

# **Figure “8” Beach Homeowners’ Association, Inc.**



## **Architectural Review Guidelines**

**Revised January, 2001**

**Amended May 2007, August 2008, September 2008,  
December 2009, and March 2017**



## **Figure “8” Beach Homeowners’ Association, Inc.**

15 Bridge Road • Wilmington, North Carolina 28411

Telephone: (910) 686-0635 • Fax: (910) 686-1558

Web: [www.figure8homeowners.com](http://www.figure8homeowners.com) • Email: [figure8homeowners@bizec.rr.com](mailto:figure8homeowners@bizec.rr.com)

### **Figure “8” Beach Homeowners’ Association, Inc. Amendment to the Architectural Review Guidelines March 1, 2017**

The Figure “8” Beach Homeowners’ Association Board of Directors unanimously consented on March 1, 2017 to adopt an amendment to the Figure Eight Architectural Review Guidelines revised January, 2001, as amended, by adding a new paragraph on page 1 to the section entitled “SETBACKS” as follows:

#### **SETBACKS.**

*“Structures subject to oceanfront setbacks pursuant to Ocean Hazard Area Rule 15A NCAC 7H, Section 300, shall comply with any “Development Line” as defined in 15A NCAC 7H.0305(a)(10) and approved by the North Carolina Coastal Resources Commission pursuant to 15A NCAC 7J.1300.”*



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Figure “8” Beach Homeowners’ Association, Inc.  
Amendment to the Architectural Review Guidelines  
December 12, 2009

**The Figure “8” Beach Homeowners’ Association Board of Directors voted on December 12, 2009 to amend the Figure “8” Architectural Review Guidelines 2001 amended, as follows:**

### **CONSTRUCTION AND SERVICES SCHEDULE.**

By inserting the following sentence in the Contractor Regulations:

“From the Friday before Memorial Day through the Friday before Labor Day, construction activities for projects subject to ARC approval must cease on Fridays by 11:30 a.m. and workers must leave the Island by 12:00 noon. This does not apply to Fridays on which all work is prohibited in accordance with an annual schedule determined by the Administrator.”

### **PIERS.**

By rewriting the first sentence of MARINE IMPROVEMENTS, Piers as follows:

“ Piers can extend no more than 200 feet from the landward-most portion of the following features on the lot:

- a. A bulkhead.
- b. The normal high water line.
- c. The landward edge of coastal wetlands as defined in the North Carolina Coastal Area Management Act.”



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### Figure "8" Beach Homeowners' Association, Inc. Amendment to the Architectural Review Guidelines

September 26, 2008

The Figure "8" Beach Homeowners' Association, Inc. Board of Directors voted unanimously to amend the Figure "8" Architectural Review Guidelines, revised 2001, amended May 2007 and August 2008, by inserting the following new section to General Policy found on page 2 of the Guidelines.

#### **Real estate sales signs.**

"No sign of any character shall be displayed except signs required by a governmental authority, or a real estate sales sign to identify the property and which complies with the following standards:

- Real estate sales signs shall be installed entirely on the lot, and must not obscure the view of oncoming traffic. Real estate sales signs are limited to one per lot.
- *Dimensions:* Signs may not exceed 15 inches high by 20 inches wide and must be rectangular in shape. The height of the top of sign may be no more than 4 feet above the existing grade.
- *Materials* for the sign - Wood or heavy duty synthetic. The sign post may be a 2x4 or a 4x4 wooden post. Fasteners- stainless steel.
- *Color and Finish* of the sign and post: Painted in medium sand or gray color, in matte finish.
- *Text* is limited to the lot's street number, one contact telephone number, and if desired, either, but not both, the word "Broker" or the word "Owner". If used, the location of either the word "Broker" or "Owner" on the sign shall centered at the bottom of the sign. No company logos, drawings, or other illustrations are permitted. *Text size* for the street number may not exceed 4.5 inches tall, the size of the telephone number may not exceed 3.25 inches tall and the size of the word "Broker" or "Owner" may not exceed 1 inch tall.
- The *color* of the sign's lettering must be black or brown."



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### **Figure “8” Beach Homeowners’ Association, Inc.**

#### **Amendment to the Architectural Review Guidelines.**

**August 15, 2008**

The Figure “8” Beach Homeowners’ Association, Inc. Board of Directors voted unanimously to amend the Figure “8” Architectural Review Guidelines, revised 2001, by inserting the following changes. The changes to Marine Improvements found on page 7 of the 2001 Guidelines are underlined for reference purposes.

**MARINE IMPROVEMENTS: The number of piers or other marine structures installed on or adjacent to a residential lot is limited to one per lot. Plans must be submitted for bulkheads, piers, docks and boat lifts. A plat must be included showing the lot riparian corridor lines, and must also show piers, docks and bulkheads at adjacent property. Approval is subject to all state and federal permits and regulations. A copy of the CAMA permit or exemption certificate is required. Lighting fixtures must conform and be shown on the plan. A cut sheet illustrating all light fixtures must be attached. Erosion control bulkhead or seawall and associated return projects are subject to guidelines regulating location, height, backfill and grading. Plans must clearly illustrate existing lot and street elevations and height of the proposed structure, and the depth of fill (see FEES.)**



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### FIGURE "8" BEACH HOMEOWNERS' ASSOCIATION, INC.

#### Amendment to the Architectural Review Guidelines May 11, 2007

The Figure "8" Beach Homeowners' Association, Inc. Board of Directors voted unanimously to amend the Figure "8" Beach Homeowners' Association, Inc. Architectural Review Guidelines, revised 2001, by inserting the following changes. The changes to SETBACKS found on page 6 of the 2001 Guidelines are underlined for reference purposes.

**SETBACKS:** County codes require a 15 ft. setback on the sides of the lot, 25 ft. setback from the rear of the lot and 30 ft. from the front (street) side. The county setbacks are the minimum required setbacks. Shoreline CAMA setbacks also apply. Wetland areas, including those which may appear small, are likely to be subject to special permits and setbacks. Developer's setback lines are platted across certain lots, and must be honored. All setback lines must be clearly shown on plans. Variances generally will not be allowed for new construction, including modifications or renovations, that result in new or greater encroachment into required setbacks, even if the footprint of the structure is not increased. Grade and fill activities are regulated within setback areas (See GRADE AND FILL.)



# **ARCHITECTURAL REVIEW GUIDELINES**

January 2001 Edition

The Restrictive Covenants, ByLaws, Rules and Regulations, and Architectural Review Guidelines of the Figure "8" Beach Homeowners' Association, Inc. provide the Board of Directors with the framework to govern all improvements and construction at residential lots on Figure Eight Island. The Board of Directors appoints an Architectural Review Committee (ARC) to assist them in developing and instituting policies, and to see that they are properly applied.

The Architectural Review Committee of the Figure "8" Beach Homeowners' Association, Inc., does not review plans or inspect construction to insure compliance with the North Carolina building code or with any other governmental rules, codes or standards. It is the responsibility solely of the owner and the owner's architects and contractors to assure that structures, improvements and activities meet all applicable rules, codes and standards and that they do not violate any legal standards governing the effect of the construction, improvements and activities on other property or other property owners.

The Association requires a Notice and Indemnity Agreement in which the property owner(s) indemnify and hold harmless the Figure "8" Beach Homeowners' Association, Inc., its officers, directors and employees, and the Architectural Review Committee of the Association and its members from any claims, demands and liability (including all costs, expenses and reasonable attorney's fees) that arise out of the approval of the owner's plans for construction, improvement or activities on the owner's lot at Figure Eight Island.

In an effort to maintain efficiency, the Architectural Review Committee periodically recommends revisions of the Guidelines to the Board of Directors for approval. Supplemental guidelines to the March 1998 edition of the Architectural Review Guidelines were unanimously approved at the October 28, 2000 meeting of the Figure "8" Beach Homeowners Association, Inc. Board of Directors. The Committee presented a fully revised edition of the Guidelines to the Board of Directors for approval at their January 20, 2001 meeting. This edition, dated January 2001, was adopted and now supercedes previous guidelines to govern all island projects. Modifications chiefly address a new ARC meeting schedule, a plan submission deadline, all lot fill and grade activities, and all seawall or bulkhead activities. New plan submission checklists have been developed to assist architects, marine contractors, and landscape designers. A schedule of projected ARC meeting dates for the year 2001 is included, and the text contains various modifications designed to assist Association members through the approval process. Requests for clarification or assistance should be directed to the Association office at (910) 686-0635.

Forms attached to this booklet include: a projected schedule for 2001 ARC meetings; Architectural Review Checklists for use when submitting plans for approval; a Contractor's Agreement, Property Owner's Statement, and the Indemnity Agreement; and a copy of the Contractor Regulations. Additional copies of the Guidelines and attachments are available upon request.

## **GENERAL POLICY**

**All lot improvements and construction activities must be from plans that have been submitted for review and approved in writing by the Architectural Review Committee. Approval expires after one year. Plans must be resubmitted to the Committee for review after that time. The standards and guidelines currently in force will be applied to the approval of resubmitted plans.**

**In addition to new construction projects, proposals for all exterior improvements or modifications to existing structures, including painting, must be submitted for review and approval. For reference, activities requiring approval include, but are not limited to: new construction, additions, remodeling, replacement of siding material or roofing, exterior painting, installation of exterior lighting fixtures, fencing, landscape, grade or fill, piers, docks, boat lifts, bulkheads, and lot stabilizing or erosion control structures.**

**Strict coastal regulations apply to all island projects. Therefore, appropriate permits must be obtained prior to seeking ARC approval. In general, one should assume all projects modifying land or the exterior of a structure are subject to certain coastal regulations. Copies of the CAMA Permit or Exemption Certificate, and the New Hanover County Health Department Improvement Permit are required before any building plans are reviewed by the Committee.**

**House plans must be drawn and sealed by a licensed architect. The Committee recommends using architects, builders, and landscape designers who are thoroughly familiar with the special techniques and ever-changing rules involved in designs for coastal areas. Construction must follow Windstorm Resistant Construction of the North Carolina building code. Special North Carolina and FEMA rules apply to various construction practices, for example, depth of pilings. Emphasis should be placed on house designs that are in harmony with a barrier island setting and are compatible with existing homes in both character and quality. Building materials should be capable of withstanding harsh weather conditions (see EXTERIOR MATERIALS AND COLORS.) Building above flood elevations on pilings frequently makes the house appear too tall and "perched" on its lot. To compensate, the architect must employ various devices to lessen the appearance of height such as the use of tall shrubs at the base, fencing to provide a transition to a sharp increase in height, and imaginative treatment of yards, courts and drives to draw attention to ground level. Structural screening and planting is required to conceal exposed pilings under the house. Structural screening includes lattice, louvers or other systems which provide at least 50% open area.**

**Landscape plans must take into consideration proper stewardship of the island's water supply, and must not impact the roadside right of way. All lot grading and fill activities, including that for landscape, bulkheads or seawalls, must meet certain standards to protect neighboring property and road areas (See GRADE AND FILL.) Pile driving must be approved and follow proper procedures (see SITE**

**DEVELOPMENT.) If the island's water supply is used to jet pilings, the date and time must be coordinated with the office. A separate fee is charged for this water use (See FEES.)**

**The contractor is to stake out the corners of the house and decks and run a string along the side lot lines for the site inspection. Prior to construction, the contractor must meet with the Administrator to review island policies and furnish the Association with a site phone number for emergency use. Fees are payable upon approval of plans, but may be paid by the contractor at this meeting (See FEES.)**

**A Contractor's Agreement to abide by the Association Rules and the Architectural Guidelines is required. Island speed limits are enforced with the use of radar; violators are cited with a \$50 fine. If a cited subcontractor or employee does not pay a fine to the Association office within 10 days, the uncollected fee will be charged to the contractor. Violation of island rules may result in denial of access to the island for individuals or may result in suspension of construction. Contractor regulations are included in the guideline booklet. It is the contractor's responsibility to furnish the most recent regulations to subcontractors and employees.**

**It is the contractor's responsibility to maintain a clean, orderly job site. Dumpsters are required at all sites and must be located at least 10 feet from the paved road. If visible, they must be screened. For small projects, a closed trash container area may be approved. Free standing port-a-johns must be out of sight and attractively screened with lattice. It is acceptable to screen the port-a-john within the same structure as the dumpster. Sites must be policed daily and dumpsters emptied on a regular schedule, and especially for weekends and holidays.**

**Access to the construction site is from the owner's frontage on the hard surface road. Vehicles should be parked on the site, but if absolutely necessary, may be parked along the roadway, completely off the pavement in a manner that does not impede traffic.**

**Start of construction or site clearing without approval can result in suspension of work and denial of island access to the contractor. The Committee reserves the right to require changes during construction or upon final inspection to bring a project into compliance with the regulations.**

## **THE REVIEW PROCESS**

**ARCHITECTURAL REVIEW MEETINGS:** ARC meetings are projected for the first and third week of each month, subject to the enclosed schedule, availability of a quorum, and receipt of plans that conform to the Committee's requirements. It is recommended the meeting date be confirmed by calling the office at (910) 686-0635. To qualify for review, all required information must be submitted. Plans will not be reviewed without proper documentation. All items presented to the Architectural Review Committee must be submitted to the Association office for processing in a timely manner. Current policy is that the complete submission packet shall be received no later than fourteen days prior to a scheduled review meeting. In cases of submission of plans which include any lot fill, grading, or bulkhead activity, adjacent property owners will be notified by the Association to assure an opportunity to comment. The Committee encourages the architect to attend the initial meeting, and reserves the right to require an architect, engineer, or builder to attend a meeting to explain plans and specifications before they are approved.

Conceptual reviews may be granted. However, no approval is issued for conceptual or preliminary plans. It is highly recommended that the architect or builder be present for conceptual reviews.

**CHECKLISTS AND FORMS:** In order to facilitate proper submission of plans Architectural Review Checklists are attached to the Guideline booklet. The appropriate checklist must be completed and attached to the plans when submitted. An incomplete checklist will delay or cancel a requested review. Before approval of any plan is given, the property owner and the contractor must sign standard statements that they have read and understand these guidelines and will completely abide by them. An indemnity agreement is also required.

**BUILDING PLAN SUBMISSION REQUIREMENTS:** Detailed plans are required showing the following to scale: Site plan to include lot boundaries; all setback lines including the developer's setback if applicable; road right of way; existing lot elevation and proposed grade and fill; elevation at street; house and deck outline; adjacent house lines; driveway and parking; paths and detached decks; septic system; and trash receptacle, HVAC, and propane tank enclosures.

Color and material samples are required. Building height with reference to the basis of this measurement must be illustrated on the elevation showing the street side of the structure. Square footage and elevations of all sides of a building or other structure, including beach paths, must be illustrated. A landscape plan keyed to show quantity and size of plants selected is required. Presence of an irrigation system, if any, and the type of moisture sensing cutoff must be clearly noted. All exterior lighting locations must be shown and keyed to cut sheets illustrating the exterior fixtures.

**Detached workshops, storage buildings and garages are allowed, provided they are not placed closer toward the water than the house or deck, are not within setbacks, and are structurally compatible with the house. These structures are subject to the same submission requirements and guideline regulations as other construction projects.**

**Plans for renovations and additions must clearly show all exterior changes to the existing structure. A highlighter or a different colored ink must be used to illustrate proposed modifications on all elevations. The checklist must address the pertinent items and accompany the plans. All activity makes an existing house subject to the guidelines currently in force. Therefore, non-conforming items must be brought into compliance during the project.**

**MARINE PLAN SUBMISSION REQUIREMENTS: All proposed marine improvements such as bulkheads, piers, docks and boat lifts must be submitted for approval. Erosion control bulkhead or seawall and associated return projects are subject to guidelines regulating location, height, backfill and grading (See MARINE IMPROVEMENTS.)**

**LANDSCAPE PLAN SUBMISSION REQUIREMENTS: Plans for landscaping lots or renovating existing landscaping must be approved by the Committee. Emphasis must be placed on proper stewardship of the island water supply when developing the landscape design. All grade and fill activities are regulated (See GRADE AND FILL.) Plans must note the road right of way is free of encroachment, and must indicate the presence of an irrigation system. A moisture sensing cut-off is required for all irrigation systems, the type is to be indicated on the plan. All landscape lighting must be approved. Light fixture locations must be clearly shown on the plans, and must be keyed to a cutsheet. In certain cases, the Committee may require a sample of the fixture (See LANDSCAPE.)**

## **CONSTRUCTION GUIDELINES**

**SITE DEVELOPMENT:** Site clearing may not begin without approval. Prior to delivery of fill material or the start of any grading, the lot's original and proposed grades must be shown on a site plan and submitted to the committee for review (See GRADE AND FILL.)

In addition to the island's guidelines regarding fill and grade activities, strict coastal regulations are enforced by CAMA officers. The site should be disturbed as little as possible with special effort to protect dunes and vegetation. Provide ground cover for bare areas and disturbed soil around the house, drive and road during and after construction. Excavated material may not be placed on other property and must not be placed within ten feet of the roadside. Grade or fill activities must not bury or obstruct the Utility Company's water meters.

Pile driving procedures must be followed. If the island's water supply is used, the date and time must be coordinated with the office, and a fee is payable prior to installing the pilings (See FEES.) A cutoff must be supplied at the hydrant and piling locations. A proper hydrant wrench is required to prevent damage to the hydrant. If a hose crosses the street, it must be placed at a right angle and have wooden 2 x 6 planks on each side of the hose.

**SETBACKS:** County codes require a 15 ft. setback on the sides of the lot, 25 ft. setback from the rear of the lot and 30 ft. from the front (street) side. Shoreline CAMA setbacks also apply. Wetland areas, including those which may appear small, are likely to be subject to special permits and setbacks. Developer's setback lines are platted across certain lots, and must be honored. All setback lines must be clearly shown on plans. Grade and fill activities are regulated within setback areas (See GRADE AND FILL.)

In all cases no house can be closer to the water than the house closest to the water of any of the three adjoining houses in both directions. The same is required of the deck and stair lines. The Committee strongly suggests if there are questions about this requirement that these setback lines be staked and approved before finished plans are submitted.

The Association owns a 60 foot wide right of way for roads on the island. Landscaping, irrigation systems and installation of berms or other barriers within 30 feet of the center of the roadway must be approved by the Committee. The use of sod capable of withstanding parking within the 10 foot area adjacent to the road is required. Utility Companies have easement in this area for service lines, and this area must be available for roadside parking. Care should be taken to consider that future projects to widen the roads will affect this area. Grade and fill activities are regulated within this area (See GRADE AND FILL.)

**GRADE AND FILL ACTIVITIES:** All grade and fill activities are regulated for the purpose of reducing the impact of continued development and weather events on common property and private lots at Figure Eight Island. Height of a house is impacted by grade and fill activities (See DIMENSIONS.)

**Lot Grading within 15 foot side setback for marsh and sound front lots:** Lot grading within the 15 foot side setback for marsh front and sound front lots is permitted only for purposes of assuring drainage towards the water or marsh and only in accordance with the minimum slope standards established in the provisions for *Bulkhead Height Within the Side Setback Area* (See Marine Improvements.) The provision states that within the area between the side setback line and the property line, height will not exceed the height of the lot's natural contour at the location of the bulkhead. Exceptions occur when the height of the natural contour does not exceed the elevation of the centerline of the road adjacent to the lot's 15 foot setback road frontage, minus .005 times the lot's depth minus 1 foot.

**Grading, filling or landscaping within the Road Right-of-Way:** Any grading, filling or landscaping within the road right-of-way must be done so as to provide drainage and water retention on the road's shoulder. The road shoulder must be graded to provide a slope of 1 inch per foot for a minimum of 12 feet from the edge of the road. This graded and sloped area may be left in a natural state or landscaped with grass.

Any improved parking area on the road's shoulder must be engineered to allow storm water infiltration equal to or better than lawn grass.

**Lot fill within 15 foot side setback for marsh front or sound front lots:** The natural elevation of the area of a lot which is between the side setback line and property line on marsh front or sound front lots may not be increased above the height resulting from the following formula:

$$\text{Centerline road elevation} - (.005 \times \text{lot depth}) - 1 \text{ foot}$$

**Lot fill for all other lots - other than 15 foot side setback area of marsh or sound front lots:** In general, no fill may be placed on a lot which results in a final elevation which is in excess of the existing elevation of adjacent streets or property. An exemption for fill contrary to this limitation may be requested from the ARC upon providing a detailed proposal for the installation of a professionally engineered and sealed storm water control system. With its approval, the ARC assumes no responsibility for the satisfactory performance of such systems, and the individual property owners requesting exemption from the fill limitations stated above will remain liable for the performance of their systems. The elevation of the area not included within the 15 foot side setback areas for marsh front and sound front lots may not be increased by filling above 9.5 feet mean sea level.

**MARINE IMPROVEMENTS:** Plans must be submitted for bulkheads, piers, docks and boat lifts. A plat must be included showing the lot riparian corridor lines, and must also show piers, docks and bulkheads at adjacent property. Approval is subject to all state and federal permits and regulations. A copy of the CAMA permit or exemption certificate is required. Lighting fixtures must conform and be shown on the plan. A cut sheet illustrating all light fixtures must be attached. Erosion control bulkhead or seawall and associated return projects are subject to guidelines

regulating location, height, backfill and grading. Plans must clearly illustrate existing lot and street elevations and height of the proposed structure, and the depth of fill (see FEES.)

**Bulkheads and Return - Location:** Installation of a bulkhead is permitted only along a lot's waterfront or marsh front. Bulkhead returns may not exceed 16 feet in length. No retaining wall or bulkhead is permitted beyond the bulkhead return.

**Bulkhead Height:** Bulkhead height across the area between the side setback line and the property line will not exceed the height of the lot's natural contour at the location of the bulkhead; except that a bulkhead may be built above the natural contour if the height does not exceed the elevation of the centerline of the road adjacent to the lot's 15 foot setback road frontage, minus .005 times the lot's depth minus 1 foot.

Bulkhead height = Centerline road elevation - (.005 x lot depth) - 1 foot

**Bulkhead Height Between the 15 Foot Setback Areas:** Bulkhead height across the area of the lot that is between the 15 foot side setbacks may not exceed 9.5 feet mean sea level.

**Piers** may not cross more than 200 feet of marsh and water and may not extend beyond those of near neighbors. Piers along curving shore lines must not interfere with the potential use of a pier on adjacent lots. Piers, docks and lifts may not have overhead cover, and may not have any flood or high intensity lights. Lighting of any kind is discouraged, but if it is absolutely necessary, must be low wattage and shielded so the bulb or lens are not visible. Lighting design should take into consideration that outdoor lights should not be left on all night. Type of fixture and its location must be clearly shown on the plan and keyed to a cutsheet. The committee may require that samples of fixtures be submitted for approval. If a pier is installed across a beach used for walking, stairs must be installed on both sides of the pier to allow uninterrupted access to the walking beach.

**DIMENSIONS:** Houses on the island must have at least 2,000 sq. ft. of heated space. The maximum height of the peak of a roof may not exceed 44 feet as measured from the highest of the following:

- a. Natural mean ground elevation at the front of the house prior to grading or filling.
- b. Ground elevation after allowable fill (See GRADE AND FILL.)

Plans must plainly indicate the heated square feet. Height must be illustrated on the street side elevation, with a reference to the basis for the measurement. The committee reserves the right to request measurements during construction.

**EXTERIOR MATERIAL AND COLORS:** Color, material, and manufacturer of siding and roofing must be noted on the checklist. Treated pine may not be used as siding. All siding must be painted or treated with a transparent bleaching or weathering stain to ensure uniformity of wear. Treated lumber must be painted or stained to match the exterior of the house.

**Man-made siding materials must be addressed in the submission packet, and must be specifically approved by the committee prior to installation. If approved, installation of vinyl siding requires use of stainless steel nails, and vinyl soffits must be reinforced.**

**Exterior paint or stain color must be clearly identified, small samples are required. No pastel or bright colors will be approved. Only white and neutral tones are approved for exterior finish and trim.**

**Exterior stairs must be carefully designed to be an integral part of the house and blend with its design, to avoid the appearance of an add-on structure. They must be painted or stained. Risers are required between treads. Metal chimneys must be boxed in, preferably with the same material as the siding. No roof-top platform, or exterior access to same, that appears to be attached to the exterior of a house rather than integrated into the design of the building will be approved.**

**Gas storage tanks are suitable if approved for installation by the appropriate agencies. Gas tanks may be buried. In all cases the area must be entirely concealed with housing and plants. Plans must show location and details of the tank area housing, whether installed above or below ground.**

**Trash receptacle areas must be screened and should be under the house or near it. Plans must clearly indicate the area's location and materials of the housing. This area must be as "animal proof" as possible to prevent access to household refuse by raccoons, rodents, and other animals. Care must be taken to provide a location that does not impede access by the garbage collectors, for example, the receptacle area may not be housed inside a garage.**

**HVAC areas must be screened. Plan elevations must clearly show the location and materials of the housing. Use of wood or vinyl lattice may be approved.**

**Arbors, trellises, etc. must be clearly illustrated on a plan. Location, dimensions, materials, and color must be approved. This type of structure must be painted or stained.**

**Proposals for installation of all satellite dishes must be submitted for approval. The type and size of such dishes must be noted in accompanying details, and the proposed location is to be clearly shown on a sketch of the house.**

**OUTDOOR LIGHTING: Floodlights and "Harris" type lights on houses, piers and landscape are prohibited. New construction or landscape projects make all existing exterior light fixtures subject to the regulations in the most recent edition of the guidelines. Therefore, all nonconforming fixtures must be removed. Exterior lighting of any kind is discouraged. If such lighting is absolutely necessary, it must be of low wattage and shielded so that the bulb and lens are not visible. Light must not shine directly out, but should wash up and down from the fixture. Selection of the proposed fixtures must also take into consideration factors such as the impact the installed height of the fixture will have on adjacent dwellings. Illumination of stairs, drives and parking areas, or landscape must be by subdued, recessed lighting mounted as low as practical. Lighting design should take into consideration that**

outdoor lights are not to be left on all night. Houses on the ocean must not use lighting which may disturb nesting sea turtles.

Exterior lighting of all types must be clearly shown on an electrical plan which is keyed to cut sheets illustrating the fixtures. The committee may require that samples of fixtures be submitted for approval.

**LANDSCAPE:** All landscape plans should take into consideration proper stewardship of the island's water supply. Consider "Xeriscape" landscape techniques and other water conserving measures. All irrigation systems for new construction and landscape renovations must include sensors to control the system during rain or high moisture situations. Timers must be set to avoid sprinkling during peak demand hours, 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.

Landscape plans for new house construction and for renovations to existing landscape must be from approved plans (See **LANDSCAPE PLAN SUBMISSION REQUIREMENTS.**) Submission of plans for renovations subject a lot to the regulations included in the most current edition of the guidelines; therefore, any non-conforming items must be removed or replaced. All grade and fill activities are regulated (See **GRADE AND FILL.**) Installation of berms and other barriers, irrigation systems, and landscaping other than sod in the area within 30 feet of the center of the roadway require special treatment (see **SETBACKS.**)

Landscape plans must be detailed and plants keyed to a boxed table on the plan listing the name of each species to be planted, their total number and their size. Plans must include sufficient plants to screen and break up the house foundation and screen driveways and parking areas adjacent to the property line. Provide ground cover for bare areas around the house, drive and road. If sod is not used in bare areas, topsoil must be placed over the ground and then planted with a ground cover. The minimum ground cover is Bermuda grass. Screening shrubbery requires planting with maximum four foot centers. Plants installed along the house must be types capable of growing eight feet or more. Quality plants are needed to survive the initial acclimation period. Minimum sizes are three gallon containers or six feet tall, balled and burlaped plants. Ground cover plants like Shore Juniper can be in smaller containers. Landscaping should be installed within 90 days of completion of construction. Landscape lighting must be shown on the plan and a cut sheet illustrating all fixtures included for approval (See **OUTDOOR LIGHTING.**)

**DRIVEWAY:** Drives must be hard surfaced, or if soft surfaced with materials such as marl or loose stone, must be edged, use a concrete apron of at least 6 feet at the road junction, and have a top coating of gravel. Hard surface drives require drainage to handle a heavy downpour. Drives along a lateral property line, especially if they run to the rear of the house, must be screened by shrubs. A buffer of at least two feet is required between the driveway pavement and the property line.

**PARKING:** In addition to parking provided by any garage or carport, each house is required to provide off-street parking spaces for at least three cars. These areas are subject to the same requirements as driveways.

**FENCES:** Installation of fencing must be approved. Location, height, materials and

colors must be clearly shown on plans. Fencing may be used as a wind break, for planting, and to lower the appearance of a house. Fences that run the entire length of the property line and are intended as property delineators are not permitted. Fencing systems should be of a type which leaves 40-50% open space to allow air passage. Such systems cannot exceed 6 feet in height.

**DETACHED DECKS:** Detailed plans must be submitted for approval. Decks that are not an integral part of a house cannot be more than 18 inches above the ground or have overhead cover. Benches or other additions may not be more than 36 inches above the ground line. Railings must meet state code. Lighting of any kind is discouraged, but if absolutely necessary, must be low wattage and shielded so the bulb or lens are not visible. Final location must be approved. This type of deck is expressly prohibited on any dunes.

**BEACH PATHS:** Oceanfront homes should provide a walkway over the frontal dune which follows grade and is raised no more than 18 inches above the ground line. If there is an adjacent public beach path, a private path may tie into it. Overhead cover is not allowed. Railings must follow state code. Seating may not be installed without approval by the Committee.

**PRIVATE WELLS:** The only sources for drinking water on the island are the Utility Company wells, and any interference or contamination would be disastrous. Therefore, the construction of private wells, air to water heat pumps, or any other non-authorized access to the island's fresh water lens is prohibited by the restrictive covenants.

**WATER METERS:** Meters are the property of the Utility Company and may not be tampered with, or used to control water supply to houses. Figure Eight Island Utility Company requires installation of a cut-off valve with a bleeder between the meter and a structure or irrigation system. Meter valves are not designed to withstand frequent use for purposes such as winterizing or preparing the dwelling for long vacancies. Water meters may not be buried or obstructed. The Utility Company is not responsible for water lines beyond the water meter.

**SEPTIC SYSTEMS:** Septic systems must comply with state and county health department regulations. All above ground equipment used with septic systems must be screened from the view of the road or adjacent lots with plants or fencing. A copy of the improvement permit must be included with all building plans submitted for approval.

## **FEES AND SERVICES**

The large number of trucks and contractor vehicles involved at a construction site causes considerable damage to the right of way. An Impact Fee in the amount of \$1,500 is payable to Figure "8" Beach Homeowners' Association, Inc., for new construction to compensate for this expense. The fee is payable upon approval of the plans. In the event construction is not completed within 18 months after the site inspection approval, an additional impact fee of \$1,500 will be charged.

Quantity of fill for all projects must be indicated on the checklist. Lot fill is subject to a 720 yard maximum of material such as dirt, sand, rocks, gravel or concrete. An additional fee of \$3 per yard is charged for fill in excess of 720 yards, and is payable in advance to the Figure "8" Beach Homeowners' Association, Inc.

The Figure Eight Island Utility Company charges \$1500 for connection to the water system. Once installed, a meter fee of \$25 is included in the bi-monthly water bill. This fee does not include water use. The cost of consumption is calculated using the current water rates. A fee of \$8 per piling is charged by the Utility Company if the island's water is used to jet pilings. Both of these fees are payable upon approval of plans and in advance of construction.

A fee of \$100 is charged for new mailbox materials and installation. The cost of trash collection is prorated through fiscal year-end, based on the current year's Annual Assessment. These fees are payable to the Figure "8" Beach Homeowners' Association, Inc.

**SERVICES:** The builder or owner must notify the Association office upon the completion of a construction project. Services including trash collection and installation of a mailbox may be ordered at that time. Please indicate the preferred mailbox location, allowing one to two weeks for installation (See FEES.)

*Please note that all fees are subject to change. For additional information or clarification of these guidelines, call the Association Administrator at (910) 686-0635.*