

**DESIGN GUIDELINES  
Required Architectural Standards  
SECTION 5**

The Design Guidelines of The New Albany Country Club Community Sections 1 and 2 are hereby established and adopted by the Architectural Review Committee (the "ARC") to apply the NEW ALBANY COUNTRY CLUB Section 5, except as amended herein, pursuant to the authority granted by Section 11.5 of the Declaration of Covenants, Conditions, Restrictions and Easements for The New Albany Country Club Community (the "Country Club Declaration"). The amendments contained herein shall apply to NEW ALBANY COUNTRY CLUB Section 5. All terms and provisions of the Design Guidelines not amended herein shall remain in full force and effect with respect to NEW ALBANY COUNTRY CLUB Section 5.

**ARTICLE I**

**PURPOSE AND INTENT**

New Albany Country Club Community ("NEW ALBANY COUNTRY CLUB") is a planned residential community of the highest quality. The ARC seeks to ensure the attractiveness of the individual lots and parcels and facilities developed within NEW ALBANY COUNTRY CLUB, to prevent any future impairment thereof and to preserve, protect, and enhance the values and amenities of NEW ALBANY COUNTRY CLUB. It is the intent of the Design Guidelines to promote the highest quality design and construction within NEW ALBANY COUNTRY CLUB Sections 1 and 2. These Design Guidelines are further intended to encourage the design and construction of attractive improvements located to preserve a harmonious appearance and function and to encourage the proper development of NEW ALBANY COUNTRY CLUB Sections 1 and 2.

The right of an owner, developer, builder, person or other entity to construct, reconstruct, refinish, alter or maintain any improvement upon, under or above any Lot in NEW ALBANY COUNTRY CLUB Sections 1 and 2 or to make or create any excavation or fill thereon, or to make any change in the natural or existing surface contour or drainage thereof, or install any utility line or conduit thereon or there over, shall be subject to these Design Guidelines and to the general restrictions set forth herein.

**ARTICLE II**

**DEFINITIONS**

**"Architect"**: Any person holding a valid and effective license to practice Architecture in the State of Ohio.

**"Buffer"**: An area of land with plantings, structures, or other landscape features which are used to minimize or reduce conflicts.

**"Build to Line"**: A line denoted on the Architectural Standard Drawing indicating a building setback greater than that required by the Village of New Albany Zoning Ordinance.

**"Building"**: Building means a structure permanently affixed to the land with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**"Building Line"**: means the setback line established by the Village of New Albany Zoning Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front or side yards in which no building or structure may be located, as provided by the Village of New Albany Zoning Ordinance.

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**"Corner Lot"**: means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

**"Development"**: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and tree removal.

**"Front of Lot"**: means the front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of buildings have been erected on that side of the street within the same block.

**"Front Yard"**: means that portion of a lot extending across the front of the lot, between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

**"Height of Building"**: means the vertical distance from the mean elevation of the finished grade at the foundation along the side(s) of the Building facing a Street to the highest point of the roof, including chimneys.

**"Interior Lot"**: means any lot other than a corner lot.

**"Level 5.1"**: Any of the following Lots in NEW ALBANY COUNTRY CLUB Section 5 as numbered on the recorded plat thereof: 1, 20, 21, 32, 37, 38, 39, 40, 41, 116, 123, 124, 129, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 150, 151 and 152.

**"Level 5.2"**: Any of the following Lots in NEW ALBANY COUNTRY CLUB Section 5 as numbered on the recorded plat thereof: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 147, 148, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 125, 126, 127, 128, 129, 120 and 131.

**"Level 5.3"**: Any of the following Lots in NEW ALBANY COUNTRY CLUB Section 5 as numbered on the recorded plat thereof: 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

**"Lot"**: Means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

**"Lot Depth"**: means the mean distance between front and rear lot lines.

**"Lot Line"**: A line bounding a lot as shown on a survey or plat of the subdivision.

**"Lot Width"**: means the distance between the side lot lines at the setback line measured along a straight line parallel to the front lot line or parallel to the chord thereof.

**"Main Building"**: means a building in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be a main building on a lot on which the same is situated.

**"Rear Yard"**: means that portion of a lot extending across the rear of the lot, between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the building or structure.

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**"Right-of-Way"**: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

**"Side Yard"**: means that portion of a lot that is located between the side lot line and the nearest building or structure.

**"Signs"**: Any structure, device or contrivance and all parts thereof which are entered or used for advertising, directional or identification purposes or any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever, which is placed, posted or otherwise fastened or affixed to the ground and/or structures within the boundaries of the property.

**"Site"**: A contiguous area of land within the property which is owned of record by the same owner, whether or not shown as one parcel of real property or whether shown as a combination of parcels or portions of parcels or as one lot or whether shown as a combination of contiguous lots or portions of contiguous lots on any recorded subdivision or parcel map or survey map of all or any portion of the property.

**"Street"**: A public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**"Utilities"**: All service, including sanitary sewer, storm sewer, pressured water, natural gas, electricity, telephone, cable telephone, etc. All utilities, unless otherwise approved, are located in road rights-of-way and meet governmental standards.

**"Variance"**: A modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**"Yard"**: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

**ARTICLE III**

**ARCHITECTURAL REVIEW COMMITTEE**

**Section 3.1. General.** The ARC will consist of a minimum of three members, which may include professional and technical consultants. The ARC will seek conformance with the Design Guidelines by all owners, builders and developers for all construction in any part of the residential portion of NEW ALBANY COUNTRY CLUB Sections 1 and 2.

**Section 3.2. Functions of the ARC.**

**3.2.1.** The ARC will evaluate all site and architectural plans for adherence to these Design Guidelines.

**3.2.2.** The ARC will interpret these Design Guidelines at the request of property owners, builders and architects. If conflicts arise in meeting these Design Guidelines, the ARC will review and evaluate the conditions. Variances may be granted after such evaluation as hereinafter provided.

**3.2.3.** The ARC will coordinate all designs to maintain a unified character of common spaces, such as storm water management lakes, park areas and development cores.

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**3.2.4.** The ARC will administer enforcement of these Design Guidelines during construction periods:

**3.2.5.** The ARC will modify and amend these Design Guidelines as may be required in the future to achieve NEW ALBANY COUNTRY CLUB development goals.

**3.2.6.** The ARC shall hold meetings at least once per month. These meetings are initially scheduled to occur on the third Tuesday of the month; however, the ARC reserves the right to modify this schedule.

**3.2.7.** The ARC will develop and maintain a list of approved Architects, designers, builders and general contractors, and only those on the approved list, unless otherwise approved by the ARC, may be used for the construction of Buildings. The list will be reviewed and revised from time to time in order to insure the quality of design and construction in NEW ALBANY COUNTRY CLUB Sections 1 and 2. A list of approved Architects and designers is attached hereto as Exhibit A and a list of approved builders and general contractors is attached hereto as Exhibit B. It is the responsibility of the owner to ensure that he has the most current list.

**ARTICLE IV**

**DESIGN AND CONSTRUCTION REVIEW PROCEDURES**

**Section 4.1. General.** This Article IV is an outline of the design and construction review process, its conferences, approvals and submittal requirements. The sequence of submittal may be altered, subject to approval by the ARC. If necessary, intermediate reviews and meetings may be requested at the discretion of the ARC. All conferences, approvals and submittal requirements set out in this Article IV must be complied with before any clearing, grading, landscaping, or cutting of trees, underbrush and understory takes place, unless waived by the ARC in its sole discretion. After the selection of an Architect or designer, the ARC shall meet with the owner and/or his representative to discuss the schedule and design review process.

**Section 4.2. Pre-Design Conference.** Prior to commencing any design work, the owner shall request a meeting with the ARC to discuss their design proposal. If possible, the owner will have selected an Architect and a building contractor prior to this conference. The ARC shall provide the owner with materials that will aid in the ability of his design team to properly prepare the appropriate site plans as required in the Concept Design Phase. The documents provided by the ARC shall include the following:

- (a) The approved plat.
- (b) Existing topography and rough grading plan.
- (c) Street plan.
- (d) Utility plans.
- (e) Existing conditions or approved site plans of adjoining properties.

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It is the responsibility of the owner and/or his representative to verify this information to insure its relative accuracy. Should such differences be found between the actual site conditions and such documents, the ARC should be notified before any design work is commenced. At this pre-design conference, the owner should be prepared to discuss special needs, if any, as well as unusual functional or environmental aspects of his proposal. Any unique planning of architectural concepts of design elements should be presented at this conference.

**Section 4.3. Concept Design Conference.** The owner shall request a concept design conference during which the owner and/or his representative review their site analysis with the ARC. At the concept design conference a site plan, at a scale of 1.00 inch = 16.00 feet, showing the proposed locations of all structures, drives, sidewalks, pools or other outbuildings, shall be presented on plans containing the fully dimensioned Site, existing Streets, Utilities, trees and other conditions. If the adjoining properties are developed or have been approved by the ARC, that information is to be included on the drawing.

If requested by the ARC, the owner or his representative shall provide the ARC with a major tree survey of the site as part of the concept design conference submittal.

Although not required at this time, any additional information concerning the architectural character of the proposed dwelling may be presented for review.

The ARC shall provide the owner and/or his representative with comments and direction within seven (7) working days of receipt of the concept plan documents.

**Section 4.4. Preliminary Design Conference.** The preliminary design conference is most important, for at this time the design will undergo the most arduous review by the ARC. This conference is held at the monthly meeting of the ARC. Three complete sets of drawings must be submitted to the ARC 14 days prior to the desired monthly meeting.

The owner and/or his representation shall provide the ARC with a site plan, at a scale 1.00 inch = 16.00 feet, containing all previously required information, as well as the final proposed dwelling location in roof plan, drives, sidewalks, mail box location, Utilities and final grading. If desired, this information may be provided on more than one drawing at the scale of 1.00 inch = 16.00 feet.

In addition, the owner and/or his representative shall provide all Building plans and elevations, drawn at a scale of 1/8 inch = 1 foot, including a typical section, drawn at a scale of 3/4 inch = 1 foot, specifically showing all materials, floor to ceiling heights and cornice details. The gross square footage of all finished floors shall be included. Although not required at this time, specific information concerning manufacturer, type, color and size of all exterior materials may be presented for review.

The ARC shall provide the owner and/or his representative with comments and direction within 14 days after the ARC meeting.

**Section 4.5 Final Design Review and Approval.** The ARC shall review the final design at its monthly meeting. The owner and/or his representative shall provide the ARC with the following final documents on drawing sheets not to exceed 24" x 36" in size. Four complete sets of contract documents must be submitted to the ARC 14 days prior to the desired monthly meeting to insure compliance with preliminary review approval.

**4.5.1.** Site plan at a scale of 1.00 inch = 16.00 feet showing the boundary survey and final road layout, Lot Lines, Building locations and all Site improvements.

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**4.5.2.** Final grading plan at a scale of 1" = 20.0 feet showing all existing contours (dashed lines) and proposed contours (solid lines). All high and low points, as well as a top and bottom of walls and ditches shall be indicated.

**4.5.3.** Final utility plan showing all Utilities.

**4.5.4.** A preliminary landscape plan showing all existing planting, preservation methods of existing vegetation and all proposed new plantings. The quantities and sizes of all new plant materials shall be noted. Irrigation plans shall also be included.

**4.5.5.** Architectural plans, to include floor plans, elevations and sections of all Buildings and landscape walls or fences, at a minimum scale of 1/4" = 1'-0". Exact samples of all exterior construction materials and colors, including without limitation, roof materials, brick and paint samples, shall be submitted.

**4.5.6.** Technical specifications for all proposed construction.

Any changes in compliance criteria from that approved for the preliminary design must be resubmitted and specifically noted. A construction and completion schedule shall be included. The ARC will review the documents and submittals and respond within 14 days after the ARC meeting.

The ARC may request a conference with the owner and/or his representative to review such submittals and may request additional reasonable submittals without a final design conference. In the event ARC disapproves the submittals, the owner may request a final design conference to review such submittals.

After final approval, the ARC will return one set of approved documents to the owner. This set will become a part of the agreement between the owner and The New Albany Communities Master Association and The New Albany Country Club Community Association.

Documents required by county, city or state agencies are in addition to the submittals required in this Article IV.

**Section 4.6. Landscape Plan Review.** The owner and/or his representative shall be required to submit a complete landscape plan for their Site within sixty days of receipt of the final design approval. The plan shall be drawn at a scale of 1/8" = 1'-0" and shall emphasize the foundation planting, screening of parking areas and private outdoor living areas. Design restraint shall be used in the space between the curb and to within ten (10) feet of any Building in order to maintain a uniform street scene. Every reasonable effort shall be made to integrate existing trees into the landscape plan. A complete listing of all plant materials designated in the landscape plan is required. If the work is to be phased over time, it should be clearly indicated in the plan. A schedule for completing the plan shall also be provided. Article VI sets forth landscape requirements.

**Section 4.7. Construction Review.** The ARC shall have the right to overview the construction process in order to insure conformance with the approved contract documents and the standards set forth in these Design Guidelines.

**Section 4.8. Plan Review Fees.** The ARC reserves the right to establish a schedule of plan review fees in connection with the design review procedure to defray the cost of such review.

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**ARTICLE V**

**FEDERAL, STATE & LOCAL ORDINANCES AND STANDARDS**

All applicable requirements of federal, state and local governments, statutes, laws, ordinances, codes and regulations ("Code Requirements") must be complied with in the development of each parcel. Each owner must verify such Code Requirements, and neither the ARC nor its designate shall have responsibility to insure compliance with Code Requirements. Approval of designs or construction by the ARC or its designate does not relieve or supersede approval requirements of other authorities having jurisdiction.

Where Code Requirements overlap or appear to be in conflict with the requirements of these Design Guidelines, the more stringent provisions shall govern.

**ARTICLE VI**

**SITE DEVELOPMENT**

Section 6.1. **Tree Preservation.** One of the primary goals of these Design Guidelines is to minimize the disturbance of existing ecological systems and to preserve existing drainage courses and vegetation, including trees, understory and groundcover. Long term benefits of native tree preservation can include: (i) lower landscape costs in the Development; (ii) optimal visual quality and retention of existing character; (iii) reduction in the amount of disturbed areas, resulting in less soil erosion and sedimentation; (iv) better filtration and dissipation of storm water runoff with native vegetation, creating better water quality; (v) reduction of future irrigation, fertilizer and pesticide needs; and (vi) reduction of future landscape maintenance costs.

Owners and builders may not remove any trees or brush prior to final approval of plans by the ARC. Trees may be cut and brush cleared after such approval only to clear for driveways and Building pads. All other cutting and thinning must be approved as part of the landscape plan. The cutting of trees six inches in diameter or greater will be discouraged and may be prohibited in most areas.

The following measures shall be undertaken to ensure preservation of existing vegetation:

**6.1.1.** A major tree survey may be required by the ARC as part of the concept design conference submittal. If required, the major tree survey shall locate and identify all trees over six inch caliper, measured one foot from the ground;

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**6.1.2.** The tree survey shall be used as an aid in developing preliminary plans. Tree preservation should be a high priority in the siting of Buildings, parking, roads and other Site elements;

**6.1.3.** Final plans must clearly delineate trees to be removed, trees to be preserved and a limit of disturbance line around each tree. This should be cross referenced with all aspects of the Development such as Utilities, grading, layout, erosion control, etc.

**6.1.4.** The limit of disturbance line must be protected with fencing, conspicuous and high enough to be seen by equipment operators. Fencing must be installed far enough from the tree to prevent compaction and puddling over the root system, and at least include the area within the drip-line. No grading shall take place within the drip-line of trees to be preserved. Sensitive root systems fall within this area and must be protected;

**6.1.5.** No clearing or disturbance outside of the Site will be permitted;

**6.1.6.** No equipment storage or parking will be allowed within the limit of disturbance line. If weed and debris removal is required within these areas, it can be done with hand tools;

**6.1.7.** Fencing must be installed prior to any clearing or construction and must be maintained in good condition until construction is completed;

**6.1.8.** To control the tree preservation requirements of this Section, strict construction specifications will be required. Sample specifications regarding these requirements can be provided by the ARC if requested. A penalty clause shall also be included in the construction specifications to include the following:

Any tree within the area delineated to be preserved which is damaged shall be replaced with a tree that is the same or similar species and size. In the event of damage to a large tree which cannot be replaced on an equal basis, trees (3" min. caliper) must be used as replacements such that the sum of the calipers of the replacement trees equals the caliper of the damaged tree (for example, if a 10" caliper tree is destroyed within the preservation zone, 10 -3" trees would be required as replacements).

**6.1.9.** Every effort should be made to preserve as many trees as possible. Special measures, such as tree wells, retaining walls, drain fields, etc., should be employed where grade changes are required close to existing trees. Please refer to such books as "Off the Board/Into the Ground," by Gary Robinette, for proper preservation techniques; and

**6.1.10.** When trees are marked to be saved within a steep area and heavy grading is required, two things can be done: (i) retain the earth outside the drip-line on four sides to create a tree well, and (ii) retain the earth outside the drip-line and remove the earth to the drip-line in a terraced situation. Drainage will be required for all dammed low areas created by grading to protect trees.

**Section 6.2. Landscape Standards.** It is one of the goals and intentions of these Design Guidelines to aid in protecting and enhancing the existing landscape and vegetation. Preservation of existing native species is paramount and all plans for improvement must respect existing tree locations.

To enhance the existing natural landscape, additional vegetation should complement native species and be compatible with existing environmental and ecological conditions. To the greatest extent possible, areas should be replanted with indigenous grasses, plants and trees to assure continuity with the surroundings.



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The culling and clearing of existing vegetation understory may be done to open views if approved as part of the landscape plans, but cutting and clearing should be kept to a minimum to leave the vegetation as a Buffer and for privacy and landscape definition. In some areas such cutting and clearing may be strictly limited. In cases where understory is not present, the addition of small flowering tree groups and shrubs should be considered. Planting in Rights-of-Way shall be limited to grass and street trees unless otherwise provided by the developer.

**Section 6.3. Approved Vegetation.** A partial plant list approved for use at NEW ALBANY COUNTRY CLUB is attached hereto as Exhibit C.

**Section 6.4. Site Details.**

**6.4.1. Landscape Lighting.** Lighting should be used to provide for safety and ingress and egress only. Fixture lamps should be incandescent and should be shielded by planting or other methods as approved by the ARC.

**6.4.2. Fences.**

(a) **Temporary Fences.** Fences used as temporary barriers during construction around vegetation must be sturdy, at least 3 feet tall, and easy to maintain. Fences are prohibited in utility easements and road Rights-of-Way. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

(b) **Permanent Walls and Fences.** Walls and fences used in connection with single-family houses may be utilized to define spaces such as private gardens, patios, pools, etc., rather than delineating Lot Lines. Privacy fences and walls, in all cases, shall be limited to small enclosures around the house, unless the developer provides for such as part of the overall subdivision plan.

Fences and walls shall be architectural extensions of the house or other Buildings, and shall be constructed using like materials and colors as the house or that complement the Building architecture.

**6.4.3. Mailboxes.** Location of private individual mailboxes shall be as approved by the ARC, and normally shall be adjacent to the curb for easy access by mail carriers. Mailboxes shall be standard for all houses and be provided by the developer, who will be reimbursed for such expense by the owner. The owner shall install the mailbox in the approved location.

**6.4.4. Accessory Buildings.** Pre-fabricated storage buildings are not permitted. Storage buildings that are an integral part of the architecture may be permitted, subject to approval by the ARC.

**6.4.5. Security Lighting.** Pole mounted yard lights and large flood lights mounted to the house are prohibited. Landscape lighting may be used as outlined in Section 6.4.1. subject to approval by the ARC.

**6.4.6. Antennas and Satellite Dishes.** Exterior antennas and satellite dishes are not permitted.

**6.4.7. Advertising.** Advertising of specific products, trade names, brands, etc. on a Lot is prohibited. Political posters, "for sale" Signs, temporary advertising, and "yard sale" Signs, are also prohibited. Garage and/or yard sales are not permitted on any Lot or within the Buildings thereon.

**6.4.8. Utilities.** All Utilities shall be underground.

**6.4.9. Garbage Cans.** All garbage cans and other waste containers shall be kept in the garage, storage buildings or within approved screened areas.

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**ARTICLE VII**

**ARCHITECTURAL GUIDELINES**

**Section 7.1. Architectural Style.** The approved architectural style at NEW ALBANY COUNTRY CLUB Sections 1 and 2 is derived from American Georgian architecture. Designers are encouraged to look at strong examples of this historic style as they interpret a design for a particular home. Certain neighborhoods shall have further definition and may proscribe particular materials or architectural vocabulary.

**Section 7.2. Architectural Massing and Scale.** The architectural massing and scale for NEW ALBANY COUNTRY CLUB Sections land 2 can best be achieved by close adherence to the scale and proportions of the Georgian style as viewed in whole or as detailed in numerous books and studies produced over the years. Particular attention should be given to the basic massing of the elements, the roof forms, the floor to ceiling heights, the window arrangements and proportion, and relationship of each part of the Building to the whole, as well as the general Building symmetry.

**Section 7.3. Home Size and Height.**

**7.3.1. Level 5.1.** All dwellings constructed on Lots in Level 5.1 shall meet the following criteria:

They shall be one and one-half (1 ½) or two (2) stories in height. The minimum heated and air-conditioned area permitted in a dwelling shall not be less than 2,500 square feet; however, the ARC shall have the express right to provide a Variance. The width of the one and one-half (1 ½) or two (2) story portion of any dwelling shall not exceed the greater if (i) 50% of the Lot Width less the side Building Line or side setbacks, if any; or (ii) 48'-0".

Garages shall face the side Lot Line and be setback a minimum of 30'-0" from the side Lot Line and shall be provided with an adequate landscape buffer from adjoining property.

**7.3.2 Level 5.2.** All dwellings constructed on Lots in Level 5.2 shall meet the following criteria:

They shall be one and one-half (1 ½) or two (2) stories in height. The minimum heated and air-conditioned area permitted in a dwelling shall not be less than 2,200 square feet; however, the ARC shall have the express right to provide a Variance. The width of the one and one-half (1 ½) or two (2) story portion of any dwelling shall not exceed the greater of (i) 50% of the Lot Width less the side Building Line or side setbacks, if any; or (ii) 48'-0".

Garages may face the side Lot Line and be setback a minimum of 30'-0" from the side Lot Line and shall be provided with an adequate landscape buffer from adjoining property.

**7.3.3. Level 5.3.** All dwellings constructed on Lots in Level 5.3 shall meet the following criteria:

They shall be one and one-half (1 ½) or two (2) stories in height. The minimum heated and air-conditioned area permitted in a dwelling shall not be less than 1,900 square feet; however, the ARC shall have the express right to provide a Variance. The width of the one and one-half (1 ½) or two (2) story portion of any dwelling shall not exceed the greater of (i) 50% of the Lot Width less the Side Building Line or side setbacks, if any; or (ii) 48'-0".

Garages may face the side Lot and be setback a minimum of 30'-0" from the side Lot Line and shall be provided with an adequate buffer from adjoining property, or may face the Front of Lot; provided, however, the front line of a front load garage structure must be a minimum of eighteen feet (18') behind the Build To Line. Special care shall be exercised by the use of fencing, walls or landscaping to minimize the exposure of any front load garage.

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**Section 7.4. Exterior Finished Materials.** The main structure of dwelling on Lots in Level 5.1 shall be constructed of brick; provided, however, approved and painted or stained clapboard siding in appropriate traditional shapes may be used on hyphens and certain dependencies, subject to ARC approval. Dwellings constructed on Lots in Level 5.2 and Level 5.3 may be constructed of brick, or in the alternative, of approved and painted or stained wood siding in appropriate traditional shapes with brick plinths, in the manner used in Colonial Williamsburg. For ease of reference and orientation, the finish materials permitted for dwellings in LEVEL 5.1, LEVEL 5.2 AND LEVEL 5.3 are listed on a drawing identified as NEW ALBANY COUNTRY CLUB, Fenway Village, Ratchford Fens, Middle Fenway and Upper Fenway dated 14 July 1992.

**7.4.1. Roofing.** Roofs on dwellings may be constructed of approved architectural grade shingles or of the approved types, manufacturers and styles of roofing materials listed below. For ease of reference and orientation, roofing materials for dwellings in Level 5.1, Level 5.3 and Level 5.3 are listed on a drawing identified as **NEW ALBANY COUNTRY CLUB, Fenway Village, Ratchford Fens, Middle Fenway and Upper Fenway** dated 14 July 1992.

**TYPE MANUFACTURER STYLE**

- (a) Natural Slate- Evergreen, Vermont and Buckingham
- (b) Artificial Slate-Britslate, Grey or Black, Supraslate, Grey or Black
- (c) Cedar Wood Shake- Natural-regular (Lots 25, 26, 27, 36, 37, 38 50) or fire retardant
- (d) Asphalt or
  - (i) CELOTEX-Presidential, Fiberglass Shingles, Shake in Shadow Grey
  - (ii) GEORGIA-Summit III in PACIFIC, Black Shadow or Hearthstone Grey
  - (iii) GAF Ultra Timberline in Charcoal Blend or Slate Blend
  - (iv) ELK Prestique Plus and Prestique in Sablewood or Antique Slate
  - (v) CERTAINTEED Grand Manor in Stonegate Gray or Stately Black and Hallmark Shingle in Pewter Gray or Two Tone Black
- (e) Metal Standing Seam - Copper (allowed only as a minor roof accent)

**7.4.2. Gutters/Downspouts.** Gutters and downspouts may be copper. All others gutters and downspouts shall be painted to match the cornice.

**7.4.3. Brick.** Bricks may be standard or jumbo size. Sand molded or handmade bricks are encouraged. Mortar joints should be traditional grapevine. The mortar color should complement the brick color. Traditional brick detailing is encouraged, such as English and Flemish bonds, water table caps, sills, jack arches, segmental arches and soldier courses. Pre-approved manufacturers and styles are:

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MANUFACTURER	STYLE
Beldon Brick Company	St. Anne Blend & Clear Winewood Blend & Clear Rosewood Blend & Clear Kingsport Blend & Clear
Victor Chuchwa & Sons	30-140, 115-601, 103-601, 305-601
Old Carolina Brick Company	Tryon, Williamstowne, Londontown, Charlestowne
Glen Gary Brick Company	Belgium, Hubbardton 1776, Alwine – Mt. Vernon

In addition to the above, the ARC will review additional selections that might represent a responsible traditional design, but it is incumbent on the applicant to show that the proposed product has all the traditional shapes available to complete the design.

Brick plinths may be constructed with bricks of other approved styles, color and manufacturers. The applicant is responsible for providing the ARC with adequate samples to make a design determination.

**IT IS STRONGLY RECOMMENDED THAT BUILDERS AND PURCHASERS CONSIDER THE USE OF BRICK, PARTICULARLY ON THOSE LARGER LOTS ADJOINING OPEN SPACES.**

**7.4.4. Windows.** Wood constructed windows are required, using traditional themes on all elevations. Genuine divided lite muntins are required. Approved manufacturers are:

Carradco, Marvin, Pozzi, Weather-Shield and Pella

The owner may present alternate manufacturers' window samples to the ARC for approval.

**7.4.5. Paint Colors.** The following paint manufacturers are pre-approved for doors, shutters, fascias, cornices, soffits and other miscellaneous trim, subject to color selection approval by the ARC.

MANUFACTURER	COLORS
Sherwin Williams Paint Company	“Heritage Colors”
Coronado Paint Company	“Chesapeake Bay Restoration Colors”
Benjamin Moor Paints	“Historical Color Collection”

The owner may present alternate manufacturers' color samples to the ARC for approval.

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**Section 7.5 - Shutters.** Shutters should be used judiciously and not on every window. Exterior shutters shall be painted wood and may be solid paneled (raised panel) or louvered. All shutters shall be fully operative and mounted on traditional shutter hardware (hinges and "S" clips). When used, shutters must be used consistently on all elevations and be sized to fully cover the adjacent windows.

**Section 7.6 - Doors.**

**7.6.1. Front Doors.** Front doors shall be traditional six-panel colonial in style with no glass panels permitted. Flush wood or metal insulated doors are not permitted. Hardware should be a polished brass or natural bronze finish. Transoms above the door are typical.

**7.6.2. Secondary Doors.** Shall be "French Door" style with vertical glass and full muntins.

**Section 7.7. Skylights.** Skylights in the roof are not permitted. Cupolas, dormers, lanterns, bevelederes or window bays are permitted, provided they are consistent with the architectural theme.

**Section 7.8. Exterior Lighting.** Lighting of the front entry court and Rear Yard area for the safety and convenience of the homeowner is encouraged. This can best be accomplished by:

- (a) wall-mounted lights by the entry,
- (b) sidewalk or driveway-mounted post light, and
- (c) low-mounted ground lights.

**Section 7.9. Garages.** Garages shall be side or rear entry, unless specific waiver is granted by the ARC as necessitated in maintaining specific trees. Eight (8) foot wide individual bay doors are required, double wide garage doors will not be permitted without specific approval from the ARC. The scale of the garage shall be minimized by low, one-story roof lines and low fascia lines. Windows are encouraged in the walls of garages. Sufficient storage area should be planned for tools, auto accessories and trash storage in the total garage space.

**7.9.1. Garage Doors (Pedestrian).** All such doors shall be solid six-panel.

**7.9.2. Garage Doors (Vehicular).** All such doors shall be solid flush doors or solid paneled. No glazing shall be permitted in garage doors unless they are consistent with the architectural theme.

**Section 7.10. Driveways and Entry Courts.** The appearance of driveways and entry courts should be consistent throughout the neighborhood. Driveways shall be made of a durable material. Suggested materials are brick, dark color concrete pavers and asphalt with controlled edges and rolled-in stone topping.

Driveways shall be limited to one lane width (12 feet) where joining the street and between the Lot Line and the Building Line, but may then be widened to provide a comfortable turn-around area with adequate space for guest parking.

Entry courtyards shall be limited to the Front Yard area of the Site. The recommended paving materials include: brick, Belgian block, dark color concrete unit pavers, stone aggregate topped bituminous and standard asphalt. Poured concrete is not permitted.

Courtyards should be screened from the Street and adjoining properties by walls and/ or plantings.

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**Section 7.11. Walkways and Sidewalks.** Walkways shall be constructed of pavers such as concrete unit pavers, stone, brick or bluestone. Railroad tie edging of walks or driveways is not permitted.

**Section 7.12. Screen Porches.** Screen porches are encouraged on the rear or sides of homes but are not permitted on the front. Detailing 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 "x 6". All screen porch trim shall be painted. Roof lines of screen porches shall conform to the architectural style of the home and blend into the massing of the home.

**Section 7.13. Balconies, Porches and Platforms.** Balconies or other constructed platforms above the grade are discouraged. All such structures must be submitted to the ARC for approval.

**Section 7.14. Utilities.** Utilities shall be provided to each Lot and shall be underground.

**Section 7.15. Pools/Spas, Fountains/Ponds.** All water features shall be located in the Rear Yard, within the Building Line of the Site, completely enclosed by fencing and screened from adjoining properties.

All water features shall be in-ground construction. The pool/spa/fountain equipment shall be within the enclosure and completely screened from adjoining properties.

Spas may be constructed as part of the house and shall be flush with the top of the paving. Spas shall be completely screened from adjoining properties by fencing or landscaping.

**Section 7.16. Service Courts.** Service courts shall be provided to shield certain outdoor facilities from neighboring properties, including: air conditioners/heat pumps, garbage cans and carts, irrigation controllers and meters. All such facilities on a Site shall be enclosed within a service court which is attached to the house, entirely enclosed by a privacy wall or fence being a minimum of four feet high. Service courts 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. Article IV lists acceptable materials.

**Section 7.17. Ancillary Structures.** All exterior storage structures shall be attached to the main structure of the home or its garage. These ancillary structures shall be no more than one-story and shall be constructed of the same wall and roof materials as the home. The colors, walls, roof and trim shall match those used on the home. No free standing structures shall be permitted unless part of a garden wall, pergola or covered walk system.

**Section 7.18. Equipment Storage.** Storage of all maintenance equipment shall be within garages or storage structures or well screened. Such items should not be visible from Streets, common open spaces or adjacent Lots or Developments.

**Section 7.19. Vehicle Storage.** All campers, off-road vehicles, pick-up trucks or boats must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside. Owner or guest vehicles which cannot be accommodated in garages must be parked within screened, paved areas of Back and Side Yards.

**Section 7.20. Sport and Recreational Equipment.** Basketball backboards and supports, swing sets and other children's play facilities are permitted in rear or side yards only and shall be reviewed by the ARC after being provided with appropriate sketches indicating location, material, types and color. The applicant shall consider views from adjoining properties and indicate appropriate methods of screening

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**ARTICLE VIII**

**WATER QUALITY MONITORING**

A water quality monitoring program has been established for NEW ALBANY COUNTRY CLUB in conjunction with local governmental agencies. Through stations set up at outfall points throughout the project, conformance to a soil erosion sedimentation plan will be monitored. Copies of the water monitoring program are available from The New Albany Communities Master Association, Inc.

**ARTICLE IX**

**GENERAL PROVISIONS**

**Section 9.1. Amendment.** The ARC retains the right to amend or modify these Design Guidelines and to impose other restrictions applicable to all or any part of NEW ALBANY COUNTRY CLUB or applicable to modifications, additions or alterations to existing Developments in NEW ALBANY COUNTRY CLUB.

**Section 9.2. Variances.** The ARC may authorize Variances from compliance with any of the Design Guidelines and their procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require. 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 Country Club Declaration, or (c) stop the ARC from denying a Variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the denial of any permit, or disapproval of the terms of any financing shall not necessarily be considered a hardship warranting a Variance.

**Section 9.3. Delegation By the ARC.** The ARC may appoint one or more other committees to assist the ARC in fulfilling its duties under these Design Guidelines and the Country Club Declaration. Such committees, if any, shall perform only those duties assigned them by the ARC. The ARC may also appoint a representative to attend, in its place, the conferences referenced in Article IV. All references to the ARC in these Design Guidelines shall also include any committee or representative appointed by the ARC.

**Section 9.4. Conflicts Between Documents.** Any conflict between the terms of these Design Guidelines and the Country Club Declaration shall be resolved by The New Albany Company or its successor or assign, in its sole and absolute discretion.