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NORTH CAROLINA,  
WAKE COUNTY.

DORRIS A. FRY  
REGISTER OF DEEDS  
DARE COUNTY, N.C.

DECLARATION

THIS DECLARATION, Made this the 11<sup>th</sup> day of June, 1993, by THE VILLAGE AT NAGS HEAD PROPERTY OWNERS' ASSOCIATION for the following purposes:

(A) To affirm the existence of an Architectural Review Committee established by the Town of Nags Head as a condition of the approval of the "Special Planned Development - Community District" for The Village at Nags Head under Section 8.04 of the Zoning Ordinance of the Town of Nags Head.

(B) To adopt and declare the Guidelines for Building and Development administered by the aforesaid Committee to be as follows:

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.

2. Minimum size to be provided in restrictive covenants of developed parcels.

3. Entrance and yard lighting shall be small wattage, low level ground lighting. High intensity flood lighting from poles or dwellings is not permitted unless specifically approved in writing by the Committee.

4. Maximum height - In accordance with the Town of Nags Head Zoning Ordinance and the restrictive covenants applicable to developed parcel.

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

6. Drives not to exceed eighteen (18) feet in width at connection to streets, paved with concrete, asphalt or bricks. Colored drives will not be approved (red, green, etc.). One and one-fourth (1-1/4) full size automobile parking spaces to be provided as off-street parking for each bedroom and bedroom/den shown (i.e. 4 bedroom - 5 parking spaces). Parking spaces under houses, in garages or carports or in driveways will be acceptable.

7. Landscaping must be approved. Generally native vegetation shall be used. There shall be no removal of trees except as necessitated by construction. There shall be no vegetable gardens except in areas well-screened from road and other homes.

8. No detached buildings will be approved.
9. There shall be no fuel tanks or storage receptacles exposed to view.
10. Exterior siding shall be of natural wood using solid, semi-transparent stain or weathering stain, stucco, cedar shakes, etc. Colors shall be earth tones similar to those used in The Village to date.
11. Roofs are to be cedar shake. (Some may have to be fire rated.)
12. Skylights and antennas will not be allowed unless specifically approved by Committee.
13. All exterior house pilings shall be covered with wing walls and siding to match the house unless otherwise approved by the Architectural Review Committee. Pilings under decks and porches shall not be covered.
14. Setbacks - Setbacks will be in accordance with the Restrictions, recorded plat and/or CAMA regulations.
15. Garages and carports must be attached to the dwelling house.
16. Signs:
  - (a) Permanent Owner Identification - 5" X 20" with Owner's name or adopted name with colors to be approved.
  - (b) Real Estate Sales or Rentals - One 12" X 20" Realtor's "For Sale" sign and/or one 12" X 20" Realtors "For Rent" sign allowed for each property, painted Village Blue with Cream lettering and "Nags Head" horse's head logo.
  - (c) Contractor Sign - One 24" X 36" sign allowed per lot - painted as described in (b) above.
17. No clothes lines shall be located on the property unless specifically approved by Committee.
18. Utility lines - All water, sewer, electrical and Cable Television lines to be installed underground.
19. Mail boxes and newspaper receptacles will be of standardized design approved by the Committee.

20. Cupolas are allowed provided they are enclosed and tie in with "Nags Head" styling, similar to those used in Golf Links Clubhouse and Village Beach Club. No unfinished viewing areas or decks higher than finished elevation of highest finished habitable interior floor.

(C) Variance. The Committee may from time to time grant the owners of property in The Village at Nags Head a Waiver or Variance of the provisions of this Declaration. The conditions under which such a waiver or variance may be granted shall be in the total discretion of the Committee. The expressed purpose of the powers as described in the paragraph is to enable the Committee to alleviate hardships created by the terms of this Declaration under circumstances which are beyond control or fault of the parties and would create irreparable harm or unnecessary hardship without such action; or under conditions where title to the property in question is clouded, encumbered or detrimentally affected by the existence of conditions which cannot otherwise be corrected.

IN WITNESS WHEREOF, The Village at Nags Head Property Owners' Association has caused this instrument to be executed as by law provided the day and year first above written.



THE VILLAGE AT NAGS HEAD PROPERTY OWNERS' ASSOCIATION

By Andrew L. Ammons  
(Vice) President

ATTEST:  
[Signature]  
(Ass't.) Secretary

NORTH CAROLINA,  
DARE COUNTY.

I, the undersigned Notary Public, hereby certify that David G. Huffman personally came before me this day and acknowledged that he is Asst. Secretary of The Village at Nags Head Property Owners' Association, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by him self as its Asst. Secretary.

Witness my hand and notarial seal this 11<sup>th</sup> day of <sup>June</sup> ~~May~~, 1993.

Valerie W. Rossi  
Notary Public



My commission expires: 6-17-97

NORTH CAROLINA DARE COUNTY

The foregoing certificate(s) of Valerie W. Rossi  
Notary Public of Dare Co, NC

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time in the Book and Page shown on the first page hereof.

Dorris A. Fry, Register of Deeds

By Doris A. Fry Assistant Register of Deeds