

Bellavista Homeowners Association

Rules and Regulations

May 2023

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INTRODUCTION

Before commencing the exterior construction, reconstruction, remodeling, alteration, or addition of any building or structure, fence, wall, driveway, sidewalk, curb, path, or other improvement of any nature, the Home Owner shall first submit building plans, specifications, site and landscape plans, drainage plans, and an elevation sketch (collectively the "Plans") pursuant to these guidelines to the Architectural Review Committee (hereinafter referred to as the "ARC") for its written approval. The Plans shall include all materials for such construction, reconstruction, remodeling, alteration, or addition.

Approval of plans for any work done or proposed or in connection with any other matter requiring approval, shall not be deemed to constitute a waiver of the right to withhold approval as to any similar plans or other matters subsequently or additionally submitted for approval.

In reviewing each submission, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures and location in relation to surrounding structures, topography and finished grade elevation among other matters. The ARC, in exercising its discretion, shall consider and at a minimum, comment upon, roof design, exterior materials, trim materials, roof materials, fireplace construction, driveway location, landscape plan, square footage, exterior decks, exterior color scheme, site elevations and overall conformity with subdivision theme.

The ARC shall be the sole judge or arbiter of conformance or non-conformance of all improvement plans. Further, the ARC may approve or disapprove plans when the ARC, in its sole discretion, determines that the proposed improvements or any feature of the Plans are not architecturally or aesthetically compatible with the surrounding structures and topography or the intent of this Declaration or the design guidelines.

The following GUIDELINES represent certain pre-approved improvements to homeowner Lots and policies to follow regarding upkeep and improvement of homeowner Lots. All homeowners are urged to review these guidelines and refer to them when considering a change or improvement to their homes and lots.

APPLICATION INFORMATION

1. Homeowners must follow the guidelines contained within this Rules and Regulations document when making any exterior modifications to their properties. The ARC reserves the right to request application/clarification for addition or modification of the above mentioned or any exterior modification at any time.
2. Complete and submit an ARC Form per the guidelines. Submission information is included on the ARC Form. **The verbal approval of any sales agent or association representative is not sufficient. All modification approvals must be in writing.**
3. Owners generally receive a response to their request within thirty (30) days after their request has been received. If the homeowner receives no response after thirty (30) days, the request shall be deemed accepted.

COVENANT ENFORCEMENT PROCEDURES

1. Apparent covenant violations – as reported by any source – must be submitted in writing to the ARC to be referred for appropriate action.
2. Covenant violations include, but are not limited to, violations of the specific items referenced herein as well as other issues related to neglect or poor maintenance of homeowner's residential structure, landscaping and/or personal property affixed to the residential structure or residential lot.

If a violation cannot be resolved by the ARC, the ARC will refer the matter to the Board of Directors who will send a letter requesting compliance and/or submissions for approval.

3. If necessary, follow-up correspondence requesting immediate action will be sent. Possible sanctions include:
 - i. suspension of the right to vote;
 - ii. recordation of notice of covenant violation with the superior court;
 - iii. imposition of a fine on a per violation and/or per day basis;
 - iv. commencement of legal procedures;
 - v. correction of the violation by the association with all costs charged to the violator;
 - vi. and/or filing a lien for all fines and costs to correct the violation.

ASSOCIATION GUIDELINES

GUIDELINE # 1

Patios and Walkways

1. Submission of a form for a patio is not required if:
 - a. The patio does not extend beyond the sidelines of the house and does not extend to within 10 feet of side property lines; and
 - b. The patio does not exceed 6 inches above ground level at any point.
2. Submission of a form for a walkway is not required if the walkway is located in the rear yard and:
 - a. The walkway does not extend beyond the sidelines of the house and does not extend to within 10 feet of side property lines; and
 - b. The walkway does not exceed 4 inches above ground level at any point.

GUIDELINE # 2

Exterior Decorative Objects, Lighting, Flag Poles, and Mail Boxes

1. An ARC form must be submitted for all large and or permanent decorative objects placed in any FRONT yard, or which may be seen from the street.... Examples include but are not limited to birdhouses, birdbaths, weathervanes, sculptures, artificial plants, and fountains.
2. Except as provided below, a Form must be submitted for all exterior lights or lighting fixtures not included as a part of the original structure. A Form is not required if lights meet the following criteria:
 - a. lighting does not exceed 12" in height;
 - b. the number of lights does not exceed 12; and
 - c. no light exceeds 100 watts, and all are white or clear, non-glare type and located to cause minimal visual impact on adjacent properties and streets.

NOTE: Christmas and seasonal lighting must be removed within 45 days after the holiday or season has passed.

3. A form is not required to be submitted for a single flagpole staff attached to the front of the house. Permanent, in-ground flag poles are not allowed.

4. Exterior decorations must be tasteful and in keeping with the style and colors of the house. Plants and flowers in pots must always be neat and healthy.
5. Objects will be evaluated on criteria such as site location, proportion, color and appropriateness to surrounding environment.
6. Mailboxes should not be altered in any way. Mailboxes are owned and maintained by the Association. Any damage to mailboxes should be reported to the Association for repair."

GUIDELINE # 3

Garden Plots

1. A Form must be submitted for garden plots unless all of the following conditions are met:
 - a. The plot is located behind the rear line and within the extended sidelines of house,
 - b. The size of the plot is limited to 100 square feet or $\frac{1}{4}$ of the rear lot, whichever is smaller
2. All garden plots must be located behind the rear line and within the extended sidelines of the house with the exception of houses set on lots at angles and houses on corner lots. These will be considered on an individual basis when a Form is submitted.
3. Any non-traditional, non-food type garden must have an ARC form submitted for review and approval. For example, large wild flower gardens or pollinator gardens.

GUIDELINE # 4

Play Equipment, Trampolines, and Miscellaneous Toys

1. Except for corner lots, a Form is not required to be submitted for portable or permanently installed play equipment and trampolines if they are located:
 - a. in the rear yard;
 - b. within the extended sidelines of the house;
 - c. is stained or painted to blend into the surrounding environment (earth tone colors comparable to dark green or brown);

- d. As much as possible, matches the architectural style of the house and neighborhood; and
 - e. Is placed so that it will have a minimum visual impact on adjacent properties.
- 2. Metal play equipment/swings sets are not allowed.
- 3. A baseball or soccer backstop or similar items not play equipment and such equipment, along with miscellaneous toys, must not be left in any front yard for more than 12 hours or any other area surrounding the house that is visible from the street or any neighboring property for more than 24 hours.

Basketball Goals

- 1. A Form is not required to be submitted for permanently installed or portable basketball goals if all of the following requirements are met:
 - a. Goal backboard is perpendicular to primary street;
 - b. Backboard is white, beige, clear, or dark gray;
 - c. Post is painted black; and
 - d. Written approval of any neighbor who may be impacted by play is obtained.
- 2. Basketball goals may not be attached to the house or garage. Basketball goals may be placed adjacent to the driveway, but no more than one per driveway.

Playhouses and Tree Houses

- 1. A Form must be submitted for all playhouses and tree houses.
- 2. Playhouses and tree houses must be located where they will have a minimum visual impact on adjacent properties. Materials used must match existing materials of the home and the tree house/playhouse may not be larger than 100 square feet.

Putting Greens

- 1. A Form must be submitted for all putting greens. A site plan, as supplied by the landscape architect showing location, dimensions, appearance, height, colors, and materials to be used, along with any retaining walls, terracing, landscaping improvements and screening must be submitted with the Form. Lighted courts require review/approval by the ARC.

All basketball goals, play equipment, playhouses, trampolines, tree houses, putting greens and similar equipment must be maintained in good condition.

GUIDELINE # 5

Private Pools and Hot Tubs/Spas

1. A Form is not required to be submitted for children's portable wading pools (those that can be emptied and stored at night) that do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet.
2. Above-ground pools are prohibited.
3. A Form must be submitted for all in-ground pools and hot tubs/spas. A site plan, as supplied by a pool company or landscape architect showing location of pool, placement of pumps and equipment, retaining walls, terracing, landscaping improvements, and fencing must be submitted with the Form. The ARC will consider the following factors when rendering its decision:
 - a. Appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house. Some terracing may be acceptable.
 - b. Preferred privacy fencing for lots with pools or spas consists of a cedar shadow box design and a maximum 6 feet height.
 - c. Maximum pool area – 1,000 Sq. Ft.
 - d. Glaring light sources that can be seen from neighboring lots may not be used.
 - e. Landscaping enhancement of the pool area and screening with landscaping is required.
4. Owners are advised that a building permit is required for a pool.

GUIDELINE # 6

Fences, Dog Houses, Underground Electric Fences, and Outbuildings

1. Doghouses and kennels must have an ARC Form submitted, and must be compatible in color and material with the house and are located in the rear yard and where they are visually unobtrusive to neighbors.
2. Underground electric dog fencing is permitted and does not require approval.
3. There shall be no out buildings, storage sheds, utility buildings, unattached garages or accessory structures constructed unless such structures are approved by the ARC in its sole discretion. Prefabricated, factory built, or plastic storage structures or green houses are prohibited.

4. Fences of any type are prohibited unless required by law, such as fences around pools.

GUIDELINE # 7

Exterior Landscaping and Maintenance

1. A Form is not required to be submitted for ornamental trees and shrubbery. However, a Form must be submitted for screen planting (row or cluster style) and property line plantings. Forms must include a description of the types and sizes of trees or shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.
2. Each owner is responsible for removal of debris, clippings, etc. from the property line to the center of the street. All planting areas should be properly maintained at all times, and, after the first frost, all affected material should be removed. At the end of the growing season, all dead plants should be removed. It is required that the bare earth be covered with grass, shrubbery, landscape plantings, mulch or similar cover ground cover.
3. Homeowners are responsible for the removal of dead or diseased trees or limbs. The ARC may require homeowners to remove dead or damaged tree limbs or trees if they become a nuisance or safety hazard.
4. Landscaping should relate to the existing terrain and natural features of the lot, utilizing indigenous planting materials adequate for the upper Midwest United States. The amount and character of the landscaping must conform to the precedent set in the surrounding community.
5. All mulch landscape beds must be covered with “mulch” including but not limited to natural pine straw, chopped pine bark mulch, or other wood shavings/chips. “Mulch” ground cover for landscape beds should be consistent with “mulch” landscape covering found in the community and with what is generally found in neighboring communities. Areas clearly intended to be landscape beds must be covered with natural pine straw, chopped pine bark mulch or wood shavings/chips such that the bare ground is not visible. Except for the area immediate to air conditioning condenser units, rock covering of landscape beds is prohibited.
6. Edging must be flush with the ground and be of a uniform type and dark color. Overgrown grass and weeds from the lawn in landscape beds must be trimmed, removed and /or covered by landscape mulch. Overgrown grass and weeds in landscape beds is generally not to be visible in the landscape bed.

7. Each owner shall keep his lot and all improvements thereon in good order and repair including, but not limited to, seeding, watering, mowing, the pruning and cutting of all trees and shrubbery. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding community, and/or as generally acknowledged as proper care and maintenance for individual varieties of planted landscaping including but not limited to grass, trees, shrubbery, and groundcover.
8. Outdoor storage of garden tools and hoses must be screened from view and kept behind shrubs. Any tools or items stored under a back deck or porch must also be screened from view.
9. A Form must be submitted for all landscape pools, fountains waterfalls, and similar structures prior to installation. This submission should include a site plan, as supplied by a landscape architect, showing location, placement of pumps and equipment, retaining walls, terracing, and landscape improvements.
10. If a resident resides on a corner lot or on a lot such that grown trees or shrubbery may block or impede the view and/or safe passage of vehicle traffic or block or impede the view and/or safe passage of pedestrian traffic on sidewalks, residents are required to trim bushes or trees blocking or impeding view and/or safe passage. Residents may be requested to trim bushes or trees should they become grown and impact safe vehicle or pedestrian passage.
11. A distance of at least three feet must be maintained along the inside portion of the Living Fence. Trees, bushes, and shrubbery should not impeded or encroach on the Living Fence. The ARC may require trees and bushes to be trimmed if they are deemed to be impeding or endangering the living fence. The living fence shall not be altered in any way by the Homeowner.
12. The City of Chaska owns the pond. The Bellavista HOA owns the fountain in the pond. The HOA is not responsible for the pond, itself, however it does try to maintain the pond along with the fountain. Any alterations to the pond areas within the city easement around the pond must be approved by the City of Chaska.

GUIDELINE # 8

Firewood

1. Firewood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard in order to preserve the open space vistas.
2. Woodpile coverings are allowed only if the cover is an earth tone color, and the woodpile is screened from the view of the street. For example, a tarp-covered woodpile may be located under deck with shrubs planted around it.

GUIDELINE # 9

Arbors, Awnings, Decks, Gazebos, Patio Covers, Pergolas, Screened Porches, Trellises, etc...

1. A Form must be submitted for all arbors, awnings, decks, gazebos, patio covers, pergolas, screened porches, trellises, etc., other than those originally constructed by the builder. Approval by the ARC must be obtained prior to the start of construction.
2. The Form must include:
 - a. a site plan denoting location, dimensions, materials and color;
 - b. In most cases, the structure may not extend past the sides of the
 - c. home,
 - d. materials must be cedar, cypress, or No. 2 grade or better pressure
 - e. treated pine; and
 - f. color must be natural or painted to match exterior color of home.
3. Vertical supports for wood decks must be a minimum 6 x 6-inch wood posts or painted metal poles, preferably boxed in as to appear to be 6 x 6 inch wood posts.
4. The following, without limitation, will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings, and proposed use.
5. Owners are advised that a building permit may be required for a deck.

GUIDELINE # 10

Solar Panels/Solar Shingles

Solar panels are defined as external panels designed to collect solar energy and solar shingles are defined as roof shingles placed in line with standard shingles to collect solar energy.

An ARC Form must be submitted for approval of any type of Solar panels or shingles added to homes. All city approvals must also be obtained. At a minimum the following guidelines will be required if ARC approval is received:

1. Solar panels/shingles may only be installed on the roof and in no way permitted as standalone structures in the yard or mounted to the side of the house.
2. Solar panels/shingles must be mounted flush with the roof and not elevated in any way.
3. Solar panels must only be placed on the backside roof of the house.
4. Solar shingles must be placed on the entire roof or matching regular composition shingles in a way that is it not overtly obvious that there are two types of shingles on the dwelling.
5. Solar panels/shingles and all supporting hardware, equipment and cabling must be either black or made of materials that match the color of the roof shingles.
6. Solar panels must not be placed within 4 feet of the roof line or any roof edge.
7. Solar shingles must not extend above the roof line or past the roof edge.
8. All supporting cabling must be attached and cleanly routed with no diagonal routes or sags in the cabling. All bends must be at 90 degree turns if possible and run parallel or perpendicular to the roof edges.

Please refer to the Introduction on page 3 of these Guidelines, especially in regard to the following statement:

“The ARC shall be the sole judge or arbiter of conformance or non-conformance of all improvement plans. Further, the ARC may approve or disapprove plans with the ARC, in its sole discretions, determines that the proposed improvements or any feature of the Plans are not architecturally or aesthetically compatible with the surrounding structures and topography or the intent of this Declaration of the Design Guidelines.”

GUIDELINE # 11

Exterior Building Alterations

1. A Form must be submitted for all exterior building alterations. Building alterations include, but are not limited to, construction of driveways, garages, porches and room additions to the home. Repainting requires prior written approval only if the color is changed (paint color chips must be included with the application).
2. The original architectural character or theme of any home must be consistent for all components of the home. Once the character is established, whether it is traditional, farmhouse, craftsman, etc., no change may alter that character.
3. If City authorities make any changes to any plans as approved by the ARC the owner must submit such changes for approval prior to commencing construction.
4. Owners are advised that a building permit will be required for certain exterior building alterations.

Paint

1. A paint color change requires the following information:
 - a. Paint sample or picture of paint color used on another home in Bellavista. The address of the home where color has been approved must be identified.
 - b. Area of home to be repainted.
 - c. Photograph of subject home and homes on either side (in most cases, adjacent homes cannot be painted the same colors).

Roofs

1. No tin or aluminum primary roofs shall be used on any house. Standard three-tab fiberglass, metal, standing seam copper or painted metal are required on front bays. Roofs must be maintained in good condition. In the event a roof must be replaced, any change in color or type of shingle must be approved in advance by the ARC.

Clotheslines

1. Clotheslines or similar apparatus for the exterior drying of clothes are prohibited.

Air Conditioning Units and Fans

1. Individual air conditioning units extending from windows and installed window fans are prohibited.

Security Bars

1. Security bars or grates on windows and doors are prohibited.

Satellite Dishes and Antennas

1. No satellite dishes greater than one meter (39.37 inches) in diameter or antennas greater than twelve feet (12') in height shall be placed on a Lot. If possible, satellite dishes and antennas shall be placed so as not to be seen from the street or neighboring houses.

Utilities

1. All utilities shall be underground.

GUIDELINE # 12

Vehicles and Parking

1. Homeowner parking should be in the garage or driveway.
2. No boat, trailer, camper, recreational vehicle, or any other type of vehicle other than a primary vehicle for daily transportation may be parked or stored in open view on residential property for longer than a 72-hour period.
3. Any type of commercial vehicle owned by a homeowner or a homeowner's company is specifically prohibited from parking on the driveway or street.
4. All cars parked in open view and not in a garage must be operable and may not be unsightly.
5. No vehicle may be parked on any yard.
6. As a general rule, parking of vehicles on the street is prohibited. Temporary parking (48 hours or less) is allowed if not a nuisance to neighbors or impediment to traffic flows. Homeowners are responsible for guest access to other driveways and traffic.

GUIDELINE # 13

Trash Cans

1. Empty containers must be removed from the curb no later than 11:00 P.M. on collection day.
2. Trash containers must be stored so that they are not visible from the street or neighboring properties.

GUIDELINE # 14

Signs

1. All signs, including, but not limited to, commercial, for rent, and similar signs, are prohibited from all Lots, except such signs as may be required by law and such signs as may be approved by the ARC. Notwithstanding the foregoing, the ARC has approved the following signs:
 - a. Signs required by legal proceedings;
 - b. "For Sale" signs (realtors sign or by owner), one per lot only;
 - c. Security company signs not extending more than 18 inches above the ground;
 - d. Political signs provided that they are removed 24 hours after Election Day;
 - e. "Garage Sale" signs and realtor's "Open House" signs are allowed 24 hours prior to the sale day or open house and must be removed immediately upon close of the garage sale or close of the open house; and
 - f. Community notices of meetings and events may be posted in the common areas, if approved by the ARC.