

# Sanderling Homes Association, Inc.

## Architectural Policies and Procedures

**The Sanderling Homes Association, Inc. (also known as SHA and Sanderling South) has an Architectural Control Committee (ACC) that helps assist the membership with compliance of the Architectural Policies and Procedures. Any infractions that cannot be resolved between the Owner and the ACC will be submitted to the SHA Board of Directors for enforcement. The ACC and the Board welcome any proposed amendment(s) from the membership for consideration. All proposed amendments are reviewed by the SHA Board of Directors.**

**All property Owners must submit detailed written plans to the ACC for approval prior to beginning any work, whether building new or repairing, remodeling or demolishing any structure, including but not limited to staining/painting, decking, window changes, roof repair, etc. Additionally, landscaping projects, including site clearance, cannot be undertaken without ACC approval.**

**Most construction activities, including the installation/construction of accessory structures (hot tubs, HVAC units, propane tanks, and generators) require a building or individual trade (electrical, plumbing, mechanical, and gas) permit from the Town of Duck. Visit [www.duckpermits.com](http://www.duckpermits.com) for more information.**

**Please study closely the Architectural Policies and Procedures and make it available to your contractor. The ACC contact information is located on page 16. You may also contact the SHA Property Manager (Bryan Smith) at 252-261-1214; or by [info@sanderlinghomes.org](mailto:info@sanderlinghomes.org); or by U.S. Mail at P.O. Box 8013, Duck, NC 27949.**

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## **Definitions**

<b>Association or SHA</b>	Sanderling Homes Association, Inc.
<b>ACC</b>	Architectural Control Committee.
<b>Contractor</b>	The Builder, his employees and subcontractors, and all others engaged by and performing design and/or construction services on behalf of the Owner.
<b>Declarations</b>	The Declaration of Covenants, Conditions and Restrictions as recorded in the Dare County Registry as they pertain to all properties encompassing the Sanderling Homes Association, Inc.
<b>Owner</b>	The Property Owner or Owners of record.
<b>Plans</b>	Construction drawings, specifications, schedules, surveys, elevations and any related documents required by the ACC.
<b>Manager</b>	The SHA Property Manager.
<b>CAMA</b>	Coastal Area Management Act

## **Section I - Purpose**

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Define the basic requirements governing building, repairing, replacing, remodeling or expansion of any structures as well as the modification of land. All for the purpose of maintaining the quality of the community and its surrounding vegetation.

## **Section II - Submission Procedures**

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The following submission requirements apply to all existing cottages, exterior renovations, relocations, tear downs, and new structures.

- A. Preliminary Design Review
  1. The purpose of this initial review is to identify design and material issues that are not in compliance with the Architectural Policies and Procedures. By identifying these issues prior to the Final Submission, it may eliminate major costly revisions to final drawings and save valuable time and expense for the Owner.
  2. The Owner shall submit four (4) copies of the following items to the ACC or SHA Property Manager. Once these documents are received, the ACC will begin its 14-day Design Review process, and the ACC will notify the 5 nearest Homeowners if the construction is a new home or addition.

**Four sets of Plans which include the following items to ¼ scale**

- a. Floor plans and must include under roof square footage.
  - b. Elevations with all materials and roof pitches noted.
  - c. Building sections with heights.
3. Modifications required by the ACC shall be incorporated into the Plans before the Final Submission Review can begin.

B. Final Submission Review

1. The Owner shall submit four (4) copies of the following items to the ACC or SHA Property Manager. Once these documents are received and the Lot Stakeout and Stringing is complete, the ACC will begin its formal 30-Day review process.

**Four sets of Plans which include the following items to ¼ scale**

- a. Floor plans drawn to ¼ scale and must include under roof sq. ft.
  - b. Elevations with all materials and roof pitches noted.
  - c. Building sections with heights.
  - d. Specifications of exterior materials.
  - e. Site plan; included erosion control and lot coverage calculation
  - f. Siding sample, if other than cedar shakes
  - g. Permitted stain and trim color samples are available at the Sanderling Clubhouse office.
  - h. Landscaping include: tree removal and replacement.
2. Lot Staking and Stringing of the following are required:
- a. Stakes shall be placed to indicate the corners of property lines and the proposed building corners, stairs and decks, docks boardwalks and piers.
  - b. Septic system (tank and field) and any details of the placement of their monitors/controls if necessary.
  - c. Stakes shall indicate the driveway, parking and the driveway opening to the street.
  - d. Stakes, string and tag plant material to indicate any other areas not noted above that will be removed.
  - e. **No clearing or modification to the site including vegetation removal or fill dirt/sand may occur without the written approval of the ACC.**

C. Approval

1. All projects must receive written approval from the ACC before application is made for any applicable town, county, or CAMA building permits.
2. Once the ACC finds that the Plans conform to the Architectural Policies and Procedures (including any changes requested by the ACC), a letter of approval will be given for the proposed construction to begin once any necessary town, county, and CAMA permits are approved.
3. **All written notice of approval shall be addressed to the Owner(s) and shall include the ACC Chair signoff as well as one of the ACC members.** Others submitting on behalf of the Owner shall list Owner's complete name, email,

and mailing address. The Owner has the responsibility to notify the Contractor of approval or disapproval.

4. Approval of a project shall be valid for 1 year only from the date of the ACC Approval Letter. Extensions may be given at the discretion of the ACC.
5. Approval will be withheld if assessment dues to the Association are delinquent or if there are any outstanding ACC infractions.
6. The final set of project Plans will be retained by both the SHA Manager and ACC.

D. Inspections

1. There will be periodic inspections of the project by an ACC member during construction to ensure full compliance with approved plans. No changes to the submitted Plans may be made during construction without the approval of the ACC.
2. If, in the sole discretion of the ACC, the construction is not in compliance with these Architectural Policies and Procedures or approved plans, the Owner shall be obligated to make corrections to bring the project into full compliance with the Architectural Policies and Procedures.
3. A final inspection of the completed project will be conducted to verify that work has been done in accordance with the approved submission.

E. Failure to Comply

1. **Failure to comply with the Architectural Policies and Procedures and the ACC's letter of approval will result in the matter being referred to the SHA Board of Directors for appropriate legal action.**

## Section III - Design

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A. Design Philosophy

Sanderling South (established 1977) with its 132 lots is a very early example of an environmentally sensitive community design and a rarity for that time. The narrow road network was designed to meander around existing vegetation and minimize water runoff by incorporating a pond into the fabric of the community. This sensitivity to the fragile nature of a barrier island and protecting the natural environment remains our foundational philosophy to this day.

B. Style

The early summer inhabitants to the Outer Banks adapted their farmhouse design into what is known locally as the Nags Head Style. Because this style developed locally in response to the harsh coastal environment, parts of it were naturally adopted as the stylistic architectural theme. Materials for these cottages were local timber indigenous to the nearby East Carolina mainland, pine, juniper, cedar, sometimes poplar, and cypress. Ornamentation was kept to a minimum.

Adherence to this design style is required, and any exceptions shall be at the discretion of the ACC.

1. Configuration, Shape, and Form

Simple rectangular or “L” shaped forms with steep roof slopes. Broad overhangs with exposed rafter tails and extensive porches characterize the overall form.

2. Similar Designs

Because of the desirability of maintaining a variety of unique designs within the overall appearance of the community, the building of similar designs on contiguous lots is not permitted.

C. Roof Pitches and Overhangs

1. A minimum 7.5 / 12.0 inch roof pitch (31.975 degree) is the basic standard for all cottage designs. Steeper variation in roofline is desirable and encouraged.
2. Roof types shall be predominantly gable and hip roof, and may include dormer features, intersecting gable and hip configurations.
3. Extensions of the roof over decks to shade outdoor living areas are encouraged.
4. Broad 16” to 24” roof overhangs are encouraged on the eaves and sides.

D. Roof Materials

1. Roofs may be asphalt / fiberglass shingle or cedar shake.
2. A heavy weight architectural shingle is recommended. Local building codes dictate specific wind resistance requirements.
3. Roof colors must be earth tones and in keeping with the community. ACC will review the color before granting approval.
4. Any asphalt/fiberglass shingles added after the original installation must be at least a nearly exact match (per ACC inspection) in both color and shape. Otherwise, that particular section of roof (contiguous plane) must be re-shingled. And if this procedure is still deemed unacceptable by the ACC, the entire roof will be required to be re-shingled.

5. Chemical washing of new wood roof shakes/shingles repair shall be employed if necessary after a 24-month seasoning period for final match between existing and newly installed shakes/shingles.

E. Windows

1. The minimum size window permitted is 2446 DH (i.e. 2'-4" x 4'-6" Double Hung) or equivalent; except for bathrooms and kitchens or as approved by the ACC on a case by case basis. Double Hung windows must be the predominate window type. Other window types will be permitted on a limited basis at the discretion of the ACC.
2. Windows shall be white, bronze, or black vinyl-clad or aluminum-clad. Their exterior frames must be consistent in color throughout the cottage.

F. Door and Window Trim

1. All windows and doors shall have surrounding, minimum 4" (nominal) trim. The trim material must be consistent and compatible with the siding material.

G. Shutters

1. Decorative (non-functional) shutters are not permitted. The use of "Hurricane" shutters must be submitted to the ACC for review as to size, shape, type, and color.

H. Exterior Siding Types

1. Shake or Lap siding must be the predominate exterior material.
2. Combinations of cedar shakes and horizontal siding, typical of some old Life Saving Service Stations, will be reviewed on a case by case basis.
3. Cedar "board and batten" is permitted but must not be the predominate material.
4. Cedar or fir veneer plywood (4' x 8') is permitted but must not be the predominate material. The pattern must be approved by the ACC.
5. Diagonal siding is not permitted.
6. Siding on an addition or repair, on contiguous wall surface, must lace into and match the existing siding. Unpainted cedar siding may require chemical washing or staining if there is any question about the final match between new and existing siding. New unpainted cedar siding will be afforded a 24-month seasoning period before any ACC action will be ordered. If an acceptable match between new and old cannot be obtained, that particular section (contiguous plane) must be brought into ACC compliance.

I. Exterior Siding Materials Permitted

1. Cedar wood shakes, without corner boards, (wrapping the shake around the corners) is an important element of the Nags Head style and is encouraged.
2. Cedar Lap siding.

3. Fiber cement lap siding is permitted but must be installed per manufacturer's instructions to prevent premature failure. The siding must have a prominent graining and must not be a smooth finish. Samples, photographs and specifications must be submitted to the ACC for approval. Fiber cement siding manufactured to look like shake siding is also permitted once approved by the ACC.
4. Composite wood lap siding is permitted but must be installed per manufacturer's instructions to prevent premature failure. The siding must have a prominent graining and must not be a smooth finish. Samples, photographs and specifications must be submitted to the ACC for approval. Composite Siding manufactured to look like shake siding is permitted once approved by the ACC.

J. Exterior Trim

1. All corner boards shall be a minimum of 4" (3 1/2" nominal) wide and must be consistent in material and application. Composite material is permitted.

K. Lattice

1. Pilings shall be enclosed with 1"x 4" horizontal continuous treated wood lattice spaced 2 1/2" apart. Lattice shall extend to the bottom of the pilings and may not be pieced together.
2. Lattice is encouraged to screen heat pumps / HVAC units, generators, and propane tanks that stand outside the building perimeter. That lattice should extend 6" above the tallest equipment.
3. Swinging gates/doors installed to close openings in the perimeter shall be constructed to maintain the appearance of the continuous horizontal lattice strips.
4. Latticework shall not be painted or stained.
5. Any new lattice applied after the original construction shall closely match the existing lattice in size, spacing, and appearance per ACC review.

L. Exterior Colors

1. For exterior stains of new or existing cottages, please see stain samples kept at the Sanderling Clubhouse front office. Due to the harsh environment at the seashore, solid color stain and semi-transparent stain are considered a better solution than paint. Paint often degrades faster than stain and usually requires scraping of old loose paint before priming and re-painting. Stain however is absorbed directly into the wood (no priming should be necessary) and therefore no scraping is expected. Should an exterior already have a paint application, a new coat of stain will very likely not adhere. Any repairs to siding and trim that require paint/stain must closely match the existing color at the ACC discretion. It is highly recommended the Owner use an existing siding/trim sample when purchasing the new paint/stain.

M. Porches and Decks

Covered Porches are an integral part of the Nags Head Style and are highly recommended on the street facade.

1. Porches may be screened with full or partial screening.
2. Porches and decks on the second floor may not overhang the first floor without proper balance on the first floor.
3. Deck benches are permitted, but not along the whole of one side. See local building code before replacing or adding these benches.
4. Horizontal railings with either horizontal or vertical pickets are permitted. Spacing per local building code.
5. It is preferred that vertical pickets terminate on the inside (toward cottage) of the bottom rail. Pickets cannot attach to the deck or porch. No diagonal or decorative pickets are allowed.
6. Railings, stairs, and deck benches shall be constructed of pressure treated wood. Deck flooring may be either pressure treated wood or composite, but only the brand name "Trex" is permitted at this time. Stainless steel screws are highly recommended where applicable to minimize rust. Trex decking colors that are permitted are natural wood, brown, and gray.
7. Deck railings/pickets may be stained or painted only white. Deck flooring, deck benches, and pilings may not be painted or stained. Should Owner decide to apply white to the deck railing/pickets, it is recommended to stain rather than paint. And with this addition of white, it will likely require more time and effort to maintain rather than left natural.
8. Additions or alterations to any railings/pickets shall match the existing railings (code permitting). If a new railing style is used, all deck railings shall be changed to match.
9. Open roof-top observation decks ("crow's nests") are not permitted.
10. Exterior spiral stairs to decks or porches are not permitted.

N. Chimneys

1. Chimneys shall be framed and covered in materials that match the siding of the building. Exposed chimney pipe above the manufactured chimney cap shall be the minimum recommended by the manufacturer. Decorative chimney caps must be approved by the ACC.

O. Elevators

1. Elevators are permitted with Town of Duck permit. Elevators installed on the exterior of the building shall be covered with material that matches the cottage. They must be visually incorporated into the structure and not appear as freestanding elements.

P. Cargo Lifts, Propane Gas Tanks, Generators, and Window A/C Units

1. Cargo lifts are permitted with town building permit. Lattice screening will be required. Location shall be approved at the discretion of the ACC.
2. Propane Gas tanks (fireplace/stoves) and generators require the Town of Duck permit. The ACC (code permitting) will want both to be placed in an inconspicuous spot.

3. Window A/C units are allowed only from May 1<sup>st</sup> through September 30<sup>th</sup>. And this should be a temporary situation due to the cottage's main A/C undergoing repair. And every effort should be made to not place them on the front of the cottage. No unit may remain installed outside this period.

Q. Exterior Lighting

1. All exterior lighting fixtures should broadcast light STEEPLY downward not outward with the least lumens necessary.
2. Low voltage lights broadcasting downward on driveways and walkways are permitted.
3. Floodlights are permitted but preferably hooded. Parshield manufactures a clip-on visor for outdoor PAR-38 floodlight and spotlight bulbs. Beachfront properties may not cast their floodlights over the dunes.
4. Lighting shall not intrude on a neighboring property.

**Exterior Light / Bulb Guide**

For outdoor lighting (excluding floodlights), a standard base 1.5 watt LED bulb, 150 lumens, frosted soft warm white 2700k is highly recommended. This is 33% of the lumens of a 40 watt LED bulb. It provides sufficient light to safely navigate the immediate area while not infringing upon neighboring property.

R. Cottage Name Signs

1. The only permanent signs permitted are to display ONLY the surname of the Owners or the "cottage" name. These permitted signs are limited to a maximum size of 350 square inches and may be located no higher than the first-floor railing height.

S. Size Limitations and Other Restrictions

Definitions

**Living Area:** Total of all heated and air conditioned space on all levels, with all measurements made to exterior walls.

**Deck Area** Total of all raised, covered, and open decks above or at grade level outside the footprint of the cottage itself.

**Under Roof Space:** Total of all areas under the roof of the structure which are enclosed within the structure plus all covered extensions, porches, and decks. This includes heated and unheated space. Open areas under the cottage are not included.

**3 Level:** Consist of grade (ground) + 1<sup>st</sup> floor + 2<sup>nd</sup> floor

1. The **minimum total** Living Area shall be **1,200** square feet.

2. The **maximum** total Living Area shall be **3800** square feet for a three- level cottage.
3. The **maximum** total Under Roof space shall be **4500** square feet for a three- level cottage.
4. The **maximum** total Living Area for a one story (on pilings) cottage shall be **3000** square feet.
5. The maximum total of Deck Area shall be not more than **50 percent** of the total Living Area.
6. The **maximum** total lot coverage may not exceed **25%** of all impermeable surfaces, including but not limited to concrete driveways, concrete septic tanks, and concrete distribution boxes. The square footage under the entire cottage (including decks), is considered impermeable regardless of its composition. The leach field per the Dare County Dept. of Public Health and the Town of Duck is considered permeable. If lot coverage exceeds 25%, then changes must be made to the square footage of impermeable surfaces. In the case of a platted shared driveway, coverage shall be allocated based upon the square footage of each respective lot.
7. **Ocean Front lots** are exempted from the requirements of Section S (6) above and will be required to comply only with the Town of Duck Zoning and CAMA regulations. All other statements in the Architectural Policies and Procedures apply.
8. The maximum structure height from street level grade shall be **35 feet**. This measurement is to be taken from the site prior to the addition of any fill dirt or sand.

## Section IV – Site

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### A. Building Orientation

1. Site of cottage to take advantage of maximum privacy, views, and prevailing breezes. Side load garage configurations are encouraged. Porches to the south and southwest will shade the cottage and be protected from the northeast winds.
2. The ACC has the absolute right to modify the siting of any cottage, or addition to an existing cottage, so that adjacent Owners will have maximum benefits of views and privacy.

### B. Siting the Cottage

1. The Town of Duck Building Code requires that cottages be 10' from the side lot lines and 25' back from the front lot line. In most cases, the cottage should be set back at least 20% of the lot length from the rear property line.
2. Cottages on the oceanfront must observe the CAMA setback line as indicated on the recorded plat or Town of Duck requirements. Setback requirements for new construction or renovation on oceanfront cottages cannot be closer to the ocean than the line formed by the existing cottages.

3. Setback requirements for cottages on sound front and pond front lots cannot be closer to the sound or pond than existing homes.

C. Septic System

1. The septic drain field should be located to preserve as much vegetation as possible and be cordoned off to all vehicle/heavy equipment traffic. All septic requirements/certification are issued by Dare County Dept. of Public Health.
2. Vehicles or machinery may not use adjoining lots during construction, repair, or modification without adjoining property Owner's consent.

D. Driveway and Parking

1. Pea gravel is encouraged because it permits better water absorption into the ground than concrete. Asphalt is not permitted.
2. Curved driveways are encouraged to maximize privacy and increase the natural appearance of the roadways.
3. Each cottage must have parking spaces as required by the Town of Duck Zoning Ordinance. Vehicles parked on the hard surface (defined as any tire contacting the road itself) is defined as street parking and is a Town of Duck parking violation. Any vehicle parked off the road (all tires making ground contact) is permitted if it is a temporary situation that will not infringe upon the access of EMT vehicles. Regardless, because Sanderling does not have sidewalks, parking on the side of the street still inhibits pedestrian traffic and may put stress upon the electrical and water conduits that run along the side of the street.

E. Extended Walkways and Dune Access

1. Walkways, stairs or any other construction extending beyond limits of the beach cottage shall be submitted to the ACC and Town of Duck for approval. The submission must include a Site Plan, Elevations and Details of all extended walkways and platforms.
2. Walkways to dunes shall generally follow the contour of the dune and will be within the Coastal Area Management Act (CAMA) and Town of Duck parameters per their issued permits.
3. **New** construction of dune decks is not permitted. And reconstruction of existing dune decks after storms or other natural disasters or due to disrepair is not permitted.
4. Railings on walkways shall be horizontal pickets.

F. Garbage and Recycle Receptacles

1. Receptacles should be kept out of sight from the street other than pickup.

G. Signage

1. No commercial signs (including rental) are permitted. Temporary "For Sale" signs will be permitted as long as they are no larger than two square feet in size.

H. Numbered Posts

1. All cottage number posts are on the utility easement and are owned and maintained by the SHA. For uniformity, these posts may NOT be painted, stained, or decorated in any way.

I. Gazebos, Hot Tubs, Outbuildings and Fencing

1. All structures detached from the cottage are prohibited. Including showers, sheds, gazebos, hot tubs or any other type of detached structures.
2. Fences are prohibited except where property is separated from another subdivision.
3. Hot Tubs require ACC approval as well as Town of Duck permit. They are allowed on decks as well as on ground level. Ground Level hot tubs must be above grade (i.e. not recessed) and within the perimeter of the pilings.

J. Mailboxes

1. Black or white mailboxes on 4x4 treated wood posts (unpainted and unstained) are the community standard. Decorative mailboxes are not permitted.

K. Swimming Pools

1. Above grade, as well as in-grade swimming pools are not permitted.

L. Temporary Structures

1. Free standing accessory buildings are not permitted. This includes but is not limited to storage sheds and dog houses and large playground equipment (e.g. swing sets/play sets). Basketball backboards cannot use the street as a court.
2. Temporary or permanent sound systems, microphones, amplifiers, speakers and similar sound and sound enhancement devices or systems are not permitted if they infringe on neighboring property.
3. Temporary or permanent structures and equipment to facilitate events are not permitted. This includes but is not limited to, tents, canopies, coverings, enclosures or similar structures, catering equipment, bars, temporary lighting, banquet tables and chairs; **except however, with respect to an Owner's temporary and personal use and provided the Owner is present throughout the use of such facilities, has notified the SHA beforehand, and shall be responsible for the subsequent removal of the above restricted items.**

## Section V – Landscaping

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### A. Legal Restrictions

#### 1. Landscaping Declarations:

- a. No clearing or site work shall be commenced without the written approval of the ACC as stated under Section II, B, 2E.
- b. “Trees measuring three (3) inches or more in diameter, at a point two (2) feet above ground level, and any flowering trees or shrubs above five (5) feet in height may not be removed from the Properties without the written approval of the Association, unless located within ten (10) feet of a building, or site for building/septic field, or driveways and walkways located or to be located on any lot. Excepted here shall be damaged trees or trees which must be removed because of an emergency.” (Article 4/J of the Declaration of Covenants, Conditions and Restrictions).
- c. “It is the responsibility of each Owner to prevent any unclean, unsightly, or unkept conditions of buildings or grounds on a lot of any Owner which shall tend to substantially decrease the beauty of the properties specifically and as a whole.” (Article 4/K of the Declaration of Covenants, Conditions and Restrictions).

#### 2. Town of Duck Requirements:

The Town of Duck requires a minimum of 15% vegetative canopy cover and preservation of trees and other vegetation. This is calculated by multiplying the entire square footage of the plat minus the square footage of the structure (including decks/stairs) by 15%.

Please refer to Section 156.137 Town of Duck Code Ordinances, for canopy and other landscape requirements. Please refer to <https://www.townofduck.com/wp-content/uploads/VegetationPlantingGuidelines.pdf> for a list of desirable trees and their sizes, a list of undesirable trees that do not count toward canopy requirements, and a list of desirable native bushes and shrubs.

### B. General

1. Clearing of lots is not permitted. Existing trees, shrubs, and vegetation shall not be disturbed except as approved and when necessary to construct an approved structure, driveway, or septic field.
2. A landscape plan is required for all new construction, remodeling, or other activity that disturbs the natural surroundings. No tall tropical palms are allowed. Irrigation sprinklers, if used, must have a rain sensor installed to prevent unnecessary watering during wet weather. This is also a Town of Duck requirement. The preferred method of irrigation is well water.
3. Topping of trees is not permitted. Please refer to Town of Duck ordinance.
4. It is the Owner’s responsibility, whether present or not, to make sure these Architectural Policies and Procedures are followed by any landscaping personnel.

## Section VI – Construction

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1. It shall be the responsibility of each Owner to incorporate the Sanderling Homes Association's Regulations for Contractors (refer to page 17) into his/ her Agreement with the contractor. Copies are also available from the SHA Manager. These regulations cover all builder responsibilities, such as trash removal, signs, noise, damage to other lots, etc.

## Section VII – Repairs and Repositioning

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1. All routine and emergency repairs shall be in accordance with originally approved construction and shall visually match existing materials at the time of repair. Any modifications from the original construction must be submitted for approval.
2. The relocation of an existing structure on the Owner's lot must be approved in advance by the ACC and shall be in complete compliance with the Architectural Policies and Procedures.

## Section VIII – Enforceability

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1. The ACC will refer any Owner violations to the SHA Board of Directors, only after exhausting all attempts to reach an amicable solution to a disagreement. The SHA Board is legally empowered to file suit against any Owner who does not comply after reasonable notice. The sequence of actions will be as follows:
  - A) The SHA Board of Directors will notify the Owner of the violation via US mail.
  - B) If there is no satisfactory response from the Owner, then the SHA attorney will then notify the Owner via US mail.
  - C) If still unresolved, the SHA Board of Directors will notify the Owner via US mail of a Violation Hearing. The Owner may choose to attend in person, or by phone, or send a representative. The Owner will have the opportunity to be heard and may also introduce any evidence to support his/her position.
  - D) If a violation is determined by the Board of Directors, the Owner will be notified of the decision via US mail. The Owner can be fined up to \$100 for the violation to date as well as up to \$100 a day for continuing violation beginning five days after the decision. In addition, community privileges and services can be suspended
2. In the event of conflict between the Architectural Policies and Procedures versus the Declaration, the Declaration shall prevail. Any non-enforcement of any portion of these Architectural Policies and Procedures does not constitute a waiver of any other portion of this document.

3. If any term, provision or condition of the Architectural Policies and Procedures is deemed to be unenforceable by a government agency or a court of competent jurisdiction, such a finding shall not affect the enforceability of any remaining term, condition or provision.
4. **Obligation of Subsequent Owner:** A subsequent purchaser of a property not in conformance with the Architectural Policies and Procedures, but whose prior Owner was appropriately notified of the non-conformance by the ACC or the SHA Board, is obligated in the place of the prior Owner to conform with the notice.

## **Section IX – Interpretation of Architectural Policies and Procedures**

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1. If the Owner has any question about the applicability or interpretation of this document and any addenda thereto, it is the Owner's responsibility to obtain the advice, guidance, and interpretation from the Architectural Control Committee before proceeding with any work on their property.
2. **This document may not be changed or altered without review by the Sanderling Homes Association, Inc. Board of Directors.**

## **Section X - SHA Architectural Control Committee**

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Tom Burton, Chairman; thomas.b.burton@gmail.com  
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Eric Myers, Member; myrs\_rc2@yahoo.com

## Regulations for Contractors / Sanderling, Dare County, North Carolina

The following requirements shall apply to all contractors involved in construction or demolition at Sanderling, their employees, their subcontractors, and to any person who visits the job site. A copy of these regulations **must be signed by the Contractor and the Owner** and returned to our **Manager** before the commencement of any site work.

### General:

1. All activity by the Contractor shall be restricted to the lot on which they are building on. No vehicles shall cross dunes at any time. Beach access is restricted to pedestrians on boardwalks.
2. Delivery and storage of materials shall be confined to the building lot only.
3. Existing vegetation shall not be disturbed except as necessary to construct cottage, driveway, and septic field.
4. Commercial signage by contractors and rental agencies is prohibited on the building site.
5. A copy of these requirements shall be posted on the site at all times during the construction period.

### Before beginning construction, Contractor shall provide:

1. A temporary drive in same location as the future permanent drive to ensure that ingress and egress is within the building lot only. There shall be no traffic, vehicular or pedestrian, on adjacent lots.
2. A dumpster shall be provided during construction.
3. Portable Toilets should be set back a minimum of 20 feet from edge of the street, in a location least visible from the street or neighboring cottages during the construction process if yard configuration/landscaping/workspace allow it.

### During Construction:

1. Contractor shall be responsible for daily cleanup of garbage, trash, boards, paper, cans, cartons, etc. Trash, shall be removed from the site on a weekly basis.
2. There shall be a weekly clean up and stacking of building materials by the builder.
3. No large quantities of trash shall lie on the site more than two weeks; therefore, there shall be periodic removal when necessary during construction.
4. During construction there shall be no unusually loud or disturbing noise created, which may disturb the peace and quiet of adjoining neighbors or residents. Loud radios are not permitted.

### 5. At end of Construction/Demolition:

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

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Contractors Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owners Signature

\_\_\_\_\_  
Date