, slightly disrupts soil upward as the blade slices through the soil. This upward disruption minimizes horizontal compaction and creates an optimal soil condition for mechanical compaction against the geotextile. The geotextile should be mechanically inserted directly behind the soil-slicing blade in a simultaneous operation, achieving consistent placement and depth. No turning over (plowing) of soil is allowed for the slicing method.

# Silt Fences

---

## Construction

- The contractor should compact the soil immediately next to the silt fence fabric by making at least two passes on each side with the wheels of a tractor, skid steer or roller.
- Each post should be tied in three places with 50-pound plastic zip ties. Position the post with the projections, or nipples, facing away from the silt fence fabric. Place all three ties within the top 8 inches of fabric, puncturing holes vertically a minimum of 1 inch apart. Position each tie diagonally through the fabric so that it rests on top of a post nipple and tighten.
- Ditch checks should be held in the slit by a 5/8-inch polyethylene rope.

## Preassembled Silt Fence


- Posts should be spaced a maximum of 6 feet apart.
- The bottom edge of the geotextile is to be buried a minimum of 6 inches in a vertical trench with the soil pressed firmly against the embedded geotextile.
- A polyester or nylon cord (minimum diameter 1/8 inch) should be sewn into a seam running continuously along the top of the geotextile. Each post should be securely fastened to the geotextile by a minimum of five one-inch-long gun staples suitable for this purpose. Staples should be diagonal to the threads of the geotextile fabric.

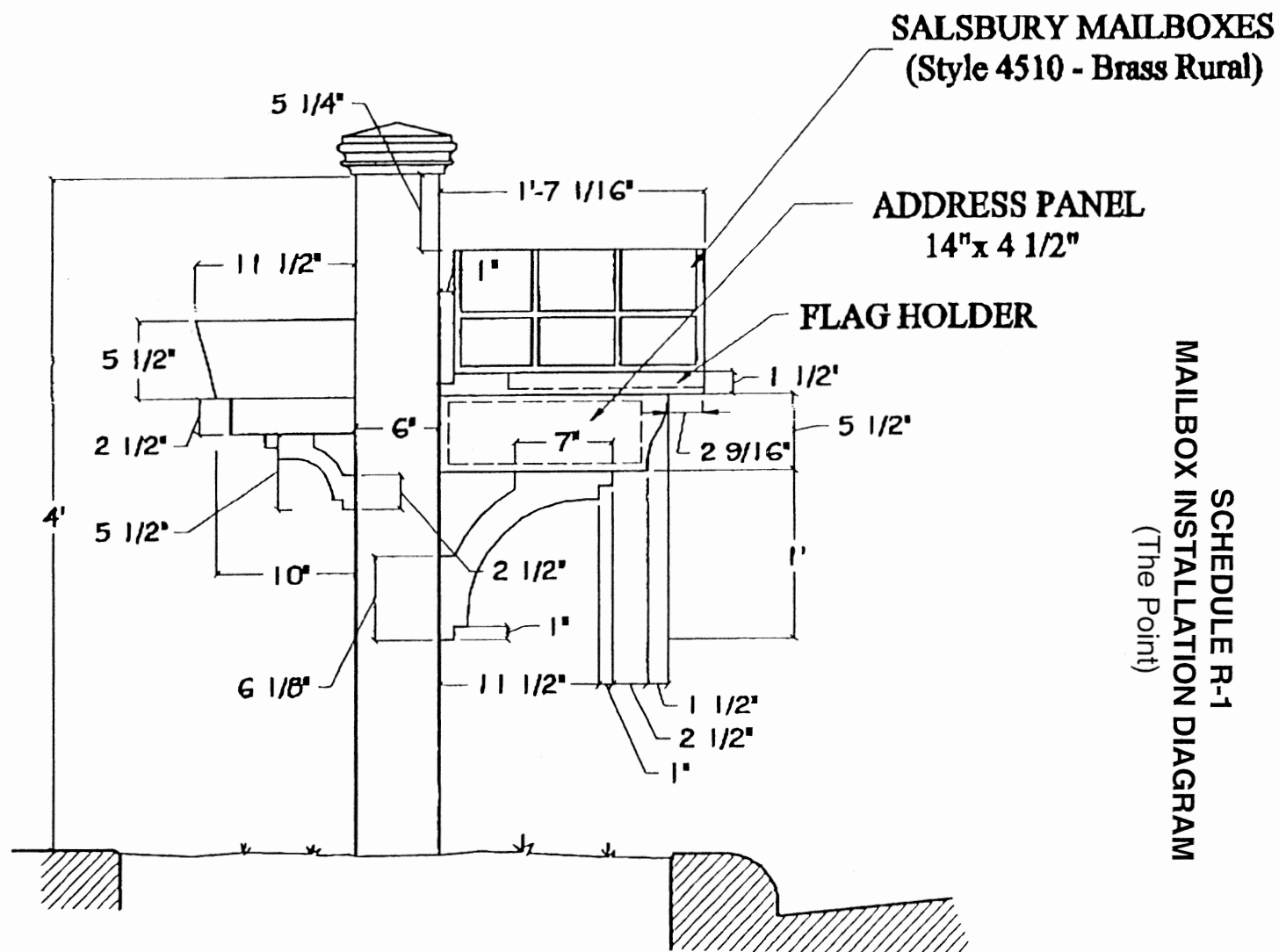
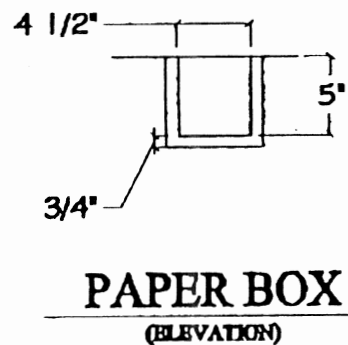
## Inspection

Corrective action is required when quality falls below specified standards, specifically when:

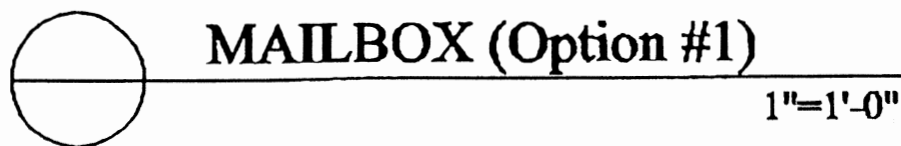
- Improper geotextile is used.
- Geotextile is insufficiently embedded.
- No wire is used on heavy-duty type fence.
- No geotextile overlap exists on heavy-duty fence.
- Soil is not compacted on machine-sliced fence.
- Soil is turned over and/or loosened due to inadequate equipment for machine-sliced fence.
- Components (geotextile, posts, wire, etc.) are inadequately fastened.
- Posts are incorrectly spaced.

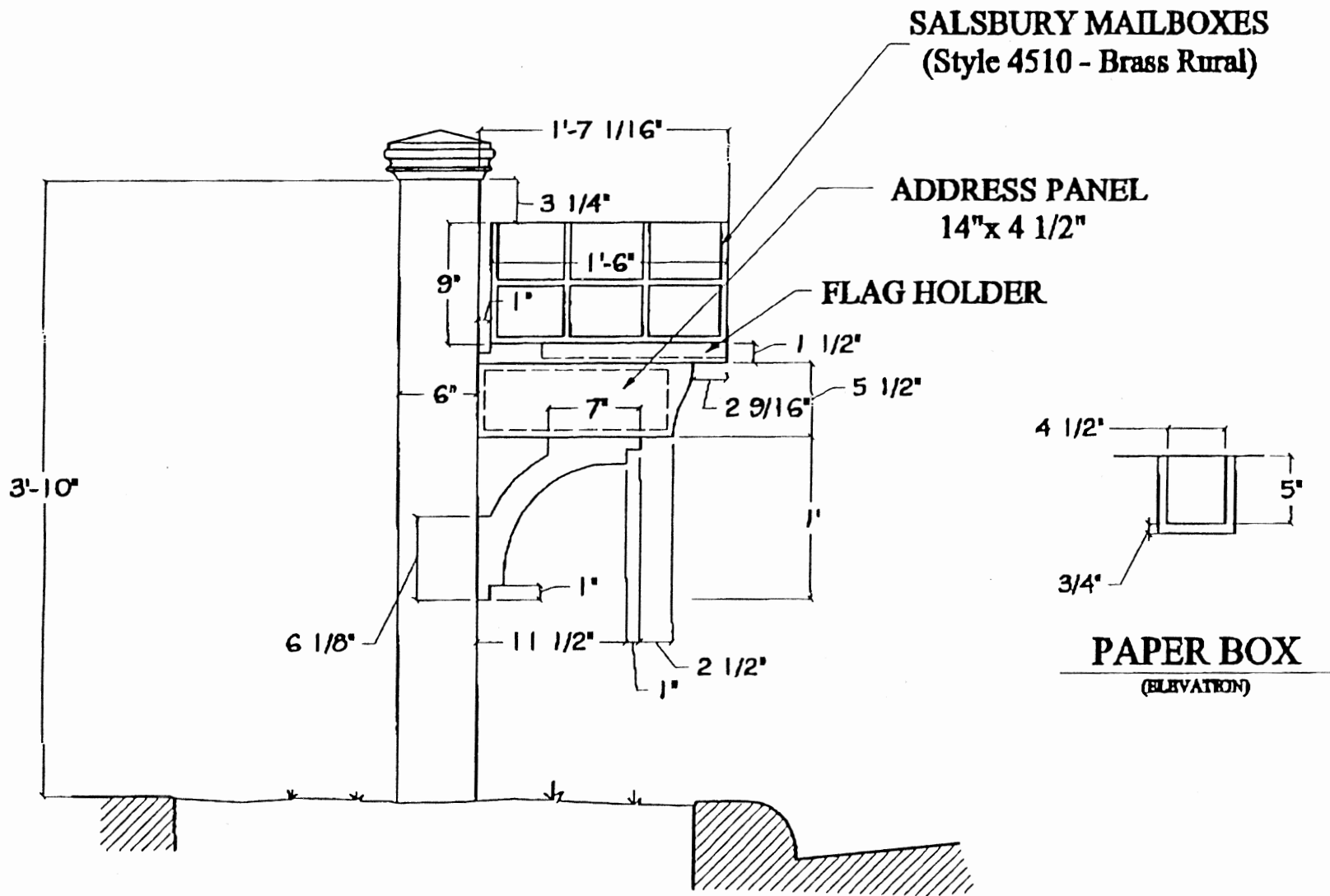
## Maintenance

- 
- Inspect silt fences at least once a week and after each rainfall, or as required by the NPDES permit. Make any required repairs immediately. Repair scoured areas on the back side of fence at this time to prevent future problems.
  - Should the fabric of a silt fence collapse, tear, decompose or otherwise become ineffective, replace it within 24 hours of discovery.



## SCHEDULE R-1 MAILBOX INSTALLATION DIAGRAM (The Point)

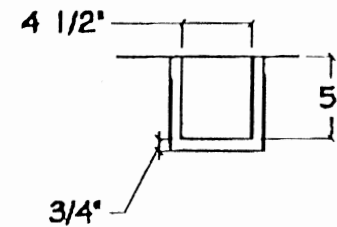




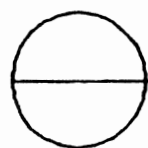
**SALSBURY MAILBOXES**  
(Style 4510 - Brass Rural)

**ADDRESS PANEL**  
14"x 4 1/2"

**FLAG HOLDER**



**PAPER BOX**  
(ELEVATION)



**MAILBOX (Option #2)**

1"=1'-0"

**SCHEDULE R-1**  
**MAILBOX INSTALLATION DIAGRAM**  
(The Point)

**SCHEDULE S**  
**Sign Guidelines**  
(The Point)



**SCHEDULE T**  
**THE POINT**  
**WINDOW TREATMENTS**

## **INTRODUCTION**

Window trim and detailing on all homes can help to solidify aesthetic appeal. Window trim and detailing on luxury homes is even more important as we get into duplicating true traditional architectural styles or simply making a luxury home as appealing as possible to all potential buyers.

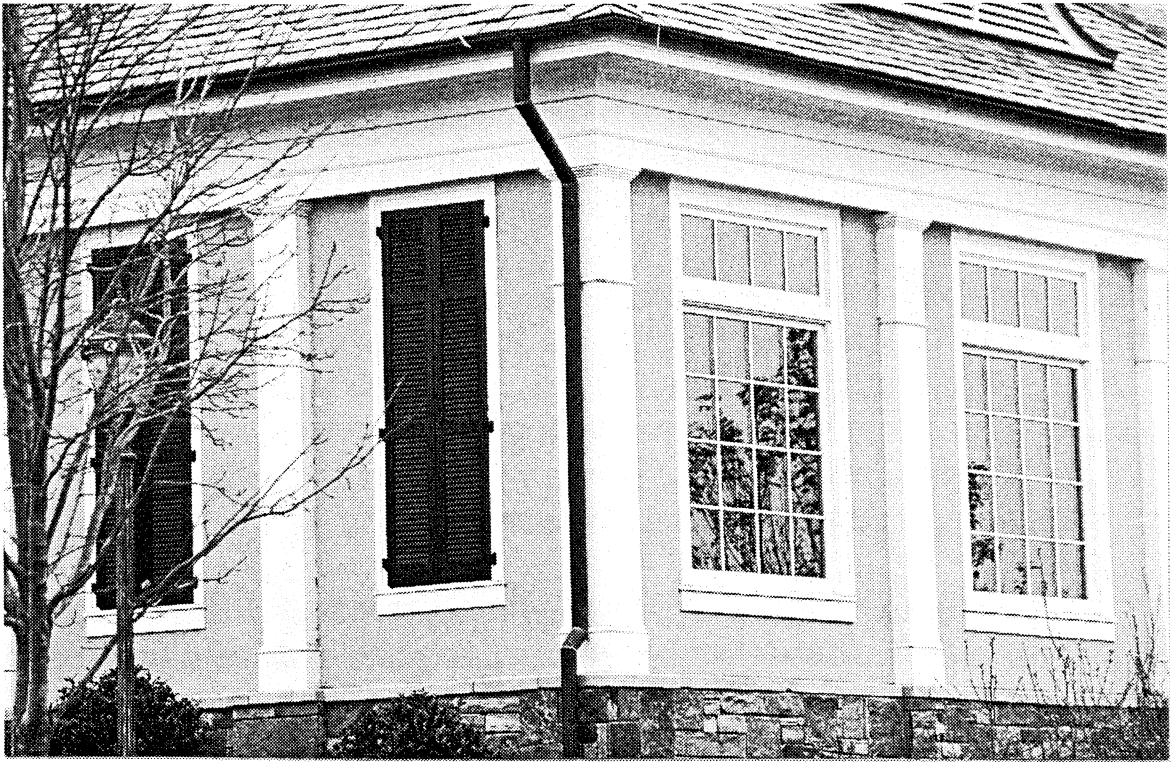
There are many examples of good window detailing in The Point and other Crescent Resources, Inc. Communities. There are also other examples of what not to do. Most of us can tell which architects and builders put a lot of thought into window detailing. It has been argued that it is all a matter of taste, but that is not entirely true. Certain architectural styles of homes lend themselves to certain window detailing. If you get it wrong, the end result can be very disappointing.

Think of each homes' windows as the "eyes" of the home. If they are dull and uninteresting, the home has less character and it becomes dull and uninteresting. Certain architectural elements of each respective home draw your eyes to them. On some it may be a turret staircase, or a grand entrance door. On others it is the roofline - simple or complicated. However, all homes have windows and they are often consciously or subconsciously the main architectural element of the home.

It is with this in mind that this short and hopefully concise book of directives was created. It is intended to help builders and architects concentrate on the importance of window detailing and implement those details in the field.

## I. GENERAL EXAMPLES OF GOOD DETAILING

The following photos illustrate good trim principles. Notice the faux windows done with casing and shutters on the first photo.



An example of a golf elevation with correct muntins.

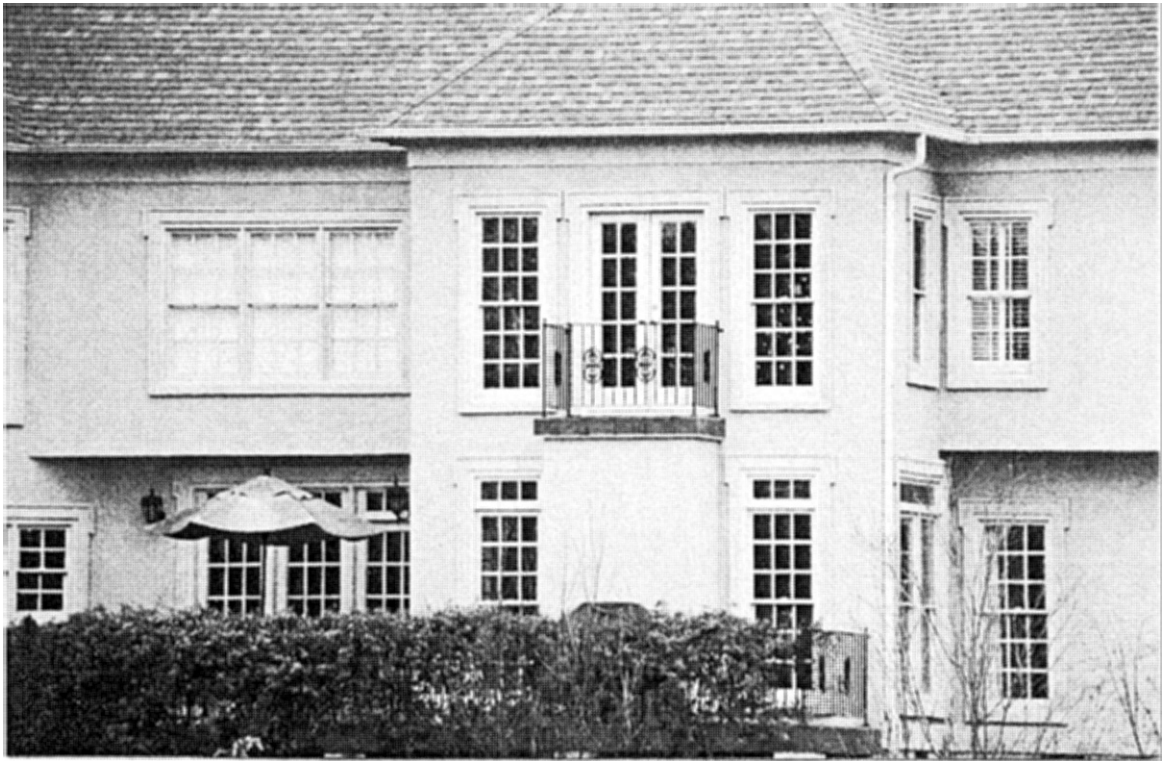




Not-so-great window trim, but excellent use of muntins.



The window trim, muntins, and frieze all combine to make a great package.



This is the way to trim a stucco home.



Notice the substantial reveal between the brick trim and the main body of the home. This should be a minimum of  $\frac{3}{4}$ ".



The total package.



Craftsman/Coastal





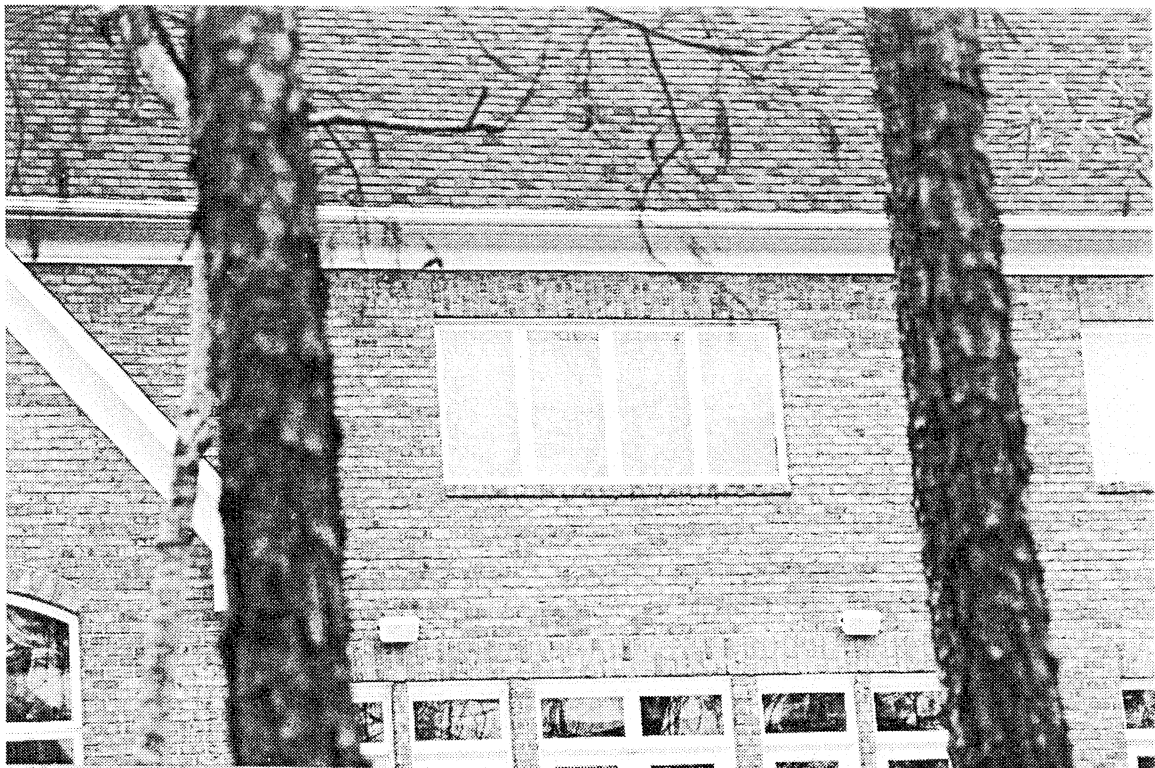
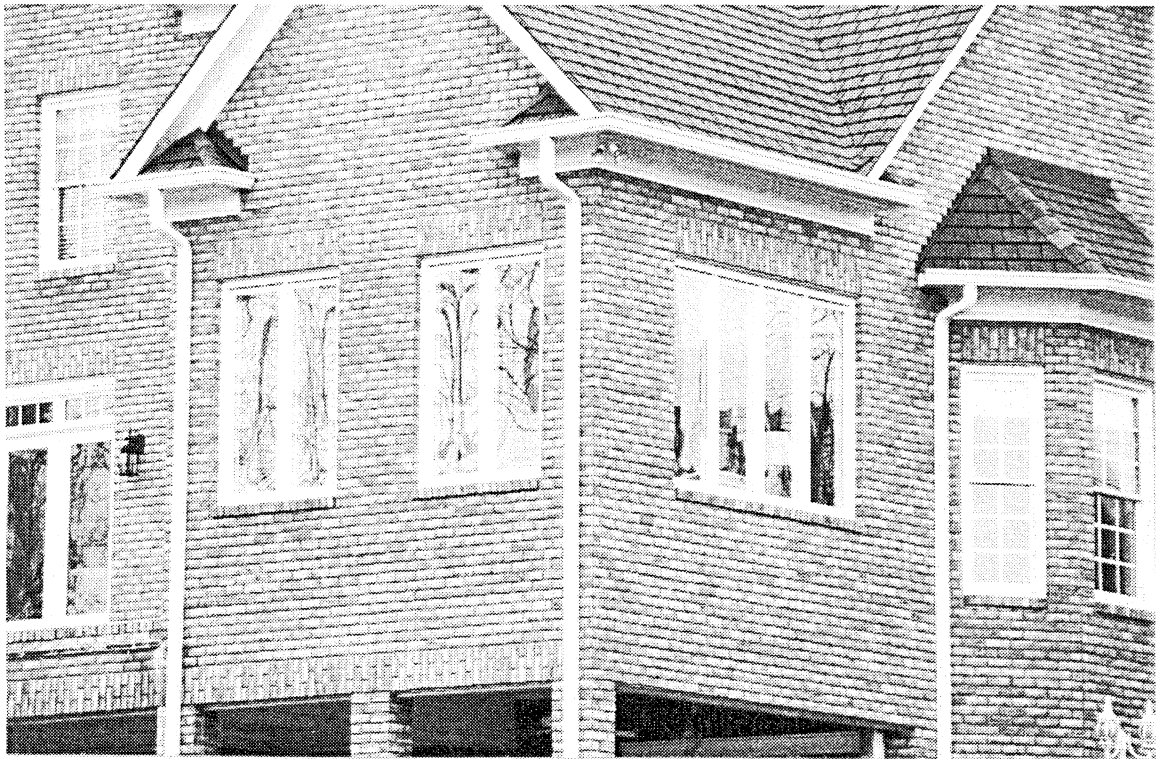
Craftsman/Coastal



Craftsman/Coastal







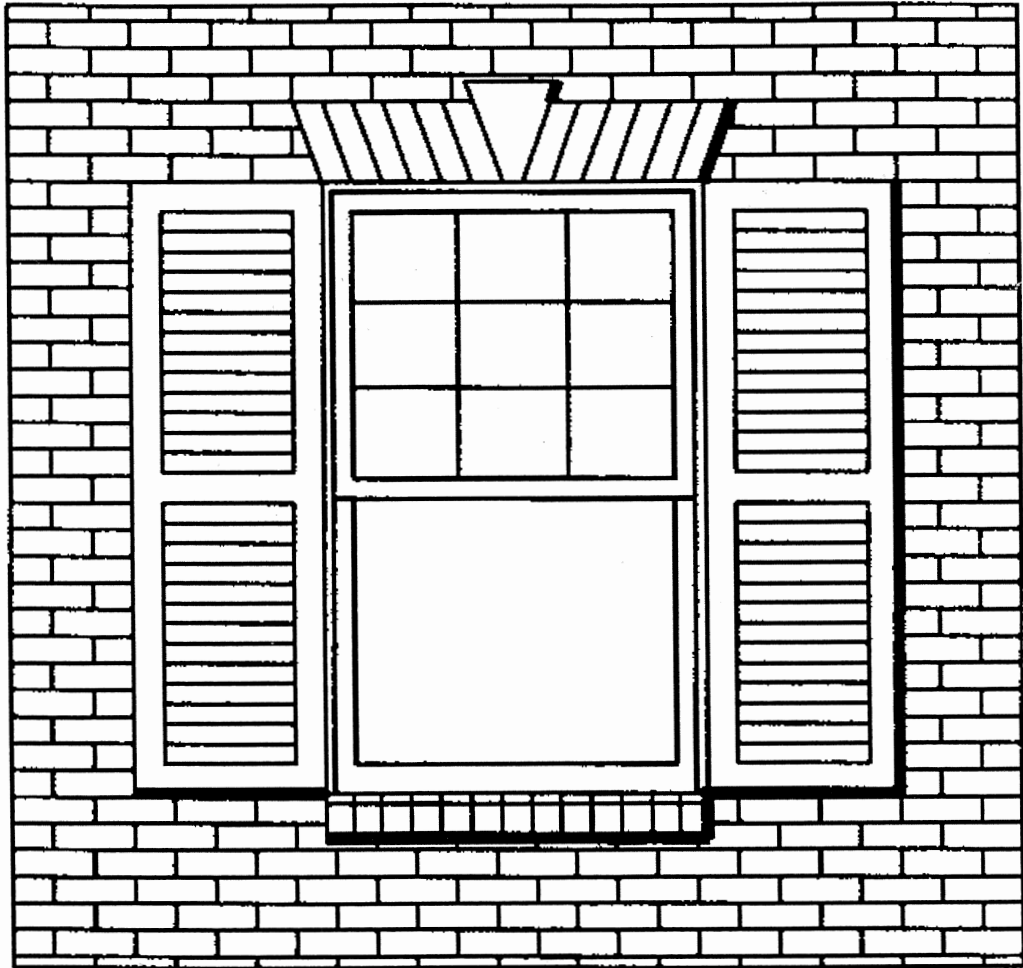


This "single eyebrow" is a common practice with stucco homes, and will no longer be approved by the ACC.



### III. RECOMMENDED DESIGN GUIDELINES FOR WINDOW FENESTRATION AND TRIM

#### Window Trim Types

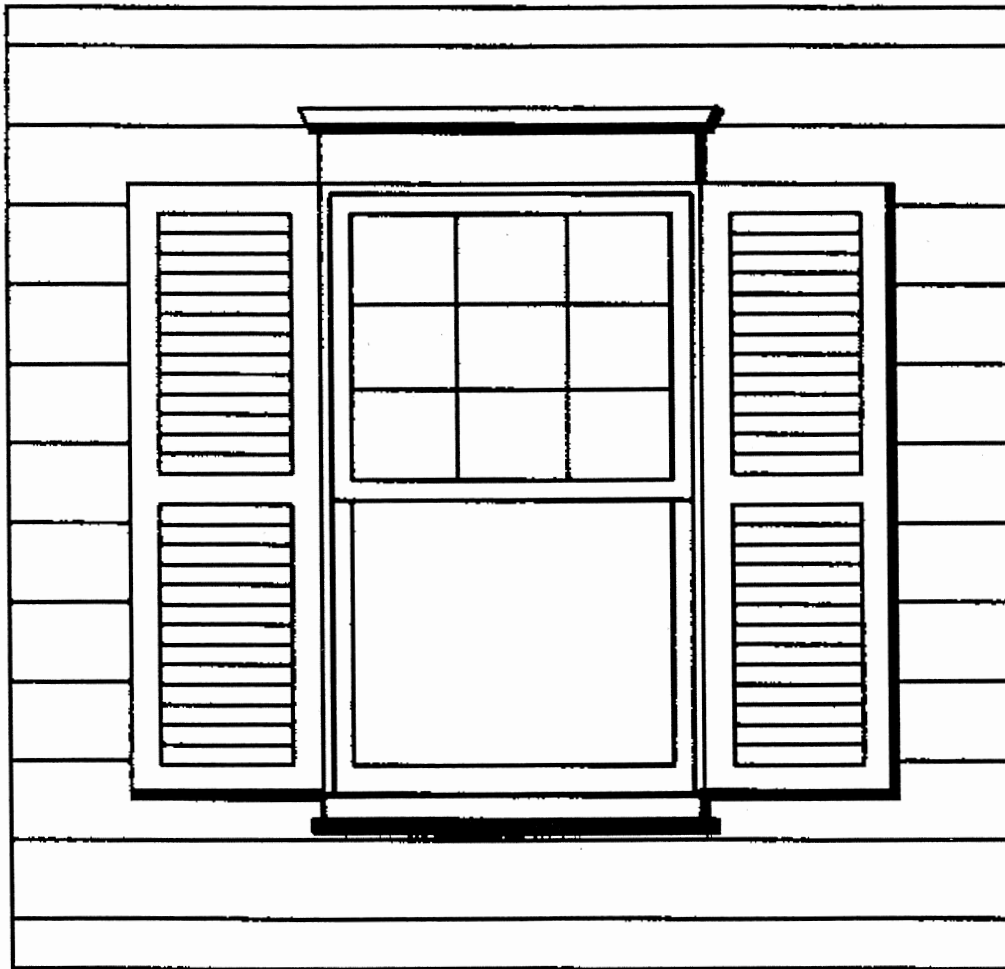


\*\*\* (1) JACK ARCH WITH KEYSTONE.  
SHUTTERS SHOWN IN LIEU OF  
JAMB TRIM.

#### 1. Jack Arch with Keystone

This combination is a traditional application on homes that have a timeless architectural style to them.

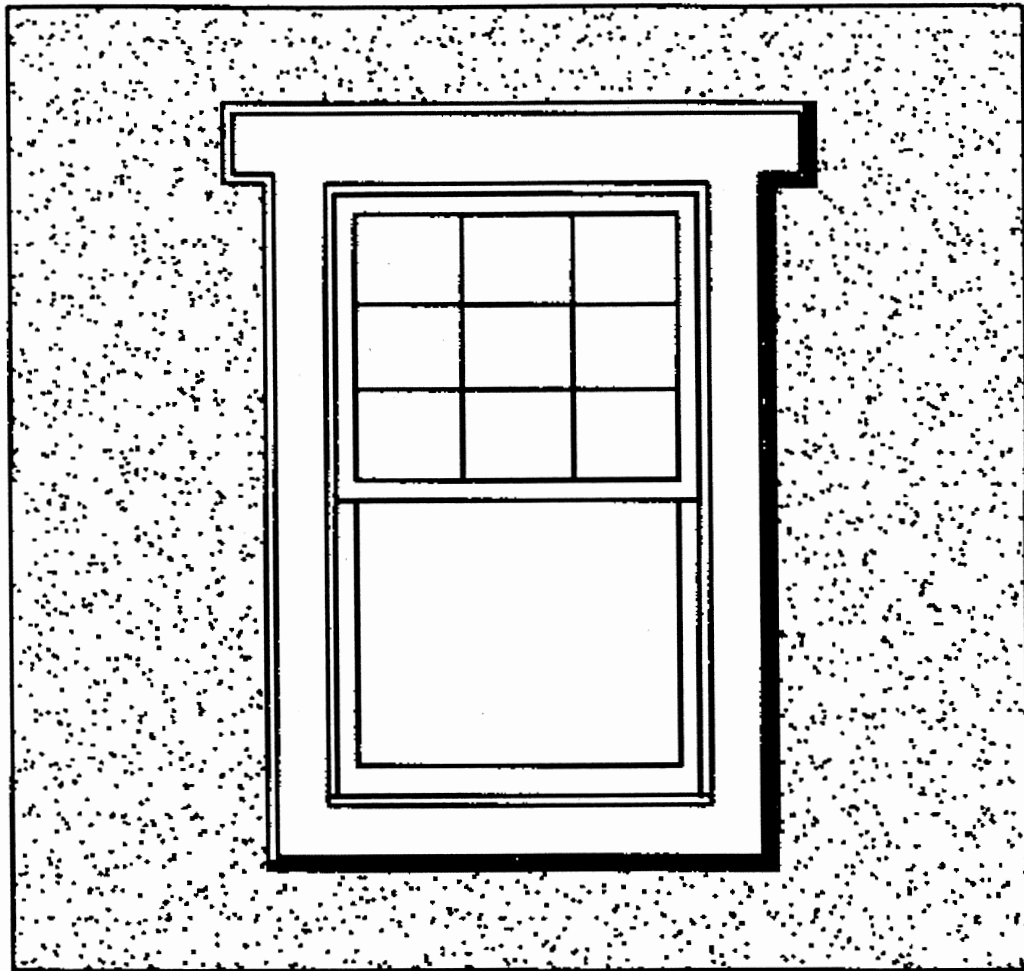
\*\*\* BRICK MOLD SHOULD BE 3/4" IN FRONT OF FACE BRICK.



2 WOOD HEAD TRIM.  
SHUTTERS SHOWN IN LIEU OF  
JAMB TRIM.

2. Wood Head Trim

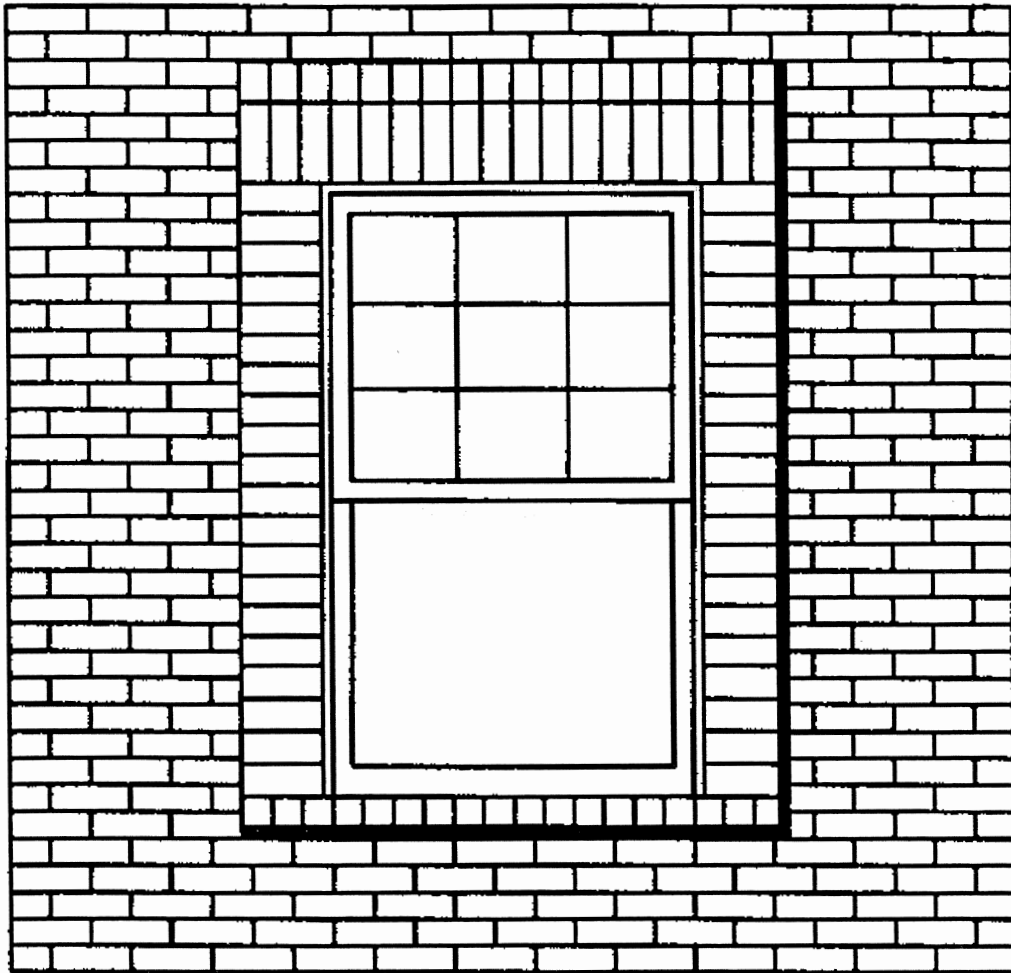
Generally the same architecture as style #1, but used with Hardy Plank instead of brick.



**3 FULL STUCCO TRIM ON  
STUCCO FACE.**

**3. Full Stucco Trim**

Several stucco homes have window trim consisting of a single "eyebrow" above the window. That is not enough. THIS IS NOW THE MINIMUM STANDARD FOR STUCCO.

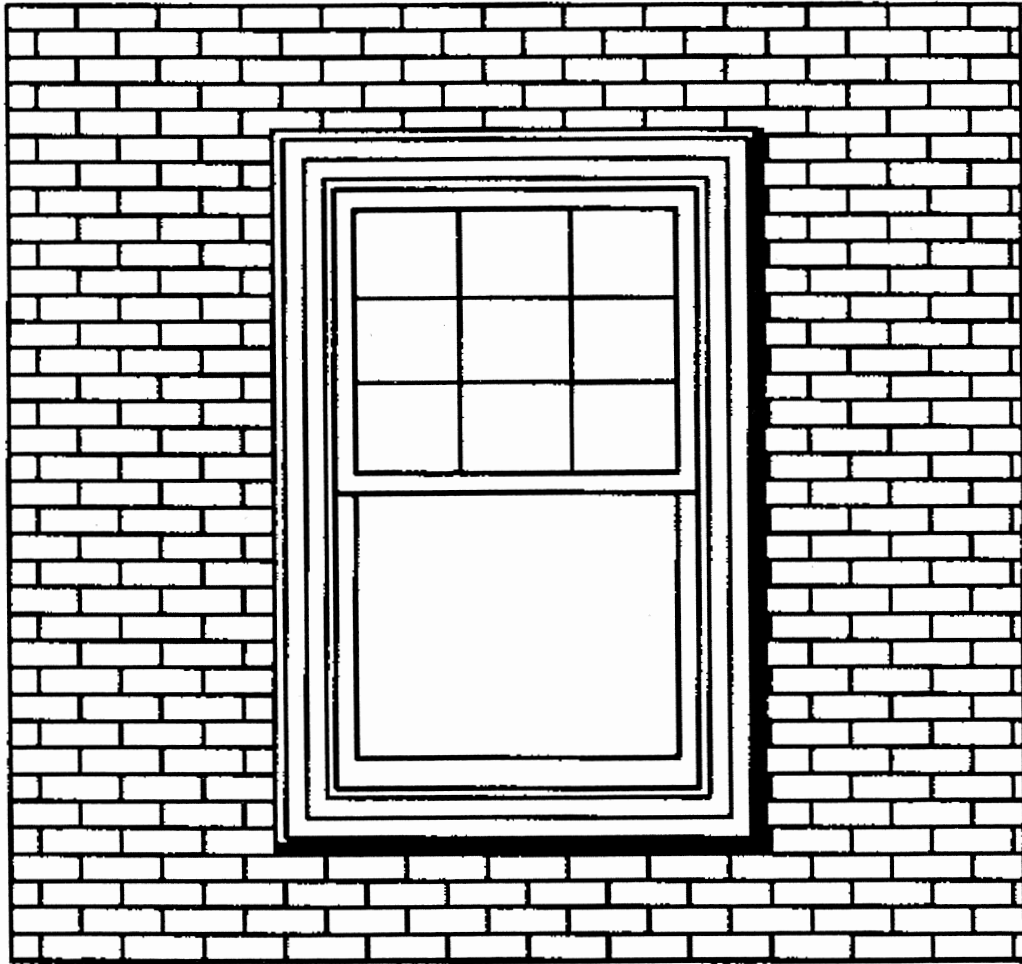


\*\*\* (4) FULL BRICK TRIM.  
COLOR COMPLIMENTARY TO BODY  
OF HOUSE IS RECOMMENDED.

#### 4. Full Brick Trim

This is a prevalent style for brick homes in luxury communities. The common mistake made is twofold: The reveal is insufficient to allow shadows to differentiate between the trim and body of the home, and the sill and header are not connected by side brick trim that has enough massing.

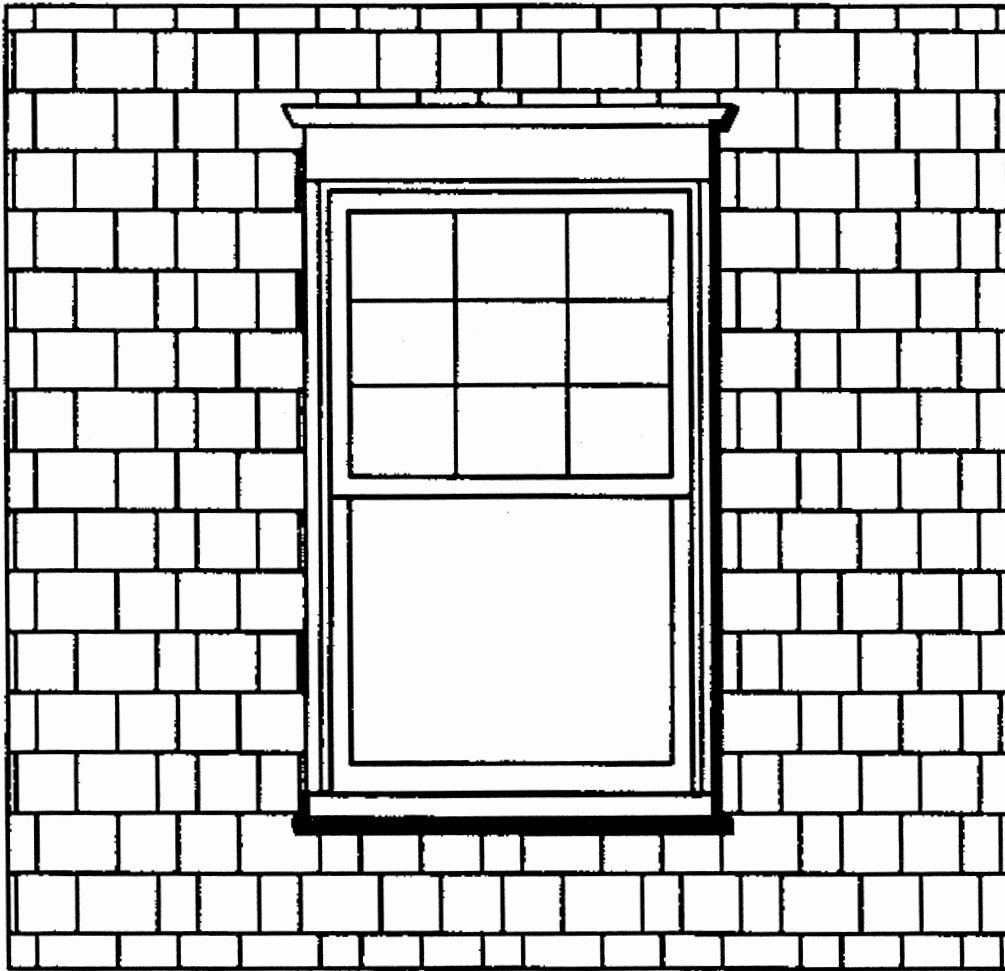
\*\*\* BRICK MOLD SHOULD BE 3/4" IN FRONT OF FACE BRICK.



5 5" BRICK MOLD (MIN.)  
WOOD OR CLAD TRIM.

5. 5" Brick Mold

If you are going to use brick mold in lieu of brick trim, this is your minimum standard.



**6 WOOD CAP AND SILL.  
GENERALLY FOR SHINGLE STYLE.**

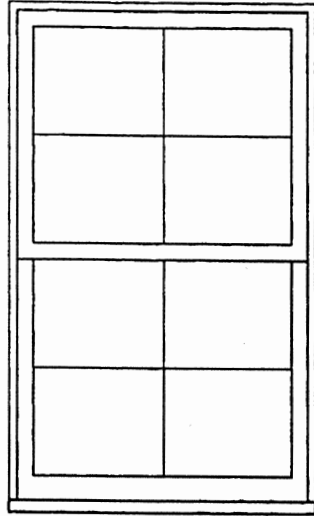
6. Wood Cap and Sill - Craftsman/Coastal Architecture

Speaks for itself. This is a good example of what to do; however the wood cap is optional.

## IV. MULLIONS OR MUNTINS

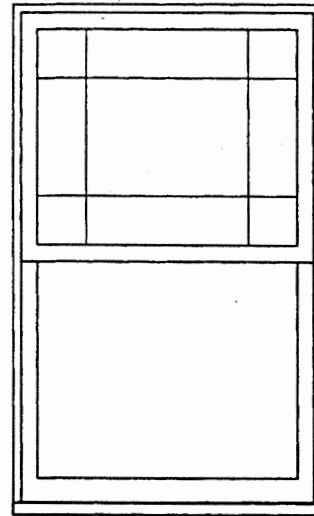
### RECOMMENDED DESIGN GUIDELINES FOR WINDOW FENESTRATION AND TRIM

#### WINDOW GLASS TYPES



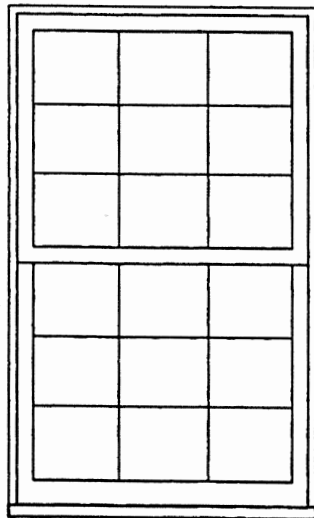
4 OVER 4

(A)



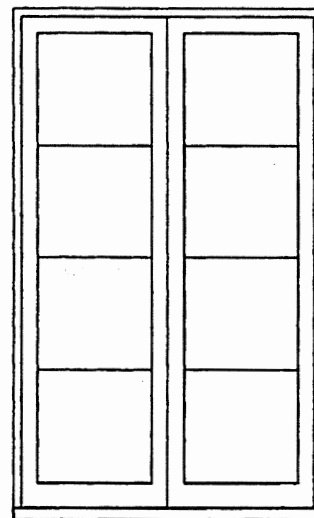
PRAIRIE STYLE

(B)



9 OVER 9

(C)



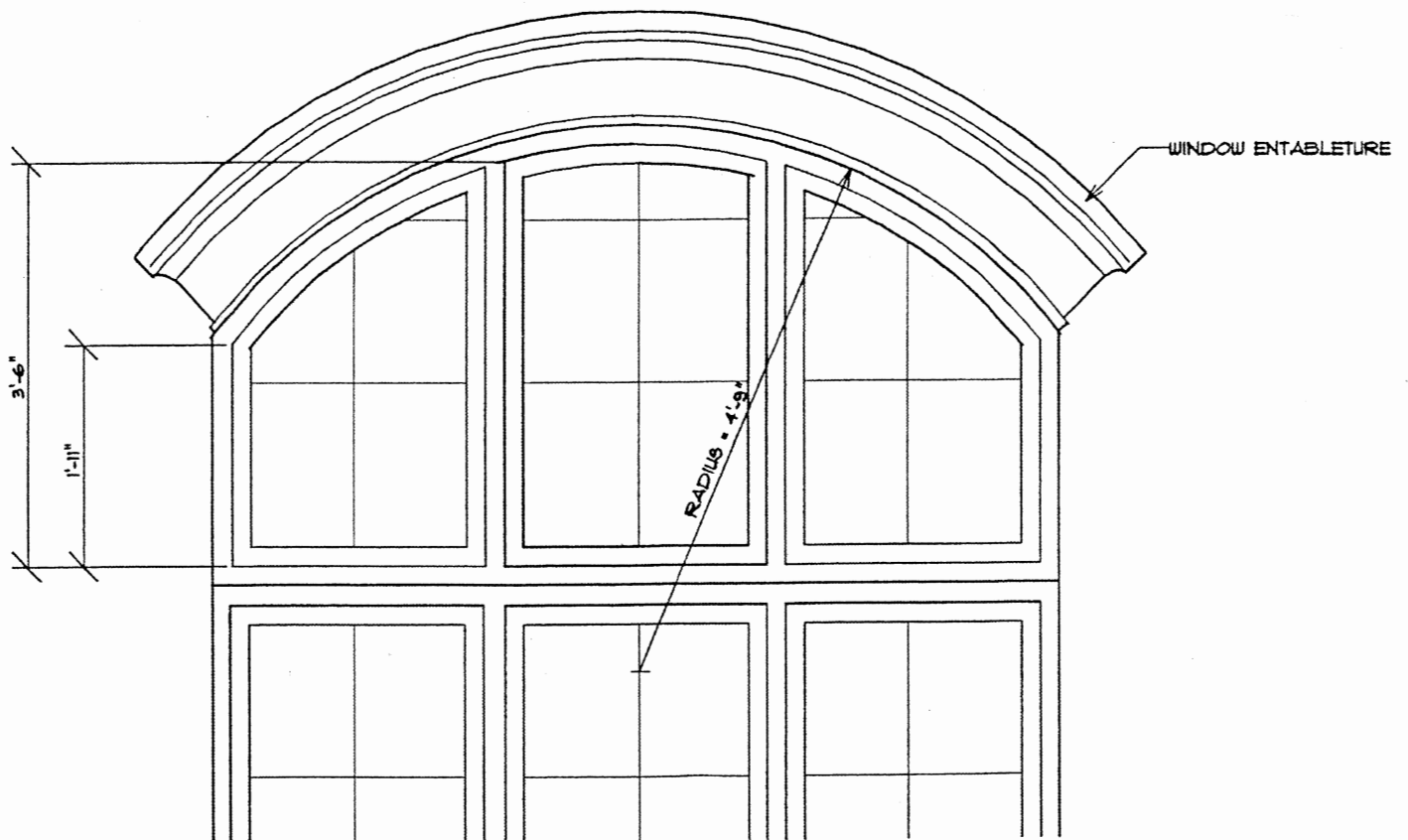
CASEMENT

(D)

1. MUNTINS ARE REQUIRED FOR ALL WINDOWS. CERTAIN PICTURE WINDOWS ARE ALLOWABLE IF SPECIFICALLY APPROVED BY THE ACC.
2. GRID PATTERNS SHOULD REFLECT THE STYLE OF THE HOUSE, I.E., THE PRAIRIE STYLE (TYPE B) SHOULD BE USED ON CRAFTSMAN, CONTEMPORARY OR PRAIRIE STYLE DESIGNS.

## V. SUBMITTAL REQUIREMENTS

All final home plan submittals will be required to show window details on all plans. The following are examples pulled from correct submittals.

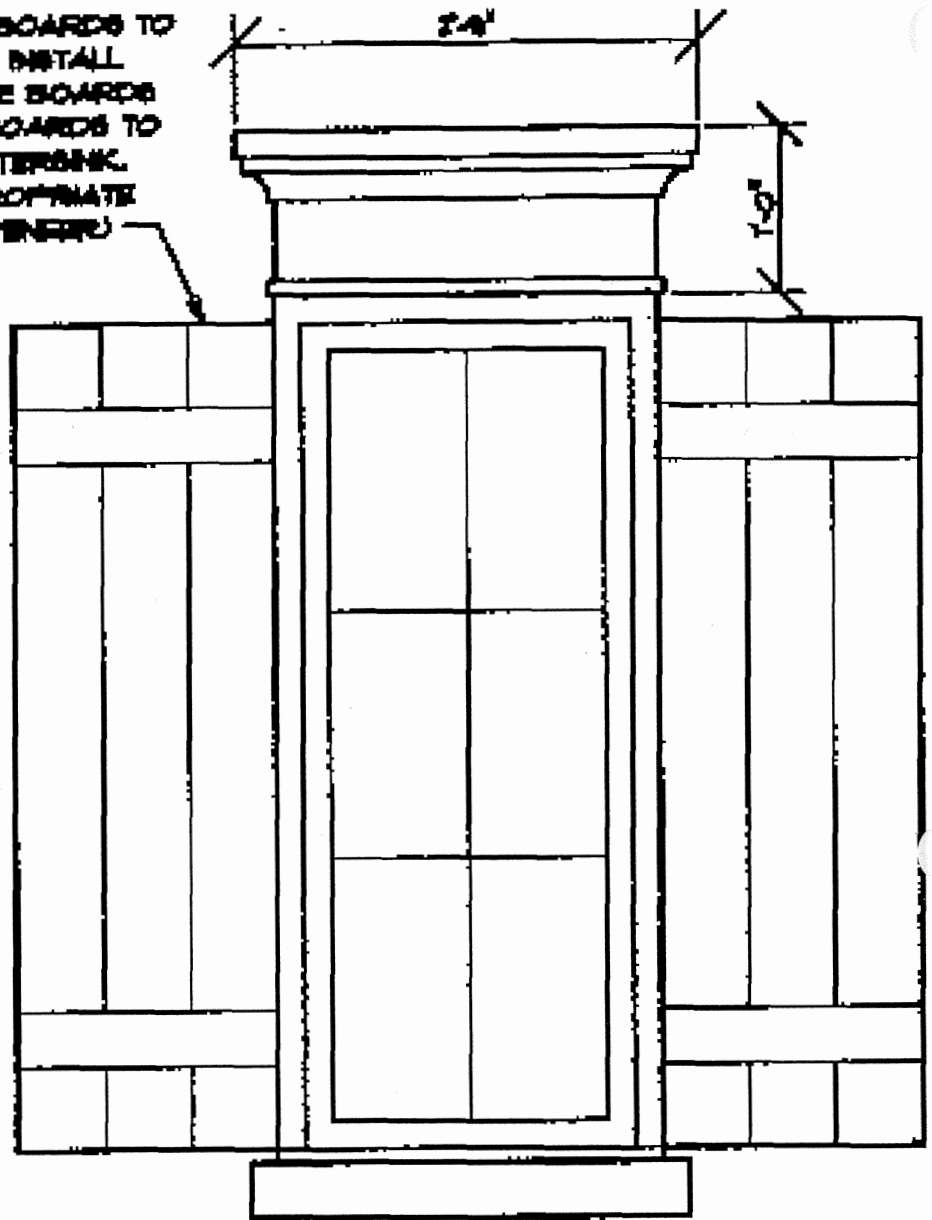


SEGMENTED ARCH TRANSOM DETAIL

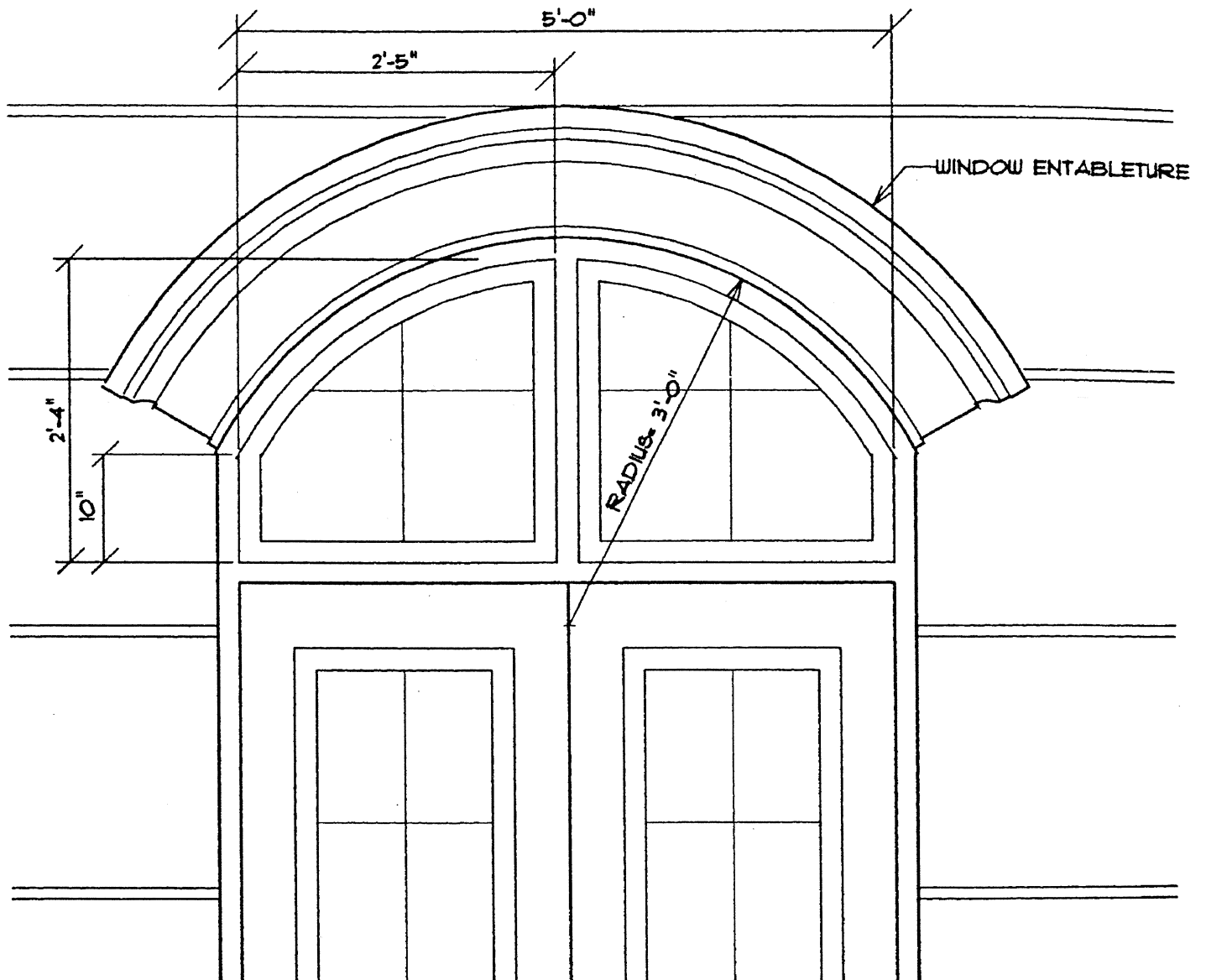
SCALE: 3/4" = 1'-0"



SCREW HORIZONTAL 1 x 6 FACE BOARDS TO VERTICALS, COUNTERSINK & FILL. INSTALL 1 x 6 BACKBOARDS WHERE FACE BOARDS ARE LOCATED. SECURE BACK BOARDS TO HOUSE w/ 3/8" LAG BOLTS, COUNTERSINK. (CONTRACTOR TO VERIFY APPROPRIATE ANCHORS FOR EACH SPECIFIC VENERY)



**SHUTTER/ENTABLETURE DETAIL**  
SCALE: 3/4" = 1'-0"



SEGMENTED ARCH TRANSOM DETAIL  
SCALE: 3/4" = 1'-0"

## SCHEDULEU

### THE POINT NORTH CAROLINA CATAWBA BUFFER RULES

1 15A NCAC 2B .0243 has been adopted as follows:

2  
3 .0243 CATAWBA RIVER BASIN: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN  
4 BUFFERS

5 The following is the management strategy for maintaining and protecting existing riparian buffers along the  
6 Catawba River mainstem below Lake James and along mainstem lakes from and including Lake James to the North  
7 Carolina and South Carolina border in the Catawba River Basin.

8 (1) PURPOSE. The purpose of this Rule shall be to protect and preserve existing riparian buffers along the  
9 Catawba River mainstem below Lake James and along mainstem lakes from and including Lake James to  
10 the North Carolina and South Carolina border in the Catawba River Basin in order to maintain their  
11 pollutant removal functions as an aid in protecting the water quality of the lakes and connecting river  
12 segments.

13 (2) DEFINITIONS. For the purpose of this Rule, these terms shall be defined as follows:

- 14 (a) 'Channel' means a natural water-carrying trough cut vertically into low areas of the land surface by  
15 erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.  
16 (current definition in Forest Practice Guidelines Related to Water Quality, 15A NCAC 11 .0102)
- 17 (b) 'Forest plantation' means an area of planted trees that may be conifers (pines) or hardwoods. On a  
18 plantation, the intended crop trees are planted rather than naturally regenerated from seed on the site,  
19 coppice (sprouting), or seed that is blown or carried into the site.
- 20 (c) 'Full Pond Level' is a term used by Duke Energy Inc. that refers to the project water level, referenced  
21 to mean sea level, for each of the seven mainstem lakes along the Catawba River. The landward edge  
22 of the lakes at full pond level represents the project boundary for each lake.
- 23 (d) 'High Value Tree' means a tree whose stump diameter is equal to or exceeding 18-inch.
- 24 (e) 'Mainstem lakes' means the following impoundments created along the mainstem of the Catawba  
25 River: Lake James, Lake Rhodhiss, Lake Hickory, Lookout Shoals Lake, Lake Norman, Mountain  
26 Island Lake and Lake Wylie (North Carolina portion).
- 27 (f) 'Shoreline stabilization' is the in-place stabilization of a severely eroding bank. Stabilization  
28 techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may  
29 be considered as part of a restoration design. However, stabilization techniques that consist primarily  
30 of "hard" engineering, such as concrete lined channels, rip rap, or gabions, while providing bank  
31 stabilization, will not be considered restoration or enhancement in most cases.
- 32 (g) 'Stream restoration' is defined as the process of converting an unstable, altered or degraded stream  
33 corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable  
34 conditions considering recent and future watershed conditions.
- 35 (h) 'Stump diameter' means stump diameter of a tree, which is measured at 6 inch above ground surface

level.

(i) 'Surface water' means all waters of the state as defined in G.S. 143-212 except underground waters.

(j) 'Temporary road' means road constructed temporarily for equipment access to build or replace hydraulic conveyance structures, water dependable structures, and / or to maintain public traffic during construction.

(k) 'Tree' means a woody plant with a stump diameter equal to or exceeding six inches.

(3) **APPLICABILITY.** This Rule shall apply to a 50-foot wide riparian buffer directly adjacent to surface waters along the Catawba River mainstem below Lake James and along mainstem lakes in the Catawba River Basin, excluding wetlands. Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to 15A NCAC 2H .0506. The riparian buffers protected by this Rule shall be measured pursuant to Item (4) of this Rule. Riparian buffers adjacent to surface waters of the Catawba River mainstem below Lake James and mainstem lakes shall be subject to this Rule unless one of the following applies.

(a) **EXEMPTION WHEN EXISTING USES ARE PRESENT AND ONGOING.** This Rule shall not apply to portions of the riparian buffer where a use is existing and ongoing according to the following:

(i) A use shall be considered existing if it was present within the riparian buffer as of June 30, 2001. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from this Rule. Change of ownership through legal purchase or inheritance is not considered change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within 50 feet of the surface water where it did not previously exist as of the effective date of the rule, and existing diffuse flow is maintained. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised, the ground is stabilized and existing diffuse flow is maintained.

(ii) A use shall be considered as existing if projects or proposed development at a minimum have been determined by the Division or the appropriate local government with approved riparian buffer ordinance to meet at least one of the following criteria:

(A) Project requires a 401 Certification/404 Permit and these were issued prior to the effective date of this Rule;

(B) Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction

1 or are under contract to begin construction and have received all required state permits  
2 prior to the effective date of the rule;

3 (C) Projects that have been determined to have a Vested Right by the NC Attorney  
4 General's Office; or,

5 (D) Projects that have established a Vested Right under North Carolina zoning law as of  
6 the effective date of this rule.

7 (b) LOCAL GOVERNMENTS THAT HAVE APPROVED RIPARIAN BUFFER ORDINANCES.

8 All local governments that have land use authority along the Catawba River mainstem below Lake  
9 James and along mainstem lakes in the Catawba River Basin may adopt local riparian buffer  
10 ordinances to protect water quality. The Division shall approve the local riparian buffer ordinance  
11 within 30 days after receiving the request from local governments, if the Division determines that  
12 the local riparian buffer ordinance provides equal to or greater water quality protection than this  
13 Rule. This Rule shall not apply in any area where a local government has obtained the Division's  
14 approval of the local riparian buffer ordinance, provided that the local government is implementing  
15 and enforcing the approved local riparian buffer ordinance. The Division, upon determination that  
16 the local government is failing to implement or enforce the approved local buffer ordinance, shall  
17 notify the local government in writing of the local program inadequacies. If the local government  
18 has not corrected the deficiencies within 90 days of receipt of written notification, then the Division  
19 shall implement and enforce the provisions of this Rule.

20 (4) ZONES OF THE RIPARIAN BUFFER. The protected riparian buffer shall have two zones as follows:

21 (a) Zone 1 shall consist of a forested area that is undisturbed except for uses provided for in Item (6) of  
22 this Rule. The location of Zone 1 shall be as follows:

23 (i) For the Catawba River mainstem below Lake James, Zone 1 shall begin at the most landward  
24 limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance  
25 of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a  
26 vertical line marking the edge of the surface water.

27 (ii) For the mainstem lakes located on the Catawba River mainstem, Zone 1 shall begin at the  
28 most landward limit of the full pond level and extend landward a distance of 30 feet,  
29 measured horizontally on a line perpendicular to a vertical line marking the edge of the full  
30 pond level.

31 (b) Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses  
32 provided for in Item (6) of this Rule. Grading and revegetating Zone 2 is allowed provided that the  
33 health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone  
34 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water.  
35 The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water along the

- 1                   Catawba River mainstem below Lake James and along mainstem lakes in the Catawba River Basin.
- 2       (5)   DIFFUSE FLOW REQUIREMENT. Diffuse flow of runoff shall be maintained in the riparian buffer by
- 3           dispersing concentrated flow and reestablishing vegetation.
- 4           (a)   Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow
- 5               before the runoff enters Zone 2 of the riparian buffer.
- 6           (b)   Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation
- 7               of erosion gullies.
- 8       (6)   TABLE OF USES. The following chart sets out the uses and their designation under this Rule as exempt,
- 9           allowable, or allowable with mitigation. Any uses, which are not listed in the table, shall be considered as
- 10          prohibited. The requirements for each category are given in Item (7) of this Rule.

	Exempt	Allowable	Allowable with Mitigation
<p>Access trails or roads for accessing activities allowed in this Rule, such as water dependable activities:</p> <ul style="list-style-type: none"> <li>• Access trails to the surface water provided that installation and use does not result in removal of tree as defined in this Rule</li> <li>• Pedestrian access trails to the surface water that are restricted to the minimum width practicable do not exceed 7 feet in width of buffer disturbance, and provided that no impervious surface is added to the riparian buffer</li> <li>• Vehicular access roads to the surface water but do not cross the surface water that are restricted to the minimum width practicable and not exceed 15 feet in width</li> <li>• Vehicular access roads to the surface water but do not cross the surface water that are restricted to the minimum width practicable and exceed 15 feet in width</li> </ul>	X	<p>X</p> <p>X</p>	X
<p>Airport facilities:</p> <ul style="list-style-type: none"> <li>• Airport or airstrip facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> <li>• Airport or airstrip facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>		X	X
Archaeological activities	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the buffer	X		
Dam maintenance activities	X		

	Exempt	Allowable	Allowable with Mitigation
Drainage ditches, roadside ditches and stormwater outfalls through riparian buffers: <ul style="list-style-type: none"> <li>• Existing drainage ditches, roadside ditches, and stormwater outfalls provided that they are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies</li> <li>• New drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control pollutants and attenuate flow before the conveyance discharges through the riparian buffer</li> </ul>	X	X	
Driveway crossings of surface waters subject to this Rule: <ul style="list-style-type: none"> <li>• Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer</li> <li>• Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer</li> <li>• In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> <li>• In a subdivision that cumulatively disturbs greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>	X	X  X	X
Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Rule	X		
Forest harvesting - see Item (11) of this Rule			



	Exempt	Allowable	Allowable with Mitigation
Grading and revegetation in Zone 2 only provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized	X		
Greenway / hiking trails		X	
Historic preservation	X		
Mining activities: <ul style="list-style-type: none"> <li>• Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Items (4) and (5) of this Rule are established adjacent to the relocated channels</li> <li>• Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Items (4) and (5) of this Rule are not established adjacent to the relocated channels</li> </ul>		X	X
Non-electric utility lines: <ul style="list-style-type: none"> <li>• Impacts other than perpendicular crossings in Zone 2 only <sup>3</sup></li> <li>• Impacts other than perpendicular crossings in Zone 1 <sup>3</sup></li> </ul>		X	X

	Exempt	Allowable	Allowable with Mitigation
<p>Non-electric utility line perpendicular crossings of surface waters subject to this Rule <sup>3</sup>:</p> <ul style="list-style-type: none"> <li>• Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width</li> <li>• Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width</li> <li>• Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width</li> <li>• Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width</li> <li>• Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer</li> </ul>	X	<p>X</p> <p>X</p>	<p>X</p> <p>X</p>
<p>Overhead electric utility lines:</p> <ul style="list-style-type: none"> <li>• Impacts other than perpendicular crossings in Zone 2 only <sup>3</sup></li> <li>• Impacts other than perpendicular crossings in Zone 1 <sup>1,2, 3</sup></li> </ul>	<p>X</p> <p>X</p>		

	Exempt	Allowable	Allowable with Mitigation
Overhead electric utility line perpendicular crossings of surface waters subject to this Rule <sup>3</sup> :			
• Perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer <sup>1</sup>	X		
• Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer <sup>1, 2</sup>		X	

<sup>1</sup> Provided that, in Zone 1, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Division.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Rip rap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

<sup>2</sup> Provided that poles or towers shall not be installed within 10 feet of a water body unless the Division completes a no practical alternative evaluation.

<sup>3</sup> Perpendicular crossings are those that intersect the surface water at an angle between 75° and 105°. New water intake and new outfall line that may be required to cross part of waterbodies will be implemented and enforced under this category.

1

	Exempt	Allowable	Allowable with Mitigation
Playground equipment: <ul style="list-style-type: none"> <li>• Playground equipment provided that installation and use does not result in removal of vegetation</li> <li>• Playground equipment provided that installed and use requires removal of vegetation</li> </ul>	X	X	
Properties that have been subdivided by an approved preliminary subdivision plat <sup>4</sup> within 2 years prior to the effective date of this rule for conventional subdivisions and within 5 years prior to the effective date of this rule for phased subdivisions: <ul style="list-style-type: none"> <li>• Uses in Zone 2 provided that the ground is stabilized and diffuse flow is maintained</li> <li>• Uses in Zone 1 provided that the ground is stabilized and diffuse flow is maintained. On-site waste systems, septic tanks and drainfields are not allowed in Zone 1</li> </ul>	X	X	
Properties that are included on a recorded subdivision plan prior to the effective date of this rule: <ul style="list-style-type: none"> <li>• Uses in Zone 2 provided that the ground is stabilized and diffuse flow is maintained</li> <li>• Uses in Zone 1 provided that the ground is stabilized and diffuse flow is maintained. On-site waste systems, septic tanks and drainfields are not allowed in Zone 1</li> </ul>	X	X	
Protection of existing structures, facilities and shoreline when this requires additional disturbance of the riparian buffer or the channel		X	
Pumps for agricultural irrigation in Zone 1 provided that installation and use does not result in removal of trees as defined in this Rule		X	

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<sup>4</sup> The submitted preliminary subdivision plat shall include but not limited to all the following information:

- 1 • Total acreage of land proposed for platting.
- 2 • The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances accurately
- 3 shown, including dimensions of all lot lines.
- 4 • Location and use of all existing and proposed easements. This includes easements for drainage and utilities.
- 5 • Location, width of rights-of-way and all proposed streets.
- 6 • Location of all utilities installations.
- 7 • Distance to nearest public water supply and sanitary sewerage systems.
- 8 • Significant natural features including existing riparian buffer areas, existing wetlands, lakes or rivers, or other
- 9 natural features affecting the site.
- 10 • Existing physical features including buildings, streets, railroads, power lines, drainage ways, sewer and water or
- 11 spring heads, and town limit lines both to or adjacent to the land to be subdivided.
- 12

	Exempt	Allowable	Allowable with Mitigation
Railroad impacts other than crossings of surface waters subject to this Rule			X
Recreational and accessory structures such as decks, gazebos, and sheds with a footprint of less than 150 square feet provided that the structures are elevated above pervious ground, that installation does not result in removal of trees as defined in this Rule, and that they are not otherwise prohibited under the local water supply watershed ordinance	X		
Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored	X		
Road impacts other than crossings of surface waters subject to this Rule			X

	Exempt	Allowable	Allowable with Mitigation
Road crossings of surface waters subject to this Rule: <ul style="list-style-type: none"> <li>• Road crossings that impact equal to or less than 40 linear feet of riparian buffer</li> <li>• Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> <li>• Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>	X	X	X
Scientific studies and gauging station	X		
Stormwater management ponds excluding dry ponds: <ul style="list-style-type: none"> <li>• New stormwater management ponds provided that a riparian buffer that meets the requirements of Items (4) and (5) of this Rule is established adjacent to the pond</li> <li>• New stormwater management ponds where a riparian buffer that meets the requirements of Items (4) and (5) of this Rule is NOT established adjacent to the pond</li> </ul>		X	X
Stream restoration with approved 401 Certification / 404 Permit	X		
Shoreline stabilization		X	
Temporary roads: <ul style="list-style-type: none"> <li>• Temporary roads that disturb less than or equal to 2,500 square feet provided that vegetation is restored within six months of initial disturbance</li> <li>• Temporary roads that disturb greater than 2,500 square feet provided that vegetation is restored within six months of initial disturbance</li> <li>• Temporary roads used for culvert installation, bridge construction or replacement provided that restoration activities, such as soil stabilization and revegetation, are conducted immediately after construction</li> </ul>	X	X  X	

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.

- 1 • The trench shall be backfilled with the excavated soil material immediately following cable installation.
- 2 • No fertilizer shall be used other than a one-time application to re-establish vegetation.
- 3 • Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the
- 4 time in which areas remain in a disturbed state.
- 5 • Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of
- 6 stormwater through the buffer.
- 7 • In wetlands, mats shall be utilized to minimize soil disturbance.

	Exempt	Allowable	Allowable with Mitigation
Vegetation management: <ul style="list-style-type: none"><li>• Emergency fire control measures provided that topography is restored</li><li>• Periodic mowing and harvesting of plant products in Zone 2 only</li><li>• Planting vegetation to improve water quality protection function of the riparian buffer</li><li>• Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised</li><li>• Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life</li><li>• Removal of individual trees which are dead, diseased or damaged</li><li>• Removal of poison ivy</li><li>• Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Department of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30</li></ul>	X  X  X  X  X  X  X		
Water dependent structures as defined in 15A NCAC 2B .0202	X		
Water wells	X		
Wetland restoration	X		

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1  
2 (7) REQUIREMENTS FOR CATEGORIES OF USES. Uses designated as exempt, allowable, and allowable  
3 with mitigation in Item (6) of this Rule and prohibited in this Rule shall have the following requirements:

4 (a) EXEMPT. Uses designated as exempt are allowed within the riparian buffer. Exempt uses shall be  
5 designed, constructed and maintained to minimize soil disturbance and to provide the maximum  
6 water quality protection practicable. In addition, exempt uses shall meet requirements listed in Item  
7 (6) of this Rule for the specific use.

8 (b) ALLOWABLE. Uses designated as allowable may proceed within the riparian buffer provided that  
9 there are no practical alternatives to the requested use pursuant to Item (8) of this Rule. These uses  
10 require written authorization from the Division or the local government with approved riparian  
11 buffer ordinance.

12 (c) ALLOWABLE WITH MITIGATION. Uses designated as allowable with mitigation may proceed  
13 within the riparian buffer provided that there are no practical alternatives to the requested use  
14 pursuant to Item (8) of this Rule and an appropriate mitigation strategy has been approved pursuant  
15 to Item (10) of this Rule. These uses require written authorization from the Division or the local  
16 government with approved riparian buffer ordinance.

17 (d) PROHIBITED. All uses not designated as exempt, allowable or allowable with mitigation are  
18 considered prohibited and may not proceed within the riparian buffer unless a variance is granted  
19 pursuant to Item (9) of this Rule. Mitigation may be required as one condition of a variance  
20 approval.

21 (8) DETERMINATION OF "NO PRACTICAL ALTERNATIVES." Persons who wish to undertake uses  
22 designated as allowable or allowable with mitigation shall submit a request for a "no practical  
23 alternatives" determination to the Division or to the local government with approved riparian buffer  
24 ordinance. The applicant shall certify that the criteria identified in Sub-Item (8)(a) of this Rule are  
25 met. The Division or the local government with approved riparian buffer ordinance shall grant an  
26 Authorization Certificate upon a "no practical alternatives" determination. The procedure for  
27 making an Authorization Certificate shall be as follows:

28 (a) For any request for an Authorization Certificate, the Division or the local government with  
29 approved riparian buffer ordinance shall review the entire project and make a finding of fact as to  
30 whether the following requirements have been met in support of a "no practical alternatives"  
31 determination:

- 32 (i) The basic project purpose cannot be practically accomplished in a manner that would better  
33 minimize disturbance, preserve aquatic life and habitat, and protect water quality.  
34 (ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better  
35 minimize disturbance, preserve aquatic life and habitat, and protect water quality.

- 1 (iii) Best management practices shall be used if necessary to minimize disturbance, preserve  
2 aquatic life and habitat, and protect water quality.
- 3 (b) Requests for an Authorization Certificate shall be reviewed and either approved or denied within 60  
4 days of receipt of a complete submission based on the criteria in Sub-Item (8)(a) of this Rule by  
5 either the Division or the local government with approved riparian buffer ordinance. Failure to  
6 issue an approval or denial within 60 days shall constitute that the applicant has demonstrated "no  
7 practical alternatives." The Division or the local government with approved riparian buffer  
8 ordinance may attach conditions to the Authorization Certificate that support the purpose, spirit and  
9 intent of the riparian buffer protection program. Complete submissions shall include the following:
- 10 (i) The name, address and phone number of the applicant;  
11 (ii) The nature of the activity to be conducted by the applicant;  
12 (iii) The location of the activity, including the jurisdiction;  
13 (iv) A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in  
14 carrying out the activity, the location and dimensions of any disturbance in riparian buffers  
15 associated with the activity, and the extent of riparian buffers on the land;  
16 (v) An explanation of why this plan for the activity cannot be practically accomplished, reduced  
17 or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life  
18 and habitat and protect water quality; and  
19 (vi) Plans for any best management practices proposed to be used to control the impacts  
20 associated with the activity.
- 21 (c) Any disputes over determinations regarding Authorization Certificates shall be referred to the  
22 Director for a decision. The Director's decision is subject to review as provided in Articles 3 and 4  
23 of G. S. 150B.
- 24 (9) VARIANCES. Persons who wish to undertake uses designated as prohibited may pursue a variance. The  
25 Division or the appropriate local government with approved riparian buffer ordinance shall make all of the  
26 following findings of fact and may grant variances. The variance request procedure shall be as follows:
- 27 (a) For any variance request, the Division or the local government with approved riparian buffer  
28 ordinance shall make all of the finding of fact to insure that the following requirements have been  
29 met:
- 30 (i) There are practical difficulties or unnecessary hardships that prevent compliance with the  
31 strict letter of the riparian buffer protection requirements. Practical difficulties or  
32 unnecessary hardships shall be evaluated in accordance with the following:
- 33 (A) If the applicant complies with the provisions of this Rule, he/she can secure no  
34 reasonable return from, nor make reasonable use of, his/her property. Merely proving  
35 that the variance would permit a greater profit from the property shall not be

1 considered adequate justification for a variance. Moreover, the Division or the local  
2 government with approved riparian buffer ordinance shall consider whether the  
3 variance is the minimum possible deviation from the terms of this Rule that shall make  
4 reasonable use of the property possible.

5 (B) The hardship results from application of this Rule to the property rather than from  
6 other factors such as deed restrictions or other hardship.

7 (C) The hardship is due to the physical nature of the applicant's property, such as its size,  
8 shape, or topography, which is different from that of neighboring property.

9 (D) The applicant did not cause the hardship by knowingly or unknowingly violating this  
10 Rule.

11 (E) The hardship is unique to the applicant's property, rather than the result of conditions  
12 that are widespread. If other properties are equally subject to the hardship created in  
13 the restriction, then granting a variance would be a special privilege denied to others,  
14 and would not promote equal justice.

15 (ii) The variance is in harmony with the general purpose and intent of the Catawba River Basin's  
16 riparian buffer protection requirements and preserves its spirit; and

17 (iii) In granting the variance, the public safety and welfare have been assured, water quality has  
18 been protected, and substantial justice has been done.

19 (b) Variance requests shall be reviewed and approved based on the criteria in Sub-Item (9)(a) of this  
20 Rule by the either the Division or the local government with approved riparian buffer ordinance  
21 pursuant to G.S. 153A-Article 18, or G.S. 160A-Article 19. The Division or the local government  
22 with approved riparian buffer ordinance may attach conditions to the variance approval that support  
23 the purpose, spirit and intent of the riparian buffer protection program. Requests for appeals of  
24 decisions made by the Division shall be made to the Office of Administrative Hearings. Request for  
25 appeals made by the local government with approved riparian buffer ordinance shall be made to the  
26 appropriate Board of Adjustment under G.S. 160A-388 or G.S. 153A-345 for determinations made  
27 by the local government with approved riparian buffer ordinance.

28 (10) MITIGATION. Persons who wish to undertake uses designated as allowable with mitigation shall meet the  
29 following requirements in order to proceed with their proposed use.

30 (a) Obtain a determination of "no practical alternatives" to the proposed use pursuant to Item (8) of this  
31 Rule.

32 (b) Obtain approval for a mitigation proposal pursuant to 15A NCAC 2B .0244.

33 (11) REQUIREMENTS SPECIFIC TO FOREST HARVESTING. The following requirements shall apply for  
34 forest harvesting operations and practices.

35 (a) The following measures shall apply in Zone 1 of the riparian buffer:

- (i) Logging decks and sawmill sites shall not be placed in the riparian buffer.
  - (ii) Timber felling shall be directed away from the water body.
  - (iii) Skidding shall be directed away from the water body and shall be done in a manner that minimizes soil disturbance and prevents the creation of channels or ruts in accordance with 15A NCAC 11 .0203 as enforced by the Division of Forest Resources.
  - (iv) Individual trees may be treated to maintain or improve their health, form or vigor.
  - (v) Harvesting of dead or infected trees or application of pesticides necessary to prevent or control extensive tree pest and disease infestation shall be allowed. These practices must be approved by the Division of Forest Resources for a specific site. The Division of Forest Resources must notify the Division of all approvals.
  - (vi) Removal of individual trees that are in danger of causing damage to structures or human life shall be allowed.
  - (vii) Natural regeneration of forest vegetation and planting of trees, shrubs, or ground cover plants to enhance the riparian buffer shall be allowed provided that soil disturbance is minimized. Plantings shall consist primarily of native species.
  - (viii) High intensity prescribed burns shall not be allowed.
  - (ix) Application of fertilizer shall not be allowed except as necessary for permanent stabilization. Broadcast application of fertilizer or herbicides to the adjacent forest stand shall be conducted so that the chemicals are not applied directly to or allowed to drift into the riparian buffer.
- (b) In Zone 1, forest vegetation shall be protected and maintained. Selective harvest as provided for below is allowed on forest lands that have a deferment for use value under forestry in accordance with G.S. 105-277.2 through 277.6 or on forest lands that have a forest management plan prepared or approved by a registered professional forester. Copies of either the approval of the deferment for use value under forestry or the forest management plan shall be produced upon request. For such forest lands, selective harvest is allowed in accordance with the following:
- (i) Tracked or wheeled vehicles are not permitted except at stream crossings designed, constructed and maintained in accordance with 15A NCAC 11 .0203 as enforced by the Division of Forest Resources.
  - (ii) Soil disturbing site preparation activities are not allowed.
  - (iii) Trees shall be removed with the minimum disturbance to the soil and residual vegetation.
  - (iv) The following provisions for selective harvesting shall be met:
    - (A) The first 10 feet of Zone 1 directly adjacent to the stream or waterbody shall be undisturbed except for the removal of individual high value trees as defined.
    - (B) In the outer 20 feet of Zone 1, trees greater than 12-inch diameter stump may be cut

1 and removed. The reentry time for harvest shall be no more frequent than every 15  
2 years, except on forest plantations where the reentry time shall be no more frequent  
3 than every five years. In either case, the trees remaining after harvest shall be as  
4 evenly spaced as possible.

5 (C) In Zone 2, harvesting and regeneration of the forest stand shall be allowed in  
6 accordance with 15A NCAC 11.0100 – .0200 as enforced by the Division of Forest  
7 Resources.

8 (12) OTHER LAWS, REGULATIONS AND PERMITS. In all cases, compliance with this Rule does not  
9 preclude the requirement to comply with all federal, state and local regulations and laws.

10  
11 *History Note: Authority 143-214.1; 143-214.7; 143-215.3(a)(1); S. L. 1999, c. 329, s. 7.1;*

1 15A NCAC 2B .0244 has been adopted as follows:  
2

3 .0244 CATAWBA RIVER BASIN: MITIGATION PROGRAM FOR PROTECTION AND  
4 MAINTENANCE OF EXISTING RIPARIAN BUFFERS IN THE CATAWBA RIVER BASIN

5 The following are the requirements for the Riparian Buffer Mitigation Program for the Catawba River Basin.

6 (1) PURPOSE. The purpose of this Rule is to set forth the mitigation requirements that apply to maintain and  
7 protect existing riparian buffers on the Catawba River mainstem below Lake James and mainstem lakes  
8 from and including Lake James to the North Carolina/South Carolina border in the Catawba River Basin,  
9 as described in Rule 15A NCAC 2B .0243.

10 (2) APPLICABILITY. This Rule applies to persons who wish to impact a riparian buffer in the Catawba  
11 Basin when one of the following applies:

12 (a) A person has received an Authorization Certificate pursuant to 15A NCAC 2B .0243 for a proposed  
13 use that is designated as "allowable with mitigation."

14 (b) A person has received a variance pursuant to 15A NCAC 2B .0243 and is required to perform  
15 mitigation as a condition of a variance approval.

16 (3) THE AREA OF MITIGATION. The required area of mitigation shall be determined by either the  
17 Division or a local government with an approved riparian buffer ordinance according to the following:

18 (a) The impacts in square feet to each zone of the riparian buffer shall be determined by the Division or  
19 a local government with an approved riparian buffer ordinance by adding the following:

20 (i) The area of the footprint of the use causing the impact to the riparian buffer.

21 (ii) The area of the boundary of any clearing and grading activities within the riparian buffer  
22 necessary to accommodate the use.

23 (iii) The area of any ongoing maintenance corridors within the riparian buffer associated with the  
24 use.

25 (b) The required area of mitigation shall be determined by applying the following multipliers to the  
26 impacts determined in Sub-item (3)(a) of this Rule to each zone of the riparian buffer:

27 (i) Impacts to Zone 1 of the riparian buffer shall be multiplied by 2.

28 (ii) Impacts to Zone 2 of the riparian buffer shall be multiplied by 1.5.

29 (4) THE LOCATION OF MITIGATION. The mitigation effort shall be the same distance from the Catawba  
30 River as the proposed impact and as close to the location of the impact as feasible.

31 (5) ISSUANCE OF THE MITIGATION DETERMINATION. The Division or a local government with an  
32 approved buffer program shall issue a mitigation determination that specifies the required area and  
33 location of mitigation pursuant to Items (3) and (4) of this Rule.

34 (6) OPTIONS FOR MEETING THE MITIGATION DETERMINATION. The mitigation determination  
35 made pursuant to Item (5) of this Rule may be met through one of the following options:

- 1 (a) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to Item  
2 (7) of this Rule.
- 3 (b) Donation of real property or of an interest in real property pursuant to Item (8) of this Rule.
- 4 (c) Restoration or enhancement of a non-forested riparian buffer. This shall be accomplished by the  
5 applicant after submittal and approval of a restoration plan pursuant to Item (9) of this Rule.
- 6 (7) PAYMENT TO THE RIPARIAN BUFFER RESTORATION FUND. Persons who choose to satisfy their  
7 mitigation determination by paying a compensatory mitigation fee to the Riparian Buffer Restoration Fund  
8 shall meet the following requirements:
- 9 (a) SCHEDULE OF FEES: The amount of payment into the Fund shall be determined by square feet  
10 of mitigation determination made pursuant to Item (5) of this Rule by ninety-six cents per square  
11 foot.
- 12 (b) The required fee shall be submitted to the Division of Water Quality, Wetlands Restoration  
13 Program, MAIL SERVICE CENTER 1619, RALEIGH, NC 27699-1619 prior to any activity that  
14 results in the removal or degradation of the protected riparian buffer for which a "no practical  
15 alternatives" determination has been made.
- 16 (c) The payment of a compensatory mitigation fee may be fully or partially satisfied by donation of  
17 real property interests pursuant to Item (8) of this Rule.
- 18 (d) The Division shall review the fee outlined in Sub-item (7)(a) of this Rule every two years and  
19 compare it to the actual cost of restoration activities conducted by the Department, including site  
20 identification, planning, implementation, monitoring and maintenance costs. Based upon this  
21 biennial review, the Division shall recommend revisions to Sub-item (7)(a) of this Rule when  
22 adjustments to this Schedule of Fees are deemed necessary.
- 23 (8) DONATION OF PROPERTY. Persons who choose to satisfy their mitigation determination by donating  
24 real property or an interest in real property shall meet the following requirements:
- 25 (a) The donation of real property interests may be used to either partially or fully satisfy the payment of  
26 a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to Item (7) of this  
27 Rule. The value of the property interest shall be determined by an appraisal performed in  
28 accordance with Sub-item (8)(d)(iv) of this Rule. The donation shall satisfy the mitigation  
29 determination if the appraised value of the donated property interest is equal to or greater than the  
30 required fee. If the appraised value of the donated property interest is less than the required fee  
31 calculated pursuant to Sub-item (7)(a) of this Rule, the applicant shall pay the remaining balance  
32 due.
- 33 (b) The donation of conservation easements to satisfy compensatory mitigation requirements shall be  
34 accepted only if the conservation easement is granted in perpetuity.
- 35 (c) Donation of real property interests to satisfy the mitigation determination shall be accepted only if



such property meets all of the following requirements:

- (i) The property shall be located within an area that is identified as a priority for restoration in the Basinwide Wetlands and Riparian Restoration Plan for the Catawba River Basin developed by the Department pursuant to G.S. 143-214.10 or shall be located at a site that is otherwise consistent with the goals outlined in Basinwide Wetlands and Riparian Restoration Plan for the Catawba River Basin.
  - (ii) The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration.
  - (iii) The restorable riparian buffer on the property shall have a minimum length of 1000 linear feet along a surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water.
  - (iv) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the acreage of riparian buffer required to be mitigated under the mitigation responsibility determined pursuant to Item (3) of this Rule.
  - (v) The property shall not require excessive measures for successful restoration, such as removal of structures or infrastructure. Restoration of the property shall be capable of fully offsetting the adverse impacts of the requested use.
  - (vi) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation.
  - (vii) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and land acquisition costs.
  - (ix) The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended.
  - (x) The property shall not contain any hazardous substance or solid waste.
  - (xi) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations.
  - (xii) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort.
  - (xiii) The property shall not have any encumbrances or conditions on the transfer of the property interests.
- (d) At the expense of the applicant or donor, the following information shall be submitted to the Division with any proposal for donations or dedications of interest in real property:

- 1 (i) Documentation that the property meets the requirements laid out in Sub-Item (8)(c) of this  
2 Rule.
- 3 (ii) US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA  
4 Natural Resource Conservation Service County Soil Survey Map, and county road map  
5 showing the location of the property to be donated along with information on existing site  
6 conditions, vegetation types, presence of existing structures and easements.
- 7 (iii) A current property survey performed in accordance with the procedures of the North  
8 Carolina Department of Administration, State Property Office as identified by the State  
9 Board of Registration for Professional Engineers and Land Surveyors in "Standards of  
10 Practice for Land Surveying in North Carolina." Copies may be obtained from the North  
11 Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620  
12 Six Forks Road, Suite 300, Raleigh, North Carolina 27609.
- 13 (iv) A current appraisal of the value of the property performed in accordance with the procedures  
14 of the North Carolina Department of Administration, State Property Office as identified by  
15 the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal  
16 Practice." Copies may be obtained from the Appraisal Foundation, Publications Department,  
17 P.O. Box 96734, Washington, D.C. 20090-6734.
- 18 (v) A title certificate.
- 19 (9) RIPARIAN BUFFER RESTORATION OR ENHANCEMENT. Persons who choose to meet their  
20 mitigation requirement through riparian buffer restoration or enhancement shall meet the following  
21 requirements:
- 22 (a) The applicant may restore or enhance a non-forested riparian buffer if either of the following  
23 applies:
- 24 (i) The area of riparian buffer restoration is equal to the required area of mitigation determined  
25 pursuant to Item (3) of this Rule.
- 26 (ii) The area of riparian buffer enhancement is three times larger than the required area of  
27 mitigation determined pursuant to Item (3) of this Rule.
- 28 (b) The location of the riparian buffer restoration or enhancement shall comply with the requirements in  
29 Item (4) of this Rule.
- 30 (c) The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as  
31 measured horizontally on a line perpendicular to the surface water.
- 32 (d) The applicant shall first receive an Authorization Certificate for the proposed use according to the  
33 requirements of 15A NCAC 2B .0243. After receiving this determination, the applicant shall  
34 submit a restoration or enhancement plan for approval by the Division. The restoration or  
35 enhancement plan shall contain the following.

- (i) A map of the proposed restoration or enhancement site.
- (ii) A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity.
- (iii) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer.
- (iv) A fertilization plan.
- (v) A schedule for implementation.
- (e) Within one year after the Division has approved the restoration or enhancement plan, the applicant shall present proof to the Division that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of the State or a local riparian buffer ordinance.
- (f) The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions.
- (g) The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

*History Note: Authority 143-214.1; 143-214.7; 143-215.3(a)(1); S. L. 1999, c. 329, s. 7.1;*