

**MARTIN'S POINT HOMEOWNERS ASSOCIATION**  
**P.O. Box 1465, Kitty Hawk, NC 27949**

**CONSTRUCTION GUIDELINES** rev. April 10, 2018

These Guidelines have been prepared by the Association's Architectural Control Committee (hereinafter referred to as the "Committee" or "ACC"), and approved by the Board of Directors, to assist you prior to any lot disturbance; new construction; or any alterations, improvements, or additions to existing homes or property. In addition to specific covenant requirements and architectural guidelines adopted by the Board of Directors, as authorized by the Martin's Point Covenants and By-laws, these Construction Guidelines include specific requirements imposed by Dare County and the North Carolina Division of Coastal Management (CAMA), who are responsible for the interpretation and enforcement of those regulations. We are here to assist you. However, it is your responsibility to meet all of the applicable laws, covenants, ordinances, building code requirements, etc..

Plans must be submitted to and approved by the Committee before commencing any of the following: (See ASSOCIATION APPROVALS on page 6 for approval process)

1. Clearing or filling the lot
2. Removal of any trees (including dead, dying, or diseased trees), with trunks over 4" (inches) in diameter, as measured at a height of 6 feet.
3. Construction of any structural improvements (house, garage, driveway, pool, deck, etc.)
4. Bulk-heading or building docks or bridges (A CAMA permit may also be required)
5. Fencing or retaining walls
6. Creating ponds or wetlands (A CAMA permit may also be required)
7. Any modifications or additions to a structure
8. Any changes to a driveway, including removal, replacement, additions, or rerouting
9. Changing the color of the outside of the home, shingles, shutters, and/or trim
10. Placing a storage shed or accessory structure on the property
11. Any exterior lighting

The Committee meets monthly to consider plans and proposals. If you have any questions or need further information, contact the Committee Chairperson or the Association Secretary. Their names and telephone numbers are listed on the community bulletin board at the Martin's Point Postal Building, or you may write to them in care of the Association at the above address.

**Repairs to Existing Structures, Driveways, Fences, etc.:** Generally, no notification or approval is required for homeowners performing minor repairs on previously approved houses, driveways, fences, etc. However, for repair projects that require heavy equipment (e.g. trucks, front loaders, etc.), the homeowner must notify the ACC ahead of time so that the ACC can: verify that the work is a repair and not new construction; notify the gate house regarding the entry of construction vehicles. A security deposit will be required if there is a potential for damage to the Common Areas.

**SPECIFIC REQUIREMENTS - as specified in the Association Declaration of Covenants and Dare County Zoning**

**Zoning and building ordinances** of Dare County apply to Martin's Point.

**Minimum elevation requirements** are established by Dare County. Although the current elevation requirement for the first floor heated space may be as low as 8 feet above mean sea level, certain lots, particularly those on Currituck Sound, are more susceptible to flooding and water damage due to wave action. Contact your insurance agent to discuss the cost of flood insurance relative to the elevations.

The **maximum building height is 35 feet**. This is the vertical distance measured from the lowest finished grade under the approximate center of the structure to the top of the highest roof structure. Cupolas and other similar architectural features are not to be included in the determination of the highest roof structure. (Dare County zoning ordinance)

The **maximum lot coverage is 30%** (calculated by Dare County Building Inspector, based on survey and site plan).

No structure of any type shall be erected other than one **single-family residential** dwelling plus accessory building(s) and structures (such as storage/potting sheds, bulkheads, bridges, docks, fences, garages, gazebos, swimming pools or tennis courts) for the private use of the occupant. Residential dwellings must be constructed prior to or simultaneously with any accessory structure listed above.

All buildings **must be erected within 12 months** after commencing construction unless a written extension is granted by the Committee due to extenuating circumstances, such extension not to be unreasonably withheld.

**Minimum Square Footage:** Any residential building located on a lot must contain at least 1800 square feet of conditioned (heated and cooled) living area.

**Setback Requirements:** No building, including porches, roof eaves, steps, and similar fixtures, shall be located on any Lot within 40 feet of the front lot line, nor closer than 12 1/2 feet from the sidelines thereof, nor closer than 25 feet from the rear property line. In the case of a side property line which abuts a street, the minimum setback shall be 20 feet. In the case of a lot located on the north pond in the 7000 block of Currituck Road, more restrictive rear property line setbacks may be specified on the Subdivision Plat. As specified in Dare County Zoning, **accessory use buildings** or structures, including detached garages, pool houses, storage sheds, swimming pools, and swimming pool decking and/or pool apron areas shall be located on the lot in conformance with the same setbacks that apply to the principal building.

**Parking and drive aisles:** Dare County has a specific ordinance pertaining to required parking spaces and drive aisles, and the standards vary between houses with 5 or fewer bedrooms and those with 6 or more. Reference Sections 22-54 and 22-56 of the Dare County Zoning Code. Contact the Dare County Planning Department if you have any questions.

**Fences:** Other than on a tennis court, no fence shall exceed six (6) feet in height.

**Outdoor lighting** must be oriented or shielded so that the light and glare reflects away from streets and adjacent property. (Dare County zoning ordinance)

**All utility lines** including water, power, gas, telephone, and cable TV must be underground.

**Utility Easements:** Fifteen (15) feet of each Lot line fronting on a street, five (5) feet along the side lines of each lot, and five (5) along the rear line of each Lot are reserved by the Association as utility easements. The Association also reserves a fifteen (15) foot easement surrounding all ponds. Homeowners who install driveways, fences, landscaping or other on these easements do so at their own risk. Currently there is very little use of the side or rear easements nor is there any expectation that there will be. However, if the Association or any utility company needs access to or use of the easement, the property owner, **NOT** the Association, is responsible for any damage to or repair/replacement of improvements or landscaping resulting from any required access.

**Each driveway** shall incorporate a paved apron of concrete, asphalt or brick, at least 12 feet wide, extending from the edge of the roadway pavement back to the lot line (approximately 20 feet). Driveway positioning must be established in the initial plans and that entry and exit point is the only point for accessing the property during construction. It must be installed **prior to** issuance of a Certificate of Occupancy.

**Culverts:** A corrugated steel, pre-cast reinforced concrete or smooth bore corrugated polyethylene culvert must be placed in the common area ditch under each driveway, in line with the existing roadside swale. The culverts must not extend more than 3 feet past the paved apron. Culverts must be at least 16-gauge, 15 inches in diameter (inside diameter) and 20 feet long. The culverts must be installed and supported on grade with the street side swale so as not to impede drainage and must be kept open by the homeowner.

Note: A **WAIVER** may be granted by the ACC for certain Lots, where it is determined that the installation of a culvert pipe serves no purpose.

## **DESIGN REQUIREMENTS**

**Overall Design** - Modernist, urban-oriented or whimsical designs that have no relationship to the established character of the community shall not be approved. The list of styles which are specifically prohibited includes, but is not limited to: "A" Frame, Swiss Chalet, Geodesic Dome, Santa Fe (Pueblo), Log Homes, Flat roof.

**Exterior Colors** - The colors used on home exteriors (including the roof, trim work and shutters) are a dominant visual element and a major expression of the overall theme of the community. It is an objective within Martin's Point to ensure that these exterior colors blend with the natural environment and not stand out in stark contrast. Consequently, only subtle color selections of paints, stains, and oils for the exterior body, trim, and roof of the home should be used. Color chips or manufacturer's samples of stains, paints, and roof samples must be submitted with the construction plans.

**Docks and Piers** - Only one (1) pier/dock is permitted per building site.

1. CAMA requires a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access (side property line).
2. The maximum permitted pier length on Currituck Sound is 125 feet (as measured by CAMA).
3. The maximum permitted pier length on Jean Guite Creek is 75 feet (as measured by CAMA).
4. Gazebos, covered boat slips or boat lifts, and other structures located on a pier must conform to CAMA regulations.
5. If CAMA or other governmental permits are required, the owner must provide copies to the ACC before construction commences.
6. No Owner of any Lot shall erect or maintain a private dock, dam or similar structure on any Common Area such as lakes, ponds or waterways.

**Fences** - The outside surface of any fence facing the street, water adjacent property shall be the finished surface of fencing. Chain link fences are not permitted in front yards and in other areas must be either black or green in color.

### **Wind Turbines**

- Are **NOT PERMITTED** in Martin's Point.

### **Screened Pool Enclosures**

- The enclosure must be located on the lot in conformance with the principal building setbacks.

- One side (full length or width) of the structure must attach to the house and/or attached garage.
- No portion of the enclosure may extend beyond the sides of the house and attached garage nor extend above the roof line at any point.
- No such structure will be located on the street side of the house and/or attached garage.
- Except for the side attached to the house and/or attached garage, enclosures are to be entirely screened on the top and all sides.
- To the maximum extent possible, design and color choices must complement existing house structure style, materials, and colors.
- Such structures must be maintained in good repair.

### **Satellite Dishes**

Dish Antennas shall be located in compliance with the following Dare County ordinance:

#### **Section 22-59.1 Dish Antennas**

(c) Location in yards - In zoned areas, a dish antenna shall be installed in the rear and side yards only.

(d) Setback Requirements

(1) The minimum required setback for dish antennas from side lot lines shall be the same as for the principal building, but in no case shall any part of the antenna be located closer than 5 feet of the property line.

**Secondary drive entrance** - defined as a vehicle entry and exit point to a Lot, other than the primary driveway, which is used on a limited basis,

- Must be approved by the ACC prior to installation.
- Must incorporate a grass apron, at least 12 feet wide, extending from the edge of the roadway pavement back to the lot line (approximately 20 feet).
- Must have a culvert as specified under **SPECIFIC REQUIREMENTS, Culverts.**

**Carpports** - defined as an open-sided shelter by the side of a building, must be attached to the principal structure and must match the principal structure in style, color and materials including siding and roofing. Such carport is not to be a replacement for a garage.

**Peat Systems for wastewater disposal** - Any Peat systems located in a front yard shall have a visual buffer such that the components and/or mounds are not visible from the street or adjacent properties. The buffer must be installed within thirty (30) days of the installation of the Peat system or within thirty (30) days of the issuance of an occupancy permit, whichever is latter. The required buffer must be maintained throughout the life of the system or as long as components of the system remain in the front yard. Acceptable buffers include a privacy fence or dense vegetation.

### **FILL MATERIAL**

1. No fill material may be placed in the swale bordering the street or any part of the Common Area other than that which is necessary under the driveway(s) and only then after written approval by the Committee. The fill material under the driveway(s) must support the culvert to ensure that the bottom portion of the culvert is on grade with the swale so as not to impede drainage. Note: The Common Area extends approximately 20 feet from the edge of the asphalt.
  2. No fill material may be placed on a lot in the side setback areas unless the final vertical-to-horizontal slope ratio is equal to or less than 1:3. (This ratio is established in the Dare County Zoning). Also, be aware that there are regulations governing the filling of lowlands or wetlands. If you have any questions in this regard consult the appropriate governing agency or an attorney.
- APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE TO FILL YOUR LOT DOES NOT MEAN

THAT YOU HAVE THE LEGAL RIGHT TO DO SO. IT SIMPLY MEANS THAT IT CONFORMS TO THE DARE COUNTY ZONING REQUIREMENTS FOR MARTIN'S POINT AND THAT THE COMMITTEE HAS NO OBJECTIONS BASED ON AESTHETICS

### LANDSCAPING

The ACC may impose landscaping requirements and/or tree replacement on any approval which it issues involving tree removal; for stabilization, erosion control, and to give the appearance of more mature growth on the property. In such cases, a landscaping plan and/or tree replacement plan must be submitted. Required trees or landscaping must be installed within 6 months of the approval or within 6 months of the issuance of a certificate of occupancy (for new construction). However, owners are encouraged to implement their landscaping plans within the twelve month period of house construction.

**Fire hydrants** - If you have a fire hydrant on your property, it is your responsibility to make sure that it is readily accessible to the Fire Department. They must be kept free and clear of impediments such as flowers, bushes, fences, etc. There must be 17" of clearance between the ground and the center of hydrant fire-hose connection point. (Dare County and/or Fire Department regulation)

### TREE CUTTING

**As stated in the Martin's Point Declaration of Covenants, "the plan for cutting trees on the Lots shall be submitted in writing and approved by the Association."**

We are fortunate to live near the ocean yet be in an environment, sheltered from wind and salt spray, that supports wooded areas and beautiful trees, like the oaks, holly, and hickory trees, that are native to a maritime forest, or the river birch, red maples and crepe myrtles, which have been introduced. These trees are a valuable resource that provide beauty, shade, and privacy, as well as homes for birds and other wildlife. They are a barrier to the winds generated by hurricanes and northeasters; they help control erosion; and they alleviate stormwater issues by extracting ground water. They add beauty and value to property.

In accordance with the Covenants, property owners must receive written permission before they are allowed to remove a tree. The Association waives this requirement for small trees and saplings. However, **the cutting down of any trees (living, dead, diseased or dying) with a trunk diameter of 4" or greater (as measured at a height of 6 feet) requires prior written approval.** This requirement applies in all cases, not just new construction. The lone exception is a tree that presents an immediate threat to the owner's or neighbor's property or a roadway.

**In making its determination, the Architectural Control Committee shall not deny requests for any of the following:**

#### **For New Construction and Existing Homes**

- Trees whose trunks located within 20 feet of an approved structure or 10 feet of an approved driveway or septic system.
- Trees whose roots are invasive to the foundation of an approved structure, driveway or septic system.
- Pine trees which are in the fall zone of an approved house or accessory structure.
- Trees damaged by lightning, insects, disease or other, such that they pose a danger.
- Trees in the rear of the property which infringe on an owner's ability to use their property for recreational purposes.
- Trees in the rear of the property which infringe on an owner's ability to enjoy their water views.

- Trees in a dense area whose removal is required to promote healthy growth of other trees.

**For Vacant Lots with no approved house plans**

- The removal of trees under 4 inches in diameter, as measured at a height of 6 feet.
- The clearing of a 15 foot wide path for lot access.
- The clearing of the rear 25 feet of the property for bulkhead construction.
- Trees whose roots are invasive to the foundation of a neighboring driveway or septic system.
- Pine trees which are in the fall zone of a neighboring house or accessory structure.
- Trees which have trunks damaged by lightning, insects, disease or other, such that they pose a danger.
- Trees in a dense area whose removal is required to promote healthy growth of other trees.

**Tree removal requests which do not meet the above pre-approved conditions** for new construction, existing homes or vacant lots, will be dealt with on a case-by-case basis.

In order to remediate tree removal, the Architectural Control Committee, at its discretion, may impose landscaping requirements and/or tree replacement on any approval which it issues; for stabilization, erosion control, and to give the appearance of more mature growth on the property. Required trees or landscaping must be installed within 6 months of the approval or within 6 months of the issuance of a certificate of occupancy (for new construction).

In selecting trees for replacement or new plantings, please note that laurel oaks, river birch and black pines are examples of **fast growing trees** that do well in this environment.

**ASSOCIATION APPROVALS**

The ACC generally meets once a month. Contact the Chairman for dates. Material for review by the ACC must be in the hands of the Committee Chairman no later than (one) 1 week before the meeting. Along with the review material, please provide the following information about the property owner:

1. Name
2. Address where mail will be received during construction
3. Phone number(s): home or cell, and fax (if available)
4. E-mail address (if available)
5. Property address - street address and lot/block/section

**Preliminary Approval** - This approval procedure is to assure that you are not planning a structure that would be inconsistent with the overall ambience and requirements of Martin's Point. At least 30 days prior to any lot clearing, filling or any other site work, submit one (1) set of the following for Committee review:

1. Drawings showing style and general design, including all four elevations. Line drawings are acceptable at this stage.
2. Total square footage of heated and/or air-conditioned living area (minimum of 1800 square feet)
3. General listing of materials to be used in construction for the foundation, framing, exterior, roof, driveway, etc.
4. Exterior color scheme and finish
5. Lot clearing (tree cutting) plan
6. Grading and filling plan including original and proposed elevations
7. Any other information, site plans or specifications pertaining to accessory improvements such as a dock, swimming pool or tennis court.

8. Lot coverage, **not to exceed thirty per cent(30)**, shall be calculated and shown on site plan

**Final Approval** - At least 30 days prior to the commencement of any construction (actual work on the foundation, framing, roofing, etc.), submit one (1) complete set of detailed design plans, drawings and specifications (if not already submitted for the preliminary approval). The following information is also required by the Committee:

1. A site plan prepared by a North Carolina registered engineer or surveyor showing the following:
  - a. Placement of all structures and other accessory improvements, such as garage, swimming pool, tennis court or dock on the property
  - b. Required setbacks
  - c. Driveway location(s) including the grade (elevation) of the 15" (inside diameter) culvert
  - d. Approved septic tank and field location
  - e. Tabulation of square footage of all construction including but not limited to house, garage, pool & apron, paved walkways, drive ways, etc.
  - f. Lot coverage percentage (must not exceed 30% of lot square footage)
  - g. The height of the lowest heated and/or air-conditioned living area above mean sea level
2. Landscaping plan (if required by the ACC)
3. A description of other accessory buildings or improvements
4. Specific written approval of the Committee is required for any bulkhead, dock, bridge, pond, fence or retaining wall
5. Color chips or manufacturer's samples for exterior color choices for the house, trim, shutters, roof, etc.

Any subsequent alterations of property or exterior modification of structures must be submitted to and approved in writing by the ACC prior to commencement of work.

**Security Deposit** - Prior to beginning any work on a site for which ACC approval is required and prior to receiving final approval of any plans for site improvement or construction, you must deposit \$4,000 with the Committee by cash, certified check or assignment of bank account, payable or assigned to the Association. (A lesser amount may be required by the Committee or the deposit requirement waived for minor improvements or alterations which are unlikely to damage the Common Areas). This deposit will be held in escrow by the Association for the purpose of insuring the repair of any damage done to the Common Areas as the result of your work. After 30 days following completion of the approved site improvement, completion of a landscaping plan, and the issuance of a Certificate of Occupancy for such construction (whichever occurs last), this deposit will be refunded unless there is any un-repaired damage to the Common Areas. In that case, the Association will have the repairs made, pay the costs from this deposit and refund the balance to the homeowner. Note: If a contractor has made the security deposit on behalf of the Property Owner, they should be aware that the deposit covers all aspects of the project, not just the work of that particular contractor.

#### **PRE-CONSTRUCTION**

Prior to commencement of construction or clearing of any Lot (other than by hand), the Owner shall install a **temporary or permanent driveway** to provide entry to the Lot and protect the street pavement. A **culvert** must be installed under the driveway after most requirements for heavy load vehicles during the initial lot clearing are complete. If additional heavy load vehicles require access to site, sheets of plywood can be used over the culvert on a temporary drive to prevent damage.

The following facilities must be provided when construction is commenced and maintained throughout the project:

1. A **temporary toilet** or "Porta John" **MUST** be placed on the lot and **NOT** in the

road side Common Area. This requirement will be waived if an operating toilet exists on-site.

2. A **container for construction** trash must be placed on the lot, within the building lines, preferably behind the tree line. Resident dumpsters are **NOT** to be used for construction or contractor trash.

A **Security Deposit** will be required by the Association if there is **any** chance that the work may damage the Common Areas.

#### **DURING CONSTRUCTION**

Job sites must be kept as clean and orderly.

Without prior written approval from the ACC, **construction materials** (including soil, sand and fill material for construction or landscaping) **must not be delivered to or stored on any Common Area, including the road right-of-way**, which extends 20 feet from the edge of the asphalt.

**Concrete trucks** must not clean the excess concrete from their hoppers anywhere in Martin's Point other than on the job site.

**Outdoor work or other noise-generating activities** are regulated by Dare County. The operation of any tools or equipment used in construction or demolition work which creates a noise disturbance across a residential real property boundary is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, weekends or holidays, except in an emergency. The use of heavy equipment or demolition work is prohibited at any time on weekends or holidays.

**Contractor Parking** - Vehicles and equipment may be parked on the shoulder of the road adjacent the construction site during daylight hours, provided that all wheels are off of the road. No vehicle of any type may be parked on the common area roadway shoulder adjacent to another owner's property at any time. Any vehicles which are parked after dark or overnight must be parked on the construction site at least 20 feet from the road edge. Any vehicles or trailers which are parked in violation may be towed at the owner's expense.

**Construction Contractor Signs** - Contractor signs **are not allowed in Martin's Point except for New House Construction**. And then, only ONE (1) sign may displayed for information purposes pertaining to the contractor, subcontractors, and financiers. It must be framed, free standing (not affixed to trees), and not more than three (3) feet per side. **It must be placed on the Lot, not the Common Area**. No other subcontractor, advertising signs or brochure boxes are allowed. All construction signs must be removed within 30 days after issuance of an occupancy permit.

Contractors must observe the posted **Speed Limit**.

Contractors are **not allowed to bring their pets** into Martin's Point.

**The property owner has the responsibility** to ensure contractor knowledge and compliance with contractor rules and regulations while working in Martin's Point.

#### **AFTER CONSTRUCTION**

**Temporary Driveway** - If a temporary driveway has been installed for the purpose of site improvement, the property owner must, within 30 days of work completion, (1) remove that part of the driveway which extends between the roadway asphalt and the property line and (2) restore the roadside swale. This requirement will be waived if (1) the owner informs the ACC that they plan to proceed with house construction within 12 months, and (2) house construction commences within 12 months. No

security deposit will be returned as long as a temporary driveway apron, other than grass, remains in place between the roadway asphalt and the property line. **If house construction does not commence within the 12 month period, the ACC will take action to restore the swale and common area, deduct the costs of the restoration from the security deposit, and return the remainder of the deposit to the owner.**

**As-built Survey** - must be provided to the Committee if one were required by the Building Inspector.