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- b. Earth colors such as browns, greens, earth reds, and grays, or shades thereof;
- 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.
- f. Colors that are not approved include, but are not limited to the following: white, blue, black, pink, yellow, and any hues that appears like these, and bright colors in general.

Commercial – The above standards shall also apply to businesses. * *The ACC is aware that some businesses have proprietary colors for marketing purposes. This will be taken into consideration and color requests for these unique situations will be determined on a case-by-case basis.*

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, repainting, 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. **Commercial - The above standards shall also apply to all commercial buildings.**

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.)

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- 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)k m
- 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. 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).

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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, 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.

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3. **Commercial – Outbuildings on commercial property should adhere to current rules for outbuildings as outlined above. Any request for a commercial outbuilding for unique situations, will be reviewed on a case-by-case basis.**

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 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.

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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.
 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 fencing or 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

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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.

Commercial Fencing- Fencing on commercial properties should also adhere to above standards. Requests for unique situations will be reviewed on a case-by-case basis.

8. Screening for Vehicles.

“Inoperable vehicles”, as defined in Chapter 4, “commercial motor vehicles”, as defined by Ark. Code Ann. §27-23-103(8), all other commercial vehicles, to include but not be limited to, tow trucks and box trucks, 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'), boat trailers, 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.

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)

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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)
- G. Solar Panels. Solar panels are allowed, but a miscellaneous permit (Chapter 3-Fees) is required prior to installation. Panels must be solid black including the frames. When possible solar panels should be installed on a side of the roof not facing a street. When applying for the permit, the applicant should provide information from the manufacturer or installation company with placement options. (Adopted by ACC Board of Directors on July 20, 2021.)