

# FIRST AMENDMENT AND RESTATEMENT OF NEIGHBORHOOD DESIGN REVIEW STANDARDS FOR CLAIBORNE GREENS AT STONEHILL VILLAGE

Nutter Enterprises, Ltd., an Ohio limited liability company (“Developer”) adopts this First Amendment and Restatement of the Neighborhood Design Review Standards for Claiborne Greens at Stonehill Village (the “Neighborhood DRS”) effective as of August 1, 2020.

**1. Background.** Developer adopted the original Neighborhood DRS on November 22, 2013. Section 4.04 of the original Neighborhood DRS, or Section 4.03 as amended herein, permits the Developer to amend the Neighborhood DRS unilaterally during the Development Period without any notice to, or consent, approval or signature of, the Association, Board, DRB, Neighborhood Council, Owner, Qualified Mortgagee or any other Person, as those capitalized terms are defined in the Master Declaration of Covenants, Conditions and Restrictions for Stonehill Village. Developer now intends to exercise that right of unilateral amendment for the purposes and to the extent described in this First Amendment and Restatement.

**2. Purpose of Amendment and Restatement.** Since the adoption of the Neighborhood DRS, the Neighborhood has grown substantially, technology has improved, and design considerations have evolved. In light of these changes, and in an effort to modernize, simplify and clarify the Neighborhood DRS, Developer now desires to amend and restate the Neighborhood DRS.

**3. Restatement.** Developer now amends the Neighborhood DRS by completely deleting all provisions of the Neighborhood DRS, and amending and restating the Neighborhood DRS in its entirety, as set forth in Exhibit A to this Amendment.

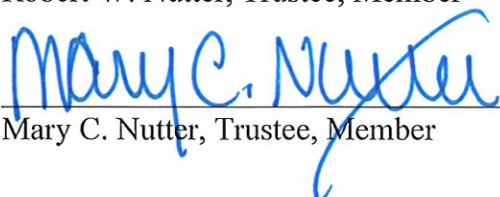
**4. Ratification.** Except as specifically modified herein, the Neighborhood Design Review Standards for Claiborne Greens at Stonehill Village remain in full force and effect. The Developer ratifies and confirms the Neighborhood Design Review Standards for Claiborne Greens at Stonehill Village, as amended and restated.

The Developer adopted this Amendment and Restatement of Neighborhood Design Review Standards for Claiborne Greens at Stonehill Village as of the date written above.

**DEVELOPER:**

**NUTTER ENTERPRISES, LTD.,**  
An Ohio Limited Liability Company

By:   
Robert W. Nutter, Trustee, Member

By:   
Mary C. Nutter, Trustee, Member

**RESTATED**  
**NEIGHBORHOOD**  
**DESIGN REVIEW STANDARDS**  
**FOR**  
**CLAIBORNE GREENS AT**  
**STONEHILL VILLAGE**

*A Nutter Enterprises, Ltd. Development*

**Located At**

**BEAVERCREEK TOWNSHIP, GREENE COUNTY, OHIO**

**This Document Prepared By**

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# **Neighborhood Design Review Standards For Claiborne Greens at Stonehill Village**

The following Neighborhood Design Review Standards are adopted pursuant to Part Four of the Master Declaration of Covenants, Conditions and Restrictions for Stonehill Village.

## **Article One Overview**

### **Section 1.01 Purpose of Design Review Standards**

The purpose of these Neighborhood Design Review Standards (the “Neighborhood DRS”) is to establish the particular standards, specifications and requirements that will give the Claiborne Greens at Stonehill Village Neighborhood its unique character and appeal. These Neighborhood DRS provide specific requirements and restrictions that apply to all Improvements in this Neighborhood.

### **Section 1.02 Relationship to Community Design Review Standards**

These Neighborhood DRS supplement the Community Design Review Standards for the Stonehill Village Community (the “Community DRS”). As a supplement, these Neighborhood DRS are subordinate to the Community DRS. But, the Community DRS and these Neighborhood DRS are to be read together as compatible documents addressing different aspects of the design and construction of Improvements in this Neighborhood. These Neighborhood DRS further refine the standards applicable to this Neighborhood, but do not create any lower standards than apply to the Community as a whole through the Community DRS.

### **Section 1.03 Relationship to Other Governing Documents**

These Neighborhood DRS are one of the Governing Documents for the Community. They must be read and interpreted in conjunction with the purpose and scope of the other Governing Documents, and not as an independent document. Their application is limited to issues relating only to this particular Neighborhood. They do not have any impact upon other Neighborhoods in the Community, or upon other Governing Documents that do not apply to this Neighborhood.

### **Section 1.04 Interpretation**

These Neighborhood DRS must be liberally construed in a manner that will best achieve the purpose, intent, goals and objectives of the Declaration. During the Development Period, the Developer will have the exclusive power and discretion to resolve any questions concerning the proper interpretation of these Neighborhood DRS. After the Development Period, the Board of the Association will have the exclusive power and discretion concerning these interpretations. All interpretative decisions of the Developer and the Board will be final and binding on all Persons. If there is a conflict between the terms of the Declaration and these Neighborhood

DRS, the terms of the Declaration will control. If there is a conflict between the terms of these Neighborhood DRS and the Community DRS, the terms of the Community DRS will control.

## **Article Two**

### **Adoption and Administration**

#### **Section 2.01 Adoption of Neighborhood Design Review Standards**

Attachment 1 contains the standards, specifications and requirements applicable to all Improvements in this Neighborhood. That Attachment is incorporated by reference into, and made a material part of, these Neighborhood DRS. The Developer adopts the standards, specifications and requirements described in Attachment 1 as the Neighborhood Design Review Standards for this Neighborhood. All Owners of Lots in this Neighborhood are subject to these Neighborhood DRS. No Owner will begin or continue any Work on any Improvements on any Lot in this Neighborhood unless and until the Owner has complied with all terms, conditions and requirements in the Declaration, the Community DRS, and these Neighborhood DRS.

#### **Section 2.02 Administration of Neighborhood Design Review Standards**

The Design Review Board has exclusive jurisdiction over, and all rights, powers and authority relating to, all aspects of the administration and enforcement of these Neighborhood DRS, as well as related provisions of the Declaration and the Community DRS. However, all powers and authority of the DRB are subordinate and subject to the rights of the Developer during the Development Period, and to the continuing supervision and control of the Board at all times.

#### **Section 2.03 Applicable Law**

All procedures described in this document are separate and distinct from, and subject to, all Applicable Laws. In addition to the approvals required in the Neighborhood DRS, all Owners will be required to obtain from the appropriate Government Entities all necessary zoning permits, building permits and other permits and inspections required by Applicable Law. Further, all Owners and Builders will be required to comply with all Applicable Laws regarding construction standards, disposal of waste, use of public roadways and other aspects pertaining to the performance of Work in the Neighborhood. To the extent that these Neighborhood DRS, the Community DRS, the Declaration, or any of the other Governing Documents impose greater restrictions, standards or requirements than Applicable Law, the Owner and Builder must comply with those more stringent restrictions, standards and requirements. Compliance with Applicable Law will be at the sole cost and expense of the Owner.

## **Article Three**

### **Amendment to Community DRS**

#### **Section 3.01 Neighborhood Builder Group**

For purposes of this Neighborhood only, the approved Builder Group for this Neighborhood will consist of M/I Homes of Cincinnati, LLC (“M/I Homes”), as the sole and exclusive approved Builder in this Neighborhood. This amendment to the Community DRS will remain in effect as

long as M/I Homes is in compliance with all Governing Documents and is performing without default under the terms of the Land Purchase Agreement between the KERWN Magenta, LLC, a Related Entity of the Developer, and M/I Homes.

### **Section 3.02 Design Review Board**

For purposes of this Neighborhood only, M/I Homes may appoint a special additional member of the Design Review Board, with all of the rights and responsibilities applicable to other DRB members. This appointment is applicable only to the person designated by M/I Homes, and such right of designation may not be delegated to any other person or entity without the Developer's prior written consent. This amendment to the Community DRS will remain in effect as long as M/I Homes is the sole approved Builder in this Neighborhood, is in compliance with all Governing Documents and is performing without default under the terms of the Land Purchase Agreement between the KERWN Magenta, LLC, a Related Entity of the Developer, and M/I Homes.

### **Section 3.03 Effect of Amendment**

The amendments to the Community DRS in this Article apply only to this Neighborhood. Except as specifically amended in this Article, the Community DRS remain in full force and effect, and are applicable to this Neighborhood, as amended.

## **Article Four General Terms and Conditions**

### **Section 4.01 Binding Effect**

All terms, covenants, conditions, restrictions, reservations, obligations, rights, benefits and privileges in these Neighborhood DRS are binding upon all Persons who now own or in the future acquire any rights, title or interest in any Lot, Common Area or other portion of this Neighborhood, and their respective heirs, beneficiaries, administrators, executors, guardians, conservators, custodians, attorneys-in-fact, legal representatives, successors and assigns.

### **Section 4.02 Constructive Notice and Acceptance**

Every Person who now or in the future owns or acquires any rights, title or interest in any Lot, Common Area or other portion of this Neighborhood will be conclusively deemed to have notice of these Neighborhood DRS by virtue of references to this instrument in the Master Declaration for Stonehill Village, recorded in the public records of the office of the Greene County Recorder. By acceptance of a deed, mortgage or other instrument conveying any right, title or interest in any Lot, Common Area or other portion of this Neighborhood, the Person holding such interest will also be deemed to have consented and agreed to every term, covenant, condition, restriction, reservation, obligation, right, benefit and privilege in these Neighborhood DRS as being reasonable, necessary and fully enforceable, whether or not the instrument by which the Person acquired the interest specifically referred to the Declaration, the Community DRS or these Neighborhood DRS.



**Section 4.03 Amendment**

During the Development Period, only the Developer may amend these Neighborhood DRS. Any amendment by the Developer will not require any notice to, or consent, approval or signature of, the Association, Board, DRB, any Neighborhood Society or Council, any Owner, Qualified Mortgagee, or any other Person. After the Development Period, only the Board of the Association may amend these Neighborhood DRS by the affirmative majority vote of the Board members.

**Section 4.04 Prior Non-Conforming Improvements**

If, as a result of any amendment to these Neighborhood DRS, an Improvement that existed or that the DRB had approved prior to the effective date of the amendment would no longer be deemed to comply with these Neighborhood DRS, that prior non-conforming Improvement will be permitted to remain, and will not be deemed to be in violation of the Neighborhood DRS, as amended. However, all prior non-conforming Improvements must be brought into full compliance with these Neighborhood DRS as then in effect if that Improvement is materially damaged, destroyed, removed, repaired or replaced.

**Section 4.05 Partial Invalidity**

If a court of proper jurisdiction determines that any provision of these Neighborhood DRS, or their application to any Person, is to any extent void or invalid, then the remainder of the Neighborhood DRS will not be affected, and each remaining provision will be valid and enforced to the fullest extent permitted by Applicable Law.

**Section 4.06 Governing Law**

These Neighborhood DRS will be governed by and construed and enforced in accordance with the laws of the State of Ohio, and other Applicable Laws of any appropriate Government Entity.

These Neighborhood Design Standards for Claiborne Greens at Stonehill Village have been adopted by the Developer, effective as of the 1st day of August, 2020.

**DEVELOPER:**

**NUTTER ENTERPRISES, LTD.,**  
An Ohio Limited Liability Company

By:   
Robert W. Nutter, Authorized Member



# **Attachment 1**

## **NEIGHBORHOOD DESIGN REVIEW STANDARDS**

### **STANDARDS, SPECIFICATIONS AND REQUIREMENTS FOR CLAIBORNE GREENS AT STONEHILL VILLAGE**

#### **I. DESIGN ELEMENTS**

- A. **Architectural Style:** The approved architectural style in Claiborne Greens at Stonehill Village is derived from American Traditional architecture. Architects and designers are encouraged to look at strong examples of this styling, as it includes Adam, Georgian, French Colonial, Greek Revival, Neoclassical, Colonial Revival and French Eclectic influences.
- B. **Architectural Massing and Scale:** The architectural massing and scale can best be achieved by close adherence to the scale and proportions of this American Traditional Style. Particular attention should be given to the basic massing of elements, the roof forms, the floor to ceiling heights, the window arrangements and proportion and relationship of each part of the Improvement to the whole, as well as general Improvement symmetry.
- C. **Construction Envelopes:** Lines have been established by the Builder in conjunction with the Beaver Creek Township Zoning Ordinance for each Lot, indicating the area designated for construction of the Improvements.
- D. **Home Size and Height:** The DRB shall have the right to modify these requirements to accommodate unusually shaped Lots.
- E. **Limited Repetition of Design:** The same elevation/design, brick color, siding color or paint color shall not be permitted for homes on adjacent Lots or on Lots directly across from one another.

#### **II. EXTERIOR FINISHED MATERIALS**

- A. **Roofing:** Roofs on dwellings in Claiborne Greens shall be constructed of approved asphalt or fiberglass 3-tab and/or dimensional roofing-architectural grade shingles. Metal accents may also be used as long as colors are consistent with the approved exterior colors and materials.
- B. **Gutters and Downspouts:** Gutters and downspouts shall be constructed of aluminum and painted to match the cornice of the Primary Structure.
- C. **Brick:** Bricks shall be standard or jumbo sized (as set forth in the approved exterior colors and materials). Mortar joints shall be traditional grapevine. The mortar color should complement the brick color. Traditional brick detailing is encouraged, such as English and Flemish bonds, watertable capes, sills, jack arches, segmental arches, lentils

and soldier courses. Brick use on the front of the Primary Structure is encouraged. The DRB will review additional selections that might represent a responsible traditional design.

- D. **Windows:** Windows utilizing traditional themes on all elevations are required. All front facing windows shall have grids.
- E. **Paint Colors:** Paint colors shall be those set forth in the Approved Exterior Colors and Materials, and such other colors as may be approved by the DRB.
- F. **Shutters:** Shutters should be used judiciously. Exterior shutters may be solid paneled (with raised panels) or louvered. When used, shutters must be used consistently on all elevations and must be sized to fully cover the adjacent windows.
- G. **Front Doors:** Front doors shall be traditional in style. Etched and beveled glass, with or without side lights, are permitted. Transoms and pediments above the door are encouraged.
- H. **Secondary Doors:** Intentionally deleted.
- I. **Utility Doors:** Utility doors shall be paneled and the color shall match the exterior color of the windows.
- J. **Skylights:** Skylights are permitted, but are not to be visible from any streets and must be consistent with the architectural theme. Cupolas, dormers, lanterns, belvederes and window bays are permitted, as long as they are consistent with the architectural theme.
- K. **Exterior Lighting:** Uniform street lights shall be provided and installed by the Builder.
- L. **Garages:** Garages shall be front, side or rear-entry and attached to the Primary Structure, as required by Beaver Creek Township Zoning. Eight foot wide individual bay doors are preferred over double-wide doors. Garage profiles shall not protrude beyond the front elevation of the Primary Structure unless approved by the DRB. Windows are encouraged, but not required, in the walls of the garages. Sufficient storage area should be planned for tools, auto accessories and trash container storage in the garage space.
  - a. ***Pedestrian Garage Doors:*** All pedestrian garage doors shall be solid, six-panel doors, or carriage style.
  - b. ***Vehicular Garage Doors:*** All vehicular garage doors shall be solid flush doors or solid paneled doors, or carriage style.
- M. **Driveways:** The appearance of driveways and entry courts shall be consistent throughout the Neighborhood. Driveways shall be made of concrete. It is the Builder's responsibility and expense to build the apron and flare in the right of way.
- N. **Screened-In Porches:** Screened-in porches are encouraged on the rear or sides of the Primary Structure, but are not permitted in the front of the Primary Structure. Detailing of such porches shall be traditional wood with a break in screening at the rail height. Columns or full-height vertical wood members shall be at least 6" by 6". All screened-in porch trim shall be painted or stained to blend with the exterior of the Primary Structure.

- O. **Balconies, Porches, Platforms, Decks:** All constructed platforms above grade shall be located within the construction envelope and the plans must be submitted to the DRB for approval in advance, unless already approved by the DRB as a standard elevation.
- P. **Service Courts:** Outdoor facilities such as air conditioners, garbage cans and carts, irrigation controllers and meters, shall be shielded from adjoining properties by landscaping. Such service courts or landscaped outdoor facilities shall be located away from the bedrooms of adjoining residences, where possible. They may be located in Side or Rear Yards, but not in the Front Yard.
- Q. **House Numbers:** Location of house numbers shall be approved by the DRB.
- R. **Solar Collectors:** Solar collectors are not permitted.
- S. **Storm and Screen Doors:** Storm and screen doors are permitted with DRB approval, but shall not detract from or adversely alter the appearance of any entryway. Storm doors are permitted on the front door facing the street.
- T. **Trellis:** Any trellis shall harmonize and integrate with the architectural style, design and visual scale of the building to which it is attached. A free standing trellis is generally not permitted.
- U. **Sidewalks:** The Builder is responsible for construction and cost of front sidewalk in the right of way, per DRS specifications.
- V. **Mailboxes:** Mailboxes are to be provided by the Builder. Installation of the approved mailbox is the responsibility of the Builder, per DRS specifications.
- W. **Street Lamps:** Street lamps are to be provided by the Builder. Installation of the street lamps in appropriate location is the responsibility of the Builder, per DRS specifications.

### III. SITE DETAILS

**Landscape Plan:** Unless pre-approved as a standard minimum landscape package, the Owner or Builder shall submit a complete Landscape Plan for the Lot to the DRB for review and approval, and shall submit additional Landscape Plans as updated or altered in the future. The plan shall be submitted in accordance with the Community DRS, and shall emphasize foundation plantings and screening of parking areas and of private outdoor living spaces. Design restraint shall be used in the space between the curb and within ten feet of the Primary Structure, in order to maintain a uniform street scene.

### IV. APPROVED EXTERIOR COLORS AND MATERIALS

- A. **Stain Colors (Semi-Transparent):**
  - i. *Olympic:* 900, 901, 909, 920, 917
  - ii. *Behr:* 918, 900, 901
- B. **Stain Colors (Solid):**
  - i. *Olympic:* Outside White, Navajo White, Beige Gray, Sandstone, Willowmist
  - ii. *Behr:* Navajo White-362, Pinto White-337, Tuscan White-507, Willowmist-505

**C. Paint Colors:**

**i. *Benjamin Moore Historical Color Collection:*** Greenmont Silk-HC82, Weston Flax-HC-5, Windham Cream-HC-6, Shaker Beige-HC45, Bennington Gray-HC82, Abbington Patty-HC99, Lancaster White Wash-HC-174

1. Accent Colors: HC76, HC90, HC127, HC66, HC70, HC133, HC134, HC61

**ii. *Sherwin Williams Heritage Colors:*** Gazebo White/SW2221, Portico/SW2072, Oriel Gray/SW2095, Western Reserve Beige/SW2052, Cottage Cream/SW2347, Lattice/SW2102, Nantucket Dune/SW2066

1. Accent Colors: SW2168, SW2301, SW2392, SW2237

**iii. *Sherwin Williams:*** white; to match siding, but most commonly Loggia SW7506, Stone Lion SW 7507, Bungalow Beige SW 7511, Pavillion Beige SW7512, Barcelona Beige SW7530, Urban Putty SW7532

**iv. *Valspar Southern Heritage:*** Off Shore Mist, Suntan, DewKist, Light Sand, Sand, Colonial White, Taupe

1. Accent Colors: Vandyke Brown, Shutter Green, Dark Rosewood

**D. Windows:** Andersen Silverline 2900, vinyl, single hung, double pane, LoE with half screen (in white or beige)

**E. Shutters:** Alside Pre-Finished Vinyl Shutters / Board & Batton Shutters

**i.** White, storm grey, tan, hunter green, wedgewood blue, ocean blue, merlot, musket brown, coffee brown, black, heritage green, navy blue, brick, cranberry

**F. Siding:** Alside Classic Conquest

**i. ECO Plans** – 4.5” clapboard .040” thick, 7” vinyl shakes, Board & Batton 7” premium vertical siding .050” thick

**ii. Classic Plans** – 4.5” dutchlap .040” thick, 7” vinyl shakes, Board & Batton 7” premium vertical siding .050” thick

1. Glacier white, antique parchment, neutral linen, platinum grey, colonial ivory, Monterey sand, Tuscan clay, silver moss (not available in board & batton), coastal sage, Cape Cod grey, adobe cream (not available in board & batton), maple, vintage wicker

**iii. Hardie:** *James Hardie ColorPlus* (arctic white, sail cloth, Navajo beige, cobblestone, heathered moss, light mist, woodland cream, autumn tan, sandstone beige, Monterey taupe, mountain sage, boothbay blue, countryland red, harris cream, khaki brown, Woodstock brown, timber bark, parkside pine, evening blue, chestnut brown)

**G. Gutters:** 5” Style K Aluminum continuous gutter (in white, wicker white, cream, terratone, antique ivory, pearl gray, linen, musket brown, clay, black, royal brown)

**H. Front Door:**

- i. *Sherwin Williams:* Stone lion, tricorn black, white, dark night, loyal blue, peppercorn, riverway, country squire, cascades, hearththrob, Borscht, sommelier, terra brun, rustic red, manor house
- ii. *Thermatru:* 6 panel steel, Smooth Star fiberglass (S255 Half Moon, S75 Wellesley ¾ Oval Glass, S12 Sedona Center Arch Glass, S6002 Blackstone Full Glass, S154 Saratoga Full Glass)

**I. Garage Door: Overhead 170 series, raised panel steel, non-insulated (in white, almond, desert tan, taupe/sandstone, brown)**

**J. Roof Materials and Colors:**

- i. *3-Tab Fiberglass (25 year life):* Owens Corning (Supreme)-Driftwood, Estate Gray, Weathered Wood, Colonial Slate
- ii. *Dimensional Fiberglass / Asphalt:* Tamko American Heritage II-Weathered Wood, Rustic Black, Rustic Slate, Oxford Gray, Old English Pewter
- iii. *Certainteed XT (25 year life):* Weathered Wood 3-Tab
- iv. *Metal Accents:* black or classic bronze

**K. Brick:**

- i. *Cherokee Brick & Tile:* GA Maroon Modular
- ii. *Glen-Gary:* Shelby
- iii. *Cunningham:* Bellhaven
- iv. *US Brick:* English Blend and Smithsonian
- v. *Cherokee Sanford:* Monticello
- vi. *General Shale:* Osage Tudor, marley tudor, coopers mill, essex tudor, Keeneland tudor, Indiana Lacosta, Indiana Millstone, olde Indiana tudor, brandywine, barnsley tudor, federal hill, kingsmill
- vii. *General Clay:* Old Henderson

**L. Stone / Stone Facing:**

- i. *Capital City Stone, Inc.:* Northern Weatherface and Limestone
- ii. *Centruion:* Kentucky Rubble and Gray Centurion Castle
- iii. *4" Nominal Stone Arriscraft Citidel Building Stone*
  - 1. Driftwood, Montana sand, Manitoulin mist, Algonquin, antique white, French country
- iv. *Dutch Quality Stone*
  - 1. Kentucky blend limestone, autumn blend limestone, charcoal limestone, Sienna weather ledge, natural blend weather ledge, great lakes, Columbus blend limestone, Ohio tan limestone, natural blend ledgestone

**M. Exterior Lights:**

- i. Optional coach lights: Seagull #8458-12 Black
- ii. Standard rear door & walkout: Seagull #8592-12 Black
- iii. Standard exterior ceiling: Seagull #7569-32 Black

**N. Landscape – Standard Pre-Approved Minimum Packages:**

- i. ECO – Silver Package (see attached – \*drawing not provided by Builder)
- ii. Classic – Gold Package (see attached – \*drawing not provided by Builder)

**O. Mailbox: (Standard approved design) Solar Group (see attached – \*drawing not provided by Builder)**

**P. EIPS (Exterior Insulation Finish Systems): Colors to match / accent approved stain and paint colors.**

**Q. Front Walk Pavers:**

- i. *Pinehall Paving Brick:* Brookstown, Harbourtown, Pathway
- ii. *Watsonstown:* Garden Blend Paver

## V. REQUIRED STREET TREE PROTECTION

The street tree program in Stonehill Village is an integral part of the Community. A great deal of time and money has been invested to establish the street tree planting within each Neighborhood. Protection of the street trees, especially during construction activities, is crucial and required, per illustration below. Any damaged or dead street tree must be replaced at the expense of the Owner. The Builder and subsequently the Owner is responsible for the protection and maintenance of the street trees located in front of the house, during and after construction. Street trees will be installed at the time of house construction.

