

## **Architectural Guidelines for Single Family Homesites The Duck Landing Property Owners Association, Inc.**

These Guidelines are intended to help in the planning, construction and maintenance of your home in Duck Landing. This community has been designed to pay homage to the Old Nag's Head Style architecture, and to bring back the fond memories that so many people have of vacationing on the Outer Banks in a simpler time. We are inextricably wed to the environment here on this long, narrow sandspit of a barrier island, so we respect it, and ask that you also accept this ecological stewardship as you plan your new home here.

The Duck Landing Property Owners Association, Inc., (the "Association") has appointed an Architectural Control Committee (the "Committee"), empowered by Article Four of the Declaration of Covenants, Conditions and Restrictions, to review all construction, reconstruction/modification and/or landscape plans. Certain requirements are to be met prior to construction within Duck Landing. No earth-moving, clearing, site work or construction will be commenced without first obtaining approval from the Committee. This is covered in detail in Article Four of the Declaration as well. A Certificate of Completion will be issued by the Committee to determine full compliance with the approved plans ten days following submission by the Owner of the Certificate of Compliance. Only after receipt of the Certificate of Completion will the Owner be allowed to occupy the home.

The Committee may bar any proposed new construction or changes to existing homes on purely aesthetic grounds, where in its sole judgement, such action is required to maintain Duck Landing's standard of architectural excellence in exterior materials and design. In addition, the Committee may from time to time change the Guidelines, or in certain very unusual circumstances, permit variations from these Guidelines when in its opinion such variation will not be detrimental to the overall quality of the community.

To the greatest extent possible, we shall strive to preserve the natural characteristics of the land, and to honor the indigenous plant and animal life. We shall encourage a style of amenity and residence design that honors the heritage of the Old Nag's Head architectural vernacular.

Nag's Head is the name of the village about twenty miles south of Duck, North Carolina that defined the Carolina Outer Banks for several generations of vacationers. The name "Nag's Head" is generally attributable to the reputation of the area in the days of pirates. Legend has it that local residents would take the family "nag" (horse), tie a lantern to its neck, and set it out on the beach. As the nag walked along the sand, its lantern would move up and down as the nag's head bobbed, giving the appearance of a mooring light on the mast of a ship at anchor.

Thinking that they were entering a safe haven, ship captains would head for what they thought was mooring area, only to be fooled. If they were unlucky enough to run aground, their cargoes often were looted by local residents or area pirates-in-hiding.

In addition to the ocean shipping lanes off the Outer Banks, the area is one of the world's most productive fishing areas, due to its proximity to the Western Hemisphere's warm-water Gulf Stream. In the 1800's, Lifesaving Stations were placed all along the Outer Banks by the Federal Government for the rescue of crews from ships that ran aground in these shallow waters.

Early residents used architectural features from these Lifesaving Stations in the design of their homes. The Chicamacomico Lifesaving Station is often cited as the classic example of this style, and the Architectural Control Committee will expect features from this style to be incorporated in to each home. (See **Appendix A for guidance on the Old Nag's Head Style.**)

Natural wood materials will be encouraged for exterior wall covering, and we shall require that it be treated with preservative stains or paint to enhance and protect the siding and to discourage mildew formation and uneven weathering. Clear preservatives or subtle color selections in earth-tones or light pastels will be required. A color board of pre-approved stains is available from the Duck Landing Office. Cedar shakes will be the predominant siding material in Duck Landing. Products such as "Channel Rustic" or "Hardi Plank", or equivalent, will be considered on a case-by-case basis. Vinyl or aluminum siding will not be allowed, nor will T1-11 or similar sheet siding.

Exterior cedar trim will be required to be supreme clear grade. All exposed exterior wood finishes and treatments, including pressure-treated wood, with the exception of stair treads, and decking, must be painted as part of the house paint schedule, and such treatment shall be clearly indicated on the building plans. Piling foundations are to be covered on the ground level with wood lattice checkerboard patterned 1x 4-inch wood mounted two inches apart. Lattice may be attached on the outside of pilings, for simplicity.

The size and location of windows is important for view, ventilation and light, as well as for overall design. Careful attention to the positioning of windows in the structure can maximize views and privacy, reduce heating and air-conditioning costs, and enhance the exterior appearance of the home.

Wood frame, exterior vinyl-clad windows are preferred. White or bronze finish is acceptable. Baked-on finishes of extruded aluminum by Anderson, Pella and Marvin will be considered. Lower-quality all-vinyl frames will not be permitted. Windows and doors provide protection from the high angle, hot midday sun, as well as add to the architectural aesthetics.

The main entrance system to the house and its arrangement and design add immeasurably to the character and appearance of the residence and should be an important design consideration. A driveway entry from the garage or carport and an under-roof main entry portico of proper scale will be required. Exterior door material may be either wood or fiberglass of solid or six-panel design, and may include glass panels. Use of sliding glass doors as a sole means of entry into the house is prohibited, as are metal doors.

The roofing of a structure should add to the character of the design by way of slope, shape, color, and texture. Gables and hips with minimum 6/12 slopes are suggested for main roof areas. Single plane, shed, A-frame, flat roofs or roofs with slopes of less than 4/12 will not be allowed, except when included as a feature of the dominant architecture. Fascia Boards are to be built of wood and painted, but vinyl soffits may be used. Roofing materials should be fire-retardant wood (blue label or hand-split red cedar shake) or heavy weight (300 lb. minimum) composition/Fiberglass architectural shingle slate or tile and the finish color of the roof materials should complement siding and trim colors. Exposed metal chimneys will not be allowed. All roof stacks, flashing, and metal or the New "Hatteras" style 110-mph wind rate. Shingles, chimney caps shall be copper or painted to match the approved roof colors. Roof stacks, plumbing vents, skylights and solar panels shall be placed on rear slopes of the roofs wherever possible.

Porches may be screened (full or partial screening) or open. Porches and decks on the second floor should not overhang the first floor without proper design balancing by the structure of the first floor. No cross bracing of exposed pilings or upper decks will be permitted. Horizontal handrails with vertical picket patterns are characteristic on raised decks and must be painted an approved color. Neither decks with handrail lines above nearby roof planes nor any deck with its platform level higher than the highest interior floor level will be allowed. Visible joist bands must be painted as part of the house paint schedule and such treatment shall be clearly indicated on the building plans.

Patios, terraces, pool decks and other ground level decking provide much-desired outdoor living space. They also add interest and character to the landscape. Masonry construction will be encouraged for such amenities. No aboveground swimming pools will be allowed, nor shall any in-ground pool project more than 12" from the surrounding deck. Pools and hot tubs are not to be visible from the street at an observation point at the center of the home. Plans for pools must show placement on site, details of fencing and landscaping, and pool deck elevations and shall be submitted to the Committee for approval. Outdoor speakers for sound systems shall be disbursed in the area served, and volume mechanically limited, in order to avoid disturbing people in neighboring homes. The level of sound must be within the decibel limit specified in local ordinances.

A restrained and subtle approach to exterior lighting is required. Exterior lighting should be downcast and arranged to address functional need, but in a way that is neighborly and considerate of the effects of the lighting beyond the boundaries of the property. Low-intensity lighting of entranceways and parking areas will be allowed, **but floodlights are discouraged**. If driveways are lighted, low-to-the-ground fixtures are preferred.

To avoid the harsh appearance of concrete driveways, and to assist in erosion control, the Architectural Control Committee encourages adjacent plantings of natural materials. All such treatments must be clearly indicated on the site and landscape plans. Guest parking areas and turnabouts to accommodate one car per two-bedroom plan will be required. Driveways and retaining walls may intrude into setback areas as necessary when approved by the Committee.

A landscape plan and its execution will be required. Stabilization of the soil is the highest priority, and the use of "Outer Banks Blend" seed mixture is recommended as a reasonable method of providing stability. Beyond that, the landscape plan should ensure that existing vegetation be disturbed as little as possible and, where disturbed, be restored so that it will continue to provide cover and anchor to the landscape. The use of native plant materials and other proven salt-tolerant decorative species is encouraged. Planted sand berms are likewise encouraged, to reflect the natural dune topography. Some form of irrigation system is encouraged in order to help plants get established. The committee will consider low-cost "drip" systems

All air conditioning compressors and /or heat pumps must be screened from view by latticework similar to that used around the exterior pilings. As part of the building process, Owners should be aware of the following requirements, among others, for which they alone are responsible:

1. Preparation of Application and Plans in compliance with Duck Landing Architectural Control Committee Guidelines and the Declaration of Covenants, Conditions and Restrictions for Duck Landing.
2. Compliance with all laws, codes, and local ordinances
3. Determination of environmental restrictions, drainage, grading and surface disturbance requirements and all surface and subsurface soil conditions.
4. Determination of the structural, mechanical and electrical integrity of the house, along with all other technical aspects of the proposed design that can only be determined by competent architects, engineers, contractors, and other similar professionals.
5. Determination of accuracy of all stakeouts and surveys

Applications should select building sites and home plans so as not to construct repetitious designs within close proximity. Similar design duplications are discouraged and subject to disapproval without sufficient variations in exterior colors, materials, finish, trim and detailing.

All work will be done during the hours of 7 a.m. to 7 p.m., Monday through Saturday. No Sunday work will be allowed. The use of drugs or alcohol or playing of loud music is strictly prohibited on any construction site. The Owner is responsible to see that the contractor cleans up the site of day-to-day litter each day and to see that particular care is taken to prevent any unnecessary damage to existing vegetation. Unleashed dogs are not permitted on the site.

Until further notice, Plans and other materials for Committee review shall be delivered during normal working hours to the office of Duck Landing at 1177 Duck Road, Suite 514, Duck, North Carolina, no later than 10:00a.m. on the Tuesday preceding the regular meeting dates of the second and fourth Tuesday of each month. Meetings will occur only in the event that there are plans to review. To arrange a pre-application or application meeting, phone the Duck Landing office at 252-261-5261, or mail plans to Duck Landing at Post Office Box 8177, Duck, NC 27949.

In order to make a submission of house Plans for Committee approval, the Committee requires that the following be submitted or completed:

1. Building Application and Client/Builder Registration Form showing landowner's and contractor's complete name and address, including phone number, and other information as required.
2. Three sets of plans, of architectural quality sealed by a North Carolina licensed architect or structural engineer to include the following sheets at a minimum:
  - ¼" scale foundation plan & section, with full framing detail
  - ¼ scale floor plans of all interior & exterior areas
  - ¼ scale east, west, north and south elevation drawings
  - enlarged details of any exterior items not clearly presentable at plan scale
3. Legal survey of Homesite and a site plan showing the building setbacks, driveway with turnaround area, and any other key features.
4. Landscape plan showing all aspects of planned site work; stabilization, re-stabilization, patios, terraces, lighting, decorative planting, irrigation systems and any other proposed improvements.
5. Specifications on building dimensions and square footage, detailed specifications of all materials used in construction and finishing and colors of stain to be used on exterior surfaces, foundations, windows, doors and trim. Samples of paint and roofing material must be included. Cottage signs will permitted in size and character appropriate to the house, and must be of sandblasted wood construction, professionally rendered.
6. Specifications for fences, driveway surface treatments, bulkheads, screening structures for heating and air conditioning units, gas or propane storage tanks and details of any other exterior improvement or appendage. Fence height shall not exceed 48", and should be constructed with materials and finishes that are complementary to the siding on the house.
7. Note that mirror image, reversed, or marked-up plans with penciled-in changes will not be accepted.

8. Prior to delivery of plans, a registered surveyor must stake the corners of the proposed residence on the lot.

After the Plans are approved, two sets will be returned, marked approved by the committee, allowing the applicant to apply for necessary construction permits. The Committee will hold one set of approved Plans in its permanent files. If the Plans are not approved, all sets will be returned to the applicant with a letter indicating the reason or reasons for non-approval.

For convenience, some key points of the Declaration of Covenants, Conditions and Restrictions, where pertinent to dwelling design and construction procedures, are condensed below. (This summary is not intended to supersede or substitute for the recorded Declaration.) A complete copy of the Declaration and the Bylaws may be obtained from Duck Landing LLC at the address above.

1. DECLARANT - The owner of the real property: Duck Landing LLC, a North Carolina Limited Liability Company.
2. PURPOSE - It is the purpose of the Declaration to provide for the careful and tasteful development of, and to insure the highest standards for, the Duck Landing community, as well as to provide for the maintenance of the common facilities, road, etc.
3. RESIDENTIAL USE - Homesites may be used only for single family residential purposes. No unit of ownership or ownership interest may be subdivided to permit "Time Sharing," and no lot may be re-subdivided unless the two parts are to be recombined with the adjacent lots.
4. ARCHITECTURAL CONTROL - The Declarant or the designated Architectural Control Committee shall approve any and all plans for dwellings, fences, walls, driveways, landscaping or other improvements and exterior additions or alterations to existing dwellings, including clearing and site work on the property before any work whatsoever is commenced on any Homesite.
5. SPECIFICATIONS -
  - a. Maximum building height per Dare County Code, but subject to further limitations by Committee.

- b. Building locations - Declarant may adjust site location of the dwelling to protect natural aspects of the site. However, minimum setbacks are:

front property line 25 feet  
side property line 10 feet  
rear property line 25 feet

Note: Setbacks shown on any recorded plat shall control.

- c. Minimum size - Each dwelling shall contain a minimum of 2,250 square feet of heated and air-conditioned living area.
- d. Utilities and Easements - All utility lines of every type must be underground and Declarants reserves easements on all lots shown on the recorded plat 15 feet wide along the street frontage, 7 ½ feet along the side lines, and 15 feet along the rear line of each homesite and in the street-side easement for pedestrian paths, landscaping and street lighting facilities.
- e. Temporary structures - No temporary structures such as a trailer, tent, shed or exposed recreational vehicle (to include boats) may be placed or kept on any Homesite, except that during the construction period, contractor(s) may use storage sheds or vehicles in the normal course of their work. Such sheds or vehicles must be placed at or behind the setback of the house.
- f. Vents, pipes or other appendages and exterior air-conditioning units or heating equipment must be screened from public view. Down spouts and gutters must not cause erosion of the soil on any Homesite. Trash and storage receptacles shall be placed in a fenced area in accordance with architectural control standards. A minimum of one Dare County-approved trash receptacle for each two bedrooms planned is required for each house, and receptacles are to be identified with the street number of the house. No fuel tanks or similar storage receptacles and/or related storage facilities may be exposed to view and/or underground storage tanks for natural gas, propane, chemicals, petroleum products or any other mineral or toxic products allowed. No TV antenna, satellite dish over 18" in diameter, radio receiver or sender antenna, or other similar device shall be attached to or installed on the exterior portion of any Dwelling.

- g. Vegetation - Trees measuring three inches or more in diameter at a point two feet above ground level, and any flowering trees or shrubs above five feet in height may not be removed from any Homesite without written approval from the Architectural Control Committee, unless located within the dwelling footprint, within 10 feet of a dwelling or in the path of a driveway or walkway.
- h. Pets - No animals other than a reasonable number of domestic pets (no more than three) will be allowed.
- i. Nuisances - No Owner will allow any visual, odor, noise, drainage or other nuisance to occur on his lot that would disturb the surrounding property owners.
- j. Discharge of firearms - Hunting and trapping of wild animals, fowl and game and the discharge of firearms and/or bows and arrows is prohibited.
- k. Motorized vehicles - Only currently-licensed vehicles will be allowed in Duck Landing. Motorized vehicles must not cause any offensive noises, and no vehicular traffic is allowed on any of the common Properties designed for pedestrian use, other than emergency vehicles.
- l. Signs and Banners - "For Sale" and "For Rent" signs are limited in size to 6 inch in height to 24 inches in length, with no exceptions. Only one "For Sale" and one "For Rent" sign will be allowed per home or lot.
- m. Mail and delivery boxes - Mail and delivery boxes, if any, must be approved by the Architectural Control Committee. The County-assigned street address must be displayed on each mailbox or on some landscape appurtenance easily visible to guests and emergency services personnel.
- n. Residential Homesite coverage - the total nonpervious surfaces to be placed upon the Homesite may not exceed the requirements of the Dare County zoning code. Furthermore, the architectural Control Committee shall have the right, but not the obligation, to further restrict the total coverage, which in its sole discretion, as it deems advisable.
- o. Certificate of Completion - Prior to occupancy of any Dwelling Unit, the Owner must first notify the Architectural Control Committee, by



way of filing the requisite Certificate of Compliance with the Committee, in order that an inspection may be made by a representative of the Committee to see that all aspects of the Plans have been completed. On inspection and finding that all aspects of the Plans have been completed, the Committee will issue to the Owner a "Certificate of Completion" and the Owner may then occupy the Dwelling, subject to Dare County approval.

Please take the time to become familiar with these Guidelines, the Declarations and the Bylaws. If you have any questions whatsoever about any items mentioned herein, please contact Furman O. Clark, Jr. at 252-261-5261.