

BAYSHORE OWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE

COMMUNITY GUIDELINES

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TABLE OF CONTENTS

1.0	PURPOSE.....	1
2.0	ARCHITECTURAL CONTROL.....	1
3.0	PROJECT APPROVAL PROCEDURE.....	1
4.0	DEFINITIONS.....	2

ARTICLE V RESTRICTIONS ON USE OF PROPERTY BY OCCUPANTS

5.0	LAND USE AND BUILDING TYPE.....	3
6.0	NUISANCES.....	3
7.0	GARBAGE AND REFUSE DISPOSAL.....	4
8.0	PETS, LIVESTOCK AND POULTRY.....	4
9.0	VEHICLES AND PARKING.....	5
10.0	SIGNS.....	6
11.0	NATURAL RESOURCE EXTRACTION.....	6

ARTICLE VI RESTRICTIONS REGARDING CONSTRUCTION AND MAINTENANCE

12.0	PAINTING/STAINING EXTERIORS.....	7
13.0	PAVING/GRAVEL PADS.....	7
14.0	FENCES.....	7
15.0	OUTSIDE STORAGE/STRUCTURES/SHEDS.....	8
16.0	ROOFS.....	9
17.0	EXTERIOR MODIFICATIONS.....	9
18.0	LANDSCAPING.....	9
19.0	TELEVISION ANTENNA.....	10
20.0	NON-COMPLIANCE FINE PROCEDURE.....	10

1.0 Purpose

- 1.1 This guideline has been developed by the Architectural Control Committee (ACC) to provide a user friendly document to help homeowners meet the requirements of the Declaration of Covenants, Conditions and Restrictions, and Municipal Codes, and to maintain a prestigious community providing efficient preservation of property values and amenities.
- 1.2 These guidelines are subject to updating and revision at the discretion of the Bayshore Owners Association, Board of Directors.
- 1.3 For complete Association Rules & Regulations refer to the Declaration of Covenants, Conditions & Restrictions (CC&R's) for your subdivision.

2.0 Architectural Control

- 2.1 No building, fence, mail box, garbage container, wall or other structure shall be erected, placed or maintained upon any lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications of the same shall have been submitted to and approved by written endorsement thereon by the ACC (CC&R's).
- 2.2 In the event the ACC fails to approve or disapprove such plans and specifications within thirty (30) days after submission to it, approval will not be required and this Article will be deemed to have been fully complied with.
- 2.3 This guideline has been developed for use with Bayshore Units 1, 2, 3, and Stephandale Park located within the Bayshore Owner's Association (BOA) Subdivision. **Note: Some CC&R's are more stringent than others for a particular subdivision. The CC&R's for the subdivision where your home is located will apply. Where the Municipal Codes set a higher standard than Bayshore CC&R's then those codes will apply.**
- 2.4 Neither the Board of Directors nor the Architectural Committee shall be responsible for any defects, structural or otherwise, in such plans or specifications or for any defects in any building or structure erected in accordance with such plans and specifications; the purpose of the controls reserved hereby being to insure the conformity and harmony of such buildings and structures as to quality, external design and location in relation to surrounding structures and the topography.

3.0 Project Approval Procedure

- 3.1 All proposed changes in any category, except where specifically noted, shall be submitted to the ACC on a "Project Request Approval Form" (available from the Bayshore Clubhouse) and no work shall commence until this form has been signed by both the property owner and the ACC. **Homeowner modifications not having approval shall be subject to a fine (AS 34.08.320(11)).**

- 3.2 When an approved project is completed, the homeowner must notify the ACC in writing using the "Project Completion Form" (available from the Bayshore Clubhouse).
- 3.3 If you cannot complete your project by the completion date you previously indicated on your Request For Project Approval form, then you must complete a "Project Time Extension Form" (available from the Bayshore Clubhouse).
- 3.4 All project approvals expire within one year from their approval date. If your project is not completed by the end of one year then you must submit a new "Project Request Approval Form" for the year when you intend to complete the project.

ARTICLE V

RESTRICTIONS ON USE OF PROPERTY BY OCCUPANTS

4.0 Definitions

- 4.1 **Commercial Motor Vehicle**-means a motor vehicle or a combination of a motor vehicle and one or more other vehicles (AS 19.10.399(1)).
- (A) used to transport property or more than 15 passengers including the driver;
 - (B) used upon a highway or vehicular way; and
 - (C) that (i) has a gross vehicle weight rating or gross combination weight rating greater than 10,000 pounds;
or a vehicle carrying hazardous materials in accordance with 49 U.S.C. 1801-1813 (Hazardous Materials Transportation Act) that has a gross vehicle weight rating or gross combination weight rating greater than 6,000 pounds.
 - (D) conducts activities for which a person receives direct monetary compensation, or activities for which a person receives no direct monetary compensation but that are incidental to and done in furtherance of the person's business.

NOTE: A vehicle must meet all requirements A thru D to be considered a commercial motor vehicle.

- 4.2 **Gross Combination Weight Rating**-means the value specified by the manufacturer as the loaded weight of a combination vehicle, except that if a value has not been specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and the load on the towed unit, (AS 19.10.399(5)).

- 4.3 **Gross Vehicle Weight Rating**-means the value specified by the manufacturer as the total weight of a single vehicle, including the load (AS 19.10.399(6)).
- 4.4 **Shall/Must**-means the requirement is mandatory and enforceable by CC&R's or by codes such as; Alaska Administrative Code (AAC), Alaska Statutes (AS) or Anchorage Municipal Code (AMC).
- 4.5 **Should**-means highly recommended to provide an amiable community environment.

5.0 Land Use and Building Type

- 5.1 No lot shall be used for any purpose other than single-family residences. (CC&R's).
- 5.2 No tent, shed, trailer, recreational vehicle or other temporary dwelling, shall be erected or maintained on any lot for living purposes, nor shall any garage be used for dwelling purposes (CC&R's).
- 5.3 Non-commercial greenhouses and storage structures may be permitted so long as they are approved by the ACC and blend with the surrounding environment (CC&R's). **Note: some CC&R's prohibit certain types of out buildings.**

6.0 Nuisances

- 6.1 No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, a nuisance, or cause unreasonable embarrassment, disturbance or annoyance to other owners in the enjoyment of their lots (CC&R's) (AMC 15.20.020(A)).
- 6.2 No repair or restoration of any motor vehicle, boat, trailer, aircraft or other vehicle shall be permitted unless the activity is conducted in a properly enclosed or screened area (CC&R's). Enclosed area means inside a garage or a building and screened area is defined as a fence of at least 6 feet in height where it is not visible from the public streets.
- 6.3 Emergency repairs may be made to a motor vehicle to the extent necessary to enable movement to a proper repair facility (CC&R's). Routine vehicle maintenance such as washing, changing tires, vehicle servicing, etc. will be considered OK as long as it does not extend for longer than three days.
- 6.4 All residents are entitled to the peaceful quiet enjoyment of their premises between 10:00 pm and 7:00 am (AMC 15.70.060(3)(a)) (AS 34.03.120). All residents and guests shall have due regard for others. During this quiet time, TV, Stereos and/or musical instruments should be played at a substantially reduced volume. Activities such as snow blowing, lawn mowing, skateboarding, playing basketball etc. should be curtailed.

- 6.5 All clothes lines shall be screened so as to conceal them from public streets (AMC 15.20.020(A)).

7.0 Garbage and Refuse Disposal

- 7.1 No lot or common area (Green belt) shall be used or maintained as a dumping ground for rubbish (CC&R's) (AMC 15.20.020(5)(b)).
- 7.2 Trash, garbage or other waste shall be kept in sanitary containers (CC&R's) (AMC 15.20.020(5)(c)).
- 7.3 Trash or other wastes shall not be disposed of by burning on any lot (CC&R's) (AMC 15.20.020(5)(a)).
- 7.4 To prevent roaming dogs and wind from spreading trash, garbage cans or bags should not be left at the curb prior to trash pick-up day.
- 7.5 Garbage cans and other debris shall not be stored in front or side yards and visible from public streets for unreasonable periods, seven days being prima facie evidence of an unreasonable period. All trash container storage shall be screened by sight-obscuring fences so as to conceal them from the view of public streets (AMC 15.20.020(5)(e)).

8.0 Pets, Livestock and Poultry

- 8.1 No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, other than a reasonable number of dogs, cats or other common household pets which may be kept, provided they are not kept, bred or maintained for commercial purposes, and are not permitted to run at large (CC&R's).
- 8.2 No person may permit an animal which he owns to annoy another person by interfering with the latter's sleep, work or reasonable right to peace or privacy by making repeated or continued noise (AMC 17.10.010).
- 8.3 A person who owns an animal shall maintain all structures, pens and yards where he keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor (AMC 17.10.030).
- 8.4 No person may tie, stake or otherwise confine an animal within a street, sidewalk, alley or public place, or in such a manner that the animal may enter a street, alley or public place (AMC 17.10.050).
- 8.5 All pets shall be chained, fenced or otherwise restrained at all times. No pet shall be allowed to run freely (CC&Rs) (AMC 17.10.010). Pets secured in the front yard where accessible by children should not be left unattended.

Violations should be reported directly to Animal Control (24 hour) 343-8118.

9.0 Vehicles & Parking

- 9.1 No commercial vehicles, or similar commercial or construction equipment shall be parked, placed, erected, or maintained on any lot for any purpose except during the period of construction and when such a vehicle is required to provide service or repair to the residence (CC&R's).
- 9.2 A commercial vehicle having more than two axles, or any combination of vehicles or trailers having a GVWR of 11,000 pounds or more, is prohibited from parking on any street in a residential district, unless actively engaged in loading or unloading of cargo (AMC 9.30.335)
- 9.3 No person may park a vehicle on any street for a period of time longer than 24 hours, except from Friday noon until Monday noon (AMC 9.30.150).
- 9.4 No person may park a travel trailer, motor home or camper upon a municipal street for the purpose of residing therein, whether temporarily or not (AMC 9.30.220(C)).
- 9.5 Vehicles shall not be parked, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers in front of a private driveway (AMC 9.30.030(B1)).
- 9.6 In a residential district no person may stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park or so leave such vehicle off such part of the street (AMC 9.30.010(A)). Vehicles should be parked in the residence driveway, unless there is inadequate room in the driveway. If a vehicle must be parked on the street; it should be parked at the curb to prevent blocking driveway entrances and allow street access for snow removal equipment, mail delivery, refuse pickup and emergency vehicles.
- 9.7 Vehicles shall not be parked within 10 feet of a curbside mailbox (AMC 9.30.030(8)).
- 9.8 Vehicles shall not be parked within 15 feet of a fire hydrant (AMC 9.30.030(11)).
- 9.9 No vehicle, including cars, trucks, pickups, recreational vehicles, trailers (boat or other) etc. may be parked on a lawn at any time except under the following conditions which require written approval of the ACC.
- (A) A vehicle may be parked on a side or back lawn and paving or a gravel pad will not be required if a vehicle is stored behind a screen or fence of at least 6 feet in height where it is not visible from the public streets.

- (B) All parking areas at the front or side of the house (without screening), shall be paved or on a gravel pad approved prior to January 7, 1999. All previously approved gravel pads must be maintained so that they are visually pleasing to the community. See section 13.2 for gravel pad revisions.
- 9.10 It is unlawful for a person to abandon or leave unattended a vehicle on a residential street within the municipality for a period in excess of 72 hours (AMC 15.20.030(A)).
- 9.11 A vehicle shall be deemed to be in an extreme state of disrepair when, in the opinion of the ACC, its presence offends the reasonable sensibilities of the occupants of the neighborhood or results in complaints by other homeowners. It is unlawful for a junk vehicle to be placed in public view on any property within the municipality for more than 5 days (AMC 15.20.050(A)) (AS 28.10).
- 9.12 No vehicle may be parked or driven across a common area (Green belt) without written approval by the ACC. There shall be no penetration of screening easement from 100th Avenue.

Violations of the AMC should be reported directly to Anchorage Police Department (APD) Dispatch 786-8500.

10.0 Signs

- 10.1 No signs of any kind shall be displayed to the public on any lot, except for the following:
 - (A) one sign of not more than five square feet, approximately eighteen inches (18") in width by thirty-six inches (36") in height, not including any post used to hang the sign advertising the property for sale or rent (CC&R's).
 - (B) one sign by a building company to advertise the property during the construction and sales period (CC&R's).
 - (C) one sign advertising a garage or yard sale during the period of the sale.

11.0 Natural Resource Extraction

- 11.1 No natural resource extraction operation of any nature shall be permitted upon or in any lot, nor shall wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot (CC&R's).

ARTICLE VI

RESTRICTIONS REGARDING CONSTRUCTION AND MAINTENANCE

12.0 Painting/Staining Exteriors

- 12.1 All color changes, or repainting/staining of any structures, even when using the existing colors; including homes and out buildings must be approved prior to starting the project (CC&R's).
- 12.2 Scraping, sanding and touch-up painting of small scaling/blistering paint on the structure using the same existing color and brand of paint will not require ACC approval.

13.0 Paving/Gravel Pads

- 13.1 All new paving/repaving, extensions, expansions, or additions to a driveway, walkway or parking area must be approved by the ACC (CC&R's).
A parking area related to any use within an urban or suburban use district, as defined in section (AMC 21.85.020), shall be paved with a concrete or asphalt compound to standards prescribed by the Traffic Engineer.
- 13.2 Gravel pads are prohibited within Bayshore by (AMC 21.45.080(7)(a)), therefore request received for new gravel pads will not be approved, effective January 7, 1999. Gravel pads previously approved by the ACC will be allowed as long as they are maintained, however the homeowner must be aware that the Municipality can enforce this code at any time and require the homeowner to remove the gravel and pave the area or restore the area to lawn.
- 13.3 **The following is an acceptable gravel pad design for gravel pads approved prior to January 7, 1999.** The pad shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches (AMC 21.45.080(7)(b)). The edges of the pad shall be surrounded by a suitable edging as approved by the ACC, such as; but not limited to ornamental brick, treated wood, etc. to prevent rock from being pushed over onto lawns. A double layer of black 6 mill plastic or similar material should be placed under the rock to prevent plants from growing in the pad area. Other acceptable substitutes for crushed rock are; round rock (approximately one inch in diameter), recycled asphalt or brick.
- 13.4 Patching cracks or holes in concrete or asphalt and applying asphalt sealant or additional gravel to a gravel pad will not require ACC approval.

14.0 Fences

- 14.1 All new fence construction, changes or upgrades, either wood or chainlink must be approved by the ACC (CC&R's). **Remember, before you dig, phone the Locate Call Center at 278-3121.**

- 14.2 No fence or wall shall be erected, placed or altered on any lot nearer to the street than the front of the residence, nor may it be more than six (6) feet in height (CC&R's) (AMC 21.45.110).
- 14.3 A fence may be constructed at the lot line, provided, however, that front yard fences in residential zoning districts shall not exceed four feet in height (AMC 21.45.110). **Note: Some CC&R's prohibit fences in the front yard and there are restrictions on corner lots. The CC&R's for the subdivision where your home is located will apply.**
- 14.4 Fence repair such as replacement of broken boards, posts or hardware will not require ACC approval.

15.0 Outside Storage/Structures/Sheds

- 15.1 All new construction of storage structures/sheds/outbuildings must be approved by the ACC (CC&R's). The structure can be only one story, not to exceed 12 feet in height (AMC 21.40.030(i) and the exterior siding, color and roof must match the primary residence. Under certain circumstances, exceptions to this rule may be made with ACC approval.
- 15.2 Private storage is allowed on lots of non-commercial equipment, including non-commercial trucks, boats, RVs, campers or travel trailers, in a safe and orderly manner and separated by at least five feet from any property line (AMC 21.40.030(C)(6)). **Note: Some CC&R's allow only conventional passenger automobiles, vans, pickups, and similar vehicles to be parked on a lot or street within the subdivision. The CC&R's for the subdivision where your home is located will apply.**
- 15.3 No materials may be stored long term (maximum 7 days) at the front or side of the house where visible from the street, such as but not limited to: vehicle parts, snow removal blades, tires, trash, trash containers, pallets, debris, fire wood, ladders, scaffolding, building materials, piles of sand and gravel, cut brush/trees etc. Such items may be stored in a side or back yard provided they are stored behind a screened area where it is not visible from the street, by a six foot fence or other approved screening (AMC 20.02(5)(e)).
- 15.4 *Unsightly Premises.* Property including but not limited to building exteriors maintained in such condition as to become so defective or unsightly or in such condition of deterioration or disrepair that the property causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements is a public nuisance.

This includes but is not limited to the keeping or disposing of or the scattering over the property or premises of any lumber, junk, trash or debris; abandoned, discarded or unused objects of equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; stagnant water or excavations; or any device, decoration, design, fence, structure, clothesline or vegetation that is unsightly by reason of its condition or its inappropriate location (AMC 15.20.020(11)).

16.0 Roofs

- 16.1 All new roofs and re-roofing of existing roofs must be approved by the Architectural Control Committee (CC&R's).
- 16.2 Minor repairs to the roof which do not change the visual appearance will not require ACC Approval.

17.0 Exterior Modifications

- 17.1 All changes in the exterior physical structure of the home including, but not limited to, decks, additions, garages, Arctic entries or other exterior modifications must be approved by the ACC (CC&R's).
- 17.2 Minor exterior maintenance items such as; installing or replacing security lights, coach lanterns, electrical receptacles, security alarm equipment, garden hose reels, water hose bibs, broken window glass, Christmas lights & decorations, deteriorated decking etc. will not require ACC approval, however extensive rebuilding or structural changes will require ACC approval.
- 17.3 Christmas light strings mounted on the house or trees may be left in place year around provided they do not offend the reasonable sensibilities of the occupants of the neighborhood, however holiday structures must be removed from display and properly stored until the next holiday season. The following are some examples of holiday structures: Plywood cutouts or replicas of sleds, animals, nativity scenes, people, lighting arrangements on sheets of wood or other material, seasonal ornaments, etc.

18.0 Landscaping

- 18.1 No tree may be cut down on any lot (CC&R's), nor may a tree, hedge, or shrub be planted on a corner lot which may obstruct safe vision of an intersection, without being approved by the ACC (CC&R's) (AMC 21.45.020(A)).
- 18.2 No owner shall be permitted to completely clear a lot where standing trees of size and beauty exist. Space may be cleared for construction and trees may be thinned so long as maximum natural beauty and aesthetic values of such trees are retained (CC&R's).

- 18.3 No fence, wall, hedge, tree or shrub planting which obstructs clear vision at elevations between 2-1/2 feet and eight feet above the roadway (within a 30 feet triangle) may be placed on any corner lot, except for: A tree which is trimmed so that the trunk is bare to a height of eight feet above the nearest curb or street centerline grade, whichever is higher (CC&R's)

(See AMC 21.45.020(A)) for complete information; copies of this code are available at the Bayshore Clubhouse).

- 18.4 Lawns, trees and shrubs shall be maintained in attractive and viable condition on any lot (CC&R's).
- 18.5 Trimming of tree branches, lawns, hedges and shrubs will not require ACC approval.

19.0 Television Antennas

- 19.1 A television antenna of reasonable size, may be installed on the exterior of a building, the roof of a building, or ground mounted with the written approval of the ACC prior to installation (CC&R's). The antenna should not exceed 5 feet in height above the upper roof line of any living unit. The ACC will not approve any antennas other than television. Any television antenna stand which is no longer in service must be removed from the building.
- 19.2 Satellite dish antennas larger than 24" must be ground mounted in either a side or back yard behind a 6 ft. fence or other ACC approved screened enclosure.

20.0 Non-Compliance Fine Procedure

At the August 26, 1998 BOA Board of Directors meeting, the board voted to implement the following Architectural Control Committee (ACC) Non-Compliance/Fine Procedure.

20.1 First Violation

1. All violations shall be written up on a violation form by the ACC and submitted to the Operations Manager for processing.
2. The Operations Manager/Staff will send a **Violation 1** letter indicating the areas of non-compliance to the homeowner requesting them to correct the violation(s) within 14 days of receipt of the letter.
3. The letter will be mailed to the homeowner via regular mail.

20.2 Failure To Respond To First Letter

1. If the homeowner fails to respond to the first letter or if the ACC re-inspects the violation(s) after the deadline and finds that no correction(s) have been made, the Committee will notify the Operations Manager/Staff to send a **Violation 2** letter to the homeowner.
2. The Operations Manager/Staff will send a **Violation 2** letter to the homeowner requesting them to contact the BOA Operations Manager within 7 days of receiving the letter with a plan for making the needed correction(s). The letter must state that failure to meet this deadline will result in enforcement action being taken.
3. The letter will be mailed to the homeowner via registered mail, return receipt requested.

20.3 Failure To Respond To Second Letter

1. If the homeowner fails to respond to the second letter by the deadline date, the Operations Manager/Staff will send a **Violation 3** letter to the homeowner stating that as of this date, the needed correction(s) have not been made, therefore in accordance with the Fine Policy and this procedure we are imposing a \$100.00 dollar fine per calendar month or portion thereof until the correction(s) are made.
2. A copy of the Fine Policy and Appeal Procedure should be included in the letter.
3. The letter will be mailed to the homeowner via registered mail, return receipt requested.


BOA ACC Approval Signature Date 4/3/99


BOA Board Approval Signature Date 4-9-99

Revised 03/08/99