

**ARCHITECTURAL REVIEW COMMITTEE  
DESIGN GUIDELINES  
HERON POINTE AT BAY CREEK**

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## **1.0 INTRODUCTION**

The purpose of the Design Guidelines is to define certain standards of architectural design and site development relative to the development, construction, and life cycle modifications to residential units within Heron Pointe at Bay Creek. It is believed that adherence to these Guidelines will result in orderly, aesthetically pleasing development that preserves and enhances property values for all Owners, and upholds the values of Traditional Neighborhood Development on which Bay Creek is based.

The design and construction of your home is a collaborative effort for which you, the homeowner, are ultimately responsible. You will be assisted throughout this process by your sales associate, your builder and Bay Creek's Architectural Review Committee.

These Guidelines are provided in two sections. Section I provides those items specific to Heron Pointe, an outline of the home building process and its major requirements. Section II provides detailed guidance for the entire home building process.

You are encouraged to read both sections completely prior to beginning this process.

## **SECTION I**

### **2.0 REQUIREMENTS SPECIFIC TO HERON POINTE**

- 2.1 **Minimum Square Footage:** Homes in Heron Pointe shall have a minimum heated living area of 2,500 square feet (not including any room over the garage) for one-story homes, and 3,100 square feet for two-story homes. The Architectural Review Committee may designate different minimum square footage requirements for specific areas within Heron Pointe.
- 2.2 **Sidewalks:** All lots shall have 57” wide, square cut granite cobblestone (Belgian Blocks) sidewalks installed at all areas along roadways. The exact location and construction specifications are to be approved by the Architectural Review Committee prior to the commencement of construction.
- 2.3 **Landscape Guidelines:** The approved landscape design guidelines for Heron Pointe are attached as Appendix A.
- 2.4 **Architectural Style:** The architectural style of all structures shall be traditional Virginia Eastern Shore in character: Classical, Neo-Classical, Historic Reproduction, Maritime or other styling representative of the Virginia Eastern Shore architectural heritage, as approved by the Architectural Review Committee, is welcomed. Modern, Transitional, Neo-Eclectic, International Style, Prairie, Spanish and Mediterranean styles are prohibited.

### **3.0 PROCESS OUTLINE & MAJOR REQUIREMENTS**

- 3.1 **Architectural Review Committee:** The Bay Creek Architectural Review Committee has the responsibility to ensure compliance with these guidelines, and has been granted the power to approve plans for new construction, additions, and renovations including exterior modifications, to houses, their outbuildings, and landscape construction. The Architectural Review Committee is composed of a minimum of three (3) and a maximum of five (5) individuals. Members shall be appointed in accordance with the Bylaws of the Declaration of Covenants, Conditions and Restrictions of Heron Pointe at Bay Creek. A licensed architect, a certified interior designer, a licensed landscape architect and a designated builder may be appointed to serve.

The Architectural Review Committee will not attempt to restrict individual creativity or styling preferences, but rather to maintain the aesthetic relationships of building to site and building to building. As the community matures, these relationships will become increasingly important, requiring resolution through the design process.

- 3.2 **Approval Process:** Prior to the commencement of construction activity of any type on any residential lot, including but not limited to a new or modified house or outbuilding(s), swimming pool, tennis court, driveway & walkway, landscape construction, or any site work that requires grading or filling, an Architectural Review Committee approval of such work must be obtained by the property owner, or their respective agent.

- 3.3 Pre-Submittal Research: It is the responsibility of the lot owner or homeowner to acquaint his or her building team with the function of the Architectural Review Committee, the Design Guidelines, the appropriate governmental requirements relative to the proposed improvements, and the design review process.
- 3.4 Design Review Sequence: It is important to understand the sequence of events required to obtain design approval for a new home, or improvements to existing property in Heron Pointe. This will ensure a smooth, orderly progression of the design and construction process. The detailed requirements of this submittal and review process are enumerated in Section II of these Design Guidelines.
- 3.5 New Home Construction: Following the purchase of a lot and selection or development of a house plan, there are a series of required phases in the design review process. Each phase requires a submittal to the Architectural Review Committee. While the first submittal is informal, the subsequent submittals are formal, and require an appropriate review fee. The requirements of each phase are as follows:
- a. Preliminary Site Plan Submittal: This submittal ensures that the selected or developed house plan will fit properly on the designated lot, and identifies a prospective builder, architect, home designer, landscape architect or designer. This submittal is informal, and any comments received from this submittal shall be incorporated into the Formal Preliminary Design Submittal Site Plan.  
  
This submittal must be made prior to proceeding with any detailed design of an original house plan, or modifications to a purchased plan.
  - b. Formal Preliminary Design Submittal: This second submittal insures that the purchased house plan, or the selected architect or home designer's proposed house design, conforms to the specific design requirements of the Architectural Review Committee, and provides further design guidance where necessary concerning the house itself and major outbuilding(s). The submittal requirements are detailed in Section II of these Design Guidelines.
  - c. Formal Final Design Submittal: This third submittal focuses on the details and their application in the design. The submittal requirements are detailed in Section II of these Design Guidelines.
  - d. Formal Landscape Design Submittal: This fourth and final submittal focuses on the landscape package, including landscape hard construction. The submittal requirements are detailed in Section II of these Design Guidelines.
- 3.6 Modifications to Existing Residential Property: Prior to the commencement of construction on any improvement to the outside of a house or outbuilding, modifications or replacement to driveways, walkways, terraces or decks, and/or the addition of a swimming pool, tennis court, fence or other structure, approval of the Architectural Review Committee is required. The submittal requirements are detailed in Section II of these Design Guidelines. Depending on the complexity of the scope of the submittal, formal review may be required, in which case a fee will be charged.

- a. Preliminary Design Submittal: This first submittal insures that the design of the proposed improvements conforms to the specific design requirements of the Architectural Review Committee.
  - b. Final Design Submittal: This second submittal focuses on the details and their application in the design of the proposed modifications.
- 3.7 Design Review Fees: Review fees are charged for Architectural Review Committee project review for every submitted project by phase, based upon the number of review phases required for each project. Fees may be paid by check or money order, made out to Bay Creek Resort Realty, and must be included as part of each formal submittal package. Failure to do so will prevent the project from being placed on a Design Review Committee meeting docket. If Architectural Review Committee should require a re-submittal, an additional fee will be due. Current fee schedules are available upon request from Bay Creek Resort Realty.

## SECTION II

### **4.0 SUBMITTAL PROCEDURES**

- 4.1 General Requirements: All design review submittal packages shall be mailed or delivered to the Architectural Review Committee in care of:

Carla Jasper  
Architectural Review Committee/ Heron Pointe at Bay Creek  
Bay Creek Resort Realty  
3335 Stone Road  
Cape Charles, Virginia 23310  
Telephone: (757) 331-8740; Fax: (757) 331-8759;  
E-mail: [cjasper@baycreek.net](mailto:cjasper@baycreek.net)

- 4.2 New Home Construction: Following the purchase of a lot and selection or development of a house plan, there are a series of required phases in the design review process. Each phase requires a submittal to the Architectural Review Committee. While the first submittal is informal, the subsequent submittals are formal, and require an appropriate review fee. The requirements of each phase are as detailed in the following paragraphs.
- 4.3 Preliminary Site Plan Submittal: This submittal ensures that the selected or developed house plan will fit properly on the designated lot, and identifies a prospective builder, architect, home designer, landscape architect or designer. This submittal is informal, and any comments received from this submittal shall be incorporated into the Formal Preliminary Design Submittal Site Plan.

This submittal must be made prior to proceeding with any detailed design of an original house plan, or modifications to a purchased plan.

- 4.4 Formal Preliminary Design Submittal: This submittal insures that the purchased house plan or the selected architect's proposed house design conforms to the specific design requirements of the Architectural Review Committee, and provides further design guidance where necessary concerning the house itself and major outbuilding(s). The submittal shall include the following:
- a. Payment of the required design review fee for this phase of the review process.
  - b. Two (2) copies of the site plan at a scale of 1" = 20', depicting the boundaries of the lot, north arrow, all setbacks, all utility structures (if present), the footprint of the house, outbuilding(s), driveway(s), walkways, all terraces and decks. This plan should incorporate any comments to the preliminary site plan submittal.
  - c. Two (2) sets of the floor plans, drawn at a scale of 1/4" = 1'-0", including overall dimensions and the overall area calculation of the structure.
  - d. Two (2) copies of the front elevation, drawn at a scale of 1/4" = 1'-0", including notations of all major building materials, and a dimension of the overall height, exclusive of chimney(s). If available, an architectural rendering should also be provided. If the lot is on the golf course, a rear elevation is also required as part of this submittal.

- e. If possible, email an additional copy of drawings included in b, c, and d, above, in PDF format, to the above referenced submittal address, including the owner's name and 'Preliminary Design Submittal' in the title.
- f. A copy of the general contractor qualification information required by the Bay Creek Contractor Qualification Statement, if the general contractor is not on the list of Bay Creek Preferred Builders.
- g. One (1) set of the submitted documents will be returned to the property owner with the submittal review comments.

4.5 Formal Final Design Submittal: This submittal focuses on the details and their application in the design.

- a. Payment of the required design review fee for this phase of the review process.
- b. Two (2) copies of the site plan at a scale of 1" = 20', including setbacks, all proposed improvements and structure elevations.
- c. Two (2) copies of the topographic plan at a scale of 1" = 20', including pre-construction contours.
- d. Two (2) copies of the grading plan at a scale of 1" = 20', including cut and fill requirements, retaining wall locations, materials and heights, and surface water drainage management.
- e. Two (2) sets of the building permit construction documents at a scale of 1/4" = 1'-0" or larger for all building structures, and including all major exterior elevations, building section(s), and complete construction details of all exterior building elements.
- f. If possible, also e-mail an additional copy of drawings included in b,c,d, and e above, in PDF format, to the above-referenced submittal address, including the owner's name and 'Final Design Submittal' in the title.
- g. Proposed construction schedule, on the General Contractor's letterhead.
- h. Building Materials and Colors form, fully executed. If requested, samples of materials and/or colors must also be provided.
- i. One (1) set of the submitted documents will be returned to the property owner with the submittal review comments.
- j. The Architectural Review Committee will retain the final drawings for a maximum period of one hundred twenty (120) days subsequent to approval of the final design submittal. If the work has not started or a continuance received by the owner or owner's agent within the time period, the approval will then automatically expire.

4.6 Formal Landscape Design Submittal: Three (3) copies of a final landscape plan locating and identifying all plant material, walks, drives and structures must be submitted for

approval accompanied by the required design review fee. The plan itself does not need to be submitted until 60 days prior to your home's scheduled completion date.

- 4.7 Modifications to Existing Residential Property: Prior to the commencement of construction of any improvement to the outside of a house or outbuilding, modifications or replacement to driveways, walkways, terraces or decks, and/or the addition of a swimming pool, tennis court, fence or other structure in Heron Pointe, approval of the Architectural Review Committee is required. Depending on the complexity of the scope of the submittal, formal review may be required, in which case a fee will be charged.
- 4.8 Preliminary Design Submittal: This first submittal insures that the design of the proposed improvements conforms to the specific design requirements of the Architectural Review Committee. The requirements are as follows:
- a. Payment of the required design review fee if applicable.
  - b. Two (2) copies of the site plan at a scale of 1" = 20', depicting the boundaries of the lot, north arrow, all setbacks, all utility structures, the footprint of the house, outbuildings(s), driveway(s), walkways, all terraces and decks. All proposed improvement and structure elevations to include materials and specifications.
  - c. Two (2) sets of floor plans, drawn at a scale of 1/4" = 1'-0", including overall dimensions and the overall area calculation of the structure, and notations of all building materials and color palette will be required if the modification includes existing or proposed buildings.
  - d. Two (2) copies of the front and rear elevation, drawn at scale of 1/4" = 1'-0", including notations of all building materials and color palette, and a dimension of the overall height, exclusive of chimney(s). This requirement applies if modification includes existing or proposed buildings.
  - e. One (1) set of the submitted documents will be returned to the property owner with the submittal review comments.
- 4.9 Final Design Submittal:
- a. Payment of the required design review fee for this phase of the review.
  - b. Two (2) sets of the building permit construction documents at a scale of 1/4" = 1'-0" for all building structures, and including all major exterior elevations, building section(s), and complete construction details of all exterior building elements and color palette.
  - c. One (1) set of the submitted documents will be returned to the property owner with the submittal review comments.
  - d. The Architectural Review Committee will retain the final drawings for a maximum period of one hundred twenty (120) days subsequent to approval of the final design submittal. If the work is not started or a continuance received by the owner or owner's agent within the time period, the approval will then

automatically expire.

## **5.0 SITE PLAN GUIDELINES**

- 5.1 General Guidelines: In developing the site plan for his or her lot, it is essential that the owner(s) take into consideration the setback requirements, the terrain and physical constraints of the specific site, the need to preserve significant trees and other environmental concerns. While each site plan should reflect the functional needs of the owner, it should also be sensitive to the site's unique characteristics and inherent design opportunities.
- 5.2 Specific Guidelines: The Architectural Review Committee shall consider each site independently, but shall give extensive consideration to each individual plan's impact upon adjacent homesites and view corridors. Whenever possible, care must be taken to locate each structure so as not to infringe upon view corridors, adjacent structures and homesites, and natural amenities of the site. Therefore, the Architectural Review Committee will pay careful attention to the following specific items:
- A. Physical terrain of the site.
  - B. Views from the site.
  - C. Views to the site from adjacent lots and the golf course.
  - D. Existing land topography.
  - E. Existing drainage channels.
  - F. Height and mass of structure.
  - G. Mature height and massing of planting materials.
- 5.3 Setbacks: Setback requirements for each lot are indicated on the recorded plat filed for the subdivision and are subject to the regulations of the Planning Commission. Heron Pointe Village setback guidelines are as follows: front yard 25', side yard 5' and 10', side yard corner 20' and rear yard 20'. All front yard setbacks are measured from the front property line to the front facade of each building.
- 5.4 Trees: In developing the site plan, the owner should make every reasonable effort to preserve the major trees on each lot. The Architectural Review Committee may reject a plan, which does not comply with this objective.

Written permission is required from the Architectural Review Committee before removing any trees 4" {four inches) or over in caliper anywhere on the lot, five feet outside the building envelope. To maintain an effective and appropriate canopy cover, replacement tree planting may be required. The locations and specifications of the removed and new-planted trees shall be shown on the Landscape Design submittal drawings. Appropriate construction procedures should be followed to protect and preserve desirable trees, shrubs and other landscaping which may exist on the construction site or on adjacent or nearby sites.

For certain lots, the Developer will prepare a tree survey designating tree groupings that are to be preserved and cannot be removed without approval of the Architectural Review Committee.

It is important that all contractors be carefully apprised of the Construction Requirements for the protection of all trees that are to remain on each lot.

- 5.5 Drainage, Grading and Elevations: Buildings and other improvements placed on the lot shall not interfere with natural drainage patterns. Excavation cuts and soil fill on each lot should be kept to a minimum. Grading which excessively or unnecessarily alters the natural topography of the site may not be approved.

Major grading, which may be required for siting of buildings, drives and other improvements should be consistent with the natural existing flow of the terrain. Any new grades should meet existing topography in a smooth transition and should avoid the unnatural look of broad flat surfaces or sharp steep angles.

- 5.6 Retaining Walls: Retaining walls may be utilized by lot owners to facilitate the siting of a structure, subject to height restrictions and other conditions that may be imposed by the Architectural Review Committee.
- 5.7 Utilities: All utilities will be underground.

## **6.0 LANDSCAPE DESIGN AND CONSTRUCTION**

- 6.1 Introduction: A landscape plan shall be prepared for each lot and three (3) copies submitted to the Architectural Review Committee for approval not later than 60 days prior to the scheduled home completion date. The services of a landscape architect or designer is recommended. The general approach to landscape design at Bay Creek shall employ two basic considerations: (a) landscape conservation and (b) uniformity in design application. Owners shall make note of the large variety and quantity of vegetation, which already exists at the site. Good examples of mature vegetation should, whenever practical, be saved to give the design an established feeling.
- 6.2 Sod: Bay Creek requires sod for the front and side yards of all home sites. Side yard sod will be carried to rear corner of house. Golf course lots require the entire lot to be sodded. Those disturbed ground areas of a building site not sodded shall be hydro seeded, covered with plants or mulched with approved landscaping materials. Landscape improvements as approved by the Architectural Review Committee shall be installed within ninety (90) days of occupancy or completion of the building, whichever occurs first.
- 6.3 Precautions: Stockpiling of any building materials shall not be allowed within drip line of trees. Cutting, filling or any ground disturbances shall not be allowed within the drip line of existing trees.

Runoff and erosion shall be controlled on site during construction while the site is disturbed.

Damaged plant materials within setback areas shall be replaced by the owner. Burning is not allowed.

- 6.4 Character: Plantings for building development sites shall reinforce the natural character and meadow and woodland quality of the surroundings. Cleared areas should be

landscaped with trees, shrubs and lawns designed to complement the architectural character of proposed buildings in form, location and scale. Use of plant material (refer to Appendix A) of advanced maturity and of the highest quality should be used to give the property a finished and established feeling.

In addition to the already established vegetation and the aforementioned list of theme plants, many other plant types will be acceptable for use within the community. The Architectural Review Committee will take into consideration all elements of the individual landscape plan and plant materials selected in the approval process.

Fundamental to the design criteria is the design for gardens and lawns to harmonize with the native terrain and natural beauty of the community.

It is desired that all plantings, especially those adjacent to community open space areas and streets, should be planted in natural or "theme plants" to ensure a unity throughout the community.

6.5 Irrigation: An irrigation system of approved design shall be installed to maintain landscape areas on all building sites and along street frontage. Water is one of the most valued resources on the Eastern Shore and for this reason wells must be installed for outside watering.

6.6 Easements: Easements for installation and maintenance of utilities may be reserved over each lot by deed. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements.

6.7 Bonds: In the event that the general contractor is not on the Bay Creek Approved General Contractor list, a landscape bond in the amount of \$10,000.00 must be paid to the Architectural Review Committee, in the form of a check or money order made payable to Bay Creek Resort Realty, prior to the beginning of construction. Failure to do so will result in a Stop Work Order placement on the project. The bond must be maintained throughout the period of construction and landscaping, and will be vacated upon inspection and approval of the same.

## 7.0 **BUILDING DESIGN**

7.1 General Guidelines: It is intended that a basic harmony of architecture will prevail among the buildings so that no building will detract from the attractiveness of the overall environment. The architectural character of each proposed building or structure will be compatible with the character of other buildings in the overall theme of Heron Pointe.

Within the scope of the approved design styles, each residence will be well designed with respect to the following criteria:

- A. Appropriateness of form, color, and materials to design style.
- B. Relationship of window to wall and wall to total form (well designed massing).
- C. Appropriateness of detailing to form, style, and massing.

The Architectural Review Committee reviews all proposed building submissions to ensure compliance with the above guidance.

A significant number of homes in Heron Pointe face the golf course. The Architectural Review Committee requires that *all* elevations of such homes that are visible from the golf course be given the same design emphasis in aesthetics, proportion, massing, and detailing as are given to the front elevation of that house. In particular, placement of roof venting and other distracting elements that are often placed on the rear of the house shall be considered in the design and detailed in the Final Design Submittal drawing package.

- 7.2 Sizing: The site dimensions must be adequate to accommodate the proposed improvements, including the house, parking, drives, accessory structures and screening.
- 7.3 Finished Grades and Elevations: Finished grades and elevations must be compatible with neighboring sites, particularly with regard to drainage and view.
- 7.4 Floor Elevations: All homes are to be built on a crawl space or a raised slab. All foundation walls shall be finished in brick or stucco. Raised slab shall be constructed a minimum of 24 inches above finished grade at foundation, except garage floor elevations, which may be 4 inches above adjacent grade.
- 7.5 Garages: Each residence must provide parking for at least two cars. Garages must be attached directly to the house or by covered breezeway. No garage may accommodate less than two cars. The interior walls of all garages must be finished (tape, bed, and paint as a minimum). Garage doors must be per approved plan. No garage will be permitted to be enclosed for living or used for purposes other than storage of automobiles and related normal uses. Front-loaded garages are discouraged.
- 7.6 Roofs: The proportions of roofs will be consistent with the proposed architectural style. Flat roof areas will be permitted on a limited basis as approved by the Architectural Review Committee. The main roof of the dwelling will have a pitch of not less than eight in twelve unless a variance is granted in writing by the Architectural Review Committee. The use of architectural shingles is required. Heating/air conditioning and plumbing vents will not penetrate the roof on the roadside of the building unless determined to be absolutely necessary by the Architectural Review Committee. In *all* cases, vents and pipes will be painted the same color as the roof. To reduce the number of vent piercings in the roof, all vents (as allowed by code) shall be tied together below the rafter line and formed into a single vent that will continue and penetrate the roof. Powered roof venting mounted on the outside of the roof is not permitted. Attic ventilation shall be provided by the use of gable vents or with ridge and soffit vents.
- 7.7 Main Entry Door: The main entry door must be proportionally correct in keeping with the front elevation of the home. Any variance from the approved plans must be submitted in writing for review.
- 7.8 Views and Sightlines: All rear or side entry garages, driveways, or automobile aprons constructed on any lot facing and in line of sight from the golf course will have a sight screen which is architecturally consistent with the design of the house proper. This may include walls, fences, landscaping, or hedges, approved by the Architectural Review Committee, which will insure the screening of garage doors, garage contents.

- 7.9 **Height Restrictions:** The height of any structure shall not exceed three stories above finished grade, plus a crawl space that shall not exceed 3'-6" above finished grade at the tallest point, measured at a distance of 5'-0" from the building perimeter walls. The perimeter vertical walls of the building may not extend higher than two stories or 25'-0", stopping at the roof eave line above the second floor. The third floor area shall not exceed 40% of the total square footage of the first and second floors combined, and shall be fully contained within the roof eave lines. The maximum height of any structure, inclusive of the roof, railings, and decorative trim, shall not exceed 40'-0", measured at a distance of 5'-0" from the building perimeter walls. Chimneys only are allowed to exceed this height, by no more than 4'-0".

## **8.0 CONSTRUCTION STANDARDS**

- 8.1 **Architects:** Each dwelling and any attached or accessory buildings will be designed by a qualified design professional or architect approved by the Architectural Review Committee.
- 8.2 **Foundations:** The foundation system will be designed to meet all state and local building codes and approved by the local building inspection department. In areas where the bearing capacity of the soil is questionable, the foundation system will be designed by a professional engineer who is licensed by the state of Virginia. The foundation design shall be based on recommendations given in a soils report prepared by a soils engineering firm. All foundation walls will be continuous with a minimum 12-inch wall thickness consisting of 8" Concrete Masonry Units (CMU) and 4" brick veneer. In no case will a perimeter curtain wall foundation system be allowed.
- 8.3 **Exterior Walls:** The exposed exterior wall area will be of a material or materials approved by the Architectural Review Committee:
- a. **Siding Products:** Siding shall appear as a natural material, and shall be wood, white cedar shingles, smooth cement lap board or shingles. In no case shall vinyl or aluminum be acceptable.
  - b. **Brick Veneer:** Brick veneer is encouraged, and shall cover full walls and major portions of the house. Appendages (garages or wings) may be of different materials. In no case will brick veneer be applied to the front of the house only.
  - c. **Stucco:** The preferred application for stucco is true stucco, applied to masonry by wire lath. EIFS may be used if it is applied by a certified installer for this product. If EIFS is the selected method the homeowner must accept all liability for any issues that may arise from this application. The homeowner must sign a hold harmless agreement and the builder will be responsible to get that form submitted prior to installation of EIFS. These finishes may not be used as the primary wall finish system, but as an accent finish.
  - d. **Stone:** Stone is not approved, unless a foundation to a brick home shall be constructed to simulate ballast stone as utilized in historic dwellings. The Architectural Review Committee must approve any stone.

- 8.4 Exterior Trim and Boxing Material: All exterior trim materials shall be made of wood, cementitious composite, expanded PVC, high-density polymer or exterior grade plywood. Materials shall be painted or stained. In no case shall the trim or boxing materials be vinyl or aluminum.
- 8.5 Windows: Windows must achieve a quality level commensurate with the construction in the community. All submittals must contain specifications and brand name of the windows to be used. Windows shall be made of wood and finished by either painting, painted metal cladding or vinyl cladding. Allowed exterior colors are white and cream only. Include the window manufacturer's cladding color, or selected paint color, on the Building Materials and Colors form as part of the Final Design Review submittal package. Windows shall be either true divided lights or simulated divided lights provided the simulated divided lights appear as true divided lights and are welded directly to both the inside and outside of the glass. In no case will snap-in muntins or muntins between the panes be allowed.
- 8.6 At Grade Patio: Patios constructed at grade shall be made of exposed aggregate concrete, brick pavers, modular slab stone, colored or textured concrete. Other materials must be submitted for approval.
- 8.7 Covered Porch Flooring: Porch flooring shall be brick, modular slab stone, wood which must be sealed, painted or stained, or simulated wood composite. Wood species shall be hardwood tongue and groove; composite shall be 3" tongue and groove, all sloping away from the building at a pitch of 1/8" = 1'-0". The tongue and groove shall run with the slope.
- 8.8 Exterior Decks and Railings: All exterior decks shall be either wood which must be painted or stained or simulated wood composite. Support columns shall be a minimum of 6 x 6 inch treated wood material. 16 x 16 inch brick columns are recommended. All decks shall be underpinned with either wood or brick lattice or a solid brick foundation. Railings shall be sized and detailed on drawings and securely supported with a minimum of 4 x 4 inch posts. Each post shall be complete with a decorative cap finial or decorative shaping. Railings and balusters shall meet code for height and spacing and shall be in character with the architectural style of the building.
- 8.9 Lattice: Lattice can be expanded PVC or treated wood slats. Slats are to be a minimum of 1½ inch wide by ¾ inch thick and spaced no wider than 2 inches apart and supported by 2 x 4 inch framework. Lattice shall be painted or stained, and in no instance shall treated, unpainted materials be used and in no case shall the slats be marred by knotholes.
- 8.10 Columns: All columns shall be sized as shown on drawings constructed of wood, polystone or filled fiberglass. When classical columns are specified they shall be of proper classical proportion including the correct entasis, capitals and bases. In no case shall aluminum, plastic or vinyl columns be allowed.
- 8.11 Porch Railings and Balusters: Railings and Balusters shall comply with local codes as to spacing and height and shall be detailed and sized as shown on approved drawings shall be in character with the architectural style of the building. Low maintenance, high density polymer materials are encouraged. Wood, powder coated aluminum and wrought

iron are acceptable. Other low maintenance materials are subject to Architectural Review Committee approval.

- 8.12 Guttering: Guttering is not required at Bay Creek. If a homeowner chooses to install guttering it must conform to the following: The system may be composed of gutters along all low roof edges, with downspouts connected to an outfall at least 5'-0" away from the foundation wall, or grade gutters of brick or exposed aggregate concrete, with a below ground piping and dry well system, or a series of lateral, sloped outfall gutters in matching material that conduct the water at least 7'-0" from the foundation wall. Applied guttering systems must be of one material throughout, and complete, including guttering, leaders and downspouts. Copper guttering is encouraged; wood, painted aluminum or galvanized steel are allowed. Vinyl gutters are prohibited. Several guttering shapes are allowed: half-round, ogee box, wood vee or wood ogee with metal lining. Downspout shapes shall be round or Soft Square fluted. Splash blocks or ground gutters must be used with applied systems, and must be mud-set brick, mud-set stone, or exposed aggregate concrete. Each must be sloped away from the foundation wall and a minimum of 5'-0" in length.
- 8.13 Outbuildings: Outbuildings are discouraged, but will be allowed if they appear to be a dependency to the main house and are approved by the Architectural Review Committee. The structure may not exceed 150 gross square feet of enclosed space, plus as much as 30 gross square feet of covered porch area, and may not impair golf course or water views of visually adjacent lots.
- 8.14 Wiring Standards: All new homes will be wired in accordance with the Bay Creek wiring standards for the Voice, Data and CATV cabling. Applications and information can be obtained at the Bay Creek Communications office, 107 Mason Ave, Cape Charles, VA 23310 or by telephone at (757) 331-8700.
- 8.15 Telephone and Electric Lines: Any and all lines or wires for communications or for transmission of current outside of the building, will be constructed, placed and maintained underground. Meter bases shall be painted to match the material of the exterior wall of the house. When the piping and base extends across two different materials, the color will be changed at the intersection of the two sections to match the material that it extends across.
- 8.16 Lighting: Bay Creek is a member of the International Dark Sky Association (IDA) and exterior lighting should comply with guidelines set forth by IDA and the Illuminating Engineering Society of North America Recommended practice RP-33-99. (Documents are available for review at the Bay Creek Resort Realty sales office.)
- | 8.17 Construction: Once begun, construction will proceed without an interruption in on-site work until the project is completed. See POA AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BAY CREEK AT CAPE CHARLES dated 11/30/04 regarding time line for building completion.
- 8.18 Equipment Screening: All mechanical, electrical, and electronic equipment including transformers, propane tanks, air conditioning condensers and compressors will be properly housed or landscaped in a manner that will blend with the site and residences

and will not be visible from public view. All such equipment will be located behind the front building line of the primary structure. Roof-mounted equipment will be housed in a manner that will prevent visibility from the ground or from upper floors of other structures. “No window, wall, or roof-mounted HVAC units, power or turbine ventilation units are permitted”. All antennas of any type must be of the concealed type installed inside attic space or other enclosed space, unless otherwise approved by the Architectural Review Committee.

- 8.19 Patio Screening and Lighting: No screening of a patio area may stand beyond a line extended and aligned with the side walls of the residence unless approved in writing by the Architectural Review Committee. No lighting of a patio or other recreation area will be installed without the written approval of the Architectural Review Committee and if allowed, will be designed for recreation character so as to buffer surrounding residences from all lighting. All lighting will comply with the guidelines set forth by the International Dark Sky Association (IDA). The exact fixture locations and specifications, including lamping, shall be included in the Final Design Submittal package.
- 8.20 Driveways and Walkways: Homes in The Signature will have a driveway constructed of exposed aggregate concrete or colored and textured concrete with a brick border, mud-set modular stone or modular concrete pavers as a minimum. Brick or cobblestone is encouraged.
- 8.21 Sidewalks: All lots shall have 57” wide, square cut granite cobblestone (Belgian Blocks) sidewalks installed at all areas along roadways. The exact location and construction specifications are to be approved by the Architectural Review Committee prior to the commencement of construction.
- 8.22 Recreation Areas: Screening for all recreation areas shall be included in the Final Design Submittal package, including dimensioned plan views and elevations, and material specifications. If allowed, it shall be designed to buffer the surrounding residences from direct lighting.
- 8.23 Mailboxes: All mailboxes will be of a standard mailbox design approved by the Architectural Review Committee and will be located as required by the U.S. Postal Service. All mailboxes shall be obtained from the Developer and installed by the builder.
- 8.24 Garbage Receptacles: A garbage receptacle must be screened with approved fencing or landscaping to be completely out of sight or placed within the garage.
- 8.25 Walls and Fences: Walls and fences should be considered as an extension of the architecture of the residence, and should make a transition between the mass of the architecture and the natural forms of the site. All walls and fences should be designed to be compatible with the total surrounding environment and should not block natural views. Fences, walls and hedges should be considered as design elements to enclose and define courtyards to extend and relate the building forms to the landscape, as well as security/privacy elements. The wall and/or fence design shall be included in the Final Design Submittal package, including dimensioned plan views and elevations, and material specifications. It is recommended that walls and fences be made of solid masonry, wood pickets, P.V.C. pickets, powder coated aluminum panels and pickets or

wrought iron panels with columns. Prefab wood fencing or chain link will not be permitted within the community, except as determined by the Declarant or Association with approval of the Architectural Review Committee.

8.26 Pool Siting: The location of swimming pools, therapy pools and spas (including hot tubs) should consider:

- A. Indoor/outdoor relationships
- B. Setbacks
- C. Wind
- D. Sun
- E. Terrain (grading and excavation)

The size, shape and siting of swimming pools must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house and other structures in their placement, mass and detail. No above ground swimming pools may be installed on any lot.

8.27 Exterior Pool and Landscape Lighting: Exterior pool and landscape lighting must not infringe upon adjacent neighbors. All accent lighting should utilize low voltage, direct task type fixtures, and they should be as close to grade as possible. All lighting will comply with the guidelines set forth by the International Dark Sky Association (IDA). The landscape lighting package must be included in the Final Design Submittal package, including the exact fixture locations, and specifications including lamping.

8.28 Solar Panels: The application of the principles of solar design should be carefully considered in the planning and construction of all residences in the community. Solar collectors must be aesthetically integrated into the design forms when exposed to view, and they must be hidden from view whenever possible. Visible solar collector panels should be carefully designed to relate to the architectural mass on which they are placed. When the solar collectors are placed on the roof, they should be racked at the same pitch and detailed to be as unobtrusive as possible. The Architectural Review Committee will discourage or reject any collector of any size, shape, or color that is insensitively designed or located. Screening for solar panel farms shall be included in the Final Design Submittal package, including dimensioned plan views and elevations, and material specifications.

8.29 Antennas and Satellite Dishes: The Architectural Review Committee will restrict use, size, quantity and placement of all antennas, satellite dishes, radio receivers or similar devices. In all cases, no satellite dish shall be greater than 18 inches in diameter unless approved by the Architectural Review Committee. The location of these devices shall be included in the Final Design Submittal package, including dimensioned plan views and elevations, and material specifications.

8.30 Shutters: All shutters shall be made of either wood or expanded PVC and hung on hinges with shutter dog holdbacks. In no case shall the shutters be made of hollow fiberglass, plastic or shall they be screwed to the house or hung on hook and eye. Shutters shall be sized to the outside height and width of the window frame. The correct

sizes, style, materials and hardware shall be included in the Final Design Submittal package.

- 8.31 Chimneys: Each house in Heron Pointe is required to include at least one chimney. The chimney location(s) may be at the end of the building, or within the main roof area, preferably along a transition between roof sections if such is the nature of the building design. Paired chimneys are required on symmetrical house designs.

The chimney design shall be in accordance with the architectural style of the house. The material must be brick or CMU masonry with full brick veneer. The height of the chimney must be a minimum of 4'-0" taller than a point 10'-0" from the face of the chimney to the closest upward adjacent roof plane. The shaft size must be a minimum of 2'-0" in width and 3'-0" in length. The chimney design must be included in the Final Design Submittal package, including the exact shaft size, height, dimensioned detailing and material specifications.

Fireplace vent terminations shall be run through the chimney space and shall not extend more than 12" above the top of the chimney. All fabricated metal must be painted black.

## **9.0 CONSTRUCTION REQUIREMENTS FOR THE CONTRACTOR**

All contractors, their employees, sub-contractors and service personnel will be required to adhere to the following rules and regulations.

- 9.1 Access: All contractor personnel and contractor supply and delivery vehicles will be required to enter and leave through the designated gate only. Contractor and delivery personnel will not use adjacent lots for access to their site.
- 9.2 Erosion Control: During construction, each lot will require an approved silt fence (or snow/sand fence) to restrict silt, trash and debris from migrating onto adjoining lots or right of ways. These fences must be properly maintained for the duration of the home building process.
- 9.3 Construction Debris Removal: Contractors are required to keep their job sites as neat and clean as possible. Trash and discarded materials will be contained in an on-site dumpster or other approved container which shall be removed and/or emptied on a regular basis. There will be no stockpiling or dumping on adjacent lots or on streets. **Trash and debris not removed will be removed by the developer and billed to the responsible party.**
- 9.4 Trash Removal: Contractor shall ensure that all personnel working on the job site shall keep all areas in which they work or travel through free of discarded materials such as lunch bags and odd materials. Personnel observed throwing trash from cars and trucks may be barred from the job site.
- 9.5 Access to Utilities: Contractors will use only the utilities provided on the immediate site on which they are working.

- 9.6 Drainage: Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls, etc. will be repaired by the developer and such costs billed to the responsible contractor.
- 9.7 Speed Limits: The established speed limit within the community is clearly posted and must be obeyed by construction vehicles, including light trucks and autos.
- 9.8 Truck Washing: There will be no washing of any truck or other contractor vehicles on the streets. Any concrete delivery truck must be washed only at designated washout areas or may be washed out on the lot under construction. Builder is responsible for removing any washout remains.
- 9.9 Spills: Operators of vehicles are required to see that they do not spill any damaging materials while within the community. If spillage of a load occurs, operators are responsible for notifying Security immediately, and for cleaning up. Cleanups done by the developer's personnel will be billed to the responsible party.
- 9.10 Severed Utility Lines: If any telephone, cable TV, electrical, water, etc. lines are cut; the contractor shall report such an accident to Security personnel IMMEDIATELY.
- 9.11 Vegetation Rules and Regulations: Contractors will take all precaution for the preservation and protection of existing trees and natural vegetation. Owners will be financially responsible for replacement of trees and or natural vegetation due to negligence.
- 9.12 Noise Disturbance: No construction noise will be permitted before 8:00 AM or after 6:00 PM. No construction noise will be permitted at any time on Sunday. Loud music is never permitted. Do not mount speakers on vehicles or outside of homes under construction.
- 9.13 Parking: No vehicles (trucks, vans, cars, etc.) may be left in the subdivision overnight. Construction equipment may be left on the site while needed, but must not be kept on the street.
- 9.14 Spouses and Children: Only bona fide workers are allowed on property. Spouses may drive workers to site and pick them up, but must not remain on the property unless they are actual employees of the contractor or subcontractor. No children will be permitted on the property unless they are bona fide workers.
- 9.15 Pets: No contractor personnel will be permitted to bring pets on the property.
- 9.16 FAILURE TO ABIDE BY THESE RULES MAY RESULT IN THE LOSS OF A CONTRACTOR'S PRIVILEGE TO ENTER THE GATE, THEREBY MAKING IT IMPOSSIBLE TO WORK IN THE SUBDIVISION.



## APPENDIX A

# HERON POINTE VILLAGE Landscape Guidelines

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A good landscape design should provide texture, form and color with various plants flowering throughout the year.

Following are approved guidelines for landscape designs for the Heron Pointe Village:

- MULCH:**
- 1) Shredded hardwood
  - 2) Pine Straw
  - 3) Chalet stone

- DO NOT USE:**
- 1) Dyed hardwood
  - 2) Rubber mulch (tires, etc.)

**STREET TREES:**

**Lots 2 thru 12** to use **Willow Oak** 3" + caliper, 10-12 ft. in height, 30 ft. on center;  
**all remaining lots** to use **Live Oak**, 3" + caliper, 10-12 ft. in height, 30 ft. on center

**FRONT FOUNDATION PLANTS:**

30 gallon, 6'-8' (4 each), 15 gallon, 4'-6' (5 each), 7 gallon, 3'-5' (11 each), remainder with 3 gallon 15" + for spreaders and 24"-30" for upright minimum.

**SIDE FOUNDATION PLANTS:**

Foundation side not in view of Golf Course – 15 gallon 4'-6' (2 each), 7 gallon (10 each), remainder with 3 gallon minimum

**FLOWERING PLANTS:**

1 and 3 gallon perennial / ground cover should be used in front of the larger foundation plants.

**CANOPY TREES:**

Shade trees are to be used on back and side of golf course lots, 30 ft. on center. 3" + caliper minimum or 8'- 10' multi.

**Corner Lots and Golf Course Lots rear & sides – same as foundation (fully landscaped) -** In addition, all lots that have a full view of rear yard from the Golf Course and that will not have homes built behind them will require full landscaping.

**Container Size:**

- |           |   |  |
|-----------|---|--|
| 30 Gallon | = | 6' – 8'  |
| 15 Gallon | = | 4' – 6'  |
| 7 Gallon  | = | 24" – 48"  |
| 3 Gallon  | = | 24" – 30" on upright plants, 15" or larger on spreaders. |

The following suggested plantings are a few examples of recommended plantings and are not intended to inhibit creative landscape design.

**Ground Cover Quick Picks:** Hawthorn  
Holly  
Hosta  
Juniper (all)  
Liriope  
Periwinkle/Vinca  
Wintercreeper/Evonymous

**Shrub Quick Picks:** Arborvitae  
Azalea  
Boxwood  
Buttonbush  
Camellia  
Cleyera  
Crepe Myrtle  
False Yew  
Gardenia  
Hydrangea  
Ligustrum  
Nandina  
Roses  
Waxmyrtle

**Trees Quick Picks:** Birch  
Elm  
Ginkgo  
Golden-rain tree  
Magnolia  
Oak  
Red Maple  
Snowbell,Japanese

Invasive Alien Plant Species of Virginia: Restricted materials are those deemed invasive by Virginia DCR. This list may be obtained by visiting the DCR website at:

<http://www.state.va.us/dnh/>.

Other restricted plants are any plantings that could negatively affect neighboring properties ie; Ivy, and Sweet Gum trees.

# HERON POINTE AT BAY CREEK

## ARCHITECTURAL REVIEW COMMITTEE

### FORMAL PRELIMINARY DESIGN SUBMITTAL REVIEW APPLICATION

**Date:** \_\_\_\_\_ **ARC File Number:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **Lot Number:** \_\_\_\_\_

\_\_\_\_\_

**Applicant:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Builder:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Architect or Designer:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sales Agent:** \_\_\_\_\_

#### **SUBMITTAL REQUIREMENTS**

Please check the following items that are included with this application for design review. All drawings should be legibly drawn to the scale indicated and properly noted. (refer to the ARC's Design Review Procedures manual for the information required with each item or drawing).

- |       |  |                   |
|-------|--|-------------------|
| _____ | Proposed Site Plan   | Scale: 1"=20'     |
| _____ | Proposed Floor Plans   | Scale: 1/4"=1'-0" |
| _____ | Proposed Front Elevation of each structure being proposed                            | Scale: 1/4"=1'-0" |
| _____ | Application Fee Payment: By check or money order made out to Bay Creek Resort Realty |                   |
| _____ | Proposed Exterior Materials  |                   |
| _____ | Contractor Qualification Statement (if applicable)                                   |                   |

HERON POINTE AT  
BAY CREEK

ARCHITECTURAL REVIEW COMMITTEE

FORMAL FINAL DESIGN SUBMITTAL APPLICATION

**Date:** \_\_\_\_\_ **ARC File Number:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **Lot Number:** \_\_\_\_\_  
\_\_\_\_\_

**Applicant:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Builder:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Architect or  
Designer:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sales Agent:** \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

Please check the following items that are included with this application for design review. All drawings should be legibly drawn to the scale indicated and properly noted. (refer to the ARC's Design Guidelines for the information required with each item or drawing).

- \_\_\_\_\_ Site Plan Scale: 1"=20'
- \_\_\_\_\_ Topographic Plan Scale: 1"=20'
- \_\_\_\_\_ Grading Plan Scale: 1"=20'
- \_\_\_\_\_ Building Permit Construction Documents
- \_\_\_\_\_ Application Fee Payment: By check or money order made out to  
Bay Creek Resort Realty
- \_\_\_\_\_ Construction Schedule (On General Contractor's Letterhead)

**BUILDING MATERIALS AND COLORS:**

Identify all materials and colors for the elements listed below. If any of the material or colors differ from what is shown on the approved exterior materials and colors list, samples must be provided.

<u>Exterior Element</u>	<u>Color/Finish</u>	<u>Manufacturer/Description</u>
Balcony/Porch/Loggia Ceilings	_____	_____
Balcony/Porch/Loggia Floorings	_____	_____
Brick Walls	_____	_____
Chimney Brick	_____	_____
Foundation Brick	_____	_____
Door-Entry	_____	_____
Door-Other	_____	_____
Gutters	_____	_____
Roofing	_____	_____
Shutters	_____	_____
Siding	_____	_____
Stucco	_____	_____
Trim - Exterior	_____	_____
Windows	_____	_____

HERON POINTE AT  
BAY CREEK

ARCHITECTURAL REVIEW COMMITTEE

FORMAL LANDSCAPE DESIGN SUBMITTAL REVIEW APPLICATION

**Date:** \_\_\_\_\_ **File Number:** \_\_\_\_\_  
**Street Address:** \_\_\_\_\_ **Lot Number:** \_\_\_\_\_  
\_\_\_\_\_

**Estimated Date of Landscape Installation:** \_\_\_\_\_

**Estimated Date of Construction Completion:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Builder:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Landscape Architect:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

Please check the following items that are included with this application for design review. All drawings should be legibly drawn to the scale indicated and properly noted (refer to ARC's Design Review Procedures manual for the information required with each item or drawing).

- \_\_\_\_\_ Landscape Plan Minimum Scale: 1" = 20'  
Showing:
  - location, species, spacing and planting size of landscape materials
  - driveways, walks, landscape areas, hardscape areas
  - fences with dimensions, heights, materials
  - location and coverage of irrigation system
  - fences and fence designs
  - pool and pool enclosures
  - AC equipment
  - existing trees
  
- \_\_\_\_\_ Final Landscaping Drawings & Specifications, including plant material
  
- \_\_\_\_\_ Application Fee Payment: By check or money order made out to Bay Creek Resort