

BMF HOA
Article VIII Architectural Control

Content Highlights of Existing Architectural Covenants:

- 1 There is to be an Architectural Committee of 3 people.
- 2 No residence, structure or improvement of any kind or nature, or any fence or barrier shall be commenced, erected, placed, moved onto, or permitted to remain on any of the Lots, nor shall any existing structure, improvement, fence or barrier upon any Lot be altered in any way which materially changes the exterior appearance thereof, without the written consent of the Committee; nor shall any new use be commenced on any Lot without the written consent of the Committee.
- 3 Plans and specifications of all such improvements and uses shall be submitted to the Committee to include without limitation: 1) a building plan and site plan showing the floor plans, exterior elevations, color scheme, kind, shape, height, materials and location with respect to said lot (including proposed front, rear and side setbacks) of all structures, fences or barriers, and location of all parking spaces and driveways on the Lot and the proposed surface thereof; and 2) grading and landscape plans.
- 4 All plans and specifications should be prepared by a registered and licensed professional architect or engineer, or professional residential housing designer. *(Be advised, all building codes are to be upheld.)*
- 5 No residence may be constructed upon any Lot except by a licensed general contractor.
(All necessary permits must be obtained.)
- 6 The Committee shall have 30 days, after submission, to review the plans and respond.
- 7 Upon submission of the plans and specifications, the Owner may be required to pay to the Committee a review fee and may be subject to additional fees for each additional review needed to comply herewith, plus any expenses or cost incurred by the Committee in connection with such reviews.
- 8 Any violation of the restrictions and without the approval required, will be addressed and must be corrected to avoid legal action.

9 Any Committee member, or designee, may, at reasonable times, enter and inspect any Lot and any improvements for the purposes of ascertaining whether the maintenance of such Lot and the maintenance, construction, or alteration of structures and improvements are in compliance. No such person(s) shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.

Article IX Construction of Residence

10 Once construction of a residence is commenced, the Owner shall proceed diligently and complete construction within 18 months.

11 If said construction is not completed within 18 months, penalties could apply. (Refer to Phase-specific covenants.)

Article X Restrictive Covenants

12 No Lot shall be used except for a single-family private residential dwelling.

13 No trade or business of any kind shall be conducted on a Lot.

14 Each Lot shall have only one dwelling.

15 All buildings or structures placed upon the property shall be site-built and of new construction, and no buildings or structures shall be moved from other locations onto the property, unless approved by the Committee.

16 There shall be no direct access to any Lot from Highway 217. All Lots shall be accessed only from roads within the subdivision.

17 No structures of a "temporary" character (e.g. trailers, tents, shacks, garages, barns or other out-buildings) shall be used on any portion of said Property at any time as a residence, either temporarily or permanently, unless approved by the Committee.

18 All buildings erected on any Lot shall have wood frame, or vinyl clad windows on sides facing a street, or other type windows as approved by the Committee.

19 Each residence shall be guttered.

20 Each residence must have a uniform mailbox structure and may have outdoor post lights located near street from driveway, all of which must be approved by the Committee.

- 21 The treatment and construction of all driveway entrances must be approved by the Committee. Each residence must have a paved driveway (asphalt or cement) from the street to the residence. NOTE: In Phase I, driveways in excess of 50 feet are not required to be paved (asphalt or concrete), graveling of driveway is permitted.
- 22 All private fences must be constructed of either brick and/or wrought iron, wood planks shadow box style no more than 8" in width, or Kentucky fences consisting of wood or vinyl posts with 3 wood or vinyl rails. All fences must be approved by the Committee. No fence, hedge or other separating device shall be constructed beyond the front house line, nor on corner lots beyond the side house line. All fences, regardless of location, shall be no more than 6 feet tall. The Committee shall have the right to grant approval for variations, waivers or exceptions.
- 23 No obnoxious or offensive trade or activity shall be carried on upon any Lot nor shall anything be done which may be or become an annoyance or nuisance.
- 24 Unless approved by the Committee, no animals of any kind shall be raised, bred or kept on any Lot, except horses, dogs, cats or caged birds provided that such dogs, cats and birds are not kept, bred, or maintained for any commercial purpose and are confined within homes, fenced rear yards or restrained by leash at all times, as appropriate. Any dogs kept outside shall not be allowed to be noisy, bothersome or a nuisance. Pens or runs are allowed, provided such pens or runs are no closer to the street than the rear exterior wall of the residence and they are properly screened from view from the street. No more than one horse shall be permitted for each 1 1/2 acre of property for each Lot in Phase II and III. (1 horse per 1 acre lot in Phase I.)
- 25 Prior to occupancy of a new residence, the Owner shall sprig or seed those areas of the entire Lot not otherwise containing ground cover, and shall take such other action reasonably required to prevent erosion of the Lot.
- 26 No three-wheelers, four-wheelers or other vehicles not approved for use on public streets (except bicycles) shall be permitted on the streets of the Property. This provision will be enforced by the proper Bell County authorities.
- 27 No signs whatsoever (except normal mailbox signage and one "For Sale" sign per Lot not to exceed 5 square feet), unsightly objects, or nuisances shall be erected, placed or permitted to remain on the Property, nor shall the Property be used in any way or for any purpose which may endanger the health or unreasonably disturb the Owner of any Lot or any residence.
- 28 No business activity of any kind whatsoever shall be conducted in any building or on any portion of the Property (except for home offices which do not generate any traffic to or from the property, such as from visitors, clients, customers or delivery vehicles).

- 29 No exterior television or radio antennas, nor any satellite dishes with a diameter in excess of 20 inches (the location of which shall be approved by the Committee) shall be placed, allowed or maintained upon the Property or any improvements to be located upon the Property.
- 30 No clothesline may be used or maintained on any Lot.
- 31 No building material of any kind or character shall be placed or stored upon any Lot until the Owner is ready to commence improvements. Building materials shall be stored only within the property lines of the particular Lot involved.
- 32 Excluding mailboxes, approved post lights, or natural or approved vegetation, no obstruction shall be allowed within 10 feet of any right-of-way, unless approved by the Committee.
- 33 All equipment, air conditioning units, electrical transformers, garbage cans, service yards, and woodpiles shall be kept screened by adequate planting or fencing so as to completely conceal them from view of all streets and neighboring lots. Further, any and all of the foregoing items, along with any basketball goals or other playground or sports equipment shall be located and placed no closer to any street than the front of the house. Basketball goals shall not be attached to the front of any house. "Front of the house" shall mean that part of the structure of the house farthest away from the street but facing such street. Corner lots must comply with this restriction as to both streets.
- 34 All rubbish, trash, or garbage shall be regularly removed from the premises and shall not be allowed to accumulate.
- 35 The construction of all swimming pools shall be approved by the Committee. All swimming pools shall be fenced in a manner to comply with applicable law and regulations and to prohibit easy access by small children. All such fences must be in full compliance with the fence restrictions. No above ground pools shall be allowed.
- 36 No tennis court fence shall be erected on any Lot unless the construction, size and materials are approved by the Committee. In the event wire fencing is approved, it must, at a minimum, be coated with green or black vinyl or a similar material of like color.
- 37 No wagons, trailers or recreation or commercial vehicles, including, without limitation, boats, boat trailers, motorcycles, trucks, motor homes, camping trailers, or similar types items shall be kept other than in a garage, except in the case of horse trailers which may be stored outside in an area which is no closer to the street than the front of the residence. No automobiles or other vehicles shall be continuously, habitually or regularly parked on any street or right-of-way or in any yard.

- 38 No tree with a diameter of 6 or more inches, as measured 2 feet from the ground, shall be removed without approval from the Committee, except for the emergency removal of a tree that constitutes a hazard to person or property.
- 39 The minimum heated livable area of any residence, excluding garages, porches, storage rooms, workshops, etc....
Phase I - shall not be less than 1000 square feet total with a minimum footprint of 850 square feet.
Phase II - shall not be less than 700 square feet on the ground floor for a one story building, 975 square feet on the ground floor for a one and one half story building and 1500 square feet for two story building.
Phase III - shall not be less than 700 square feet on the ground floor for a one story building, 975 square feet on the ground floor for a one and one half story building and 1500 square feet for two story building.
- 40 Setback lines and height restrictions shall be no less than those required by applicable governmental regulations and no less than those shown on the Subdivision Plat. The Committee shall have the absolute right to control the precise site and location of any house or other structure upon all Lots. Such location shall be determined only after reasonable opportunity has been afforded to the Owner to recommend a specific site. (Refer to Phase-specific covenants.)
- 41 No Lot may be further subdivided, nor any portion of any Lot may be conveyed except with the prior written approval of the Committee.
- 42 All above-ground exterior foundation and exposed basement walls must be covered as approved by the Committee.
(Phase I - no exposed block.)
- 43 Lots must be regularly cleaned and at all times kept free of debris, including during construction of improvements. During construction of a residence, or major improvements to a residence, a dumpster (and a portable toilet in the case on-site facilities are not available) must be maintained and utilized on the site. Governmental/state erosion and sediment control guidelines shall be observed at all times. (Refer to Kentucky erosion and sediment control Field Guide.)
- 44 Each lot may be improved with only one single-family dwelling. No out-buildings, sheds or any other structures shall be allowed, except one detached garage and/or a detached storage building or barn stick-built on site, constructed of the same material as the residence on said lot so as to have a similar appearance. Said storage building must be located in the rear yard and completely screened by a privacy fence. Prior to construction, plans and specifications for any such out buildings must be approved by the Committee.
- 45 The finished grading for all Lots shall be completed in such a manner as to retain all surface water drainage on said lot or lots and to prevent the flow of all surface water onto adjoining lots and to locations where it might impact existing or proposed structures.

46 No vegetable gardens shall be allowed in front or side yards.

47 All dwellings must...

Phase I - use brick, stone, stucco or wood. No trailers, module or manufactured homes. No vinyl siding permitted. No front-loading garages.

Phase II - use brick, stone, stucco or wood. No trailers, module or manufactured homes. No vinyl siding permitted.

Phase III - have an exterior of cedar siding or other earth-tone siding approved by the Committee. Limited exceptions may be allowed by the Committee for cases of exceptional attractive designs.

48 All flashings on structures must be aluminum or metal painted to match the trim of the structure.

49 No firearms shall be discharged within the Subdivision.

50 There shall be no toilet facilities placed upon any portion of any Common Area, nor shall any camping be allowed unless approved by the Committee.

