

**NEW CONSTRUCTION  
DESIGN AND DEVELOPMENT GUIDELINES  
AND  
APPLICATION AND REVIEW PROCEDURES**

Pursuant to Article XI, Section 1, of the Declaration of Covenants, Conditions, and Restrictions for Victoria Estates (hereinafter the “Declaration”), dated April 19, 1995, and filed of record in Misc. Book 8, Page 650, in the Scott County Clerk’s Office, Scott County, Kentucky, the New Construction Committee (hereinafter “NCC”), on behalf of the Board of Directors of Victoria Estates Homeowners Association, Inc. (hereinafter “Board of Directors”), promulgates the following Design and Development Guidelines and Application and Review Procedures.

(1) **BUILDER APPROVAL** All Builders in Victoria Estates must be approved and placed on the Victoria Estates Approved Builders List by East Kentucky Paving Corporation, Developer of Victoria Estates (hereinafter “Developer”), prior to submitting to the NCC any plans and / or specifications for original construction. Any and all original construction in Victoria Estates must be performed by, or under the supervision of, an Approved Builder at all times during said original construction. Original construction shall constitute all construction beginning at the time the original building permit is issued and continuing through and until the issuance of the original occupancy permit. After the original occupancy permit is issued, all construction (including modifications, additions, alterations, repairs and any other construction) shall be subject to the jurisdiction of the Modification Committee (hereinafter “MC”), which has been appointed by the Board of Directors pursuant to Article XI, Section 2, of the Declaration.

(2) **SUBMITTING OF PLANS, SPECS, ETC.** Prior to the beginning of any original construction upon a lot (defined as the beginning of any excavation, grading or placement of building improvements), there shall be submitted, in writing, to the NCC, the following:

a) **Building Plans / Roof Pitch:** Plans , specifications (in compliance with all applicable building codes), and elevations of all buildings or improvements to be constructed, reconstructed, or repaired, including a description of all exterior building and roofing materials. No roof pitch shall be less than seven (7) inches rise per twelve (12) inches run. No building (permanent or temporary) shall be erected nor located on any lot nearer to the front, rear, or side property line than that permitted on the applicable Victoria Estates Subdivision Plat or the Georgetown-Scott County Planning and Zoning Ordinances and Subdivision Regulations, whichever is more restrictive. Said plans and specifications shall be submitted in duplicate and the NCC

shall have a minimum of ten (10) business days to review and request additional information , if necessary, regarding all such plans and specifications. All plans and specifications shall be approved prior to the commencement of any original construction.

b) Plot Plan: Plot plan showing the proposed location and dimensions of all buildings, driveways, porches, patios, and terraces, or other improvements, all applicable front, side, and rear lot lines and easements, floor level elevations, and all utility lines of every type (which shall be installed underground from the “tap on” or connection point to the residence or other approved structure served). The plot plan shall include proposed swales or other major changes in final grade. No existing drainage channels can be changed without the NCC’s approval.

c) Building Permit: A copy of the building permit obtained from the appropriate Scott County authority, with regard to the proposed construction; provided, however, in the case of reconstruction, said building permit shall be submitted to the MC.

d) Landscaping Plans: All plans submitted to the NCC for original construction of a residence upon any lot shall include a landscape plan. Said landscape plan shall include a description of all final grading, seeding, and plantings. All landscaping plans shall include interior lot planting or other decorative landscaping structures in an amount or cost which shall not be less than 2.5% of the cost of the residence built thereon, as calculated from the cost estimates on the building permit. Variance of this standard may be permitted by the NCC upon application of owner depending upon the existence and density of natural vegetation which remains on a given lot.

e) Erosion Control Plan: All plans submitted to the NCC for original construction of a structure upon any lot shall include a description or plan of erosion control during the period of construction which plan shall be designed to prevent the runoff of dirt, mud, or other construction-related debris onto any adjoining lot, right-of-way, or lake during the period of construction and until the lot is seeded or sodded. No grading shall be done in any sinkhole or drainage easement.

f) Design, Materials, Color: All plans for improvements shall include the design of said structure along with a description of the building material to be used and shall also include a description of all exterior colors including color of the building material finish trim, and roof. Modular pre-fabricated, or pre-constructed framing, with the exception of roof trusses and floor joists, shall not be permitted.

Provided, however, if the MC as appointed by the Board of Directors shall ever cease to exist (or cease to carry out its duties in the best interest of Victoria Estates), then all plans and / or specifications, original and otherwise, shall be submitted to the NCC for approval.

(3) INSPECTIONS OF CONSTRUCTION: During the course of original construction, each building site may be subject to at least three (3) interim inspections by one (1) or more members of the NCC. Such inspections shall be performed at or near the following three (3) stages: a) prior to or near completion of pouring of footers; b) prior to or near completion of framing of the residence; and c) prior to or near completion of exterior masonry and / or siding materials. These interim inspections shall be performed in order to confirm that construction of the residence is being (and has been) conducted in a manner not inconsistent with the plans and specifications as originally submitted to and approved by the NCC. In the event any of the inspections shall raise questions by the NCC concerning the consistency of the construction with the plans and specifications as approved, the NCC shall attempt to notify the builder of the question(s) or concern(s) without undue delay and, if necessary, provide written notice to the builder within five (5) business days. In turn the builder shall provide a written response within five (5) business days from the date of receipt of actual notice addressing the alleged deviation(s) from the approved plans and specifications and, if so desired and / or required to resolve the matter, request an informal meeting with the NCC. After providing the builder the opportunity to respond to the alleged deviation(s), the NCC concludes that construction is not being conducted according to the approved plans and specifications, then the NCC may require the builder to perform all acts necessary to conform construction with the approved plans.

(4) UNDERGROUND UTILITY LINES / WIRES: Any and all utility lines or wires for communications (except as provided below) or for the transmission of electrical current outside any resident or building shall be constructed, placed, and maintained underground. All other utility conduits shall similarly be constructed, placed, and maintained underground. However, the foregoing shall not preclude wires for communications utilized by amateur radio operators, which wires (and the construction and placement thereof) shall have the prior approval of the NCC (or the MC if such wires are constructed or placed subsequent to original construction).

(5) SEPTIC TANKS: For all residences, property owners shall be responsible for installing septic tanks that comply with all Scott County and Commonwealth of Kentucky Health Department Regulations. All septic systems must be underground and connected to the private sewer system. In addition, septic tanks must be installed with above ground clean-out plugs and placed so that they can regularly pumped.

(6) WRITTEN, APPROVAL OF PLANS / SPECS: No original construction, modifications, additions, alterations, or repair of damaged improvements shall begin until the proper authority (NCC or MC, whichever the case maybe) has given written approval of the plans and specifications. Approval of the plans and specifications may be withheld by the NCC or the MC and changes or modifications demanded as a condition of approval if: 1) The NCC or MC determines that the proposed improvements or location(s) violate any provision of these guidelines or the Declaration; 2) The plans do not satisfy the high standard set by the NCC or MC for Victoria Estates, in terms of site plan, style, or construction materials proposed to be used; or 3) The plans concerning erosion control and sediment runoff prevention are determined to be inadequate.

(7) SIMILAR PLANS: No plans and / or specifications for a proposed residence (or construction) shall be approved if it is determined by the NCC (or the MC for other than original construction) that the proposed residence (or construction) will be substantially similar to and visible from another residence previously constructed, currently under construction, or previously approved but not yet under construction.

(8) EXTERIOR FOUNDATION: There shall be no exposed block or poured concrete on the exterior of any residence and / or other improvements or structures. Brick or stone must cover exterior foundation from grade to sill plate. Chimneys constructed on exterior walls shall be of brick or stone.

(9) CONSTRUCTION MATERIAL: All construction material used shall meet or exceed all applicable building codes and regulations of Georgetown-Scott County.

(10) DRIVEWAYS: All driveways shall be finished with pavement of concrete, asphalt, or such other hard aggregate surface as may be approved by the NCC in advance; and further, all driveways shall be completed prior to the occupancy of any residence thereon.

(11) TWO CAR GARAGE MINIMUM: A residential building shall not be constructed or permitted to remain upon any lot unless the same shall have an attached two (2) or more car garage. "Attached" is defined as a contiguous and integral part of the main dwelling. In addition, there shall be no carports, attached or unattached. Side entry garages are recommended.

(12) LANDSCAPING: All landscaping shall be installed within sixty (60) days of occupancy of any residence, except that legitimate weather / seasonal variances of this requirement may be granted by the NCC upon request by any owner.

(13) CHANGES TO PRIOR APPROVED PLANS: The NCC (or the MC for other than original construction) shall have the right to approve or disapprove, at its sole discretion, any proposed alterations or changes from prior approved plans.

(14) LAPSE OF APPROVAL: If construction is not started within one (1) year from the date the NCC (or the MC for other than original construction) approved the plans, the approval shall lapse. Reapproval by the NCC (or the MC for other than original construction) shall be required prior to the beginning construction.

(15) CONSTRUCTION WASTE CONTAINERS: At all times during original construction (and, in the discretion of the proper authority, during any and all modifications, additions, alterations, repairs, etc.) there shall be maintained on each lot a Construction Waste Container sufficient in size to allow for the proper maintenance and cleanup of the lot during said construction. At all times during construction all lots shall be kept clean from trash and debris in order to promote the aesthetic beauty of Victoria Estates.

(16) COMPLETION WITHIN ONE YEAR: All building shall be completed within one (1) year after issuance of a building permit.

(17) ARCHITECTURAL STANDARDS: The NCC hereby incorporates into the hereinabove set forth Design and Development Guidelines those certain Minimum Architectural Standards set out in Article XI, Section 3, of the Declaration attached hereto and made a part hereof by reference as Exhibit "A" and those certain additional Architectural Standards applicable to all lots on Bold Bidder Drive attached hereto and made a part hereof by reference as Exhibit "B".

(18) The NCC consists of the following five (5) members which have been appointed by Developer: Burton Runyon; Stephen M. Moyer; a member of the law firm of Lankford & Lankford; a member of the Board of Directories of Victoria Estates Homeowners Association, Inc.; and a member of Appalachian Regional Consultants, Inc. Any three (3) members shall constitute a quorum for the transacting of business.

IN WITNESS WHEREOF, the undersigned, being all the duly appointed and currently active members of the New Construction Committee, have hereunto promulgated these Design and Development Guidelines and Application and Review Procedures all on this 4<sup>th</sup> day of January 2001.

NEW CONSTRUCTION COMMITTEE

BY: signed Burton Runyon  
BURTON RUNYON  
Member

BY: signed Stephen M Moyer  
STEPHEN M. MOYER  
Member

BY: LANKFORD & LANKFORD  
Member

By: signed John S. Lankford

BY: BOARD OF DIRECTORS,  
VICTORIA ESTATES HOMEOWNERS  
ASSOCIATION, INC.  
Member

By: signed J Scott Hackney

BY: APPALACHIAN REGIONAL  
CONSULTANTS, INC.  
Member

By: signed Grady L. Vagan

## **Exhibit “A”**

**Misc. - Book 8, Page 675 to 678**

### Article XI Architectural Standards

The Board of Directors shall have the authority and standing, on behalf of the Association, to enforce in courts of competent jurisdiction decisions of the committees established in Sections 1 and 2 of this Article XI. This Article may not be amended without the Declarant’s written consent so long as the Declarant owns any land subject to this Declaration or subject to annexation to this Declaration.

No construction, which term shall include within its definition staking, clearing, excavation, grading, and other site work, and no plantings or removal of plants, trees, or shrubs, or the building, or placement of outbuildings shall take place except in strict compliance with this Article, until the requirements thereof have been fully met, and until the approval of the appropriate committee has been obtained.

Section 1. New Construction Committee. The New Construction Committee (“NCC”) shall have exclusive jurisdiction over all original construction on any portion of the Properties. The NCC shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures. Copies shall be available from the New Construction Committee for review. The guidelines and procedure shall be those of the Association, and the NCC shall have sole and full authority to prepare and to amend the guidelines and procedures. It shall make the guidelines and procedures available to Owners, builders, and developers who seek to engage in development of or construction upon all or any portion of the Properties and such Owners, builders and developers shall conduct their operation strictly in accordance therewith.

Until one hundred (100%) percent of the Properties have been developed and conveyed to purchasers in the normal course of development and sale, the Declarant retains the right to appoint all

members of the NCC, which shall consist of at least three (3), but no more than five (5), persons. There shall be no surrender of this right prior to that time except in a written instrument in recordable form executed by Declarant. Upon the expiration of such right, the Board of Directors shall appoint the members of the NCC in the same manner as provided in Section 2 of this Article for the Modifications Committee.

Section 2. Modifications Committee. The Board of Directors may appoint a Modifications Committee ("MC") to have exclusive jurisdiction over modifications, additions, or alternations made on or to existing Lots or structures on Lots. The Modifications Committee shall promulgate detailed standards and procedures governing its areas of responsibility and practice, consistent with the guidelines and procedures of the NCC. In addition thereto, the following shall apply. Plans and specifications showing the nature, kind, shape, color, size, materials, and location of such modifications, additions, or alterations, shall be submitted to the MC for approval as to quality of workmanship and design and as to harmony of external design with existing structures, location in relation to surrounding structures, topography, and finish grade elevation. No permission or approval shall be required to repaint in accordance with an originally approved color scheme, or to rebuild in accordance with an originally approved plans and specifications. Nothing contained herein shall be construed to limit the right of an Owner to remodel the interior of his Home, or to paint the interior of his Home any color desired. In the event that MC fails to approve or to disapprove such plans or to request additional information reasonably required within forty-five (45) days after submission, the plans shall be deemed approved.

The MC, if established, shall be comprised of at least three (3) and no more than five (5) members, all of whom shall be appointed by the Board of Directors.

Section 3. Minimum Architectural Standards. Any residence constructed upon any lot shall comply with following minimum architectural standards, which standards the NCC shall adopt as a part of its design and development guidelines:

1 floor structures shall have a minimum living area, exclusive of porches, open decks, basements, attics, and garages of 2000 square feet measured exterior to exterior.

2 story structures shall have a minimum living area, exclusive of porches, open decks, basements, attics, and garages of 2000 square feet measured exterior to exterior, provided however, the first floor must have minimum of 1000 square feet.



The NCC may approve other types of design such as, but not limited to, split-level or split foyer; provided the living area is substantially similar to the requirements specified above with a minimum of 1400 square feet on first floor.

The location of the residence upon any lot shall be approved by the NCC.

There shall be no modular or mobile homes built or located upon any lot.

There shall be no exposed block or poured concrete on the exterior of any residence and/or other improvements or structures, without prior approval of NCC.

All construction material used will meet or exceed the applicable building codes and regulations of Georgetown- Scott County.

All driveways shall be finished with pavement of concrete, asphalt, or such other hard aggregate surface as may be approved by the NCC in advance, and shall be completed prior to the occupancy of any residence thereon.

A residential building shall not be constructed or permitted to remain upon any lot unless the same shall have an attached two or more car garage. [“Attached” being defined as a contiguous and integral part of the main dwelling.] There shall be no carports attached or unattached.

No residential building or other structure shall be constructed or permitted to remain upon any lot unless the same shall be constructed of wood, brick, stone, or other material and in such ratios of composition as may be approved or directed by the guidelines of the NCC.

All plans submitted to the NCC for original construction of a residence upon any lot shall include a landscape plan. Said landscape plan shall include a description of all final grading, seeding and plantings. All landscaping plans shall include interior lot plantings or other decorative landscaping structures in an amount or cost which shall not be less than 2.5% of the cost of the residence built thereon, as calculated from the cost estimates on the building permit.

All landscaping shall be installed prior to the occupancy of any residence, except that legitimate weather/seasonal variances of this requirement may be granted by the NCC upon request by any Owner.

All plans submitted to the NCC for original construction of a structure upon any lot shall include a description or plan of

erosion control during the period of construction which plan shall be designed to prevent the run off of dirt, mud, or other construction related debris on to any adjoining lot, right of way or lake.

Section 4. No Waiver of Future Approvals. The approval of either the NCC or MC of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of such Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matters whatever subsequently or additionally submitted for approval or consent.

Section 5. Variance. The NCC may authorize variances from compliance with any of the provisions of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in the body of this Declaration or (c) stop the Committee from denying a variance in other circumstances. For purposes of this Section, the inability to comply with the terms of any financing shall not be considered a hardship warranting a variance.

**Bold Bidder Drive  
Architectural Standards**

Lot Nos. 70, 71, 72, 73, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, and 120, located on Bold Bidder Drive in Victoria Estates in Scott County, Kentucky, are subject to the following additional Architectural Standards and restrictions:

**(BOLD BIDDER ARCHITECTURAL CHANGES)**

- 1) All homes build upon the above described lots shall have exterior walls composed of a minimum of sixty-five (65%) brick or natural stone.
- 2) All exterior chimneys shall be of brick or natural stone composition and finished to grade.
- 3) All homes shall have a brick or natural stone finish on all sides.
- 4) All homes shall be built with side loading garages only.
- 5) A) Except as set out below, all homes shall have a minimum of 2200 square feet of living space.  
  
B) Any 1 ½ story home shall have a minimum of 2200 square feet of living space with the first floor containing a minimum of 1600 square feet.  
  
C) Any 2 story home shall have a minimum of 2500 square feet of living space with the first floor containing a minimum of 1300 square feet.
- 6) The calculation of square footage under this Supplemental Declaration of Covenants, Conditions and Restrictions for Victoria Estates.

All other terms of the Original Declaration of Covenants, Conditions and Restrictions remain unchanged and shall remain applicable and binding upon the above described property.