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Dare CO, NC

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**Fourth Amendment to  
Declaration of Development Standards  
for The Village at Nags Head**

THIS FOURTH AMENDMENT TO DECLARATION OF DEVELOPMENT STANDARDS FOR THE VILLAGE AT NAGS HEAD made this 21st day of August, 2009, by the Village at Nags Head Property Owners Association, Inc., a North Carolina Non-Profit Corporation (the "Association") of P.O. Box 1807, Nags Head, North Carolina.

**RECITALS**

- a. By that First Amendment and Restatement to the Declaration of Development Standards for The Village at Nags Head recorded in Deed Book 1176, Page 452 in the Office of the Public Registry of Dare County, North Carolina (the "Declaration"), the Association as part of the Restatement, as set forth in its Statement of Purpose, the composition of the Architectural Control Committee (the "ACC" or "Committee"), the procedures for application for the submission of plans and other related procedures before the Architectural Control Committee and the specific guidelines for building and development within The Village at Nags Head.
- b. By that Second Amendment to that Declaration of Development Standards dated July 26, 1999, the Association codified those guidelines for commercial development which are recorded in Book 1315 at Page 60 of the Dare County Registry.
- c. By that Third Amendment to that Declaration of Development Standards date October 6, 2000, the Association codified those guidelines for commercial development which are recorded in Book 1380 Page 330 of the Dare County Registry.
- d. In accordance with Paragraph K of the Declaration, the Association has adopted this Third Amendment to the Declaration.

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PO Box 1807  
Nags Head, NC 27959

NOW, THEREFORE, The Association in accordance with the Recitals and Statement of Purpose set forth in the First Amendment to the Declaration hereby revises and restates Section D, Guidelines for Building and Development, to provide as follows:

(D) GUIDELINES FOR BUILDING AND DEVELOPMENT

1. All homes built in the Village shall be of the "Old Nags Head" architectural style similar to those built in the Village to date. The Old Nags Head style incorporates some of the following elements: buildings with cedar shake roofs or any other natural material recommended by the ACC and approved by the Board of Directors, having a 6/12 pitch or more, wrap-around porches, shutters, shed dormers and color schemes in accordance with the paint color chart or natural cedar shakes.

2. All exterior improvements, building extensions and/or exterior painting of existing dwellings must be approved (this rule applies even though a homeowner may be repainting the house with a previously approved color scheme). Paint Standard – One body color, one trim color (white, natural or an approved shade of the body color) and a third accent color only for shutters and doors. All paint colors require approval.

All initial and replacement landscaping must be approved by the ACC. Native vegetation shall be used for landscaping on properties. Artificial vegetation of any kind, including artificial turf, putting greens, trees, shrubs, or other similar items may not be installed in The Village at Nags Head.

Owners are responsible for keeping their lots and all improvements thereon in good working order and repair including, without limitation, painting (or other appropriate exterior care) of the building, repairing of steps, decks, sidewalks and walkways, pruning of overgrown shrubs and weed maintenance, and removal of trash and debris, all in a manner consistent with these Guidelines and with such frequency and in a manner as is consistent with good property management.

3. Entrance and yard lighting shall be small wattage, low level ground lighting and subject to approval. Flood lighting from poles or dwellings (75 watts or less) may be approved for security purposes providing it is not directed in such a manner as to cause annoyance to neighboring properties. Seasonal outdoor decorations are permitted within The Village at Nags Head providing that they meet the following guidelines: Decorations may be installed no more than thirty days prior to the holiday or occasion which they represent; decorations must be removed within fourteen days following the holiday or occasion which they represent; outdoor decorative lighting must be low-level and be rated for outdoor use; and outdoor decorative lighting must be extinguished nightly by 10:00 p.m. ET.

4. Maximum height of dwellings shall be in accordance with the Town of Nags Head Zoning Ordinance.



5. Trash or garbage receptacles location and elevation must be submitted to the Committee for approval and must be constructed of wood and be enclosed on all sides and bottom within six inches of finished grade.

6. The erection of fences that partition adjacent properties is prohibited. All residential fencing must be approved by the Architectural Control Committee. Fences may not exceed 48 inches in height and be constructed of wood or simulated wood. Fences employing stockade, plywood sheeting and chain link fencing are prohibited. Except as provided in item 7 below, only split rail or corral type fencing will be considered. Fences may be left natural, or painted or stained with an approved color. A chain, cable, rope or other barrier erected across a driveway is considered a fence under this guideline and is therefore prohibited.

7. The construction and location of swimming pools and surrounding fencing within building boundary lines is strictly controlled. Fencing material must be approved. Fencing employing stockade, plywood sheeting, and chain link fencing is prohibited. Materials and color schemes as prescribed in (6) above apply; pool fencing may not exceed seventy-two (72) inches in height. The finished side of the pool fencing must face outward. The following items are used as guidelines for approval of pools within The Village at Nags Head: Pools should be placed on the least conspicuous site possible on the property. Fencing for pools should follow the guidelines as prescribed in (6) above. The entire pool area including the fence must be completely screened with a vegetative buffer. The vegetative buffer must consist of evergreen plants at least 42 inches in height at the time of planting. There should be a minimum distance of 5 feet between the plants. Oceanfront pools require compatible natural vegetation. Care should be taken to preserve and protect natural vegetation on the site. All vegetation must be installed immediately upon completion of the pool and fencing within seasonal guidelines for planting.

8. Drives are not to exceed eighteen (18) feet in width at connection to streets, and paved with concrete, asphalt or bricks. Colored drives will not be approved (red, green, etc.). One full-size automobile parking space of not less than 8' x 16' must be provided as off-street parking for each bedroom and bedroom/den. Parking spaces under houses, in garages or carports or in driveways will be acceptable.

9. No detached buildings will be approved. These include all structures designed to house or store vehicles and/or tools, or provide occupancy for persons, animals; e.g., garages and carports. Elevators must be attached at the roof and all floors. Structures designed to provide temporary shelter from the elements (e.g., gazebos, pergolas and tiki bars) may be exempt from this requirement at the discretion of the Committee. The construction of permanent volleyball/basketball standards must be approved. Skateboard ramps or other similar recreational structures, whether permanent or temporary, are prohibited. No clotheslines shall be located on the property.

10. There shall be no fuel tanks or storage receptacles exposed to view from any public vantage point or neighboring property. All tanks and/or receptacles must be screened and firmly secured in place.

11. Exterior siding (including soffit and fascia) shall be of natural wood (or other approved material) and/or covered with solid, semi-transparent stain, weathering stain or paint. Only colors approved by the Committee may be used. No pigmented stain or sealant may be applied to roofs. Roofs must be of cedar shake or any other natural material approved by the ACC and by the Board of Directors.

12. Skylights and antennas will not be permitted unless specifically approved by the Committee. Dish antennas not exceeding eighteen (18) inches in diameter or the minimum allowed by section 207 of the August 9th, 1996 Tele-Communications Act as promulgated by the Federal Communications Commission or whichever is greater may be approved provided they are well screened from the road and other homes.

13. All exterior house pilings shall be covered with wing walls and siding to match the house unless otherwise approved by the Committee. The use of lattice or other materials to cover pilings under decks and porches must be approved.

14. Setbacks will be in accordance with the Restrictions, recorded plat and/or Coastal Area Management Act (CAMA) regulations.

15. Except as provided herein, no signs shall be erected on any lot:

- Permanent owner identification –a) Permanent owner identification - Sign must be in good taste, no larger than one hundred forty-four (144) square inches and in keeping with the “Old Nags Head” style. All signs must be submitted to the Committee for approval.
- Real Estate Sales or Rentals- One 12”x20” “FOR SALE” sign and/or one 12”x 20” “FOR RENT” sign will be allowed for each property – painted Village Blue with cream lettering. BROCHURE BOXES ARE SPECIFICALLY PROHIBITED. Open House and yard sale signs will be permitted for 48 hours.
- Contractor sign –One 24” x 36” sign allowed per lot-painted as described above. Contractor logos are permitted. In no case will subcontractor signs be permitted (it is the responsibility of the owner and contractor to see that this provision is enforced).
- All signs must be painted colors that match PMS 540 (blue) and PMS 155 (cream).
- A single logo is permitted provided that it does not exceed 9 inches in diameter.
- The Committee prefers that each company limit wording on the sign to the company name and telephone number.
- All signs should be painted on ½ MDO plywood with the exception that “For Sale” and “For Rent” signs may be made of an alternate material if such material is reviewed and approved in writing by the Architectural Control Committee.



- In accordance with the Town of Nags Head, FOR RENT signs must be attached to the house. FOR SALE must be placed on a stake or stakes (1" x 2") in the yard. CONTRACTOR signs must be placed on a 4 x 4 post and placed on the yard.
16. Utility lines - all water, sewer, electrical and cable television lines must be installed underground.
  17. Mail boxes and newspaper receptacles must be approved by the Committee.
  18. Enclosed cupolas are allowed provided they do not exceed forty-five (45) feet in elevation and tie in with existing "Old Nags Head" styling. There shall be no viewing areas or decks higher than the elevation of the highest finished habitable floor.
  19. Individual neighborhoods of the Village and their Associations which have either architectural guidelines and/or restrictive covenants are not exempt from any requirement set forth in this Declaration.
  20. A submission of an application for review and consideration by the Architectural Control Committee shall not be placed on any agenda for consideration by the Architectural Control Committee if the property for which architectural approval is sought is delinquent in the payment of assessments or the property is not in compliance with architectural control standards, unless the application is to address the non-compliance issue with the property.
  21. No temporary or permanent air conditioners, heat pump, humidifier, dehumidifier and or other similar equipment may be protruding from windows, siding, roof or any exterior part of the building structure. Exemptions may be made for emergency situations, in the sole discretion of the Committee.
  22. Any other exterior additions or modifications not specified in this Amendment must be approved by the Committee and by the Board of Directors.

(continued on the following page)

IN WITNESS WHEREOF, the Association has caused this instrument to be signed in its corporate name by its duly officer by authority of its Board of Directors, the day and year below acknowledged.

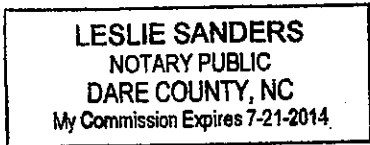
The Village at Nags Head Property Owners Association, Inc.

By: Todd S. Fazzand (SEAL)  
President

STATE OF North Carolina, COUNTY/CITY OF Dare

I, LESLIE SANDERS, a Notary Public of the County or City of DARE, and State aforesaid, certify that TODD S. FAZZAND personally came before me this day and acknowledged that (he)(she) is President of The Village at Nags Head Property Owners Association, Inc., a North Carolina nonprofit corporation, and that (he)(she), as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 18<sup>th</sup> day of OCTOBER, 2009.



[Signature]  
Signature of Notary Public

LESLIE SANDERS  
Typed or printed name Notary Public

My commission expires: 07-21-2014

(AFFIX NOTARY SEAL)

