

PHEASANT HILLS PRESERVE HOMEOWNERS ASSOCIATION

ARCHITECTURAL AND COMMUNITY RULES AND REGULATIONS



**Updated Contact information and
Fine Structure
Effective March 1, 2020**

TABLE OF CONTENTS

Topic	Page
I. Forward	3
II. General Rules	3-5
A. Residential Use	3
B. Signage	3
C. Domestic Pets	4
D. Business Activity	4
E. Nuisances	4
F. Exterior Storage and Vehicles	5
G. Leasing	5
H. Exterior Decor	5
I. Sale of Dwelling	5
III. Delinquency Policy	5-6
IV. Architectural Regulations and ACC Process	6-11
A. Architectural Regulation Process	6-7
B. Modification Review Process	7
C. Modifications Allowed W/Written Approval	7-11
1. Landscaping	7
2. Building Modifications	8
(Drive, Dwelling, Deck, Walkway, Gazebo, Porch, Patio, Pergola, Paint)	
3. Mailbox Replacement, Snow Removal	8
4. Screening	8
5. Water Features / Exterior Ornaments	8
6. Swimming Pools / Hot Tubs	9
7. Wooden Play Sets / Permanent Sports Equipment	9-10
8. Fencing From Original Build	10
9. Exterior Lighting	10
10. Fire Pits / Outdoor Fireplaces Or Grilling Structures / Kitchens	10-11
11. Driveway / Walk	11
12. Satellite Dishes	11
V. Violations Enforcement	11
Appendix A - Management Contact Information	12
Appendix B – ACC Request Form	13
Appendix C – Association Maintenance Checklist	14

I. Forward

The Pheasant Hills Preserve Homeowners Association is comprised of approximately 237 single family homes, completed in several phases. The Association is tasked with enforcement of the Covenants and Restrictions and Rules relative to the common property per the Declaration, Article IV. By virtue of ownership in the community, each lot Owner is a member of the Association and therefore required to comply with such Rules and Regulations. The Pheasant Hills Preserve Homeowners Association provides common area maintenance and insurance, mailbox wood components (posts, lower wood boxes), and signage.

The Pheasant Hills Preserve Homeowners Association is governed by a Board of Directors that meets regularly to supervise the budget and expenditures of the Association, create and administrate the Rules and Regulations of the community, determine the maintenance for the common areas of the community and oversee the work of the various committees.

The Architectural Control Committee (ACC) is comprised of three persons appointed by the Board of Directors per the Bylaws, Article IX, to perform the functions outlined in the Declaration, Article VI, relative to architectural modifications and additions. The ACC advises the Board of Directors of matters, which it oversees, and the committee members serve at the discretion of the Board.

The Association, through the Board of Directors, imposes upon the properties mutually beneficial restrictions to ensure a community wide standard. The documents are written and enforced within the structure of the Declaration and Bylaws, which are legally binding to all members within the Association.

II. General Rules

Article X in the Declaration contains general rules regarding prohibited uses of the community. Through publication of these Rules and Regulations, and the enforcement policy relative to violations, Owners within the community are required to adhere to such rules or are subject to fines and/or legal enforcement.

A. Residential Use: Lots shall be used for residential purposes, with dwellings two stories or less in height, a minimum of a two car attached garage and on-site parking for two additional vehicles. Lots may not be subdivided or split without consent of the City of Lino Lakes. Other use of the lots shall comply with the ordinances and standards set forth by the city, which may be located on their website at <http://www.ci.lino-lakes.mn.us>

B. Signage: One "For Sale" sign is allowed, which must be removed thirty (30) days after the unit has sold. No other signage is allowed without PRIOR approval of the ACC.

C. Domestic Pets: Only pets of a domestic nature (birds, dogs, cats, and fish) may be kept in the community. Such animals may not be bred for commercial purposes. It is expected that Owners comply with the additional restrictions set forth by the City of Lino Lakes regarding dogs and other animals. Additional pet restrictions apply:

1. Pets must be leashed at all times off the Owner's lot. The Lino Lakes restrictions relative to leashing and animals at large applies.
2. Barking should be controlled to the extent possible so as not to impose on the quiet enjoyment of other properties.
3. Owners must ensure occupants pick up after their pets and properly dispose of the waste.
4. Capturing, trapping or killing wildlife within the Association is not allowed.
5. Please review the ACC requirements contained in this document as exterior kennels and dog runs are not allowed on the lots unless PRIOR approval is obtained from the ACC, and there may be requirements relative to acceptable screening.

D. Business Activity: No business, trade, occupation or profession of any kind, whether carried on for profit or otherwise, shall be conducted, maintained or permitted in any residential area of the Association without permission in writing in advance by the Board. Per Article X, Section 6, such business shall only be approved if it is compatible with the residential neighborhood. An exception to such regulation is the Owner maintaining professional records, use of a computer or other that does not involve physical alteration of the unit, signage, deliveries, traffic or other activities that may disrupt the community.

E. Nuisances: The lot shall not be used for items that may be considered a nuisance, including:

1. No sheets, blankets or laundry shall be hung out or exposed to view.
2. Weeds (dandelions, creeping charlie, clover and crab grass, etc.) and long grass must be controlled upon the lot, around trees and all structures (building, basketball hoops, fencing, retaining walls, etc.) on a regular basis.
3. No refuse, trash or other is permitted to be on the exterior. Trash and recycle containers must be stored in the garage or screened from view. Containers may be placed out no earlier than the evening prior to pick-up and placed back into the garage no later than the evening of pick-up or per the storage regulations in Section F.
4. Unlicensed motor vehicles may not be located on the exterior of the garage.

5. Any violation of the above may lead to removal of the laundry, weeds/long grass, refuse, trash or vehicle with such cost assessed to the Owners account. Such assessment is payable within thirty days or subject to the delinquency component of the declaration.

F. Exterior Storage: Per Article X of the Declaration, “outside storage of any items including but without limiting the generality of the foregoing, sporting equipment, toys, outdoor cooking equipment, yard and garden tools and equipment and trash and garbage containers shall not be allowed unless effectively screened from view outside the Lot.” The Declaration requires ACC approval, per Section IV of these Rules and Regulations, for any such screening. Article X also indicates, “No boats, inoperable automobiles, snowmobiles, trailers, camping vehicles, tractors/trailers, or trucks in excess of 9,000 pounds gross weight shall at any time be stored or parked on any Lot outside of a garage or on public streets within Pheasant Hills Preserve without the express written approval of the Architectural Control Committee, which approval may be withheld without stated reason.”

G. Leasing: Any Lot Owner leasing their dwelling must provide, in advance of such lease, the tenant information to the Board of Directors. Leases must be in writing and must indicate that “any failure to comply with the terms of the governing documents shall be a default under the lease.”

H. Exterior Décor: Information relative to exterior ornaments and features is included in the Architectural Regulations Section IV of these Rules and Regulations. Holiday décor shall be permitted to be displayed. It must be removed within forty-five (45) days of the holiday concluding. Holiday décor includes lighting, lawn ornaments, floral, and all décor relative to religious or government/other holidays and celebrations.

I. Sale of a Lot/Dwelling: The community is part of an Association, and thereby subject to the disclosure laws relative to all community associations in Minnesota. The seller or buyer’s agent must request a copy of the assessment status for the parcel via a demand (or dues current notice). All buyers shall be provided the governing documents of the Association, including these Architectural and Community Rules and Regulations, upon sale of the lot/dwelling.

J. Use of Ponds: Ponds are intended for stormwater retention and not intended for recreational use. The Association releases all liability for any use of ponds.

III. Delinquency Policy

Per the Declaration, Article V, each Owner is personally obligated to pay the annual assessments (commonly referred to as “dues”) and all special assessments, interest, fines, and attorney fees associated with violations and collections action.

The annual assessment is billed once each year, due by May 1st and any assessment that is unpaid thirty (30) days after the due date may be assessed the rate of 8% per annum and collections action, including judgment, lien or foreclosure, may occur for all unpaid amount.

Action for Unpaid Assessments:

- A. The account shall be assessed 8% per annum after the 30th day and notice sent to the Owner regarding the delinquent amount.
- B. Unpaid costs for violations of the rules, architectural restrictions or governing documents and unpaid interest is collectable via Personal Judgment, Lien and/or Foreclosure action.
- C. The oldest balance is credited first. If the balance remains unpaid the Association shall invoke one of the following actions:
 - 1. Pursue Personal Judgment action upon the Owner for unpaid amounts
 - 2. Turn the account over to an attorney for collections which may include: demands for payment, placement of a lien on the unit or foreclosure of the unit.
 - 3. A combination of the above.

IV. Architectural Regulations and ACC Process

A. Architectural Regulation Process: All lots within the Association are controlled by the Declaration which provides authority for the ACC to determine specific control requirements relative to modification from original build based on elements related to the visual environment within the community.

Such modification includes, but is not limited to: Screening for storage, exterior lighting and ornaments, satellite dishes or antennas, signage other than a normal "For Sale" sign, landscape changes such as hedge additions, exterior construction (patios, decks, gazebos, porches, fireplaces, fire pits, grilling structures or outdoor kitchen areas, pools, hot tubs, sport courts, etc.), paint color changes, permanent play structures, and all other changes which can be viewed from the exterior of the dwelling.

An ACC Request Form (located in Appendix B) must be submitted a minimum of thirty (30) days in advance of undertaking any modification. The request should include the following information:

- 1. Contractor(s) or General Contractor(s) name, if applicable: Owners are responsible to ensure that the contractor(s) are licensed and insured, that they pull all necessary permits and complete any city required inspections.
- 2. Materials: The type of material(s) including name, model, color or other significant information shall be included. Submit plant and/or tree species with your request when applicable. Brochures, paint samples, and/or plans showing actual colors and textures are acceptable forms of documentation.

3. Drawings: Drawings of the proposed improvements may be necessary when the ACC process indicates herein. A drawing or map showing property boundaries with the proposed changes marked in the exact location should then be provided. The drawing should show existing dwellings, lot lines, etc. Plat plans (top down view), a scale drawing or a photo copy of your lot survey would work if it shows the dwelling on it. The Anoka county GIS website is an option at <https://www.anokacounty.us/315/GIS>

B. Modification Review Process: After completion of the request, the ACC has thirty (30) days to approve or deny the request. The ACC may request additional data or information, and until such data is received, the request is considered incomplete and the 30 day timeframe shall commence once all relative data requested has been provided.

Approval or Denial: If an Owner fails to submit a request for any modification it is considered DENIED. If the ACC fails to approve or disapprove submitted complete plans and specifications within 30 days, such request is APPROVED. In the event of disapproval by the ACC, the Owner may appeal the ACC decision by requesting, in writing, a hearing of the Board of Directors. Such written request must be received within ten (10) days of the ACC's decision and the hearing shall be held within thirty (30) days of the receipt of appeal.

The ACC and Association have the legal authority to order removal of any item installed or modified in violation of this process or the below regulations, and all costs of removal, or legal action, shall be assessed to the Owner of the Lot per Article V of the Declaration and collectable through judgment, lien or foreclosure actionC. Modifications Allowed with Written Approval: The Owner is responsible for contacting the City of Lino Lakes for applicable setback or permit requirements.

1. Landscaping is the first impression owners and visitors have when entering the community. Any additions of trees or hedging requires approval in advance. In addition, removals that are a significant change to the landscape must be pre-approved. The following applies when making the request:
 - a) Please see the requirements in Section IV, A, 3 regarding submission of a drawing. The request should include the measurements, placements and elevation for any change that includes removal of trees in the rear or side of the lot, replacement of landscaping outside of the existing gardens on the lot, or completing any drainage or grade change that requires the use of heavy equipment.
 - b) Vegetable and fruit gardens are allowed if discrete, limited to the rear of the property, and consistent with the existing landscaping. The size should generally be no larger than 150 SF. If the Owner is not certain if the garden will adhere to the rules, an ACC form should be submitted.

- c) Hedges and landscape retaining walls require ACC approval and must conform to a height of under 6 feet per the Declaration and Covenants. A before photo of the area is required.
- 2. Building Modifications: Additions, construction improvements, siding, roofing, building exterior, windows, doors, driveways, walkways, decks, gazebos, porches, patios, pergola, and paint (differing from the original color) must be approved in advance. Please note standalone structures will not be approved. Such request shall include:
 - a) Design specifications, drawings and a before photo of the area or dwelling showing the area of the requested improvement.
 - i. Deck measurements must include the height from the ground to the deck floor, height from any stair bottom to the deck floor, whether the deck is attached or un-attached to the home, color of the various deck components and materials.
 - ii. Gazebos and porches must include a survey/drawing of the lot with the dwelling outlining where the addition shall be located, the dimensions, measurements, placement and elevation. The type of materials must be listed, including paint, exterior siding or roofing, doors, windows, etc. The porch must be attached to the house.
 - iii. Patio requests must include a survey/drawing of the lot showing where the patio will be located, the measurement and placement, along with elevation. The type of material (concrete, aggregate, stamped concrete, flagstone) must be defined.
 - iv. Paint colors and siding, roofing, building exterior changes (such as windows, doors or exterior surfaces) differing in any manner from the original require approval in advance and swatches of the colors proposed are required with the request form.
- 3. Mailbox replacement is the owner's responsibility. The box must be identical to the existing in size and color, please contact the Association for replacement boxes at the Owner's cost. The Association is responsible for the wood posts, lower wood boxes, and staining of the wood on a schedule determined by the Board of Directors. Keys and locks are the responsibility of the owner; however, the Association can supply them and assess the owner the cost. The owner is responsible for removing ice and snow from around the box areas. Non-removal may cause delays in postal service delivery.
- 4. Screening (actual screening or blocking from view) for trash containers, wood storage, grills, kennels, dog runs, or other, should include a photo of the proposed location, the dimensions of the screened area, drawing of the proposed screening and information regarding the materials.

5. Water features and exterior ornaments (such as pre-cast concrete, plastic or wood figurines, wishing wells, windmills or similar.)
 - a) A picture of the proposed item or feature is required. For water features, the dimensions, measurements and location must be noted and a survey/drawing provided of the proposed area. No fencing is allowed around water features.
 - b) Exterior ornaments require a picture, the dimensions and location of placement of the item.
6. Swimming pools and hot tubs are allowed. In-ground pools must be fenced. Above ground pools that are small enough that they can be removed annually at the end of the summer are allowed but must be removed by September 15, annually, and may not be placed up until May 15, annually. The pools must be located entirely in the rear yard area from May 15 – September 15 and stored in the garage, off site or another location that is NOT on the exterior from September 15 – May 15. Small wading pools not exceeding more than 5 feet in diameter may be placed on decks or patios during the summer months but must be removed and stored from September 15 – May 15 annually.
 - a) Fencing materials and height, not to exceed six feet, should be clearly defined. The entire property may not be fenced, just the area around the pool structure.
 - b) If you will be installing landscaping, pool decking, a patio, deck or other items with the swimming pool or hot tub project, forms must accompany the pool request for these items.
 - c) The setbacks must be adhered to relative to installation of the pool and fence.
 - d) The type of materials used for the pool and any other component (fencing, decking) must be detailed and brochures or pictures provided.
 - e) Please see the requirements in Section IV regarding required data. The drawing should clearly show the placement of the dwelling, the pool and fence location, including the pool equipment placement and screening.
 - f) Before and after photos will be required.
 - g) If you are installing a hot tub and screening, the above data is required, except that (e) would include location of the screening vs. fencing.
7. Wooden Playsets and Permanent Sport Equipment are allowed with ACC approval. Trampolines are allowed but netting must be in good condition and weeds/long grass must be whipped around the equipment. Temporary hockey nets and basketball hoops are allowed if in good condition during the season they are used but must be stored in the off-season. Skating rinks are allowed during the winter season. Toys, bikes, play items and similar should be stored in the garage in the evening and not outdoors. If in doubt, contact the property manager. For permanent sport equipment:
 - a) A survey/drawing of the lot with the house showing where the play set will be located, measurements and elevations should be included.

- b) A brochure showing the type of set, materials of all components is required. Play sets should be similar to *Rainbow*® brand.
- c) A before photo of the yard showing placement is required and the location of any sandbox accompanying such play set must be noted on the drawing and pointed out in the photo.
- d) Permanent basketball hoops may be adjustable or regulation height, contain glass backboards and nets must be in good condition. Such basketball equipment must meet the street and property line setback. Building materials must be single pole construction; metal or fiberglass. The pole must be painted and no peeling paint can be in view. Back boards must be glass or heavy duty Plexiglas. Wood or other porous materials are not allowed.
- e) Sports court, tennis courts, or other sport equipment may be allowed via the architectural request process.

8. Fencing is not allowed, other than around in-ground pools. Fences that exist from the original purchase of the lot/initial dwelling require an ACC Request Form be submitted prior to painting, staining or making any major repair/replacement of the fence or sections of the fencing or materials. There are fences in the development that were built when the dwelling was constructed by the developer of the Lot. No other fences are allowed and such original fencing is subject to the Architectural process for any and all changes. Fencing may be maintained, but not replaced.

9. Exterior Lighting additions require approval of the ACC (landscape and pole lighting). Such approval requires the submission of the measurements, drawing of the location and set back data.

- 10. Fire pits, outdoor fireplaces or grilling structures/outdoor kitchens may be permitted with approval of the ACC.
- a) Fire pits must adhere to the Lino Lakes open burning regulations and the State of Minnesota Fire Code. Please note the hours allowed for burning by the city/state.

See the websites: <http://www.ci.lino-lakes.mn.us/index.asp?Type=BBASIC&SEC=%7B0F3FC329-B1E7-4723-B872-D49EE13BF846%7D>

OR

<https://dps.mn.gov/divisions/sfm/fire-code/Pages/Fire-Code-Homepage.aspx>

- b) Outdoor fireplaces and grilling structures must include a survey/drawing and the dimensions and measurements. The type of materials used throughout must be submitted with each component listed individually.
- c) Fire pits, outdoor fireplaces and grilling structures may not be fenced.

11. Driveway or sidewalk changes from the original configuration or material require submission of a survey/drawing, a photo of the original feature, information on the new dimensions, measurements and materials. Photos or brochures of the materials are recommended
12. Satellite dishes and reception devices must be located on the dwelling or garage and in an area that minimizes visibility from the street. Dish installation requires completion of the ACC form and pre-approval by the ACC.
 - a) The cable may not be draped on the unit and must be tucked under siding or otherwise neatly placed along the building.
 - b) The dish may not have an exterior diameter greater than 39.37 inches (one meter) in diameter per the FCC guidelines.
 - c) The dish must be secured to withstand eighty (80) mph winds and sustain ice build-up in the winter.

V. Enforcement of Violations

A. Architectural Process Enforcement: The Declaration, Article VI, Section 6, allows the ACC or the Board the right to order removal of any structure installed in violation of the Declaration or the above regulations and to take any action, including judicial proceedings or other, to have such structure removed. **All costs associated with legal action or removal are to the Owners account, and collectable as any other delinquent assessment.**

1. When the Board or ACC is apprised of a violation of the rules or architectural request process, a notice shall be sent to the Owner of the Lot containing the infraction and a timeframe for remedy.
2. Should the Owner not remedy, or request a hearing, in writing, within ten (10) days of the violation notice, the information shall be sent to an attorney and legal action shall commence.

B. Rules and Regulations Enforcement:

A violation notice shall be sent to the Owner requiring remedy and specifying the timeframe for remedy completion. Should the Owner fail to comply within 7 days, or the same offense occurs within 12 months; a second warning will be sent. If there is a 3rd occurrence within the same 12 months, a \$50 fine will be levied. Further fines may be levied if not remedied.

Per the Declaration, Article XII, Section 3, Legal action may be taken to remedy violations after this process.

Appeals will be given within 10 days of receipt of notice.

C. Legal Costs to Owner: Any and all fees associated with cease and desist orders, cost of removal, abatement, remedy or other shall be assessed to the Lot Owners account and collectable via judgment, lien and foreclosure action.

Appendix A

MANAGEMENT COMPANY CONTACT INFORMATION

The Property Manager should be contacted for all questions, concerns and repair requests. The mailing address for the manager can be used for correspondence and to make payments, if the Owner does not have the Association's bank mailing address. Compass Management Group, Inc. is the selected property management company for the Association.

Management Company Contact and Mailing Address:

Compass Management Group, Inc.
Attn: Ben Kieffer, Property Manager
3370 Annapolis Lane N, Suite C
Plymouth, MN 55447
[612-888-4705](tel:612-888-4705) , ben@compassmanagement.com

Emergencies: The Management Company maintains a 24-hour answering service for emergencies in the Association. An emergency is defined as any condition related to the Common Elements of the Association that endangers life, limb or property. First call the non-emergency 911 line, and then the after hours emergency line. The number for this service is 952-653-0343. All non-emergency calls to this phone number will be referred to the property manager and returned during normal business hours.

Selling Your Home: If you are selling your home, under state law you must provide a disclosure to the Owner and information regarding the association. You can request the documents by going to www.compassmanagement.com This information is normally requested and obtained by the Seller's agent. A fee may be charged for the information as allowed under state law. Per the statutes, the 3rd party has seven (7) days to turn around the information. Documents that will be received include the disclosure for the Association, the governing documents, current balance sheet and income statement, budget, and insurance declaration page. Dues Current letters are usually obtained by the title company before closing for the account status.

The ACC form is available on the Association's website at
www.pheasanthillspreserve.org

Architectural Request Form

Appendix B



This form is required for all exterior elevation and property enhancements. Reference section IV (pages 6-13) of the Architectural and Community Rule and Regulations for detailed guidelines.

Project examples: Satellite dishes, decks, porches, patios, fountains, outdoor kitchens, trash screening, exterior paint changes, fire pits, landscaping.

Pheasant Hills Preserve Homeowners Association
c/o Compass Management Group, Inc.
3370 Annapolis Lane N Suite C
Plymouth, MN 55447
ben@compassmanagement.com
Phone: 612-888-4705
www.pheasanthillspreserve.org

Request Date:

Titled Owner Contact Information

Name:
Address:
Phone Number:
E-mail Address:

Project Details

Paint colors, material used, maps, brochures, and/or drawings should be included when applicable. Drawings of proposed improvements shall show the relation to existing structures, landscaping, and lot-lines. Plat plans (top-down- view) should be drawn on a copy of your lot survey or a detailed map from the Anoka County GIS website (<https://www.anokacounty.us/315/GIS>). Elevation (side-view) drawings shall be included for changes to the exterior of the dwelling. Grade, elevation, setbacks, and other data required for the ACC committee to determine approval shall be included. Submit supplementary documentation to Compass (see upper right of this form for contact information).

Project Start Date:
Project End Date:

General/Contractor's Name (if used):

Project Details:

-----Do Not Write Below Line-----

Architectural Committee Approval: ☐ Yes ☐ No Approval Date:

Approved By Signature:

Additional Requirements or Reason(s) Not Approved:

PRINT REQUEST

Appendix C

Association Maintenance Responsibility Checklist

The following items are maintained by the Association per the Declaration.

Declaration	Item	Manner of Maintenance
Article IV, Section 1	Street Islands, Public Boulevards (not on Lots), Right of Way, Monument Grounds	Mow, maintain and replace landscape, shrubs and trees.
Article IV, Section 1	Monument Signage	Repair and Replace.
Article IV, Section 2 and Plat	Common Area Ponds	Treatment as determined by the Board, vendors and within budget to decrease algae.
Original Covenants	Mailboxes	Mailbox stand replacement and staining. Box replacement and keys are Owner cost; the Association can provide. Must be exact match.
Article VI, Article V, Section 4	Owners Lot Maintenance	Maintain the Lot or Dwelling if the Owner fails to do so, provide architectural approval for all maintenance and replacement to exterior items listed in Section IV of the Rules and Regulations.

