

# BUCK ISLAND ASSOCIATION, INC.

## ARCHITECTURAL CONTROL POLICY MANUAL

Approved and Adopted

Signature: \_\_\_\_\_  
Chris Spoth, President  
Buck Island Association, Inc.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Ted Neely, ARC Chairman  
Buck Island Association, Inc.

Date: \_\_\_\_\_

# **BUCK ISLAND ASSOCIATION, INC.**

## **ARCHITECTURAL CONTROL POLICIES AND PROCEDURES**

### **Introduction**

The purpose of this document is to make all homeowners aware of the requirements, set forth by the Board of Directors, associated with making improvements to any Buck Island property.

Buck Island is a family-oriented community located on the beautiful northern beaches of the Outer Banks. This quaint, stylish community is conveniently located within walking distance to numerous shops, local restaurants and area attractions making Buck Island an ideal destination for all. With a total of 112 lots, about half are vacation rental properties. The remaining properties are private homes owned by full time residents and private vacation homeowners. Buck Island is a wonderful community loaded with amenities that also exudes the feeling of old southern charm, with its beautiful homes, tree-lined streets and meticulously landscaped lawns.

The Buck Island Association, Inc. Board of Directors establishes these Guidelines to ensure that all residents of Buck Island may enjoy the elegance and sophistication of unique architectural forms in a distinctive natural environment. Before building or making any changes to the exterior and/or landscaping of a Buck Island property, the Homeowner and Contractor must first complete an application process and gain approval from the Architectural Review Committee. This package contains the required applications and supporting documents to help facilitate approval. Your builder can assist you in completing and submitting the application. Please ensure that all documents are complete and fees, if required, are enclosed before submission. Incomplete applications will be returned to the applicant for completion and resubmission. A builder application is also included, if required.

### **Architectural Review Committee Procedures:**

The following Design Guidelines contain summaries, references and quotations from selected provisions of the Declaration of Covenants, Conditions and Restrictions (as amended). Although these design guidelines have been made a part of Design Guidelines for Buck Island, owners are encouraged to review the referenced portion of the Declaration of Covenants, Conditions and Restrictions (as amended) for complete details on the specific topics related to any application to be submitted. If a conflict should arise between these Design Guidelines and the Declaration of Covenants, Conditions and Restrictions (as amended), the provisions of the Declaration of Covenants, Conditions and Restrictions (as amended) shall prevail over any provisions contained herein. Along with defining community rules concerning property use, the Design Guidelines are also intended to uphold the neighborhood's high standards by establishing building requirements for the construction and/or remodeling of residences. These Design Guidelines demonstrate to each homeowner, a firm commitment by the Association to maintaining the aesthetic appeal of the community. We ask for your assistance and cooperation in following these procedures to help keep Buck Island a wonderful place to live and vacation.

Questions should be directed to the Association Manager at 252-441-8857 or in writing at the following address:

Buck Island Association, Inc.  
2600 N. Croatan Hwy  
2nd Floor  
Kill Devil Hills, NC 27948  
Phone: (252) 441-8857  
Fax: (252) 596-0012  
Email:

[Kathy.Regan@Signaturetouchobx.com](mailto:Kathy.Regan@Signaturetouchobx.com)

## **ARCHITECTURAL CONTROL**

**Please refer to Article XI and XII of the Declaration of Covenants, Conditions and Restrictions (as amended)**

### **Architectural Review Process**

In accordance with the Declaration of Covenants, Conditions, and Restrictions (as amended) for Buck Island, the Architectural Review Committee has adopted the following Design Guidelines for architectural improvements, which shall apply to all lots within Buck Island.

Each Lot Owner should read, review, and get acquainted with the Declaration of Covenants, Conditions and Restrictions (as amended) recorded with the Register of Deeds of Currituck County and with these Design Guidelines. The Design Guidelines may be amended from time to time by the Architectural Review Committee and approved by the Board of Directors. These documents are intended to enhance property values and to maintain the high standards of development within Buck Island.

**Following the Design Guidelines does not eliminate the need for submission of plans for approval by the Architectural Review Committee.**

Even if a subject addition or alteration is identical to another that has been approved, it must be submitted for approval. Each application will be reviewed on a case-by-case basis due to different conditions on a particular lot.

However, if an item is described as pre-approved and the Design Guidelines are being precisely followed for the item, no submission is necessary.

If a Homeowner wishes to appeal a decision of the Architectural Review Committee, the following process should be followed:

1. Appeal the decision in writing to the Architectural Review Committee through the Association Manager. The Committee will review the appeal and render a decision.
2. If this appeal decision is not satisfactory, the Homeowner may appeal in writing to the Board of Directors for Buck Island.

Failure to submit addition or alteration plans to the Architectural Review Committee or failure to comply with the decisions of the committee may subject the homeowner to the violation process that potentially includes fines and/or returning the property to its original state.

In the event of any inconsistency between this Design Guidelines and the Declaration of Covenants, Conditions, and Restrictions (as amended), the Declaration shall prevail.

**ALL ARCHITECTURAL APPROVALS WILL BE CONDITIONED UPON COMPLIANCE WITH APPLICABLE COUNTY AND STATE BUILDING CODES.**

## **BUCK ISLAND ARCHITECTURAL CONTROL APPLICATION SUBMISSION PROCEDURES**

Application and plans shall be submitted to:

Architectural Review Committee  
Buck Island Association, Inc.  
2600 N. Croatan Hwy  
2nd Fl  
Kill Devil Hills, NC 27948  
Kathy.Regan@Signaturetouchobx.com

The following information should be included:

1. Completed Application Form: Completed in full and signed and dated by the Homeowner AND Contractor (a copy of the application form is enclosed and can also be obtained from the Association Office).
2. Final Plans/Drawings: Final plans in complete form shall be submitted for approval prior to commencement of any work on a building site or project. \*For new construction, two (2) sets of all plans are required for approval.
3. Copy of Certificate of Insurance from the Building/Contractor being employed to perform the work.
4. Copy of all county building and state permits.
5. Owner and Builder Acknowledgement: Signed and dated (page 22 of this packet). All buildings and structures erected within Buck Island and the use and appearance of all land within Buck Island shall comply with all applicable Currituck County zoning and code requirements as well as the Declaration of Covenants, Conditions and Restrictions (as amended) and this Design Guidelines insert.

Review: Approval or Disapproval

The Architectural Review Committee Shall Have Forty-five (45) Calendar Days after plans submission to approve or disapprove plans. Review will include, but not be limited to, consideration of materials, quality of workmanship, colors, consistency with the external design and color of existing structures on the lot and on neighboring lots. The location of the improvement with respect to topography and finished grade elevation is also considered. Neither the Architectural Review Committee, nor the Board of Directors shall have any liability in connection with or related to approved plans and specifications of improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of any addition nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

Approval Required:

De vegetation, excavation or grading work shall not be performed on any lot without prior written approval of the Architectural Review Committee. No improvement shall be constructed or installed on any lot without the prior written approval of the Architectural Review Committee. No addition, alteration, repair, change or other work, which in any way alters the exterior appearance of any part of a lot, or any improvements located thereon, shall be made or done without the prior written approval of the Architectural Review Committee. Any owner desiring approval of the Architectural Review Committee for the construction, installation, addition, alteration, repair, change or replacement of any improvement shall submit to the Architectural Review Committee a written request for approval, specifying in detail, the nature and extent of the work that the owner desires to perform. No work is to commence until a signed approval is received. (See page 24 for Approval Form).

It is the homeowners' responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by federal, state and local government agencies. It is also important to note that the Architectural Review Committee process is not in any way related to any approvals that may also be required by federal, state and local government agencies.

A government approval does not replace the requirement for Architectural Review Committee approval. While the Committee may take up to forty-five days to process requests for approval, if said approval is not received within forty-five days then approval is deemed to be granted provided that no portion of the request is prohibited by rules issued by any other governing agency.

### **Setback Requirements**

The setbacks for all residential lots in Buck Island are designated on the recorded plat that is kept on file with the Currituck County Register of Deeds.

# BUCK ISLAND APPLICATION SUBMISSION REQUIREMENTS

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We are committed to assisting you in making your building process a smooth and enjoyable one. Please contact us if we can be of assistance with these applications or your building/remodeling process. Our management company will have all of the contact information for the Architectural Review Committee members and would be happy to contact them on your behalf with any questions you may have.

## A. Required Submissions

1. Completed Application(s): Completed in full and signed and dated by the Homeowner AND Contractor (a copy of each application form is enclosed and can also be obtained from the Association Office).

### **Types of Applications;**

- \*New Construction - Residential Building Application (page 24 of this packet)
- Construction Modification - Construction and Remodeling Application (page 23 of this packet)

***\*Note: You are only required to fill out the Residential Building Application (along with the Construction and Remodeling Application) if you are building a home on a vacant lot. For all other exterior improvements and modifications you are required to fill out the Construction and Remodeling Application only.***

2. Final Plans: Plans and specifications showing the nature, kind, shape, color, size, materials and location of any new construction modification, addition, or alteration, shall be submitted to the Architectural Review Committee (ARC) for approval as to quality of workmanship, design and harmony of the planned exterior with existing topography, other natural features and existing buildings. Final plans will include the site plan. All plans should be submitted in consistent scale. Submissions to the ARC must be in sufficient detail and clarity to accomplish the above and must include but are not limited to the following;
  - a. Site Plans showing the location of all buildings, sidewalks, driveways, parking areas or other proposed improvements to the property.
  - b. Architectural Drawings to include the total square footage of heated and air-conditioned area floor by floor and the exact square footage for each floor drawn to a scale of 1/4 inch to a foot or normal architectural standards.
  - c. Project Phasing Plan if the project is to be built in phases, the plans must indicate the different phases and timing of all proposed improvements.
  - d. Exterior Elevations Plans and building sections showing the design including front, rear, and side elevations together with a complete description of all colors and materials.

- e. Site Drainage and Grading Plans .
- f. Foundation Plans if other than slab on grade.
- g. Landscaping Plans for clearing, landscaping, and sprinkler systems.
- h. Exterior Lighting Plans.
- i. Material Identification Samples will include complete descriptions and samples of all exterior paint colors, siding and roofing materials, etc.
- j. Construction Use Plan including the location of portable toilet facilities and any on site dumpsters must be noted in the final plans.
- k. Construction Vehicle Parking Plan that shows that construction vehicles will not interfere with normal vehicular traffic. PARKING ON THE STREETS IN BUCK ISLAND IS PROHIBITED AT ALL TIMES.

***\*Note: Two (2) sets of all plans are required for approval***

When provided with two (2) complete sets, the chairman of the ARC, or an ARC member appointed by the chairman, will initial a set of plans and specifications for the owner's files. The ARC will retain a complete set of plans and specifications to ensure the proposed improvements are completed as approved. ***Any changes or modifications to the plans or specifications must be approved by the ARC prior to construction. The ARC will make every effort to deal with minor changes on an expeditious basis but may take the full forty-five (45) days to review changes it considers significant.***

**B. Review Period**

In the event that the ARC fails to approve or disapprove any application within forty-five (45) days after submission of all information and materials reasonably requested, the application shall be deemed approved. If plans are initially disapproved and revised plans are submitted to the ARC, the ARC may take another forty-five (45) days to review the revised construction plans. All proposed improvements approved by the ARC must be initiated within one year of the date of the notification of approval and completed within one year after initiation of construction or said approval will be deemed void.

**BUCK ISLAND  
DESIGN GUIDELINES, RULES AND REGULATIONS  
SUMMARY**

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The guidelines contained herein have been developed to assist lot owners, builders, and architects in developing home plans for the Buck Island residential lots, not including the Charleston Place lots. The Buck Island Declaration of Covenants, Conditions and Restrictions (as amended) contains statements that apply to architectural standards and use restrictions and said Covenants, Conditions and Restrictions (as amended) will prevail in any area where conflict might seem to occur with these architectural guidelines. Articles XI and XII of the Covenants, Conditions and Restrictions (as amended) are attached hereto for the convenience of the reader, but these two articles must be used in context of the entire document.

**Design Guidelines**

1. **Site Planning Restrictions.**

- a. All lots are for detached single family residential use only.
- b. All homes must have the minimum square footage of living area shown below. Total square footage of living area will be calculated excluding decks, porches, garages, storage areas, and utility rooms.

<u>Location</u>	<u>Minimum Square Footage</u>
West of Columbia	2,000
East of Columbia	2,400

- c. The setbacks for all residential lots in Buck Island are designated on the recorded plat.
- d. Building heights are limited to 40 feet to the highest point.
- e. Site planning must minimize disturbance to natural topography and vegetation and maximize views to natural vistas.

2. **Architectural Standards.**

- a. All homes should be compatible with a traditional seaside cottage which appears to be enclosed to the ground with no exposed pilings except those supporting decks.
- b. No stucco is allowed above the first floor except on chimneys and dormers. No vinyl siding is allowed. Brick may be used only as an accent material. 4' x 8' sheets of siding material are unacceptable.
- c. No prefab, modular or mobile homes are allowed.



- d. The appearance of homes must be compatible with the spaciousness of the setting.
  - e. Roofs should be designed to encourage visual interest and variety and must have a minimum pitch of 8/12. Permitted roof materials are limited to cedar and asphalt shingles and standing seam metal. Asphalt shingles must have a minimum weight of 240 pounds.
  - f. Detached outdoor storage buildings and garages are not allowed.
  - g. Refuse containers must be screened from view, have lids that securely fasten and be accessible to the collection service.
  - h. Utility lines, meters, or transformers must be placed as inconspicuously as possible.
  - i. The exterior of all homes shall be painted in colors compatible with the character of Buck Island. No color changes are allowed without prior ARC approval.
  - j. No exposed chimney pipes are allowed. Chimney enclosures must be compatible with the home's overall facade. All other roof penetrations should be located to minimize their visual obtrusiveness.
  - k. Garage doors should not face the street.
  - l. All windows must appear to have divided lights.
3. Landscaping. Landscaping should be accomplished with indigenous plants to maximize the beauty of the homes while minimizing the demands on the water system for irrigation. All landscaping must be maintained at appropriate intervals to insure its health and beauty.
4. Construction Activities.
- a. Land disturbing activity must be kept to the minimum required to accomplish the approved construction.
  - b. Sedimentation fencing, sand fencing, or vegetation planting must be installed within thirty (30) days of any ground disturbing activity in order to control both water and wind caused erosion.
  - c. All construction sites must have a debris container and sites must be cleaned daily. No fires are allowed on the construction sites.
  - d. Construction is limited to the hours between 7 a.m. and 6 p.m.
  - e. No contractor's pets are allowed on the property.

- f. No hollering, loud music, or loud radios are allowed on the construction sites.
- g. All construction materials must be stored in a neat, safe and orderly manner.
- h. All construction vehicles must be parked according to the construction vehicle parking plan (submitted with the Approval Application).
- i. Construction must be completed on all improvements within one year of construction initiation.
- J. Trash box (container) must be emptied at least once per week.
- k. Any violation of the above, construction will be halted until a \$1,000.00 deposit is made to the community. If no further violations occur prior to completion, the deposit will be refunded at completion. Further violations will cause forfeiture of deposit.

### **Rules and Regulations**

The Rules and Regulations hereinafter enumerated shall be deemed in effect unless or until amended by the Board of Directors of Buck Island Association, Inc. or its duly authorized agent and shall apply to and be binding upon all residents. The residents shall obey at all times, said Rules and Regulations and shall use their best efforts to see that they are faithfully observed by their families, guests, invitees, servants and persons over whom they exercise control and supervision. The Board of Directors of Buck Island Association, Inc. or its designated Lead agent will enforce the Rules and Regulations below by the use of fines of up to \$500.00 per occurrence and/or forfeiture of security deposit or any other means consistent with the Declaration. The owner of the home will be responsible for paying any fines for infractions of the Rules and Regulations by renters or guests using that owner's home.

The Board of Directors has designated the Executive Committee to act as an Appeals Committee to accord any owner ten (10) days notice of the charge of a rule infraction and fine and afford the owner an opportunity to be heard and to present evidence after which a decision shall be made to levy or rescind the fine.

The Rules and Regulations are as follows:

1. Pets allowed pursuant to the Declaration of Covenants, Conditions and Restrictions (as amended), shall not be allowed outside the homes or on the lots or common areas unless confined on a leash held by a responsible person. Owners of pets shall immediately remove and dispose of any waste caused or left by their pets.
2. Signs, advertisements, notices or other lettering shall not be exhibited, displayed, inscribed, painted or affixed, in, on or upon any part of the Buck Island property by any owner or occupant without written permission of the Board of Directors of Buck Island Association, Inc. or its duly authorized agent except entry signs and directional signs.
3. Radio, television and/or internet installations and their wiring shall only be made

accordance with Article XII, Section 7.

4. Residents shall not store or leave boats, trailers, mobile homes, recreational vehicles and the like on the community areas. All vehicles of this type, not longer than 24 feet in length, must be parked in the parking area of the resident's Buck Island home; Residents are prohibited from parking vehicles longer than 24 feet in length anywhere on the Buck Island property.
5. The sidewalks, walkways, entrances and the common areas in general of Buck Island shall not be obstructed or encumbered or used for any purpose other than ingress and egress to and from the Buck Island property, and no carriages, motorcycles, bicycles (or similar vehicles), trailers, wagons, shopping carts, chairs, benches, tables or any other object of a similar type and nature shall be left therein or thereon except as designated by the Board of Directors of Buck Island Association, Inc.
6. Residents shall not allow anything whatsoever to fall from the windows, decks, balconies, entryways or doors of a home, nor shall be swept or thrown from a home any dirt or other substance outside of the home or into the common area.
7. Open fires shall not be permitted on or around the homes, lots, common areas, or the beaches. Fireworks are illegal and not allowed on the property.
8. Payment of owners' fees are due and payable on the first day of each month by automatic bank draft, personal check or as otherwise directed by the Board of Directors of Buck Island Association, Inc. An additional twenty-five dollars (\$25.00) will be collected from any owner whose check or draft is non-collectible due to insufficient funds in their account.
9. Linens, cloths, curtains, rugs, mops or laundry of any kind or other articles shall not be exposed on any part of the common area. The common area shall be kept free and clear of refuse, debris and other unsightly material.
10. Refuse and bagged garbage shall be deposited only in the area provided therefore.
11. Flammable, combustible or explosive fluid, chemical, or substance shall not be in the common area except as authorized by the Board of Directors for the maintenance of Buck Island.
12. Residents shall not make or permit any disturbing noise by themselves, their family, servants, employees, agents, visitors and licensees, nor do or permit anything by such persons that would interfere with the rights, comforts or convenience of other residents. No resident shall play upon or suffer to be played upon any musical instrument or operate or suffer to be operated a phonograph, television, radio or sound amplifier in their house in such a manner as to disturb or annoy other residents.
13. The employees of Buck Island Association, Inc. or its agent shall not be sent off the Buck Island property by any owner at any time for any purpose and no resident shall direct, supervise, or in any manner attempt to assert any control over such employees.

14. Buck Island Association, Inc. rules shall be enforced as posted. The posted rules are (a) children should not use the swimming pool without adult supervision; (b) adults should not swim alone; (c) no pets or glass containers allowed in pool area; (d) no running on decks; (e) no use of rafts or floats in pool; (f) rinse off sand and suntan oil before entering pool; and (g) no diving into pool.
15. Buck Island Association, Inc. tub/spa rules shall be enforced as posted. The rules are (a) pregnant women, elderly persons and persons suffering from high blood pressure should not enter the hot tub without prior medical consultation and permission from the doctor; (b) do not use hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure; and (c) children under 12 are not allowed in the hot tub.
16. Buck Island Association, Inc. tennis rules shall be enforced as posted. The rules are (a) only tennis shoes are permitted on courts; (b) skates, bikes and wheeled vehicles are prohibited; (c) no glass containers permitted; (d) play is limited to one hour when other people are waiting to play; and (e) lock gates and dispose of trash after use of courts.
17. The Board of Directors of Buck Island, Inc. reserve the right to make, or to have its Managing Agent make, additional Rules and Regulations as may be required from time to time without consent of the individual home owners.
18. Complaints regarding the management of Buck Island shall be made in writing to the Board of Directors of Buck Island Association, Inc. or to its duly authorized agent.
19. Rules and Regulations as to the use of Buck Island facilities shall be posted and each resident shall comply with all Rules and Regulations relating thereto.

**EXCERPTS FROM THE BUCK ISLAND DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
(as amended)**

**Article XI**

**Architectural Standards**

Section 1 General. No construction (which term shall include within its definition staking, clearing, excavation, grading, and other site work), no exterior alteration or modification of existing improvements, and no plantings or removal of plants, trees, or shrubs (other than as may be permitted in Article XII, Section 15) shall take place except in strict compliance with this Article, until the requirements below have been fully met, and approval of the appropriate committee has been obtained pursuant to Section 2 below. Unless approved in accordance with this Article, no structure, including, but not limited to fences, porches, patios or decks shall be placed, erected, or installed upon any Property. In no case shall any construction be commenced prior to obtaining all required state and county permits.

Unless otherwise approved by the Architectural Review Committee ("ARC"), all dwellings constructed on any portion of the Properties shall be designed by and built in accordance with the plans and specifications of a licensed architect or licensed building designer.

This article shall not apply to construction or improvements or modification to the Common Area by or on behalf of the Association.

Section 2. Architectural Review Committee. The Board of Directors shall establish the ARC to consist of at least three but not more than five persons. The Board of Directors shall appoint the members of the ARC who shall serve and may be removed at the discretion of the Board of Directors.

Responsibility for administration of the Design Guidelines, as defined below, and review of all applications for construction and modifications under this Article shall be handled by the ARC. The members of the ARC need not be Members of the Association or representatives of a Member, and may, but need not, include architects, engineers or similar professionals, whose compensation, if any, shall be established from time to time by the Board of Directors. The Board of Directors may establish reasonable fees to be charged by the ARC on behalf of the Association for review of applications hereunder and may require such fees to be paid in full prior to review of any application.

The Board of Directors may establish subcommittees as deemed appropriate by the Board. Members of the subcommittees shall be appointed by, and shall serve at the discretion of, the Board of Directors.

Nothing contained herein shall be construed to limit the right of an Owner to remodel the interior of their home, or to paint the interior any color desired unless otherwise prohibited by a Supplemental Declaration. However, modifications or alterations to the interior or screened porches, patios, and similar portions of a home visible from outside the home shall be subject to approval.

### Section 3. Guidelines and Procedures.

The ARC, acting on behalf of the Board of Directors, shall adopt such Design Guidelines at its annual organizational meeting and, thereafter shall have sole and full authority to amend the from time to time without consent of the owners.

The ARC shall make the Design Guidelines available to owners, builders, and developers who seek to engage in development of or construction upon all of any portion of the Properties and all such Persons shall conduct their activities in strict accordance with such Design Guidelines. A written document acknowledging receipt of the Design guidelines shall be signed by the appropriate builder prior to commencement of any construction activity.

Any amendments to the Design Guidelines adopted from time to time by the ARC in accordance with this section shall apply to construction and modifications commenced after the date of such amendment only, and shall not apply to require modifications to or removal of structures previously approved by the ARC once the approved construction or modification has commenced.

The ARC may promulgate from time to time detailed standards and procedures governing its area of responsibility and practice. In addition thereto, the following shall apply. Plans and specifications showing the nature, kind, shape, color, size, materials and location of any modification, addition or alteration, shall be submitted to the ARC for approval as to quality of workmanship and design and as to harmony of external design with topography, and finishing grade elevation. However, modifications or alterations to the interior of screened porches, decks, patios, and similar portions of the Home visible from outside the Property shall be subject to approval.

In the event that the ARC fails to approve or disapprove any application within forty-five days after submission of all information and materials reasonably requested, the application shall be deemed approved.

However, no approval, whether expressly granted or deemed granted pursuant to the foregoing, shall be inconsistent with the Design Guidelines unless a variance has been granted in writing by the ARC pursuant Guidelines unless to Section 6 below.

Section 4. No Waiver of Future Approvals. The approval of the ARC of any proposals or plans and specifications or drawings for work done or proposed, or in connection with any other matter requiring the approval and consent of the ARC, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans, and specifications, drawings, or matters subsequently or additionally submitted for approval or consent.

Section 5. Variance. The ARC, with concurrence of the Board of Directors, may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing; (b) be contrary to the restrictions set forth in this Declaration; or (c) stop the ARC from denying a variance in other circumstances. For purposes

of this Section, the inability to obtain approval of any government agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

Section 6. Limitation of Liability. Review and approval of any application pursuant to the Article is made on the basis of aesthetic considerations only and the ARC shall not bear any responsibility for ensuring modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Association, the Board of Directors, any committee member, nor any member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Home.

Section 7. Enforcement. Any construction, alteration, or other work done in violation of the Article shall be deemed to be nonconforming. Upon written request from the Board, Owners shall at their own cost and expense, remove such construction, alteration, or other work and shall restore the Property to substantially the same condition as existed prior to the construction, alteration, or other work. Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation, and restore the property to substantially the same condition as existed prior to the construction, alteration, or other work. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the benefited Home and collected as a Special Assessment rate pursuant to Article X, Section 4(b) hereof.

Any contractor, subcontractor, agent, employee, or other invitee of an Owner who fails to comply with the terms and provisions of this Article and the Design Guidelines may be excluded by the Board from the Properties, subject to the notice and hearing procedures contained in the By-Laws. In such event, neither the Association, its officers, nor directors shall be held liable to any Person for exercising the rights granted by this paragraph.

In addition to the foregoing, the Board of Directors shall have the authority and standing, on behalf of the Association, to pursue all legal and equitable remedies available to enforce the provisions of this Article and the decisions of the ARC.

Section 8. Grievance procedure. Any disapproved request of the ARC may be reviewed by the Executive Committee of the Board of Directors if requested in writing by the applicant. Results of the review may be to uphold the decision of the ARC or override. The applicant will be notified in writing within ten (10) working days of applicant's request to the Board.

## **Article XII**

### **Use Restrictions**

The Properties shall be used for residential, recreational, and related purposes (which may include, without limitation, offices for any property manager retained by the Association) consistent with this Declaration and amendments hereto. Any Supplemental Declaration may impose stricter standards than those contained in this Article. The Association, acting through its Board of Directors, shall have standing and power to enforce such standards.

The Association, acting through its Board of Directors, shall have authority to make and to enforce standards and restrictions governing the use of the Properties, in addition to those contained herein, and to impose reasonable user fees for use of Common Area facilities. Such regulations and use restrictions shall be binding upon all Owners, occupants, invitees and licensees

Section 1. No sign of any kind shall be erected within the Properties without the written consent of the Board of Directors, except entry signs, directional signs, and signs showing the name of a home. If permission is granted to any person to erect a sign within the properties, the Board reserves the right to restrict the size, color, lettering, and placement of such sign. The board of Directors shall have the right to erect signs as they, in their discretion, deem appropriate.

Section 2. Parking and Prohibited Vehicles.

- a) Parking. Vehicles shall be parked only in the garages in the driveways, if any, serving the Homes or in appropriate spaces or designated areas in which parking may or may not be assigned and then subject to such reasonable rules and regulations as the board of Directors may adopt. The Board may designate certain on street parking areas for visitors or guests subject to reasonable rules.
- b) Prohibited Vehicles. Commercial vehicles, vehicles with commercial writing on their exteriors, vehicles primarily used or designated for commercial purposes, tractors, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camp trailers, boats and other properties, if any, designated by the Board are prohibited. Stored vehicles and vehicles which are either obviously inoperative or do not have current operating licenses shall not be permitted on the Properties. For purposes of this Section, a vehicle shall be considered "stored" if it is put up on blocks or covered with a tarpaulin and remains on blocks or so covered for three consecutive days without the prior approval of the Board. Notwithstanding the foregoing, service and delivery vehicles may be parked on the properties during daylight hours for such period of time as is reasonably necessary to provide service or to make a delivery to a home or the common area. In addition, vehicles and equipment owned or leased by association may be parked within the properties as necessary for carrying out construction within the properties, servicing a home or the common area, or other purposes as determined by the Board. Any vehicle parked in violation of this section or parking rules promulgated by the Board may be towed in accordance with Article III, Section 23 of the By-Laws.

Section 3. Occupants Bound. All provisions of the Declaration, by-Laws and of any rules and regulations or use restrictions promulgated pursuant thereto which govern the conduct of owners and which provide for sanctions against owners shall also apply to all occupants, guests and invitees of owners. Each owner shall cause all occupants of his or her home to comply with the Declarations, By-Laws, and the rules and regulations adopted pursuant thereto. Each owner shall be responsible for all violations and losses to the common area caused by such occupants, notwithstanding the fact that such occupants are fully liable and may be sanctioned for any violation of the Declaration, By-Laws and of any rules and regulations or use restrict pursuant thereto.



Section 4. Animals and Pets. No livestock, poultry, or animals of any kind, including, exotic pets, except usual and common household pets, shall be raised bred, or kept on any portion of the Properties.

Section 5. Quiet Enjoyment. No portions of the properties shall be used, in whole or in part, for the storage of any property or thing that will cause it to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing or material be kept upon any portion of the properties that will emit foul or obnoxious odors or that will cause any more noise other or other condition that will or might disturb the peace, quiet, safety, comfort or serenity of the occupants of surrounding property.

No noxious, illegal, or offensive activity shall be carried on upon any portion of the properties, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to any person using any portion of the properties. There shall not be maintained any plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the properties. No outside burning of wood, leaves, garbage or household refuse shall be permitted within the properties.

Section 6. Unsightly or Unkempt Conditions. It shall be the responsibility of each owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition within the home. The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken on any part of the properties.

Section 7. External Wiring for Antennas, Satellite Dishes and Internet Installations. Any TV, telephone, internet and other such systems, and their antennas, dishes, and external wiring, must be installed as inconspicuously as possible. The ARC reserves the right to order improperly sighted or mounted equipment to be moved to make them less conspicuous.

- a) Location of Equipment. Satellite dishes, etc. should only be mounted in locations generally hidden from being seen from the ground. This can include hidden roof valleys, chimney sides, and other areas which are as much as possible hidden from being seen below. When the location cannot hide the dish from all directions, precedence should be given to hiding the dish from being seen from the street front. If a suitable location cannot be found on the roof, antennas may be mounted on the ground, provided such ground mounted dishes are surrounded by landscaping that as much as possible, prevents them from being seen at ground level. If there is no choice but to mount the dish on the side of the house, a screening panel made of lattice, etc., matching the house or trim color, should be used to hide the dish as much as possible.
- b) External Wiring. Wiring from TV dishes, internet, cable TV and any other external wiring must be routed in a neat and tidy way so to be made as inconspicuous as possible. In many cases such wires will need to be painted to match the house color. In order to make wires tidy looking, they should run either exactly horizontally or exactly vertically to match the typical horizontal and vertical architecture of the house. Wires should NOT be run at angles, with slopes, large curves, drapes between ties, etc.

Section 8. Basketball Equipment, Clotheslines, Garbage Cans, Tanks, Etc. All basketball hoops and backboards, clotheslines, garbage cans, above-ground storage tanks, mechanical equipment, and other similar items within Homes shall be located or screened so as to be concealed from view of neighboring homes, streets, and property located adjacent to the property. No open fires shall be permitted in any home or any portion of the properties except in properly constructed fireplaces or grilling devices. Such open fires or remaining hot embers may only be permitted when under continuous observation of a fully cognizant adult of twenty-one (21) years of age or older. All rubbish, trash, and garbage shall be stored in appropriate containers approved pursuant to Article XI hereof and shall regularly be removed from the properties and shall not be allowed to accumulate thereon.

Section 9. Subdivision of Homes. No Home shall be physically subdivided or its boundary lines changed, except with the prior written approval of the ARC and the Board of Directors of the Association.

Section 10. Firearms. The possession and discharge of firearms within the Properties shall be in conformance with, then effective, United States, North Carolina and Currituck County ordinances. No person under age 21 years of age may discharge any type of weapon in Buck Island.

Section 11. Pools. May only be constructed only after review and approval of the ARC and local building code permits.

Section 12. Irrigation. Sprinkler or irrigation systems for private home site lots are the responsibility of the owners. Common area irrigation is the responsibility of the Association.

Section 13. Tents, Trailers and Temporary Structures. Except as may be permitted by the ARC and the Board no tent, trailer or temporary structure may be erected.

Section 14. Drainage and Septic Systems. Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. Only the Board may obstruct or re-channel the drainage flows or alter location and installation of drainage swales, storm sewers, or storm drains. The Board reserves a perpetual easement across the Properties for the purpose of altering drainage and water flow. Septic tanks are prohibited on the Properties.

Section 15. Tree Removal. Except as may be permitted by the ARC, no trees shall be removed, except for diseased or dead trees and trees needing to be removed to promote the growth of other trees or for safety reasons, unless approved in accordance with Article XI of this Declaration. In the event of an intentional or unintentional violation of this Section, the violator may be required by the committee having jurisdiction to replace the removed tree with one (1) or more trees of the same size and number, and in such locations, as such committee may determine necessary, in its sole discretion.

Section 16. Sight Distance at Intersections. All property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain on any portion of the Properties where they would create a traffic or sight problem.

Section 17. Utility Lines. No overhead utility lines, including lines for cable television, shall be permitted within the Properties, except for temporary lines as required during construction and high voltage lines if required by law or for safety purposes.

Section 18. Air Conditioning Units. Except as may be permitted by the Board or its designee, no window air conditioning units may be installed in any Home.

Section 19. Lighting. All exterior lighting must be approved in accordance with Article XI of this Declaration.

Section 20. Artificial Vegetation, Exterior Sculpture, and Similar Items. No artificial vegetation, exterior sculpture, fountains, and similar items shall be permitted on the exterior of any structure or portion of the Properties, except as approved by the ARC and the Board.

Section 21. Energy Conservation Equipment. No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on the exterior of any Home unless it is an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the ARC pursuant to Article XI hereof.

Section 22. Wetlands and Water Bodies. All wetlands, ponds, and streams within the properties, if any, shall be aesthetic amenities only, and no other use thereof, including, without limitation fishing, swimming, boating, playing, or use of personal flotation devices, shall be permitted without the prior written approval of the Board of Directors. The Association shall not be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of wetlands, ponds, or streams within the properties. No docks, piers, or other structures shall be constructed on or over any body of water within the properties, except such as may be constructed by the Association.

The Board shall have sole power to establish and regulate the use of ponds, lakes, and other bodies of water within the properties, including, without limitation, bodies of water located within the boundaries of platted lots on which homes are constructed, and to construct docks, piers, and other structures on and over such bodies of water. There shall be an easement on and over the properties, including, without limitation, over all ponds, lakes, and other bodies of water within the Properties, as necessary on behalf of the Association of such bodies of water within the properties for access to and from, use and construction deemed necessary on such bodies of water.

Section 23. Playground. Any playground or other play areas or equipment furnished by the Association or erected within the Properties shall be used at the risk of the user, and the Association shall not be held liable to any Person for any claim, damage, or injury occurring thereon or related to use thereof.

Section 24. Business Use. No garage sale, moving sale, rummage sale or similar activity, and no trade or business that requires uninvited visits to the property from outside the community may be conducted in or from any Home. Questions of appropriate business activity shall be referred to the Board.

Section 25. On-Site Fuel Storage. Except with prior written approval from the Board, no large quantity of combustible materials shall be permitted on any part of the properties. Propane for gas grills must be in an approved container within the service life labeled on the container. The Association shall be permitted to store fuel for operation of maintenance vehicles, generators and similar equipment and for operation of other equipment located within the area of common responsibility.

Section 26. Leasing of Homes.

- a) Definition - Leasing. For purposes of this Declaration, is defined as regular, exclusive occupancy of a Home for 60 or more consecutive days by any person or persons other than the Owner for which the Owner receives any consideration of benefit, including, but not limited to a fee, service, gratuity, or emolument. Contracts with rental companies for vacation season rentals for periods of 60 days or less are not considered leases.
- b) Leasing Provisions - General. All leases shall be in writing in the form approved by the Board. Notice of any lease, together with such additional information as may be required by the Board, shall be given to the Board by the owner no less than ten (10) days prior to the execution of the lease. The owner must make available to the lessee copies of the Declaration, By-Laws and rules and regulations of the Association. The Board may adopt reasonable rules regulating leasing and subleasing. No property in the Buck Island Community will be leased, sub-let, rented or utilized as a part of any counseling or rehabilitation program or service. Half-way houses are not permitted in any form.
- c) Compliance with Declaration, By-Laws and Rules and Regulations. Each owner shall cause all occupants of his or her home to comply with the Declaration, By-Laws, and the rules and regulations adopted pursuant thereto. Each owner shall be responsible for all violations and loss to the properties caused by such occupants, notwithstanding the fact that such occupants are fully liable and may be sanctioned for any violation of the Declaration, By-Laws, and rules and regulations adopted pursuant thereto.

Section 27. Laws and Ordinances. Every owner and occupant of any home, their guests and invitees, shall comply with all laws, statutes, ordinances and rules of federal, state and municipal governments applicable to the properties and any violation thereof may be considered a violation of this Declaration; provided, however, the Board shall have no obligation to take action to enforce such laws, statutes, ordinances and rules.

Section 28. Occupancy. The maximum aggregate number of occupants in a Home shall be limited to a number equal to the number of bedrooms located within the Home multiplied by two (2) or what Currituck County states as allowable. The Board shall have the authority to adopt and to enforce additional rules regarding occupancy of a home.

The Board or its designee may enforce this provision by requiring the removal of or removing from a home any person or persons so that this provision is no longer violated, or by fining Owners in accordance with the Declaration and By-Laws.

**BUCK ISLAND  
OWNER AND CONTRACTOR ACKNOWLEDGEMENT**

By signing below the Homeowner and Contractor acknowledge receipt of the Buck Island Association, Inc. Architectural Control Policy Manual which includes the following documents; Architectural Control Policies and Procedures, Design Guidelines, Rules and Regulations and Excerpts from the Declaration of Covenants, Conditions and Restrictions (as amended) containing Articles XI and XII.

The Architectural Review Committee has forty-five (45) days to act on a request. Please do not begin any work until you receive a signed approval from the Architectural Review Committee.

If the requested change is approved, **the owner agrees to comply with all applicable County and State laws and building codes and agrees to obtain all necessary permits.** Furthermore, the owner agrees to complete the work EXACTLY as stated on the application and supporting documents within the time frame indicated.

**Homeowner** \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
type or print name

**Builder/Contractor** \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
Please type or print name

# Buck Island Association, Inc.

Architectural Review Committee  
Construction and Remodeling Application

Owner Name: \_\_\_\_\_  
Last First

Buck Island Address: \_\_\_\_\_ Lot# \_\_\_\_\_

Home Address: \_\_\_\_\_  
Address

\_\_\_\_\_ City State Zip

Phone #'s: \_\_\_\_\_  
Home Cell

Email: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contractor Phone#: \_\_\_\_\_ Contractor Email: \_\_\_\_\_

Contractor Address: \_\_\_\_\_  
Address

\_\_\_\_\_ City State Zip

**Type of Construction /Exterior Alteration:** new | remodel/deck/residing/painting/pool/hot tub/ repair work/ landscaping/other: \_\_\_\_\_

**Deck Project to Start:** \_\_\_\_\_ **Projected Completion Date:** \_\_\_\_\_

**Paint/Stain Information, Main Structure**

Paint/Stain Color: \_\_\_\_\_ Brand Name: \_\_\_\_\_

**Paint/Stain Information, Trim**

Paint/Stain Color: \_\_\_\_\_ Brand Name: \_\_\_\_\_

**Paint/Stain Information, Accent Color**

Paint/Stain Color: \_\_\_\_\_ Brand Name: \_\_\_\_\_

**PLEASE SUBMIT 3 EACH OF ALL SAMPLES OF ALL PAINT/STAIN WITH APPLICATION**

**Date of Application:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_

**Contractor Signature:** \_\_\_\_\_

**-----To Be Completed by the ARC-----**

Date of Review by ARC \_\_\_\_\_ ARC Member Name: \_\_\_\_\_

Review Fee Received \_\_\_\_\_ Damage Deposit Received \_\_\_\_\_  
(Date, Amount, Check#) (Date,

Amount, Check#)

Approved / Disapproved and Date: \_\_\_\_\_ ARC Member Signature: \_\_\_\_\_

Reason \_\_\_\_\_

Assigned Contractor Gate Code: \_\_\_\_\_ Gate Code Expires on Date: \_\_\_\_\_

**APPROVAL IS GOOD FOR ONE YEAR FROM ARC APPROVAL DATE ON APPLICATION**

**BUCK ISLAND ASSOCIATION, INC.**

**Owner Information**

Full Name(s):	
Mailing Address:	
Email Address:	
Phone Number:	Home: _____ Cell: _____
	Work: _____ Fax: _____

**Buck Island Information**

Legal Description of Property: \_\_\_\_\_  
 \_\_\_\_\_

Lot Number: \_\_\_\_\_ Street Address of Property: \_\_\_\_\_

Building Information	Ground Floor	1st Floor	2nd Floor	3rd Floor	Total
Heated Living Space • <i>sa. ft.</i>					
Number of Bedrooms					
Number of Bathrooms					
Open Decks					
Garage/Utility					
Carport					
Other					

Foundation Type • House	Slab on grade	Block / Crawl
	Piling	Other
Foundation Type - Porches and Decks	Slab on grade	Block / Crawl
	Piling	Other

**Explanation of Other:**

Foundation Finish/ Treatment	Brick/ Stone	Sculptured Block
	Stucco	Siding
	Concrete	Other

**Explanation of Other:**

Exterior Siding and Trim Treatments / Finishes	Materials (No Vinyl)	Colors
Siding	_____	_____
Trim	_____	_____
Accent	_____	_____
Doors	_____	_____

**NOTE: SAMPLES OF ALL EXTERIOR FINISHES AND COLORS MUST ACCOMPANY APPLICATION**

<b>Roofing Shingles</b>	
Manufacture	_____
Type/Color	_____
Weight	_____
<b>Windows</b>	
Manufacturer	_____
Type	_____
Color	_____
<b>Driveway</b>	
Material	_____
Color	_____
Finish	_____
Will you have a pool / hot tub installed?	_____
Will you have landscaping / irrigation ?	_____