



ARCHITECTURAL CONTROL COMMITTEE

COMMUNITY GUIDELINES

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1. Guidelines Purpose

A. These guidelines have been developed by the Architectural Control Committee (ACC) and the Bayshore Owners Association (BOA) Board of Directors (Board) to provide a user-friendly document to help Bayshore homeowners (Owners) comply with the requirements of the recorded Declaration of Covenants, Conditions and Restrictions (CC&Rs), applicable laws, and to maintain a prestigious community providing efficient preservation of property values and amenities. The authority for these Guidelines is the CC&Rs, Alaska Statute 34.08.320, the Alaska Administrative Code and the Anchorage Municipal Code.

B. These guidelines are subject to updating and revision at the discretion of the Board.

C. Requests for variances or exceptions to these Guidelines for matters pertaining to Paragraphs 2, 3, 5, 8, 9-14 must first be submitted for review to the ACC. If the Owner contests the ACC's decision, the Owner may submit the request to the Board. Requests for variances or exceptions for matters not pertaining to the above Paragraphs may be submitted directly to the Board.

2. Architectural Control

A. No building, fence, wall, pavement, short wave antenna, transmission tower or other similar 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 have been approved by the ACC. Patching cracks or holes in concrete or asphalt and applying asphalt sealant do not require ACC approval.

B. In the event the ACC fails to approve or disapprove such plans and specifications within (30) days after submission to it, ACC approval will not be required. **Either the BOA or an Owner may appeal the ACC's decision or its failure to act to the Board.**

C. Neither the BOA, Board nor the ACC 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 ensure 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. Project Approval Procedure

A. All proposed projects referenced in Section 2. A, except where specifically noted, shall be submitted to the ACC on a “Project Request Approval Form” (available at the BOA office) and no work shall commence until the form has been signed by both the Owner and the ACC. Owner modifications not having approval shall be considered a violation. Once the project is completed the Owner must notify the ACC in writing.

B. If the project cannot be completed by the completion date previously indicated on the Request for Project Approval form, then a “Project Time Extension Form” (available from the BOA office) must be submitted for approval.

C. All project approvals expire within one year from their approval date. If the project is not completed by the end of one year, then a new “Project Request Approval Form” must be submitted for approval.

4. Land Use and Building Type

A. No lot shall be used for any purpose other than as a single-family residence. Use as a single-family residence may include incidental small business uses provided that such uses are subordinate to and consistent with the use of the dwelling unit for residential purposes.

B. An incidental small business use may not create any exterior evidence (including signs, sight, smell, electronic interference, or noise) that the property is used in any way other than for a dwelling. No outside display of goods, services or outside storage of equipment or materials used in the incidental business shall be permitted. The business shall not generate excessive vehicular or pedestrian traffic. “Excessive” shall be determined by the BOA on a case-by-case basis considering the neighborhood and its normal vehicular or pedestrian traffic activity.

C. Rental or lease of a property is allowed. Owners may either retain all privileges to common area facilities, including the pool, sauna, and exercise room, or they may grant their privileges to a tenant. Owners who rent all or part of their property must provide prior written notice to the BOA on a Renter Information Form (available at the BOA office) regarding any rental, including the names of all tenants, their contact information, the license numbers of all vehicles that the tenants intend to park at the property, the dates of the term of the rental and whether use of the BOA common area facilities is included in the rental. The Form must be signed by the tenants and owners, and the tenants must certify that they have received a copy of the current Guidelines and that they agree to be bound by the Guidelines. Owners and tenants shall both be liable for any violations of the Guidelines committed by the owner’s tenants.

D. Owners and tenants whose rental terms are longer than 30 days, may use the common area facilities without charge. Tenants, whose rental terms are 30 days or less and who have been delegated the use of the common area facilities by an owner, may use the common area facilities upon payment to BOA of a fee of \$15 per person per day. Upon payment of a guest fee of \$5 per adult guest and \$2 for children under 12, an owner may accompany guests, who are not tenants, and use the common area facilities.

E. 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.

5. Nuisances

A. 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 property. Drones should not be flown in a manner to harass or invade other's privacy.

B. 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. "Enclosed area" means inside a garage, or a building and "screened area" is defined as a fence of at least 6 feet in height so that the vehicle is not visible from the public streets.

C. Emergency repairs may be made to a motor vehicle to the extent necessary to enable movement to a proper repair facility. Routine vehicle maintenance such as washing, changing tires, vehicle servicing, etc., will be allowed if it does not extend for longer than three days.

D. All residents are entitled to the peaceful quiet enjoyment of their premises between 10:00 pm and 7:00 am. 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.

E. All clothes lines shall be screened so that they are not visible from the public streets.

F. Property, including but not limited to building exteriors, maintained in a defective, unsightly, or deteriorated condition that causes appreciable diminution of the property values of surrounding property or that is materially detrimental to proximal properties and improvements is a public nuisance. This includes but is not limited to the

scattering over the property of any tires, 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.

6. Garbage and Refuse Disposal

A. No lot or common area (Green Belt) shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall be kept in sanitary containers. Trash or other wastes shall not be disposed of by burning on any lot.

B. To prevent animals and wind from spreading trash, garbage cans and garbage bags should not be left at the curb prior to trash pick-up day. Containers that are bear-resistant roll carts, and containers for recycling paper, cans and plastic can be left at the curb 24 hours prior to the day of collection.

7. Pets and Livestock

A. 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, provided they are not kept, bred, or maintained for commercial purposes.

B. No person, who owns an animal, may permit the animal 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.

C. A person who owns an animal shall maintain all structures, pens, and yards where the animal is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

D. 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.

E. All pets shall be leashed, fenced in, or otherwise always restrained. No pet shall be allowed to run freely. Pets secured in the front yard, where accessible by children, should not be left unattended.

F. Violations may be reported directly to Animal Control (24 Hour) 907-343-8119.

8. Vehicles and Parking

A. No Commercial Vehicle, or similar commercial or construction equipment shall be parked, placed, erected, or maintained on any lot or street for any purpose except during a period of construction and when such a vehicle is required to provide service or repair to the residence. The following shall be considered Commercial Vehicles, if used to transport passengers, equipment or property for commercial purposes:

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- (1) A vehicle with an empty weight greater than 11,000 lbs.,
- (2) A vehicle designed to carry 15 or more passengers including the driver,
- (3) A vehicle that has more than two axles,
- (4) A vehicle that contains any visible commercial equipment, tools, inventory, or apparatus, or
- (5) A vehicle that exceeds 25 feet in length.

B. No person may park a vehicle on any street for longer than 24 hours, except from Friday noon until Monday noon.

C. 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.

D. Vehicles shall not be parked, whether occupied or not, in front of a private driveway except temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers.

E. No person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the street when it is practical to stop or park the vehicle off the street. 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 without blocking driveway entrances and allowing street access for snow removal equipment, mail delivery, refuse pickup and emergency vehicles, and it must not be parked on any street for longer than 24 hours, except from Friday noon until Monday noon.

F. All parking areas at the front or side of the house (without screening), shall be paved with asphalt or concrete to the standards of the Municipality of Anchorage. No vehicle, including trailers and boats, may be parked on a lawn at any time; however, a non-commercial vehicle may be parked on a side or back lawn if the vehicle is parked behind a screen or wooden fence of at least 6 feet in height. With approval of the ACC, a commercial vehicle may be parked on a side or back lawn if it is behind a screen or wooden fence of at least 6 feet in height.

G. It is unlawful for a person to abandon or leave unattended a vehicle on a residential street within the Municipality of Anchorage for a period more than 72 hours. The Municipality also prohibits parking within 10 feet of a mailbox, within 15 feet of a fire hydrant and in the middle of a cul-de-sac.

H. It is unlawful for a junk vehicle to be placed in public view on any property within the Municipality of Anchorage for more than 5 days. A vehicle shall be deemed to be a junk vehicle if inoperable or in an extreme state of disrepair.

I. No vehicle may be parked or driven across a common area (Greenbelt) without written approval by the ACC. There shall be no penetration of screening easement from 100th Avenue.

J. Since January 7, 1999, gravel pads have been prohibited by the Municipality of Anchorage, and therefore requests received for new gravel pads will be denied. Gravel pads previously approved by the ACC will be allowed if they are maintained; however, Owners must be aware that the Municipality can require the Owner to remove the gravel and pave the area or restore the area to lawn.

9. Signs

No signs of any kind shall be displayed to the public on any lot except for the following:

- (1) one sign advertising the property for sale or rent 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.
- (2) one sign by a building company to advertise the property during the construction and sales period.
- (3) one sign advertising a garage or yard sale during the period of the sale.
- (4) one sign regarding a security system, no trespassing, or beware of dog.

10. Fences

A. All new fence construction, changes, or upgrades, either wood or chain link, must be approved by the ACC. Owners are responsible for contacting the Alaska Dig Line at 811 to request utility locates for underground electrical lines or piping prior to digging and prior to submitting a project request form.

B. A fence may be constructed on a lot line; however, no fence or wall shall be constructed nearer to the street than the front of the residence, nor may it be more than six (6) feet in height.

C. Fence repair such as replacement of broken boards, posts or hardware does not require ACC approval.

11. Outside Storage, Structures and Sheds

A. All new construction of storage structures, sheds, greenhouses, permanent children's playhouses including tree houses and outbuildings must be approved by the ACC. The structures shall not exceed 12 feet in height and the exterior siding and color must match or blend with the primary residence. The roof must blend with siding and color. The Municipality prohibits fabric storage structures or shelters supported by frames or inflated.

B. 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, tires, trash, pallets, debris, 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 6-foot wood fence or other approved screening.

12. Roofs

A. All new roofs and re-roofing of existing roofs must be approved by the ACC.

B. Minor and emergency repairs to the roof which do not change the visual appearance do not require ACC approval.

13. Exterior Modifications

A. 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. Repainting with the same color or stain does not require ACC approval, otherwise samples of paint or stain must be submitted to the ACC for approval.

B. Minor exterior maintenance items such as installing or replacing security lights, coach lantern, electrical receptacles, security alarm equipment, garden hose reels water hose bibs, broken window glass, Christmas lights & decorations, deteriorated decking, replacing same size doors and windows, etc. do not require ACC approval; however, extensive rebuilding or structural changes do require ACC approval.

C. Light strings mounted on the house or trees may be left in place year-round 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.

14. Landscaping

A. No mature tree may be cut down on any lot without prior ACC approval with the exception of beetle-infested spruce trees. If a tree is approved by the ACC for removal, the stump must be removed below ground level and the area seeded with grass or replaced with sod. A specific plan to remove tree stumps must be included on project request form. When selecting and placing trees, it is recommended that new trees be selected to avoid cottonwoods and invasive species and placed with knowledge of height and diameter at maturity to avoid potential impact to neighbors (view blockage, summer sunlight blockage, leaf drop, roots). It is also recommended that trees not be planted on Municipality utility easements.

B. 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.

C. No fence, wall, hedge, tree, or shrub may obstruct a “clear vision area,” which means a triangular space defined by a combination of the following lines for a corner lot adjacent to a street: two lot lines adjacent to a street which intersect, in fact or by extrapolation, and a line drawn across the corner of the lot so as to join the nonintersecting ends of the two lot lines at a distance of 30 feet from the point of their intersection, at elevations between 2-1/2 feet and eight feet above the roadway except for a tree which is trimmed so that the trunk is bare to a height of eight feet above the street.

D. Lawns, trees, and shrubs shall be maintained in attractive and viable condition on any lot.

E. Trimming of tree branches, lawn, hedges, and shrubs do not require ACC approval.

15. Notice of Violation and Appeal

A. A Notice of Violation from the ACC or from the Board shall be served personally or by regular or certified mail indicating the area of non-compliance. Applicable sections must be referenced from CC&Rs, these Guidelines, Alaska Statutes, Alaska Administrative Code or Anchorage Municipal Ordinances. If the violation is ongoing, the Notice shall state a deadline for correction of the violation, and the Notice may demand immediate correction if the violation is deemed a safety hazard.

B. The Notice shall state the amount of the fine and if the violation is ongoing, the amount imposed on a daily recurring basis if the violation is not corrected by the date of the deadline. If the violation is not corrected by the date of the deadline, the fine shall be imposed as of the date of the Notice, if not appealed or if the appeal is rejected and shall continue until the violation has been corrected. Fines for one-time violations shall not exceed \$100 for the first occurrence and \$250 for successive occurrences. Fines for ongoing violations shall not exceed \$300 in any 30-day period in the 6 months following the Notice. After 6 months, the fines may be doubled.

C. If the Notice is from the ACC, the Owner may, within 10 days of receipt of the Notice, file a written request for a hearing before the ACC stating the specific grounds for contesting the Notice. If the Owner contests the determination of the ACC after the hearing, the Owner may, within 10 days of the ACC's decision, file a written appeal to the Board which will, upon reasonable notice to the Owner, conduct a hearing before the Board.

D. If the Notice is from the Board, the Owner may, within 10 days of receipt of the Notice, file a written request for a hearing before the Board, which will, upon reasonable notice to the Owner, conduct a hearing before the Board.

Teresa Laje Hancock 2/18/21
ACC Approval Signature date

Bob Pedman 12/18/21
BOA Approval Signature date