

Architectural Review Committee (ARC) Guidelines
Approved by the Tuckahoe Board of Directors on 8/18/2020

The landowners of Tuckahoe, with the intention of creating and maintaining an atmosphere that embraces creativity and individuality of architecture, do hereby set forth the following guidelines for structures and landscaping in the subdivision. These guidelines are established to promote the general character of the community and to protect value for all the homeowners.

These guidelines address construction standards, house location and landscaping at the individual site for each Tuckahoe home and will be used by the Architectural Review Committee (known as the ARC or The Committee) in evaluating all submissions for both new houses and additions to existing homes.

Individuality is an important consideration in Tuckahoe for personal expression; building form, rooflines, exterior details and deck systems provide a means to establish uniqueness. These guidelines set the standards of acceptable good taste and provide the basic formula for architectural design and choice of building products that will be both pleasing and long-standing.

Home plans: The interior of each plan should reflect the individual homeowner's lifestyle and will only be revised in terms of its influence on the exterior character of the home in determining the exterior elevations. The Architectural Review Committee reserves the right to refuse any plan solely on its lack of architectural integrity and quality of products specified for construction. In this respect, it is the intention of the Committee to maintain and ensure high value of resale throughout the development, and it may at any time reject a proposed plan upon purely aesthetic values.

Approval of Plans: The Declaration of Covenants, Conditions and Restrictions, specifically Article 8, Section 2 guides the Architectural Review Committee. No building, wall, driveway, swimming pool, tennis court, or other structure, site work or clearing preparatory to construction shall be begun, altered, added to, maintained or reconstructed on any Lot until the plans and specifications for such work have been reviewed and approved by the The Committee. Before commencing any such work, a Lot Owner shall submit to The Committee three (3) completed sets of plans and specifications, including, but not limited to, foundation plan, floor plan or plans, the four directional elevations, a schedule of proposed exterior colors and materials, shingle colors, grade and weight, plan showing driveway, parking, septic tank and drain field, and expected completion of improvement. To save time and money, a single completed set of plans can be sent electronically to The Committee to satisfy this requirement. The Committee shall have the absolute and exclusive right to refuse to approve any such plans and specifications which are not suitable or desirable in the

opinion of The Committee for any reason, including purely aesthetic reasons which, in the sole and uncontrolled discretion of The Committee, shall be deemed sufficient. If construction of any improvement required to be approved shall not have been begun before the expiration of six months following approval, said-approval shall be void and of no effect. The plans of such improvement shall be resubmitted to The Committee for reconsideration and The Committee may, in its discretion either confirm its earlier approval of plans or disapprove. In the event that The Committee or its designated representatives fail to approve or disapprove within thirty (30) days after plans have been received, approval of The Committee will not be required and the related covenants and conditions of this Declaration shall be deemed to be in compliance.

Trees, Vegetation and Dunes: Recognizing the aesthetic, environmental, ecological and economic benefits to our coastal community that native and well-adapted vegetation provides, the Town of Duck adopted amended ordinance 15-06 on June 3, 2015 to ensure a vegetative canopy in Duck now and into the future. The Tuckahoe ARC supports the Town of Duck's Tree and Vegetation Ordinance, 156.137. Any lot owner shall not remove, reduce, cut down or otherwise change or cause to be removed, reduced, cut down or changed, the elevation of any sand dunes or ridges or both in the development, or trees more than three inches in diameter (or 9.5 inches in circumference) at a point two feet above the ground, or any flowering trees or shrubs above five feet in height, except for reasonable pruning - without the express written consent of The Committee, which shall require proposals for the re-stabilization of any such disturbed areas.

Square footage: Ocean front and sound front homes must have a minimum of 1,500 square feet of heated living area for any one or one and one-half story home and a minimum of 1,600 square feet of heated living area for any two-story home. All other homes must have a minimum of 1,350 square feet of heated living area for a one and one and one-half story home and a minimum of 1,450 square feet for a two-story home. Total square footage of living area will be calculated excluding decks, porches, storage areas and utility rooms. "Living Area" shall mean and refer to those heated and/or air-conditioned areas within a Living Unit which shall not include garages, carports, porches, patios, or storage areas. Since Tuckahoe was designed with lot sizes ranging from 13,500 to 21,000 square feet and in keeping with the Article 8 Section 1 stated purpose of the Architectural Review Committee to "preserve, so far as practicable, the natural beauty of said property" and to provide "adequate free space between structures," and in the spirit of the Town of Duck Ordinance 156.126 and Ordinance 20-01, no home shall be built or added to resulting in "Living Area" greater than 25% of the lot size and in no case shall exceed 4,000 square feet of total "Living Area".

Permissible Uses: No Lot shall be used except for residential purposes, and no building of any type shall be erected, altered, placed, or permitted to remain on any Lot other than one

detached single-family dwelling, garage, swimming pool, or sand volleyball court for the private use of the Owner or guests of said Owner, which shall comply with all applicable zoning regulations.

Temporary Structures and Limitations on Use: No structure of a temporary nature may be placed upon any portion of The Properties at any time. Temporary shelters, tents, travel trailers, campers, self-propelled mobile homes or recreational vehicles (RVs) may not at any time be used as a temporary or permanent residence. Campers, travel trailers, boat trailers, self-propelled mobile homes, RVs and other vehicles of that nature may be stored on a lot temporarily and only for a limited amount of time as recommended by the ARC/ARC Committee Chair and approved by the Board of Directors/President of the HOA, provided that they do not constitute a visual nuisance and are stored in compliance with the setback requirements. No mobile homes shall be permitted to remain on any portion of The Properties, either temporarily or permanently.

Driveways: No driveway shall be permitted with egress to state road NC12. A construction driveway is required and shall be installed before construction begins on each home; this will consist of a clay base from the road to the building site. No construction vehicles will be allowed to park on the roads and shoulder during the construction of any home.

Wells: The drilling of private wells for irrigation purposes is expressly prohibited unless the plans and specifications are approved in advance, in writing, by the Committee.

Setbacks: All homes must be a minimum of 25 feet from the front property line, a minimum of 10 feet from the sidelines of the property and no closer than 25 feet, or 20% of the lot depth, from the rear property line.

Exterior: Rooflines should be strong and varied in nature. Special attention should be paid to the mass and volume of each roof and interworking relationships with the total structure. The extension of the overhang should be in balance with both the size of the roof and the volume of the home. Each design submitted will be judged according to the overall effect and volume of the structure in relationship to the length of overhang. It is also suggested that, because of strong blowing winds and heavy rainfall, an overhang be considered on eaves for control of runoff. Roof slopes on the main portion of the structure should be a minimum of 6 to 12 to insure the balance of volume between structure and roofline. Dormer rooms and secondary sheds may vary with a minimum slope of 4 to 12. Flat roofs may be acceptable for architectural creativity and uniqueness, and will be considered in respect to the overall design of the structure.

Roofing: Cedar shingles or shakes are a highly recommended roofing product, however, any architectural grade product with weight of 250 lb. per square or greater will be acceptable. A

sample of asphalt shingles must be submitted with the plan application for approval by the Architectural Review Committee if in the opinion of The Committee, an electronic sample is not sufficient. Penetration of the roof by exposed chimneystacks, exhaust fans and plumbing vents shall be located for minimum visibility. Chimneys above the roofline shall be enclosed with wood siding, cedar shake shingles or the chimney should be of masonry construction.

Siding: Cedar shingles, cedar lap siding, cedar channel rustic siding, cypress lap siding, cypress channel rustic siding and redwood lap siding are the acceptable siding for all homes. Corner boards must be used with all horizontal siding. Hardiplank is an acceptable siding. Vinyl or aluminum siding is not permitted. Vinyl fascia and soffit trim is acceptable. Textured plywood siding (i.e. texture 1-11) is not permitted. All foundation masonry shall be of a type of brick or stuccoed block (painted to an acceptable color), either of which shall be submitted for approval prior to construction.

Exterior Finish: All siding must be stained, painted or a wood preservative applied within one year of the beginning of construction of the home. A copy of the siding stain or color must be submitted to the Architectural Review Committee at the time of the plan review.

Railings: Many designs are acceptable and will be considered according to safety and coordination of overall design. Detailed drawings must be submitted with plans.

Foundation screening: Screening between the support pilings from the ground to the floor level is required. Salt treated 1" x 4", seven inches on center (maximum) applied horizontally is the accepted standard, but variations (basketweave and grid) will be considered if spaced intermittently in a manner that does not overwhelm or detract from the design of the entire structure.

Siting: The siting of the house should reflect individual desirability of view, privacy for existing neighbor, orientation for sun and prevailing winds, and possible energy gain. Observing all building setbacks of front, side or rear yards, the placement shall enhance the view from each individual structure while being compatible with the established adjacent homes.

Oceanfront homes should be sited behind the tow of the dune line; decks and walkways may overhang the dune line if care is taken not to disturb the vegetation in accordance with the Town of Duck Ordinance 156.124 Structures within the Primary and Frontal Dunes and 156.127 Sand Dune Provisions. Staggering of homes is encouraged so that straight lines are not formed in the natural setting.

Parking: Parking at the oceanfront, the pool and the sound lots is by permit only and is for the owners, their guests or renters to park their personal vehicles (car, motorcycle, low speed vehicle, golf cart) in properly marked parking spots. Parking on the streets within the

development shall be prohibited at all times. If an owner is having work done to their property, the commercial vehicles must park in the owner's property parking spots. Standing is authorized only if the owner has an approved ARC Application (e.g. septic field repairs; roof replacement; tree removal; etc.); however, the Standing vehicle must not impede fire and rescue vehicle movement at any time. Each lot owner shall provide off-street parking space for his family's use and the use of their guests in accordance with the Town of Duck ordinance 156.094 (e.g. 1 parking space for every 2 occupants authorized by the septic improvement permit issued by the Dare County Department of Environmental Health or the appropriate permitting agency). Cars, motorcycles, Low Speed Vehicles and golf carts not in compliance with this paragraph are subject to towing at the offender's expense.

Golf Carts: are allowed to be driven in Tuckahoe in accordance with Town of Duck ordinance 18-04. Golf carts cannot operate along Duck Road (NC 12); cannot operate on the Duck Trail; cannot use the boardwalk, pathways, sidewalks, bike lanes or shoulders; cannot operate in a manner that violates the motor vehicle laws of North Carolina. All golf cart drivers must be 16 years or older to operate a golf cart anywhere in Tuckahoe.

Low-Speed Vehicles: are electric vehicles licensed and registered with appropriate safety equipment and a top speed between 20 & 25mph. These may look like golf carts, but are not, and must meet federal and state standards for motor vehicles: "street legal." LSVs are regulated by N.C. General Statute Chapter 20-121.1; therefore, must follow all motor vehicle laws, including licensing.

Speed Limit: The speed limit is 15 Miles Per Hour everywhere in Tuckahoe.

Windows: The placement of windows and the uniqueness of window design is an excellent way to help enhance the character of the home. Due to the severe weather conditions along the coastline, a well-made wood or vinyl-clad window (like Anderson and Pella brands or comparable) is recommended. Aluminum windows will be accepted, if they have anodized bronze or white baked on enamel finish. All aluminum windows shall have a 1" x 3" wood trim around the frame of the window. The trim should be in keeping with the surrounding siding and corner boards in both color and type of wood. These same guidelines will be applied to hurricane shutters, which must be housed in like-colored housing when not in use.

Landscaping: The site should remain as natural as possible with a minimum area cleared of vegetation for the proposed homesite, drive and septic field. Outside of the construction area, all vegetation and dunes should remain undisturbed, unless the homeowner wishes to extensively landscape the entire lot. In such cases, landscaping plans and any position of any proposed walk shall be submitted with the building plans at the time of architectural review. If clearing is approved, the restabilization of disturbed areas must be completed within 30

days of issuance of occupancy permit. In the interim, the landowner shall be responsible for erosion caused by land and vegetation disturbances. Landscaping projects that involve machine grading or filling of the property require a Town of Duck permit. Additionally, homeowners must comply with the Town of Duck Ordinance, Tree and Vegetation Preservation and Planting 156.137.

Miscellaneous Site Features: Garbage cans must be covered and should be taken out to the road no earlier than the evening before or on the scheduled pick-up day and brought back to the house and screened from view under the house after pick-up. Any mailboxes within the subdivision shall be uniform in design also. The plans must be approved by the Architectural Review Committee. Screening is mandatory for fuel tanks, air conditioning units, water tanks, recreational facilities, related visual obstructions and attractive nuisances, and landscape designs for such natural screening shall be submitted to the Architectural Review Committee prior to construction. Antennas, receivers or senders, and similar devices shall only be located within the main structure and not visible on the exterior. Exceptions will be made, with approval of the Architectural Review Committee, for satellite dishes and similar devices, which do not exceed 3 feet in length or width and do not create a visual nuisance.

Lighting: It is intended that the lighting standards shall preserve the visual integrity of the nighttime environment by reducing glare and maintaining the character and integrity of the coastal village environment of which Tuckahoe is a part. Security types, mercury vapor, sodium vapor, yard lights and offensive bright distractions are expressly prohibited. All exterior lighting fixtures other than soffits lights shall be submitted for approval. Light fixtures which are a source of glare by their design, orientation or intensity are not permitted. Lighting fixtures shall be located on the property and designed, shielded and oriented in a manner so as to minimize light spill across property lines and prevent glare at any location on or off the property.

Fencing: Perimeter yard fencing to establish boundaries and define areas for animals or children is expressly prohibited. Sand fencing to contain sand and steady erosion is acceptable if placed in a random pattern and if it does not block or interfere with adjacent homes – for both visual desirability and protection from the elements.

Bulkheads: Structural bulkheads/retaining walls must comply with the Town of Duck permitting process first before being proposed to the ARC for approval. Non-structural bulkheads/retaining walls or bulkheads/retaining walls not requiring a Town of Duck permit for gardening areas, such as flower beds, or for other aesthetic property reasons also must be approved by the ARC in accordance with CCR Article 8 Section 2, Approval of Plans.

Signs: No sign of any kind of advertising device shall be displayed to the public view on a lot except one sign of not more than 432 square inches advertising the property for sale. Said

sign shall be located adjacent to a driveway, ten feet back on the property line and not more than three feet in height, including the sign and the stand. During construction, a builder's sign may be affixed to the dwelling, but it may not be more than 432 square inches and must be removed before occupancy by the owners. All for rent signs shall be designed, location determined, size and material and color of such signs, by the Architectural Review Committee. All house name signs must be reviewed by the Architectural Review Committee prior to being attached to the house.

Projects: Projects can be divided into inside the home (e.g. kitchen remodel), outside the home (e.g. septic field replacement) or both inside and outside the home (e.g. complete air conditioning system replacement). Projects can further be described as Permit Required or Permit not Required. All projects, regardless of inside or outside the home, that require a Town of Duck permit must be submitted to the ARC for approval. Most construction activities, including the installation/construction of accessory structures (e.g. a storage shed, new deck, etc.), swimming pools, hot tubs and HVAC units (new or replacement) require a building or individual trade permit from the Town of Duck. Any project that requires a Dumpster on site must be submitted to the ARC for approval via the ARC Application form (found on-line on the Tuckahoe Homeowners website). Any project that involves heavy equipment (e.g. backhoe, pile boring, trenchers, etc.) must be submitted to the ARC for approval. Landscaping maintenance projects employing local Landscaping companies contracted by the homeowner to remove undergrowth and cut tree limbs not requiring a permit from the Town of Duck do not require an ARC Application to be submitted. This is considered homeowner maintenance. However, the cutting down of any tree exceeding 9.5 inches in circumference requires approval of the ARC. Although the Town of Duck only requires a permit for re-roofing/re-siding if the job exceeds \$15,000, any re-roofing/re-siding project requires the submission of an ARC Application to ensure compliance with the "siding" section of these Guidelines. Re-painting of a home, even in the same color, requires an ARC Application.

Variations: In accordance with Article 11 of the CCRs, the ARC does not have the authority to approve ARC Applications that do not conform to the CCRs and the ARC Guidelines derived from the CCRs. However, since Tuckahoe is a progressive community, we acknowledge that building standards and aesthetics do change over time and as such, we should make accommodations for proven improvements in building materials and codes. For example, Hardiplank is now acceptable building material (Vinyl siding remains unacceptable) and has been approved and no longer constitutes a variance requiring Board of Directors approval. Variations, if not put into the CCRs or ARC Guidelines, will continue to be carried at "homeowner's risk" regardless if approved by the Board of Directors. Homeowner's risk implies that although the ARC recommended and the Board of Directors approved, if at a later date action is required either by the Town of Duck or the Tuckahoe Homeowners' Board of Directors to move the approved variance structure, then that will be

at the homeowner's expense. For example, in support of Fire and Safety access (a public good for the community), no one is allowed to put pilings, posts, berms within 5 feet of the road. The Tuckahoe Homeowners Association has an irrevocable easement for the road (20 feet) plus 5 feet either side of the road (for a total of 30 feet). If a homeowner has put pilings within five feet of the road (with or without ARC and Board of Directors approval) and the Town of Duck cites the Tuckahoe Homeowners' Association because a Fire and Safety vehicle could not reach a house, that citation will be transferred to the individual homeowner for payment/resolution.

Deposit: No plans for Major Projects or Major Remodeling Projects submitted by or on behalf of a member to the committee shall be accepted unless they are accompanied by a payment of one thousand dollars (\$1000) to the Association, which payment shall constitute a bond securing the member's completion of construction in accordance with his plans and his compliance with all covenants and regulations of the Association with respect to maintenance of the common areas and use of the Association's property. The Association is authorized to use the member's performance bond to secure such compliance if necessary. The committee shall have the authority to set reasonable time limits for the completion of construction of building plans submitted to it. Any member who fails to complete construction within the time limits set by the committee without good cause shall be subject to a special assessment if recommended by the committee and imposed by the Board of Directors.

Architectural Review Procedure:

- (1) One electronic set of plans and specifications, foundation, floor plan, four directional elevations; schedule of proposed exterior color (and samples thereof) grade and weight of roof shingles; site plan showing home, parking, septic drainfield and completion date shall be submitted to Village Realty and Management Services. Upon receipt of the three completed sets of plans, Village Realty will forward copies as quickly as possible (via email, fax, hand delivery, or courier delivery) to each member of the Review Committee.
- (2) Above shall be submitted no earlier than six months before construction begins and approval shall be null and void if construction does not begin within eight months of approval date.
- (3) Approval will be made in writing no more than 30 days after submitted. An outside engineer or architect to review plans where deemed necessary.

Design proposal shall be mailed to: Tuckahoe Architectural Review Committee C/O Village Realty
PO Box 1807
Nags Head, NC 27959
Or hand-delivered to:
Tuckahoe Architectural Review Committee C/O Village Realty

5301 S. Croatan Highway
Nags Head, NC 27959

Major Project. A Major Project is defined as any project exceed \$5,000 or requiring the use of heavy equipment such as a JLG Boom, concrete truck, front end loaders, tractors, pile driving machines/pile drilling machines, or any tracked vehicle. Examples of a Major Project are: replacing a roof, replacing all siding, replacing all decking, pool installation, septic repair or replacement, pool or hot tub installation, any alterations to the footprint of the house.

If your project is considered a Major Project, a refundable \$1,000 damage deposit is required. The deposit is intended as a deposit against common area or neighboring area property disturbance/damage during the course of the project. The deposit, less any damages assessed, will be returned to the homeowner subsequent to the successful completion of the project. Please contact the Association Manager if you are unsure whether your project requires a deposit.

All Major Projects require ARC Application and ARC Approval before commencement of work.

Minor Project. A Minor Project is defined as any project costing less than \$5,000, not requiring any heavy equipment, and not requiring a dumpster on site. Examples of a Minor Project are: exterior painting less than the whole house, replacing numerous existing decking slats or numerous decking boards, replacing portions of roof shingles, felling a tree greater than 9.5 inches circumference at a point two feet above ground, replacing a small portion of siding of a wall with the same materials, replacing a window or sliding glass door, pressure washing, installing post and rope fencing, a damage deposit is not required; however, you must submit an ARC application and receive ARC Approval before commencement of work.

Upkeep Project. An upkeep project is defined as a homeowner project not defined above. Examples are touch up exterior painting, planting a bush/tree, replacing individual slats/decking boards, replacing a shingle or small number of shingles, caulking, adding replacement stones to a stone section of the concrete driveway, etc. Upkeep Projects do not require ARC Application nor ARC Approval. If in doubt, ask the Association Manager or ARC for clarification.

Projects Requiring a Dumpster On-Site. All projects requiring a dumpster on site require ARC Application and ARC Approval before commencement of work.

Projects Requiring a Town of Duck Permit. All projects requiring a Town of Duck Permit require ARC Application and Approval prior to commencement of work.

Project Completion. For Major and Minor Projects, please notify the Association Manager/ARC once your Project is complete for the ARC historical records and, in the case of a Major Project, the security deposit can be refunded quickly.

When in Doubt, Give a Shout. In order to assist you as a current or new homeowner in Tuckahoe with any architectural issues, we have included some helpful information about the Town of Duck Community Development Department, permitting, and services information. If there is information that you need, the Tuckahoe ARC encourages you to call the town office at 252.255.1234, or email info@townofduck.com and your inquiry will be routed to the appropriate department. Office hours are Monday through Friday, 9:00 a.m. to 5:00 p.m.

- **What kind of activities require a building permit?** Most construction activities, including the installation/construction of accessory structures, swimming pools, hot tubs and HVAC units (new or replacement) require a building or individual trade permit from the Town of Duck. Additional triggers that would necessitate a building permit include any projects that are structural in nature, involve window/sliding glass door replacement, or where the cost of the project exceeds \$5,000.00.

- **What do I need to submit with my building permit application?** Depending on the extent of the project, you may need a survey showing your plan of development and all existing improvements on the property, a \$5,000.00 surety bond, a workers' compensation affidavit, a copy of your contractor's license, Dare County Health Department approval (on both your survey and building plans) and a CAMA permit, if applicable.

- **Do I need a permit to build a residential detached garage or storage building?** If any dimension of the structure is over 12 feet, you will need a building permit. If no dimensions are over 12 feet, you will not need a building permit, however you will need a Land Disturbance permit to assure compliance with setbacks and lot coverage.

- **Do fences require a permit in Duck?** Fences may require a permit depending on their location and purpose. It's best to contact the Town of Duck to discuss whether a permit is necessary.

- **Do I need a permit to renovate an existing structure?** You will need a building permit if the project cost exceeds \$5,000.00, involves any window replacement or if any of the work being performed is structural in nature. Other trade permits for electrical, plumbing or mechanical work may be required as well.

- **What kind of activities require a Land Disturbance permit?** A Land Disturbance permit is typically required for new driveway installation or conversion of a driveway from gravel to concrete or vice versa; new or replacement septic systems; placement of pre-built storage sheds; playhouses or underground propane tanks on the property; landscaping projects that involve machine grading or filling of the property; any projects that add fill dirt, gravel or concrete areas; patios; walkways; ground-level decks and similar site features that cover or disturb the land.

- **What is the difference between zoning and covenants?** Zoning rules are enforced by the Town while covenants are enforced by individual property owner associations. Permittees should always research both and abide by the strictest set of standards.

Architectural Review Committee Guidelines were revised per the approval of the restated association Bylaws. These Bylaws were approved by the membership at the May 1, 2010 Annual Meeting and recorded with Dare County on May 28, 2010. Furthermore, the Architectural Review Committee Guidelines were again revised per the approval of Board of Directors on August 18, 2020 and remain in accordance with the current Bylaws and CCRs.