



Prepared by and return to:
Daniel D. Khoury
Attorney at Law
Vandeventer Black, LLP
Southern Shores Law Building
6 Juniper Trail
Kitty Hawk, NC 27949

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

THIS THIRD AMENDMENT TO DECLARATION OF DEVELOPMENT STANDARDS FOR THE VILLAGE AT NAGS HEAD made this 6th of October, 2000 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 "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. In accordance with Paragraph K of the Declaration, the Association has adopted this Third Amendment to Section D of the Declaration (*Guidelines for Building and Development*) (Section "D"). Section D is amended in its entirety by the revisions herein.

NOW, THEREFORE, The Association in accordance with the Recitals and Statement of Purpose set forth in the First Amendment to the Declaration hereby amends Section D **Guidelines for Building and Development** 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 having a 6/12 pitch or more, wrap-around porches, wooden shutters, shed dormers and color schemes employing earth-tone colors 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). All initial landscaping must be approved. 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 and decks, 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.

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.
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.
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. Structures designed to provide temporary shelter from the elements (e.g., gazebos) 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. All tanks and/or receptacles must be 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.
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 CAMA regulations.
15. Except as provided herein, no signs shall be erected on any lot:

- 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.
 - b) Real Estate or Rentals - One 12" x 20" Realtors "For Sale" sign and/or one 12"x 20" "For Rent" sign will be allowed for each property; these signs to be painted Village Blue with Cream lettering. Brochure boxes are specifically prohibited.
 - c) Contractor Signs - One 24"x36" sign is allowed per lot- painted as described above. A single contractor logo is permitted, provided it does not exceed 9" in diameter. In no case will subcontractor signs be permitted (it is the responsibility of the owner to see that this provision is enforced).
16. Utility lines - all water, sewer, electrical and cable television lines must be installed underground.
17. Mail boxes and newspaper receptacles will be of standardized design approved by the Committee.
18. Enclosed cupolas are allowed provided they do not exceed forty-five (45) feet and tie in with existing "Old Nags Head" styling. There shall be no unfinished viewing areas or decks higher than the finished 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.

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

The Village at Nags Head Property Owners' Association, Inc.

By: Harry Lee Nash, III (SEAL)
Harry Lee Nash, III, President

STATE OF VIRGINIA
CITY/COUNTY OF Augusta

I, a Notary Public of the City/County and State aforesaid, certify that Harry Lee Nash, III, personally came before me this day and acknowledged that he is President of The Village at Nags Head Property Owners' Association, Inc., a North Carolina corporation, and that by authority duly given by the Board of Directors acknowledged the execution of the foregoing to be the free and voluntary act and deed of the Corporation, for the uses and purposes therein mentioned, and on oath that he was authorized to execute said instrument.

Witness my hand and official stamp or seal, this 12th day of February, 2001.

My commission expires:
2-28-03

Brenda D. Hupman
Notary Public
(Stamp/Seal)

G:\DATA\WP\DKhour\Clients\business\Willnh\ThirdAmendtoDec.

**NORTH CAROLINA
DARE COUNTY**

The foregoing certificate of Brenda D. Hupman
a Notary Public of Comm. of Va.
is 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.

Barbara M. Gray, Register of Deeds

By: Vanzella McManan Assistant Register of Deeds