

May 10, 2007  
April 20, 2017  
September 24, 2020  
March 23, 2023  
June 22, 2023

P 3.09

## **DOCK AND BOATHOUSE POLICY**

### **PURPOSE:**

The purpose of this policy is to clarify the rights, obligations, and authority of adjacent private property owners, the ACC, the Association, the City of Bella Vista, and the BV Townhouse Association as it concerns Common Property relative to Shorelines and lakebeds.

### **I. DEFINITIONS**

1. "Lake Lot" is defined as the numbered lots in the numbered blocks as shown on any recorded subdivision plat which abut any lake in Bella Vista.
2. "Shoreline" is considered the natural contour of the lakefront land behind each Lake Lot.
3. "Seawall" is an improvement or reinforcement of the natural Shoreline. Seawalls follow the natural contours of the Shoreline and do not extend into the lake.
4. "Dock" refers to a dock, boathouse, or dockside recreational improvement that extends into the lake beyond the natural contours of the Shoreline.

### **II. GENERAL**

1. Common Property belongs to all Members collectively and normally may not be used exclusively for private purposes. The use of Common Property along the Shoreline and in the lakebed may be approved for private purposes by the Association as the owner of the property. Approval to use Common Property for a Dock may be granted by the Association.
2. The owner's rights, with respect to any Dock on their Lake Lot, shall pass to successive owners.
3. In permitting the use of Common Property for constructing Docks the Association does not relinquish title to such Common Property.
4. The Association shall assign a dock number to each Lake Lot that has or could have a Dock constructed on it. This number will serve as a permanent method of identification for all Docks existing or potentially being constructed. Upon approval of the completed Dock, the Association will issue an ID number sign that must be displayed on the lakeside of the Dock.

### **III. DOCK LIMITATIONS**

1. Existing Docks and Seawalls as of May 25, 2023, are grandfathered, even if they are non-conforming.
2. In addition to new Docks and Seawalls, existing Docks and Seawalls undergoing repair, upgrade, or renovation must also conform with the regulations in this Policy. For grandfathered non-conforming Docks and Seawalls, if the repairs, upgrade, or renovation affects at least 50% of the Dock or Seawall in a

calendar year, the entire Dock or Seawall must be brought into compliance with this Policy. For Docks, the Association will consider the square footage of the total above water Dock compared to the square footage of the above water area undergoing repair, upgrade, or renovation to determine if the 50% threshold has been met. For Seawalls, the Association will consider the total length of the Seawall compared to the length of the area undergoing repair, upgrade, or renovation to determine if the 50% threshold has been met.

3. In the approval process, the Association will confirm if the lot where the Dock will be located has been designated as a Lake Lot. In some instances, a lot that looks like it should be a Lake Lot is separated from the lake by Association Common Property and is not considered a Lake Lot.

4. Docks can extend a maximum of 18 feet into the lake or a maximum of 15% of the distance across the lake, whichever is less. The distance across the lake shall be measured perpendicular to the Lake Lot upon which the Dock will be placed.

5. Applicants must comply with all current side setback and easement requirements of record.

6. The length of the Dock may not exceed 50% of the total Shoreline. The total Shoreline extends from both edges of the Lake Lot, including the side setbacks.

7. A proposed Dock may not obstruct access to a neighboring Dock.

8. For Lake Lots where a Dock will be constructed, a reinforced Seawall must be built for the entire length of the Lake Lot's Shoreline. In rare instances where the Shoreline is not conducive to the installation of a reinforced Seawall (e.g., a natural rock bluff or rock outcropping), the Association has the sole authority to waive the reinforced Seawall requirement for any such portion of the Shoreline.

9. Docks are considered private property and are for the exclusive use of the Lake Lot owner or owners.

10. For Docks connected to BV Townhouse Association limited common property:

a. Docks can extend a maximum of 18 feet into the lake or a maximum of 15% of the distance across the lake, whichever is less. The distance across the lake shall be measured perpendicular to the Lake Lot upon which the Dock will be placed.

b. Docks must be placed as close as possible to the lake front townhouse requesting the Dock, behind the building complex of the townhouse. Townhouses that are not lake front are prohibited from building a Dock.

c. Townhouse owners located in the same building are encouraged to work together so fewer Docks will be requested for that building.

d. If a single townhouse owner wants to build a Dock at their sole expense, the width of the Dock may not exceed 16 feet. The townhouse owner who paid for the Dock, or the subsequent townhouse owner, will be considered the owner of the Dock, with the responsibility for maintenance of the Dock. The Dock is private property reserved for the exclusive use of the townhouse owner who paid for the Dock. Stairs and ramps located on BV Townhouse Association limited common property which lead to a Dock, will remain open to common use in the specific BV Townhouse Association community

adjacent to the lake, even though the stairs and ramps were paid for by the owner of the Dock. If multiple individual townhouse owners want to build a Dock, but not join together with another townhouse owner in the same building to build the Dock, the newly constructed Dock must comply with the width restriction of 16 feet.

e. If two or more townhouse unit owners in the same building want to build a Dock at their own expense, the maximum width of the Dock may be increased from the 16-foot limitation based upon the number of townhouse unit owners in the same building joining together to build the Dock. If two or more townhouse unit owners join together to build a Dock, the width restriction increases to 32 feet for two townhouse unit owners joining together to build a Dock, 48 feet for three unit owners, and 64 feet for four unit owners. The townhouse owners who paid for the Dock, or the subsequent townhouse owners, will be considered the owners of the Dock, with responsibility for maintenance of the Dock. The Dock is private property and reserved for the exclusive use of the townhouse owner or owners who paid for the Dock. The Association requires a copy of a perpetual agreement between the current townhouse unit owners which specifically outlines the responsibilities for ongoing maintenance of the Dock. The agreement shall include language obligating disclosure of the agreement to any future purchasers of the effected townhouse units. Stairs and ramps located on BV Townhouse Association limited common property, will remain open to common use in the specific BV Townhouse Association community adjacent to the lake, even though the stairs and ramps were paid for by the owners of the Dock.

11. Where a Dock will be added that is connected to BV Townhouse Association limited common property, a reinforced Seawall must be built for at least the entire length of the Dock.

The specific location of the Dock will be determined by the Association. If there is an existing Dock or Docks adjacent to a proposed Dock, the Association will determine the appropriate spacing required between the Docks.

12. The City, ACC, and BV Townhouse Association may have other limitations or restrictions.

13. The Association reserves the sole right to approve or deny requests to build Docks on Association common property, with approval not reasonably denied.

#### **IV. APPROVAL PROCESS**

Acquiring the permits and approvals necessary to construct a Dock can be lengthy. Members are encouraged to allocate sufficient time for this purpose.

**Architectural Control Committee.** The ACC is the starting point in the permit and approval process. The ACC issues permits since they control the architectural aesthetics of the Dock. In many cases the ACC will request approval from the Association, and BV Townhouse Association when applicable, on behalf of the applicant.

**City of Bella Vista.** The City issues permits since they enforce building codes and all other City ordinances.

**Bella Vista Property Owners Association.** Approval is required from the Association since the Association owns the Common Property where the Dock is located. As stated above, in many cases the ACC will request approval from the Association on behalf of the applicant.

**BV Townhouse Association.** When applicable, the BV Townhouse Association grants approval since access to the Dock will be through limited common property owned by the BV Townhouse Association. As stated above, in many cases the ACC will request approval from the BV Townhouse Association on behalf of the applicant.

## **V. MAINTENANCE**

1. It is the owner's responsibility to provide maintenance for any Dock.
2. The Association, in coordination with the City of Bella Vista, may periodically conduct inspections from the water of Docks. If it is determined a safety issue exists, such issue or issues will be handled directly between the City of Bella Vista and the Member.
3. If it is determined any maintenance issue exists, such an issue or issues will be handled directly between the ACC and the Member.