

SPRINGS AT COAL CREEK RANCH HOMEOWNERS ASSOCIATION

AMENDMENT TO BYLAWS

Article VII, Section 2(f) of the original Bylaws of The Springs at Coal Creek Ranch reads as follows (portions to be changed are underlined):

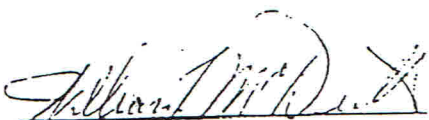
(f) provide for maintenance and repair of the Common Area, including common Area landscaping, and for maintenance and repair of the exteriors of residences and the exteriors of other structures located on Lots, all as more fully provided in Article IX of the Declaration;

The amended paragraph is hereby amended to read as follows:

(f) provide for maintenance and repair of the Common Area, including Common Area landscaping, all as more fully provided in Article IX of the Declaration; and ...

The above deleted portion of the Bylaws is in conflict with the Declaration of the Springs at Coal Creek Ranch Homeowners Association and with the understanding and operation of the current homeowners. The Declaration does not provide for exterior maintenance of residences or other structures on Lots and the Association has no desire to do so. Article XII, Section 3 of the Declaration provides that in case of conflict between the Declaration and the Bylaws, the Declaration shall prevail.

Under Article XII, Section 6(b) of the Declaration of The Springs at Coal Creek Ranch Homeowners Association, the Declarant has right and power to record technical amendments to the Bylaws of the Association prior to the conveyance of all Lots to the first Owner. The Directors of the Association and the Declarant concur that the above change in the Bylaws is a technical correction.


William McDermott
President, SCCR HOA

6/10/93
Date


David L. Edwards
Declarant

6/10/93
Date

**THE SPRINGS
AT
COAL CREEK RANCH**

**DESIGN
GUIDELINES**

SEPTEMBER 1, 1994

The Springs at Coal Creek Ranch

DESIGN GUIDELINES

The Design Review Process places an emphasis on the design of The Springs at Coal Creek Ranch as a total, integrated community. The Common Areas and Homes within The Springs at Coal Creek Ranch are important elements of a total community. As such it is critical that each project interact with the others in order to produce a cohesive environment. To accomplish this goal, all builders and homeowners will be required to comply with the design criteria.

The following Design Guidelines apply to all residents (owner/renter) within The Springs at Coal Creek Ranch.

The Springs at Coal Creek Ranch Design Guidelines are divided into three major divisions of Guidelines as follows:

- I REVIEW PROCEDURES
- II LANDSCAPE DESIGN GUIDELINES
- III ARCHITECTURAL/CONSTRUCTION DESIGN GUIDELINES

I. DESIGN REVIEW PROCEDURES

The review and approval procedures which follow provide the framework by which the Architectural Review Committee (ARC) will review, process and approve improvements within the Springs at Coal Creek Ranch. Plans and specifications shall be submitted to the ARC in accordance with the following review and submittal procedures.

A. Approval Required

Except for Architectural Review Committee exemptions and manager approvals as described below, any construction or reconstruction or the refinishing or alteration of any part of the exterior of any building, landscaping or other improvement in The Springs at Coal Creek Ranch is prohibited until a builder or homeowner first obtains approval thereof from the Architectural Review Committee. All improvements shall be constructed only in accordance with approved plans.

Every violation of the Design Guidelines including, without limitation, any construction, reconstruction, refinishing, or alteration of any improvement or landscaping within The Springs at Coal Creek Ranch without approval by the Architectural Review Committee or the alteration of any improvement or landscaping in The Springs at Coal Creek Ranch not in conformance with plans that have received approval from the Architectural Review Committee, are declared to be and to constitute a nuisance and a violation of the Covenants. Every public or private remedy allowed by the Covenants, law or in equity against a homeowner or developer/builder shall be applicable against every said violation.

B. Exemptions

The following types of changes, additions or alterations do not require the approval of the ARC. It is recommended that one check with the ARC to confirm that the proposed changes are, indeed, exemptions rather than "minor applications" which require manager's review and approval.

Although exempt from review of the ARC, all work must proceed in accordance with all federal, state and local codes, ordinance and regulations having jurisdiction at the site.

1. Addition of vegetation to existing planted areas to a property in accordance with a previously approved landscape plan.
2. Modification to the interior of a structure when those modifications do not materially affect the outside appearance of the structure.
3. Repainting and/or re-staining in original colors.
4. Repairs to a structure in accordance with previously approved plans and specifications.
5. Seasonal decorations if removed within 15 days following the holiday.
6. Removal of dead or diseased vegetation if planted by home owner.

Only those items listed above are exempt from the Design Review Process. All other types of construction, development, landscaping, site modification, etc. must comply with the Procedures and Guidelines contained herein.

C. Manager Level Approval

Certain Architectural Review Applications are considered to be "minor applications" and can be reviewed on the "manager level" rather than having to go through the full Design Review process. The determination of whether or not an application is "minor" must be in writing.

Such applications include but are not limited to minor structural changes to the exterior of a building (i.e., color changes to exterior paint or stain on a structure(s)), temporary signage, and minor landscaping projects which are not part of an already approved landscape plan. The manager may at any time refer any application to the ARC for approval if they so desire. Minor applications must be in conformance with these Design Guidelines.

D. Removal of Nonconforming Improvements

The Architectural Review Committee, after proper Demand, Notice and Hearing procedures are followed as provided in the Master Declaration for The Springs at Coal Creek Ranch Association, Inc., and declarations of covenant conditions and restrictions over whether The Springs at Coal Creek Ranch may require an offender and/or owner to remove any improvements constructed, reconstructed, finished, altered or maintained in violation of the Architectural Review Committee's approval. The owner thereof shall reimburse The Springs at Coal Creek Ranch Homeowners Association, Inc. for all expenses incurred by the Association or by the ARC in connection therewith.

E. Preliminary Design Review (This is the review used for Landscaping and small construction projects. House construction/expansion projects must use both this and the Final Review Process

1. Submittal Contents

The purpose of Preliminary Design Review is to review the project design in significant detail, prior to the commencement of working drawings (only required for construction projects). The contents of the submittal information shall include but not be limited to two (2) copies each of the following:

a. Site Plan: Scale: Minimum 1" = 10". Shall show north arrow, property lines, grade elevations, building envelopes, patios, walks, services, site amenities, site appurtenances (such as mechanical equipment, etc.), adjacent roadways, setbacks and uses.

In the case of add on to the existing home or landscaping, this site plan must show distances from home and property lines.

b. Exterior Building Elevations: Scale: Minimum 1/8" = 1'. Include views of all typical building surfaces showing fenestration, materials, or any other visible features. Elevations should indicate both existing and proposed grade lines.

If a deck, patio or air conditioner is being added, these elevations must accompany the application.

c. Building Section(s): Scale: 1/4" = 1'. Section must show total roof height as measured from the lowest point 10' away from the building.

d. Color/Sample Board: Indication of all exterior materials and colors.

e. Completed ARC Reporting Form for Preliminary Design Review. This form can be found in Appendix B of The Springs at Coal Creek Ranch Design Guidelines or obtained from the manager.

f. The ARC may require the submittal of additional plans, drawings, specifications, samples or other material if deemed necessary to determine whether a project will comply with The Springs at Coal Creek Ranch Design Guidelines.

g. All variations of a home design shall be by separate review of the ARC.

2. Review Time Table

The Applicant should submit the required Preliminary Design Review information to the ARC at least twenty calendar days prior to expected approval.

If, in the opinion of the ARC, the Submittal complies with the Design Guidelines, written approval shall be granted. If the Submittal is found not to be in compliance with the Design Guidelines, the ARC shall provide the applicant with a written description of the aspects in which the Submittal does not comply. The applicant must then present required revisions to the ARC and follow the same review procedures.

F. Construction Document Review(Only for reconstruction or expansion of home)

1. Submittal Contents

The purpose of the Construction Review Document Review is to ensure that construction documents conform to the Preliminary Plan approval. Any changes to the Preliminary Design or new information should be brought to the Architectural Review Committee's attention in a cover letter. Submittal for this review shall include, but not be limited to, the following:

a. Construction Documents shall consist of one complete set of drawings and specifications, suitable for construction purposes, which shall be identical to the documents to be submitted to the City of Louisville for a building permit.

b. Cover letter noting any deviations from Preliminary approval.

c. Such other information and materials as are deemed necessary in the judgment of the ARC to ensure compliance with the Preliminary Plan approval.

2. Review Time Table

The Construction Document Review submittal shall be made at least seven (7) days prior to filing for the building permit with the City. Construction Document Review approval must be obtained in writing from the ARC prior to filing for a building permit by the City of Louisville as defined in the P.U.D. and prior to any construction. If, in the opinion of the ARC, modifications are required, approval will only be granted after such changes have been incorporated into the construction documents.

G. Completion Period and Project Completion Review

An ongoing periodic review of the completion of the Project will be undertaken by the ARC committee or its representative (s) with the purpose of monitoring exterior appearance of the Project and ensuring its conformity to the design and construction documents already approved by the ARC. Any deviations which are significant, in the opinion of the ARC, will be brought to the Applicant's attention along with the measures that the ARC requires to mitigate or eliminate the deviation.

The applicant must complete construction, reconstruction or landscaping on the home approved by ARC on or before 180 days after the project is commenced.

If required by ARC on the Architectural Improvement Request form, written notice of the completion of the approved project must be sent to the ARC for final approval within 10 days of completion. If no reply is received from the ARC within 30 days of mailing of the completion notice to the ARC, final approval is granted.

H. Appeal Procedures

If the Applicant wishes to appeal any decision of the ARC, he may do so by submitting a written appeal to the ARC within thirty (30) calendar days of the original ARC decision. The ARC will provide the Applicant with reasonable notice of its next regularly scheduled meeting at which time the Applicant's appeal will be reviewed. The Applicant will have an opportunity to be heard prior to the ARC rendering a decision. Within seven (7) days of the decision regarding the appeal request, the ARC shall give notice in writing of their decision to both Applicant and the Board of Directors of The Springs at Coal Creek Ranch Homeowners Association, Inc.

The applicant may further appeal the decision of the ARC (within seven [7] days following the date of the ARC appeal decision) as follows: The Applicant's formal appeal is made to the Board of Directors of The Springs at Coal Creek Ranch Homeowners Association, Inc. Reasonable notice will be given to the Applicant of the meeting at which the appeal will be reviewed. The Applicant will have the opportunity to be heard prior to the Board of Directors rendering a decision. They will review the Applicant's appeal within thirty (30) days from the date of filing the appeal (a twenty (20) day extension may be provided if further information is needed). Failure of the Board of Directors of The Springs at Coal Creek Ranch Homeowners Association, Inc. to act within fifty (50) days from the date of appeal filing will constitute approval. The Board of Directors at The Springs at Coal Creek Ranch Homeowners Association, Inc. will document in writing reasons for not granting approval if that is the outcome of their review.

I. GENERAL CONDITIONS

1. Parking

a. Parking allowed on one side only of all private streets in The Springs at Coal Creek Ranch to maintain clear fire lanes. These streets are: Springs Dr, Diamond Circle Dr, and Springs Cove Dr. No over night parking on these streets and Fairfield Lane except by permit issued by Manager

2. Exterior Storage Areas

There shall be no storage of boats, trailers, RV's or other non-operable vehicles allowed on any site.

3. Dog Runs

Dog runs or pet enclosures shall be installed only after ARC approval is obtained. Materials for such enclosures should be compatible with the surrounding development in The Springs at Coal Creek Ranch. Dog runs should be attached to the home within yards in such a way that they are not eyesores to neighbors or, in the case of yards which back onto the golf course or onto a community open space, to golfers or those people utilizing the open space areas. There shall be no dog runs located closer to the street than the front entrance of the home or within twenty (20) feet of the golf course or open space.

4. Construction site

- a. During construction of any kind, site must be kept neat and orderly with materials secured to avoid blowing onto adjacent site.
- b. There shall be no construction parking in front of completed homes or in fire lanes.
- c. All trash and debris shall be cleaned daily and stored in an enclosed area (i.e. fenced) until weekly removal.
- d. There shall be no construction activity before 7 AM or after 7 PM on weekdays, or before 8 AM or after 4 PM on Saturdays.
- e. Any dogs on construction site must be on a leash or within the body of a vehicle and shall not be a nuisance.
- f. Any mud or debris from a site that is carried onto the street must be removed within 24 hours.
- g. No concrete trucks will be allowed to "clean out" off the site on which they were called.
- h. No overnight parking of construction vehicles allowed.

II LANDSCAPE DESIGN GUIDELINES

1. Design Intent

The design intent of the Springs at Coal Creek Ranch Landscape Design Guidelines is to:

- a. unify a variety of buildings and architectural styles within a strong landscape matrix and;
- b. to the greatest extent possible, utilize natural land forms and plant materials which are native to Coal Creek Ranch and the surrounding region and;
- c. achieve an overall landscape network including privately-owned landscaped areas, Common Areas, Rights-of-Way (R.O.W.), community open space, the Coal Creek Ranch Golf Course, and the important interfaces between the golf course edge and adjacent development and;
- d. be sensitive to the varying site characteristics within The Springs at Coal Creek Ranch in terms of landscape design and;
- e. avoid blocking mountain view corridors or views of the golf course.

2. Landscape Design Elements and Requirements

a. Landscape Design Theme

The predominant landscape design theme in The Springs at Coal Creek Ranch shall be that of natural and informal grouping of introduced plant materials. Introduced plant materials will supplement the already existing plant community. In terms of planting guidelines, a simple palette is suggested. Large masses of similar plant materials are preferable to multiple varieties planted together in small groupings. It is suggested that evergreen masses act as contrasts to deciduous masses. Deciduous trees rather than coniferous trees should be the more dominate type of tree planted in The Springs at Coal Creek Ranch.

The landscape plan for each site must include one (1) three (3) inch caliber deciduous tree and one (1) coniferous tree in the front yard. Each site must include one (1) additional three (3) inch caliber tree in the back yard. No stone or gravel may be used as ground cover except in planting beds not to exceed one hundred (100) square feet per bed. Bark mulch may be used as ground cover in planting beds only.

b. Fences

All fencing built within The Springs at Coal Creek Ranch shall be consistent with the fence types adopted by the ARC for The Springs at Coal Creek Ranch. Fences for dog runs or patio enclosures shall be of a type, color, finish, etc., compatible with the fence

prototype as determined by the ARC. Chain-link fencing materials will not be permitted in at The Springs at Coal Creek Ranch.

No solid fences shall be allowed.

No property line fences shall be allowed.

No fence over 36" high shall be allowed.

c. Ornamentation

The utilization of non-living objects as ornaments in the landscape is not allowed. Such ornamentation includes driftwood, animal skulls, wagon wheels, sculpture (flamingos, deer, cherubs, etc.).

d. Water Conservation

For additional landscaping of the home beyond that provided by the developer, it is urged that plant materials, irrigation's systems and maintenance practices be utilized to conserve water. Although water conserving landscapes are often associated with a rather bleak "dry-land" appearance, it should be noted that a more traditional "green" appearance can be achieved while still using much less water than typical suburban residential landscapes. Consultation with a landscape architect or designer experienced in designing water conserving landscapes is encouraged.

e. Irrigation

All landscaping planted by the developer has been provided with a means of irrigation - sprinklers and drip system. The use of the drip system for additional planting is limited. An application for landscaping changes or additions must include water source and quantity required. In some instances a drip system using the house water as a source may be required.

f. Maintenance

All landscaping planted by the home owner and areas within fencing shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal and/or killing of weeds and undesirable grasses, and removal of trash.

3. Plant Materials List

Provided in Appendix A is a listing of suggested plant materials for use in The Springs at Coal Creek Ranch. They are compatible with the soils, and low in water consumption and are native plant materials to The Springs at Coal Creek Ranch and to the surrounding region, or are ornamentals which can be easily introduced.

III ARCHITECTURAL/CONSTRUCTION GUIDELINES

1. Inappropriate Materials

Materials chosen must be appropriate for the scale of a building, compatible with its location within The Springs at Coal Creek Ranch and expressive of the character and images of the development. The use of the following materials will cause problems in achieving the desired design quality and are not allowed.

- a. Metal as a building skin or as a roofing material.
- b. Multi-colored masonry.
- c. Painted concrete.
- d. Mirrored glass or very dark glass, with the exception of solar glass.
- e. Exposed cinder block.
- f. Plywood siding, with the exception of soffits.
- g. Board and batten.
- h. Non-anodized or galvanized metal windows, screen doors, sliding doors or gutters and down spouts.

2. Surface Mounted Equipment

The location and finish treatment of items mounted on the exterior surfaces of the building (s) should be carefully planned and detailed. Such items would include skylights, solar panels, vents, mechanical equipment, access ladders, electric and gas meters, etc. In no case should they give the appearance of being simply mounted on the exterior surface of the building (s) with no relationship to the surrounding elements. The location of these items shall be indicated on all drawings submitted during the Preliminary Design Review and the Construction Document Review phases of the Springs at Coal Creek Ranch Design Review Process.

3. Mechanical Equipment

No mechanical equipment shall be installed on roof.

4. Antennas

No type of antennas and similar structures (i.e., satellite dish antennas, T.V. and ham radio antennas, etc.) shall be permitted, except in enclosed attic spaces.

5. Energy Conservation

a. Energy conservation techniques are encouraged where appropriate in The Springs at Coal Creek Ranch. Site planning and landscape design for energy conservation are both encouraged. Planting of deciduous trees on the south side of a residence provides shading in the summer months and allows the sun to penetrate the residence in the winter months. Evergreens planted on the northwestern side of a residence provide a wind buffer from northwesterly winter winds.

b. Natural gas outdoor grills are encouraged, to minimize pollution.

6. Exterior Lighting

To avoid light spilling into neighboring windows, exterior lighting should be subdued and should not be a nuisance to adjacent lots. Recessed and screened lighting is preferable.