

**ARCHITECTURAL REVIEW COMMITTEE
DESIGN GUIDELINES
THE COLONY 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 The Colony 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.

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 The Colony, 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 THE COLONY

- 2.1 **Minimum Square Footage:** Homes in The Colony shall have a minimum heated living area of 3,000 square feet (not including any room over the garage) for homes built on bay front lots, and 2,200 square feet for homes built on non bay front lots. The Architectural Review Committee may designate different minimum square footage requirements for specific areas within The Colony.
- 2.2 **Chesapeake Bay Preservation Act:** All homes in the Bay Front District of The Colony must be located behind the Chesapeake Bay Preservation Act “RPA” Line (Beach Limit Line, BLL).
- 2.3 **Sidewalks:** Streetside sidewalks are neither required nor allowed in The Colony.
- 2.4 **Landscape Guidelines:** The approved landscape design guidelines for The Colony are attached as Appendix A.
- 2.5 **Architectural Style:** The architecture of all structures shall be of a British West Indies style, which speaks of the coastal architecture along the Southern Atlantic and Gulf Shores. It is architecture of coastal practicalities softened by the charm of porches, pergolas and ornate trim and incorporates classical columns, arches and window treatments. Homes on the bay front must be of two or three stories and may include half-stories and towers.

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 The Colony 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 The Colony. 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 and depending on the complexity of the scope of the submittal, a 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/ The Colony 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

- 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.
- 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. If available, an architectural rendering should also be provided.
 - 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) sets 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 landscape plan must be submitted 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, 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. The requirements of each submittal are detailed in the following two paragraphs.
- 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 considers 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 assess 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.
 - 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. The Colony Village setback guidelines are as follows: front yard 25', side yard 5', 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 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.
- 5.5 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.
- 5.6 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. Non Bay front homes require the entire lot to be sodded. Side yard sod will be carried to rear corner of house. 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: 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 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 The Colony.

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.

- 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 with the first “living” level raised a minimum of 36” from the surrounding grade and accessed by exterior stairs and garages. All foundation walls shall be finished with masonry or concrete block with a cementitious or synthetic stucco covering. Garage floor elevations may be 4 inches above adjacent grade.
- 7.5 Garages: Each residence must provide parking for at least two cars. Garages must be an integral part of the house and accommodate not less than two cars. The interior walls of all garages must be finished (tape, mud, and paint as a minimum). Garage doors must be per approved plan. Approved configurations for garage doors are rectangular and arched. Custom doors that convey a "boat house" or "carriage" looks are encouraged. Non-custom doors will be de-emphasized by recessing or given a custom appearance with

flanking pilasters or similar design features. No garage will be permitted to be enclosed for living or used for purposes other than storage of automobiles and related normal uses.

- 7.6 Roofs: Roof design should emphasize the roof's protective role without dominating the building mass. This can be easily achieved using low slope hip roofs with deep overhangs. Gable roofs are also appropriate and may be steeper if large expanses of roof are interrupted by dormers, slope or directional changes; the use of decorative "barge boards", wall shingle patterns, fascia returns and gable trusses is appropriate and will add a welcome interest to gable ends. Bell shaped, hexagonal and conical roof forms may be used on cupolas and towers. Exposed rafter tails and roof brackets are appropriate for all roof forms and are effective for adding interest to long, horizontal eave and soffit lines. Rooftop mechanical equipment and attic vents are discouraged, but if necessary, are to be mounted in locations that cannot be seen from the street.

Preferred roofing material is "Gavalume" clear coat, 24- gauge, 1.76" seams at no less than 12" on center and no more than 16" on center. Acceptable roofing material is Kynar 500 aluminum in color Silver, 1.76" seams at no less than 12" on center and no more than 16" on center. Roofs will be of a standing seam design with concealed clips and fasteners. Approved configurations are hip and gable roof (foil or jerinhead--clipped) with single or multiple pitches with a minimum range of 4/12 and a maximum of 6/12 for the main roof areas. Higher roof pitches are not encouraged but will be reviewed on a case by case basis and will only be allowed for ancillary roofs. The minimum eave overhang is twelve (12) inches; the minimum gable overhang is six (6) inches. Dormers may be hipped, gable, shed or eyebrow.

Approved materials for fascias and soffits include wood, vinyl, MDO (medium density overlay), fiber cement, polyurethane and cellular PVC. Wood fascias may be protected with vinyl or coated metal sheet material. Dormer walls are to be finished with the same materials approved for exterior wall surfaces. Roof vents will be continuous ridge vents only.

Roof mounted skylight units are to be flat and rectangular (roof windows). Domed, pyramidal, vaulted and "bubble" skylights will not be approved. Shed (lean to) and ridged skylights will be reviewed on a case-by-case basis.

- 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 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 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.

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 Building Design: The architecture used in The Colony shall be of a British West Indies style, which speaks of the coastal architecture along the Southern Atlantic and Gulf Shores. It is architecture of coastal practicalities softened by the charm of porches, pergolas and ornate trim and incorporates classical columns, arches and window treatments. Buildings may be of one, two or three stories and include half-stories and towers. Homes on the bay front must be of two or three stories and may include half-stories and towers. The top sections may be defined by balconies, porches and window treatments in lieu of solid walls. Exterior walls are to be easily maintained and suitable for their position within the wall hierarchy. Base section walls must emphasize solidity and shall be a minimum of 36” high and span between grade and the first living level and shall be finished as indicated in section 8.3. Bases over 48” may contain “at grade” garages and utility spaces. For multi-story homes, the “middle” section will typically span the first and second levels and a portion of the third, and should be finished in a white cedar shingle siding or a wood or fiber cement siding in a shingled, beveled, dropped or beaded pattern with a minimum 4” exposure. The intent of the top section is to relieve long vertical expanses of wall and the form a pleasing transition to the roofline. Materials for the top section are to the same as for the middle section and should be selected and installed in a manner that contrasts the wall below. Vertical beaded siding and decorative shingle patterns are appropriate for the top section. One-story structures will include a base, but the middle and top sections may be combined. Cupolas, towers, belvederes, bays, oriels and similar architectural features are encouraged, but must be designed and detailed with a coastal setting in mind.

Designs for residential buildings will include "outdoor rooms" consisting of porches, balconies or terraces. Exterior spaces may be open or protected by insect screening, louvers, shutters, latticework or pergolas.

8.3 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. For homes founded on spread footings, all foundation walls will be continuous and be constructed of concrete masonry units (CMU) or cast in place concrete. Minimum wall thickness is 8” (CMU or concrete) with a parged finish, painted or stained an approved color. In no case will a perimeter curtain wall foundation system be allowed. For any portion of a home founded on piles, a lightweight perimeter wall of waterproof material (to resist deterioration from ground contact) shall be used to screen the piles. The recommended material is a free standing, breakaway 4” CMU wall which shall be parged and painted with an approved color. Any other application must be submitted for review. PVC lattice may be used for screening around porches and decks.

8.4 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, cement lap board or shingles. In no case shall vinyl or aluminum be acceptable.

- b. 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.
- 8.5 Maintenance: Cedar shingles pre-finished with a water based stain require recoating every three to five years in order to maintain the customized color tones. Maintenance work shall be performed in accordance with the shingle manufacturer's written instructions.
- 8.6 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.
- 8.7 Colors: Approved color hues for shingle materials, doors, trim, fascias, frames, railings and balusters shall be per the developer's approved color palette.
- 8.8 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. Window shapes, sizes and configurations should be carefully selected to carry out the "coastal Style" theme and avoid a Colonial, Federal or Contemporary appearance.
- Preferred shapes include rectangular, oval, circular and curved arch. Octagonal, hexagonal and elliptical shapes are to be avoided; circle top, quarter circle pointed arch and trapezoidal shapes will be reviewed on a case-by-case basis. Elongated windows and transoms are appropriate and effective for emphasizing the vertical plane; paired and tripled windows are effective for a horizontal emphasis. Window grilles are not required but when used, are to be rectangular or "Eastlake" style. A Queen Anne style pattern (four, six or eight over one) is recommended for its classic look without obstructing views through the bottom sash. Grilles must be applied to both the interior and exterior face of glazing or between-the-glass in insulated units.
- When used, shutters may be side or top (hurricane) hinged. Shutters must be fully operational and sized to fit the adjacent window(s).
- Windows shall be made of wood and finished by 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.
- 8.9 At Grade Patio: Patios constructed at grade shall be made of concrete pavers color – charcoal, as manufactured by Eastern Shore Brick. Other materials must be submitted for approval.

- 8.10 Covered Porch Flooring: Porch flooring shall be 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.
- 8.11 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. 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.
- 8.12 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.
- 8.13 Columns: All columns shall be sized as shown on drawings constructed of wood, polystone or filled fiberglass. In no case shall aluminum, plastic or vinyl columns be allowed.
- 8.14 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.
- 8.15 Guttering: Guttering is not required at Bay Creek. If a homeowner chooses to install guttering it shall be submitted for review by the Architectural Review Committee.
- 8.16 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.
- 8.17 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.
- 8.18 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.

- 8.19 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.) All lighting must be approved prior to installation.
- 8.20 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.
- 8.21 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.
- 8.22 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.
- 8.23 Driveways and Walkways: Homes in The Colony will have driveways and grade level walkways constructed of concrete pavers, color – charcoal, as manufactured by Eastern Shore Brick, pattern to be “I”. Driveways will be limited to two per house, have a maximum width of twenty-five (25) feet and connect directly from the garage to the street. Paved parking areas for boats and recreational vehicles will not be constructed in front, side or rear yards.
- 8.24 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.
- 8.25 Mailboxes: A central mailbox pavilion is provided. Mailboxes located “at the street” are not allowed.
- 8.26 Garbage Receptacles: A garbage receptacle must be screened with approved fencing or landscaping to be completely out of sight or placed within the garage.

8.27 Fences: 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 fences should be designed to be compatible with the total surrounding environment and should not block natural views. Fences 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 fence design shall be included in the Final Design Submittal package, including dimensioned plan views and elevations, and material specifications. Fences shall be made of a Powder Coated Aluminum and the style and color shall match the community fencing.

8.28 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.

8.29 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.

8.30 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 raked 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.

8.31 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.

8.32 Shutters: When used, shutters may be side or top (hurricane) hinged. 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.

8.33 Chimneys: Chimneys are not allowed in The Colony.

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 rights of way. 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

THE COLONY VILLAGE Landscape Guidelines

A good landscape plan should provide texture, form and color. Plans should reflect a basic understanding of sound landscaped design principles.

The following cultural aspects of The Colony village environment should be considered when selecting landscape materials.

- | | | | |
|----|----------------------|----|-------------|
| 1) | Wind Tolerance | 3) | Sandy Soils |
| 2) | Salt Spray Tolerance | 4) | Water Needs |

The following architectural attributes of The Colony should be considered when selecting landscape materials:

- | | | | |
|----|------------------------|----|----------------|
| 1) | Lot Size & Scale | 3) | Exterior Color |
| 2) | Architectural Elements | | |

The following are approved guidelines for landscape design for The Colony

- MULCH:**
- | | |
|----|-------------------|
| 1) | Shredded hardwood |
| 2) | Shredded Cypress |

DO NOT USE: Dyed Hardwood, Rubber Mulch (tires, etc.) or Pine Straw

EDGING:

Use only professional grade edging material installed to manufacturer's specifications.

- LAWNS:**
- | | |
|----|-------------------------------------|
| 1) | Bermuda Sod (Front, Back and Sides) |
|----|-------------------------------------|

DO NOT USE: Fescue Sod or Other Lawn Grasses

STREET TREES:

White Crepe Myrtles, 8 -10 ft. minimum, Multi-Stem

SIDE TREES:

Must be a minimum of 2 – 3 inch caliper or 6 – 8 ft. tall and must be well suited to location and conditions.

FLOWERING PLANTS:

- | | |
|----|---|
| 1) | Flowering shrubs should be minimum 3 gallon size. |
| 2) | Perennials should be minimum 1 gallon size. |

Recommendations include Knock-out Roses, Indian Hawthorn, Ornamental Grasses and Pittisporum.

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
Juniper (all)
Liriope
Periwinkle/Vinca
Wintercreeper/Evonymous

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

Trees Quick Picks: Crepe Myrtle
Ginkgo
Kousa Dogwood
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 i.e.; Ivy, and Sweet Gum trees.

THE COLONY 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)

THE COLONY 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	_____	_____

THE COLONY 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