



**THE VILLAGES AT OCEAN HILL
COMMUNITY ASSOCIATION, INC.
ENVIRONMENTAL POLICIES AND PROCEDURES**

Last AMENDED May 18, 2018

One AMENDMENT added as of May 13, 2019

This Environmental Policies and Procedures amends and restates in its entirety the prior architectural guidance or environmental policies and procedures last amended January 12, 2012 and is effective June 1, 2018 and one amendment added as of May 13, 2019

P.O. Box 376, Corolla, NC 27927
(252) 453-0162

THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC.

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VOH BOD Resolution 07-08-2005

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Article IV. C, 1, g, 2 (Amended Jan-15-2006)

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Article IV. E, (Amended Jan-15-2006)

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Article IV. B, 3 (Amended July-29-2007)

Article IV. C, 1, c (Amended July-29-2007)

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Article IV. E (Amended July-29-2007)

VOH BOD Resolution 09-21-2007

Article I. C, 1, a, b, & c (Amended Sep-21-2007)

VOH BOD Resolution 10-11-2008

Article IV. D, 1 (Amended Oct-11-2008) p-33

Article IV. D, 3 (Amended Oct-11-2008) p-33

VOH BOD Resolution 12-8-2009

Article IV. G, 1, 2, 3 (Amended Dec-8-2009)

VOH BOD Resolution 1-12-2012

Article IV. C, 1, j, a) Exception: Homes whose property adjoins VOH common property walkways. (Amended Jan-12-2012)

VOH BOD Resolution 5-18-2018

Environmental Policies and Procedures (Amended May-18-2018). This amends and restates in entirety the prior architectural guidance or environmental policies and procedures and is effective June 1, 2018 and (one amendment added as of May 13, 2019).

**THE VILLAGES AT OCEAN HILL
COMMUNITY ASSOCIATION, INC.**

ENVIRONMENTAL POLICIES AND PROCEDURE

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**BOARD OF DIRECTORS OF THE VILLAGES AT OCEAN HILL
COMMUNITY ASSOCIATION, INC.,
COROLLA, NORTH CAROLINA**

RESOLUTION DATED May 18, 2018

ENVIRONMENTAL POLICIES AND PROCEDURES

Foreword

As provided in previous Environmental Policies and Procedures, house planning and construction shall point toward the creation of forms, earth tone colors and textures that produce a minimum of intrusive effect in the total landscape and to other residents thereof and which take the greatest advantages of the unique ecology of Corolla.

This Resolution amends and restates in its entirety the prior architectural guidance or environmental policy and procedures for Owners, Builders and developers last amended January 12, 2012.

All abbreviations are as defined herein. The BOD, as duly elected representatives of the VOH, appoints the EC to administer these policies and procedures in an attempt to pursue architectural diversity and standards desired by the VOH. The rights and privileges of all Owners are expressed in the MDC&R, the By-laws and this Resolution.

Article I. Definitions

Unless the context otherwise specifies or requires, the terms defined in this EP&P shall, for all purposes have the meanings herein specified. Abbreviations used herein and as used and defined herein are defined in the MDC&R, or the By-laws (as hereinafter defined).

“Addition” shall mean structural and non-structural expansion of an existing Structure or Improvement, except as otherwise specifically used in Article II of the MDC&R.

“Adjudicatory Panel” shall mean a group of three (3) individuals appointed by the Board of Directors to determine whether or not the allegations contained in a petition are supported by evidence.

“Administrator” shall mean the individual or Management Company who administers the day-to-day management of the EC. Currently this is done by the VOH Management Company.

“Architect” shall mean a person appropriately licensed to practice architecture or landscape architecture in any of the United States.

“Articles” shall mean The Articles of Incorporation of VOH, which are filed in the Office of the Secretary of State of the State of North Carolina as such Articles of Incorporation may from time to time be amended.

“Assessments” shall mean any Assessments levied pursuant to the MDC&R including but not limited to Special Assessments for Maintenance of Property.

“BOD” shall mean the Board of Directors duly elected pursuant to the By-Laws.

“Book of Resolutions” shall mean the document containing policies and procedures adopted by the Board of Directors as same may be amended from time to time.

“Builder” shall mean the entity that is responsible for erecting a Structure on a Lot. Such Builder is usually the Owner of the Lot.

“By-Laws” shall mean the By-Law of the VOH that are or shall be adopted by the BOD as such By-Laws may from time to time be amended.

“Certified for Occupancy” or “Certificate of Occupancy” shall mean the act of the local government and the EC that certifies that a structure may be occupied.

“Color Board” shall mean the EC preapproved colors of paint set forth in Article IV Section C8 and Exhibit D.

“Contract Seller” shall mean the Owner of a lot who has agreed to sell his/her lot to a purchaser in a Contract of Sale but has not conveyed title by deed to such purchaser.

“Contractor” shall mean the entity that is responsible for erecting a Structure on a Lot. Such Builder is usually the Owner of the Lot.

“Deferred Maintenance” shall mean the practice of postponing maintenance activities such as repairs on real and personal property in order to save costs, meet allocated funding levels, or realign available monies.

“Designer” shall mean a person trained in the planning, design and drawing of house plans.

“EC” shall mean the VOH Environmental Committee empowered by Article VI, Section 2 of the MDC&R and appointed by the BOD.

“EP&P” shall mean this current Environmental Policies and Procedure of the VOH adopted by the EC pursuant to Article VI of the MDC&R.

“Excavation” shall mean any disturbance of the surface of the land (except to the extent reasonably necessary for planting) which results in a change in grade or removal of earth, sand or other substance from below the natural surface of such land.

“Exterior Refinishing” shall mean painting a Structure or Improvement in a changed color scheme from the existing on said Structure or Improvement, or resurfacing said Structure or Improvement.

“Fees” Shall refer to: (1) Such fees as may be adopted and published by the BOD pursuant to Article VII of the By-Laws, and (2) Such fees as may be adopted by the EC pursuant to Article VI of the MDC&R.

“Fill” shall mean any addition of rock, earth or sand materials to the surface of the land that increases the natural elevation of such surface.

“Front Lot Line” shall mean that Lot Line that is contiguous to the Street servicing said Lot. In those cases where a Lot has double Street frontage or is not contiguous to a platted Street, the Front Lot Line shall be as designated by the Supplementary Declaration.

“Front Yard” shall mean that portion of a Lot lying between the Front Lot Line and the Front Building Line.

“Front Yard Line” shall mean that line other than Lot Lines that designates the Front Yard.

“Improvement” shall mean things that enhance the Properties such as roads, driveways, parking areas, walks, fences, landscaping, retaining walls, patios, swimming pools, windbreaks, poles, signs and similar elements exclusive of Structures.

“Landscape(s)” shall mean to arrange or change features of the land aesthetically.

“Living Unit” shall mean any portion of a structure situated upon the Properties designated and intended for use and occupancy as a residence by a single family.

“Lot” shall mean any numbered Lot as designated on a Subdivision Map of the Properties.

“Maintenance Trust” shall mean the depository agreement between Owners, VOH and a designated depository for the purpose of receiving regular payments from the Owner to be held, managed, invested and disbursed for their benefit and in satisfaction of their obligations for maintenance, insurance, utilities, residential services of such other obligations for which the Owner may be, or become, responsible.

“Major Remodeling” shall mean structural changes and additions to the exterior appearance of a Structure or Improvement such as changes in roof line and positions of exterior walls.

“MDC&R” shall mean the Master Declarations of Covenants and Restrictions.

“Minor Exterior Remodeling” or “ER” shall mean non-structural alterations to the exterior for appearance of a Structure of Improvement such as additions to decks, porches and driveways.

“New Construction” shall mean original Structures and Improvements and shall not pertain to remodeling or additions.

“Notice” shall mean notification as described in the By-Laws except as may otherwise be specified in the MDC&R, any Supplementary Declaration and Book of Resolutions.

“Owner” shall mean the Owner of Record, whether one or more persons or entities, of the fee simple title to any Lot, including Contract Sellers, but excluding those having such interests merely as a security for the performance of an obligation.

“Private Street or Private Road” shall mean any paved vehicular way built to county street standards and shall exclude any apron or other paved access for the purpose of providing paved access from such Street to any Lot.

“Public Street” shall mean any paved vehicular way built to county standards and dedicated for public use.

“Rear Yard” shall mean the portion of a Lot lying between the Rear Lot Line and Rear Building Line.

“Record or Recorded” shall mean, with respect to any document, that said document shall have been duly Recorded in the local government Recording office having jurisdiction.

“Structure” shall mean any building or part thereof intended to protect people or goods from climatic conditions and shall include commercial buildings, residences, garages, and related accessory Structures.

“[the] Properties” shall mean and refer to all real property which becomes subject to the MDC&R, together with such other real property as may from time to time be annexed thereto under the provisions of Article II thereof.

“Supplementary Declaration” shall mean any declaration or covenants, conditions and restrictions which may be Recorded by the Developer which extends the provision of the MDC&R to a Parcel and contains such complimentary provisions for such Parcel as are herein required by the MDC&R.

“Unimproved Lot” shall mean any Lot on which no Structure or Improvement has been Certified for Occupancy.

“VOH” shall mean The Villages at Ocean Hill Community Association, Inc., as established by the Articles, and its successors and assigns. VOH is also referred to as “the Association” in other documents. VOH shall mean all of the real property referred to in Exhibit A of the MDC&R together with such other real property from time to time annexed thereto pursuant to the provisions of Article II of the MDC&R.

“VOH Management Company or “Manager” shall mean the person or corporation which the BOD, pursuant to the By-Laws, employs to manage the affairs of the VOH.

Article II. GENERAL PROVISIONS

Section A. SHORT TITLE

This Resolution shall be known and may be cited as the Environmental Policies and Procedures (“EP&P”). The EP&P applies to all new construction and maintenance of all member VOH properties.

The EP&P provides the basic rules of operation for an EC that seeks to ensure the quality and uniqueness of property development in the VOH effective June 1, 2018. Owners and Builders agree to abide by the EP&P as a pre-condition for membership, property development and maintenance in the VOH.

The Association encourages Owners to obtain a copy of the EP&P at the time they purchase their property. Owners may obtain copies from the VOH Management Company at (252) 453-0162 or on <http://villagesatooceanhillcorolla.com/> (under Guidelines).

Section B. AUTHORITY OF THE EC

The EC is empowered by Article VI. Section 2 of the MDC&R to establish and administer all policies, guidelines and rules hereinafter set forth including but not limited to reviewing and providing written approval or disapproval to the property Owner – subject to the provisions of the MDC&R and all of the following limitations and conditions of this Resolution to construct, reconstruct, refinish, alter or maintain any

Structure or Improvement upon, under or above a Lot, or to make or create any Excavation or Fill thereon, or to make any change in the natural or existing surface drainage thereof, or to install any utility line (wire or conduit) thereon or there over, or to Landscape thereon, or to destroy or remove any tree.

The right of an Owner, to construct, reconstruct, refinish, alter or maintain any Structure or Improvement upon, under or above a Lot, or to make or create any Excavation or Fill thereon, or to make any change in the natural or existing surface drainage thereof, or to install any utility line (wire or conduit) thereon or there over, or to Landscape thereon, or to destroy or remove any tree, shall be subject to the provisions of the MDC&R and all of the following limitations and conditions within this Resolution.

Section C. ADMINISTRATION OF THE EC

1. The BOD of VOH shall appoint a three (3) to five (5) member (EC). The BOD appoints EC alternates and fills vacancies as needed.

a. EC members serve at the pleasure of the BOD who may remove any EC member with or without cause at any time by providing written notice to an appointee. The BOD shall appoint successor(s) to fill vacancies that may periodically occur.

b. The BOD shall select a Chairperson to preside at EC meetings. The BOD can, at its discretion, select a Vice Chairperson to assist the Chair and conduct EC business in the advent of an absence of the Chairperson(s). To conduct its business, the EC shall have a minimum of three (3) EC members.

c. At the first BOD meeting in January of each year, the BOD will review committee functions and contact each committee member to see if they desire to continue to serve on the committee. Continuity of committee experience is important in the BOD's selection process. The names of the committee will be announced to the membership via newsletter and posted on the VOH website.

2. Administrator. The BOD will retain the services of an individual or a Management Company to administer the day-to-day management of the EC. The Chairperson(s) will communicate all EC decisions to an Administrator with written (email acceptable) notice that reflects the agreement of at least three (3) EC members. The Administrator's duties include:

a. Receive, record, distribute and maintain files of the documents and correspondence relating to all requests and/or applications to the EC for Approval.

b. Answer questions from property Owners, Contractors, Architects/Designers and the general public concerning the EP&P and EC.

c. Supervise and perform EC investigations as directed by the EC and assess Owner/Builder compliance with approved plans.

d. At the direction of the Chairperson(s) schedule meetings and contact Owners of VOH.

e. Issue appropriate correspondence as directed by the EC to Owners and Contractors in conjunction with an Application for Approval to Construct.

f. Coordinate EC reviews and communications.

g. Hire and supervise support personnel for the EC, upon the express approval of the BOD.

h. Assist in the completion of EC's reviews and response within a thirty day (30) period.

- i. Monitor construction and re-construction compliance with EC directives and EP&P. Promptly inform the EC of unauthorized construction, non-compliance or deviation from approved Plans. Keep the EC informed of the progress of approved construction and of related matters of interest to the EC.
- j. Issue statement of Compliance to Owners and Developers when directed to do so by the EC.
- k. Maintain a “timeline” format to document and record the time trail for each construction submittal.
- l. Maintain an itemized financial ledger for all environmental activities.

Article III. ADMINISTRATIVE PROCEDURES

Section A. GENERAL REVIEW PROCESS

The EC shall meet periodically as warranted by the number of submittals, to review proposed projects. The EC can also review submittals individually and provide their decision, with comments, to the EC Chair, but every effort should be made to meet and discuss each decision. The chairperson(s) shall communicate the EC’s decision to the Administrator.

The EC reviews projects to determine their compliance with the EP&P.

VOH members should use the EP&P to ensure that their submittal is complete and in conformity with the policies of VOH. The VOH realizes that time is valuable. Owners and Builders may avoid unnecessary and potentially costly delays by carefully reading and following these EP&P prior to Construction submissions.

Deadlines for Submission. All Owners must submit plans for approval for all projects for new construction, site modification, additions, major landscaping, remodeling and restorations. After the Owner or Builder has submitted a set of construction documents, the EC will review the submission within thirty days (30), from the date that a complete set of plans and required documents are received by the Administrator. The Administrator will provide the EC members with copies of the construction submission within three (3) business days after receiving all required documents for each required submission. The EC, through the Administrator, will provide the Owner written notification of any required modifications or clarifications, if any, within this thirty day (30) period.

Owners should realize, however, that EC members are volunteers and will make every reasonable effort to meet the thirty-day deadline. If, however the deadline slips due to unforeseen circumstances such as a rash of new submissions, neither the Owner nor the Builder should assume that approval has been granted.

If the plans are disapproved the Owner may modify and resubmit the construction proposal once without additional fees.

Plans must be submitted for approval at least thirty (30) days prior to the commencement of any on site work and cannot begin until written approval is provided by the Administrator. Owners who are seeking construction approvals should mail or deliver such plans to the Administrator at the addresses shown on Exhibit “A”. Failure to produce written approval upon request of any EC member may result in a stop work injunction and costly delays.

Complete sets of plans that are submitted in accordance with these EP&P and the MDC&R will be reviewed promptly.

Plan submittals that are incomplete and/or otherwise not in compliance with these documents will be rejected and will need to be resubmitted. All plan submittals must include review fees (non-refundable) and security deposits (refundable on compliant project completion).

Owners must submit plans for approval of all projects for new construction, site modification, additions, major landscaping, remodeling and restoration that affect the exterior of the house and pool and pool aprons. All exterior work that includes re-painting, re-staining, or re-roofing should also be submitted for approval using the form "Exhibit C".

Section B. FEE SCHEDULE

Payment by check or money order made payable to "The Villages at Ocean Hill Community Association, Inc." in accordance with Exhibit "A".

Section C. PRE-DESIGN CONFERENCE

The pre-design conference is an informal and non-binding discussion that brings the Owner and his Architect/Designer/Builder into early contact with the EC. An early review of a proposed site plan to discuss preliminary designs can prevent costly delays that may result from unfortunate misunderstandings or lack of communication.

Accordingly, the Owner shall notify the EC of the nature of the proposed work. The EC shall discuss with the Owner those factors relevant to the design, construction and maintenance of Structures and Improvements. The EC and Owner together will discuss the various design controls and restrictions applicable to the Owner's Lot.

In advance to the pre-design conference, the Owner and any Architect/Designer/Builder employed by the Owner to design the proposed work, will send the Administrator a letter (see Pre-design Conference Transmittal Letter Form Exhibit "B") that indicates that all relevant persons have read the contents of this document and understand the process. All applicable fees must be paid prior to the pre-design conference. The EC or Owner may request confirmation of the receipt of said letter of acknowledgment and a scheduled appointment, within ten (10) days of its receipt by the Administrator.

Owner and his Architect/Designer/Builder, shall meet with two members of the EC or the EC's administrator to discuss the EP&P, the ecology of the area, and discuss site preparation. Such a meeting shall be at a mutually convenient time following the EC's or Owner's request therefore and shall be held on-site or at a convenient location following the on-site meeting.

Section D. REMEDY OF NON-COMPLIANT FEATURES

Any construction or reconstruction of, or the refinishing or alteration of any part of the exterior of any Structure or Improvement upon, or the Landscaping of any Lot is prohibited until and unless the Owner of such Lot first obtains the Approval from the EC as herein provided and otherwise complies with all of the provisions of this Resolution.

In order to obtain approval by the EC for any major or minor addition or remodeling, any non-compliant features must be brought into compliance with current policies subject to grandfathered exceptions. If the Owner refuses to bring a Property into compliance, the EC shall inform the BOD, who in turn will take those legal actions necessary. Until such time that the Structure is made compliant the VOH may deny member privileges and cause a lien to be filed as provided for in Article V in the MDC&R and as set forth in Article VI

EP&P herein. The VOH will assess the Owner for all expenses including liens incurred with enforcing the EP&P in accordance with Article V of the MDC&R.

Section E. PLAN SUBMISSION PROCEDURE

Prior to commencing any site work or construction, all plans, fees and a completed application form must be submitted in writing and a written approval obtained from the EC must be received. Failure to do so will constitute grounds for legal actions. NOTE: No clearing or modification of any site conditions including vegetation may occur without the written approval of the EC. All of the following are required unless waived by the EC:

1. Owner's & Builder's Plan Submission form completely filled out and signed (Exhibit B)
2. Check for fee in accordance with Fee Schedule listed on Exhibit A
3. Construction Drawings (6 copies) drawn at a scale of not less than 1/8" = 1'0"
 - a. Floor plans, including an exact computation of the square footage of each floor
 - b. Elevation drawings of all exterior facades, fences, yard space dividers and retaining walls (if any). Pitches must be designated on all roofs, sheds, dormers, porches etc. (7/12 pitch is not acceptable)
 - c. Roof Plan
 - d. Section(s) showing relationship of existing grades to floor levels to show how the Structure(s) fit onto the ground.
4. Site plan (6 copies) drawn at a scale of either 1" = 30' or 1" = 40' on an accurate survey stamped by a licensed surveyor that shows:

Property lines, setback lines, existing grade elevation(s), areas designated as wetlands, any existing dwellings and/or other improvements, significant existing plant material, proposed structure outline, stairs, decks, pools, fences, drives, parking areas, boardwalks, HVAC condenser stand, propane gas tank, outdoor grill, lot number, subdivision phase number and street address (if determined), a North arrow, the direction of views, the proposed drainage, the existing and proposed location of sewer and water lines, the location of all existing trees (if any) having a height in excess of six (6) feet and having a trunk measuring thirteen (13) inches or more in circumference at ground level, such trees which the Owner proposes to remove, the location of all proposed utility installations, location, including type and size of easements, location of proposed cut and/or fill indicating the slope and height of each, location of Contractor's I.D. sign and portable outdoor toilet facilities and temporary power pole.
5. Parking Plan (including parking construction material description).
6. Excavation and fill plan (indicating run-off and tree preservation method).
7. Exterior materials & colors (use Exhibit "C" Form)
8. Roof Materials (use Exhibit "C" Form)
9. For additions and/or remodeling, as built drawings prior to adding or remodeling are required. Also photographs of the existing structure(s) and/or improvements.
10. Construction schedule for the project

11. Landscape plan for the lot (as outlined in Article IV Section B.6)

12. On-site Staking of the Proposed Construction

Staking and stringing at the time plans are submitted are required as part of the approval process. It is the responsibility of the Owner to provide an accurate stakeout of the Lot of the proposed improvements for the EC's review and approval. The stakeout is necessary in order to ensure that the Structure(s) will properly fit on the site and will relate harmoniously to neighboring Structures (present and future) in the vicinity. The EC will note discrepancies between the Site Plan and the stakeout. After the EC has walked the staked lot with the Owner/Builder and confirmed compliance with the covenants, a written permit for clearing will be issued. Responsibility for verification of and accuracy of property corners, building location and relationships of buildings to natural site features lies solely with the Owner; the VOH assumes no responsibility therefore.

The stakeout shall indicate the following:

- a. The Structure(s) including any pool, free standing address sign and any retaining walls, shall be defined with lath stakes at the corners.
- b. All property corners shall be staked and flagged. Stakes shall remain in place throughout the duration of construction.
- c. The main floor elevation of the Structure shall be clearly defined.
- d. Stakes shall be placed to indicate the driveway opening on the front property line and all parking areas.
- e. All trees proposed for removal shall be tagged. No trees, shrubs or ground cover shall be removed before stakeout inspection by the EC and building approval. Please note that if trees are removed and/or clearing takes place without prior written approval, the VOH at its option may declare the Owner "Not in Good Standing" and require the Owner to replant appropriate trees or substantially similar alternatives. The VOH has the right to encumber such property with a lien, restrict Owner access to amenities, and/or withhold reimbursable fees until such time that re-planting occurs.
- f. A standard (46" minimum height) debris fence shall be installed after stakeout and piling erection but prior to the start of construction. At this time, a silt fence (24" minimum height) shall be installed if necessary to prevent movement of sand to contiguous properties. The fence(s) shall be maintained by the Contractor throughout construction.

Section F. MODIFICATIONS/EXCEPTIONS TO PLAN SUBMISSION PROCEDURES

In addition to Section D, submittal requirements also include the following categories:

1. MINOR EXTERIOR REMODELING is defined as non-structural alterations to the exterior appearance of a Structure or improvements and shall include pools and/or additions to decks, porches, fences and driveway surfaces. Document/plan requirements will vary on a case-by-case basis as determined by the EC and/or the Administrator. Therefore, a pre-design conference (in accordance with Section C above) needs to be held either in person or by phone.
2. EXTERIOR REPAINTING AND RE-ROOFING For this category of work, submit forms Exhibits "B" and "C" with related color samples as required and associated fees. Minor touch-up re-painting, re-staining, and deck cleaning do not require submission of approval forms.

3. MISCELLANEOUS EXTERIOR RESTORATION

- a. Defined as replacing siding, windows, doors, decks, etc., generally with identical or nearly identical materials.
- b. For this category of work the Owner needs to call, write or e-mail a brief description of the planned work to the Administrator. In most cases, an administrative approval can be given within 1 to 3 days of receipt of information. Additional information may be required in cases where materials may be different and/or there are any modifications to the exterior appearance of the structure or improvement.

Section G. APPROVAL TO CONSTRUCT

The EC will provide a written response for each plan submittal to the Owner within thirty days (30) after receipt of all required plans, information and fees. Receipt by the EC is defined as three (3) business days after receipt of all required documents by the Administrator together with any supplemental documents/information requested by the EC.

Any submission that does not include all plans, materials, application forms and other items as required will be rejected and will not be forwarded to the EC until all requirements have been met.

A written response shall be either:

1. An approval to construct in accordance with the submitted plans; when the EC finds that:
 - a. The plans and general specifications conform to the EP&P; and
 - b. The Owner and Owner's Architect/Designer/Builder, if any, shall have strictly complied with the provisions of Article III, Section E 1-12. .
2. A conditional approval to proceed with construction upon written acceptance by Owner of recommendations for changes to Plans as submitted.
3. A request for supplemental documents/information to allow the EC to complete its deliberations
4. A statement of disapproval explaining the reasoning of the EC in reaching its decision

All proposed construction must receive a written approval to construct from the EC before proceeding with any site work or construction activity. Failure to do so will result in legal action.

The written approval to construct shall apply only to approved Plans as submitted by Owner. Any changes to the approved Plans must be submitted to and approved by the EC in accordance with these Policies. The approval to construct shall be in effect for a period of one (1) year and is non-renewable except at the discretion of the EC.

Copies of written approval must be available at all times at the construction site.

Section H. MISCELLANEOUS ADMINISTRATIVE PROCEDURES

1. Notice of Construction Start

Upon receipt of the final approval from the EC, the Owner shall notify the EC by letter of the proposed commencement date for construction and diligently proceed with the commencement and completion of all site work, construction, reconstruction refinishing, alterations, and excavations pursuant to the approved

plans. If construction fails to commence within one (1) year of final approval by the EC, approval is nullified without action by the EC. Extensions of approval may be granted by the EC on request.

2. Changes during Construction

All changes to the exterior of a Structure and changes in road alignment, parking & driveway layout, amenity location, trees to be removed, address sign, and any other change affecting the appearance of a project upon its site and to its neighbors must receive the prior approval of the EC. Changes proposed during the course of construction shall be submitted in writing and revised plans, if necessary, shall be resubmitted for approval. All construction and site work shall be in conformity with approved plans.

3. Compliance during Construction

Periodic inspections of construction in progress may be made by the EC or its designated agent to ensure compliance with its EP&P and with approved plans. The EC is empowered to enforce its published EP&P by legal action against non-conformance. Job sites shall be maintained in a neat and orderly condition at all times during construction. Ingress and egress to the construction site shall be as designated by VOH but shall not be allowed over other lots in the VOH.

The Contractor shall be notified of any non-compliance during construction and if not brought into compliance with a reasonable period of time based on the circumstances, not to exceed three (3) days of notification, the VOH will take action to remedy the situation. Any cost incurred by the VOH as a result of any non-compliance of any of the policies or procedures during construction shall be deducted from the security deposit.

The following requirements shall apply to all Contractors involved in construction at VOH, their employees, and their Subcontractors, and to any person who visits a Lot in VOH.

a. General:

- 1) All activity by the Contractor shall be restricted to the Lot on which he is building. No vehicles shall enter onto VOH common properties or cross the dunes at any time. Beach access is restricted to pedestrians on boardwalks constructed pursuant to criteria established by and approval obtained from the EC.
- 2) Any damage to any properties, either private or association common properties, caused by the Contractor and or Subcontractor during construction shall be the responsibility of the Owner to instruct the construction Contractor to return the property(s) to condition prior to damage to the satisfaction of the Owner of that property and the EC. Failure to do so within thirty days (30) of notice will result with repair taking place at the direction of the EC with cost, including all administrative and project management, being deducted from the security deposit. Any costs exceeding the security deposit shall be invoiced to the Owner at time of construction.
- 3) Delivery and storage of materials shall be confined to the building Lot only.
- 4) Existing vegetation shall not be disturbed except as approved where necessary to construct the Structure, driveway, and utilities.
- 5) A sign, with a maximum area of six (6) square feet, indicating Lot number, property Owner, and general Contractor, shall be put up for the Building Inspector and supply companies.

6) Burning, burying or disposal of underbrush, construction trash or garbage of any kind into a body of water, within or adjacent to VOH is PROHIBITED.

7) All construction areas will have a portable toilet on site until completion of construction.

8) No pets shall be brought to the building or remodeling sites. Pets of Owners and guests shall be leashed when leaving the property.

9) No loud playing of radios during construction or remodeling.

b. At the Beginning of Construction:

1) Building Contractors shall locate a temporary driveway in the same location as the future permanent driveway to ensure that ingress and egress are within the building Lot only. There shall be no traffic, vehicular or pedestrian, on adjacent Lots. Street parking overnight is prohibited. Street parking that obstructs traffic is prohibited. Street parking on adjacent lots requires permission of the lot Owner.

2) Builders shall arrange for suitable trash bins for waste building materials and trash to be placed on the Lot in an approved, or existing, clearing without damage to existing plant materials. These containers shall be emptied at least once a week to prevent overflow.

c. During Construction:

1) Builders and Contractors shall be responsible for any damage of adjoining roads and roadsides.

2) Each Builder shall be responsible for regular clean-up of the site. Scrap and trash too large to be put in the container shall be removed from the site on a weekly basis.

3) There shall be a weekly clean up and stacking of the building materials by the Builder.

d. At the End of Construction:

The Home site shall be completely cleaned at end of construction and/or when building inspector gives occupancy permit, whichever is earlier.

4. Completion Date

a. The EC shall establish in coordination with the Owner a reasonable completion date once construction work has commenced. The EC shall be guided by the following construction completion periods: New Construction or Major Remodeling, twelve (12) months exclusive of interior decorating time, and Minor Remodeling or Refinishing, three (3) months, exclusive of interior decorating time.

b. The Owner shall complete the construction, reconstruction, refinishing or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows and doors) of any Structure or Improvement of his Lot within the established specified time, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies or natural calamities. If the Owner fails to comply, an extension is not allowed by the EC, the EC shall notify the BOD of such failure, and the BOD shall take those legal actions set forth in Article V of the MDC&R.

5. Final Inspection

Upon the completion of any construction or reconstruction of, or the alteration or refinishing of the exterior of any Structure or Improvement, or upon the completion of any other work for which Approved plans are required under this Article, the Owner shall give notice thereof to the EC. This notice from the Owner requesting final inspection must be filed with the VOH using the form Exhibit D no later than the date a Certificate of Occupancy is issued or a transfer of Ownership whichever occurs first. This notice shall include a final "as built" site plan depicted on a stamped survey that demonstrates compliance with the approved plans and the EP&P.

A failure to do so shall be deemed by the EC as a waiver of right to receive a refund of all or part of the security deposit which shall be determined by the EC at its sole discretion. Within thirty days (30) from receipt of notice the EC at its option, may inspect such Structure or Improvement to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with approved plans.

6. Enforcement

If after final inspection the EC finds that such construction, reconstruction, alteration, or refinishing was not done in substantial compliance with approved plans, it shall notify the Owner of such non-compliance and shall require the Owner to remedy such non-compliance. If upon the expiration of sixty (60) days from the date of such notification the Owner shall have failed to remedy such non-compliance, the EC shall notify the BOD of such failure, and the BOD, at its option, shall withhold reimbursable fees, encumber the property with a lien that covers VOH expenses and damages and/or deny access to existing amenities to the Owner(s) and/or guest(s) of said property. The BOD may remove the Structure or Improvement or remedy the non-compliance and require reimbursement for all expenses incurred in connection therewith as set forth in Article V of the MDC&R.

7. Limitation of EC Responsibilities

The purpose of the EC is to inspect plans and specifications submitted to it and to determine if those plans and specifications comply with the restrictions recorded against the Property. The EC only reviews plans and specifications to determine if a proposed Structure or Improvement conforms in appearance with the EP&P for development. The EC does not consider and assumes no responsibility for:

- a. The structural capacity and/or safety features of a proposed Structure or Improvement.
- b. Whether or not the location of the proposed Structure or Improvement on the building site is free from possible hazards from flooding, or from any other possible hazards whether caused by conditions occurring either upon or off of the Property.
- c. Soil erosion causing sliding conditions.
- d. Compliance with governmental laws, ordinances, and regulations.

NOTE: The above listed considerations are the responsibility of the Owner.

Article IV. DESIGN CRITERIA, PRINCIPLES AND STANDARDS

Section A. LOTS SUBJECT TO THE PROVISIONS OF THIS ARTICLE

All Lots bought within the scheme of the MDC&R shall be subject to the provisions of this Article except as they may be superseded by the provisions of a Supplementary Declaration and except as the EC may grant variances from the provisions of this Resolution.

Section B. SITE AND LANDSCAPE PRINCIPLES AND STANDARDS

1. General Lot Requirements

a. Yard Area and Structure Placement Regulations. Additions to Structures built by the Developer shall be as required by the Currituck County Zoning Ordinance. All other Structures shall be set back from the street right-of-way and Lot Lines to comply with the following yard requirements except as may otherwise be provided:

1) Front Yard. The minimum distance of the Front Yard shall be twenty (20) feet, or the distance required by the Currituck County Zoning Ordinance, whichever is greater.

2) Rear Yard. The minimum depth of the Rear Yard shall be the greater of 20% of lot depth or 25 feet.

3) Side Yards. The minimum distance from the building structure to side property lines shall be 10 feet or the distance required by the Currituck County Zoning Ordinance, whichever is greater.

b. Easements. No Structure, improvements or minor construction shall be permitted on any Lot drainage easement or utility easement.

c. Variances. The EC may grant setback variances if it deems them necessary for aesthetic, privacy and safety reasons subject to the Currituck County Zoning Ordinances.

2. Land Use Restrictions. Each residential Lot shall be restricted as follows:

a. Front Yard. No structure shall be permitted in the Front Yard. All Improvements, including street address identification and Landscaping may be permitted in the front yard provided that within fifteen (15) feet of the front Lot Line no Improvement or Landscaping shall exceed forty-eight (48) inches in height, except trees maintained with lower branches not nearer the existing grade than four (4) feet.

b. Rear Yard. No Structure shall be permitted in the Rear Yard setback.

c. Site Improvements and Landscaping. Site Improvement(s) and Landscaping may be permitted in any yard, subject to the front yard provisions, so long as they do not unnecessarily limit the vista opportunity of the surrounding Lots.

d. Temporary Structures. Temporary Structures of the construction industry which are incidental to the erection of Structures permitted on a Lot may be permitted on any yard area on the Lot, as approved by the EC, provided they are removed when construction work is completed.

e. All structures shall be within the buildable area of the property.

f. All other construction, including pools, safety fences surrounding pools, driveways and pool houses shall not be located within the setbacks without a variance issued by the EC. Exception- Pool decks may extend into the rear setback by no more than 5 feet, but must be approved in writing by the EC. Proposals for fencing including pool fencing must be submitted in writing to the EC, with written approval required by the EC. No extension will be granted encroaching into the 10-foot side setbacks.

3. Storm Water Management

All new home or major addition request applications must include a submitted Storm Water Management Plan and must show storm water flow and dissipation including swale elevations. Storm Water Management Plans must be approved by the EC before construction begins.

4. Lot Coverage

The EC policy for Maximum Lot Coverage percentage is consistent with Currituck County zoning ordinance limitation effective as of 11/17/03. However, the EC will include all driveway and parking area surfaces as impervious surface along with other impervious surfaces in the calculation of maximum lot coverage.

5. Ocean Beach and Dune Area

The Association does not have any common property beach area except at the VOH beach accesses.

Approval from the EC must be obtained:

- a. Before any work can be performed on dune walkover structures across the frontal or primary dune shall be no more than eighteen (18) inches above grade, and construction of beach access stairs, platforms, walkways and any other structures is initiated.
- b. Sand-fence placement must be in accordance with the Division of Coastal Management "CAMA" criteria.

NOTE: Beach Scraping (pushing) is discouraged.

6. Landscape Guidelines

When the Owner develops a landscape vision as part of his/her site plan, the following should be considered:

- a. The basic objectives of landscaping and re-vegetation are to preserve the land in its natural state insofar as possible and remain consistent with VOH landscaping.

Historical Note: Much of the Outer Banks and the Northern Beaches was once a Maritime Forest. Live Oaks continue to populate the remaining Maritime Forest that can be found in the Coastal Reserve and are indigenous to this area. As such, the VOH, seeks to preserve these trees because of their historical value.

- b. Tree and natural landscape removal shall be kept to an absolute minimum. All ground areas disturbed during construction shall be replanted and stabilized at the earliest opportunity, or otherwise retained by a visually aesthetic material, to provide for erosion control.

- c. The Owner shall pay for the cost of relocating any utility structure necessitated by any change created in the existing grade as a result of the Landscape plan.

d. New Construction

1) During the On-Site Staking process, all trees that Owners/Builders propose to remove must be marked for review by the Builders and approved by the EC.

2) Owners/Builders have the right to remove trees that are within ten feet of the house, pool or driveway.

3) When building or installing a driveway, deck or pool, the design may not be rejected by the EC for the preservation of a tree.

4) New construction or renovations must include a landscape plan. Vegetative screening for pools must include plants that have the potential to grow to at least 4-5ft. high and planted no further than 5-7ft. apart so that mature plants will provide the density necessary to shield pool fences.

e. Existing Homes

- 1) If a mature tree near a previously built home has become sufficiently large so that it has become a threat to the structure by virtue of hanging branches that rub against roof lines; hangs over roof lines; hangs over pools; or creates a dark space; the limb may be removed without consulting the EC.
- 2) If a tree needs to be removed for the safety of a structure the Owner may do so but must notify the EC prior to its removal.
- 3) If a tree is further than ten feet from the house, the EC must be notified before any tree is removed and the EC shall make the final decision. Owners have the right to appeal any EC decision to the BOD.
- 4) The height and circumference of a tree will not be the determining factor as to whether or not a tree can be removed from the Owner's property.

f. Owner's Responsibilities

- 1.) Trees on private property that border the road are the responsibility of the individual Owner and must be maintained at the Owner's expense. Trees that line the road must be maintained at a canopy of 15ft. so that emergency vehicles such as fire trucks can pass through.
- 2) Bushes on private property that line the road must be trimmed and kept 5ft. from the road to promote vehicle and pedestrian visibility.
- 3) Owners are responsible for maintaining their bushes, trees and other vegetation so that they do not encroach on their neighbor's or VOH common property. If encroachment occurs, and if a resolution cannot be reached, the neighbor encroached upon will notify EC for assistance in reaching an amiable agreement.
- 4) Dead trees on private property are the responsibility of the Owner to remove and should be removed within 60 days of notification by the EC. It is important to remove them properly to prevent the spread of infectious insects.

g. Consequences for Non-Compliance

- 1) If an Owner removes a tree or trees further than 10ft. from their house without notifying the EC or prior to obtaining the EC approval during the on-site staking process there are consequences. The consequences may include a lien being placed on their property; denial of use of amenities for themselves and their renters or guests; and the requirement to replant trees or other vegetation.
- 2) If replanting is required, the EC shall approve the landscape design.

7. General/Miscellaneous Guidelines – Except to the extent reasonably necessary for the construction, reconstruction or alteration of any Structure or Improvement for which the Owner has obtained Approved plans pursuant to this Resolution:

- a. No Excavation or Fill that would alter the height of the Lot for the sole purpose of obtaining a better view shall be added upon any lot.
- b. No change in the natural or existing drainage for surface waters shall be made upon any lot, unless in compliance with county requirements and deemed necessary to avoid adverse effects on neighboring properties

c. No power, telephone or other utility line (wire or conduit) which would be visible from neighboring property shall be installed upon any Lot.

d. No permanent docks or bulkheads will be permitted on Crystal Lake.

NOTE: In the event of any violation (clause a or b), VOH will require the Owner to restore such Lot to its state existing immediately prior to such violation. In regard to clause c. above, VOH shall require the Owner to remove all unauthorized power, telephone or other utility lines (wires or conduits). In regards to clause d. above VOH shall cause the Owner to remove the permanent dock or bulkhead. The Owner of such Lot shall reimburse the VOH for all expenses incurred by it in performing its obligations under this paragraph. If the Owner does not comply with the VOH's policies, the VOH, at its option, may place a lien on such properties, deny access to amenities until the lien is paid, or pursue legal action to remedy the violations.

Section C. ARCHITECTURAL PRINCIPLES AND STANDARDS

1. Structure Design

a. General Design Criteria. The Owner's home will become a part of a unique community, which springs from the idea and the hope that man can live in and with nature with a minimum of intrusive effect. Towards that end the basic planning of the VOH is directed to the preservation of common areas with the home sites designed to enhance overall space utility of the community. Open spaces for public enjoyment and visual relief, and open private spaces for Owner use are provided.

It follows that house planning and construction should point towards the creation of forms, colors and textures which produce a minimum of intrusive effect in the total landscape and which take the greatest advantage of natural land and growth patterns and forms. The ultimate goal is a residence that will exist in the landscape rather than on it and which will, under diminished light, appear to vanish into and become part of the Landscape. Architectural silhouettes in relation to the adjacent home sites and rolling horizontal plane are encouraged so as to enable a vista for all residences.

Structures shall be designed to be attractive from all directions. The site design, Structure and Landscaping should be developed to work as a unit, with the architectural theme carried throughout the project. The relationship of each residence to its neighbor's is extremely important and should be a prime consideration in the design process. Because the VOH has been based upon the "planned environment" approach, the effort consistently has been to achieve good planning, good design and quality construction in each house building program. There is deep concern for the quality (not quantity) of the final result.

Stock house plans are discouraged. Developers seeking to build the same design with minor variations will be denied approval. The approval of a specific house design on one site does not imply that the same plan will be approved for another site; certain architectural styles may not be approved at the discretion of the EC. Owners may however appeal the EC decisions to the BOD.

Each structure shall be completely constructed on site. There shall be no modular structures, trailers, prefab construction or houses moved onto a VOH property from elsewhere.

b. Facade Design. The overall appearance of the facade should convey a look of traditional Outer Banks architecture.

c. Exterior Features

1) Minimum Home Size:

Homes shall be designed with a minimum of 1800 square feet of enclosed living area. Variances may be granted by the EC where the buildable footprint does not allow for an 1800 square feet structure.

2) House or Structure Height Limit:

No home or structure shall exceed a height of thirty-five (35) feet as measured from the average grade of the foundation to the highest point of the roof, including all accessory portions attached to the roof excepting ornamental cupolas and weather vanes.

3) Roof lines shall be a minimum 8/12 pitch. The Environmental Committee will encourage roof pitches to be in excess of 8/12 wherever possible and in the same design with buildings using roof with 8/12 as a "basic". Multifaceted roof lines are encouraged. Shed, dormers and porches may be accepted at a slope of less than 8/12 pitch but never less than 4/12 pitch.

4) All roofs must be of one of the following materials:

(a) Cedar shingles

(b) Galvanized metal of 18 gauge or heavier or painted aluminum standing seam. The only colors of metal roofs acceptable to the EC can be found on Exhibit "E". The EC's goal is to have harmonious house colors throughout the VOH. Therefore, all roof colors currently in use are grandfathered unless and until a subsequent Owner desires to re-roof their house.

(c) Architectural grade composition shingle, 240 pounds minimum

5) All chimneys will be enclosed with similar siding as house and tops must have a hood and cap with painted metal materials. Masonry fireplaces and chimneys are encouraged wherever and whenever possible. Where the first-floor elevation of houses is less than 5 feet, the chimney shall run from the ground and be contiguous to it.

6) All building pilings must be masked and front elevations of all buildings screened with appropriate building materials to ground level, exclusive of under building parking entry.

7) Siding materials must be of the following materials:

(a) Cedar Shakes;

(b) Hardi-plank or equivalent;

(c) LP Smart Siding.

Note: Vinyl, Aluminum, plastic and composite material siding are prohibited. Other sidings may be considered by the EC but must be in accordance with the architectural integrity of the community.

8) Preapproved House Colors:

(a) Goal- The goal of the EC is to assist Owners who plan to paint or repaint their homes with a tool to make the selection of your paint color easier. The selection of natural earthy tones and/or peaceful coastal colors that are contiguous to the Outer Banks is encouraged. Colors that reflect our natural surroundings are recommended.

(b) Painting Requirement- It is a requirement to notify the EC when you plan to paint or repaint your home, using the form attached as Exhibit D. The following tool is available to help in the selection of colors.

(c) Pre-approved Color Board- The EC has pre-approved 24 Pittsburgh Paint colors for the main body of a house. (The EC does not endorse or recommend Pittsburgh Paints. These colors can be mixed with any local vendor you prefer). These colors will assist you in selecting the right value of color for your home. However, if you prefer another similar color, please submit your request and samples to the EC. Also, the Color Board includes pre-approved colors for railings and latticework. Other details, such as accent colors on doors, railings and latticework, will be approved separately by the EC. The Color Board will be available for your review in the Fitness Center so that you can see the various colors.

(d) Variances- Owners can deviate from the pre-approved colors with written approval of the EC. If the Owner chooses a color similar to those included on the Color Board, then a discussion with the EC is expected before final approval which will determine if the color is within the range of pre-approval colors not able to be displayed on the Color Board.

(e) Web Tools- There are friendly tools on-line to help with visualizing the color of your house.

(f) End Goal- The EC's end goal is to have harmonious house colors throughout the VOH. Therefore, all house paint colors currently in use are grandfathered unless and until a subsequent Owner desires to paint or repaint their house.

(g) SEE EXHIBIT D – APPROVED HOUSE COLORS

9) Railings shall be of a traditional design. Railings shall be of a three or four-rail type made from 2x4's with 2x6 caps or pickets 5 inches on center with a 2x6 top railing and 2x4 bottom rail or a similar design acceptable to the EC. Railings, pickets, and caps may be made out of pressure treated wood or white vinyl.

10) The EC encourages white finish on windows and sliders. Storm window colors must match window frames or wood trim color.

11) The intent of the EC is not to limit design creativity, but to encourage the harmonious atmosphere of a quality community with home designs compatible to the overall neighborhood. All innovative designs will be considered.

d. Detached Storage Units "Detached Storage Units" are prohibited.

e. Automobile Storage

1) Each Owner shall provide a covered area to shelter at least one car. The structure shall be enclosed to the extent that its contents are not overly visible from the street. The EC encourages side entries, under the first floor of home.

2) Temporary or permanent parking or storage of RV's, Camper's, Utility Trailers, Boats and Jet-Skis and their associated trailers are PROHIBITED on unimproved Lots (vacant lots), and improved Lots unless they are parked under the house or out of public view from the street or cul-de-sac. The Management Company, may upon request from an Owner during the winter season, grant permission to park a boat and or trailer, or a utility trailer on the Tennis Court parking lot. Permission will be granted to a specific number based on the availability of space.

3) Driving or operating an ATV on VOH streets is prohibited. Owners and guests planning to operate their ATV on the North Beach must have a County ATV Use Permit for driving or operating on the

North Beach and must trailer the ATV to north of the 4-wheel drive access ramp before unloading and operating. State and County regulations prohibit operating ATV's on NC-12.

4) Full-Time Residents of the VOH who own an RV that is stored off-site may park their RV at their home for up to three (3) days prior to departure and three (3) days upon return for travel preparation and unit maintenance.

f. Utility Equipment and Hardware Screening

All meter boxes and similar public utilities, heat pump/air conditioning units, propane tanks, pool pump systems and trash containers shall be architecturally screened using materials acceptable to the EC as a part of the Structure or yard improvements. All public utility wires or conduits shall be concealed.

g. Driveways and Parking Areas

1) Driveways from the street to the property will not be wider than 24ft. at the lot line. This is a Currituck County Code as well as VOH. There shall be a 10ft. setback from the road before establishing drive aisle/parking spaces.

2) Parking areas must be located within the buildable area of the property and therefore are not permitted within the 10ft. front or 10ft. side setbacks unless a special variance is granted to the Builder/Owner by the EC.

3) The number of parking spaces is as required by Currituck County Code:

(a) A "parking space" is calculated as 10ft. x 18ft.

(b) Two (2) parking spaces for a four (4) bedroom or less home.

(c) One (1) parking space for each bedroom for a home of five (5) or more bedrooms.

4) Owners of all new and replaced residential driveways are encouraged to use pervious open-faced paving material for driveways.

5) Materials for residential driveways and parking areas may only be natural color concrete, exposed aggregate concrete, bricks and pervious open-faced paving materials, as approved by the EC. Driveways may be painted or stained with prior approval from the EC.

h. Pools

1) The location of pools is subject to EC approval. Submission of a site plan must be approved by the EC.

2) The pool complex (pool, deck, mechanical) is typically constructed to the rear of the home, within the left and right dimensions of the home, and shall not be in the side and rear set back area. Exceptions can be applied for from the EC if the pool complex cannot be located within prescribed boundaries because of topography, etc. (A request to install an excessively large pool in a small rear yard does not constitute an exception).

3) The Maximum Lot Coverage (as herein after defined) shall not include the actual pool but shall include any surface around the pool that is not permeable to water (the pool apron). For instance,

decking that permits water to drain through its openings is not included in the calculation, but concrete that only drains off the ends of the concrete is included.

The Maximum Lot Coverage is based on the size of the lot. This conforms to Currituck County Code standards as well:

For lots less than 10,000 sq. ft., Maximum Lot Coverage is 45%;

For lots between 10,000 sq. ft. to 19,000 sq. ft., Maximum Lot Coverage is 35%;

For lots greater than 19,000 sq. ft., Maximum Lot Coverage is 30%.

4) All pool pumps, pool pump motors and noise producing pool heating units must be enclosed in a sound proof enclosure to reduce noise levels which may affect or present a nuisance to, neighboring homes and properties.

i. Pool Fence

1) All swimming pools must be enclosed by a pool surround fence or wall. Submission of a site plan and approval by the EC is required for new or remodeled/replaced pool fences.

2) The fence shall be constructed to totally enclose the pool complex. The fence shall include a minimum of one 36-inch-wide lockable gate located to allow efficient entry/exit. The fence's height shall be at least 48 inches but no more than 60 inches.

3) Fencing material may be constructed of either cedar shakes, LP Smart Siding, Hardi-plank, wood or white vinyl plastic. Fencing may not be made of acrylic see-through panels, wrought iron, pickets nor alternating slats. All fencing must be solid.

4) If the fencing is painted or stained, it must be maintained regularly or the Owner will be subject to notification by the EC.

5) Properties with a rear setback adjoining Ocean Hill will be allowed a pool fence up to 10ft. of their rear property line.

6) Vegetative screening is required. Vegetative screening for pools must include plants that have the potential to grow to at least 4-5ft. high and planted no further than 5-7ft. apart so that mature bushes will provide the density necessary to shield pool fences.

j. Yard Fences

1) Yard fences are to be constructed in the rear yard and sides of the home only. They can be constructed in one of the following ways:

a) From the rear corners of the house and extend back to the rear property line;

b) From the rear corners of the house out at a 90-degree angle to the side property line and then back to the rear property line;

c) If a smaller rear yard fence is desired, a design plan appeal for a variance can be submitted to the EC.

2) A current site plan with the proposed fence location clearly marked and a refundable \$250.00 Security Deposit must be submitted to the EC for approval prior to the fence installation.

- 3) No fence or any portion thereof shall be placed along the front of the home.
- 4) Fences shall be constructed of pressure treated wood and the approved design is only two-rail (split-rail) fencing. The height of the top railing shall not be any less than 24 inches high and not more than 36 inches from the ground. If the adjoining house has a split rail fence, for uniformity purposes, the EC will “weigh-in” on the height of the new fencing.
- 5) Fences are to remain in a natural wood state and shall not be painted or stained. A colorless sealer may be applied to the fence.
- 6) A neutral transparent wire screen may be included for pet control. Such screening shall be brown or green to correspond to the adjacent landscape, but not galvanized silver.
- 7) Rope fences may be utilized across the front of a property as part of an accepted EC landscape plan, but must be maintained. EC must be consulted and shall have approval on the placement of a rope fence.

2. Miscellaneous Architectural Regulations

- a. Municipal Codes. All building construction, plumbing, electrical wiring and mechanical installations shall comply with the applicable building, plumbing, electrical and mechanical codes.
- b. Site and Structure Drainage. No Owner shall cause additional drainage run-off to be created on an adjacent Lot.

Section D. SIGNAGE ON LOTS AND IMPROVEMENTS

In accordance with Article VIII, Section 1(e) of the MDC&R, the following criteria shall apply to the use of signs on lots and the improvement constructed thereon:

1. “Construction Contractor” signs shall be no larger than three (3) feet high by two (2) feet wide and shall be no higher than four (4) feet above grade. Only one sign per lot is allowed and shall not be visible from NC-12. Construction signs must be removed prior to or simultaneous with the house receiving a Certificate of Occupancy.
2. “For Sale” signs for homes or lots shall be no larger than six (6) inches high by twenty-four (24) inches wide and shall be no higher than two (2) feet above grade. Only one sign per lot shall be allowed and shall be placed at least five (5) feet from the street pavement.
3. Rental signs shall be no larger than twelve (12) inches high by twenty-four (24) inches wide and must be attached to the house itself and shall give appropriate rental information including the rental agency house number and the rental agency telephone number.
4. Open House banners and reasonable street signs advertising or announcing open houses will be acceptable on homes and such other location as may be approved by the EC. No signs advertising lots or houses for sale shall be allowed on Ocean Trail. Two “Open House Flags” are permitted at certain street intersections (other than Ocean Trail) but shall not be higher than six (6) feet. Flag banners and signs can be displayed only when a salesperson is actually on the premises where the open house is being held.
6. House number identifiers issued by Currituck Fire Department should be located close to the road.

Section E. EXTERIOR LIGHTING

Good Neighbor Outdoor Lighting – If outdoor lighting is not well designed and properly installed, it can be costly, inefficient, and harmful to the night time environment. VOH’s primary concern is safety, glare and light trespass. The Owner’s goal should be to keep sky glare to a minimum in support of the beach’s “dark sky” concept.

Exterior lighting plans will be reviewed, discussed and approved with the EC prior to new construction and/or major renovations. Owners/Builders will make this part of the preapproval process.

1. Flood Lights- flood light elevation from vertical to ground will be between 45-90 degrees. LED and Halogen lights are encouraged for energy savings and sustainability. “Daytime” designation is prohibited because of the increase in glare. Only “Cool White” is acceptable.
2. Lighting shall not intrude in any way on a neighboring property. Down lighting fixtures are encouraged where lighting could be intrusive and may be required at the EC’s discretion. It is expected that all exterior lighting be extinguished by 11PM when outside areas are not in use. For security reasons, motion detector exterior lights are allowed.
3. Mercury vapor/sodium vapor yard lights are prohibited.
4. Lamp post lighting is not allowed.
5. Up-lighting of homes is prohibited.
6. There shall be no balcony, deck or porch decorative lighting such as (but not limited to): moon ray solar powered jelly jars, Chinese lanterns, Tiki lights, lighted flamingos, palm trees or other types of marquee light lighted sign, except during holiday periods. Strings and white lights on outdoor railings should be turned off by 11PM. Strings of white lights on enclosed porches are acceptable so long as they are turned off by 11PM when not in use.
7. Driveway and walkway lighting is allowed. Fixtures must not extend beyond 18 inches above grade, must have top shades and must be of an approved low-level type with average light not to exceed 50 watts. LED acceptable as long as they are shielded to prevent excessive glare.
8. Colored light bulbs are prohibited. Yellow, cool white or frosted bulbs are acceptable.
9. It is expected that pool lights be turned off by 11 PM when not in use.

Section F. MAINTENANCE

1. Owners are responsible to keep their Property well maintained and in compliance with EP&P. Deferred maintenance of homes affects the value of all homes and the overall quality of the VOH appearance.
2. All exterior siding and trim should be re-stained or re-painted as needed. With regards to paint note the following:
 - a. Paint/stain colors acceptable for exterior doors and trim are subject to EC approval.
 - b. Composite shingle colors must be complementary to siding and trim colors.
 - c. EC encourages painting/staining of deck and railings.
 - d. Pool fence is to be re-painted/re-stained as needed.

3. Maintenance/repair/restoration must be performed promptly as needed for landscaping and structures including fences, siding, decking, sand from the property blowing onto the street, etc. This also includes the removal and proper disposal of dead trees.
4. Unimproved lots shall be stabilized immediately following any land disturbing activity to minimize sand drifting onto roads and neighboring properties.
5. If an Owner is contacted by the Administrator with respect to required maintenance on his home, the Association expects the Owner to respond within thirty days (30). Failure to do so could result in removing membership privileges and additional legal action, as provided in the MDC&R and Article VI herein.

Section G. VOH ANNUAL HOME INSPECTION

1. GENERAL

- a. The purpose of the VOH Annual Home Inspection is to facilitate a consistent standard of home maintenance throughout the entire VOH. The ultimate goal is to maintain high property values and high rental incomes for VOH Owners.
- b. The VOH Annual Home Inspection is defined in Section 2 below. The process will insure that a common standard of maintenance is applied and upheld throughout the entire VOH. The process will include a common format for assessing and prioritizing maintenance needs throughout the VOH.
- c. The inspection process will identify which homes are most in need of maintenance each year. Owners will be informed by the EC if their home requires maintenance to meet the common VOH standards.
- d. Compliance with these rules for home maintenance is a requirement for all VOH Owners. The VOH BOD has the authority to take appropriate actions, such as removal of amenities, to enforce this compliance. Legal action is an option if compliance does not occur pursuant to Article VI herein and Article V of the MCD&R.

2. THE PROCESS AND TIMELINE FOR THE INSPECTION

- a. The Annual VOH Home Inspection shall be conducted in October or November of each year, after the completion of the primary rental season. The exterior inspection of all homes should be fully completed by the end of November. The EC chairman is responsible for organizing and arranging the inspection.
- b. Members of the EC and the VOH Manager conduct the inspection as a team. A formal Inspection Form is used which ensures that a consistent standard of assessments is applied across the entire VOH.
- c. The Inspection Form covers the entire property including, but not limited to, exterior paint, trim paint, roof, chimneys, general structure, decking, pool and fencing, yard and grounds, etc. The Inspection Form shall include assessment rating categories for deficiencies: immediate or near future. Copies of all Inspection Forms will be maintained by the VOH Management Company. At the time of the inspection, photos of maintenance deficiencies may be taken at the discretion of the EC to document problem areas.
- d. By the end of November/December, the EC will identify properties that are deficient to the VOH Management Company. The Management Company shall provide written notification and to Owners whose properties are in need of attention.

- e. The EC shall summarize the list of homes with deficiencies by December. The spreadsheet shall include the identification (Lot #, physical address, and contact information) for each house requiring follow-up action and a brief summary of the maintenance required.
- f. For VOH homes where maintenance needs are identified, but the actions can wait until next year, the Management Company shall issue letters of advisement only, and the VOH Management Company shall act as contact for follow-up communications on these homes.
- g. By the beginning of March, the EC shall reach an agreement with each affected Owner on the course of action to correct the identified maintenance deficiencies on their home, and an agreed schedule for action to be completed. The goal is to have the required maintenance work completed before Memorial Day.
- h. All EC correspondence (letter or email) regarding the identified homes shall be copied to all EC members, the Management Company representative, and the BOD contact to the EC. This shall continue throughout the resolution process until the maintenance is satisfactorily completed or until the home is deemed to be in non-compliance.
- i. By May 30th, notification letters shall be sent from the EC to non-compliant home Owners, informing them of loss of VOH amenities. All notification letters shall be reviewed and approved by the VOH BOD before sending. All such letters for removing amenities should be copied to the VOH Management Company. Also, by May 30th the VOH Management Company shall take over any follow-up responsibility for only those homes notified by the EC as “non-compliant”. The VOH Management Company will notify the affected rental companies to assure that they are aware of any homes where amenities have been removed for non-compliance. At this time, the Management Company will take over the responsibility for updating the spreadsheet regarding any homes in “non-compliance”.

Article V. VARIANCES

The EC shall have the authority to grant variances from the provisions of this Resolution upon written appeal by the Owner. Such appeal shall be based upon the fact that the EP&P provisions would affect aesthetics, privacy or safety.

The EC shall notify adjacent/contiguous/proximate Owners in writing as to the requested variance. The neighboring Owners have thirty days (30) to respond to the EC in writing if they believe that the requested variance will negatively impact their property rights and is not consistent with the EC guidelines. Once the thirty days (30) expires, the EC has one week to notify both the Owner and the neighbors of the final decision. The EC shall grant a variance if it determines that the Owner’s request for a variance complies with his/her right to improve his/her property with modifications consistent with the broad framework of the EC guidelines.

All parties have the right to appeal in writing the EC’s final decision to the BOD. At the subsequent BOD meeting, the BOD will hear in person, by email, or by phone, the position of each of the respective parties. The BOD will make a final decision and inform all parties in writing within one week (1) of the BOD meeting.

Article VI. ENFORCEMENT

Pursuant to North Carolina Statute Chapter 4F, and specifically, Section 47F-3-107.1, the VOH will follow the state proscribed procedures for imposing fines and suspension of VOH privileges and services (limitation of use of VOH amenities). Amenities shall include use of the pool(s), tennis courts, and fitness center. However, prior to going to these lengths, the VOH will carefully evaluate each individual situation and

attempt to work with each Homeowner to reach a resolution within a timely manner without imposing a fine or suspension of privileges. However, if the latter becomes necessary, the BOD or the VOH Management Company shall notify the rental agency, of the action taken.

A hearing shall be held before the BOD or an Adjudicatory Panel appointed by the BOD to determine if any Owner should be fined or if VOH privileges or services (e.g., amenities) should be suspended pursuant to the powers granted to the VOH in G.S. 47F-3-102(11) and (12). Any Adjudicatory Panel shall be composed of members of the VOH, who are not officers of the BOD.

The Owner charged shall be given written notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under G.S. 47F-3-116. If it is decided that a suspension of amenities should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. The Owner may appeal the decision of an adjudicatory panel to the BOD by delivering written notice of appeal to the BOD within 15 days after the date of the decision. In that case, the BOD may affirm, vacate, or modify the prior decision of the adjudicatory body.

A subsequent Owner of a Lot, not in compliance with the EP&P, whose prior Owner was appropriately notified of the non-conformance by the EC or the BOD, is obligated in the place of the prior Owner to conform with the EP&P within three months (3) of the notice of non-conformance from the prior Owner, the EC, or the BOD.

Article VII. AMENDMENT AND VALIDITY

Section A. AMENDMENT

The EC shall, from time to time, amend the provisions of this Resolution as deemed appropriate and in accordance with Section 4 Article VI of the Declaration of Covenants and Restrictions.

Amendments will be posted on the Owner's page of the VOH website <http://villagesatoceanhillcorolla.com/> and will be mailed and/or emailed to the membership periodically.

FIRE PIT REGULATIONS (duly enacted as of May 13, 2019)

1. Propane, charcoal, wood or wood by-product allowed.
2. Location
 - a. Must be placed on sand, cement, cement stone or river rock.
 - b. Stationary fire pits with permanent propane source attachments must be 25 feet from a structure or combustible material (such as decks, fences, bushes and overhanging trees) and a building permit is required.
 - c. Portable fire pits must be 15 feet or more from a structure or combustible material as stated in (b).
3. There must be a Class A fire extinguisher nearby.
4. Must have a spark suppressor cover over the fire at all times.
5. The EC reminds Owners to exercise utmost responsibility and caution when using fire pits in accordance with VOH and County regulations. It is recommended, as a guideline, an Owner be on-site at all times when a fire pit is in use. As we are all part of a Neighborhood Watch, it is also recommended home

owners report any misuse of fire pits or lack of appropriate supervision that may be witnessed. (It was noted that Currituck Club recently banned all fire pits.)

Section B. VALIDITY

If any section, clause, paragraph, provision or portion of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect any other section clause, paragraph, provision or portion of this Resolution.

Environmental Committee, THE VILLAGES AT OCEAN HILL:

ATTEST

David Halla, Chairperson(s) Environmental Committee

Janemarie Morrison, Environmental Committee Member

Phyllis Schwartz, Environmental Committee Member

Cynthia Cygler, Environmental Committee Member

BOARD OF DIRECTORS

Passed and approved this _____ day of _____ 2018

ATTEST

Maryelizabeth Lutton, President

ATTEST

Sherie Cordell, Secretary

EXHIBIT A

THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC. ENVIRONMENTAL COMMITTEE

FEE SCHEDULE

	<u>Total Submittal Fee</u>	<u>Non-Refundable Review Fee</u>	<u>Refundable* Security Deposits</u>
New Home	\$11,000	\$1,000	* \$10,000
Major Addition	\$2,600	\$600	* \$2,000
Minor Addition/Remodeling	\$750	\$250	* \$500
Pool Addition	\$750	\$250	* \$500
Community Split Rail Fence	\$100	\$100	
Yard Fences	\$250	\$100	*\$150
Exterior Restoration/Refinishing (ER) (ER required for re-painting & re-roofing with different colors)	\$100	\$100	

All items in the fee schedule require EC approval.

All re-painting and re-roofing whether using previously used material and approved colors or not, must be submitted to the EC for approval before work begins.

* Deposits associated with construction/remodeling are refundable if the project is in compliance with MDC&R and EP&P and there has been no damage to VOH common properties caused by these activities. The EC will inspect the work and provide a written approval/disapproval as appropriate. **It is the responsibility of the Owner to notify the EC within thirty days (30) of the project completion, to request a final inspection and to request the return of any deposit.**

Additional fees may be charged for those projects that require more than one re-submittal. This is necessary to cover the added expense of multiple, complicated reviews of projects where the Builder/Owner is negligent in following procedures or deliberately attempts to not comply with the Association's policies and procedures.

Hand Deliver

The Villages at Ocean Hill Fitness Center
Environmental Committee
1236 Lakeside Drive
Corolla, NC 27927
(252) 453-0162
vohmanager@gmail.com

or

Mail to

The Villages at Ocean Hill
Attn: Environmental Committee
PO Box 376
Corolla, NC 27927

EXHIBIT B

THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC. ENVIRONMENTAL COMMITTEE

OWNER'S & BUILDER'S PLAN SUBMISSION

- I. Date Plans Submitted: _____ Lot #: _____
Street Address: _____
- II. Owner: _____
Address: _____
Phone: (Home) _____ (Work) _____
- III. Builder: _____
Address: _____

Phone: (Home) _____ (Work) _____
Fax: _____
- IV. Job Site Foreman _____
Phone: (Home) _____ (Work) _____
Fax: _____
- V. Work to Begin: _____ Work to be completed: _____

I hereby certify that the information given herewith and the attached plans, survey and color samples are a correct and accurate description of the construction planned on the above-mentioned lot. I further certify that I have received and read the Environmental Committee's Policies and Procedures and will comply with them in the design and construction of this project.

Signature of Builder

Signature of Owner

Hand Deliver

or

Mail to

The Villages at Ocean Hill Fitness Center
Environmental Committee
1236 Lakeside Drive
Corolla, NC 27927
(252) 453-0162
vohmanager@gmail.com

The Villages at Ocean Hill
Attn: Environmental Committee
PO Box 376
Corolla, NC 27927

EXHIBIT C

THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC.
ENVIRONMENTAL COMMITTEE
PO Box 376 · Corolla, NC · 27927
(252) 453-0162

REQUEST FOR APPROVAL FORM – PAINTING/RE-PAINTING & ROOFING/RE-ROOFING

Lot #: _____ Street Address: _____

Owner's Name: _____

Home Address: _____

City/State/Zip: _____

Exterior Paint:

<i>Current</i>			<i>Proposed</i>		
<u>Color Name</u>	<u>Manufacturer</u>	<u>Number</u>	<u>Color Name</u>	<u>Manufacturer</u>	<u>Number</u>

House Exterior

Railing

Trim

Front Door

Pool Fence/Wall

Lattice

Other (Specify)

Environmental Control (EC) Policy Regarding Exterior Colors

Sensitive, subtle color selections of paints, stains and oils for the exterior body of the home are the only acceptable finishes. Each home or other permitted structure on a home site must be painted or stained with a color approved by the EC. Colors for all homes and other permitted structures, trim, railings, etc. shall be specified on this Environmental Review Form and submitted to the EC for review and, if satisfactory, approval. This form must be submitted when undertaking any original or restoration project on the dwelling's exterior in order to assure compliance and communication. All exterior siding and trim must be stained or painted.

Roof Material:

Manufacturer's Name: _____ Color: _____

Material Description: _____ Weight: _____

NOTE: Six (6) color chips or manufacturer's samples of stains, paints, and/or roof samples must be submitted for approval.

EXHIBIT D

THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC.

ENVIRONMENTAL COMMITTEE

PO Box 376 · Corolla, NC · 27927

(252) 453-0162

APPROVED HOUSE COLORS

Neutral Colors

1. Toasted Almond 1097-3 (PG 105)
2. Balanced 1003-2 (PG 11)
3. Gray Stone 1009-4 (PG 17)
4. American Anthem 1156-4 (PG 164)
5. Dusty Aqua 10-29 (PG 266)
6. Glazed Pears 1095-2 (PG 103)
7. Blue Silk 1244-2 (PG 252)
8. Combed Cotton 1205-1 (PG 213)

Warm Colors

1. Sausalito 1209-2 (PG 217)
2. Golden Ecru 1095-4 (PG 103)
3. Sourdough 1084 (PG 92)
4. Pinch of Pistachio 1126-3 (PG 134)
5. Enchanted Evening 1236-2 (PG 244)
6. Adobe White 1100-2 (PG 108)
7. Summer Breeze 1139-1 (PG 147)
8. Magical 1160-2 (PG 168)

Cool Colors

1. Silver Bells 1003-3 (PG 11)
2. Silver Charm 1013-4 (PG 21)

- | | |
|--------------------------|----------|
| 3. Gotta Have It 1076-3 | (PG 84) |
| 4. Stratosphere 1162-2 | (PG 170) |
| 5. Loofah 1094-2 | (PG 102) |
| 6. Lime Wash 1122-2 | (PG 130) |
| 7. Transcend 1079-4 | (PG 87) |
| 8. Delicate White 1001-1 | (PG 9) |

Accent Colors

White, Cream or Natural

Door Colors

Door colors to be selected by the home Owner and approved by the EC.

***THESE ARE PITTSBURGH PAINT COLORS**

EXHIBIT E

THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC.

ENVIRONMENTAL COMMITTEE

PO Box 376 · Corolla, NC · 27927

(252) 453-0162

APPROVED METAL ROOF COLORS

The following colors can be found on products manufactured by Coastal Metal Service. The EC is not endorsing or recommending Coastal Metal Service, but merely using their color chart as being representative of metal roofing colors that would be acceptable to the EC.

1. Sahara Tan
2. Sun Tan
3. Marsh Gray
4. Stone Gray
5. Teak Brown
6. Burnished Slate
7. Black Beard
8. Onyx Black

EXHIBIT F

**THE VILLAGES AT OCEAN HILL COMMUNITY ASSOCIATION, INC.
ENVIRONMENTAL COMMITTEE
PO Box 376 · Corolla, NC · 27927
(252) 453-0162**

REQUEST FOR FINAL INSPECTION & RETURN OF DEPOSIT

Date: _____ Lot #: _____

Street Address: _____

Owner(s): _____

Home Address: _____

Phone: (Home) _____ (Work) _____

Builder/Contractor: _____

Address: _____

Phone: (Work) _____ Fax: _____

Work Completed: _____ Certificate of Occupancy Issued: _____

By the submittal of this document I hereby submit notice to the EC that the construction or alteration of the exterior of the Structure or Improvement on the above-mentioned lot is complete. At this time, I am requesting that a Final Inspection of my property occur and my security deposit returned in full to the depositor. Attached to this form is an "as built" site plan depicted on a stamped survey that demonstrates compliance with the approved plans and the EC's policies to assist with inspection.

Signature of Owner/Depositor