



COVES PHASE II

PROPERTY OWNERS ASSOCIATION

www.covestwo.com – covestwo@gmail.com

FILE NUMBER RES 2021-001

COVERED ENTERTAINMENT AREAS, GUEST HOUSES, POOL HOUSES, STORAGE BUILDINGS, ADDITIONS OR OTHER STRUCTURES

WHEREAS, Covenants Part 9, Section (a) states “Residential Lots. All Lots within the Subdivision shall be used, known and described as Residential Lots. Only one single family residential dwelling consisting of not less than 1,100 square feet of heated and cooled finished space shall be permitted on each Lot. In addition, only customary and usual necessary structures may be constructed on each Lot as may be permitted by the City. No building or structure intended for or adopted to business purposes shall be erected, placed, permitted or maintained on any Lot. This Covenant shall be construed as prohibiting the engaging in or practice of any commerce, industry, business, trade or profession within the Subdivision and/or within any Lot. The restrictions on use herein contained shall be cumulative of and in addition to such restrictions on usage as may from time to time be applicable under and pursuant to the statutes, rules, regulations and ordinances of the City or any other governmental authority or political subdivision having jurisdiction over the Subdivision”; and

WHEREAS, Covenants Part 9, Section (c) states “Submission of Plans. In order to maintain a beautiful and pleasing setting in the Subdivision two (2) sets of building and site improvement plans and specifications must be submitted to the Architectural Control Committee (“Committee”) for its approval prior to the commencement of construction. The Committee shall act to enforce the requirements of these Covenants in a reasonable manner. The Committee has the authority to maintain the architectural conformity of the Subdivision, and in consideration thereof shall determine that the proposed construction shall not detract from the development and shall enhance the purpose of the development to provide a beautiful and pleasing setting in the Subdivision. The Committee shall consider such matters as the proposed square footage, location, materials, exterior style and landscaping, etc. The Committee may adopt rules or bylaws explaining the mechanics of its operation and providing for a twenty-one (21) day maximum time within which plans must be reviewed and approved or disapproved after submission, and if not approved or disapproved in that period, that the same shall be considered as automatically approved. The Board may also exercise the duties of the Committee in the event the Board deems it necessary and efficient to do so”; and

WHEREAS, the Covenants Part 9, Section (h) states “Garage and Detached Structures and Storage Buildings. All residences constructed in the Subdivision shall have a private garage to accommodate a minimum of one (1) automobile. No carports are allowed on the side, rear or front yards of any Lots. Each garage shall be fully enclosed and contain a full-length overhead style door. All garage doors are to be kept closed when not entering or exiting the garage. Any detached structure to be built on a Lot,



COVES PHASE II

PROPERTY OWNERS ASSOCIATION

www.covestwo.com – covestwo@gmail.com

such as a covered entertainment area, guest house, pool house, storage building, or other structure, shall conform to the basic styling and materials of the residential dwelling. Any detached structure contemplated for construction by any home owner or lot owner must, prior to construction, submit acceptable plans to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to any existing structure”; and

WHEREAS, the Covenants Part 9, Section (f) states “Additions to Existing Structures. All additions shall conform to the basic styling and materials of the dwelling on any Lot. All additions shall fall within the building set-backs on said Lot and shall not be placed over any drainage or utility easement. All improvements shall be constructed in accordance to applicable City codes, rules and regulations. Any additions contemplated by the home owner or lot owner must submit plans prior to construction to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to an existing structure.”

NOW THEREFOR, BE IT RESOLVED BY THE BOARD OF DIRECTORS:

Section 1: The Board of Directors considers a “residential dwelling”, “single family home” or “dwelling” as the primary single-family structure consisting of not less than 1,100 square feet of heated and cooled finished space fronting the street as originally built on the lot, or rebuilt in the **approximate** footprint of the original structure in the event the original construction is demolished, destroyed, or otherwise replaced. A construction of a new residential dwelling requires review and approval of the Architectural Control Committee.

Section 2: The Board of Directors considers a “Pool House or Guest House” as an “Accessory Dwelling Unit” (or ADU). An ADU shall meet the minimum requirements of the Covenants, City Ordinances, and State or Federal Laws.

Section 3: The Board of Directors authorizes for consideration to the Architectural Control Committee for not more than one ADU per lot, which must conform to the basic styling and materials of the residential dwelling.

Section 4: Storage Buildings, Covered Entertainment Areas (e.g. non-vehicular use pergolas, gazebos, or covered patio), and/or other structures must be considered and reviewed on a case-by-case basis by the Architectural Control Committee. Storage Buildings that exceed 144 square feet shall automatically be considered an ADU by the Board of Directors. A single storage building that is 144 square feet or less will be considered as a “Shed” by the Board of Directors, and does not require approval of the Architectural Control Committee. Sheds must comply with ordinance by the City of



COVES PHASE II

PROPERTY OWNERS ASSOCIATION

www.covestwo.com – covestwo@gmail.com

Fayetteville, and any other local, state, or federal laws. More than one shed per lot requires review and approval by the Architectural Control Committee. The Architectural Control Committee may not consider more than one shed if there is an existing detached ADU or any other covered areas such as chicken coops, covered dog pins, or any other covered non-vehicular storage areas. Any item not listed here will be at the discretion of the Architectural Control Committee chairperson's determination for consideration. No more than two structures of any kind may be considered by the Architectural Control Committee per lot in addition to the residential dwelling, including sheds.

Section 5: The Architectural Control Committee may not consider two (2) story ADUs or taller for approval. Two (2) story or taller storage buildings, sheds, ADUs, or any building other than the primary residence is prohibited.

Section 6: An ADU attached or within the residential structure will be considered an addition by the Architectural Control Committee, and must conform to the Covenants Part 9, Section (f). Additions that require an Accessory Dwelling Unit approval by the City of Fayetteville shall be considered as the "one ADU, which shall conform to the basic styling and materials of the residential dwelling" as discussed in Section 3 of this Resolution. An ADU must face the City Street or the City Trail for lots along City of Fayetteville trail easements, and must meet the City of Fayetteville requirements for Accessory Dwelling Units.

Section 7: The Architectural Control Committee will require the ADU to have one dedicated paved or gravel parking in addition to existing parking prior to the construction of the ADU with an appropriate Private Access Easement to the right-of-way. Any such requirement is in addition to any Code required by the City of Fayetteville. Demonstrated parking must be fully within the Lot, and must not be considered in right-of-way, grass, or common space.

Section 8: Owners are not be permitted to add additional curb cuts to any lot at the City Street for any reason.

Section 9: Owners are required to receive any and all required City, State, or Federal approvals and permits prior to any construction. Architectural Control Committee Determinations should not be considered as an authorization to build without first acquiring any and all required permits.

Section 10: No structure may be placed on Common Properties by Owners.



COVES PHASE II

PROPERTY OWNERS ASSOCIATION

www.covestwo.com – covestwo@gmail.com

Section 11: No structure may be placed on POA Easements, nor in areas prohibited for by local, state, or federal ordinance or law.

Section 12: Covered parking areas and/or carports, either temporary or permanent, attached or detached from the residential structure or an ADU, are prohibited.

Section 13: Covered Entertainment Areas, Guest Houses, Pool Houses, Storage Buildings, Additions and other structures must be completely within the rear of the residential dwelling. A minimum setback from any property line of 15-feet will be required for any Accessory Dwelling Unit. A six-foot-tall wood privacy fence is required for any yard area where an Accessory Dwelling Unit is proposed in order to ensure privacy for neighboring Owners.

Section 14: The Architectural Control Committee reserves the right to approve or deny any proposal by a simple majority vote of the whole Committee ~~of five members, or at least 3 votes to approve or deny.~~ The Architectural Control committee requires 3 members **as appointed by the POA President, and all must** ~~be~~ be present for quorum **as appointed by the President of the POA.**

Section 15: All other requirements as listed in Covenants, City of Fayetteville Ordinance, State & Federal Law apply in addition to this policy.

Section 16: Construction must be limited to 6:00am – 8:00pm. Best stormwater management practices must be taken to prevent mud and sediment in the street, in common areas, and on neighboring properties. Stockpiles must be maintained on the lot and not on sidewalks, streets, or common areas. Stockpiles must be removed or used within 30 days.

Section 17: Construction on any lot may not result in changes to drainage that would impact a neighboring property owner. All lots must drain either to the street or a drainage easement.

Section 18: Appeals of the Architectural Control Committee may be requested in writing within 10 days to the Secretary and presented at the next full meeting of the POA to all Owners. An owner may not resubmit the same request within 1 year of the denial, unless the President determines that major modifications have been made to the request that could change the consideration. An exception to this requirement is if the item is tabled. Tabled an Architectural Control Committee item will be considered a denial of the original request as requested which must be heard again within 21 days of resubmittal of any changes. The Committee may not table the same item more than 2



COVES PHASE II

PROPERTY OWNERS ASSOCIATION

www.covestwo.com – covestwo@gmail.com

times. Appeals may not be considered for projects rejected by **Local, State, or Federal governing bodies.** ~~a greater governing body, such as the City of Fayetteville.~~

Section 19: Construction of covered entertainment areas, guest houses, pool houses, storage buildings, additions, or other structures without approval from the Architectural Control Committee, and/or any violation of this policy, will result in a Stop Work Order in writing by the POA President **or Vice-President**. Failure to Stop Work until approval may result in a **\$25** per day fine, which will be charged to the property owner as an individual assessment, including the day which the Stop Work Order was issued. ~~The Individual Assessment must first be approved by the Board of Directors in a manner pursuant to the Privacy Policy.~~ Any work that is completed prior to the Architectural Control Committee approval may require changes, or may be approved or denied, by the Architectural Control Committee. The Architectural Control Committee must provide a date to complete any required revisions or removal. Beyond the date specified, the owner will continue to be assessed **\$25** per day fine unless the President or Vice-President provides a 30-day extension. The President or Vice-President may only grant one extension. Beyond the 30-day extension, the owner **will** continue to be assessed **\$25** per day fine. Liens will be placed on the homeowner in increments of \$500.

PASSED and APPROVED on (DATE)

APPROVED:

ATTEST:

Kristifier Paxton, President

Denise Corbin, Secretary