



**ACC**

# **Policies and Procedures Manual**

**Bella Vista Village  
Architectural Control Committee, Inc.**

**2021**

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# TABLE OF CONTENTS

<b>1. CHAPTER 1 - AUTHORITY AND PURPOSE</b> .....	1-1
1.01 AUTHORITY .....	1-1
1.02 PURPOSE .....	1-1
A. Purpose of the ACC .....	1-1
B. ACC Membership .....	1-1
C. Board of Directors .....	1-1
D. Meetings .....	1-1
E. Responsibility of the Administrator .....	1-1
F. Purpose of the ACC and Policy .....	1-1
1.03 JURISDICTION .....	1-2
1.04 FISCAL POLICY .....	1-2
1.05 DISCLAIMER .....	1-2
1.06 LIMITATIONS .....	1-2
1.07 ADOPTION OF THE POLICY AND PROCEDURE MANUAL .....	1-3
1.08 AMENDMENT OF THE POLICY AND PROCEDURE MANUAL .....	1-3
<b>2. CHAPTER 2 - ADMINISTRATIVE POLICIES</b> .....	2-1
2.01 DUTIES OF THE ACC .....	2-1
2.02 ACC MEMBERSHIP .....	2-1
Appointment and Term of Service and Responsibility .....	2-1
2.03 ACC BOARD OF DIRECTORS .....	2-1
A. Number and Terms of Directors .....	2-1
B. Election and Term of Service .....	2-1
C. ACC Officers .....	2-2
D. Removal of Directors .....	2-2
E. Vacancies .....	2-2
F. Compensation .....	2-2
2.04 ACC ADMINISTRATOR DUTIES .....	2-3
A. Duties .....	2-3
B. Support Staff .....	2-3
2.05 MEETINGS AND PROCEDURES .....	2-4
A. Meetings .....	2-4
B. Notice .....	2-4
C. Waiver of Notice .....	2-4
D. Quorum .....	2-4
E. Conduct of Meetings .....	2-4
F. Minutes .....	2-4
G. Necessary Vote .....	2-4
H. Interested Directors .....	2-4
2.06 ENFORCEMENT .....	2-4
<b>3. CHAPTER 3 – FEES</b> .....	3-1
3.01 BUILDING PERMIT FEES – NEW CONSTRUCTION .....	3-1

3.02 MISCELLANEOUS PERMIT FEES.....	3-1
3.03 REINSPECTION FEES .....	3-1
<b>4. CHAPTER 4 – DEFINITIONS .....</b>	<b>4-1</b>
4.01 ACC MEMBERSHIP.....	4-1
4.02 ARCHITECTURAL CONTROL COMMITTEE/ACC .....	4-1
4.03 BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE, INC. ...	4-1
4.04 COMMERCIAL ENTITY .....	4-1
4.05 COMMON PROPERTIES.....	4-1
4.06 CONSTRUCTION.....	4-1
4.07 FRONT YARD .....	4-2
4.08 IMPROVED PROPERTY (RESIDENTIAL).....	4-2
4.09 INOPERABLE VEHICLE.....	4-2
4.10 PROPERTY (RESIDENTIAL).....	4-2
4.11 RESERVED PROPERTIES.....	4-2
4.12 TRIM.....	4-2
4.13 UTILITY EASEMENT.....	4-2
<b>5. CHAPTER 5 – ARCHITECTURAL DESIGN STANDARDS .....</b>	<b>5-1</b>
5.01 ARCHITECTURAL DESIGN STANDARDS.....	5-1
A. Single-family Residential Buildings.....	5-1
B. Roofs.....	5-1
C. Colors .....	5-1
D. Standard Maintenance .....	5-2
5.02 ADDITIONS TO RESIDENCE.....	5-2
5.03 DOCKS, COVERED BOAT DOCKS, AND BOAT HOUSES.....	5-2
5.04 ACCESSORY STRUCTURES.....	5-3
A. Outbuildings .....	5-3
B. Carports .....	5-4
C. Fences/Screening.....	5-4
D. Decks .....	5-7
E. Seawalls.....	5-7
F. Front Yard Outdoor Play Equipment .....	5-7
<b>6. CHAPTER 6 - APPLICATION PROCEDURES.....</b>	<b>6-1</b>
6.01 RESIDENTIAL PERMITS .....	6-1
A. Application Requirements.....	6-1
6.02 COMMERCIAL PERMITS.....	6-2
6.03 MISCELLANEOUS REPAIR AND IMPROVEMENT PERMIT and LARGE SCALE MISCELLANEOUS IMPROVEMENT PERMIT .....	6-2
A. Application .....	6-2
B. Permit Fee & Issuance.....	6-2
6.04 INSPECTIONS .....	6-3
<b>7. CHAPTER 7 - REVIEW PROCEDURES.....</b>	<b>7-1</b>
7.01 GENERAL PROVISIONS.....	7-1
A. Applications.....	7-1

B. Decisions .....	7-1
7.02 REVIEW OF ACC PERMIT APPLICATIONS .....	7-1
A. Aesthetics .....	7-2
B. Architectural Style.....	7-2
C. Building Materials .....	7-2
D. Roof Overhangs and Balconies .....	7-2
E. Site.....	7-2
F. Screening .....	7-2
7.03 REVIEW PROCEDURES FOR NEW CONSTRUCTION .....	7-2
A. Applications.....	7-2
B. Review Criteria.....	7-2
C. Decision.....	7-3
D. Display of Permit.....	7-3
7.04 REVIEW PROCEDURES FOR MISCELLANEOUS IMPROVEMENTS AND MISCELLANEOUS REPAIRS TO PROPERTY .....	7-3
A. Permit Required for Miscellaneous Repairs and Improvements .....	7-3
B. Permit required for Large Scale Miscellaneous Improvements .....	7-3
C. Exemptions.....	7-4
D. Applications.....	7-4
E. Review Criteria.....	7-4
F. Decision.....	7-4
G. Display of Permit.....	7-5
7.05 REVIEW OF REQUESTS FOR VARIANCES FROM DESIGN GUIDELINES .....	7-5
7.06 APPEALS.....	7-5
7.07 WAIVERS.....	7-5
7.08 REVIEW OF COMPLAINTS.....	7-5
A. Authority.....	7-5
B. Investigation .....	7-6
C. Determination .....	7-6
D. Continued Violation .....	7-6
E. Filing.....	7-6
<b>8. CHAPTER 8 - SIGNAGE.....</b>	<b>8-1</b>
8.01 SIGNS – GENERAL.....	8-1
8.02 POSTING .....	8-1
8.03 RESIDENTIAL SIGNS - RESIDENCES UNDER CONSTRUCTION AND/OR FOR SALE, OR EXISTING RESIDENCES UNDER REMODEL .....	8-1
A. Construction Signs.....	8-1
B. Open House Signs .....	8-1
C. Violations .....	8-2
8.04 UNDEVELOPED LOTS FOR SALE.....	8-2
8.05 COMMERCIAL SIGNS .....	8-2
A. General Provisions.....	8-2
B. Single Occupant Commercial Signs.....	8-3
C. Multi-Occupant Commercial Signs.....	8-3
D. Temporary Signs .....	8-3
E. Variances .....	8-3

F. Fees.....	8-3
G. Grandfather Clause.....	8-3
H. Policy Review.....	8-3
8.06 CAMPAIGN SIGNS.....	8-4
8.07 SIGN APPROVAL .....	8-4

**APPENDICES**

A. Application for Review of New Construction .....	A-1
B. Application for Miscellaneous Improvements.....	B-1
C. Covenant 15 .....	C-1

# Chapter 1 - Authority and Purpose

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## 1.01 AUTHORITY

The authority establishing the Architectural Control Committee (hereinafter the “ACC”) is derived from Article XII of the Declaration and Protective Covenants of Bella Vista Village dated May 18, 1965, (hereinafter referred to as the “Covenants”).

## 1.02 PURPOSE

- A. Purpose of the ACC. The purpose of the ACC is to assure compliance with the Covenants and the policy and procedure of the ACC, as herein stated, as they pertain to all residential and commercial construction, remodeling, landscaping, and other matters that come before the ACC with respect to size, location, color, aesthetics, materials, and other matters as provided within the Declaration and Protective Covenants and this Policy and Procedure manual (hereinafter “policy”).
- B. ACC Membership. The Membership of the ACC is composed of not less than three persons appointed by the Board of Directors of Cooper Communities, Inc. (hereinafter “CCI”) who control and maintain voting privileges. The Membership shall elect the Board of Directors of the ACC to terms of office as provided in the Articles of Incorporation and the Bylaws of the ACC.
- C. Board of Directors. The Board of Directors of the ACC shall elect from their membership such officers, the ACC Administrator, and other personnel as provided in the Articles of Incorporation and the Bylaws of the ACC.
- D. Meetings. The Board of Directors of the ACC shall meet on a monthly basis or as required to review and vote on all applications for construction that require action of the ACC to ensure compliance with ACC policy and the Protective Covenants or as required.
- E. Responsibility of the Administrator. The Administrator presents all matters requiring ACC action to the ACC at its meetings. The ACC Administrator reviews all applications for construction, discusses any alternatives if necessary, and makes suggestions and recommendations necessary to ensure compliance with the Covenants and Policy.
- F. Purpose of the ACC and Policy. The purpose of the ACC and this Policy are:
  - 1. To establish and interpret the standard, policies and protective restrictions to maintain and enhance the property values and aesthetic integrity of Bella Vista Village;
  - 2. To inform all property owners of such standards, policies and protective restrictions;

# Chapter 1 - Authority and Purpose

3. To evaluate residential and commercial construction and alteration in regard to nature, kind, shape, height, materials, location, and harmony of external design with the surroundings and topography so as to preserve the architectural integrity of the grounds and structures comprising Bella Vista Village;
4. To act within the scope of and in the spirit of the Protective Covenants and in the Covenants and Restrictions of the Village; and
5. To act reasonably and on a best-effort basis.

## 1.03 JURISDICTION

This manual shall apply to the Properties as defined in Article I and as described in Article II of the Declaration and Protective Covenants and any amendments of supplements thereto.

## 1.04 FISCAL POLICY

It is intended that fees collected be sufficient to maintain the ACC. The ACC shall review its fee structure periodically to determine its adequacy in making its operations financially self-sustaining.

## 1.05 DISCLAIMER

No warranty or representation is made or should be implied by any officer or employee of the ACC, in the issuance of permits, inspections and approval of construction or otherwise is intended as a tacit approval of the quality, safety, desirability, or suitability of such design or construction.

## 1.06 LIMITATIONS

Individual property owners, by purchasing property subject to the Declaration and Protective Covenants, have given up a certain degree of freedom of choice and must subordinate some of the traditional ownership rights and privileges to the covenants and restrictions contained therein. However, the ACC shall not:

- A. Adopt or enforce standards in an unreasonable, arbitrary or capricious manner;
- B. Fail to act in a common sense approach in the execution of its responsibility with fairness in an even-handed, non-discriminatory manner;
- C. Accord preferential treatment to any one individual or group of individuals;

# Chapter 1 - Authority and Purpose

- D. Allow personal aesthetic considerations to guide its decisions. ACC actions should be supportable as the decisions of a reasonable prudent resident committed to the establishment and management of the general welfare of the community;
- E. Seek to regulate taste and personal preference by disguising its decision with special concern for health, safety, and welfare, or
- F. Substitute its personal preferences and taste for those of an individual property owner.

## **1.07 ADOPTION OF THE POLICY AND PROCEDURE MANUAL**

This manual is adopted by affirmative vote of the Membership of the ACC effective August 1, 2006 as amended on August 28, 2008. The ACC Board of Directors amended this manual again on December 15, 2010 to become effective January 1<sup>st</sup>, 2011. The ACC Board of Directors amended this manual again on December 13, 2011 to become effective January 1<sup>st</sup>, 2012. The ACC Board of Directors reviewed and amended policy in chapters 3-8 on May 18, 2017. The ACC Board of Directors reviewed and amended policy in chapter 5 on June 21, 2018; August 16, 2018; November 15, 2018 and chapter 8 on November 15, 2018 and December 20, 2018. The ACC Board of Directors reviewed and amended chapters 3-8 on November 19, 2020.

## **1.08 AMENDMENT OF THE POLICY AND PROCEDURE MANUAL**

- A. Chapters 1 and 2 of this manual may be amended by the affirmative vote of the Membership of the ACC.
- B. The technical section of this Manual, Chapters 3 through 8 and the Appendices attached to this Manual, may be amended by the affirmative vote of the Board of Directors of the ACC. Notice of an amendment under this authority shall be given to the Membership.



## **Chapter 2 - Administrative Policies**

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### **2.01 DUTIES OF THE ACC**

The duties of the ACC are to establish standards for the following activities in Bella Vista Village as outlined in Article XII of the Declaration and Protective Covenants:

- A. Residential and commercial building construction, renovation or alteration.
- B. The construction, renovation or alteration of boat docks, fences, outbuildings, and other structures.
- C. Inspection of all construction within the Village.
- D. Protect the aesthetics of the Village.
- E. To pursue any legal or administrative remedy for violation of the Covenants or ACC policy.

### **2.02 ACC MEMBERSHIP**

Appointment and Term of Service and Responsibility. The Board of Directors of CCI retains the right to appoint the Membership of the ACC. The Membership of the ACC shall serve at the pleasure of the Board of Directors of CCI.

### **2.03 ACC BOARD OF DIRECTORS**

- A. Number and Terms of Directors.
  - 1. Number of Directors and Term of Service. The ACC Board of Directors shall consist of not less than five directors serving terms of three years each. The term of the positions are staggered to the extent possible so that no more than two expire in any one year. The ACC Board of Directors is elected by majority vote of the Membership.
  - 2. Term at Will. Notwithstanding the implementation of this guideline, all ACC Directors serve at the will of the Membership. The number and terms of such appointments may be modified without notice at the sole discretion of the Membership.
- B. Election and Term of Service.
  - 1. Notice. On or about September 1<sup>st</sup> of each year an announcement shall be made by the ACC that it is seeking applicants for the available position(s) of Director of the ACC. The ACC may give notice posted at a prominent place within the Village or a newspaper of general circulation within Benton County for interested persons to fill vacant positions.

## Chapter 2 - Administrative Policies

2. Applications. Applications should be submitted no later than October 15<sup>th</sup> or the first regular business day thereafter. Applicants should submit a typed resume or summary of qualifications not to exceed three (3) pages in length to the ACC. The applicant should include educational and employment background and any other information the applicant might deem beneficial for consideration.
  3. Role of the ACC Directors. The ACC Directors shall submit a prioritized list of the qualified applicants to the Membership for their consideration at the following meeting of the Membership.
  4. Announcements. Announcements are made of the appointments prior to the end of the year and terms of the newly appointed ACC Directors becomes effective at the first regular meeting of the ACC in January.
- C. ACC Officers. The ACC Directors shall elect a Chairperson/President, a Vice Chairperson/Vice-President, a Treasurer, a Secretary and such other officers as deemed necessary at the annual organizational meeting of the Membership called for such purpose. Each officer shall be a voting member.
- D. Removal of Directors.
1. Unexcused Absences. Any Director who has three (3) consecutive unexcused absences from the ACC meetings may be removed by a majority vote of the Directors present at an ACC meeting, with the concurrence of the Membership.
  2. The Membership may remove an ACC Director at any time, with or without cause.
- E. Vacancies. In the event of death, resignation, or removal of a Director of the ACC, the ACC Board of Directors shall immediately offer nominations as required by Chapter 2.02B herein.
- F. Compensation. No Director of the ACC shall receive any compensation for their service on the ACC, nor shall they use the position for personal gain. This section shall not preclude reimbursement to directors for expenses reasonably incurred in the course of their duties.

## Chapter 2 - Administrative Policies

### 2.04 ACC ADMINISTRATOR DUTIES

#### A. Duties.

1. Applications. The ACC Administrator's functions, in regard to the issuance and explanation of application for construction approval forms, the review of plans and specifications, along with any recommendations necessary, and the approval or denial of applications along with explanation of denial.
2. Inspections. Once construction has commenced, the Administrator is responsible for enforcement of Article XII of the Declaration, Protective Covenants and policies.
3. House Numbers. Effective November 1, 2007, the Benton County 911 Administration Office assigns house numbers to all new homes.
4. Complaints. Additional duties involve the investigative work to help resolve disputes, complaints, and inquiries, as well as the arbitration and suggestions for compatible solutions with property owners. The Administrator checks into and follows up on complaints received regarding violations of the Covenants. If solutions require ACC or POA action, findings and recommendations shall be forwarded as appropriate.
5. File Management. Upon the issuance of a ACC permit, a file is set up for each permit. This file is set up numerically based on an ACC number assigned to each project. The ACC number is also recorded into a ledger. Two ledgers are maintained, one for new residences and the other for additions to existing residences. All files are kept by Lot, Block and Subdivision, so that a history of each residence is kept in its own folder.
6. Reporting. The ACC Administrator is responsible for an end of the month report showing all permits issued. During the month, the ACC Administrator keeps a file of all permit requests that go before the ACC monthly meeting, prepares the agenda, and presents the issues to the Committee.
7. Vehicle Maintenance. The Administrator insures all ACC vehicles are maintained and in sound operating condition.

#### B. Support Staff. The Administrator shall be responsible to the ACC for the performance of all duties, functions, and responsibilities. The support staff, if any, shall report to the administrator.

## **Chapter 2 - Administrative Policies**

### **2.05 MEETINGS AND PROCEDURES**

- A. Meetings. Meetings of the ACC shall be held at least once a month. Regular meetings shall be on the third (3) Thursday of the month. A Village tour will be made prior to the meeting for items needing site review.
- B. Notice. Notice of time and place of all meetings shall be communicated to ACC Directors not less than four (4) days prior to any meeting, provided, however, notice of a meeting need not be given for regular meetings or to any Director who has signed a waiver of notice or a written consent to the holding of the meeting. Furthermore, notice shall be communicated through the official publications of the ACC, if one exists. Notice of a future meeting shall be deemed given to those members present at a meeting at which time and place of such future meeting is announced.
- C. Waiver of Notice. The transactions of any ACC meeting shall be as valid as though taken at a regular meeting or a meeting duly held after regular call and notice if a quorum is present and either before or after the meeting each of the members not present signs a written waiver of notice, a consent to the holding of the meeting, or approval of the action taken at the meeting. Notice of a meeting shall also be deemed given to any Director who attends the meeting without protesting before or at its commencement about the lack of adequate notice.
- D. Quorum. At all meetings, a majority of Directors shall constitute a quorum for the transaction of business. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of members, if any action is approved by at least a majority of the required quorum for the meeting.
- E. Conduct of Meetings. The Chairperson/President of the Committee shall preside over all meetings, and shall direct that a minute book be kept, recording therein all decisions made by the Committee and a record of all transactions and proceedings occurring at such meetings.
- F. Minutes. The ACC secretary shall submit a copy of the minutes or a report of each meeting to the Board of Directors as soon as practicable after each meeting.
- G. Necessary Vote. The votes of a majority of a quorum shall constitute the decision of the ACC.
- H. Interested Directors. The Directors shall exercise their duties in good faith and with a view to the interests of the Village and will abstain from voting on matters before the ACC that have direct impact on the individual members.

### **2.06 ENFORCEMENT**

The ACC may pursue independent legal action to enforce its authority. The ACC may refer violations to the POA and/or the city for enforcement as appropriate.

## Chapter 3 – Fees

**NOTICE: Permits must be posted. No refunds.**

### 3.01 BUILDING PERMIT FEES – NEW CONSTRUCTION

A.	Residential Construction Permit and Review	\$ 500.00
B.	Commercial Construction: Permit and Review	\$1000.00
	Additions greater than 5000 sq. ft.	\$ 500.00
	Additions (5000 sq. ft. and less) and improvements	\$ 250.00

### 3.02 MISCELLANEOUS PERMIT FEES

A.	Miscellaneous Repair and Improvement Permit: Examples not limited to: reroof, repainting, siding, fences/screening, deck additions/repairs/replace, concrete driveways, sidewalks, patios, pools, tree houses, seawalls, retaining walls, carports, garages, sheds, docks, etc. Additions/alterations to increase <i>heated floor space</i> less than 120 sq. ft.	\$ 75.00
B.	Large Scale Miscellaneous Improvement Permit: 1. Any addition of 120 sq. ft. or larger of <i>heated floor space</i> . 2. When turning a carport into heated floor space and adding a garage or carport. 3. When adding an accessory structure such as a shed, garage, carport, boathouse, or covered dock (400 sq. ft. or larger).	\$ 250.00
C.	Permit Extensions (no more than 2 extensions for any project): 1. New residential/New commercial (90 day) 2. Miscellaneous (90 day)	\$ 50.00 \$ 25.00
D.	Signs	\$ No Charge

### 3.03 REINSPECTION FEES (EFFECTIVE 1/1/2020) \$ 50.00

**\*\*IF ANY PROJECT IS STARTED BEFORE AN APPLICATION IS SUBMITTED AND A PERMIT IS ISSUED, THE FEE WILL BE DOUBLE the regular permit fee (1st offense). For second and any subsequent offense, the cost of the permit is 4 TIMES the regular permit fee. (Effective 2.20.2020)**

**EFFECTIVE 1/1/2020 REINSPECTION FEES RESULT WHEN A PROPERTY OWNER HAS NOT ADDRESSED AN ACC ISSUE UPON 2ND NONCOMPLIANCE NOTIFICATION.**

# Chapter 4 – Definitions

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## **4.01 ACC MEMBERSHIP**

The members of the Architectural Control Committee are composed of not less than five persons appointed by the Board of Directors of the Bella Vista Village Architectural Control Committee, Inc. (a non-profit corporation hereinafter called BVVACC, Inc.). The members of the Architectural Control Committee serve terms of office as provided in the Articles of Incorporation and the Bylaws of BVVACC, Inc. The Board of Directors of Cooper Communities, Inc. is required to appoint the Board of Directors of the BVVACC, Inc. as provided for in the Declaration and Protective Covenants of Bella Vista Village.

## **4.02 ARCHITECTURAL CONTROL COMMITTEE/ACC**

The ACC Board of Directors appointed by the Membership.

## **4.03 BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE, INC.**

The Arkansas non-profit corporation that was incorporated in July 1992.

## **4.04 COMMERCIAL ENTITY**

Commercial properties are defined as any property that is not a personal residence and/or is operated under the accepted definition of a business. This includes, but is not limited to, banks, grocery stores, gas stations, restaurants, and other for profit businesses as well as churches and not-for-profit organization

## **4.05 COMMON PROPERTIES**

Common properties shall mean and refer to those areas so designated upon any recorded subdivision plat of Bella Vista Village and intended to be devoted to the common use and enjoyment of the Owners. This includes but is not limited to:

- Roads and streets not dedicated to the public,
- Lakes,
- Golf courses,
- Permanent parks,
- Permanent recreational plots,
- Water system.

By way of emphasis it is reiterated that Common Properties shall not mean any of the lands, lakes, parks, golf courses, et cetera reflected upon the Fourth Revised Map of Bella Vista (commonly known as Old Bella Vista) aforesaid.

## **4.06 CONSTRUCTION**

Construction is defined as causing any alteration to the property such as, but not limited to, scraping the land to level it, digging of footings, erecting of form boards, etc. Any alteration to the property that can be construed as construction will be considered as such.

## **Chapter 4 – Definitions**

### **4.07 FRONT YARD**

Front yard shall be defined as any portion of a lot forward of the footprint of the primary structure on the lot. The front yard shall be delineated by the orientation of the front entrance of the front elevation of the structure.

### **4.08 IMPROVED PROPERTY (RESIDENTIAL)**

Property that has a residence constructed on it.

### **4.09 INOPERABLE VEHICLE**

Inoperable vehicle shall mean any vehicle, automobile, motorcycle, or boat that does not have a current license or which is in a state of disrepair so that it cannot operate as intended.

### **4.10 PROPERTY (RESIDENTIAL)**

The entire area encompassed within the lot lines.

### **4.11 RESERVED PROPERTIES**

Any area upon a plat not covered by the Declaration or any Supplemental Declaration and typically designated a “Reserved Properties” on recorded plats and maps of Bella Vista Village. The ACC does not have authority over Reserved Properties.

### **4.12 TRIM**

Those areas such as gutters/downspouts, windows/window trim, soffit and fascia, porch railings, and garage doors are considered trim for the purposes of paint color approval.

### **4.13 UTILITY EASEMENT**

Utility easement shall mean and refer to those areas of land designated on any recorded sub-division plat of The Properties as “Utility Easements” or as may be provided in or by the Declaration, or any Supplemental Declaration.

# Chapter 5 – Architectural Design Standards

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## 5.01 ARCHITECTURAL DESIGN STANDARDS

The Declaration and Protective Covenants Article XII, Section 1 state building plans shall be approved in writing by the ACC as to harmony of external design and location in relation to surrounding structures and topography.

This language is interpreted to mean that designs should conform architecturally to the rustic, woodland setting of Bella Vista Village and is best accomplished by the following:

- A. Single-family Residential Buildings. Rough textures on treated wood siding, decks, railings or textured vinyl or Hardie siding materials comparable in appearance to wood are preferred. Masonry such as brick with rough texture or natural native stone, when used on walls, foundations, planters or fireplaces should be an earth color. Exposed concrete foundations are to be painted to match the main color of the house. The primary residential structure shall be no less than the minimum square footage defined by the subdivision plat. A covered parking structure (e.g., garage or carport) shall be required for all single-family residences.
- B. Roofs. Roofing materials may be asphalt, shake shingles, or metal panels (H-Loc or standing seam only) in earth tone colors listed below in 5.01C2b--Colors. White, light, bright, or blue roof colors are not permitted. If reroofing or repairs are needed for an existing roof, an ACC permit shall be required. The repairs must match the existing roofing material and color, but if the materials and colors do not match, the entire roof shall be replaced. Temporary roof coverings such as tarps can be green, camouflage, black, or brown.
- C. Colors.
  1. Painting. Two-tone painting (e.g., main color and trim color) of residences is preferred. Trim colors may be earth red, green, gray, brown, white, or black (trim as defined in chapter 4). One solid color of owner's choice is permitted for the front entry door. It is also required to paint the foundation to match the main color of the residence. When repainting the main residence, all outbuildings/sheds, detached garages, etc. must match the residence as far as main color and trim color.
  2. Colors. Colors should be those that complement the surrounding area and should lend to earth tones so as to blend in with rustic, woodland setting of Bella Vista Village. The theme is best accomplished by use of:
    - a. Rough textured treated wood in siding, decks, railings and fences;
    - b. Earth colors such as browns, greens, earth reds, and grays, or shades thereof;



## Chapter 5 – Architectural Design Standards

- c. Natural native stone or brick of rough texture and earth colors in walls, foundations, planters, and fireplaces;
- d. Stone and/or brick planting areas;
- e. Samples of any proposed color must be submitted for ACC approval.

NOTE: Colors as defined in this section relate to other items such as tarps, fence colors/stains, deck colors/stains, etc.

- D. Standard Maintenance. Standard maintenance includes, but is not restricted to, re-painting, re-roofing, and replacing deck boards, etc., so long as the size shape, location, or materials are not altered. These items require ACC approval/permit and a fee (Declaration Article XII).

### 5.02 ADDITIONS TO RESIDENCE

All new materials are to match the existing residence in every way possible, including the type of windows, type and texture of siding, and paint colors. Roofing materials are to match as close as possible. If roof materials cannot be matched, the ACC requires re-roofing the entire residence. Any addition or remodeling must conform to the current codes and ACC Standards. Any exterior work or increase in square footage requires ACC review, permit, and fee.

### 5.03 DOCKS, COVERED BOAT DOCKS, AND BOAT HOUSES

Property owners wanting to construct docks, covered boat docks, or boat houses shall submit a plot plan and scaled drawings to the ACC for a permit (Protective Covenants, Number 9.)

- A. Ownership. Docks on lots of single family residences are for the owner's use. The property owner is responsible for obtaining required permits. (EFFECTIVE 4/21/2016)
- B. Construction. Materials for boat docks, covered boat docks, and boat houses should match the residence; however, a metal roof is permitted as long as it is H-Lock or R-Lock/R-Panel or equivalent construction. Colors must be in compliance as stated in Chapter 5, Section 5.01C2 (Colors). Metal roofing shall have rake trim for a finished look. The ACC will not permit "treated" wood to stand in lake water, but it may be used as decking and railings. Galvanized metal posts may be used in place of wood. Any wood which stands in lake water cannot be "treated" but may be heart of redwood, cypress or cedar. All skirting must be of redwood or cedar. The ACC will not permit barrels or pontoons for flotation. Any Styrofoam must be encapsulated.

## Chapter 5 – Architectural Design Standards

Roofing specifications for covered boat docks/boat houses were revised and adopted by ACC Board on 3/16/2017.

- C. Docks and Ancillary Buildings on Unimproved Lots. The ACC finds that permit applications for the construction of docks and ancillary buildings, such as a boat house or dockside recreational improvement, on an otherwise unimproved lot, may be considered provided:
1. The dock and ancillary building will be constructed on a lot contiguous to the residence (same owner[s] of both lots).
  2. The owner(s) shall execute an acknowledgement that if the ownership of the two adjoining lots shall cease being common ownership for any reason, the dock or ancillary building located on the lot on which there is no residence shall be removed and the lot restored to its former natural condition in so far as possible at the owners(s) expense. The acknowledgement shall be in the form as required by the ACC (See Covenant 15 in Appendix C).
  3. The owner shall apply for an easement release if permanent improvements encroach into the utility and drainage easement. The utility and drainage easement, as outlined in the plat notes for each subdivision of Bella Vista Village, are reserved by the developer pursuant to Article IV of the Declaration unless specifically designated otherwise on the plat or in the notes. A current survey including lots affected by easement encroachments is required showing the exact location, to scale, of all structures and encroachments. This information will be submitted to the developer (CCI) for review and approval.
  4. The improvement does not encroach into the 20' lakefront property line setback as shown on the subdivision plat. If there is such an encroachment, ACC written permission is required (Covenant 9).

### 5.04 ACCESSORY STRUCTURES

- A. Outbuildings.
1. Single Family Detached. Outbuildings or accessory buildings, such as a garage, servants quarters or guest house, shall be permitted on lots upon which single family detached buildings are occupied by individuals employed on the premises or by guests, and are not occupied otherwise as rental units by employees or non-guest occupants, and provided the ACC shall approve the design, plans, specifications, etc., of such buildings. Such structures must match the existing residence as to siding, shingles, paint and trim colors, and architectural style. Metal, plastic, and Rubbermaid-type sheds are not approved. A permit for sheds,

## Chapter 5 – Architectural Design Standards

outbuildings, or accessory structures is required and must be approved by the ACC. Additionally, the accessory structure must be in line or behind the front plane of the primary residential structure.

2. Outbuildings on Unimproved Lots. The ACC finds that applications for permits for the construction of outbuildings or accessory buildings, such as a garage, storage building, servant quarters, guest house, or other structure on an otherwise unimproved lot, may be considered, provided:
  - a. The outbuilding or accessory building is constructed on an otherwise unimproved lot contiguous with the lot upon in which the residence of the owner(s) of both lots is located.
  - b. The owner(s) shall execute an acknowledgement of the requirement that if the ownership of the two contiguous lots shall cease being common ownership for any reason, the outbuilding located on the lot on which there is no residence shall be removed at the owner's expense and the lot restored to its former natural condition insofar as possible. The acknowledgement shall be in a form as required by the ACC (See Covenant 15 in Appendix C).
  - c. The owner shall apply for an easement release if such improvements are permanent and encroach into the utility and drainage easement as outlined in the plat notes for each subdivision of Bella Vista Village. A current survey including all lots affected is required showing the exact location, to scale, of all structures and encroachments and will be submitted to the developer (CCI) for review and approval.

### B. Carports.

Carports may be enclosed into a garage or for added living space provided the materials proposed match the existing residence and the plans are approved by the ACC. A covered parking area or a garage shall still be required. A permit is required.

### C. Fences/Screening.

1. Permit Required. All fences must be reviewed and approved by the ACC and a permit fee paid prior to installation as required by Chapter 3 - Fees.
2. Location. The location of the fence must be drawn to scale on a plot plan and submitted to the ACC for approval. Fences may be built on the lot line but not over the lot line and the fence cannot run parallel to the lot line in the utility and drainage easement. However, if an adjacent lot with contiguous lot line is owned by the same owner, then the fence may

## Chapter 5 – Architectural Design Standards

continue in line with the front plane of the primary residence onto the adjacent lot. The owner must acknowledge disclaimer on application form pertaining to easement encroachment and sign and record ACC Covenant 15 form. Any portion of a fence facing a street must be wood, decorative, or other approved fencing. (Revised and adopted by ACC Board on 3/16/2017.)

- a. General Guidelines: All fences and fencing must be approved by the ACC prior to construction. Front yard (as defined in Chapter 4) fences and fencing are strongly discouraged in Bella Vista Village. However, request for front yard fences will be considered by the ACC subject the guidelines listed herein and will only be approved on a case-by-case basis. To obtain ACC approval, front yard fences and fencing must be compatible with the surroundings of Bella Vista Village, the aesthetic feel of the particular lot(s) upon which the fence or fencing will be constructed.
  - b. Purpose. Front yard fences and fencing may be used for lot line accents decorative purposes, or as enclosures. The ACC reserves the right to limit the purpose as well as the location and material of fences and fencing.
  - c. Material and Design/Style. Materials and design must match those submitted to and approved by the ACC in issuing the fence permit. Examples of appropriate styles or designs that may be considered include, but are limited to “split rail, picket, post and rail, wrought iron, and decorative masonry pillars. No chain-link or unapproved wire shall be permitted in a front yard.
  - d. Location and Height Restriction. Approved front yard fences and fencing may be erected adjacent to or within a required front yard setback, provided such fences shall be not more than thirty-six (36) inches in height following the natural contour of the ground. Front yard fences and fencing installed on the adjacent lot(s) owned by the same owner(s) must maintain the same height as front yard fence and fencing installed on the primary residential lot. Front yard fences and fencing cannot impede vision to an adjacent street for traffic safety reasons (Covenant 17). (Revised and adopted by ACC Board on 3/16/2017.)
  - e. Maintenance. All fencing must be continuously maintained to present an attractive appearance.
3. Finished Surface. Finished surface for all fencing shall face outward from the property. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.

## Chapter 5 – Architectural Design Standards

4. Side and Rear Yards. Side and rear yards may be chain link, picket, split rail, post and rail, or wood privacy fence (following natural contour of the ground). These fences may be used for enclosures to contain pets or provide privacy. Any portion of a fence facing a street must be wood, decorative, or other approved fencing as defined in paragraph 5.04C2c.
5. Height and Type. Side and rear wood privacy fences shall not exceed 8'0" in height (following natural contour of the ground). Chain link shall not exceed 6'0" in height (following natural contour of the ground) and any front yard fences shall not exceed 36" in height (following natural contour of the ground).
6. Materials and Colors. Privacy fences must be constructed of standard and acceptable materials conducive to privacy fencing. A chain link fence must be constructed of standard chain link materials, either galvanized aluminum or vinyl coated. Other wire fences (more than 6 gauge) and T-posts are not permitted. All other fence materials will be reviewed on case-by-case basis. Effective September 1, 2007, no lattice material is to be used for screening boats, trailers, RVs, etc. Only solid fencing materials such as privacy type are allowed. Colors must be in compliance as stated in Chapter 5, Section 5.01C2 (Colors). No white fence/fencing shall be permitted. Previously, the ACC has *grandfathered* any white fence/fencing that predated the adoption of the ACC policy prohibiting white fence/fencing. However, as of January 1, 2022, no white fence/fencing shall be permitted, regardless of date of installation.
7. Lake Lots and Golf Course Lots. Any chain link fences on lake front and golf front property must be vinyl coated (black, brown, or green). Any fencing on lake lots and golf course lots must remain 20'0" from property line as stated in Protective Covenant 9.
8. Screening for Vehicles.

“Inoperable vehicles”, as defined in Chapter 4, and all recreational vehicles, boats or other watercraft, golf carts, enclosed trailers, non-enclosed flatbed trailers with a bed size larger than five feet by ten feet (5' x 10'), and truck campers shall be parked/placed behind the front plane of the house and completely screened from a viewer's sight from the street 12 months out of the year.

Screening shall be privacy type fencing up to 8'0" in height (following natural contour of the ground) that completely blocks the prohibited item(s) from view. If the prohibited item(s) cannot be screened from a viewer's sight from the street 12 months out of the year, the prohibited item(s) shall be moved off site.

## Chapter 5 – Architectural Design Standards

The ACC will allow RVs and campers to be parked on a hard surface for 3 continuous days (maximum) for loading/unloading, cleaning, repairs, etc. Boats can be parked on a hard surface for 24 hours for loading/unloading, cleaning, repairs, etc. This does not mean such vehicles leave after the maximum time allowed and reappear for another allowable period every few days.

However, any larger vehicles that cannot be screened that have been owned by a Bella Vista Village POA member or Bella Vista Village resident prior to the date this policy was adopted shall be grandfathered in until January 1, 2021, and will not be required to be moved off site. But, after January 1, 2021, this grandfathering provision shall expire and all vehicles shall be subject to all requirements of this paragraph. (Adopted by ACC Board of Directors on August 16, 2018; Updated and adopted by ACC Board of Directors on November 15, 2018; Effective Enforcement 1.1.2021)

9. All autos and any recreational vehicles, boats or other watercraft, golf carts, enclosed trailers, non-enclosed flatbed trailers with a bed size larger than five feet by ten feet (5' x 10'), and truck campers shall be parked on a hard surface located on the property. Acceptable hard surfaces shall be SB2 gravel, asphalt, or concrete. (Adopted by ACC Board of Directors adopted May 18, 2017)
- D. Decks. Staining, painting, or weather-sealing of decks is recommended to alleviate mildew, sun bleaching, and weather rot. Deck additions should match existing decks with materials and configuration, and be approved by the ACC. Permit is required for any improvement or addition to a deck.
- E. Seawalls. Treated wood may not be used for seawalls, although heart of redwood, cedar, cypress, concrete, stone, and other approved materials, may be used. A permit is required and must be approved by the ACC.
- F. Front Yard Outdoor Play Equipment. Effective June 21, 2018, no outdoor play equipment may be located in the front yard, but it shall be behind the front plane of the house. "Front Yard" shall be defined as set out in Chapter 4. "Outdoor Play Equipment" shall include but shall not be limited to: trampolines, above ground pools, swing sets/swings, jungle gyms, play/tree houses, climbing walls, and volleyball nets. Any Front Yard Outdoor Play Equipment in place prior to the effective date shall be grandfathered in and allowed. However, this grandfathering exception shall only be in effect for 2 years, and from June 21, 2020, forward, the prohibition against Front Outdoor Yard Play Equipment shall apply to all of the Properties, regardless of when such equipment was installed. (Adopted by ACC Board of Directors on June 21, 2018)

# Chapter 6 - Application Procedures

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## 6.01 RESIDENTIAL PERMITS

- A. Application Requirements. The following requirements must be met before the ACC will consider approving the project for new construction.
1. Proof of Compliance: According to Paragraph 10 of the Protective Covenants, the following are required:
    - a. If a contractor, builder, person or entity is performing the construction work for the owner, proof of financial ability must be furnished to the ACC prior to beginning construction to ensure completion of the work and to indemnify the owner against material and mechanic liens.
    - b. If the owner is his own builder he shall furnish the ACC, prior to beginning construction, such credit information and proof of financial ability to complete the building within the time requirements of the Protective Covenants.
    - c. The property owner must furnish to the ACC satisfactory proof that Builder's Risk Insurance is in effect. Builder's Risk Insurance is to be equal to the value of the home and effective for the construction period. The contractor must furnish Worker's Compensation, if applicable (required state minimum). All forms of insurance must specify property address or legal description, effective policy dates, and amount of coverage.
  2. Plot Plans. One copy of the plot plan (11 x 17 scaled) drawings must be submitted to the ACC which meets the specifications described in the Application Checklist and Plot Plan Checklist.
  3. Construction Elevations. One set of exterior elevations that accurately and clearly denote the work to be done must be presented to the ACC. Plans must show exterior materials, shingles, colors, etc. Floor plans must be included to verify minimum square footage as required by the subdivision plat.
    - a. Residential and Commercial: Drawings must (on 11" x 17" size paper) accompany the application and include four exterior elevations (front, sides, and rear).
    - b. Samples. Color and manufacturer names for shingles, brick or masonry, siding, trim, shutters, soffit and fascia, gutters, etc., will be submitted for ACC approval.
  4. Permit Fee. A permit fee is required before issuing an ACC permit and the fee is not refundable. The required fee may accompany the application but can be submitted at the time of permit pick up. If any construction begins prior to ACC

## Chapter 6 - Application Procedures

approval/payment of fee, the fee will be doubled (see fee schedule). Any alteration to the property that can be construed as construction will be considered as such.

5. Permit Issuance. When the application is approved and signed by the designated authority of the ACC and the fee is submitted, a building permit will be issued. The building permit must be visible from the road. The permit is valid for 6 months from the date of the start of construction. If the exterior of the residence cannot be completed by the end of the 6 months, an extension permit shall be required. Two 90-day extensions are allowed for any new home construction permit. Owner/builder must purchase a new permit at full price if project is not completed after two extension periods.

### 6.02 COMMERCIAL PERMITS

Requirements. The requirements for commercial permits are the same as residential permits.

### 6.03 MISCELLANEOUS REPAIR AND IMPROVEMENT PERMIT and LARGE SCALE MISCELLANEOUS IMPROVEMENT PERMIT

Any improvements that change or maintain the outward appearance of a residence or a property requires a permit (Article XII of the Declaration and Protective Covenants). All new construction must match pre-existing construction.

- A. Application. An application must clearly indicate the size, shape, location, colors, and materials used.
  1. Plot Plan. A copy of the plot plan is required showing the exact location, to scale, of any improvements to a property. This includes but not limited to: additions to the exterior, deck additions, fences, storage sheds, painting, etc. Permanent improvements cannot extend into the utility and drainage easement as shown on the plat without a release from CCI. Please inquire at time of application about the easement release process.
  2. Elevations. Provide exterior elevations for improvement. This could include drawings or photos representing the finished project.
- B. Permit Fee & Issuance.
  1. Permit Fee. The required fee may accompany the application; however the fee may be paid at time of permit pick up. If any construction begins prior to ACC approval and fee payment, the fee will be doubled
  2. Permit Issuance. All completed applications are to be submitted to the ACC for review. The ACC will review the application and will issue a permit upon approval, will deny the application, or will contact the applicant to discuss alternative solutions towards approval.



## **Chapter 6 - Application Procedures**

3. Incomplete Applications. Incomplete applications are not held at the ACC office.

### **6.04 INSPECTIONS**

The ACC will perform a final inspection for compliance of all completed projects. Items to be reviewed, but not limited to, will be roof color, siding color, painted foundation color, concrete or asphalt driveway, finished porches/decks, and fences.

# Chapter 7 - Review Procedures

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## 7.01 GENERAL PROVISIONS

A. Applications. Standard maintenance work requires the issuance of a permit. These include, but are not limited to, re-painting, re-roofing, and replacing of deck boards.

1. Written Application. The ACC will consider only written applications and may require such further documentation as it reasonably deems necessary.
2. Fees. An application or permit fee payable to the ACC may be assessed as identified in Chapter 3-Fees.
3. Filing. All applications shall be filed by ACC number and contain Subdivision, Block, and Lot Number with an indication of the decision made and actions taken.
4. Lot Line Verification. Property owners are responsible for determining the exact location of their property lines. A recent survey is preferred and may be required for approval.
5. Residential and Commercial Detached Property. Further documentation may be required.

B. Decisions.

1. Timing. Refer to Article XII of the Declaration and Protective Covenants.
2. Notification of Committee Decision for variance/appeal. The ACC will notify the applicant of its decision not more than seven working days after its meeting.
  - a. Denial. Notice of denial shall be deemed to have been properly given when mailed and postpaid by 1st class mail to the address of the applicant as shown on the application. Upon denial of an application, the applicant shall be informed of the availability of gratuitous advice from the ACC. Reasons for denial shall be enumerated as part of the notification.
  - b. Approval. Notice of approval shall be deemed to have been properly given upon issuance of a permit for the requested activity.

## 7.02 REVIEW OF ACC PERMIT APPLICATIONS

The ACC has established the following general rules to guide them in arriving at a decision to approve or disapprove an application for construction.

## Chapter 7 - Review Procedures

- A. Aesthetics. All construction should improve and enhance the aesthetics of Bella Vista Village as well as the individual property.
- B. Architectural Style. No specific architectural style will be eliminated from consideration, but there is a strong preference for rustic architectural style in keeping with the image of Bella Vista Village as a high quality rural environment.
- C. Building Materials. New materials and new systems of construction will be given careful and friendly consideration. Insofar as practicable, exterior building materials should be indigenous to the area. For instance, native stone is preferred while stone or brick that is not native should have a color and texture appropriate to the rural motif.
- D. Roof Overhangs and Balconies. In keeping with the rural nature of Bella Vista Village, the ACC suggests every consideration be given to side roof overhangs and outside balconies, and to architectural styles where these will be appropriate.
- E. Site. The ACC will give equal consideration to the overall site as well as the building.
- F. Screening. In the case of lots adjacent to collector streets, the ACC will require that the provisions of Covenant 16 concerning screening easements be observed so that a screen of natural foliage or attractive walls or fences will border each of the non-frontage collector streets to preserve the rural nature of the community in the eye of the through traveler and to screen the traffic of the high-volume traffic streets away from the home site.

### 7.03 REVIEW PROCEDURES FOR NEW CONSTRUCTION

- A. Applications. The ACC Administrator, or designee, will issue a permit packet, which includes Application for Review of New Construction, Application Checklist, and Indemnity Agreement. The administrator will review and discuss any questions regarding the application and accompanying paperwork with the applicant(s).
- B. Review Criteria. The ACC administrator will review applications for conformity with the Protective Covenants and ACC policies to ensure that:
  - 1. Application is signed and dated by applicant; Indemnity signed and notarized;
  - 2. Plot plan is signed and dated by authorized agents and Registered Land Surveyor;

## Chapter 7 - Review Procedures

3. Request meets or exceeds minimum square footage requirements as set forth on the recorded plat;
  4. Style of home conforms to neighboring residences to the extent possible;
  5. No encroachments to platted setbacks or easements are proposed. Proposed platted setback encroachments must be approved by the ACC; easement encroachments must be approved by CCI in which the ACC will submit the necessary documents for easement release review;
  6. Dual lot situation. Such applications may require release of easement from CCI to determine if or how much of the easement should be released. The ACC will act as point of contact for this utility and drainage easement release process.
- C. Decision. The ACC Administrator, upon submittal, will either approve or reject the application.
1. Approval. Upon approval, accept the appropriate fees and issue the ACC permit and receipts for fees collected.
  2. Denial. Upon rejection, if requested by applicant, discuss alternatives for approval, or agree to present the application to the ACC Board of Directors at its next regularly scheduled meeting.
- D. Display of Permit. The ACC permit must be posted on site prior to construction either on a plywood job board or in a brochure box. The permit must be visible from the road. Permits should be removed after final inspection.

### 7.04 REVIEW PROCEDURES FOR MISCELLANEOUS REPAIRS AND IMPROVEMENTS TO PROPERTY

- A. Permit Required for Miscellaneous Repairs and Improvements. Standard maintenance work requires an ACC permit. These would include, but not limited to: re-painting, re-roofing, replacing deck boards or rails, and siding.

Examples of improvements not limited to: fences/screening, deck additions, concrete driveways, sidewalks, patios, pools, tree houses, seawalls, retaining walls, carports, garages, sheds, docks, etc.

Other improvements: Additions/alterations to increase *heated floor space* less than 120 sq. ft.

- B. Permit Required for Large Scale Miscellaneous Improvements. These improvements include, but are not limited to, the following:

## Chapter 7 - Review Procedures

Any addition of 120 sq. ft. or larger of *heated floor space*.

When turning a carport into heated floor space and adding a garage or carport.

When adding an accessory structure such as a shed, garage, carport, boathouse, or covered dock (400 sq. ft. or larger).

- C. Exemptions. Items excluded from this section are interior work of a residence that does not affect the exterior, such as adding a window or a door.
- D. Applications. The ACC Administrator, or designee, will review and discuss any applicant questions regarding the application and accompanying paperwork.
- E. Review Criteria. The ACC Administrator or designee will review the application for conformity to the Protective Covenants and ACC polices to ensure that:
  - 1. Application is signed and dated by applicant;
  - 2. Copy of plot plan or survey (preferred) accompanies the application showing the location and dimensions of all improvements;
  - 3. Project drawings that indicate materials to be used as to size, specifications, and location;
  - 4. The improvement conforms to the surrounding residences and matches the existing residence as close as possible;
  - 5. No encroachments to setbacks or easements are proposed. If proposed encroachments, they must be approved by the ACC and/or CCI as applicable;
  - 6. Applicant may be required to expose property pins, for inspection, prior to approval;
  - 7. The site is checked to view existing property and suggest alternatives if appropriate;
  - 8. Application for construction or installation of miscellaneous repairs or improvements must be approved by the ACC prior to issuance of a permit.
- F. Decision. Upon completion of review criteria, the ACC Administrator will either approve or reject the application.
  - 1. Approval. Upon approval, accept the appropriate fees and issue the ACC permit and receipts for fees collected.

## **Chapter 7 - Review Procedures**

2. Denial. Upon rejection, if requested by applicant, discuss alternatives for approval, or agree to present the application to the ACC Board of Directors at its next regularly scheduled meeting.
- G. Display of Permit. Upon issuance of a permit, the permit must be visible from the road. Permits should be removed after final inspection.

### **7.05 REVIEW OF REQUESTS FOR VARIANCES FROM DESIGN GUIDELINES**

The ACC may authorize variances from compliance with any of the provisions of the design guidelines when circumstances such as topography, natural obstructions, aesthetics, or environmental considerations require, but only in accordance with its duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall:

- A. Be effective unless in writing;
- B. Be contrary to the restrictions set forth in the body of the Declaration, or;
- C. Prevent the Committee from denying a variance in other circumstances.

### **7.06 APPEALS**

If a proposal is rejected by the ACC Administrator, an applicant is free to request that the ACC Board of Directors reconsider its position, and is encouraged to present new or additional information that might clarify the request or demonstrate its acceptability. No appeal may be made to the City, POA, or CCI (the Developer).

### **7.07 WAIVERS**

The approval of the ACC of any applications for any work done or proposed, or in connection with any other matter requiring the approval and consent of such Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or matters whatever subsequently or additionally submitted for approval or consent.

### **7.08 REVIEW OF COMPLAINTS**

- A. Authority. The ACC is empowered to receive complaints of possible architectural violations and violations of the Protective Covenants. Complaints can be made in writing or by phone and will be anonymous. Any complaints are considered confidential and are not subject to discovery by other property owners. The ACC Administrator or her/his designee shall be authorized to act under this policy and related enforcement policies.

## Chapter 7 - Review Procedures

- B. Investigation. The ACC Administrator shall investigate all complaints and shall pursue the complaints that are validated violations.
- C. Determination. If, in the reasonable judgment of the Administrator, no violation exists, or if the Administrator affects a remedy, no further action shall be required.

If the Administrator finds a violation does exist, and is unable to affect a remedy acceptable concerning the complaint, said property owner shall be given notice by the Administrator of the nature of the violation, possible remedies, and a time frame to cure the violation. If the ACC, in light of all evidence available to it, shall decide that a violation exists, it shall take any additional action deemed appropriate to encourage compliance.

- D. Continued Violation. If the violation continues, the ACC may take action pursuant to Chapter 2 – Administrative Policies, Section 2.06 - Enforcement.
- E. Filing. The ACC shall keep a file of all validated violations. Validated violation shall be filed by ACC number and contain Subdivision, Block, and Lot Number, with an indication of the decision made and actions taken.

# Chapter 8 - Signage

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## 8.01 SIGNS – GENERAL

In accordance with Protective Covenant 18--All signs are prohibited in areas zoned upon any recorded subdivision plat as residential except:

- A. Signs erected by the POA for identification of streets, traffic control and directional purposes;
- B. Signs of a temporary nature advertising property for sale and construction signs, which signs shall not exceed five (5) square feet in area;
- C. Signs erected by Developer in connection with its sales program;
- D. The erection of signs in areas zoned commercial upon any recorded subdivision plat shall require a permit of the ACC and no such sign, except as provided in sub-paragraphs A, B, or C above, shall be erected without the permit of the ACC.

## 8.02 POSTING

Signs are not permitted to be attached to telephone poles, street signs, stop signs, POA signs, etc.

## 8.03 RESIDENTIAL SIGNS - RESIDENCES UNDER CONSTRUCTION AND/OR FOR SALE, OR EXISTING RESIDENCES UNDER REMODEL

- A. Construction Signs. Signs on properties with residences under construction and/or for sale or existing residences under remodel are subject to the following:
  - 1. Construction signs with a maximum area of five (5) square feet to include the following:
    - a. ACC permit (must be posted on a plywood board or placed in a brochure box);
    - b. Builder's sign;
    - c. Subcontractor's sign (as applicable)
  - 2. Realtor's sign with a maximum area of five (5) square feet (including riders). Only one such sign may be displayed on the property for sale. Two signs may be permitted on designated golf course or lake front properties
- B. Open House Signs. Signs for residential open house events can be erected on the actual property for sale. Open house directional signs on road right of way are subject to the City of Bella Vista Sign Ordinance.



## Chapter 8 - Signage

- C. Violations. All signs found in violation or in an un-kept condition will be picked up and stored at the ACC Office for one week. Signs that are not recovered by the owner within the one week timeframe will be disposed of.

### 8.04 UNDEVELOPED LOTS FOR SALE

Signs on undeveloped lots for sale, either by owner or realtor, cannot exceed five (5) square feet in area. Signs may state name of realty company, realtor's name, contact information, and lot identification information (e.g., lot, block, and subdivision).

### 8.05 COMMERCIAL SIGNS

This section shall govern only those areas located within Bella Vista Village and outside the City of Bella Vista zoned commercial.

The construction or maintenance of signs, whether temporary or permanent, in any area *designated* commercial, upon any of the properties within Bella Vista Village shall require a permit of the ACC and no such sign shall be erected nor maintained upon the properties, without prior approval of the ACC. *For the purpose of this policy, commercial properties are defined as any property that is not a personal residence and/or is operated under the accepted definition of a business. This includes, but is not limited to, banks, grocery stores, gas stations, restaurants, and other for profit businesses as well as churches and not-for-profit organizations.*

- A. General Provisions. Signs must be consistent with the existing signs used in the area adjoining the commercial property where the sign is to be located (unless the signs in the immediate area are not in compliance with this policy). Size, shape, height, location, materials, design, color, illumination and method of installation must be approved and permitted by the ACC as follows:
1. Height. Single occupant building signs shall be at existing ground level and not to exceed 9'-0" in height. If the sign is located on property adjoining Highway 71, the sign may be erected on a standard not to exceed 25'-0" in height.
  2. Width. The width of a horizontally displayed sign may not exceed twice the height. The width of any vertically displayed sign may not exceed one-half (1/2) the height.
  3. Color. Sign colors shall be earth tones (browns, greens, earth reds, and grays) as approved by the ACC. Sign face colors may be of proprietary colors. Fluorescent and iridescent colors are prohibited.
  4. Materials. Permanent signs shall be of wood, brick, stone, plastic, or fiberglass or other materials as approved by the ACC.
  5. Lighting. Sign illumination shall be shaded, shielded, or directed so as to minimize the light intensity to the surrounding areas and to prevent

## Chapter 8 - Signage

blinding of passing motorists. Inert gas or bent tube (neon or fluorescent) materials may only be used as back lights to signs.

- B. Single Occupant Commercial Signs. The sign shall not exceed 80% of the width of the occupant's store front. Signs attached to the side of a building connected to the side of a building may not exceed 20% of the side wall space, and may not exceed a total of 100 square feet, whichever is less, and such signs shall not exceed 4' in height.
- C. Multi-Occupant Commercial Signs. A sign for a multi-occupant facility will have a directory sign located as approved by the ACC.
  - 1. Attached to Front of Building. A sign attached to the front of the building may be permitted for each occupant provided the sign does not extend above the roof line of the structure, nor exceed 80% of the width of the occupants store front.
  - 2. Attached to Side of Building. Signs attached to the side of the building or erected to the side of a building may not exceed 20% of the side wall space, and may not exceed a total of 100 square feet, whichever is less, and such signs shall not exceed 4' in height.
- D. Temporary Signs. Permitted temporary signs are generally accepted to announce grand openings or special seasonal features of the business. Temporary signs will be permitted for a period of 15 calendar days four times per year and in accordance with 8.02 - Posting. All temporary signs must be approved by the ACC prior to display.
- E. Variances. Variances may be allowed by the ACC due to hardship of the applicant on the basis of terrain, location, or other factors beyond the control of the applicant.
- F. Fees. Fees for a commercial sign permit as applicable must be paid in accordance with Chapter 3 - Fees.
- G. Grandfather Clause. Existing permanent signs are grandfathered until replaced by a new sign. Replacement signs, whether temporary or permanent, must comply with ACC Policy, as stated herein.
- H. Policy Review. This policy shall be reviewed annually during January and any changes, if required, will become effective March 1 of that year. Any commercial entity, as defined in Chapter 4 - Definitions, shall request changes and submit them to the ACC for review no later than February 1.

## Chapter 8 - Signage

### 8.06 CAMPAIGN SIGNS

The ACC has taken a less restrictive sign procedure than is outlined in the Protective Covenants due to the nature of political discourse. Protective Covenant 18, as adopted in the Declaration, limits signs on **residential** property to temporary advertising for property for sale and construction signs which shall not exceed 5 square feet in area. However, during the political season the ACC, as it has in the past, will take a much less restrictive position regarding the residential signage regulations.

Campaign signs may be posted on **residential** property following the less restrictive procedure if they meet these guidelines:

1. Signs may not be erected earlier than 60 calendar days prior to Election Day.
2. One sign per candidate per property location is allowed. Maximum number of signs shall be one sign for every 20 feet of street frontage the property borders.
3. Maximum size per sign is 5 square feet.
4. Signs may not be placed on utility poles, street signs, stop signs, POA signs and may not be placed in the road rights-of-way or on Common Property.
5. Signs (and posts) must be removed from the property within 5 calendar days after Election Day.

To place campaign signs on **commercial** property the candidate, or their representative, must obtain a no fee sign permit from the ACC. This permit is good for any location where permission has been given by the land owner and there will not be a charge for the permit.

Any signs placed without a permit or not meeting these required criteria may be removed by ACC staff. Signs removed by ACC staff will be held for 1 week for owner retrieval. If not picked up in 1 week, signs will be discarded. (Adopted by ACC Board of Directors on November 15, 2018; Revised and adopted by ACC Board of Directors on December 20, 2018; October 9.3.20)

### 8.07 SIGN APPROVAL

Other signs not expressly addressed herein are not allowed unless approved by the ACC.

**Bella Vista Architectural Control Committee**

**ACC #**

**Fee \$ 500.00 Residential  
\$1000.00 Commercial**

Application for Review of New Construction-Residential and Commercial

Owner's Name \_\_\_\_\_ Phone/Email \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone/Email \_\_\_\_\_

New Construction Address \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Building Type (Please circle)      Single Family Residential      Commercial      Other

Colors to be used -- provide manufacturer name and color name of products:

Roof: \_\_\_\_\_ Trim/Soffit/Fascia: \_\_\_\_\_

Siding: \_\_\_\_\_ Garage Door: \_\_\_\_\_

Stone/Brick: \_\_\_\_\_ Windows: \_\_\_\_\_

Gutters/Downspouts: \_\_\_\_\_ Shutters/Other: \_\_\_\_\_

**NO REFUNDS**

**Acknowledgements**

**\*IF ANY PROJECT IS STARTED BEFORE AN APPLICATION IS SUBMITTED AND A PERMIT IS ISSUED, THE FEE WILL BE DOUBLED.\***

**See ACC Policy and Procedure Manual – [www.BVACC.com](http://www.BVACC.com)**

The Architectural Control Committee shall not be responsible for the workmanship, safety, quality, or conformity to contractual specifications of any permitted project. This matter is between the owner and contractor. All applications are reviewed on a case by case basis, and additional documents may be required.

**Application Checklist**

- Fill out, sign, and date the application.
- Fill out, sign, date, and have the Indemnity Agreement notarized.

**Along with the application, the applicant will need to provide the following:**

- One (11" x 17") copy of the plot plan (to scale) to include house foot print, septic design (if applicable), all setbacks and easements.

APPENDIX A

- One copy of the current Individual Onsite System Permit Application including; Designated Representative (DR) signature; Environmental Health Specialist signature; Owner’s signature.
  
- One copy of Worker’s Comp Insurance (as applicable).
  
- One copy of the builder’s risk insurance from the property owner equal to the value of the home with legal description, inclusive dates of coverage, and valuation of insured project.
  
- Proof of financial ability from the property owner in the form of original letter from the financial institution or copy of the loan agreement to include legal description/address of property, effective date of financial ability, and dollar amount of project/loan.
  
- One (11” x 17” **only**) set of house plans to include four exterior elevations (front, rear, and sides).
  
- List of manufacturer name(s) and color name(s) for exterior products to be used for the project (see page 1).

I certify that the above, together with attached site plans, construction plans and materials and color descriptions, constitutes a true description of the proposed building and accessory construction and the location on the site of all items of construction will be in accordance with these documents. I further certify that I will deliver proof of financial ability and proof of all forms of necessary insurance to the ACC. I further certify that I have read and understand the Acknowledgements described and adhere to the rules and guidelines specified.

\_\_\_\_\_  
Property Owner’s Signature

\_\_\_\_\_  
Date

The ACC has reviewed this application and construction is approved, subject to the following changes or additions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
ACC Administrator’s Signature

\_\_\_\_\_  
Date

APPENDIX A

INDEMNITY AGREEMENT

Whereas, \_\_\_\_\_  
PROPERTY OWNER'S NAME

Of \_\_\_\_\_  
PROPERTY OWNER'S CURRENT ADDRESS

has (have) made application and received approval for the construction of a dwelling on  
Lot \_\_\_\_\_, Block \_\_\_\_\_, \_\_\_\_\_ Subdivision, Bella Vista Village, and

Whereas, Section 10 of the Protective Covenants of the Declarations of Covenants and Restrictions filed in the Office of the Circuit Clerk of Benton County, Arkansas, on May 18, 1965, and appearing in Deed Record 373, Page 8, et seq., provides the contractor, builder, person, or entity, constructing a building upon the property, shall furnish the ACC proof that a suitable completion bond has been made to ensure completion of the building and indemnify the Owner against material's lien: and

Whereas, property owner desires a waiver from the ACC from such provisions due to the fact that property owner is financially able to fully satisfy all material or mechanics' lien and

Whereas, property owner has specifically requested waiver of such requirement for completion bond due to the fact that property owner has exhibited financial ability, and has stated his willingness to undertake such construction without the added expense of completion bond;

Now, THEREFORE, in consideration of the ACC granting a waiver permitting the construction to be made without requirement of a completion of performance bond as set in Section 10 of the Protective Covenants, property owner agrees to indemnify and cause to be satisfied any and all material and all mechanics' liens which may be filed against the said Architectural Control Committee for its failure to require performance or completion bond, and further agrees to defend and hold harmless the said ACC in any Lawsuit filed by any one asserting a material or mechanics' lien in connection with the construction of the building on said property.

In Witness Whereof. The undersigned hereunto puts his (their) hand and seal, and hereby binds his (their) heirs, executors, administrators, successors, and assigns  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Property Owner's Signature

**ACKNOWLEDGEMENTS**

State of Arkansas            )  
  ss:  
County of                    )

On this \_\_\_\_ day of \_\_\_\_\_, in the 20\_\_\_\_, before me \_\_\_\_\_,

DAY                    MONTH                    YEAR    NOTARY PUBLIC NAME  
A notary public, personally appeared \_\_\_\_\_,  
NAME OF DOCUMENT SIGNER

Proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my haven and official seal.

S  
E  
A  
L  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Staff Only: Initials _____
Paid: _____ Date _____
Permit # _____ ACC# _____

Bella Vista ACC Application for Miscellaneous Improvements

Owner's Name \_\_\_\_\_ Phone/Email \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone/Email \_\_\_\_\_

Property Address \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Description of Improvement \_\_\_\_\_

**Any improvements that change/maintain the outward appearance of a residence/property require a permit. See ACC Policy & Procedure Manual for details ([www.BVACC.com](http://www.BVACC.com)).**

**Application Requirements:** Submit applications with a plot plan indicating the exact location of the improvement (to scale), exact dimensions, and a drawing and/or a picture of the project with detailed specifications (drawings are to be on 11 x 17 size paper or less), color name/manufacturer of all materials used, and a picture of the residence (as applicable).

**Review Procedures:** Applications reviewed **may require additional documents.** Applications must be approved by ACC's full committee unless otherwise stated at the time of submittal. Tours and meetings are held once a month. A schedule of tour and meeting dates are available upon request. Projects **shall not** begin without approval of the ACC.

ALL NEW CONSTRUCTION MUST MATCH PRE-EXISTING CONSTRUCTION IN REGARD TO COLOR, MATERIALS, AND AESTHETIC APPEAL (**SEE ACC Policy & Procedure Manual**). ALL IMPROVEMENTS MUST REMAIN WITHIN THE SETBACKS OF THE PROPERTY LOT LINES UNLESS OTHERWISE APPROVED.

**Permit Fees:**

- Miscellaneous Repair/Improvements**.....\$75  
 Examples: reroof, repainting, siding, fences/screening, deck additions/repairs/replace, concrete driveways, seawalls, retaining walls, carports, garages, sheds, docks, and any additions/alterations to increase *heated floor space* up to 120 sq. ft.
- Large Scale Miscellaneous Improvements**.....\$250  
 Any addition of 120 sq. ft. or larger of *heated floor space*.  
 When turning a carport into heated floor space and adding a carport or garage.  
 When adding an accessory structure such as shed, garage, carport, boathouse, or covered dock (400 sq. ft. or larger).
- Permit Extensions:**
- New residential/new commercial (90 days).....\$50
- Miscellaneous (90 days).....\$25

NO REFUNDS

**Declaration:** In the event that any construction is begun or commenced prior to receiving the approval of the ACC, appropriate action can be taken in Chancery Court to enjoin and stop further construction, under the general provisions of Article XV, Section 3 of the Declaration and Protective Covenants. **If construction has begun prior to obtaining a building permit, the permit fee will be double.**

The ACC will not be responsible for the workmanship, safety, quality, or conformity with contractual agreements. This matter is between the property owner and the contractor.

**Disclaimer:** If any portion of improvement encroaches in the easement and the easement is ever needed at a later date for the purpose it is intended, the owner will be responsible for the removal at the owner's expense.

**PROPERTY OWNER'S INITIALS:** \_\_\_\_\_

**The Property Owner is reminded to check references and to verify that proper insurances and licenses are in effect to cover project and injuries.**

**PROPERTY OWNER'S INITIALS:** \_\_\_\_\_

**Acceptance:** The ACC has reviewed this application, and project is approved, subject to the following requirements:

I certify that the above, together with attached plans and/or specifications, constitute a true description of the proposed project, and that the location on the site will be in accordance herein.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
ACC Administrator's Signature

\_\_\_\_\_  
Date

1.1.2021



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(Above Space for Recorder's Use)

**Bella Vista Village Architectural Control Committee, Inc.  
Acknowledgement of Protective Covenant 15  
of the Declaration and Protective Covenants of Bella Vista Village**

**WHEREAS**, \_\_\_\_\_ (hereinafter referred to as "Owner(s)"), is the owner of the following described contiguous lots located in Bella Vista Village, Benton County, Arkansas:

Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_  
and  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_

**WHEREAS**, the residence of the Owner(s) is located upon Lot \_\_\_\_\_ above described and the adjoining Lot \_\_\_\_\_ which is used for residential purposes consistent with the use of Lot (lot on which residence is located); and

**WHEREAS**, the Owner(s) has applied for authority to use the two contiguous lot for residential purposes including outbuildings, accessory buildings, garage, servant quarters, or guest houses not to be occupias as rental units by non-servant or non-guest occupants and approval of the application will be noted by the ACC in this document;

**WHEREAS**, all outbuildings, accessory buildings or other structures must be approved by the Architectural Control Committee of Bella Vista Village; and

**WHEREAS**, the Owner(s) agrees to and will construct and maintain the outbuildings, accessory buildings or other structures consistent with the plans, specifications and design documentation provided to the Architectural Control Committee for its consideration and approval.

**IT IS THEREFORE ACKNOWLEDGED** that the Owner understands and acknowledges that in the event the common ownership of Lot \_\_\_\_\_, Block \_\_\_\_\_, \_\_\_\_\_ Subdivision, should cease for any reason, the Owner(s) shall remove all outbuildings, accessory buildings or other structures located on the lot on which the is no residence and restore the lot to its former natural condition insofar as possible at the expense of the Owner(s).

APPENDIX C

The owner(s) further acknowledge that should the ownership of the two afore described lots cease to be common ownership and the outbuildings, accessory buildings or other structures are not removed, a violation of Protective Covenant 15 will be deemed to have occurred. The violation may subject the Owner(s) or the new owner of the lot on which there is not constructed a residence to legal action to enforce compliance with the Declaration and Protective Covenants of Bella Vista Village.

Dates this \_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
ACC Administrator's Signature

ACC No.: \_\_\_\_\_

**ACKNOWLEDGEMENTS**

State of Arkansas )

ss:

County of Benton )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the 20\_\_\_\_, before me \_\_\_\_\_,  
DAY MONTH YEAR NOTARY PUBLIC NAME

A notary public, personally appeared \_\_\_\_\_,  
NAME OF DOCUMENT SIGNER

Proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my haven and official seal.

S  
E  
A  
L

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_