

**RIGGSBEE FARM HOMEOWNER'S ASSOCIATION**

**Architectural Standards & Construction Specifications**

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## **PURPOSE**

This document, the Architectural Standards & Construction Specifications (hereafter referred to as the "Standard"), includes the approval procedures and architectural design guidelines applied by the Riggsbee Farm Community Association's Board of Directors (hereafter referred to as the "Board"), the Board's Architectural Committee (also referred to as the "Committee"), the Property Management Company (hereafter referred to as the "PMC"), and the homeowners.

The primary purpose of this Standard is to provide a consistent and objective meeting ground between private interests and the broader interest of the Riggsbee Farm community. The standard will serve as a positive tool to assist each homeowner in the full and free use of their property, while preserving property values and maintaining a harmonious, nature-friendly community. It is also intended to be a dynamic document that allows for additions, changes, and deletions as the community grows and matures.

This Standard is established by Article VII, section 1 of the Declaration of Covenants, Conditions, and Restrictions of the Riggsbee Farm Community Association, Inc. recorded in Book 6750, Page 0154 of the Wake County Registry (hereafter referred to as the "Declaration").

## **APPROVAL PROCESS**

All exterior changes defined in the Declaration and this Standard require Architectural Committee approval on any private property in the Riggsbee Farm community as per the Declaration (Article VI, section 1). Also per the Declaration (Article VI, section 1), the Architectural Committee is comprised of 3 or more representatives. Volunteers are accepted at the annual Riggsbee Farm Homeowners' Association meeting for the Committee.

The Committee meets once per month, usually on the first Sunday of the month (Homeowners need to contact the PMC for current date, time, and location). The primary purpose during meetings is to review all Applications for Architecture Review (also referred to as the Applications) which were received by the PMC during the previous month. The Committee also attends to other relevant business, such as revising this document and reporting on current and follow-up site inspections.

Homeowners are invited to meet individually with the Architectural Committee.

Homeowners may discuss with the Committee (1) help assure themselves that the Committee fully understands their Application, and (2) to offer their comments on any modifications currently underway in the Riggsbee Farm community. To meet with the Architectural Committee, please call the PMC to set up a meeting.

The Application, Review, Appeal, and Violation & Correction Procedures that the Board, Architectural Committee, the PMC, and homeowners are to follow are outlined below.

### ***Application Procedure***

Homeowners are to complete the Application for Architecture Review (Appendix A). Please include as much information as possible with the Application. It will help expedite the review process. Listed below are items and details that must be included (original or copy is acceptable):

- Sketch and/or plan
- Any relevant documents
- Outlines
- Building specifications
- Materials Used
- Size, including height and width
- Color, including a swatch or sample
- Location relative to house and lot boundaries

The Architectural Committee encourages the homeowners to discuss proposed changes with their neighbors who may be able to offer valuable input.

Homeowners are to mail, fax, or deliver the Application for Architecture Review to the PMC at the address shown on the Application. The PMC will return all incomplete Applications without consideration, causing a delay. The PMC will mail a notice of receipt of a completed Application to the homeowner within seven (7) working days. If a homeowner does not receive

a receipt, it is the responsibility of the homeowner to contact the PMC, as their Application may have been lost in the mail.

### ***Review Procedure***

During the Architectural Committee's consideration of an Application, Committee members and/or a consulting architect may visit the site and talk to the homeowner and/or their neighbors depending upon the type of change requested.

The Architectural Committee will consider an Application, including any data or comments received from neighbors and/or the consulting architect with strict application of the Declaration and this Standard, in the context of the review criteria on the following pages. After discussion of an Application, the Architectural Committee will render a decision based on a majority vote to: 1) return an incomplete Application if the PMC did not do so already, 2) request additional information, 3) approve conditionally, 4) deny, or 5) approve the Application as submitted.

The Architectural Committee will note in writing on each Application the reason or reasons for conditional approvals or denials. Conditional approval means that work may proceed as contained in the application so long as the condition imposed by the Committee is or will be met. The Committee will record its action and the notification to the homeowner by placing copies of the executed Application and/or letters in the Architectural Committee's archives. Duplicate copies of all records will be forwarded to the PMC. The PMC will send the homeowner a letter stating the Committee's decision along with a copy of the Application within 45 days from receipt as per the Declaration (Article VI, section 1). If the homeowner does not hear from the PMC within 45 days, please contact the PMC to determine the status of the application.

If the Architectural Committee fails to render a decision on an Application within 45 days after receipt, then approval will not be required and Article VI of the Declaration will be considered to have been waived.

Do not apply for a building permit, purchase materials, or commit to any contractor in anticipation of approval by the Architectural Committee. Homeowners must wait until they have received written Application approval prior to purchasing or committing to such work.

The Architectural Committee, Board, and the PMC reserve the right to inspect projects at any time during the term of the project execution to assure compliance with the intent of the original Architectural Committee's approval.

Many changes to a homeowner's property may require the approval of the Town of Cary and certain permits may be required. It is the homeowner's responsibility to contact the Town of Cary to determine whether such permits or approvals are required. At any time, if the zoning codes of the town of Cary are more restrictive they will supersede these Standards and/or the Declaration. All Applications are approved with the implicit condition that the homeowner or their contractor obtains any and all permits required by the town of Cary. If such permits are not obtained, the Application will be considered not to have been approved. The Association

will not be held in any way liable for fines, damages or injuries incurred by failure to obtain such permits as required by law.

## **Review Criteria**

Below is the review criteria applied to all Applications for Architecture Review:

### **Landscape and Environment**

The exterior change must not unnecessarily destroy or blight the natural or the achieved man-made environment.

### **Relationship of Structures and Adjoining Property**

The proposed change should relate harmoniously to its surroundings and to existing buildings and terrain that have a visual relationship to the change.

### **Protection of Neighbors**

The interests of neighboring owners must be protected by making provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have substantial effects on neighboring property.

### **Design Compatibility**

The proposed change must be compatible with the design characteristics of the homeowner's home and the general neighborhood setting. Compatibility is defined, in part, as harmony in style, materials, color, scale, and workmanship.

**A. Style, Materials & Color** - Continuity is established by use of the same or compatible style, materials and color as are used in the existing home and the Riggsbee Farm community.

**B. Scale** - The three-dimensional size of the proposed change must relate satisfactorily to and be harmonious with adjacent structures and their surroundings.

**C. Workmanship** - The quality of work must be equal to or better than that of any existing structures. Poor practices may cause the owner problems and may be visually objectionable to others.

### **Timeliness**

A property change may be built or installed either by owners or by a contractor. However, projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All Application changes are to be completed within 60 days from the listed construction start date unless the Application states otherwise. If the proposed time period is considered unreasonable, the Architectural Committee may deny the Application, or approve the Application on the condition that the work be completed by a certain date.

## ***Appeal Procedure***

If a homeowner wishes to appeal a decision of the Architectural Committee to the Board, the following appeal process is to be followed:

1. The homeowner must file a written appeal with the Board of Directors within fifteen (15) calendar days after written receipt of the Architectural Committee's decision and
2. Upon receipt of such a timely written appeal, the Board will establish the date and time the appeal will be heard, normally at the next scheduled Board meeting. A reverse decision will require a majority vote of the Board. Following review of the appeal, the homeowner will be notified of the Board's decision in writing within seven (7) days.

Compliance with the Board's decision is required. If the homeowner's appeal has been denied, they have the right to submit a request for an Architectural Standards and Construction Specifications change.

## ***Violation & Correction Procedure***

As stated before, any exterior change made prior to or without the required approval of the Architectural Committee or the Board on appeal constitutes a violation of the Declaration (Article VI, section 1). The Board, Architectural Committee, and the PMC may inspect the community in general to identify apparent and flagrant violations. Additionally, all homeowners have the responsibility to notify the PMC of apparent violations of any provisions of these Standards or the Declaration. Reports of violations may be anonymous. The PMC will investigate each reported violation and request that the homeowner bring his/her property into compliance.

The process below will be followed to correct a violation:

If the violation is due to an Application never having been submitted, a letter from the PMC will be sent to the homeowner requesting an Application be submitted immediately.

If the homeowner continues to not submit an Application, or if an Application has already been submitted and denied and denied on appeal, an assessment will be subjected upon the homeowner until they are in compliance. The amount of the fines and schedules for the assessment will be set by the Board as per the North Carolina Planned Community Act (G.S. & 47E-3-102). Factors involved in determining the amount and schedule may include, but are not limited to (1) the severity of the violation, (2) the degree of difficulty in correcting the violation, and (3) whether the homeowner has had previous violations.

If the violation is due to the homeowner not executing the proposed change as stated in the Application, a letter from the PMC will be sent to the homeowner. It will request the homeowner to rectify their noncompliance immediately or to submit a new Application for Architectural Review that correctly outlines the proposed change. If the homeowner does not submit a new Application and continues to be in violation, then the Board will subject an assessment upon the homeowner as described above.

If the homeowner continues to be in noncompliance, the Board may assess a fine onto the homeowner due to damages resulting from the removal or modification of the violation so that



it is brought into compliance. Continued noncompliance may result in the Board filing legal action against the homeowner.

Homeowners are responsible for following the above procedures if they rent to tenants. The Violation & Correction Procedure will be applied to the homeowner, not the tenant, in the case of any violations.

## **STANDARDS CHANGE PROCESS**

There will be occasions where this Standard is not acceptable to a homeowner, the Architectural Committee, or the Board. The following describes the process for any additions, deletions, or modifications to this Standard:

### ***Homeowner***

Homeowners are to mail, fax, or deliver in writing a detailed description of the addition, deletion, or modification being requested to the PMC. The homeowner should include the reasoning behind the change, and how it conforms to the Declaration and the Review Criteria listed in this Standard. The PMC will mail a notice of receipt to the homeowner within seven (7) working days. If a homeowner does not receive a receipt, it is the responsibility of the homeowner to contact the PMC, as it may have been lost in the mail.

The Architectural Committee will review the Change Request at their next monthly meeting and render a decision of either to recommend or not to recommend it.

The Committee will then send the Change Request along with their recommendation to the Board. The Board will establish the date and time the Change Request will be reviewed, normally at the next scheduled Board meeting. Any decision to change this Standard requires a majority vote of the Board. Following the review, the Board will send a response to the homeowner with their decision to either update the Standard or not.

If a change has been approved, the Architectural Committee will distribute an updated copy of the Standard to each homeowner.

### ***The Architectural Committee***

The Architectural Committee will submit in writing a detailed description of the change they are requesting to the Board. The Board will follow the above procedure for reviewing the Change Request.

### ***The Board***

The Board has the authority to change this Standard, given a majority vote, at any time.

If the board feels it is necessary to have a homeowners' vote on any change to the Architectural Standards, they will arrange to have it at the annual Homeowners' Association meeting. The board is responsible for setting the agenda of the annual meeting and determining what, if any, modifications to the Architectural Standards need to be discussed and voted on at that meeting.

## **DESIGN GUIDELINES**

This section of the standards provides specific guidance regarding particular design situations frequently encountered in Riggsbee Farm. Generally acceptable methods for achieving the required objectives and standards are indicated below. They are suggested methods rather than mandatory methods. Additionally, design methods that are generally not acceptable are also noted.

### **1 Repairs, Construction**

Homeowners are responsible for repairs to existing structures, additions, etc. No application to affect repairs and restoration to original condition is required. The owner of a lot must repair damage to his residence and reconstruct improvements within six (6) months after such damage or destruction occurs, in the event that any residence or structure on any lot is destroyed or partially destroyed by fire, Act of God, or as a result of any other act or thing. Damaged structures not part of or attached to the residence constructed on such lot may be completely removed and the area landscaped on which the structure stood, or repaired or reconstructed by the owner.

Each owner shall keep his lot in an orderly condition and shall keep the improvements thereon in a suitable state of repair. All construction, landscaping or other work which has been commenced on any lot shall be continued with reasonable diligence to completion within the time approved by the Committee and no partially completed house or other improvement shall be permitted to exist on any Lot, except during such reasonable time period as is necessary for completion. The owner shall at all times keep contiguous public streets and the lot free from any dirt, mud, garbage, trash or other debris resulting from any such construction on his Lot.

### **2 Maintenance**

#### **Landscape**

The owner of each lot shall maintain at all times the grounds and improvements situated on their lot, including but not limited to, plantings, landscaping and lawns, in a neat and attractive manner satisfactory to the Board. The Board will distribute a letter to homeowners who they feel are not maintaining their landscape in a satisfactory manner. Upon an owner's failure to comply with the Board's request, the Declaration allows the Board to have the grass, weeds, shrubs, and vegetation cut, edge the sidewalks, have dead trees, shrubs and plants removed and replaced, and may have any portion of the lot sodded, seeded, or landscaped.

#### **Home Appearance**

It is incumbent upon the Homeowner/Tenant to maintain their home in good repair. Proper attention to paint, caulk, flashing, mortar, and other surface maintenance is required. Visible structure and other accessories that are part of the property must be maintained as

recommended by the manufacturers. Upon an owner's failure to maintain the exterior of any structure, including the roof, in good repair and appearance, the Association may make repairs and improve the appearance of such structure in a reasonable and workmanlike manner.

For any maintenance costs that are incurred by the Association shall constitute an assessment against the lot and the personal obligation of such owner, collectable in a lump sum, and secured by a lien against the lot.

### **3 Replacement Windows**

Replacement windows must be submitted for approval. The trim must be a neutral color and match the trim color of the residence.

### **4 Storm Doors and Windows**

All storm doors and windows must be submitted for approval. Whether wood, aluminum, vinyl, or other high quality material, it must match the color of the residence or be stained to match a stained wooden entrance door.

### **5 Roofs**

All roof replacement must be submitted for approval. It must be consistent and harmonious in color, material type, and style standards as set by the original builder.

### **6 Exterior Lighting**

All exterior lighting added which is not attached to your structure must be submitted for approval. All bulbs must be white or yellow. No mercury vapor lights are allowed.

Permanent walkway/entrance lighting on a post is allowed. The post should not exceed six feet in height to the base of the light fixture and shall be wood or metal painted black, white, or to match the house trim. The lamp should be similar to or match the existing house exterior lights.

### **7 Buffer Screening**

All buffer screening must be submitted for approval. Buffer screening, including without limitation vegetative screening, shall be used only as a means to visually screen and obstruct required objects. Screening devices do not eliminate the need to park all vehicles on an approved parking pad as outlined in the Declaration. Vegetative screening must follow the opening requirements defined in the Fences section.

All buffer screening that would fall on a public easement, right of way, or utility easement may require a Town of Cary permit. No buffer screening should be planted in such a way that at maturity the plants will in any way obstruct the view of any street or intersection traffic.

The buffer area must be located between the public view and the object. If another street is directly adjacent to the property line, the object will require additional screening so that at least 50 percent of the total surface area is obstructed from the street or adjoining streets. Buffer screening may only occur on the rear or side portion of a lot.

Vegetative screening shall provide coverage at maturity of at least 50 percent of the total surface area of the object to be screened from view. Plant material shall be planted so that no openings greater than 4 feet in diameter exist upon the plant's maturity. A minimum height for newly planted material is 3 feet.

## **8 Trash**

Trashcans cannot be located in the front of the house. The Town of Cary will collect trash sitting outside garage doors. Items too large to be placed in containers must be placed at curbside the night before pick-up. Property must be kept free of unsightly trash except on pick-up days. Trash containers should be removed from visible sight within 24 hours.

## **9 Recreational and Commercial Vehicles**

Recreational vehicles (boat, boat trailer, camper, or utility trailer) may not be parked outside of the garage for storage. Recreational vehicles shall not be parked in the driveway longer than 24 hours. If additional parking is needed, homeowners can park these items at the pool lot for a maximum of 7 days only with Property Management approval.

Any commercially licensed vehicle must be registered to a business offsite of residence. A post office box number is not a valid offsite business address. To the extent the Code of the Town of Cary is more restrictive than the Declaration with regard to parking of vehicles, the Code will control.

## **10 Satellite/Antennae Receivers**

The Architectural Committee as stated in the Declaration (Article VI, Section 9) must approve Satellite dishes and discs. Any satellite dish or disc that is 18" or less in diameter or any antenna that is designed to receive television broadcast signals is permitted without application and approval of the Committee so long as:

- (i) the dish, disc or antenna is located on the rear part of the lot and is not clearly and readily visible from any street or any neighboring lots, provided that such a location does not preclude the reception of an acceptable quality signal, or is located anywhere on the lot but is reasonably and adequately screened to prevent visibility from any street or any neighboring lots; and
- (ii) The lot owner registers the disc or dish in writing with the PMC, stating the owner's name and address, the name, type, height, diameter, and sketch of the lot and dwelling showing the existing location.
- (iii) The dish is placed above the ground, attached to either a tree or the house, out of reach of children and pets.
- (iv) All exterior wiring must be painted to match the mounting surface.

Any satellite dish or disc that is greater than 18” in diameter or any antenna that is designed to receive any signal other than television broadcast signals is not permitted on the Properties. In accordance with the FCC’s Telecommunication Act of 1996, section 207, if signals can not be obtained within the locations given, the homeowner can submit a letter from a certified installer stating the reason for a particular location and exceptions will be granted accordingly. If a disc or dish is visible from a street, proper screening devices, as approved by the Architectural Committee, will be required as per subsection 6 Buffer Screening of this Standard.

Cary’s Unified Development Ordinance (13.1.3) requires that a satellite dish not be located in the front yard or on the street side of a corner lot without first obtaining a special use permit. The dish must be at least 10 feet from any property line. No more than 30% of the dish may be visible from any public road.

### **11 Clotheslines**

Clotheslines are not permitted as per the Declaration (Article VII, Section 2a).

### **12 Doghouses**

All doghouses must be submitted for approval. Doghouses need to be built similar to the home in order to compliment and be harmonious with the home. Doghouses should be placed so as to be minimally visible from all neighbors. Where a view is possible, vegetation should be added to minimize the impact. Doghouses must be no larger than 12 square and must be finished (siding and roof shingles) to match the house (excluding brick). A doghouse must be located at least 10 feet from a neighbor's property line, behind the house and positioned to provide minimal visibility from any street. It must be properly maintained, kept in good repair, and free from materials that may create unpleasant odors. Limit one (1) dog house per lot. Dog runs are not allowed. In accordance with the Town of Cary Ordinance, 13.1.5, no kennel or dog breeding operation is allowed.

Cary Ordinances 4.17 – 4.23 dictate the following pet procedures:

4.17 No more than 2 dogs per lot.

4.18, 4.20, 4.23 A pet license and rabies inoculation must be obtained for each pet.

4.19, 4.24 No owner or keeper of any dog or cat shall permit it to run at large.

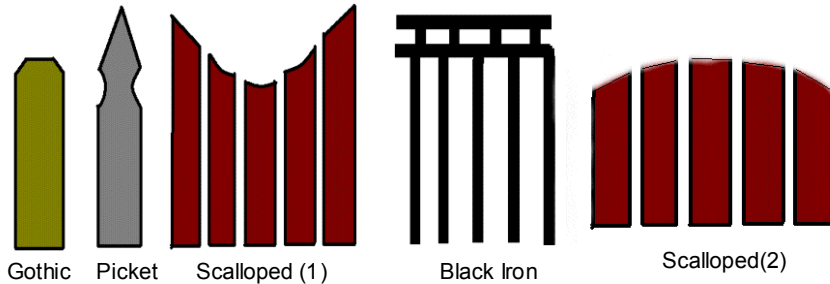
4.21 Any dog running at large or habitually barking, howling or whining is considered a public nuisance. Once Cary has declared the animal a public nuisance, the owner has 48 hours to correct the problem or the animal will be removed from the premises.

### **13 Fences**

All fences must be submitted for approval. All fences must meet the requirement of the zoning ordinances of the Town of Cary. The maximum height of fences is 4 feet. The fence must start on the back of the house and extend out to six (6) inches from the property line in a fashion parallel to the road in front of the house. Fences cannot extend into the front set back, i.e., corner lots. Aside for exceptions that will be made for corner lots and lots with drainage easements, all fences must completely enclose the backyard. Fences should tie into existing neighboring fences where possible so as not to create alleyways between the fences. The

finished side must face the lot perimeter. One gate is required at the front side. A one (1) inch minimum spacing is required between the boards. Fences must be finished in a natural (neutral wood tone) stain, sealed, or painted the trim color to match the house. If the fence is not being sealed with a clear coat, a color sample must be submitted for approval. The ground vegetation on both sides of a fence has to be maintained by the fence owner.

Five fence styles are allowed (as shown below):



Fences adjacent to streets, (i.e., Davis Drive) must be located a minimum two (2) feet within the property line (Cary’s Unified Development Ordinance 13.1.10). Shrubbery must be planted within the two-foot gap. An invisible, underground fence may be installed along the two-foot gap and back fence for purpose of a dog restraint. If a board fence is erected along the two-foot line it may be no higher than the easement fence. If a higher fence is requested, it will be at the discretion of the Architectural Committee.

#### **14 Decks, Extensions, and Awnings**

All decks, extensions, and screened decks must be submitted for approval. In accordance with the Town of Cary, all decks, new, extensions, or screened, require a permit and must meet the North Carolina building codes. Permits must be obtained prior to construction. All decks must be to the rear of the house and should not extend past the side of the house. Decks should be stained or sealed in neutral colors to blend in with the natural surroundings of the home. If the deck color will be different than the trim color of the house, or is not a neutral color, the color must be submitted for approval from the Architectural Committee.

All awnings and other permanent deck covering structures must be submitted for approval.

In accordance with Cary’s Unified Development Ordinance, 11.1.3, Required Yards; Allowable Encroachments into Required Yards, bay windows, covered porches, balconies, decks and uncovered porches must be at least 17 feet from the rear property line.

Patios, terraces, and any features constructed at grade level and decks and uncovered porches in existence prior to August 13, 1998 must be at least 5 feet from any property line (Cary’s Unified Development Ordinance, 11.1.3).

Gazebos are considered accessory buildings and as such must conform to Cary’s Unified Development Ordinance, 13.1.1 General Standards and Limitations. As an accessory building, a gazebo must not be located in the front yard. For corner lots, gazebos can not be located on

the roadside of the house. Gazebos must also be located at least 5 feet from the property line. If a gazebo is within 5 feet of the house, it is considered part of the house and must be located entirely within the building envelope.

### **15 Room Additions**

Any room addition must be submitted for approval. The Committee requires an application with drawings and specifications, as well as a copy of the plot plan for the lot. Note that there are Town of Cary permits required for any room additions.

### **16 Carports**

Carports are not allowed.

### **17 Grading**

Major changes to the topography of a lot, which could include landscaping, must be submitted for approval. Any topography changes could significantly alter the drainage pattern of a neighborhood increasing the danger of flooding. Such changes in topography could effect whole neighborhoods. Neither the Riggsbee Farm Community Association nor the Architectural Committee accepts any liability for any damage caused by such changes in grade or topography, whether approved or not. The homeowner must obtain approval for grading changes from the Town of Cary planning agencies, as required by law.

At no time is a Homeowner allowed to grade or change any easement, right of way, or utility easement without prior approval from the Town of Cary.

At no time is a Homeowner allowed to grade, plant, or dump any yard waste or trash in any Riggsbee Farm common area.

### **18 Plants/Gardens/lawns**

Architectural Committee approval is not required for most minor plantings or landscaping treatments that are biodegradable. Caution should be exercised while digging deep holes so as not to cut into any electric cable, etc. It is suggested that, before digging, homeowners contact the appropriate utility company requesting the company to locate their lines.

Vegetable gardens, which include fruit and herb plantings, must be kept at the rear of the yard or if the rear of the yard is not possible, another location can be used but it should be chosen such as to minimize its exposure. Vegetable gardens can not be located in the front yard. The garden should be screened and cared for so that it is not unsightly from any neighbor's house. Hedges that act as fences must meet the same requirements as fences. All lawn area not sodded by the builder must be established and maintained within one (1) year of closing. This may be accomplished with sod, seed, or mulched natural areas. Also refer to the Maintenance section.



In accordance with Cary's Unified Development Ordinance, section 11.1.7, visibility of 300 feet must be maintained at intersections and 150 feet along roadways. Vegetation blocking this visibility will be required to be pruned or removed.

## **19 Decorative Landscaping**

Decorative landscaping may include, but is not limited to, structures such as arbors or some form of property boundary markers. All such structures must be submitted to the AC for approval, and must follow the same guidelines as fences. Arbors must have a maximum height of 9 feet. An individual side of a boundary marker must not exceed 16 feet.

## **20 Paths and Walkways**

Any path or walkway that will intersect a sidewalk or curb must be submitted for approval. Any path or walkways leading from the house to the front curb/sidewalk requires a permit from the Town of Cary (Cary Code of Ordinances, 17-91c)

## **21 Play Equipment**

All play equipment must be submitted for approval for location. All play equipment shall be located in the rear of the house, not on side or front lawn areas and minimally visible by any street. If there is not an adequate space behind house, other areas may be acceptable if proper screening is provided.

No single unit's footprint shall exceed 300 square feet. The height maximum shall be 15 feet. All play equipment must meet Town of Cary easements. Smaller play equipment must be stored overnight or when not in use either at the back of the house or in the garage. All play equipment must be well maintained. Play equipment must be set five (5) feet from property line as per Cary's Unified Development Ordinance, 13.1.1 General Standards and Limitations.

## **22 Shed/Storage building**

Detached, freestanding storage sheds are discouraged. However, if a homeowner wishes to have additional storage the following minimum criteria must be met:

The siding must have the same color and composition as the house (excluding brick, the roof must have the same pitch, same materials, and same color as the house, and the shed must have a suitably constructed floor system and/or foundation. The size is not to exceed 8x10 feet (80 square feet total) and 10 feet in height. Placement of a detached shed must be to the rear of the house and not in the side yard areas that are highly visible from the street. It must also be located a minimum of 10 feet from the property lines (side and rear). Suitable landscaping is required around the detached shed.

Newer style hard plastic sheds (i.e. Rubbermaid) will be allowed if not seen from the street and are tucked up against the house.

## **23 Signs**

No sign of any kind shall be displayed on any lot except one (1) "for sale" sign, "for rent" sign, or sign expressing support of or opposition to political candidates. It must not be more than six (6) square feet in size. Political signs shall not be placed on a lot earlier than sixty (60) days before the election and shall be removed within two (2) days after the election is held. Commercial / Business Advertisement signs of any kind are not allowed as per the Declaration (Article VII, Section 2c).

Signs are not to be placed on any public easements or right of way at any time and are subject to a fine from the Town of Cary. "Talking for Sale" signs in addition to a regular for sale requires a permit from the Town of Cary. Signs on common property or public right of ways, i.e., Davis Drive require approval from the Town of Cary.

## **24 Mailboxes**

All mailboxes and mailbox posts as initially installed by the builder shall be the standard for the neighborhood. Any replacement of post or box must be exactly as the original placed by the developer. Mailbox posts must be maintained, i.e. painted on a regular basis.

## **25 Businesses**

All in home businesses of any kind require submission of the Town of Cary Home Occupations form and a Privilege License. All home businesses must conform to the Town of Cary's Ordinance 13.1.2, Home Occupations. No commercial or business signs of any kind may be posted on any property.

## **26 Noise and Nuisances**

The Town of Cary has a noise and nuisance ordinance, any violation of which also constitutes a violation as per the Declaration (Article VII, Section 5). If several complaints from surrounding homeowners concerning loud and objectionable noise are received, the Homeowner in question may be fined under the Assessment section discussed under the Correction Procedures section.

## **27 Swimming pools**

No above ground swimming pools above 1 foot in height are permitted as per the Declaration (Article VI, Section 10). No in ground swimming pools are allowed except upon approval on the Architectural Committee. Baby pools are permitted as long as they are drained or covered on a nightly basis.

## **28 Painting**

Changing the exterior color of a home is not a process to be taken lightly. Any change in the exterior paint color scheme of a house must be submitted for approval in order to keep the architectural integrity of the neighborhood. Changes in original exterior paint colors cannot

be identical to that of the neighboring houses. Color changes made without specific written approval of the HOA are at the homeowner's risk and homeowners can be and have been fined and/or required to repaint houses.

Homeowners requesting to change any color of their house (base color, trim, shutters, etc.) are required to paint a poster board size sample (22"x28" or larger) of the new colors (1 poster board for each color change) and schedule a meeting with the Architectural Review Committee (ARC) to see the new colors up against the existing or to see how the colors mesh together if there are multiple color changes. This meeting must take place before the ARC can approve the color change. Reasonably priced sample sizes of paint are available at paint stores or hardware stores so it is not necessary to purchase full cans of paint to complete the sample boards.

Color change requests must be specific and well-marked to show which color is for siding, which is for shutters, etc. and must be specific as to where the colors will be applied on the house.

In addition to the required poster board review, homeowners are strongly encouraged to submit a photo of their house with the proposed colors as generated by a website like Sherwin Williams Color Visualizer or Benjamin Moore Personal Color Viewer. This will help the ARC to understand the changes being requested and be able to make decisions more quickly than with small online paint chips.

The ARC is not authorized to make color selections on behalf of the homeowner. The homeowner may submit one proposed color scheme (siding, shutters, trim, etc.) per request, which the ARC will either approve or disapprove. The ARC will automatically reject all applications where the homeowner has requested them to select colors from multiple options.

## **29 Lawn Ornaments**

All lawn ornaments must be submitted for approval. All lawn decorations (i.e. figurines, statues) located in the front and side yards will be permitted if:

- (i) they do not detract from the appearance of the neighborhood,
- (ii) they do not exceed 24 inches in height and are placed on the natural areas (not to include live growing entities).

This does not include holiday decorations. Fountains and/or water ponds/gardens will not be permitted in the front or side yards. Birdhouses are to be considered lawn ornaments.

## **30 On-Street Parking**

On-street parking is discouraged for the safety of the neighborhood children as well as the aesthetic appeal of the neighborhood.

The Town of Cary imposing the following parking restrictions (Town of Cary Ordinance's 12-89). Violations should be reported directly to the Town of Cary Police Department.

No person shall park a vehicle in any of the following places:

- (1) On the sidewalk.
- (2) Within an intersection or in front of a private driveway.

- (3) On a crosswalk.
- (4) Within thirty (30) feet of any stop sign.
- (5) Within fifteen (15) feet in either direction of a fire hydrant.
- (6) Within twenty-five (25) feet from the intersection of curb lines or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of streets.
- (7) Within fifteen (15) feet in either direction of a mailbox between the hours of 9:00 a.m. and 5:00 p.m. every day except Sundays and federal holidays.
- (8) In a manner so as to obstruct a curb ramp.

### **31 Basketball Goals**

Basketball goals must be placed at the rear third of the driveway or behind the house and not located on curb areas or so that the playing area is in the street. It must be mounted on a single black pole manufactured for basketball goals. Backboard color must be white, gray, or clear and weather resistant. Limited to one per house. All goals in front of the house must be portable goals.

### **32 Flags and Banners**

Yard flagpoles are not permitted with exception of the model homes for temporary installation. Two permanent flag/banners are allowed per lot, each not to exceed 48". Approval is not required.

### **33 Retaining walls**

Any retaining wall exceeding 18" high must be submitted for approval (including proposed materials and location). All retaining walls must meet Town of Cary easements.

### **34 Bridges**

All bridges must be submitted for approval. All bridges must meet Town of Cary easements. The bridge must be located behind houses and not visible from the front of the house. Bridges must be stained, sealed or painted (color to match the trim of the house). If a bridge is not stained or sealed, it must be properly maintained when weathering begins.

### **35 Trampolines**

All trampolines, regardless of size, must be submitted for approval and location. All trampolines must be located behind the house and not visible from the street. Trampolines that will be permanently installed will be required to have vegetative screening from all neighbors.

### **36 Woodpiles**

Woodpiles should be neatly stacked at the rear of the house. Rotten wood should be removed. If the wood is covered, the tarp should be a natural tone.

### **37 Above-ground Tanks**

No exposed aboveground tanks will be permitted for the storage of fuel or water or any other substance as per the Declaration (Article VII, Section 2e).

### **38 Hobbies and Activities**

The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles, which might tend to cause disorderly, unsightly or unkept conditions, shall not be pursued or undertaken on any part of any lot at locations where they can be viewed from another lot (as per the Declaration, Article VII, Section 3).

### **39 Special Considerations for Lots that Border Davis Drive, Riggsbee Farm Entranceway, and Common Areas**

It is the general intent of the AC and Board to discourage lots from disrupting the natural open feeling and continuous flow of the landscape of the Riggsbee Farm Community. The physical definition of individual lots detracts from this. Therefore, lots that are highly visible by fellow neighbors and the outside public must also follow these guidelines:

Davis Drive

(Lots #213, 214, 215, 9, 10, 11, 12)

Riggsbee Farm Entranceway

(Lots #9, 8, 7, 1, 2, 32, 33, 34, 35, 36, 37, 223, 222)

These lots are restricted from removing the berm, any landscaping and permanent structures that the Association has put in, including the fence. All of these items were installed for privacy, security, noise reduction, and the overall beauty of the neighborhood. In addition to all items listed in the previous sections, any and all additions and/or changes, including landscaping, to be done on the property that borders Davis drive or the Riggsbee Farm entranceway must be submitted for approval.

Pond, Gazebo, and Pathway

(Lots #27, 103, 102, 101, 100, 99, 98, 97, 72, 71, 69, 68, 67, 66, 65, 64, 63, 62)

The purpose of the pond, gazebo area, and pathway is for all homeowners in the Riggsbee Farm community to view and enjoy a continuous, open feeling with nature. The Board and AC discourage the use of any fences on these properties, as they are a disruption to the natural, continuous environment. If one does want man-made structures, suitable vegetation and landscaping is required to minimize the harsh view. In addition to all items listed in the previous sections, any and all additions and/or changes, including landscaping, to be done on the property that borders the pond, gazebo area, and pathway must be submitted for approval.

## 40 Solar Panels

All applications for solar collector installation will be considered on a case-by-case basis.

Solar collectors may be installed only after approval of the ARC. Applications must include the type of solar collector, a photo of the solar collector, and a drawing detailing the proposed location.

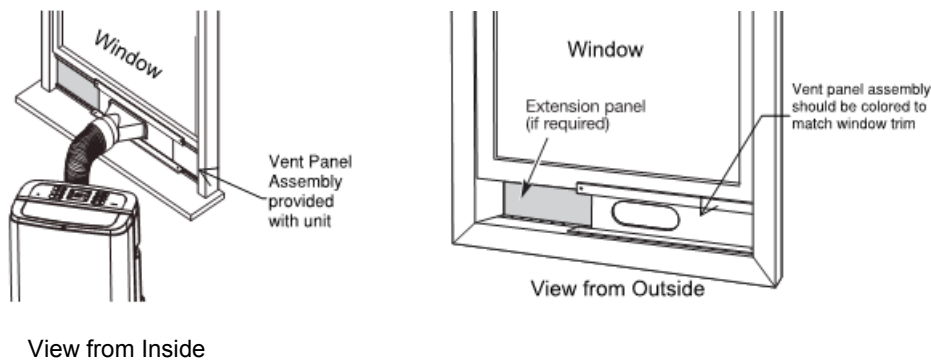
Solar collectors should not be placed on the front of residences and the slopes of roofs facing the street or common areas if the solar collectors can be seen by a person on the ground.

The Association may require screening of the solar collectors depending on the type and the placement desired. All supports, wires, mounting hardware, and other portions of the solar collector, to the extent possible, must be painted to match the color of the roof or wall to which they are attached.

## 41 Window Air Conditioning Units

Box Type Window Air Conditioning Units that extend past the exterior plane of the window are not permitted. Portable Indoor units with a window exhaust will be considered on a case by case basis depending on the type and the placement desired. Indoor Units with window exhausts may be installed only after approval of the ARC. Applications must include the type of unit, a photo of window exhaust, and a drawing detailing the proposed location.

Example of Portable Indoor Unit Installation



Example of Box Type Window Unit (not permitted)

