

# **FIRST AMENDMENT AND RESTATEMENT OF NEIGHBORHOOD DESIGN REVIEW STANDARDS FOR WHITE BARN TRAILS 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 White Barn Trails at Stonehill Village (the "Neighborhood DRS") effective as of August 1, 2020.

**1. Background.** Developer adopted the original Neighborhood DRS on October 10, 2018. 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 White Barn Trails at Stonehill Village remain in full force and effect. The Developer ratifies and confirms the Neighborhood Design Review Standards for White Barn Trails at Stonehill Village, as amended and restated.

The Developer adopted this Amendment and Restatement of Neighborhood Design Review Standards for White Barn Trails 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**  
**WHITE BARN TRAILS 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 White Barn Trails 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 White Barn Trails 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 G.A. White Homes, Inc., as the sole and exclusive approved Builder for all Improvements in this Neighborhood. This amendment to the Community DRS will remain in

effect as long as G.A. White Homes, Inc., is in compliance with all Governing Documents and is performing without default under the terms of the Real Estate Purchase and Development Agreement between the Developer and G.A. White Development Co., LLC.

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

For purposes of this Neighborhood only, Gordon A. White, Jr. is appointed as 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 Gordon A. White, Jr., and 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 G.A. White Homes, Inc., 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 Real Estate Purchase and Development Agreement between the Developer and G.A. White Development Co., LLC.

### **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 White Barn Trails 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 WHITE BARN TRAILS AT STONEHILL VILLAGE**

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

- A. Architectural Style:** The approved architectural style in White Barn Trails at Stonehill Village is derived from American Traditional architecture styles, which include: the Arts & Crafts movement, colonial, craftsman style, and American farmhouse style.
- B. Architectural Massing and Scale:** The architectural massing and scale can best be achieved by close adherence to the scale and proportions of the American Traditional styles. White Barn Trails will include a selection of base models for homes, as well as other custom plans and exterior elevation options to choose from. Information on plans is available from the Builder. The goal of the neighborhood is to have a mix of home plans and elevations to give a custom feel. 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:** The minimum heated and air-conditioned area permitted in a dwelling shall be between 1,850 and 5,000 living square feet, exclusive of basements, garages and rooms above garages, with attached two, three or four car garages. Houses with front entry garages may only have a total of two garage doors and up to three total garage spaces (e.g. a maximum of one double garage door and one single garage door). Any second floor living area shall be included in the overall square footage. Three car garages may be allowed on some lots with the approval of the DRB. The DRB shall have the right to modify these requirements to accommodate unusually shaped Lots.

#### **EXTERIOR FINISHED MATERIALS**

- A. Roofing:** Roofs on dwellings in White Barn Trails shall be constructed of approved dimensional shingles. Several colors will be allowed that match the overall appearance of the Neighborhood (with no green or red roofs permitted). The Owner and Builder are responsible for providing the DRB with adequate samples to make a design determination.
- B. Gutters and Downspouts:** Gutters and downspouts shall be constructed of aluminum and painted according to the color selection package chosen by the Owner. Placement of gutters and downspouts will not interrupt the front elevation wall space.

- C. **Brick:** Bricks shall be jumbo sized. Mortar joints shall be traditional grapevine or concave. The mortar color should complement the brick color. Brick selection from the various manufactures will be allowed in the washed or tumbled series. Color chosen will complement the overall color selection package chosen by the Owner. Traditional brick detailing is encouraged, such as English and Flemish bonds, water table capes, sills, jack arches, segmental arches, and soldier courses.
- D. **Stone:** Stone will be architectural grade natural or manmade stone. Stone may be either stick-on stone or bearing. Stone colors will complement the overall color selection package chosen by the Owner.
- E. **Siding:** No vinyl siding will be allowed on Primary Structures. Cement or composite wood looking siding may be used on some elevations.
- F. **Windows:** Windows utilizing traditional themes with mullions are required on all front elevations. The rear and side elevations may have windows with or without partial grids as shown on the blueprints submitted for approval. On the rear and side elevations, the use of grids must be consistent. Exterior mullion colors must match the overall color selection package chosen by the Owner. The approved manufacturer is Anderson Silverline, 100, 200, or 400 series, or similar vinyl clad windows. Windows may be either double hung or casement windows, but all windows installed above grade shall be casement windows. Window boxes are not allowed.
- G. **Paint Colors:** Doors, fascia, cornices, soffits and other miscellaneous trim are subject to color approval by the DRB. Suggested color pallets and paint / stain manufacturers may be found in the Community DRS, its Rules and Regulations, or upon request to the DRB. The Owner or Builder may present alternate color samples to the DRB for approval. The goal of color selection is to promote a consistent color palate throughout the Neighborhood.
- H. **Shutters:** Shutters may be used in White Barn Trails.
- I. **Front Doors:** Front doors shall be fiberglass, steel, or wood doors that are designed and stained to give the look of natural wood, or painted to match the color of the windows. The front door stain color will complement the overall color selection package chosen by the Owner. Front door hardware will be provided by Schlage or similar manufacturer to complement the look of the door. Doors may include sidelights and/or transoms.
- J. **Secondary Doors:** Secondary doors shall be thermo pane units to match the exterior elevation of the house and will be manufactured to match the look of the window package. The use of grids on secondary doors will be consistent with the use of window grids in the elevation.
- K. **Utility Doors:** Utility doors shall be paneled and color matched to the exterior color of windows and other secondary doors.
- L. **Skylights:** Skylights are permitted, but may not be located on the front elevation and must be consistent with the architectural theme.
- M. **Garages:** Garages shall be front, courtyard or side-entry, and attached to the Primary Structure. Windows are encouraged 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 paneled and color matched to the exterior color of windows and other secondary doors.
  - b. ***Vehicular Garage Doors:*** Vehicular garage doors may be 8-9 foot wide and 7-8 foot high individual bay doors, or 16-18 foot wide and 7-8 foot high double-bay doors. Approved manufacturers are Clopay, Overhead Door or similar manufacturers. The door color shall complement the overall color selection package chosen by the Owner. Houses with front entry garages may only have a total of two garage doors and up to three total garage spaces (e.g. a maximum of one double garage door and one single garage door).
- N. **Driveways:** The appearance of driveways and entry courts shall be consistent throughout the Neighborhood. Driveways shall be made of concrete. Driveways shall be flared at street to allow easy access. The courtyard area of the driveway may be concrete, pavers or stamped concrete, complementary to the overall color selection package chosen by the Owner. Driveways can be up to 20 feet wide.
- O. **Screened-In Porches:** Screened-in porches are permitted on the rear of the Primary Structure only. All screened-in porch trim shall be painted or stained to blend with the overall color selection package chosen by the Owner.
- P. **Balconies, Porches, Platforms, Decks:** All constructed platforms above grade shall be located within the construction envelope and made of concrete, unless otherwise approved by the DRB. All constructed platforms above grade shall be located within the construction envelope and made of appropriate decking material.
- Q. **House Numbers:** House numbers shall be integrated on the mailbox and not located on the Primary Structure itself.
- 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 and screen doors are not 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. **Mailboxes:** Due to USPS regulations, cluster-style mailboxes must be used in this Neighborhood. Mailbox keys shall be managed by the Builder during the construction phase of this Neighborhood, and after all Lots have been sold, mailbox keys shall be managed by the Association. Any replacement or repair of cluster-mailboxes shall be made by the Association, with a special assessment charged to all Owners in this Neighborhood to cover the expense.
- V. **Street Lamps:** Street lamps are to be provided by the Builder and be consistent throughout the Neighborhood. Installation of the approved street lamp is the responsibility of the Owner or Builder, per DRS specifications. Each lamp post must be equipped with a photo sensor to ensure the light remains on from dawn to dusk. The style

of the lamp post should be consistent with the styles throughout Stonehill Village. Lamp posts must be positioned to shine light on the front sidewalk of the Lot. Corner Lots may require additional lamp posts to light additional areas of sidewalk.

## II. SITE DETAILS

- A. **Landscape Plan:** The landscape plan will be a standard full house plan that contains a variety of plant species to complement the exterior elevation. 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. Landscaping requirements will be stringent for all exposed foundations, especially on walk-out elevations. A series of example landscape plan packages will be pre-approved (approved prior to construction of walls for the first home in the neighborhood) by the Developer and DRB. The Builder may submit additional “standard” landscape plans to the Developer and DRB for approval during the construction phase of White Barn Trails. After initial approval by the DRB, these pre-approved landscape plans will not require submission or approval of the DRB before being installed on any homes that use the standard packages. Any substantial deviation from the pre-approved plans will require submission of a complete Landscape Plan for the Lot to the DRB for review and approval. The Owner shall submit additional Landscape Plans as updated or altered in the future. The plan shall be submitted in accordance with the Community DRS.
- B. **Monument Markers:** Lots that have backyards which share the property line with the Common Areas surrounding the ponds will have monument markers at the back property corners. These markers will be made of the same fencing material that is required at White Barn Trails (e.g. a corner post in dark bronze). There will be one post at each property corner.
- C. **Fences:** Perimeter fences will be permitted within White Barn Trails, with the approval of the DRB. The approved fencing material is to be Jerith Residential #200 in dark bronze, or an underground electronic pet containment system.
  - i. Fences will be 48" in height unless a taller fence is required by law around an in-ground pool.
  - ii. Fences must be constructed of powder coated or anodized bronze aluminum.
- D. **Tree Preservation:** The street tree program in Stonehill Village is an integral part of the Community. Protection of the street trees, especially during construction activities, is crucial and required. Any damaged or dead street tree must be replaced at the expense of the Owner. Fencing around street trees (if applicable) must be installed prior to any clearing or construction and must be maintained in good condition until construction is completed. Care should be taken on lots adjoining wooded areas so that no trees are harmed. Any existing trees greater than 2 inches in diameter on the lot will not be removed without the express approval of the DRB.
- E. **Exterior Lighting:** All exterior lighting must be submitted to the DRB for approval prior to installation. The application must include a plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed, and the application must indicate whether the lighting plan will be operated by a

switch or photo cell. To prevent light pollution, any up lit areas of the front elevation should specify the maximum height which will not exceed the height of the front elevation of the Primary Structure. Up lit areas will be permitted on the front elevation only. Avoidance of light pollution should also be considered in the selection of the fixtures and lumens. Additionally, the lighting plan must be designed so that the light produced does not exceed the boundaries of the property on which it is located.

- F. Wiring:** An integrated system is to be included in all homes in White Barn Trails. The standard integrated system will include phone lines, ethernet cables, and cable television lines. The system will enter into a central location and distribute throughout the home.
- G. Prohibited Items:** No Owner is permitted to have a trampoline, soccer goal or temporary swimming pool of any kind on a Lot in this Neighborhood, unless such Play Equipment is moved into closed storage every night and when not in active use.
- H. Hot Tubs and Pools:** Subject to the requirements of the Community DRS and DRB approval, a hot tub with dimensions of 12-feet by 12-feet, or smaller, may be permitted with proper landscape screening (or installation into a structure). In-ground swimming pools may be permitted, subject to the requirements of the Community DRS and DRB approval.