Bentley Park Homeowners Association
522 Stafford Avenue NW
Cleveland, TN 37312

BENTLEY PARK DESIGN REVIEW GUIDELINES

Using a tranquil setting that includes an ideal location and a stately entrance for controlled access, Bentley Park homesites afford mountain and valley views all designed around the Community Park, which is the centerpiece for Bentley Park. The private serenity, the three years in planning to provide an uncompromising set of standards and the natural environment all play important roles in establishing these guidelines. It is of utmost importance that the character not be compromised by housing designs that have been improperly conceived, unresolved or poorly executed.

For this reason, the Design Review Board will review all construction designs and plans for:

-Consideration of primary site design issues;

-Sensitivity to the spectral landscape impact and

-Excellence in architectural design.

The Design Review Guidelines have been established to provide property owners, architects and contractors with a set of parameters for the preparation of their drawings and specifications.

By encouraging quality and attention to detail, the aesthetic harmony, natural tranquility and overall property values at Bentley Park will be enhanced and preserved through the Design Review Board and these Design Guidelines.

It is the intent of this manual to assure each builder and homeowner that Bentley Park will be developed and constructed as a community of quality homes and buildings that are of tasteful and aesthetically pleasing architectural design; that are constructed with long-lasting materials and high-construction standards; that are harmonious with surrounding structures and topography; and that have landscaping and other site improvements consistent with the aesthetic quality of Bentley Park as a whole.

DESIGN REVIEW BOARD

Bentley Park is designed to be a unique community of single family homes and courtyard homes. The Community Covenants, Conditions and Restrictions do not list specific design items necessary for plan approval. The power to approve or disapprove individual building plans is the responsibility of the Design Review Board. The board does not seek to restrict individual creativity or preferences, but rather to maintain within the overall community the aesthetic relationships of building to site and building to building. As the community matures, these prime

relationships will become increasingly important aspects requiring resolution through the design process.

The Design Review Board is composed of three (3) members who may or may not be members of the Board of Directors of Bentley Park Homeowners Association, Inc. Additionally, a professional architect who is a non-owner may serve on the committee.

THE REVIEW PROCESS AND GENERAL INFORMATION

General. The design and construction review process is a three-step process--concept review, final review, and final inspection of improvements. Thorough and timely submission of information, as well as adherence to the design standards set forth in this manual, will prevent delays and minimize frustration of all parties involved. Questions concerning the interpretation of any matter set forth in this manual should be directed to the chairman of the DRB.

Fees and Damage Deposit. At the presentation of residential construction plans on an unimproved lot, the owner will pay the BPHA the sum of $5,375.00 These funds shall consist of the following charges:

1. **Review Fee- $375**. This fee will be for all interim inspections and will include the review of all plans- House, Landscape, Irrigation and any other plan requested by the Design Review Board through the final inspection of the completed project.
2. **Construction Fee- $500**. This fee includes all BPHA support of the project including codes, gate openings, traffic control, etc.
3. **Damage Deposit- $4,500**. These funds will be used to correct any unrepaired damage done to roadways, sidewalks, curbs, common grounds or other property in the Park. All unneeded funds will be returned to the property owner at the final inspection or at the certification of the DRB that the deposit is no longer required.

The above fees will be deposited in the general funds of the BPHA.

The above deposit will be deposited in an interest bearing account. Withdrawals will be to pay for any damages not repaired within 14 days and only after the owner is notified of the reason and amount.

The damage deposit shall be used to offset any costs incurred by the Association or the DRB in order to accomplish the following:

A. Repair damage to any property caused by the builder or homeowner or their subcontractors, suppliers, and representatives during construction;

B. Recover legal fees and other costs incurred by the DRB in order to correct any construction or alteration not performed in substantial compliance with the plans receiving approval; and

C. Pay for any fines or penalties imposed by the DRB or the Association for violations of any rules of conduct or regulations governing use of property within Bentley Park.

PROCEDURAL FLOW CHART

The following flow chart represents the necessary procedures in the process of building a residence in the Bentley Park community. It is important to mention that any deviation from the procedures could cause unnecessary delays or additional costs if approvals are not obtained prior to construction.

Initial Meeting

- Attendees: Chairman of the DRB and at least 1 member, lot owner and general contractor
- Documents: Owner- house plan initialed and dated by owner and builder, Certificate of Insurance, Liability and Workers Comp.

  DRB- Guidelines and Rules presented to owner/builder with applicable signatures obtained

- Entry Codes: Given to contractor for this project. This code is to be used by all project workers, suppliers and inspectors during work hours only.

Subsequent meeting

- Attendees: Chairman of the DRB and at least 1 member, lot owner and/or general contractor
- Timing: When roof is completed- The owner/builder will present the landscaping and irrigation plans to the DRB

Other Meetings

- Timing: At the request of either party with at least a 3 day notice

Other inspections may be conducted without notice during working hours by any member of the DRB or Board of Directors.

Final Inspection

- Attendees: Chairman of the DRB and at least 1 member, lot owner with Certificate of Occupancy in hand
- Timing: After all exterior work is complete.
- DRB will conduct the final inspection. When approved, the unused funds of the damage depopsit will be refunded to the owner.

Design Review Board Processing. The owner will be charged a processing fee for the preliminary and final design submittal. This shall be a one-time processing fee of $375.00 for the design submittal on the lot. The Design Review Board shall have the right to increase this amount from time to time as stated in the Protective Covenants, and Restrictions, Article XIII, Section b. This fee has been established to partially cover the expense of reviewing plans and

related data and to compensate any consulting architects, landscaping architects, urban designers, inspectors, or attorneys retained by the Committee.

The application for approval, fee and all other materials necessary for the Committee to approve a residence must be submitted to: BPHA Design Review Board, 522 Stafford Ave NW, Cleveland, TN 37312

Preliminary Approval. Any builder or homeowner must submit preliminary or conceptual drawings and specifications or other information to the DRB for concept approval prior to the preparation and submission of detailed plans and specifications for final approval. A concept approval is provided for the convenience of builders and homeowners in order that they may accomplish a timely and thorough preparation and ultimately receive final approval of their construction, landscape, or hardscape and plans and other submissions.

The DRB shall review the information and indicate its approval, disapproval, or recommendation as to the plan. A concept approval given by the DRB shall not constitute approval of the commencement of construction, but only approval for the conceptual information being reviewed.

Items needed for concept approval:

A. Concept site plan showing the approximate location and dimensions of all improvements

B. Concept exterior elevations

C. Concept landscape plan

D. Such other information, data, and drawings as may be reasonably requested by the DRB.

Final Approval. No construction of a building or structural improvement, no landscaping or other site improvement, and no alteration or addition to any existing structure or site improvement shall be made on any property until the plans and specifications showing the proposed design, nature, kind, shape, size, color, materials, and location of same shall have been submitted to and shall have received final approval by the DRB. Builders or homeowners requesting final approval of an improvement shall submit sufficient exhibits to demonstrate compliance with standards and requirements of these Design Review Guidelines. Construction must commence within six (6) months from date of final approval or final approval will be subject to review. Construction must be completed within a **one-year** period unless builders or homeowners request and are granted an extension by the DRB.

Submissions for final approval of any new home construction shall include a minimum of three (3) sets of the following:

A. Site plan at a minimum of I." = 20' showing a clearing and grading scheme with proposed and existing land contours, grades, and flow of the site drainage system; location and size of any tree to be removed from the site; and the dimensions and locations of all buildings, access drives, parking, street pavement location, and all other proposed improvements to the site;

B. Landscape and irrigation plans at a minimum scale of 1" = 20' showing the size, type, and location of existing and proposed tree locations; the location of all planting areas including existing plant materials incorporated into the plan; the species and sizes of all stock at the time of planting; and an irrigation plan including the source of water supply.

C. Plans at a minimum scale of l/4" = 1 '0 for all floors, cross sections, and elevations including projections and wing walls (floor plans should also show total square feet of heated living area);

D. Plans,elevations, types of materials, and other information associated with any other site improvement or ornamentation, including exterior lighting, walls, fencing and screening, patios, decks, pools, porches, and any signage;

E. Samples and color chips of all exterior finishes and materials to be incorporated into the plan;

F. Such other information, data, and drawings as may be reasonably requested by the DRB; and

G. The construction fee and damage deposit.

If, after the final review, a builder or homeowner desires final approval for alteration or addition, sufficient information shall be submitted to the DRB to allow it to understand fully the proposed alteration or addition. Such information could be as simple as a letter with a material sample or picture, or as complex as the above-stated submissions.

The DRB may require a rough stakeout of the proposed new home construction or major alteration or addition prior to rendering its final approval on any matter.

Inspection. The DRB shall have the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval is required under this manual. Upon completion of construction, a builder or homeowner shall give written notice to the DRB. Upon final inspection of the improvements by the DRB and provided that such inspection determines that the improvements were constructed in compliance with the plans and specifications submitted for final approval, the DRB shall return the damage deposit (less any amounts withheld for any reasons described previously). A certificate of occupancy must be presented at the final inspection.

Builders and homeowners are forewarned that the Master Covenants have granted to the DRB and the Board of Directors of Bentley Park Homeowners Association, Inc., board discretionary powers regarding the remedy or removal on any non-complying improvements constructed within Bentley Park. In this regard, if the DRB finds that any improvement was not performed or constructed in compliance with the submissions receiving final approval, the Board of Directors of Bentley Park Homeowners Association, Inc., or the DRB may remedy or remove the non-complying improvement, and charge the action to the builder or homeowner.

Appeal. If an application for concept approval or final approval has been denied, or if an approval is subject to conditions which a builder or homeowner feels are harsh or unwarranted, or if there are disputes to any other matters related to actions of the DRB, the builder or homeowner may request a hearing before the full committee of the DRB. At the hearing, the

builder or homeowner will be allowed to present his position on the matter and make requests or recommendations as to an alternative action. After the hearing the DRB will review the information presented and notify the builder or homeowner of its final decision on the hearing. The decision of the DRB regarding the matter shall be final.

Liability. Each builder and subcontractor, prior to any construction, shall provide the Bentley Park Homeowners Association, Inc. with either waiver of liability or insurance policy showing developer as co insured.

GENERAL COMMUNITY STANDARDS

Residential Use. The homesites may be used for residential housing purposes and for no other purpose. No homesite may be redivided, except that two sites may be combined to become one. No homesite or portion thereof may be used for a road, street, or right of way for purposes of connecting any property within or outside the confines of Bentley Park. No business, occupation, or profession may be conducted on a homesite or within a dwelling unit except that real estate brokers and homeowners (and their agents) may show any homesite and dwelling unit, for sale, and the developer and only the developer shall have the right to construct and operate model homes.

Temporary Improvements. No temporary building or structure shall be permitted on any homesite except that trailers, temporary buildings, barricades, and the like may be permitted during the construction of a permanent improvement, provided that the DRB shall have approved the design, appearance, and location of the same. They shall be removed not later than fourteen (14) days after the date of completion of the building(s) for which the temporary structure was intended and shall be permitted for not longer than a period of six (6) months unless an extension of time is granted by the DRB.

Accessory Structures. No more than one(1) detached single family residential dwelling shall be erected on a homesite. The DRB may approve accessory structures (such as garages, gazebos, guest houses, servants' quarters, and the like) that are detached from a main residential dwelling so long as they are not erected prior to construction of the main residential dwelling and are not intended to be held for lease.

Utility Service. No lines, wires, or other devices for communications purposes-- including telephone, television, data and radio signals or for transmission of electric current or energy, shall be constructed or placed on any homesite unless the same shall be in or by conduits or cables constructed, placed, and maintained underground or concealed in, under, or on buildings or other approved improvement. Above-ground electrical transformers and other equipment may be permitted if properly screened and approved by the DRB. In addition, all gas, water, sewer, oil, and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

Refuse and Storage Areas. All residents of the community shall subscribe to the services provided by the trash collection agency contracted by the Bentley Park community. Garbage and refuse shall be placed in containers and shall be capped and contained in such a manner

that they are inaccessible to animals. The containers shall be concealed within buildings when not out for collection.

Storage Tanks. No storage tanks, including but not limited to those used for storage of water, gasoline, oil, other liquid, or any gas, shall be permitted outside a building except as approved by the DRB.

SITE IMPROVEMENT STANDARDS

Site Placement. All buildings and other improvements shall be placed as approved by the DRB.

Building Setbacks. Minimum building setback lines (including eaves and overhangs) shall be as follows:

A. front property line - 40'

B. rear property line - 30'

C. side property line - 20'

Where a homesite fronts on more than one street (such as corner homesite), the minimum front setback shall apply to the frontage on all such streets. The direction in which any dwelling unit's front elevation shall face on the homesite shall be approved by the DRB.

The DRB may grant an exception for the above minimum setbacks in a case where a homesite would be rendered unbuildable due to its size, shape or topography, and to save existing trees. The DRB may, at its sole discretion, impose more stringent setback requirements as to the location and positioning of any building.

Driveways. Parking spaces, garages, curb cuts, and the driveway to a garage shall be planned and executed in an attractive and functional manner and shall consider the location of existing trees, topography, streetscape, and compatibility with surrounding improvements.

All homesites shall have a paved driveway of stable and permanent construction of at least twelve (12) feet in width. Unless prior approval is obtained from the DRB, all driveways must be constructed of brick, concrete or stone. All driveway approaches must be concrete. When curbs or sidewalks are required to be broken for driveway entrances, the curb or sidewalk shall be repaired in an orderly fashion in compliance with guidelines set by the DRB and must be repaired within fifteen (15) days of completion of building.

Drainage and Grading. No drainage ditches, cuts, swales, streams, impoundments, ponds, or lakes; no mounds, knobs, dams, or hills; and no other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns may be created, destroyed, altered, or modified without the prior written consent of the DRB, whether on private property or common area.

Special attention shall be given to proper site surface drainage, so that surface waters will not interfere with surrounding homesites and natural drainage flows. Paved areas shall be designed

to allow surface water to drain naturally and not to allow water to collect or stand. All buildings shall be a minimum floor finish elevation equal to or greater than one foot above the one hundred year flood elevation. Fill shall not be deposited or removed without DRB permission.

Games and Play Structures. All basketball backboards and any other fixed games and play structures are subject to approval by the DRB and shall be located at the side or rear of the building not visible from the street, or on the inside portion of the corner homesites within setback lines. Treehouses or platforms of a like kind or nature shall not be constructed unless approved by the DRB. The only backboards approved shall be of clear glass located perpendicular to street.

Swimming Pools and Tennis Courts. Any swimming pool or tennis court to be constructed upon any homesite shall be subject to review by the DRB. The design must incorporate, at a minimum, the following:

A. The composition of the material must be thoroughly tested and accepted by the industry for such construction.

B. Screening of pools is discouraged, but may be allowed by the DRB. Pool cages and screens must be of a color and material approved by the DRB.

C. Fencing of tennis courts shall be chain link, green or brown vinyl clad, and limited to ten (10) feet in height.

D. Pool screening and tennis court fencing shall not be visible from the street in front of the dwelling unit, unless approved by the DRB.

Lighting. All exterior lighting shall be consistent with the character established in Bentley Park and be limited to the minimum necessary for safety, identification, and decoration. Exterior lighting of buildings for security and/or decoration shall be limited to concealed uplighting or downlighting, and the style and type of lighting shall not be visible from streets and other common areas, and no color lenses or lamps are permitted. No lighting of tennis courts is permitted unless approved by the DRB.

Fences and Walls. Wood or wire fences are not allowed. All fences and/or walls where permitted shall be of the same material and design as the adjacent building. Where a fence or wall is deemed to be unnecessary or unsightly and detracts from the visual value of common areas, a landscape screen in lieu of a fence or wall shall be required. No fence or wall over seven (7) feet in height shall be permitted except for tennis courts and other special conditions as approved by the DRB. No fences, walls or landscaping shall interfere with the line of sight at any street or driveway intersection.

Mailboxes. All mailboxes and posts must be approved by the DRB. All mailboxes shall include only the street name and house number and shall be located as prescribed by the United States Postal Service. The mailbox should be black galvanized metal with gold lettering in a font approved by the DRB.

BUILDING CONSTRUCTION STANDARDS

Exterior Materials. Finish building materials shall be applied consistently to all sides of the exteriors of buildings. Recommended materials shall be brick, stone, stucco, or Dryvit. No simulated brick or stone shall be permitted. No vinyl or aluminum siding shall be permitted.

Exterior Colors. Finish colors shall be applied consistently to all sides of the buildings. Color selections shall be harmonious with each other and shall be compatible with colors of the natural surroundings and other adjacent property. All wood trim must be painted, not stained.

Exterior Trim and Decoration. Exterior window and door trim and similar decorations shall be of the same color and material, unless otherwise approved, and shall be either of the same material as exterior walls or directly compatible.

Facia, gutters, and downspouts shall blend in and be compatible with the architectural detail of the exterior walls.

Reflective glass and aluminum or metal window units are prohibited.

Building Heights. Heights of buildings shall be compatible with adjacent buildings.

The DRB has the right to establish maximum building height.

Roofs. Flat roofs shall not be permitted on the main portion of the structure. No built

up roofs shall be permitted, except on approved flat surfaces.

The composition of all pitched roofs is recommended to be cedar shake, shingle, slate, tile, or other composition approved by the DRB. All pitched roofs must be at least a 7/12 slope on the main body of the building.

Chimneys. Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone, stucco or Dryvit and shall be built to grade. If the fireplace is a metal (self-insulated) type with a metal spark arrester at the top of the chimney, this arrester must be a cowling or be surrounded by a material approved in advance in writing by the DRB.

Garages. All residential dwellings shall include a garage adequate to house two (2), but not more than four (4) large sized American automobiles and shall include adequate space for storage. The minimum space allotments for garages shall be as follows:

A. Floor space allocation for each automobile shall not be less than eleven (11) feet in width and twenty-two (22) feet in length.

B. Floor space allocation for storage shall not be less than one hundred (100) square feet for any garage.

C. No garage shall be less than five hundred eighty-four (584) square feet of total floor space.

All garages shall include a garage door which shall be a minimum width of eight (8) feet for each automobile and shall be operated by automatic door openers. No garage doors shall be located on the street front of a residential dwelling. When garage doors face the side homesite line, screening from view by landscaping is recommended. Garage doors shall be constructed of a material that is similar in appearance to the exterior material of the building, and the color of the garage door shall be compatible with the color of other exterior finishes of the building.

No garage shall be converted to other usage without the substitution of another garage. No carports will be permitted.

Homeowners' cars must be kept parked in garages or driveways when not in use. Campers, trailers, boats, and other types of recreational vehicles or commercial vehicles must be kept in enclosed garages when not in use.

Interior Design and Construction. All building interiors shall reflect the aesthetic quality and permanence displayed in the architectural character of the exterior design. In its review the DRB shall consider the functional layout of the floor space as it relates to the exterior design.

Appurtenances. All exterior mechanical equipment including, but not limited to, transformers, vents, air conditioning compressors, pool pumps, meters, etc., shall be concealed from view by walls of the same material and color as the building or by an opaque landscaping screen. No solar heaters shall be allowed where visible from any street.

Antennas. No antenna or satellite dish for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used or maintained where visible from any adjoining property.

Window Air Conditioning Units. No window air conditioning units shall be permitted.

LANDSCAPING AND OPEN SPACE STANDARDS

General. Any homesite which shall have been altered from its natural state shall be landscaped according to plans approved by the DRB. All shrubs, trees, grass, and plantings of every kind shall be kept well maintained, properly cultivated, and free of trash and other unsightly material. Landscaping as approved by the DRB shall be installed no later than thirty (30) days following completion of any building with weather permitting.

Landscaping Plan. A basic landscaping plan for each homesite must be designed by a registered landscape architect or person of similar competence and must be submitted to and approved by the DRB. Existing trees intended to be removed should be shown and may not be removed without the prior approval of the DRB.

Sod. All areas within each homesite not covered with pavement, buildings, shrubs, or groundcover shall be completely sodded with grass acceptable to the DRB.

Mulch. All areas within each homesite not covered with pavement, buildings, shrubs, groundcover or sod shall be covered with a minimum of three (3) inches of mulch.

Irrigation. All landscape areas shall be provided with an underground irrigation system. Irrigation must be provided for all bedded and sodded areas. Irrigation plans shall be submitted along with landscaping plans for Design Review Board approval.

Invalidation. Any violation of any condition or requirement set out in this "Building Review Manual" that is not enforced does not invalidate that provision nor preclude the later enforcement thereof against the violator or other violator thereof nor preclude the enforcement of any other provisions as set out herein.

The foregoing information is for the guidance of a lot or tract owner and is not to be construed as the comprehensive conditions for acceptable construction in Bentley Park. The Design Review Board has board powers in expanding or limiting the guidelines set out herein and may exercise its privilege case by case.

This manual has been prepared by the DRB as a guideline for builders and homeowners in their selection of concepts for construction within the development. This manual does not include all building, use, and other deed restrictions associated with Bentley Park; and, accordingly, each builder and homeowner should become familiar with the provisions of the Master Covenants and rules and regulations of the Bentley Park Homeowners' Association, Inc. The inclusion of any recommendation in this manual shall not preclude the DRB's right to disapprove any proposed matter for any reason.

GENERAL RULES FOR ALL BENTLEY PARK CONTRACTORS AND SERVICE PERSONNEL

The following rules apply to all employees of Bentley Park contractors and service personnel while on the Bentley Park premises.

1. The control and conduct of contractors and suppliers are the responsibility of the owner/builder.
2. All construction rules and regulations issued by the County of Bradley, the City of Cleveland and State of Tennessee shall be followed at all times.
3. No work will be conducted on Sundays.
4. Contractors are required to keep their job sites as neat and clean as possible. Trash and discarded materials will be removed daily. Contractor shall install appropriately sized containers for trash on the building site. Trash on-site shall be collected and placed in the container on a daily basis. The container shall be located in the rear of residence until removed. There will be no stockpiling or dumping on adjacent lots or on streets. Any trash not removed will be removed by Bentley Park and be taken from the damage deposit.
5. All building equipment and material shall be stored on site only. Parking of worker’s vehicles shall be parked in front of the site only. All overnight parking shall be on-site only.
6. All storm damage to adjacent properties or Bentley Park facilities will be repaired/cleaned up on the day following the storm.
7. Any damage to adjacent properties or Bentley Park facilities must be repaired or cleaned within 3 days.

8. All changes of approved plans must be submitted to the DRC for approval at least 7 days in advance of any work on the change.
9. All cement wash out shall be conducted on the construction site only. Washing of equipment/supplies will be done either on site or outside Bentley Park.
10. No high volume radios/electronic devices are permitted.
11. Utility usage will be limited to that provided by the owner.
12. Any damage to streets and curbs, sidewalks, drainage inlets, street lights, street markers, mailboxes, walls, etc. will be repaired by Bentley Park and such costs taken from the damage deposit.
13. The established speed limit within the Community is 20 miles per hour for construction vehicles, including light trucks and autos. This must be obeyed.
14. Operators of vehicles are required to see that they do not spill any damaging materials.
15. If any telephone, cable TV, electrical, water or other utility lines are cut, it is the owner/builder's responsibility to report such an accident to a member of the Board of Directors immediately.

All violations will be reported to the Board of Directors. The Board will assess any penalties and notify the owner thereof. The owner may appeal the penalty within 3 business days of the notice.

This is to acknowledge that I have received and agree to comply with the Bentley Park Design Review Guidelines.

Signed _____- Owner

Signed_____- General contractor

Signed_____- DRB member

Date:_____