



PALMETTO DUNES

PROPERTY OWNERS ASSOCIATION

A RESIDENTIAL RESORT COMMUNITY

**PDPOA LAGOON & LAKE
POLICIES, PROCEDURES & GUIDELINES (PPG's)**

Revised August 2017

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PDPOA LAGOON & LAKE POLICIES, PROCEDURES & GUIDELINES

1. FOREWORD

1.1 Covenants

The Palmetto Dunes (PD) covenants were established to assure and preserve certain high standards of aesthetics and materials, and to create certain procedures to enable the community to permanently control the quality of its neighborhoods and resort amenities, including the lagoon and lakes within the resort.

Two sections of the PD covenants specifically address matters pertaining to the lagoon and lakes: **Section 3-22: Limitations As To Use of Bodies of Water**; and **Section 6-5: Maintenance of Docks and Decks**.

Section 3-10: Unsightly Conditions pertains to all properties.

A section of the PD Resort Regulations specifically addresses lagoons: **Section C. Lagoons**. The **Shoreline Management & Bulkhead Policy** addresses non-compliant bulkheads, docks, and shorelines on the lagoon and lakes.

Greenwood Communities & Resorts (previously Greenwood Development Corporation) has retained certain rights with respect to common properties within Palmetto Dunes through the **Transition Documents**. **Transition Document #5** refers specifically to the lagoon system.

The Leamington Association (LA), which is the governing association for Leamington property owners, has similar covenants that address standards of aesthetics and materials. **Section 3-24** of the **LA covenants** addresses the maintenance of appearance and repair of properties.

The above sections and policies are reproduced in the Appendices.

1.2 Architectural Review Board

In addition to the covenants, Palmetto Dunes Property Owners Association, Inc. (hereinafter referred to as "PDPOA") has established Architectural Review Board Policies, Procedures & Guidelines (ARB PPG's) that address matters directly related to the lagoon, including, but not limited to: setbacks; docks and bulkheads; boat ramps; land clearing adjacent to the lagoon; and pool water backwashing. Refer to the ARB Policies, Procedures & Guidelines available on the PDPOA website (www.pdpoa.org) for details on these issues.

The Leamington Association also has an ARB, and their policies, procedures, and

guidelines regarding the lagoon are similar to those of the PDPOA. (You may contact a member of the Board of Directors of LA for more specific information.)

1.3 Lagoon & Lake Advisory Group

Under its authority granted by the PDPOA bylaws, the PDPOA Board of Directors created a Lagoon & Lake Advisory Group comprised of property owners and staff to recommend policies, procedures, and guidelines (PPG's) for lagoon operations, maintenance, repairs, access, safety, and aesthetic appeal. This document contains all of the PPG's, as approved by the PDPOA Board of Directors. In many cases, PPG's simply document current practices; in other cases, they address new issues and provide direction for making good decisions regarding one of our most prized amenities – the lagoon system in Palmetto Dunes.

By formal agreement with the PDPOA, the Leamington Association has permanent representation on the Lagoon & Lake Advisory Group.

1.4 Inquiries / Contact Information

Mail/walk-in: PDPOA
16 Queen's Folly Road
Hilton Head Island, SC 29928
Phone: 843-785-1109
Fax: 843-785-3589
Web: www.pdpoa.org

2. USE OF LAGOON AND LAKES

2.1 The Palmetto Dunes lagoon and lakes are for the enjoyment of all Palmetto Dunes and Leamington property owners, their invited guests, and renters of their property.

2.2 Approved activities include boating, kayaking, canoeing, fishing, and crabbing.

2.3 Swimming and paddleboarding in the lagoon and lakes are prohibited.

3. BOATS

3.1 Boat Limitations

3.1.1 Boats in the lagoon and lakes are limited to a maximum total length of eighteen (18) feet.

3.1.2 Boat canopies should be less than five (5) feet and five (5) inches in height in from the waterline of the empty vessel to the highest point on the canopy or stern light – whichever is greater – in order to fit safely underneath our bridges.

3.1.3 Only manual (canoes, kayaks) and electric powered boats are permitted in the

lagoon and lakes. Gas engines are prohibited except by PDPOA Facilities Management.

3.2 The lagoon and lakes are No Wake Zones. Care shall be taken to keep engine throttles in the low position in order to preserve our shorelines.

3.3 All boats must be registered with the PDPOA Department of Security Operations located at 16 Queen's Folly Road in Palmetto Dunes. This includes both electric and man-powered crafts. Registration requires:

- a \$15 registration fee;
- proof of property ownership within Leamington or Palmetto Dunes;
- proof of boat ownership; and
- a description of the boat.

Registered boats will be given a PDPOA registration decal, which shall be affixed to the port (left) side, stern (rear) of the boat. *Registration information is confidential and will not be shared with third parties.*

3.4 Boat Storage

3.4.1 For waterfront or buffer zone boat storage, large boats (electric, paddle, etc.) shall be tethered to a shoreline structure or secured in a boat ramp/lift. Small boats (kayaks, canoes, jon boats, etc.) shall be secured in a rack, ramp, or similar storage structure.

3.4.2 Boats may not be kept on the ground within the buffer zone.

3.5 Loose boats may present a hazard in inclement weather. If an unmanned boat leaves an owner's property for any reason, including a weather event, the property owner is responsible for retrieving his/her boat.

4. COMMUNITY BOAT RAMP

The Palmetto Dunes community boat ramp is located on the south side of Queen's Folly Road just beyond the inbound bridge.

4.1 The boat ramp may only be used by owners of property in Leamington and Palmetto Dunes Resort. Guests, renters, and others are not allowed to use the boat ramp.

4.2 Property owners must register their boat with the PDPOA Department of Security

Operations before they can use the boat ramp. (See 3.3)

- 4.3** Property owners can arrange for access to the boat ramp by contacting the PDPOA Department of Security Operations at 843-785-1120. An officer shall be present to unlock the boat ramp and supervise its use. (Please be patient if an officer is not immediately available.) Personal identification and evidence of property ownership (e.g., a driver's license showing a Palmetto Dunes or Leamington address) must be provided to the officer at the time of launch or retrieval.
- 4.4** The boat ramp is intended for launch and retrieval of boats permanently in the lagoon. Daily launches and retrievals are prohibited.
- 4.5** Use of the boat ramp by boat dealers shall be arranged by the property owner. The property owner must be present for the launch or retrieval. New boats must be registered before being launched. Trucks used by dealers or other outside firms must have a PD pass for entry into PD and to use the boat ramp.
- 4.6** Use of the boat ramp by boat maintenance firms shall be arranged by the property owner. The property owner must be present for the launch or retrieval or, alternatively, notify the PDPOA Department of Security Operations in writing and in advance that he/she approves of his/her boat being removed from the lagoon by a specific maintenance company on a specific date. Written approvals must include the boat registration information and the property owner's PIN (personal identification number). Written approvals can be mailed to the PDPOA Department of Security Operations at 16 Queen's Folly Road, Hilton Head Island, SC 29928 or faxed to 843-785-1189.
- 4.7** Boat maintenance or boat cleaning tasks may not be performed in the area of the boat ramp. Boats must be removed from the area for maintenance or cleaning.
- 4.8** Parking is not permitted in the boat ramp area. Boats may be launched or retrieved, but vehicles and boat trailers must then be immediately removed. Parking regulations will be enforced, and illegal parking in the boat ramp area will result in a parking citation and fine.
- 4.9** A property owner assumes all risks and liability associated with his/her use of the boat ramp, including, but not limited to: personal injury, damage to his/her boat, damage to the boat ramp, or damage to adjoining property.

5. COMMUNITY OBSERVATION DECKS, DOCKS, AND LAUNCHES

There are two community kayak/canoe launches. One is located on the west side of the bridge just after the North Gate on Mooring Buoy in the Mariners section of Palmetto Dunes; the second is located on the east side of St. George to the inside of the small island in the Inverness section of Palmetto Dunes. An observation/fishing deck is located just beyond the Queen's Folly inbound bridge on the outside of the leisure path.

5.1 Vehicle and/or trailer parking is prohibited at these areas. Boats may be launched or retrieved, but vehicles and boat trailers must then be immediately removed. Parking regulations will be enforced, and illegal parking in the boat ramp area will result in a parking citation and fine.

5.2 A property owner assumes all risks and liability associated with his/her use of the kayak/canoe launches, including, but not limited to: personal injury, damage to his/her boat, damage to the launches, or damage to adjoining property.

6. FISHING

6.1 Property owners, guests, and renters are allowed to fish in the lagoon and lakes from boats, kayaks, or canoes from the launches and observation decks, and from land in the common areas of Palmetto Dunes and Leamington. Owners of property and their guests with direct access to the lagoon or lakes may also fish from their own property.

6.2 Fishing from bridges is not allowed due to safety concerns.

6.3 Fishing from golf course property is not permitted.

6.4 South Carolina Department of Natural Resources (SCDNR) fishing regulations apply to all persons fishing in the lagoon and lakes within Palmetto Dunes, and fishermen should know and follow those regulations. Regulations include size and catch limits for most species of fish.

6.5 Fishermen will need a valid SCDNR fishing license to fish in Palmetto Dunes. A license may be obtained over the phone by calling SCDNR at 866-714-3611.

6.6 All fisherman shall practice "catch and release" to preserve our captive fish population and stocking efforts.

6.7 Regardless of where they are fishing, fishermen shall abide by Palmetto Dunes and Leamington vehicle parking regulations.

7. WILDLIFE

Feeding wildlife in the lagoon and lakes is strictly prohibited. This includes, but is not limited to, all fish, birds, reptiles, amphibians, and deer.

8. TIDE GATES AND LAGOON LOWERINGS

The PDPOA may raise and lower water levels at scheduled and unscheduled times. The PDPOA expressly retains all rights to adjust water levels as it deems appropriate.

9. TREES AND FOLIAGE ON WATERFRONT PROPERTY

9.1 Dead, diseased, damaged and /or defective trees and vegetation pose a threat of injury to persons and damage to property. Under South Carolina law, property owners may be financially responsible liable for damages caused by such trees and vegetation. The PDPOA deems dead, diseased, damaged and/or defective trees and vegetation as Unsightly Conditions. Property owners should immediately remove any trees, limbs, or vegetation leaning over the lagoon or lakes (encroaching beyond the high water mark) if they if they are dead, diseased, damaged, or defective and remove any trees, limbs, or brush from the lagoon or lakes that have fallen from their property.

9.2 Property owners should trim any trees, limbs, or brush that are breaking the water's surface of any adjacent lagoon or waterway to a minimum of one (1) foot above the surface. Failure to do so may result in the complete removal of such vegetation by the PDPOA at its discretion and without further notice to the property owner.

9.3 Before removing a tree or performing any trimming, property owners must first contact the PDPOA ARB for a permit application: 843-785-1109 or www.pdpoa.org for Palmetto Dunes, or 843-837-3278 for Leamington.

There is a twenty (20) foot vegetative buffer from the water's edge inward on every waterfront property in Palmetto Dunes that is regulated by the Town of Hilton Head Island. Removal or trimming of any tree/shrub that is not fallen, dead, diseased, or dying in this buffer will need to be approved by the Town prior to being approved by the Palmetto Dunes ARB. Full Tidal Wetlands Regulations are available on the Town of Hilton Head Island's website. (www.hiltonheadislandsc.gov)

9.4 While the twenty (20) foot vegetative buffer may remain in a natural state, it is the responsibility of the property owner to perform or schedule regular maintenance to ensure that the property remains in compliance with Palmetto Dunes Covenants and PDPOA policies.

9.5 Fertilizer and pesticides must not be used within the twenty (20) foot vegetative buffer adjacent to the lagoon and lakes. These chemicals may infiltrate the water from rainwater runoff, which harms fish and other aquatic life in our waterways.

9.6 Grass clippings, leaves, pine straw, or any other material shall not be swept, raked, or blown into the lagoon or lakes. Property owners shall ensure that their landscape maintenance company is aware of these regulations.

10. SWIMMING POOL WATER DISCHARGE

10.1 Swimming pool water discharge (as a result of backwashing the pool filter and/or draining the pool) is not allowed to empty into or near the lagoon or lakes.

10.2 Swimming pool water discharge must remain on the property owner's property and be absorbed naturally into the soil. Even a small amount of chemically treated pool water can have a negative effect on water quality and aquatic life in the lagoon and lakes.

10.3 Contact the PDPOA ARB for accepted swimming pool discharge practices.

11. DOCKS, BOAT RAMPS, AND BULKHEADS

11.1 Docks, boat ramps, and bulkheads on the lagoon and lakes must be kept in good repair and be safe, clean, and orderly in appearance at all times. In addition to routine maintenance such as painting and/or staining wood above the high water line, property owners shall keep docks free of clutter and trash.

11.2 Repairs are necessary if boards or other construction materials are loose, rotted or detached; if the support structure is weak or is leaning; or if the dock, boat ramp, and/or bulkhead is hazardous or unsafe. Property owners must apply for an ARB permit prior to making any repairs.

11.3 Only biodegradable, non-foaming cleaners that contain no bleach or chlorine

may be used to clean docks, boat ramps, and bulkheads.

12. REVISIONS

These policies, procedures, and guidelines are subject to periodic revision and modification.

***THE PDPOA RESERVES THE RIGHT TO REQUIRE ADHERENCE TO THE ABOVE GUIDELINES THAT,
IN ITS SOLE JUDGMENT, HAVE NOT BEEN FOLLOWED.***

APPENDICES

APPENDIX I. PDPOA Covenants Related to the Palmetto Dunes Lagoons and Other Bodies of Water

Section 3-10: Unsightly Conditions. It shall be the responsibility of each Property Owner and his Lessees to prevent and remove the accumulation of litter, trash, packing crates or rubbish, or the development of any unclean, unsightly or unkempt conditions of buildings or grounds on the Property either before, during or after construction, and each Property Owner and his Lessee shall prevent and remove accumulations which tend to substantially decrease the beauty of the specific property or the community as a whole.

Section 3-22: Limitations As To Use of Bodies of Water. The lagoons, lakes, ponds and other bodies of water within the boundaries of Palmetto Dunes Resort are intended for the use and enjoyment of Palmetto Dunes Resort property owners, their guests and invitees and the enhancement of the entire Palmetto Dunes Resort property. To provide for the full enjoyment of the aforementioned water courses and bodies of water and to preserve water quality and to minimize erosion due to water turbulence, no combustion type engines shall be operated in said water courses or bodies of water within Palmetto Dunes Resort without the express written permission of Palmetto Dunes Property Owners Association, Inc. (the PDPOA) which permission may be arbitrarily withheld.

The PDPOA retains ownership of all bodies of water referred to above and expressly reserves unto itself, its successors and assigns, every reasonable use and enjoyment of said lagoons, water courses and bodies of water in a manner not inconsistent with this Declaration. It is further expressly recognized that many of said bodies of water perform valuable drainage functions requiring water levels to be raised and lowered from time to time in connection with which the PDPOA expressly retains all rights to adjust water levels as drainage requirements dictate.

Section 6-5: Maintenance of Docks and Decks. All lot or parcel owners who construct or cause to be constructed said docks and/or boathouses, must maintain said structures in good repair and keep the same safe, clean and orderly in appearance at all times, and further agree to paint or otherwise treat with preservatives all wood or metal located above the high water mark, exclusive of pilings and to maintain such paint or preservatives in an attractive manner. The PDPOA shall be the judge as to whether the docks and/or boathouses are safe, clean, and orderly in appearance, and properly painted or preserved in accordance with reasonable standards. Where the PDPOA

notifies the particular lot or parcel owner in writing that said dock and/or boathouses fail to meet acceptable standards, said lot or parcel owner shall thereupon remedy such conditions within thirty (30) days to the satisfaction of the PDPOA, and that failing to so remedy such conditions, the lot or parcel owners hereby covenant and agree that the PDPOA may make the necessary repairs, but is not obligated to make such repairs or take such actions as will bring the said dock and/or boathouse up to acceptable standards, all such repairs and actions to be at the expense, solely, of the lot or parcel owner in question and the PDPOA shall be entitled to reimbursement for such expenditure in the same manner and under the same terms as is provided in Section 8-10 [of these covenants].

APPENDIX II. Excerpt from Palmetto Dunes Resort Regulations (2004)

LAGOONS – Only self-propelled (such as canoes and kayaks) and electric powered boats are permitted in the lagoons. No commercial fishing or other commercial use is allowed without prior approval in the form of a license issued by PDPOA. Boats and fishing must comply with South Carolina law. The entire lagoon system is a no wake zone. Property Owners are responsible to keep bushes and trees from hanging into the lagoon and must remove any that fall into the lagoon. All docks and bulkheads shall be maintained in good repair so as to prevent any unsightly, unclean, unsafe or unkempt condition. The fine for violation of this provision is \$75.00.

APPENDIX III. Excerpt from Transition Document #5 Related to the Lagoon System

Transition Document #5, Exhibit “B” – COMMON PROPERTIES CONDITIONS, EASEMENTS, RESTRICTIONS, LIMITATIONS AND RESERVATION

Section 13 - Grantee is restricted from passing any rule and/or regulation, or modifying any restrictions or covenants, which would diminish the rights herein reserved unto Grantor or any right invested with Grantor, whether intentional or gratuitous, or to decrease the standards of practice with respect to the maintenance of such Common Properties, e.g., the lagoon system, as currently exist.

APPENDIX IV. Excerpt from Leamington Association Covenants

Section 3-24: Duty to Keep Property Attractive and in Good Repair

It shall be the affirmative duty of each Property Owner and the co-owners within a Horizontal Property Regime to: prevent and remove the accumulation of litter, trash, packing crates or rubbish, or the development of any unclean, unsightly or unkempt

conditions of buildings or grounds on the Property either before, during or after construction; to remove accumulations which tend to substantially decrease the neat and attractive appearance of the Property Owners' individual property or the Property as whole; and, to keep their buildings, structures and improvements in good repair.

APPENDIX V. Excerpt from PDPOA Shoreline Management & Bulkhead Policy (2016)

Implementation Strategies.

2. Shoreline Evaluation

PDPOA will conduct annual shoreline inspections to identify deficiencies; the

- Lagoon & Lake Advisory Group will assist with the inspection process. (Attachment 3 – Shoreline Survey Form)
- PDPOA will hire a qualified engineering firm to prepare written evaluations of the properties categorized as “Unsatisfactory.”
- PDPOA will maintain a survey of shoreline conditions.

3. Lagoon Easements

- On the Mariners side of the lagoon system, there are ten (10) feet wide strips of land owned by PDPOA, located between individual lots and the water's edge. Many owners have accepted maintenance responsibilities associated with these areas through easement agreements with PDPOA (Note: several years ago Greenwood also deeded a few of these strips to the adjacent property owners before the Town determined this a violation of the PD Master Plan). The ARB requires a copy of the executed lagoon easement before issuing a dock and/or bulkhead permit on PDPOA property. Since many docks and bulkheads were constructed before lagoon easements were required, there are questions regarding maintenance responsibilities. It is the position of this policy that even if a property owner has not accepted the easement, the owner is responsible for maintaining the dock and/or bulkhead that serves their property.
- It is the intent of this policy to encourage owners to accept lagoon easements.
- It is not the intent of this policy for PDPOA to replace docks or bulkheads within the lagoon easement.

4. Compliance

- Properties with lagoon easements which are identified as being in an “Unsatisfactory” condition shall be brought up to at least a “Fair” condition (as defined on the Shoreline Survey Form) through the following compliance actions.
 - Step 1: Letter to property owner identifying deficiencies and requesting acknowledgement of receipt within 30 days and

corrective repair or replacement within 90 days; if no response, call or email within 45 days; if no response after 90 days from 1st letter, go to Step 2.

- Step 2: 2nd letter to property owner requesting meeting within 30 days and informing property owner that PDPOA has the authority to remedy the condition and seek reimbursement from the owner through legal action.
 - Step 3: If no response to 2nd letter, no meeting, or no other action, PDPOA will endeavor to remedy the condition at the owner's expense pursuant the lagoon easement agreement.
- Properties without lagoon easements which are identified as being in an "Unsatisfactory" condition shall be brought up to at least a "Fair" condition (as defined on the Shoreline Survey Form) through the following compliance actions.
- Step 1: Same as above
 - Step 2: 2nd letter to property owner requesting meeting within 30 days and informing property owner that PDPOA has the authority to remove their dock and/or stabilize the shoreline in front of their property (Note: methods for stabilization will require coordination with PDPOA's engineering consultant and ARB).
 - Step 3: If no response to 2nd letter, no meeting, or no other action, PDPOA will remove dock and prepare a shoreline restoration plan for ARB consideration.