

# **DESIGN GUIDELINES**

## **MIDDLE ISLAND PROPERTY OWNERS ASSOCIATION MEMBERS**

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# INTRODUCTION

## Purpose of the Design Guidelines

The Middle Island Property Owners Association Covenants were drafted and adopted by the property owners of Middle Island. Within these Covenants the property owners created the Design Guidelines and the Architectural Review Committee to support their goal of “enhancing and protecting the value, desirability and attractiveness” of Middle Island properties and maintaining the environment in which they exist. These Design Guidelines contain basic requirements that support the intention of the Covenants to promote a harmonious community aesthetic and a conservation consciousness. The Guidelines also contain a uniform review process of clear expectations and design requirements for obtaining approval of the Architectural Review Committee.

- **The members of the Middle Island Property Owners Association (hereafter referred to as MIPOA) have the right to amend the language of the Covenants and the MIPOA Board of Directors has the responsibility to amend, interpret and enforce the Design Guidelines based on current community standards.**
- **No Middle Island Architectural Review Committee (hereafter referred to as MI ARC) or Bald Head Association Architectural Review Committee (hereafter referred to as BHA ARC) decision or existing house design on Middle Island shall be considered a precedent.**
- **Grandfathering of existing non-conforming structures. Any non-conforming structure, driveway or other improvement, existing on a Lot as of the execution of this Declaration shall be deemed in compliance with the provisions of this Article. In the event the non-conforming structure is damaged, it may be replaced provided the location, design, and size of the structure are not materially changed. (MI covenants Article VI 6.22)**
- **All submittals for review by the MI ARC must be in compliance with the most current version of the MIPOA Design Guidelines.**
- **MIPOA employs a liaison between the MI ARC and property owners, the BHA ARC Coordinator (hereafter referred to as the Coordinator). This person will assist applicants with the approval process, review submittals, and complete site management and final required inspections. For submittal requirements or questions, contact the BHA to reach the Coordinator. Call 910-457-4676, ext. 29**
- **All submittals go to the BHA Office in care of the ARC Coordinator. All copies of the materials submitted will be retained by MIPOA for consideration and shall be subject to the Association’s documents retention and destruction protocol. Please retain duplicates of any documents you submit to the MI ARC for your records.**

- **The property owner is responsible for compliance with the Covenants and Design Guidelines and assuring compliance fulfillment by their designees.**
- **BEACH LOTS: 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22, 23,24, 25,26,27,28,29,31 (All lots on East Beach Drive) • FOREST LOTS: All other MI lots**

## **Applicability of the Design Guidelines**

These Design Guidelines apply to the properties that are subject to the Middle Island Amended and Restated Declaration of Covenants, Conditions and Restrictions, recorded May 22, 2015 (hereafter referred to as “the Covenants”). Additionally, in accordance with MIPOA Covenants any exterior changes including but not limited to landscaping and tree removal must be approved by the MI ARC.

## **Common Area**

These guidelines also apply to Common Areas owned by the MIPOA. No clearing, landscaping or improvements of any type may occur on these properties without the permission of the MIPOA Board of Directors.

## **Function of the Architectural Review Committee**

The Architectural Review Committee (ARC) was established within Article 6 of the Covenants to administer the Design Guidelines and to review all applications for new construction and renovations on any of the properties. MI ARC approval is required prior to undertaking any new construction, exterior renovations or site work. When reviewing a submitted set of plans, the MI ARC may require compliance with requirements that, although not itemized specifically, are supported by sections of the Design Guidelines and the Covenants.

## **What Requires MI ARC Approval**

As noted in Appendix G, the Covenants in Article VI section 6.19 state that **“No site preparation or initial construction, erection or installation of any improvements, including but not limited to, residences, outbuildings, fences, walls, screens (whether by plants or structures) and other structures shall be undertaken upon Middle Island unless the plans and specifications therefore showing the nature, kind, shape, height, materials, including color schemes, and location of the proposed improvements shall have been first submitted to the Association or its designee and have been expressly approved in writing by such entity or its designee.”**

## **General Landscaping Concerns**

MI ARC review and **approval is required** before the removal of trees 3 inches in diameter measured 48” along the trunk from ground level, tree limbs of 3 inches or more in diameter, clustered growth vegetation 2 square feet or more at ground level, regardless of branching habits or diameter of the branches. Within the understory, MI ARC approval is also required to remove vegetation 1 inch or greater in diameter measured 48” along the trunk from ground level. No activity/utilization is allowed on a vacant lot (See Below) Note the property owner is ultimately responsible for following these guidelines.

## Unimproved Properties For Construction Or Sale

Changes in landscaping, trimming and/or plant removal are not allowed on unimproved (vacant) properties except as specifically detailed in this section.

**Lot clearing for survey or staking:** Some clearing of understory trees and shrubs may be required to prepare a site for survey or to stake the proposed building site. Permission to clear such understory trees and shrubs shall not be required by the MI ARC or Building Inspector for the purpose of surveying, but clearing shall be limited to vegetation less than a 1 inch in diameter at 48 inches as measured along the trunk from ground level or any tree limb less than 3 inches in diameter. Any vegetation larger than this or any vegetation that exists as clustered growth or having horizontal branching habits must be approved for removal regardless of size of diameter. Exception: It is understood that when surveying to establish the property lines of a lot, vegetation may impede the ability of the surveyor to establish a sight line. Any vegetation directly in the sight line less than 3 inches in diameter at 48 inches as measured from the base at ground level may be removed. **MI ARC approval must be granted** to remove any vegetation 3 inches or greater in the sight line. Violations of this requirement are subject to mitigation and fines.

**For Maintenance / Sale:** Clearing the understory or clearing for the sole purpose of selling a lot is not permitted. **MI ARC APPROVAL IS REQUIRED** before clearing any vegetation on all unimproved properties but for those being prepared for survey or staking (a proposed building site). There is one exception to this MI ARC approval mandate. In order to provide ease of access, a path of 36 inches in width may be cleared as long as no trees, tree limbs or clustered growth subject to Village or MI ARC approval are disturbed. Such a path, if cleared, shall be mulched to minimize the potential effects of erosion. Any violation because of more extensive clearing will be subject to fines and/or mitigation.

## Review Process

### New Construction Review Process

The primary purpose of all reviews is: (a) to assess and confirm conformance with the Covenants and these Design Guidelines (including the NCDNR Storm Water Permit Regulations), and (b) to assess the impact of requested deviations and approve or disapprove such in the context of the stated objectives of the Covenants and these Design Guidelines. The review procedure for new construction projects is typically a three-step process wherein the property owner receives Draft, Preliminary and Final Reviews. The typical new construction project review process takes a minimum of three months. The property owner is solely responsible for compliance with the Covenants and Design Guidelines and assuring compliance fulfillment by their designees of the approved plan.

**The Coordinator** will assist applicants with the approval process, review submittals, and complete site management and final required inspections. For submittal requirements or questions, contact the Bald Head Association to reach the ARC Coordinator. Call 910-457-4676. The following rules will ensure a smooth review process:

1. **Submittals must fulfill all requirements** designated in the Review Process before the MI ARC will consider them. Plans must be **clear and detailed**.



2. It is advantageous to use architects and designers who are familiar with coastal construction and the environmental requirements of Middle Island and Bald Head Association. This helps to assure an appropriate level of competency and aesthetic desirability to maintain compatibility in this unique building environment.
3. The architect/designer is required to visit the site prior to his/her first submittal of a new construction or major renovation plan to the MI ARC.
4. While additional recommended items are not necessarily required for approval, their incorporation into the plan's design is **strongly encouraged**. When reviewing a specific set of plans, the MI ARC can require compliance with requirements that, though not itemized specifically, are supported by sections of the Middle Island Design Guidelines and the Covenants.
5. Pile driving, material deliveries or other construction activity are not permitted without written final approval by the MI ARC, a site management meeting with the BHA-ARC Coordinator, and an executed Pre-construction Site Management Compliance Form.
6. The owner should begin the review process early in the planning stages to accommodate the process and any unforeseen delays. Deadlines: All submittals intended for the MI ARC agenda must be received by 14th of each month. Draft and Preliminary submittals must include one full-size printed copy, an emailed PDF copy and an emailed AutoCAD-compatible copy. All Final Reviews require two full-size printed copies, an 11 x 17 printed copy, an emailed PDF copy and an emailed AutoCAD-compatible copy. Once approved, one of the full-size copies will be stamped and available for pick-up at the BHA ARC office by the property owner or their designated builder.
7. Submittals received after the deadline or incomplete submittals will be deferred to the following meeting. Copies of submittal applications are provided in the Forms Section for reference, copying and use by the applicant.
8. **Fees:** Fees related to the Submittal Process may be found in Appendix A. Any submittal requiring a fee must include the fee in order to be considered complete. All fees are subject to annual review and update by the MI Board of Directors.
9. **Notifications:** Property owners will be notified in writing of all approvals (or disapprovals) granted by the MI ARC as soon as possible following each meeting, but no later than 45 days following the meeting. For the owner's convenience and to speed delivery, email notification may be requested. All notifications will be sent by the Coordinator as the MI ARC agent.

## **Steps in the New Construction Review Process**

- Step One**      **Review the ARC Covenants:** Appendix G, Article VI and these Design Guidelines to determine if further restrictions are applicable to your property. Contact the Coordinator who is acting as our agent with any questions. Call 910-457-4676, ext 29.
- Step Two**      **Employ a registered surveyor** to obtain a complete survey as required and described within the Draft Review Section. This survey must be less than two (2) years old and must include existing vegetation.
- Step Three**      **Discuss plans** and visit the site with your architect/designer.

- Step Four**      **Draft Review:** A draft plan submittal is strongly recommended. This step will enable the Coordinator and MI ARC to consider the design aspects of the house and site. Revisions at this stage can save many hours of production time needed to meet preliminary submittal requirements. Submit one full-size printed copy, one emailed PDF copy and one emailed AutoCAD-compatible copy by the 14th of every month. The review fee is due with this submittal.
- Step Five**      **Preliminary Review:** Submit one full-size printed copy, one emailed PDF copy and one emailed AutoCAD-compatible copy for Preliminary approval after schematic design development by the 14th of every month.
- Step Six**      **Final Review:** Revise as required indicating each change with a “revision cloud” and a written description attached to the Final application specifying all changes made and include a Scaled Landscape Plan and Paint Application. Submit two full-size printed copies, one 11x17 printed copy, one emailed PDF copy and one emailed AutoCAD-compatible copy by the 14th of every month.
- Step Seven**      **Project approval** by the MI ARC is valid for 24 months from the date of approval. If the Village of Bald Head Island building permit has not been issued and on-site construction has not begun within the 24-month approval period, the MI ARC approval expires. If MI ARC approval expires before the project has been started, the construction deposit will be returned.

*Notes:* All submissions are sent to the BHA Office in care of the ARC Coordinator. If an owner wishes to proceed with an expired, approved project, the project will be subject to the New Construction review process based upon current Design Guidelines, Fees, and Deposits.

## **Steps in the New Construction Project Management and Completion Process**

- Step One**      As the representative of the property owner\*, the builder must schedule and meet with the Coordinator prior to any work being performed or any materials being delivered to the site to review and execute the Pre-Construction Site Management Compliance Form. The designated builder, as the property owner’s representative, is responsible for contacting the Coordinator to begin the Pre- construction site management process.

*Please note:* A forest lot requires the use of 36” high black silt fence for limits of construction fencing.

A non-forest lot requires the use of 48” high wooden sand fence for limits of construction fencing.

- Step Two**      A copy of the ‘As-Built’ survey and Certificate of Occupancy, as required by the

Village of Bald Head Island, must be submitted to the Coordinator by 15 days of the Certificate of Occupancy issuance date and no later than two (2) days before scheduling a final on-site project inspection with the Coordinator.

**The final on-site project inspection with the Coordinator must be scheduled by the builder or property owner's representative and conducted within 60 days of the Certificate of Occupancy issuance date.**

**Step Three** Once the Certificate of Occupancy is issued, any request to delay completion of the landscaping plan must be submitted in writing and approved by the MI ARC. Steps for addressing damages due to construction must likewise be addressed in writing at this time.

**Step Four** Once the final inspection by the ARC Coordinator is complete and there are no violations, the Construction Deposit will be refunded. All deposits will be held until 100% of the work is complete.

**\*The responsibility for the accuracy and execution of the building site plan and design during the construction process belongs to the property owner. The BHA site management and final inspection processes help to verify compliance with the Design Guidelines but does not guarantee the accuracy of implementation and construction of the site plan or overall design.**

Requirements of the Submittal Process Complete application submittals must be received by the 14th of every month.

Application submittals received after this specified deadline will most likely be included on the agenda for the next month. The committee will respond within 45 days.

**Incomplete application submittals will not be included on the MI ARC agenda.**

## **Draft Review**

This highly recommended first step has been established to give overall consensus on the general project plan. The architect/designer is highly encouraged to attend this session and is welcome to attend any additional reviews.

1. The Review Application for New Construction and the Architectural Questionnaire completed.
2. The appropriate Review Fee must be included with the application for the submittal to be considered complete.
3. Survey. Must be sealed by a registered North Carolina surveyor and scaled 1" = 10'0". It must include:
  - a) property lines with dimensions and bearings

- b) existing contours at one-foot maximum intervals, each indicating elevation above sea level
- c) existing tree location of every tree with a minimum caliper of 3 inches in diameter measured 48" along the trunk from ground level and clustered growth vegetation 2 square feet or more at ground level, regardless of branching habits or diameter of the branches
- d) north arrow
- e) setback limits
- f) the survey must include the required sightline setback calculations for oceanfront properties
- g) the survey must be less than two (2) years old

4. Schematic Drawings:

- a) Site Plan at 1" = 10'
  - 1) north arrow
  - 2) property lines with dimensions and bearings
  - 3) existing and proposed contours
  - 4) location of all trees to be removed that are over 3" in caliper at 48" height from grade (noted "removed")
  - 5) roof plan shown to side at same scale
  - 6) first floor elevation (FFE) indicated
  - 7) setback limits shown
  - 8) building accurately located from property line
  - 9) overhangs indicated with dashed lines
  - 10) drives and walks shown
  - 11) FEMA Zone designation and Base Flood Elevation indicated
- b) Floor Plans at minimum 1/4" = 1' 0" These should include each floor, mezzanine and ground level plan.
  - 1) room uses labeled
  - 2) all walls shown
  - 3) all windows and doors shown
  - 4) all overhangs of floors or roofs above shown as dashed lines
  - 5) dimension overall limits of plans
- c) Elevations at 1/4" = 1' 0". One for each major exposure including all accessory structures.
  - 1) show how building relates to ground level
  - 2) show screening type and location (this includes screening utilized for the HVAC and trash enclosures)
  - 3) indicate overall height from ground to ridge of roof
  - 4) indicate overall height from virgin low point under the house to ridge of roof
  - 5) indicate relationship of finished first floor to FEMA flood elevation

## **Preliminary Review**

The Preliminary submittal will reflect the development stage of an architect's/designer's design. This important step in the Review Process allows revision and responses to the comments and requests received from the MI ARC at the Draft Review. Drawings should consist of no more than 9 pages. Any additional drawings, beyond what is required, may be included only in the emailed PDF copy.

### **A Preliminary Review submittal has the following requirements:**

1. The Review Application for New Construction and the completed Architectural Questionnaire.
2. The appropriate Review Fee must be included with the application for the submittal to be considered complete.
3. A survey that must be sealed by a registered North Carolina surveyor at a scale of 1" = 10' must also provide:
  - a. property lines with dimensions and bearings
  - b. existing contours at one-foot maximum intervals, each indicating elevation above sea level
  - c. existing tree location of every tree with a minimum caliper of 3 inches in diameter measured 48" along the trunk from ground level and clustered growth vegetation 2 square feet or more at ground level, regardless of branching habits or diameter of the branches
  - d. a north arrow
  - e. setback limits
  - f. the survey must include the required sightline setback calculations for oceanfront properties survey must be less than two (2) years old
4. **Schematic Drawings:**
  - a. Site Plan at 1" = 10' 0" scale This page should include:
    - 1) a north arrow
    - 2) property lines with dimensions and bearings
    - 3) existing and proposed contours
    - 4) the location of all trees to be removed that measure 3 inches in diameter at 48" along the trunk from ground level and clustered growth vegetation 2 square feet or more at ground level
    - 5) roof plans, including any accessory structures, shown to size at same scale
    - 6) indicated first floor elevation (FFE)
    - 7) shown setback limits shown
    - 8) the building accurately located from property line
    - 9) the dwelling to be indicated as ground level or first floor plan if less than 6' above grade, with entry areas and all stairs delineated
    - 10) overhangs indicated with dashed lines

- 11) the location of non-stacked guest parking for two carts within setbacks
- 12) the location and dimensions for drives and walks
- 13) the location of exterior showers, HVAC, and trash enclosures
- 14) the location of the electric meter, including any necessary platforms or steps (cannot be located in setback)
- 15) indicated exterior lighting locations and styles, honoring the Lighting Section directives of these Design Guidelines that prohibit exposed lights and require down shielding
- 16) FEMA Zone designation and indicated Base Flood Elevation
  - a. specified lay-down area for materials storage
  - b. specified limits of construction line (fencing) beyond which no grading, clearing or thinning, construction traffic or storage of materials will be permitted. See fencing information.
- 17) the location of Village address bollard(s)
- 18) the location of the Village YES/NO garbage tag (see specific guidelines)
- 19) concrete or paver driveway apron at road edge on paved roads if applicable
- 20) a data block added to the side of the plan that includes the following calculations: lot size, total impervious site coverage breakdown, total building coverage for all structures above 30 inches, heated square footage breakdown and calculations pertaining to the 50 percent rule, (if applicable) revealing the footprint and volume of each level

**NOTE:** The heated (finished) square footage of each level is the sum of the heated (finished) areas on that level measured at the floor level to the exterior finished surface of the outside walls. The heated square footage calculation is based on the American National Standards Institute's (ANSI) method for calculating heated (finished) square footage for single-family residences. This standard applies to all projects.

**b. Floor Plans at minimum 1/4" = 1'0" scale**

These pages should include for each floor and ground level plan:

- 1) labeled room uses
- 2) all walls, windows and door openings shown and dimensioned
- 3) all windows and doors with swings shown, including the style of windows and doors selected
- 4) all overhangs of floors and roofs above labeled and shown as dashed lines on first and second floor plans
- 5) all fixtures, cabinets and appliances shown
- 6) overall limits of plans of first and second floors with complete floor plan dimensions

- 7) the ground level plan indicating driveway location, stairway, garage, boat storage concealment plan and grade level screening for trash, HVAC and outdoor shower enclosures

**c. Roof Plans at  $\frac{1}{4}'' = 1'0''$  scale**

This page should include the roofs of the house and all accessory buildings:

- 1) all slope/pitch dimensions
- 2) all overhang dimensions indicated with a dashed line and measurements

**d. Elevations at  $\frac{1}{4}'' = 1'0''$  scale**

These pages should provide the following information for the house and accessory buildings elevations:

- 1) how the building relates to ground level
- 2) the grade level screening type, design details and location
- 3) materials and design details for the exterior of the proposed structure
- 4) materials and design details for the trash, HVAC and outdoor shower enclosures (including access platform and stairs if required for HVAC/electric)
- 5) the overall height from ground to ridge of roof
- 6) the overall height from the virgin low point at the house footprint perimeter to ridge of roof
- 7) the dimensions of the eave and rake overhangs
- 8) the primary and secondary roof pitches
- 9) the relationship of finished first floor to FEMA flood elevation
- 10) the exterior lighting and fixture details

**e. Wall Sections at  $\frac{3}{4}'' = 1'0''$  scale**

This page should include for the house and accessory building sections:

- 1) typical wall from ground to roof ridge details at a minimum scale of  $\frac{3}{4}'' = 1'0''$
- 2) overhang measurements
- 3) typical decks and railing details
- 4) typical screened porch details

**f. Detail Plans at  $\frac{1}{4}'' = 1'0''$  scale**

This page should include the house and accessory building's details and indicate the materials, dimensions and design for:

- 1) the HVAC enclosure
- 2) trash enclosure
- 3) fencing, if applicable
- 4) columns
- 5) railings

- 6) walkways and driveways, if these details were not included on the site plan
- 7) brackets, if applicable
- 8) lighting fixtures
- 9) grade-level screening
- 10) window and door trim
- 11) garage doors
- 12) other

**g. Electrical plans at  $\frac{1}{4}$ " = 1'0" scale**

This page should include the location of all house and accessory building exterior lighting fixtures. The site plan must include the location of all pathway lighting. Specifications must be included for all proposed exterior lighting fixtures including lumens, source to baffle measurements and color temperature per the Design Guidelines.

**NOTE: At the time of the Preliminary Review submittal, the corners of the house must be staked on the lot in the proposed locations. Trees to be removed must be flagged with surveyor's tape.**



## Final Review

### A Final Review submittal has the following requirements:

1. The Review Application for New Construction and the Architectural Questionnaire in completed final form
2. The construction MIPOA deposit and Property Owner's Agreement
3. Road cut application
4. The impact fee calculated at \$2 per heated square foot
5. The completed Roof / Paint / Color Application Form
6. The completed scaled Landscape Plan
7. Final Drawings:
  - a. **Site Plan** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - b. **Floor Plans** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - c. **Roof Plans** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - d. **Elevations** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - e. **Wall Sections** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - f. **Details Plans** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - g. **Electrical Plans** - Revised as required by the Preliminary Review indicating each change with a "revision cloud"
  - h. **Landscape Plan**
    - 1) Date of plan preparation, project name, address and name of property owner, North arrow, graphic scale (the required scale is 1" = 10')
    - 2) The site plan must include variety, size and location of plant material and dimensions of hardscape.
    - 3) Type and limits of seeded/sprigged area (dune areas)
    - 4) Plant list with quantity, botanical name, common name, size and special specifications.
    - 5) Detail drawings showing specifications for hardscaping—such as grill pads, planters, extra parking areas, pathways, decking, pavers, steppingstones, fences, arbors, notation of irrigation components, etc.
    - 6) Location for mitigation trees and clustered vegetation, as appropriate, if mitigation is required
    - 7) Calculation for any impervious surface square footage that the Landscape Plan will add to the existing site impervious coverage totals - including retaining walls, pavers and the use of other hardscape details.

- 8) Calculations for the percentages of plant material designated BHI native, North Carolina native and exotic. These percentage calculations are based on the total number of gallons of proposed plant material.

## **Changes During New Construction Review Process**

The MI ARC acknowledges that changes to an approved plan may need to occur during the construction process. Any such changes to the approved plan, however insignificant, must be submitted for MI ARC approval, prior to implementation in the field.

1. All Preliminary Review requirements apply.
2. The location of any change should be indicated with a “revision cloud” on the same page as the originally approved drawing.
3. Each proposed change should be indicated with a “revision cloud” on any subsequent drawings.
4. Submittals should include the following:
  - a. Change application
  - b. Applicable review fee
  - c. One full-size printed copy of plans
  - d. One emailed PDF copy of plans
  - e. One emailed AutoCAD-compatible copy of plans
  - f. If the change application increases the square footage additional fees will be applied (see Appendices A)
5. Deadline: complete submittals must be received by the 14th of every month.

## **Renovation Review Process**

As noted in Appendix G, the Covenants in Article VI section 6.19 state that **“No site preparation or initial construction, erection or installation of any improvements, including but not limited to, residences, outbuildings, fences, walls, screens (whether by plants or structures) and other structures shall be undertaken upon Middle Island unless the plans and specifications therefor showing the nature, kind, shape, height, materials, including color schemes, and location of the proposed improvements shall have been first submitted to the Association or its designee and have been expressly approved in writing by such entity or its designee.”** Renovation Review applies to any building additions, any exterior alterations or any improvements enumerated in the Covenants. A submission for review of the proposed renovations must contain:

1. A Change Application Form with a description and purpose of the renovations. A letter of intent may be included.
2. Site plan elevations and detailed drawings of proposed renovations to scale. The MI ARC may require an up-to-date site plan or “As Built” survey.

3. For oceanfront properties, a submittal for an oceanside addition must contain an 'As Built' survey that includes the required sightline setback calculations for oceanfront properties. (see Sightline Setback requirements page 108)
4. A Site Management Plan specifying limits of construction fencing and designating a location for the materials lay-down area, the dumpster and the portable restroom, as well as the location of proposed installation of protective measures for existing vegetation.
5. Material and color samples
6. A completed Paint Application Form with manufacturer's chips attached
7. The appropriate Review Fee

### **Renovation Categories:**

Major Renovations: There are 2 categories of Major Renovations.

**Category A** - Additions of 250 or more heated sq. ft. or 500 or more unheated sq. ft.

**Category B** - Additions of less than 250 heated sq. ft. or 250- 500 unheated sq. ft.

#### **Plan Requirements for Major Renovations:**

- Two scaled full-size printed copies
  - One emailed PDF copy
  - One emailed AutoCAD-compatible copy, if available
- Minor Renovations: There are 2 categories of Minor Renovations.

**Category A** - Additions of less than 250 unheated sq. ft., landscaping changes and other changes not categorized.

**Category B** - Replacement of an existing feature. e.g. garage door, front door, single window, etc.

#### **Plan Requirements for Minor Renovations:**

- One scaled full-size printed copy
- One 11 x 17 printed copy
- One emailed PDF copy
- One emailed AutoCAD-compatible copy, if available

**Major Renovations** typically involve additions of heated space; **Minor Renovations** typically do not involve heated space. Should more than 50% of an existing structure be removed or revised, it will be reviewed as new construction, subject to the New Construction Review Fee and current design guidelines. If an 'As Built' survey is not on file with the ARC coordinator submittals for a new accessory structure or additions in close proximity to the setback lines must include an 'As Built' survey as part of a complete submittal (see additional survey requirements for oceanfront properties). After a new accessory building or addition is complete an "As Built" survey - including the new structure, must be submitted to the ARC Coordinator at time of receiving the Certificate of Occupancy.

**Minor Renovations** typically do not alter of the form or significantly change elevations. However, the ARC Coordinator may determine, based on the size of a non-heated space project, that a higher review fee should be assessed.

If there is a question whether a change qualifies as a Minor Renovation or Major Renovation, the ARC Coordinator will consult with the MI ARC Chair. The change review fee must be submitted with the application. The site plan and elevations of proposed improvements may be provided by the applicant rather than an architect/designer if these submittals are presented professionally and drawn to scale. Major Renovations will be subject to the application requirements detailed under New Construction Review Process.

**Any change to the approved plan, however insignificant, must be submitted for MI ARC approval.** The location of any change should be indicated with a “revision cloud” on the same page as the originally approved drawing. Each proposed change should be indicated with a “revision cloud” on any subsequent drawings. If the approved renovation on-site construction has not begun within the 24 months after the date of the approval, the MI ARC approval expires.

Major renovation projects may require the property owner or the builder, as their representative, to meet with the MI ARC Coordinator prior to any work being performed or any materials being delivered to the site to review and execute the approved Pre-Construction Site Management Compliance Form. The builder or the property owner is responsible for contacting the Coordinator to begin the Pre-Construction Site Management process. Completion of the site management process is required and the property owner or designated representative (builder) is responsible for completing this process. The property owner is solely responsible for assuring all construction and improvements are in compliance with the approved plan.

## **Relocation Review Process**

Although the homeowner will not be charged a new construction fee, the relocation of a house will be treated as a new construction application. The applicant must contact the Coordinator to begin this review process.

Pile driving, material deliveries or other construction activity is not permitted without written final approval by the MI ARC, a site management meeting with the Coordinator and an executed Pre-construction Site Management Compliance Form.

## **Existing Structure Demolition Review Process**

The applicant must contact the Coordinator to begin this review process. If existing structures including but not limited to the main structure are going to be demolished, MI ARC approval is required prior to the commencement of any site work.

The Demolition Review application must be completed and submitted to the BHA Office in care of the ARC Coordinator for review.

## **Paint Review**

If an approved Paint Review application is on file, no approval shall be required to repaint the exterior of a structure with the originally approved color scheme. If an approved Paint Review

application is NOT on file, one must be filed with the Coordinator for review and approval before proceeding to paint.

1. Changes to any exterior paint/stain or roof colors must be submitted to the Coordinator for a MI ARC color review.
2. There is no charge for a color review.
3. An MI ARC Paint/Color application must be completed and include authentic manufacturer's color chips. The Paint/Color Application is available in the Forms section.
4. Once a painting project has commenced on a structure, it must be completed within three months (90 days). (Note: This includes power washing that has removed any exterior finish.)
5. Maintaining siding in an unfinished state is not allowed unless the original approval from the MI ARC was for unfinished siding.

## **ARC Decisions**

### **Notification of ARC Decisions**

A letter will be sent to the applicant within 45 days following the MI ARC review during which the decision was made. Any contingencies that are cited as part of a decision will be supported in the letter by direct references to the relevant documentation in the Design Guidelines or Covenants to ensure a clear understanding by the applicant and the applicant's agents of the decision and contingencies.

In verbal or written communication of MI ARC decisions, it is the responsibility of the MI ARC to make it clear why a plan was disapproved or why approval is being based on specific contingency items. While the MI ARC may choose to recommend some options that will correct a disapproved feature or plan item, it is not the Committee's role to offer a solution.

### **Approval Expiration**

MI ARC project approvals, including new construction, renovation, landscape, etc., are valid for 24 months from the date of approval. After 24 months, the approval for any project is considered expired. Any variance granted by the MIPOA Board of Directors in conjunction with the MI ARC project approval expires simultaneously with MI ARC project approval.

Property owners seeking to initiate a renovation or building project after their MI ARC approval has expired will be required to submit their plans as a new project and will be subject to the current Design Guidelines, current Review Fee Schedule and current Construction/Landscape Deposit.

#### **Time Limits on Building and Renovation Projects**

- 3 month limit for painting projects beginning with the power washing or other prep work

- 3 month limit on minor repairs that may not require MI ARC approval or Village permit
- 6 month limit for minor renovation projects beginning when building permit is granted
- 1 year limit for major renovation projects beginning when building permit is granted
- 2 year limit on new home construction projects beginning when building permit is granted. A variance may be requested if needed.
- The final on-site project inspection to establish that the new construction project has been completed in compliance with the approved plans must be scheduled with the ARC Coordinator by the project builder and conducted within 30 days of the Certificate of Occupancy issuance date

**NOTE:** Adjustments may be considered by the MI ARC for inclement weather and extenuating circumstances.

## **Appealing a Decision of the MI ARC**

### **STEP ONE: DECISION REVIEW MEETING**

Any Middle Island Property owner applicant disagreeing with a review decision of the MI ARC shall contact the MI ARC Chair to request a meeting before the MI ARC to review the reasons for the decision. The decision review meeting request, baring extenuating circumstances, must be made in writing by the applicant within 15 days of the date on the MI ARC letter notifying the applicant of the MI ARC review decision. The applicant must make the decision review meeting request in writing. The MI ARC will meet with the applicant no later than the next scheduled MI ARC meeting or such other later date as determined by the MI ARC, if possible not to exceed 30 days from receipt of the decision review request. The architect/designer and the applicant must be present in person or virtually at this meeting.

### **STEP TWO: NOTICE TO APPEAL**

If the Decision Review Meeting outcome did not satisfactorily resolve the issues, the applicant may appeal the MI ARC decision to the MIPOA Board of Directors by notifying the MIPOA President verbally or in writing of this intent within 15 days after the date of the MI ARC letter notifying the applicant in writing of the result of the Decision Review Meeting. The MI ARC Chair will be notified by the MIPOA President when a request for appeal is received.

### **STEP THREE: REVIEWING BODY**

The MIPOA Board may choose to refer the matter to an Independent Appeals Committee (IAC) for a recommendation or the MIPOA Board may elect to review the matter as a Board. Any reviewing IAC shall be comprised of a minimum of three persons appointed by the MIPOA Board. These IAC appointees may not be current members of the MIPOA Board or the MI ARC but must be BHI property owners.

#### **STEP FOUR: MEETING NOTIFICATION**

The MIPOA Board or IAC will conduct a hearing within 30 days of the appeal notification or such later date as may be agreed upon with the applicant. The MI ARC Chair and the applicant will be notified of the meeting time and date by MIPOA President.

#### **STEP FIVE: DOCUMENTATION**

Prior to this hearing, the MI ARC will communicate in writing any additional information the MIPOA Board requests or any additional information the MI ARC deems necessary to render a decision. The applicant also will communicate in writing any additional information the MIPOA Board requests or any additional information he/she deems necessary to state and support his/her case for appeal.

#### **STEP SIX: THE HEARING**

Representatives of the MI ARC and applicant may be present at the appeal hearing to answer questions. The MIPOA Board or IAC has the right to speak with each party individually and privately during the course of the hearing. The MIPOA Board or IAC also has the right to proceed with the appeals hearing in the absence of either party. Each participant will be given adequate time to present final comments to the MIPOA Board or IAC. They then will be excused from the hearing.

#### **STEP SEVEN: THE DECISION**

If an IAC is the reviewing body, it will present a written recommendation to the MIPOA Board and the supporting documentation upon which the recommendation is based. This documentation will include any written information provided by the parties for or during the hearing. The MIPOA Board will be informed if the IAC recommendation was not unanimous.

The Board will then render its decision. Consistent with the foregoing, if the IAC has made a recommendation, the Board may accept or reject the recommendation. In all events, the decision of the MI ARC being appealed needs at least a two-thirds vote of the MIPOA Board to overturn the MI ARC decision. The decision on the appeal will be mailed to both parties within 15 days of the hearing.

#### **NON-COMPLIANCE**

If an applicant refuses to comply with the decision of the MIPOA Board, the MIPOA Board may avail itself of the avenues provided in the Covenants for violations. The MIPOA Board may set a time limit for compliance, if appropriate.

#### **AMENDMENT OF PROCESS**

This appeals policy may be amended by a two-thirds vote of the MIPOA Board at any time when the MIPOA Board or an IAC is not involved in an active appeals process. MI ARC input will be solicited before the amendment is made.

#### **LIMITATIONS OF PROCESS**

The appeals process is available at any step in the Review Process, but applicants are encouraged to delay its implementation until they receive the results of the MI ARC's Final Review decision, thereby ensuring that all appropriate effort is taken to resolve the matter at the MI ARC level.

## **Amendments and Variances**

The MI ARC periodically may determine a need to amend the Design Guidelines. The Covenants state that any Design Guideline change must be approved by the MIPOA Board before implementation. If approved, the newly modified requirement will apply to plans under consideration at the time of the approval.

Situations may arise when the MI ARC determines approval should be granted despite the submittal's variance from a requirement indicated in the Design Guidelines. The Covenants authorize variances from compliance with the Design Guidelines in certain situations where practical difficulties and hardship in the enforcement of the Design Guidelines exist and need to be alleviated. Variances may only be granted when unique circumstances dictate and the granting of a variance in one situation shall not prevent the denying of a variance in other circumstances.

To protect the Association membership, the MI ARC Chair will notify the MIPOA Board that a variance has been requested and recommended. The MIPOA Board then will determine whether or not the variance will be granted. This decision will be sent to the applicant in writing. Any variance granted by the MIPOA Board expires simultaneously with MI ARC project approval expiration.

**NOTE: When Village approval is required for a variance, the MI ARC will delay any consideration of the variance request until a decision is rendered by the Village Board of Adjustment.**

## **Violations**

The Covenants mandate MI ARC approval for all home building plans and improvements. Should construction not comply with MI ARC approved submittals, the Covenants authorize the MI ARC to have the violations corrected according to the approved submittals or, if no approval exists, to have the non-compliant construction removed. Applicants or their representatives must bring any deviations from exterior approved plans to the attention of the ARC Coordinator immediately upon discovery for the MI ARC to review the deviation and determine if it may be permissible or if other action will be recommended. Applicants must not assume automatic approval of a construction detail because it currently exists on the island.

Damages may be assessed, and fines imposed of up to \$100 per day per violation. These fines are authorized by the Amended Covenants of the MIPOA Board Article X11 12.1 and the Planned Community Act Chapter 47F of the NC General Statutes. They become effective five days after the MIPOA Board's approval of the recommendations.

The required Refundable Construction Deposit will be used to reimburse any administrative expenses, costs of repairing damage to Common Areas, fees, fines and penalties incurred during the construction process. It will be returned in full at completion of the project upon the following conditions:

1. the project has been completed in accordance with the MI ARC approved plans;
2. no Common Areas or right-of-way areas have been damaged by construction;
3. no Covenants or Design Guidelines have been violated;
4. no deficits are remaining from the landscaping plan;



5. the Final Project Inspection Form is completed satisfactorily.

Failure to satisfy these conditions may result in the loss of some or all of the Construction Deposit, regardless of whether such failure is caused by the Owner, architect/designer, builder, their contractors or agents. Property owners are responsible for compliance with the Covenants and Design Guidelines and assuring compliance fulfillment by their designees. If the fine(s) exceed the amount of the Construction Deposit, the balance owed may be assessed as a lien against the Owner's property.

**Checks must be made payable to: Middle Island POA**

**and mailed to: Charles Pardee 4097 Spring Island, Okatie, SC 29909**

**Chuck Pardee will send a copy to the MIPOA Treasurer and MI ARC Coordinator**

\*\*\*\*\*

# APPENDICES

## A. ARCHITECTURAL REVIEW COMMITTEE FEES & FORMS

### Review Fees For Single Family Residences

#### New Construction:

**\$ 3,700** New Construction Review Fee for up to three reviews (this includes any combination of Draft, Preliminary or Final review submittals). A new construction project may begin the review process as any of the three types of reviews.

**\$ 1,000** New Construction Review Fee for an additional review Major Renovations:

**\$ 2,000** Heated space of 250 sq. ft. or greater; non-heated space of 500 sq. ft. or greater

**\$ 1,000** Heated space of less than 250 sq. ft.; non-heated space of less than 500 sq. ft.

#### Minor Renovations:

**\$ 300** Non-heated space of less than 250 sq. ft., landscape changes, and other renovations not categorized

**\$ 100** Design change of an existing feature, such as a door or window

#### Demolition:

**\$ 300** Main structure demolition project

**No fee** is required for a paint color change review or a decorative item/other review

Major Changes During Construction – Major Renovation Review Fee applies

Minor Changes During Construction – Minor Renovation Review Fee applies

MI ARC approval is required for all exterior changes and a submittal will not be placed on the MI ARC meeting agenda for review if it is incomplete. The appropriate review fee is part of a complete submission. If there is a question whether a change qualifies as a minor or major change, the Coordinator will consult with the MI ARC Chair. Similarly, should a construction proposal not be addressed within one of the categories outlined above, fees will be assessed on a case-by-case and individual basis.

**Checks for review fees must be made payable to Bald Head Association and mailed to the BHA-ARC Coordinator: Architectural Review Committee, P.O. Box 3030, Bald Head Island, North Carolina 28461-7000**

## **Additional Fees For Single Family Residences**

### **Refundable Construction Deposit**

the construction process. It will be returned in full at completion of the project upon the following conditions: The required Refundable Construction Deposit will be used to reimburse any administrative expenses, costs of repairing damage to Common Areas, fees, fines, and penalties incurred during

- the project has been completed in accordance with the MIPOA approved plans;
- no Common Areas or right-of-way areas have been damaged by construction;
- no Covenants or Design Guidelines have been violated;
- no deficits are remaining from the landscaping plan;
- the Final Project Inspection Form has been completed satisfactorily.

Failure to satisfy these conditions may result in the loss of some or all of the Construction Deposit, regardless of whether such failure is caused by the Owner, architect/designer, builder, their contractors or agents. If the fine(s) exceed(s) the amount of the Construction Deposit, the balance owed may be assessed as a lien against the Owner's property.

The refundable Owner/Construction Deposit will be based on the project's cost of construction outlined in the table below:

<b>\$0</b>	\$0-\$10,000 No deposit
<b>\$6,000</b>	Renovation \$0-\$10,000
<b>\$10,000</b>	New Construction Over \$300,000 or Renovation greater than 55 heated sq. ft.

The Owner/Deposit agreement should be completed, and the construction deposit check should be made out to MIPOA. Both must be submitted to the BHA ARC Coordinator with the final review application.

## **Impact Fee**

This non-refundable construction impact fee (\$2/square foot) must be included as part of the final review application. This amount is determined by the amount of heated square footage of the new construction or the addition. The check should be made payable to MIPOA.

The Road Cut Application must be completed and accompany the final review application specifying the road cut(s) to be made and the road repair process that will be followed. \*\*\*The homeowner will be responsible for professional restoration of the road in front of the house after construction is complete. The roads must be restored to the satisfaction of the MIPOA.

**Checks for the Impact and the refundable Construction Deposit fees must be made payable to the MIPOA and included as part of the final review application.**

# ARCHITECTURAL REVIEW APPLICATION FOR NEW CONSTRUCTION

## Middle Island Architectural Review Committee (MI ARC)

PO Box 3030 (Page 1 of 4)

Bald Head Island, North Carolina 28461-7000

910-457-4676

Please check one:

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

- Preliminary Review Application
- Deposit D Final Review Application
- \$3700 New Construction Review Fee
- Draft Review Application
- \$6,000 – 10,000 New Construction/Renovation\*
- \$2/heated square foot Non-refundable construction impact fee\*

\*Checks should be to MIPOA, and mailed to Charles Pardee,  
4097 Spring Island, Okatie, SC 29909

Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

**Property Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Architect/Designer** \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Builder** \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Surveyor** \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Landscape Designer** \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Variance Requested (Describe on Architectural Questionnaire)

# NEW CONSTRUCTION ARCHITECTURAL QUESTIONNAIRE

(Page 2 of 4)

**Form(s) to be completed, as required, by all architects/designers submitting documents for consideration at Draft, Preliminary and Final stages.**

**Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_**

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Architect/Designer \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

1. Has the architect/designer visited the site? Yes No  
Date of visit (required prior to submittal of major renovation or new construction)
2. Has the architect/designer read the current Middle Island Architectural Design Guidelines and related Protective Covenants and designed the house accordingly?  
Yes No
3. Has the house been designed according to the State of North Carolina Residential Building Code, especially in regard to wind resistant construction? Yes No
4. Is the architect/designer familiar with CAMA, FEMA and Village of Bald Head Island Zoning requirements for this site? Yes No
5. If applicable, what are the CAMA and FEMA restrictions for this property?  
\_\_\_\_\_
6. Are there 404 (regulated) wetlands on the property? Yes No
7. What is the FEMA Flood Zone for the Property? \_\_\_\_\_
8. Has the architect/designer attempted to minimize the amount of the site to be graded? Yes No
9. Has the architect/designer attempted to minimize the removal of, or damage to existing vegetation, especially plants of special concern? Yes No

10. Has the architect/designer taken views, orientation and location of adjoining buildings into consideration for the design of the house? Yes No
11. Has the house been staked out on the lot (required at Preliminary)?  
Yes No  
Date Staked \_\_\_\_\_ (**Trees to be removed must be tied with red surveyors tape**)
12. Type of lot: Required setbacks:  

Corner	Front
Deeded site-specific building pad	Side
Estate	Rear
Merged	Standard
Other	
13. Area of lot (sq. ft.) \_\_\_\_\_
14. Lowest natural point (virgin low) at perimeter of complete structure (including stairs, decks, etc.) (MSL) \_\_\_\_\_
15. Height of structure (highest roof ridge) above virgin low point (max.35') \_\_\_\_\_
16. First floor elevation (FFE) \_\_\_\_\_  
(Max of 2' above FEMA or 4' above average grade around perimeter of complete structure including stairs and decks, whichever is greater)
17. Total proposed building coverage \_\_\_\_\_  
 Total proposed impervious coverage \_\_\_\_\_  
 Maximum building coverage allowed for lot \_\_\_\_\_  
 Maximum impervious allowed for lot \_\_\_\_\_
18. Mean finished grade within this footprint \_\_\_\_\_
19. Percentage of site to be graded \_\_\_\_\_  
(This area should be kept to a minimum and generally include only the building pad, drive and walk area. See size section for maximum site coverage.)
20. Number of trees over 3" in caliper at 4' proposed to be removed \_\_\_\_\_
21. Roof pitch: Primary \_\_\_\_\_ Secondary \_\_\_\_\_
22. Eave overhang dimensions \_\_\_\_\_

- Rake overhang dimensions \_\_\_\_\_
23. Total allowable heated square footage \_\_\_\_\_
24. Total square footage (heated/non-heated) \_\_\_\_\_
25. Heated first floor area \_\_\_\_\_
26. Heated second floor area \_\_\_\_\_
27. Heated third floor area \_\_\_\_\_
28. Total sq. ft. of screened porch \_\_\_\_\_ Screen Material \_\_\_\_\_
29. Total sq. ft. of deck and balconies \_\_\_\_\_
30. Percentage of covered porch (8' deep min.) \_\_\_\_\_ for beach lots — must be 15% of the linear footage heated wall space on the first floor
31. 50% rule calculation (BEACH LOTS: #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 (All lots on East Beach Drive)
32. Area of grade level volume footprint (if usable) \_\_\_\_\_  
Area of first level volume footprint \_\_\_\_\_  
Area of second level volume footprint \_\_\_\_\_  
Second level percentage of first level (50% max.) \_\_\_\_\_
33. Are any variances from the MI ARC requirements being requested under this application? Yes No If yes, please attach a letter of explanation for request.
34. Shutter material: Plastic \_\_\_\_\_ Vinyl \_\_\_\_\_ Wood \_\_\_\_\_ Color \_\_\_\_\_  
A physical sample must accompany any submittal that includes plastic or vinyl shutters.
35. Metal roof: Color \_\_\_\_\_  
Manufacturer's Reflective index number/sheen rating \_\_\_\_\_
36. Are there any existing fences bordering property lines? Yes. No (See fence guidelines)
37. Is there a concealment proposal on plans for storing a boat on the lot? (Required if owner intends to bring a boat to the island) Yes No
38. Location of YES/NO trash tag \_\_\_\_\_
39. **For Draft and/or Preliminary:**
- a. Has the architect/designer submitted one full-size printed copy, one emailed PDF copy and one AutoCAD- compatible copy? Yes No
- b. The survey and site plan include the required sightline setback calculations for oceanfront properties. Yes No (Required at Draft Review)



40. **For Final Review:**

- a. Has the architect/designer submitted two full-size printed copies, one 11" x 17" printed copy, one emailed PDF copy and one AutoCAD- compatible copy? Yes No b. Has the architect/designer submitted an original sealed topographical survey (less than two years old) by a registered land surveyor or civil engineer? Yes No **(Required at Draft Review)** To the best of my knowledge, the foregoing statements are true.

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Architect/ Designer signature

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Date

# CHANGE APPLICATION

## ARCHITECTURAL REVIEW APPLICATION

(For new work on existing homes or design changes during construction)

### MIDDLE ISLAND ARCHITECTURAL REVIEW COMMITTEE (MI ARC)

P.O. Box 3030

Bald Head Island, NC 28461-7000

910-457-4676

Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Architect/Designer \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Builder \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

### Change Descriptions

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### Reason for change

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Please attach the required drawings per the Design Guidelines. May include existing elevations, floor plans, site plans, and proposed changes. MUST BE TO SCALE.

# DECORATIVE ITEM / OTHER REVIEW APPLICATION

## CHANGE APPLICATION

### ARCHITECTURAL REVIEW APPLICATION

(For new work on existing homes or design changes during construction)

#### MIDDLE ISLAND ARCHITECTURAL REVIEW COMMITTEE (MI ARC)

P.O. Box 3030

Bald Head Island, NC 28461-7000

910-457-4676

Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Vendor \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

#### Description

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\*Other: An exterior change item that costs less than \$200, scaled drawing of proposed change is required.

\*\*Please attach sketch or photo of the decorative item and proposed location for item.

# DEMOLITION REVIEW APPLICATION

## ARCHITECTURAL REVIEW APPLICATION

(For demolition of existing homes)

MIDDLE ISLAND ARCHITECTURAL REVIEW COMMITTEE (MI ARC)

P.O. Box 3030

Bald Head Island, NC 28461-7000

910-457-4676

Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

Proposed project completion time frame: \_\_\_\_\_

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Contractor \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

*As the official on-site designee of the property owner, the contractor accepts responsibility for maintaining the approved site management plan throughout the demolition process. The BHA ARC Coordinator is granted on site permission and will make site inspections periodically throughout the process to ensure compliance with the MI ARC approved site management plan. The BHA ARC Coordinator may authorize minor adjustments to the approved site management plan; major changes require resubmittal to the MI ARC for approval.*

*Damages may be assessed, and fines imposed of up to \$100 per day per violation for non-compliance. These fines are authorized by the Amended and Restated Covenants of the Middle Island Association and the Planned Community Act Chapter 47F of the NC General Statutes. They become effective five days after the Middle Island Property Association Board's approval of the recommendations.*

**The completed demolition review application must include the following documentation:**

\_\_\_\_\_ Verify that a new construction project has MI ARC approval and a Village issued permit for rebuilding the main structure on this site.

\_\_\_\_\_ If a new construction project is not currently MI ARC approved and/or Village building permit for the approved project has not been issued for this site, a landscape restoration plan is required.

\_\_\_\_\_ A copy of the proposed site plan including debris management plan.

\_\_\_\_\_ Include the planned protection of existing vegetation. The BHA ARC Coordinator will determine if tree/vegetation protection is required before demolition begins.

\_\_\_\_\_ Limits of demolition fencing required.

\_\_\_\_\_ Review fee.

# FINAL INSPECTION CHECKLIST/REPORT

(FOR INTERNAL USE ONLY)

Owner \_\_\_\_\_ Architect/Designer \_\_\_\_\_

Builder \_\_\_\_\_ Lot # \_\_\_\_\_

Deposit Amount \$ \_\_\_\_\_ Date of Inspection \_\_\_\_\_

Date C.O. Issued \_\_\_\_\_ 'AS BUILT' Survey submitted \_\_\_\_\_

Site Placement \_\_\_\_\_ Exterior Lighting \_\_\_\_\_

**Elevations:** Trash Enclosure \_\_\_\_\_

Front \_\_\_\_\_ HVAC Screened \_\_\_\_\_

Back \_\_\_\_\_ Driveway \_\_\_\_\_

Left Side \_\_\_\_\_ Concrete Apron \_\_\_\_\_

Right Side \_\_\_\_\_ Walkways \_\_\_\_\_

Garage/Crofter \_\_\_\_\_ Stairways \_\_\_\_\_

**Fence:**

Design \_\_\_\_\_ Location \_\_\_\_\_ Finished sides face out \_\_\_\_\_ Paint/Color \_\_\_\_\_

**Exterior Paint/Color:**

Body \_\_\_\_\_ Address Bollard (front) \_\_\_\_\_

Trim \_\_\_\_\_ Address Bollard (rear alley) \_\_\_\_\_

Doors \_\_\_\_\_ Landscaping \_\_\_\_\_

Accents \_\_\_\_\_

Lattice \_\_\_\_\_

Roof \_\_\_\_\_

Damage to street asphalt or street \_\_\_\_\_

Other (Describe) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

BHA ARC Coordinator

Date

Deposit mailed: \_\_\_\_\_ Date \_\_\_\_\_ \$ \_\_\_\_\_

# PAINT/COLOR APPLICATION

## ARCHITECTURAL REVIEW APPLICATION

PLEASE COMPLETE ALL PAGES

NOTE: Must complete application prior to submittal (must include roof sample and paint chips)

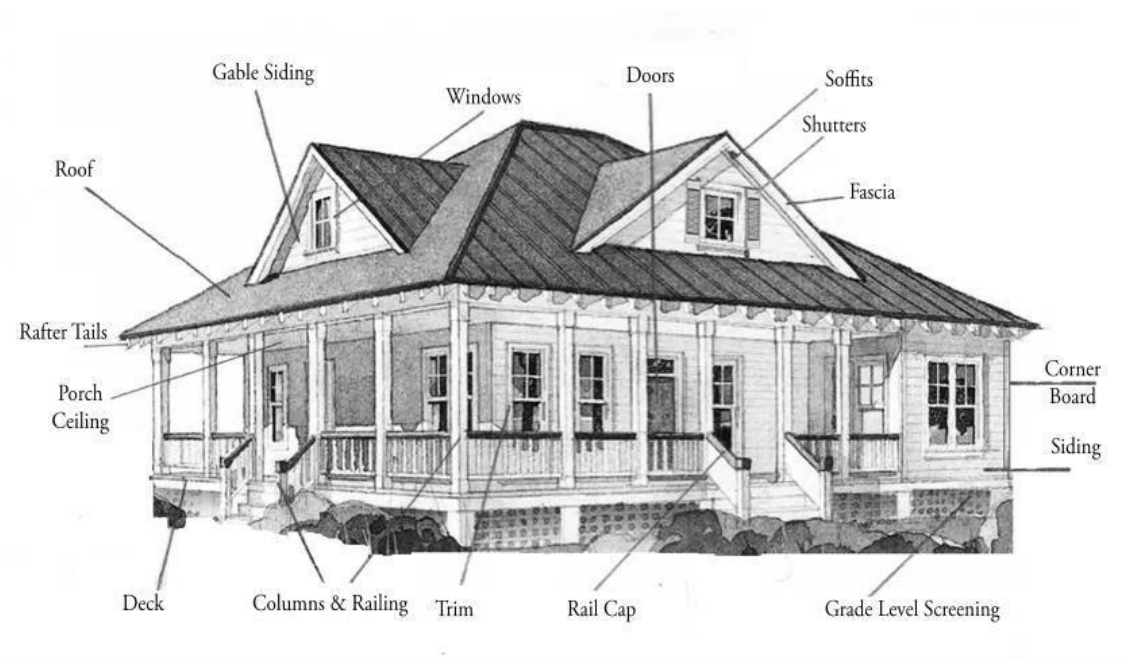
Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

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

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_



### Manufacturer-provided roofing sample required

Roof: Color/Number \_\_\_\_\_

Manufacturer \_\_\_\_\_

Material \_\_\_\_\_

Metal Roofing - Manufacturer's Reflective index number/sheen rating \_\_\_\_\_

**MUST ATTACH MANUFACTURER-PROVIDED PAINT CHIPS BELOW**

Main body of the Bldg.:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Rafters/ Soffits:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Windows:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Trim:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Exterior Doors:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Grade Level Screening:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Porch Ceiling:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Window Shutters

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_



Deck:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Columns and Railing:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Garage Doors:

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Other Accents:

Rafter tails, cap rail, etc.

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

Color/Number \_\_\_\_\_ Paint Mfg. \_\_\_\_\_

**PLEASE SEND TO THE ARCHITECTURAL REVIEW COORDINATOR  
MI ARCHITECTURAL REVIEW COMMITTEE (MI ARC)**

PO Box 3030

Bald Head Island, North Carolina 28461-7000

910-457-4676

# ROOF/COLOR MATERIAL APPLICATION

## ARCHITECTURAL REVIEW APPLICATION

Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

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

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

### MANUFACTURER-PROVIDED ROOFING SAMPLE

Roof:

Color/Number \_\_\_\_\_

Manufacturer \_\_\_\_\_

Material \_\_\_\_\_

Metal Roofing - Manufacturer's Reflective index number/sheen rating \_\_\_\_\_

Windows:

Color: WHITE

Paint Manufacturer/number: \_\_\_\_\_

Material: \_\_\_\_\_

Note: White is the only window color option allowed on this form. For any other window color choice, the paint color application form will need to be completed and submitted for review no later than the village building permit installation inspection request.

**PLEASE SEND TO THE ARCHITECTURAL REVIEW COORDINATOR  
MI ARCHITECTURAL REVIEW COMMITTEE (MI ARC)**

PO Box 3030

Bald Head Island, North Carolina 28461-7000

910-457-4676

## Middle Island Property Owner Agreement for New Construction

The MI Covenants in Article VI section 6.19 state that “No site preparation or initial construction, erection or installation of any improvements, including but not limited to, residences, outbuildings, fences, walls, screens (whether by plants or structures) and other structures shall be undertaken upon Middle Island unless the plans and specifications therefore showing the nature, kind, shape, height, materials, including color schemes, and location of the proposed improvements shall have been first submitted to the Association or its designee and have been expressly approved in writing by such entity or its designee.” )

The Middle Island Architectural Review Committee (MIPOA ARC) was created by the authority for the purpose of administering the MIPOA Design Guidelines. ([www.middleislandpoa.com](http://www.middleislandpoa.com)) Any owner who is planning to build, renovate, or change landscaping on any middle island property, must adhere to the MI Design guidelines. MI ARC review and approval is required prior to undertaking any new construction, exterior renovations, or site-work, and for any changes to an approved plan, however insignificant, to ensure compliance with the MI Covenants and Design Guidelines. This process ensures that all homes on Middle Island are of similar character, thereby maintaining the architectural vernacular and integrity of the community.

It is the owner’s responsibility for all work done on their property, and owner will be held accountable for any infractions. It is imperative that all owners entering into this agreement have visited the MIPOA website, ([www.middleislandpoa.com](http://www.middleislandpoa.com)) reviewed the fee structures and familiarized themselves with design guidelines.

The property owner must complete the Property Owner Agreement, have it notarized, and return the original document, along with all fees (see below) to the Middle Island Business Manager, Charles Pardee at 4097 Spring Island, Katie, South Carolina 29909 before approval of any construction on any property.

The fees associated with any Middle Island construction include: (1) a non-refundable of \$2 fee per heated square foot space, and (2) A refundable construction deposit of \$10,000 for any damages that are created during the construction process. The deposit will be refunded to the property owner, after the project is completed and inspected by the (inspector) for compliance with all rules and guidelines laid out in the MIPOA guidelines. [www.middleislandpoa.com](http://www.middleislandpoa.com) .

### **MIDDLE ISLAND PROPERTY OWNER ASSOCIATION ARCHITECTURAL REVIEW COMMITTEE OWNER AGREEMENT**

(Please complete, sign, notarize, and return with required checks to MI ARC)

Owner(s):\_\_\_\_\_

Contact Person(s):\_\_\_\_\_

Property Address On Middle Island\_\_\_\_\_

**Owner** Mailing Address \_\_\_\_\_

City, Street, Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

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

Email \_\_\_\_\_ Phone \_\_\_\_\_

**Builder:** \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

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

Email \_\_\_\_\_ Phone \_\_\_\_\_

Owner Construction Deposit: \$ \_\_\_\_\_

\*Impact Fee: \$ \_\_\_\_\_

(\$2 per square foot of heated space) \*this fee may change depending on final approval of total square foot of heated space.

OWNERS TYPICALLY RELY ON ARCHITECTS, BUILDERS AND LANDSCAPERS TO COMPLETE MANY OF THE FORMS IN THE SUBMITTAL PACKAGES, BUT OWNERS MUST BE AWARE THAT OMISSIONS ON FORMS MAY RESULT IN DELAYS, AND THAT ULTIMATE RESPONSIBILITY FOR ANY INFRACTIONS THAT OCCUR DURING THE PROCESS RESIDE WITH THE OWNER.

THE UNDERSIGNED OWNER WISHES TO COMMENCE CONSTRUCTION ON THEIR MIDDLE ISLAND PROPERTY AND ACKNOWLEDGES AND AGREES TO THE FOLLOWING:

The owner agrees to become familiar and comply with requirements set forth in the Design Guidelines at [www.middleislandpoa.com](http://www.middleislandpoa.com)

Construction Deposit - Owner agrees to pay a construction deposit to be paid to Middle Island Property Owners Association for the purposes of ensuring compliance with the Covenants, Design Guidelines, Road Cut application, common areas, rights of way, fees, fines, penalties, and administrative expenses.

The Association will refund the deposit in full, upon completion of the project, as determined by the ARC if:

- The construction project on the property has been completed in accordance with ARC approved plans

- No common areas on the property or rights of way have been damaged or disturbed by construction
- No covenants or design guidelines have been violated.
- No deficits are remaining from the landscaping plan
- Road cut process and specifications have been adhered to and passed final inspection

Failure to satisfy these conditions may result in the loss of some or all the deposit, regardless of whether the damage or failure is caused by owner, architect, landscape architect or builder, or their agents.

Owner understands that the deposit may be applied to reimburse the Association for damages to the common areas and rights of ways and to fines levied by the Association. If the fine(s) exceed the amount of the Deposit, the balance owed may be assessed as a lien against the owner's property.

In addition to fines, if the owner fails to cure any violation of the covenants, design guidelines, or plans approved by the ARC, the Association after providing the owner with notice and a reasonable time to cure the violation shall have the right to enter the property, remove or otherwise cure the violation, and restore the property to substantially the same condition as previously existed. All costs, together with interest at the maximum rate allowed by law, may be deducted from the deposit and the balance owed may be assessed as a lien against the owner's property.

Impact Fee - Owner agrees to pay a non-refundable impact fee of \$2 per square feet of heated space to Middle Island Property Association.

### **Owner Obligations**

- Become familiar with the requirements set for in the Design Guidelines;
- Submit construction proposals and plans for the property to the ARC for review and approval;
- Submit any changes to any proposed plans for the property to the ARC review and approval prior to implementation;
- Comply with the Covenants and Design Guidelines and promptly remedy any violations thereof;
- Permit architect and/or landscaper architect to submit a proposal for work for final review by the ARC;
- Cause the improvements to be constructed, and landscaping to be installed pursuant to the plans submitted and approved by the ARC;
- Authorize owner's architect and landscape architect to act in property owner's stead as property owner's representative during the construction process;
- Be responsible for the actions of owner's architect, landscape architect, builder and other agents as owner's duly appointed representatives.
- Permit the ARC coordinator on-site access through the construction process;
- Repair any damage to the common areas, or rights of way caused by the owner, architect, landscape architect, builder, or other agents of owners during the construction process;

- Remit any amount assessed by the Board of the Association as damages or fines, understanding that damages may be assessed, and fines imposed up to \$100 per day per violation;
- Submit a copy of the required as-built survey to the ARC Coordinator within thirty (30) days of the Certificate of Occupancy issuance date to ensure that the residence is built according to the approved set of drawings.

Road Cuts—No additional deposit will be required for the road cut application. However, the property owner and contractor are responsible for assuring that any road cut is repaired as described in the Road Cut Application, and for giving the Association advance notice of the repair date as required by the Application. The Association may retain part of the construction deposit if road cuts, and road damage are not repaired satisfactorily.

Transfer of Property—If owner sells or transfers the property prior to the commencement or completion of construction, owner will make the new owner(s) aware of any requirements imposed by the ARC and the existence of this Agreement. Owner's interest in the deposit, or any remaining portion thereof, shall be assigned to the new owner(s) subject to deduction for any claims against it for incidents pre-dating the transfer of the property.

**THE UNDERSIGNED ACCEPTS THIS DOCUMENT AND CONSENTS TO HAVE THIS AGREEMENT RECORDED**

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_, County of \_\_\_\_\_, hereby certify that \_\_\_\_\_ personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

\_\_\_\_\_ My commission expires \_\_\_\_\_

Notary Public

\_\_\_\_\_ Date \_\_\_\_\_  
Signature Middle Island Board Member

Please return the original forms signed and notarized.  
Invoices for the Construction Deposit and the Impact fee will be mailed shortly.

**Please mail to Charles Pardee,  
4097 Spring Island, Okatie, SC 29909**

MIDDLE ISLAND PROPERTY OWNERS ASSOCIATION  
ROAD CUT APPLICATION  
**ARCHITECTURAL REVIEW APPLICATION**

**Lot #** \_\_\_\_\_ **MI House #** \_\_\_\_\_ **MI Street Name** \_\_\_\_\_

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

**Property Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone \_\_\_\_\_

**Date site work begins** \_\_\_\_\_

Road Location \_\_\_\_\_

Cut dimensions \_\_\_\_\_

Purpose of Cut \_\_\_\_\_

Will road be impassable? YES. NO. If so, for how long? \_\_\_\_\_

1. If the disturbance of the road surface is other than a perpendicular cut across the roadway, I have attached a sketch.
2. If the road is temporarily impassable, I agree to make temporary repairs to assure that the road is not impassable for longer than the time stated in the application.
3. I agree to fill and repair the road to its original condition within ten (10) working days of the date work begins. The road will be repaired with at least 6 inches of ABC at the top of the cut. The ABC will be compacted in at least 2 lifts and will not be mixed with sand from the cut. If the road is a paved road, the ABC will be surfaced with 1 ½" of compacted I-2 asphalt. The final surface of the road will be at the same level as the existing surface.
4. I will notify the contact person for the Association 24 hours before repairing the road cut so that the road repair process can be observed, should the Infrastructure Committee wish to do so.

If the notice required in paragraph 4 is not given, the Association may hold the Owner Construction deposit for up to six months to determine the adequacy of the repair based on the performance of the road under use.

Owner's signature: \_\_\_\_\_

Owner's signature: \_\_\_\_\_

The Road Cut application must accompany the final review application.

## SITE MANAGEMENT COMPLIANCE FORM

BHA ARC Coordinator, 910-457-4676, Ext 29

Date building permit issued: \_\_\_\_\_

Lot # \_\_\_\_\_ MI House # \_\_\_\_\_ MI Street Name \_\_\_\_\_

Property Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Builder \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

*As the official on-site representative of the property owner, the builder accepts responsibility for maintaining this Site Management Plan throughout the building process. The BHA ARC Coordinator is granted on site permission and will make site inspections periodically throughout the building process to ensure compliance with this Site Management Plan. The builder is responsible for contacting the BHA ARC Coordinator to schedule required site visits and the completion of the three-step site management form. The BHA ARC Coordinator may authorize minor adjustments to the approved site plan; major changes require resubmittal to the MI ARC for approval.*

*Damages may be assessed, and fines imposed of up to \$100 per day per violation for non-compliance. These fines are authorized by the Amended Covenants of the Middle Island Association and the Planned Community Act Chapter 47F of the NC General Statutes. They become effective five days after the MIDDLE ISLAND PROPERTY OWNERS ASSOCIATION Board's approval of the recommendations.*

\_\_\_\_\_  
BHA ARC Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Builder

\_\_\_\_\_  
Date



**1ST SITE VISIT – SCHEDULED WITH BHA ARC COORDINATOR  
BEFORE LAND IS CLEARED**

- \_\_\_\_\_ A copy of the approved site plan is attached.
- \_\_\_\_\_ The building corners are indicated by survey stakes, the trees are tagged for removal and the tree/vegetation removal is verified.
- \_\_\_\_\_ The approved site plan is reviewed and updated with required adjustments.
- \_\_\_\_\_ This form is agreed to be the project Site Management Plan. Discuss protection of remaining trees.
- \_\_\_\_\_ The BHA ARC Coordinator will determine if tree/vegetation protection is required before the land is cleared.

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

_____	_____
BHA ARC Coordinator	Date
_____	_____
Builder	Date

**2ND SITE VISIT – SCHEDULED WITH COORDINATOR  
BEFORE PILINGS ARE INSTALLED**

\_\_\_\_\_ The land has been cleared approximately 6 feet around the building pad.

\_\_\_\_\_ The surveyor has set the final house corner stakes in preparation for piling installation.

\_\_\_\_\_ Protective wood sand fencing has been installed 2 feet from and around the base of the trunk or vegetation to be protected per the site plan. Review and update the Site Management Plan.

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
BHA ARC Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Builder

\_\_\_\_\_  
Date

**Exception:** Tree protection that impedes the piling installation process will be noted on the Site Management Plan. Any delay of specific tree protection must be approved by the MI ARC.

**3RD SITE VISIT - SCHEDULED WITH BHA ARC COORDINATOR  
AFTER PILINGS ARE INSTALLED  
AND BEFORE OTHER MATERIALS ARE DELIVERED**

- \_\_\_\_\_ Limits of construction fencing have been installed.
- \_\_\_\_\_ A forest lot requires the use of 36" high black silt fence for limits of construction fencing.
- \_\_\_\_\_ A beach lot requires the use of 48" high wooden sand fence for limits of construction fencing.
- \_\_\_\_\_ The dumpster location has been designated.
- \_\_\_\_\_ The portable restroom location has been designated.
- \_\_\_\_\_ The Site Management Plan is reviewed and updated if necessary.
- \_\_\_\_\_ Although tree protection would be ideal if installed at the drip edge of the remaining trees, it is recognized that this may not always be possible. On site, the ARC Coordinator will discuss with the builder any additional required tree/vegetation protection on a case-by-case basis when drip edge is not possible.
- \_\_\_\_\_ The driveway has been stabilized and \_\_\_\_\_ material has been used.
- \_\_\_\_\_ The materials lay-down area has been determined and marked on the Site Management Plan.

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
BHA ARC Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Builder

\_\_\_\_\_  
Date

## **B. MIDDLE ISLAND ARCHITECTURE**

### **Overview and Requirements**

Home designs built on Middle Island are intended to promote a homogeneous impression, an architectural appearance of each individual home “fitting” within the surrounding homes and neighboring environment. These designs are a blend of the “shingle-style” and the “coastal cottage” style of architecture. Often the construction incorporates many of the “shingle-style” features and accentuates them with common elements of the “coastal cottage” design.

“Shingle-style” has been described as the “architecture of the American summer.” This architectural style is notably free in form and size and embraces the organic and natural island landscape, blending with the coastal environment and utilizing materials that display a natural appearance. Although “shingle-style” home designs may honor individual tastes, they share an appearance of rustic informality, minimal detailing, high gables, large vertical windows and inviting porches. Three-story-box home designs for beach lots will not be approved.

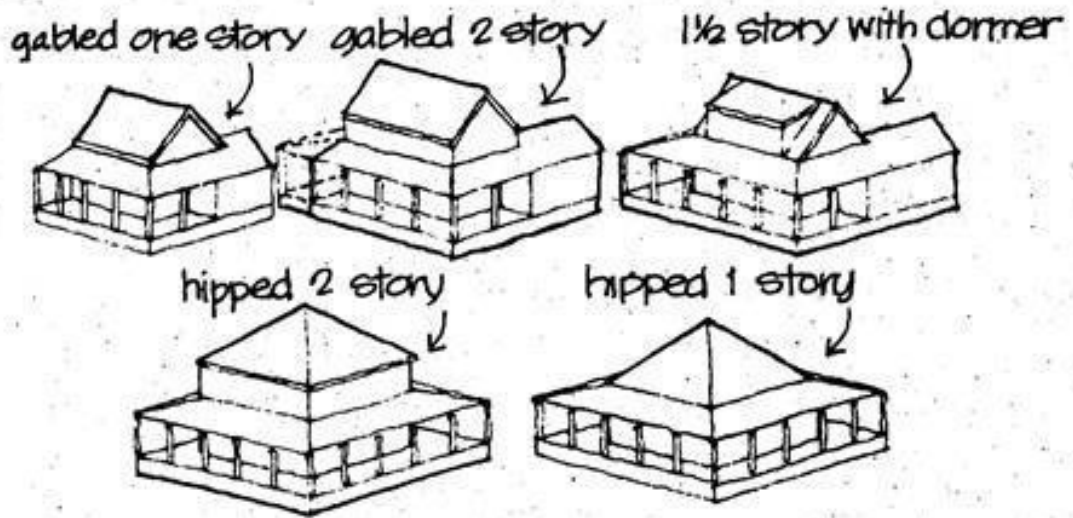
Other characteristics of this coastal architecture include steep cedar shake and metal roofs, cedar shake siding, dormers, minimal ornamentation and variation in overall shape and massing. Natural materials are strongly encouraged. Many homes feature expanses of decking and glass. Climate tempering is achieved with wrap-around porches to shade the summer sun, operable shutters to provide shade and admit breezes, lattice work and sunscreens to provide sun control on porch areas.

These Design Guidelines were created to aid architects/designers and property owners in developing home designs that merge individual tastes with the “shingle-style” and “coastal cottage” elements of Middle Island architecture. These Design Guidelines also were created to encourage “good massing” —as exemplified by an orderly, well-proportioned composition of building forms and to discourage any home from having a box design. The final home design should correspond with the unique features of the lot and preserve the existing trees and vegetation.

MI ARC approval is required prior to undertaking any new construction or exterior renovations or site work. When reviewing a submitted set of plans, the MI ARC may require compliance with requirements that, although not itemized specifically, are supported by sections of the Design Guidelines and the Covenants.

The MI ARC does reserve the right to withhold approval for materials that do not support Bald Head Island’s architectural style or respect its sensitive and conservation-conscious environment.

## COTTAGE FORMS



## **The Rule (One and One-half Story Rule)**

1. All Middle Island Beach homes shall comply with the “50% Rule.” This rule was implemented to eliminate view blocking and three-story-box home designs, as well as uninterrupted three-story walls. The 50% rule is not applicable for forest homes where vertical construction can help minimize tree removal. In these locations, a concerted effort is made to balance aesthetics with the equally important need to protect the island’s natural flora and fauna and its forest environment.

### **REQUIREMENTS for 50% Rule**

2. The volume of any Middle Island Beach home shall not exceed one and one-half story.
3. A submission meets the requirements of this rule if the footprint of the volume of its top story is less than or equal to one half of the footprint of the volume of the story beneath it (50% rule). The footprint of a story’s volume is the area of all covered space on the story having 6’ 8” of clear head-height. All space that meets this requirement shall be counted in the calculation, including unoccupied attic space, utility space, space that is part of a vaulted room below, covered porches and interior stairs for both floors. Overhangs are not counted.
4. The structure will not be required to meet the 50% rule if the first-floor elevation is less than five feet off average grade around the perimeter of the structure. The perimeter of the structure includes attached decks, porches, staircases, etc.
5. If the architectural program is separated into more than one detached building, the 50% Rule will be applied to the main structure(s). Variance from this procedure may be allowed at the discretion of the ARC, based upon specific conditions of the lot.
6. When a property owner submits an addition on a home built prior to the implementation of the 50% Rule, the addition to the home must comply with the 50% Rule, even if the rest of the home does not.

## **Middle Island Lot Designations**

Middle Island is composed of several different lot types. The rules associated with each specific lot type follow, beginning with the lot designation sheet starting on this page.

BEACH LOTS: 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,  
23,24,25,26,27,28,29,31 All lots on East Beach Drive FOREST LOTS: All other MI lots

### **1. Overall Size Restrictions: (MI covenants Article V1 6.5)**

**Coverage for Maritime Forest Lots** – Residences and outbuildings shall not cover or overhang more than 25% of the total Lot square footage.

**Square Footage** - Minimum and maximum size of residence. Residences shall have a minimum of 1600 ft.<sup>2</sup> of enclosed living area exclusive of garages, boat sheds, terraces,

decks open porches and steps. Building improvements on any lot shall not exceed 7,500 heated square feet; provided, however, that when either a) two or more lots have been combined to form a new lot, or b) when a platted lot other than a maritime forest lot exceeds 21,780 ft.<sup>2</sup>, then building improvements on the resulting lot shall not exceed 10,000 heated square feet.

## **2. All Building:**

**Uses** - Single-family residence is the only permitted use.

**Setbacks** - See attached drawings for general information. See subdivision plat for specific designated setbacks.

**Front setback**- 35 feet minimum

**Lots 207, 208, 209, 210:** No dwelling, accessory building, fence or other structure shall be erected or placed farther than 200 feet from the front property line. (See MI Covenants Article V 1 6.14)

**Side setback** All vegetation within the side set-back shall be left undisturbed.

Forest Lot: 15 feet

Beach Lot: 10 feet

### **Rear setback**

Forest Lot: 25' of rear lot line

Ocean front: 75' of dune and conservation easement. The siting of all oceanfront structures is also subject to architectural review and approval. See Section 6.19 of the MI Amended Covenants for clarification.

## C. DESIGN & SITE ELEMENTS

### Accessory Buildings

Sitework:

**Walkways** – Beach access walkways must receive Village approval prior to ARC submittal. are only permitted at the discretion of the MI ARC

**Fences** - Fences are discouraged but may be allowed at the discretion of the MI ARC.

**Trellises** -Trellises are discouraged but may be allowed at the discretion of the MI ARC.

**Pavilion and gazebo** are not allowed

**Swings** that are visible from the road and not attached to the primary structure not allowed

**Fountains** and water features are not allowed.

**Accessory buildings** are any structure that is subordinate and not connected/integrated into the main structure and the use of which is incidental to the use of the main structure or the use of the land. Conditioned, non-conditioned, covered or latticed connectors (where allowed) will not be considered as incorporating the accessory building into the main structure. These buildings may include, but are not limited to, the following uses:

- Boat shed
- Detached garage
- Guest cottage/crofter
- Utility, shower or garbage enclosure
- Workshop or studio

Massing, roof pitches and materials of such outbuilding(s) must complement those of the primary structure. All accessory type uses including garages and crofters must be incorporated into the overall design of the main structure in order to be exempted from the Accessory Buildings guidelines.

### REQUIREMENTS

1. The MI Amended Covenants, Article V1 6.16. “No structure shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached single-family dwelling and one (1) accessory building, which may include a detached private garage and/or guest suite, provided the use of the accessory building does not include any activity normally conducted as a business. The Accessory building may not be constructed prior to the construction of the main building. A guest suite without cooking facilities may be included as a part of the main building or accessory building, but such suite may not be rented or leased except as a part of the entire premises, including the main building.” Clarification: Contact the MI ARC for exceptions.



2. Accessory buildings will be constructed no higher than 5 feet below the highest peak of the main structure. Maximum height- Perimeter of the structure includes attached decks, porches, staircases, etc. Chimneys, spires, lanterns, weathervanes and cupolas may project above the 25 feet maximum height with the written permission of the MI ARC.
3. The maximum footprint of an accessory structure must not exceed the greater of 320 square feet or ten (10) percent of the first-floor volume (covered space) of the main structure. Open decks (on pilings without skirting) and stairs on accessory structures are not included in the allowable footprint calculation.
4. First Floor Elevation – The average distance from virgin low to the first-floor elevation (top of slab) must not exceed 3’ or the FEMA designated floodplain, whichever is higher.
5. A maximum of 1 accessory structure is allowed.
6. All accessory structures are required to be at least 5 feet away from the primary structure. (Does not include overhangs.)
7. The Design Guidelines discourage a “three story” box look to accessory buildings.
8. Accessory buildings are not considered main structures/buildings and can only be built as an accessory to a main structure. No permanent improvements shall be considered, approved, or installed prior to the construction of the main structure.
9. A Village of Bald Head Island ordinance prohibits two living units on one property and, to comply with this ordinance, the accessory building cannot be equipped with a working stovetop. The Covenants, Article V1 6.16 indicate that all units are only for single family residential purposes: “...A guest suite without cooking facilities may be included as part of the main building or accessory building, but such suite may not be rented or leased except as a part of the entire premises, including the main building”.
10. A vacant lot cannot be utilized for storage, temporary structures, tents, materials storage, etc. without a Village of Bald Head Island building permit for an MI ARC approved project. See landscape guidelines for additional vacant lot restrictions and guidelines.

## **Beach Accesses**

Beach access structures must follow the requirements outlined within the Village Ordinance 2001-047, Appendix G. Contact the Village of Bald Head Island for further requirements. Any beach access approved to cross Middle Island land will require a license agreement.

## **Boats**

Boats must be concealed from any public road or fairway view by approved grade-level screening or vegetation. Any property owner who intends to store a boat on private property on the island and who does not have a pre-existing boat concealment solution must submit a construction or natural vegetation option for concealing the boat as part of the review process.

## **Decks/Balconies**

### **REQUIREMENTS**

1. Decks more than 4' deep or 4' high must be supported on dedicated deck pilings rather than braced from the house pilings.
2. These deck support pilings must be a minimum of 8" x 8".
3. Cantilevered decks, balconies and other heated space must be bracketed or braced from the house pilings or wall.
4. Decks must be integrated appropriately into the massing and proportion of the home to obtain MI ARC approval. Internal stairs are strongly encouraged for decks over living areas.
5. Rail cap and balusters must be detailed.

## **Decorative Items**

No structures, buildings, improvements or construction will be commenced until the plans and specifications have been submitted and approved in writing by the MI ARC. Structures, buildings and improvements shall include but are not be limited to, among others, tree house, playhouse, sign, flagpole, exterior illumination, monument or marker, outdoor statuary, patio, deck or outdoor decorative objects.

### **REQUIREMENTS**

1. Landscaping should be accomplished primarily with native plants and vegetation.
2. All exterior decorative items such as planters, statuary, feeders, wind chimes, birdbaths and other ornamental items and structures must be harmonious with the community aesthetic, site, home and surrounding environment.
3. All exterior decorative items must be constructed of natural and organic materials and blend seamlessly within the home and landscape design. Colors should complement the natural surroundings.
4. These exterior decorative items must be few in number and consistent with the general subdued and natural character of the Bald Head Island conservation consciousness.
5. House signs or decorative items on homes should have colors compatible with the structures on which they are hung. (See "Signage" for specifications)

**MI ARC approval is required for all decorative items.**

## **Doors (Exterior)**

### **REQUIREMENTS**

1. Snap-in muntins are not allowed.
2. Any visible reflective coating or tinted glass must be approved by the MI ARC.
3. Door glass divisions shall create panes of square or vertical proportions.
4. Garage doors on Middle Island designated lots must be made of wood, hardy board, steel or aluminum.

## **Driveways and Parking**

### **REQUIREMENTS**

1. All loose paving materials should be edged with suitable permanent material.
2. Drives may provide a concrete or paver apron at the roads. For lots that border an asphalt road the apron must be installed to the edge of the asphalt with 12-foot minimum width at the interface and tapered to meet a maximum driveway width of 12 feet. For lots bordering gravel roads the driveway shall be a maximum of 8 feet wide with a 12-foot minimum apron at the interface with the road. (Article 5 6.7 of the covenants: Driveways, parking and turnaround areas. Driveways constructed on maritime forest lots shall be a maximum of 8 feet in width, exclusive of the apron at the road interface. Driveways constructed on ocean front or second row lots shall be a maximum of 12 feet in width, exclusive of the apron at the road interface. Parking and turn around areas on all lots shall not exceed 1,000 square feet without the approval of the association.)
3. Outside or non-garage parking must be within required setbacks and adequate for two carts without stacking.
4. Changes to driveway surfaces for existing homes or during new construction must be submitted for MI ARC approval prior to implementation.
5. Carts are not allowed to park on unimproved properties. Properties that are under construction are not allowed to have carts left on the property overnight. The appropriate parking locations can be made available to builders by contacting Contractor Services.
6. All existing improved properties and new construction projects must provide for resident cart parking in a cart garage or crofter or under the main unit.
7. Carts must be parked in designated guest parking areas, driveways or garages.

### **RECOMMENDATIONS**

1. Two 4" diameter Schedule 40 PVC sleeves with caps at each end should be placed under concrete aprons/entry driveways 2' below grade and 6' from the road edge for utility conduits and protection against driveway damage if future utility maintenance is required.
2. In order to protect the road edge, all drives and/or construction accesses should be stabilized with gravel, mulch or other appropriate material before construction begins. This temporary stabilization material may need to be removed at project completion in order to not increase the approved impervious coverage calculation.

## **Fences, if approved, should follow these guidelines**

Fences should define and create spaces rather than merely serve as property delineators. Fences will not be allowed in setbacks..

### **REQUIREMENTS**

1. A detailed drawing of elevations of the entire fence must be submitted to the MI ARC.
2. All fences must be constructed of dimensional lumber, and the fencing material must be consistent throughout.
3. Chain link fencing is not permitted.
4. Above Ground electric fencing is not permitted. Consistent with the foregoing “invisible fencing” for pets is permitted and encouraged.
5. The maximum height is 48 inches and the minimum height of 24”.
6. The design must allow for air passage to avoid a solid appearance. The spacing width should be determined based on achieving a balance with the appearance of the home.
7. The finished side of the fence must face outward.
8. When fence construction is intercepted by a tree, the fence must not be attached to or touch the tree or otherwise negatively impact the root system of the tree.

## **Flags and Flagpoles**

### **REQUIREMENTS**

1. The request to install a ground-mounted flagpole must be submitted for MI ARC approval and must include a site plan with dimensions and specifications for the proposed pole location.
2. Only one ground-mounted flagpole may be installed on a property but is not allowed in setbacks. Any ground-mounted flagpole must be made of wood or high-quality metal. The flagpole must be no taller than 25 feet and no taller than the primary structure.
3. A bracket-mounted flag kit is allowed on main structures. and does not require MI ARC approval.
4. The maximum flag size allowed is 4’ x 6’ without MI ARC approval.
5. In accordance with state law, United States and North Carolina flags smaller than 4’ x 6’ are not subject to approval by the MI ARC. United States flags shall be in good condition and displayed in a respectful manner in accordance with the United States flag code of 1976. Proper disposal of tattered flags can be done at the BHA office.

## **Grade - Building Relationship to Grade**

Each building submitted for review will be analyzed according to site and topography. Homes should be constructed as low as possible to grade elevations while complying with all applicable codes, regulations and restrictions.

### **REQUIREMENTS**

1. Maximum height of residence: Except with the prior written approval of the association or designee, all residences shall have a maximum height of 35 feet measured from the lowest point of the building foundation. Provided, however, on maritime forest lots the roofline of the residence shall not exceed the height of the tree line canopy to the extent reasonably possible. (MI Amended Covenants 6.4) However, where grade goes below 5msl- 5msl is treated as virgin low.
2. For homes outside the VE Coastal Hazard zone area, first floor elevations will be restricted to a maximum of 2 feet above the Federal Emergency Management Agency (FEMA) base flood elevation above mean sea level (AMSL), or a maximum of 4 feet above the average grade around the perimeter of the structure including, but not limited to, decks, porches, staircases, etc., whichever is greater. Homes in areas with a tendency to flood may be built higher with an approved variance, but the 35 feet height requirement or if applicable for maritime forest lots the tree line canopy height requirement must still be observed.
3. For homes inside the VE Coastal Hazard zone area, first floor elevations will be restricted to a maximum of 2 feet above the actual Federal Emergency Management Agency (FEMA) base flood elevation above mean sea level (AMSL),

## **Grade - Site Grading**

### **REQUIREMENTS**

1. Site grading must be kept to a minimum and necessary drainage systems must be designed for minimal impact. Due to the sensitive environment of the island and its drainage issues, the Village is very concerned with filling or major contour changes on any property. Any filling or contour changes must be submitted to the Village Building Inspector and the MI ARC for approval before proceeding. In an AE Flood Zone, Village approval must be granted for filling and the Village Building Inspector will examine particularly whether or not the proposed filling will impact the natural flow of storm water. In a VE Flood Zone, FEMA requirements regulate filling.
2. Erosion and siltation control provisions shall be employed during and after construction. Surface drainage must be collected on site and not cause damage to adjacent properties. Particular attention must be paid to avoid standing water.

3. Paving, buildings and drainage systems must preserve natural grade run-off and vegetation. The driveway must be designed for minimal environmental impact and zero impact on neighbors. Avoid damming the natural water flow with culverts or drain tile as necessary.
4. The sands on Middle Island are very permeable and accept run-off easily. However, flooding from large storms can be a problem. Particular attention must be paid to avoid standing water. Any elevation less than 8 feet AMSL tends to flood; therefore, additional fill from offsite for the building pad and driveway may be allowed with a Village permit only.

## Lifts

The addition of an exterior lift requires MI ARC approval. The submittal for the addition of an exterior lift should include scaled drawings that incorporate the lift into the overall design of the structure. Any lift that can be seen from the road must include the design of the barrier or tree or vegetation screening.

## Lighting (Exterior)

Light pollution is avoidable. Homes on the island must be extremely frugal with exterior lighting. Homes on the beachfront especially must be careful to prevent distraction of the hatching and nesting sea turtles during the annual “turtle season” from May 1st to November 15th. **This necessary lighting restriction is strictly regulated by Village ordinance and enforced by Village personnel.** Nesting female and hatchling sea turtles should not be exposed to artificial sources of light while on Middle Island. Ocean-facing homes on the seaside are required to install room darkening window treatments, such as blinds, shades and drapes, on all beach-facing windows. These window treatments should be closed from dusk to dawn during the “turtle season” months to prevent interior house lighting from disturbing the nesting and hatching of the sea turtles. A variance may be requested if natural screening such as sand dunes exists.

### REQUIREMENTS:

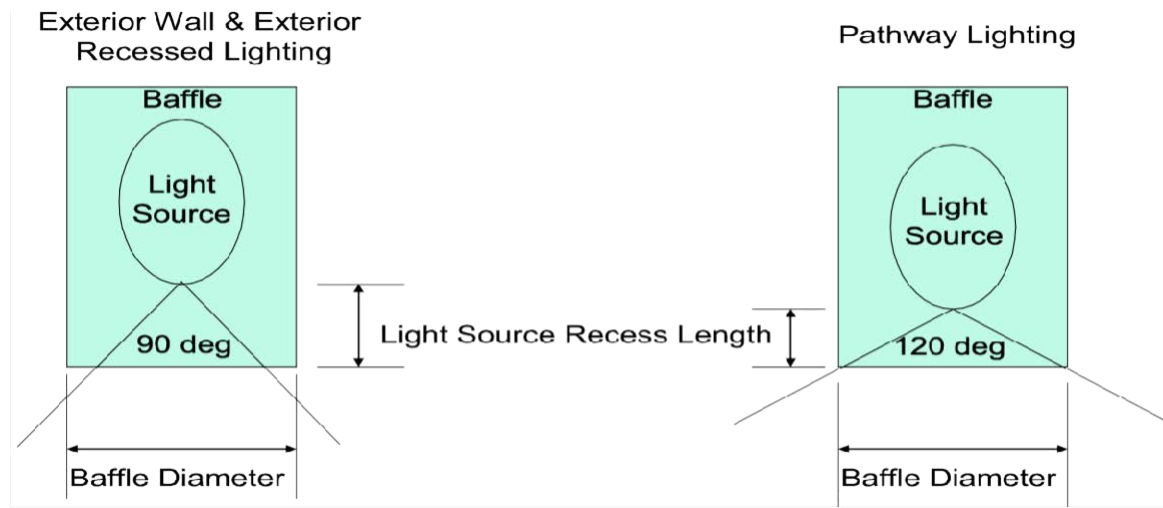
1. All exterior lighting fixtures, regardless of design are subject to MI ARC approval.
2. Recessed exterior lighting fixtures are not allowed.
3. All lighting will be baffled to prevent direct visualization of the light source. The MI ARC may not approve lighting fixtures that have been modified or altered from the original manufactured design.
4. All exterior wall lighting shall have a baffle-to-light source relationship that creates a maximum spread of light of 90 degrees from the bottom of the baffle. All fixture lenses and bulb covers must maintain the source-to-baffle relationship indicated in the diagrams and examples of the baffle-to-light source relationship calculations below.
5. All pathway low-luminary lighting shall have a baffle-to-light source relationship that creates a maximum spread of light of 120 degrees from the bottom of the baffle. All fixture lenses and bulb covers must maintain the source-to-baffle relationship indicated in

the diagrams and examples of the baffle-to-light source relationship calculations below.

All pathway lighting

shall be no higher than eighteen inches (18”) above grade as measured from the top of the light fixture.

6. All hooded exterior wall fixture bulbs will be from the warm white family and no bulb shall be brighter than 450 lumens. (Approximately 40 watts incandescent, 6 watts LED, 10 watts CFL). The bulb/light color temperature must be 3000 degrees Kelvin or less, which is warm white in color.
7. Pathway or stairway lighting fixtures must utilize a maximum equivalent of 100 lumens or less. The bulb/light color temperature must be 3000 degrees Kelvin or less, which is warm white in color. The reduced baffling cannot result in direct visualization. This light style must be reviewed and approved by the ARC and must be used sparingly.
8. Placing television sets or other electronic equipment on exterior decks, porches, etc. is not permitted, unless it is possible to shield from horizontal view by neighbors and from the street/alley.
9. Holiday lighting is permitted from November 15 to January 15 only and for ocean front homes only on the side of the house facing the road Moderation is recommended. No holiday or string lighting is to be used for exterior decoration any other time during the year, including clear or white lights, nor is it permitted to be used to illuminate any exterior steps, porches, arbors, structures, etc. any other time of year.



<u>Baffle diameter</u>	<u>Source recess length from bottom of baffle</u>	
	<u>90 degree spread</u>	<u>120 degree spread</u>
4"	2"	1.15"
6"	3"	1.73"
8"	4"	2.31"
10"	5"	2.87"
12"	6"	3.16"

### **RECOMMENDATIONS:**

Homeowners are strongly encouraged to light only what they need, when they need it. A lost view of the stars extinguishes a connection with the natural world and blinds us to one of the most splendid wonders in the universe. MI ARC requests all exterior lighting to be turned off by 11pm.

### **Paint and Colors**

All paint colors chosen for the exterior elements of the home must be compatible with the island environment and complement the home's design elements.

The selected palette must be attached to a completed Paint/Color Application submitted to the MI ARC Coordinator.

### **REQUIREMENTS**

The main body paint colors must be earth tones such as soft greens, greys or browns that are of subdued hue intensity and light to medium value unless otherwise approved by the MI ARC. Natural weathering will also be considered. Bright tropical and pastel hues are not generally acceptable for body colors but may be considered for accents unless otherwise approved by the MI ARC.



Applicants may choose to submit one of the pre-selected color schemes or submit another color scheme of their personal preference. Manufacturer-provided paint chips of the chosen colors must be attached to a completed Paint Review Application submitted to the MI ARC Coordinator.

1. Lattice and foundation screening should be painted to bring the building to the ground aesthetically.
2. Accents, panels, doors, louvers, soffits and porch ceilings must complement the overall color scheme. These colors may be of higher hue intensity and value.
3. Columns, pickets, railings, trim and fences shall be painted white unless otherwise approved by the MI ARC.
4. Miscellaneous details, such as window and door casings, soffits, fascia, deck railing, grade level screening, chimneys, outbuildings and other detached elements of the home must have commonality in materials and colors to unify the appearance of the home.
5. Roofing color schemes must be of colors complementary to the island environment. Examples of these colors include beiges, grays and soft greens. White is not an acceptable roof color. Metal roofs are acceptable. The MI ARC roof application submittal for a metal roof must include the manufacturer's reflective index/sheen rating for the proposed color. Roof vents, such as ridge vents and roof exhaust fans, must be compatible with the roof color. Unpainted copper is acceptable.
6. White is not an acceptable main body/siding color.

## **Pools/Spas REQUIREMENTS**

1. The building of pools is discouraged by the MI ARC because of several factors. Environmental concerns around the area of a swimming pool or spa counts as part of the allowable building coverage and the presence of an unnatural body of water can negatively impact wildlife. The area of an inground pool or spa is included in the allowable building coverage calculation. Temporary, sidewall or inflatable pools or spas are not allowed.
2. Pool or spa enclosures including, but not limited to, tents, canopies, screen cages, netting, etc. are not allowed.

## **Porches REQUIREMENTS**

1. Homes on or in front of the marsh must have a minimum of 15% of the linear feet of the perimeter exterior walls wrapped by covered porches and open decks having an 8-foot depth minimum. Bays may be counted as part of this depth. The 15% is measured from the linear footage around the heated wall space on the first floor. For elevations with a porch/deck directly above another porch/deck, only one porch/deck will be counted toward the percentage.

2. Beach homes must have a minimum of 20% of the linear feet of the perimeter exterior walls wrapped by covered porches having an 8-foot depth minimum. The 20% is measured from the linear footage around the heated wall space on the first floor. For elevations with a porch directly above another porch, only one porch will be counted toward the percentage.
3. The porch/deck pilings must be a minimum of 8 inches x 8 inches.
4. Plastic roll-down screening is not permitted.

## **Recreational/Play Equipment**

The Middle Island Association is committed to the island's ecology and recognizes the need to limit impacts on the natural environment.

1. Trampolines, skateboard ramps, jungle gyms, and other types of recreational/play equipment are not allowed.
2. Portable basketball hoops may be placed on a homeowner's property, but as a courtesy to others, it is requested that basketball hoops not be left permanently in the yard. Please remove them when not in use and store where they are not within view of the street or surrounding neighbors.
3. Temporary, sidewall or inflatable types of pools are not allowed.
4. Enclosures including, but not limited to, tents, canopies, temporary shelters, etc. are not allowed.
5. Fire-pits are not allowed.

**Items must not be placed on Middle Island streets, private right of way or on an alley per Village Ordinance 26-124.**

## **Roofs/Overhangs**

### **REQUIREMENTS**

1. The pitch of the primary roof of all structures must meet or exceed an 8/12 pitch.
2. The pitch of a hip roof may be reduced to a 6 in 12 pitch.
3. Minimal slope on secondary roofs must be a 4 in 12 pitch.
4. Flat roofs are only allowed when architecturally integrated as an attached shed or room to a principal pitched roof surrounded by parapet or balustrade.
5. Principal eave overhangs of all structures shall be 18 inches minimum and rake overhangs of all structures shall be 12 inches minimum.
6. Roof forms shall be of simple gable, hip, gambrel or shed.
7. Chimney pipes must be enclosed. Flues may be no taller than the lowest point prescribed by code, which is two feet higher than any structure within ten feet of the chimney.
8. Cantilevered chimneys are not permitted.

9. All roof application submittals must include a sample of the proposed material. Metal roofing submittals must also contain the reflective index/sheen rating for the proposed color.
10. Any roof patch repair must be undetectable and consistent in appearance with the existing roofing when completed.

## **Satellite Dishes and External Antennas**

### **REQUIREMENTS**

Satellite dishes and external antennas over a meter (approx. 39 inches) in height or diameter are prohibited.

### **RECOMMENDATIONS**

Applicants are strongly encouraged to position satellite dishes and external antennas discreetly, concealing them from view to the maximum extent possible.

## **Screening – Grade Level**

### **REQUIREMENTS**

1. Grade level screening for crawl space areas must be constructed to avoid a solid appearance. The spacing width should be determined based on achieving a balance with the appearance of the home.
2. Grade level screening must follow heated space. Any screening beneath decks and porches used to conceal boats or to provide other storage needs must be approved by the MI ARC.
3. Grade level screening of a minimum thickness of ¾" is required and must be constructed so that the spacing does not exceed the width of the board.
4. Prefabricated lattice is not permitted.

### **RECOMMENDATIONS**

The use of natural vegetation is preferred and encouraged to conceal objectionable views and add privacy and architectural unity.

## **Setbacks**

### **REQUIREMENTS**

Minimum standard setbacks are:

**Setbacks** - See attached drawings for general information. See subdivision plat for specific designated setbacks.

**Front setback-** 35 feet minimum

**Side setback-** All vegetation within the side set-back shall be left undisturbed.

Forest Lot: 15 feet

Beach Lot: 10 feet

**Rear setback-**

Forest Lot: 25' of rear lot line

Ocean front: 75' of dune and conservation easement. The siting of all oceanfront structures is also subject to architectural review and approval under Section 6.19

1.
  - a. Corner lots will have one 35' front yard setback and the front yard will be determined by 911/GIS assignment of the Village. The side-road side road setback will require a 15' minimum setback.
  - b. Article V1 6.14 setback lines, Lot 207, 208, 209 and 210. Notwithstanding anything contained herein to the contrary, on lot 207, 208, 209 and 210, no dwelling, accessory building, fence or other structure shall be erected or placed farther than 200 feet from the front property line, which is also the western boundary of an undedicated roadbed designated as East Beach Dr. on the Plat recorded in Plat Book S at page 84 in the Brunswick County Public Registry
  - c. CAMA can change setback requirements on marsh and ocean sides.
2. Overhangs are not allowed in the setbacks.
3. Listed below are structures that are allowed to encroach upon the setbacks. All others shall be within the setbacks.
  - a. Address bollards
  - b. Driveways, excluding the guest parking area
  - c. Wood walkways (not beach accesses) must not exceed 4 feet in width and 16 inches in height above grade.
4. Sightline Setback –This setback applies to all new construction homes and oceanside additions to existing homes on oceanfront lots. In all cases a new oceanfront house or addition shall be no closer to the waterline than the average of the houses on the three adjoining lots on each side of the house. Oceanfront decks elevated higher than 18" above finish grade shall be no closer to the waterline than the average of elevated oceanfront decks on the three adjoining lots on both sides of the house.

If there are no houses on the first three adjoining lots on each side of the reference house, the location of the house or addition shall be unrestricted by this sightline setback. If there are no oceanfront decks on the first three adjoining lots on each side of the reference house, the location of the oceanfront deck for the reference house shall be unrestricted by this sightline setback.

## **Shutters**

**All shutters must be approved by the MI ARC.**

Decorative or functional shutters may be fixed, but all shutters must be sized to cover the sash. If bi-lateral shutters are used, they should be the same height as the windows and each one wide enough to cover one-half of the total window area. Shutters must be installed as indicated on the approved elevation drawings. Shutters made of plastic or vinyl materials must be submitted for review and receive MI ARC approval prior to installation. A physical sample must accompany any submittal that includes plastic or vinyl shutters.

## **Storm-Protection Shutters**

### **Permanently Mounted Storm-Protection Shutters**

1. Roll-down shutters are prohibited unless concealed from view when not in use.
2. Only transparent window-shielding systems that are flat and not corrugated are allowed on a permanent basis.

### **Temporary Storm-Protection Shutters**

1. Temporary shutters used as a storm protection measure must be removed in a timely manner after the danger has passed. Any attachments used with the temporary panels must be concealed from view when the panels are not installed.

## **Siding**

1. Materials that are natural or have a “natural” appearance should be used.
2. No sawn plywood textures are allowed as primary siding material such as T1-11 plywood.
3. Stucco-covered foam moldings are not permitted.

## **Signage**

The only signs that may be placed on single family residential lots are standard “For Sale” and “Open House” bollard caps, Village standard address bollards, standard builder signs during the construction phase only, code required builder signs and house identification signs.

The Village also has specific sign ordinances. In situations where the Association and Village restrictions overlap, the strictest guideline applies. Commercial signs are not permitted except as noted above.

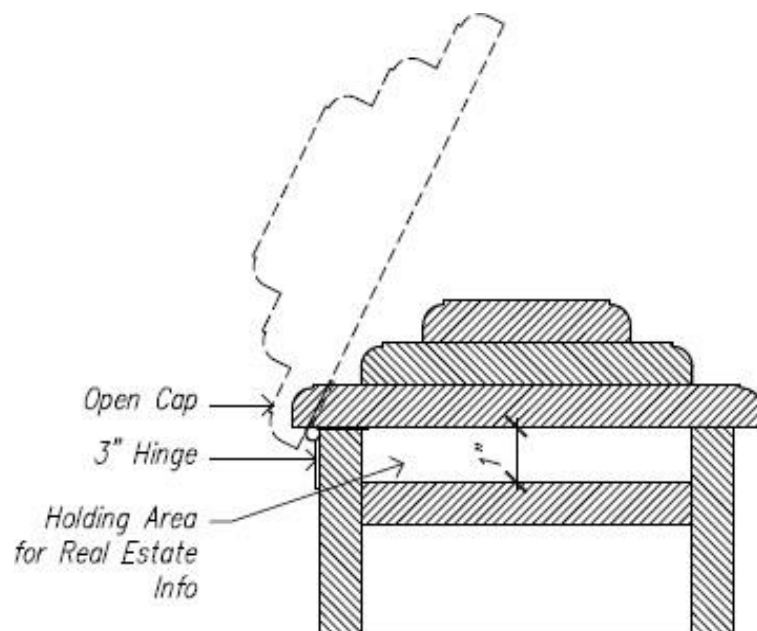
## **REQUIREMENTS**

1. House identification signs must not exceed two square feet in area per Village Ordinance. A house identification sign may provide the name of the occupant, the name of the dwelling unit or property unit or property and/or its location. A website address connecting to commercial/rental information about the property or other business interests is not permitted on the sign.
2. The placement of all house identification signs requires MI ARC approval.
3. House identification signs on homes should have colors compatible with the structures on which they are hung.
4. The following specifications detail the only approved commercial signage allowed. This includes the “For Sale” and “Open House” bollard caps, and builder/construction sign specifications. Also included in this Appendix are the specifications for the Village standard address bollard.
5. The MI ARC Coordinator can provide guidance about the specifications of these permitted signs.

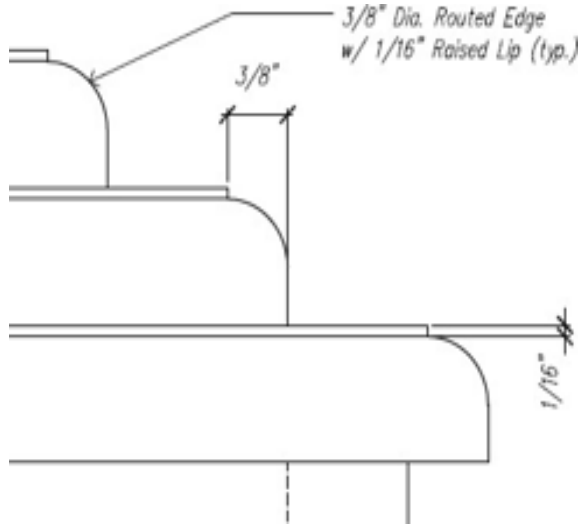
### **“FOR SALE” BOLLARD CAP NOTES:**

1. All material 1 X (cut to suit)
2. Text: white vinyl applied lettering in Adobe Garamond Pro Bold font
3. Background: either PMS # 2915 OR 782 Blue Belle by Benjamin Moore
4. This item is to be placed on top of a Village standard address bollard.
  - a. If the property for sale is unimproved (no house) and there is no existing bollard, the property owner / realtor may use the Village bollard standard without the routed / sandblasted numbers, though the number specification is strongly encouraged for emergency service purposes.
  - b. If the property for sale is improved (has a house built on the property) and has a bollard that predates the Village bollard specification (grandfathered), the For-Sale cap may be placed on top of the grandfathered bollard. If it does not fit, a Village standard address bollard, including the routed / sandblasted numbers, must be acquired to replace the grandfathered bollard.
5. The hinge and “Lift” verbiage on the lip of the cap are not required features of the bollard cap; the cap top may be fixed in place with no holding area. However, if the hinge feature is desired on the bollard cap by the property owner / realtor, it must follow these specifications.

Properties that are for sale by owner may omit the second line showing the listing real estate company or may choose to use this line to read “By Owner” according to the lettering style and height specifications noted for this line.

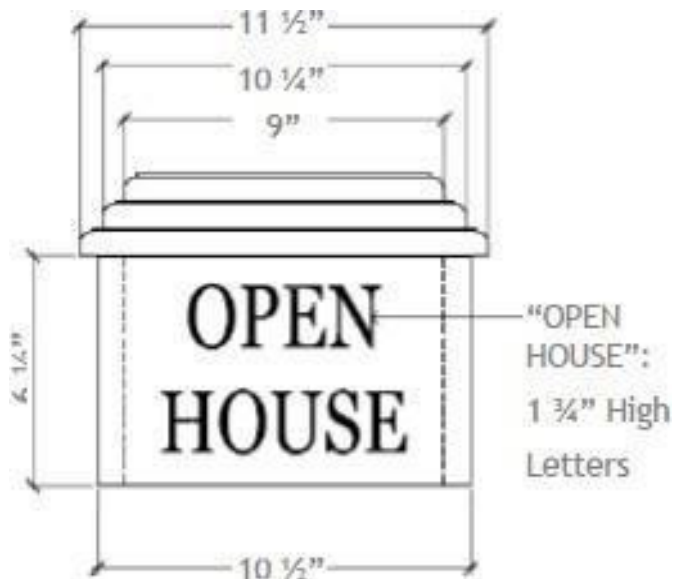


Detail for “For Sale” and “Open House” Bollard Caps:

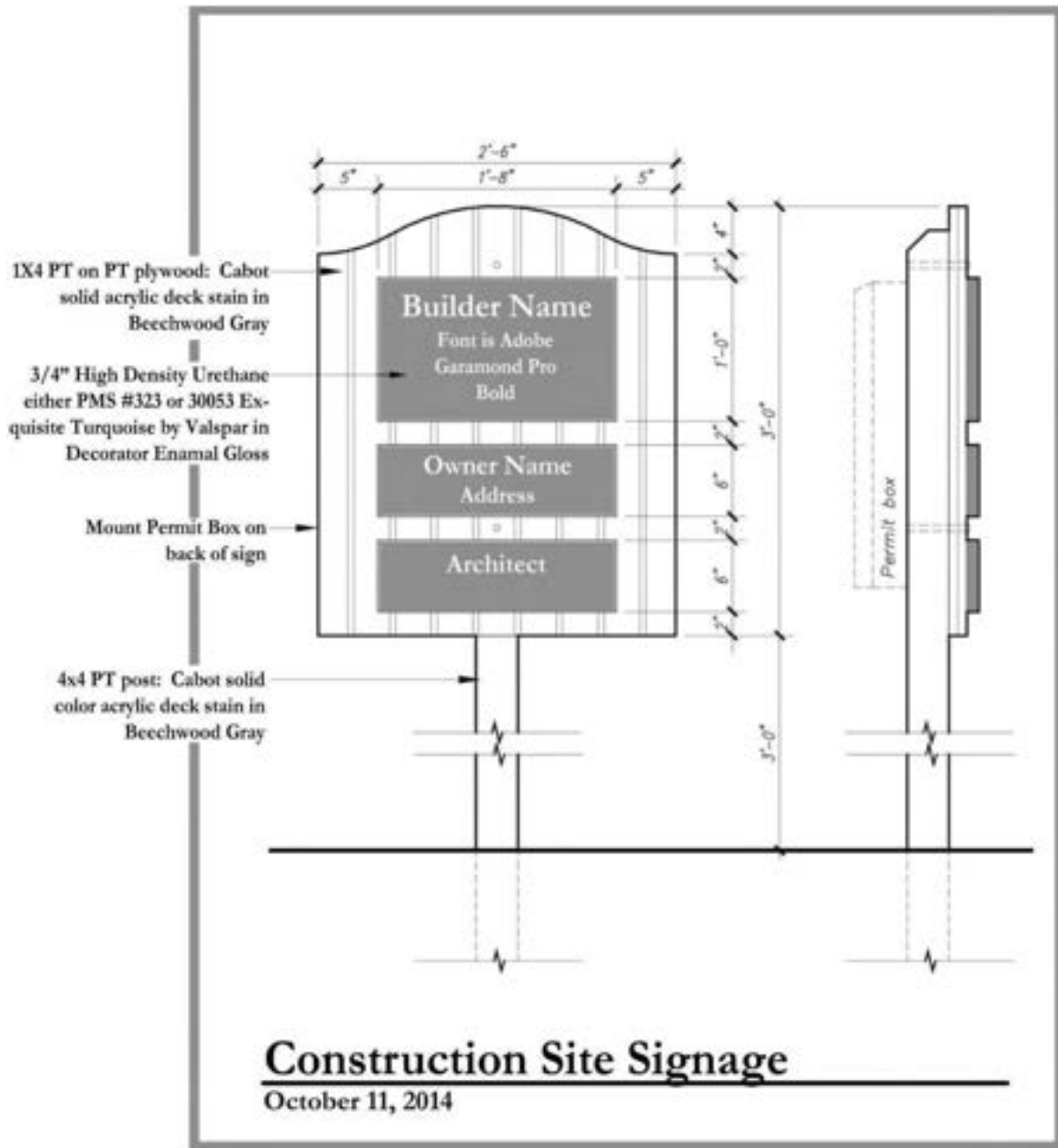


**“OPEN HOUSE” BOLLARD CAP NOTES:**

1. All material 1 X (cut to suit)
2. Text: white vinyl applied lettering in Adobe Garamond Pro Bold font
3. Background: either PMS # 546 OR HC-155 Newburyport Blue by Benjamin Moore
4. This item is to be placed to cover the “For Sale” bollard cap during open house.







## CONSTRUCTION SITE SIGNAGE (LARGE)

TEXT IS RECESSED: The letters are recessed into the turquoise plaque in Adobe Garamond Pro-Bold font and then painted with white reflective paint

BUILDER SIGNAGE MUST NOT BE INSTALLED AT THE SITE UNTIL THE BHI VILLAGE BUILDING PERMIT HAS BEEN GRANTED FOR THE APPROVED

PROJECT AND IS REQUIRED TO BE AT LEAST 10 FEET AWAY FROM THE EDGE OF THE ASPHALT OR GRAVEL ROAD UNLESS OTHERWISE APPROVED BY THE ARC DUE TO SITE LIMITATIONS.

ALL BUILDER SIGNAGE MUST BE REMOVED WITHIN 30 DAYS AFTER THE VILLAGE OF BHI CERTIFICATE OF OCCUPANCY IS GRANTED.

SIGNAGE MUST BE REMOVED ONCE A RENOVATION PROJECT IS COMPLETE AND HAS RECEIVED VILLAGE APPROVAL.

The Design Guideline specifications for construction signs prohibit logos, designs, phone numbers and deviations in color. All text, which includes the builder's name as it appears on the contractor's license, is to be sandblasted into the turquoise plaque (recessed) in Adobe Garamond Pro-Bold font and painted with reflective white paint on a solid plaque painted PMS #323 or 30053 Exquisite Turquoise by Valspar in Decorator Enamel Gloss against a Cabot solid color acrylic deck stain in Beachwood Gray background.

On the middle plaque it is acceptable to use the owner's last name only and then "Residence" / "Cottage" (i.e. – Smith Residence) and street address.

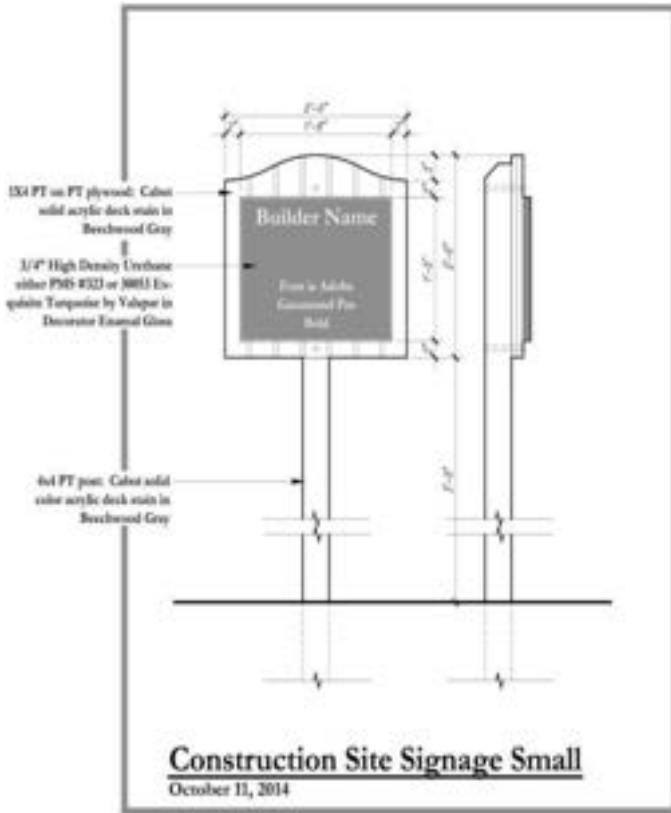
The third plaque is reserved for the project architect's/designer's name.

Blank plaques must be mounted as placeholders when not using custom informational plaques.

**The plaques are the only embellishments permitted.** The Association does not require a construction site sign, but **all signage must conform Middle Island covenants and the Village of Bald Head Island Sign Ordinance.**

The permit box is required to be attached to the back of this sign and concealed from view of any public road. The Village regulates only the size of the signage. Covenant restrictions regulate all colors, verbiage and other aspects of using signs and these covenant restrictions often are stricter than the Village.

The members of the Middle Island Property Owners Association are bound by the Covenants. Article V1 6.17 j): All signs, whether for sale or rent or the like shall be approved by the Association.



## ALTERNATE CONSTRUCTION SITE SIGNAGE (SMALL)

**TEXT IS RECESSED:** The letters are recessed into the turquoise plaque in Adobe Garamond Pro-Bold font and then painted with white reflective paint

BUILDER SIGNAGE MUST NOT BE INSTALLED AT THE SITE UNTIL THE BHI VILLAGE BUILDING PERMIT HAS BEEN GRANTED FOR THE APPROVED PROJECT AND IS REQUIRED TO BE AT LEAST 10 FEET AWAY FROM THE EDGE OF THE ASPHALT OR GRAVEL ROAD UNLESS OTHERWISE APPROVED BY THE ARC DUE TO SITE LIMITATIONS.

ALL BUILDER SIGNAGE MUST BE REMOVED WITHIN 30 DAYS AFTER THE VILLAGE OF BHI CERTIFICATE OF OCCUPANCY IS GRANTED.

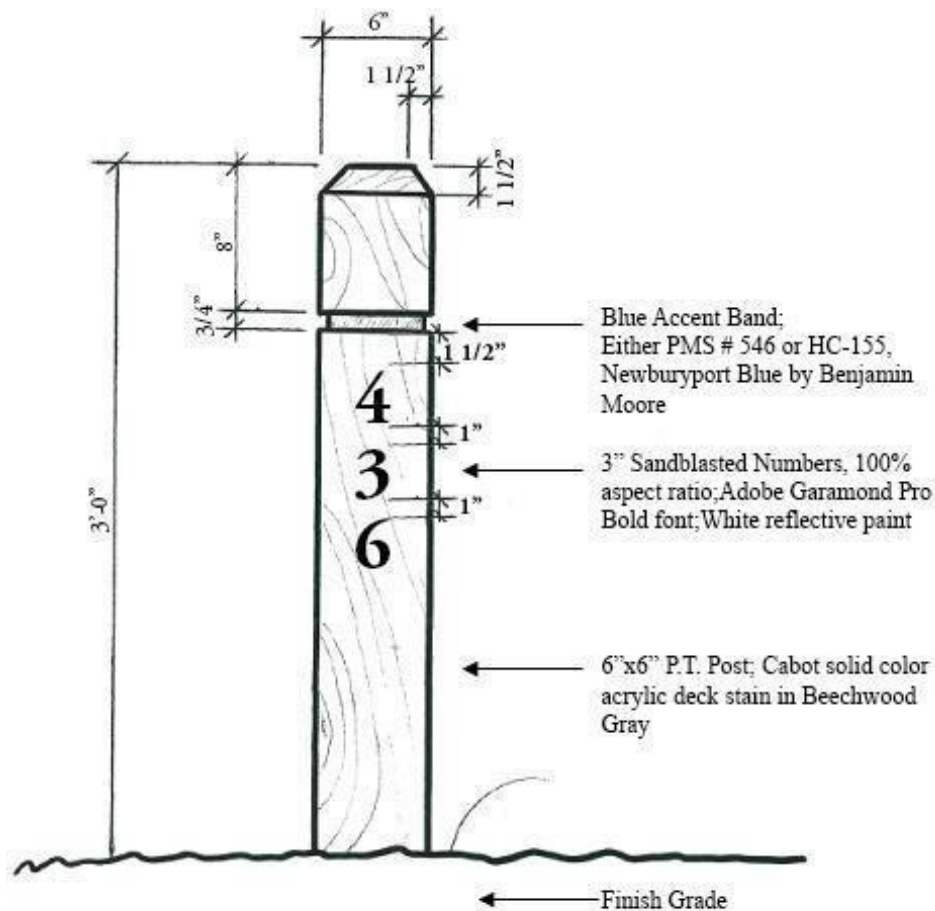
SIGNAGE MUST BE REMOVED ONCE A RENOVATION PROJECT IS COMPLETE AND HAS RECEIVED VILLAGE APPROVAL.

The Design Guideline specifications for construction signs prohibit logos, designs, phone numbers and deviations in color. All text, which includes the builder's name as it appears on the contractor's license, is to be sandblasted in Adobe Garamond Pro-Bold font, painted with reflective white paint on a solid plaque painted PMS #323 or 30053 Exquisite Turquoise by Valspar in Decorator Enamel Gloss against a Cabot solid acrylic deck stain in Beechwood Gray

background. The Builder name plaque is the only embellishment permitted on the smaller construction site signage. The Middle Island Association does not require a construction site sign, but all signage must conform to Middle Island Association Architectural Review Standards and to the Village of Bald Head Island Sign Ordinance.

Due to the reduced size of this construction site signage, the permit box CANNOT be attached to the back. The permit box must be placed in a location concealed from view of any public road. The Village regulates only the size of the signage. Covenant restrictions regulate all colors, verbiage and other aspects of using signs and these covenant restrictions often are stricter than the Village.

**The members of the Middle Island Property Association are bound by the Covenants.**



## Standard Address Bollard

TEXT: 3" Recessed numbers in Adobe Garamond Pro Bold font; white reflective paint

Refer to the site plans for exact location of the address bollard. The Association will allow one address bollard per property. On a corner lot, the bollard is required to be located on the side to which the address is designated by the Village and approved by the MI ARC. The addition of an address bollard to an improved property is required to be approved by the MI ARC.

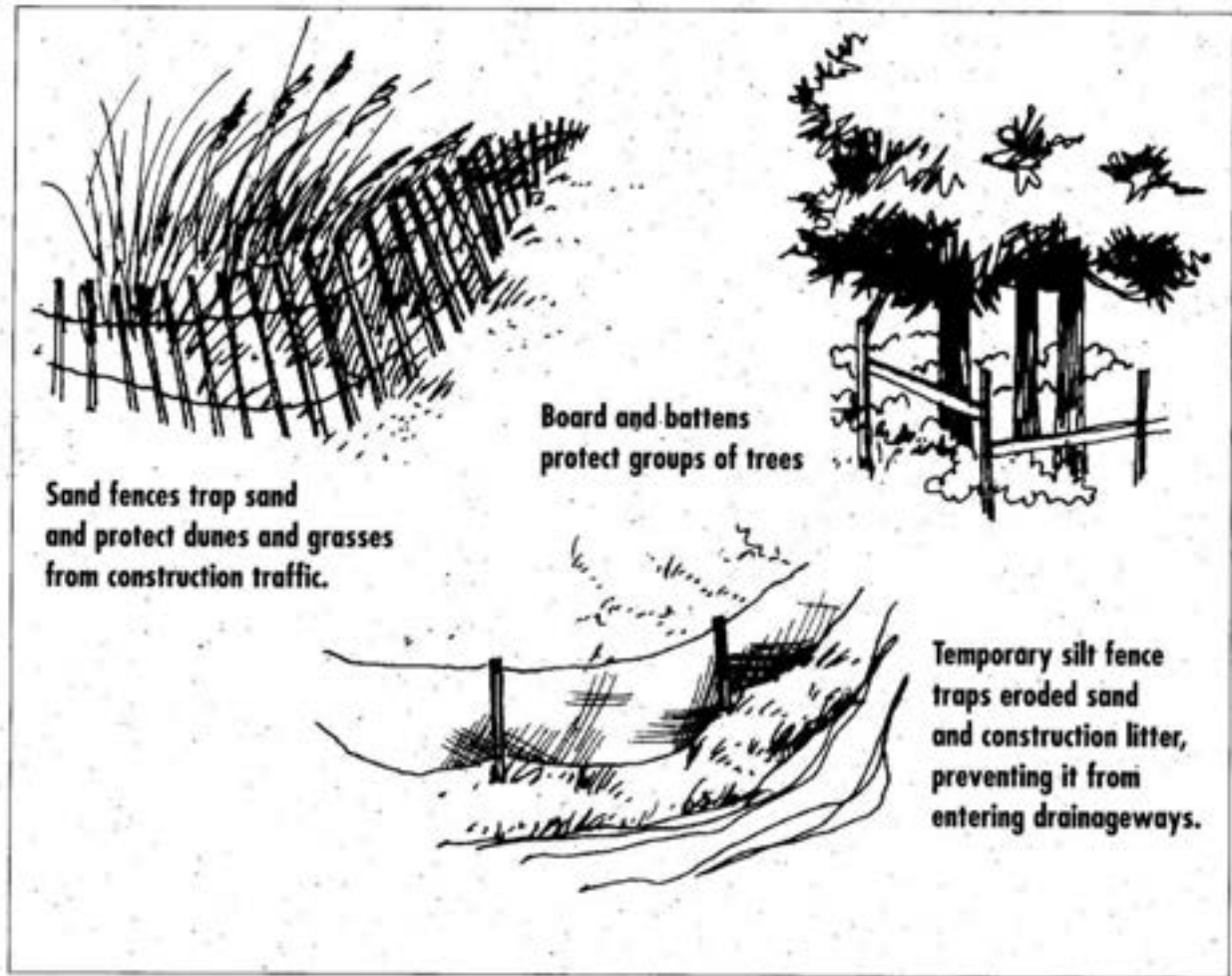
## Site Management

A preconstruction discussion with your builder and MI ARC Coordinator on site is required and can be valuable for reducing needless damage and removal of the topography and vegetation. Progress reviews are equally valuable to inventory damage and responsibility. Your builder should be aware of specific regulations governing construction work and keeping the site presentable.

### REQUIREMENTS

1. MI ARC approval is valid for 24 months. The date the building permit is obtained establishes the date of commencement and the exterior must be completed within 24 months of that commencement date or if later any extension granted by the MI ARC.

2. MI ARC approved landscaping plans must be installed prior to final inspection. Planting may be delayed for maximum success rate; however, MI ARC approval is required for any landscaping delays. Construction deposit refund will not be returned until landscaping is completed and approved.
3. After gaining MI ARC final approval and obtaining all necessary permits, the builder must establish limits of construction, stabilize the proposed driveway and install appropriate protection for all vegetation that is to be saved at limits of construction as shown on the Site Management Compliance Form before delivery of materials and start of construction. Existing grades and drainage features also need adequate protection. Silt fencing must be used where specified by CAMA requirements. Small construction trailers are permitted on a temporary basis.
4. All reasonable means shall be taken during and after construction to protect and preserve all existing vegetation. Boards or other materials shall not be nailed to trees during construction. Equipment and/or materials storage must occur within the designated laydown area on the Site Management Compliance Form or the driveway and parking areas of the site to minimize root damage impact under tree canopies. Equipment and materials may not be placed against or lean on trees. Care should be taken to keep the areas around the trees free of materials and debris.
5. Sediment and erosion control provisions shall be employed during and after construction as required by the State of North Carolina. Surface drainage must be collected on site and not cause damage to adjacent properties as the result of construction. Particular attention must be paid to avoid standing water.
6. All planting, fixtures, fencing and landscaping which is damaged during construction or after by construction vehicles, fire or other cause, on or off-site, including streets, shoulders and common areas, shall be repaired, removed or replaced by the builder.
7. During construction, all trash, debris and waste shall be gathered regularly and not only concealed from public view, but also made inaccessible to wildlife.
8. Construction personnel are expected to conduct themselves in a professional manner. Disturbance of island residents/visitors with loud music, profanity or other unacceptable behavior will be addressed through the Department of Public Safety.
9. Homes that burn down shall be replaced or shall be removed and the property restored to its natural vegetative state. Either solution shall be implemented in a timely manner.



## Size REQUIREMENTS

**Covenant Article V1 6.5:** Minimum and maximum size of residence. Residences shall have a minimum of 1600 ft.<sup>2</sup> of enclosed living area exclusive of garages, boat sheds, terraces, decks and open porches. Residences, outbuildings and driveways constructed on any maritime forest lot shall not cover or overhang more than 25% the total lot square footage. Building improvements on any lot shall not exceed 7,500 heated square feet; provided, however, that when either a) two or more lots have been combined to form a new lot, or b) when a platted lot other than a maritime forest lot exceeds 21,780 ft.<sup>2</sup>, then building improvements on the resulting lot shall not exceed 10,000 heated square feet.

1. In any environment, the MI ARC building coverage shall be limited to a maximum of 25% of the total square footage of the lot. The elements that affect the MI ARC building coverage have a visual impact on the property. The following elements are required to be included in the MI ARC building coverage:
  - a. Building footprint of the main structure including cantilevered elements and all accessory structures

- b. Any structure including, but not limited to, all exterior stairs and decks above 30 inches, regardless of material
  - c. Water surface of pools and spas (For environmental reasons the MI ARC discourages swimming pools)
- 2. In any environment, the impervious surface coverage is limited to a maximum of 25% of the total square footage of the lot. This is the area of the property covered by structures or materials that do not allow water to penetrate or percolate into the ground. Cantilevered elements are included in the impervious surface coverage calculation. 'Drip thru' wood decking and the water surface of a swimming pool and a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric are not included in the impervious surface coverage calculation. The state of NC classifies surface water as pervious because the water fills the pool but is drained periodically and is absorbed into the ground. If the area around the pool is rock, concrete, etc. it's impervious and is part of the impervious surface coverage calculation.

**Note:** The Village or CAMA percentage requirements may be higher, depending on where the home is located on the island.

- 3. Property owners who own two contiguous properties and seek to combine the properties, must obtain written permission from the Middle Island Property Association Board to merge the lots and must record these as merged in the public records of Brunswick County prior to MI ARC final approval.

## **Stair Towers**

Independent stair towers built to reach views are not permitted on vacant or improved properties.

## **Trash Receptacles/Enclosures REQUIREMENTS**

- 1. Trash receptacles must be under or near the house or garage/crofter.
- 2. Trash receptacles must be convenient to the driveway and have unobstructed, serviceable access.
- 3. Trash receptacles must have a solid waterproof roof.
- 4. Trash receptacles must be animal-proof and lined with welded wire if gapped siding is used.
- 5. Trash receptacles must be sized to hold at least two 30-gallon trash containers.
- 6. YES/NO tags are provided by the Village. They should be located on or near the trash receptacles and must be visible from the street or alley.
- 7. If the YES/NO tag is not visible from the street when located on or near the trash receptacle, it may be positioned 2 inches below the last address number on the right side of the address bollard of the property.
- 8. No advertising is permitted on garbage tags.



## **Trellises and Arbors**

### **REQUIREMENTS**

1. Trellises and arbors are discouraged because the flora and fauna provide natural trellises and arbors. However, on a case by case procedure the MI ARC will review a submission for approval. It should be constructed of dimensional lumber.
2. If over a driveway:  
The maximum inside width dimension must be no more than 10 feet from post to post.  
The minimum inside dimension must be no less than 8 feet to allow for vehicular access.
3. The minimum height must be 8 feet from the finish elevation to the lowest horizontal member. Overall height cannot exceed 10 feet.
4. Simple versus ornate trellis styles are preferred if at all.

## **Trim**

### **REQUIREMENTS**

1. Trim details need to be consistent on all four elevations.
2. Trim may not be overlaid on top of siding.
3. Stucco-covered foam moldings are not permitted.
4. Windows and doors must be cased with trim that has a minimum width of 5 inches (actual measurement) and a minimum depth of a  $\frac{3}{4}$  inch thickness.

## **Utilities**

### **REQUIREMENTS**

1. All HVAC equipment must be above the base flood elevation and concealed from view. All stands that are more than 4 feet above grade must be supported on pilings that are proportional to the structure.
2. Solar panels, if used, must be incorporated into the house and roof design. The goal being to minimize the visibility.
3. Solar panels at grade level must be concealed by appropriate landscaping.
4. Submittals for solar panels will be evaluated on a case-by-case basis. Technology is rapidly reducing the size, increasing the capacity and minimizing the visual impact of solar panels. It is predicted that solar panels, according to Science Daily, will consist of an ultra-high efficiency material called a tandem perovskite solar cell. This will make current products obsolete as future products will be less expensive and much more visually discrete.
5. Through-window heating/cooling units are prohibited.
6. High-efficiency through-wall heating/cooling units are subject to approval by the MI ARC.

### **RECOMMENDATIONS**

1. Contact the Village of Bald Head Island Utility Company for water and sewer requirements. Duke Energy provides electrical service.

2. Consult the Public Safety Department for fire protection tips and guidelines, including considerations for golf carts, appliances and fireplace safety.
3. All HVAC compressors should be located to allow rain to wash salt accumulation and minimize corrosion.
4. Passive solar heating designs may be appropriate for consideration depending upon the characteristics of the lot.

## **Windows**

Windows contribute significantly to the overall appearance of a house and many shingle-style and coastal cottage designs include a generous number of rectangular and vertical window openings to allow coastal light and provide an open, welcoming look to the house design.

### **Requirements**

1. 75% or more of the window shape submitted must be vertical rectangular.
2. Single and double-hung windows must have a minimum height-to-width ratio of 1.5 to 1.
3. Additional accent windows may be applied sparingly if approved by the MI ARC.
4. Any reflective coating and stained or tinted glass must be approved by the MI ARC.
5. No trapezoidal or horizontal windows will be allowed.
6. Window muntins shall be simulated divided lites or fixed grills on both the interior and exterior surfaces and shall create panes of square or vertical proportion.
7. Windows shall be wood, vinyl-clad or aluminum-clad. All vinyl and/or fiberglass windows shall be approved at the discretion of the MI ARC.

## D. LANDSCAPING

*In the end we will be defined, not by what we create, but by what we refuse to destroy.*

-John Sawhill, Nature Conservancy CEO 1980-1990

The three major ecological environments on Middle Island— ocean front dune, the creek side marsh, and the Maritime Evergreen Forest have been shaped by the natural forces working on the island. The relative stability of the island has been dependent upon its maritime forest. The forest prevents wind erosion and traps wind-blown sand to eventually form the large dunes on the seaward edge. Live Oak, pine, palm, bay and Laurel Oak provide a canopy that rises from its salt sheared edge to about fifty or sixty feet adjacent to the salt marshes. Much of the vegetation is evergreen and the low light levels on the forest floor prevents overgrowth and the need to remove it.

A lesser variety of animals and vegetation occurs in the dune environment. The plant varieties that do occur on the dunes are very important to the stability of these slow-moving dunes. The sea oats and other salt and wind tolerant grasses, vines and shrubs help to preserve the dunes. Wetland vegetation along the creek side marsh is another critical component providing habitat to countless birds, fish and crustaceans.

The existing flora should be protected, as this helps to maintain the natural systems which protect our island. Natural landscaping can help accomplish both goals. Natural landscaping is not defined as a total abandonment of planting maintenance, but rather a controlled and guided landscape in character with the charm and beauty of Middle Island.

**Any approved clearing and planting should take into account the environmental impact of such activities and the need to protect plants of special value to the island ecology.**

### **Village Ordinances Relating to Landscape**

BHI Village Ordinance 32-44 states - “It shall be the policy of the Village to protect, to the maximum extent feasible, those trees and shrubs native to the Maritime Forest and dune areas of the Village. All improvements shall be designed in such a way so as to minimize the destruction of plants of special concern and to preserve and protect those remaining. Where re-landscaping is required by this ordinance, re-landscaping shall be accomplished, as much as feasible, through the use of those plants which naturally occur within this area, including plants of special concerns.” In the past, the Village has designated the following indigenous plants as plants of special concern for their survival: Live Oak, Yaupon Holly, Sea Oats, Dogwood, American beach Grass, American Holly, Sabal Palm, Red Cedar and Laurel Oak. These plants are highly encouraged as part of your landscaping.

### **Landscape Planning**

A successful site/landscape plan is composed of a number of elements that, with quality design and execution, contribute to a unified balance of the natural environment and man-made elements.

Native plants will always grow best on Bald Head Island and the use of native grasses, wildflowers or vines for groundcover is highly encouraged. Native plants contribute to the overall resilience of the island and support native wildlife of all types.

On the ocean side of the dune ridge, strategically placed appropriate shrubs can detour strong winds and, in combination with the native grasses, will stabilize shifting sands that tend to intrude on unwanted places.

On forested sites, protecting and planting trees decreases temperature impacts of seasonal extremes while at the same time providing privacy and beauty.

Similarly, landscape plans for elevations facing the creek should attempt to mesh with the vegetation there.

## **Requirements for New Construction and Major Renovation Plans**

1. Engage a trained design professional when first building your home and submit the landscape design along with your house plans.
2. New construction landscape plans should utilize the proposed site plan with topographical information provided by the survey/site plan that is required for a draft level submittal. Existing homes planning a major renovation should utilize a site plan that includes all existing improvements, remaining existing landscaping, hardscape and illustrate the proposed changes.
3. Verify setbacks of the property as determined by the Covenants, Design Guidelines (page 107) and Village Ordinance, as well as government waterfront setback controls and maximum allowable impervious coverage (see Size Requirements section) of your house. Note MI Covenant VI 6.10 side setback lines: No building or structure shall be located within 10 feet of the side lot line of any East Beach lot; nor within 15 feet of the side lot line on any maritime forest lot. All vegetation within the side setback area shall be left undisturbed.
4. Develop a landscape plan that includes existing opportunities afforded by your property, such as:
  - a. Existing plant material
  - b. Drainage patterns on or near the site
  - c. Views in all directions, to and from the site
  - d. Sensitive environmental areas
5. Plants indigenous to the island (identified as “Native” on the plant list) should be the predominant source for landscape plans. It is required that a minimum of 70% of the new plant material be native to MI/BHI since not all NC or Brunswick County plants are native to BHI. Up to 30% of the plant material may be used if it is native to NC or

classified as flourishing on MI even if it is not native to MI/BHI. The plant lists are subject to change and plants not on these lists may be considered.

6. No known invasive plants may be planted. (See Plant Lists)
7. Artificial plants are not allowed.
8. During construction, areas of the property that are not within the MI ARC approved building area (denoted by the limits of construction fencing) should not be disturbed. Any areas outside the limits of construction fencing that are disturbed must be restored to their original natural state.
9. New construction and major renovation landscaping plan submittals must include:
  - a. Date of plan preparation, project name, address and name property owner, North arrow, graphic scale (the required scale is 1 inch = 10 feet).
  - b. The site plan must include variety, size and location of plant material, dimensions of hardscape and impervious coverage to determine mitigation.
  - c. Plant list with quantity, botanical name, common name, size and special specifications.
  - d. Detail drawings showing specifications for hardscaping, such as grill pads, planters, extra parking areas, pathways, decking, pavers, steppingstones, fences, arbors, notation of irrigation components, etc.
  - e. Show location for mitigation trees and clustered vegetation, as appropriate, if mitigation is required.
  - f. Calculate any impervious surface, surfaces not allowing the passage of water, square footage that the landscape plan will add to the existing site impervious coverage totals, including retaining walls, pavers and the use of other hardscape details.

**NOTE:** After a Certificate of Occupancy is issued, the builder, as the property owner's representative, is required to contact the BHA-ARC Coordinator to schedule a final inspection. Variances from approved plans, such as substitutions, downsizing or a reduction in quantities of plants cannot be made without approval from the MI-ARC

## **Landscape Changes for Existing Homes**

### **REQUIREMENTS**

1. Any landscaping changes should be consistent with the natural beauty of the island and the original landscaping plan and must meet requirements for native plants and MI ARC approval.

2. Landscaping improvements, plantings or alterations to be installed by a property owner or landscape contractor requires prior consultation with the MI ARC Coordinator.
3. MI ARC review and approval is required before the removal of trees 3 inches in diameter measured 48 inches along the trunk from ground level, tree limbs of 5 inches or more in diameter, clustered growth vegetation 3 square feet or more at ground level, regardless of branching habits or diameter of the branches. Within the understory, MI ARC approval is also required to remove vegetation 1 inch or greater in diameter measured 48 inches along the trunk from ground level.
4. Changing the topography of any lot requires MI ARC approval; for example: leveling or removing an existing natural feature from a lot.
5. It is important that yard maintenance involve only minimal trimming to maintain a controlled and guided landscape in character with the charm and beauty of Middle Island. The practice of tree topping is discouraged.
6. The use of mulch or pine straw should be limited to defined areas. Utilizing mulch and pine straw as general cover with no natural plantings is discouraged. Existing homes should maintain the surrounding landscaping in a naturalized manner that reflects their specific BHI ecological environment – the creek side marsh, the open dunes or the Maritime Evergreen Forest.

## **Clearing, Trimming and Maintaining: REQUIREMENTS**

1. **Lot clearing for sale of property** - Clearing of the entire understory or clearing for the sole purpose of selling a lot is not permitted and may be subject to board approved fines. However, in order to provide ease of access, a path of 36 inches in width may be cleared as long as no trees, tree limbs or clustered growth, subject to Village or MI ARC approval, are disturbed. Any violation due to more extensive clearing will be subject to fines and/or mitigation.
2. **Lot clearing for survey or staking** – Some clearing of understory trees and shrubs may be required to prepare a site for survey or to stake the proposed building site. Permission to clear such understory trees and shrubs shall not be required by the MI ARC for the purpose of surveying, but clearing shall be limited to vegetation less than a 1 inch in diameter at 48 inches as measured along the trunk from ground level or any tree limb less than 3 inches in diameter. Any vegetation larger than this, or any vegetation that exists as clustered growth, or having horizontal branching habits must be approved for removal regardless of size of diameter. Exception: It is understood that when surveying to establish the property lines of a lot, vegetation may impede the ability of the surveyor to establish a sight line. Any vegetation directly in the sight line that is less than 3 inches in diameter at 48 inches as measured from the base at ground level, may be removed. MI ARC approval must be granted to remove any vegetation 3 inches or greater in the sight line. Violations of this requirement are subject to mitigation and fines.

3. **Lot clearing for any construction** – All construction sites must adhere to provisions in other sections of this document. The intent when clearing for construction or renovation projects should be to disturb as small an area as possible. An approved site plan is required prior to any vegetation removal for construction.
  - a. **Understory** should be removed only in the designated building area. Building materials or equipment should not be allowed to destroy remaining areas of understory or be placed near trees. All trees should be protected with fencing and this fencing must remain in place for the entire construction process.
4. **Lot clearing for improving the view** –Typically, maintenance does not entail major trimming of trees, clearing understory 1 inch or larger or removing branches that are not impinging on structures. Approval must be received before any regulated trees, vegetation, understory or clustered growth is removed. The practice of tree topping is discouraged. No vegetation trimming or removal is allowed on unimproved vacant lots. Board approval is required for any clearing on MI ARC Common Area. Prior to any clearing for view please contact the MI ARC Coordinator for more information concerning Common Areas.
5. **Canopy and Underscoring Trimming** -The understory is a vital part of the maritime forest ecology just as certain grasses are a part of the beach front. The understory protects the island from erosion as well as from wind damage to the trees and homes. Trees whose roots are used to being surrounded by the roots of other trees and bushes are susceptible to being blown over or to having major canopy damage when their surroundings are changed. For these reasons, cutting and thinning should be kept to an absolute minimum. No canopy or understory trimming, and no vegetation removal are allowed on unimproved (vacant) lots. The practice of tree topping is discouraged.
6. **Dune Vegetation:** The removal of vegetation from any dune area is a critical issue. This vegetation (shrubs, grasses or vines) holds the dunes in place preventing erosion and storm damage. The removal of sea oats plants or stripping of their kernels is prohibited. Existing sea oats cannot be removed or replanted. They do not survive.

The use of Viox is absolutely prohibited as it is extremely invasive.
7. **Mulch:** The BHA strongly recommends that mulch used comes from the island mulch site or be a pre-bagged product (see Glossary for mulch definition) to help control pests and plant diseases transferred through other types of mulch not indigenous to the island. The use of synthetic/artificial pine straw or mulch is not allowed.

8. **Nothing may be affixed to a tree or vegetation**, including but not limited to trash tags, nails, screws and/or any type of fasteners.
9. **Grass:** Installation of turf grass lawns is not permitted. Use of native grasses that are naturally maintained provides a great addition to landscapes. (See Plant Lists)
10. **Water:** Water requirements for plants should be planned for during the first year while the plants become established.
11. **Herbicides:** The use of herbicides is inconsistent with living in harmony with nature. Herbicides can damage the root zones of desirable trees and shrubs. The need for and use of herbicides may best be determined by landscape professionals.
12. **Avoid using bush-hogs** when removing vegetation since it is very easy to scrape and damage desirable trees and shrubs with heavy equipment and to increase undesirable compaction and root system damage.

## **Tree and Vegetation Removal/Mitigation REQUIREMENTS**

1. **For New Construction:** All existing trees 3 inches or greater in diameter, at 48 inches as measured along the trunk from the base of the tree at ground level, shall be entered on a tree survey and submitted to the MI ARC with proposed site plans. This survey shall depict the exact location, size and drip line or canopy line of the trees and identify clearly the trees that will be removed and the trees that will remain, along with a description of steps that will be taken to protect them. Additionally, for dune lot tree surveys, vegetation, (which exists as three square feet or more of clustered growth at ground level regardless of branching habits or branch diameter) shall also be noted on the survey and if any of this type of vegetation is to be removed, it should be clearly identified.
2. **For existing homes:** MI ARC review and approval is required for the removal of trees 3 inches in diameter measured 48 inches along the trunk from ground level; tree limbs of 5 inches or more in diameter; clustered growth vegetation two square feet or more at ground level regardless of branching habits or diameter. Within the understory, ARC approval is required to remove vegetation 1 inch or greater in diameter measured 48 inches along the trunk from ground level.
3. **For unimproved lots:** NO CLEARING, TRIMMING or REMOVAL OF VEGETATION is allowed on unimproved (vacant) lots, except as detailed in Clearing, Trimming and Maintaining requirements (page 145).
4. The MI ARC may require a mitigation rate of up to 100% for each inch of diameter of trees or vegetation to be removed.



5. All specimen trees shown on the tree survey outside of the building envelope shall be carefully protected from construction activities in any manner deemed appropriate by the MI ARC, including protective fencing. This fencing shall remain in place throughout the construction process (see Construction/Site Guidelines).

## **Unauthorized Removal of Trees and Vegetation**

The unauthorized removal of trees or clustered growth on any property is considered a serious event and violation. Both Village Ordinance and Middle Island Design Guidelines restrict removal of trees and clustered growth. In some cases, you are required to get only MI ARC approval and in others you need both MI ARC and Village approval. Regarding the removal of trees, tree limbs, vegetation and clustered growth, in some instances the Middle Island Design Guidelines requirements are stricter than the Village Ordinance. Failure to get MI ARC approval prior to removal may result in fines and mitigation.

Village Ordinance provides that removal of any tree or trees 3 inches or greater in diameter at 48 inches above grade requires permission and/or a landscape permit from the Village Building Inspector, even if the tree is determined to be dead or diseased. Per Village Ordinance, removal of branches of 5 inches or more in diameter also requires Village approval. MI ARC approval for understory vegetation 1 inch or greater in diameter measured 48 inches along the trunk from ground level and clustered growth vegetation three square feet or more at ground level regardless of branching habits or diameter.

Please see Appendix F, at the back of this document, for the Village Ordinance on tree cutting and removal.

The MI ARC supports the process in the Village Ordinance but also requires its own approvals. Those removing trees or branches must be approved by both the Village and the MI ARC. Village approval and landscaping permit will be required to obtain a Village landscaping permit, pay the required fine, and mitigate loss of such tree or trees. The Village Ordinance allows the Village to assess fines of \$500 per inch of diameter at 48 inches above grade of the cut tree. MI-ARC fines may be imposed and in some cases, they may be levied in addition to Village fines.

If mitigation is required, the property owner may be required to plant a tree(s) of like kind and of the same size as the cut tree(s) within 180 days of the fine, guaranteeing the tree to survive for one year after the planting date. The MI ARC in conjunction with the MI ARC Coordinator must approve the location(s) of planted tree(s). The MI ARC Coordinator has the discretion to require submittal of a landscaping plan to the MI ARC for approval.

In the case of “competing trees”, the Building Inspector shall make a decision of which tree to remove. The removal of dead trees requires permission but does not require a Village contractor permit. If a decision by the Building Inspector is disputed, the property owner must provide sufficient evidence to show the tree is dead, represents a danger to individuals or property or that the tree is diseased and will not live.

Removal or altering vegetation of any size on Common Area requires permission of the Board of Directors or its designated committee. Violation of this requirement may result in penalties and fines being imposed for trespassing/vandalism of private property, as authorized by the Village Ordinances.

#### Plant Lists

The lists are based upon plants that have been found to be native to Middle Island, Bald Head Island, or native to North Carolina and examples of some of the exotic plants that have been planted on the island. There are suggestions for which plants typically do well in the various micro-island environments. The “please don’t plant me” list also includes common exotic invasive plants.

In reviewing landscape plans, the ARC will consider plants not on these lists provided they are not considered invasive.

<b>Plant List Revised May 2020</b>	<b>COMMON NAME</b>  * Recognized as NC Rare Species	<b>BOTANICAL NAME</b>  **Plants to be preserved & nurtured	<b>MOST READIL Y AVAILAB LE</b>	<b>DU NE</b>	<b>EDGES of DUNE, MARITI ME FOREST &amp; MARSH</b>	<b>Maritime Forest</b>
	<b>NATIVE TO BALD HEAD</b>					
<b>TREES</b>	American Holly **	<i>Ilex opaca &amp; its cultiv ars</i>	<b>XXX</b>			<b>X</b>
	Carolina Laurel Cherry	<i>Prunus caroliniana</i>	<b>XXX</b>			<b>X</b>
	Coastal Hornbeam / Ironwood	<i>Carpinus caroliniana var.caroliniana</i>	<b>XXX</b>			<b>X</b>
	Coastal Red Cedar / Red Cedar **	<i>Juniperus virginiana var. silicicola &amp; its cultivars</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	<b>X</b>
	Dogwood / Flowering Dogwood	<i>Cornus florida</i>	<b>XXX</b>			<b>X</b>

	Eastern Red Cedar	<i>Juniperus virginiana</i> var. <i>virginiana</i> & its cultivars	XXX	X		X
	Devilwood / Wild Olive	<i>Cartrema</i> <i>americana</i> / <i>Osmanthus</i> <i>americanus</i>	XXX		X	X
	Hercules'-club / Toothache Tree	<i>Zanthoxylum</i> <i>clavaherculis</i>		X	X	
	Laurel Oak **	<i>Quercus</i> <i>hemisphaerica</i> / <i>laurifolia</i>	XXX			X
	Live Oak **	<i>Quercus virginiana</i>	XXX		X	X
	Loblolly Pine	<i>Pinus taeda</i>	XXX			X
	Red Mulberry	<i>Morus rubra</i>				X
	Sabal Palm /Cabbage Palmetto (*) (**)	<i>Sabal palmetto</i>	XXX	X	X	X
	Sand Live Oak	<i>Quercus geminata</i>	XXX	X	X	
	Wax-myrtle (tree- form)	<i>Morella cerifera</i> / <i>Myrica cerifera</i>	XXX	X	X	

Plant List Revised May 2020	COMMON NAME  * Recognized as NC Rare Species	BOTANICAL NAME  **Plants to be preserved & nurtured	MOST READILY AVAILABLE	DUNE	EDGES of DUNE, MARITIME FOREST & MARSH	Maritime Forest
<b>SHRUBS</b>	American Beautyberry	<i>Callicarpa americana</i>	XXX		X	X
	Devilwood / Wild Olive	<i>Cartrema</i> <i>americana</i> / <i>Osmanthus</i> <i>americanus</i>	XXX		X	X
	Dune Marsh-elder	<i>Iva imbricata</i>		X		
	Dune Prickly-pear cactus	<i>Opuntia drummondii</i>		X	X	
	Dwarf Palmetto	<i>Sabal minor</i>	XXX		X	X
	Farkleberry / Sparkleberry	<i>Vaccinium arboreum</i>	XXX		X	

	Maritime Marsh-elder	<i>Iva frutescens</i> var. <i>frutescens</i>			X	
	Mound-lily Yucca*	<i>Yucca gloriosa</i>		X	X	
	Prickly-pear cactus	<i>Opuntia mesacantha</i> <i>spp. mesacantha</i>	XXX	X	X	
	Silverling Mullet Bush	<i>Baccharis halimifolia</i>	XXX		X	
	Spanish Dagger Yucca	<i>Yucca aloifolia</i>		X	X	
	Dwarf Yaupon	<i>Ilex vomitoria</i> 'Schillings Dwarf' & 'Nana'	XXX	X	X	X
	Wax-myrtle	<i>Morella cerifera</i> / <i>Myrica cerifera</i>	XXX	X	X	
	Weeping Yaupon	<i>Ilex vomitoria</i> 'Pendula'	XXX	X	X	X
<b>ANNUALS</b>	<b>PERENNIALS AND FERNS</b>					
	Annual Sand Bean	<i>Strophostyles helvola</i>		X	X	
	Annual Sea-pink / Marsh Pink	<i>Sabatia stellaris</i>			X	
	Carolina Blue Curls *	<i>Trichostema sp. 1</i>		X	X	
	Carolina Sea-lavender	<i>Limonium</i> <i>carolinianum</i>			X	
	Dune Camphorweed	<i>Heterotheca</i> <i>subaxillaris</i>		X	X	
	Eastern Horse-mint / Spotted Horse-mint	<i>Monarda punctata</i> var. <i>punctata</i>	XXX		X	
	Dune Marsh Elder	<i>Iva imbricata</i>		X		
	Ebony Spleenwort Fern	<i>Asplenium</i> <i>platyneuron</i>	XXX			X
	Frogfruit	<i>Phyla nodiflora</i> var. <i>nodiflora</i>	XXX		X	

<b>Plant List Revised May 2020</b>	<b>COMMON NAME</b>  * Recognized as NC Rare Species	<b>BOTANICAL NAME</b>  **Plants to be preserved & nurtured	<b>MOST READILY AVAILABLE</b>	<b>DUNE</b>	<b>EDGES of DUNE, MARITIME FOREST &amp; MARSH</b>	<b>Maritime Forest</b>
	Glasswort / Samphire	<i>Salicornia virginica</i>			X	
	Indian Blanket / Beach Blanket-flower	<i>Gaillardia pulchella</i> var. <i>drummondii</i>		X	X	

	Maritime Marsh-elder	<i>Iva frutescens</i>			<b>X</b>	
	Northern Seaside Spurge / Northern Sandmat	<i>Euphorbia polygonifolia</i>		<b>X</b>		
	Partridge-berry	<i>Mitchella repens</i>	<b>XXX</b>			<b>X</b>
	Salt-marsh Aster	<i>Symphotrichum tenuifolium</i>			<b>X</b>	
	Seabeach Amaranth *	<i>Amaranthus pumilus</i>		<b>X</b>		
	Seaside Goldenrod	<i>Solidago mexicana</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	
	Seaside Oxeye	<i>Borrichia frutescens</i>			<b>X</b>	
	Silverleaf Croton	<i>Croton punctatus</i>		<b>X</b>	<b>X</b>	
	Southern Seaside Spurge/Dixie Sandmat *	<i>Euphorbia bombensis</i>		<b>X</b>	<b>X</b>	
	St. Andrew's Cross	<i>Hypericum hypericoides</i>			<b>X</b>	
<b>GRASSES</b>	Seabeach Grass / Bitter Panicum	<i>Panicum amarum &amp; its cultivars</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	
	Black Needle Rush	<i>Juncus roemerianus</i>			<b>X</b>	
	Broadleaf Whitetop Sedge	<i>Rhynchospora latifolia</i>			<b>X</b>	
	Elliott's Lovegrass / Field Lovegrass	<i>Eragrostis elliottii</i>	<b>XXX</b>		<b>X</b>	
	Maritime Bushy Bluestem	<i>Andropogon tenuispathes</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	
	Narrowleaf Whitetop Sedge / Starrush	<i>Rhynchospora colorata</i>	<b>XXX</b>		<b>X</b>	
	Native Sedges	<i>Carex spp.</i>			<b>X</b>	<b>X</b>
	Purple Muhly Hairgrass	<i>Muhlenbergia capillaris</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	
	Saltmarsh Cordgrass / Smooth Cordgrass	<i>Sporobolus alterniflorus/ Spartina alterniflorus</i>	<b>XXX</b>		<b>X</b>	
	Sea Oats **	<i>Uniola paniculata</i>	<b>XXX</b>	<b>X</b>		

Plant List May 2020	COMMON NAME  * Recognized as NC Rare Species	BOTANICAL NAME  **Plants to be preserved & nurtured	MOST READILY AVAILABLE	DUNE	EDGES of DUNE, MARITIME FOREST & MARSH	Maritime Forest
	Seaside Little Bluestem	<i>Schizachyrium littorale</i>	XXX	X	X	
	Small Saltmeadow Cordgrass	<i>Sporobolus pumilus/Spartina patens</i>			X	
	Dune Hair Grass / Sweet Grass	<i>Muhlenbergia sericea</i>	XXX	X	X	
	Woods-grass / Basket-grass*	<i>Oplismenus setarius</i>				X
VINES	Beach Morning-glory*	<i>Ipomoea imperati</i>		X		
	Carolina Jessamine	<i>Gelsemium sempervirens</i>	XXX		X	X
	Carolina Supplejack	<i>Berchemia scandens</i>				X
	Coastal Morning-glory / Tie Vine	<i>Ipomoea cordatotriloba</i>	XXX	X	X	
	Coral Honeysuckle	<i>Lonicera sempervirens &amp; its cultivars</i>	XXX	X	X	X
	Peppervine	<i>Nekemias arborea / Ampelopsis arborea</i>			X	X
	Salt Marsh Morning-glory	<i>Ipomoea sagittata</i>			X	X
	Swallow-wort / Sand-vine	<i>Seutera angustifolia</i>			X	
	Yellow Passionflower	<i>Passiflora lutea</i>	XXX		X	X
	NATIVE TO NORTH CAROLINA (Not native to BHI)					
TREES	Black Cherry	<i>Prunus serotina</i>				X
	Chickasaw Plum	<i>Prunus angustifolia</i>				X
	Eastern Redbud	<i>Cercis canadensis &amp; its cultivars</i>				X

	Fringe-tree	<i>Chionanthus virginicus</i>				<b>X</b>
	Persimmon	<i>Diospyros virginiana</i>				<b>X</b>
	Red Maple	<i>Acer rubrum</i>	<b>XXX</b>			<b>X</b>
	Southern Magnolia	<i>Magnolia grandiflora</i> & its cultivars				<b>X</b>

<b>Plant List Revised May 2020</b>	<b>COMMON NAME</b>  * Recognized as NC Rare Species	<b>**Plants to be preserved &amp; nurtured</b>	<b>MOST READILY AVAILABLE</b>	<b>DUNE</b>	<b>EDGES of DUNE, MARITIME FOREST &amp; MARSH</b>	<b>Maritime Forest</b>
	Sweetbay Magnolia	<i>Magnolia virginiana</i> & its cultivars				<b>X</b>
	Water Oak	<i>Quercus nigra</i>				<b>X</b>
<b>SHRUBS</b>	Coastal Sweet-Pepperbush / Summersweet	<i>Clethra alnifolia</i>			<b>X</b>	<b>X</b>
	Curlyleaf Yucca / Adam's Needle	<i>Yucca filamentosa</i>		<b>X</b>	<b>X</b>	<b>X</b>
	Possumhaw	<i>Viburnum nudum</i>				<b>X</b>
	Southern Blackhaw	<i>Viburnum rufidulum</i>				<b>X</b>
	Sweet-shrub / Carolina Allspice	<i>Calycanthus floridus</i>				<b>X</b>
<b>ANNUALS</b>	<b>PERENNIALS AND FERNS</b>					
	Coral Bean / Cardinal-spear	<i>Erythrina herbacea</i>			<b>X</b>	<b>X</b>
	Coreopsis	<i>Coreopsis lanceolata</i>		<b>X</b>	<b>X</b>	
	Seashore-mallow	<i>Kosteletzkya pentacarpos</i>			<b>X</b>	
	Butterfly weed	<i>Asclepias tuberosa</i>			<b>X</b>	<b>X</b>
	Black-eyed Susan	<i>Rudbeckia hirta</i>		<b>X</b>	<b>X</b>	<b>X</b>

<b>GRASSES</b>	American Beach Grass * *	<i>Ammophila breviligulata</i>		<b>X</b>		
	Bottlebrush Grass	<i>Elymus hystrix</i>			<b>X</b>	<b>X</b>
	Broomsedge	<i>Andropogon virginicus</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	
	Eastern Wild-rye	<i>Elymus virginicus</i>			<b>X</b>	<b>X</b>
	Little Bluestem	<i>Schizachyrium scoparium</i> & its cultivars		<b>X</b>	<b>X</b>	
	Purple Lovegrass	<i>Eragrostis spectabilis</i>	<b>XXX</b>	<b>X</b>	<b>X</b>	

Plant List Revised May 2020	COMMON NAME	BOTANICAL NAME	MOST READILY AVAILABLE	DUNE	EDGES of DUNE, MARITIME FOREST & MARSH	Maritime Forest
	(Not native to BHI or North Carolina)  Plants that flourish on MI					
<b>SHRUBS</b>	Indian Hawthorn	<i>Raphiolepis</i> spp. & its cultivars		<b>X</b>	<b>X</b>	
	Oleander	<i>Nerium oleander</i>		<b>X</b>	<b>X</b>	
	Pittosporum	<i>Pittosporum tobira</i> & its cultivars		<b>X</b>	<b>X</b>	<b>X</b>
	Rosemary	<i>Rosmarinus officinalis</i>		<b>X</b>		
	Sago Palm	<i>Cycas revoluta</i>			<b>X</b>	<b>X</b>
	Butterfly bush	<i>Buddleia davidii</i> & its cultivars		<b>X</b>	<b>X</b>	



	<b>GRASSES, ANNUALS, PERENNIALS and FERNS</b>					
	Blue Wild Indigo	<i>Baptisia australis</i>		X	X	
	Florida Gamagrass / Dwarf Fakahatchee	<i>Tripsacum floridanum</i>		X	X	X
	Gaura (grows well on ocean front)	<i>Gaura lindheimeri</i>		X	X	
	Japanese Holly Fern	<i>Crytomium falcatum</i>				X
	Lantana	<i>Lantana camara</i>		X	X	
	Mexican Bush Sage (Drought resistant)	<i>Salvia leucantha</i>		X	X	X
	Plains Coreopsis / Calliopsis	<i>Coreopsis tinctoria</i>		X	X	
	Prairie Dropseed	<i>Sporobolus heterolepis</i>		X		
	Russian Sage (Drought resistant)	<i>Perovskia atriplicifolia</i>		X	X	
	Silverleaf Sunflower	<i>Helianthus argophyllus</i>		X	X	
<b>VINES</b>						
	Confederate Jasmine	<i>Trachelospermum jasminoides</i>		X	X	X

<b>Plant List Revised May 2020</b>	<b>COMMON NAME</b>	<b>BOTANICAL NAME</b>	<b>MOST READILY AVAILABL E</b>	<b>DUN E</b>	<b>EDGES of DUNE, MARITIM E FOREST &amp; MARSH</b>	<b>Maritime Forest</b>
	<b>PLANT WITH CAUTION – INVASIVE – MUST BE MAINTAINED!</b>					
	Pampas Grass	<i>Cortaderia selloana</i> or <i>Cortaderia jubata</i>				
<b>VINES</b>	Sweet autumn Clematis	<i>Clematis terniflora</i>				

	<b>INVASIVE PLANTS "DON'T PLANT ME!"</b>					
<b>TREES</b>	Callery Pear/ Bradford Pear, etc.	<i>Pyrus calleryana &amp; its cultivars</i>				
	Chinaberry tree	<i>Melia azedarach</i>				
	Chinese Tallow tree / Popcorn tree	<i>Triadica sebifera</i>				
	Mimosa/ Silk Tree	<i>Albizia julibrissin</i>				
	Princess Tree	<i>Paulownia tomentosa</i>				
	Tree of Heaven	<i>Ailanthus altissima</i>				
	White Mulberry	<i>Morus alba</i>				
	Salt-cedar	<i>Tamarix spp.</i>				
<b>SHRUBS</b>	Amur Honeysuckle	<i>Lonicera maackii</i>				
	Autumn Olive	<i>Elaeagnus umbellata</i>				
	Burning Bush	<i>Euonymus alata</i>				
	Chinese Privet	<i>Ligustrum sinense &amp; its cultivars</i>				
	Fragrant Honeysuckle	<i>Lonicera fragrantissima</i>				
	Japanese Barberry	<i>Berberis thunbergii &amp; its cultivars</i>				
	Japanese Privet	<i>Ligustrum japonicum &amp; its cultivars</i>				
	Japanese Spiraea	<i>Spiraea japonica &amp; its cultivars</i>				

<b>Plant List Revised May 2020</b>	<b>COMMON NAME</b>	<b>BOTANICAL NAME</b>	<b>MOST READILY AVAILABL E</b>	<b>DUN E</b>	<b>EDGES of DUNE, MARITIM E</b>	<b>Maritime Forest</b>
	Multiflora Rose	<i>Rosa multiflora</i>				
	Morrow Honeysuckle	<i>Lonicera morrowii</i>				
	Nandina	<i>Nandina domestica &amp; its cultivars</i>				
	Russian Olive	<i>Elaeagnus angustifolia</i>				

	Thorny-olive	<i>Elaeagnus pungens</i>				
	Hardy Orange / Wild Orange	<i>Poncirus trifoliata</i>				
<b>ANNUALS</b>	<b>PERENNIALS and FERNS</b>					
	Bicolor Lespedeza	<i>Lespedeza bicolor</i>				
	Common Chickweed	<i>Stellia media</i>				
	Gill-over-the-ground/ Ground Ivy	<i>Glechoma hederacea</i>				
	Henbit	<i>Lamium purpureum</i>				
	Hydrilla	<i>Hydrilla verticillata</i>				
	Ivyleaf Speedwell	<i>Veronica hederifolia</i>				
	Japanese Knotweed	<i>Polygonum cuspidatum</i>				
	Parrotfeather	<i>Myriophyllum aquaticum</i>				
	Purple Loosestrife	<i>Lythrum salicaria</i>				
	Sericea Lespedeza / Chinese bushclover	<i>Lespedeza cuneata</i>				
	Water-hyacinth	<i>Eichhornia crassipes</i>				
<b>GRASSES</b>	Bamboo Running/Exotic	<i>Phyllostachys spp.</i>				
	Chinese Silver Grass / Maiden Grass	<i>Miscanthus sinensis &amp; its cultivars</i>				
	Common Reed	<i>Phragmites australis spp. australis</i>				
	Japanese Stilt-grass	<i>Microstegium vimineum</i>				
	Johnson Grass	<i>Sorghum halepense</i>				
	Torpedograss	<i>Panicum repens</i>				
<b>Plant List Revised May 2020</b>	<b>COMMON NAME</b>	<b>BOTANICAL NAME</b>	<b>MOST READILY AVAILABLE</b>	<b>DUNE</b>	<b>EDGES of DUNE, MARITIME</b>	<b>Maritime Forest</b>

					<b>FOREST &amp; MARSH</b>	
<b>Ground Cover</b>	Bigleaf Periwinkle	<i>Vinca major &amp; its cultivars</i>				
	Common Periwinkle	<i>Vinca minor &amp; its cultivars</i>				
	Pennywort (Dollarweed)	<i>Centella Asiatica</i>				
<b>VINES</b>	Beach Vitex	<i>Vitex rotundifolia</i>				
	Chinese Wisteria	<i>Wisteria sinensis &amp; its cultivars</i>				
	English Ivy	<i>Hedera helix &amp; its cultivars</i>				
	Japanese Honeysuckle	<i>Lonicera japonica &amp; its cultivars</i>				
	Japanese Wisteria	<i>Wisteria floribunda &amp; its cultivars</i>				
	Kudzu	<i>Pueraria montana</i>				
	Mile-a-minute Vine	<i>Persicaria perfoliata</i>				
	Oriental Bittersweet	<i>Celastrus orbiculatus</i>				
	Porcelain-berry	<i>Ampelopsis brevipedunculata &amp; its cultivars</i>				
	Wintercreeper	<i>Euonymus fortunei &amp; its cultivars</i>				

**\*\*Please do not plant Pennywort (Dollarweed). It is extremely invasive and chokes out many desirable plants. It almost impossible to eradicate. It loves the sandy soil and has an intricate root system. It is a terrible choice for landscaping.**

### **Source of Plant information:**

The native plant botanical and common names used in this document are based upon the work of Alan S. Weakley of the University of North Carolina Herbarium (NCU), North Carolina Botanical Garden and University of North Carolina at Chapel Hill. His document is titled “*Flora of the Southern and Mid-Atlantic States;*” Working Draft of 21 May 2015 and is available at: [http://www.herbarium.unc.edu/FloraArchives/WeakleyFlora\\_2015-05-29.pdf](http://www.herbarium.unc.edu/FloraArchives/WeakleyFlora_2015-05-29.pdf)

### **References for plants identified as native to Bald Head Island:**

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Mayes, C. H. 1984. "The Flora of Smith Island, Brunswick County, North Carolina." M.S. Thesis, University of North Carolina-Wilmington.

VegBank Website - [www.vegbank.org](http://www.vegbank.org) (search on Bald Head Island, plots used 1988, 2005, and 2009)F - BHA COMMON AREA POLICY

Landscaping Guidelines revised by MI ARC 5/1/2020 Main contributor: Elayne Bennett

## E. MI COMMON AREA POLICY

### Introduction:

The Middle Island Declaration of Covenants, Conditions and Restrictions for Middle Island Property Owners Association (herein “Association” or “MI”) recorded on May 22, 2015 (“the Covenants”) state in Article VIII, 8.2

**8.2 Purpose of Assessments.** The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and general welfare of the lot owners of middle island and in particular for the improvement and maintenance of the common areas, including, but not limited to, the maintenance, repair and reconstruction of private roads, beach access, parcels of land, walks, parking areas, structures, fixtures, and Cape Creek and Bald Head Creek docks, bulk heads, and boat launch ramps situated on the common areas. The maintenance will include the cutting and removal of weeds and grass and the removal of trash and rubbish and any other maintenance necessary for the use and enjoyment of the common areas, including but not limited to, the cost of repairs, replacements and additions, the cost of labor, vehicles, tractors, equipment, materials, management and supervision, the payment of taxes and public assessments assessed against the common areas, the procurement and maintenance of insurance in accordance with this declaration, the employment of attorneys to represent the association when necessary, the provision of adequate reserves for the replacement of capital improvements including, without limiting the generality of the foregoing, roads, paving, grading, landscaping, signage, repairs of beach access docks, bulkheads, gates, if applicable, and any other general expense for which the association is responsible, and such other needs as may arise.

### I. Purpose:

The purpose of this document is to provide a statement of policy for the management and control of Common Area.

### II. Definitions:

**Common Area** is all real property and facilities owned by the Association for the common use and enjoyment of all Members of the MIPOA, including greenways, recreational areas, and roadways. It is intended that the Common Area will include all of the Subject Property except platted lots, and other Non-Residential Areas, marinas, docks and sites established for utility purposes. See MI Covenants, Article II 2.9 for list of common areas.

**Maintenance** means keeping homes and lots in a clean, neat, and attractive condition. This includes maintenance of the Common Area.

### III. Classification:

There are three (2) classes of Common Area.

1. Forest – those tracts located in the forest of Middle Island
2. Dune/Beach – those tracts that are located outside of the forested area

#### **IV. Use:**

Within each Common Area class, there are four (4) potential uses.

1. Natural – left essentially in a natural state.
2. Landscaped – subject to some type of maintenance effort.
3. Utilized – altered for member benefit, e.g., Boat Ramp, Docks, Beach Access, Marina
4. Easements – granted where specific use or uses of Common Area are allowed for a specific purpose or purposes, e.g., utility easements, beach access.

**Common Area** administrative practices should provide that the evaluation of a proposed change in use of any segment of Common Area should include, if reasonably possible, input from members whose property location would cause them to be most directly affected by the change, e.g., a proposed cart or boat parking area adjoining their residential lot.

#### **V. Uses for all Common Area classes:**

1. All Common Area is owned by the MIPOA.
2. Each property owner has a non-exclusive easement of use, access and enjoyment in and to the Common Area.
3. Every property owner is prohibited from removing or altering existing trees, tree limbs, vegetation and clustered growth and is prohibited from adding to the existing trees, tree limbs, vegetation and clustered growth of any kind or size on the Common Area without prior permission of the MIPOA Board.
4. The Association will maintain the Common Area.
5. Recreational use of the Common Area cannot violate other ordinances and laws, including those that protect the environment, such as walking on the dunes.
6. Property owners whose property adjoins the Common Area may not have structures that encroach on the Common Area (i.e., setbacks must be followed). Exception: The Association has a specific policy pertaining to the construction of beach accesses for properties located on the beachfront. (See this Section VI 6.1)
7. The Common Area is subject to easements for utility installation and cross-drainage as provided in the Covenants in Article XI 11.2

#### **VI. Forest:** Use and requirements for the use of Forest Common and Limited Common Area.

1. Natural: Forest Common and Limited Common Areas shall be left essentially in a natural state except for segments which the Association determines should be “improved” and utilized for the common use and enjoyment of the membership (see “Landscaping” and “Utilization” below)
2. Landscaping:
  - a. The Association may designate segments of Forest Common and Limited Common Area to be landscaped.
  - b. Landscaping of Forest Common area for personal/individual use is not allowed.
3. Utilization: The Association may construct on Forest Common and Limited Common Area such facilities as it determines are appropriate for the common use

and enjoyment of the membership and in accordance with the Covenants and Bylaws of the Association

4. Easements: Only as noted in Section XI. Easements

**VII. Dune/Beach:** Use and requirements for the use of Dune/Beach Common Area.

1. Natural: The Beach Common Area Access shall be left essentially in a natural state except for segments which the Association determines should be “improved” and utilized for the common use and enjoyment of the membership (see “Landscaping” and “Utilization” below). 2 Landscaping:

- a. Stabilization Structures and Plantings: Beach front property owners may submit planting proposals which will be reviewed by the MI ARC coordinator, BHA consultant, and approved by the MI ARC.
- b. MI ARC approval is required prior to any clearing on Common Area.
- c. In the interest of dune stabilization, the Association may, after evaluation, give permission to the Village of Bald Head Island for implementation of structures and plantings on Common Area on the waterfront.

3. Utilization: The Association may construct on Beach Common Area such facilities as it determines are required for the common use and enjoyment of the membership and in accordance with the Covenants and Bylaws of the Association.

a. Structural Requirements for New Beach Accesses:

- 1) The access will be constructed of pressure treated wood, 48 inches in width and at least 18 inches, but no more than 24 inches above grade. Railings or other constructs above or below the beach walk will not be allowed. Specifically, pavilions and permanent seating will not be allowed. The Beach walk will be raised on pilings sunk at least three, but no more than five feet in depth, so that only the pilings touch the dunes. Steps should be used only when necessary, rather the walkway should follow the grade of the dunes as much as possible. Accesses will not follow a straight course but will angle to follow the contour of the dune ridges. Sand walkways will not be permitted.
- 2) Private accesses will extend from an ocean facing deck and terminate on the ocean side of the frontal dune. The person constructing the access will replace all disruptions of dune plantings immediately. In no case should an access way be permitted if it will diminish the dune's capacity as a protective barrier against flooding and erosion. If an existing access way should diminish the dune's capacity as a protective barrier against flooding and erosion, it will be corrected, closed or removed immediately.

b. Structural Requirements for Existing Beach Accesses

- 1) To comply with MI-POA Covenants and Village Ordinance number 2001-047 “height above grade shall be at least 18 inches but no more than 24 inches.” MI-ARC would encourage no more than 18 inches, if possible, above grade (elevation above the sand).



- 2) The Village Ordinance states that construction of any private access should be in accordance with state codes. NC State Building code specifies that a handrail must be provided for more than three stair steps.
- 3) Building materials must be pressure treated wood or ipe and the overall width of the staircase should be no wider than 4 feet.
- 4) MI-ARC allows that more than 3 stair steps have handrails, but these handrails should not continue across the platform of the dune.
- 5) MI-POA guidelines encourage that beach access have handrails on one side only to minimize obstruction of the dune.
- 6) MI-ARC advises that the builder use grippers or bolts in the construction of the access. This is to allow for alterations when the dune height changes. The stairs can more easily be refitted or be removed. Ocean front property owners have had to rebuild and adjust their stairways many times. MI-ARC is aware that a major windstorm is capable of reconfiguring the dune to reveal the previous steps. MI-ARC is concerned about the excessive height of access stairways. When the dune diminishes and the previous walkway is usable, MI-ARC requests the higher stairs and/or platform be removed. This is not only for visual purposes, but for safety.
- 7) MI-ARC guidelines prohibit staining or painting of the railings.

### **VIII. LIMITATIONS OF POLICY**

In all decisions regarding Common Area, the Board will maintain compliance with Covenant restrictions, Village ordinances and other government code requirements. The Common Area policy, as with all Middle Island policies, is not intended to conflict with the Covenants. If a conflict exists, the Covenants prevail.

## F. Middle Island Covenants

### AMENDED AND RESTATED

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is entered into as of this 22<sup>nd</sup> day of May, 2015, among the Owners of more than sixty-seven percent (67%) of ~~the~~ residential lots on Middle Island in Brunswick County, North Carolina (hereinafter "Middle Island") created from the property ("the Property or the Properties") Bald Head Island Corporation conveyed to Young Realty Co. by deed recorded at Book 399, Page 448, and corrected at Book 499, Page 167 Brunswick County Registry (hereinafter "Owners"), and Middle Island Property Owners Association, Inc., (hereinafter "Association") the signatories being known collectively as the "Declarants," which shall include any and all parties hereafter acquiring any of the described Property. This document may sometimes hereinafter be referred to as the Declaration.

#### PREAMBLE:

WHEREAS, Bald Head Island Corporation conveyed a tract of land known as Middle Island to Young Realty Co., Inc. by deed recorded at Book 399, Page 448 and corrected at Book 499, Page 167, Brunswick County Registry subject to certain restrictive covenants attached to the deed and correction deed and incorporated into the deeds by reference (hereinafter "Restrictive Covenants"); and,

WHEREAS, the Restrictive Covenants were amended by instruments recorded at Book 814, Page 501 and Book 824, Page 315, Brunswick County Registry; and

WHEREAS, paragraph 16 of the Restrictive Covenants allows a majority of Owners of lots created by the subsequent subdivision of the Property and Bald Head Island Corporation or its successors to amend the Restrictive Covenants; and,

WHEREAS, Declarants own more than one-half of the Lots created by the subsequent subdivision of the Property; and

WHEREAS, Declarants also own more than sixty-seven percent (67%) of the Lots created by the subsequent subdivision of the Property exclusive of the following tracts not in residential use:

- a) 21.33 acre tract per Plat Book 31, Page 245 owned by Bald Head Island Conservancy;

- b) Tract A, a .93 acre tract per Plat Book 31, Page 245, owned by Middle Island Marina, Inc.;
- c) .07 acre, .10 acre and .16 acre tracts described in Deed Book 3400, Page 1318 to be owned by the Association
- d) Reserve Area 4 per Plat Book 31, Page 121, to be owned by the Association;
- e) Reserve Area 5 per Plat Book 31, Page 121, to be owned by the Association;
- f) Tract B per Plat Book 44, Page 18 known as the triangle piece at the entrance to Middle Island; to be owned by the Association;
- g) .58 acre tract per Plat Book 44, Page 36 and Plat Book 24, Page 528 owned by Middle Island Racquet and Swim Club;
- h) 1.07 Acres per Plat Book 31, Page 117; Reserve Area #2 per Plat Book 31, Page 120; Reserve Area # 3 per Plat Book 31, Page 121; .95 acre Reserved Conservation Area per Plat Book 17, Page 443 and Plat Book V, Page 10; Tracts 1 and 2 per Plat Book 29, Page 224; Lot 418 Middle Island Plantation per Plat Book 31, Page 219; Dedicated Green Area (41,729 square feet which also includes 2,621 square feet where equipment shed is located) per Plat Book V, Page 10; and .38 and .39 acre tracts described in Deed Book 2864, Page 656; owned by Smith Island Land Trust;
- i) 0.16 Acre Tract per Plat Book 36, Page 262 owned by the Village of Bald Head Island known as the Middle Island Fire Station; and

WHEREAS, it is in the best interest of the Declarants and to the benefit, interest and advantage of every party now owning or hereafter acquiring any of the Property on Middle Island that the Restrictive Covenants be amended and restated in their entirety; and

WHEREAS, the previous covenants contain provisions for mandatory annual assessments against each lot to provide a fund for those services important to the development and preservation of attractive community appearance, and further to

maintain the privacy and general safety of the Bald Head Island community, and the Declarants now wish specifically to amend and restate the assessment provisions; and

WHEREAS, the preexisting assessment provisions qualify Middle Island as a planned community as defined in the North Carolina Planned Community Act; and

WHEREAS, the undersigned represent the written agreement of more than sixty-seven percent (67%) of the Lot Owners on Middle Island who desire that Middle Island shall be subject to the provisions of the North Carolina Planned Community Act;

NOW THEREFORE, in consideration of the premises, the Declarants agree for themselves and all parties hereafter acquiring any of the Property hereinafter described on Middle Island that the Property shall be and is hereby subject to the following restrictions, covenants, conditions, easements, assessments and liens relating to the use and occupancy thereof, which shall be construed as covenants running with the land which shall be binding on all parties acquiring any right, title or interest in any of the Property and which shall inure to the benefit of each Owner thereof and their successors, heirs and assigns.

## ARTICLE I PROPERTIES SUBJECT TO THIS DECLARATION

The Property which shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Brunswick County, North Carolina and consists of all of the Property Bald Head Island Corporation conveyed from Bald Head Island Corporation to Young Realty Co., Inc. by deed recorded at Book 399, Page 448 and corrected at Book 499, Page 167, Brunswick County Registry.

## ARTICLE II DEFINITIONS

2.1 "Amenities" means the facilities purchased, constructed, erected, or installed on the Common Areas for the use, benefit and enjoyment of Members.

2.2 "Articles" means the Articles of Incorporation of Middle Island Property Owners Association, Inc. as amended from time to time.

2.3 "Assessments", including Annual and Special Assessments are described in Article VIII.

2.4 "Association" shall mean and refer to Middle Island Property Owners Association, Inc., its successors and assigns.

2.5 "Board of Directors" or "Board" means those persons elected or appointed and acting collectively as the Directors of the Association. It shall include the term Executive Board as that term is used in the North Carolina Planned Community Act.

2.6 "Bylaws" means the Bylaws of the Association, Inc. as amended from time to time.

2.7 "Capel Tract" is the 6.754 acre tract conveyed by the deed recorded at Book 436 Page 53 Brunswick County Registry.

2.8 "Capel Tract Roadway" is the existing roadway extending from the end of East Beach Drive northward across the Capel Tract, including the turnaround at its northerly end. The Roadway shall be maintained privately by the Owners of any Lots on the Capel Tract and is not subject to the restrictions in Section 6.7

2.9 "Common Areas" shall consist of the following:

- a) Bald Head Creek Docks. Two docks located on Bald Head Creek adjacent to the Cape Creek Road right of way,
- b) Beach Access and Beach Access Parking. The access way to the beach located between Lots 187 and 188 and as shown on the plats recorded at Plat Book N, Page 357, and Plat Book 17, Page 219, and Plat Book 29, @ page 224 and running to the Mean High Water Line as well as the beach access parking located directly across East Beach Drive from the beach access.
- c) Beach Access Additional Parking Area. The area shown as MIDDLE ISLAND POA TRACT and containing 12,429.7 Sq. Ft.+/- on the Map of Recombination Middle Island Plantation for Middle Island Racquet and Swim Club, Inc. duly recorded in Map Cabinet 89 at Page 6 of the Brunswick County Registry.
- d) Cape Creek Dock. Tract A according to the plat recorded at Plat Book 31, Page 245 (Parcel 26000042), known as the Marina and Boat house.
- e) Roads. All roads and road rights of way shown on the recorded plats subdividing any portion of the Property described in Article I;
- f) Miscellaneous parcels.
  - 1. East Beach Drive Entrance Triangle. Tract B consisting of .09 acres as shown on the plat recorded at Plat Book 44, Page 18, Brunswick County Registry (Parcel 26500074);
  - 2. Parcels at Land's End and adjacent to Marina entrance gate. Reserve Areas 4 and 5 as shown on the plat recorded at Plat Book 31, Page 121, Brunswick County Registry (Parcels 26400060 and 26400061);
  - 3. .16 acre, .07 acre and .10 acre tracts described in the deed recorded at Book 3400, Page 1318, Brunswick County Registry (Parcels 26500068, 26500069, and 2650006901).

2.10 "Common Expense" shall mean and include:

- a) Expenses of and for the administration, maintenance, repair, or replacement of the Common Areas, including for the repair and maintenance of the private roads serving Middle Island;
- b) Expenses declared to be Common Expenses by the provisions of this Declaration or the Bylaws of the Association;
- c) Hazard, liability, or such other insurance premiums which the Association may purchase;
- d) Ad valorem taxes and public assessment charges lawfully levied against Common Areas;
- e) Specific other expenses determined to be common expenses of the Association by at least a 2/3 vote of the Board of Directors.

2.11 *"East Beach Lot"* shall mean an Ocean Front Lot, a Second Row Lot, or a Lot in the Capel Tract.

2.12 *"Improved Lot"* shall be a Lot containing a single family residence for which a Certificate of Occupancy has been issued by the Village of Bald Head Island or other appropriate governmental entity as of December 31 of any year.

2.13 *"Lot"* shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties, whether improved or unimproved, which may be independently owned and conveyed, and on which a single family residence has been or could be built, with the exception of the Common Areas and plots of land owned by any governmental agency, the Bald Head Island Conservancy, Smith Island Land Trust and/or any of their affiliates.

2.14 *"Maritime Forest Lot"* shall be defined as a Lot that is not an Oceanfront or Second Row Lot.

2.15 *"Member"* means and refers to every Owner of a Lot. Every Owner of a Lot shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to Assessment. The Owner of a Lot may vote on any matter of the Association which requires a vote by the Lot Owners.

2.16 *"Ocean Front Lot"* shall be defined as a lot lying either on the easterly side of the undedicated road designated as East Beach Drive shown on the Plat recorded in Plat Book S at Page 84 in the Brunswick Public Registry, or a Lot on the Capel Tract that extends east of the Capel Tract Roadway.

2.17 *"Owner"* shall mean and refer to the record Owner, whether one or more persons or entities, of a fee simple title to any Lot.

2.18 *"Person"* means and refers to any individual, limited liability company, corporation, partnership, association, trustee or other legal entity.

2.19 *"Property" or "Properties"* shall mean and refer to all or a portion of certain real property described in Article I and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

2.20 *"Rules and Regulations"* means the Rules and Regulations of the Association, Inc.

2.21 *"Second Row Lot"* shall be defined as a Lot having its easterly lot line as the westerly margin of the undedicated road designated as East Beach Drive, shown on the Plat recorded in Plat Book S at Page 84 in the Brunswick County Public Registry, or a Lot on the Capel Tract that does not extend east of the Capel Tract Roadway.



2.22 *"Time Share"* means any attempt to create rights to occupy a Lot or Lots or the improvements on any Lot or Lots for five or more separated periods of time over a period of at least five years as more fully described in N.C. Gen. Stat. § 93A-41 and any subsequent amendments thereto. It does not include the occupancy rights of up to three tenants in common in fee simple ownership of a Lot or the right of a trustee or an entity, including but not limited to a limited liability company, partnership or corporation to allocate occupancy rights of a Lot held in trust among up to three separate families of beneficial owners who do not share a common ancestor.

2.23 *"Unimproved Lot"* shall be a Lot which is not an Improved Lot.

### ARTICLE III PROPERTY RIGHTS

3.1 *Easement of Enjoyment.* Every Owner subject to this Declaration, the Articles, the Bylaws, the Rules and Regulations and any other applicable Covenants, shall have a right and easement of enjoyment in, to and over the Common Areas for recreation, access, ingress and egress, and such easement shall be appurtenant to and shall pass with the title to every Lot, subject to:

- a) the right of the Association to adopt, publish, and enforce rules and regulations as provided in Article V, and
- b) the right of the Association to suspend an Owner's easement in, to, and over the Common Areas other than the roads for any period during which any Assessment or fine against his or her Lot remains unpaid;

3.2 *Delegation of Use.* Any Owner may delegate, in accordance with the Bylaws, his or her right of enjoyment to the Common Areas and Amenities to the members of his or her family, to his or her contract purchasers, and to tenants or guests residing in Owners single family residence; provided, however, consistent with existing deed restrictions, the right to use the Cape Creek Dock and the Maritime Forest Sanctuary at the west end of Cape Creek Road may not be delegated to tenants, contract purchasers, or unaccompanied guests.

3.3 *Parking Rights.* The Association may regulate the parking of golf carts, bicycles, boats, trailers and other such items on the Common Areas. No vehicles shall park on the roads or right of ways of Middle Island.

3.4 *Title to the Common Areas.* Middle Island Plantation, LLC hereby covenants for itself, its successors and assigns, that it will convey fee simple title to the Common Areas to the Association, free and clear of all encumbrances and liens, prior to the recording of this Amended and Restated Declaration.

## ARTICLE IV MEMBERSHIP AND VOTING RIGHTS

4.1 *Membership.* Every Owner will be a Member of the Association. Membership shall be appurtenant to and may not be separated from Ownership of any Lot which is subject to Assessment by the Association. There will be only one Membership per Lot. If a Lot is owned by more than one Person, all Co-Owners will share the privileges of that Membership. The Membership rights of an Owner which is a corporation, partnership, limited liability company, or other legal entity may be exercised by any officer, director, partner, member, manager, or trustee, or by any other individual designated from time to time by the Owner in a written instrument provided to the Secretary of the Association. The Board of Directors may make reasonable rules relating to the proof of Ownership of a Lot.

4.2 *Voting.* The Association shall have one class of voting Membership. Subject to the provisions herein allowing for the suspension of an Owner's vote, Members shall be entitled to one vote for each Lot in which they hold the interest required for Membership by this Article. When more than one person holds such interest in any Lot, all such persons shall be Members. The vote for each Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any single Lot, and no fractional vote shall be cast with respect to any Lot. Members may notify the Secretary of the Association of the name of the individual who is entitled to cast the vote for that Lot in writing prior to any meeting; absent such notification the Member's vote will be suspended if more than one person seeks to exercise such voting right. The Membership rights of an Owner which is a corporation, partnership, limited liability company, or other legal entity may be exercised by any officer, director, partner, member, manager or trustee or by any other individual designated from time to time by the Owner in a written instrument provided to the Secretary of the Association. If the Association desires, voting may be accomplished by electronic means. If required for recording purposes, a Certification as to the requisite vote may be made by the appropriate officers of the Association and filed with the Association's records, and if need be in the Brunswick County Registry.

## ARTICLE V RIGHTS AND OBLIGATIONS OF THE ASSOCIATION

5.1 *Personal Property and Real Property for Common Use.* The Association may acquire, hold, and dispose of tangible and intangible personal property and real property.



**5.2 Rules.** The Association, through its Board, may make, revoke, amend and enforce reasonable rules governing the use of the Common Properties. In addition it may through its Board further define or limit and where specifically authorized hereunder, it may grant variances from the strict application of the covenants and restrictions set forth in this Declaration. Such rules shall be binding upon all Owners and Users.

**5.3 Enforcement.** The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. If authorized under the Rules and Regulations adopted in accordance with Section 5.2, and after hearing held in accordance with §47F-3-107.1 of the North Carolina Planned Community Act, the Association may impose sanctions for violations of this Declaration, the Articles, the Bylaws, or Rules and Regulations, including reasonable monetary fines, suspension of the right to vote, and suspension of the right to use any recreational facilities or Amenities or Common Areas other than the roads. In addition, the Association may exercise self-help to cure violations, and may suspend any services it provides to the Lot of any Owner who is more than thirty (30) days delinquent in paying any Assessment or other charge due to the Association.

**5.4 Board Authority and Implied Rights.** Except as otherwise specifically provided in this Declaration, the Bylaws or Articles, all rights and powers of the Association may be exercised by the Board. The Association may exercise any other right or privilege given to it expressly by this Declaration or the Bylaws, or the North Carolina Nonprofit Corporation Act, or other applicable laws or reasonably implied therefrom or reasonably necessary to effectuate any such right or privilege.

**5.5 Indemnification.** To the maximum extent allowed by North Carolina law, the Association will indemnify every officer, director, and committee member against all expenses, including reasonable counsel fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the then Board) to which he or she may be party by reason of being or having been an officer, director or committee member.

**5.6 Management and Administration.** The management and administration of the Association and Common Areas will be the sole right and responsibility of the Association. The management will be carried out in accordance with the terms and conditions of this Declaration, the Articles, Bylaws and Rules and Regulations; or they may be delegated.

**5.7 Association Insurance.** The Association as a Common Expense will maintain all insurance coverage it believes desirable and is reasonably available, including, but not limited to officers' and directors' liability insurance, general liability insurance, Workman's Compensation insurance and casualty insurance.

ARTICLE VI  
LOT GUIDELINES AND SETBACK REQUIREMENTS  
ARCHITECTURAL REVIEW AND OTHER MATTERS  
PERTAINING TO THE BEAUTY AND AESTHETICS OF  
MIDDLE ISLAND

6.1 *Ocean Front Lots and Access.* In order to limit pedestrian traffic over the primary and secondary dunes and to limit damage to said dunes, all access from Middle Island to East Beach shall be only by wooden walkways having a minimum width of four (4) feet, raised a minimum of twelve (12) inches but not more than a maximum of eighteen (18) inches above the ground, with stairs extending beyond the primary dune. Railings are permitted only where required by the building codes. An Owner of an Ocean Front Lot may construct a walkway between the residence and the beach, but the plans for the walkway must be submitted to the Association for review and approval, as provided in Section 6.19.

6.2 *Additional Docks.* In order to maintain the esthetic beauty of symmetry of Middle Island and its marshes, no private docks may be erected or constructed by Lot Owners on Middle Island. The Association, for itself and its successors or assigns, reserves the right to construct an additional dock or docks on or adjacent to the Association's Common Areas bordering the creeks.

6.3 *Beginning Height of Residence above Mean Sea Level.* All single family residences shall meet the minimum levels above mean sea level as required by the Village of Bald Head Island.

6.4 *Maximum Height of Residence.* Except with the prior written approval of the Association or its designee, all residences shall have a maximum height of thirty-five (35) feet measured from the lowest point of the building foundation. Provided, however, on Maritime Forest Lots the roof line of the residence shall not exceed the height of the tree line canopy to the extent reasonably possible.

6.5 *Minimum and Maximum Size of Residence.* Residences shall have a minimum of 1600 square feet of enclosed living area exclusive of garages, boat sheds, terraces, decks and open porches. Residences, out buildings and driveways constructed on any Maritime Forest Lot shall not cover or overhang more than twenty-five (25%) percent of the total Lot square footage. Building improvements on any Lot shall not exceed 7,500 heated square feet; provided, however, that when either a) two or more Lots have been combined to form a new Lot, or b) when a platted Lot other than a Maritime Forest Lot exceeds twenty one thousand seven hundred eighty square feet, then building improvements on the resulting Lot shall not exceed 10,000 heated square feet.

6.6 *Removal of Sand Dune or Ridge.* The elevation of any sand dune or ridge or both, shall not be removed, reduced, cut down or otherwise changed or caused to be removed, reduced, cut down or changed, except with the written permission of any required governmental authorities and the Middle Island Property Owners Association, Inc. or its designee.

6.7 *Driveways, Parking and Turnaround Areas.* Driveways constructed on Maritime Forest Lots shall be a maximum of eight (8) feet in width, exclusive of the apron at the road interface. Driveways constructed on Ocean Front or Second Row Lots shall be a maximum of twelve (12) feet in width, exclusive of the apron at the road interface. Parking and turn around areas on all Lots shall not exceed 1,000 square feet without the approval of the Association.

6.8 *Minimal Disturbance of Soil and Vegetation.* Mown grass and lawns are not permitted.

6.9 *Tree Removal.* Unless approved by the Village of Bald Head, on-site trees shall not be removed except as necessary for the construction of the single-family residence, accessory buildings, fences, walks, parking access or driveway access. In order to minimize disturbances of the soil, trees and understory vegetation, soil disturbing activities and site alteration shall be minimized in order to provide for the location of the residence, accessory improvements, driveway access and parking and utility service improvements.

6.10 *Side Setback Lines.* No building or structure shall be located within ten (10) feet of the side lot line of any East Beach Lot; nor within fifteen (15) feet of the side lot line on any Maritime Forest Lot. All vegetation within the side set-back area shall be left undisturbed.

6.11 *Front Setback Lines.* No building or structure shall be located within thirty-five (35) feet of the lot line on any roadway abutting any Lot.

6.12 *Rear Setback Lines, Maritime Forest Lots.* No building or structure shall be located within twenty-five (25) feet of the rear lot line of any Maritime Forest Lot.

6.13 *Rear Setback Lines, Ocean Front Lot.* No building roof line or other covered structure, except approved stairs, uncovered decks and wooden walkways for beach access, shall be located within seventy-five (75) feet of the rear lot line (the line nearest the Atlantic Ocean) of any Ocean Front Lot. The siting of the all oceanfront structures is also subject to architectural review and approval under Section 6.19.

6.14 *Setback Lines, Lots 207, 208, 209 and 210.* Notwithstanding anything contained herein to the contrary, on Lots 207, 208, 209 and 210, no dwelling, accessory building, fence or other structure shall be erected or placed farther than 200 feet from the front property line, which is also the margin of an undedicated road designated as East Beach Drive on the Plat recorded in Plat Book S at Page 84 in the Brunswick County Public Registry.

6.15 *Size of Lots.* All Ocean Front Lots shall have at least 85 feet of Ocean front footage and contain at least 10,200 square feet. All Maritime Forest Lots shall be at least one-half (½) acre in size.

**6.16 *Single Family Residences.*** The Lots shall be used for single-family residential purposes only. No structure shall be erected, altered, placed or permitted to remain on any Lot other than one (1) detached single-family dwelling and one (1) accessory building, which may include a detached private garage and/or guest suite, provided the use of the accessory building does not include any activity normally conducted as a business. The accessory building may not be constructed prior to the construction of the main building. A guest suite without cooking facilities may be included as a part of the main building or accessory building, but such suite may not be rented or leased except as a part of the entire premises, including the main building.

**6.17 *Natural Beauty.*** It is the intent and purpose of the Association to maintain Middle Island as an exclusive single family residential community of the highest quality and at the same time endeavor to retain, to the extent possible, the natural and native unspoiled beauty now existing on Middle Island, and to that end the following restrictive uses and limitations are placed on the Property and all Lots.

- a) No propane or similar tanks or storage receptacles, including garbage and trash, shall be exposed to public view. If above ground they shall be properly screened and enclosed. If underground, they shall be approved underground receptacles and placed in a safe area.
- b) Each Lot Owner shall maintain and preserve his or her Lot or Lots and single family residence and any out buildings in a clean, orderly and attractive appearance within the spirit of this development, as set out above. Failure on the part of a Lot Owner to adhere to such proper, clean, orderly and attractive maintenance of his property, upon thirty (30) days' written notice given to such Lot Owner by the Association may subject the Lot Owner to a suit for specific performance.
- c) No open or exposed storage, including junk or abandoned items of personal property, shall be maintained on any Lot; no trash or refuse, including leaves, shall be burned in an open incinerator on the Property.
- d) No household pets shall be permitted to run at large within Middle Island.
- e) In an effort to effectively control obnoxious insects and pests the Association reserves for itself, its agents and employees, the right to enter upon the Property and use such measures and pursue such courses as deemed necessary to control such insects and/or pests.
- f) The Association reserves for itself the rights to enforce strict conformity to such regulations as enacted and to use such legal means as are necessary to protect the ecology of Middle Island.
- g) The Owners of any Lots and any delegated users under section 3.2 shall comply with any Dune Protection Ordinance or like governmental restriction in force in Brunswick County and/or the Village of Bald Head Island.



- h) The drilling of private wells for irrigation purposes or for any other purpose is expressly prohibited unless the plans and specifications are approved in advance, in writing, by the appropriate governmental authorities and the Association's Board of Directors.
- i) Any boats and trailers stored on a Lot shall be screened from public view from any roadway.
- j) All signs, whether for sale or rent or the like shall be approved by the Association.

**6.18 *Parking.*** Parking on the traveled streets on Middle Island shall be prohibited at all times. Each Lot Owner shall provide off street parking space for his and his family's use and the use of their guests. Any vehicle violating this restriction may be removed by the Association and towing charges assessed with the impounding of the vehicle.

**6.19 *Architectural Review.*** In order to assure that the maximum balance of view, privacy and breeze will be available to each home located within the development; to assure that all structures will be located with regard to the topography of each individual Lot site, taking into consideration the height of the dunes, the location of the trees on each Lot and similar considerations, and to assure that the design takes into account the natural environment and is compatible with existing architectural styles on Bald Head Island, the Association, reserves for itself, its successors or assigns the right to control and to decide the precise design, site and location of all dwellings, accessory buildings, fences, walls, screens, and other structures, erected, placed or altered on Middle Island. No site preparation or initial construction, erection or installation of any improvements, including, but not limited to, residences, outbuildings, fences, walls, screens (whether by plants or structures) and other structures shall be undertaken upon Middle Island unless the plans and specifications therefor showing the nature, kind, shape, height, materials, including color schemes, and location of the proposed

improvements shall have been first submitted to the Association or its designee and have been expressly approved in writing by such entity or its designee. The Association through its Board shall designate an Architectural Review Committee to perform the review function, but retains final approval authority. The Association agrees to continue the existing review relationship with the Bald Head Association's Architectural Review Committee until such time as Middle Island Plantation, LLC has sold the last of its remaining Unimproved Lots. The Association through its Board may promulgate additional standards and guidelines consistent with the standards set forth above. Notwithstanding the above the Association reserves the option to continue using the Bald Head Island Property Owners Association Architectural Review Committee. Appeals from the decision of the Architectural Review Committee shall be to the full Board of Directors of the Association, whose decision shall be binding.

**6.20 *Temporary Structures.*** No temporary structures, such as trailers, tents, canopies or mobile homes, will be placed on any Lot within the Properties; provided, however, that in the course of the construction of the building as set out above, the contractor or builder may have shelters or storage sheds used in the course of the construction and for no other purpose, which will be removed from the premises within ten days after the completion of such construction. No tents or canopies will be placed on any Lot without the written consent of the Association.

6.21 *Variances.* The Board in its discretion by a vote of at least two-thirds of the Members of the Board may allow reasonable variances and adjustments of this Declaration in order to alleviate practical difficulties and hardship in their enforcement and operation. No variance shall violate the spirit or the intent of this document to create a subdivision of Lots owned in fee by various persons, with each such Owner having an easement upon areas owned by the Association.

6.22 *Grandfathering of existing non-conforming structures.* Any non-conforming structure, driveway or other improvement, existing on a Lot as of the execution of this Declaration shall be deemed in compliance with the provisions of this Article. In the event the non-conforming structure is damaged, it may be replaced provided the location, design, and size of the structure are not materially changed.

## ARTICLE VII TIME SHARES; COMBINATION, SUBDIVISION, ADJUSTMENT OF LOTS

7.1 *Time Shares.* In no event may an Owner create Time Shares in any Lot or in any improvement on a Lot.

7.2 Lots may be combined or subdivided and Lot boundaries may be adjusted, provided that the resulting Lot or Lots all comply with Section 6.15; except that once two or more Lots have been combined into a single Lot, that Lot may not later be subdivided. In the event of such combination, subdivision, or adjustment, the Owner shall provide the

Association with a copy of the recorded plat effecting the combination, subdivision, or boundary line adjustment.

## ARTICLE VIII COVENANT FOR ASSESSMENTS

8.1 *Obligation of Assessments.* Each Owner of any Lot shall pay to the Association: (1) Annual Assessments or charges and (2) Special Assessments for capital improvements, such Assessments to be established and collected as hereinafter provided. The Annual and Special Assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such Assessment is made. Each such Assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Property at the time when the Assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them but shall remain as a continuing lien (until paid) upon the Property upon which each such Assessment is made.

**8.2 Purpose of Assessments.** The Assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and general welfare of the Lot Owners of Middle Island and in particular for the improvement and maintenance of the Common Areas, including, but not limited to, the maintenance, repair and reconstruction of private roads, beach access, parcels of land, walks, parking areas, structures, fixtures, and Cape Creek and Bald Head Creek docks, bulkheads, and boat launch ramps situated on the Common Areas. The maintenance will include the cutting and removal of weeds and grass and the removal of trash and rubbish and any other maintenance necessary for the use and enjoyment of the Common Areas, including but not limited to, the cost of repairs, replacements and additions, the cost of labor, vehicles, tractors, equipment, materials, management and supervision, the payment of taxes and public assessments assessed against the Common Areas, the procurement and maintenance of insurance in accordance with this Declaration, the employment of attorneys to represent the Association when necessary, the provision of adequate reserves for the replacement of capital improvements including, without limiting the generality of the foregoing, roads, paving, grading, landscaping, signage, repairs of beach access docks, bulkheads, gates, if applicable, and any other general major expense for which the Association is responsible, and such other needs as may arise.

**8.3 Specific and General Reserve Funds.** The Association shall establish and maintain separate specific reserve funds for the periodic maintenance, repair and replacement of each of the following specific Common Areas and Amenities:

- a) Gravel roads
- b) Paved roads
- c) Cape Creek and Bald Head Creek docks, bulkheads and boat launches
- d) East Beach access and associated parking areas
- e) Equipment and vehicles

The Board may also establish a specific reserve fund for any other Common Area or Amenity.

Major repair, replacement, and capital improvement expenditures for a given asset shall be made from these specific reserve funds. Funds may be transferred between specific reserve funds if approved by at least 2/3 of the Board Members. Specific reserve funds may be supplemented by specific assessments only as provided for elsewhere in this Declaration.

In addition, the Association shall establish and maintain a general reserve fund, which may be used for unanticipated current year operating expenses (such as emergency repairs, post-storm expenses, and administrative expenses including insurance and legal costs) or may be transferred all or in part to one or more specific reserve funds if approved by at least 2/3 of the Board Members.

Although each specific and general reserve fund shall be separate for accounting purposes including the determination of the annual contribution to each special and general reserve fund, the funds may be held in a single reserve fund account at a financial institution.



8.4 *Emergency Expenditures.* In the event assets or the public safety is at imminent risk, any three (3) Members of the Board of Directors may authorize the necessary expenditure in order to save the assets or protect the public safety and may transfer reserves from specific reserves to general reserves or general reserves to specific reserves in order to fund the emergency expenditure.

8.5 *Method of adopting the annual budget and determining the Annual Assessments.*

- a) The Association's fiscal year shall be the calendar year.
- b) Proposed Budget. By October 15 of each year, the Board shall adopt a proposed budget for the next fiscal year, including operating costs and contributions to the reserve funds.
- c) Proposed Annual Assessment for each Lot. Based on the proposed budget, the Board shall determine the proposed Annual Assessment for each Lot. The Annual Assessment for each lot shall be determined by allocating the expenses and reserve contributions for each budget category equally among all the Lots except as follows:
  - i. For gravel road maintenance and repair expenses and for contributions to the gravel road reserve fund, an East Beach Lot shall be assessed 1/3 of the amount that a corresponding Maritime Forest Lot would be assessed.
  - ii. For all budget categories, an Unimproved Lot shall be assessed 50% of the amount it would be assessed if it were an Improved Lot.
- d) Annual meeting to consider the budget. For fiscal years beginning after 2015, an annual meeting of Lot Owners to consider the budget shall be held between November 15 and December 15 preceding the fiscal year. Before November 1 of each year, the Board shall send the proposed budget and proposed Annual Assessments to the Association Members, together with a notice of the meeting to consider ratification of the budget, including a statement that the budget may be ratified without a quorum. There is no requirement of a quorum at the meeting, and the budget is ratified unless at that meeting a majority of all the Lot Owners in the Association rejects the budget. In the event the proposed budget is rejected, the periodic budget last ratified by the Lot Owners shall be continued until such time as the Lot Owners ratify a subsequent budget proposed by the Executive Board.
- e) Adoption of the budget for fiscal year 2015. Lot Owners received the proposed 2015 budget and assessments as part of the Board's mailing regarding this Amended and Restated Declaration. A Lot Owner's approval of the Amended and Restated Declaration shall be deemed an approval of the proposed 2015 budget.

8.6 *Limitations on the Annual Assessments.*

- a) For the year 2015, the Annual Assessment per lot shall be as follows:

	Improved	Unimproved
Maritime Forest Lot	\$2,041	\$1,021
East Beach Lot	\$1,576	\$ 788

Provided however such Annual Assessments may be prorated for a partial year.

same manner as all other Ocean Front or Second Row Lots, as of and after it is subdivided.

8.7 *Special Assessments.* In addition to the Annual Assessments authorized above, the Association may levy, in any assessment year, a Special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Areas, or any unusual administrative or legal expense incurred by the Association or for the replenishment of any reserves.

- a) Requirements for approval of a Special Assessment. Any Special Assessment must be approved by a vote of Members representing at least two-thirds (2/3) of the Lots who cast votes in person by ballot or by proxy at a meeting duly called for this purpose as set forth in Section 8.8.
- b) Allocation of a Special Assessment. If part or all of the Special Assessment is for a purpose related to a specific asset or assets, that part of the Special Assessment shall be allocated to Lots in the same ratio that Annual Assessments for the underlying asset are allocated in Section 8.5c). Any part of the special assessment not related to a specific asset or assets shall be allocated in the same ratios as the Annual Assessments for assets other than gravel roads, as set forth in Section 8.5c).
- c) Allocation of a Special Assessment to pave gravel roads. Notwithstanding other provisions in this Declaration, any Special Assessment for the costs associated with a decision to pave the gravel roads in whole or in part, including but not limited to, legal fees, engineering, infrastructure and paving costs, shall be allocated entirely to the Maritime Forest Lots, without regard to whether they are developed or undeveloped; furthermore, only Owners of Maritime Forest lots shall be entitled to cast votes for or against any such Special Assessment and such Special Assessment to pave the gravel roads must be approved by a vote of Members representing at least two-thirds (2/3) of all the Maritime Forest Lots entitled to vote on this issue.

8.8 *Notice and Quorum for Any Action Authorized Under Section 8.6 c) or Section 8.7.* Written Notice of any meeting called for the purpose of taking any action authorized under Section 8.6 c) or 8.7 shall be sent to all Members not less than ten (10) days or more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of Members or of proxies or ballots entitled to cast fifty percent (50%) of all the votes allocated to the Lots shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half ( $\frac{1}{2}$ ) of the required quorum at the preceding meeting. This provision shall continue to reduce the quorum by fifty (50%) percent from that required at the previous meeting, as previously reduced, until such time as a quorum is present and business can be conducted.

8.9 *Due Dates of Annual Assessments and Certification of Payments Due and Outstanding.* The Annual Assessments for 2015 shall be due 30 days after the Common Areas have been conveyed to the Association and the Association has sent written notice of the Annual Assessment to each Owner. In subsequent years, the Board of Directors shall establish the due date and shall send written notice of the Annual Assessment to every Owner at least 20 days before the due date. The Association shall, upon request, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth the Assessments on a specified Lot that have been paid and any Assessments that are still outstanding. Any certificate so given shall be conclusive evidence of payment of the Assessments stated therein.

8.10 *Effect of Nonpayment of Assessments; Remedies of the Association.* Any Assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of twelve percent (12%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the Property in the same manner in which Deeds of Trust may be foreclosed under Power of Sale pursuant to Chapter 45 of the N.C. General Statutes, or its successors, and in either event interest, costs and reasonable attorney's fees of any such action shall be added to the Assessment. No Owner may waive or otherwise escape liability for the Assessments provided for herein by nonuse of the Common Areas or abandonment of his Lot. Should any deficiency remain after the foreclosure, the Association may also bring an action against the Owner for said deficiency.

8.11 *Subordination of the Lien to Mortgages.* The lien of the Assessments provided for herein shall be subordinate to the lien of any first mortgage and ad valorem taxes. Sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such Assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any Assessments thereafter becoming due or from the lien thereof.

8.12 *Exempt Property.* All Properties dedicated to, and accepted by, a local public authority and all Properties owned by a charitable or nonprofit organization exempt from taxation by the laws of the State of North Carolina shall be exempt from the Assessments created herein.

## ARTICLE IX FEES

The Association may impose reasonable fees for dockage, for use of the boat ramps, for boat or boat trailer storage on Association Common Areas, for architectural review, for additional or replacement keys or keycards, and for services provided to an Owner, such as boat launching or lot maintenance. The Association may impose a reasonable road impact fee for new construction and for major renovation projects. The Association also may impose reasonable fees for access to the Common Areas by renters of Middle Island properties. The Association may assert a claim of lien for unpaid fees on the Lots of the non-paying owner and will have the right to foreclose the claim of lien in the manner set out in Section 8.10.

## ARTICLE X INSURANCE

10.1 *Ownership of Policies.* All insurance policies upon the Common Areas shall be purchased by the Association for the benefit of the Association.

10.2 *Coverage.* The following details the insurance coverage provisions.

- a) To the extent insurance is reasonably available, the Association will maintain property and casualty insurance on the common elements insuring against all risks of direct physical loss commonly insured against including fire and extended coverage perils. The total amount of such insurance after application of any deductibles shall be not less than eighty percent (80%) of the replacement cost of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies. If the insurance described in this subsection (a) of this section is not reasonably available, the Association promptly shall cause notice of that fact to be hand-delivered or sent prepaid by United States mail to all Lot Owners.
- b) The Association has determined that the insurance described in subsection (a) above is not reasonably available with respect to: roads, lots, docks, bulkheads, launching ramps, gates, parking areas, boathouse at Cape Creek Dock, and other parcels of land, as well as its leasehold interest in the equipment and maintenance shed. These properties are not subject to the mandatory repair and replacement provisions of § 47F-3-113 of the Planned Community Act, but may be repaired or replaced using funds available from the current year operating budget, the specific asset reserve fund, the general reserve fund, or a Special Assessment approved by the property owners as described in section 8.7 of this declaration.

10.3 *Liability.* Public liability insurance shall be secured by the Association with limits of liability totaling no less than Two Million Dollars (\$2,000,000) per occurrence. There shall also be obtained such other insurance coverage as the Association shall determine from time to time to be desirable and necessary, including, but not limited to, Directors and Officers insurance.



10.4 *Premiums.* Premiums for insurance policies purchased by the Association shall be paid by the Association.

10.5 *Proceeds.* All insurance policies purchased by the Association shall be for the benefit of the Association and its mortgagees as their interest may appear, and shall provide that all proceeds thereof shall be payable to the Association. Proceeds on account of damage to Common Areas and facilities held for the Association shall be paid to any mortgagee of the Association and the Association as their interests shall

appear. In the event a mortgagee endorsement has been issued for any Lot, the share of the proceeds for the Owner shall be held in trust for the mortgagee and the Owner as their interests may appear.

10.6 *Fidelity Insurance or Bond.* All persons responsible for or authorized to expend funds, or otherwise deal in the assets of the Association or those held in trust, may be bonded by a fidelity insurer to indemnify the Association for any loss or default in the performance of their duties.

## ARTICLE XI EASEMENTS

11.1 *Easements.* All of the Properties, including Lots and Common Areas, shall be subject to such easements for, water lines, sanitary sewers, storm drainage facilities, utilities lines, cable TV and fiber optic or similar lines as shall be established by the Declarants or by its predecessors in title, prior to the subjecting of the Properties to this Declaration; and the Association shall have the power and authority to grant and establish upon, over, under, and across the Common Areas conveyed to it, such further easements as are requisite for the convenience, use and enjoyment of the Properties. In addition, there is hereby reserved in the Declarants and its agents and employees an easement and right of ingress, egress and regress across all Common Areas, now or hereafter owned by the Association, for the purpose of construction of improvements within the Common Areas.

11.2 The Association, reserves unto itself, its successors and assigns, perpetual, alienable and releasable easements within the Properties the right on, over and under the ground to erect, maintain and use the roads, electric and telephone poles, wires, cables, fiber optic or similar lines, conduits, sewers, septic systems, water mains, and other suitable equipment for the conveyance of electricity, telephone, cable TV, gas, sewer, water and other public conveniences or utilities on, in and over the rear and/or front ten (10) feet of each Lot and ten (10) feet along the side of each Lot or parcel within the Properties. Further, the Association reserves the right to subject the Lots on Middle Island to a contract with Progress Energy or other electric utility for the installation of underground electric cables and/or the installation of street lighting, either or both of which may require an initial payment and/or a continuing monthly payment to Progress Energy or other electric utility by the Owner of each Lot or parcel. All telephone, electric and other utility lines and connections between the main utility lines and residence and other buildings located on each building site shall be concealed and located underground so as not to be visible.

11.3 *Encroachments.* All Lots shall be subject to easements for the encroachments constructed on adjacent Lots by Declarants to the extent that such initial improvements actually encroach including, but not limited to, such items as overhanging eaves, gutters and downspouts and walls.

11.4 *Easement over Common Areas.* An easement is hereby established over the Common Areas and facilities for the benefit of applicable governmental agencies, public utility companies and public service agencies as necessary for setting, removing and reading of meters, replacing and maintaining water, sewer and drainage facilities, electrical, telephone, gas and cable antenna lines, firefighting, garbage collection, postal delivery, emergency and rescue activities and law enforcement activities.

## ARTICLE XII GENERAL PROVISIONS

12.1 *Enforcement.* The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

12.2 *Mediation.* In the event a dispute between the Association and an Owner cannot be satisfactorily resolved, either the Owner or the Association may request mediation under North Carolina General Statutes §7A-38.3F.

12.2 *Severability.* Invalidity of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.




12.3 *Amendment.* The covenants and restrictions of this Declaration shall run with and bind the land and the Lots and Common Areas on Middle Island. This Declaration may be amended or amended and restated by an affirmative vote or written agreement signed by Lot Owners of Lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated.

12.4 *Rights of Note Holders.* Any institutional holder of a first mortgage on a Lot will, upon request, be entitled to (a) inspect the books and records of the Association during normal business hours, (b) receive an annual financial statement of the Association within ninety (90) days following the end of its fiscal year, (c) receive written notice of all meetings of the Association and shall have the right to designate a representative to attend all such meetings, (d) receive written notice of any condemnation or casualty loss that affects either a material portion of the project or the Lot securing its mortgage, (e) receive written notice of any sixty-day (60) delinquency in the payment of Assessments or charges owed by the Owner of any Lot on which it holds the mortgage, (f) receive written notice of a lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association, (g) receive written notice of any proposed action that requires the consent of a specified percentage of mortgage holders, and (h) be furnished with a copy of the master insurance policy.

12.5 *Conflict.* In the event of a conflict of a provision or provisions in this Declaration or any amendment thereto and the Articles of Incorporation or Bylaws of the Association, the terms of this Declaration or any amendment thereto shall take precedence over such provision of the Articles of Incorporation or Bylaws.


12.6 *Heirs, Successors and Assigns.* This Declaration shall be binding on the undersigned, their heirs, successors and assigns and all Lot Owners on Middle Island now and forever.


12.7 *Certification of Execution of Amended and Restated Declaration.* By joining in the execution of this instrument, the Association certifies the foregoing instrument has been agreed to in writing by Owners of Lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated and a majority of the Owners of Lots created by the subsequent subdivision of the Property after it was acquired by Young Realty Co. Inc.

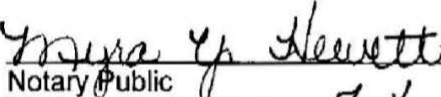
IN WITNESS WHEREOF, the Declarants have executed this instrument, or in the case of corporate entities, have ed this instrument to be executed, by authority of the Board of Directors this th  day of CV  2015.

Middle Island Property Owners Association, Inc.

By .  
Name: Alan J. Reyner  
Office: President

I,  Hewett, a Notary Public of the State and County aforesaid, certify that Alan J. Reyner personally appeared before me this day and acknowledged that he is President of Middle Island Property Owners Association, Inc., a nonprofit corporation, and that he/she as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and seal this the My day of m  2015. 0

  
Notary Public  
My Commission Expires: 7-4-2015





## **G. VILLAGE ORDINANCES**

### **ARTICLE IV. DUNES PROTECTION**

**Charter References**— Sand dunes, § 8.2.

**State Law References**— Coastal area management, G.S. 113A-100 et seq.

**Cross References**—Definitions generally, § 1-2. Sec. 10-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Access** means those artificial walkways designated as the means of entry to the beach over the sand dunes.

**Buildable lot** means a lot where a dwelling unit may be constructed.

**Dune or Dunes** means the mounds of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms.

**Owner** means the corporation, or other entity owning the real estate on or from which the access is to be located.

**Private access** means an access constructed in part or in full with private funds.

**Public access** means an access intended for use by the public.

**Street** means any public thoroughfare or privately owned street, which affords a means of access to abutting property.

**Vegetation** means any significant plant growth, both naturally occurring and planted, on or along the dune such that the plant growth affords stabilization to the dune.

**Waterfront lot** means a buildable lot from which a perpendicular line drawn from the midpoint of the water-facing property line will reach the mean low tide line without crossing any portion of any buildable lot.

(Ord. No. 2001-047, § 1, 10-27-2001; Ord. No. 2006-1103, 11-17-2006; Ord. No. 2015-0601, 6-19-2015)

**Sec. 10-122.** Beach access points.

- (a) It shall be unlawful for any person to traverse or walk upon, over or across or to damage, in any manner whatsoever, the dune at any point within the corporate limits of the village other than at a public access or a duly permitted private access. There shall be maintained at the office of the village clerk a schedule of

points designated for use by the public and which shall be duly marked as to be readily identifiable as public access points.

- (b) No private access shall hereafter be constructed, erected, remodeled, refaced, relocated, expanded or otherwise altered until such time as a building permit and CAMA permit thereof have been obtained from the building inspector in accordance with the provisions of this article.

(Ord. No. 2001-047, § 2, 10-27-2001; Ord. No. 2015-0601, 6-19-2015)

**Sec. 10-123.** Private accesses--Permit required.

Any person desiring to construct, erect, remodel, reface, relocate, expand or otherwise alter any private access shall make application to the Village inspection department for a permit therefor.

Applications for permits shall contain or have attached to them the following information:

- (1) The street address, lot number, and tax parcel number of the property from which the private access will be located.
- (2) Names, addresses, and telephone numbers of the applicant, owner of the property, and the person or contractor constructing the access.
- (3) A site or plat plan of the property, showing accurate location of the proposed access in relation to existing structures, property lines and setbacks.
- (4) Two detailed scaled drawings of the plans and specifications of the private access to be constructed. Such plans shall include but shall not be limited to details of dimensions, materials to be used and topographical information.
- (5) Other information as the building inspector may require to determine compliance with this and other applicable local, state or federal regulations affecting the construction, erection, remodeling, refacing, relocating, expansion or other alteration thereof.

(Ord. No. 2001-047, § 3, 10-27-2001)

**Sec. 10-124.** Same--Construction requirements.

Private accesses shall be constructed in accordance with the following standards and any permit therefor shall require conformity to the following:

- (1) Width shall be no more than 48 inches;
- (2) Height above grade shall be at least 18 inches, but no more than 24 inches;
- (3) Pilings shall be installed at least three feet deep, but no more than five feet in depth;
- (4) Stairs shall be used only when necessary to protect the integrity of the dune system and shall be allowed in the discretion of the building inspector for such purpose only;
- (5) Construction of any private access shall be in accordance with the state building code;
- (6) Handrails on any private access shall be prohibited unless otherwise required by the state building code;

- (7) Permitted private accesses shall be constructed to follow the natural contour of the frontal dune; and
- (8) Private accesses shall be permitted only from waterfront properties.

(Ord. No. 2001-047, § 4, 10-27-2001)

**Sec. 10-125.** Same--Application for permit.

The building inspector shall review any applications for construction, erection, remodeling, refacing, relocation, expansion or other alteration of any private access. Any application for such permit which lacks any of the requirements of section 10-123 or which shows nonconformity to the construction standards set forth in section 10-124 shall be rejected as either incomplete or nonconforming. Complete and conforming applications shall be reviewed, and a permit issued therefor unless the building inspector shall determine that the proposed access shall diminish the affected frontal dune's capacity to serve as a protective barrier. Any permit issued shall require conformity to the construction criteria set forth in section 10-124, shall be conditioned upon conformity to plans and specifications of the application and shall permit no alterations to the frontal dune other than those permitted by regulations promulgated pursuant to the Coastal Area Management Act. Any such alterations shall require that the affected portions of the frontal dune be returned to its condition prior to construction within 21 days of such alteration or other disruption.

(Ord. No. 2001-047, § 5, 10-27-2001)

**Sec. 10-126.** Nonconforming private accesses.

- (a) Any private access existing on the date of the adoption of this article and which is for any reason noncompliant herewith or any private access which, subsequent to the adoption of this article, becomes noncompliant herewith is hereby determined to be a nonconforming beach access ("nonconforming access"). Owners with a nonconforming access should bring the access into compliance with the specifications herein within six months following the date of adoption of this article or six months following that date the access becomes noncompliant subsequent to the adoption of this article. A nonconforming access may continue to be used during said six- month period. Following the expiration of this six-month period, a nonconforming access may no longer be used and access to the beach will only be permitted through an access that complies with this article. Use of any nonconforming access following this six-month period shall be a violation of this article, and subject to the civil and/or criminal penalties set forth herein.
- (b) Any owner who fails to bring a private access into compliance with the regulations of this article shall have a period of two years from the date of adoption of this article or the date the access becomes noncompliant subsequent to the adoption of this article either to bring such private access into compliance or completely remove the nonconforming access. This two-year period in no way permits the continued use of a nonconforming access beyond the six-month period referenced herein.
- (c) Any and all improvements, repairs, remodeling, relocation, expansion or other

alteration of any private access shall be subject to the provisions of this article. Any expenses to bring a nonconforming access into compliance herewith shall be the sole responsibility of the owner. Any expenses to remove a nonconforming access shall be the sole responsibility of the owner.

(Ord. No. 2006-1103, 11-17-2006; Ord. No. 2015-0601, 6-19-2015)

**Editor's Note—Ord. No. 2006-1103**, adopted Nov. 17, 2006, repealed § 10-126, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 10-126 pertained to existing private accesses. See Code Comparative Table for derivation.

**Sec. 10-127.** Penalty for violation of article.

A violation of this article shall subject the offender to a civil fine in the amount of \$500.00 per offense and any continuing violation thereof shall be deemed a separate offense for each day during or on which the violation shall continue. Any civil penalty shall be paid at the office of the village clerk within 48 hours of issuance of a civil citation. Additionally, this article may be enforced by injunction and orders of abatement, together with all other remedies available to the village under G.S. 160A-175(e) or other state law.

(Ord. No. 2001-047, § 7, 10-27-2001; Ord. No. 2005-003, § 1, 3-15-2005; Ord. No. 2011-0402, 4-15-2011)

**Sec. 10-128.** Private accesses on village owned properties.

- (a) The construction and maintenance of an access on a village-owned property must comply with the provisions of this article and with applicable law. The portion of any access constructed on village-owned property is and shall remain for the benefit of the public and shall be village property. Permission from the building inspector to construct or maintain the portion of any access on village-owned property constitutes a nonexclusive, revocable license and shall not convey, transfer, assign, or create any ownership or other substantial property right in or to the village property in favor of any private property owner. The village may revoke such license at any time, in its discretion.
- (b) Unless otherwise agreed in writing by the village, maintenance and modifications, such as extensions or repairs, to the portion of any access on village-owned property constructed pursuant to a permit by the building inspector, shall be the responsibility of the private property owner(s) holding such license. If the access is not maintained in conformity with this article and applicable law by the private property owner(s) responsible for such maintenance, the access may be maintained, modified or removed by the village, in its discretion. The cost of removal shall be due and payable by the private property owner(s). Upon obtaining a license from the building inspector, owners of waterfront lots adjacent to village-owned property may connect to an existing access on village property, unless such connection would violate an ordinance or other law, interfere with public uses of the village property, interfere with village plans or uses of the property or constitute a public nuisance. (Ord. No. 2015-0601, passed 6-19-2015)

**Secs. 10-129--10-160.** Reserved.

**Sec. 32-44.**

## **Landscape Permits and Building Permits.**

(a) Issuance of landscape permit.

- (1) No lot or tract within the village may be cleared, excavated, graded or filled until the building inspector has issued a landscape permit, whether or not such activity is in connection with a proposed construction.
- (2) Special consideration must be given to preserving as much natural area as possible and to preserving all plants of special concern as designated in subsection (k) of this section.
- (3) The site development plan required by subsection (c) of this section prior to the issuance of a permit shall clearly define those areas where existing dunes, berm and vegetative cover shall remain undisturbed and shall include plans for restabilizing any revegetation areas disturbed. Disturbance of the natural vegetation shall only be permitted in those circumstances in which such disturbance is reasonably necessary to allow safe construction of the proposed dwelling and its appurtenant facilities, such as septic tank and driveway. Such special consideration must be given to preserving as much natural area as possible.
- (4) Provided, however, that nothing in this chapter shall require issuance of a landscape permit under this article for the maintenance of roads within the village right-of-way and hand clearing of three-inch and smaller caliper trees.
- (5) Cutting of any tree or trees larger than three inches in caliper at four feet above grade without first obtaining a proper landscape permit will require the offender to obtain a permit, pay the required fine, and mitigate the loss of such tree or trees. Pruning tree branches and/or limbs larger than five inches in caliper without first obtaining a proper landscaping permit will require the offender to obtain a permit, pay the required fine, and mitigate the loss of such branches and/or limbs.
- (6) In the case of competing trees, the building inspector shall make the decision of which tree to remove. The removal of dead trees with a three-inch caliper or greater, shall not require a permit but shall require the approval of the building inspector prior to removal. If a decision by the building inspector is disputed, the property owner must provide sufficient evidence to show the tree is dead, represents a danger to individuals or property, or the tree is diseased and will not live.
- (7) Failure to comply with the requirements of the approved site plan shall be considered a violation and shall be subject to the immediate issuance of a stop work order by the building inspector and to the other procedures and remedies of subsection (k) of this section.

- (b) Issuance of building permit. No building or other structure shall be erected, moved, extended, or structurally altered until the building inspector has issued a permit for such work.
- (c) Application for permit; requirements. Each application to the building inspector for a permit under subsections (a) and (b) of this section shall be accompanied by a site development plan pursuant to section 32-128 of this chapter and building plans, all county, state and federal permits required by law or regulation and such other relevant information as he may require. Each residential lot shall have the lot lines clearly marked on the ground and certified as correct by a registered professional engineer or land surveyor prior to applying for a building permit. All new construction permitted must be located with a distance of 1,000 feet of a pressurized fire hydrant.
- (d) Survey markers located on relevant points. Surveyors control markers shall be located on each property line, including street right-of-way, at the point of closest approach of the planned structure to that line. No construction shall begin on site until the markers required by this chapter have been properly established and examined and approved by the building inspector. Failure to construct any structure in accordance with these markers shall be a cause for the building inspector to issue a stop work order and to revoke a building permit previously issued.
- (e) Areas of environmental concern. Each application for a building permit shall include information as to the location of applicable areas of environmental concern. Prior to issuance of a building permit the building inspector shall ascertain whether the proposed structure or facility conforms to the state regulations for areas of environmental concern issued pursuant to the coastal area management act.
- (f) On-site inspection. Before a permit is issued under subsections (a) or (b) of this section, an on-site inspection of the property shall be made by the building inspector.
- (g) Posting of permits prior to starting work. Before work is started on any property, the required permit or permits shall be posted in a prominent place on the property.
- (h) Expiration of permit if work not started in specified time. Each permit issued pursuant to subsection (b) and (c) of this section shall expire six months after the date of its issuance unless work authorized by the permit has been started.
- (i) Landscape permit; when required. A permit from the building inspector shall be required to remove, relocate, grade, excavate, fill or disturb sand, soil, dirt or earth or remove any naturally occurring trees, shrubbery, grass or other naturally occurring vegetation if such removal is in accordance with site plans for

construction of a structure, for which plans a building permit either has been issued by the building inspector, only upon a determination by the building inspector, that the activity requested by the applicant is necessary to achieve one of the following purposes:

- (1) Erection or protection of a structure or improvement on the property;
  - (2) Promote the growth and health of vegetation without significantly destabilizing the soil thereon or otherwise damaging the ecology of the property.
- (j) Designation and protection of plants of special concern.
  - (1) It shall be the policy of the village to protect to the maximum extent feasible those trees and shrubs native to the maritime forest and dune areas of the village. All improvements shall be designed in such a way so as to minimize the destruction of plants of special concern and to preserve and to protect those remaining as much as practicable. Where re- landscaping is required by this chapter, re- landscaping shall be accomplished as much as feasible through the use of those plants which naturally occur within this area, including plants of special concern.
  - (2) The village hereby designates the following plants as plants of special concern:
- (k) Replacement of damaged shrubs; time limit; violation. Any sand, soil, dirt or earth which has been removed, relocated, graded, excavated, added to, filled or disturbed in violation of this chapter and any naturally occurring vegetation which has been killed, damaged, destroyed or removed in violation of this chapter shall be restored or replaced within 60 days of notice from the building inspector. Each day after the 60-day period that the violator fails to perform such restoration or replacement shall constitute a new and separate violation. Any such replacement shall, where feasible, be accomplished through the use of plants which naturally occur within this area, with emphasis upon use of plants of special concern.

(Ord. No. 29, § 3.4, 8-17-1991; Ord. No. 2001-019, 9-15-2001; Ord. No. 2006-0902, 9-15-2006)

## H. GLOSSARY

**Arbor** - An area shaded by trees, shrubs or vines on a latticework structure

**Caliper** – Diameter of a living tree, this is measured using an instrument called a caliper, hence the name

**Casement** - a window sash that opens on hinges at the sides

**Clustered Growth** – ARC approval is required prior to the removal of any clustered growth vegetation covering two square feet or more at ground level regardless of branching habits or diameter.

**Coastal Zone (AE)** – This zone is the Area of Environmental Concern, as defined by CAMA. Properties in this zone can be affected by rising, slow moving or standing water and are typically beach or marsh properties.

**Coastal Zone (VE)** – This is the zone subjected to wave action (velocity) ocean hazard areas as defined by CAMA. Typically refers to beach properties

**Conceal** - To hide behind grade-level screening within the footprint of a structure, as specified within these Design Guidelines or to keep completely from sight of any public road or fairway view by vegetation, natural terrain or other solution approved by the ARC

**Cupola** - A dome, especially a small dome on a circular or polygonal base crowning a roof or turret (usually only decorative in modern homes, older cupolas can be reached by stairs)

**Deck** – A roofless, outdoor floored area that adjoins a house

**Dormer** – See pictorial example and definition on following page under Roof Terminology.

**Divided Lites** – A description of a window separated into panes by muntins or other forms of dividers.

**Dune, Frontal** – The first mounds of sand located landward of the ocean beach with sufficient vegetation, height and configuration to offer protection from ocean storms

**Exotic plants** – For the purposes of these Design Guidelines, any plants not native to BHI or North Carolina are considered exotic.

**Fenestration** - The arrangement and design of windows and doors in a building

**Fountains** – a jet or stream of water made by mechanical means to spout or rise from an opening or structure, as to afford water for use, to cool the air, or to serve for ornament.

**Gable** - See pictorial example and definition on following page under Roof Terminology.



**Gazebo** – A roofed structure that offers an open view of the surrounding area, typically used for relaxation or entertainment.

**Grade, Average** – Grade is simply the topography of a lot or the ground surface of a lot. Average grade is the sum of the varying elevations of the ground around the perimeter of the building including, but not limited to decks, staircases, porches etc. and then divided by the number of elevation changes included in the calculations.

**Grade, Mean Finished** – Mean finished grade is the same thing as finished average grade. This is found by adding the varying elevations around the perimeter of the building, after grading is complete, and dividing that to find the mean finished grade.

**Grade (Verb)** – To prepare the topography of a lot for construction by leveling or building up different areas on the lot

**Impervious Coverage** – In relation to construction, this is the area of the property covered by structures or materials that do not allow water to penetrate or percolate into the ground. For example, this would include any covered structures, paved or graveled walkways/driveways or decking without sufficient spacing between the boards (less than ¼ inch). It would also include marl, for though water can penetrate marl, it does not percolate into the spaces of the ground beneath quickly enough to earn a pervious rating however, a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric is considered pervious. These guidelines include the building footprint (with cantilevered elements) not the roof overhangs.

**Invasive plants** – Plants not native to BHI that have the potential to spread. Invasive species are a major threat to our environment because they (1) can change habitats and alter ecosystem function and ecosystem services and (2) crowd out or replace native species.

**Main Structure/Building** – This refers to the main living unit on the lot. The main living unit may not exceed thirty-five feet (35) in height.

**Massing** – Is the composition of building forms. Good massing is exemplified by an orderly, well-proportioned composition of building forms.

**Mulch** – In addition to mulch produced on island, the Village of BHI allows the use of mulch distributed by various processing facilities as a pre-bagged product. Typically, this type of mulch is sold at hardware and home improvement stores and garden centers.

**Muntin** - a strip separating panes of glass in a sash

**Native plants** - For the purposes of these Design Guidelines, native plants are plants that occur naturally in a particular location without direct or indirect human intervention. The distinction between native and non- native species is important because native species have generally adapted and evolved with the competing species, predators, and diseases of an area over many

centuries or longer. BHI native plants support indigenous wildlife, habitats, ecosystem function and ecosystem services.

**Pavilion** – a decorative building used as a shelter in a park or large garden.

**Pergola** – An arbor with an open roof of rafters supported by posts or columns

**Porch** – A covered deck attached to a building; may be open or partly enclosed

**Rake** – A rake is the sloped sides at the end of a gable roof forming a triangle. Most gable rakes have overhangs, extending the roof beyond the end of the house. These rake ends usually have a soffit on the underneath side to enclose the framing and a fascia or trim board to cover the outside edge of the slope.

**Shed** – See pictorial example under Roof Terminology Soffit – See pictorial example under Roof Terminology

**Trellis** - Any structure made of pieces arranged in a crossing pattern to form a ladder for climbing plants

**Understory** – Understory is an underlying layer of vegetation, especially the plants that grow beneath a forest's canopy. Forest density plays a large role in protecting individual trees from being uprooted during storms and hurricanes. Understory is an important component to the survival and health of the ecology of BHI. MI ARC approval is required prior to the removal of vegetation one inch or greater in diameter measured 48 inches along the trunk from ground level. See exception noted in item 2 under the heading Clearing, Trimming and Maintaining requirements.

**Unit** – Unit means a portion of the Properties, whether improved or unimproved, which may be independently owned and conveyed, and which is intended for development, use and occupancy. A "Lot" is a Unit. The term will refer to the land, if any, which is part of the Unit as well as any improvements thereon, including the Living Unit. Nonresidential areas may have more than one Unit assigned to it by the Board as provided in Section 2.3. Unimproved Unit means a vacant Lot with no completed structure built upon it. Improved Unit means a Unit with a completed structure built upon it for which the Village of Bald Head has issued a certificate of occupancy.

**Waterfront Property** – A property from which a perpendicular line drawn from the mid-point of the water-facing property line will reach the mean low tide line without crossing any portion of any adjacent property.

## ROOF TERMINOLOGY

The image to the right includes pictorial definitions of:  
Gable, Dormer, Valley, Ridge, Rake, Eave and Shed

### Further Description:

**Gable** - The triangular upper-portion of a wall at the end of a pitched roof

**Dormer** - A small house-like structure that projects from a roof and includes a window

