

LONGLEAF ESTATES

Architectural Guidelines,
Property Standards
&
Rules and Regulations

Revised June 2019

**THIS DOCUMENT REGULATES THE DISPLAY OF POLITICAL SIGNS
AND REGULATES THE DISPLAY OF THE FLAG OF THE UNITED
STATES OF AMERICA OR STATE OF NORTH CAROLINA.**

INTRODUCTION

Purpose of Architectural Guidelines

LONGLEAF ESTATES is a single family home owner association. Simply stated, this means that the original tract of property was designed and approved as a self contained, deed restricted community, having its own covenants and order of rule under which all property owners would live and abide and which would provide for the maintenance of all Common Areas and improvements thereon. Restrictions were established so that aesthetics, appearance, and continuity could be defined and written based on the covenants and on precedence established by the Board of Directors. The ACC reviews all Architectural requests until an Architectural Control Committee is appointed. These Architectural Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. In addition, these Architectural Guidelines are established to give the homeowner some degree of assurance that the actions of all members of the community would be directed so as not to adversely impact their enjoyment or property values.

The Architectural standards and use restrictions set forth in this document are for the purpose of protecting the value and desirability of the real property located in the LONGLEAF ESTATES Community. The LONGLEAF ESTATES Homeowners Association By-laws and Declaration of Covenants, Conditions and Restrictions (DCCR) supports the Board's ability to adopt and publish from time to time amend written Architectural standards and construction specifications.

No improvement of any kind shall be erected, placed or maintained, and no addition, alteration, modification or change to any improvement shall be made without the prior written approval of the ACC. This would include, but is not limited to, any building, wall, fence, patio, deck, driveway, plating, clearing or cutting of trees, color or painting of the exterior, swimming pool, play equipment or screened enclosure constructed, installed or placed prior to the termination of the Declarant control. Nor shall a building permit for such improvement or change be applied for or obtained, nor shall any major landscaping or re-landscaping of any Lot be commenced or made (such construction, alteration and landscaping are hereinafter referred to as the "Improvements") until plans and specifications showing the nature, kind, shape, heights, materials, color and location of same shall have been submitted to and approved in writing by the ACC. Construction must be accomplished in strict conformity with such plans as approved, unless otherwise expressly agreed to in writing by the ACC. The ACC shall have the sole right, authority and complete discretion to approve or disapprove the plans and specifications for any reason, including, but not limited to, exterior colors and appearance, landscaping, location of the structure or structures and aesthetics. In addition to setting standards, the Architectural Guidelines establish a process for review of proposed modifications to Lots and Dwellings to ensure that all sites within the community are developed and maintained with the consistency and quality that attracted you to LONGLEAF ESTATES HOA.

Government Permits

To the extent that City and County Ordinances or any local government ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Architectural Guidelines or the DCCR, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the DCCR and the Architectural Guidelines (in that order) shall prevail.

Review Structure

The ACC of LONGLEAF ESTATES will handle Architectural control and design review for the community. The ACC has exclusive jurisdiction over all matters relating to modifications to existing structures and landscaping, as set forth in the DCCR. The ACC shall review plans and specifications for all modifications and landscaping on any Dwelling or Lot, shall be the conclusive interpreter of these Architectural Guidelines, shall monitor the effectiveness of these Architectural Guidelines, and may promulgate additional design standards and review procedures consistent with these Architectural Guidelines.

ARCHITECTURAL REVIEW PROCESS

Review of Proposed Modifications

The review of the proposed modifications shall require the submission of an application to the ACC. An application form can be obtained on the Charleston Management website at www.charlestonmanagement.com or by calling Client Services at 919-847-3003. Depending on the scope of the modification, the ACC may require the submission of all or some of the plans and specifications listed below. In the alternative, the ACC may require a less detailed description of the proposed modification.

In accordance with Section 4.2 of the DCCR, the Architectural Control Committee shall have the absolute and exclusive right to approve or disapprove Plans in its sole discretion and may approve or disapprove Plans based on purely aesthetic reasons, which in the sole discretion of the Architectural Control Committee has been deemed sufficient. Absent an approval from the Architectural Control Committee the proposed alteration or improvement may not be commenced.

Application Process

The ACC will require a set of modification plans in addition to the submission of an application. The preferred methods of receipt is through the HOA's portal at www.charlestonmanagement.com or via email to: info@charlestonmanagement.com. If the on-line or e-mail options are not viable, the application and plans should be submitted to the following address: Charleston Management, P.O. Box 97243, Raleigh NC 27624. FAX: 919-848-1548. Do not fax if the ACC needs to review colors.

Generally, drawings of the proposed change should be submitted (to scale) which show relationships to existing structures, landscaping, lot lines, and setbacks (distance from property lines) for all proposed improvements. These drawings should include a "site plan" and an elevation plan along with any additional information, which could help the ACC visualize the project. For further descriptions of the five (5) elements that follow [floor plan, elevations, exterior finishes, landscaping plan, and other], please refer to applicable sections of this document.

Floor Plan

Showing decks, patios, related to the residential dwelling, trash enclosures, HVAC equipment and utilities.

Landscaping Plan

Showing location of trees, protection of existing vegetation, use of plants and other landscaping details. For further information see "Landscaping and Site Standards" section of this document.

Other

Such other information, data and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, and other features.

Review Criteria: Recommendations & Variances

While the Architectural Guidelines are intended to provide a framework for modifications, they are not all inclusive. In its review process, the ACC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography, and finish grade elevation among other factors; however, the ACC will not grant approval for a proposed modification that is inconsistent with the Architectural Guidelines, unless the ACC grants a variance.

Variances may be granted in some circumstances, which include, but are not limited to, topography, natural obstructions, hardship, municipal requirements or environmental considerations. The ACC shall have the power to grant a variance from strict compliance in such circumstances so long as the variance does not result in a material violation of the DCCR. No variance shall be effective unless in writing and supported by all members of the ACC.

Review Period

Each application and plan submittal shall be approved or disapproved within 45 days of receipt of all materials required by the ACC. **The ACC's decision shall be based upon a majority vote of the ACC and shall be rendered in one of the following forms:**

1. "Approved" - The entire application as submitted is approved.
2. "Approved with Conditions" - The application is not approved as submitted, but the ACC's direction for curing objectionable features or segments are noted. The applicant must correct the plan's objectionable features or segments and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The ACC shall specify the particular grounds upon which denial of such application is based.
4. "Request for Additional Information." This response shall be deemed a determination that the information submitted was inadequate, and the forty five (45) day time period for further ACC response shall only commence upon receipt of the requested additional information. .

If the ACC fails to respond within 45 days of receipt of a complete application, approval shall be deemed granted.

As a condition of approval under this section, each Owner and all successors- in-interest, shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any change, modification, addition, or alteration.

Approval of plans for any proposed modification shall not set a precedent for future applications.

Appeal

Any Owner who submits Plans to the ACC and disagrees with the finding of the ACC may appeal the decision to the Board by giving written notice of appeal to the President of the Association, [through the Managing Agent] within fifteen (15) days following its receipt of notice of denial. The Board shall review the Plans and hold a meeting to hear the case with the Owner and the ACC or its representative. At such meeting the ACC or its representative shall present to the Board specific reasons why the Plans were denied, and the Owner or his agent may present information challenging the findings of the ACC. The decision of the ACC shall only be overridden by a majority vote of the Board. This final appeal shall be only deemed approved if the applicant receives written notification from the Board. As the Board may only meet quarterly, approval shall not be assumed to be granted if the Board does not respond within 30 days.

City / County Approval

The review and approval of plans and specifications by the ACC shall not be a substitute for compliance with the permitting and approval requirements of the City, County or other Governmental Authorities. It is the responsibility of the Applicant to obtain any and all necessary permits and approvals.

Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the ACC that work completed or in progress on any Dwelling or Lot is not in compliance with these Architectural Guidelines or any approval issued by the ACC or Board, the ACC shall, directly or through the Board, notify the Applicant in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the DCCR and these Architectural Guidelines and the homeowner (property) shall be subject to a daily monetary fine.

Time to Commence

If construction does not commence on a modification for which plans have been approved within one year of approval, such approval shall be deemed withdrawn unless the applicant requests, in writing, additional time from the ACC.

Time to Complete

The ACC shall include, in any approval, a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, the modification shall be completed within 180 days of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ACC may approve or disapprove.

Changes After Approval

All proposed changes to plans, including, but not limited to, changes that affect the exterior of any building, colors, windows, grading, paving, utilities, or landscaping made after plan approval must be submitted by the Applicant and approved in writing by the ACC prior to implementation of such changes. Close cooperation and coordination between the Applicant and the ACC will ensure that changes are approved within 15 days.

If the City or County, or any other authority having jurisdiction, requires that changes be made to final modification plans previously approved by the ACC, the Applicant must notify the ACC of such changes and receive approval from the ACC prior to implementing such changes.

Enforcement, Due Process Hearings, Fines & Fees

Any construction, alteration, or other work done in violation of these Guidelines or the DCCR, shall be deemed to be nonconforming. Upon written request from the Board or the ACC, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the construction, alteration, or other work.

When a violation is determined to have occurred, the following steps shall be taken:

1. The ACC will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within thirty (30) days.
2. Should the owner fail to act upon the recommendations for corrections, the ACC shall submit the matter to the Board.
3. The homeowner shall be invited to hearing with the Board where the homeowner will have opportunity to be heard and present evidence. Failure to appear shall result in a fine, which will begin to accrue five (5) days after the date of the hearing. However, if the violation is brought back into compliance prior to the hearing, no hearing would be necessary.
4. After the hearing, the Board shall respond to the homeowner with a decision. Any penalties or costs relating to the violation (and the date from which the accrual shall begin, which will be no sooner than 5 days after the hearing date) shall be noted in the letter from the Board.
5. Fines will be levied on a daily basis, up to \$100 per day, per violation, until the violation is rectified. The North Carolina Community Act effective in January 2006 allows planned residential communities the ability to fine at a minimum up to \$100/day to uphold standards that will protect and insure homeowners of maintained property values, with regard to holding all property owners accountable for abiding by the existing covenants.

Fees associated with enforcement. 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 nonconforming Lot and collected as a special assessment. In addition, the Board shall have the authority and standing, on behalf of the Association to pursue all legal and equitable remedies available to enforce the provisions of the DCCR and Architectural Guidelines and the decisions of the ACC.

ARCHITECTURAL DESIGN STANDARDS & PROPERTY STANDARDS

The following specific site criteria shall apply to all proposed modifications within the community unless the ACC or Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all Architectural standards which may be adopted by the Homeowners Association, Inc. Applicants are responsible for obtaining all necessary building permits.

Air Conditioning Equipment

Unless other-wise permitted by the ACC, no window-air-conditioning unit (sides or front) shall be installed.

Antennae and Satellite Dishes

The installation of antennae and of satellite dishes or disks shall be permitted on a Lot if accomplished in strict compliance with the limitations and conditions imposed by the Telecommunications Act of 1996, as amended from time to time, but no antenna or disk which is in any dimension larger than prescribed by the Telecommunications Act of 1996 or which is not installed in accordance with the advance notice requirements and location guidelines of the Telecommunications Act of 1996 may be installed or maintained on any Lot except:

(i) an antenna designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or

(ii) an antenna that is designed to receive television broadcast signals; or

(iii) .an antenna designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter.

These permitted antennas are subject to the following requirements in order to minimize obtrusiveness as viewed from streets and adjacent property: a) no larger than one meter (39.37 inches) in diameter, b) have a hidden cable, and c) is placed on the rear roof line of the home. If the only viable location to obtain a signal is in the front of a home, the Owner must submit a letter from the installation company confirming that a signal may not be obtained in any other location. In such an instance, the satellite dish must be placed on the roof, not on a free standing pole in the yard; or

Awnings

The installation of awnings on the front of the residence or side(s) of the dwelling is prohibited. Other instances of installation are on a case-by-case basis for approval by the ACC.

Basketball Goals

The placement of a basketball goal requires prior approval of the ACC. Permanent basketball goals are to be placed on the rear third (toward the house) of the driveway or parking pad and must be mounted on a single pole cemented into the ground. Portable basketball goals 1) may not be stored on common area; 2) must remain upright at all times; 3) must not impede on neighboring lots, traffic or pedestrians in any way; and 4) may not create a noise nuisance.

Commercial Vehicles

Commercial vehicles are not permitted, except when stored in garage with doors closed. ***Please refer to Exhibit B, Initial Restrictions and Rules***

Clotheslines and outside clothes, laundry drying

No drying or airing of any clothing or bedding shall be permitted outdoors on any Lot and no clothes hanging devices shall be stored or kept outdoors on any Lot.

Curtains and Window Coverings

No Owner shall place on or about any window any metallic foil or other coating, substance or material which similarly acts as a reflector of light nor shall an Owner place newspapers, towels or bed sheets or any other material not intended as a window covering may be placed on any window. All interior window treatments must be in keeping with the overall scheme and aesthetic of the Property.

Exterior Lighting

Except for seasonal holiday decorative lighting, all significant exterior lighting changes must be approved by the ACC. The ACC may take into consideration the visibility and style of the fixture and its location. Exterior lighting shall be shielded and must be directed so as not to shine directly on another Lot. Holiday lights should be removed no later than one (1) month after the holiday.

Fences and Shrubbery

Chain link fencing is expressly prohibited. No fence, hedge, shrubbery, or other planting, nor other plant screening shall be installed on any Lot except with prior written permission of the Architectural Control Committee. ***See Exhibit A for approved fencing materials and designs.***

Firearms/Fireworks

Hunting and trapping of wild animals, fowl and game and the discharge of firearms, including BB guns and pellet guns, and/or bows and arrows within the Property is prohibited.

Firearms are not allowed within the common areas of the Community.

Fireworks and fire crackers are not permitted in the community.

See Exhibit B., Initial Restrictions & Rules.

Fireplaces, Firepits, Firebowls, Contained Fires

Outdoor fires located within an enclosed outdoor fireplace or other similar device specifically designed to hold and contain a fire, shall be permitted along with grills, if located in the rear yard of a home and if utilized in a safe manner. No fires may be left unattended at any time and all such installations must comply with municipal requirements. Barrels may not be used to contain a fire.

Flags

Flag poles must have a maximum height of 20 feet from grade. They must be a satin finish aluminum pole with internal halyard or have a telescoping design that does not require a halyard. A 4' X 6' US flag and NC flag may be flown on the flag pole, in accordance with §47F-3-121 North Carolina Planned Community Act.

Flags may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed the standard size cited above.

Gardens, Garden Containers.

Garden plots and/or raised beds do not require prior approval of the ACC, provided that the following criteria are met: 1) the total garden area does not exceed 8 feet X 12 feet; 2) the garden area is located directly behind the home and not visible from the street; 3) the perimeter of the bed is constructed of materials specifically designed for outdoor use; 4) no wire or chain link may be used to enclose the garden; 5) the garden must be properly maintained throughout the growing season and dead plant material removed at the end of the growing season.

Garage Sales

No garage sales or similar activities shall be permitted on any Lot or within the common Areas, except as approved in writing by the Board.

Grills, Gas or Charcoal

The preferred placement of a grill is at the rear of a home, on a deck with stairs or patio. Owners who choose to store their grill in their garage and place the grill on the driveway for operation must adhere to the following requirements: 1) the propane line must be disconnected from the grill whenever stored in the garage; 2) when in use, the grill must be placed on the rear portion of the driveway, at least 10 feet away from the building and any combustible materials; 3) the grill must be returned to the garage within 4 hours of use

Home Businesses

Any business, trade, or similar activity, except that an Owner or occupant residing in a Unit may conduct business activities within the Unit so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Unit; (ii) the business activity conforms to all zoning requirements for Longleaf Estates; (iii) the business activity does not involve door-to-door solicitation of residents of Longleaf Estates, (iv) the business activity does not, in the Board's reasonable judgment, generate a level of vehicular or pedestrian traffic or a number of vehicles being parked in Longleaf Estates which is noticeably greater than that which is typical of Units in which no business activity is being conducted; and (v) the business activity is consistent with the residential character of Longleaf Estates and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of Longleaf Estates as may be determined in the sole discretion of the Board.

The terms "**business**" and "**trade**," as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time, (ii) such activity is intended to or does generate a profit, or (iii) a license is required.

Leasing of a Unit shall not be considered a business or trade within the meaning of this subsection, provided that no Owner or group of related or affiliated Owners (as the Board may determine) shall collectively lease or hold for lease more than one Unit at any time.

Hot Tubs and Saunas

The approval of the ACC is required for the installation of any hot tub, sauna or spa. Any hot tub or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. Hot tubs or spas shall be located at the rear of the property and shall be installed in such a way that is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners are required to install safety features such as locks or covers for these items when such are not in use. Applicable City and County ordinances govern these requirements.

Landscaping, Maintenance of

Grass, hedges, shrubs, vines and mass plantings of any type on a Lot shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned except as permitted by the appropriate governmental authority. ***Refer to Exhibit F, City of Raleigh Watering Regulations.***

Landscaping Modifications

A comprehensive landscape plan must be included with Architectural applications for landscaping redesigns. The plan shall show the scheme for decorative plantings, planned site improvements and modifications, including, but not limited to, major topographic changes and plans for revegetation and stabilization thereof, the specifications for all terraces, walkways, driveways, paths, fences, bulkheading, walls, pools, outdoor lighting and other fixtures and structures to be constructed as part of the Landscape Plan.

Noise/Nuisance

No noxious or offensive activity shall be carried on in or upon any part of the Property nor shall anything be done thereon which may be or become an unreasonable annoyance, inconvenience or nuisance to the residents of the Property or unreasonable interfere with the quiet enjoyment of occupants of Lots. No Owner shall permit anything to be done or kept on his or her Lot which would result in the cancellation of insurance on said Lot or any other residence or any part of the Common Area or which would be in violation of any law.

Owners who are being excessively disturbed by any of the aforementioned activities or by activities described in Exhibit E are advised to contact Raleigh Police Department at **919-831-6311**.

Please also see Exhibit E, Noise Ordinance.

Outbuildings, Gazebo, Trampolines, Swing Sets, Play Equipment, Awnings & Above-Ground Pools.

Except as may be permitted by the ACC, no Owner shall construct, install, erect or maintain upon any Lot any outbuilding, storage shed (unless erected by Declarant), gazebo, trampoline, awning, swing sets, or play equipment..

In no event shall any outbuilding, storage shed, gazebo, trampoline or play equipment be constructed on any lot in the front or side yards as determined by the building lines applicable to the Lot.

No above-ground pools (except for wading pools, no deeper than 2 ft. tall and no wider than 10 ft. in diameter which shall be regulated by the ACC) shall be allowed or approved by the ACC on any Lot. Wading pools shall only be allowed in appropriate weather and must be emptied and stored when not in use.

Parking

All garages shall be used primarily for the storage of vehicles and it shall be required that each Owner park its vehicles in the garage on the Lot whenever possible. No vehicle of any type should be stored on any part of a Lot other than in the garage or driveway of such Lot. No vehicle shall obstruct the sidewalk, including any sidewalk that crosses the driveway.

Garages may not be converted to living spaces. Driveway extensions and expansions will not be permitted.

No vehicle of any type that is abandoned, dismantled, inoperative wrecked or damaged may be stored anywhere in the Common Elements, on the streets of the community, or on any Lot except in a closed garage.

No boat, trailer, recreational vehicle, camper, camper truck, utility trailer, other water crafts or commercial vehicles may be parked, stored or left on any portion of the Property, except in a closed garage.

Please also see Exhibit B, Initial Restrictions & Rules

Patios/Decks/Screened Porches

The approval of the ACC is required for the construction of patios and screened porches. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio product must be similar to or generally accepted as a color and material complementary to the design and color of the residence. Any decks or screened porches must be constructed of wood, with siding and Architectural shingles to match existing house.

Pets

All owners are subject to the Raleigh Animal Control Ordinance. Raising, breeding or keeping animals, livestock, or poultry of any kind, except that a total of three (3) dogs, cats, or other usual and common household pets (3 total of any combination of the foregoing) may be permitted in a Unit; however, any pets which are permitted to roam free (at large off of owner's Lot), or, in the sole discretion of the Board, make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to the occupants of other Units shall be removed upon request of the Board. If the pet owner fails to honor such request, the Board may remove the pet. Pets shall be kept on a leash or otherwise confined in a manner acceptable to the Board whenever outside the dwelling and in any event shall not be allowed on any Unit owned by any other Owner without the permission of said other Unit Owner. Pets shall be registered, licensed and inoculated as required by laws and owners of pets shall in any event comply with all Legal Requirements relating to pet ownership and control. Each Owner shall also be responsible for immediately cleaning up the feces of its animals both on its Unit and on the Community.

Animals shall be kept within homes on an overnight basis.

Please also see Exhibit B, Initial Restrictions & Rules and Exhibit D, Raleigh Animal Control Ordinance

Play Equipment/Trampolines

No owner shall erect a trampoline or play equipment without prior approval of the ACC. In no event shall trampoline or play equipment be constructed on any Lot in the front or side yards, as determined by the building lines applicable to the Lot.

Pools

In ground pools are permitted with prior approval of the ACC. No above ground pools (except for wading pools no deeper than 2 feet tall and no wider than 10 feet in diameter, which shall be regulated by the ACC) shall be allowed or approved on any lot. Wading pools shall only be allowed during appropriate weather and must be emptied and stored when not in use.

Recreational Vehicles

Please see Exhibit B, Initial Restrictions & Rules

Rentals/Residential Use Only

Except as otherwise permitted in Declaration, Lots shall be used for residential purposes and for no other purpose. The Association shall not interfere with any Owner's freedom to determine the composition of his/her household, except that it may enforce reasonable occupancy limits.

Lots shall not be leased or rented for hotel or transient purposes.

Rooftop Equipment

The approval of the ACC is required for all rooftop equipment and accessories, unless specifically accepted in this section. Any installed solar energy equipment may be considered on the rear roof line and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

Shed, Playhouse or Tree House

Storage shed, playhouse or tree house plans must be in approved in advance before construction can begin. Sheds may not be placed in the front or side yards of a Lot.

Approved storage sheds and play houses must be no larger in size than eight (8) feet by twelve (12) feet and be constructed of wood and finished with a horizontal Hardie-plank style siding material which is similar in color and composition to the residence. The shed/playhouse must have a suitably-constructed flooring system or foundation. A masonry foundation or slab is permitted, provided that it is completely enclosed by brick or siding to grade level. Any other type of open foundation or supports must be screened from view utilizing framed lattice, siding or other material approved by the ACC. The roof must have a six (6) inch overhangs, and be constructed of Architectural shingles that match the color of the home. Additional landscaping or screening plants may be required by the ACC, depending upon location of shed. Sheds and playhouses may not be located in a sewer, landscape or drainage easement. Lastly, owner must obtain all necessary permits and approvals from municipality.

Tree houses do not have a standard design requirement and will be considered on a case-by-case basis.

Signs

Except as otherwise required by the Town, no sign of any kind shall be displayed to the public on any Lot other than one sign of not more than nine (9) square feet advertising a Lot for sale and signs of not more than nine (9) square feet expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a Lot earlier than forty-five (45) days before such election and shall be removed within seven (7) days after such election.

Solar Panels & Other “Green Energy” Improvements

The installation of solar panels or other “green energy” improvements to the roof or exterior of a dwelling located on a Lot shall be permitted in accordance with NCGS §22B-20 after approval by the ACC.

Storm Doors

Storm doors may be installed on the front or rear doors of a home provided that the following criteria are met: 1) door must have full view, single pane of glass with no etchings or tint; 2) frame of door must be the same color as the existing door trim; and 3) the hardware metal on the storm door must match the hardware on the existing door.

Temporary Structures

No temporary structures shall be placed upon any portion of the Property at any time. Tents (except tents as used temporarily for recreation), recreational vehicles, trailers (whether attached or unattached to the realty) may not, at any time, be used as a temporary or permanent residence or be permitted to remain on any portion of the Property.

Trash, Garbage, Rubbish, Waste

No trash, rubbish, garbage or other waste material shall be kept or permitted upon any Lot or the Common Area, except in sanitary containers located in a garage or in an appropriate area screened and concealed from view of the street or adjoining lots.

See also Exhibit C for approved trash enclosures. The approved screens may be installed without prior ACC consent. Other designs must be submitted and will be reviewed on a case-by-case basis.

Trash containers may be placed at the curb the night before the scheduled pick up and must be returned to their storage area within twelve (12) hours after collection.

Trees and Tree Removal

Trees measuring two (2) inches or more in diameter at a point two (2) feet above ground level and any flowering trees or shrubs above two (2) feet in height may not be removed from the Property without the prior written approval of the ACC, unless such landscaping material is in the path of driveways and walkways located or to be located on any Lot. Excepted herefrom shall be damaged or diseased trees that threaten persons or property, which damaged or diseased trees shall be removed by the Owner.

The Lot owner must submit an Architectural application to the HOA, along with a copy of the plat plan with the location of the tree marked or a photograph of the yard with the tree marked should also accompany the Architectural request.

Requests for additional plantings on a Lot require approval from the ACC. A copy of the plat plan with the proposed location of the plantings, along with the type of planting and size at maturity should be noted on the plat plan.

Tree Conservation

The Association hereby reserves a conservation easement for the planting of trees and for the protection, preservation, and maintenance of the trees situated within any tree conservation areas shown on any recorded Map of the Property. No tree disturbing activity shall be permitted in tree conservation areas in violation of the Town Code. Any tree disturbing activity undertaken in tree conservation areas or in undisturbed open space areas (and similarly designated areas for tree preservation subject to tree coverage requirements) shown on recorded Maps of the Property without a permit from the Town or otherwise in violation of the Town Code is a violation of the Town Code and may result in significant financial consequences to the Owner and/or to the Person responsible for such tree disturbing activity. Owners and their agents may, however, with the consent of both the Town and of the Association, enter tree conservation areas to perform active tree protection measures (as defined in the Town Code), to plant trees, to remove dead or diseased trees, or to plant replacement trees, provided, however, unless otherwise required by other provisions of this Declaration, the consent of the Association shall not be required if the tree conservation area in which the Owner desires to perform active tree protection measures or plant trees, remove dead or diseased trees and to plant replacement trees is located on that Owner's Lot.

Utilities

Owners are responsible for any damage to the common area as a result of the installation of the installation of service lines from utility companies other than the electric, water, sewer, and gas. Pipes, wires, and other utility facilities shall be kept and maintained underground. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

Vehicles

All motorized vehicles operating within the Property must be properly muffled so as to eliminate noise which might be offensive to others. All motorized vehicles and motorized bicycles are prohibited from being used or operated anywhere other than on the streets, roads, parking lots and driveways within the Property.

No inoperable or wrecked vehicles of any type are allowed on the Property. No repairs to any vehicles or other personal property shall be made in parking spaces or driveways, except in the case of emergency.

Please also see Exhibit B, Initial Restrictions & Rules

Yard Art, Statuary, Exterior Decorations

Statuary such as sun dials, globes, sculptures, wreaths, decorative flags, bird houses, bird feeders and other yard art, is allowed by the mailbox, on the front porch of a residence and rear yard of a Lot.

LANDSCAPING AND SITE STANDARDS

Landscaping is an essential element of design in the neighborhood and is also an integral part of maintaining property value and neighborhood continuity. Preservation of existing vegetation must be considered in establishing and maintaining the landscape design.

Grass, hedges, shrubs, vines and mass planting of any type on any Lot or any portion of the Property shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. It shall be each Owner's responsibility to water the lawn and the plants on its Lot at regular intervals. Trees, shrubs, vines and plants which die shall be promptly removed. No leaves, trash, garbage or other similar debris shall be burned.

Changes to the existing landscaping plan of the home require prior approval of the ACC. Requests should be accompanied by a plat plan or landscaping plan illustrating the location of the modifications, including hardscape features, plantings, and other information which may requested by ACC.

Drainage

Drainage of the property must conform to all municipality requirements. All drainage and grading must be indicated on the proposed plans submitted to the ACC. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ACC.

The established drainage pattern is defined as the drainage pattern engineered and constructed by the original builder prior to (or in some cases, immediately following) conveyance of title from the builder to the individual homeowner.

No building or other structure shall be placed or permitted to remain on any Lot which may damage or interfere with the use, maintenance, repair or replacement of such drainage facilities and appurtenances and no Lot Owner shall do any work, construct any improvements, place any landscaping or suffer the existence of any condition whatsoever which shall alter or interfere with the drainage pattern for the Lots or common area.

Landscaping shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under, ponding near, or against the foundation of the dwelling. Water should flow fully over walkways, sidewalks, or driveways into the street.

CONSTRUCTION GUIDELINES

Construction and Completion Timelines

When construction of any Lot, structure, improvement or addition has begun, work shall commence diligently and continuously through completion. Any structures must be “dried-in” with exterior finishes installed within 120 days of commencement of construction and all phases of work, including all landscaping must be complete within six (6) months of the date of ACC approval.

Inspections

The ACC may perform periodic informal inspections to ensure that work is being performed in conformance with approved plans and the Architectural guidelines. All inspections are observations only and will not relieve the owner's obligation to obtain inspection approvals from the City and or County and other governmental entities having jurisdiction.

Job sites not in compliance with these Architectural Guidelines or approved plans will be issued a Notice of Violation. Further construction is prohibited until the homeowner addresses the violations.

Construction Damages

Any damage to vegetation or common area facilities caused by the Applicant, their contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Board and the owner of the damaged property. If the damage is not corrected, the Association may repair such damage and assess the costs of repair to the Applicant.

Conduct

The applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in the community. Loud music, profanity and other behavior, which is unbecoming, will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied future access to the community.

Site Cleanliness

All **work sites** must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared on a regular basis.

LIMITATION OF LIABILITY

Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications, neither the Board of Directors, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither the Association the Board of Directors nor the officers, directors, members employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every person who submits plans or specifications and every Owner agrees that such person or Owner will not bring any action or suit against the Association, committees, or the officers, directors, members employees, and agents of any of them to recover any damages.

EXHIBIT A

FENCE GUIDELINES

All fence requests require prior approval of the Architectural Review Committee. Owners must complete an architectural application and attach a copy of the plat plan for their Lot (received as part of closing documentation) with the proposed location of the fence and gates marked on the map. The type of fencing to be installed must also be noted on the application.

Fences shall be installed within 1 inch of the property line (allowing for adjacent neighbors to tie in to the fence in the future if agreed by both parties). The setback from the Owner's property line shall be one inch. However, any corner lot and lots bordering on main roads will generally be required to have a setback of fifteen (15) feet from the property line on the side of the lot facing the street. **(Note: The property line is *not* the curb line.)** Fences shall be no less than 5 feet from the edge of a sidewalk. Fence shall follow the natural topography of the land. At least 2 inches, but no more than 3 inches, must be left between the bottom of the fence and the ground on all privacy fencing to allow for the natural flow of water. Existing trees shall not be removed to place the fence without prior approval from the Architectural Control Committee. There are restrictions for installing fencing over easements on any lot. These restrictions are addressed on a case by case basis by the Architectural Control Committee. The fence shall extend from the rear corners of the house in a direction toward the closest property line and run toward the rear property line, enclosing only the rear yard. Exceptions may be made on an individual basis to allow the fence to start on the side of the house, but no more than ten feet from the rear corners of the house. These exceptions must be approved in advance by the Architectural Control Committee. The Architectural Control Committee will determine the final placement of the fence based on aesthetics and street appearance.

TYPES OF FENCING

There are three (3) types of fencing permitted in the community: 1) 5 foot black aluminum fencing; 2) 6 foot wood grain vinyl privacy fencing; and 3) 5 foot stained wood stockade privacy fencing. Illustrations of all three approved fence styles are included in this exhibit.

Wood. All wood privacy fencing should be stockade in style with horizontal slats at the top and bottom and "federal" style post caps constructed of mitered pressure treated wood. All fasteners are to be galvanized. Wooden fencing shall be constructed of #2 or better pressure treated yellow pine. Any other material needs to be approved by the ACC. Posts for the wooden privacy fence option shall measure 4" x 4", runners shall measure 2" x 4" and pickets shall measure 1" x 6".

Privacy fencing will require a transparent or semi-transparent stain (the natural wood grain must be visible) in Olympic "Espresso," Sherwin Williams "Charwood," or equivalent to be applied within 6 months of installation.



The "good" side of the fence should be placed on the side facing out from the home, with horizontal support members facing toward the home. Fences are allowed to "step down" with the grade of the property.



Sample of Approved Wood Privacy Fence Design

Vinyl. The specifications for the approved vinyl privacy fencing are as follows: Manufacturer- Homeland Vinyl Products; Color- Mocha Walnut; Style- 6 foot vinyl privacy fencing with horizontal slats at top and bottom with federalist style post.

Currently available through Quality Rail & Fence (919)417-2609 or other local authorized installer.



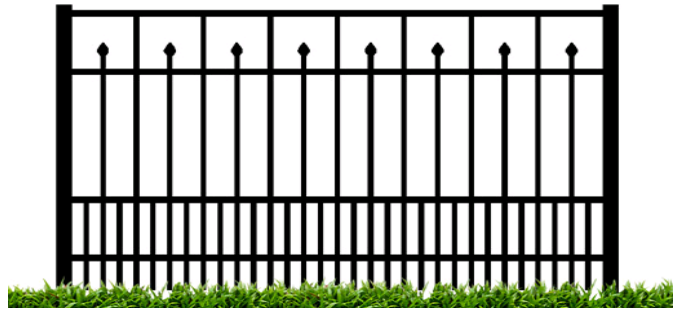
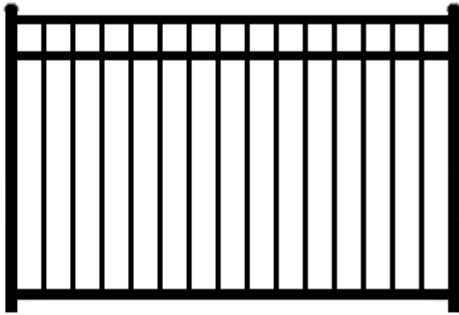
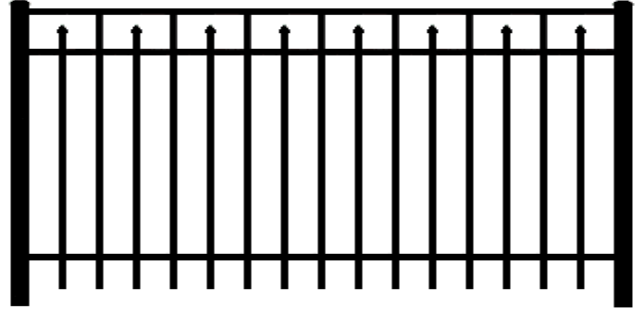
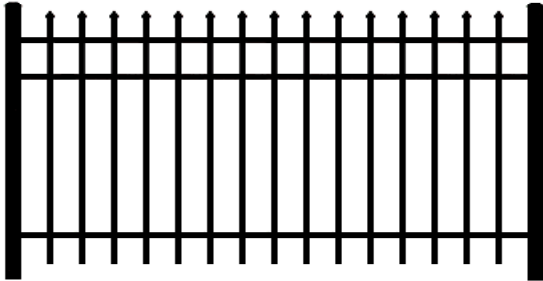
Sample of Approved Vinyl Privacy
Fence Design

Privacy fencing panels may also be used to construct a trash can screen to shield trash cans from view of street and adjacent lot. See Exhibit C for more information.

Privacy fencing panels may also be used as a privacy fence to surround the rear patio or deck, but may not extend more than five (5) feet beyond the patio or deck into the rear yard in such instances.

Aluminum. "Puppy Panels" shall only be allowed on the bottom third of a black aluminum fence. Samples of approved black aluminum fencing styles are shown below. Different manufacturers use various names for the fence styles shown below. Owners need to look at the picket and cross member locations to ensure that the styles match.

Samples of approved aluminum fencing styles:



Example of approved fence with 18" puppy panel

EXHIBIT B

Initial Restrictions and Rules

The following restrictions shall apply to all of Longleaf Estates until such time as they are amended, modified, repealed or limited pursuant to Article III of the Declaration.

1. General. The properties submitted to this Declaration shall be used only for residential, recreational, and related purposes consistent with this Declaration and any Supplemental Declaration. Such purposes may include, without limitation, an information center and/or a sales office for any real estate broker retained by Declarant to assist in the sale of property described in Exhibits "A" or "B," offices for any property manager retained by the Association, business offices for Declarant and the Association, and public facilities. The Rules and Restrictions shall not apply, and shall not operate as a bar, to any activities under taken by Declarant and any Builder authorized by Declarant during the Development and Sale Period; it being intended that Declarant and any such Builder are intended to have maximum flexibility to undertake such uses and actions in the Community as they reasonably desire in furtherance of development and buildout of the Community as a residential community with related amenities.

2. Restricted Activities. The following activities are prohibited within Longleaf Estates unless expressly authorized by, and then subject to such conditions as may be imposed by, the Board of Directors:

(a) Parking of commercial vehicles or equipment, mobile homes, all-terrain vehicles, recreational vehicles, golf carts, boats and other watercraft, trailers, stored vehicles or inoperable vehicles in places other than enclosed garages except temporarily during loading and unloading; provided, construction, service and delivery vehicles shall be exempt from this provision for such period of time as is reasonably necessary to provide service or to make a delivery to a Unit or the Common Area. For purposes of this provision, "commercial vehicles" shall be defined as trucks or vans with commercial writing on their exteriors or vehicles primarily used or designed for a commercial purpose, and vehicles with advertising signage attached or displayed on such vehicle's exterior, but shall not include passenger cars with identifying decals or painted lettering not exceeding a total area of one square foot in size or official vehicles owned by governmental or quasi-governmental bodies; and

(b) Raising, breeding or keeping animals, livestock, or poultry of any kind, except that a total of three (3) dogs, cats, or other usual and common household pets (3 total of any combination of the foregoing) may be permitted in a Unit; however, those pets which are permitted to roam free, or, in the sole discretion of the Board, make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to the occupants of other Units shall be removed upon request of the Board. If the pet owner fails to honor such request, the Board may remove the pet. Pets shall be kept on a leash or otherwise confined in a manner acceptable to the Board whenever outside the dwelling and in any event shall not be allowed on any Unit owned by any other Owner without the permission of said other Unit Owner. Pets shall be registered, licensed and inoculated as required by laws and owners of pets shall in any event comply with all Legal Requirements relating to pet ownership and control. Each Owner shall also be responsible for immediately cleaning up the feces of its animals both on its Unit and on the Community; and

(c) Any activity which emits foul or obnoxious odors outside the Unit or creates an unreasonable level of noise or other conditions which tend, in the Board's judgment, to unreasonably disturb the peace or threaten the safety of the occupants of other Units (this paragraph shall not preclude normal and customary use of power tools, lawn mowers, and other yard maintenance equipment); and

(d) Any activity which violates local, state or federal laws or regulations; however, the Board shall have no obligation to take enforcement action in the event of a violation; and

(e) Pursuit of hobbies or other activities which tend to cause an unclean, unhealthy or untidy condition to exist outside of enclosed structures on the Unit; and

(f) Any noxious or offensive activity which in the reasonable determination of the Board tends to cause embarrassment, discomfort, annoyance, or nuisance to persons using the Common Area or to the occupants of other Units; and

(g) Outside burning of trash, leaves, debris or other materials, except during the normal course of constructing a dwelling on a Unit; and

- (h) Use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device so as to be audible to occupants of other Units, except alarm devices used exclusively for security purposes; and
- (i) Use and discharge of firecrackers and other fireworks; and
- (j) Dumping grass clippings, leaves or other debris, petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch, stream, pond, or lake, or elsewhere within Longleaf Estates, except that fertilizers may be applied to landscaping on Units provided care is taken to minimize runoff; and
- (k) Accumulation of rubbish, trash, or garbage except between regular garbage pick ups, and then only in approved containers which must either be stored in an enclosed garage or in the rear yard of the Unit, screened from view of adjacent property in a manner approved pursuant to Article IV except on the day garbage is collected; and
- (l) Obstruction or rechanneling drainage flows after location and installation of drainage swales, storm sewers, or storm drains, except that Declarant, its designees, and the Association shall have such right, and Builders may alter drainage flow so long as the alteration does not adversely affect other Units; provided, the exercise of such right shall not materially diminish the value of or unreasonably interfere with the use of any Unit without the Owner's consent; and
- (m) Subdivision of a Unit into two or more Units, or changing the boundary lines of any Unit after a subdivision plat including such Unit has been approved and recorded, except that Declarant and Builders, with Declarant's written consent, shall be permitted to subdivide or replat Units which they own; and
- (n) Conversion of any garage to finished space for use as an apartment or other integral part of the living area on any Unit without prior approval pursuant to Article IV, or use of any garage for storage or other purposes which preclude its use for parking of that number of vehicles for which it was originally designed; and
- (o) Use of any Unit for operation of a timesharing, fraction-sharing, or similar program whereby the right to exclusive use of the Unit rotates among participants in the program on a fixed or floating time schedule over a period of years, except that Declarant and its assigns may operate such a program with respect to Units which it owns; and
- (p) Discharge of firearms (including, without limitation, guns, pellet guns, air rifles and BB guns) on any portion of the Community and carrying of firearms on any Common Area; provided, the Board shall have no obligation to take action to prevent or stop such discharge or carrying; and
- (q) On-site storage of gasoline, heating, or other fuels, except that a reasonable amount of fuel may be stored on each Unit for emergency purposes and operation of lawn mowers and similar tools or equipment, and the Association shall be permitted to store fuel for operation of maintenance vehicles, generators, and similar equipment. This provision shall not apply to any underground fuel tank authorized pursuant to Article IV; and
- (r) Any yard sale, garage sale, moving sale, rummage sale, or similar activity, except on such dates as the Board may designate for such activities to be conducted on a community-wide basis; and
- (s) Any business, trade, or similar activity, except that an Owner or occupant residing in a Unit may conduct business activities within the Unit so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Unit; (ii) the business activity conforms to all zoning requirements for Longleaf Estates; (iii) the business activity does not involve door-to-door solicitation of residents of Longleaf Estates, (iv) the business activity does not, in the Board's reasonable judgment, generate a level of vehicular or pedestrian traffic or a number of vehicles being parked in Longleaf Estates which is noticeably greater than that which is typical of Units in which no business activity is being conducted; and (v) the business activity is consistent with the residential character of Longleaf Estates and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of Longleaf Estates as may be determined in the sole discretion of the Board.

The terms "**business**" and "**trade**," as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time, (ii) such activity is intended to or does generate a profit, or (iii) a license is required.

Leasing of a Unit shall not be considered a business or trade within the meaning of this subsection, provided that no Owner or group of related or affiliated Owners (as the Board may determine) shall collectively lease or hold for lease more than one Unit at any time. This subsection shall not apply to any activity conducted by Declarant or a Builder approved by Declarant with respect to its development and sale of Longleaf Estates or its use of any Units which it owns within Longleaf Estates including the operation of a timeshare or similar program; and

(t) Any construction, erection, placement, or modification of any thing, permanently or temporarily, on the outside portions of the Unit, whether such portion is improved or unimproved, except in strict compliance with the provisions of Article IV of the Declaration. This shall include, without limitation, signs and flags (except as otherwise provided in Section 3.4(c) and Section 4.1), basketball hoops, swing sets and similar sports and play equipment; clotheslines; garbage cans; woodpiles; above-ground swimming pools; docks, piers and similar structures; and hedges, walls, or fences of any kind; dog houses, animal pens, and/or satellite dishes and antennas, except that:

(i) an antenna designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter; or

(ii) an antenna designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or

(iii) an antenna that is designed to receive television broadcast signals;

(collectively, "**Permitted Antennas**") shall be permitted on Units, subject to such reasonable requirements as to location and screening as may be set forth in the Architectural Guidelines, consistent with applicable law, in order to minimize obtrusiveness as viewed from streets and adjacent property. Declarant and/or the Association shall have the right, without obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna, cable, or other communication system for the benefit of all or a portion of Longleaf Estates, should any master system or systems be utilized by the Association and require such exterior apparatus.

3. Prohibited Conditions. The following shall be prohibited in Longleaf Estates:

(a) Plants, animals, devices or other things 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 Longleaf Estates; and

(b) Structures, equipment or other items on the exterior portions of a Unit which have become rusty, dilapidated or otherwise fallen into disrepair; and

(c) Sprinkler or irrigation systems or wells of any type which draw upon water from ground or surface waters within Longleaf Estates, except that Declarant, its designees, and the Association shall have the right to draw water from such sources; and

(d) Dog runs, dog houses and animal pens.

4. Leasing of Units. "**Leasing**," for purposes of this Paragraph, is defined as regular, exclusive occupancy of a Unit by any person, other than the Owner for which the Owner receives any consideration or benefit, including, but not limited to, a fee, service, gratuity, or emolument. All leases shall be in writing. Notice of any lease, together with such additional information as may be required by the Board, shall be given to the Board by the Unit Owner within 10 days of execution of the lease. The Owner must make available to the lessee copies of the Declaration, Bylaws, and the Restrictions and Rules.

EXHIBIT D

City of Raleigh Animal Control Ordinance (Relevant Excerpts)

Sec. 12-3008. - INOCULATION OF DOGS, CATS AND OTHER PETS.

(a) **Inoculation.**

It *shall* be unlawful for an *owner* to fail to provide current *inoculation against rabies* (hydrophobia) for any dog or cat four (4) *months* of age or older. A *rabies inoculation shall* be deemed current for a cat if the *inoculation* has been given within the *preceding* twelve (12) *months* . A *rabies inoculation shall* be deemed current for a dog if two (2) *inoculations* have been given one *year* apart and booster doses of rabies vaccine administered every three (3) *years* thereafter.

Sec. 12-3009. - ADEQUATE FEED, WATER AND SHELTER.

- (a) All dogs and cats *shall* be given adequate feed, adequate water and adequate shelter. Adequate shelter is defined as an enclosure of at least three (3) sides, a roof and a floor. The enclosure *shall* be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably.

Sec. 12-3011. - DOGS AT LARGE; DEFECATION ON STREETS AND PRIVATE PROPERTY.

- (a) It *shall* be unlawful for the *owner* of any dog to allow such *animal* to be *at large* in the *City* or on any *City* property.
- (b) It *shall* be unlawful for any *person* owning, harboring, keeping, or in charge of any dog to fail to remove feces deposited by the dog on any street, sidewalk, park or other publicly owned area.
- (c) It *shall* be unlawful for any *person* owning, harboring, keeping, or in charge of any dog to fail to remove feces deposited by the dog on any private *property* unless the *owner* of the *property* has given permission allowing such use of the *property* .

Sec. 12-3012. - CONFINEMENT OF FEMALE DOGS IN HEAT.

Every female dog, while in heat, *shall* be confined in a building or secure enclosure in such manner that she will not be in contact with another dog, nor create a nuisance by attracting other animals; provided, this section *shall* not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the *owner* of an animal being bred.

Sec. 12-3021. - PUBLIC NUISANCE ANIMALS.

(a) **Prohibited generally; exceptions.**

It *shall* be unlawful to own, keep, or harbor a *public nuisance animal* within the *City* . Provided, however, it *shall* not be unlawful to own or keep a dog of vicious tendencies for the protection of *persons* or *property* , if such dog is securely confined in a manner not to expose it to the general public. This exception for dogs of vicious tendencies does not extend to dogs which excessively make disturbing noises.

(b) **Complaint and notice.**

Upon receipt of a *written* detailed and signed complaint being made to the animal control division of the Police Department by any resident or residents that any *person* is maintaining a public nuisance as defined in §12-3004 of this chapter, the Chief of Police *shall* cause the *owner* of the animal or animals in question to be notified that a complaint has been received and *shall* cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating animal control *officer* .

(c) **Abatement.**

If the *written* findings of the investigating *officer* indicate that the complaint is justified, then the Chief of Police *shall* cause the *owner* or keeper of the animal or animals in question to be so notified *in writing* , by registered mail, return receipt requested, ordered to abate such nuisance within seven (7) days after notification, and issued a citation for the violation. In the event the *owner* of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals *shall* be published within a local newspaper.

(d) **Impoundment upon failure to abate.**

If any *person* receiving notice in the manner hereinabove described *shall* fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Police Chief *may* cause the animal or animals in question to be apprehended and impounded in accordance with the provisions of Article E of this chapter.

(e) **Right of appeal.**

Within the seven-day period mentioned in subsection (c) above, the *owner* of the *nuisance animal* *may* appeal the findings of the Chief of Police to the *City Manager* by giving *written* notice of appeal to the Chief of Police, the appeal to stay the abatement of the nuisance until a final determination by the *City Council* .

Sec. 12-3025. - ANIMAL BITE NOTIFICATION.

(a) **Bites Unlawful.**

It *shall* be unlawful for an animal to bite a human being who does not ordinarily reside on the premises of the animal unless the animal has been subject to *provocation* , or unless the victim was trespassing at or near the time of the bite.

(b) **Reporting Bite.**

It *shall* be unlawful for a *person* to fail to report to animal control as soon as possible that an animal has bitten a *person* . It *shall* be unlawful for any *person* to fail to inform the animal control division of the location to which an animal that has bitten a human being has been taken if the *owner* has given the animal away, or caused in any way the animal to be taken from the *owner's* premises.

Exhibit E

Raleigh Noise Ordinance

(Relevant Excerpts)

[Sec. 12-5007. - PROHIBITED NOISES.](#)

In addition to any other violations of this Code, the *following* acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing or *unnecessary noise*, the emission of which *shall* be unlawful. Such enumeration *shall* not be deemed to be exclusive:

- (a) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (b) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (c) The playing of any radio, phonograph, amplifier, television, tape deck, tape recorder, or musical instrument in such a manner or with such volume during the *nighttime hours* as to annoy or disturb the quiet, comfort or repose of any *person* or *persons* in any dwelling, hotel, motel or other type of *residence*.
- (d) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (e) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as warning of danger.
- (f) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (g) The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a.m. and 8:30 p.m., except by permit from the building inspector when, in his opinion, such work will not create objectionable noise; upon complaint *in writing* of the occupant of *property* near the location of the work, the building inspector *shall* immediately revoke the permit and the work *shall* be immediately discontinued. The building inspector *may* permit *emergency work* in the preservation of public health or safety at any time.
- (h) The creation of any excessive noise on any *street* adjacent to any school, institution of learning or court, while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital.
- (i) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening and destruction of bales, boxes, crates and containers.
- (j) The shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood.
- (k) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(l) The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the *nighttime hours*.

(m)) The firing or discharging of firearms in the *streets* or elsewhere for the purpose of making noise or disturbance, except by permit from the Police Department.

(n) The creation of excessive noise by the operation of an airplane over the *City* by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise.

(o) No *person shall* keep or maintain, or permit the keeping of, on any premise, owned, leased; occupied or controlled by such *person*, any animal or fowl otherwise permitted to be kept which, by habitual or frequent sound, cry, howling, barking, squawking, meowing or other noise, *shall* disturb the quiet, comfort or repose of any *person*.

(p) The operation on public *property* or on public vehicular areas of any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of fifty

(50) feet from the building, structure, or vehicle in which it is located is prohibited and is a violation of this section.

The provisions of this section *shall* apply neither in the secondary fire district as described in [§5- 2034](#) of this Code nor on publicly owned sanitary landfill property.

(Ord. No. 1977-580, §3, 7-5-77; Ord. No. 1980-508, §13, 10-21-80; Ord. No. 1999-538, §1, 4-6-99; Ord. No. 2005-785, §2, 3-1-05)

[Sec. 12-5008. - SOUND MAGNIFICATION.](#)

Except for parades and related activities, it *shall* be unlawful for any *person* to use or operate on or over any *street* within the *City* any radio, phonograph or other similar mechanical device to produce sound or any mechanical loudspeaker or other *sound-magnifying device* at a level of volume greater than fifty-five (55) dB(A). Any such operation *shall* be unlawful unless such loudspeaker or other mechanical *sound-magnifying device shall* be equipped with a meter by which the power output can be registered and determined, so that the volume *shall* be limited in accordance with the restrictions hereinbefore specified; and it *shall* be unlawful to operate any such equipment or device without a license from the *City* as provided by this Code. No such equipment or device *shall* be used or operated on the *streets* of the *City* during the period between sunset and 9:00 a.m. Further, no such equipment or device *shall* be operated to produce magnified sounds along that portion of any *street* within the block where there is located any school, institution of learning, or court, while the same are in session, or where any hospital, funeral home, undertaking establishment is located, or where a funeral is being conducted at any place. Further, no such equipment or device *shall* be operated on the *streets* of this *City* on Sunday.

Exhibit F

City of Raleigh Water Conservation Stages/Regulations

Under the City's [Water Shortage Response Plan \(WSRP\)](#), several water usage activities are targeted to conserve water supplies. The five Conservation Stages below lists many outdoor water uses and when they are allowed, adjusted or prohibited.

Triggers and Consumption Goals for Conservation Stages

Trigger points are used to define stages of drought response. The City of Raleigh’s triggers are based on remaining water supply at Falls Lake and seasonal water availability. The City of Raleigh’s reservoirs tend to be fullest during the spring months of April and May and at their lowest levels in the fall months of October, November, and December. Raleigh’s drought triggers and rescission triggers have been developed to take into account this seasonal water availability. Mandatory water conservation measures will be triggered at lower available water supply levels during our drier months and higher water supply levels during our wetter months. The charts below show the triggers for each of the drought stages and corresponding months. Corresponding chards of when the stages will be rescinded are also shown.

For example requirements associated with Stage 1 such as alternate day watering will be enacted if Falls Lake drops to 40% of its remaining water supply in January or to 65% of its remaining capacity in June. Stage one requirements will then be rescinded if the Falls Lake Water Supply returns to 60 % of its capacity in January or 85% in June.

Drought Triggers for Mandatory Conservation Stages (% of Water Supply Remaining)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Stage 1	40	50	65	85	75	65	55	50	45	40	35	35
Stage 2	30	35	45	60	55	45	45	40	35	30	30	30
Stage 3	25	25	30	35	35	30	30	25	25	25	25	25

Rescind Drought Stage Measures (% of Water Supply Remaining)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Stage 1	60	70	85	100	35	85	65	70	65	60	55	55

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Stage 2	50	55	65	80	75	65	65	60	55	50	50	50
Stage 3	45	45	50	55	55	50	45	45	45	45	45	45

Permanent Conservation Measures

Permanent Conservation Measures (PCM) are always in effect. Voluntary measures are always encouraged. PCM apply to City of Raleigh water customers located in: Raleigh, Garner, Knightdale, Rolesville, Wake Forest, Wendell, and Zebulon.

Outdoor watering and washing of all types is allowed. Irrigation of landscapes is recommended at a maximum of one inch per week

Mandatory requirements in effect for all stages:

1. ALL irrigation systems and water customers must operate in a manner to prevent water waste and the application onto impervious surfaces, such as streets; sidewalks; parking lots and driveways.
2. Restaurants to only serve potable water when requested by patrons.
3. Hotels to only change linens when requested by guests.

Stage 1

Water customers must abide by required water use reductions and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage is expected to continue.

Only the following activities are allowed during Stage 1:

- In-ground Irrigation Systems (auto and non)
Odd Addresses: Tuesday | Even Addresses: Wednesday | Times: 12am to 10 am
- Hose end sprinklers
Odd Addresses: Saturday | Even Addresses: Sunday | Times: 6-10 am & 6-10 pm
- Hand-held Watering
- Bucket Watering
- Drip Irrigation
- Athletic Field Irrigation
- Swimming Pools
- Car Washing

Irrigation of landscapes is recommended at a maximum of one-half inch per week.

The following is **Prohibited**:

- New Landscape Establishment Permit

Stage 2

An intense level of water use reduction and efficiency measures are required to avoid entering Stage 3. Penalties for noncompliance are much higher than the previous stage.

Only the following activities are allowed during Stage 2:

- Hand-held Watering
- Bucket Watering
- Drip Irrigation
- Athletic Field Irrigation
- Swimming Pools
- Car Washing

Irrigation of landscapes is limited to hand-held hose, bucket watering, athletic fields and drip irrigation.

The following are **Prohibited**:

- In-ground Irrigation Systems (auto and non)
- Hose end sprinklers
- New Landscape Establishment Permit

Stage 3

Water supply conditions are substantially diminished and the remaining supply must be allocated to preserve human health and environmental integrity.

Only the following activities are allowed during Stage 3:

- Swimming Pools - only topping off for sanitary purposes
- Car Washing - only Reclaimed Commercial car washes & some self service days
- Pressure Washing - only for sanitary, health exceptions or reclaimed waters

ALL Irrigation is eliminated

The following are **Prohibited**:

- In-ground Irrigation
- Systems (auto and non)
- Hand-held Watering
- Bucket Watering
- Drip Irrigation
- Athletic Field Irrigation
- New Landscape Establishment Permit

Best Management Practices

There are several things that water customers may do if they care to be more efficient with their water usage:

1. ALL residential water customers are requested to limit their consumption to 65 GPCPD; and abide by the BMPs listed in Appendix A of the Water Shortage Response Plan (WSRP).
2. Irrigation of landscapes is recommended to have a maximum of one inch per week.
3. All water customers are expected to monitor their water usage to determine the weekly irrigation volume.
4. Water plants deeply and less frequently to encourage root growth.
5. Identify and repair all water leaks.
6. Wash only full loads in washing machines and dishwashers.
7. Use spring-loaded nozzles on garden hoses.

8. Try to water lawns early in the morning versus the middle of the day when evaporation rates are high.

Conservation Stages Activity Overview				
Activity	PCM	Stage 1	Stage 2	Stage 3
In-ground Irrigation Systems (auto and non)	Allowed	Restricted	Prohibited	Prohibited
Hose-end Sprinklers	Allowed	Restricted	Prohibited	Prohibited
Hand-held Watering	Allowed	Allowed	Allowed	Prohibited
Bucket Watering	Allowed	Allowed	Allowed	Prohibited
Drip Irrigation	Allowed	Allowed	Allowed	Prohibited
Athletic Field Irrigation	Allowed	Allowed	Allowed	Prohibited
New Landscape Establishment Permit	N/A	Prohibited	Prohibited	Prohibited
Swimming Pools	Allowed	Allowed	Allowed	Restricted
Car Washing	Allowed	Allowed	Allowed	Restricted
Pressure Washing	Allowed	Allowed	Allowed	Restricted

**LONGLEAF ESTATES
ADDITIONAL TRASH SCREEN OPTIONS**

This is a “wood-look” resin enclosure that the Developer approved for use in the community. It can be placed flush against the side of the home and two 96 gallon bins stored inside.



https://www.amazon.com/Leisure-Season-Horizontal-Storage-Resistant/dp/B0044YG2D2?ref_=fscpl_pl_dp_10

These are two six foot tall and six foot wide red cedar fence panel options. You will need to purchase two panels and place one perpendicular to the front corner of home and place the second at a right angle to that panel to screen the bins from the street and adjacent lot.



<https://www.homedepot.com/p/Signature-Development-6-ft-H-x-6-ft-W-Western-Red-Cedar-Checker-Lattice-Top-Fence-Panel-Kit-6x6ChekrTopFKit/205918296>



<https://www.homedepot.com/p/Signature-Development-6-ft-H-x-6-ft-W-Western-Red-Cedar-Diagonal-Lattice-Top-Fence-Panel-Kit-6x6DiagTopFKit/205918314>



<https://www.wayfair.com/outdoor/pdp/suncast-4-ft-h-x-35-ft-w-privacy-screen-xa1624.html>

This vinyl option has metal stakes that can be pushed into the ground to stabilize the panels. You will need to purchase at least THREE (3) panels- one to place perpendicular to the front corner of home and TWO at a right angle to that panel to screen two 96 gallon containers from the side.