

**EastBridge Business Park  
Design Standards and Restrictive Covenants**

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Pages I - 34 attached

# DESIGN STANDARDS AND RESTRICTIVE COVENANTS

## Eastbridge Business Park

### User's Guide

Thank you for your interest in EastBridge Business Park. Quality development is the primary objective of these design standards. Maintaining this quality will assure you that your commitment and investment will grow in value.

These restrictive covenants and design standards should guide your project design. Making them available as early as possible allows clear communication of the Corporation' requirements and permits your design team to be informed, limiting duplication of effort and time. The Development Corporation has established a Design Review Board to assist it in evaluating your plans. Following this introduction is a step-by step outline of the process required to occupy your new facility.

The Corporation wants to work with you to expedite the development of your building. Multiple review of your plans by different agencies is not necessary. If you encounter stumbling blocks in your way due to specifics in the Standards or other County regulation, bring these to the attention of the Corporation staff and they will help you work through them.

In all instances, do not hesitate to contact the Corporation's staff for answers to your questions or concerns. We strongly recommend a preliminary meeting with the Corporation staff to review the standards. Our business is the success of your business and seeing that your location or expansion is as easy as possible is one of our goals.

Please feel free to give us a call at (865)546-5887 if you have any questions.

## HOW TO USE THESE COVENANTS

### **Step One - Choosing Eastbridge**

Review Section 1 of the development standards in its entirety to get a complete picture of the requirements. Will your proposed facility fit the plan for Eastbridge? If so, then go to Step 2.

### **Step Two - Site Selection and Design**

Which site at Eastbridge best fits your needs? Once you have chosen and purchased a site, your architects or engineers will review Section 2. This section will outline what information the Design Review Board requires to review your plans. At this time, our staff recommends a preliminary meeting with your design team to review the standards and make sure they completely understand what is expected. Have your architect or engineer review with you Section 3 and make sure that the plans are in compliance with the Standards. Follow the directions in Section 2 closely and have all materials prepared for review.

### **Step Three - Review**

Deliver six sets of plans to The Development Corporation's offices. A Review Board meeting will be planned within ten working days after receipt of these plans. A meeting will not be scheduled until all appropriate information is available to the Board. At the meeting, you will present your facility to the Board. Next, the Board will discuss your plans and you will receive, via written correspondence, notification of the Board's decision and recommendations on changes the Board may require.

### **Step Four - Permit Release**

Permits can be released through the normal permit application process and the codes department will contact the Corporation for approval. Or, if your plans are complete, The Development Corporation is available to assist and expedite all permits, having them released all at once.

**PLEASE NOTE:**

If you are developing a spec building, TDC understands that many of the requirements outlined in the Standards will be difficult, if not impossible, to completely illustrate for the Design Review Board prior to construction. The developer should supply the Design Review Board with as much information as possible during the initial design and construction phase. However, TDC retains the rights to apply these Standards and the submission and approval processes to the design and construction of significant improvements or finishes to a speculative building once a tenant is found. The building inspector will inspect the improvements prior to the tenant moving into the facility to ensure they are completed as described in the plans.

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# Design Standards and Restrictive Covenants

## SECTION 1

### INTRODUCTION

#### **A. PURPOSE OF THESE STANDARDS**

The primary purpose of these standards is to protect interested parties (existing and potential property owners and developers) by maintaining quality development within the park. These standards also protect The Development Corporation's (TDC) investment, assuring the economic goals of the community are met.

Finally, Eastbridge Business Park has been developed by TDC to stimulate the development of East Knox County. It is precisely for this reason that land purchasers must present a plan to TDC and to the Eastbridge Design Review Board for review and approval.

#### **B. RE-PURCHASE PROVISIONS**

If the proposed development does not proceed as stipulated, within a twenty four (24) month period from the date of closing, TDC or its assigns shall have the absolute right to repurchase the property at the original price within six (6) months of the end of the twenty four (24) month period. TDC or its assigns may elect to repurchase the property if development does not proceed as stipulated after the six (6) month period, provided that they pay the original purchase price plus interest at 3% per annum. TDC or its assigns may agree to extend the time for the development. Requests for the extension must be made in writing and shall be incorporated in each deed of conveyance from TDC or its assigns to the initial purchaser and shall continue to be in effect until such time as the property is developed appropriately.



## SECTION 2

### DESIGN AND PLAN SUBMISSION - REVIEW PROCESS

#### **A. DESIGN REVIEW BOARD**

TDC has established the Design Review Board, hereafter referred to as the "Board", which shall consist of no more than six (6) members; including the executive director of TDC or a designee, a licensed Architect, a registered Landscape Architect, a licensed Professional Engineer and a Real Estate Developer, all of whom work within Knox County. Once the park is 50% occupied, the sixth board member will be chosen from an operating park business.

As long as TDC has an interest in acreage at Eastbridge Park subject to this Declaration, exclusive of public roadways and other Common Areas, then all members of the Board shall be appointed by TDC. Each member of the Board shall serve at the pleasure of the entity appointing them, and each such member can be removed at any time, with or without cause, by the entity that so appointed them. When TDC ceases to be Owner or Occupant of any real property in Eastbridge Park, then all of the Board shall be elected by the Owners of Eastbridge Park.

The vote of a majority of the members of the Board at a meeting shall constitute the action of the Board on any matter before it; provided, however, in no event shall a vote of less than three (3) members (either affirmative or negative and not both) constitute acts of the Board.

Approval of plans and improvements shall be at the sole discretion of the Design Review Board. By purchasing property in the park, each owner or buyer accepts the authority of these standards and agrees to the Design Review Board's authority.

The rationale for Board approval, conditions or denial shall be included in the minutes of the Board meeting where decisions are made. Correspondence regarding denials to applicants shall cite the specific section of the Design Standards and Restrictive Covenants for Eastbridge Park which underlie the rationale for denial.

## **B. REQUIREMENTS FOR THE GRANTING OF A WAIVER OR SPECIAL EXCEPTION**

The Board can issue waivers for the standards set forth in this document. However, if an applicant can not fully satisfy the conditions required by the Board, he or she may appeal to the Property and Construction Board of TDC for the issuance of a special exception. The Property and Construction Board of TDC acts as an appellate body for the granting of special exceptions and is not associated with the Design Review Process in any other way. During an appeal for a special exception, the Design Review Board will give its recommendations, in support or denial, to the Property and Construction Board to facilitate their decision.

**An applicant who wishes to appeal for a waiver or special exception must show:**

- That the granting of the waiver or special exception will not be contrary to the standards set for other park businesses.
- That the literal enforcement of the Design Standards will result in unnecessary hardship.

## **C. APPROVAL OF PLANS**

(1) **General** No exterior improvements of any kind shall be erected, altered, placed, assembled, or permitted to remain on a parcel until plans prepared by an architect and/or engineer licensed to practice in the State of Tennessee have been approved by the Design Review Board and Knox County. Plans for improvements to the parcel's landscaping must be received and reviewed by the Board before such improvements may be installed on the parcel. Each Design Review Board member has the responsibility, upon recognizing the potential for the appearance of a conflict or the existence of a real conflict of interest between the member's position and the issue being decided, to declare that they have a conflict of interest on the matter of question. Once the declaration is made, the members may continue their involvement in the discussion of the issue but shall reclude themselves from voting on the matter.

Only plans stamped "Approved" by the Board and Knox County under the Eastbridge Park regulations may be used by the tenant's contractors. The Board shall either approve or disapprove any plans submitted to it within seven (7) days from the date on which they are submitted; however, the failure to either approve or disapprove within this period shall not constitute approval of said plans. Six (6) copies of the plans must be submitted. One copy will be retained by TDC. It is the Owner's responsibility to ensure that the Design Review Board and Knox County be aware of all changes, corrections, and alterations.

(2)Submittal Requirements The following preliminary plans and submittals are required:

- (A) A Plot plan at a scale no less than one inch equals 100 feet. This should show the relationship of the proposed improvements to the improvements on adjacent parcels, utilities and streets.
- (B) A Site plan, this will show the location of buildings, sidewalks, driveways, intersections with streets, parking areas, screen walls and fences, site grading and erosion control measures and utilities and setback requirements.
- (C) Architectural plans showing floor plans, elevations and indicating all building materials.
- (D) Landscape plans
- (E) Exterior lighting plan with descriptive data for all fixtures.
- (F) Descriptions of all materials and/or paint colors used on all improvements.
- (G) Preliminary drawings of all signs to be erected including details of each sign's location, size, design, color and lighting.
- (H) An estimate of the maximum number of employees and visitors contemplated for the business and the timing of shifts during which the employees will work.
- (I) A description of the proposed operation in enough detail to judge whether or not it is permitted under the existing zoning ordinance.

(3)Issuance of Building and Related Permits

Prior to obtaining the necessary building and related permits for construction, the Owner must obtain a written approval from the Board stating that the uses and plans for the parcel have been approved by the Board. Once this approval is given, no changes to the uses or plans can be made without the Board's written consent.

As a service to the Owner, TDC is happy to provide "one stop" permitting to facilitate the process

(4)Commencement of Construction

Once approval is received from the Board and related governmental authorities, the Owner may begin construction. Work on the approved construction should begin within six (6) months of the date of the approval. If construction does not begin within this time period, an extension of time must be granted by the Board, or approval for construction will be automatically revoked

(5)Unapproved Construction or Improvements

Unapproved construction (or improvements) by the Owner is subject to immediate action by TDC or the Owners' Association. Additionally, any improvements which are part of the approved plan and are not constructed on the site are subject to immediate action by TDC or the Owners' Association. Unapproved improvements will be subject to immediate removal from the parcel at the businesses' sole expense.

SECTION 3  
SITE AND STRUCTURE COVENANTS

**I. SITE DESIGN**

**GENERAL**

All structures should be situated so as to minimize the disturbance of the topography and natural vegetation. Continuity should be achieved by carefully placing parking areas, landscaping and buildings to harmonize with and respect neighboring development.

**A. SITE GRADING**

All site grading shall be in conformance with the Park drainage system and in accordance with the Knox County Erosion and Sediment Control Handbook , Knox County Engineering and Public Works Design Standards, and all other applicable regulations. Swales and other areas of concentrated drainage must be stabilized to limit sediment flow. Other mitigation steps or additional impact information may be required. In general, swales and other non-paved areas of concentrated drainage shall be rip-rapped, sodded and staked or stabilized by structural methods to control erosion and sediment control.

Lot grading should be done in such a way, when possible, to preserve and blend with existing topographic features.

- (1) No cut or fill slopes shall be greater than 3:1. Slopes must be stabilized to prevent erosion or sloughing of the slope.
- (2) Slopes greater than 3:1 shall be properly landscaped with shrubs and ground covers.
- (3) Slopes greater than 2:1 shall be treated with terracing and approved retaining walls shall be utilized. Retaining walls shall be of architectural quality as defined by the Board. Exposed retaining walls shall be of fieldstone, brick or other approved natural material.
- (4) Large land areas disrupted during construction should not be left bare and exposed during the winter-spring runoff period.
- (5) Additionally, caution is advised when locating buildings on slopes of 18 percent or greater. Detailed grading plans are required for such conditions.
- (6) All site grading shall be in conformance with the Park drainage system.

## II. PARKING, LOADING AND UNLOADING AREAS

### A. PARKING

- (1) No parking will be permitted on any street or drive, or any place other than the paved parking spaces. Each Owner and Tenant shall be responsible for compliance by its employees and visitors. Parking setbacks shall not be less than that required by applicable Knox County Zoning Resolutions or Ordinances.
- (2) Parking in the front of the building shall not cover more than half of the total area which comprises the minimum front setback. No parking is allowed on Eastbridge Blvd. or within a twenty five (25) foot setback from Eastbridge Blvd.
- (3) No parking shall be located closer than:
  - fifty (50) feet from public rights-of-way
  - fifty (50) feet from side property lines
  - twenty-five (25) feet from rear property lines
- (4) All parking areas shall be paved and curbed in accordance with Knox County standards.
- (5) Parking must be designed in accordance with acceptable engineering practices provided in the "Institute of Transportation Engineers Parking Design Guide.

### B. LOADING AND UNLOADING AREAS

- (1) Loading areas will not infringe in the setback areas.
- (2) All loading docks will be located at the rear of the building unless approved by the Board in writing.
- (3) Loading docks shall be set back and permanently screened, either by landscaping, berming or architectural screens, from neighboring properties and public view to minimize the effect of their appearance from neighboring building sites. The Design Review Board will approve the screening as a necessary component of any loading facility construction.
- (4) Vehicle maneuvering for loading and unloading shall not be permitted on the Park roadways or streets.

**C. ENTRANCE ZONES TO BUILDINGS, CURBS AND SIDEWALKS**

Adequate sight distances shall be maintained at site entrances for traffic safety. Turning radii, onto and within parcels, shall be designed to accommodate the largest vehicles anticipated on the respective parcels. All entrance roads will be curbed and paved. All parking areas, entrance roads, and internal roadways shall be paved and curbed. Paving should also be certified to standards sufficient to support anticipated loads on the respective parcels. Developers should refer to the Industrial Guidelines established by the Knox County Engineering and Public Works Department.

- (1) Where drive pavement exceeds thirty-six (36) feet in width, a landscaped median may be required.
- (2) Landscaped medians shall have a minimum width of ten (10) feet.

**D. VEHICLE MANEUVERING**

- (1) All motor vehicles of the maximum length permitted in Tennessee, without a special permit, shall be able to maneuver off the roadway or street when loading or unloading at service docks.
- (2) During construction, maneuvering and loading of specialized construction equipment may be temporarily permitted, subject to approval by TDC.
- (3) All on-site traffic must be regulated with appropriate signage.

### III. ARCHITECTURE

#### GENERAL

Ideally, the site and building should be planned together. A major emphasis within Eastbridge is to create an architecturally integrated complex where buildings compliment both their neighbors and the surrounding environment. This can be achieved by structures that are low in profile, extensions of the natural setting, and of materials that harmonize with the site and adjacent structures. The complex nature of architectural design prevents a full and comprehensive outline in these standards. The Board will work with the Owner to assure these standards are understood.

#### A. BUILDING SETBACKS, COVERAGE AND PERMITTED/PROHIBITED USES

All setback areas for the building sites will follow the guidelines found in the Knox County Zoning Ordinance for I - Industrial. *The setback requirements are grouped by specific parcel uses below, i.e. a - Industrial, b - Business/Professional, c - Central Services, or d - Recreation/Open Space.* TDC will determine the use category for any potential Park occupant and apply the corresponding setback standards. Any adjustments to these standards must be approved by the Board.

#### **a - INDUSTRIAL**

##### 1. PERMITTED USES

These include clean, industrial activities, fabrication, assembly operations that are compatible with the activities and other uses permitted in the Park. Businesses specifically permitted include:

(a) Any manufacturing process that is compatible with the overall objectives of the Park.

Compatibility will be assessed and reviewed in terms of:

1. Truck and automobile traffic generated;
2. Proposed storage of raw materials and manufactured products;
3. Potential for safety hazards to neighboring industries/community;
4. Capability of pre-treatment, treatment, and/or disposal of domestic industrial wastes;
5. Aesthetic compatibility with Park objectives and existing development;
6. Size and scale;



7. Other Criteria that may be established by TDC.

- (b) Laboratories and testing facilities.
- (c) Computer hardware installations and directly related employee operator and maintenance functions, including the manufacture or assembly of computers in whole or part.
- (d) Consumer testing and product rating laboratories.
- (e) Research foundations, institutes, or other similar types of organizations.
- (f) Businesses or activities whose research or development staff or equipment would be housed as an integral part of their other activities on the parcel.
- (g) Any business or activity that , in the sole opinion of TDC, would be compatible with the activities of other businesses on parcels of the same designations.
- (h) Corporate or other business headquarters or regional offices containing manufacturing or warehousing functions.

2. PROHIBITED USES:

These include any business or activity that shall, in the opinion of TDC be incompatible with the goals, objectives, and design/operating criteria established for the Eastbridge Business Park. No business or industry shall automatically be denied occupancy in the Park until it has been provided the opportunity to demonstrate that it can meet and maintain the standards set for the Park. Any business that cannot meet environmental standards of the Environmental Protection Agency may not locate within the Park.

3. BUILDING SETBACKS/ COVERAGE

- (a) Front setback line shall be a minimum of one hundred (100) feet.
- (b) Side setback line shall be a minimum of <sup>fifty</sup>~~thirty~~ (50) feet.
- (c) Rear setback line shall be a minimum of <sup>seventy five</sup>~~fifty~~ (75) feet.
- (d) For parcels that front on more than one roadway or street, the front setback line restrictions shall also apply to the side or rear of the parcel having said frontage.
- (e) If a single business uses two or more parcels with a common boundary line, the side setback restrictions at the common boundary line may be waived by the design review board.
- (f) Maximum building coverage shall be fifty (50) percent.
- (g) Minimum landscaping coverage shall be thirty (30) percent, of which one-half (1/2) shall be between the largest building on the parcel and the front parcel boundary line.
- (h) No parking of any kind shall be permitted within fifty (50) feet of the front parcel boundary line.

(i) Truck loading docks, doors, and utility service areas should be located at the rear of buildings so they will not be clearly visible from the street or roadway. In cases where the parcel fronts two (2) streets, these areas should be located on the less prominent street side of the building.

## **b - BUSINESS/PROFESSIONAL**

### 1. PERMITTED USES

- (a) Offices for owner's use.
- (b) Medical laboratories and other medical facilities, excluding those that would house patients.
- (c) Laboratories and testing facilities.
- (d) Computer hardware installations, including the manufacture or assembly of computers.
- (e) Research and development activities.
- (f) Consumer testing and product rating laboratories.
- (g) Research foundations , institutes, or similar organizations.
- (h) Corporate or regional business headquarters.
- (I) Medical and dental offices.

### 2. PROHIBITED USES

Any business that, in the opinion of TDC, would be incompatible with the overall aesthetic character or business environment of the Park could be excluded. Businesses that are specifically prohibited include, but are not limited to:

- (a) The sale of new or used automobiles, trucks, or other vehicles.
- (b) Public amusement parks, game rooms, or other similar businesses.
- (c) Motion picture, video, or other types of enclosed or drive-in theaters.
- (d) Large construction equipment storage yards.
- (e) The sale and/or storage of temporary or portable buildings, mobile homes, modular building units, recreational/campers, and other similar items.
- (f) Sale or storage of livestock.
- (g) Sale of agricultural products from open, roadside stands.
- (h) Veterinary hospitals.
- (I) General retailing.

- (j) Vocational schools, Primary or secondary schools, or trade schools.
- (k) Any business that is unable to meet wastewater pre-treatment requirements.

### 3. BUILDING SETBACKS/COVERAGE/OTHER REQUIREMENTS

- (a) Front setback line shall be a minimum of fifty (50) feet.
- (b) Side setback line shall be a minimum of fifty (50) feet.
- (c) Rear setback line shall be a minimum of fifty (50) feet.
- (d) For parcels that front on more than one roadway or street, the front setback line restrictions shall also apply to the side or rear of the parcel having said frontage.
- (e) If a single business uses two or more parcels with a common boundary line, the side setback restrictions at the common boundary line may be waived by the design review board.
- (f) Minimum landscaping coverage shall be twenty (20) percent, of which one-half (1/2) shall be between the largest building on the parcel and the front boundary line of the parcel.
- (g) Automobile parking should be located at the sides or rear of the largest building, and in some cases may be located in the front setback area. No parking of any kind shall be permitted within twenty-five (25) feet of the front parcel boundary line.
- (h) Truck loading docks, doors, and utility service areas should be located at the rear of buildings so they will not be clearly visible from the street or roadway.

## ***c - CENTRAL SERVICES***

### 1. PERMITTED USES

Permitted business and activities shall include, but not be limited to, the following:

- (a) Park management and sales offices.
- (b) Park security station.
- (c) Park fire station.
- (d) First-aid station.
- (e) Child/senior day care center.
- (f) Central catering, cafeteria, restaurant facility.
- (g) Central express forwarding facility (UPS, Federal Express, etc.)
- (h) Sales/distribution/maintenance facility for utility and common services.
- (I) Training and educational classroom facilities.

(j) Any other uses deemed by TDC to be appropriate to the development, operation, and enhancement of Eastbridge Business Park.

## 2. BUILDING SETBACKS/COVERAGE/OTHER REQUIREMENTS

- (a) Front setback line shall be a minimum of one hundred (100) feet.
- (b) Side setback line shall be a minimum of fifty (50) feet.
- (c) Rear setback line shall be a minimum of fifty (50) feet.
- (d) Minimum landscaping coverage shall be twenty (20) percent, of which one-half shall be between the largest building on the parcel and the front boundary line of the parcel.
- (e) Automobile parking should be located at the sides or rear of the largest building, and in some cases may be located in the front setback area. No parking of any kind shall be permitted within fifty (50) feet of the front parcel boundary line.
- (f) Truck loading docks, doors, and utility service areas should be located at the rear of buildings so they will not be clearly visible from the street or roadway.

### **d - RECREATION/OPEN SPACE**

While it is the intent of TDC to abide by its own requirement for the development of other parcels, TDC reserves the right to develop Recreation/Open Space areas in a manner that, in the sole judgment of the Design Review Board, best achieves its goals for a Park that will offer the highest standards of function and appearance for business and industrial operations.

#### 1. PERMITTED USES

Permitted activities shall be at the total discretion and under the full control of TDC until such time as TDC may wish to relinquish all, or portions, of such authority to an owner's association made up of representatives of Park businesses. Permitted activities may include, but not be limited to the following:

- (a) Landscaped buffer zones.
- (b) Jogging/exercise trails.
- (c) Indoor health facilities.
- (d) Shower/locker facilities.
- (e) Softball/soccer fields.

## **C. BUILDING DESIGN FOR ALL PARCEL USES**

### **1. Height**

All building heights shall be subject to pre-construction approval by the Design review Board, and shall conform to the requirements and restrictions of the Knox County Zoning Ordinance.

### **2. Materials**

Approval of exterior materials including type, texture, and color will be made by the Design Review Board. Building design and construction should be such that all building sides are attractive as defined by the Design Review Board and are compatible with comparable developments elsewhere in the Park.

Buildings should be faced in medium to dark colored materials -- earth tones of warm gray, tan, beige, and brown should predominate. Recommended materials include native stone, brick, stone, stucco, block, wood, and neutral colored metal. No buildings with all metal construction will be allowed unless specifically approved by the Design review Board. Use of excessively bright primary colors are prohibited except as intermittent accents. Bright accent colors shall not be used on more than ten (10) percent of any facade.

### **3. Accessory Structures**

All accessory structures, including service storage areas, loading docks and garbage and refuse containers, will be concealed and contained within the buildings OR will be concealed and contained by means of a screen wall of material similar to and compatible with that of the building. These elements shall be integrated with the building plan. They should be located in the most inconspicuous manner possible. No materials, vehicles, supplies or equipment shall be stored in any area except inside a closed building, unless specifically approved by the Board.

### **4. Rooftop Structures**

All rooftop mechanical equipment shall be grouped in an orderly manner or screened from view, with material that is architecturally compatible with the building in such a way as to minimize its impact on the aesthetic quality of the structure. If a rooftop structure is a required part of the industrial process, its size and shape shall be subject to review by the Design Review Board.

## **5. Dust Control**

All ground areas not covered by buildings shall be landscaped or paved, properly drained and graded, and shall be properly maintained in good condition free of weeds, trash, and other debris. Failure to maintain property can result in TDC undertaking such maintenance and filing a lien on the property to secure payment.

## **6. Service and Storage Areas**

All service and storage areas must be screened with six (6) foot opaque fence or dense evergreen shrubs which have a mature height of six (6) feet. Appropriate screening shall be approved by the Design Review Board and be compatible with overall Park development.

## **7. Fencing**

All fencing materials, locations and heights shall be approved by the Design Review Board. Chain-link fences will not be permitted nearer the street than the front facade of the building.

## IV. LANDSCAPING

### **General**

The landscaping guidelines are designed to maintain overall visual continuity within Eastbridge. The preservation of existing quality trees, if present, is important to the landscape development of the site. All parts of the site not covered by building or pavement must be properly landscaped by some combination of trees, ground cover, shrubs, and grass lawns to maintain overall visual continuity within the Park.

Plans and specifications for landscaping are subject to approval by the Board. Plans and specifications for landscaping shall be prepared by a State of Tennessee licensed landscape architect or other qualified professional, and be subject to approval by the Design Review Board. Review will occur within seven (7) days of submission of a complete set of plans in conjunction with permit review for building and grading plans.

### **A. Plant Material**

Plant material shall be of the highest grade and quality and shall be installed by a qualified landscape contractor. At a minimum, plant materials equal in characteristics to the materials listed below are required. A variety of plant material should be used. This material should be planted in a meandering fashion in these landscape strips. Sizes at installation are as follows:

- (1) Evergreen Trees = 6 to 8 feet height
- (2) Flowering Trees = 8 to 10 feet height, 1.5 to 2 inch caliper
- (3) Deciduous Trees = 14 to 16 feet height, 3 to 3.5 inch caliper
- (4) Evergreen Shrubs = 15 to 18 inch minimum height/spread
- (5) Deciduous Shrubs = 24 to 30 inch minimum height/spread

### **B. Landscaping Strips**

A continuous landscaping strip must be installed and maintained on all parcels abutting roadways and streets. This will consist of grass lawns, ground cover, trees, shrubs or any combination approved by the Board. No parking or development shall be permitted in the landscape strip area.

**1. Front Landscaping Setback::**

A continuous landscape strip buffer with a minimum width of thirty (30) feet measured from the front parcel boundary line toward the interior of the parcel shall serve as a buffer between roadways and development.

**2. Landscaping at the Building:**

Landscaping should be done in a manner at the building so as to become both an amenity to both the facility and the entire park. While there are no specific standards for building landscaping, it is the intent of The Development Corporation to encourage all owners in EastBridge to make their facility as attractive as possible.

**3. Side and Rear Landscaping Setbacks:**

A continuous landscape strip buffer with a width of ten (10) feet measured from a side or ten (10) feet measured from a rear parcel boundary line toward the interior of the parcel shall serve as a buffer between roadways and development.

**4. Parking Area Screening:**

All parking and vehicular turn-around areas shall be landscaped in a manner which compliments the entire Park as follows:

(a) Parking areas must have a perimeter planting strip of:

- (1) At least fifty (50) feet abutting public rights-of-way.
- (2) Ten (10) feet abutting side lot lines.
- (3) Twenty-five (25) feet abutting rear lines.

(b) Earth contouring, if used to screen parking areas, shall be a minimum of four (4) feet in height above the parking area.

(b) Grades should be raised gradually (3:1). No abrupt berming should occur.

(c) Informal landscape planting, if used to screen parking, shall use a variety of evergreen and deciduous plant materials to achieve a continuous screen a minimum of four (4) feet in height two years after installation.



**C. General Tree Planting**

At least one half of the required number shall be of species capable of attaining a height of thirty (30) feet or more at maturity. This requirement may be modified by the Board where large numbers of existing trees have been retained on the site.

**D. Hedges**

No single plant materials planted in rigid rows will be allowed.

**E. Setback Areas**

All front and side setback areas facing a roadway or street shall be used exclusively for landscaping only. Existing natural vegetation should be kept in place whenever possible.

In addition to the above landscaping requirements, any area in the road right-of-way shall be landscaped and maintained by the business that abuts the roadway for the life of the property. The intent of this requirement is to provide a unified boulevard effect along all roadways. The criteria, specifications, and standards for the design of this landscaping shall be determined by TDC and will conform with an overall master landscaping plan for the Park.

**F. Fencing**

All fencing materials, locations, and heights shall be as approved by the Design review Board. Chain-link fences will not be permitted nearer the street than the front facade of the building.

**G. Maintenance/Survival**

All landscaping material shall be properly maintained through watering, mulching and fertilizing in such a way as to insure their survival. Any tree, shrub or ground cover plant which fails to survive shall be replaced with like kind within six (6) months of loss. This maintenance is the responsibility of the owner whose parcel this landscaping exists upon.

## V. LIGHTING

### GENERAL

A lighting plan will be submitted at the time of plan submittal. This lighting plan should describe exterior illumination layout and tentative fixture selection/locations. All lighting shall be designed to keep glare to a minimum, and avoid light leakage onto adjacent properties and streets. Specific guidelines are as follows:

#### A. GUIDELINES

- (1) Site Lighting - Site lighting shall provide uniform illumination.
- (2) Security Lighting - Security lighting shall be used only for loading and storage locations or similar service areas. Lighting shall not project above the roof line and shall not create glare visible from the street.
- (3) Parking and Pedestrian Lighting - Parking fixtures shall be cut-off type, high pressure sodium with a thirty (30) foot mounting height. Accent lighting and lighting for pedestrian walkways is recommended.
- (4) Surface Lighting - Must provide: good visibility with minimum glare and spill onto adjacent property, uniform illumination, accent illumination at key points such as entrances, exits, loading zones, and collector lanes.
- (5) Building Illumination - Exterior illumination must meet the following criteria:
  - (a) Must use concealed sources of downward illumination.
  - (b) Aim sources of illumination so as not to disturb adjacent properties and street traffic safety.
  - (c) No colored lights will be allowed without the permission of the Design Review Board.

## **VI. POWER, TELEPHONE, UTILITIES AND WATER/SEWER**

All electric power lines, water pipes, gas pipes, sewer pipes or drainage pipes (other than rainwater leaders) shall be installed and maintained below the surface of the ground where feasible. In cases of meter connections, poles, supports or any other case where it is not possible, neutral colors must be used for poles and fixtures. All above ground utility structures must be approved by the Board before construction begins. No transformers, electric, gas or other meters of any type or other apparatus shall be located on any power pole or hung on the outside of any building prior to written approval by the utility district and the Board.

In all utility matters, the requirements of Knoxville Utilities Board (KUB), Bell South or any other utility provider shall take precedence unless more stringent requirements are stipulated and no conflict with the utility provider results.

All utility easement shall be kept free of all structures unless prior written approval is obtained from the utility district and TDC.

Utility easements shall be maintained by the owner of property on which the easement sits.

No structures shall be erected in the easement right of way without express written permission from The Development Corporation.

Businesses shall be solely responsible for determining the presence and location of existing utilities on their respective parcels.

## VII. SIGNAGE

### GENERAL

All signs in the Park will comply with all applicable regulations.

Signs shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the plans and specifications submitted by you, and approved by the Board.

Signs advertising products or services or containing other direct sales information will not be permitted. No signs shall be erected, posted, displayed, or otherwise made visible on any building or parcel without approval from Knox County and the Design Review Board.

### A. TYPES OF SIGNS PERMITTED

- (1) Tenant Identification Signs: A free standing sign can be located in the front yard of the building to identify its tenant. One (1) logo emblem/graphic sign which is flush mounted to the building facade will also be allowed, contingent on the approval of the Board as to size, color and location.
- (2) Directional and Informational Signs: These signs are placed to direct pedestrian and vehicular traffic around the site. Standard symbols should be used where possible for all directional and informational signs. Approval of the Board is required as to the size, location and color. All traffic signs must meet minimum standards found in the Tennessee Manual on Uniform Traffic Control Devices.
- (3) Temporary Signs: Each Owner may have one (1) temporary construction sign during the construction period. Each Owner may have one (1) "AVAILABLE" or one (1) "FOR LEASE" sign. These signs shall be four (4) foot by eight (8) foot and will conform to the standards set forth by the Board.

### B. STANDARDS

- (1) Restrictions - No signs or other advertising devices shall be erected, posted, painted, displayed, or otherwise made visible on any part of a building or parcel without approval of the Design Review Board.
- (2) Advertising - Signs on any parcel shall be limited solely to those that identify the name and type of business, or are directional.
- (3) Sign Size - No signs shall obstruct the vision of automobile traffic. The topmost point of any freestanding sign shall be no higher than six (6) feet about the finished parcel grade on which it stands. It shall be no longer than sixteen (16) feet in length.
- (4) Other Media - No devices such as flashing or rotating devices, phonographs, radios, public address systems, sounds production or reproduction devices shall be permitted. No portable signs are allowed.

- (5) Maintenance - All permitted signs and advertising devices shall be properly maintained for the life of the property. TDC shall have the right to require the removal of any sign not maintained to TDC's standards.
- (6) Mounting - No signs or advertising shall be mounted directly or painted on the exterior roof or face of any building, nor shall the topmost point of any sign be greater than twelve (12) feet above the average grade elevation of a parcel.
- (7) Corporate Logo - A tenant's corporate logo may be placed on the front facade of the main tenant building. Such logo may not exceed thirty-six (36) square feet. No dimension may exceed six (6) feet.
- (8) TDC Prerogative - TDC may install any signs as it deems necessary throughout the Park.

## VIII. ADDITIONAL STANDARDS

### A. Liquid or Solid Wastes

The discharge of untreated industrial wastes into a stream or open or closed drain is strictly prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by the County and the Tennessee Department of Health and Environment. Park businesses will be required to comply with Federal and State regulations regarding pre-treatment of industrial waste prior to its being discharged into the sanitary sewer system. The Utility District will administer the pre-treatment program and apply pre-treatment standards to all industrial users through the use of a permit application system and a sewer use ordinance.

### B. Pollutants

No noxious or offensive trades, services or activities shall be conducted on the premises. Any emissions which come from the facility shall be subject to approved from the Knox County Air Pollution Control Board.

### C. Noise

There shall be no operational industrial noise measured on the property line where the operation is located that exceeds the values given in the following table in any octave band of frequency.

Octave Band Center in HZ	Maximum dBA at property line
31.5	85
63	82
125	80
250	75
500	65
1,000	60
2,000	55
4,000	50
8,000	48

**D. Site Drainage and Storm Water Retention**

No driveways, walks, parking areas, etc., may be constructed across any drainage ditch, channel or swale without providing adequate culverts or waterway openings for natural drainage. No storm water run-off will be discharged into, or permitted to flow into, the sanitary sewage system. Additionally, no sewage will be discharged into, or permitted to flow into, the storm water sewage system.

Detention basins have been provided within the Park's development. Each site will be required to tie their storm drainage to this system and provide on-site detention as needed. Owners are required to comply with the EPA's storm water runoff regulations in this regard.

**E. Maintenance**

Each Owner and Occupant of Eastbridge Park shall be responsible for keeping its building site (whether or not improved), buildings, and other improvements in a safe, clean, neat, and orderly condition and shall prevent rubbish from accumulation on its building site or surrounding common areas. Landscaping of a building site shall be maintained (including pruning, weeding, re-mulching, mowing, etc.) and each Owner shall replace any dead plant material according to the approved landscape plans at his expense

**F. Outside Storage**

(1) No vehicles, equipment, materials, supplies, or products shall be stored or permitted to remain on any parcel outside a building unless such storage is suitably shielded from public view by appropriate landscaping or other screening compatible with the design of the building.

(2) Garbage and refuse containers shall be concealed and contained within a building or shall be concealed by means of a screening wall of material similar to and compatible with the building.

## VI. GRIEVANCES AND CONFLICTS

Each owner is entitled to file complaints with the Board alleging a violation of any covenant. The procedure for doing so is as follows:

- (1) A complaint is filed in writing to the Board.
- (2) The Board shall designate one of its members or an agent who shall investigate complaints.
- (3) If the agent concludes that the complaint filed has merit, the alleged violator shall be promptly notified in writing of the complaint.
- (4) Upon receipt of the written notice of the complaint, the alleged violator shall have thirty business days within which to begin, in good faith, to cure the violation or file an appeal.
- (5) If an appeal is filed, the Board shall hear the appeal within seven days. If at least three members of the Board uphold the findings of the agent, the Board may take the appropriate action to cure the violation.

If the alleged violator does not begin in good faith to cure the violation within the thirty days provided, the Board may take whatever appropriate action it has at law or in equity to cause the violation to be cured.

In a case where conflicts arise between zoning restriction/regulations and applicable building and inspection codes and regulations, the provisions which requires more restrictive standards shall apply.



## SECTION 4

### COMMON AREA MAINTENANCE CLAUSE

#### **A. - PURPOSE OF THIS CLAUSE**

The purpose of a common area maintenance clause is to protect the development and maintenance of a quality park environment. In particular, assessments will be levied to cover construction of, or improvements to, the Common Area, including the costs of repairs, replacements, labor, equipment, materials, management, supervision, and such other needs as they may arise. Note that this does not include repairs and maintenance to roadways or sewer systems. At some point to be determined by TDC, the responsibilities for managing the Common Area may be turned over to an Owners' Association.

#### **B. - CREATION OF THE LIEN AND OBLIGATION OF ASSESSMENTS**

Each Owner, of any Lot, by accepting a Deed for that Lot, agrees to pay to TDC:

##### **Annual Assessments or charges;**

The Common Areas include planting beds, landscaped areas and road right-of-way adjacent to unpurchased parcels. They do not include the public roadway. The Assessments are established and the method of their calculation is outlined below. These annual Assessments shall be a charge on each Lot and shall be a continuing lien subordinated to any mortgage upon the Lot. The obligation for the delinquent Assessments shall not pass to such Owner's successors in title unless expressly assumed by them.

### C. - ANNUAL ASSESSMENTS

(1) General - Annual assessments will be used to maintain the common areas. In the 1994-95 fiscal year, this assessment would have been applied to maintenance of entrance landscaping and signage as well as maintenance of unimproved right-of-way. Also included was a small reserve to cover snow removal, unexpected repairs to irrigation, landscaping, lighting, signage, etc

(2) Maximum Annual Assessment - The maximum annual assessment for each year shall be established by TDC and may be increased by TDC or the Board of Directors based upon actual costs incurred for common area maintenance. Additionally, the maximum annual assessment for each year may be increased without limit by a vote of three-fourths of the Owners who are voting in person or by proxy, at a meeting duly called for that purpose. All Owners will receive a line item budget and documented expenditures for the prior year.

(3) Due Dates - At least thirty (30) days in advance of each fiscal year, TDC or the Board of Directors shall fix the amount of annual assessment against each Lot. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due date shall be the first day of the fiscal year. TDC shall furnish a certificate signed by the executive director of TDC setting forth whether the assessments on a specific Lot have been paid.

(4) Rate of Annual Assessment - Both annual and special assessments must be fixed at a pro rata rate for all lots and shall be paid to TDC or the Park Treasury by each Owner.

(a) TDC or the Association, when responsibilities are handed over to the Owners' Association, shall estimate for each fiscal year, each Owner's pro rata share of the expenses involved in Park common area maintenance, including, but not limited to, landscape maintenance of all common areas.

(b) Owner shall pay annually, due on June 30th of each year, their share of those expenses based on the fraction of salable acreage in the Park which they own.

(c) Notice will be sent out thirty (30) days prior to the beginning of the fiscal year

(d) Within one hundred twenty (120) days after the expiration of a fiscal year, TDC shall forward to the Owner a statement showing the Owner's estimated share, then, within thirty (30) days after the date of TDC's statement, TDC shall either refund to the Owner any amount paid in excess of the Owner's actual share or the Owner shall remit to TDC any amount by which the Owner's estimated share was deficient.

(f) The Association will publish a list of companies with unpaid dues in a newspaper of general circulation and will seek to collect these dues through any legal process available.

Matters concerning Park maintenance and common areas will be decided by TDC alone until such time as TDC determines to turn over these responsibilities to an Owner's Association.

#### **D. - SPECIAL ASSESSMENTS**

(1) General - TDC may levy a special assessment for the purpose of defraying in whole or in part, the costs of services or capital improvements to the Common Area - excluding roadways. Any such assessment shall have the assent of three-fourths of the Owners who are voting in person or by proxy at a meeting duly called for that purpose. All special assessments shall be fixed at a pro rata rate for all Lots and may be collected on a monthly or yearly basis.

(2) Repairs caused by Negligence - In the event that the Common Area is in need of repair or maintenance, and this is the result of the willful or negligent act of an Owner, their employees, guests, clients, customers or others involved in the business of the Owner, the cost of such repair shall be added to and become a part of the assessment to which such Owner's Lot is subject.

#### **E. - NOTICE AND QUORUM FOR ACTION**

Written notice of any meeting called for the purpose of taking action on assessments, shall be sent to all Owners not less than fifteen (15) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of Owners or of proxies entitled to cast sixty percent (60%) of all of the votes shall constitute a quorum. If the required quorum is not present, another meeting may be called. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

#### **F. - EFFECT OF NON-PAYMENT OF ASSESSMENTS**

Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum. TDC may suspend the voting rights of an Owner and the right of use of the Common Area by the Owner and his employees, guests and clients, for any period of time during which such Owner is in default in the payment of any assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

#### **G. - SELF-HELP REMEDIES**

If any party to this agreement shall default in the performance of any of its obligations, then TDC retains the right to perform such obligations on behalf of the defaulting party. This function is in addition to all other remedies TDC may have at law or in equity to resolve the problem. Once TDC has fixed the problem for the defaulting party, said party will have thirty (30) days to reimburse TDC for the costs and any interest accrued. If the defaulting party does not reimburse TDC within (30) days, reasonable collection fees may be added. Any such claim for reimbursement, together with interest as aforesaid, shall be secured by a lien therefor and shall attach to the Lot, and improvements thereon, owned by the defaulting party. This lien will be recorded in the Knox County Register's Office. Any such lien shall be subordinate to the lien of any first Mortgage on the Lot.

## **H. - SUBORDINATION OF ASSESSMENT LIENS TO FIRST MORTGAGES**

The assessment liens provided for herein shall be subordinate to the lien of any first Mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot which is subject to any first Mortgage, pursuant to a foreclosure thereof or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such assessments as to the payment thereof which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any Assessments thereafter becoming due or from the lien thereof.

SECTION 5

HOLD HARMLESS AGREEMENT

Each Owner agrees that it shall be held liable for all damages and injuries to any person or property resulting from the use or misuse of the Common Area by its employees, agents or representatives. In the event of any failure to use the Common Area in a safe and reasonable manner due to the acts or omissions of the Owner or the Owner's employees, agents or representatives, the Owner agrees to and shall indemnify and hold harmless Knox County, The Development Corporation, its Board of Directors, employees, and assigns and the other Owners from any liability, claims or expenses (including court costs and reasonable attorney's fees and mechanics and materialmen's liens) resulting therefrom.

## SECTION 6

### STRUCTURE OF THE OWNERS' ASSOCIATION

#### A. - MEMBERSHIP

*Who is a Member?* Every Person who is a record owner of a fee (or an undivided fee interest) of any Lot shall be a Member of the Owners' Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot. Ownership of such Lot shall be the sole qualification for membership.

*Who is not a Member?* No individual or legal entity holding titling to a Lot as security for any debt or obligation shall be considered an owner of such Lot, and such individual or entity shall not be entitled to membership in the Association or to cast a vote on any questions or matter affecting the administration of the Association.

#### B. - THE DEVELOPMENT CORPORATION'S ROLE

The Development Corporation is the Declarant until responsibility for the park is handed over to the Owner's Association.

- The Declarant is a Member for each Lot owned by it until the same is sold and title transferred.
- The Declarant shall retain total control of the Association including the right to cast the votes of all members, the Property, the development thereof, and the improvements thereon, including, without limitation, plan approval, until the development is complete and all of the Lots have been sold.
- The Declarant may, at its option, transfer said control to the Members at such time as it deems appropriate.

### **C. - VOTING RIGHTS**

At every meeting of the Members, each of the Members shall have the right to cast his vote on each question.

The voting rights of the Membership shall be appurtenant to the ownership of a Lot, each Owner of a Lot being entitled to one vote per absolute acre of land ownership (*i.e.*, 3.2 acres of ownership results in 3 votes, 4.7 acres results in 4 votes, etc.)

The Declarant's vote on any matter shall outweigh the aggregate vote of all Members until the control granted the Declarant in this Article is transferred to the Members.

Subject to the Declarant's control, the vote of the Members representing fifty-one (51%) percent majority of the total votes cast, in person or by proxy, shall decide any question brought before such meeting.

The vote of any Membership which is owned by more than one person may be exercised by any of them present at the meeting. If co-owners can not agree on how to vote, then such vote shall not count in deciding that question.

No Member shall be eligible to vote who is shown to be more than thirty (30) days delinquent in any payment due the Association. Members who are delinquent 90 days in payment shall have their names published in a public notice in a newspaper of general circulation.

### **D. - QUORUM**

The presence, in person or by proxy, of Members representing at least fifty-one (51%) percent of the total votes, is required for the transaction of business.



If two or more successive meetings are adjourned for lack of a quorum, the quorum for each successive meeting shall be equal to the greater of the number of votes represented at either of the two previous meetings.

#### **E. - PROXIES**

Any Member may appoint a proxy, but it must be done in writing and must comply with all requirements set forth by law and in these Standards.

In no case may any Member, except the Declarant, cast more than one vote by proxy, in addition to his/her own vote.

#### **F. - THE EXPIRATION DATE**

Once The Development Corporation sells all property in the park, responsibility for the park will revert to the Owners' Association. At this time, the Owners' Association may terminate these standards, they may modify these standards or they may extend these standards as they see fit.

STEVE HALL  
REGISTER OF DEEDS  
KNOX COUNTY

This Instrument Prepared By: L. Caesar Stair IV, Esq.  
Bernstein, Stair & McAdams LLP  
4823 Old Kingston Pike  
Suite 300  
Knoxville, TN 37919

**FIRST AMENDMENT TO AMENDED AND RESTATED DESIGN STANDARDS  
& RESTRICTIVE COVENANTS FOR EASTBRIDGE BUSINESS PARK**

This **FIRST AMENDMENT TO AMENDED AND RESTATED DESIGN STANDARDS & RESTRICTIVE COVENANTS FOR EASTBRIDGE BUSINESS PARK** (this "Amendment") is made and entered into as of 06/08, 2006 by and among **THE DEVELOPMENT CORPORATION OF KNOX COUNTY**, a Tennessee non-profit corporation (the "Development Corp.") and the other owners of real property in the Eastbridge Business Park who become signatories hereto, hereinafter referred to with the Development Corp. as the "Current Owners".

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The Current Owners are all of the owners of the real property located in the 8<sup>th</sup> Civil District of Knox County, Tennessee, commonly referred to as "the Park", as depicted on Plats of record titled "Eastbridge Business Park" in Map Cabinet L, Slide 81C and Slide 81D, in the Register's Office for Knox County, Tennessee, (hereinafter referred to as the "Park Property").

The Park Property is restricted by the Amended and Restated Design Standards & Restrictive Covenants for Eastbridge Business Park dated June 13, 1997 and filed of record in Volume 2253, Page 1, Instrument No. 78541 in the Knox County Register's Office (the foregoing being hereinafter referred to as the "Existing Restrictions").

The Development Corp. and the Current Owners desire to amend the Existing Restrictions on the terms and conditions set forth in this Amendment.

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**NOW, THEREFORE**, in consideration of the premises and mutual covenants contained herein, the sufficiency of which is hereby acknowledged, the Current Owners declare that all the Park Property shall be held, sold, and conveyed subject to the following amendments of the Existing Restrictions, which are for the purposes of protecting the value and desirability of, and which shall run with the Park Property, and be binding on all parties having any right, title or interest in said Park Property or any part thereof, and their heirs, executors, administrators, successors and assigns, and shall inure to the benefit of each Owner thereof.

  
Instr: 200606090103849 Page: 1 OF 10  
REC'D FOR REC 06/09/2006 12:18:22PM  
RECORD FEE: \$52.00  
M. TAX: \$0.00 T. TAX: \$0.00

1. **AMENDMENT OF SECTION 3.VII.B(7)**

Section 3.VII.B(7) of the Existing Restrictions is hereby amended by replacing the current section with the following language:

Corporate Logo: A tenant's name and corporate logo may be placed on the front façade of the main tenant building. Such name/logo may not exceed one (1) square foot per linear foot of street frontage of the building. The name/logo area shall be measured as the sum of the total area between the outermost dimensions of the name/logo and/or individual letters when the name/logo and/or individual letters are mounted directly to the face of the building. When a material other than the building face is used as the name/logo background, the name/logo area shall be measured as the sum of the outermost dimensions of the background material.

2. **RATIFICATION**

The Existing Restrictions as set forth herein are hereby adopted and approved. The Existing Restrictions, as amended herein, are hereby ratified and affirmed.

**IN WITNESS WHEREOF**, the parties have executed this First Amendment on the date and year first written above.

THE DEVELOPMENT CORPORATION  
OF KNOX COUNTY

By: Michael Eds

Its: President



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