



# ARCHITECTURAL COMMITTEE

## STANDARD POLICIES Including REMODELING, MAINTENANCE, AND LANDSCAPING PROPERTY OWNERS' HANDBOOK

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# TABLE OF CONTENTS

INTRODUCTION .....	1
AUTHORITY .....	1
STANDARD AC POLICIES .....	4
Common Property and Green Belt .....	4
Vegetation Removal on Owners' Property .....	4
Signage .....	5
Decorative Appurtenances/Yard Art .....	5
Satellite Dishes .....	6
Fencing .....	6
Tarpaulins .....	6
Exterior Lighting .....	7
Exterior Colors and Products .....	7
Propane Tanks .....	8
Erosion Control .....	8
Alternative Energy .....	8
Driveways and Parking Areas .....	8
Property Exteriors .....	9
AC Request and Approval Process .....	9
Work Start Notification .....	10
General Requirements .....	10
Violations and Fining .....	11
Appeals Process .....	11

**Note:** *The following forms referenced in this document can be obtained from the Bent Tree web site under Management and then Community Documents or by contacting the front desk, Administration Building.*

- *Tree Removal/Vista Pruning Request Form and Attached Guidelines*
- *Improved Lot Identification Sign*
- *Architectural Committee Request Form*
- *Application for Building Demolition Permit*

## **INTRODUCTION**

This handbook is the official guide for modifying and maintaining property, including Villas, in Bent Tree. It outlines the rules and regulations for remodeling and additions, (including any exterior changes), maintenance and landscaping. The objective is to maintain Bent Tree in its beautiful and natural state, to enhance that beauty by the way we plan, build and maintain our homes and properties, and to insure that all of the Bent Tree legal, practical and aesthetic requirements are followed. The Architectural Committee (hereafter known as the AC) has prepared this booklet, which has been approved by the Board of Directors of Bent Tree Community, Inc., in 2015.

If there are any questions regarding requirements, regulations, compliance or any issue mentioned in this handbook, contact the Architectural Coordinator at the Administration Office, 770-893-2629, extension 106, or the AC chairperson listed on the Bent Tree web site.

## **AUTHORITY**

The AC is sanctioned by the Board of Directors of Bent Tree Community, Inc., and is delegated the authority to administer Article IV, Section 1, paragraph (a) and Article V excluding Section 16 of the Declaration of Covenants, Conditions and Restrictions, (CC&Rs) and related portions of the Articles of Incorporation, the By-Laws, and any applicable Board resolutions. The AC does not have the authority to override or change any provision of the aforementioned documents.

The primary purpose of the architectural controls is to protect and preserve property values in Bent Tree by maintaining architectural and aesthetic harmony and compatibility among the lots and the structures and other improvements on the lots at Bent Tree. The architectural standards may be applied to reflect that lots within Bent Tree and the dwellings constructed or to be constructed on them are of varying sizes, values, topographies and locations, and those improvements and modifications suitable for one lot may be inappropriate for another lot. Therefore, the AC is authorized to adopt as appropriate, varying standards, sizes, values and layouts of lots and improvements located thereon within Bent Tree.

The underlying purpose of these regulations is to assure appearance which compliments and blends with the natural beauty of the community, and to assure, in so far as we can without assuming liability, a high quality of construction which will retain this appearance for an extended number of years. The primary function of the AC is to approve or disapprove, in writing, the formal request for any structure to be erected, maintained, or altered, and to approve or disapprove site improvements or modifications. Forms are available in the Administration building and on the web site for making such requests.

The AC is composed of Bent Tree property owners. The members commit to a term of three years, during which time they review and act on all plans and requests submitted to the committee, consider the impact on the Community, study new materials and technologies, and consider and draft adjustments to the guidelines as needs and technologies change.

The AC meets on the second and fourth Thursday of each month in the upstairs conference room of the Administration Building. Any property owner, prospective owner, builder, lender, supplier or other interested party is welcome to attend any open meeting to observe and/or ask questions. Please call the AC Coordinator to verify the meeting is taking place.

An application for modifying, remodeling, maintenance, tree removal, etc. (any changes to the exterior of the property) must be submitted to the AC Coordinator no later than 8 days preceding the AC meeting. To obtain form see instructions on table of contents page.

A response will be provided promptly following the meeting at which the subject application is reviewed and acted upon. The property owner has 6 months from the date of the approval letter to complete the described project. If additional time is required, a new request must be submitted. If any work that is not specifically described in the request needs to be done, a new request is required.

Any deviation from standard AC policies will require written permission from the AC. Such permission must be requested in writing with complete justification for the deviation. Please keep in mind that non-compliance is subject to the Fining Policy of the Bent Tree Rules, Regulations and Policies. See "Violations and Fining" in the table of contents.

**No change affecting the appearance of any property is permitted without written approval from the Architectural Committee.** However, the Architectural Coordinator is granted the authority to implement committee issues and approve some project requests. These authorizations include enforcing policy, issuing stop work orders for violations, approving written requests for tree trimming, tree removal and paint colors from the current approved color palette and approving written requests for routine repairs and maintenance when using materials of like kind.

**Building Demolition Policy:** Bent Tree's building demolition policy including an Application for Building Demolition Permit can be found on the Bent Tree website. Go to the Management tab and then the Community Documents tab to locate the document.

**Amendments:** AC design standards may be altered, amended or repealed at any regular or special meeting. This is a two stage procedure whereby the AC studies a subject and recommends the change and presents their recommendation to the Board, which may approve, disapprove or recommend an alternative solution. Changes will be effective immediately upon approval by the Bent Tree Board of Directors.

**Variances:** All requests for variances must be submitted in writing to the AC. Variances will not be granted for convenience or financial considerations. A building set back variance may be granted, but only for safety or for design constraints imposed by severe topography, or for unusual lot or right-of-way situations. Any other variance category would require detailed study and a decision by the Board of Directors. Variances which are requested for work-in-progress, or for work that has been completed, are considered on a case by case basis by the Board of Directors following a recommendation by the AC and the General Manager.

**Appeals:** If the AC or its designated representative disapproves any application or part thereof, the property owner shall have the right to appeal the AC's decision to the Board of Directors. The Board shall rule on the appeal within forty-five (45) days of receiving written notice requesting an appeal from the property owner. Any decision by the AC Coordinator may be appealed to the AC.

The AC does not assume responsibility for the design or construction of any project in Bent Tree. Our concern is for the appearance, compatibility, maintenance and land use requirements of our residents, as well as limited inconvenience to current residents during the time of construction.

It is the responsibility of the Buyer or Owner to evaluate previous work of a prospective Builder or Contractor in regard to construction techniques, design, financial stability, reputation, timeliness, or any other matter of concern. Referrals from previous buyers, neighbors of those buyers and study of other homes built may prove beneficial. The AC maintains a comment file on current builders, which may be reviewed by appointment with the Architectural Coordinator.

Georgia law requires compliance with the current code of the International Building Code. Analysis of design and engineering is outside the scope and responsibility of the AC and of Bent Tree Community, Inc. and a Bent Tree issued building permit does not imply compliance with this code. It is the responsibility of the homeowner to obtain advice and verification of compliance from a professional source for any concerns the homeowner may have. GA law requires the use of a licensed contractor where the compensation for the work or activity exceeds \$2,500. § 43-41-2 (9).

## STANDARD AC POLICIES

### Common Property and Green Belt

- A. Removal, trimming, pruning or any other change of trees, shrubs, or other vegetation; or moving or removal of soil, gravel, rock, or other natural material; or placing or building of structures on Bent Tree common property or designated green belt areas by individual owners or others is expressly forbidden without written permission from the Board of Directors or the Architectural Committee and General Manager under certain circumstances described below. Forbidden actions taken without permission are subject to fines, disciplinary action and exclusion from use of all amenities.
- B. The Architectural Committee will accept and act on applications for minor encroachments on common property including standard driveway and culvert construction approved as part of construction plans. Applications for major encroachments, as determined by the AC and General Manager, will be referred to the Board of Directors for approval or disapproval. Encroachments include, but are not limited to cutting or trimming trees or bushes, building or placing permanent structures, alteration of a water course, placement or removal of natural materials, storage of materials and placement or removal of plant materials. For the purpose of this section, the removal of any tree or shrub from the common property that exceeds four (4) inches in diameter, as measured six (6) inches above the root ball, is considered a major encroachment. Property owners should use the Tree Removal/Vista Pruning Request Form to request approval. Guidelines for documenting the requested action are contained in an attachment to the form. See table of contents for instructions pertaining to how to obtain form. A license will be issued for major encroachment applications when and if approved.

### Vegetation Removal on Owners' Property

No removal, trimming, pruning, or clearing of trees, shrubs, bushes or other vegetation having a trunk diameter of four (4) inches or more, as measured six (6) inches above the top of the root ball, is allowed without prior written approval of the AC. Property owners should use the Tree Removal/Vista Pruning Request Form to request AC approval. Guidelines for documenting the requested action are contained in an attachment to the form. See table of contents for instructions pertaining to how to obtain form. Vegetation that the property owner wants to remove should be marked with ribbons and photographed. The photographs should be included with the request form. Additionally, removal, trimming or pruning of native plants, including but not limited to native azaleas and mountain laurel, must have AC approval. Approval may be considered in the following manner:

- A. Tree removal is allowed for the septic area, the driveway area, and within twenty (20) feet from the structure of the home. Trees, shrubs, or vegetation over four (4) inches in diameter, as measured six (6) inches above the top of the root ball, require submission of an application and written AC approval. Removing trees from a lot owned by another to achieve the 20 feet safety zone is prohibited. However, this goal may be considered for AC approval through an application by the other lot owner.
- B. Trees that are in immediate danger of creating damage or harm may be removed without written prior approval; however, every effort should be made to notify the Architectural Coordinator. Written explanation must be submitted promptly thereafter to the AC.
- C. No topping of trees is allowed.
- D. The AC may assess fines, and require replanting of trees removed without a request for approval or a valid written explanation.

## Signage

No signs shall be erected or maintained on any property without AC approval. AC standards apply, but are not limited to the following signs:

- A. **For Sale Signs:** Uniform “For Sale” signs shall be used throughout Bent Tree. All signs must be 8 inches by 10 inches in size, white letters on a green background. There shall be only one sign per lot located on the road frontage only. Any sign displayed on a property other than previously approved by the AC or the AC Coordinator will be removed by authorized Bent Tree personnel.
- B. **Open House Signs:** The words “Open House” can be added to any “For Sale” sign, either on the sign itself or as an insert to be added to the top of the existing sign. The insert must meet color requirements (green with white letters) and can be no larger than 4 inches by 10 inches in size. Only the words “Open House” may be used.
- C. **Decorative Signs:** Signs supporting an event (i.e. wedding, sporting event, private function) may be displayed no sooner than the day prior to the event and must be removed no later than the day after the event. Any signs remaining will be removed by authorized Bent Tree personnel. The AC or the AC Coordinator must be notified of such sign placement in advance.
- D. **Political Signs:** Political signs are strictly prohibited. Any political sign displayed will be removed by authorized Bent Tree personnel. If a property owner then displays a replacement sign, it will be removed without notice and the property owner will be fined according to the Bent Tree fining policy.
- E. **Improved Lot Identification Signs:** Signs identifying individual improved lots are mandatory for the safety of all property owners. Lot number and 911 address are to be included on the sign. Lot identification signs are located at the front of the property, near the driveway. These signs are considered a “casual encroachment” of Bent Tree Right of Way if placed outside the front property line. Cedar posts/signs can be ordered through the Administration Office. If the property owner chooses to use style of lot identification sign a request form is not necessary. Any other style or type of sign must be approved by the AC. An illustration of this sign and ordering instructions are on the Bent Tree web site. Go to the table of contents for instructions pertaining to how to obtain this document.
- F. **Contractor/Builder Signs:** Only builders are allowed to display 18” by 24” signs on the individual job site. No “contractor/sub contractor” signs are allowed.  
Bent Tree Community, Inc. has the authority to display special event signage.

## Decorative Appurtenances/Yard Art

In the interest of maintaining the natural appearance of Bent Tree, the AC has developed the following guidelines for exterior decorations:

- A. Excessive placement of statues, bird baths, or any yard ornamentations is discouraged.
- B. Bright colors are discouraged.
- C. Items that express prejudice, religious slander, or are offensive in nature are strictly prohibited.
- D. Holiday decorations are allowed with the following conditions:
  - 1. National holidays only.
  - 2. No inflatable decorations.
  - 3. Holiday displays should be removed no later than 2 weeks after the holiday.
- E. Artificial flowers/greenery placed on common property is prohibited. Any decoration of this nature should be limited to front steps/home entries and front doors.

## **Satellite Dishes**

Satellite dishes eighteen (18) inches and under do not require approval to install. AC approval is required for a dish 19 inches or more. All dishes must meet FCC rules. No topping of trees is allowed for the placement of a satellite dish. If tree removal is necessary, the property owner must have AC approval and complete the Tree Removal/Vista Pruning form. See table of contents for instructions pertaining to how to obtain form.

## **Fencing**

All fencing must be approved by the AC. The following are AC guidelines.

Fencing, other than silt fencing, is defined as any structure used decoratively or to contain pets. Fencing may not be used to protect plants or trees. Location of fencing must be inside property lines, not on common property. Fencing shall be constructed of wood or wood-like materials, and may not exceed four feet (4') in height.

Fencing may be 'split rail' or 'stacked split rail' design. Split rail fencing consists of posts and two or three horizontal rails. Stacked split rail fencing consists of stacked horizontal rails and may be not more than two feet (2') in height. Except for the prohibited fences listed below, the AC may also approve fencing constructed to match existing fencing in design, material, and color. Mixing of fencing designs is discouraged.

In general, welded-wire fencing is not allowed. However, with AC approval, welded wire fencing may be applied to the inside of approved fences as a pet control measure. Fencing with welded-wire must be located behind the house, or other locations as approved by the AC. Approval of fencing with welded-wire on corner lots will be at the discretion of the AC. Welded-wire fencing color must be black, dark brown, dark gray or dark green.

The following fences are prohibited:

- Electrified
- Privacy
- Chain link
- Wrought iron

In cases of emergency, response units may enter the property. State law protects first response personnel from liability for damages in the performance of their duties.

Any deviation from this policy can result in the removal of the fence/gates at the property owners' expense and fines.

## **Tarpaulins**

Tarps used must be of a dark, subdued color; brown, black or dark green. Any other color is prohibited for long-term use. Other colors may be used temporarily for a maximum of 6 months while repairs are underway.

Tarpaulins may not be used at any time to cover vehicles that are visible to the public.

## Exterior Lighting

Exterior lighting should meet the following requirements:

- A. It shall be subdued and directed downward so there is no nuisance to neighbors, or hazard to traffic.
- B. Lighting on sensors must not be so sensitive as to be a nuisance. Remember that there are many animals that move around Bent Tree and can easily trigger the sensors.
- C. Low voltage lighting may be placed on one side only of the driveway or walkway, with lights no closer than 5 feet apart.
- D. No Security-type lighting is permitted on private property.
- E. No outside lighting should burn 24 hours a day.

## Exterior Colors and Products

The following exterior standards shall be enforced.

- A. **Siding:** Siding shall be wood, cement plank, or vinyl in a rough-textured, low shine finish, or Nu-Cedar (brand name product of recycled PVC).
- B. **Roofing:** Roofing may be asphalt, wood, or metal with these requirements, being aware of the frequent occurrence of high winds:
  1. Asphalt should be standard or architectural grade shingles. Colors must be approved.
  2. Wood roofing materials must be fire-retardant treated and/or fire-rated split wood shakes.
  3. Metal roofing must have a low sheen and be of textured material such as stone-coating, shingle-shaped, standing seam, or stamped metal. Approved samples are available for inspection in the office of the Architectural Coordinator. Colors must be approved. Neither Black nor Red will be approved.
- C. **Colors:** Exterior finishes will be earth-tone colors. Approved colors are available at the Administration Office.
  1. Non-conforming factory finished windows, doors, etc, must be painted with approved colors.
  2. Primary colors apply to the body of the house, lattice, and garage doors.
  3. Trim colors apply to material around doors and windows, gutters, down spouts, soffits, corner boards, cornices, shutters, and garage doors.
  4. Accent applies to doors (not including garage doors) and shutters.
  5. White is not an approved color for any exterior use.
  6. All PVC or metal work must be painted flat black or must match the roof color. Gutters and downspouts must be approved primary or trim colors.
- D. **Decks:** If decks and porches are to be painted, they should be in an approved primary or trim color.
- E. **Stonework:** Stonework for foundations, chimneys, and accenting shall be of native fieldstone, gray Tennessee fieldstone, orchard stone, or as otherwise approved by the AC. Brick is not permitted for any surface.
- F. **Exposed Concrete:** Exposed concrete or concrete block foundations must have stucco or stone finish.
- G. **Screened Porches:** Screening must be of a dark color. No screens with a bright colored or silver finish may be used on any structure within the property.

## Propane Tanks

Above ground storage tanks for fuel are permitted, provided they are completely screened from public view by a fenced enclosure, compatible in appearance and finish with the house. This applies to repairs or replacements. This includes propane tanks that are attached to the house.

## Erosion Control

The control of water runoff and erosion is the sole responsibility of each property owner. When a conflict pertaining to water runoff occurs, the involved property owners are required to resolve it independent of BTCL. The following guidelines shall apply to any new or proposed construction;

A. Per Article V, Section 20(p) of the CC&R; *No activity which may create drainage, erosion or siltation problems shall be undertaken on any lot until a written request accompanied with letters of approval from all lot owners affected thereby, has been submitted to and approved by the AC. The written request must be accompanied by complete plans, including maps showing problem areas, and specifications. The AC may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation. Such means may include, by way of example and not limitation, physical devices for controlling the run-off and drainage of water, special precautions in grading and requiring landscaping as provided for herein.*

B. Removal of existing plants encourages erosion. Remove as little natural growth as possible during renovations, being aware that there are specific restrictions under vegetation removal in this handbook that must be followed. Do not pile dirt around trees or shrubs that are not to be removed.

C. Cover disturbed areas as soon as possible with suitable ground cover (bark, pine straw, mulch, etc.)

D. When necessary, approved retaining walls should be constructed prior to or along with grading and provide drainage during grading and foundation work.

## Alternative Energy

Solar panels may be approved under the following conditions.

- A. Panels must be dark in color
- B. Panels must be non-reflective
- C. Panels must be flush mounted
- D. Panels can only be located on the home. No yard panels are allowed.
- E. No additional trees may be removed other than in otherwise approved areas. See vegetation removal in this handbook.
- F. Request for approval must be presented in writing and include a copy of the agreement with Amicalola EMC.

The AC encourages extensive research before submission for approval. It is important to realize that all properties are not conducive to installation and maintenance.

No other alternative energy devices are permitted.

## Driveways and Parking Areas

Where a driveway joins a roadway, a culvert of approved materials with a maximum length of twenty (20) feet and eighteen (18) inches in diameter must be placed in the roadside drainage ditch unless exception is approved by the AC in writing on the site plan. If culvert is required, it shall be installed at the beginning of site work. Vertical curves of driveways shall occur on private property and not on the right of way.

All driveways and parking areas shall be of compacted gray stone, or paved with asphalt or concrete. It is strongly recommended that any driveway with an elevation of twelve (12) percent or more from the street be concrete or asphalt. A paved apron must be constructed on all new or remodeled driveways connecting with paved streets. The apron shall be constructed of concrete or asphalt. Concrete shall be 3,500 psi concrete with a minimum thickness of 4 inches, with welded wire reinforcement. Asphalt shall have a minimum thickness of 2 inches over a minimum 6 inch compacted gravel base. The apron shall be a minimum of ten foot (10'-0") in width, twelve foot (12'-0") in length and have minimum three foot (3'-0") flares on each side at its termination with the street.

## **Property Exteriors**

A. Property owners have an obligation to perform routine maintenance to maintain their property in a neat, attractive and safe condition. Routine maintenance, such as replacing sections of rotted or damaged wood, partial replacement of damaged stairs, railings or spindles and similar minor maintenance/repairs do not require AC approval. However, no property owner, occupant, or any other person may make any exterior alteration, improvement, or construction to a lot other than as noted above for "routine maintenance" without first obtaining the written approval of the AC. Exterior alteration, improvement or construction shall include but not be limited to exterior painting, replacement of exterior building materials, installation of lighting (except reasonable seasonal decorations), paving, clearing or grading, constructions of a dwelling and other improvements.

B. All exterior or visible modifications, additions, or alteration on lots or to any existing structures on lots must have written approval of the AC or the AC Coordinator and meet all guidelines set forth in the Bent Tree CC&Rs and AC guidelines. This also applies to all maintenance, repair or replacement of exterior portions of dwellings other than "routine maintenance" or other improvements on lots, including but not limited to driveways, repainting in original colors or replacement of exterior building materials, to ensure that such materials, color and/or design continue to be in conformity with the standards set forth in the CC&Rs and AC guidelines. New additions may be painted the same color as the existing dwelling. Alternatively, all structures can be painted in a currently Bent Tree approved color. If residents have questions concerning whether AC approval is required they are encouraged to contact the AC Coordinator who will assist in any way possible and, to the extent possible, help to expedite any required AC or AC Coordinator approval.

## **AC Request and Approval Process**

Home owners desiring to make modifications, additions, or changes to their property and/or the exterior of their home will submit a completed "Request Form" to the AC Coordinator for consideration. See table of contents for instructions on how to obtain Request Form.

A. The homeowner will submit a completed "Request Form" to the AC Coordinator. In addition to the completed Request Form, a building permit fee in the amount specified in the current Bent Tree Fee Schedule shall be submitted for structural additions or modifications to the existing residence, garage, carport or utility structure(s), excluding extensions of existing open decks. The fee shall also apply to any new garage, carport or utility structure. Such fee is in addition to any permit fees required by Pickens County and/or other governmental authorities having jurisdiction.

- B. The AC Coordinator will review and check the “Request Form” for accuracy, completeness, and a feasible completion date. When the AC coordinator is satisfied that the “Request Form” is acceptable, it will be considered for approval by the AC Coordinator and/or the AC. The property owner has 6 months from the date of the approval letter to complete the described project. If additional time is required, a new request must be submitted. If any work that is not specifically described in the request needs to be done, a new request is required.
- C. One of the following actions will result:
  - 1. Approve as submitted
  - 2. Disapprove
  - 3. Defer, pending a request modification
- D. The AC Coordinator will communicate in writing the response to the home owner’s request.
- E. If considered necessary, an AC member will be assigned to make interim site visits with the AC Coordinator to assure the project is progressing as approved.
- F. The homeowner will advise the AC Coordinator when the project is 100% completed.
- G. The AC member and/or the AC Coordinator will visit the project site and sign off on satisfactory completion or document changes that the homeowner must make.
- H. Upon final and satisfactory completion of the project, a copy of the approved “Request Form” will be given to the homeowner; the original form will be filed with the AC Coordinator.

## **Work Start Notification**

Property owners notify the AC coordinator at least the day before work on an approved project will start to facilitate monitoring project status when required in the project approval communication letter to them.

## **General Requirements**

- A. No trailer, boat, camper, mobile home, RV, bus, tent, or temporary building shall be permitted on any lot except in an enclosed garage or such other location approved by the AC if screened so as not to be visible from any other lot. Horse trailers may be stored at the stable parking areas if space is available. Exception: A lake lot owner may place an approved boat on the lot near the water’s edge and not on the green belt area.
- B. No temporary building is permitted on any lot except for construction purposes during the construction period of the dwelling and with AC approval. No garage, outbuilding, or other appurtenant structure shall be used for residential purposes.
- C. If the owner of property desires permission to park near or on the right-of-way, an application shall be submitted to the AC and a license will be issued upon approval.
- D. Outside clotheslines are prohibited. The hanging of clothes, laundry, rugs, or any other such items outside is prohibited.
- E. No mailbox or newspaper box shall be installed on any lot without AC approval.
- F. Any window air conditioner unit to be installed in any part of a dwelling or accessory structure and that will be visible from a street or another lot requires AC approval. All exterior compressor units shall be ground mounted.
- G. Recreational and playground equipment are permitted with AC approval of location.
- H. Construction hours are as follows: Monday – Friday 7:30am – 6:30pm, Saturday 8:00am – 4:00pm and no work on Sunday or holidays.

- I. All portions of lots and the exterior of all structures and improvements shall be maintained in a neat, attractive and safe condition. Maintenance shall include repairing, replacing and caring for roofs, gutters, down spouts and exterior surfaces of all structures on the lot; repairing and replacing all exterior lighting; caring for trees, shrubs, grass and all landscaping; and preventing accumulation of weeds, trash, downed trees and debris on any lot.

## **Violations and Fining**

- A. A property owner may be fined for violation of the Rules and Regulations and violations of family members, guests, and contractors. Contractors and property owners acting as builder or contractor are subject to additional fines based on violations of the AC Building Criteria. The Schedule of Fines is located in the Rules and Regulations.
- B. Tree Cutting Violations: No cutting of trees on individual property owner's property with a diameter of four (4) inches or more, as measured six (6) inches above the top of the root ball, is allowed without prior AC approval. Cutting of trees on Bent Tree common property is regulated under the Common Property Violations.
- C. Common Property Violations: No property owner or contractor shall make any alterations to Bent Tree common property without express written license from BTCI. This includes cutting or trimming of trees and brush, building or placement of any permanent structures, dumping of any materials, alteration of any watercourse, destruction of fixtures, accessories, furnishings, inventory, or infrastructure, placement or removal of any stone or other natural materials, encroachment upon common property for construction access, storage of materials either permanently or temporarily, planting or removal of plant materials, and placement of any temporary items or ornamentation.
- D. Other violations: Any property owner or contractor will incur fines for noncompliance with any or all of the criteria, stipulations and requirements which are set forth in the Building Criteria and Design Standards. This includes violations on active building permits, non-active building permits, and general construction violations.

## **Appeals Process**

- A. Appeals for General Violations and Common Property Violations - All cited violations may be appealed to the Board. The right to appeal shall be waived if the written request is not received within ten days of the date of the issuance of the fine.
- B. The Board shall hold in executive session a hearing affording the property owner or contractor a reasonable opportunity to be heard. The Board may establish rules of conduct for such hearing, which may include limits on time and on the number of participants who may be present at one time. Within seven days after the date of the hearing, the Board shall send or deliver to the property owner or contractor a written decision regarding the appeal. Such determination shall be final
- C. Appeals for Tree Cutting, AC, and General Construction Violations - All cited violations may be appealed to the AC. The right to appeal shall be waived if the written request is not received within 10 days of the issuance of the fine.

Appeals of all other AC decisions not related to violations or new construction shall proceed as follows:

1. Property owners have the right to appeal any AC decision related to General Requirements. The property owner's written appeal must be received by the Board within forty-five(45) days from the date of the AC's written notice to the property owner of its' decision. Relevant documents and materials, including the original request and samples, must accompany the appeal.
2. Within 10 days of receipt of the written appeal, the Secretary of the Board will send a written response to the property owner, with a copy to the AC, specifying when and where the appeal will be heard by the Board. The Board shall hold the hearing in executive session, affording the property owner a reasonable opportunity to be heard. The AC or its designated representative will submit copies of their documents related to their decision to the AC Board Liaison for distribution to all Board members at least 5 days prior to the hearing date.
3. The Board may establish rules of conduct for such hearing, which may include limits on time and the number of participants who may be present at one time. Within 7 days after the date of the hearing, the Board shall send or deliver to the property owner a written decision regarding the appeal. Such determination shall be final.
4. Should the property owner decide to withdraw their appeal or revise their request at any time during the process, they will notify the Board and the AC in writing.