

**THE POLICIES AND PROCEDURES OF THE  
ARCHITECTURAL CONTROL COMMITTEE**

**Sanderling Property Owners Association, Inc.**

**Duck, North Carolina**

**Effective March 26, 2012**

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## Exhibits Attached

- A. Article Four of the Declarations, Covenants and Restrictions of SPOA
- B. Article Eight of the Declarations, Covenants and Restrictions of SPOA
- C. Owner & Contractor Acknowledgment
- D. Flow Sheet for Submission Requirements
- E. Approved Stain Colors

## **PREFACE: THE SANDERLING STYLE**

### **THE ENVIRONMENT OF SANDERLING**

The residential community of Sanderling is located on a narrow band of land between the dunes that front the Atlantic Ocean and the marshes at the edge of the shallow waters of the Currituck Sound. It is a geographically and ecologically unique environment, and its preservation is the responsibility of all members of the Sanderling community.

Since initial construction in the late 1970s, Sanderling's developers and property owners have sought to achieve a community that preserves the natural characteristics of the land as well as indigenous plant aquatic, and animal life.

Sanderling is a development that pays tribute to a simple and unadorned life at the beach. It is a community for the gathering of family and friends who come principally to enjoy the environment.

### **THE DESIGN OF THE SANDERLING HOME**

The design of Sanderling home considers its relationship to the environment, nearby homes, and the necessary adaptation of the site to the needs of the homeowner; sensitivity to each must be shown. The form and style of a home in Sanderling will reflect life at the beach rather than that of a suburban or city residence. As much as possible, the surrounding land should be retained in its natural state.

The Old Nags Head Style<sup>1</sup> - Historically the basis for the design theme at Sanderling is the Old Nags Head style, typified by the cottages in the historic area of Nags Head on the ocean near Jockey's Ridge. These cottages, primarily designed for outdoor living with the indoor area being for shade and shelter from the sun, incorporate "functionalism, serviceability, and a deference to wind and water." They were "devoid of the trappings of architectural vogue" and reflected the simple beach life. Ornamentation was kept to a minimum.

Variety and distinction were expressed in the rooflines, porch and deck configurations, and shutters. Materials for these houses were local timber indigenous to the nearby East Carolina mainland - pine, juniper, cedar, and sometimes poplar and cypress.

Observation, of the Old Nags Head Beach cottages and the mainland farm plantation homes, from which they are derived, shows that each house has its particular individual character while bearing an affinity with surrounding homes. This is because designs were based on simple shapes with add-ons or pop-outs to accommodate changes in family needs. The basic shape was a square or rectangle, sometimes with an additional wing to give an "L" shaped effect. Two story houses were predominant, and a popular method was to incorporate the second floor within the high-pitched roof by adding and pushing out dormers to give plenty of headroom.

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<sup>1</sup> Catherine W. Bishir, The "Unpainted Aristocracy": The Beach Cottages of Old Nags Head, Raleigh: North Carolina Department of Cultural Resources, 1987, pp. 11-13.

The Sanderling Style - The Sanderling style incorporates authentic features of the Old Nags Head style, while adapting to the convenience of present-day living. Interpretation rather than imitation is invited.

Two story buildings with the living area on the upper floor are particularly suited to Sanderling since maximum views of ocean and sound can be obtained on the upper level. Nags Head style can be successfully adapted to this, but care must be taken to that decks and porches on the upper level are balanced by decking configurations on the first level.

## I. DEFINITIONS

<u>Acknowledgment:</u>	The Owner and Contractor Acknowledgment attached as Exhibit C.
<u>Association:</u>	Sanderling Property Owners Association
<u>Committee:</u>	Architectural Control Committee
<u>Categories of Construction:</u>	See Pages 7 through 8.
<u>Contractor:</u>	The Builder, his employees and subcontractors, and all others engaged by and performing design and/or construction services on behalf of Owner including, but not limited to, architects and designers.
<u>Coordinator:</u>	The Coordinator of the Architectural Control Committee.
<u>Declarations:</u>	The Declaration of Covenants, Conditions and Restrictions as recorded in the Dare County Registry as they pertain to all properties encompassing the Sanderling Property Owners Association.
<u>Owner:</u>	The Property Owner(s) of Record.
<u>Plan:</u>	The construction drawings, specifications, schedules, surveys, elevations and related documents.
<u>Policies:</u>	The Policies and Procedures of the Architectural Control Committee, including supplements and amendments.
<u>Routine Maintenance:</u>	The replacement of existing materials with exactly the same materials and in exactly the same style and color/finish as existing provided the existing is in compliance with these Policies and Procedures. Otherwise, approval of the Architectural Control Committee is required. <b>Provided further that the color/finish of siding, trim and roofing materials must be approved before routine maintenance is performed.</b>

## II. CONSTITUTION AND AUTHORITY

Article Four of the Sanderling DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("**Declarations**"), as recorded in Book 310 at Page 557, Dare County Public Registry, provides for the establishment of an Architectural Control Committee ("**Committee**") "in order to provide and maintain certain standards as to harmony of external design and location in relation to surrounding structures and topography." A copy of Article Four is attached hereto, made a part hereof and incorporated by reference herein as Exhibit A. **As set forth therein, the Committee shall have the absolute and exclusive right to refuse to approve submitted plans which are not suitable or desirable in the opinion of the Committee for any reason, including purely aesthetic reasons.**

## III. PURPOSE AND FUNCTION OF THE POLICIES AND PROCEDURES OF THE ARCHITECTURAL CONTROL COMMITTEE ("Policies")

The purpose and function of the Policies is to:

- Promote understanding of the character of the Sanderling area and control development of the community consistent with the Sanderling Style and Declarations.
- Define the authority of the Committee and the rights and responsibilities of the property owner of record ("**Owner**") with respect to the functioning of the Committee and the process for obtaining approval to proceed with construction.
- Define the process by which Owner may obtain approval to proceed with construction.
- Define the basic requirements governing building of structures and the modification of land for that purpose.

These Policies are not intended to compel Owner to change an existing house or structure to comply with these Policies unless Owner has received notice of noncompliance prior to the effective date hereof. **The Committee will, however, require that when Owner undertakes additions, house moving, remodeling, deck modification, miscellaneous site work, restoration/reconstruction, or if the house is listed for sale, including sale pursuant to foreclosure proceedings, the house will be brought into compliance with these Policies.** The Committee will not consider any Application for approval to Construct in any of the defined categories of construction unless the Owner is current in payment of all SPOA and SRSC dues, assessments, special assessments and any other charges, including but not limited to legal fees, upon the property as of the date of Application.

It is expected that the Owner shall perform routine maintenance and maintain his house and property in accordance with the Declarations and these Policies. If routine exterior maintenance is neglected, so that the house and/or property becomes unclean, unsightly, or unkept, the Committee shall notify Owner accordingly and proceed in accordance with the provisions of Article Eight of the Declarations which is attached hereto, made a part hereof, and incorporated by reference herein as Exhibit B. Routine maintenance which does not require Committee approval is defined on pages 2 and 8 hereof.

IV. COMPOSITION AND OPERATION OF THE ARCHITECTURAL CONTROL COMMITTEE

Pursuant to the Declarations, Article Four, Section 1 (c), the Committee shall be composed of:

- \* “At least 3 persons who need not be Members of the Association, appointed by the Board.”
- \* As per Bylaws Page 9.

A. Operation of the Committee

1. General Responsibilities:

The Committee shall meet periodically to discuss matters pertinent to its duties and responsibilities

Members of the Committee will generally observe the conditions of the community and report to the other members, as appropriate. If any areas of nonconformance are found, a letter stating such will be sent to the owner.

Members of the Committee shall listen to the concerns of the Owners and the Committee shall take appropriate action as circumstances warrant.

The Committee shall review applications for Approval to Construct on a case-by-case basis.

Members of the Committee may at their discretion proxy their participation to other Committee members.

The Committee may employ the services of licensed professionals as consultants to the review process

The Committee shall appoint a Coordinator who may also serve as the Manager of the Sanderling Property Owners Association (“**Association**”)

2. General Review Process of Applications for Approval to Construct

- a. The Committee shall interact only with Owner and/or Contractor and shall not render decisions and/or advisory opinions to anyone other than Owner.
- b. Six (6) copies of all required documents shall be submitted to the Coordinator, who shall promptly distribute them to the Committee. **For purposes of Article 4, Section 1 (c) (ii) of the Declarations, receipt of the Plans by the Committee shall be defined as three (3) business days after receipt of all required documents and fees by the Coordinator**



**(together with any supplemental documents/information requested by the Committee).**

- c. The Committee shall provide a written response to Owner by certified/registered mail or an overnight courier service within thirty (30) days after receipt of all required documents and fees together with any supplemental documents/information requested by the Committee. The written response shall be: (1) an approval; (2) a conditional approval; (3) a request for supplemental documents/information to allow the Committee to complete its deliberations; or (4) a disapproval. Pursuant to Article Four, Section 1 (c) (ii) of the Declarations, the decision of a majority of the Committee shall be controlling.
- d. In the event of unauthorized construction, noncompliance or variation from approved Plans, the Committee shall notify Owner and assess the significance of Owner's noncompliance or variation. All construction shall immediately be stopped until the Committee talks with Owner and Contractor, and all issues are resolved to the satisfaction of the Committee. The Committee shall direct that appropriate and necessary means be used to achieve compliance with these Policies and/or the Declarations. When necessary, the Committee shall recommend to the Board that appropriate legal action be taken on behalf of the Association, the cost of same to be assessed against Owner and the property at issue.

**B. Coordinator for the Committee ("Coordinator")**

In general, the Coordinator shall assist the Committee in implementing its responsibilities. The Coordinator shall interact with and serve as liaison between the Committee, Owner and Contractor. In addition to the duties specifically set forth hereinafter, the Coordinator shall perform such functions and duties as are delegated to him by the Committee and shall act on behalf of the Committee at its direction. The responsibilities of the Coordinator shall include, but are not limited to:

- Receive, record, distribute, and supervise the storage of documents and correspondence relating to applications to the Committee for Approval to Construct;
- Obtain Acknowledgement of New Owners and their representing Realtor ("Acknowledgment") stating that they have read the Policies and intend to comply;
- Obtain Acknowledgment of Owner and Contractor ("**Acknowledgment**") stating that they have read the Policies and intend to comply;
- Issue appropriate correspondence as directed by the Committee to Owner in conjunction with an Application for Approval to Construct;

- Assist the Committee to ensure the completion of review and response within the required thirty (30) day period;
- Perform inspections and investigations as directed by the Committee to assess compliance with Plans as approved;
- Promptly inform the Committee of unauthorized construction, non-compliance or variation from approved Plans and notify Owner and Contractor that the Committee has been notified, and
- Keep the Committee informed of the progress of approved construction and of related matters of interest to the Committee.

The Coordinator shall be reimbursed for his/her services and reasonable expenses. Travel expense, except as directed by the Committee, shall not be reimbursed.

V. **APPROVAL TO CONSTRUCT: SUBMISSION REQUIREMENTS AND REVIEW PROCESS**

Approval from the Committee is required for any new construction, addition, exterior renovation or remodeling, deck modification including placement of a whirlpool/hot tub on an existing deck, restoration (including house staining), reconstruction after loss from flood, wind, flood, etc., house moving or miscellaneous site work as defined in Section B hereof. Approval is not required for minor site work or routine maintenance as defined (except for approval of exterior finishes as set forth on page 2). See Exhibit E for list of approved stains and colors.

A. **Owner Responsibilities**

1. **Each Owner is solely responsible for complying with submission procedures and these Policies governing construction and for assuring compliance by all architects, designers, builders and their employees, agents and sub-contractors acting for or on his behalf ("Contractor").** Each Owner shall provide a written Acknowledgment of intention to comply with these Policies in the form set forth in Exhibit C, when making application to the Committee for Approval to Construct and shall obtain such acknowledgment from Contractor on behalf of all employees and sub- contractors as well as architects and/or designers, if applicable. **No construction or site clearance at any time (whether or not related to an Application for Approval to Construct) may proceed without the approval of the Committee. This includes any addition of fill or redistributing of sand on property. Each Owner receiving Committee approval is required to see that proposed construction is carried out according to Plans approved by the Committee and to promptly advise the Committee of proposed changes to approved Plans before implementation.**
2. Owner shall require that Contractor furnish to the Committee a Performance Bond in an amount and type acceptable to the Committee. Provided, further, that the

Committee, in its sole discretion, may waive this requirement, depending on the nature and scope of the project.

B. Definitions of Categories of Construction

The following definitions pertain to all proposed construction. The Committee's determination of the category of construction shall be binding.

1. New Construction: Any proposed construction on a vacant lot.
2. Addition: Any proposed construction that:
  - a. Increases the living area of an existing structure, or
  - b. Affects exterior surfaces of an existing structure by relocation, rearrangement, or addition to existing walls, roofs, and/or decks, or
  - c. Involves construction of decks and/or stairs, or requires modification to existing structures to install a whirlpool/hot tub and/or equipment for same.
3. Moving and Relocating Houses: Moving a house from one lot in Sanderling to another, or from outside Sanderling to a Sanderling lot.
4. Remodeling: Any proposed construction that rearranges, adds, or removes windows, exterior doors, or skylights of an existing structure but does not increase the living area of a structure or relocate exterior walls, roofs, or decks. Any proposed replacement of exterior materials of an existing structure with materials of a different type. Placement of a whirlpool/hot tub and/or equipment for same on an existing deck.
5. Deck Modification: Any proposed construction that revises or increases only the deck area of an existing structure, but does not add roof and does not include installation of a whirlpool/hot tub and/or its equipment.
6. Restoration (Restaining/Exterior Finishes/Reroofing): Any proposed restaining, exterior finishing, roofing, or restoration of exterior materials that does not change the type of existing material.
7. Miscellaneous Site Work:
  - a. Any proposed major modification of existing surface contours or clearing of existing trees, bushes, or grasses for the purpose of constructing driveways, parking areas, decks, walks, beach access walks, steps, crossovers, platforms, docks, bulkheads, retaining walls, freestanding structures, or septic systems on a lot.

- b. Any proposed major construction or modification or addition to existing driveways, parking areas, decks, walks, platforms, docks, bulkheads, retaining walls, freestanding structures or septic systems installed.
  - c. Any landscaping works as defined in VI.B.12., page 29.
  - d. Any proposed reconstruction of a storm damaged boardwalk or stairs on any oceanfront or semi-ocean front property or docks and walkways on Sound front property.
8. Reconstruction after Catastrophes: The rebuilding to its preexisting condition of all or part of a house after loss by fire, wind or flood waters including damage caused by a hurricane/tornado or other natural disaster. **The reconstruction of storm-damaged boardwalks, stairs, docks or walkways is not considered routine maintenance and requires Committee approval. (See Article VI.B.8.)** Demolition/rebuilding resulting from a catastrophe may necessitate relocating the position of the house on a lot. Variances to existing set backs, lot coverage, and positioning of the house on the lot will be determined on a case by case basis consistent with these Policies and any applicable state, county and town codes.
9. Routine Maintenance (as defined on page 2): replacement of existing material with the same material in the same color/finish and style does not require an Approval to Construct, provided the existing material/finish/style is in compliance with these Policies. **If not, approval of the Committee is required. Provided further that the color/finish of exterior siding, trim and roofing material must be approved by the Committee before routine maintenance is performed.**

C. Required Fees

Payment of a fee to S.P.O.A is required to initiate the review procedure. A paid fee will remain in effect for a period of one year. Each Owner is required to pay according to the following schedule when submitting an Application for Approval to Construct.

New Construction	750.00
House Moving	750.00
Addition	500.00
Remodeling	250.00
Deck Modification	250.00
Miscellaneous Site Work	250.00

Restoration	No Fee
Reconstruction (post-catastrophe)	100.00 Plus any additional fees needed for variance approvals

At its discretion, the Committee may direct that:

1. The required fee is waived or reduced
2. An additional fee be paid when the submittal package is incomplete; approved Plans are withdrawn and resubmitted; if construction does not proceed within the period in effect; if substantial changes to approved Plans are proposed or for such other reasons as the Committee, in its sole discretion, deems appropriate; or
3. The period for which a paid fee shall be in effect be extended
4. If the actual fees incurred as a result of the work performed by the Committee Coordinator and/or outside consultants exceeds the fees set forth herein, Owner shall be required to pay the actual fees incurred.

D. Submission and Review Process

Initial submissions to the Committee and related correspondence should be mailed to its Coordinator as follows:

Sanderling Property Owners Association  
 Attn: Coordinator, Architectural Control Committee  
 P.O. Box 320  
 Kitty Hawk, NC 27949

The process for obtaining Approval to Construct is basically the same for all categories of construction defined above (except Reconstruction after Emergencies or Catastrophes). The requirements documentation, however, does vary by category as set forth below. (Required Documentation). See also. Flow Sheet for Submission Requirements, Exhibit D.

The process consists of the following steps:

1. Pre-submission Conference (optional but strongly advised): An informal non-binding discussion of proposed siting, preliminary plans and review of these Policies with a Committee member and/or the Coordinator. Acknowledgment Form must be completed and applicable fee must be paid before the Pre-submission Conference.

Note: A preliminary review of in-progress designs is in the interest of all parties to facilitate the consideration of siting alternatives and design options before

they are committed to final construction documents. **All** owners contemplating new construction or addition are strongly urged to utilize this step to avoid delay and/or the expense of revisions to surveys and construction documents.

2. Application and Approval to Construct: Formal application and submission of required documents (see section V.E) and fees (section V.C)
3. Approval to Construct: A written response to Owner within thirty (30) days after receipt of required fee and documents. As set forth above, receipt by the Committee is defined as three (3) business days after receipt of all required documents by the Coordinator (together with any supplemental documents/information requested by the Committee). The 30-day time period for written response by the Committee to the Owner referred to above shall not commence until Owner has paid all outstanding SPOA and SRSC dues, assessments, special assessments and any other charges, including but not limited to legal fees, upon the property.

The written response shall be:

- a. An approval to construct the submitted plans;
- b. A conditional approval to proceed with construction upon written acceptance by Owner of recommendations for changes to Plans as submitted;
- c. A request a request for supplemental documents/information to allow the Committee to complete its deliberations; or
- d. A statement of disapproval explaining the reasoning of the Committee in reaching its decision.

All proposed construction must receive a written Approval to Construct from the Committee before applying for a Town of Duck Building Permit, CAMA, or Septic Permit and before proceeding with any construction activity. If there is a discrepancy between these Policies and Procedures and the Zoning and/or Building Codes of the Town of Duck, these Policies and Procedures shall take precedent over the requirements of the Town of Duck whenever these Policies and Procedures are more narrow or restrictive.

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 Committee 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 Committee.

A complete copy of the approved documents will be kept permanently in the records of the Committee.

Each Owner receiving an Approval to Construct for New Construction, Additions, or House Moving shall be required to:

- a. provide a work schedule and direct that notice be given to the Coordinator seven (7) days before (a) the initial clearing of the site for construction, (b) installation of pilings or foundation, and (c) Dare County final framing inspection; and
  - b. Submit Building Permit, Septic Tank Permit and CAMA Permit prior to commencement of construction. When work is completed, a Certificate of Occupancy must be submitted.
4. Submission of Supplemental Documents/Information: The submission of further documentation and notification, upon receipt of Conditional Approval to Construct, and/or such other documents as the Committee may require as the project progresses.
  5. Assessment of Compliance/Inspection: The ongoing inspection and evaluation of construction.

During the process of construction, unscheduled inspections of the work **in** progress may be conducted by the Committee to confirm that construction is proceeding according to approved plans.

6. Failure to Comply/Penalties: If the Committee determines that construction does not conform to approved plan it will issue a letter of noncompliance/variance to Owner.

The notification will afford Owner an opportunity to bring the property into compliance within a reasonable period of time, not to exceed 30 days. Owner shall acknowledge, in writing, receipt of the notice of noncompliance and shall advise the Committee of his intention to comply or refusal to comply.

If the Committee and Owner fail to reach an agreement, the Committee shall recommend to the Board that disciplinary action be taken to assure compliance. The types of disciplinary action to be considered include, but are not limited to, the following:

- a. Insurance of a Statement of Noncompliance to be posted at the Sanderling Racquet and Swim Club and published in correspondence to members of S.P.O.A. and the S.R.S.C.
- b. Suspension of membership in the Sanderling Racquet and Swim Club for Owner and/or renters of Owner's home, if applicable. This shall include suspension of all privileges of the S.R.S.C. including, but not limited to, pool, tennis, dock, piers and boat launching areas.

- c. Notification to rental agency, if any, of the action taken and communication to renters of same.
- d. Initiation of legal action to compel specific compliance, if such action is deemed necessary by the Board of Directors of S.P.O.A., the costs of same to be assessed against Owner and the property at issue.
- e. Pursue all available remedies under the requisite Performance Bond.
- f. Such other action as permitted under the Declarations and the laws of the State of North Carolina.

Owner shall have the right to appeal the decision of the Committee in person or in writing at the next scheduled Board meeting by providing written notice of same to the Coordinator and President of S.P.O.A. within thirty (30) days of the notice of noncompliance.

**E. Required Documentation**

**1. General Requirements for Documents - All Applications for Approval to Construct**

- a. Six (6) copies of each document submitted, labeled, collated and bound as appropriate.
- b. Submission Sheet indicating name of Owner, home and local address and telephone number, work address and telephone number, fax number and e-mail address if applicable. Name, address, telephone, fax and e-mail address, if applicable, of Contractor - The Submission Sheet shall also set forth what documents are being submitted and the type of project (e.g., new construction, addition, etc.)
- c. Signed Owner's and Contractor's Acknowledgment in the form set forth on Exhibit C.
- d. Each document or binding other than Submission Sheet should be clearly labeled with owner's name, lot number and local street address.
- e. Surveys, where applicable, for new construction, reconstruction, remodels and additions should be by a registered surveyor and at an ordinary scale rendered legibly and accurately with appropriate symbols and annotation. The survey shall include lot coverage, house width, percentage of lot width covered and shall include the location of adjacent houses showing distances between properties.
- f. Plans submitted should be by a registered architect or recognized building designer and at 1/4" scale rendered legibly and accurately with appropriate symbols and annotation.



2. **Documents and Information Required for Approval to Construct - New Construction, Additions, House Moving.**

a. Optional Pre-Submission Conference (Strongly Advised)

- (1) Preliminary Site Plan: Show proposed building outline, septic field, drives, parking areas, and boardwalks or piers, if applicable. Show adjacent properties and location of existing dwellings.
- (2) Preliminary Floor Plans: Show overall and general dimensions. (Include deck stairs and covered porch area as percent of living space).
- (3) Preliminary Elevations: Show all four elevations, including door and window sizes and type.
- (4) Preliminary Roof Plan: Show roof plan labeling slopes.
- (5) Preliminary Exterior Materials: State siding and trim type and color; state roof type and color.

b. Application for Approval to Construct—New Construction, Additions House Moving

(1) Site Plan

- (a) Site Plan: Show proposed building outline; stairs; decks; drives; parking areas; boardwalks; piers; docks; HVAC condenser stand; propane gas tank; outdoor grill; septic tank and field arrangement showing size of tank and length of field, **Note: Dare County Code states tank size is based on number of bedrooms with occupancy of 2 per bedroom. If proposed home is to be rented and advertised in excess of two/bedroom, tank size is based on number accommodated.**

All of the above should be on an accurate, stamped survey by a licensed surveyor that shows: property lines; easements; setbacks; Flood Insurance zone; existing grade elevation(s); areas designated as wetlands; any existing dwelling; significant existing plant material; adjacent properties and location of existing dwellings and driveways thereon.

- (b) On-site Staking of Proposed Construction: Staking and stringing of the outline of the proposed building, stairs and

decks and of the septic system (tank and field) are required as part of the approval process.

- Stakes shall be placed to indicate the corners of property lines.
- Stakes shall be placed to indicate the driveway opening on the property line.
- Stakes and strings and tags on plant material shall be placed to indicate areas to be cleared for dwelling, driveway, parking, boardwalk and piers.
- Appropriate staking and stringing must be installed for the Committee to review an application.
- **No clearing or modification of any existing site conditions including vegetation may occur without the written approval of the Committee.**
- No fill may be added to lot without the written approval of the Committee.

(2) Construction Drawings/Plans and Schedules

- (a) Plans: Dimensioned construction drawings at 1/4" scale should show overall and internal dimensions; provide labels or schedules of all windows and doors, exterior materials and finishes, exterior lighting location and type; and include under house plan and roof plan which labels slopes and identify type, manufacturer and color of roofing materials.
- (b) Specifications Schedule: a separate schedule must show size, type, glazing and manufacturer of all windows, sky lights and doors; exterior materials including type, manufacturer, finish and color; exterior light type and manufacturer; roof shingle type, manufacturer, color and weight.
- (c) Summary of Areas: a separate schedule must show tabulation in square feet of the following information:

- (i) enclosed heated and air conditioned area of each floor and total enclosed heated area and air conditioned area
- (ii) open and covered deck area for each level above grade and total of all deck areas above grade
- (iii) enclosed unheated area of each floor and total enclosed unheated area
- (iv) total area on grade covered by building, decks, walkways, and paved areas (i.e. total footprint area) See VI.B.2.d. - page 23.

Note: The area calculated shall be the floor area measured to the outside of walls or edges of decks. The area shall be actual floor area. Stair openings shall constitute and be calculated as floor area at each floor level.

- (3) Elevations: Dimensioned and labeled illustrations of all principal building elevations at scale matched with Plans which should indicate accurately window and door position, size and appearance and roof slopes. Elevations are to be measured prior to any fill added to lot.
- (4) **For Additions and House moving. Photographs of each elevation of existing dwelling must be provided.**
- (5) Landscaping Plan: Show proposed modifications and additions to existing conditions on a 1/4" scaled drawing showing property lines, easements, setbacks, existing and proposed structures and vegetation.
- (6) Copy of Performance Bond.

**3. Documents and Information Required for Approval to Construct – Remodeling**

- a. Owner shall submit a letter describing the nature and scope of the proposed remodeling as well as elevations of the existing dwelling. A schedule of materials to be used must be submitted supplying the information described in Specification Schedule above, as applicable. Additional documentation (e.g. roof plan, samples, etc.) may be required by the Committee on a case-by-case basis depending upon the nature and scope of the proposed work.

- b. **Photographs of each elevation of existing dwelling must accompany the Remodeling proposal.**
- c. Copy of Performance Bond.

4. **Documents and Information Required for Approval to Construct - Deck Modification**

Owner shall submit a letter describing the nature and scope of the proposed work and shall include:

- a. Site Plan: Provide outline of the proposed construction on a site plan survey that shows the outline of existing structures (including decks and stairs), septic tank and field arrangements, property lines, easements, setbacks, and areas designated as wetlands. Show adjacent properties and existing dwellings thereon. Staking and stringing of the outline of the proposed construction are required for approval.
- b. Elevations of existing structure where modifications are proposed.
- c. The Committee may require additional documents (e.g., complete elevations and construction drawings/plans) depending upon the scope of the work.
- d. **Photographs of existing elevations must accompany the Deck Modification Plan.**

5. **Documents and Information Required for Approval to Construct - Restoration (Restaining/Exterior Finishing/Reroofing)**

Owner shall submit a letter describing the nature and scope of the proposed restoration including specifications for any exterior materials; manufacturer and color of stain; manufacturer, type, color and weight of roof material, as applicable.

6. **Documents and Information Required for Approval to Construct Miscellaneous Site Work:**

Owner shall submit a letter describing the nature and scope of the work and shall include:

- a. Site Plan: show existing condition in area of proposed work and show proposed modifications and additions to existing conditions (including any added fill), paving surfaces and edge of drives and parking areas, boardwalks, piers, docks, platforms, retaining walls, and any freestanding

structure. Additional documentation may be required for approval. Show adjacent properties and existing dwellings as part of submission.

- b. Copy of Performance Bond.

**7. Documents and Information Required for Approval to Construct - Reconstruction after Emergencies or Catastrophes**

- a. Owner shall submit a letter indicating intent to rebuild the house or portion of house destroyed or damaged by catastrophe confirming that it will match exactly what existed before. However, if the house or any part thereof is in noncompliance as of the date of the catastrophe, it must be rebuilt in compliance with these Policies. Any proposed minor modifications should be itemized in the letter. For relocation if necessary refer to Page 8 Demolition/Rebuilding. Refer to Article VI.B.8. regarding replacement of boardwalks and stairs for beach access, docks and walkways which require submission and approval by the Committee.
- b. Copy of Performance Bond.

**F. Summary of Submission Requirements / Checklist (See also Flow Sheet for Submission Requirements Exhibit D)**

**1. Pre-submission Conference for Preliminary Siting and Plan Review (optional but strongly advised).**

- a. Six (6) copies of **all** documents
- b. Owner's and Contractor's Acknowledgment (see sample—Exhibit C)
- c. Application Fee—see schedule under “Required Fees”
- d. Preliminary Site Plan
- e. Preliminary Floor Plans
- f. Preliminary Elevations
- g. Preliminary Roof Plan
- h. Preliminary Exterior Materials
- i. Preliminary Site Meeting to discuss above.

**2. Application for Approval to Construct—New Construction, Additions, House Moving**

- a. Six (6) copies of all documents.
- b. Owner's and Contractor's Acknowledgment (see sample - Exhibit C)
- c. Application Fee—See schedule under “Required Fees”
- d. Submission Sheet.
- e. Site Survey/Site Plan including On-site Staking/Stringing of Proposed Construction.
- f. Construction Plans
- g. Specifications Schedule
- h. Summary of Areas Schedule
- i. Elevations - including photographs of each existing elevation for Addition or House moving.
- j. Landscaping Restoration Plan
- k. Copy of Performance Bond

**3. Application for Approval to Construct - Remodeling**

- a. Six (6) copies of **all** documents
- b. Owner's and Contractor's Acknowledgment (see sample – Exhibit C)
- c. Application Fee--See schedule under “Required Fees”.
- d. Submission Sheet.
- e. Remodeling Proposal letter including Specification Schedule and photographs.
- f. Copy of Performance Bond.

**4. Application for Approval to Construct - Deck Modification**

- a. Six (6) copies of all documents.

- b. Owner's and Contractor's Acknowledgment (see sample - Exhibit C)
- c. Application Fee - See schedule under "Required Fees".
- d. Submission Sheet.
- e. Deck Modification Proposal letter, including site plan, elevations photographs.
- f. Copy of Performance Bond.

**5. Application for Approval to Construct - Restoration**

- a. Six (6) copies of **all** documents.
- b. Owner's and Contractor's Acknowledgment (see sample - Exhibit C)
- c. Application Fee - See schedule under "Required Fees".
- d. Submission Sheet
- e. Summary of Areas Schedule
- f. Elevations—including photographs of each existing elevation for Addition or House Moving
- g. Landscape Restoration Plan
- h. Copy of Performance Bond

**6. Application for Approval to Construct—Miscellaneous Site Work**

- a. Six (6) copies of **all** documents.
- b. Owner's and Contractor's Acknowledgment (see sample - Exhibit C)
- c. Application Fee - See schedule under "Required Fees".
- d. Submission Sheet
- e. Miscellaneous Site Work letter including site plan.
- f. Copy of Performance Bond

**7. Reconstruction After Catastrophe**

- a. Six (6) copies of **all** documents.
- b. Owner's and Contractor's Acknowledgment (see sample - Exhibit C)
- c. Application Fee - See schedule under "Required Fees".
- d. Submission Sheet
- e. Reconstruction Letter. (If requesting relocation – see page 8)
- f. Specifications for Boardwalk/Stair/Dock/Walkway replacement, if applicable.
- g. Copy of Performance Bond.

**VI. CONSTRUCTION POLICIES AND STANDARDS**

These Policies and Standards apply to new construction, house moving and all additions, restoration, deck modifications, miscellaneous site work and reconstruction after a catastrophe. Any house in non-compliance as of the date of Application to Construct for all additions remodeling, restoration, decks, modifications and miscellaneous site work must be brought into compliance with these Policies and Standards. Any house in non-compliance as of the date of loss from a catastrophe may reconstruct as provided herein but must do so in compliance with these Policies and Standards. All buildings must, at a minimum, comply with all applicable building, plumbing, electrical and other codes and "Hurricane" requirements in effect at the time of construction/ reconstruction. Houses being put on the market for sale, by Owner or agency, must also be brought into compliance with these Policies and Procedures.

It is the intent of these Policies to encourage design which, while addressing the particular needs, owner, also respects the privacy of adjacent properties, preserves existing trees preserves the amenity of ocean and sound views.

**A. Siting and Site Modifications**

The Committee will be guided by the following criteria:

- Preservation of existing trees, bushes, and other vegetation
- Maintenance of privacy among adjoining properties
- Maintenance of view corridors for the property in question and neighboring properties.



1. Setbacks and Easements:

Except as provided herein, buildings shall be sited to adhere to the restrictions of the Dare County Zoning Code, the Town of Duck and public utility easements.

2. Lot Fill

Fill is permitted to bring the grade of the lot level to the street in the area of the footprint of the house and the septic drain field only. Fill may not be put on the entire lot. Elevations to be measured before and after fill. If fill is added, Owner must provide Committee with a plan for drainage and storm water management to avoid runoff to adjacent private and community properties and bear the cost of implementation.

3. General Alignment

Shall be as follows, except as otherwise decided by the Committee in its sole discretion, based on the criteria set forth above.

Oceanfront: Building and attached decks shall align with oceanside line of adjacent structures and decks. No additions, house porches, decks or steps when remodeling shall exceed this alignment.

Soundfront: Buildings and attached decks shall align with soundside line of adjacent structures and decks. No additions, house porches, decks or steps when remodeling shall exceed this alignment.

Lakefront: Buildings and attached decks shall align with lakeside line of adjacent structures and decks.

Interior: Buildings and attached decks shall align with the street setback of adjacent structures and decks.

4. Siting Restrictions:

In no case shall buildings and/or decks on adjoining properties be closer than thirty (30) feet apart.

Oceanfront and semi-oceanfront 'flag' lots must stagger houses to permit mutually advantageous ocean viewing. Thus, oceanfront lots should generally be 10 feet from the north property line; semi-oceanfront lots should generally be 10 feet from the south property line.



will be permitted. The only enclosed area at ground level shall be for storage, mechanical equipment and/or entry area.

- (2) DECK AREA: the total of all raised, covered and open decks above grade level. Including screened porches.
- (3) BUILDING WIDTH: the overall width of the building, decks, and stairs measured at the widest point.

- b. Minimum LIVING AREA                      1200 Square feet
- c. Maximum DECK AREA                      60% of the Total Living Area
- d. Maximum LOT COVERAGE                25 % with impervious surfaces  
(including structures, driveway, etc.)  
  
ANY area under state or local environmental or other building restrictions must be deducted from total lot square footage for purposes of this calculation.
- e. Maximum BUILDING WIDTH
  - (1) Rectangular Lot                      50% of the width of the buildable lot
  - (2) Irregular Shaped Lot                Approximately 50 % of average Lot width, as determined by the Committee  
  
The width shall be calculated based on the width of the buildable lot
- f. Maximum BUILDING LENGTH            The overall length of a building shall be determined by the Committee on a case-by-case basis in consideration of the adjacent properties and houses, size, location and orientation of the lot and the intent of these Policies as set forth herein. Length shall be measured on a line that is perpendicular to the line designated as "width." The length shall be calculated based on the length of the buildable lot.

g. Maximum BUILDING HEIGHT 35 Feet  
(The measurement is to be taken from the site prior to any addition of fill).

(1) The building height limit shall not apply to those architectural features known as cupolas and observation towers provided that:

(a) The floor area of the cupola or observation tower is no greater than 64 square feet gross area, including the stairwell, and

(b) The highest point of the observation tower or the cupola shall not be more than 5 feet above the building height limit.

### 3. CHIMNEYS

Chimney runs as permitted by the Dare County Building Code shall be framed and covered in materials that match or blend with the siding of a building. Exposed chimney pipe below manufactured chimney caps shall be the minimum recommended by the manufacturer. Decorative custom chimney caps are encouraged but must be approved by the Committee.

Not permitted:

- Exposed chimney pipe chimneys
- Cantilevered chimney enclosures on exposed, deckless walls of a building
- Chimney enclosures which do not extend down to the deck and/or grade level

### 4. DECK SYSTEMS - INCLUDING PORCHES

Decks and porches must have a proper balance in dimension and location between upper and lower levels as determined by the Committee in its sole discretion. An upper level deck requires a deck or structure below in proper balance.

Decks must be supported around the perimeter by posts and beams of appropriate size and strength as determined by the Committee, in its sole discretion. Decks above the first floor level may have cantilevered extensions of up to 30" beyond perimeter beams; no braces are permitted. All decking must have matching handrails in an approved style.

Materials: Structural members, decking, pickets, handrails, and related trims shall be pressure treated wood. No artificial/synthetic material will be permitted.

Finishes: Structure, decking, handrails, related trims, and lattice shall be unfinished (i.e. pressure treated wood members). Exceptions must be approved by the Committee and, if permission is given, the elements shall be retained at such time as the Committee, in its sole discretion, shall require.

Deck Rails: Design of handrails shall include vertical 2x2 members as found on existing construction in the community and in compliance with existing Dare County Code as to height and spacing. Pickets shall be spaced no more than 4" apart. Optional design permitted is horizontal railings with 2 x 4 members as used in the Old Village of Nags Head in compliance with existing Dare County Code rails to be 3 ½" apart.

Deck Stairs: Shall be constructed of the same materials and in the same style as adjacent deck and shall have handrails which match the adjacent deck and stair rails. Optional design same as above.

Not permitted:

- Decks above the first floor level that are supported by posts that extend to the ground (grade) without a deck, structure or enclosure below in proper balance.
- Decks erected above sloped roof surfaces standing on exposed, open posts and beams.
- Decks with surfaces higher than the highest interior floor level.
- Roof decks of any kind.
- Cantilevered stair construction.
- Stairs from above a first floor level extending directly to ground (grade) without connections at the first floor level deck.

## 5. DOCKS

Docks may be located behind buildings approved for construction on lots abutting the Sound. The design and location of docks shall be approved by the Committee on a case-by-case basis consistent with CAMA requirements and the following standards.

- Each lot will have no more than one dock with attached walkway.
- Docks shall extend no more than 50 feet beyond the average line of the edge of the marsh.
- Deck area of the dock, excluding the walkway, shall not exceed 10 feet by 12 feet. Decks on properties two lots wide may have a limited increase in deck size with the approval of the Committee, but shall not extend more than 50 feet beyond the average line of the edge of the marsh.

- Walkways width shall not exceed 5 feet six inches (5'6") overall, including pilings.
- Dock deck and walkway shall not extend higher than 48 inches above the average water line.
- Docks and walkway shall not have solid walls, roofs, gazebos or similar structure.
- Lighting fixtures on walkway and docks shall not be placed more than 30 inches above the surface of the walkway and docks.
- The average light level on docks and walkway shall not exceed five-foot candles (lux).
- Lighting shall be designed and arranged to illuminate only the surface of the dock and walkway.
- Lighting shall be on only when the dock deck/walkway is in use and shall be switched or timed to prevent continuous night operation.
- Not permitted: As per the Declarations, no dock may be erected on the lakes, ponds and waterways, which are the common property of the Association.

## 6. DOORS

Entrance to structures must be by regular door. Entry to a house on the ocean should be on the south or west side, since these are more protected from the north and east winds. The entrance steps and deck can also add character as well as function to the overall design. A shed roof over the entry is permitted.

**Materials:** The primary entry door(s) shall be hinged single or double doors. Sliding doors are not permitted as the sole means of entry into the house. Their overall use is strongly discouraged because of problems of leakage and heat loss/gain. French doors or other doors with multiple locking mechanisms are recommended. Doors must have a 1" x 4" surround case.

**Finishes:** Doorframes shall match siding color, trim color, or window frame color.

## 7. DRIVEWAYS AND PARKING AREAS

Each property adjoining a road shall have one driveway entrance, not greater than 12' wide at the property line. Driveways shall connect to the roads of the subdivision except when a property does not abut a subdivision road. Off-street parking is required with space for one car for each bedroom on the Plans plus one additional car (e.g. a four bedroom house must provide parking for five cars).

Houses located within cul-a-sacs may be permitted to have a separate driveway entrance and exit if determined to be for safety reasons, which will be addressed on a case-by-case basis by the Committee.

No parking shall be allowed in set back areas. No parking or storage of commercial vehicles is permitted on property unless under construction. No parking east of east building line (ocean front lots) and no parking west of west building line on sound front lots.

No jet skis or personal watercraft may be kept or stored on the property.

Driveways and parking area may be made of:

- Pea-size river gravel over a rolled clay base with two (2) two inch by six inch (2X6) pressure treated board edging all around
- Concrete with exposed pebble aggregate.
- Natural color concrete.

The use of exposed aggregate concrete in lieu of conventional mix is strongly recommended, as it provides a more natural appearance.

**Not permitted:**

- Sand, boards, crushed stone, or asphalt for surfaces of driveways and parking areas.
- Tinted concrete finishes of any color.

**8. DUNE DECKS, BEACH ACCESS WALKWAYS AND STAIRS**

In order to preserve the dunes, oceanfront owners are strongly encouraged to share walkways to the beach and beach access stairs and/or use community beach access walkways and stairs.

Oceanfront lots may build direct beach access walkways up to 5 feet wide. Walks must be built at grade level. No handrails, lighting or artificial/synthetic materials are permitted.

Stairs to the beach should be built as flush with the dune line as possible, consistent with CAMA guidelines.

Any reconstruction of walkways and/or stairs after damage from storms or other natural disasters requires permission of the Committee. The standards to be utilized may be changed from time to time to conform to the Committee's knowledge of the "best standards" then in existence to minimize beach erosion.

Dune decks are not permitted and reconstruction of same after storms or other natural disasters or dune maintenance will not be permitted.

## 9. ENCLOSURES, GROUND LEVEL

To provide privacy, ground level structures and pilings must be covered with pressure treated wood.

The standard for appearance for the ground level area of a structure shall be continuous horizontal strips of 1x4" boards (lattice) with a 2 1/2" space between each board or optional 1" x 6" boards with 4" space between each board and installed to enclose the perimeter of the building, decks and stairs as a unit. Vertical strips of 1x4" boards (lattice) may be installed but only on the interior of a horizontal lattice. Vertical strips not allowed when using 1" x 6" horizontal boards. Lattice shall be installed on the outside faces of the perimeter pilings and posts between the ground and the girders of the floors and decks above.

Lattice or landscaping are required to screen heat pumps/HVAC units and propane tanks that stand beside decks or outside the building perimeter. Lattice/landscaping should extend 6 inches above the height of the tallest equipment.

Swing gates and doors installed to close openings in the perimeter shall be constructed to maintain the appearance of continuous horizontal strips.

Where solid walls of a projecting portion of a building extend continuously from above to enclose a storage room or interior stair at grade level, the walls at grade must be covered to match the walls of the building. In addition, all structures at grade must be enclosed/surrounded by lattice.

**Not permitted:** The use of manufactured gridded lattice panels to enclose ground level areas of a structure.

No ground floor living area will be permitted. The only enclosed area at ground level shall be storage, mechanical equipment and/or entry area.

## 10. FREESTANDING STRUCTURES

**Not permitted:**

- No ground floor living space.
- Free-standing spa/hot tubs. Swimming pools/lap pools.
- No jet skies or personal watercraft may be parked, stored or kept on the property.



- Free-standing accessory building, storage building, outbuilding or garage.
- Dog Houses/enclosed runs.
- Fences, except approved use of snow fence to preserve oceanfront dunes.
- Playground equipment.
- Driveway gates or gateposts.
- Oceanfront or Soundfront gazebos or similar structures.
- No tents on decks or lots.
- Temporary or permanent tents, canopies, coverings, enclosures or similar structures whether affixed or not affixed to the dwelling.
- Temporary or permanent flooring of any kind.
- Banquet or similar table and chairs.
- Temporary or permanent sound systems, microphones, amplifiers, speakers and similar sound and sound enhancement devices or systems.
- Temporary out door lighting of any kind or any permanent lighting not expressly approved by the Committee.
- Temporary or permanent catering equipment, devices, serving stations and containers.
- Windmills/wind turbines, solar panels or any other alternative energy systems.

Note: Placement of free-standing spas/hot tubs on existing or to-be-added decking shall be decided on a case-by-case basis by the Committee in its sole discretion.

#### 11. GARBAGE CANS

Garbage cans shall be black in color with lettering for name and/or street number only on the backside of the can in white block letters of the "peel off/stick on" type, not to exceed 2" in height.

#### 12. LANDSCAPING

Landscape plans must be submitted for Committee review and approval every time changes to the landscape design and/or composition are to be made. A landscape restoration plan is required for all new construction as well as significant additions, house moving or other activities that disturb the natural surroundings.

The overall goal for the landscaping of Sanderling is to preserve the natural environment and landscape and to encourage development of the indigenous plants that grow in the unique conditions of the coastal region. Preservation and expansion of native plants are strongly encouraged as are efforts to develop and

anchor the dunes and wetlands. To accomplish this, existing vegetation should be disturbed as little as possible and, where disturbed, restored as soon as practicable after construction is completed. Planted areas should be compatible with the adjacent natural landscape.

General methods to achieve the landscaping goals of the Association include:

- Selective clearing of creeper, prickly and other vines. This enables bayberry bushes, persimmon trees, water bushes and other shrubs as well as wildflowers to grow better.
- Pruning and feeding of existing vegetation to encourage growth and provide natural windbreaks, stabilize sandy areas, and develop areas of privacy and beauty.
- Introduction of indigenous and hardy species of plant material to augment the existing vegetation.

Specific guidelines are:

- Tree thinning, lowering height, removing dead trees or any desired modification to trees must be requested in writing. The Committee may make its decision based on the advice of a professional landscaper and/or the SPOA Landscape Committee. Any work, which affects 3” diameter trees, may require contracting professional tree trimming service.
- Major modifications effecting views must be agreed to in writing by affected property owners.
- No clearing or modification of any existing site conditions including vegetation and adding fill to any lot may occur without the written approval of the Committee.
- Like Oak trees shall not be cut down.
- Minimize removal of native bayberry and blackberry bushes, cacti, loblolly pines and sea oats.
- Select and encourage plants that create density of vegetation.
- Select wildflowers and ornamental grasses for color and design.
- Choose specific shrubs, trees, grasses, etc., that are appropriate for conditions inherent to the seaside zone where they are to be planted. For assistance in choosing plants, please contact the Association Manager or Chairperson, Landscaping Committee.

### 13. LIGHTING, EXTERIOR

Must be subtle, restrained and not intrude on adjacent properties/homes.

Incandescent Light - The standard type of light for exterior lighting shall be incandescent (including all filament type lamps, e.g., tungsten-halogen). Directional lamps with built-in reflectors shall be clear or white. Lamps (light bulbs) for non-directional fixtures shall be white, inside frosted, not exceeding 60 watts.

Directional Lights - (Spotlights) If these lamps and fixtures are used, they shall be aimed so that the light beam spread cannot extend beyond 15 feet from the building and the light level cannot exceed one foot-candle at any point beyond 15 feet from adjacent properties.

Non-directional Lights - Non-directional light fixtures used for general lighting should have enclosures that conceal the shape of the lamp (light bulb). Enclosures should be translucent, not transparent. They shall be positioned to conceal the source of the light and so as not to intrude on adjacent properties.

Type of Bulb - All lamp bulbs must be frosted.

Free Standing Fixtures - Light fixtures not attached to a building may not extend beyond 24" above grade. With respect to driveway lighting, fixtures must not extend beyond 18" above grade, must have top shades and must be of an approved low-level type with the average light not to exceed 50 watts. Low voltage (12 volt) systems are preferred. Lighting shall be on only when driveway is in use. Timers and photocell activated lighting is not permitted.

Spa/Hot Tub Lighting: All lighting for spa/hot tub or other deck lighting shall be low level as approved by the Committee, in its sole discretion, on a case-by-case basis.

Smoke or dark colored glass for exterior lighting is required.

### **Not permitted**

- Mercury, metal halide, fluorescent, or sodium lamps in any fixture
- Directional lighting, aimed to light beyond the dune crest on the oceanside or beyond the marsh edge of the lakes or sound
- Lighting on beach access boardwalks or platforms on the dunes
- Up lighting
- Flood lights
- Exposed filament bulbs
- Lights on and under house or drive and walk should be turned off by 11:00 pm

14. MATCHING HOUSES

Houses with matching or reverse matching roof plans and elevations are not permitted within four (4) lots beside or opposite a matching structure. Distinctive window arrangements and/or building elements (e.g., cupolas and towers) that match or reverse match are likewise restricted within the same area.

15. ROOFS

Roofs in Sanderling should predominantly be gable and hip, often with dormer features. Intersecting gable and hip configurations as well as differing pitches add variety and character, particularly to larger houses.

Roof extensions over decks to shade outdoor living areas are encouraged. Alternatively, attached low-pitched shed roofs may be added over porches. Broad roof overhangs on the eaves and sides are utilized to reduce sun penetration and shade windows and make possible venting through the eaves.

Rooflines and pitches are among the most important features of individual houses. Roofs with pitches typical of the Old Nags Head cottages are sturdy in high winds, cooler in summer, and aesthetically pleasing. Variation in roofline: is desirable and encouraged.

Roof Slope/Shape:

A 7 1/2" / 12" slope is the minimum for buildings with a single roof shape overall. Other slopes for dormers, gables and sheds may be permitted at the discretion of the Committee on a case-by-case basis. To sustain a balanced overall look, massing of a two-story house under a single span may occur only where the dimensions are 24' x 28' or less.

**Not permitted:** A shed roof composed of only one plane as an overall roof shape for the majority of the building.

Roof Overhangs:

Roof overhang of 12 inches is the minimum required. overhangs up to 30 inches are permitted.

Roof Materials:

**Acceptable:** cedar shingles or composition shingles, 300 lb. minimum. Metal roofing is permitted for flashing, crickets, and for accent or special purposes not exceeding 20 % of total roof area. Not permitted: Slate or

slate-like roofing, tile roofing, metal roofing (except as above) and mismatched roofing installations.

**Not permitted:** Slate or slate-like roofing, tile roofing, metal roofing (except as above) and mismatched roofing installations.

Roof Finishes

Cedar Shingles	No finish permitted
Composition Shingles:	Weathered Wood, Gray, Dark Green or Earthtone
Metal:	Copper - No finish; weathering to be a natural patina; other metals can be painted a color that blends with adjacent roofing

Roof Trim Elements:

When permitted, rafter tails, fly rafters, barge boards, gable fascia trim(s), save board(s), soffit board, overhang brackets, and/or gable "decorations" shall match finish color of siding or may be stained white, in which event restaining shall be done at such time as the Committee, in its sole discretion, shall require.

Roof Flashing: Exposed flashing shall be minimal and finished to blend with color of adjacent material unless copper which shall be permitted to weather naturally.

Additions and remodeling shall install roofing to appear as homogenous surfaces and to match in color. Whether or not a match is in compliance with this policy shall be in the sole discretion of the Committee, which may require reroofing of existing structure to achieve the desired appearance.

Roof Mounted Vents: Roof mounted or ridge vents for attic ventilation and/or exhaust fan equipment shall be low profile and aligned when on surfaces where more than one is required.

Roof Windows or Skylights and roof mounted solar panels:

**Acceptable:** Rectangular or square, flat or shallow dome skylights and roof windows installed on sloped roof surfaces.

**Not permitted:** Skylight units installed on vertical surfaces, and Skylight units in horizontal frames installed as the highest point or peak of a roof. Roof mounted solar panels or any other alternative energy systems.

## 16. SIDING

Materials - The exterior material of Sanderling homes is wood. Cedar shakes give the authentic Old Nags Head look. Combinations of cedar shakes and horizontal siding, typical of some old Coast Guard Stations, are permitted consistent with the Sanderling Style. Preferred Material: Cedar shingle (maximum exposure of 6 inches)

- Alternative Acceptable Materials:
  - 1" x 6" Cedar siding installed horizontally
  - Vertical cedar siding (board and batten, etc.) may be permitted up to 50% of the wall surface in the sole discretion of the Committee consistent with the Sanderling Style
  
- **Not Permitted:**
  - Wood other than cedar
  - Metal siding
  - Cement/stucco siding
  - Diagonal wood siding or shingles
  - Any artificial/synthetic material

### Finish Treatments

New Construction: The standard treatment of new materials on new construction is application of a bleaching oil (Cabots or the equivalent) or a semi-transparent or opaque stain of an approved color.

Restoration of Existing Finishes: The standard treatment of weathered materials on an existing structure is application of a power washing process, followed by application of bleaching oil or a semi-transparent or opaque stain of an approved color

Treatment of severely weathered siding and/or the blending of additions and remodelings with the appearance of the existing structure may require the use of opaque stains as determined by the Committee in its sole discretion.

Natural weathering of siding material as in Old Nags Head must be approved upon a case-by-case basis. Owners shall be required to pressure wash siding upon Committee request if permitted to weather their houses naturally.

### Finish Colors

House siding must be stained with an approved color. Owner must submit samples of the proposed color to the Committee for approval if it is anything other than the approved colors listed in Exhibit E.

**Not Permitted:**

- ❖ Unbleached, unstained/weathering of siding materials.
- ❖ Two or more colors of parts of the siding of the same structure.

17. SIGNS

House Name Signs: Individual house name signs shall not be larger than 12" high and 36" wide.

Rental Signs: Shall not exceed one per house, placed at or near the under house parking area/garage and shall not exceed 10" x 10" in size.

For Sale Signs: Shall not exceed one per house, be affixed to the house immediately above the under house parking area/garage and not exceed 6" x 24". If on a lot or where the house is not visible from the street, the sign may be mounted on a small post near the street, the height of the sign and post not to exceed three (3) feet. All other signs must be approved by the Committee.

18. STYLE

The exterior appearance of the building shall be consistent with the tradition of wood frame construction and generally reflective of the Old Nags Head/Sanderling Style described herein.

The exterior appearance shall be compatible with existing structures in the community. Additions, remodeling, restoration and modifications shall be compatible with, harmonize, match, and/or blend with the existing structure as determined by the Committee in its sole discretion.

19. TRIM

Materials: Shall be wood, 2 x 6" above 2 x 4" at windows and doors, minimum trim size, 2 x 4". Joints must be trimmed and flashed, corners must be trimmed. No artificial/synthetic material is permitted.

Shall be 1/2 x 2" pressure treated wood when used for gridded panels in gables or other approved installations.

Finish: Trim around doors and windows may match finish color of siding, or may be stained white, in which event restaining shall be done at such time as the Committee, in its sole discretion shall require.

## 20. WINDOWS

General: The size and location of windows are important for views, ventilation and light as well as for overall design. Careful attention to the positioning of windows in the structure can maximize views and reduce heating and air-conditioning costs. East facing windows will get maximum ocean views, direct morning sun, and shaded afternoon sun. Northern windows let in light without direct sun. While they are good for cross breezes in the summer, large glass areas are cold in winter. West facing glass areas get most direct sun and can be uncomfortably hot during summer. First and second floor windows should line up to maintain conformity in the appearance of the house.

Long windows combined with a set of glass doors reduce the need for several sets of sliding glass doors, which are the source of significant heat gain/loss. French doors or other doors with multiple locking mechanisms are recommended; they are sturdier and less prone to leaks than sliding glass doors. Window shapes and configurations should be compatible with the overall Sanderling style.

Finish: White, sand or terratone wood frame, vinyl-clad windows are required. Windows must have a 1" x 4" surround case.

Type: The majority of windows shall be operable and have clear, double or triple insulating glass with moveable screens.

Standard Proportions: The standard for window proportion and appearance shall be a 28" wide by 57" high double hung window.

Windows grouped: As bays or bows; as assemblies in gables or dormer; as transoms or clerestories; and generally those that are intended as decorative elements, may be of various types, sizes, and shapes according to a system of design which will be reviewed and approved by the Committee in its discretion on a case by case basis consistent with the Sanderling style.

Special Windows: All windows less than 24" wide and/or less than 24" vertically and all "sliding" or "gliding" type windows will be reviewed and approved by the Committee in its discretion on a case by case basis consistent with the Sanderling style.

Window Frames including Window Mullions: Window frames and mullions shall all match, with one color on all parts of the house. Approved colors are white, sand or terratone.

**Not permitted:**

- Exposed frame, natural finish aluminum windows
- Glass block windows



- Jalousie windows
- Casement windows

## 21. ALTERNATIVE ENERGY SYSTEMS/STRUCTURES

**Not permitted:** Any type of Windmills/Wind Turbines and solar panels mounted to the dwelling, roof or freestanding.

Any other alternative energy system will have to be approved by the ACC.

### C. Construction Process:

The following requirements shall apply to all builders involved in construction, their employees and subcontractors, as well as all others engaged by and performing design and construction services on behalf of Owner, including but not limited to, architects and designers ("**Contractor**"), and to any person who visits a job site. **Compliance with these requirements is the responsibility of Contractor and Owner.**

#### 1. General:

- a. All activity by Contractor shall be restricted to the lot on which construction is taking place. No vehicles shall cross the dunes at any time. Beach access is restricted to pedestrians on walkways. No vehicle shall be parked on adjacent properties or in any place which blocks access to adjacent property or in any place other than on the lot upon which construction is taking place. See also Section 2.b. below.
- b. Delivery and storage of materials shall be confined to the building lot only.
- c. All scrap material and debris shall be placed in approved containers by the Contractor on the building lot. See also Section 2.c. and 3 below.
- d. Existing trees, shrubs and vegetation shall not be disturbed except as approved where necessary to construct the house, driveway, and septic field and in no event shall trees, shrubs and vegetation on adjacent properties be disturbed or destroyed in any respect. See also Article V.A.1.
- e. A sign, of maximum area four square feet, indicating lot number, Owner, and Contractor, must be put up for the Building Inspector and supply companies. Said sign shall be removed immediately after completion of construction or issuance of a Certificate of Occupancy, whichever is earlier.

2. Before Beginning Construction:

- a. No trees, shrubbery or vegetation shall be removed prior to approval of same by the Committee after suitable flagging by Contractor.
- b. Contractor 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 nor any parking on same.
- c. Contractor shall arrange for a suitable container as approved by the Committee for scrap building materials and trash to be placed on the lot in an approved or existing clearing without damage to existing plant materials designated to remain.
- d. Contractor shall arrange for a suitable "Port-A-Potty" to be placed on the building lot and emptied on a regular basis.

3. During Construction:

- a. Contractor shall be responsible for the condition of adjoining roads, road edges and roadsides and for repair of same within 30 days of completion of construction or issuance of a Certificate of Occupancy, whichever is earlier, to the same specifications and condition as existing before construction commenced. See also Section 4. below
- b. Contractor shall be responsible for daily clean up of garbage, trash, signs, boards, paper, cans, and cartons and other debris, and placement of same in the on-site container. The on-site container shall be emptied on a regular basis and before it is overloaded. Scrap and trash too large to be put in the container shall be removed from the site on a weekly basis.
- c. Clean up of adjacent properties shall also be done on a daily basis to remove debris from the construction site, which has gotten onto adjacent properties.
- d. There shall be a weekly clean up and stacking of building materials by Contractor.

4. At the End of Construction:

The site shall be completely cleaned, as shall adjacent properties where construction debris remains. **All** debris, the on-site trash container, the Port-A-Potty, and any temporary electric box and pole shall be removed at the end of construction or when a Certificate of Occupancy is issued, whichever is earlier.

All road repairs shall be completed within 30 days of completion of construction or the issuance of a Certificate of Occupancy, whichever is earlier. (See Section 3.a. above).

When debris, including sand and gravel, is left on or near the property by Contractor, where nearby landscaping is damaged, and same is not removed, repaired and replaced or when required road repairs are not performed by Contractor within 30 days of completion of construction or issuance of a Certificate of Occupancy, whichever is earlier, the Committee shall give notice to the Owner and Contractor. If removal and/or repair/restoration is not completed within two weeks thereafter, the Committee shall authorize clean up, repairs and/or restoration at the expense of Owner.

D. Landscape Restoration

The approved landscape restoration plan shall be completed as soon as practicable after construction has been completed, but in no event later than twelve (12) months after the completion of construction.

## Reference Reading

### 1. Architecture:

- Bishir, Carherine W., The "Unpainted Aristocracy": The Beach Collages of Old Nags Head, North Carolina Department of Cultural History, 1987.
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- McAlester, Virginia and Lee, A Field Guide to American Houses, Knopf.
- Scully, Vincent J., The Shingle Style, Yale University Press

### 2. Landscaping:

- Amos, William H. and Stephen H., Atlantic & Gulf Coasts. The Audubon Society Nature Guides, Knopf.
- Graetz, Karl B., Seacoast Plants of the Carolinas
- Stevenson, The Wild Garden. Penguin Gardening Handbooks, Penguin.
- Stevens, G.P., Wildflower Gardening: How the British Use Native Plants to Create Natural Looking Gardens, Penguin. I