

Covenants Common Queries

The following is intended to provide a quick overview of the restrictions and guidance as defined in the Cottages of Evergreen’s Covenants, as well as provide the actual reference location. **Note: this does not to replace** the covenants in and of themselves. You are encouraged to use the references provided below to look up and read the guidance for yourself within the context of the reference.

OPIC	Detail	Use	Reference
30 Day ARC Review	<p><u>NO WORK IS TO BEGIN UNTIL APPROVED.</u> However, In the event the Declarant fails to approve or disapprove such building plans and specifications within thirty (30) days after the same have been submitted to it as required above, the approval of the Declarant shall be conclusively presumed and the provisions of this paragraph shall be deemed to have been complied with. <i>However, no residence or other building, structure or improvements which violates any of the covenants and restrictions herein contained or which is not in harmony with the surrounding neighborhood and the existing structures therein shall be erected or allowed to remain on any part of a Lot.</i></p>	ARC	<p>- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– Article IV - Use Restrictions – Lots Section 3 [Page 6]</p>

OPIC	Detail	Use	Reference
Color Schemes	Require pre-approval prior to installation.	ARC	<i>Design Guidelines specific to Cottages at Evergreen Subdivision</i>
Driveways	All driveways must be concrete	ARC	- <i>Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 3 [Page 6]</u></i>

OPIC	Detail	Use	Reference
Fence	No fence or fencing-type barrier of any kind shall be erected or allowed without prior written consent of Declarant.	ARC	<p><i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 1</i></p> <p><i>- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– Article IV - Use Restrictions – Lots Section 3 [Page 6]</i></p>
Fence	No fencing shall be placed, erected or allowed to remain on any Lot, except for black aluminum or white vinyl fencing, which may not exceed six feet (6') in height. Wood and chain link fencing is expressly prohibited.	ARC	<p><i>- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– Article IV - Use Restrictions – Lots Section 13 [Page 7]</i></p>
Fence	Fencing is allowed per specifications in the covenants. However, a site plan and setbacks along with a photo is required for submission and approval prior to installation	ARC	<p><i>Design Guidelines specific to Cottages at Evergreen Subdivision</i></p>
Metal roofs over porches	Require pre-approval prior to installation.	ARC	<p><i>Design Guidelines specific to Cottages at Evergreen Subdivision</i></p>
Out buildings	No outbuildings are allowed.	ARC	<p><i>Design Guidelines specific to Cottages at Evergreen Subdivision</i></p>
Pergolas	Pergolas are acceptable with conditions they are stick built. No Prefab metal. No Big box store items are allowed. Full ARC submission is required along with approval of the Cottages HOA prior to submission to The Flowers Foundation.	ARC	<p><i>During an ARC review, the Flowers Foundation addressed the acceptability of the pergola as stated in the detail section in this row. 2/13/2024.</i></p> <p><i>Because this requires Flowers Foundation approval, the approval process will take longer.</i></p>
Radon Mitigation System	There is no issue with this system. This is for safety. However, they need to follow procedure. Completely filled out ARC form. Approved by the Cottages HOA prior to submission to The Flowers Foundation.	ARC	<p><i>During an ARC review, the Flowers Foundation addressed the acceptability of the Radon mitigation system and provided the guidance listed in the detail section in this row. 2/13/2024.</i></p> <p><i>Because this requires Flowers Foundation approval, the approval process will take longer.</i></p>

Updated 2/13/2024

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OPIC	Detail	Use	Reference
Porch Columns	Columns will be a minimum of 10 inches	ARC	<i>Design Guidelines specific to Cottages at Evergreen Subdivision</i>
Roof line shingles	Exterior roof line shingles are to be weathered wood and architectural and dimensional.	ARC	<i>Design Guidelines specific to Cottages at Evergreen Subdivision</i>
Satellite dishes	Satellite dishes are permissible provided that such device is placed in the least conspicuous location on the Unit in which an acceptable quality signal can be received and is screened from the view of adjacent Units, streets, roads and Common Areas in a manner consistent with the Community-Wide Standard and the Architectural Guidelines .	ARC	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 6</i>
Sod – Bermuda Only	Bermuda sod will be used on <u>all</u> lots in Cottages at Evergreen	ARC	<i>Design Guidelines specific to Cottages at Evergreen Subdivision</i>
Structural Improvement or Addition	Any structural modification is required to be reviewed by the Flowers Plantation HOA as well as the Cottages ARC review team	ARC	<i>Verbal per 11/10/2023</i>
Vinyl Siding	Exterior materials shall be brick, stone or cement board, or combination of the two. No vinyl siding allowed.	ARC	<i>Design Guidelines specific to Cottages at Evergreen Subdivision</i>
Boats, trailers, Campers, Commercial Vehicles	Boats, trailers, Campers, Commercial Vehicles are prohibited on streets in the development. Such property shall not be parked in the front yard of the property.	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 3</i>
Debris - Burning of trash or leaves	Outside burning of trash, leaves, debris or other materials	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 2</i>
Debris removal / dumping	Dumping grass clippings, leaves or other debris...or other potentially hazardous or toxic substances in any drainage ditch, stream, pond, lake or elsewhere within the neighborhood.	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 3</i>
Firearms, BB guns, pellet guns fire-crackers	Use of firearms on properties is prohibited. Including BB Guns, pellet guns as well as fire-crackers	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</i>
Fireworks	Use and discharge of firecrackers and other fireworks	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 3</i>

OPIC	Detail	Use	Reference
Fireworks	No fireworks are allowed within the community without written consent of Flowers Plantation	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</i>
Nuisances	No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</i>
Nuisances	Any activity which would constitute a public or private nuisance.	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 3</i>
Odors, fumes, smoke, pollution or noise	Any activity that emits foul or obnoxious odors, fumes, dust, smoke or pollution outside the Unit or which creates noise, unreasonable risk of fire or explosion.	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 2</i>
Swimming Pools	No swimming pools shall be allowed on any Lot.	Prohibited	<i>- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– Article IV - Use Restrictions – Lots Section 14 [Page 7]</i>
Timesharing	Use of any Unit for operation of timesharing, fraction-sharing or similar program whereby the right to exclusive use of the Unit rotates among participants.	Prohibited	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 3</i>
Wildlife	<ul style="list-style-type: none"> • Capturing, trapping or killing wildlife within the neighborhood <u>except in circumstances posing an imminent threat to the safety of persons within the neighborhood.</u> • Any activity which materially disturb or destroy the vegetation, wildlife, wetlands or air quality with the neighborhood or which use excessive amounts of water or which result in unreasonable levels of sound or light pollution. 	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 4</i>

OPIC	Detail	Use	Reference
Animals	<ul style="list-style-type: none"> • Dogs must be on leashes. • Cats may not roam outside the lot. • No animals or poultry of any kind shall be kept or maintained on any part of one's property. • Animal noises, such as barking, shall be considered noxious and offensive activity and shall not be permitted. 	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 3</i>
Animals	No animals, livestock, or poultry of any kind, except common pets, shall be raised, bred, or kept on any part of a Lot; however, dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for commercial purpose, and provided they are not allowed to run loose in the neighborhood. There shall be a maximum of three (3) dogs and three (3) cats allowed per Lot.	Violation	<i>- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– Article IV - Use Restrictions – Lots Section 11 [Page 7]</i>
Appearances / Upkeep	Each owner shall keep his building site free from tall grass, undergrowth dead trees, trash, rubbish, building materials and property maintained so as to present a pleasing appearance within the community.	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</i>
Appearances / Upkeep	Any activity which tends to cause an unclean, unhealthy or unsafe condition to exist outside of enclosed structures on the unit.	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 2</i>
Appearances / Upkeep	Structures, equipment or other items on the exterior of the Unit which have become rusty, dilapidated or otherwise fallen into disrepair	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 6</i>

OPIC	Detail	Use	Reference
Appearances / Upkeep	Each Lot Owner covenants and agrees that he/ she will keep his/ her Lot in good condition and repair; and the dwelling, improvements, and landscaping located thereon shall be kept in presentable condition at all times. If any Lot Owner fails to abide by this covenant, then the Association shall be vested with a self-help right to perform such maintenance on behalf of such Lot Owner and shall charge the expense thereof to the Lot Owner, which shall become an additional assessment against any such Lot, enforceable in accordance with Article IX of this Declaration.	Violation	- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 16 [Page 7]</u>
Automobiles – defective / dismantled	No automobile or motor vehicle may be dismantled or stored on said property; and no mechanically defective automobile, motor vehicle, mechanical machine, or machinery, shall be placed or <i>allowed to remain on said property for over fourteen (14) days</i> . Notwithstanding the above, these restrictions shall not apply if such vehicle is kept in an enclosed garage and out of sight from the street.	Violation	- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 7 [Page 6]</u>
Clotheslines	Clotheslines, garbage containers, woodpiles and other similar items must beconcealed from view of neighboring lots, streets, passing vehicles, walkers and other residents	Violation	<u>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</u>
Damaged property	Any dwelling or outbuilding on any lot which may be destroyed in whole or in part by fire, windstorm or for any other cause or act of God must be rebuilt or all debris removed and the lot restored to a sightly condition <u>within 3 months of destruction.</u>	Violation	<u>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</u>
Garbage Containers	Clotheslines, garbage containers, woodpiles and other similar items must beconcealed from view of neighboring lots, streets, passing vehicles, walkers and other residents	Violation	<u>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</u>
Noise	Use or discharge of any radio, loudspeaker, horn, whistle, bell or other sound device so as to be audible to occupants of other units, <u>except alarm devices used exclusively for security purposes.</u>	Violation	<u>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 3</u>

OPIC	Detail	Use	Reference
Noise	Each Lot Owner covenants and agrees that he/ she will control the noise level emanating from any activities on the Lot at a reasonable level. The Lot Owner shall not allow the noise level to become a nuisance or to otherwise interfere with adjoining Lot Owners' reasonable use of their Lots.	Violation	- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 12</u> [Page 7]
Noxious activities, plants, animals etc.	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 the neighborhood.	Violation	Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 6
Outbuildings: <i>Trailer, tent, shed, etc.</i>	No trailer, tent, shack, garage, barn, shed, or similar type outbuilding shall be placed, erected or allowed to remain on any Lot without the written consent of Declarant, its successors or assigns. Nor shall any structure of a temporary character be used as a residence temporarily, permanently or otherwise	Violation	- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 8</u> [Page 6]
Parking	Overnight or regular parking of <i>commercial vehicles or equipment, motor Homes, recreational vehicles, golf carts, boats and any other watercraft, trailers, stored vehicles or inoperable vehicles</i> in places other than enclosed garages or other such areas. The Board may (but is not obligated to) grant permission for visitors to temporarily park such vehicles overnight on driveways or streets for a period not to exceed seven (7) days or nights while visiting the occupants of the Unit.	Violation	Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 5722 – PAGE 808-817] - 10/12/2020- page 4
Satellite dishes	Television satellite or dish antennas having a diameter in excess of twenty-two inches (22") are prohibited . All allowable satellite dishes or antennae are to be placed or installed at the rear of the house or the rear corner of the Lot, so that they are not easily visible from the street	Violation	- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 5</u> [Page 6]

OPIC	Detail	Use	Reference
Signs	No sign or signs other than a "For Sale" or "For Rent" sign shall be displayed on any Lot, except as specifically allowed by NCGS 47F-3-121 of the Planned Community Act.	Violation	<i>- Declaration of Restrictive Covenants and Easements for Cottages at Evergreen– <u>Article IV - Use Restrictions – Lots Section 6 [Page 6]</u></i>
Trash Service	GFL must be used for trash removal	Violation	<i>Design Guidelines specific to Cottages at Evergreen Subdivision</i>
Woodpiles	Clotheslines, garbage containers, woodpiles and other similar items must beconcealed from view of neighboring lots, streets, passing vehicles, walkers and other residents	Violation	<i>Amendment to Development Agreement for Flowers Plantation Subdivision – [BOOK 1970 – PAGE 599] – Land Use and Building Type – Page 2</i>