

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.