



**KURE DUNES ARCHITECTURAL GUIDELINES
AND CONTROL SPECIFICATIONS**

Kure Dunes Architectural Control Committee
Rev4 10Oct2023

CONTENTS

Guideline and Amendment Approvals	3
Purpose and Policy	4
Responsibilities	5
Board of Directors	5
Architectural Control Committee	5
Homeowners	5
New Construction	6
Changes	6
Types of Changes Which Require Submittal	7
Specific Changes Which Do Not Require a Submittal	7
Specific Changes or Items Which are Prohibited	8
Residential Tear Downs and Rebuilds	8
Standards and Specifications	9
Animals	9
Exterior Antennas and Satellite Dishes	9
Signs	9
Mailboxes	10
Driveways and Parking Pads	11
Storage	11
Swimming Pools, Hot Tubs	11
Solar Installations	12
Trees	12
Landscaping	12
Ornaments/figurines/statuary	13
Decks and Patios	13
Enclosures (screened porch, sunrooms, etc.)	13
Materials and Colors	13
Trampolines and Playground equipment	13
Garbage/ Recycle Cans Screen	14
Woodpiles	14
Fencing	14

Hurricane Shutters and Awnings.....	15
Sheds	15
Maintenance	15
Planning and Preparation of Submittal	17
Submission	17
Architectural Control Committee (ACC) Review	17
Appeals/Resubmittals	17
Time Frame for Construction, Changes or Improvements.....	18
Details for Submittal	18
Inspection.....	18
Violations and Remedies.....	19
Violations	19
Community Association Remedies.....	19
Appendix 1	20
Architectural Guideline References in Restrictive Covenants.....	20
Appendix 2	22
Approved Kure Dunes Mailbox Design.....	22
Postal Pro White Polymer Mailbox Post	23
Whitley Plastic Post Mailbox, White	23
Appendix 3	24
Town of Kure Beach – Reference for Lawn maintenance	24
Appendix 4	26
Town of Kure Beach Setback Definition.....	26
Appendix 5	27
Dune height measurements for phase 1 planting heights	27
Appendix 6	30
Supporting NC law and Kure Dunes bylaws for Violation process	30

GUIDELINE AND AMENDMENT APPROVALS

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Submitted to KDHOA Board by ACC Directors: Greg Germain, M Terry Youngbluth

Amended October 10, 2023 Rev4 Submitted by ACC Director Jim Lucky, Approved by KDHOA board

Changes Appendix 4 clarifications to corner setbacks

Amended September 12, 2020 Rev3 Submitted by ACC Director Greg Germain, Approved by KDHOA board

Changes Clarifications added to sign policy

Amended March 9, 2020 Rev2 Submitted by ACC Director Greg Germain, Approved by KDHOA board

Changes Clarification of boat parking definition
Clarification on external elevators
Removed “paramount” terminology under Purpose and Policy
Additional definition of the violations process

Amended April 9, 2018 Rev1; Submitted by ACC Director Greg Germain, Approved by KDHOA board

Changes: New section – Residential Tear Downs and Rebuilds
New section - Appendix 2 Approved Mailbox Design
Added backup measurement for phase 1 planting heights- Appendix 5

PURPOSE AND POLICY

The Architectural Guidelines and Control specifications (hereafter referred to as the Guidelines) were established to support and clarify the Kure Dunes Restrictive Covenants and Amendments (hereafter referred to as Covenants) for Phase 1 Lots 1-14, Phase 1 Lots 15-29, Phase 2 lots 30-54, Phase 3A Lots 55-81, Phase 3B Lots 82-89 & Lots 91-97 and phase 4 lots 1-40. All standards and processes contained in the Guidelines are intended to support the tenants common to all phases unless otherwise noted within. In the event of conflict between the Guidelines and the Covenants, the Covenants control and must dictate policy and process.

The primary purpose of the Covenants and the supporting Guidelines is to preserve and maintain the aesthetic harmony and balance in the residential structures and landscaping of Kure Dunes in keeping with the scheme and plan of development and to ensure and enhance the property values and the natural beauty of our oceanside community.

Our homeowners and their visiting friends and relatives enjoy our beach and pool facilities and all of their recreational opportunities. Ocean views from our homes, in particular, add to our personal well-being and enhance our home's value. Accordingly, our Covenants set guidelines for the maintenance and preservation of ocean views. Homeowners are asked to be respectful and considerate of their neighbors and keep ocean views open and vegetation which blocks these views trimmed for the enjoyment others in the neighborhood.

The Atlantic Ocean is easily seen by most who live on Fort Fisher Boulevard and to a lesser extent, on our neighborhood's other streets. Many homeowners rely on "view corridors" provided by two streets, Kure Dunes Lane and N Avenue to see the ocean. The KDHOA will work diligently with homeowners on these two view corridors, as well as other areas of our neighborhood, to keep plantings in setback areas in compliance with the covenants.

The Covenants establish the Architectural Control Committee, hereafter referred to as the ACC. It is part of the charter of the ACC to maintain consistent standards while remaining flexible and open-minded to changes in our community and our lifestyles. This guideline is intended to be a dynamic document that allows for individual creativity of design, with each request being reviewed on its own merits. The aesthetics of the modification will be a primary consideration of the ACC. Should an existing non-conformity be discovered, the ACC will recommend to the Board of Directors the recommended course of action. See section on Violations Remedies.

The Guidelines supersede and render obsolete all previous documents (with the exception of the Covenants) referring to architectural standards including but not limited to: KDOA Building guidance memo and KD welcome letter.

The guidelines are reviewed annually and considered on a periodic basis. Board Approval is required for all new revisions to ensure that the guidelines remain consistent with and supportive of the Covenants.

RESPONSIBILITIES

THESE ARE THE RESPONSIBILITIES OF ALL PARTIES AS THEY RELATE TO ARCHITECTURAL CONTROL.

BOARD OF DIRECTORS

The Board of Directors is solely responsible for appointing members to the ACC upon recommendation of the ACC Director.

It is the responsibility of the ACC to collect all architectural request forms submitted, and to do an initial screen to assure completeness. Incomplete forms will be immediately returned to the homeowner. In addition, the Treasurer will insure the homeowner's account is fully paid. Submittals from Homeowners who are in arrears with the annual assessments and fines will NOT be accepted.

Completed submittals should be emailed to KDHOAArchitecture@gmail.com .

ARCHITECTURAL CONTROL COMMITTEE

The ACC shall review the submittals and ensure compliance with these guidelines and the covenants of the phase in which the home is located. Requests for additional information will be communicated in return to the homeowner's email. Upon completion of review the ACC members will signify their approval/disapproval and that information will be forwarded to the homeowner. In the case where the guidelines do not provide clear guidance for the change, the change is controversial or is for new construction, the ACC Director will bring the committee's recommendation to the board for final approval.

The ACC reports the status of approvals/disapprovals to the homeowner's association at the Board's periodic meetings.

HOMEOWNERS

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the ACC in accordance with the requirements set forth herein. Each homeowner is also responsible for adherence to the policies, standards, and control measures established by the ACC or the BOD and should report any problems or violations to the ACC.

NEW CONSTRUCTION

The full Board will approve your plans prior to any construction beginning. The ACC Director will forward your plans to the Board once the ACC deems them complete. Electronic “PDF’s” are encouraged. Please provide the following at least four weeks prior to breaking ground:

Exterior drawings of the home.

Position and orientation of the home on the site (site plan) with setbacks shown.

The exterior drawings should indicate what kind of outside materials you will be using. The roof can be asphalt shingles (please indicate color) or white, silver or light gray metal. Any other metal roofing color needs approval.

You do not necessarily have to submit the exterior colors or landscaping plan prior to construction. Please provide:

The exterior colors at least four weeks prior to application on the home. Trim, garage doors, exterior ceilings should meet the requirements in the applicable section of this document.

A landscaping plan is required a least four weeks prior to any planting and must meet the covenants. See additional guidance for special considerations for setbacks and view corridors.

Also, if you plan any property fences or exterior lattice, see section on Fencings.

CHANGES

It is the interpretation of the Kure Dunes Community Association Board of Directors and the ACC that the provisions of the Covenants apply to a wide variety of aesthetic considerations in the community. Every attempt has been made to include in this publication those considerations which have the potential to impact property values. Suggestions for improvement of this document should be submitted to the ACC via KDHOAArchitecture@gmail.com . The following are examples of the current standards, regulations and types of changes, additions or deletions that would either (1) require submittal of an Architectural Request Form, (2) not require a submittal, or (3) are prohibited. While every effort has been made to identify all aspects of change, the homeowner who has doubt if his/her situation is adequately addressed should contact the ACC for guidance via email. NOTE: It must be recognized that the submittal/approval process is administered by volunteers on their own time and can be lengthy especially if complete information is not provided. It is imperative therefore, that each homeowner plan in advance and allow for the process time required. Throughout this document, the term “changes” shall include additions and deletions.

TYPES OF CHANGES WHICH REQUIRE SUBMITTAL

1. Changes to the exterior of the home, such as:
 - a. Addition of awnings, shutters, solar collectors
 - b. Appearance, such as changes in color or materials (such as siding, doors, shutters or changes in roofing shingles)
 - c. Major changes to landscaping of property; that is: involving 50% or more of lawn area.

2. Other exterior changes, such as:
 - a. Adding or modified previously approved Out-Buildings and sheds
 - b. Decks and patios
 - c. Driveway extensions and parking pads
 - d. Enclosures
 - e. Fences and Garbage/Recycle Screen/Enclosures
 - f. Hedges and screen plantings
 - g. Landscaping outside of the building site, also defined as within defined setback areas (see Appendix for Kure Beach definitions)
 - h. Mailboxes
 - i. Poles, free-standing including basketball poles
 - j. Signs
 - k. Structures
 - l. Swimming pools, hot tubs

SPECIFIC CHANGES WHICH DO NOT REQUIRE A SUBMITTAL

1. Flower boxes which meet color requirements
2. Minor landscaping
3. Periodic repainting and re-staining with the existing color for maintenance
4. Portable pools usable only by small children (which should be kept indoors or discreetly placed in the garage or backyard when not in use).
5. Removal of dead trees
6. Storm doors (must still meet color requirements)

SPECIFIC CHANGES OR ITEMS WHICH ARE PROHIBITED

1. Animals other than household pets
2. Chain-link fences
3. Commercial advertising signs including “for rent” or “lease”
- 4 Encroachment on other property
5. Exterior TV or radio antennas/aerials (see section for details on satellite dishes per FCC)
6. Parking of boats, trailers, or any other recreational vehicles in driveway, road or soft surfaces
7. Outside clotheslines which are visible from the street
8. Pools, above ground
9. Unclean, unsightly, unkempt, unhealthy or unsafe conditions which tend to substantially decrease beauty or safety, such as trash, unused landscaping materials or tools, and empty boxes or containers.
10. Wire-backed wood fences
11. Conversion or alteration of an existing home into a duplex residence, apartment or time-share.

RESIDENTIAL TEAR DOWNS AND REBUILDS

ACC approval is required prior to initiating any deconstruction activity related to the tear down of an existing structure with the intent of rebuilding a new home. Using the ACC request form include details related to timing, impact to neighbors, easements or roadways. In addition, use the NEW CONSTRUCTION guidelines included herein to receive plan approvals for the new construction. Approval for tear down requires approval for the new construction so that any possible delays or difficulties are avoided. As with all construction, appropriate town approvals and permits are required.

STANDARDS AND SPECIFICATIONS

The specifications/details listed below apply to both items requiring submittal and not requiring submittal and are those that have been identified by the ACC and/or the Board as requiring a specification. For items detailed below, while not requiring submittal, the expectation is that this minimum detail will be met.

ANIMALS

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that:

Dogs, cats or other household pets may be kept, if they are not bred or maintained for any commercial purpose.

Pets walked outside should be kept on a leash and their solid waste should be picked up from private or common areas immediately as required by town law.

Homeowners who rent their Kure Dunes property are responsible for ensuring that both short- and long-term tenants meet these requirements.

EXTERIOR ANTENNAS AND SATELLITE DISHES

Per FCC regulations the placement of satellite dishes cannot be controlled by the ACC but may be placed such that owner can receive an adequate signal. With that in mind, owners are requested to keep the dish out of view from the front of the property to the extent possible.

No exterior TV or Radio antennas are permitted.

SIGNS

It has been a long-standing practice of past KD HOA boards to support the intent of the developer to limit sign, banner, or display (Sign) proliferation within Kure Dunes. Although any sign may be brought forward for approval to the board per the covenants, the board will only consider signs for approval that meet the requirements below. It is our belief that all residents mean well with their intent to advertise their activities, achievements and social beliefs but as board members, we are not in a position to arbitrate what is acceptable, in good taste and in the best interest of the entire neighborhood. Therefore, only essential signs as detailed below will be approved or allowed:

No approval required :

Professional real estate "for sale" signs do not require submittal. They can be placed in front lawns.

No signs are allowed in the common area.

Garage/yard sale signs do not require submittal but must be placed the evening prior to the sale and removed at the completion of the sale.

Political campaign signs for a candidate or ballot referendum do not require submittal but must meet all local and state regulations for placement, size and timing. Signs must be placed no earlier than 30 days

prior to the first early ballot period and removed within one week after Election Day. Political signs are not allowed on common area.

Temporary contractor signs are allowed while the job is in progress (but not longer than 30 days) to highlight good work and support local crafts people.

Signs or displays that recognize residents for their graduations, birthdays, anniversaries, or military deployment displayed for less than 15 days do not require board approval.

HOA board will consider approval for:

Home name signs must enhance the character of the neighborhood, complement the house color scheme and be limited to 3 foot by 2 foot in size.

Alarm company signs or other similar community/home protection signs may be placed in the front of the building no further than 10 feet from the house (i.e. attached to a short support to be inserted in the lawn).

Commercial advertising signs including "For Rent" signs are prohibited. Neighborhood watch or similar community restriction or no trespassing signs maybe posted in our common areas with approval of the Kure Dunes Board.

MAILBOXES

Consistent with the covenants, all mailbox additions or changes require approval. The intent is to provide consistency of neighborhood feel while not burdening homeowners with an unreasonable expense.

In support of the requirements included within the Covenants, the Board approved guidelines for new or replacement mailboxes as part of the April 2018 revision of the Architectural guidelines. These guidelines apply to all new, replacement or mailboxes in need of repair. Mailboxes installed prior to April 2018 which did not meet the architectural submittal requirement will be allowed as long as they meet the ACC maintenance and aesthetic guidelines. It is the memberships goal to move towards a unified street appearance as neighbors choose to remove or replace mailboxes with an approved design. Details on the approved guidelines are included in Appendix 2. Approvals for new or modifications can be submitted using the architectural request form.

DRIVEWAYS AND PARKING PADS

Driveways and vehicle parking pads shall be concrete only. Color should remain natural unless approval from ACC is granted for otherwise. Any other type of pad (i.e. brick, stone, etc.) shall be reviewed on an individual basis.

No trailers or habitable motor vehicles of any nature, boats or canoes on or off trailers, may be parked on any part of the property unless inside an enclosed garage. These prohibitions also apply to the common easement area and street. For clarity the ACC defines a boat as “a vessel designed to carry people or cargo on water propelled by oars, sails, or an engine”. This would include but not be limited to canoes, kayaks, sailboats, jet skis and power boats.

The board of directors actively enforces our covenants’ intent to have boats permanently stored in a garage or on an off-neighborhood location. As it is our goal to prevent nuisance issues between neighbors and uphold our covenants it is important that the HOA defines "parked" as follows: For boats **owned by homeowners and permanently stored at locations outside of Kure Dunes**, parked does not include 1) loading or washing your boat during daytime hours (not to exceed 4 hours) 2) the act of preparing for early morning launches by overnight staging in a driveway. In this case boats should arrive later than 8pm and be removed by 8am the following morning. Later departures must be accommodated through a morning retrieval from storage. Violation of this guideline will be subject to the \$150 fine as defined in the bylaws.

No registered commercial vehicles or vehicles with weighted plates, or tractors, or inoperable automobiles may be regularly parked in a driveway, lot or adjacent street.

Motor vehicles are not allowed on soft surfaces.

STORAGE

No trade materials or inventories may be stored outside on residential lots. A garage is the preferred method for all types of allowed storage. Temporary storage of materials for modification projects should be discreetly placed and orderly maintained. Portable Storage Units or PODs are allowed for a maximum of 30 days in driveway only.

SWIMMING POOLS, HOT TUBS

In ground pools, hot tubs, solar installations must meet local code standards for safety including fencing or hot tub locks. Fencing style and location must meet government requirements and ACC guidelines. Neither hot tubs nor pools are permitted in the front yard of homes and should be located out-of-sight from the property’s front street. All installations must meet setback requirements.

Above ground pools are prohibited.

Portable pools usable by small children are pre-approved but must be stored or screened by bushes in the yard when not in use.

SOLAR INSTALLATIONS

Where practical solar installations must not be visible from the street.

TREES

Homeowners may remove trees and are encouraged to trim trees that impact on their or their neighbors' ocean views.

It is the homeowner's responsibility to remove dead or damaged trees of any kind or size from their property. Trees that are endangering the home or a neighbor's home should be removed.

See landscaping for height requirements.

LANDSCAPING

Landscaping plans must be submitted and approved by the ACC in advance. Please note that plantings more than 8 feet are not permitted in any front, side or rear setback area (see Appendix 4 for Kure Beach setback definitions). The covenants set a more limited height for landscaping in the setback areas phase 1 of Kure Dunes – all plantings within the setback areas are to be kept below 14 feet above mean low water sea level (low tide) or the average dune height whichever is greater. Our dunes when healthy are at approximately 20 ft above low tide and are a typical reference used by the ACC.

The covenants intend to limit plantings in phase 1 setbacks to grass and small shrubs, whose height can be visibly managed relative to dune height. In the event of a short-term change in dune height due to erosion or by choice of the ACC a backup measurement using measurement data from the New Hanover County Shoreline mapping program can be utilized. See Appendix 5 for details.

Landscaping changes of a minor nature such as naturalizing an area of yard and adding shrubs, trees, flowers, etc. need not be submitted for approval. These are considered normal improvements and are strongly encouraged.

Other types of landscaping represent more significant projects that include structural or water features, have an impact on adjacent property, or require strong aesthetic consideration, and will require submittal (for example but not limited to):

- a. Retaining walls
- b. Drainage, swale, and runoff: careful consideration should be given to landscaping that will regulate current drainage/runoff to adjoining property. Details should be contained in submittals.
- c. Garden plots. Plots in public view should be submitted with details of screening.

Hedge or screen plantings which form a barrier between properties should have a landscaping submission and approval by ACC and is expected to maintain the 8-foot maximum height (lower in phase 1) requirement if in a lot setback area.

ORNAMENTS/FIGURINES/STATUARY

In support of homeowner creativity and uniqueness while respecting harmony in the neighborhood, the ACC does not require approval for a reasonable number of street viewable ornaments, figurines or statues. Approval is required for items in setback areas and for displays which may be considered garish, overwhelming or may impact property values. Displays which are deemed excessive or offensive by neighbors with support of the KDHOA board will be required to be removed.

Temporary seasonal visuals do not require approval.

DECKS AND PATIOS

There are no predetermined styles in this document for decks or patios.

Free-standing deck screens (e.g. lattice) shall not exceed six feet in height. The preferred lattice type is white rectangular consisting of vertical and horizontal 3 x 1 or 4 x 1-inch boards. If you would like a different style, please ask prior to construction.

Gazebos, pergolas and hot tubs are considered permanent structures and require ACC approval.

ENCLOSURES (SCREENED PORCH, SUNROOMS, ETC.)

Like other structures, enclosures should be designed and constructed for aesthetic compatibility and preservation. Homeowners must obtain ACC approval prior to construction. Enclosures will have to comply with Town of Kure Beach's building codes, which requires a building permit.

External elevators are considered for approval only if they are covered and sided to match the existing structure.

MATERIALS AND COLORS

Periodic repainting and re-staining with the existing color for maintenance does not require submittal. Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved. Colors must not be the same as or clash with the colors of the homes in the immediate vicinity. Actual color samples must be included with a request for a color change.

Trim colors should be white. This includes windows, garage doors and railings. External ceilings can be white, natural wood or a proposed color approved by ACC.

Doors and shutter color changes should match the character of the house and be approved via a submittal to the ACC.

TRAMPOLINES AND PLAYGROUND EQUIPMENT

Must be behind the sight lines of the house, not seen from the street. In some instances, screening may be required. Each submittal will be evaluated on its own merit. Unused play equipment and trampolines must be removed from the property.

Soccer, lacrosse goals, athletic training equipment and other similar items should not be left in the front yard when not being used.

GARBAGE/ RECYCLE CANS SCREEN

Trash cans, recycling containers/bin or yard waste containers should be screened from view from any street.

Please note that the Town of Kure Beach ordinances state that trash and recycling bins may not be placed curbside before sunset the day prior to pick up and must be retrieved prior to sunset the day of pick up.

WOODPILES

All woodpiles must be stacked and maintained in good order. Woodpiles must be located in the least conspicuous place on the lot and must not be visible from the street. Woodpiles are not permitted in front of the house or on driveways. Woodpiles must not be stacked or stored immediately adjacent to any portion of the house.

FENCING

The ACC shall review all proposed fence locations and details. The Board of Directors shall have the final approval of any fence. The ACC also retains the right to grant variances. Each case shall be reviewed on an individual basis. The Board shall emphasize the development of sensitive, compatible, functional and aesthetically pleasing qualities of the fence design. Quality materials and construction methods shall be employed. The following architectural guidelines for fencing will assist the committee and protect the total development.

General Guidelines

The Town of Kure Beach regulates fences height and a building permit is required. In Kure Dunes, fences should be painted white. Chain link fences are not permitted.

All fence designs or proposals shall include the following information

- a. Proposed fence material types and design – In all cases “Pretty side” must be out
- b. A plot plan of the lot showing all existing buildings, drives, walks, natural areas or specific tree locations shall be provided together with the proposed location of the fence or fences with exact dimensions to property lines.

It is highly encouraged that no fencing be constructed beyond the front corner of any residence. The ACC will consider front yard decorative displays or accents utilizing fence material on an individual basis.

All interior lot fencing shall be no higher than 48” above natural grade, unless it meets particular town 72” requirements and approved by the ACC.

HURRICANE SHUTTERS AND AWNINGS

No approval is required for hurricane shutters which match window sizes and are white in color. Other colors require ACC approval and will be considered based on house color and adjacent houses.

Awnings, just like any addition or alteration in our HOA, require approval. The ACC will consider size, shape and color before approving or disapproving. Keeping the awning within the existing building limits (more restrictive than just within the building site) and not blocking ocean views would be important considerations as well. Porch and deck shutters or lattice must be approved by ACC.

SHEDS

Due to the small lot sizes within all phases of Kure Dunes, sheds are difficult to accommodate while adhering to the setbacks and remaining out of neighbor's view lines. Each proposal will be considered on its individual merit by the ACC. A few considerations are expected to be met: Color, siding material and roof style should be the same as the house and it should be located so that it is not visible from the street. Attached to the house is preferred and location should be out of the lot setback areas. Please provide a site plan showing the location and size of your proposed shed relative to your existing home. Also, please confirm the constructed material.

Please ensure that the proposed accessory building meets the minimum required Kure Beach requirements in addition:

Sec. 19-326. - Location of accessory buildings on residential lots.

Accessory buildings shall be in the rear yard and shall not exceed one (1) story with a height limit of fifteen (15) feet. Accessory buildings shall meet the setback requirements of a residence, and shall be erected, reconstructed or structurally altered in accordance with the building code.

MAINTENANCE

It is the primary responsibility of each homeowner to maintain his property in a way that does not detract from the overall beauty of the community. It is hoped that each and every homeowner will take this responsibility seriously, as this can severely affect the value of all properties.

Following is a list of areas that should be reviewed on a regular basis to ensure that your home is in good repair:

1. Shrubbery, Trees, Lawns, Flower Beds and General Landscape Maintenance
2. Driveways and Sidewalks
3. Decks
4. Fences (including Garbage/Recycle Can Screen/Enclosures)
5. Playground Equipment.
6. Roofing - missing shingles, flashing as well as removal of algae/mold stains
7. Paint and Stain

8. Mailbox Painting and House Numbers

9. Window, Doors, Trim & Boxing

Plant beds in our community must be generally free of weeds and wild grasses and have a fairly uniform mulch, pine straw, rock or other material (other than sand) bed cover. It is not necessary, however, to have any plants or flowers in your beds, but we are looking to be able to distinguish where the grass ends, and the plant beds begin.

Lawns should be managed as appropriate, not allowing growth above 6 inches as set forth in Chapter 11 Article II of the Kure Beach Town Ordinances. In addition to the remedies set forth in this Guideline, the Board may choose to engage the Town for remedy and abatement. See Appendix 3 for reference information.

Deterioration: If at any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community; the Architectural Review Committee will be requested to make a site inspection. They will then make recommendations to the Board of Directors. Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time, the repairs have still not been made, the Board of Directors will proceed per the Remedy section of the Guidelines.

PLANNING AND PREPARATION OF SUBMITTAL

SUBMISSION

The covenants require that “No building, fence, wall, bulkheading or other structure shall be erected, placed or altered on any residential lot, nor shall the grade or elevation or physical characteristics including, but not limited to, slopes, dunes, and tree growth, of any such lot, or portion thereof, be altered in any way whatsoever, until the proposed building plans, specifications, exterior colors and finishes, including brick siding, etc., site and landscaping plans (showing the proposed location, height and orientation of such buildings or structure, drives, parking areas and proposed alterations to the grade, elevation or physical characteristics of the site), and construction schedule shall have been approved in writing by the Company.” (Company is defined by covenants as Kure Dunes HOA upon developer handover). Use the covenants and this guideline to help determine if a submittal is required. If there is any question, please email or contact the ACC.

If a submittal is required please complete the Architectural Review Form (can be downloaded from the website <http://kuredunes.com> or can be obtained via an email to kdhoaarchitecture@gmail.com . Attach any drawings, sketches and supplemental documents for the Architectural Control Committee reviews. A complete submittal will fully describe/depict the change and stand on its own without need for further explanation or clarification. Electronic copy via pdfs or other softcopy media are required as to enable a remote and timely review. Special arrangements can be made for hard copy if necessary or to facilitate reviews for new construction. Send the submittal to kdhoaarchitecture@gmail.com for an initial review of the submittal for completeness and legibility. Incomplete or illegible submittals will be returned immediately to the homeowner.

The ACC does not meet on a regular basis. Submittals are reviewed and approved/disapproved electronically.

ARCHITECTURAL CONTROL COMMITTEE (ACC) REVIEW

- 1 Submittals are electronically forwarded to the ACC for their review.
- 2 Allow 2-3 weeks in your schedule for a complete review and decision on your submittal for changes. New construction which requires board approval may take up to 4 weeks.
3. If necessary, committee members will make every attempt to make a site visit with the homeowner prior to final decision.
4. The committee will review the submittal adding any observations from the site visit.

APPEALS/RESUBMITTALS

1. To appeal a disapproved submittal, the homeowner should submit within 30 days of the date of the notification received from the management company a written response including specific detailed information that clarifies why the submittal should be reconsidered. The homeowner may also request a phone call with the ACC Director to further discuss the submittal.

2. Should the submittal have been disapproved on a technicality (i.e. location or height of fence), and the homeowner is willing to comply with the remedy proposed in the ACC's response letter, then the homeowner need only modify their submittal and resubmit via email. The revised submittal will then be reconsidered by the ACC. The homeowner will be notified electronically with the decision, and an approval letter citing the change(s).

TIME FRAME FOR CONSTRUCTION, CHANGES OR IMPROVEMENTS

1. Construction or landscaping should begin at the indicated start date or within three months after the date of the written approval by the Architectural Control Committee. Work must be completed within six months after construction begins, unless an extension is requested and granted.
2. Approval for projects that are not begun as specified above will lapse, and the applicant must resubmit the proposal or a written request for extension to the Architectural Control Committee.

DETAILS FOR SUBMITTAL

In some cases, many attributes or details of a proposed change, addition or deletion are required for the ACC to make sound responsible decisions. In other cases, the nature of the change will be simple and straightforward, as will be the submittal. The following items should be used as a method of describing or visually depicting the requested change (as applicable). The items submitted must be in digital format (jpg, pdf, etc.) so they can be electronically forwarded to all ACC members.

1. Pictures, magazine cutouts, etc.
2. Color brochures
3. Plot plans – top down drawing showing location of existing structure(s), property boundaries in relation to adjoining property(s), and location of proposed change(s). This plan is normally attached to your deed.
4. Elevation drawings – a side view that will show height, topography of land, and visual image of the change.
5. Written description of the types of materials to be used or a contractor's bill of materials.
6. Written and/or visual depiction of construction or landscaping details.
7. Any other aids that will assist the committee in their review.

Drawings need to be to scale to show a relationship to location, height, etc., with the dimensions clearly marked on all drawings. For major construction projects such as additions, sunrooms, dormers, etc., that a hired contractor is used for, the design drawing should suffice, showing rooflines and other such detail.

INSPECTION

The ACC have been directed by the Board of Directors to do random on-site inspections to assure compliance with approved submittals. If deficiencies or significant deviations are noted, the homeowner will be notified in writing by the ACC, with a response expected within 15 days.

VIOLATIONS AND REMEDIES

Violations will be addressed by the ACC as requested by the Kure Dunes Board of Directors.

VIOLATIONS

There are essentially three types of architectural violations that must be dealt with by Kure Dunes Community Association:

- 1 Implementing a change, addition, or deletion without approval of a properly completed submittal
- 2 Deviation or noncompliance with an approved submittal
- 3 Violation of guidelines not requiring approval or neglect in maintenance or upkeep

COMMUNITY ASSOCIATION REMEDIES

1. Enforcement of this Guideline is supported by our bylaws and NC Statute 47F and included in Appendix 6 for reference.

2. Remedies include but are not limited to:

- a. Suspension of voting rights and privileges
- b. Levying of penalties or recovery of maintenance/removal fees as approved by the Board
- c. Obtaining a Temporary Restraining Order to prevent an action. Obtain a Court Order to require the homeowner to remove a project
- d. Entering a property to remove a project at the homeowner's expense
- e. Submitting a lien against the homeowner's property for outstanding indebtedness to the Association for nonpayment of penalties, removal fees, etc. The board of directors, through the ACC committee, will attempt to contact and advise the homeowner of the Rules and Regulations violation. If the homeowner can commit to remedy the issue within 30 days, a hearing date will be postponed to the next available board meeting post the remedy period. This email or written agreement with the homeowner will serve as Notice of both the violation and possible hearing date. If the remedy period passes without satisfactory cure, the hearing will occur as notified, at which time a fine may be assessed. If a commitment is not obtained for any reason, including inability to contact, then Notice of the violation and hearing date shall be communicated by the board secretary.

At the hearing, a fine not to exceed one hundred dollars (\$100.00), may be imposed for the violation and without further hearing, the same or lesser if defined, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens per NC law and subject to applicable late payment penalties per our bylaws after 30 days.

If it is decided that a suspension of community privileges or services should be imposed, the suspension may be continued without further hearing until the violation is cured.

APPENDIX 1

ARCHITECTURAL GUIDELINE REFERENCES IN RESTRICTIVE COVENANTS

References provided in this appendix are for the sole benefit of providing an easy access for homeowners to information used to create the guidelines. Approval of this guideline does not change any content in the covenant documents. For brevity some sections which may not be necessary have been removed and noted with “.....” Always refer to your phase covenant for the accurate approved wording.

3B Variances. The Company and/or the Architectural Committee appointed by the Company shall have power to and may allow adjustments of the conditions and restrictions herein in order to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations contained herein, provided however that such is done in conformity with the intent and purposes hereof, and provided, also, that in every instance such variance or adjustment will not be materially detrimental or injurious to the other property or improvements in the neighborhood. Variances and adjustments of height, size and setback requirements may be granted hereunder.

3C Building and Site Improvements No building, fence, wall, bulkheading or other structure shall be erected, placed or altered on any residential lot, nor shall the grade or elevation or physical characteristics including, but not limited to, slopes, dunes, and tree growth, of any such lot, or portion thereof, be altered in any way whatsoever, until the proposed building plans, specifications, exterior colors and finishes, including brick siding, etc., site and landscaping plans (showing the proposed location, height and orientation of such buildings or structure, drives, parking areas and proposed alterations to the grade, elevation or physical characteristics of the site), and construction schedule shall have been approved in writing by the Company.

Refusal of approval of any such plans, locations or specifications may be based by the Company upon any grounds including purely aesthetic and environmental considerations, that in the sole and uncontrolled discretion of the Company shall seem sufficient.

Without prior written consent of the Company, no changes or deviations in or from such plans or specifications as approved shall be made. No alteration in the exterior appearance of any building or structure, or in the grade, elevation, or physical characteristics of any lot shall be made without like approval by the Company.

5b Kure Dunes Building Setback Guideline requirements

Since the establishment of standard inflexible building setback lines for locations of houses on lots tends to force construction of houses both directly behind and directly to the side of the other homes with detrimental effects on privacy, view of the Ocean, preservation of land contour, important trees and other vegetation, ecological and related considerations, variances for these specific setback guidelines are permitted under these Restrictions in Paragraph 3 (b) hereinabove. In order to assure, however that the foregoing considerations are given maximum effect, the Company reserves the right to control and approve absolutely the site, location, orientation and floor elevation of any house or dwelling or other structure upon any lot. Planting in areas outside the designated building site is limited to grass,

flowers, and shrubs having a height of not more than 8 feet. *(see covenants for more limited phase 1 restrictions)*

5e Each lot owner shall provide receptacles for garbage, in a screened area not generally visible from the road.

5g If the finished building or other structure does not comply with the approved plans and specifications, the Company retains the right to make the necessary changes at owner's expense, and further right to file under the North Carolina lien laws notice of liens for any costs incurred.

5. (sic) Residential Use

b No trailer, tent, mobile home, or other structure of a temporary character shall be placed upon any lot at any time, provided however, that this prohibition shall not apply to shelters used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not, at any time, be used as residences or permitted to remain on the lot after completion of construction.

a. No fuel tanks or similar storage receptacles may be exposed to view.

6. Maintenance. (a) It shall be the responsibility of each lot owner to prevent the development of any unclean, unsightly or unkept (sic) conditions of buildings or grounds on such lot which shall substantially decrease the beauty of Kure Dunes Phase X.

12 Violations In the event of a violation or breach of any of these restrictions by any lot owner, or agent of such owner, the Company shall have the right to proceed at law or equity to compel a compliance with the terms hereof or to prevent a violation or breach. In addition to the foregoing, the Company shall have the right to summarily abate or remove the same at the expense of the owner, if thirty (30) days after written notice of such violation it shall not have been corrected by the owner.

14. No mailbox or paper box shall be erected or located on any building lot until the size, location, design and type of material for said box and receptacle shall been approved by the Declarant.

15 Exterior radio and television aerials for reception of commercial broadcasts shall not be permitted in Kure Dunes phase X; and no other aerials shall be permitted in KD phase X without permission of the Declarant as to the design appearance and location.

18. No personal sign of any character shall be displayed upon any part of the property without the Declarant's prior approval.

20. Clotheslines or drying yards shall be located as not to be visible from the street

21 No trailers or habitable motor vehicles of any nature, boats or canoes on or off trailers, may be parked on any part of the property unless under the residence or inside an enclosed garage. These prohibitions also apply to the common easement area.

APPENDIX 2

APPROVED KURE DUNES MAILBOX DESIGN

The guidelines for new and replacement mailboxes are as follows:

Material for the pole and crossbeam must be of a long-lasting polymer or equivalent. Design shall be like figure 2, no angular support of the horizontal crossbar with a round or pointed finial top. Color to be white.

Mailbox can be polymer or galvanized metal. Size to be: Height 9" x Width 7" x Length 20" with a plus or minus 2 inches allowed on all dimensions to allow flexibility in manufacturing design.

For aesthetics and to allow individual creativity, the mailbox color may be painted to match the owners house or shutter colors. Post must remain white.

Numbering shall be vertical 3.5 to 4 inch, metal, plastic or vinyl floating numbers, starting 1 to 4 inches below the post horizontal bar.

Examples provided for reference only – no recommendations on supplier should be inferred.

Mailbox design examples:

Solar Group Gibraltar Deluxe Polybox Plastic Post Mounted Mailbox White, 9-9/16 in H x 19 3/8

Solar Group Gibraltar Elite Galvanized Steel post mounted mailbox white, 8 3/4 in H x 20

Architectural Mailboxes Sequoia White Heavy-Duty Post Mount Mailbox

Figure A2.1: Mailbox reference designs



Mailbox post design examples:

Postal Pro White Polymer Mailbox Post

Whitley Plastic Post Mailbox, White

Figure A2,2: Mailbox post reference designs



Figure A2.3: Typical Installation with numbering for reference.



Removal of unused mailboxes is also encouraged to enhance a clean street line of sight. Removal of an existing mailbox without replacement does not require architectural approval.

APPENDIX 3

TOWN OF KURE BEACH – REFERENCE FOR LAWN MAINTENANCE

- **Sec. 11-16. - Nuisances declared; enumeration.**

The existence of any of the following conditions on any lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(1)

The uncontrolled growth of noxious weeds or grass to a height in excess of six (6) inches causing or threatening to cause a hazard detrimental to the public health or safety, including fallen trees and tree damage caused by storms;

(Sec. 11-17. - Complaint; investigation.

The building inspector, upon notice from any person of the existence of any of the conditions described in [section 11-16](#), shall cause to be made by the appropriate county health department official, or town official, such investigation as may be necessary to determine whether in fact such conditions exist as to constitute a public nuisance as declared in such section.

(Ord. of 7-21-92)

- **Sec. 11-18. - Notice to abate.**

Upon a determination that such conditions constituting a public nuisance exist, as specified in subsections [11-16](#)(2), (3), (4), (5), (6) and (7), the building inspector shall notify, in writing, the owner, occupant, or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice.

Upon a determination that such conditions constituting a public nuisance exist as defined in subsection [11-16](#)(1) and given the fact that weeds and grass continue to grow at a rapid rate at certain times of the year, the building inspector shall in the spring of the year notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt and continuous abatement thereof which shall be the responsibility of the owner thereof to keep and maintain his property in compliance with existing public health and safety regulations throughout the year. No further notice for the year shall be required.

(Ord. of 7-21-92; Ord. of 5-19-98; Ord. of 2-16-99)

- **Sec. 11-19. - Abatement by town—Upon failure of owner.**

If any person, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of said order, the building inspector or his designee shall seek town council approval to cause said condition to be removed or otherwise remedied by having employees of the town or other

designated persons to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the town council.

(Ord. of 7-21-92)

- **Sec. 11-20. - Same—Costs charged to owner.**

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land and it shall be the duty of the finance department to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof. In addition to the actual contract cost, there shall be added an administrative overhead fee, such fee shall be determined by the town council.

(Ord. of 7-21-92)

- **Sec. 11-21. - Same—Unpaid charges become a lien.**

If charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in [section 11-20](#), such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. section 160A-193.

(Ord. of 7-21-92)

APPENDIX 4

TOWN OF KURE BEACH SETBACK DEFINITION

Sec. 19-93. Dimensional **requirements**.

The following dimensional **requirements** shall apply to all uses in the RA-1 district unless other **requirements** are stated herein.

- (1) Minimum **required** lot area shall be five thousand (5,000) square feet.
- (2) Minimum **required** mean lot width shall be fifty (50) feet.
- (3) Minimum **required** front yard and corn side yard shall be twenty (20) feet.
- (4) Minimum **required** side yard shall be five (5) feet.
- (5) Minimum **required** rear yard shall be ten (10) feet.
- (6) Off-street parking shall be proved as **required** in section 19-334 et seq.

15.12.030 Dimensional Requirements

The following dimensional requirements shall apply to all uses in RA-1A district unless other requirements are stated herein:

- Minimum required lot area shall be five thousand (5,000) square feet;
- Minimum required mean lot width shall be fifty (50) feet;
- Minimum required front yard setback shall be twenty (20) feet;
- Minimum required side yard setback shall be (5) feet;
- Minimum required rear yard setback shall be (10) feet.

15.36.060 Corner Lots

1. A corner lot is a lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify same when requesting a building permit.

2. For side yards on corner lots where there is a residential use, the minimum width of the side yard along the intersecting street shall be at least ten (10) feet which will apply in all zones within the Town of Kure Beach, except in cases of reverse corner lots which face an intersecting street the side on the street side of such reversed corner lots shall have a width of not less than fifty (50) percent of the front yard depth required on lots in the rear of such reversed corner lot.

APPENDIX 5

DUNE HEIGHT MEASUREMENTS FOR PHASE 1 PLANTING HEIGHTS

To account for any short-term significant change in dune height or where visual dune measurements are difficult, the KDHOA has approved the use of data measurements from the 2016 New Hanover Shoreline mapping program. Although future yearly data can be considered, 2016 data was collected after a major dune nourishment project and represents a high-level dune mark which supports the average dune height specified in the covenants.

The shoreline mapping program uses the North American vertical datum 1988 (Navd88) which is the official civilian vertical datum for surveying and mapping activities in the United States. With the support of the town and the county we have selected a Kure Beach profile line (transect 4) which aligns in location with our Kure Dunes neighborhood (figure 5-1). The 2016 measurement for transect 4 yielded a maximum dune height of 18 feet above Navd88 (figure 5.2). Homeowners are welcome to use corresponding Navd88 references on their lot surveys or use sight line to the top of fire hydrant in our beach access area. The top of fire hydrant is 15.57 ft above Navd88 (figure 5.3) which allows for plantings in phase 1 setback areas to reach a height limit of less than 3 feet above the top of the hydrant.

The ACC only plans to use this measurement in the case of future dune erosion or in a case where visual sight line to the dunes is not possible. The intent of the covenants remains that only grass or small plantings should be in the setback areas for this phase.

Figure A5.1 Profile Line location 4 for Kure Dunes beach access

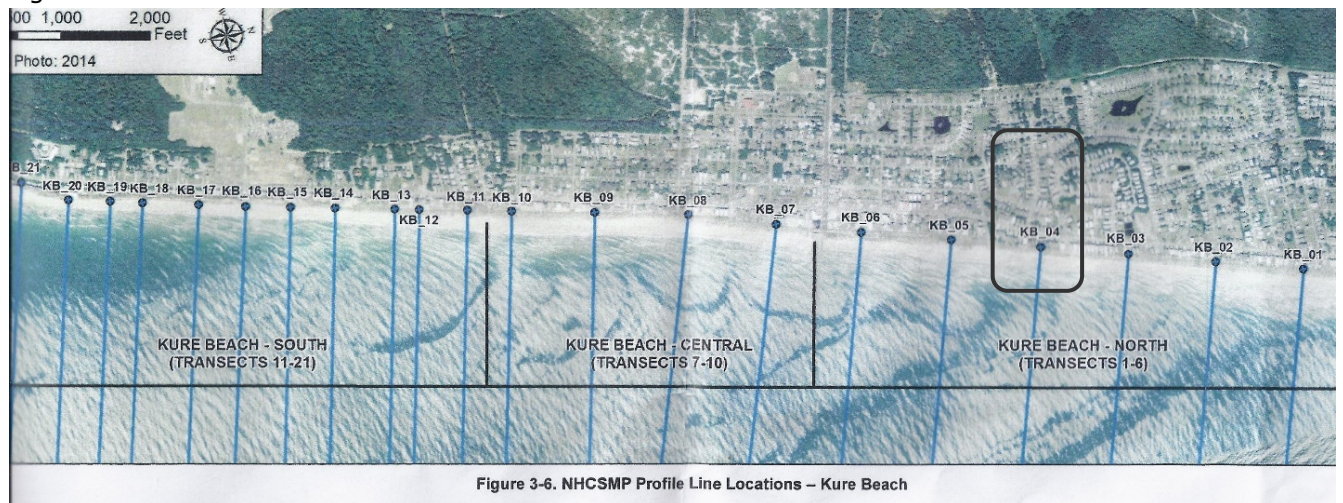


Figure A5.2 Profile Line 4 / Transect 4 Dune heights 2016 – 18 ft dune height

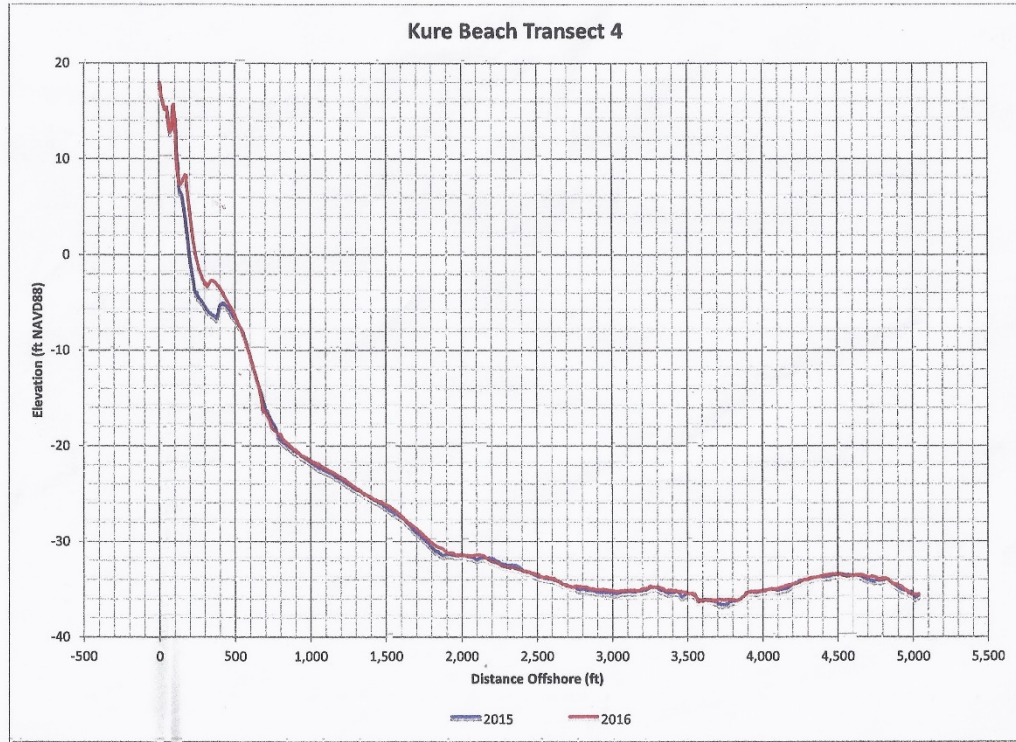
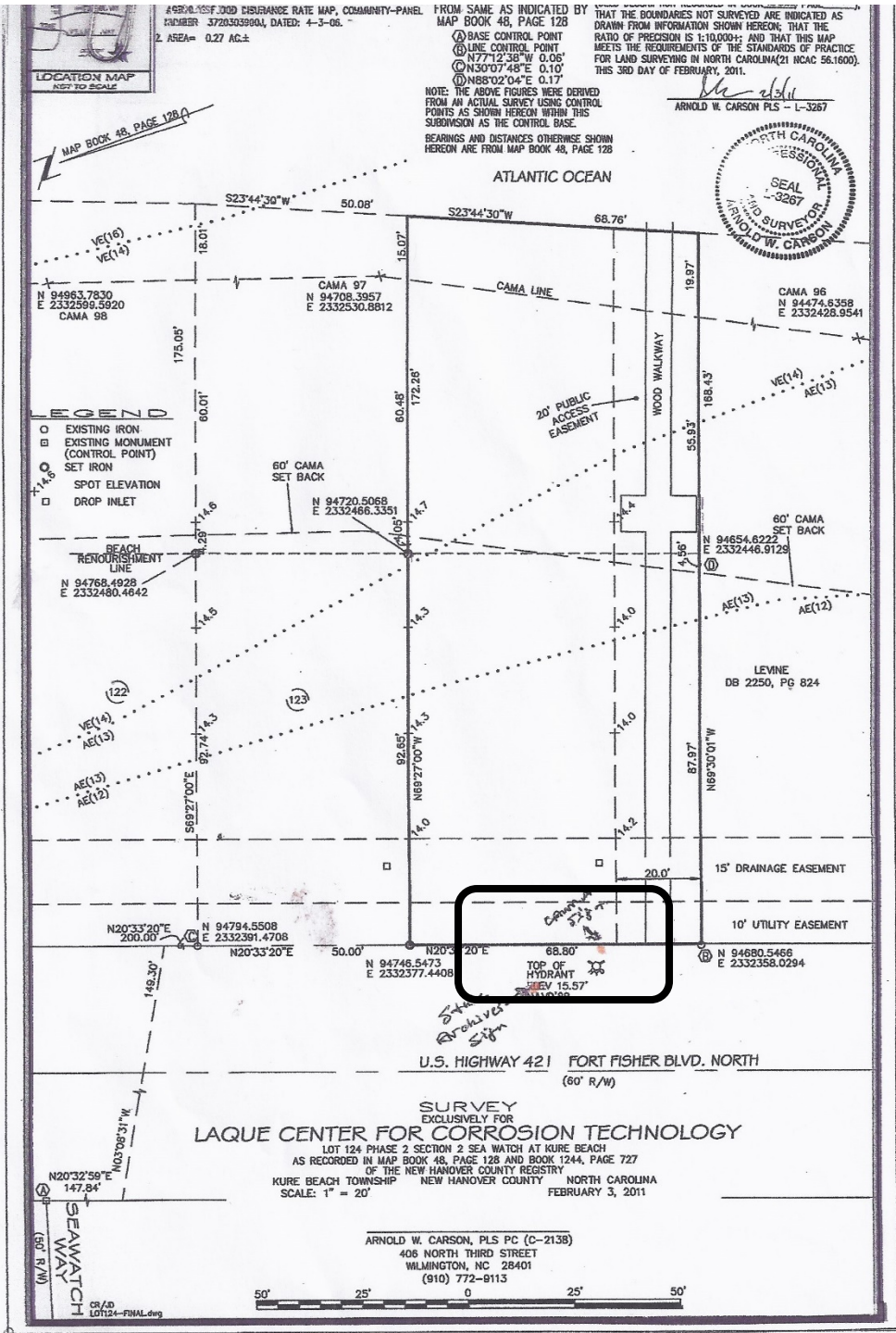


Figure D-102. Kure Beach Profile Comparison Plot

Figure A5.3 Reference location of beach access fire hydrant location



APPENDIX 6

SUPPORTING NC LAW AND KURE DUNES BYLAWS FOR VIOLATION PROCESS

KDHOA By laws:

Section 2.2 Powers and Duties.

The Board of Directors may act in all instances on behalf of the Association, except as provided in the Declaration, its charter, these Bylaws or the laws of North Carolina. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association in accordance with its Charter, the Declaration and these Bylaws, which shall include, but not be limited to, powers and duties to:

- i. Impose a reasonable charge for late payment of Assessments and, after Notice and Hearing, levy a reasonable fine for a violation of the Declaration, Bylaws or Rules and Regulations of the Association.

Chapter 47F. North Carolina Planned Community Act, Article 1 General Provisions.

§ 47F-3-102. Powers of owners' association

(12) After notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the association (except rights of access to lots) for reasonable periods for violations of the declaration, bylaws, and rules and regulations of the association.

§ 47F-3-107.1. Procedures for fines and suspension of planned community privileges or services.

Unless a specific procedure for the imposition of fines or suspension of planned community privileges or services is provided for in the declaration, a hearing shall be held before the executive board or an adjudicatory panel appointed by the executive board to determine if any lot owner should be fined or if planned community privileges or services should be suspended pursuant to the powers granted to the association in G.S. 47F-3-102(11) and (12). Any adjudicatory panel appointed by the executive board shall be composed of members of the association who are not officers of the association or members of the executive board. The lot owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed one hundred dollars (\$100.00) may be imposed for the violation and without further hearing, for each day more than five days after the decision that the violation occurs. Such fines shall be assessments secured by liens under G.S. 47F-3-116. If it is decided that a suspension of planned community privileges or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured. The lot owner may appeal the decision of an adjudicatory panel to the full executive board by delivering written notice of appeal to the executive board within 15 days after the date of the decision. The executive board may affirm, vacate, or modify the prior decision of the adjudicatory body. (1997-456, s. 27; 1998-199, s. 1; 2005-422, s. 4.