

MIRLO BEACH HOMEOWNERS ASSOCIATION,  
INC.

DECLARATION OF PROTECTIVE COVENANTS  
AND RESTRICTIONS FOR ALL SECTIONS

ARTICLE I

RESIDENTIAL AREA COVENANTS

1. Residential Use. No lot within the Mirlo Beach Subdivision, except Lot "A" in Third Section, shall be used except for residential purposes, and no buildings thereon shall be erected, altered, placed or permitted to remain on any lot other than one single-family residence--expressly excluding duplexes, double or multiple unit houses--and any accessory buildings approved in accordance with Paragraph 3 of this Article. Only one family shall occupy the same main dwelling and its accessory buildings, provided, however, that servant's quarters or a guest suite, approved in accordance with the terms of Paragraph 3 of this Article may be erected, but such facilities may not be sold separately from the main premises. No business activity may be carried on upon the property at any time, except a "home occupation" as defined in the Dare County Zoning Ordinance, or a bed and breakfast home. Nothing herein shall preclude the Declarant, its subsidiaries, affiliates and employees from using all or a part of the dwelling owned by them for the purpose of carrying on business directly related to the development and/or management of the subdivision. Lot "A" in Third Section is expressly reserved for a lodge/restaurant/club house site, or for subdivision into other single-family lots, in accordance with other provisions of these Covenants.

2. Subdivision of lots. Time Sharing. Interval Ownership. No lot shall be subdivided except Lot "A" in Third Section or its boundary line changed. However, this does not preclude two or more lots being combined and used as one lot. No unit of ownership or ownership interest may be subdivided to permit SELLING OF "Time Sharing" or other devices to effect interval ownership. For the purposes of this section "Time Sharing" or other devices to effect interval ownership shall include but not be limited to ownership arrangements, including uses of corporations, trusts, partnerships or tenancies in common, in which four or more persons not members of a single household have acquired, by means

other than will, descent, inheritance or operation of law, an ownership interest (directly or indirectly, equitable or legal) in the same dwelling unit and such owners have a formal or informal right-to-use or similar agreement.

3. Approval of Plans. No building or other structure, site work or clearing preparatory to construction shall be begun, added to, maintained or reconstructed on any lot until the plans and specifications for such work have been received and approved by the Architectural Control Committee (hereinafter referred to as ACC) of the Mirlo Beach Homeowners Association, Inc. (hereinafter referred to as MBHA). Before commencing such review, a lot owner shall submit to the ACC three complete sets of plans and specifications including, but not limited to: site plan, foundation plan, floor plan or plans, the four directional elevations, schedule of proposed exterior colors and materials, and electrical prints. Detailed requirements for submission are outlined in the architectural guidelines. No change shall be made from such approved plans and specifications, nor shall subsequent alterations be caused to be made to the site or building, without the written approval of the ACC. In the event that the ACC does not deny approval of the plans within thirty (30) days from the date of receipt of the same, the plans shall be and are deemed approved and construction may begin by the owner. Such submission must be received by certified mail return receipt, or delivered in person to a committee member and a dated receipt issued to the owner--if terms of this paragraph are to be invoked.

The ACC may approve the plans, siting and specifications completely, conditionally, or refuse approval upon the grounds including purely aesthetic considerations, which in its sole discretion shall appear warranted to protect the beauty and harmony of the subdivision. In no event shall the ACC, in the exercise of its discretion, approve plans for any main residence with a total area of less than 1,200 square feet of enclosed living space, excluding garages, guest houses and accessory buildings for lots which are not oceanfront or soundfront, nor less than 1,700 square feet for oceanfront or soundfront lots. Maximum footprint allowed by Coastal Area Management Act (CAMA) must be complied with. If submissions are incomplete, they may be returned by the ACC without action, with request for re-submission when data is complete. The time for approval by the ACC shall run only from the time of the submission with complete data (thirty-day working time is allowed the ACC).

Where construction of any improvement required to be approved shall not have been begun before the expiration of one (1) year following approval, said approval shall be void and of no effect; the plans for such improvement shall be re-submitted, and the ACC may, in its discretion, either confirm its earlier approval of the plans or disapprove them.

4. Building Locations. The ACC has the right to determine (subject to the Dare County Building Code requirements) the exact location of any building or other structure to be located on the lot. Such location shall be determined only after a reasonable time has been allowed the ACC to review said plans. In no event shall the ACC, in the exercise of its discretion, approve the location of a residence, garage, or guest house within 25 feet of the front line of said lot; within 10 feet of the sidelines of said lot; or within 20 feet of the rear lines thereof. The front line shall be the line adjacent to the street, except for corner lots in which case the front line shall be the shortest line adjacent to either street. Where a greater setback is shown on the subdivision plat the same shall apply instead of the setbacks in this paragraph. Where the Dare County subdivision ordinance prescribes more stringent setback requirements, they shall govern. Only one main building per lot or combined lots is permitted, except Lot "A" of Third Section.

In the event the contours, elevation or other physical factors of any lot are changed as a result of storm, weather conditions, erosion or other natural causes, then and in that event the Declarant, by and through the ACC, reserves the right to modify these requirements to the end that such lot or lots may be used for residential purposes.

5. Completion of Building. Each building and structure erected upon said lot shall be completed within 18 months after issuance of approvals, except where completion is impossible or would result in severe hardship to the lot owner or the builder due to causes not in his control. In such circumstances the owner may apply for a continuance of approval without prejudice.

6. Utilities. All utilities, except electric power, shall be placed underground, and the erection of any exposed antennas shall be done only with the approval of the ACC. Electric lines are optional above- or under-ground, but under-ground is recommended.

7. Screening. Each lot owner shall provide screening from public view, approved by the ACC, for garbage stations, fuel tanks, service yards, air conditioning units, clothes lines, water tanks, rubbish storage receptacles, or for any other permanent facility which the ACC, in its sole opinion, shall require to preserve the beauty and harmony of the development.

8. Driveways. All driveways shall be paved with concrete. Each drive must have adjoined and adjacent to the street a garbage can pickup pad not less than 3 feet by 5 feet, nor larger than 5 feet by 8 feet (this is for the purpose of helping to preserve and prevent damage to the fragile ground environment by heavy handling).

9. Pilings. All dwellings which are constructed on a foundation of or are supported by pilings shall utilize as a minimum eight inch by eight inch pilings of the same or greater characteristics which shall be buried no less than eight feet below the surface of the ground; or shall conform to the requirements of the Dare County building codes and to CAMA requirements, whichever is more stringent.

10. Temporary Structures. No temporary structures, such as a trailer, tent or shack, shall be placed upon any lot before, during, or after completion of construction of any buildings and structures, except for such structures as are normally used by construction contractors during the period of construction. Such temporary structures shall be promptly removed after completion of construction, and may not be used as residences while on the property.

11. Vegetation. No sand dunes shall be disturbed during construction without the express written consent of the ACC which shall require proposal for the restabilization of any such disturbed area. Any vegetation disturbed during construction shall be repaired to the satisfaction of the ACC. This shall not prevent the Declarant from engaging in such clearing, mowing and pruning activities as are necessary to maintain the overall plan of development.

12. Sewage Disposal. Prior to commencing construction of any residence, application permits for private sewage disposal shall be obtained, with the location and size of such proposed facility to be approved by the Dare County Health Department.

13. Attachment of Utilities. Electrical utilities shall be attached only after the Dare County Building Department has issued permit to do so. Visibly exposed satellite TV dish antennas are specifically prohibited from installation and connection within Mirlo Beach. Solar panels may be considered on a case-by-case basis but must be aesthetically concealed and be acceptable by the ACC.

14. Occupancy. No single-family residence erected upon any lot shall be occupied in any manner prior to completion of construction and the connection of permanent utilities, nor shall it be occupied in any manner until a final inspection as provided for in the Architectural Guidelines has been made and approved by the chairman of the ACC, in writing, in the form of a certificate of occupancy.

15. Signs. No signs, except temporary "For Sale" or "For Rent", a sign giving the name of the house or owner, and a small house number to be specified by Dare County, shall be erected on any lot. Permitted signs shall be no larger than four square feet in area, although the ACC may consider a larger sign not exceeding 10 square feet provided most of that sign is in the form of art

work logo. The Declarant and the owner of Lot "A" shall not be prevented from erecting such signs as may be deemed necessary to the operation of the subdivision or the normal conduct of its business, subject to the approval by the ACC. For the period of construction only, one general contractor's sign not exceeding four square feet may be allowed.

16. Fences. The only fences permitted within Mirlo Beach shall be those for erosion control, dune stabilization, and screening within the common areas; and other fences only under special and unusual circumstances. Any and all such fences will be permitted only with an appropriate approval by the Declarant, in writing.

17. Pets. No animals of any kind shall be kept, raised or bred on any lot, except a reasonable number of the usual household domestic pets such as dogs or cats, provided that such pets shall not be kept, raised or bred for commercial purposes and provided that all pets are kept under the control of their owner at all times. The provisions of the Dare County Animal Control Ordinance must be strictly observed.

18. Vehicle Storage. Upon construction of a residence the lot owner shall provide a paved surface for the parking of at least two vehicles off the road (more parking is recommended for rental homes). The storage of travel trailers, campers, trucks and self-propelled mobile homes shall be permitted only to the rear or side of any structure nearest the street. Campers, travel trailers, trucks, self-propelled mobile homes, and other vehicles of that nature shall not be lived in while parked on the lot.

19. Access to N. C. Highway 12. No driveways or other access shall be constructed or allowed directly to or from N. C. Highway 12. Access shall only be permitted to and over the subdivision streets. Exception to this is granted only to Lot Numbers 1, 2, 3, 4, 5, 6 and 7 in Block 3, First Section, which has access only from N. C. Highway 12.

20. Nuisances. It shall be the responsibility of each lot owner to maintain the exterior of his residence and the surrounding grounds of his lot in a clean, tidy and safe manner. No lot shall be used in whole or in part for the storage of anything which might cause such lot to appear cluttered, unclean or obnoxious to the eye; nor shall any substance, thing or material be kept on any lot that might emit foul or obnoxious odors, noises or other conditions that will or may disturb the serenity, safety or comfort of the occupants of surrounding property. No noxious or offensive activity shall be conducted upon any lot or in the common elements, nor shall anything be done thereon tending to create a nuisance to the neighborhood.

MIRLO BEACH HOMEOWNERS ASSOCIATION, INC.  
(MBHA)

ARCHITECTURAL GUIDELINES

I. Purpose

A. To promote an understanding of land use and of architecture based on traditional styles appropriate to the unique seashore environment.

B. To outline the procedure by which individual owners may obtain approval to build houses on lots in Mirlo Beach.

C. To define the basic requirements governing building of houses and the aesthetic and environmental considerations affecting siting of houses on individual lots.

D. To maintain the quality of the community.

II. Submission Procedures

The complete plans and specifications for each project shall be submitted to the committee chairman in three copies. Submission requirements apply to existing houses (for addition or change) as well as to new structures. Response will be withheld if assessment due MBHA is delinquent. If a new owner has not yet taken title to the property for which application is made, full approval response may be withheld until sale closing is complete.

A. Preliminary Review of Plans

As early as possible the preliminary site plan, floor plans, elevations and specifications should be sent to the Architectural Control Committee (ACC) for review. Plans should be to scale but need not be fully executed. Preliminary submission of plans in sketch form can save time and expense for the owner. The committee chairman will then respond, based on a conference with other members of the committee, and if necessary will contribute suggestions. Any changes or modifications suggested by the committee should be incorporated into the final plans.

## B. Submission of Final Plans

After submission and response to preliminary documents, the owner shall submit to the committee chairman in three copies complete plans and specifications which shall include but are not limited to:

- Foundation plans
- Floor plans
- Elevations
- Building sections
- Site plan
- Electrical plan
- Specifications

1. Foundation drawings showing pilings, beams, girders (including their size, location, depth of piling), cross and/or knee bracing, under-house parking slab, and any other pertinent information deemed necessary by the ACC to evaluate the foundation structure of the proposed house.

2. Detailed floor plans showing interior and exterior walls, window and door locations, major appliances, location(s) of HVAC units, dimensions, window and door types, deck sizes and layout, stairways and any other feature of the building. Floor plans to be dimensioned and drawn to an acceptable, established and indicated scale.

3. Four elevations. At least one elevation to be drawn to a scale of  $1/4" = 1'0"$ . Elevations to clearly indicate type of siding used, windows and doors with trim (where applicable), roof pitches, decks and railings, lattice, and to be of sufficient detail, clarity, and accuracy so that the ACC may accurately evaluate the aesthetics of the building under construction.

4. Building sections as required to insure that construction will result in a building that is structurally sound, to existing local and N. C. codes, and that the structure will appear as shown on the other drawings. Also include other details sufficient to depict special, unusual or unique features of the design for ACC review and consideration.

5. Site plan showing location of structure, metes and bounds, driveways (including garbage pickup pad) and parking, setback lines, septic area, well point site (if required), utilities, decks, walkways, and sign location (if exterior to house). Plans to be to scale and pertinent dimensions shown. Photostatic copy of small-scale surveyor's plat with information sketched in is not acceptable. The plat must be of sufficiently large scale to clearly identify all information depicted. Site plan shall include landscaping and restoration of vegetation to prevent erosion and promote enhancement of the property.

1) existing site plan  
 2) proposed  
 3) landscape plan  
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 restoration plan

6. Electrical plans must show location of lighting receptacles, switches, motors, fans and equipment. Electrical plans may be separate drawings or may be incorporated in floor plans if the drawing is clear, complete and legible. ACC will pay particular attention to exterior lighting.

7. Specifications shall include window and door schedules, interior and exterior wall coverings, floor coverings, ceiling schedules, roofing materials, floor joist sizes and spacing, rafter sizes and spacing, construction notes, stud sizes and spacing, equipment schedules, fixture schedules, and any other information required for construction.

8. Final drawings should bear the seal of an architect or professional engineer duly licensed in the State of North Carolina, when some structural element of the architecture requires it. The seal is not required for ACC consideration but may be required by the county building inspector before a building permit is issued.

9. Any set of plans that in the opinion of the ACC is not complete will be returned and consideration will not be made until additional information as requested by the ACC is included in the plans. The thirty-day time allowance on ACC response will not start until such time as the revised complete set of drawings are re-submitted to the committee as prescribed in the covenants. Any subsequent request for clarification or submission of additional information will constitute another re-submission under the same rules.

When the committee finds that the plans conform to the Architectural Guidelines, a letter of approval will be given for the proposed work. One set of project plan documents will be retained as permanent record for the MBHA, one returned to the owner, and one provided the general contractor.

#### C. Duration and Inspection

All projects must receive written approval from the chairman before application is made for a CAMA permit and a county building permit. Approval for a project shall be valid for 18 months. Extensions may be given at the discretion of the committee. There will be periodic inspections of the project by a committee member or agent of the committee during construction to ensure compliance.

#### D. Stake-Out of Lot After approval

An accurate stake-out of the lot shall be done showing boundaries and locations of improvements for the committee's review. A committee member or agent of the committee will check the stake-out. This review insures that the structure is located correctly according to approved plans and relates



harmoniously to neighboring structures, present and future. All efforts will be made to coordinate this inspection with county and CAMA requirements.

#### E. Final Inspection

A final inspection of the completed project will be made by a committee member or other agent of the chairman to see that everything has been done in accordance with the owner's full submission, and this approval shall be granted in writing in the form of a certificate of occupancy before the building is authorized to be occupied in any manner. This will be coordinated with county building inspector's final inspection when possible.

#### F. Enforcement

Failure to observe the Architectural Guidelines and the committee's recommendations will result in the matter being referred to the MBHA Board of Directors for appropriate legal action in terms of the covenants included in each owner's deed.

#### G. Approval

All letters of approval shall be addressed to the owner of record for each lot. Others submitting for the owner shall list the owner's complete name and mailing address.

### III. Design Guidelines

#### A. Theme

The construction of a beach house has a two-fold aspect. First, the design and specifications of the building. Second, the modification of the site required to accommodate the improvements. Beach homes are not built of basic need, but out of dreams and longings to be near the sea, close to nature, and a place in which to lead a simple life. The design of the house and its adaptation to the site should be sensitive to this. The form and style of beach home will reflect life at the beach rather than that of a suburban or city residence. As much as possible the surrounding land should be retained in its natural state. Themes should relate to the sea and the lure of its mystery, to the history of shipwrecks, the beach life, out-of-doors existence, the nautical proclivity, the simple life in the wilderness of the Cape Hatteras National Seashore, the Pea Island Wildlife Refuge of animals and migratory wildfowl, and the abundant fishing of the area.

## B. Design of the House

1. Style. The simple beach life should be reflected in the design of the cottage—primarily for outdoor living with the indoor area being for shade and shelter from the sun. Indigenous materials typically have been from nearby North Carolina mainland: pine, juniper or white cedar, poplar and cypress. Variety and distinction are to be found in roof lines, porch and deck configurations and shutters, typically historic to the Outer Banks. But adaptation to the convenience of modern living is necessary. Interpretation rather than imitation is invited.

2. Configuration, shape and form of the building. Observation of the older Outer Banks cottages and Coast Guard stations, and the mainland farm plantation homes from which they are derived, shows that each house has its particular character of individuality while bearing an affinity to surrounding homes. This is because designs are based on simple shapes with add-ons or pop-outs to accommodate changes in the family needs. The basic shape is square or rectangular, sometimes with an additional wing to give an L-shaped effect. Two-story homes are predominant, but a popular method is to incorporate the second floor within the high-pitched roof by adding and pushing out dormers to give plenty of head room. Avoidance of a design with a completely square or rectangular shape with a flat or nearly flat roof is essential. Completely round shapes (as the sole architectural component of the structure) are not in consonance with the theme of the development, although a lighthouse shape as one component is acceptable.

Two-story buildings with the living area on the upper floor are particularly suited since maximum views of the ocean and sound can be obtained on the upper level. Care must be taken to see that decks and porches on the upper level are balanced by decking and additions on the first level.

Views. Minimum size of interior space of homes shall be 1,200 square feet for lots not oceanfront or soundfront, and 1,700 square feet for oceanfront and soundfront lots. Maximum footprint allowed by CAMA must be complied with.

Similar designs of buildings on contiguous lots will not be permitted, because of the desirability of varying and unique designs within the overall community.

## 3. Exterior Characteristics

a. Roof Profile. Roof lines and pitches are one of the most important features, both for individual houses and for the overall appearance of the community.

Roof pitches typical of the older Outer Banks cottages are 7.5/12. This roof height is sturdy in high winds, cooler in summer and aesthetically pleasing. A minimum 7.5/12 roof pitch is the standard for house designs at Mirlo Beach. Steeper variation in roof line is desirable and encouraged. ("Pitch" as used herein is defined as the ratio of the vertical rise to the run, with the run being one-half of the span.)

Roof types are predominately gable and hip roof, often with dormer features. Intersecting gable and hip configurations, as well as differing pitches, add variety and character particularly to larger houses.

Roof extensions over decks to shade outdoor living areas is encouraged. Alternatively, attached low-pitched shed roofs may be added over porches.

Overhangs of broad roofs on the eaves and sides are encouraged to reduce sun penetration, to shade windows and to make possible venting through the eaves so that there is good air circulation in the roof above the insulation.

Roof materials may be either asphalt shingle or cedar shingle or shake. Asphalt shingles must be a minimum of 290 lb., but the 340 lb. shingle is recommended, particularly near the ocean where it is more resistant to strong winds.

#### b. Windows

Function. The size and location of windows is important for views ventilation and light, as well as for overall design. Careful attention to the position of windows in the structure can result in maximizing views and reducing heating and air conditioning costs. East facing windows will get maximum ocean views, direct morning sun and shaded afternoon sun. Northern windows let in light without direct sun. While they are good for cross-breezes in summer, large glass areas are cold in winter. West facing windows give the best view over Pamlico Sound, but they get the most direct sun for the longest period of summer. Those lots adjacent to the Pea Island Wildlife Refuge, although facing north, have a magnificent unobstructed view to the north (with a panorama covering both ocean and sound).

Size and Type. The minimum size of window permitted is 2446 (2'4" x 4'6") or equivalent, except for bathroom, kitchen and specialty areas. Living and dining areas should have 2846 and preferably 2852. Long windows combined with a set of glass doors reduce the need for several sets of sliding glass doors which are the source of heat gain and loss. Windows shall

be double-hung type. Swinging casement-type windows are not permitted. Awning-type windows may be allowed in special circumstances.

**Materials:** Wood frame vinyl-clad or aluminum-clad windows are the preferred variety. Double or, triple insulated windows with removable screens are recommended.

**Doors:** The main entrance to structure must be by a conventional door. Use of sliding glass doors as a sole means of entry is not permitted.

**Trim:** Windows and doors shall have surrounding wood trim (when design-mandated).

**Shutters:** Shutters can effectively reduce sun penetration and are good for securing the house during bad weather or in the absence of residents.

c. **Exterior finishes (siding, trim, ornamentation).** Exterior finish materials shall be wood. Materials may be white cedar or juniper, western red cedar or pine. Horizontal lap siding is allowed. Cedar fir veneer 4x8 is permitted, if 5/8" thick or greater. Cedar board and batten is also permitted as an exterior covering. Joints must be trimmed and flashed. Corners must also be trimmed (when design-mandated). Combinations of cedar shakes and horizontal siding, typical of some old Coast Guard buildings, are permitted. Trim should be a minimum width of 1" x 4".

d. **Piling Enclosure.** Main structure pilings shall be covered with a deterioration-resistant lattice, 1x4 horizontal boards spaced approximately 2 1/2 inches apart, and should begin at the bottom of the siding, band or girder. This feature with 2 1/2 inch spacing is a standard architectural commonality required at Mirlo Beach. Lattice shall be applied on the outside of main structure pilings. Main structure as herein used may also include an overhanging roof over decking or porch.

e. **Entrance Steps and Areas.** The primary entry to the house should be on the south or west side, since these sides are more protected from the north and east winds. The entrance steps and deck can add special character to the overall design--so variation in design, style and shape are recommended. A shed roof over the entry is permitted and recommended. Secondary steps are required for emergency egress.

f. **Porches.** Porches can be screened with full or partial screening. Porches and decks on the second floor may not overhang the first floor without proper balance on the first floor. Proper balance may be obtained by first floor deck, porch, living or functional structure.

g. Decks. Decking provides much used outside living space. It also adds interest and ornamentation to the exterior of the building. Built-in benches are permitted, but not along the whole of one side; they must be aesthetically acceptable and safe. Vertical pickets must be set into top and bottom rails, and are the predominant style of railing at Mirlo Beach. Other design arrangements of deck railing will be considered on individual submission.

h. Signs. The only permanent signs permitted are to display ONLY the name of the owner or cottage (as specified in paragraph 15 of Article I of the covenants) and a small house number to be assigned by Dare County (which is to be mounted as approved by the ACC, and must be at least 3" high).

i. Garbage Pickup Pad. Garbage pickup pads must be integrated into driveway at street, not less than 3'x5' not larger than 5'x8', as a part of the driveway flare into street.

j. Exterior Lighting. A low driveway light is recommended. Good lighting of entranceways and parking areas is important, and lighting of house name and number is acceptable. Floodlights are discouraged. Security-type mercury-vapor or sodium-vapor yard lights are expressly prohibited. No lighting should intrude in any way on neighboring property.

k. It is desirable to locate air conditioning units under the house when practicable--considering venting, protection from salt spray and mist, height of first floor above ground, and equipment manufacturer's recommendations. If located exterior to house footprint, units must be screened by lattice matching that of house.

l. Setback Lines. The Dare County Building Code requires that houses be 10' from the side lot lines and 25' from the front lot line. In most cases the house should be setback at least 20% of the lot length from the rear property line. CAMA setback requirements must also be adhered to on waterfront lots. Oceanfront houses must observe the CAMA setback line depicted on the subdivision plat. Soundfront houses must observe the maximum western building line depicted on the subdivision plat.

2. Location of House on Lot and Building Orientation. Careful observation of the lot and scrutiny of the plat will show ideal location for the view potential, privacy and the relationship of existing and future houses on nearby lots. The house should be sited to take advantage of maximum privacy, views and prevailing breezes. The ACC has the absolute right to reasonably modify the siting of every house so that each owner will have maximum benefits of views and privacy.

3. Septic Tanks and Drainage Fields. After siting the house, care should be taken by owners, builders and surveyors as to where the septic tank and drainfield should be placed so as to preserve as much vegetation as possible. Every effort should be made by contractor to protect mature shrubbery on the lot. Under no circumstances may vehicles or machinery use adjoining lots during construction.

4. Driveway and parking spaces. Each house must have a concrete paved driveway. Curved driveways are encouraged to maximize privacy and increase the natural appearance of the roadways. Each house must have parking spaces for at least two cars (more space is recommended for rental homes). A parking area beside or under the house is desirable for owners and guests.

5. Clearing and Restoration Plan. A plan showing areas to be cleared and shrubbery to be removed must be submitted with preliminary plans and site plan. A restoration plan showing stabilization of the lot and installation of landscaping appropriate to the surroundings must also be submitted. This plan may be completed seasonally, after completion of the house.

#### IV. Construction

It shall be the responsibility of each owner to incorporate the MBHA Regulation for Builders into his agreement with the builder. Copies are available from the ACC, or may be copied from this document. These regulations cover building responsibilities such as trash removal, signs, animal control, noise, damage to other lots, etc.

#### V. Enforceability

The ACC will refer any owner violation of these guidelines to the MBHA Board of Directors only after exhausting all attempts to reach an equitable solution to a disagreement. The MBHA Board is legally empowered to file suit against any owner who does not comply after reasonable notice.

#### VI. Review Process for Submission of Plans to Architectural Control Committee (ACC)

1. Owner is encouraged to submit preliminary sketches of proposed beach house to ACC chairman for preliminary approval to save cost of altering completed plans. This review will attempt to assure conformity to Architectural

Guidelines, county building and health department requirements. Appropriate comments will be made.

2. Owner or builder (not both) submits three sets of complete plans to the chairman of the ACC, in accordance with Section II of these guidelines. It is advisable to include county health department septic evaluation with this submission. Submission of plans must be received by certified mail return receipt, or delivered in person to a committee member and a receipt issued to the owner, if the 30-day response rule is to be invoked by owner.

3. Plans which are not complete or do not conform to guidelines will be immediately returned with appropriate comments, for re-submission.

4. Response to all submittals or re-submittals will be within a 30-day period, and the ACC is allowed 30 days when required.

5. When ACC chairman or other designated initial review committee member determines that in his opinion plan submission meets criteria of guidelines, submission of this total package will be routed to all ACC members for final approval.

6. In order to further assure that owner fully understands the approval and responsibility for construction the ACC will require an Affidavit of Acknowledgement before construction may begin.

7. ACC chairman will file this final approval and Affidavit of Acknowledgement, return one set of plans to owner and one to the general contractor, and notify owner or builder that CAMA and county permits may be applied for and construction may begin.

8. File of approved plans will be maintained at the MBHA office and will be marked and kept "Confidential."

During Construction:

1. Building contractors and site contractors shall be responsible for the condition of adjoining roads and roadsides.
2. Builder shall be responsible for regular cleanup of garbage, trash, boards, paper, cans, cartons, etc. Trash which is too large to be put in bins shall be removed from the site on a weekly basis.
3. There shall be a weekly cleanup and stacking of loose building materials by the builder.
4. Loud noises emanating from radios or other non-construction equipment is absolutely prohibited, and if existing shall be considered as disturbing the peace and subject to law enforcement.

At End of Construction:

1. Site shall be completely cleaned at end of construction and/or when building inspector gives occupancy permit, whichever is earlier.
2. When debris, including sand and gravel is left on or near the property by a site contractor, or where nearby landscaping is significantly damaged, the ACC reserves the right, after reasonable time and due notice to the property owner, to authorize clean-up and restoration at the expense of the property owner. Any such expense when and if required shall be assessed against the property owner in accordance with Article III, Paragraphs 2 and 3, of the Declaration of Protective Covenants and restrictions.

Final Inspection:

A final inspection by a member of the Architectural Control Committee shall be made to assure completion in accordance with plans submitted and approved. Before the building may be occupied in any manner, an occupancy permit must be issued in writing by the chairman of the ACC, and is additional to that occupancy permit issued by the county building inspector.