

## Lot # 2 ~ Building Guidelines

Dear Fellow Bald Head Association Members:

Miles of white sand lined in a tongue of wild grasses and golden sea oats. Deep maritime forests of dogwoods and palms, and majestic live oaks festooned with Spanish moss. Pines and fresh water ponds... Tidal creeks edged with acres of marsh...

Bald Head Island is a masterpiece of nature, worthy of our protection and stewardship. It is a place where man can live and play in harmony with nature. Choosing to buy property on Bald Head Island commits you, the property owner, to play a role in helping to conserve the visual richness and environmental stability of a typically sensitive, changing coastal barrier island. With careful and competent planning and design, we believe that your home can complement the natural environment.

A home and its siting should attempt to capture, rather than compete with, the character of its particular environment. It should be carefully planned to fit comfortably on the site, to become part of that site. The natural landscape and terrain will, of course, be altered by the addition of man-made structures. Each owner must realize that minimizing these alterations is essential to maximize conservation of the sensitive natural features and ecological balances of the island. All persons involved with building on the Island have a deep responsibility to this end and a key function of these guidelines is to help assure continued implementation of this conservation credo.

The overarching purpose of the Architectural Review Committee and the Design Guidelines is to support the Covenant goal of "enhancing and protecting the value, desirability and attractiveness" of the Bald Head Island properties and maintaining the environment in which they exist.

Sincerely,

*Bald Head Association  
Board of Directors*

# DESIGN GUIDELINES FOR BALD HEAD ASSOCIATION MEMBERS

*Eleventh Edition*

Amendments from Tenth Edition were approved by BHA Board November 13, 2009.

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# INTRODUCTION

## Purpose of the Guidelines

The Covenants, so far as possible, enable development that conserves and protects Bald Head Island property values. The Design Guidelines set basic requirements that support the aims of the Covenants. The Guidelines promote a harmonious community aesthetic and a conservation consciousness, and, more practically, a uniform review process for obtaining approval of the Architectural Review Committee.

The intent is that, if these Guidelines are adhered to in a specific set of plans, that harmonious community aesthetic will be captured even though individual tastes, lifestyle needs and the specific needs/limits encouraged by the Bald Head Island environment prevail in other elements of the plans. This document also strives to promote clear expectations and comprehension of the design requirements for members entering the building process, as well as greater opportunities for objectivity and consistency (therefore fairness) on the part of fellow members who have agreed to review building plans.

## Applicability

These guidelines apply to the properties that are subject to the Stage I Amended and Restated Declaration of Covenants, Conditions and Restrictions passed February, 2000 (hereafter referred to as "the Covenants"). These guidelines also apply to common and limited common space in the Stage I areas as appropriate. (See Appendix H, Common Area Policy, for further details.)

Some areas in Stage I have "neighborhood" associations that have restrictions specific to their community. Permission for exterior changes must be granted by both the neighborhood association and the ARC. Members should obtain approval from their neighborhood association first, then submit for ARC approval. A letter verifying the neighborhood association approval will be required for ARC review.

Currently, the areas in the Bald Head Association membership with "neighborhood" associations are as follows:

The Hammocks  
Bathgate Village  
Ibis Roost

Flora's Bluff / Killegray Ridge  
Lighthouse Landing  
Middle Island

Royal James Landing  
Sabal Palm Cottages  
Timbercreek  
The Villas

In the case of a conflict between the neighborhood association and Bald Head Association restrictions, the stricter restriction applies.

### *Multi-Family Communities*

Setbacks for Multi-family projects are site dependent. Structures shall meet all building code separations from property lines and existing adjacent structures. Setbacks shall be enforced that allow the rebuilding of all existing Multi-family structures, to match the previously existing structures, should they be destroyed by storm or fire. In the case of adding to / renovating an existing multi-family structure, heated space may not exceed beyond the existing dripline.

## Function of the Committee

The Architectural Review Committee has been established by the Covenants to administer the Design Guidelines and review all applications for construction and modifications on any portion of the Properties. ARC approval is required prior to undertaking any new construction or improvements, as detailed in Article 7 of the Covenants (see Appendix 7).

## What Requires ARC Approval?

The Covenants state in Section 7.1, "No structures, buildings, improvements or construction, which shall include within its definition, clearing, grading, excavation and other sitework, will be commenced, erected, or maintained upon any Unit or the Properties, nor will any exterior addition, change, alteration, or change of color be made, except in compliance with this ARTICLE, the Design Guidelines and until the plans and specifications showing the nature, kind, shape, heights, materials, and location of the same will have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Committee according to the provisions of Section 7.2. Structures, buildings and improvements shall include, but not be limited to any dwelling, garage, fence, wall, sidewalk, hedge, mass planting, change in grade or slope, drainage pipe, drainage canal, ditch, swale, catch basin, swimming pool, tree house, playhouse, sign, flagpole, exterior illumination, monument or marker, outdoor statuary, exterior lights, security lights, storm door, well utility facility, mailbox, patio, deck, screening for outdoor trash cans or other purposes (ex. HVAC, generator units, outdoor showers, etc.), sprinkler system, driveway, outdoor decorative objects, shrubbery or landscaping."

## Common Areas

Common Areas are the property of the BHA. They typically are the buffer areas between Units and golf course property, Units and the beach, between neighborhoods and, in some cases, between Units. No clearing, landscaping or improvements of any type may occur on these properties without the permission of the BHA Board of Directors or its designated committee.

For more information, and the appropriate application process, please see Appendix II of these Guidelines, which details the Bald Head Association Common Area Policy.

## Commercial Properties

Residential guidelines may or may not be rigorously applied to proposed commercial structures, due to the different purpose of a commercial structure. However, the Committee will review the drawings to determine if the construction reflects a harmonious blend with the coastal architecture seen throughout the island and referenced in these guidelines. For proposed additions to a commercial structure, the Committee will examine the improvements in relation to the existing architecture of the building.

## Government Requirements

Please note that further codes, regulations and restrictions are applicable to the construction of new homes. Each architect should be familiar with these regulations. Your home must be

designed consistent with certain regulatory standards, including I-EMA and CANA requirements, North Carolina Building Code for Wind Resistant Construction, and pertinent Village of Bald Head Island ordinances. The applicable standards will vary with the location of your lot. Conformance to these standards is outside the purview of these design guidelines; however, some references to them are included as reminders of their importance. For more information, please contact the Village of Bald Head Island.

While also outside the purview of these Guidelines, you should be aware that regular homeowner's insurance for properties on Bald Head Island does not cover loss from wind, hail or flood. Special federal programs which provide coverage for such losses may be available. You should ensure that your architect is familiar with the implications of these as they relate to your lot and the design of your home.

## Review Process Summary

The detail Review Process is found on Page 41 of these guidelines, followed by copies of the proper forms on Page 53. For new construction, architectural review is typically a three-step process whereby the homeowner receives Sketch, Preliminary, and then Final approval for the submittal. Review steps for changes to existing homes are also laid out in the Review Process section. Applicants are encouraged to submit drawings for review as soon as possible, to ensure the length of the approval process does not interfere with construction schedules. The full three-step review process can span several ARC meetings and may take several months to complete.

### *Requirements and Recommendations*

Early in the process, after the required survey has been obtained, the architect will visit the site and become familiar with its constraints and opportunities. A detailed review of the Design Guidelines, in conjunction with that visit, will dictate major design decisions by the architect. Each of the following sections delineates the Requirements for successful submittals to the ARC.

Requirements must be met for approval to occur. They are considered to be essential to ensure a built environment that will sustain and maintain the beauty and essence of Bald Head Island while protecting the investment of property owners. It is anticipated that in some situations, variances to one or more of the requirements may be requested in the submittal. In such cases, the ARC's role will be to assess the impact of the requested variance(s) on the overall objectives of the Guidelines and approve or disapprove the request based on the conclusions reached. Variance approvals will be subject to the veto of the HHA Board (see ARC Amendments and Variance section).

While Recommendation items are not necessarily required for approval, their incorporation into planning is strongly encouraged. When reviewing a specific set of plans, the ARC can require compliance with requirements that, though not itemized specifically, are supported by sections of the Design Guidelines and the Covenants.

Please note that no existing house design on Bald Head Island shall be taken as a precedent.  
Note also that the Design Guidelines may be amended or changed over time, and the  
membership of the ARC will also change in accordance with Article 7 of the Covenants.

The ARC Administrator will be pleased to discuss your questions or concerns about any of these items.

# BALD HEAD ISLAND ARCHITECTURE

Homes built on Bald Head Island are intended to promote a homogenous impression, an architectural appearance where each individual home "fits" with the surrounding homes.

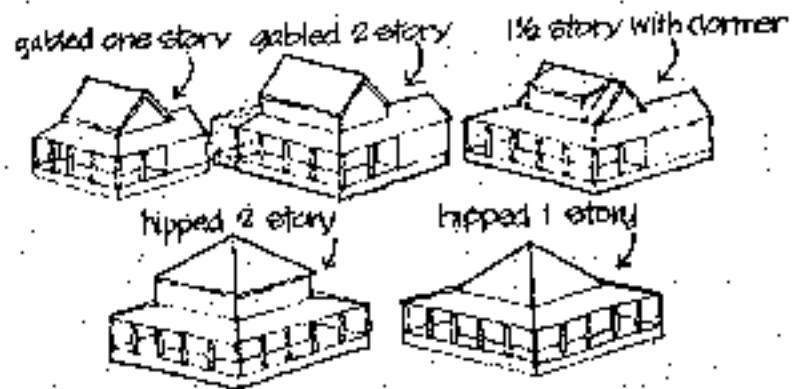
Shingle-style has been characterized as the "architecture of the American summer". These homes project individual tastes while sharing a look of rustic informality, minimal detailing, high gables, large vertical windows, inviting porches and rambling massing. These homes are common on the Eastern coast, and Bald Head Island is no exception. The shingle form is notably free in form and size and exemplifies the organic/naturalistic environment, blending with the environment and utilizing materials that display a natural appearance. Unity is the guiding principle behind the style.

The Bald Head Island home takes advantage of many of the features offered by shingle-style architecture and accentuates them with common elements of coastal design. Most homes on the island are a blend between shingle-style and the coastal "cottage", depending on the size of the structure. Smaller structures on the Island are encouraged toward a style reminiscent of the coastal Carolina cottage; larger structures may tend toward this shingle-style.

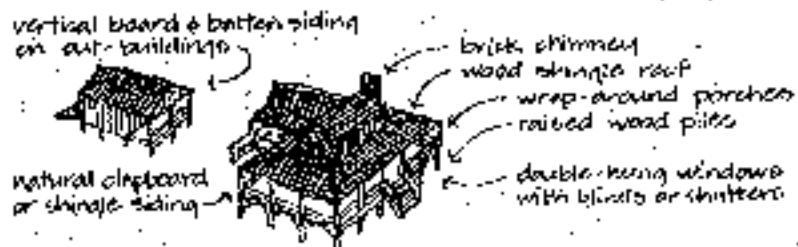
These Guidelines will aid architects and property owners in developing a home design that finds the optimal compromise between the BHI environment and individual taste.

Other characteristics of coastal architecture include steep roofs, cedar shingles, dormers, double-hung, large vertical windows, minimal ornamentation and variation in overall shape and massing. Natural materials are strongly encouraged. Many homes may 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 sun screens to provide sun control on porch areas. It bears repeating that the home should blend with its natural setting and all features of the home should complement the main structure. The final product must then fit comfortably with the neighboring environment and surrounding homes.

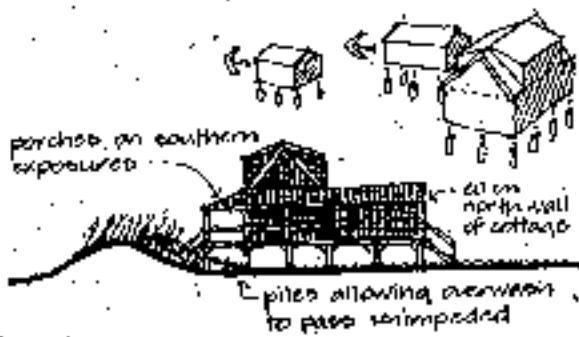
### COTTAGE FORMS



### CHARACTERISTICS



### SITE ACCOMMODATION



## **Massing**

### **REQUIREMENTS**

Create the impression of the shingle style or coastal cottage massing. Good massing is exemplified by an orderly, well-proportioned composition of building forms. (See previous page for a sample diagram of cottage forms.)

## **Building Relationship to Grade**

Each building submitted for review will be analyzed according to site and topography. Houses should be constructed as low as possible to grade elevations while complying with all applicable codes, regulations and restrictions (see this reference under Purpose of the Guidelines).

### **REQUIREMENTS**

1. The height of the building must be no more than 35' measured from the lowest natural point on the ground beneath that structure to the highest point of the ridge of the roof. Where any elevation beneath the building footprint falls below an elevation of five (5') feet above mean sea level (AMSL), the lowest elevation shall be considered five (5') AMSL.
2. For homes outside the V1 Coastal Hazard zone area, first floor elevations will be restricted to 2' above the FEMA (the Federal Emergency Management Agency) base flood elevation minimum above mean sea level (MSL), or 4' above average grade around the perimeter exterior walls, whichever is greater. Homes in areas with a tendency to flood may be built higher, but the 35' height requirement must still be observed.

## **Roofs/Overhangs**

### **REQUIREMENTS**

1. The pitch of the primary roof must meet or exceed 6 in 12.
2. Minimal slope on secondary roofs must be 4 in 12.
3. Chimney pipes must be enclosed. Pipes may be no taller than the lowest point proscribed by code, which is two feet higher than any structure within ten feet of the chimney.
4. Cantilevered chimneys are not permitted.

### **RECOMMENDATIONS**

1. Simple roof forms are recommended.
2. Eighteen inches minimum for principal eave overhangs and twelve inches minimum for rake overhangs is recommended to create broad overhangs for shade.
3. Avoid gutters. Consider diverters.
4. Use splash blocks (concrete, brick, gravel) or have an underground drainage system.
5. Placement of chimneys and stove pipes should be carefully considered. Overhanging tree limbs should be at least 15 feet away. Many maritime forest trees lean over roofs and need to be taken into account when positioning the home and chimneys.

## Porches

### REQUIREMENTS

1. Homes in front of the dune ridge must have a minimum of 15% of the linear feet of the perimeter exterior walls wrapped by covered, open (non-screened) porches having an 8-foot depth minimum. The 15% 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. Bays may be counted as part of this depth.

### RECOMMENDATIONS

1. The Guidelines promote porches with simple lines with minimal ornamentation.

## Windows

Windows contribute significantly to the overall look of the house, and many shingle style homes or coastal cottages take advantage of a generous number of rectangular and vertical window openings to let in coastal light and give the house an open, welcoming look.

### REQUIREMENTS

1. The predominant window shape submitted (75% or greater) must be rectangular and of vertical proportions. Single and double hung windows must have a height to width ratio of at least 1.5 to 1.
2. Additional windows can be circular, rectangular and horizontal, semi-circular, semi-elliptical, octagonal or square, applied sparingly.
3. Any reflective coating or tinted glass must be approved by the ARC.
4. Window divisions must be exterior and fixed. They may be upgraded to simulated or true divided lights.

## Colors

Colors need to be compatible with the island environment, as well as chosen to emphasize the home's design elements. All colors chosen for the exterior elements of the home must be compatible.

### REQUIREMENTS

Body color must be earth tones. Examples of these colors might include soft greens, greys and browns that are of subdued hue intensity and light to medium value. Natural weathering will also be considered.

Bright tropical and pastel colors (for example - pinks, yellows and blues) are not generally acceptable as body colors, but may be considered for accents. The ARC administrator has a book of ten pre-selected color "schemes", which offer the only acceptable body colors in these shades, and only as part of their respective theme selection.

1. Lattice/Foundations must be subdued hue intensity of medium to dark values to aesthetically bring the building to the ground. Siding may be brought to the ground.

2. Accents, panels, doors, louvers, soffits and porch ceilings must complement the overall color scheme. These colors can be of higher hue intensity and value.
3. Roofing color schemes must be of colors complementary to the island environment. Examples of these colors might include briges, grays and soft greens. Metal roofs are acceptable. Roof vents (such as ridge vents, roof exhaust fans, etc.) must be painted in a manner compatible with the roof color. Unpainted copper is acceptable.
4. Miscellaneous details (such as window and door casings, soffits, fascia, deck railing, ground level screening, chimneys, outbuildings and other detached elements) must have commonality in materials and/or color to unify the appearance of the home.
5. Columns, pickets, railings, trim and fences shall be white unless otherwise approved by the ARC.

As mentioned above, the ARC administrator has a book of ten color schemes common on Island homes. An applicant has the option of choosing one of these schemes and submitting it on a Paint Review Application to the ARC administrator as the color scheme choice for the home plan. Once the ARC administrator has verified the scheme choice, a formal review by the ARC should not be necessary.

An applicant is not required to choose from these schemes. A Paint Review Application may be filled out with the colors of an applicant's choosing and submitted for the normal ARC color review process (See Review Process section).

## Size

### REQUIREMENTS

1. Single family residences shall have a minimum square footage of 1,600 square feet, exclusive of garages, boat sheds, terraces, decks, open porches, roof overhangs and exterior stairs. Of the 1,600 square feet, a maximum of 300 square feet of the total footage of the floor plan may be screened porch, provided the roof of such porches are an integral part of the roof line of the structure or group of structures (i.e. – the porches must not look "tacked on" to the structure of the house).
2. In any environment, the building coverage shall be limited to a maximum of 25% of the total square footage of the lot. This includes the footprint of the house and decks above 30°, accessory buildings, exterior stairs and swimming pools. Overhangs do not count toward this impervious coverage.
3. In any environment, the impervious drainage 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. Materials that are considered impervious include but are not limited to, the building footprint, structures, asphalt, concrete, gravel, brick, stone, slate, coquina & marl (sand is also considered impervious when used for driveways or parking surfaces). Raised, open wood decking, roof overhangs and the water surface of a swimming pool do not count toward this coverage. Note: The Village or CAMA percentage requirements may be higher, depending on where the home is located on the island.

4. Property owners who own two contiguous properties must record these as merged for the ARC to approve any construction over boundary lines. (Note: A property owner must have written permission from the RHA Board to merge or split lots; Covenant Article 1.E.)

## The 50% Rule (One-and-1/2 Story Rule)

All houses on or in front of the Island's primary dune ridge shall meet the "50% Rule". The rule is designed to eliminate view-blocking, three story boxes and uninterrupted three story walls. This rule is not applied to houses in Bald Head Island's forest, due to the fact that, in the forest, views are less of an issue, and vertical construction can help minimize tree removal, thus balancing aesthetics against the equally important need to protect the forest environment. However, the committee still discourages forest houses from promoting a "three story box" appearance in their design.

### REQUIREMENTS

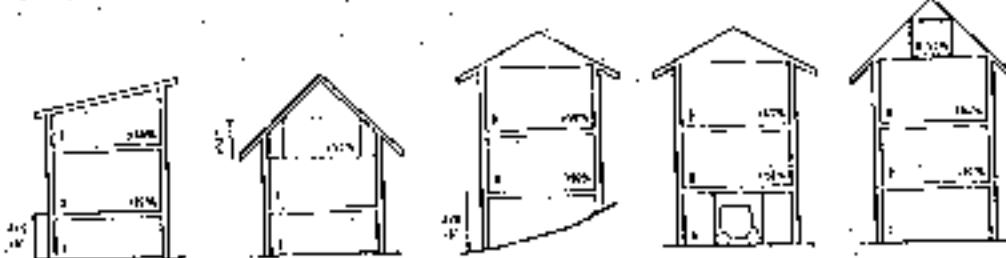
1. The volume of any house on or in front of Bald Head Island's primary dune ridge shall not exceed one-and-one-half stories.
2. A submission meets the requirements of this rule if the footprint of the volume of its top story is less than or equal to one-half of the footprint of the volume of the story 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, 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.  
The structure will not have to meet the 50% rule if the first floor elevation is less than five feet off average grade around the perimeter of the house.
3. If the residence is separated into more than one detached building, then the 50% Rule will be applied to the entire proposed construction, not to each building independently.
4. 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 meet the rule, even if the rest of the home does not.

### 50% Rule Depiction:

#### These Pass Test:



#### These Fail Test:



## Other Architectural Elements

### Decks/Balconies

#### REQUIREMENTS

1. Decks more than 4' deep or 4' high must be supported on pilings (8" x 8" minimum) rather than braced from house pilings.
2. Cantilevered decks, balconies and heated space must be bracketed or braced from pilings or wall.
3. Decks built over the top living area must be integrated into the home to obtain ARC approval. Special care must be taken to integrate them into the massing and proportion of the home appropriately. Internal stairs are strongly encouraged.

#### RECOMMENDATIONS

1. Decks are a very important element to an island home and its casual lifestyle. Size, location relative to the house living spaces, and orientation in terms of view, breezes, etc. should be considered.
2. As a prominent feature of the exterior, great care should be given to the details concerning the deck, rail, seats, stairs, etc.
3. The rail cap and balusters should have some depth and body rather than the generally accepted 2 x 2 or 2 x 4 cap.
4. Note that decks/balconies built over living areas can create leak problems.

### Doors (Exterior)

#### REQUIREMENTS

1. Snap-in muntins are not allowed.
2. Any visible reflective coating or tinted glass must be approved by the ARC.
3. Window divisions must be exterior and fixed. They may be upgraded to simulated or true divided lights.

#### RECOMMENDATIONS

1. Avoid exposed exterior doors to minimize leak problems. Overhangs or covered porches are encouraged over door areas.

### Screening

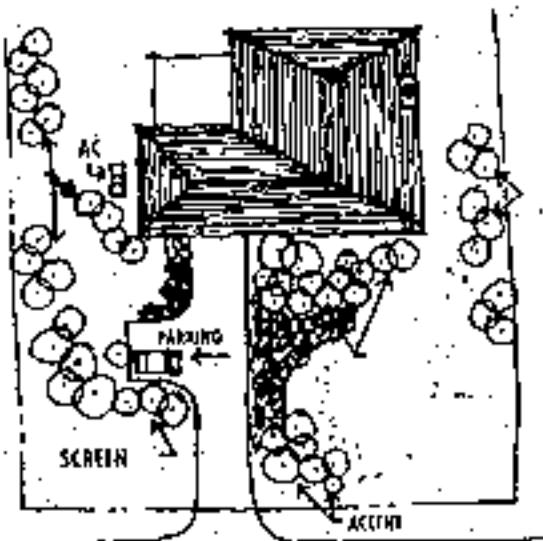
#### REQUIREMENTS

1. Lattice 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. Ground level screening must follow heated space. There must not be screening beneath decks and porches. However, screening for boats and other storage needs will be balanced against this requirement.

#### RECOMMENDATIONS

1. Vegetation can screen objectionable views and add privacy and architectural unity. Refer to the list of recommended plants in Appendix B for plant selection.



## Shutters

Homeowners are encouraged to provide storm and hurricane protection to their homes with permanent, operable shutters. As with other exterior elements, permanent shuttering requires

careful design. Shutters should not detract from fenestration. The appearance should be balanced.

If storm protection planning includes temporary shutters, please consult Appendix E.

## Trim

### REQUIREMENTS

1. Trim details need to be consistent on all four elevations.
2. Trim may not be overlaid on top of siding.

# SITE GUIDELINES

## Accessory Buildings

An accessory building is any structure that is not attached through heated space to the main building on the lot. This may include uses such as the following:

- Pavilion and gazebo
- Detached garage
- Utility, shower or garbage enclosure
- Guest cottage/croftier
- Workshop or studio
- Boat shed

Massing, roof pitches and materials of such outbuilding(s) must complement those of the primary structure.

### REQUIREMENTS

1. Accessory buildings will be no higher than 30 feet measured from the lowest natural point on the ground beneath a building to the highest point of the roof, or 5 feet below the highest peak of the main structure, whichever measurement is lower.

### RECOMMENDATIONS

1. The committee discourages a "three-story" look to accessory buildings.
2. Village ordinance does not permit two living units on one property. This means the accessory building cannot have a working stovetop. The Covenants, Article 10.5(a), indicate that all Units are only for single family residential purposes "...no dwelling, including any ancillary structure or annex to a Unit, will be utilized at any time for occupancy by more than one family or one family with guests. The Owner of a Unit is specifically prohibited from occupying an ancillary structure or annex located on his Unit while renting the primary residential dwelling, or from occupying the primary residential dwelling while renting the ancillary structure or annex, or from renting to two or more rental parties, the primary residence and the ancillary structure or annex."

## Beach Accesses

Beach access structures must follow the requirements laid out in the Bald Head Association Common Area Policy, Appendix H and the Village ordinance 2001-047, Appendix I. Contact the Village for further requirements. Any beach access approved to cross Bald Head Association or Bald Head Island Limited land will require a license agreement.

## Boats

Any applicant who intends to store a boat on private property on the Island needs to present a construction or natural vegetation screening option for the boat as part of their submittal (see

Architectural Questionnaire, under Boats Section). The boat must be screened from any public road or fairway view.

Neighborhood associations may establish parking areas for boats in their neighborhoods and limited common areas, as long as the boats are screened from the fairway or any road not inside the boundaries of the neighborhood. Constructing screening solutions, on Units or limited common areas, must be submitted to the ARC prior to implementation.

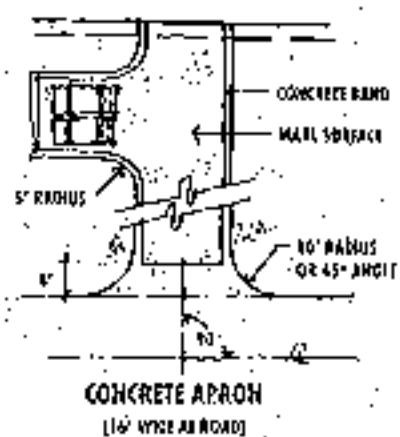
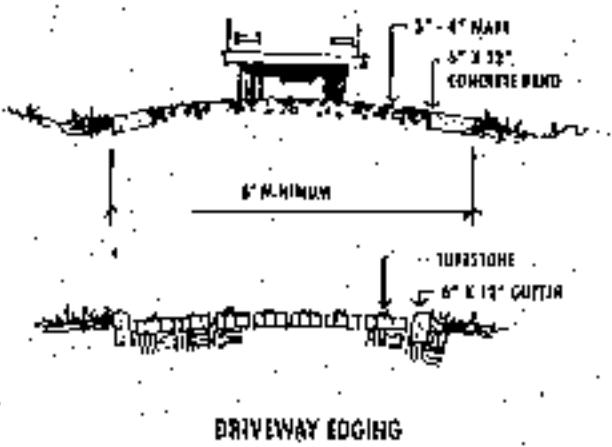
## Driveways and Parking

### REQUIREMENTS

1. All loose paving materials must be edged with suitable permanent material.
2. Drives must provide a concrete apron at the road edge. This protects the road from breaking. The apron must be installed to the edge of the road with 16-foot width at the interface and tapered to meet driveway width of 8-foot minimum.
3. Outside or non-garage parking must be adequate for two carts without stacking.
4. Changes to driveway surfaces for existing homes or during new construction must be brought to ARC attention 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 contractors by contacting Contractor Services.

### RECOMMENDATIONS

1. Two 4" diameter Schedule 40 PVC sleeves with caps at each end should be placed under concrete aprons/entry driveways for the purpose of utility conduits, 2' below grade, 6' from the road edge. This protects the driveway from being torn up if any future utility maintenance is required.
2. It is strongly recommended that all drives should be stabilized with gravel, mulch or other appropriate material before construction starts, in order to protect the road edge.



## Exterior Decorative Items

### REQUIREMENTS

Article 7 of the Covenants instructs that "no structures, buildings, improvements or constuctio[n] will be commenced until the plans and specifications have been submitted and approved in writing." Article 7.1(a) explicitly states that structures, buildings and improvements "shall include but not be limited to, among others, tree house, playhouse, sign, flagpole, exterior illumination, monument, marker, outdoor statuary, patio, deck or outdoor decorative objects."

All exterior decorative items must be harmonious with the site, home and surrounding area. Landscaping should primarily be accomplished with native plants and vegetation. Decorative items (such as planters, statuary, fountains and other decorative structures) which are included in the landscaping or are visible on decks, porches and balconies, should be few in number and must be consistent with the general character of the Bald Head environment. Colors should blend with the surroundings, and any item should not exceed three feet in any dimension. Signs or decorative items on houses should have colors compatible with the structures on which they are hung.

## Fences

Fences should define and create spaces rather than merely serve as property delineators. Fences shall be no closer than five feet (5') to any property line.

### REQUIREMENTS

1. 48 inches is the maximum height for residential fencing.
2. 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.
3. The finished side of the fence must face outward.
4. 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.

## Lighting (Exterior)

Light pollution is avoidable. Homes on the island must be extremely frugal with exterior lighting. Homes on the beach front especially must be careful in order to prevent distraction of the hatchling and nesting sea turtles during May 1<sup>st</sup> to November 15<sup>th</sup>, and this is strictly regulated by Village ordinance. Nesting female and hatchling loggerhead sea turtles should not be exposed to artificial sources of light while on BHI. It is highly recommended that all beach front homes install room darkening window treatments (blinds, shades, drapes...) on windows that face the beach, and have them closed from dusk to dawn during the months stated above to prevent interior house lighting from disturbing the nesting and hatching of the sea turtles.

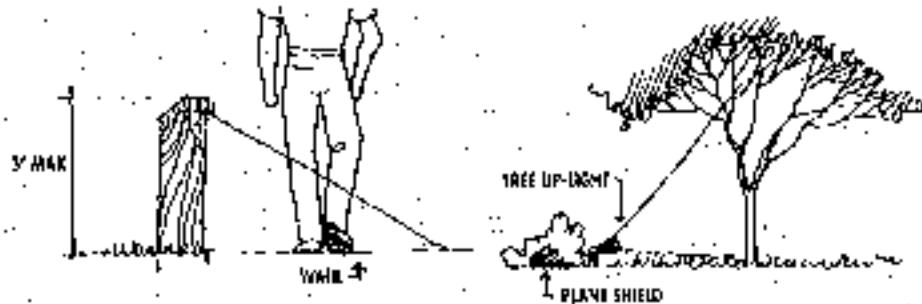
### REQUIREMENTS

1. No residential exterior lighting is permitted except low profile luminaries and fully baffled lights.

- Path/landscape lighting is encouraged at moderation, must be no taller than 3' mounting height and must use no more than 60 watt incandescent lamps.
- Fixtures with an exposed light source are prohibited.

#### **RECOMMENDATIONS**

- Suggested exterior lighting options: low voltage/soft lighting recessed soffit or porch lights, soft wall "washers" or up/down lights.



## **Setbacks**

#### **REQUIREMENTS**

- Minimum setbacks are:
    - Side yards - 10 feet
    - Rear yard - 10 feet
    - Front yard - 35 feet (street face)
      - Corner lots will have one 35' front yard setback only, the front yard to be determined by 911/GIS assignment of the Village. The side road will require a 15' minimum setback. A lot is required to adhere to the Village and ARC side setback requirements for corner lots (15 feet) if the side property line of the lot is less than ten feet from the road (NOTE - This clarification addresses where there is a common area or other intervening buffer between the last lot and the intersecting road).
    - Estate lots have 50' front yard setbacks, 25' side and 10' rear.
  - Overhangs are not allowed in the setbacks.
  - Listed below are structures that are allowed to encroach upon the setbacks. All others shall be within the setbacks.
    - Fences not exceeding 4 feet in height above grade.
    - Trellises, entry arbors, and pergolas not to exceed 10 feet in height.
    - Driveways (excluding the guest parking area).
    - Wood walkways (not beach accesses) must not exceed 4 feet in width and 16 inches in height above grade.
    - Address bolts/rods
    - Flagpoles, not exceeding 24' in height.
    - Retaining walls
- Please be aware that on marsh, harbor and ocean/river sides, CAMA can change setback requirements.

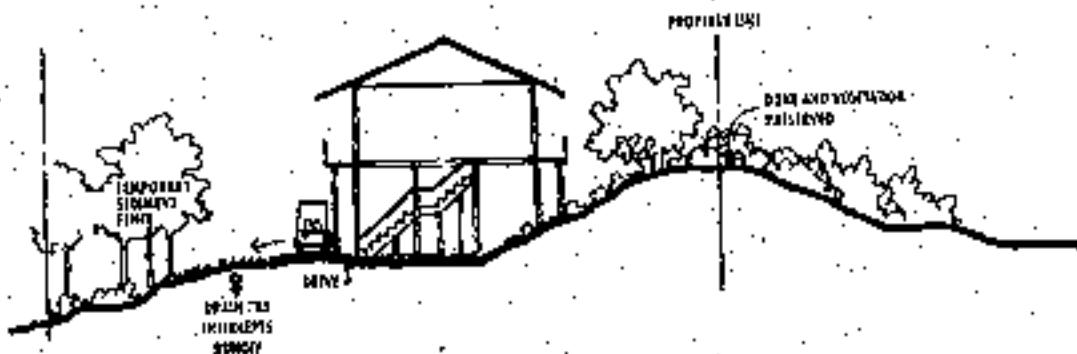
## Signage

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 construction phase only), code required builder signs, and house identification signs.

See Appendix F for specifications. The Village also has specific sign ordinances. In situations where the Association, neighborhood 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. 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.



## Site Grading

### REQUIREMENTS

- 1) Site grading must be kept to a minimum and necessary drainage systems must be designed for minimum impact. Because of the sensitive environment of the Island and drainage issues, the Village and the Association are very concerned with filling or major contour changes on a lot. Any filling or contour changes must be brought to the attention of the Village Building Inspector and the ARC Administrator for approval before proceeding. In an AE Flood Zone, filling requires Village approval, and the Building Inspector will examine particularly whether or not the filling will impact the natural flow of stormwater. FEMA requirements regulate filling in a VE Flood Zone.
- 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 as the result of construction. Particular attention must be paid to avoid standing water.

- 3) Paving, buildings and drainage systems must preserve natural grade, runoff and vegetation. The drive 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 Bald Head Island are very permeable and accept runoff easily. However, flooding from large storms is sometimes a problem. Particular attention must be paid to avoid standing water. Any elevation under 8' MSL tends to flood; therefore, filling for the building pad and driveway is allowed with a Village permit only.

#### RECOMMENDATIONS

1. Raised deck driveways are recommended in flood areas, but care should be taken to ensure they are firmly anchored.

## Trash Receptacles

#### REQUIREMENTS

1. Trash receptacles must be under or near the house.
2. Unobstructed access convenient to the driveway must be provided.
3. Receptacles must be animal proof.
4. Receptacles must be sized to hold at least two 30 gallon trash containers.

## Trellises and Arbors

#### REQUIREMENTS

1. The footprint of a trellis must not exceed 120 square feet measured within the outer perimeter of all members and the proportion must complement the other structures on the lot.
2. If over a driveway:
  - 1) The maximum inside width dimension must be no more than 10' from post to post.
  - 2) The minimum inside dimension must be no less than 8' to allow for vehicular access.
3. The minimum height must be 8' from finish elevation to the lowest horizontal member. Overall height cannot exceed ten feet.
4. Simple versus ornate trellis styles are preferred.

## Utilities

#### REQUIREMENTS

1. All HVAC equipment must be above the base flood elevation and shielded from view.
2. Solar panels, if used, must be incorporated into the house and roof design to minimize visibility.
3. Thru-wall heating/cooling units (window HVAC units) are prohibited.

#### RECOMMENDATIONS

1. For requirements with respect to water and sewer, contact Bald Head Island Utility Company. CP&L handles electrical supply.
2. For common sense guidelines for fire protection, including considerations for golf carts, appliances and fire place safety, consult with the Public Safety Department.
3. Corrosion can be a problem and should be considered. All HVAC compressors should be located out from under the roofing of any structure to allow rain to wash salt accumulation.
4. Bald Head Island's climate is such that applicant may want to consider passive solar heating designs, depending upon the characteristics of the lot.

## Other

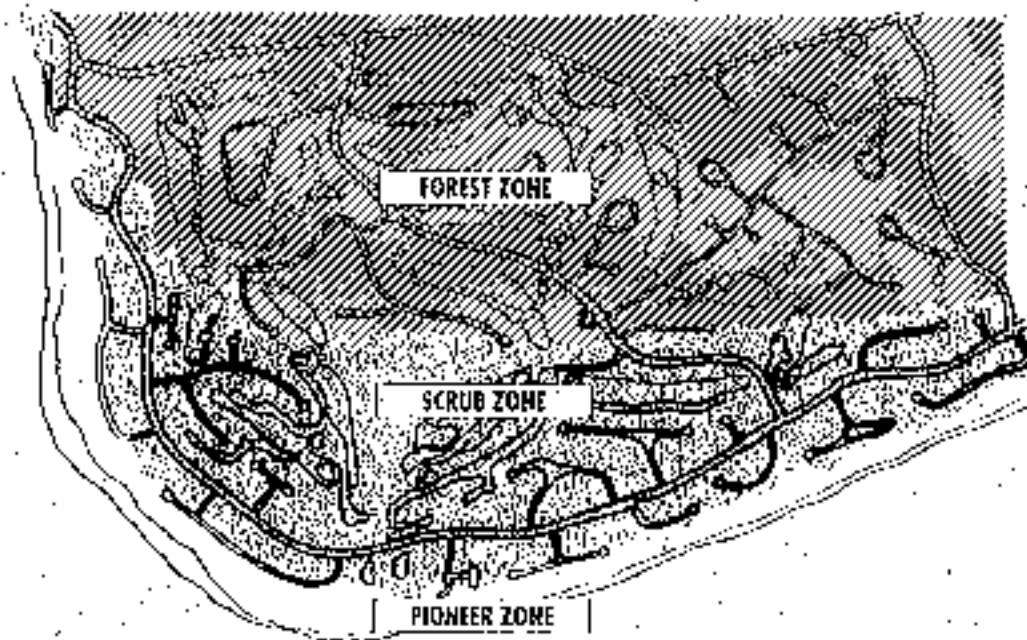
#### REQUIREMENTS

1. Independent stair towers built to reach views are not permitted on vacant or improved properties.
2. Satellite dishes and external antennas over a meter in height or diameter (approximately 39 inches) are prohibited.

#### RECOMMENDATIONS

1. Applicants are strongly encouraged to position satellite dishes and external antennas discreetly, screening them from view to the maximum extent possible.  
*Note: Applicants are not required to seek ARC/Association approval for dish/antenna placement less than a meter in height.*

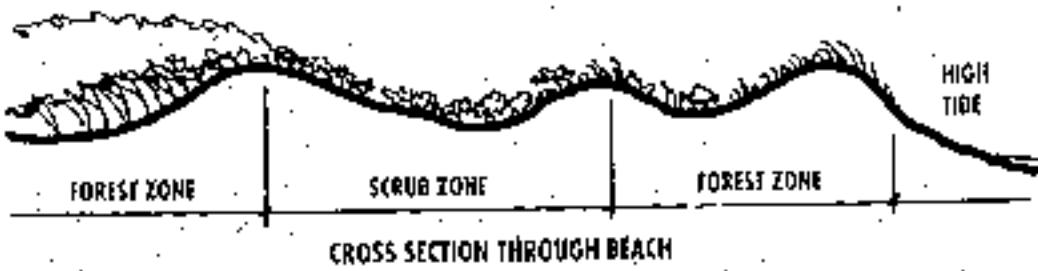
# LANDSCAPING



## The Forest – The Dunes

Two major communities, the open dunes and the maritime live oak 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. Here in the forest, many species of plant and animal life find their home. Live oak, pine, palm, bay and laurel oak provide a canopy that rises from its salt-sheared edge to about 50 or 60 feet adjacent to the salt marshes. Much of the vegetation is evergreen and the low light levels on the forest floor preclude much undergrowth.

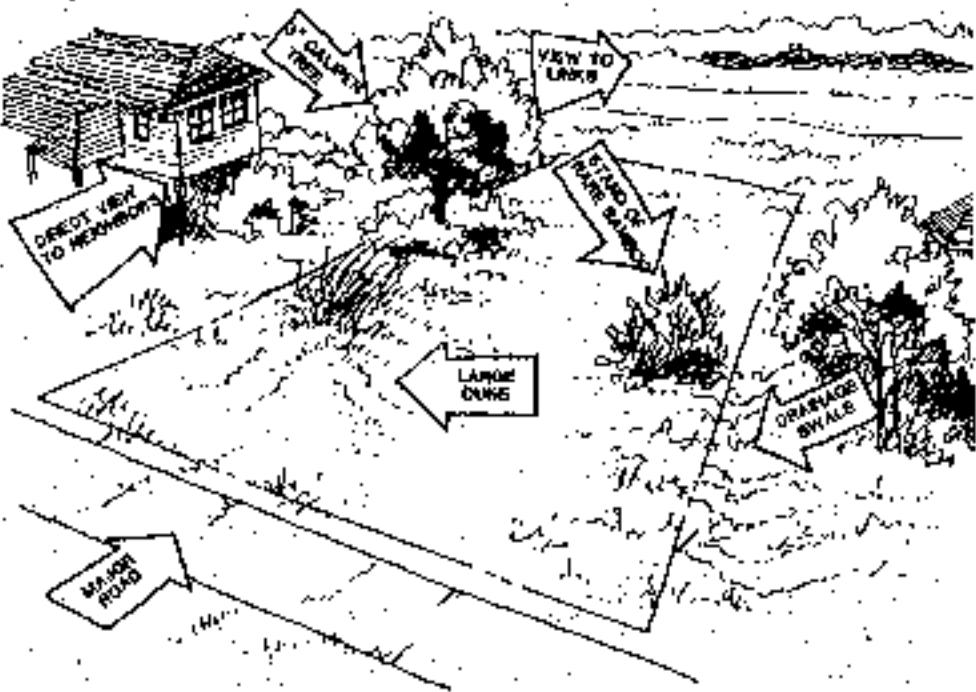
A lesser variety of animals and vegetation occurs in the thinn environment, comprising the scrub and pioneer zone. What plant varieties do occur on the dunes are very important to the stability of the slow moving dunes. The sea oats and other salt and wind tolerant grasses, vines and shrubs inhibit the movement that would otherwise bury the forest.



The sensitive natural environment we have just described is something you as a property owner on Bald Head Island should take special effort to preserve. This means not only protecting the existing flora on your property, but also increasing the productive natural systems of your own particular mini-environment. "Natural" landscaping can help you accomplish both ends. This means, for the most part, planting and allowing the NATIVE plants to flourish of their own accord. Most likely, this is opposed to spending a lot of time and money establishing lawn grass or ornamental plants. Letting nature run its course does not mean total abandonment of planting maintenance. Rather, it will mean a controlled and guided landscape in character with the charm and beauty of Bald Head Island.

Any approved clearing/planting should take into account the environmental impact of such activity and the need to protect plants of special value to the island ecology. In Appendices B, C and D you will find important guidance on this issue, which members are expected to follow.

These Appendices and this Landscaping section will attempt to show you how to bring Bald Head Island's natural beauty closer to your home. At the same time, it will show you how to ensure the preservation that is crucial to the delicate environmental balance on the island. Hopefully, your landscaping plan will leave you with more time on your hands to enjoy that natural beauty.



# Landscape Planning

One of the most important aspects of a successful landscape plan is the planting budget. This is money well spent to increase the value and appeal of your new home, and serves a practical as well as attractive purpose. On a wooded site, protecting and planting trees decreases temperature impacts of seasonal extremes, while at the same time providing privacy and beauty. In the dunes, strategically placed appropriate shrubs can deter strong winds and, in combination with the native grasses, can stabilize shifting sands that tend to intrude on unwanted places. Refer to the typical lot planting approaches at the end of the section for design techniques and effective use of plants for utilitarian use and aesthetic value.

The "leading edge" of maritime forest on the dune side is especially sensitive, as it protects the remaining forest from the "domino effect" of salt spray die back. This edge should be maintained. Disturbance of wetland vegetation (termed "404" areas by the Army Corps of Engineers) is to be avoided and should be delineated by a trained surveyor. ARC and Village approval is required for removal of any tree of 3 inch caliper or greater at 48 inches above grade. A plot plan showing trees of 3" or greater diameter is required before proceeding, or should be marked on the survey (if part of new construction). See Tree Mitigation and Review Process sections for further requirements.

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.

## REQUIREMENTS

1. Engage a trained landscape design professional.
2. All disturbed areas are required to be restored to their original character.
3. For new constructions, prepare a site and planting plan. This is required to be submitted when the home is approximately 70% complete. The required scale is 1" = 10'. The plan must show: variety, size, location and number of all plant material; type and limits of seeded/sprigged areas; a plant list with quantity, botanical name, common name, size and special specifications. A color board must be submitted along with a detail drawing and site plan showing location of trellis and fencing. Show location for mitigation trees, as appropriate, if mitigation was required.
4. Landscaping improvements (for an existing home) costing less than \$1000 to purchase/install do not require ARC approval. Landscaping improvements must be consistent with the natural beauty of the island and the original landscaping plan.

## RECOMMENDATIONS

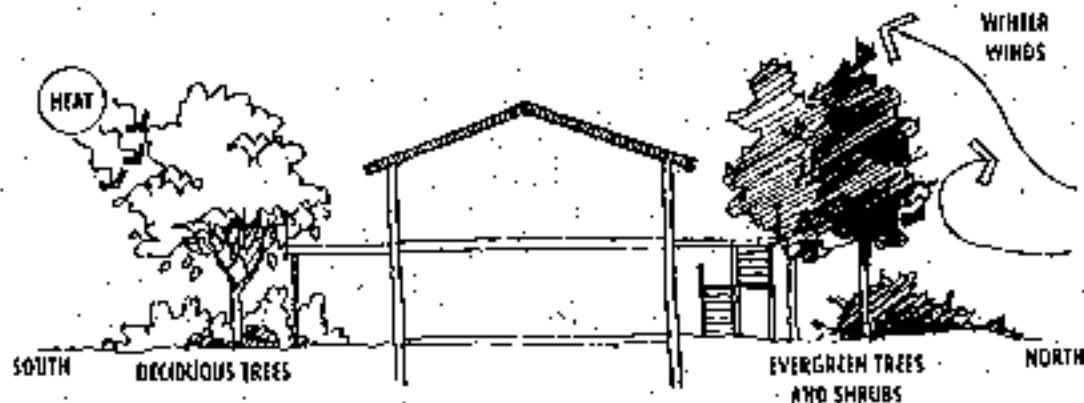
1. Obtain a topographic survey or use original survey (if less than 2 years old) and prepare the site plan with careful thought as to what you envision the final product to be.
2. Verify setbacks of the property determined in the Covenants and Zoning, as well as government waterfront setback controls/dictated maximum coverage (see Size) of your house.
3. Develop a site/landscape program to contribute to your planting plan. This should begin by developing a list of the needs, desires, limitations and opportunities afforded by your property. For example:
  - 1) existing plant material
  - 2) neighboring plant material
  - 3) drainage patterns on or near the site

- 4) neighboring houses, streets, etc.
- 5) views in all directions, to and from the site
- 6) location on the house of doors, windows, stairs, etc.
- 7) predetermined setbacks
- 8) sensitive environmental areas

## Planting Strategies

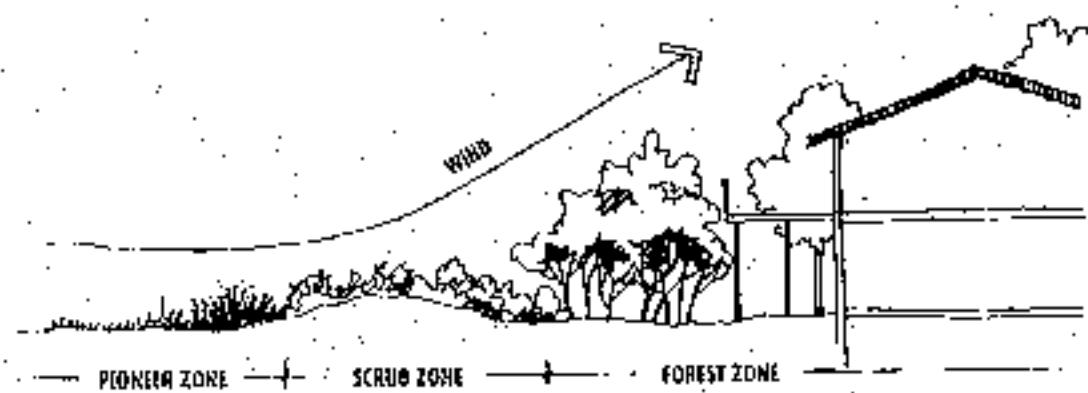
### Forest Lots:

Deciduous trees shade hot sun in summer, yet allow sun penetration in winter. Evergreens provide a dense barrier to cold northerly winds.



### Dune Lots:

These zones are shown as a smaller scale version of the larger plant relationships found naturally on the island.



# The Planting Plan

Planting plan objectives include, but are not limited to, screening utility areas, breaking up the foundation of the building, buffering driveways and parking areas adjacent to property lines, and providing cover for areas disturbed during construction. In short, proper landscaping should afford/reinforce a balance between man-made and native elements.

## REQUIREMENTS

1. Plants indigenous to the island must be the predominant source for landscaping plans.
2. Disturbance of the "leading edge" of the maritime forest on the dune side is strongly discouraged. This edge is especially sensitive, as it protects the remaining forest from the "domino effect" of salt spray dieback.
3. Plants of special concern, as noted in Appendix B, must be preserved and protected to the maximum extent possible. These plants are very important to the ecology of the Island.
4. Cleared areas must be mulched/maintained to protect remaining vegetation. Mulch is required to be of a color that blends in with the surroundings. Members engaged in clearing activity should review Appendix C for further guidance.
5. Water should be made available, particularly for the first year, for occasional irrigation. "Drip" irrigation or hand watering is required.

**NOTE:** After a Certificate of Occupancy is issued, the Architectural Review Committee will inspect the property to insure that the landscape planting has been implemented according to the approved plans. Substitutions, downsizing and/or a reduction in quantities of plants are not permitted without re-approval; additional plants or larger plant substitutions may be required to compensate.

## RECOMMENDATIONS

1. Native plants will always grow best on Bald Head Island. Most can be purchased from (and installed by) a qualified nursery. It is most important that you use good selection, collecting and planting techniques. The use of native grasses and wildflowers for ground cover is highly encouraged. In planning landscape improvement in the dune environment, only native species should be planted on the ocean side of structures. Similarly, landscape plans for elevations facing the creek should attempt to mesh with the vegetation there. Planting non-native species may result in plant loss. A recommended plant list for Bald Head Island is available for reference in Appendix B.
2. In the dune areas, installing larger plants causes "die back" and smaller (1-3 gallon) plants from nursery stock fare better.
3. The cutting of the forest canopy or the thinning of its undergrowth may expose remaining vegetation to harmful salt laden winds, resulting in damage. For this reason, cutting and thinning should be kept to an absolute minimum (especially in the spring and summer), leaving the vegetation for buffering, privacy and landscape use.
4. The landscape design should concentrate your planting efforts on those areas adjacent to the house, especially near the entry. The more ornamental plants shall be used in this area and will provide a transition from the natural character of the site to the man-made structure of

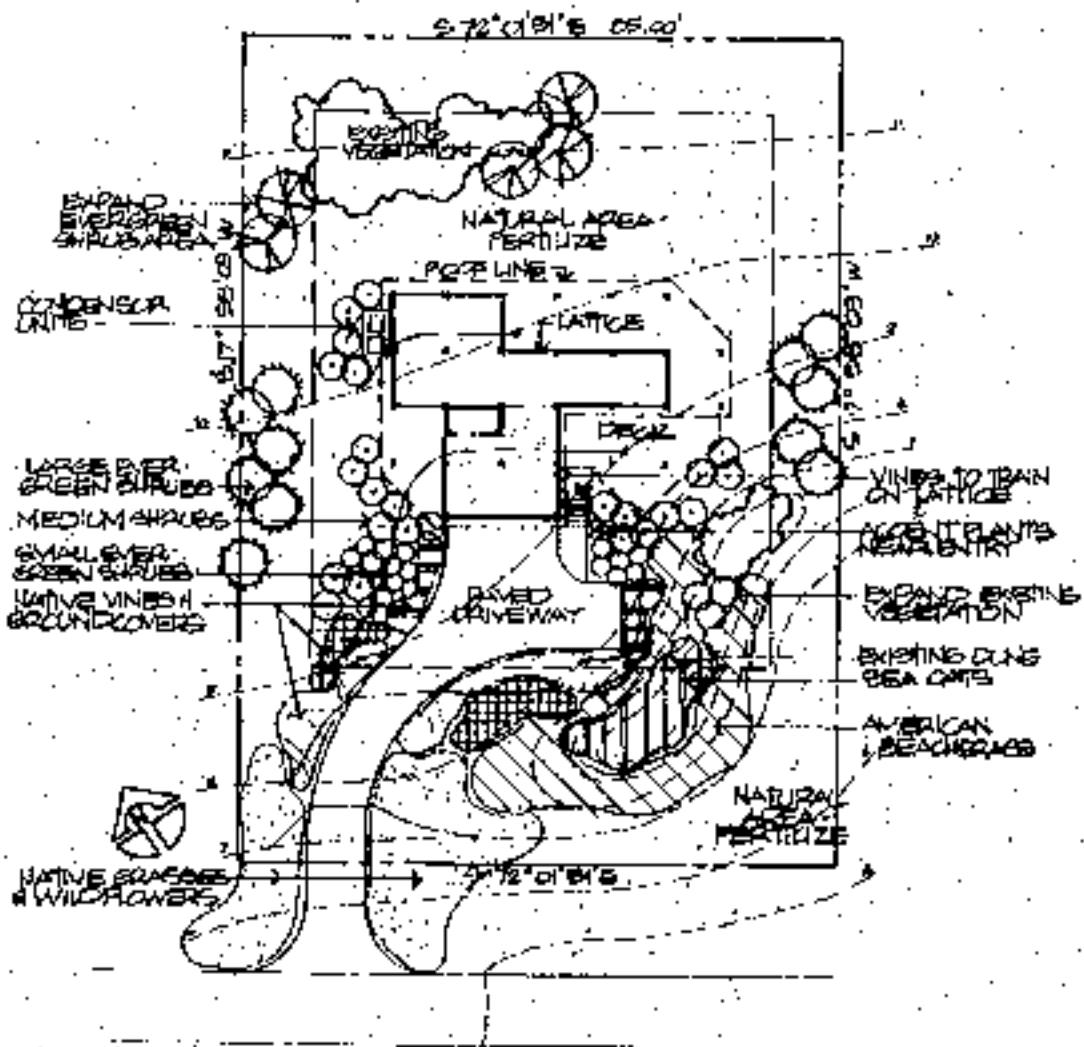
the home. The groundcovers should begin this transition, which should progress to larger shrubs closer to the house. For maximum appeal, try to mix textures and colors, but do keep the plan simple. A better effect can be achieved by using quantities of a few species rather than a few plants each of many species. Straight line planting is discouraged - planting should achieve a staggered, grouped effect as if grown naturally.

5. Occasional removal of a wayward vine or unwanted weed and keeping the lot free of trash should be all that is necessary. An animal fence will keep those natural grass and wildflower areas from succession into shrubs, if desired.

The Association recognizes that tree limbs occasionally need to be trimmed to prevent damage to structures. However, the Association also recognizes that trees and vegetation stabilize the sand against wind and water erosion, and are critical in holding the island together. Trees also soak up floodwater and disperse it through the air through transpiration. Thus, it is very important that trees be preserved (see Tree Mitigation section).

## Landscape Plan Examples

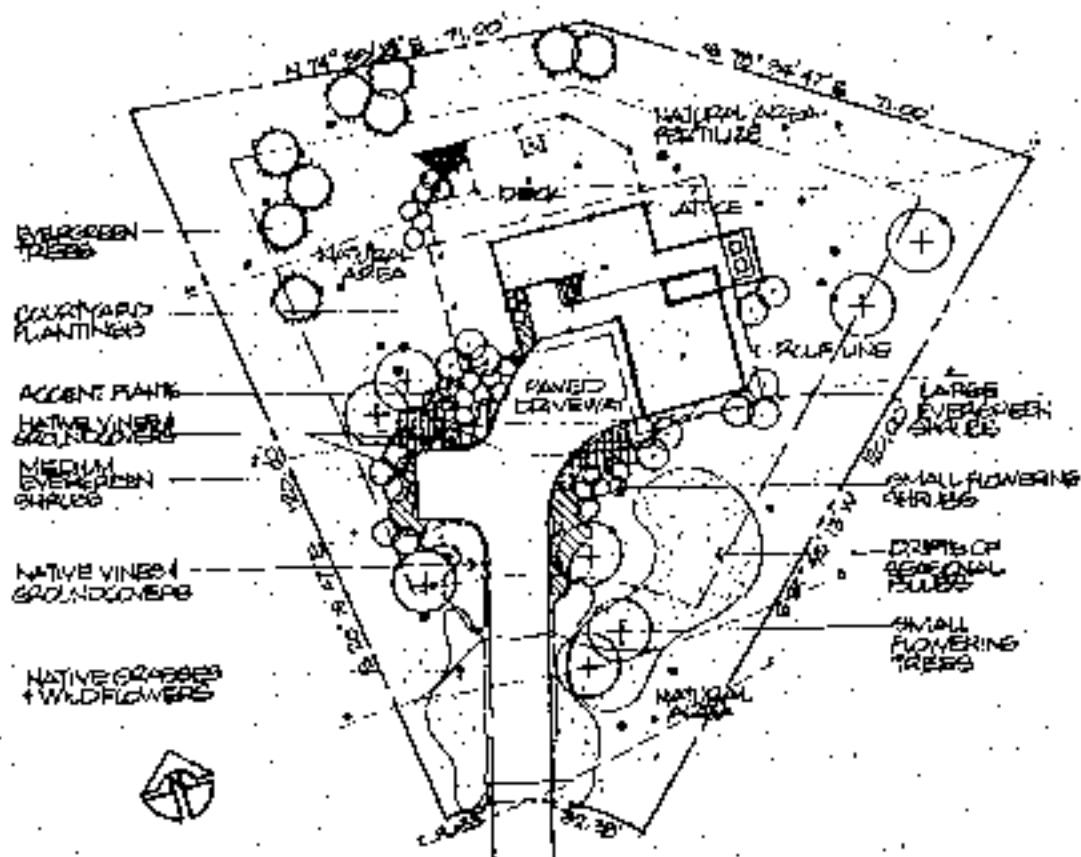
### Typical Dune Lot



This plan reflects a hypothetical lot, house and landscape design. Each site is unique and will require special considerations. Further information is required than what is shown for a complete submittal package for the Architectural Review Committee.

## Typical Forest Lot

EXAMPLE OF A NATURAL PLANTING APPROACH



This plan reflects a hypothetical lot, house and landscape design. Each site is unique and will require special consideration. Further information is required than what is shown for a complete submittal package for the Architectural Review Committee.

## Golf Course View

These restrictions are intended to maintain the natural beauty of our golf course by preventing excessive clearing along the golf course property. Enjoying a view of the golf course is reasonable, so the following guidelines have been established.

Private lots abutting golf course property fall into two categories:

- 1) Lots that border directly on the open space of the course (property line is adjacent the open space of the golf course property or lagoon).
- 2) Lots that have a vegetative buffer (common area) between the rear property line and the open space of the golf course property.

On the lot owner's property, any clearing of vegetation over 3" in diameter at 4 feet above grade must be approved by the Architectural Review Committee before it is begun. Mulching and maintaining a cleared area to protect the remaining vegetation is required. The ARC will be guided further in their decisions by the information provided by Appendix B, C and D, as well as the requirements noted below.

Land between the lot and the open space of the golf course is common area owned by the Bald Head Association. Proposals for clearing or planting in this area must be submitted in writing to the BHA Board or its designated committee for written authorization. For common area clearance requests, the NR&B will be guided by this Landscaping section, as well as Appendices B, C and D, and the requirements noted below.

A golf course view is a controlled area of clearing that allows visual access to the golf course from the home. The following restrictions apply:

1. Approval to clear a golf course view must be obtained from the BHA Board or its designated committee before proceeding, as noted above.
2. No clearing of trees three (3) inches or greater in diameter at 48" above grade will be allowed. All clearing and/or thinning shall be done in a naturalized manner. Please note that plants of special concern, as noted in Appendix B, which are three inches or less in diameter, should also be preserved and protected to the extent possible. These are part of the subcanopy and important to the survival of shrubs, groundcover and flora. Please further reference Appendices C and D.
3. Selective pruning and clearing of existing plant material can include trees and/or shrubs and groundcover (with the exceptions above). Additional plantings of native plant material and mulching may be required if necessary.

The following special restrictions will apply to all Units abutting, adjoining or lying contiguous to the golf course or common areas surrounding the golf course property:

- (a) Owners of such Units will not engage in any activities which would detract from the playing qualities of the Bald Head Island Golf Course, or from the Properties and its attractive overall landscaping plan for the entire golf course area.
- (b) Reference Appendix H, Common Area Policy, for Covenant definitions regarding Golf Course easement rights.

# Tree Removal/Mitigation

## REQUIREMENTS

1. For new constructions, all existing trees of 3 inch caliper or greater at 48 inches above grade shall be entered on a Tree Survey and submitted to the ARC with site plans. This survey shall depict the exact location, size and drip line or canopy line of the trees and identify clearly all trees that will be removed. In addition, all existing vegetation which exists in a wind blown environment as clustered growth or having horizontal branching habits with a minimum caliper of 3 inches or greater at 48 inches above grade shall also be submitted on the survey and, if they are to be removed, this should be clearly noted.
2. For existing constructions or lots where trees of 3 inch caliper or greater at 48 inches above grade are to be removed, all existing trees on the lot of this size shall be entered on a Tree Survey and submitted to the ARC. 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.
3. The ARC may require a mitigation rate of up to 100% for each inch of caliper of trees to be removed. The replacement trees preferred are listed below. Depending upon the number of trees removed and the landscaping planned by the owner, the requirement of replacement trees may be waived or the ARC may determine that plant materials and shrubbery may be substituted where visually appropriate. If replacement trees cannot be contained on a lot, the ARC may instruct location of same in a specified common or open area, subject to RHA Common Area policy requirements (see Appendix H).

## Recommended Replacement Trees

<u>Ocean Environment</u>		<u>Forest Environment</u>	
Eastern Red Cedar	Cabbage Palm	Eastern Redbud	Carolina Cherry
Red Bay	Sabal Palm (Single Trunk)	Dogwood	Laurel
Carolina	Yaupon	Southern Red Oak	Live Oak
Laurel Cherry	Wax Myrtle	Laurel Oak	Sabal Palm
Black Cherry		Red Mulberry	Cedars (All varieties)
Live Oak*		Water Oak	Red Bay
		American Holly	

\* If protected from SW wind

4. In exercising its discretion respecting these Tree Mitigation Guidelines, the ARC shall take into consideration, among other things, the number and species of trees removed; any hardship to the property owner; the remaining foliage, trees, and other plant species as may exist on a lot and/or as may be proposed to be added by the owner as a part of the Landscaping Plan; the size, shape, and topography of the lot; the size, species, and value of proposed replacement trees; and other relevant factors.
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

ARC, including protective fencing. This fencing shall remain in place throughout the construction process (see Construction/Site Guidelines).

**6. Unauthorized Removal of Trees:**

The Village and Association take very seriously the unauthorized removal of trees 3 inches or greater in caliper at 48 inches height above grade, whether on new constructions, built lots, undeveloped lots or common area. Village ordinance indicates that removal of any tree or trees three inches or greater in caliper 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. The Covenants require that removal of trees of this size or greater be approved by the Association, as noted in the above specifications.

For unauthorized removal of any tree or trees larger than 3 inches in caliper at 48 inches above grade, the Association supports the process provided through Village ordinance. Those removing trees of this size or greater without first obtaining a proper Village landscaping permit and ARC approval will be required to obtain a Village landscaping permit, pay the required fine, and mitigate loss of such tree or trees. As part of mitigation, the offender will be required to replant 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 replanting date. If the caliper of the cut tree is greater than four inches, the offender will replant a number of trees to equal the caliper of the cut tree. Replanted trees will have a minimum caliper of four inches per tree. Fines will be \$500 per inch of caliper at 48 inches above grade of the cut tree.

The Building Inspector must approve the location(s) of the replanted tree(s). The ARC also has the discretion to require the offender to submit a landscaping plan to the 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, of 3 inch caliper or greater at 48" grade, 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 that the tree is diseased and will not live.

As noted elsewhere in the Landscaping Section, removal of vegetation of any size from Bald Head Association common area requires permission of the BHIA Board or its designated committee. Violation of this requirement can lead to penalties and fines, authorized by the Association Covenants as well as Village ordinances with respect to trespass/vandalism of private property. Permitting to clear vegetation in common area will be considered in accordance with the provisions of these Guidelines and the Common Area Policy (Appendix II).

**RECOMMENDATIONS:**

1. Please note the plants of special concern, identified in Appendix B. Extra care must be given to protect and establish these plants, as they are very important to the ecology of the Island.

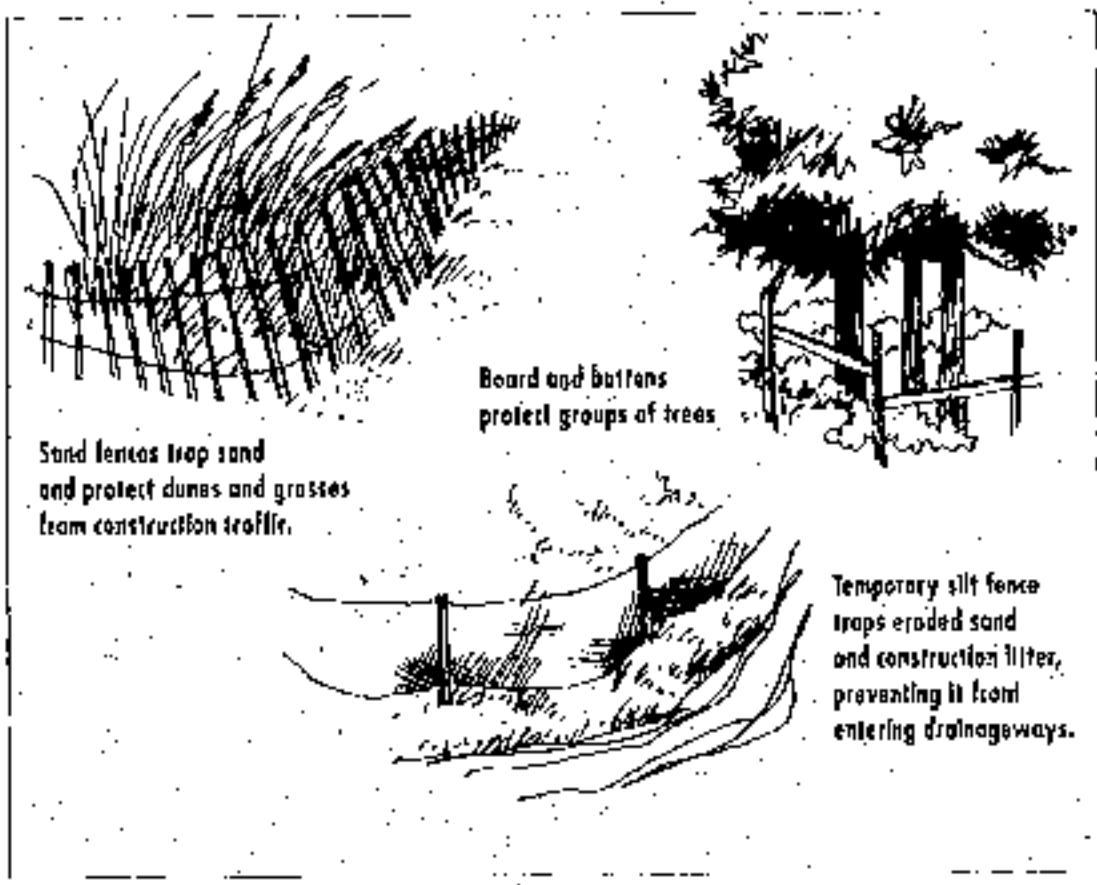
3. Lot Clearing: Some clearing of under-story trees, shrubs, and ground-level vegetation may be required to prepare a site for survey or to stake the proposed building site. Permission to clear such under-story trees, shrubs, and ground-level vegetation shall not be required by the ARC for the purposes of surveying and staking, but shall be limited to such vegetation having a three-inch caliper or less at 48 inches above grade. Violations of this requirement are subject to the mitigation and fines as delineated above. Clearing of under-story trees, shrubs, and ground-level vegetation to prepare a site for sale is not permitted. An exception is made for the clearing of a simple path through the property – not wider than four feet – to permit potential buyers to view the property. Such a path, if cleared, shall be mulched to minimize the potential effects of erosion.

# CONSTRUCTION/SITE GUIDELINES

A preconstruction discussion with your builder on site 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 contractor should be aware of specific regulations governing construction work and keeping the site presentable.

## REQUIREMENTS

- 1) Construction on the structure must commence within 24 months of ARC approval. Once commencing (the date the building permit is obtained), the exterior must be completed within twenty-four months. Please note, the Village requires construction to commence within 6 months of obtaining the building permit, or the permit expires. It is expected that ARC approved landscaping plans should be in place within 30 days of occupancy or completion of construction of the building, whichever comes first. If planting should coincide with summer months, it can be delayed for maximum success rate. Please notify the ARC Administrator if landscaping will be delayed during the summer.
- 2) After gaining ARC final approval and obtaining all necessary permits, the property owner's contractor must establish limits of construction, stabilize the proposed driveway, install appropriate protection (ie sand fence, etc.) for trees that are to be saved at limits of construction as shown on site plan before delivery of materials and start of construction (see Tree Mitigation section for further protection requirements). 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.
  - See Landscaping section and Appendices B, C and D for requirements regarding clearing of lots and tree removal. 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. Storage (temporary or otherwise) of equipment or materials must occur within driveway and parking areas of the site, where it will minimize impact of root damage under tree canopies.
  - 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.



- 3) 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, renewed or replaced by the contractor.
- 4) During construction, all trash, debris and waste shall be picked up regularly and not be exposed to public view or accessible to wildlife. Burning of debris must occur in a proper receptacle by permit only, issued by the Public Safety Chief.
- 5) 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. The Bald Head Island Contractor Handbook, available at Contractor Services, provides other information helpful to contractors. The Bald Head Association supports the rules outlined in this handbook.
- 6) Homes that burn down shall be either replaced, or removed and the property restored to its natural vegetative state. Either solution shall be implemented in a timely manner.

## **Materials**

Design and construction of a home on Bald Head Island should not be accomplished without the assistance of qualified architects who are familiar with applicable codes and ordinances. The environment, while beautiful, is subject to high seasonal winds, salt-laden air, a variety of soils, flooding potential, wind driven rain and hurricanes. Use the skills of an experienced architect to ensure site placement and elements of the home provide maximum protection against storms.

The selection of structural systems, materials and methods of construction are of utmost importance. We encourage you to select those components of your home that exceed the minimal standards of the code and are chosen for durability, wearability and aesthetics. Architects and contractors who are experienced in this area should be strongly considered.

They can assist in promoting the following:

1. Raising the overall standard of construction
2. Diminishing the likelihood of materials visibly deteriorating
3. Protecting the homeowner

The following offer some recommendations for materials that have been used successfully on Bald Head Island. Due to the ever-changing technology of building materials, the committee does not prescribe a limited list of material options; they will, however, withhold approval for materials used that do not 1) promote the natural appearance detailed more specifically under the introduction to the Architectural Section, 2) blend with the design of the house presented, or 3) respect the sensitive Island environment. Special care should be taken to protect vegetation on and around the property. Damaged vegetation may subject the property owner to mitigation requirements from the Association and/or Village.

## **Structure**

The structural design of your home may vary with the location of your lot, just as the aesthetic considerations will differ between a beach lot and a forest lot. In the dune zone, the architect must recognize the effect of coastal wind and water factors in the structural design. See Introduction - Purpose of Guidelines for reference to issues of governmental agency codes, regulations and restrictions that must be followed.

1. Use asphalt roof shingles of 290 pound minimum weight.
2. Use a minimum of 8" x 8" for unmasked deck or porch pilings.
3. Wind driven rain is a significant consideration when constructing a home on Bald Head Island, and connecting details should be given special attention to avoid water retention or rain seepage into the structure.
4. Avoid slab or piling undermining by wind or water.
5. No sawn plywood textures will be allowed as primary siding material (T1-11 plywood, for example).
6. Use materials that are natural or have a "natural" appearance.
7. Stucco-covered foam moldings are not permitted

The following materials, listed under the appropriate element, are commonly used on Bald Head Island.

#### Columns

- Wood
- Polystone composite material

#### Doors

- Doors/Garage doors - wood, fiberglass, aluminum clad or vinyl clad.
- Storm doors or screen doors - wood frame, fiberglass, aluminum clad or vinyl clad. The doors should match the trim color unless otherwise approved by the Committee.

#### Comments

In the selection of exterior doors, consider that:

- ↳ High winds and driving rain tax weather tightness to the limits.
- ↳ The corrosive salt atmosphere is damaging to frames and hardware.
- ↳ Uncoated aluminum will pit and corrode and untreated wood will decay.

#### Driveways (Paving Materials)

- Brick, stone or concrete pavers
- Wood
- Slate
- Asphalt or concrete
- Gravel or sand with edging

#### Fencing

- All fences must be constructed of dimensional lumber. Fencing materials used on the Island include pressure treated lumber, cedar or redwood.
- Chain link fencing is not permitted.
- Fencing materials must be consistent throughout (for example: An applicant cannot use sand fencing to finish off an area primarily done in cedar pickets).
- Electric fencing is not permitted.

#### Metal Elements

- Galvanized steel
- Stainless steel or plated stainless steel
- Bronze/brass (note - these can tarnish/corrode easily in coastal environments)
- Copper
- Lead-coated copper
- Roofing: Tin/copper metal (lead and tin or zinc and tin)
- Zinc-coated copper and coated aluminum (no mill finish)

#### Comments

- ↳ Aluminum windows can be protected with anodizing, Kynar coated or similar protector.
- ↳ Sliding windows or doors should have substantial head and sill flashing, or a metal pan at the sill.

#### Porch (Screening)

- Galvanized aluminum wire
- Fiberglass screening
- Bronze insect screening;

- Brass insect screening
  - Wood shutters or louvered panels
  - Custom wood lattice (prefabricated diagonal lattice is not permitted)
- Plastic roll down screening is not permitted.

#### **Roofs**

- Fire protected wood shingles or shakes ('B' label)
- Copper (unpainted or sealed, aged naturally)
- Asphalt shingles, 25 year architectural quality - 290 pounds minimum.
- Slate or synthetic slate
- Metal (Painted/Unpainted)
- Fiber cement siding/shingles

#### *Comments:*

1. Asphalt shingle roofs should have drip edge flashing with lapping cement at the edge and up the eaves. (Most asphalt shingle wind damage occurs at the edges.)
2. Consider cedar shingle roofs. These typically have far less damage than asphalt shingles in high winds. However, please note that cedar shingles are more flammable than asphalt and tend to have a shorter life on the waterfront.
3. Consider for further protection on an asphalt roof, first row shingles of cedar with the asphalt lapped over to stiffen the edge.
4. Chimneys shall be finished with non-synthetic stucco, masonry or wood
5. Slate and synthetic slate are very brittle and have exhibited poor performance during high winds, with the exception of Hardishake.

#### Screening

- Pressure treated pine, cedar or redwood.

#### *Requirements*

1. Prefabricated lattice is not permitted.

#### Shutters

- Wood has been used more often than plastic or metal, but technology is constantly developing to create a more "natural look" shutter.

#### Trellises & Awnings

- Wood members must be pressure treated wood, cedar, or redwood and should be constructed of dimensional lumber.

#### Trim

##### *Requirements*

- Windows and doors must be cased with wood trim (3 inches minimum width and 1 inch thick minimum depth).

# REVIEW PROCESS

## EXISTING HOMES/LOTS

### Improvement Review

As noted in Appendix G, the Covenants require in Article 7.4 that “No construction or improvements, as defined in Section 7.1(a), will be commenced, erected, placed or maintained on any Unit; nor will any exterior addition, change or alteration be made thereto, until the plans and specifications (“Plans”) will have been submitted to and approved by the Committee.” Improvement Review applies to additions to building, any exterior alterations, or any improvements enumerated in the Covenants. A submission for review of the proposed improvements must contain:

- 1) Site plan and elevation of proposed improvements to scale. The ARC may require an up-to-date site plan or survey.
- 2) Letter of intent with description and purpose of improvements
- 3) Material and color sample
- 4) Review Fee (see Appendix A for fee schedule or contact ARC administrator)

Typically, major changes involve additions of heated space; minor changes typically do not involve heated space (see page 63). Should more than 50% of an existing structure be removed/revised it will be reviewed as a new construction and be subject to the new construction review fee. Minor changes typically do not alter the form or significantly change elevations.

Minor changes typically do not alter the form or significantly change elevations. However, the ARC Administrator may determine, based on the size of a non-heated space project, that a higher review fee is needed.

If there is a question as to whether a change qualifies as a minor or major change, the ARC Administrator will consult with the ARC Chair. If it is then determined that the alteration qualifies for a minor review fee, it may or may not be approved by application rather than by going through the ARC review process. If qualified to be approved outside of the review process, the Minor Change Application must be approved by the ARC Chairman. The Minor Change review fee must be submitted with the application. The ARC Administrator has the discretion to permit the site plan and elevations of proposed improvements to be provided by the applicant rather than an architect if they are presented professionally and drawn to scale. Major changes will be subject to the application requirements detailed under New Construction Review Process.

### Paint Color Review

No approval shall be required to repaint the exterior of a structure with the originally approved color scheme. Changes to any exterior paint colors must be submitted to the ARC for a Paint Color review. There is no charge for a Paint review. A color sample, with the name of the colors, numbers and manufacturer must be provided on the Paint Color Application, available in the Forms section of the Guidelines. Once painting has commenced on a structure, it is required to be completed within three months.

If the applicant wishes to expedite the color choice process, the ARC Administrator has a bank of pre-selected color schemes that exemplify what is expected or compatible with the Bald Head Island built environment. An applicant has the option of choosing one of these schemes and submitting it on a Paint Review Application to the ARC administrator as the color scheme choice for the home plan. Once the ARC administrator has verified the scheme choice, a formal review by the ARC should not be necessary.

## Rebuilding

ARC approval is not required to rebuild in accordance with original ARC approved plans and specifications, in the event the house is destroyed due to catastrophic circumstances such as hurricanes. However, all restrictions laid out in the Construction section must be observed and the property owner should check with the Village of Bald Head Island to determine what restrictions they may have with respect to the rebuilding process. Homes pre-dating the ARC process must submit their plans to the ARC before proceeding with construction. Structures on Common Areas must be resubmitted for approval to the BHA or its designated committee.

## Moving an Existing or Modular Home

### EXISTING HOME:

On occasion, it becomes necessary to retreat from the oceanfront. It is important to take into account the rules associated with the destination lot. The existing house on the new lot will be treated as a new application, but will not be charged the new construction fee. See Page 62 for the applicable fee structure. However, the house will have to comply with the Design Guidelines on the new lot. An applicant should contact the ARC Administrator as well as seek the assistance of a competent professional. Please consider the following:

- 1) The relationship of the virgin low point of the new lot to the desired building pad may mean that your existing house will not fit into the 35' height rule.
- 2) The FEMA Flood Zone on the new lot may be significantly different from the original lot. It may be impossible to conform to the 2' above the flood plane maximum without significantly altering the existing house.
- 3) The new lot may be smaller than the original lot, thus creating a non-permitted coverage.

### EXISTING OR MODULAR HOMES:

The following rules apply whether an existing home is being moved or a modular home is being brought onto the island for placement on a lot:

- 1) The action of relocating a house must not increase or exacerbate any non-conforming conditions.
- 2) As part of the submitted pkg, a written statement or sketch will be required which shows 1) placement of moving equipment on the affected lot(s), 2) where construction materials will be stored, and 3) relocation path of the existing house or modular home. For the equipment and relocation path, vertical height low points and other limitations must be identified.
- 3) Special care should be taken to protect vegetation and property along the route. Damaged vegetation may subject the property owner to the Village requirements with respect to mitigation. The Village requires a Public Safety escort for the transport of the home and the Public Safety Department also will require a copy of the travel route prior to the event.

## NEW CONSTRUCTION REVIEW PROCESS

The primary purpose of all reviews is to a) to assess/confirm conformance with these Design Guidelines and the Covenants and b) to assess the impact of requested deviations and approve or disapprove in the context of the stated objectives of the Covenants and Design Guidelines. The review procedure for new construction projects is typically a three-step process whereby the homeowner receives Sketch, Preliminary, and then Final approval for the submittal. As a minimum, it is required that the homeowner/architect submit in two of the three phases. A typical new construction project review takes approximately three months. Changes to existing homes and sites fall under the Existing Homes/Site portion of the Review section.

Bald Head Association employs a liaison between the Committee and property owners, the ARC Administrator. This person will coordinate and assist applicants with the approval process and will also screen submittals. For submittal requirements or questions, contact the Bald Head Association to reach the ARC Administrator.

The following rules will ensure a smooth review process:

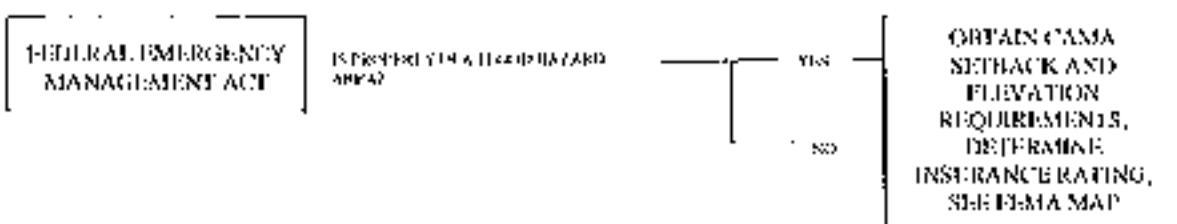
1. Submittals must fulfill all requirements designated in the Review Process before they will be considered by the Committee. Plans must be clear and detailed.
2. Each submittal for a new construction project will be made by an architect or designer on the Architectural Review Committee's Recommended List. (This requirement applies to the entire review process, including sketch review.) These are architects and designers who are familiar with coastal construction and its environmental requirements. This assures the Committee of an appropriate level of competency and aesthetic desirability to maintain compatibility in this unique building environment. Experience in this type of construction is invaluable in planning a safe, lasting home on Bald Head Island. If an architect or designer is not on the approved list, a portfolio will be required to be submitted for review by the Committee to request a place on the approved list.
3. The architect is required to visit the site prior to their first submittal of a new construction or major renovation plan to the committee.
4. Pipe driving, material deliveries or other construction will not be permitted without written final approval by the Committee.
5. The owner should begin the review process early enough in planning to accommodate the process and any unforeseen delays. Deadlines - All submittals intended for the Architectural Review Committee meeting must be received by 5:00 pm on the Wednesday two weeks before the meeting. Submittals include five full size copies of plans, or one full size copy and one 11x17 copy. All Final Reviews require a minimum of two full size copies. Once approved, one of the full size sets will be stamped and issued to the builder. 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. *The Architectural Review Committee typically the first Friday of every month. Additional meetings may be scheduled to accommodate volume of submittals.*

## Steps in the New Construction Approval Process

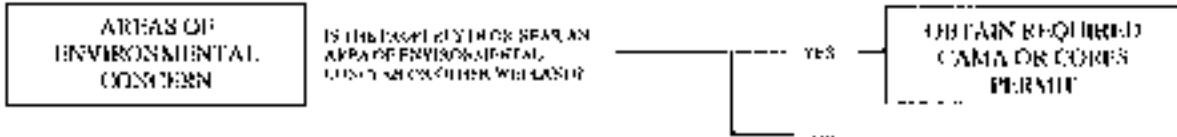
- Step One** Review the Covenants and the Design Guidelines. Determine if further restrictions are applicable to your property. Article 7 of the Covenants specifically addresses Design Guidelines (see Appendix G).
- Step Two** Employ a registered surveyor to obtain a complete survey as required and described under the Preliminary Review Section.
- Step Three** Discuss plans and visit the site with your architect.
- Step Four** Sketch Review: A sketch plan submittal is strongly recommended. This step will enable the Architectural Review Committee 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 three full size copies, or one full size copy and one 11x17 copy by 4:00PM on the Thursday eight days before the meeting.
- Step Five** Preliminary Review: Submit three full size copies, or one full size copy and one 11x17 copy, as well as the review fee, for Preliminary approval after schematic design development by 4:00PM on the Thursday eight days before the meeting. The review fee is due.
- Step Six** Final Review: Revise as required and submit three full size copies, or two full size copies and one 11x17 copy, for Final approval to the ARC, by 4:00 PM on the Thursday eight days before the meeting.
- Step Seven** Once approved, obtain final building permits when construction is ready to begin (Village of BH Building and Landscape Permits). ARC Approval is valid for 24 months from date of approval letter. Construction must be complete within 24 months of commencement (building permit issuance date).
- Step Eight** Coordinate with contractor 1) to install protective measures for vegetation at limits of construction, 2) protect grade and erosion control as discussed under Construction/Site Guidelines, and 3) stabilize driveway - BEFORE start of construction.
- Step Nine** After construction is complete, site work complete, site cleaned of trash and debris and landscaping installed, apply for a Certificate of Occupancy/Compliance from the building inspector. A copy of the as-built survey, as required by the Village, is required to be submitted to the ARC Administrator to ensure that the residence is built according to the approved set of drawings. Once a CO is approved, the ARC Administrator will conduct a final inspection. If there are no violations, the construction deposit will be refunded (see page 63 for details).
- Step Ten** If landscaping or other exterior work is delayed, a letter is required to insure final completion. Steps for addressing damages due to construction must likewise be addressed in written communication at this time.

## BEFORE YOU BUILD...

### \* FEDERAL

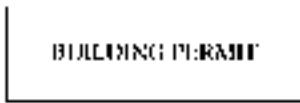
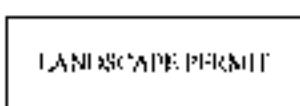
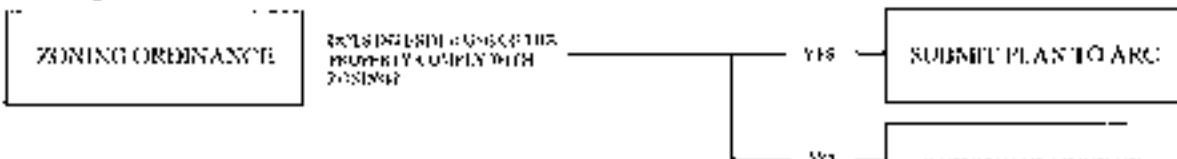


### \* STATE

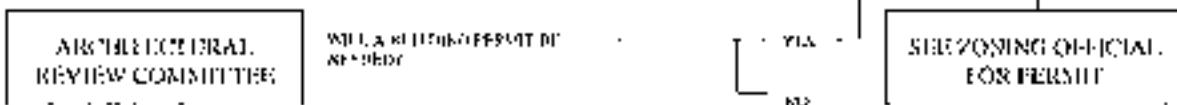


### \* LOCAL

#### Village of BHI



#### BALD HEAD ASSOCIATION



\* Contact Village of BHI for assistance with determining Federal, State and Local permitting issues.

## *STEPS/REQUIREMENTS OF THE SUBMITTAL PROCESS:*

### **Sketch Review**

This highly recommended first step has been established to give overall consensus on the general project plan. Plans, elevations, models and/or perspective sketches may be submitted with a rough idea of site layout and square footage. This step does not preclude preliminary approval. The architect is encouraged highly to attend this session, and is welcome at any of the steps of the process.

A sketch review submittal has the following requirements:

1. Architectural Questionnaire (as much as is possible to fill out at that time). This standard form answers some basic questions for the Committee and assures the architect's familiarity with the site.
2. Survey. Must be sealed by a registered North Carolina surveyor at a minimum scale of  $1'' = 10'$ . It must 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 3" or over in caliper at 48" height from grade
  - d) north arrow
3. Sketch Elevations
4. Sketch Site Plan

### **Preliminary Review**

This plan will reflect the development stage of an architect's design. This important step allows revision and responses to the Architectural Review Committee's requests at Sketch without final working drawing revisions. The design may be presented in a variety of formats, but must contain the following requirements:

1. Architectural Questionnaire.
2. Survey. Must be sealed by a registered North Carolina surveyor at a minimum scale of  $1'' = 10'$ . It must 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 3" or over in caliper at 48" height from grade
  - d) north arrow
3. Schematic Drawings:
  - a) Site Plan at  $1'' = 10' - 0''$ 
    - 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 scale at same scale
- 6) first floor elevation (FEL) indicated
- 7) setback limits shown
- 8) building accurately located from property line
- 9) drives and walks shown
- 10) FIRM Zone designation and Base Flood Elevation indicated
- 11) limits of construction line (sand fence line)
- 12) Village address, bollard (location)
- 13) concrete apron
- b) **Floor Plans at minimum 1/8" = 1'0"**  
These should include each floor, mezzanine and ground level plan.
  - 1) rooms uses labeled
  - 2) all walls shown
  - 3) all windows and doors with swings shown (should include types of windows - i.e. casement, divided lights, etc.)
  - 4) all overhangs of floors or roofs above shown as dashed lines
  - 5) all fixtures, cabinets and appliances shown
  - 6) dimension overall limits of plans
  - 7) Ground Level Plan (to indicate pilings, enclosure, driveway location, stair way, garage, garbage/trash enclosure, boat storage/screening plan and HVAC enclosures and screening)
- c) **Elevations at 1/4" = 1' 0"**. One for each major exposure
  - 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 FIRM flood elevation
- d) **Review fee**

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

## Final Review

The refined drawings must contain the following:

- 1) Architectural Questionnaire – in final form
- 2) Completed Paint Color Application (See Forms section)
- 3) Final Drawings:
  - a) **Site Plan**
    - Revised as required by preliminary review
    - b) location, dimension and materials for walks and drives
    - 2) limits of construction activity (No grading, clearing or thinning, construction traffic, or storage of materials will be permitted beyond these limits.)

- 3) storage of materials (location)
  - 4) dwelling to be indicated as piling plan (or first floor plan if less than 6' above grade) with entry area and all stairs delineated and roof and deck lines shown as dashed lines
  - 5) exterior light location and type (no exposed lights are permitted - must be downshielded - see Lighting section)
  - 6) location of HVAC unit and trash enclosures with hard screening located
  - 7) electric meter location (including any necessary platforms or steps)
  - 8) roof plan shown to the side at same scale
  - 9) Concrete apron at road edge
  - 10) Address bullard
- b) **Floor Plan at 5'0" = 1' 0"**
- 1) pile location dimensioned
  - 2) wall, window and door openings dimensioned
  - 3) all swags, bars and straps for hurricane protection located
- c) **Elevations at 5'0" = 1' 0"**
- 1) revise as required by preliminary review
  - 2) electric meter access
- d) **Sections**
- 1) typical wall from ground to roof ridge at minimum scale 1" = 1' 0"
  - 2) typical decks and railings details
  - 3) typical screened porch details
  - 4) typical lattice or grade screening detail
  - 5) detail of grade-level breakaway walls to meet FEMA requirements if applicable
- e) **Planting Plan** (Is required to be submitted when house is 70% complete)
- 1) the required scale is 1" = 10'
  - 2) variety, size, location and number of all plant material
  - 3) type and limits of seeded/sprigged areas
  - 4) plant list with quantity, botanical name, common name, size and special specifications
  - 5) a color board must be submitted along with a detail drawing and site plan showing location of trellis and fencing
  - 6) show location for mitigation trees, as appropriate, if mitigation was required
- f) **Optional Drawings**
- 1) schedules - finish, doors, windows, lintels
  - 2) electrical plans
  - 3) additional details

For more details on restrictions and allowances, see the pertinent sections in this booklet.

# ARC Decisions

## Notification of ARC Decisions

A letter will be sent to the applicant within 15 days of the ARC meeting at which the decision was made. Any contingencies that are cited as part of the approval decision, or any disapprovals, will be supported in the letter by direct reference 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/contingencies.

In verbal or written communication of ARC decisions, it is the responsibility of the ARC to make it clear why a plan was disapproved, or why its approval is being based on specific contingency items. While the ARC may choose to recommend some options that will correct a disapproved feature or plan item, it is not their role to offer a solution. Their role is to offer a sufficient enough explanation of why a plan was disapproved, or of the contingency items, that the applicant's architect can create a solution.

## Approval Expiration

Property owners seeking to build after their ARC approval has expired (2½ months after approval) and who intend to use the originally approved plans and specifications, will be required to re-submit for the final review process and pay a re-submittal fee. If the property owner intends to use a different plan, it will be treated as a new application, requiring payment of a new construction review fee. Re-submittals are allowed to be requested once. After one re-submittal the proposal will be reviewed as a new construction and subject to a new construction fee.

## Appealing a Decision of the ARC

### STEP ONE: DECISION REVIEW MEETING

Any Stage 1 Association member applicant disagreeing with the decision of the ARC on a review shall contact the ARC Administrator to request a meeting with the ARC to review the reasons for their decision. This request can be made at any time beginning with the conclusion of the review up until fifteen days after receipt of the ARC letter notifying the applicant in writing of the decision made at the review meeting. The ARC will meet with the applicant no later than the next scheduled ARC meeting. The architect and the applicant must be present at this meeting. If the architect and applicant were present for the review meeting, the ARC may waive this step of the appeals process.

### STEP TWO: NOTICE TO APPEAL

If, after this decision review, the applicant still disagrees with the decision of the ARC, then the applicant may appeal the decision to the BITA Board of Directors by notifying the Association Manager verbally or in written form of this intent within fifteen days of the conclusion of this meeting. If the ARC has waived the requirement of the decision review meeting, the request to appeal can be made by the applicant at any time beginning with the conclusion of the review meeting up until fifteen days after receipt of the ARC letter notifying the applicant in writing of the decision made at the review meeting. The ARC Administrator will be notified by the Association Manager when a request for appeal is received.

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

The Board may refer the matter to an independent appeals committee (IAC) for a recommendation or the Board may review the matter directly. If the Board chooses to refer the matter to an IAC, this committee shall consist of at least three (3) persons appointed by the Board, none of whom shall be a present member of the Board or the ARC.

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

The Board or IAC will hold an appeal hearing within thirty days of the appeal notification. The ARC chair, ARC administrator and the applicant will be notified of this meeting time and date by Association staff.

### **STEP FIVE: DOCUMENTATION**

Prior to this meeting, the ARC will communicate in writing any additional information the Board requests or the ARC feels is needed to explain why the plans were rejected. The applicant will communicate in writing any additional information the Board requests or he/she feels is needed to state his/her case for appeal.

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

Representatives of the ARC and applicant may be present at the appeal hearing to answer questions. The Board or IAC has the right to speak to each party individually during the course of the meeting without the other present if this is felt to be necessary. The Board or IAC has the right to proceed with the appeals process if either party cannot be or chooses not to be present.

The ARC designees and the applicant each will be given adequate time to present any final comments to the Board, after which time both parties will be excused.

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

If the IAC is the reviewing body, they will present a written recommendation to the Board of Directors and the back up documentation on which they made their recommendation. This will include meeting minutes, and any information or communications provided by the two parties for the hearing. The Board will be informed if the IAC recommendation was not unanimous.

The decision of the ARC can be overridden by a two-thirds vote of the Board of Directors. The decision will be mailed to both parties within fourteen days of the appeal hearing. The decision may be mailed to the applicant via certified mail.

### **NON-COMPLIANCE**

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

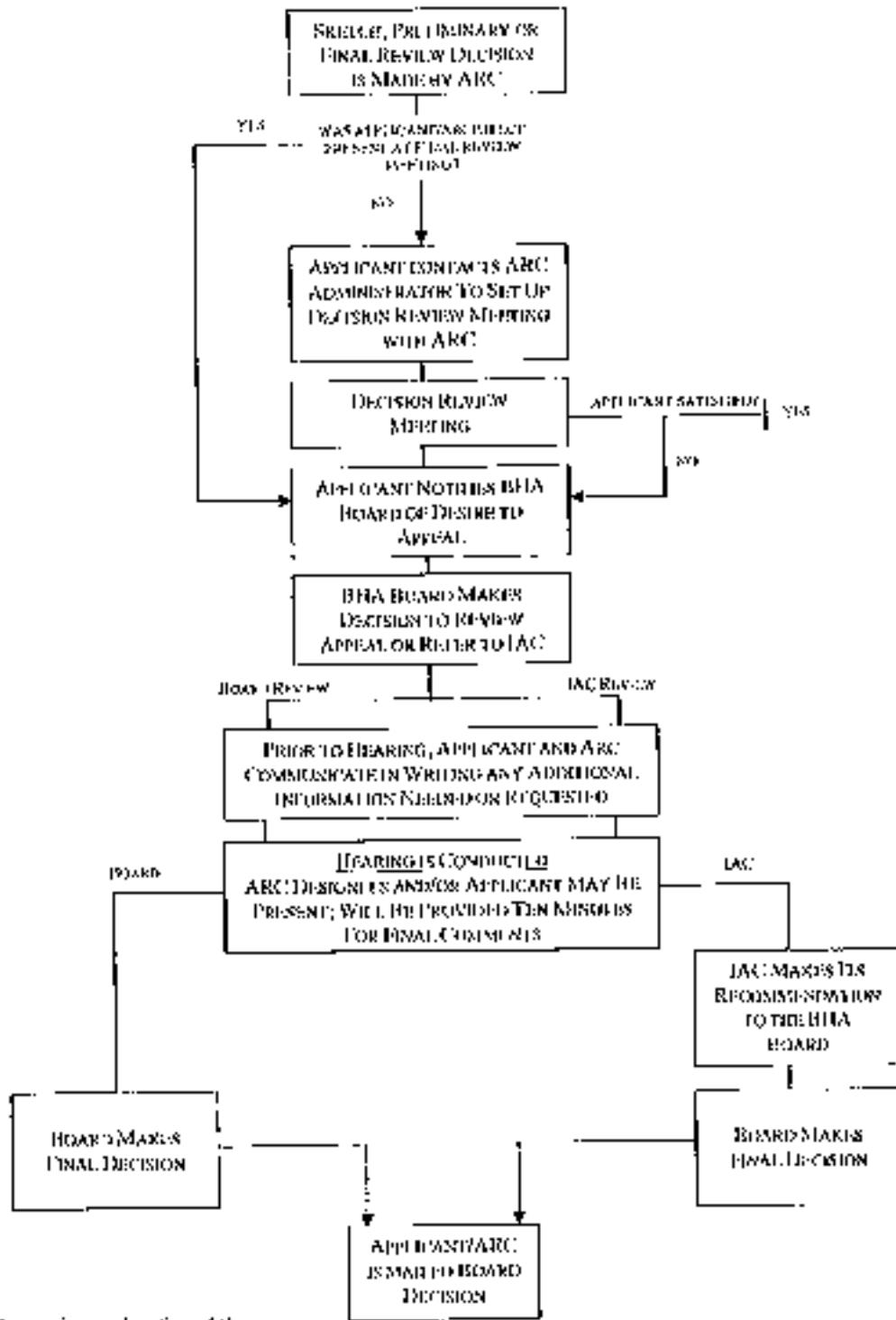
### **AMENDMENT OF PROCESS**

This appeals policy may be amended by a two-thirds vote of the Board at any time when the Board or the IAC is not involved in an active appeals process. 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; however, with respect to new constitutions, applicants are encouraged to utilize it primarily if they are dissatisfied with the results of the ARC's Final Review decision, in order to ensure appropriate effort is taken to resolve the matter at the ARC level.

## ARC APPEALS PROCESS



\* See attached narrative explanation of this process for deadlines/time limitations.

## **Amendments and Variances**

The Architectural Review Committee reviews a wide variety of plans. As a result, the Committee may, from time to time, determine there is a need to amend the Guidelines with additional Topics, Requirements or Recommendations, or correct or enhance existing information. Per the Covenants, any amendments or changes must be adopted and approved by the Board of Directors before implementation. If approved, the new/modified requirement will apply to plans under consideration at the time of the approval.

Situations may arise where the ARC feels approval should be granted despite the submitted's variance from a requirement indicated in the Guidelines. The Covenants support this action, authorizing the Committee reasonable variances or adjustments from compliance with its guidelines and procedures in order to alleviate practical difficulties and hardship in their enforcement and operation. Such variances may only be granted when unique circumstances dictate and no variance shall stop the Committee from denying a variance in other circumstances.

To protect the Association membership and the ARC, the ARC administrator will make the Association Manager aware that a variance has been granted. The Board will be apprised of the variance by the Association Manager and they will determine approval/disapproval of the variance. Once this is determined, the decision letter will be sent to the applicant.

## **Violations**

The Covenants prohibit home building plans and improvements not approved by the ARC or executed in accordance with ARC approved submittals. The Covenants grant the authority to order violations corrected according to the approval or that the non-compliant structure be removed, if no approval exists. Applicants may be assessed fines for the violation. Builders or contractors associated with violations may cause themselves or their applicants to become subject to a deposit, to be posted prior to commencement of any construction work. The deposit will be returned at completion of the project, provided that the following conditions are met: 1) the project has been completed in accordance with the ARC approved plans; 2) no common areas or right-of-way areas were damaged by construction; 3) no Covenants or Design Guidelines applicable to the property and the construction process have been violated. 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, builder, their contractors or agents.

The Board understands that construction of a home is a very detailed process and unintentional deviations from plans may occur. Fines or deposits will not be imposed unreasonably. However, applicants or their representatives must bring any deviations from exterior approved plans to the attention of the ARC administrator immediately upon discovery for the ARC to review the deviation and determine if it is permissible or if other action will be recommended.

Applicants must not assume automatic approval of a detail because it exists elsewhere on the island.

# FORMS

## **STAGE I / MIDDLE ISLAND PROPERTY OWNER'S AGREEMENT**

Owner: \_\_\_\_\_  
Architect/Designer: \_\_\_\_\_  
Builder: \_\_\_\_\_  
Lot #: \_\_\_\_\_

It is the Committee's task to make sure that every homeowner, builder and architect follow the Design Guidelines. All changes made to the plans are required to come back to the Committee for approval to ensure that they meet the Guidelines. This process is done to ensure that every home on the Island meets the Design Guidelines, is of the same character and therefore maintains and increases property values. By signing this form, I (we), as the owner of the property, am responsible (not my contractors or agents) for making sure any changes to the above mentioned property have been submitted and approved by the ARC to avoid potential action being recommended to the Association Board (see page 63 of the Design Guidelines for complete details). A copy of the as built survey is required to be submitted to the ARC Administrator to ensure that the residence is built according to the approved set of drawings.

It is understood that I have given the above mentioned architect/designer permission to submit a proposal for work to commence on my property. I have reviewed all drawings submitted for final review on \_\_\_\_\_, 20\_\_\_\_ and agree to have the structure built as submitted, should it be approved by the Architectural Review Committee.

Should I sell the property prior to the commencement or completion of construction, I will make the future owner aware of any requirements made during the ARC review process. This includes, but is not limited to, having a landscaping plan submitted and installed as approved within 30 days of occupancy or completion of the home, whichever comes first.

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

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

I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_, County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_, personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and acknowledges the execution of the foregoing instrument. Witness my hand and official seal.

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

**Note:** The Committee understands that some minor changes have to be made during the construction process and is willing to review items in between meeting dates to avoid delays. However, color schemes are only reviewed during the regularly scheduled meetings. Please plan accordingly for revisions to your submitted color scheme.

Property owners seeking to build after their ARC approval has expired (24 months after approval) and who intend to use the originally approved plans and specifications, will be required to re-submit for the final review process and pay a re-submittal fee. If the property owner intends to use a different plan, it will be treated as a new application.

The ARC would like to recommend that you contact the Public Safety Chief (457-4310) to inquire about having a Knox box installed once your home is complete. Please remember to notify us if you should sell your property.

Return completed form to: Emily Bonney, ARC Administrator  
P.O. Box 3030  
Bald Head Island, NC 28461

# **ARCHITECTURAL REVIEW APPLICATION**

## **BIA ARCHITECTURAL REVIEW COMMITTEE**

PO Box 3030 Bald Head Island, North Carolina 28461-7000

(910) 457-4676 x 22 / (910) 457-9021 Fax / [ircadmin1@bellsouth.net](mailto:ircadmin1@bellsouth.net)

(Copy and use)

Please check one:

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

- Sketch Review Application
- Preliminary Review Application
- Final Review Application

**Lot Number** \_\_\_\_\_

**Street/Road/Wynd** \_\_\_\_\_

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

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

**Telephone/Email** \_\_\_\_\_

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

**Architect Address** \_\_\_\_\_

**Telephone/Email** \_\_\_\_\_

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

**Address** \_\_\_\_\_

**Telephone/Email** \_\_\_\_\_

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

**Telephone** \_\_\_\_\_

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

**Telephone** \_\_\_\_\_

- Variance Requested (Describe on Architectural Questionnaire)

## BALD HEAD ASSOCIATION

### ARCHITECTURAL REVIEW COMMITTEE

P.O. Box 3030, Bald Head Island, North Carolina 28461-3030

- Sketch Review (if sketch attached)
- Preliminary Review (check what is required at this stage)
- Final Review (questionnaire must be completed)

### ARCHITECTURAL QUESTIONNAIRE

To be completed by all architects submitting documents for approval at sketch, preliminary and final stages.

Lot # and Street Name \_\_\_\_\_

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

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

Telephone Number \_\_\_\_\_

Architect's Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

N.C. Registration # \_\_\_\_\_

1. Has the architect visited the site?  Yes  No

Date of visit:

(Note: This step required prior to initial submission to the ARC of a major renovation/construction plan.)

2. Has the architect read the property covenants and architectural guidelines 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 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 40# (regulated) wetlands on the property?  Yes  No

7. What is the FEMA Flood Zone for property? \_\_\_\_\_

8. Has the architect attempted to minimize the amount of site to be graded?

Yes  No

9. Has the architect attempted to minimize the removal or damage of existing vegetation, especially plants of special concern?  Yes  No

10. Has the architect taken views, orientation and location of adjoining buildings into consideration for the design of this house?  Yes  No
11. Has the house been staked out on the lot (required at preliminary)?  
 Yes  No (Trees to be removed must be tied with red surveyor's tape.)
12. Area of lot (sq ft) \_\_\_\_\_
13. Lowest natural point beneath building (MSL) \_\_\_\_\_
14. Height of structure (highest roof ridge) above this point (max. 35') \_\_\_\_\_
15. First floor elevation (FFE) \_\_\_\_\_ (Maximum of 2' above FIMA or 4' above average grade around perimeter exterior walls, whichever is greater)
16. Total building coverage (See #2, under Size on page 12, for description): \_\_\_\_\_  
 Total impervious coverage (See #3, under Size on page 12, for description): \_\_\_\_\_
17. Mean finished grade within this footprint \_\_\_\_\_
18. 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.)
19. Number of inches of trees over 3" in caliper at 4' above grade proposed to be removed. \_\_\_\_\_
20. Area enclosed under main girders \_\_\_\_\_
21. Total square footage (heated/non-heated) \_\_\_\_\_
22. Heated first floor area \_\_\_\_\_
23. Heated second floor area \_\_\_\_\_
24. Heated third floor area \_\_\_\_\_
25. Total heated area \_\_\_\_\_
26. Total sq ft of screened porch \_\_\_\_\_
27. Porch Screen material \_\_\_\_\_
28. Total of deck and balconies \_\_\_\_\_
29. Percentage of covered porch (8' deep min.) if in front of dorm ridge - must be 15% of the linear footage heated wall space on the first floor. \_\_\_\_\_
30. 50% rule calculation (if in front of dorm ridge):  
 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.) \_\_\_\_\_

31. Are any variances from Architectural Review Committee requirements being requested under this Application?  Yes  No

If yes, please describe and give reason \_\_\_\_\_

32. Is there a screening proposal on plans for storing a boat on the lot? (Required if owner intends to bring a boat to Island):  Yes  No

33. Has the architect submitted 5 full size plan copies or 1 full size copy<sup>4</sup> and 1-11x17 copy to the ARC Administrator? (\*Final review requires at least 2 full size copies)  Yes  No

34. Has the architect submitted an original survey?

Yes  No

35. If this property falls under the restrictions of a neighborhood association, has a letter from that association, granting approval of the plan, been submitted to the ARC administrator?

Yes  No

To the best of my knowledge, the foregoing statements are true.

---

ARCHITECT'S / DESIGNER'S SIGNATURE

---

DATE

Architect's Seal:

# **ARCHITECTURAL REVIEW APPLICATION**

## **BHA ARCHITECTURAL REVIEW COMMITTEE**

**PO Box 3030 Bald Head Island, North Carolina 28461-2000  
(910) 457-4676 x 22 / (910) 457-9021 Fax / arcadmin1@bellsouth.net**

## **CHANGE APPLICATION**

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

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

**Lot Number** \_\_\_\_\_

**Street/Road/Wynd** \_\_\_\_\_

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

**Home Address** \_\_\_\_\_

**Telephone** \_\_\_\_\_

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

**Address** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Contractor** \_\_\_\_\_

**Change description** \_\_\_\_\_

**Reason for change** \_\_\_\_\_

**Please attach sketch of proposed changes, elevations, and floor plans. Must be to scale.**

# ARCHITECTURAL REVIEW APPLICATION

## BIA ARCHITECTURAL REVIEW COMMITTEE

PO Box 3030 Bald Head Island, North Carolina 28461-7000  
(910) 457-4676 x 22 / (910) 457-9021 Fax / [biareadmin@bellsouth.net](mailto:biareadmin@bellsouth.net)

## PAINT/COLOR APPLICATION

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

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

Lot #: \_\_\_\_\_ Street/Wynd: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Phone: \_\_\_\_\_

### COLOR SAMPLE (ATTACH SWATCH)

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

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

Mfr: \_\_\_\_\_

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

Rafters/Soffits: \_\_\_\_\_

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

Paint Mfr: \_\_\_\_\_

Main Body of the Bldg: \_\_\_\_\_

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

Paint Mfr: \_\_\_\_\_

Note: A sample of this paint color is required to be submitted on an actual sample of the proposed siding material. This sample is required to be no smaller than 5"x5" and must be able to fit inside a legal size folder.

Trim: \_\_\_\_\_

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

Paint Mfr: \_\_\_\_\_

Exterior Doors: \_\_\_\_\_

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

Paint Mfr: \_\_\_\_\_

**Page Two – Paint/Color Application**

**BIIA ARCHITECTURAL REVIEW COMMITTEE  
PO Box 3030  
Bald Head Island, North Carolina 28461-7000**

**Grade Level Screening:**

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

Paint Mfr: \_\_\_\_\_

**Porch Ceiling:**

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

Paint Mfr: \_\_\_\_\_

**Window Shutters:**

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

Paint Mfr: \_\_\_\_\_

**Deck:**

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

Paint Mfr: \_\_\_\_\_

**Columns and Railing:**

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

Paint Mfr: \_\_\_\_\_

**Other/Accessories:** \_\_\_\_\_

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

Paint Mfr: \_\_\_\_\_

# APPENDICES

- (A) ARC Fee Schedule
- (B) Recommended Plant List and Planting Advice
- (C) Clearing Land on DHI and Its Effect
- (D) Deer Resistant Plant List and Advice
- (E) Temporary Storm Shutter/System List
- (F) Sign Specifications
- (G) Article 7 of the Amended Covenants
- (H) Common Area Policy
- (I) Village Ordinance – Beach Accesses
- (J) Village Ordinance – Tree Removal/Clearing
- (K) Glossary

## **Appendix A**

### **STAGE I REVIEW FEES FOR SINGLE FAMILY RESIDENCES**

\$1500	New Residence (a \$1,000 <u>refundable</u> construction deposit is also required, see below for details)
\$1000	Major Renovations
\$500	Minor Renovations (adding up to 250 sq ft of heated space)
\$100	Minor Renovations (not adding any heated space)
\$75	Re-submittal (ARC approval has expired)

**Color Changes - No Charge**

**Minor Changes During Construction – No Charge**

**Major Changes During Construction – May Require Fee**

ARC approval is required for all of the above situations, whether or not a fee is required. For New Construction Projects, the review fee is due at preliminary submittal. A submittal will not be placed on the meeting agenda for preliminary review if the fee is not received by that time.

The \$1,500 new construction project review fee applies to three reviews and three rejections. If another submittal is needed, an additional \$1,500 fee must be paid. The "three review" rule does not include the sketch review step. Please note the strong encouragement on Page 46 for the architect to attend this step of the meeting, to hear the Committee's feedback early in the review process. The intent of the "three review" rule is to encourage appropriate preparation be invested in the original submittal, and thus simplify and expedite the approval process for all parties involved. With all new construction submittals, a \$1,000 refundable construction deposit is also required to be submitted. The deposit will be used to cover any administrative costs, fees, damage to Common Areas and fines and penalties incurred during the construction process. Damages may be assessed and fines of up to \$100 per day per violation may be imposed, and may be deducted from the construction deposit. These fines are authorized by the Amended Covenants of the BIA and the Planned Community Act Chapter 47P of the NC General Statutes and would become effective five days after the BIA Board's approval of the recommendations. The \$1,000 deposit will be returned in full at completion of the project, provided that the following conditions are met: 1) the project has been completed in accordance with the ARC approved plans; 2) no common areas or right of-way areas were damaged by construction; 3) no Covenants or Design Guidelines applicable to the property and the construction process have been violated. 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, builder, their contractors or agents. If the fine(s) exceed the amount of the deposit, the balance owed may be assessed as a lien against the Owner's property.

The ARC has defined a re-submittal as having no changes made to a residence in between review unless due to Design Guideline requirement changes. All re-submittals will be subject to the current Design Guideline requirements. Any changes beyond those necessary to meet Design Guideline requirements will be considered new construction and subject to a new construction fee. Re-submittals are allowed to be requested once. After one re-submittal the proposal will be reviewed as a new construction and subject to a new construction fee.

Homes that are to be moved due to catastrophic conditions, such as storm action or erosion, will only be charged the cost of a landscape/site review for the new site, versus a new construction fee. This cost will be up to the discretion of the committee, but will not exceed the \$100 minor renovation fee.

Checks must be made out to Bald Head Association and mailed to the ARC Administrator at:  
Architectural Review Committee, P.O. Box 3030, Bald Head Island, NC 28461-7000

## Appendix B

### Recommended Plant List and Planting Advice

The maritime forest understory contains a wide variety of native plants that are excellent for landscape use. The native redbay, cherry laurel and wild olive are very attractive small evergreen trees particular to this zone. The small flowering trees such as dogwood or redbud also seem to thrive in the forest environment. Palms will also perform well if placed out of the path of direct wind.

On the leeward side of dune environment structures, more ornamental plants may be used, still with some risk of loss, however. Tall plants (which are more subject to wind and salt spray) may require periodic replacement. Within the swale zone behind the frontal dune, the best ground stabilizer is native cordgrass. Shrubs should be planted in masses in order to minimize salt penetration. Remember, however, that certain plants will not perform well when they are planted on the edge of open areas and are exposed to the resulting salt spray, wind and heat. Only a few larger species (cedar, wax myrtle, yaupon and baccharis) will survive unprotected and then only if the specific plants used are adapted to the harsh environment.

Most native grasses are available commercially and may take several years to establish. Grasses such as American beachgrass, bitter panicum and weeping lovegrass (unimproved, naturally) are more commercially available. Beachgrass and its cousin, the sea oats, tend to prefer the primary dune shifting sand situation.

Groundcovers will require an inch of topsoil, but mulching and topsoil should be limited to planting areas only. Planting optimally should occur November through April. Plants should be sized adequately to survive the initial adjustment period. Larger plants tend to die back in adjusting to these harsher conditions; therefore, one to two gallon container shrubs are recommended. A truly successful natural landscape may take many years. The success will depend on the condition of your site after construction, water availability, an effective planting plan, and your landscaping budget.

Finally, a word on plant maintenance. A successful landscape plan for your island home should be one that virtually eliminates most time-consuming maintenance. Water conservation is an important issue in the southern climates, where summer and even winter drought periods are common. Drip irrigation to maximize water effectiveness is strongly recommended. Lawns are discouraged, both for the waste of water to maintain them and their incompatibility with the natural look of the Bald Head Island environment. The use of drip irrigation should also be considered, particularly for first year establishment of new plantings. It is tremendously hard to establish plants, especially in the dune areas, without irrigation. There are versions of drip hoses that can be buried in the sand for a more sightly appearance.

The following plant list offers suggestions for vegetation that grows well on Bald Head Island, as well as plants of special concern that the property owner should take special care to protect and preserve.

One very important note about planting on the Island. Wildlife is a serious consideration. For successful landscaping, vegetation should be chosen that discourages the interest of deer. Following this recommended plant list is a Deer Resistant Plant List (Appendix D). For

maximum success, you are encouraged to consult with a landscaper familiar with the Bald Head Island environment. There are many repellent products used effectively on the island.

## Plants of Special Concern

The following plants are very important to the ecology of the island and special care should be taken to protect and preserve them:

American Beachgrass	Magnolia
American Holly	Persimmon
Cabbage Palmetto	Red Bay
Carolina Jessamine	Red Cedar
Dogwood	Red Maple
Fig	Sabal Palm
Hercules Club	Sea Oats
Hickory	Virginia Creeper
Hornwood	White Poplar
Laurel Oak	Yaupon Holly
Live Oak	Hornwood

## Dunes

### Dune Grasses, Forbs and Wildflowers

American Beachgrass ( <i>Ammophila breviligulata</i> 'Cape'; 'Fernald' or 'Halteras')
Marshay Cordgrass ( <i>Spartina patens</i> ) * low areas
Sea Oats ( <i>Uniola paniculata</i> )
Bitter panicum ( <i>Panicum amarum</i> )
Seacoast Bluestem ( <i>Andropogon littoralis</i> )
Lorngawn Virginia Wildrye ( <i>Elymus virginicus</i> )
Hairawn Muhyly* ( <i>Muhlenbergia capillaris</i> )
Seashore Paspalum ( <i>Paspalum vaginatum</i> )
Largeleaf Pennyroyal ( <i>Hydrocotyle bonariensis</i> )
Lippia ( <i>Lippia nodiflora</i> )
Dayflower ( <i>Commelinaceae</i> )
Seaside Goldenrod ( <i>Solidago sempervirens</i> )
Trailing Wildbean ( <i>Strophostyles helvola</i> )
Silverleaf Croton ( <i>Croton punctatus</i> )
Indian Blanket ( <i>Gallardia pulchella</i> )
Black Eyed Susan ( <i>Rudbeckia hirta</i> )
Weeping Lovegrass ( <i>Eragrostis curvula</i> )
Camphorweed ( <i>Heterotheca subaxillans</i> )
False Azul Indigo ( <i>Indigofera pseudotinctoria</i> )
Marsh Elder ( <i>Iva imbricata</i> )
Seaberry ( <i>Oryzopsis maritimum</i> )
Tawny Daylily ( <i>Glechomeallis fulva</i> )
Prickly Pear ( <i>Opuntia compressa</i> )

- Sparge (*Euphorbia ammannioides*)
- Dune Sparge (*Euphorbia polygonifolia*)
- Broomsedge (*Andropogon virginicus*)
- Wild Millet (*Echinochloa walteri*)
- Sandgrass (*Triplasis purpurea*)
- Tickseed (*Cirsopsis lanceolata*)
- Ox-eyed Daisy (*Chrysanthemum leucanthemum*)

It is particularly important to fertilize, but not over fertilize, these herbaceous plants, particularly in their first year. A 30-10-10 compound in 3 to 4 equal applications per year in pellets should be applied at 3-4 pounds per thousand square feet. Ninety percent sulphur is also an important additive to raise pH slowly. The ideal grass coverage is to maintain a fairly open stand with about two-thirds to three-fourths of the sand surface under vegetative cover. Remember, use the sea oats and beachgrass only in the primary dune area with shifting sand. Lovegrass and the other less salt tolerant grasses should be used landward of the frontal dunes.

## Dune Shrubs

- Dasterk Baccharis (*Baccharis halimifolia*) R
- American Beautyberry (*Callicarpa americana*)
- Rattlebox (*Daubenmeia paniculata*)
- Dwarf Yaupon (*Ilex vomitoria* 'nana')
- Northern Bayberry (*Myrica pensylvanica*)
- Devilwood Osmanthus (*Osmanthus americanus*)
- Banks Rose (*Rosa banksiae*)
- Rugosa Rose (*Rosa rugosa*) R
- Adams Needle (*Yucca filamentosa*)
- Hercules Club (*Zanthoxylum clava-herculis*)
- Wax Myrtle (*Myrica cerifera*)
- Oleander (*Nerium oleander*)
- Cleyera (*Cleyera japonica*)
- Evergreen Euonymus (*Euonymus japonicus*) R
- Tee Ivy (*Fatsia x lizel*)
- Japanese Fatsia (*Fatsia japonica*)
- Parson's Juniper (*Juniperus chinensis* 'Parsonii')
- Shore Juniper (*Juniperus conferta* var. Blue Pacific)
- Japanese Privet (*Ligustrum ovalifolium*) R
- Pittosporum (*Pittosporum tobira*) R
- Shrubby Yew Podocarpus (*Podocarpus macrophyllus* var. maki)
- Indian Hawthorn (*Rapheolepis umbellata* or *indica*)
- Butchersbroom (*Ruscus aculeatus*)
- Salt Cedar (*Tamarix gallica*) R
- Spanish Dagger (*Yucca aloifolia*)
- Cypress Laceleaf Cotton (*Santolina chamaecyparissus*)

An "R" denotes a rapid grower.

## Dune Trees

Most all of these trees should be planted on the leeward side of buildings or fences in the dune area. Most trees will not survive in the dune area without some form of protection.

- Eastern Red Cedar (*Juniperus virginiana*)
- Red Bay (*Pereca borbonia*)
- White Poplar (*Populus alba*) R
- Chickasaw Plum (*Prunus angustifolia*)
- Carolina Laurel Cherry (*Prunus caroliniana*)
- Black Cherry (*Prunus serotina*)
- Live Oak (*Quercus virginiana*)
- Cabbage Palm (*Sabal palmetto*)
- Yaupon (*Ilex vomitoria*)
- Wax Myrtle (*Myrica cerifera*)

## Dune Vines

Vines are excellent ground covers in the dune zone.

- Common Trumpet Creeper (*Campsis radicans*) R
- Carolina Jessamine (*Gelsemium sempervirens*)
- Trumpet Honeysuckle (*Lonicera sempervirens*)
- Virginia Creeper (*Parthenocissus quinquefolia*) R
- Wild Bamboo (*Smilax auriculata*)
- Summer Grape (*Vitis rotundifolia*)
- Pepper vine (*Ampelopsis arborea*) R
- Sweet Autumn Clematis (*Clematis paniculata*) R\*
- Winter Creeper (*Cleomegymus fortunei*)\*

\* These plants should be used with discretion as foundation or protected area plantings.

Plants listed have various salt-wind resistance and awareness of this tolerance is crucial for successful planting. Sand fences and the like can provide an 80% reduction in wind velocities for establishing plants. "Lead" plants indigenous to the dune pioneer zone may be planted as a low first row, followed by plants gradually taller and less salt tolerant to create a vegetative salt-wind barrier.

## Forest

### Forest Wildflowers and Groundcovers

- Aster (*Aster spp.*)
- Fireweed (*Erechtites hieracifolia*)
- Butterweed (*Brigeron canadensis*)
- Indian Blanket (*Gaillardia pulchella*)

Silverleaf Sunflower (*Helianthus argophyllus*)  
Morning Glory (*Ipomoea sagittata*)  
Milk Pea (*Glabiaia macrorhiza*)  
St. Andrew's Cross (*Hypericum hypericoides*)  
Spotted Horsemint (*Muhlenbergia punctata*)  
Passion Flower (*Passiflora lutea*)  
Marsh Pink (*Sabatia stellaris*)  
Blackberry (*Rubus betulifolius*)  
Weeping Lovegrass (*Eragrostis curvula*)  
English Ivy (*Hedera helix*)  
Holly Fern (*Cyrtomium falcatum*)  
Leatherleaf Fern (*Polystichum aculeatum*)  
Mondo Grass (*Ophiopogon japonicus*)  
Periwinkle (*Vinca Minor*)

### Forest Vines

Japanese Honeysuckle (*Lonicera japonica*)  
Coral Honeysuckle (*Lonicera sempervirens*)  
Pepper vine (*Ampelopsis arborescens*)  
Virginia Creeper (*Parthenocissus quinquefolia*)  
Muscadine Grape (*Vitis rotundifolia*)

### Forest Shrubs – Deciduous

American Beautyberry (*Callicarpa americana*)  
Dwarf or Winged Sumac (*Rhus copallina*)  
Flame Azalea (*Rhododendron calendulaceum*)  
Piedmont Azalea (*R. canescens*)

### Forest Shrubs – Evergreen

Yaupon (*Ilex vomitoria*)  
Wax Myrtle (*Myrica cerifera*)  
Evergreen Sumac (*Rhus sempervirens*)  
Dwarf Palmetto (*Sabal minor*)  
Lady Banks' Rose (*Rosa banksiae*)\*  
Elaeagnus (*Elaeagnus pungens*)\*  
Wax Ligustrum (*Ligustrum sinensis*)\*  
Wheeler's Pittosporum (*Pittosporum tobira 'Wheeleri'*)\*  
Dwarf Yaupon (*Ilex vomitoria 'nana'*)\*

\* These plants should be used with discretion as foundation or perimeter area plantings.

### Forest Trees – Small Flowering

Eastern Redbud (*Cercis canadensis*)

White Fringetree (*Chionanthus virginicus*)  
Flowering Dogwood (*Cornus florida*)  
Sweetbay Magnolia (*Magnolia virginiana*)  
Red Bay (*Persis heterophylla*)

### Forest Trees – Deciduous

Persimmon (*Diospyros virginiana*)  
Southern Red Oak (*Quercus falcata*)  
Laurel Oak (*Quercus laurifolia*)  
Sweet Pigmy Hickory (*Carya ovalis*)  
Pig (*Ficus carica*)  
Red Mulberry (*Morus rubra*)  
Water Oak (*Quercus nigra*)  
Bald Cypress (*Taxodium distichum*)  
Chickasaw Plum (*Prunus angustifolia*)  
White Poplar (*Populus alba*)

### Forest Trees – Evergreen

American Holly (*Ilex opaca*)  
Southern Magnolia (*Magnolia grandiflora*)  
Carolina Cherry Laurel (*Prunus caroliniana*)  
Loblolly Pine (*Pinus taeda*)  
Live Oak (*Quercus virginiana*)

## **APPENDIX C**

### **Clearing Land on Bald Head Island and the Effect it has on the Natural Environment**

**Information compiled by Allison Sill,  
Environmental Education Coordinator  
Bald Head Island Conservancy  
February 12, 2002**

The information provided here is for the purpose of assisting the Bald Head Association with developing a landscaping policy that will serve to protect and preserve the natural habitat on Bald Head Island. The information is divided into two sections: the effect of clearing on animals, and the effect of clearing on plants.

The plants and animals that live on Bald Head are very unique because they have adapted to living on a dynamic barrier island. The species that make up this ecosystem have adapted to high winds, salty air, sandy soils, desiccating heat and erosion. If these plants and animals are lost, they will be very difficult to recover or replace.

Information on all species that might be affected has not been included, but information on animals and plants that are commonly overlooked, and need to be considered when clearing land, is included. References are listed at the end of the "General Information" section for those that would like to learn more about the topics covered.

## How the Removal of Dead Vegetation Could Impact Animal Species:

A snag is a standing dead or dying tree and a downed log is a log that is lying on or near the forest floor. Snags and downed logs found in the maritime forest are essential to the life cycles of many animal species. The following paragraphs include information on the importance of snags and downed logs to animals found on Bald Head Island.

### Woodpeckers<sup>1,2</sup>

Wood-boring insects make their home in dead trees, and they serve as food for woodpeckers. Bald Head is home to several different species of woodpeckers, all of which rely on dead wood not only for food but also for roosting and nesting sites. Woodpeckers also use hollow tree limbs to "drum up" a mate during the spring. The prized red headed woodpecker (*Melanerpes erythrocephalus*) makes its nest cavity in barkless dead trees. Loss of habitat and the removal of dead trees has taken its toll on many populations of red-headed woodpeckers. This species is already listed as endangered in New Jersey due to the loss of natural habitat.

Woodpeckers are of great ecological importance. They remove wood-boring grubs, insect eggs, pupae, carpenter ants and termites from dead trees, therefore preventing these pests from spreading to other trees. Old woodpecker nest cavities serve as homes for owls, blue birds, tree swallows, nuthatches, chickadees and squirrels.

### Bats<sup>3</sup>

There are 16 species of bats in North Carolina, three of which are listed as federally endangered. Bald Head Island has a healthy population of bats. They can often be seen in the summertime, swooping above the trees at dusk. Ecologically speaking, bats are extremely valuable to our island because they feed on night-flying insects. As a matter of fact, bats are the only major predator of night-flying insects. Their major food source includes lacewings, cockroaches, gnats and mosquitoes. In one night, a single brown bat can eat 3,000 to 7,000 mosquitoes.

Bats nest and roost in dead trees. If dead hollow trees are removed, then there will be no habitat for the bats to live in. If the night-flying insects lose their greatest predator, then Bald Head could potentially become overrun with gnats, mosquitoes and even cockroaches. If dead trees and snags are removed, installing artificial bat houses is recommended so that our bat population is not lost.

### Animals that use snags for nesting, roosting, foraging, perching, or territorial displays<sup>4</sup>:

Red-bellied woodpecker	Wrens
Pileated woodpecker	Wood duck
Great crested flycatcher	Nuthatches
Prothonotary warbler	Barned owl
Carolina chickadee	Screech owl
Eastern bluebird	Turkey vulture
Common flicker	Red-tailed hawk
Tufted titmouse	

#### **Animals that use downed logs for roosting, nesting, foraging, etc.<sup>4</sup>:**

Ruffed grouse	Shrews
Star nosed mole	Chipmunk
Deer mouse	Red backed vole
Gray fox	Long-tailed weasel
Mink	River otter
Bobcat	Bullfrog
River cooter	Painted turtle
Yellowbelly slider	Box turtle
Carolina anole	Snakes
Eastern fence lizard	Skinks

#### **How the Removal of Live Vegetation Could Impact Animal Species:**

Removing live vegetation from natural areas could remove valuable food sources for many animal species. Oddly enough, clearing could also increase food sources for certain animals. The following information describes these effects:

##### **Deer**

The increased clearing of understory areas will most likely promote deer grazing in those areas. Deer prefer young vegetation, and when an area is cleared, more young vegetation occurs. This can be particularly dangerous in meadows and along the sides of roads. When these areas are cleared repeatedly, deer learn where to forage, and they may congregate along the roadsides. This poses great danger to people traveling along the roadways.

##### **Birds**

Certain vines and shrubs on Bald Head provide berries, which are an important food source for birds such as chickadees, tanagers, finches, cedar waxwings and buntings. Vines and shrubs also serve as shelter and protection for birds, including the magnificent painted bunting. These areas also provide nesting habitat for birds.

#### **How the Removal of Vegetation (Dead or Alive) Would Impact Plant Species:**

##### **1. How would surrounding plants be affected if dead trees/trunks are removed from an area?<sup>5</sup>**

Thompson Woods is found on the SIUC campus and has required the removal of dead trees for safety reasons. There is a concern about the effect that the removal of dead trees will have on surrounding plants. Phillip Robertson, professor of plant biology at SIUC, notes that holes left in the canopy of the woods after removing dead trees will allow a great deal of light to the floor, allowing exotic plants to thrive. Those exotics could extinguish the native trees. "If we remove the trees, it will lower the danger of someone getting hurt; however, more light will get through to the Japanese Honeysuckle and Creeping Phloxes. These are non-native [plants] that really thrive in a lot of sunlight."

**2. What is the value of live natural vegetation (vines, trees and shrubs)?<sup>6</sup>**

Vegetation serves as a noise buffer, light shield, and protects the soil from erosion. Vegetation also helps to control climate and humidity, reduces air pollution, and limits water pollution. One of the most important of their functions is the ability of vegetation to impede erosion. It does this by acting as a windbreak and a soil stabilizer, therefore minimizing soil erosion. In addition to carrying off soil, water runoff carries herbicides, which will cause pollution of our waterways. Trees and shrubs help to decrease the amount of water that runs off of a site by breaking the impact of the rain and slowing the flow, allowing time for water to infiltrate soil. Therefore, leaving vegetation around golf course areas where herbicides are used is extremely important in keeping harmful chemicals out of our waterways. Last but not least, it has been proven that natural vegetative areas, rather than urban areas, have the ability to relax us, lower our heart rate and reduce stress!

An interesting note: Natural areas are of great economic importance. Natural vegetation, especially trees, is shown to increase property values. These higher property values lead to increased tax revenues for the municipality.

(Items 3-7 are questions answered by Mr. David Nash, an Agricultural Extension Agent with N.C. State University):

**3. What happens to surrounding vegetation when the maritime forest canopy is opened up?<sup>7</sup>**

The "shear zone", which protects less salt tolerant plant species beneath it, will no longer exist. Usually the less salt tolerant plants will be injured or killed by salt spray after the shear zone has been removed.

**4. What happens to the habitat when thinning or removing vegetation?<sup>7</sup>**

This thinning will allow more light and heat to reach the understory vegetation. This will change the diversity of the ecosystem to favor plants that need more light. The area will tend to become "droughty" as the light and associated heat reaches the soil surface, increasing evaporation and evapotranspiration through the plants. New species will be introduced that are better adapted to the different environment. It will depend on the type of vegetation that eventually grows as to whether or not it will be more attractive to deer grazing. It is probable that more sunlight will allow for more types of plants that deer will graze.

**5. Are there any threatened or endangered plant species that we need to be aware of when removing vegetation?<sup>7</sup>**

Other than the flower, blue-curls (*Pritchardia dichotoma*) that grows in the back dune area, I am not aware of any threatened and/or endangered species in the forest area. Please see plants of special concern listing under Appendix B for plants to make efforts to preserve and protect.

**6. What is the best method to use when clearing vegetation?<sup>7</sup>**

Avoid using bush-hogs to keep the area open - it is very easy to scrape and damage desirable trees and shrubs with heavy equipment. I recommend it be cleared and maintained using hand

labor with pruning shears and pruning saws. This is the only way to selectively remove some plants while protecting and preserving the others. Heavy equipment will also increase compaction and damage root systems.

### 7. How can these cleared understory areas be managed?

Try and maintain a good, natural, mulch. Avoid fertilizing, watering, and anything that will compact the soil. I would also avoid the use of herbicides in the root zones of desirable trees and shrubs – Roundup herbicide included! I have seen plenty of Roundup injury due to drift or accidental application to foliage and/or green bark of trees and shrubs. Fertilizing and watering will make trees, such as dogwood, much more susceptible to diseases and insects. If a good mulch consisting of the natural occurring leaves is maintained, you should not have a problem with soil erosion, and will have fewer problems with weedy grasses and other plants.

### *General Information on Plant and Animal Species found on Bald Head Island:*

#### 1. Common vine species found on Bald Head:

- Japanese Honeysuckle (*Lonicera japonica*)
- Cat or Green Brier (*Smilax* spp.)
- Beach Bean (*Strophostyles helvola*)
- Poison Ivy (*Rhus Radicans*)
- Virginia Creeper (*Parthenocissus quinquefolia*)
- Muscadine or Wild Grape (*Vitis rotundifolia*)
- Beach Pennywort (*Hydrocotyle* spp.)
- Yellow Jessamine (*Gelsemium sempervirens*)
- Coral Honeysuckle (*Lonicera sempervirens*)

#### 2. Rare, threatened or endangered plant and animal species found on Bald Head:

In June 1995, an Inventory of the Natural Areas and Rare Species of Brunswick Co. was published by Richard J. LeBlond. In this paper LeBlond listed many plant and animal species found on Bald Head that are rare, threatened or endangered:

##### Rare Animals:

- Eastern woodrat (*Neotoma floridana floridana*)
- Common ground-dove (*Columba passerina*)
- Southern hairstreak (*Pristimantis favorinus*)
- Giant swallowtail (*Papilio cresphontes*)

##### Rare Vascular Plants:

- Silverling (*Baccharis glomeruliflora*)
- Four-angled flatsedge (*Cyperus tetragonus*)
- Nerved witch grass (*Dichanthelium* sp. 5 – *Panicum nemorosum*)
- Beach morning glory (*Ipomoea imperati*)
- Cabbage palm (*Sabal palmetto*)
- Tough mannaea (*Sideroxylon tenax*)
- Moundlily yucca (*Yucca gloriosa*)

**Rare Non-vascular Plants (mosses and lichens):**

Cuban schlossmanni (*Syrrhopodon incomptus*)

Liverwort (*Cephalojejeunea rigidula*)

Sunrise lichen (*Teloschistes flavicans*)

**3. North Carolina's State and Federally Listed Wildlife Species:**

As of June 1997, the following species found on Bald Head are listed as T (threatened), E (endangered) or SC (special concern)

Eastern woodrat	SC
Black capped chickadee	SC
Southeastern bald eagle	E
American eastern peregrine falcon	E
Copper's hawk	SC
Snowy egret	SC
Little blue heron	SC
Tricolored heron	SC
Glossy ibis	SC
Brown pelican	SC
Black skimmer	SC
American alligator	T (due to similarity of appearance to the American Crocodile)

*References*

1 [www.coneyshub.com/ced-ligad.htm](http://www.coneyshub.com/ced-ligad.htm)

2 [www.backburnerhope.com/birds.htm](http://backburnerhope.com/birds.htm)

3 [www.ces.ncsu.edu/menos/forest/steward/www21.html](http://www.ces.ncsu.edu/menos/forest/steward/www21.html)

4 [www.ags.ncsu.edu/menos/forest/steward/www1-1.html](http://www.ags.ncsu.edu/menos/forest/steward/www1-1.html)

5 [www.dailycryptplant.com/spring96/030196/professor.html](http://www.dailycryptplant.com/spring96/030196/professor.html)

6 [www.segnellorida.org/scmakecents.htm](http://www.segnellorida.org/scmakecents.htm)

7 David Nash, Agricultural Extension Agent, N.C. State University

## Appendix D

### Deer Resistant Plant Listing

Information prepared by  
Allison Sill, Environmental Educator for the Bald Head Island Conservancy

Deer are responding to human-initiated changes in their habitat by adapting to live in our midst. The deer cannot distinguish between what should or should not be eaten, therefore they often wreak havoc on a garden or landscaped yard. By using deer tolerant plants in your landscaping, the use of expensive chemical repellents and unsightly physical barriers can be avoided. Please remember, though, that very few plants are totally deer-resistant.

The following is a list of plants published by The University of Georgia College of Agricultural & Environmental Sciences – Cooperative Extension Service and includes plants that deer love to eat and those plants with a high degree of deer tolerance:

#### Plants Deer Love to Eat

(Avoid these plants unless you protect them)

Aucuba	Hibiscus
Asiatic Lilies	Hosta
Candytuft	Hydrangea
Camellia	Indian Hawthorn
Crabapple	Pansies
Crocus	Radbeckia (Black-Eyed Susan)
Daylilies	Roses
English Ivy	Sedum 'Autumn Joy'
Fatsia	Tulips
Grape Hyacinths	Violas

#### Occasional Browsing Observed on These Plants

Azaleas	Gazania
Clematis	Holly (Foster #2, Fast Polka, Savannah, Lesterleaf, Dwarf Thinford)
Flowering Dogwood	Red Cedar
Flowering Quince	Redbud
Flowering Kale	Stokes Aster

## Plants Known to Have a High Degree of Deer Tolerance

### Trees:

Bald Cypress ( <i>Taxodium distichum</i> )	Most Hollies (except those above)
Cherry Laurel ( <i>Prunus caroliniana</i> )	Palms
Crape Myrtle ( <i>Lagerstroemia indica</i> )	Pines ( <i>Pinus</i> spp.)
Deodar Cedar ( <i>Cedrus deodara</i> )	Red Maple ( <i>Acer rubrum</i> )
False Cypress ( <i>Chamaecyparis</i> spp.)	River Birch ( <i>Betula nigra</i> )
Fir ( <i>Abies</i> spp.)	Southern Magnolia ( <i>Magnolia grandiflora</i> )
Ginkgo ( <i>Ginkgo biloba</i> )	Spruce ( <i>Picea</i> spp.)
Gordonia ( <i>Gordonia lasianthus</i> )	Sweetgum ( <i>Liquidambar styraciflua</i> )
Leyland Cypress ( <i>Cupressocyparis x leylandii</i> )	

### Shrubs:

Anise ( <i>Anisicottia spp.</i> )	Japanese Rose ( <i>Kerria japonica</i> )
Banana Shrub ( <i>Mitchella rotunda</i> )	Juniper ( <i>Juniperus</i> spp.)
Buckberry ( <i>Berberis</i> spp.)	Leatherleaf ( <i>Mahonia bealei</i> )
Bottlebrush Buckeye ( <i>Aesculus parviflora</i> )	Oleander ( <i>Nerium oleander</i> )
Boxwood ( <i>Buxus</i> spp.)	Ornamental grasses (many spp.)
Butterfly Bush ( <i>Buddleia davidii</i> )	Plum Yew ( <i>Cephalotaxus</i> )
Cotoneaster ( <i>Cotoneaster</i> spp.)	Spirea ( <i>Spiraea</i> spp.)
Elaeagnus ( <i>Elaeagnus pungens</i> )	Sweetshrub ( <i>Calyanthus floridus</i> )
Firethorn ( <i>Pyracantha</i> spp.)	Viburnum ( <i>Viburnum</i> spp.)
Forsythia, yellowbells ( <i>Forsythia</i> spp.)	Winter Daphne ( <i>Daphne</i> spp.)
Gardenia ( <i>Gardenia</i> spp.)	
Heavenly Bamboo ( <i>Nandina</i> spp.)	
Holly (many species, including Dwarf Yaupon, Japanese Holly, Rotunda, Schellings Dwarf and Inkberry)	

### Herbaceous Perennials/Bulbs:

Allium	Goldenrod ( <i>Solidago</i> spp.)
Anemone	Iris ( <i>Iris</i> spp.)
Beebalm ( <i>Monarda didyma</i> )	Lantana ( <i>Lantana camara</i> )
Boltonia ( <i>Boltonia asteroides</i> )	Lenten Rose ( <i>Helleborus orientalis</i> )
Cardinal Flower ( <i>Lobelia</i> spp.)	Perennial Sunflower ( <i>Helianthus</i> spp.)
Catmint ( <i>Nepeta cataria</i> )	Pinks ( <i>Dianthus</i> spp.)
Christmas Fern ( <i>Polystichum acrostichoides</i> )	Rosemary ( <i>Rosmarinus officinalis</i> )
Clintonia Fern ( <i>Clintonia elatior</i> )	Shasta Daisy ( <i>Chrysanthemum</i> spp.)
Coreopsis ( <i>Coreopsis</i> spp.)	Society Garlic ( <i>Tulbaghia violacea</i> )
Crimson Lily	Statice ( <i>Limonium laevigatum</i> )
Daffodil	Summer Snowflake ( <i>L. eucajum aestivalis</i> )
Dahlia ( <i>Dahlia</i> spp.)	Wild Indigo ( <i>Baptisia</i> spp.)
Four O'Clocks ( <i>Mirabilis jalapa</i> )	Wormwood ( <i>Artemesia</i> spp.)
Cerbera Daisy ( <i>Cerbera Jamesonii</i> )	Yarrow ( <i>Achillea</i> spp.)
Gloriosa Lily ( <i>Gloriosa superba</i> )	

<b>Annuals:</b>	
Ageratum	Melampodium
Alyssum	Morning Glory ( <i>Ipomoea</i> spp.)
Annual Periwinkle ( <i>Catharanthus albus roseus</i> )	Parsley ( <i>Petroselinum</i> spp.)
California Poppy ( <i>Eschscholzia californica</i> )	Pentas
Cleome	<i>Pistaria</i> spp. (Fuzzy leaf forms)
Coreopsis	Poppy ( <i>Papaver</i> spp.)
Forget-me-not ( <i>Myosotis scorpioides</i> )	Scarlet Sage ( <i>Salvia</i> spp.)
Gaillardia ( <i>Gaillardia pulchella</i> )	Snapdragon ( <i>Antirrhinum majus</i> )
Lobelia ( <i>Lobelia tenuiflora</i> )	Sweet Pea ( <i>Lavandula</i> spp.)
Marigold ( <i>Tagetes</i> spp.)	Verbena
	Wax Begonia ( <i>Begonia semperflorens</i> )
	Zinnia ( <i>Zinnia elegans</i> )

**Vines/Groundcovers:**

Bugleweed ( <i>Ajuga</i> spp.)	Persimmon ( <i> Diospyros virginiana</i> )
Carolina Jessamine ( <i>Gelsemium sempervirens</i> )	Trumpetvine ( <i>Bignonia capreolata</i> )
Cherokee Rose ( <i>Rosa laevigata</i> )	Wisteria ( <i>Wisteria</i> spp.)
Honeysuckle ( <i>Lonicera sempervirens</i> )	

[Publication No. H-97-032]

The following websites can provide more information on deer tolerant vegetation:

1. My Deer Garden -- [http://www.mydeergarden.com/Plant\\_DB/plant\\_db.htm](http://www.mydeergarden.com/Plant_DB/plant_db.htm)

This website allows you to search for information about a specific plant that you would like to use in your garden. You can also search for which deer-resistant plants will grow best in your area.

2. Deer-Resistant Plants and Repellents -- <http://landscapingabout.com/cfs/deerresistant/>

This website includes the following headings: My Deer Garden, Deer in the Garden!, Deer Repellants, Deer-Resistant Landscape Plants, camouflage Gardening: Deer-Resistant Plants, Designing for Deer Resistance: Combining Flora with Fauna...

For more information, please contact the Bald Head Island Conservancy. You may also wish review Appendix C for more insight regarding deer habitat.

Environmental Education Coordinator  
PO Box 3109  
Bald Head Island, NC 28461  
Tel. 910-457-0089  
Email: loggerhead986@hotmail.com

## Appendix E

### Temporary Storm Shutter/System Listing

As mentioned under the discussion of requirements for Shutters, permanent, operable wood shutters support the coastal impression and so are strongly recommended as the storm protection solution for an Island home.

If a property owner chooses to use a temporary shutter type for storm protection, the following list indicates requirements with respect to certain types of temporary shutters. Technology has created a growing number of options for storm protection systems, so this list is not all-inclusive. Property owners wishing to use a shutter type not listed here need to contact the ARC administrator to determine if ARC review and approval is required.

Temporary shutters are a storm protection measure and so are expected to be removed in a timely manner after the danger has passed, in order to maintain the aesthetic appearance of the property.

**Aluminum or Steel Panels:** Aluminum panels provide a lightweight alternative to plywood. The lighter weight makes them easier to install and remove.

- Stainless steel brackets should be used to attach such panels to avoid corrosion in Bald Head's harsh environment. Additionally, they detract from the natural wood casing appropriate to the coastal Carolina cottage style. As such, the use of this type of system is prohibited unless the attachments are concealed.

**Roll-down shutters:** Roll-down shutters are available in both metal and PVC. They can be motorized or manual. (Rollaway)

- Because of their size, roll-down shutters are prohibited unless concealed from view when not in use.

**Accordion shutters:** Accordion shutters are typically manufactured of extruded aluminum.

- Accordion shutters require 1" of stacking space for every 1' of opening.
- Accordion shutters are prohibited unless concealed from view when not in use.
- These shutters require top and bottom tracks. As with the aluminum panel systems, the tracks must be concealed. The attached drawings are examples of accordion installations that would be acceptable.

**Transparent Shields** - There are now a variety of "transparent" window shielding systems available, such as StormGuard Protection™ systems (ABS plastic material) and HuriSafe Systems™ (Lexan). Property owners who wish to leave these two particular systems up on a permanent basis may do so if the transparent shields are flat (not corrugated).

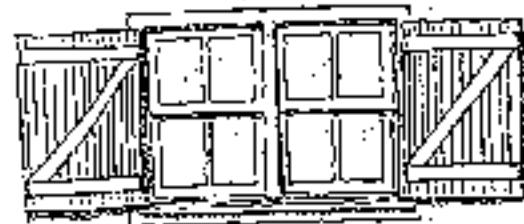
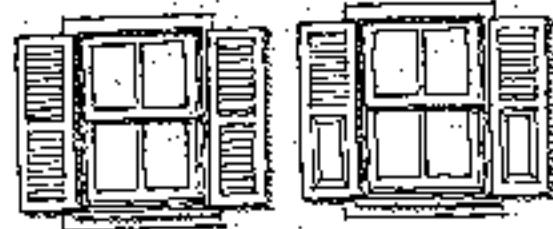
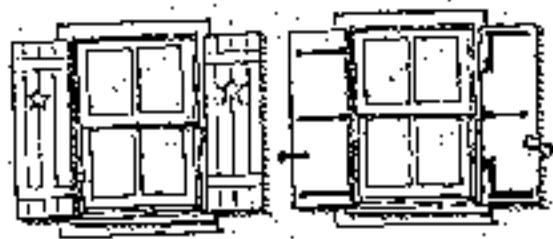
**Plywood Panels:** Plywood panels are an inexpensive, quick way to provide temporary storm protection. ½" or 5/8" plywood panels can be nailed in place with duplex nails and removed after the storm threat passes. Plywood panel ratings are available from the APA (American Plywood Association, PO Box 11708), Tacoma, Washington, 98411).

Because nailing can damage exterior millwork, permanent stainless steel lagged studs should be installed.

- Plywood shutters should not bend more than the slitter span (in inches) divided by 30 or no more than 2". This is based on the pressures associated with 120 mph winds.
  - If the span is large enough that the bend will be more than 2 inches, stiffeners should be added.
- Steel lagged studs coupled with stainless steel wing-nuts and a set of labeled, pre-drilled painted plywood panels creates a quick system for installation and removal.

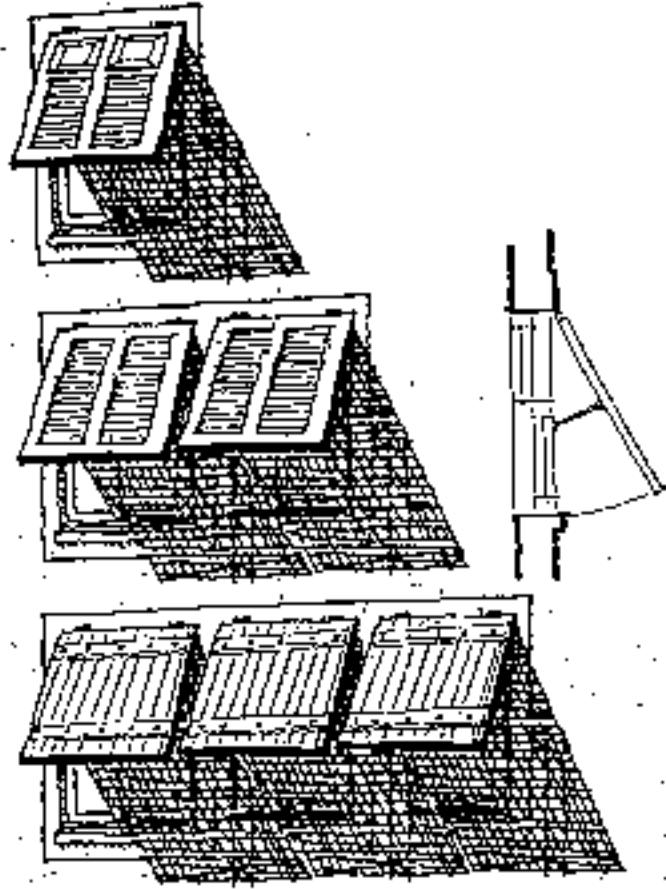
**Suggested Reading:**

1. Making Buildings Safer for People During Hurricanes, Earthquakes and Fires; Edited by Andrzej S. Nowak and Ted V. Gikasbos; Publisher: Van Nostrand Reinhold, c.1990
2. Simplified Design for Wind and Earthquake Forces - 2nd Edition; by James Ambrose and Dimitri Vergiu, Publisher: John Wiley and Sons.

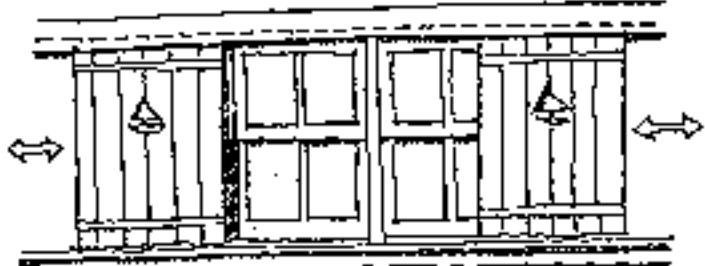


A. COLONIAL SHUTTERS

[2]



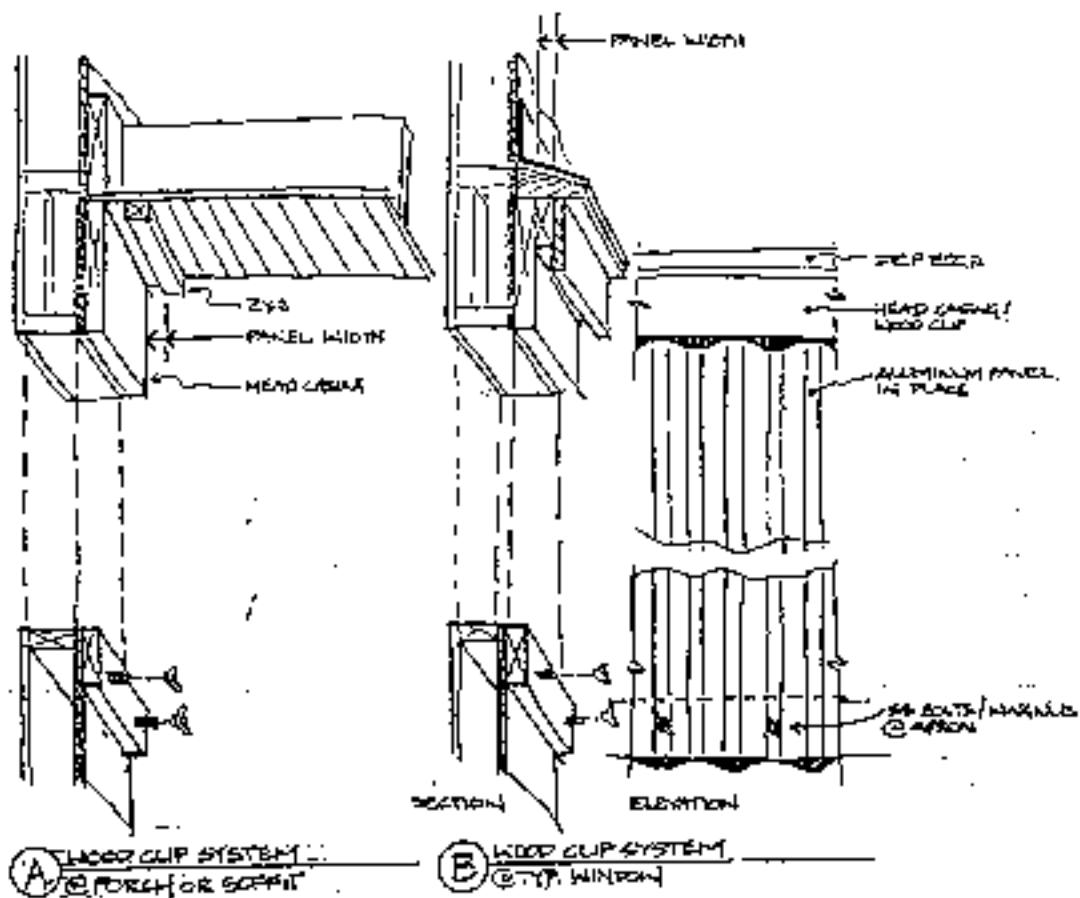
B. BAHAMIAN AWNING SHUTTERS



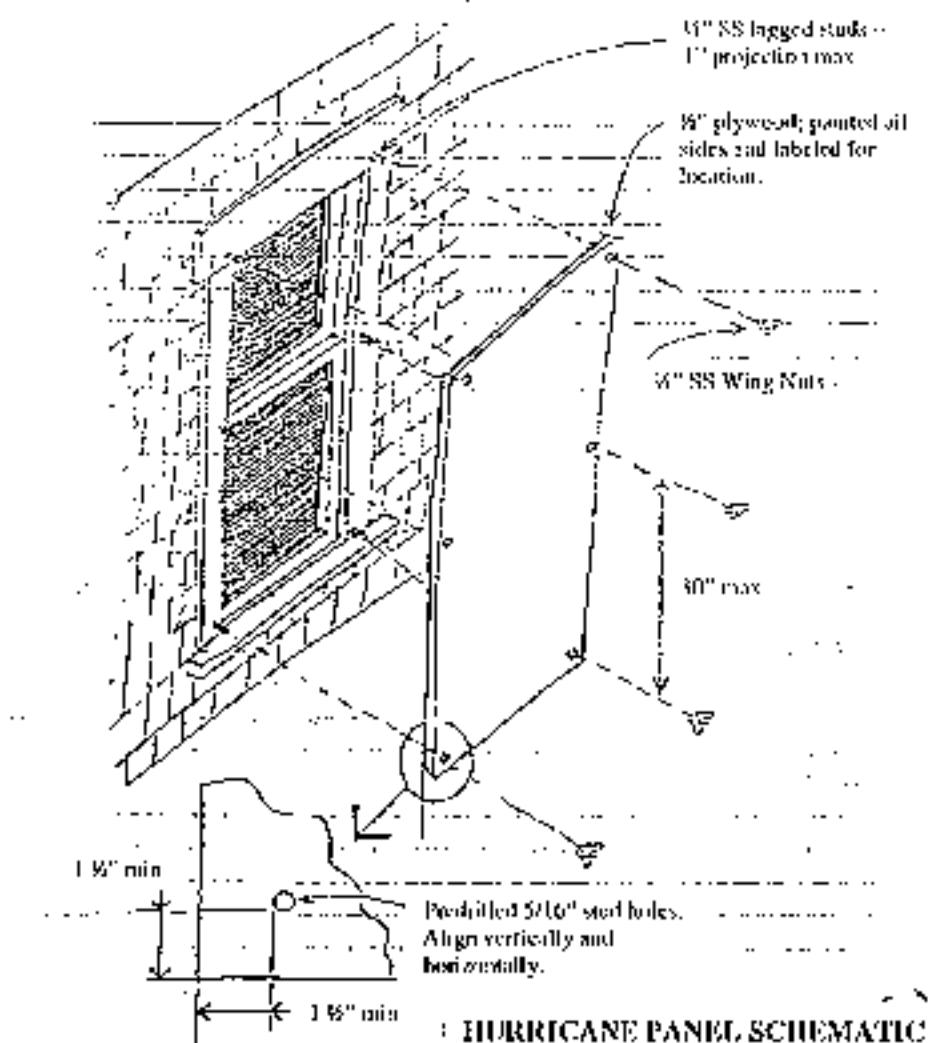
C. GLIDING SHUTTERS

3

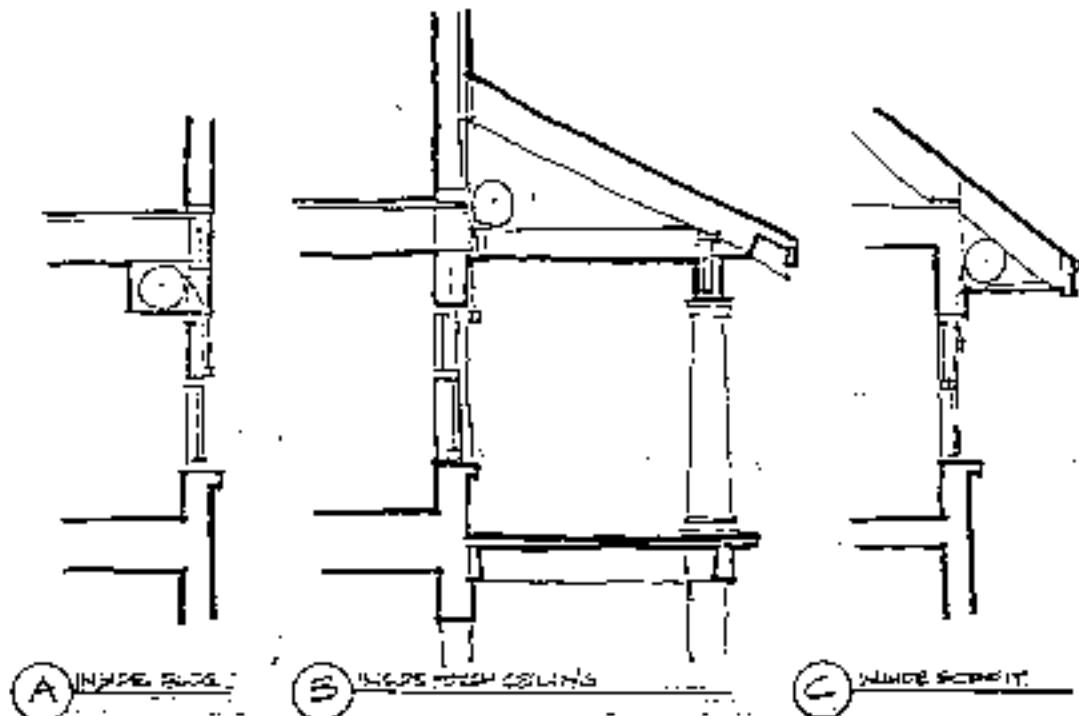
Aluminum or steel panels;



**Plywood Panels:**



**Roll Down Shutters:**



**Accordion Shutters:**



## **Appendix F**

### **Signage**

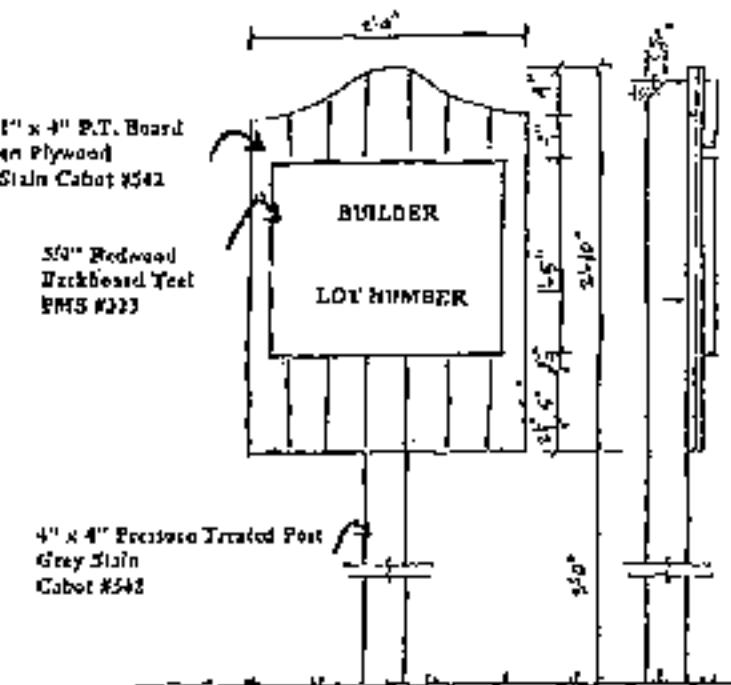
The following specifications detail the only approved commercial signage allowed in Stage I and the Harbour Village area. This includes the "For Sale" and "Open House" bollard caps, and builder/construction sign specifications. Also included in this Appendix are the specifications for the Village standard address bollard.

The ARC Administrator or Association Manager can provide guidance with regard to the specifications for these signs. They also have information on local manufacturers and costs of permitted signs.

Note, bollard cap spec for this  
page is in a different file, under  
Amendments,  
bollardamenddrawing.doc

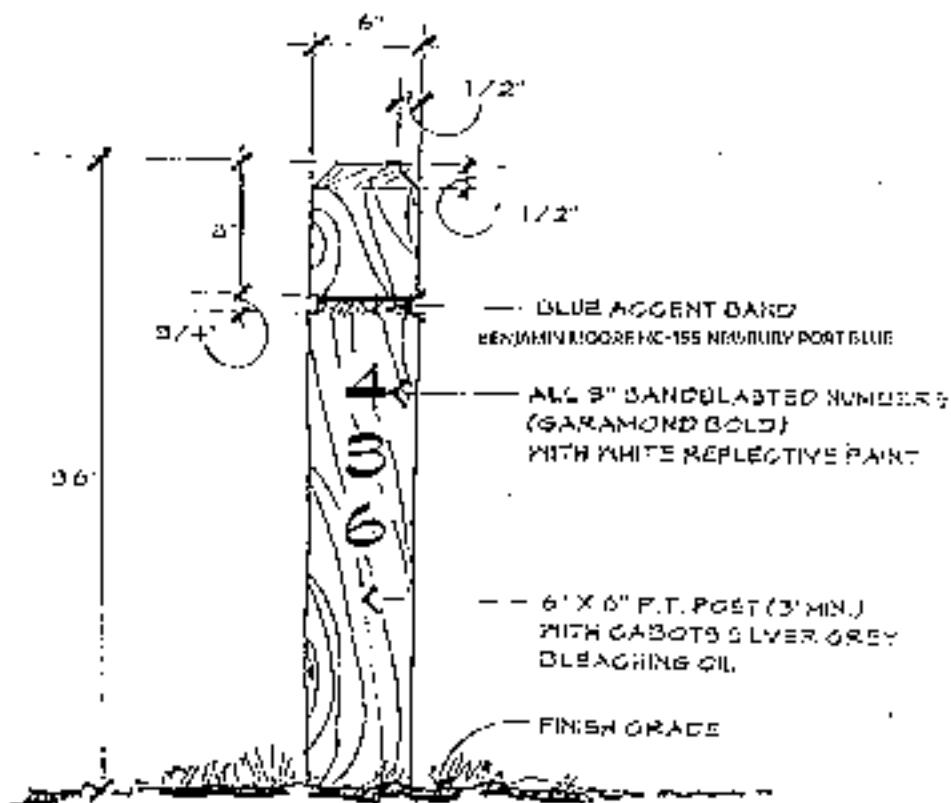
Note, open house cap spec for  
this page is in a different file,  
under Amendments,  
[bollardamenddrawing.doc](#)

## TYPICAL CONSTRUCTION SITE SIGNAGE



TEXT: "Garamond Ultra" U.C. & I.C.  
Sandblasted, Reflective White

Our specification for construction signs is similar to that of the For Sale bollard caps with respect to prohibiting logos, designs and deviations in color. Text, which includes the builder's name as it appears on the contractor's license and the lot number, is to be sandblasted, painted with reflective white paint on a solid teal plaque against a gray background in the font indicated. Should the residence be a custom home, it is acceptable to replace the lot number with their last name only and then "Residence"/"Cottage" (i.e. Smith Residence). This is the only embellishment permitted. All signage shall conform to Bald Head Island Architectural Review Standards and to the Village of Bald Head Island sign ordinance. Please keep in mind that the Village only regulates the size of the signage; Covenant restrictions establish colors, verbiage and other aspects of using signs that are often more strict than the Village. The members of the Association are bound by the Covenants.



### **STANDARD ADDRESS BOLLARD PER VILLAGE ORDINANCE AND ARC GUIDELINES**

**Refer to site plans for exact location of 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 ARC. The addition of an address bollard to an improved property is required to be approved by the ARC.

# **Appendix G**

## **AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BALD HEAD ASSOCIATION**

**February 2000**

### **ARTICLE 7 - DESIGN GUIDELINES**

#### **7.1 General**

(a) No structures, buildings, improvements or construction, which shall include within its definition, clearing, grading, excavation and other sitework, will be commenced, erected, or maintained upon any Unit or the Properties, nor will any exterior addition, change, alteration, or change of color be made, except in compliance with this ARTICLE, the Design Guidelines and until the plans and specifications showing the nature, kind, shape, heights, materials, and location of the same will have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Committee according to the provisions of Section 7.2. Structures, buildings and improvements shall include, but not be limited to any dwelling, garage, fence, wall, sidewalk, hedge, mass planting, change in grade or slope, drainage pipe, drainage canal, ditch, swale, catch basin, swimming pool, tree house, playhouse, sign, flagpole, exterior illumination, monument or marker, outdoor statuary, exterior lights, security lights, storm door, well utility facility, mailbox, patio, deck, screening for outdoor trash cans or other purposes, sprinkler system, driveway, outdoor decorative objects, shrubbery or landscaping.

(b) Any Owner may remodel, paint or redecorate the interior of structures on his Unit without approval. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications.

(c) This ARTICLE will apply to improvements in the Common Area by, or on behalf of, the Association.

(d) This ARTICLE will apply to improvements located on golf course property, but not to the design of the golf course.

#### **7.2 Architectural Review**

(a) Responsibility for administration of the Design Guidelines, as defined below, and review of all applications for construction and modifications under this Article will be handled by the Committee as described in this Section 7.2. The members of the Committee will be Members of the Association, and may not include contractors, builders, architects or others involved in the design or construction of structures on the Properties, except as may otherwise be provided in ARTICLE 17 herein. The Board may hire such professionals as it deems necessary to assist the Committee in the discharge of its duties. The Board may establish and charge reasonable fees for review of applications hereunder. These fees may include the fees charged

by any professionals employed by the Board and may require such fees to be paid in full prior to review.

(b) The Committee will consist of at least five (5) persons appointed by the Board beginning on January 1, 2000, and will have jurisdiction over all construction on any portion of the Properties. The Committee shall consist of five (5) members from January 1, 2000 to December 31, 2004 and shall have representation from Bald Head Limited as provided in ARTICLE 17. Thereafter, the Board may change the number of persons serving on the Committee to an odd number of at least five (5) and not more than nine (9) persons by a vote of not less than two-thirds (2/3) of the Board.

(c) The Committee will consider as part of the review process the natural beauty and features of the land, adherence to the Community Wide Standards, aesthetic compatibility of architectural style and materials with other structures on Bald Head Island, and will maximize the conservation of trees and natural vegetation.

#### **7.3 Design Guidelines and Procedures**

(a) The Committee will prepare design guidelines, application and review procedures (the "Design Guidelines"), and amendments thereto which shall apply to all construction activities within the Properties. The Design Guidelines may contain general provisions applicable to all of the Properties, as well as specific provisions which vary from one portion of the Properties to another depending upon the location, unique characteristics, and intended use. The Design Guidelines, application and review procedures, and any amendments thereto must be adopted and approved by the Board of Directors initially and reviewed at least every five (5) years thereafter.

(b) Any amendments to the Design Guidelines will apply to construction and modifications commenced after the date of such amendment only, and shall not apply to require modifications to or removal of structures previously approved once the approved construction or modification has commenced.

(c) The Committee will make the Design Guidelines available to Owners and contractors who seek to engage in development or construction within the Properties, and all such Persons will conduct their activities in accordance with such Design Guidelines.

#### **7.4 Submission of Plans and Specifications**

(a) No construction or improvements, as defined in Section 7.1(a), will be commenced, erected, placed or maintained on any Unit; nor will any exterior addition, change or alteration be made thereto, until the plans and specifications ("Plans") will have been submitted to and approved by the Committee. The approval of the Plans will be consistent with the Design Guidelines. The Plans will show site layout, structural design, exterior elevations, exterior materials and colors, signs, landscaping, drainage, lighting, irrigation, utility facilities layout, screening, and grading plans. The Design Guidelines will set forth the procedure for submission of the Plans. A reasonable fee for the review of the Plans will be required and submitted, along with the Plans and any other supporting documents required by Committee. The Board may require a deposit to be posted prior to the commencement of any construction or work, which will be used for administrative costs, fees, damage to any Common Area, fines, or penalties incurred during construction or work. Any sums still due and owing will be a Special Assessment and may be collected in accordance with ARTICLE 5 or to insure that construction

is completed in accordance with the Plans (including landscaping) approved by the Committee. Any costs remaining at the completion of construction will be returned to Owners or contractor.

(b) In reviewing each submission, the Committee will consider such parameters as the suitability of the proposed building, improvements, structure, landscaping, and the materials of which it is to be built; the proposed site; visual aesthetics; natural platforms and finish grade elevations; harmony of external design with nearby structures, property and environment; and location in relation to surrounding structures, property and plant life which it deems appropriate and to the extent they are anticipated in the Design Guidelines. The Committee may require relocation of native plants within the construction site as a condition of approval of any submission. Location of any driveways will be subject to the approval of the Committee.

(c) The Committee will have the right to refuse to approve any Plans which, based on the Design Guidelines, are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons, provided such approval is not unreasonably withheld.

(d) No bulldozing or clearing of trees or excavation of lakes or ponds will be commenced until the Plans showing the nature, kind, shape and location of work to be done have been submitted to and approved in writing by the Committee and a copy filed permanently with the Committee.

(e) The Committee, within forty-five (45) days after receipt of each submission of the Plans, will advise the party submitting the Plans, in writing, at an address specified by such party at the time of submission, of (1) the approval of Plans, or (2) the segments or features of the Plans which are deemed by the Committee to be inconsistent or not in conformity with this Declaration and/or the Design Guidelines. In the event the Committee fails to advise the submitting party by written notice within the time set forth above of either the approval or disapproval of the Plans, approval will be deemed to have been given. Notice will be deemed to have been given at the time the envelope containing such notice, properly addressed and postage prepaid, is deposited with the U.S. Postal Service, registered or certified mail, return receipt requested. Personal delivery of such written notice will, however, be sufficient and will be deemed to have been given at the time of delivery.

(f) If construction does not commence on a project for which Plans have been approved within 24 months of such approval, such approval will be deemed withdrawn, and it shall be necessary for the Owner to resubmit the Plans for reconsideration.

(g) An applicant of any Unit disagreeing with the finding of the Committee may appeal the decision to the Board of Directors by giving written notice of appeal to the president of the Association within fifteen (15) days following receipt of notice of denial. The Board may refer the matter to an independent board of appeals of at least three (3) persons appointed by the Board, none of whom shall be a member of the Board or the Architectural Review Committee. Such board of appeals appointed by the Board shall review the decision of the Architectural Review Committee and make a recommendation or take other action as directed by the Board. The rules and procedures under which such board of appeals operates shall be determined by the Board. The Board of Directors will then review the plans, giving the chairman of the Architectural Review Committee, or his designee, the opportunity to present to the Board of Directors specific reasons why the plans were rejected, and the Owner of the Unit or his agent may present information challenging the findings of the Committee. The decision of the Committee will only be overridden by a two-thirds vote of the Board of Directors, and the

actions of the Board must be consistent with this Declaration and the Design Guidelines. The Board of Directors will adopt an appeals procedure which is in accordance with the framework set forth in this paragraph.

**7.5     No Waiver of Future Approvals**

Each Owner acknowledges that the members of the Committee and the Design Guidelines will change from time to time and that interpretation, application and enforcement of the Design Guidelines may vary accordingly. Approval of Plans for any work done or proposed, or any other matter requiring approval, will not be deemed to constitute a waiver of the right to withhold approval for any similar Plans subsequently or additionally submitted for approval.

**7.6     Variance**. The Committee may authorize in its discretion reasonable variances or adjustments from compliance with any of its guidelines and procedures in order to alleviate practical difficulties and hardship in their enforcement and operation. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing; or (b) stop the Committee from denying a variance in other circumstances. Any such variances shall not violate the spirit or the intent of this document to create a subdivision of Units owned in fee by various persons with each such Owner having an easement upon areas owned by the Association.

**7.7     Limitation of Liability**. Review and approval of any application pursuant to this ARTICLE will be made on the basis of this ARTICLE and the Design Guidelines only and the Committee will not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Association, the Board, nor the Committee, will be held liable for any injury, damages, or loss arising out of the review and approval of any application. This includes, but is not limited to, the granting of a variance, the manner or quality of construction, defects in any Plans, deficiencies in kind or quality of materials used, or for ensuring compliance with building codes and other governmental requirements.

(a) Any structure placed or improvement made in violation of this ARTICLE will be deemed to be non-conforming. Upon written request from the Board, Owner shall, at its own cost and expense, remove such structure or improvement and restore the land to substantially the same condition which existed prior to the non-conforming work. Should an Owner fail to remove and restore as required, the Board will have the right to enter the property, remove the violation, and restore the property to substantially the same condition as it previously existed. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the Unit Owner and the benefited Unit and collected as a Special Assessment in accordance with the provisions of ARTICLE 5.

(b) The Association shall have the authority to establish fines for violations of this ARTICLE and the Design Guidelines, including fines for continuing violations. The fine amounts may be deducted from any deposit posted. If the fines are not paid, the Association may establish a Special Assessment in accordance with the provisions of ARTICLE 5.

(c) In addition to the foregoing, the Association shall have the authority and standing to pursue all legal and equitable remedies available, including injunctive relief and proceedings for contempt, to enforce the provisions of this ARTICLE and the decisions of the Committee in accordance with the provisions of ARTICLE 5.

## **7.8      Specific Design Guidelines.**

(a)      **Site Placement.** To insure that the maximum balance of view, privacy and breeze will be available to each home located within the Properties and to assure that all structures will be located with regard to the topography of each individual Unit or Multi-Family Site taking into consideration the height of the dunes, the location of trees on each Unit and similar considerations, the Committee will have the right of approval of the precise site and location of any Multi-Family structures, house or dwelling or other structure upon all the Properties. In its right to approve, the following guidelines for building will be used as a minimum standard, be adhered to, and be followed except with the prior written approval of Committee:

(1)      On Estate Lots no building or structure will be located within fifty (50) feet of the street property line in front of said Unit, within twenty-five (25) feet of the side or ten (10) feet of the rear of said Estate Lots.

(2)      Any setbacks or any allowed building pad shown on any recorded subdivision plat are incorporated herein by reference.

(3)      On all other Units except Estate Lots, no building or structure will be located within thirty-five (35) feet of the street property line in front of said Unit or within ten (10) feet of the side or rear lines of said Unit, and within fifteen (15) feet of any side street.

(b)      **General Building Restrictions.** Construction of numbered single-family Units within the Properties will be governed by the following general minimum requirements:

(1)      Except with the prior written approval of the Committee, all single family residences will have a maximum height of thirty-five (35) feet measured from the lowest natural point on the ground beneath a building and attached structures to the highest point of the roof. The Board will establish the maximum height of Multi-Family and Non-Residential structures as part of the Design Guidelines, which may not exceed forty-five (45) feet except with the prior written approval of the Board.

(2)      Except as provided herein, single-family residences will have the minimum square footage of fourteen hundred (1400) square feet of enclosed living area, exclusive of garages, boat sheds, terraces, decks and open porches. A maximum of three hundred (300) square feet of the square footage of the floor plan may be included in a fully screened porch, so long as the roof of such porch forms an integral part of the roof line of the main structure.

(3)      No temporary structures, such as trailers, tents, canopies or mobile homes, will be placed on any Unit 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 the building. No tents or canopies will be placed on any Unit without the written consent of the Association.

The Committee will approve the location of any structure, having regard for the foregoing considerations, aesthetic considerations, Community-Wide Standard, size, shape and location of the property, type of housing, and any other reasonable considerations. The Committee has the right to require maintenance and/or removal of plant material to protect an Owner's view.

(c) Completion. Once construction of a dwelling or other improvements is started on any Unit, the exterior improvements, including painting and landscaping must be completed in accordance with the approved plans and specifications within twenty-four (24) months from the date of commencement. Failure to complete construction within twenty-four (24) months from commencement date may result in a fine being imposed in the minimum amount of \$500.00 per month, which shall be payable to the Association. The fine imposed under this Section will be a Special Assessment enforceable in accordance with ARTICLE 5. Commencement date will be the date of the issuance of the building permit.

(d) Compliance with Local Regulations. Buildings must in all particulars meet the requirements of the Brunswick County Health Department regulations and the Village of Bald Head Island building code and ordinances, including the procuring of a building permit and landscape permit.

(e) Water and Sewer Service. All buildings must hook up to water and sewer service at the time of construction, whether provided by a private utility company or the Village of Bald Head Island.

(f) Non-Residential Guidelines. The Board may adopt specific guidelines governing any Non-Residential structure located within, annexed to, or merged with the Properties.

## **Appendix H**

### **Bald Head Association Common Area Policy**

#### **Introduction:**

The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Association recorded on February 14, 2008 and hereafter referred to as "the Covenants" state in Article 8 point 1:

The Association, subject to the rights of the Owners set forth in the Covenants, will manage and control the Common Area and all improvements thereon (including, but not limited to, private roads, rights of way, furnishings, equipment and common landscaped areas); and will keep it in good, clean, attractive and sanitary condition, order and repair, consistent with the Declaration of Covenants and the community wide standard.

#### **I. Purpose:**

To provide a statement of policy for the management and control of Common Area as defined in the Covenants of Stage One.

#### **II. Definition:**

Association Common Area is defined in the Covenants in Article 1.8 as all real property and facilities owned by the Association for the common use and enjoyment of all Members of the Association, including greenways, recreational areas, dunes, beaches and roadways. It is intended that the Common Area will include all of the Subject Property except platted lots, Multi-Family Sites, and other Non-Residential Areas, the golf course, clubhouse sites and sites established for utility purposes. A map of the Common Area is available for viewing in the Association office.

Limited Common Areas are those serving a specific neighborhood or complex (e.g. Ibis Roost, Timberneck, Royal James). Their ownership, maintenance and use are restricted to owners of properties within the pertinent neighborhood or complex. (Currently all properties of this type are privately owned by multi-family residences.)

Utility Tracts: There are tracts of Common Area currently owned by the Utility Company. These tracts are protected by Agreements between the Association and the Developer dated December 31, 1997 and March 20, 1998. These tracts are to be deeded to the Association when no longer required by the Utility Company.

#### **III. Applicability:**

This policy applies to Association Common Area only, not Limited Common Areas or Utility Tracts (until such time as a tract is deeded to the Association). A map showing all Association Common Area as of the map date is available in the Association offices.

#### **IV. Classification:** There are three (3) classes of Common Area:

1. Fairway – those tracts adjoining the golf course property.

2. Forest - those tracts located in the forest of Stage One that do not adjoin the golf course.
3. Dune/Beach - those tracts in Stage One that are located outside of the forested area and that do not adjoin the golf course, including waterfront properties.

#### V. 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 Park, Garden Area, Association Center.
4. Easements – granted where specific use or uses of Common Area is allowed for a specific purpose or purposes, e.g. utility easements, golf course easement, beach access.

NOTE: Common Area administrative practices must ensure that the assessment of a proposed change in Use of any segment of Common Area includes 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.

\* Per the recommendation of the Natural Resources & Beautification Committee, the classic definition of "maintenance" is upkeep - the work of keeping something in proper condition. On RHI, maintenance would involve working to keep the Island "litter free" and the clearing of natural growth that creates a hazard to people, animals, or to the natural environment. The goal should be to preserve and enhance the Island's natural beauty with plantings that are native and natural to the Island. Plantings and formal landscaping that would require watering and extra care would not fall under the definition of maintenance.

#### VI. All Common Area Classes:

1. The Association Board will consider the authorization and/or funding of the clean up of any Common Area where hazardous or unsightly conditions are deemed to exist, for example the aftermath of a hurricane or other environmental disturbance.
2. Recreational use of common area cannot violate other ordinances and laws, particularly those which protect the environment, such as walking on the dunes.
3. Property owners whose property adjoins Common Area may not have structures that encroach on Common Area, (i.e. setbacks must be adhered to). Exception: The Association has a specific policy pertaining to the construction of beach accesses for properties located on the beach front. (See Section IX, Dune/Beach.)
4. Every owner will have a right and non-exclusive easement of use, access, and enjoyment in and to the Common Area which shall be appurtenant to and pass with the title to every unit, subject to the Covenants, By-Laws, Rules and Regulations of the Association.
5. Common Areas are subject to easements for utility installation and cross-drainage as provided for in the Covenants in Article 12 (points 1 and 2).

## **VII. Fairway: Use and requirements for the Fairway Common Area**

1. Natural: If not landscaped as provided for in point (2) below, Fairway Common Area adjoined by and located between platted lots and the golf course must be left in its natural state.
2. Landscaping:
  - a. A property owner whose property adjoins fairway common area can apply for permission to clear common area to achieve a golf course view by submitting in writing a proposed plan of clearing to the BHIA Board or its designated committee. The property must fit the definition of a Fairway lot, noted under the Landscaping section of the Design Guidelines. In all circumstances, the clearing must be done in a manner consistent with the standards set forth in the Covenants and the Village of BHLI Zoning ordinance as amended 9/15/01 (i.e. removal of vines, underbrush, stumps, trash, dead trees and trees less than three inches in diameter (outside bark to outside bark) when measured four (4) feet above ground level, followed by appropriate mulching and care. Please review Appendix D for further guidance.). New plantings are restricted to native trees. Use of herbicides/pesticides is prohibited without permission.
  - b. Maintenance of cleared common area is the responsibility of the property owner whose property adjoins the common area. Failure to do so will be handled as a violation of the Covenants, falling under Article 11.2.
  - c. Requirements of a and b apply only to property which fits the definition of a fairway lot, identified in the Landscaping section of the Design Guidelines.
3. Utilization: See "Basements" (point 4 following).
4. Basements: The Covenants address this item as follows:

**12.10 Golf Course Restrictions for Fairway Units.** The following special restrictions will apply to all Units abutting, adjoining or lying contiguous to the golf course:

- (b) The owner of the golf course ("Golf Course Owner") is hereby granted an assignable "golf course maintenance easement area" of thirty (30) feet from the regularly mowed area of the golf course for the purpose of landscaping, planting of grass, watering the golf area, application of fertilizer to the golf area as needed, and otherwise moving and maintaining the easement area. This easement privilege will include the removal of underbrush, trees less than three inches in diameter (outside bark to outside bark) when measured four feet above ground level, stumps, trash and debris that would or could be in conflict with the plans and specifications of the golf course area as determined by the Golf Course Owner.
- (c) Golf Course Owner is hereby granted for itself, its successors or assigns, an easement to permit and authorize registered golf course players and their caddies to enter upon the golf course easement maintenance area to recover a ball or play a ball. This easement is subject to the official regulations of the course, and such entering and playing will not be deemed a trespass. Registered golf players or their caddies will not be privileged to enter the

golf course maintenance easement area on any Unit with a golf cart or other vehicle. Golf Course Owner, its successors or assigns, agree to place and maintain "out of bounds" markers on said lots at the expense of the Golf Course Owner, its successors and assigns.

5. Any conflict between the BII Club and a property owner over common area clearing or maintenance will be resolved by the BHA Board.

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

1. Natural: Forest Common Area shall be left essentially in a natural state except for segments which the Association Board 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 Area to be landscaped.
  - b. Landscaping of Forest Common Area for personal/individual use is not allowed.
3. Utilization:
  - a. The Association may construct on Forest Common Area such facilities as they determine are required for the common use and enjoyment of the membership and in accordance with the Covenants and By-Laws of the Association.
4. Easements: Only as noted in Section VI, "All Common Area Classes."

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

1. Natural: Dune/Beach Common Area shall be left essentially in a natural state except for segments which the Association Board 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 Village Beach Committee and approved by the BHA Board.
  - b. In the interest of dune stabilization, the Association Board may, after assessment, give permission to the Village of Bald Head Island for implementation of structures and plantings on Common Area on the waterfront.
3. Utilization:
  - a. The Association may construct on Dune/Beach Common Area such facilities as they determine are required for the common use and enjoyment of the membership and in accordance with the Covenants and By-Laws of the Association.
  - b. Beach accesses are considered for waterfront homes only. Waterfront homes are defined as properties from which a straight line may be drawn at a 90 degree angle from the middle point of the water facing elevation to the water's edge without crossing any portion of adjoining lots.

c. Structural Requirements for Beach Accesses:

- Private Beach Accesses constructed after 01/01/2002 must adhere to the concept of "shared accesses for adjacent lots where possible." If it is possible to join to an adjacent access, a separate access for individual lots will no longer be permitted. 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.
- 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.

**X. AMENDMENTS TO POLICY**

This policy may be amended as needed by a 2/3 vote of the BHA Board of Directors.

**XI. COMMON AREA ADMINISTRATION COMMITTEE**

Administration of Common Area Policy will be the responsibility of the Board or its designated committee. Depending on the frequency of issues to be resolved with respect to Common Areas, the Board may at any time decide to establish a standing committee specifically to administer this policy. The Board will also amend the By-Laws as required.

**XII. 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 BHA policies, is not intended to conflict with the Covenants. Where a conflict exists, the Covenants prevail.

This policy was approved at the Bald Head Association Board meeting February 15, 2002.

\*\* Note – for more details on the application of this policy, please ask the Administrator for a copy of the Common Area Practices and Procedures document.

# **Appendix I**

## **Village Ordinance Beach Accesses**

**ORDINANCE NO. 2001-047**

### **AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA, AMENDING ITS DUNES PROTECTION ORDINANCE**

**WHEREAS**, Chapter 4 of the bill incorporating the Village of Bald Head Island provides that the Village may regulate access to and across dunes to prevent or repair damage to dunes in order to provide protection against erosion or overwash; and

**WHEREAS**, the Village of Bald Head Island finds as fact that, because of potential erosion and overwash, the residents of the Village could be exposed to substantial damage and potential danger and that maintenance and protection of the dune system on Bald Head Island is of critical importance to the continued stability, health and safety of the residents of the Village of Bald Head Island;

**WHEREAS**, unlimited access over and across the dunes leads to erosion thereof and potential dangers to the health and safety of the property and the citizens and residents of the Village of Bald Head Island;

**NOW, THEREFORE, BE IT ORDAINED** by the Village Council of the Village of Bald Head Island, North Carolina, as follows:

**Section 1. Definitions.** The following words and phrases shall have the meaning set forth herein unless the context clearly indicates otherwise:

- a) "Access" shall mean those artificial walkways designated as the means of entry to the beach over the frontal sand dune.
- b) "Beach Access Point" shall be any public access as duly permitted or preexisting and non-confining private access.
- c) "Buildable Lot" shall mean a lot where a dwelling unit may be constructed.
- d) "Frontal Dune" shall mean the first mound of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms.
- e) "Owner" shall mean the corporation, person or persons, or other entity owning the real estate on or from which the access is to be located.
- f) "Private Access" shall mean an access intended for or restricted to the use of a particular person, group, or class.
- g) "Public Access" shall mean an access intended for use by the general public.
- h) "Street" shall mean any public thoroughfare or privately owned street, which affords a means of access to abutting property.

- i) "Vegetation" shall mean any significant plant growth, both naturally occurring and planted, on or along the Frontal Dune such that the plant growth affords stabilization to the Frontal Dune.
- j) "Waterfront Lot" shall mean 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.

**Section 2.**

- a) It shall be unlawful for any person to traverse or walk upon, over or across or to damage, in any manner whatsoever, the Frontal Dune at any point within the corporate limits of the Village of Bald Head Island other than at "Beach Access Points". There shall be maintained at the office of the Village Clerk a schedule of points designated as "Public Beach Access Points" which are approved for use by the general public and which shall be duly marked as to be readily identifiable as "Public Beach 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 CMA permit thereof have been obtained from the Building Inspector in accordance with the provisions of this ordinance.

**Section 3.** Any person desiring to construct, erect, remodel, reface, relocate, expand or otherwise alter any private access shall make application to the Village of Bald Head Island Inspector Department for a permit therefor. Applications for permits shall contain or have attached to them the following information:

- a) The street address, lot number, and tax parcel number of the property from which the private access will be located.
- b) Names, addresses, and telephone numbers of the applicant, owner of the property, and the person or contractor constructing the access.
- c) A site or plat plan of the property, showing accurate location of the proposed access in relation to existing structures, property lines and setbacks.
- d) Two (2) 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.
- e) 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.

**Section 4.** - Private accesses shall be constructed in accordance with the following standards and any permit therefor shall require conformity to the following:

- a) Width shall be no more than forty-eight inches (48");
- b) Height above grade shall be at least eighteen inches (18"), but no more than twenty-four inches (24");
- c) Pilings shall be installed at least three feet (3') deep, but no more than five feet (5') in depth;

- d) 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;
- e) Construction of any private access shall be in accordance with the NC Building Code;
- f) Handrails on any private access shall be prohibited unless otherwise required by the North Carolina Building Code;
- g) Permitted private accesses shall be constructed to follow the natural contour of the Frontal Dune; and
- h) Private accesses shall be permitted only from waterfront properties.

**Section 5.** 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 3 above or which shows non-conformity to the construction standards set forth in Section 4 above shall be rejected as either incomplete or non conforming. 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 4 above, 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 twenty-one (21) days of such alteration or other disruption.

**Section 6 –** Private accesses existing at the time of the adoption of this ordinance and which are, for any reason, non-compliant herewith are hereby determined to be preexisting non-conforming. It is the intent of this ordinance to allow these preexisting non conforming accesses to exist until they are removed, discontinued or damaged such that the cost of repair exceeds fifty percent (50%) of the cost of replacement of such access. Repair, replacement, erection or remodeling, relocating or otherwise altering any preexisting non conforming access, which is removed, discontinued or damaged in excess of fifty percent (50%) of the replacement cost thereof, shall be in conformity with this ordinance.

**Section 7.** Any person who shall violate this ordinance shall be subject to a civil penalty in an amount of One Hundred Dollars (\$100.00) for each 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 payable to the Village within 24 hours of issuance of a civil citation. Further, any person who shall violate this ordinance shall be guilty of a Class 3 misdemeanor, punishable by imprisonment and/or a fine of \$500.00, for each violation, pursuant to North Carolina General Statutes 14-4. Additionally, this ordinance may be enforced by injunction and orders of abatement, together with all other remedies available to the Village under G.S. 160A-175(c) or other state law.

**Section 8 –** Upon adoption, this ordinance shall supersede that ordinance entitled "Dunes Protection Ordinance" dated February 20, 1998, as amended August 19, 2000.

Adopted this 21<sup>st</sup> day of October, 2001.

## **Appendix J**

### **Village Ordinance Tree Cutting/Removal**

**ORDINANCE NO. 2001-012**

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA,  
AMENDING THE TEXT OF THE ZONING ORDINANCE, ARTICLE 3.4, ENTITLED  
"LANDSCAPE PERMITS AND BUILDING PERMITS", AND ARTICLE 8.5(2)2.I, ENTITLED  
"PRE-STAKING OR PRE-CONSTRUCTION LOT CLEARING".**

**Article 3.4, Landscaping Permits and Building Permits, Section A, Issuance of Landscape Permit,** shall be amended to read as follows on the last paragraph:

Provided, however, that nothing herein 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 (3) inch and smaller caliper trees,

with the following paragraphs being added:

Cutting of any tree or trees with a three (3) inch caliper or greater at four feet above grade without first obtaining a proper landscaping permit will require the offender to obtain a permit, pay the required fine, and mitigate loss of such tree or trees.

Pruning tree branches and/or limbs larger than five (5") inches in caliper without first obtaining the 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.

As a part of mitigation, the offender will be required to replant a tree(s) of like kind and of the same size as the cut tree(s), within one hundred and eighty (180) days of fine, guaranteeing the tree(s) to survive for one year after replanting date. The Building Inspector must approve the locations of the replanted trees. If the caliper of the cut tree is greater than twelve (12) inches, the offender will replant a number of trees to equal or exceed the caliper of the cut tree. The replanted trees will have a minimum caliper of four (4) inches per tree. Fines will be \$500.00 per inch of caliper at four feet above grade of the cut tree.

In the case of "competing trees" the Building Inspector shall make a decision of which tree to remove. The removal of dead trees with a three (3) 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.

**Article 8, Zoning Districts and Regulations, Section 2, Performance Standards, Sub-Section 2.1,  
Pre-Staking or Pre-Construction Lot Clearing,** shall be amended to read as follows:

Some clearing of understory trees and shrubs may be required to prepare a site for sale or survey, or to stake the proposed building site. Permitting to clear such understory trees and shrubs shall not be required by the Building Inspector, but shall be limited to such vegetation with a three (3) inch caliper or less at four feet above grade.

## Appendix K

### Glossary of Terms

1. **Arbor** - An area shaded by trees, shrubs, or vines on a latticework structure.
2. **Caliper** - Diameter of a living tree. This is measured using an instrument called a caliper, hence the name.
3. **Casement** - a window sash that opens on hinges at the sides.
4. **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.
5. **Coastal Zone (VR)** - This is the zone subjected to wave action (velocity), ocean hazard areas as defined by CAMA. Typically beach properties.
6. **Cupola** - A dome, especially a small dome on a circular or polygonal base crowning a roof or tower. Usually only decorative in modern homes. Older cupolas can be reached by stairs.
7. **Deck** - A roofless, outdoor floored area that adjoins a house.
8. **Dormer** - See pictorial example and definition on following page under Roof Terminology.
9. **Divided Lights** - a description of a window separated into panes by muntins or other forms of dividers.
10. **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.
11. **Dune Ridge** - The dune ridge on Bald Head Island is the raised ridge of land that runs from West to South across the island. It is a structure, like most dune ridges, that has built up over many decades. Its main function is to form a protection from wind and water for the maritime forest.
12. **Penetration** - The arrangement and design of windows and doors in a building.
13. **Gable** - See pictorial example and definition on following page under Roof Terminology.
14. **Grade, Average** - Grade is simply the topography of a lot, or the ground of a lot. Average grade sums up the varying elevations of the grade measured around the perimeter of the building and divides them to come up with Average Grade.
15. **Grade, Mean Finished** - Mean finished grade is the same thing as finished average grade. This is found by summing up the varying elevations around the perimeter of the building after grading is complete and dividing them to find the mean finished grade.
16. **Grade (Verb)** - to prepare the topography of a lot for a construction by leveling or building up different areas on the lot.
17. **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 buildings, paved walkways/driveways, or decking without sufficient spacing between the boards (less than 4"). It would also include

**infiltration**, for though water can penetrate soil, it does not percolate into the spaces of the ground beneath quickly enough to earn a pervious rating.

18. **Massing** - the composition of building forms. Good massing is exemplified by an orderly, well-proportioned composition of building forms.
19. **Muntin** - a strip separating panes of glass in a sash.
20. **Pergola** - An arbor with an open roof of rafters supported by posts or columns.
21. **Porch** - A covered deck attached to a building; may be open or partly enclosed.
22. **Shed** - See pictorial example under Roof Terminology.
23. **Soffit** - See pictorial example under Roof Terminology.
24. **Trellis** - any structure made of pieces arranged in a crossing pattern to form a ladder for climbing plants.
25. **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.

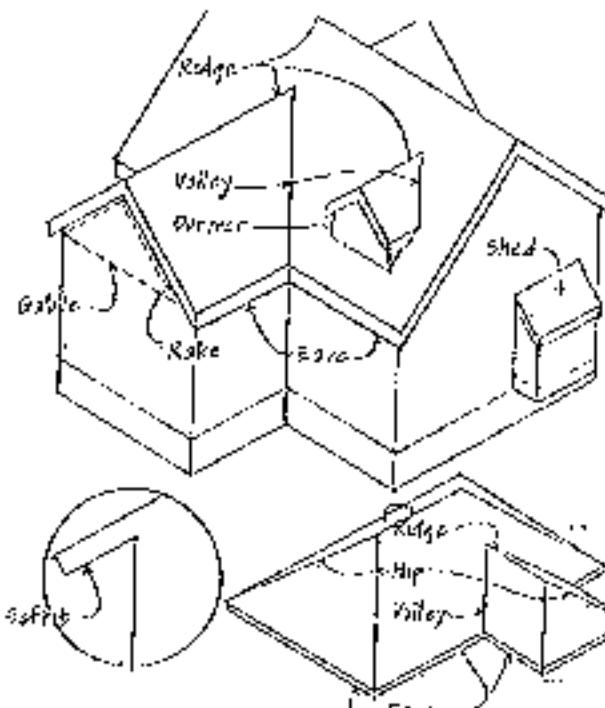
#### ROOF TERMINOLOGY

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

#### Further Descriptions:

**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.



ROOF TERMINOLOGY