

Fairwinds COMMUNITY

ARCHITECTURAL GUIDELINES

PHASE IVC

Fairwinds

COMMUNITY

ARCHITECTURAL GUIDELINES

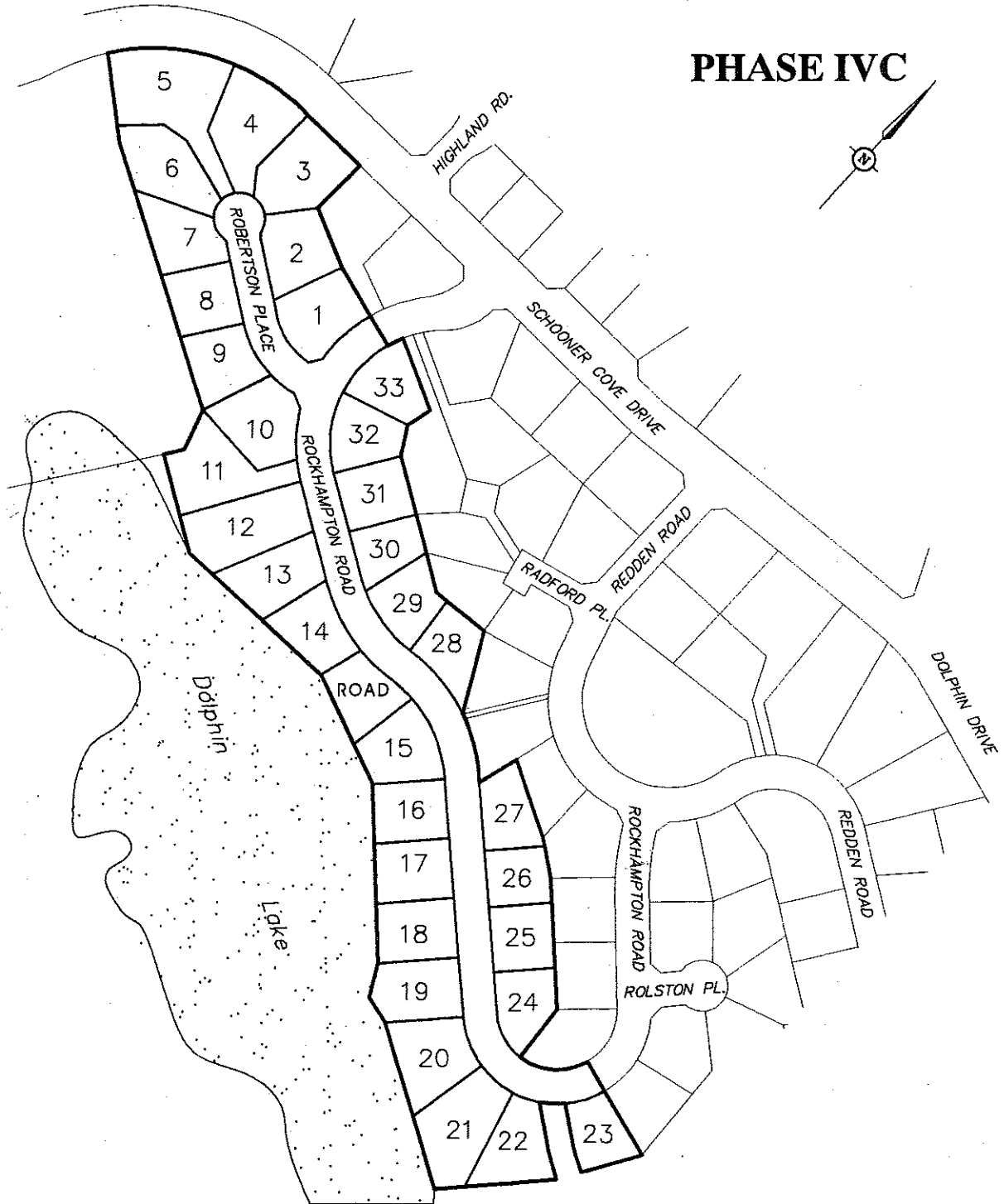
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Fairwinds

COMMUNITY

PHASE IVC



1.0 INTRODUCTION

Fairwinds is a 1,300 acre multi-phased residential development situated at Nanoose Bay on Vancouver Island, British Columbia, by Fairwinds Development Corporation ("Fairwinds"). This phase of the development, Phase IVC, consists of 33 lots.

The Fairwinds Community is a residential and recreational community planned in accordance with the natural beauty of the Nanoose Bay area. Houses in the Fairwinds community should be designed and built to take into consideration the unique characteristics and natural contours of the lots.

The Architectural Guidelines, a legally enforceable set of restrictions and regulations, are the mechanism which contributes to the high level of quality design in the Fairwinds Community. These Architectural Guidelines (which may be amended from time to time by Fairwinds) must be read in conjunction with the Building Scheme and Restrictive Covenant set out in the Disclosure Statement for Fairwinds Phase IVC (collectively referred to as the "Disclosure Statement") which contain additional legally enforceable restrictions and regulations.

Fairwinds may in its sole and absolute discretion grant relief from or approve plans at a minor variance with one or more of the restrictions set out in the Disclosure Statement or these Architectural Guidelines. However, Fairwinds must be satisfied that the design of the proposed house or building has architectural merit and is aesthetically appealing in relation to the lot upon which it is to be situated as well as its neighbouring lots. Such relief shall not be considered as a waiver of the requirement of approval by Fairwinds of any restrictions and requirements set out in the Disclosure Statement or these Architectural Guidelines.

2.0 APPROVAL PROCESS

In addition to the requirements outlined in the Disclosure Statement and the Land Use and Subdivision Bylaw 500 of the Regional District of Nanaimo, a supplementary design review process has been developed to encourage all houses and ancillary buildings (for convenience, collectively referred to in these Architectural Guidelines as the "House") at Fairwinds to conform with the subdivision planning objectives. The Application for Building Plan Approval forms are available from Fairwinds. A copy of this form is shown on pages 11 and 12.

2.1 SECURITY DEPOSIT

A refundable security deposit in the amount of \$2,500 (the

"Security Deposit") is payable to Fairwinds by the owner of the lot (the "Lot") at the time of the completion of the sale of the Lot. The Security Deposit is required to offset the cost of damage to municipal work on the Lot or neighbouring lots (or both), prior to or during construction on the Lot, and to ensure compliance by the owner with the Disclosure Statement and the Architectural Guidelines.

In the event the initial Security Deposit has been returned to the owner, Fairwinds may, at its discretion, require an additional Security Deposit to be paid by the owner of the Lot prior to the commencement of construction of a house or an ancillary building on the Lot.

2.2 REFUND OF SECURITY DEPOSIT

Upon completion of the House and the landscaping on the Lot in accordance with the approved Building Plans, the owner shall request a final inspection from Fairwinds who shall inspect the project and prepare a site inspection report. The Security Deposit shall be refunded to the owner if the site inspection report indicates that the following conditions have been satisfied:

- (a) the provisions of the Disclosure Statement have been fully satisfied;
- (b) a final Occupancy Permit has been issued by the Municipality having jurisdiction;
- (c) all subdivision services and municipal works on and bordering the Lot and neighbouring lots are free from damage; and
- (d) curbs, sidewalks, and streets adjacent to the lots and neighbouring lots are free from construction debris and damage.

If the site inspection report indicates that any of the above conditions have not been met, Fairwinds may, in its sole discretion, either:

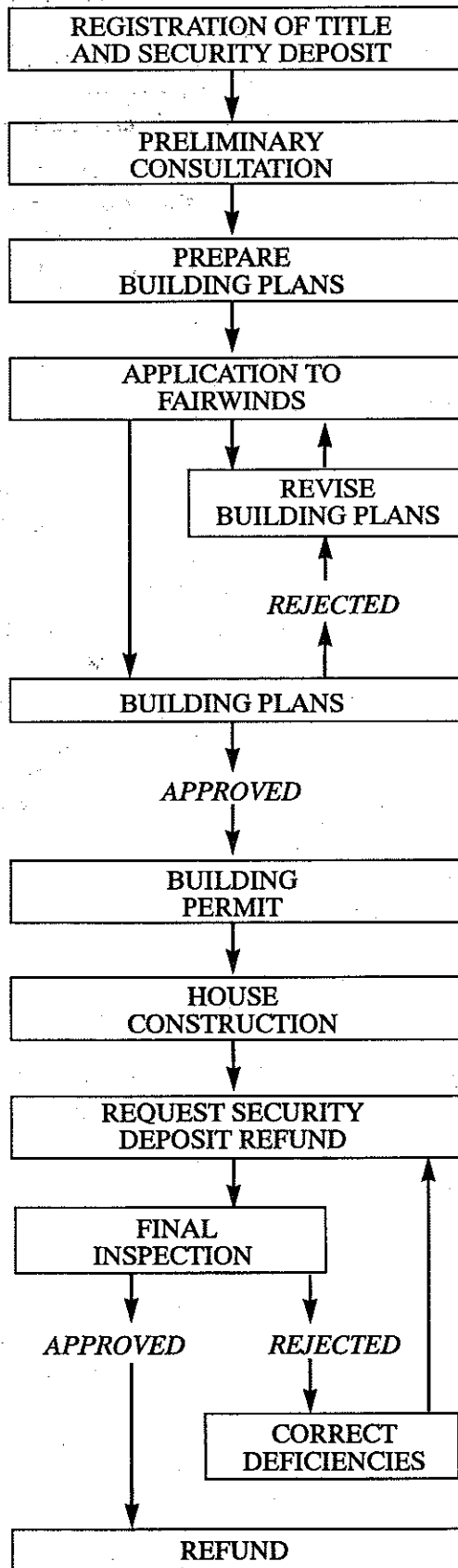
- (a) use the Security Deposit, or a portion thereof, to rectify any deficiencies; or
- (b) provide the owner with a list of deficiencies which must be completed prior to Fairwinds refunding the Security Deposit.

Failure by an owner to obtain Fairwind's approval of Building Plans, failure to obtain Fairwind's approval of any changes to the House from the approved Building Plans, or failure to complete the Landscaping shall result in the Security Deposit being absolutely forfeited to Fairwinds.

2.3 DESIGN REVIEW PROCESS

No work may be commenced on the Lot prior to Fairwinds granting written approval to the owner of the proposed

APPROVAL PROCESS DIAGRAM



Building Plans. The Design Review Process is as follows:

- (a) The owner shall submit to Fairwinds for a preliminary consultation an initial proposal of the type and design of House being contemplated. This consultation will allow Fairwinds to advise the owner of any design considerations that are particular to the Lot.
- (b) The owner shall then submit to Fairwinds a completed "Application for Building Plan Approval" along with three copies of the following plans (collectively referred to as the "Building Plans"):
 - Drawings of the proposed House (floor plans, elevations and cross-sections drawn at 1:50 or 1/4"=1'-0");
 - Site Plan of the Lot (drawn at 1:100 or 1/8"=1'-0") showing the information listed on the Application for Building Plan Approval; and
 - Landscape Plan of the Lot (drawn at 1:100 or 1/8"=1'-0") showing type and location of Landscaping (plant materials located above or below ground level, landscape lighting, retaining walls, walkways, sidewalks, and driveways).
- (c) Fairwinds shall review the submission and either approve or reject the application based upon adherence of the Building Plans to these Architectural Guidelines and the Disclosure Statement. The original Application form and two sets of marked Building Plans will be kept by Fairwinds for future reference. The third set of similarly marked prints will be returned to the owner.
- (d) If the owner receives approval of the submitted Building Plans, the owner may then make an application to the municipality for a Building Permit. The owner must receive written approval from Fairwinds for any changes to the approved Building Plans, including changes required by the municipality, prior to the changes being constructed.
- (e) Fairwinds may carry out on-site inspections during construction to ensure compliance by the owner with the approved Building Plans.
- (f) The owner shall commence construction of the House within twelve months of receiving approval of the submitted Building Plans. Once construction has commenced, the exterior of the House shall be completed within six months from the date of the commencement of construction.
- (g) Landscaping shall be completed within three months from the date of substantial completion of the House on the lot (unless such date falls in the period

between November 1st and May 1st of any year in which case landscaping shall be completed by the following June 1st).

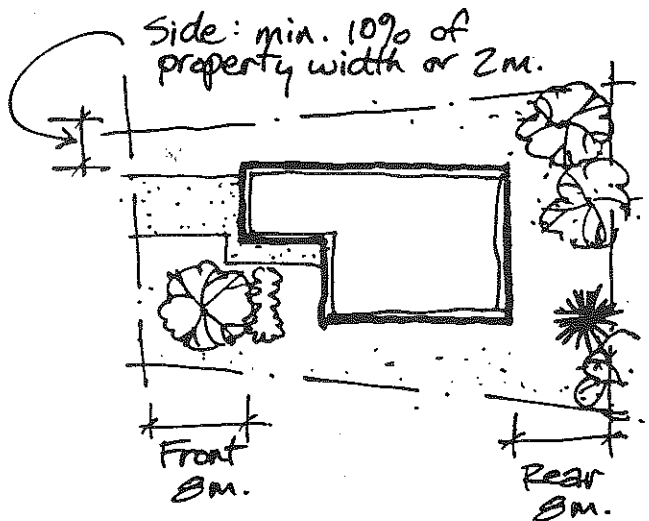
3.0 DESIGN GUIDELINES

3.1 ARCHITECTURAL THEME

The general architectural theme encouraged at Fairwinds is a traditional heritage style (ie. West Coast, Cape Cod, Tudor, California Style, etc.). Log homes shall not be permitted.

3.2 SITING & SETBACKS

The design and siting of the House shall take into consideration the natural contours and characteristics of the Lot as well as the design of neighbouring houses. House designs which would result in over-view or over-shadowing of other houses shall be discouraged.



It is the owner's responsibility to identify the location of easements and right-of-ways and to comply with the setback requirements established by the Municipality and the following setbacks established by Fairwinds:

Front Yard Setbacks: For all Lots the House shall be set back from and parallel to a line at least 8 metres (26 feet) from the front property lines.

Rear Yard Setbacks: For all Lots the House shall be set back at least 8 metres (26 feet) from the rear property line, unless noted to the contrary in the Disclosure Statement and Appendix A of these Architectural Guidelines.

Side Yard Setbacks: Measuring at a distance of 8 metres (26 feet) from the front property line, for all Lots the House shall be set back from each side yard lot line at least ten percent (10%) of the Lot width, or 2 metres (6.5 feet), whichever is the greater, unless noted to the

contrary in the Disclosure Statement and Appendix A of these Architectural Guidelines.

Waterfront lots may be subject to an increased setback in accordance with the Restrictive Covenant attached as Exhibit C to the Disclosure Statement. The Disclosure Statement shall prevail in the event of any discrepancy between the setbacks noted in the Disclosure Statement and the setbacks noted in these Architectural Guidelines.

3.3 MASSING & AREA

The massing of Houses in the development shall be limited to a maximum of two storeys or six metres (20 feet), including above ground basements. Three storey vertical walls are not permitted. In the case of a two storey house built on a basement which is more than 0.91 metres (3 feet) above grade on any side, the second storey must either step back so that a transition in height is achieved, or must be encompassed within the sloped roof portion of the structure.

Vertical wall heights of more than two storeys plus 0.91 metres (3 feet) are not permitted except where design elements such as fascia boards, sundecks, lattice works, planters and/or landscaping have been incorporated into the design to the specifications of Fairwinds. In any event, the height of a House shall not be greater than 8 metres (26 feet). The height of a House shall be measured as the vertical distance the House extends, at any complete vertical section of the House, above a straight line connecting any two intersections of the existing grade and the outermost exterior House walls or supports.

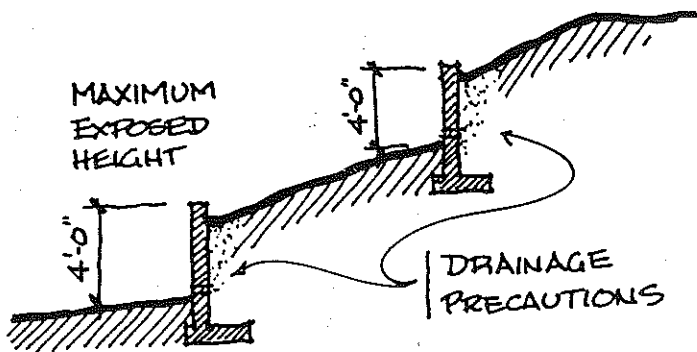
Neighbouring houses are to have a consistency of apparent volume, such that smaller houses directly beside larger houses should be compatible in terms of details which allude to a consistency of size (ie. the common use of lattice work on both houses).

In the case of a single storey house, the minimum finished main floor area (excluding the area of the garage) shall be 149 square metres (1,600 square feet). In the case of a two storey house, the minimum finished main floor area (excluding the area of the garage) shall be 112 square metres (1,200 square feet).

3.4 LOT GRADING & RETAINING WALLS

Lot grading shall follow the natural slope of the land. Individual Houses shall be designed to suit the natural contours of the Lot, and Lot slopes shall be absorbed within the massing of the House (ie., stepped foundations and floor levels) to minimize the need for grades steeper than 3:1.

No excavation or construction shall be permitted which undermines the slope stability of any roadway base unless appropriate temporary and/or permanent earth retention is constructed by the owner to the satisfaction of Fairwinds, in its sole discretion.



No grading, excavation, construction or any other work shall be carried out upon any lot which would interfere with, or alter in any way the natural or established drainage systems of a lot or adjoining lots. Individual lot grading (including drainage swales and retaining walls) must be handled within individual lot property lines and must not change existing drainage swales. In cases of sloped topography, special precautions related to ground and surface runoff must be adhered to, both during and after construction.

Where retaining walls are required in the front yard or front driveway area, they are to be constructed using natural stone or coloured or textured concrete (ie., board-formed concrete with either an exposed aggregate or stone facing). Wood retaining walls shall only be permitted within side and rear yards.

Retaining walls shall be limited to an exposed height of 1.2 metres (4 feet) unless it can be proven that a higher wall is necessary. If Fairwinds is satisfied that a wall of greater than 1.2 metres (4 feet) in height is necessary, such wall shall be stepped to reduce the wall's visual mass. All retaining walls and their foundations shall be within the property lines of the Lot.

3.5 REPETITION

Houses with substantially the same Building Plans and exterior elevations shall not be located within five lots of each other on the same side of the street, or within four lots of the lot directly across the street, if on opposite side of the street.

3.6 ROOF MATERIALS

Roofs shall be constructed of cedar shakes, cedar shingles, clay tiles or concrete tiles. Duroid shingles and standard

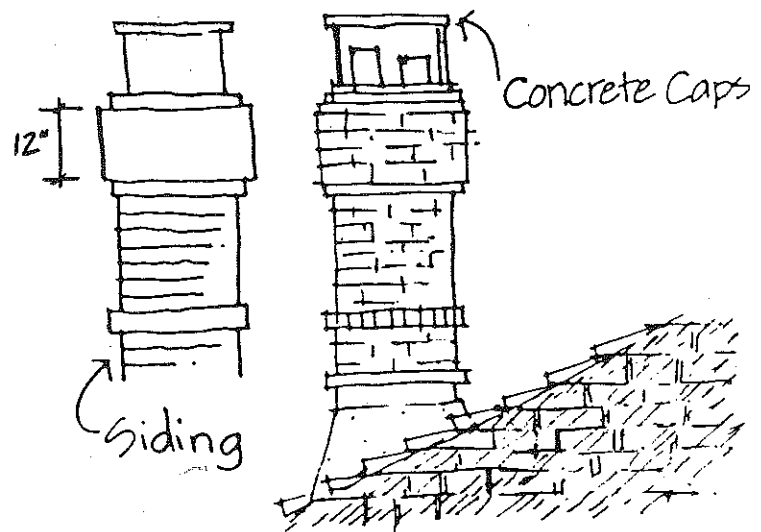
straight line metal roofing shall not be permitted. Other types of roofing materials may be permitted by Fairwinds in its sole discretion. Samples of the proposed roofing materials must be submitted to Fairwinds for approval.

All roof stacks, flashings, etc. are to be painted to match, or be complementary to, the roof colour, and eavestroughs are recommended to be concealed behind fascia boards ("Hidden Gutters"). Eavestroughs not concealed behind fascia boards ("External Gutters") shall be constructed of continuous aluminum and shall be attached to a minimum 8 inch fascia board painted in the same trim colour used elsewhere on the house.

Rainwater leaders and soffits shall either be painted to match the selected trim colour or be a compatible colour if prefinished.

3.7 CHIMNEYS

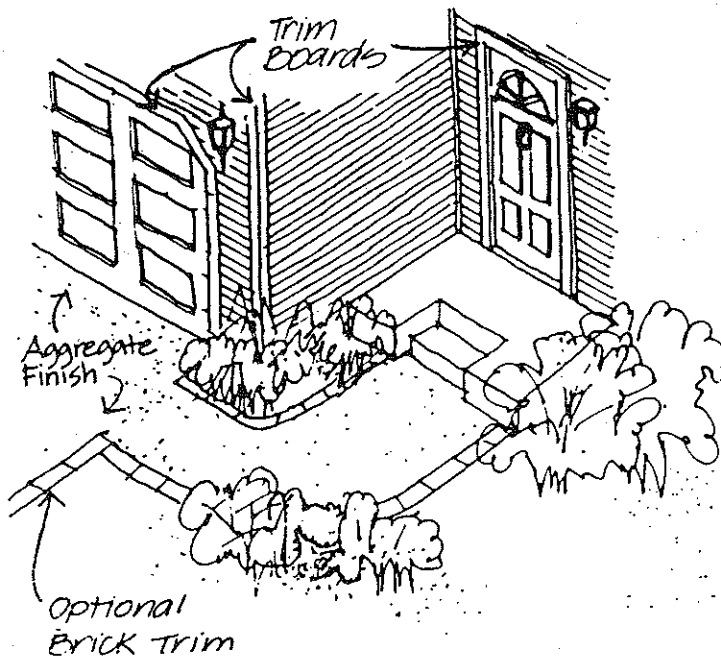
Chimneys shall be constructed of brick, stone, stucco or siding to match the house. Chimneys shall not be constructed of concrete block or jumbo brick. The chimney finish shall be the same as any accent veneers. It is recommended that all chimneys incorporate the Queen Anne style corbelled detail. Cantilevered chimneys are not acceptable.



All metal "A" vents are to be surrounded by an enclosure finished to match the remainder of the house. All "A" and "B" vents are to be painted dull grey or other approved colour.

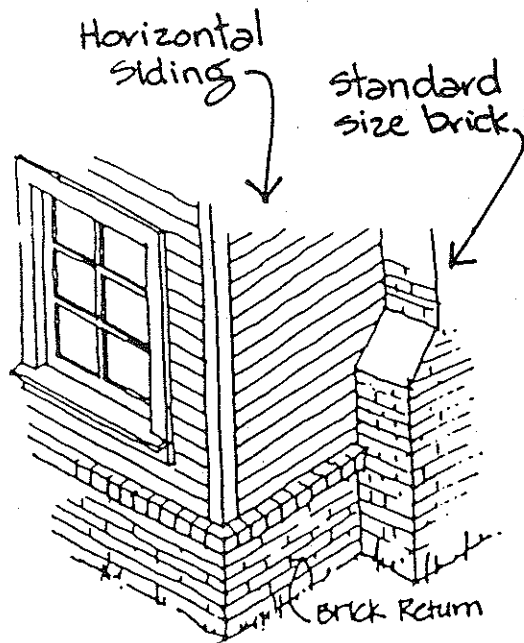
3.8 EXTERIOR FINISHES

Exterior siding shall be a natural material such as horizontal or vertical cedar, brick or stucco. Vinyl and aluminum siding are not permitted. Fascia boards shall be painted a colour complementary to the siding.



Stucco with a fine textured finish may be used in Tudor or California style houses. Swirled, or other obvious patterned stucco finishes are not acceptable. Stucco houses may require additional wood or brick trim depending on house massing and style.

Brick or stonework is to be quiet or even-toned. There is to be no "new-used" brick or multi-coloured stonework. All brick is to be standard or metric size with grey mortar. No jumbo or dual brick shall be permitted. There are to be no "false fronts."



Accent veneers, if used, must be continued on the adjoining wall for at least four feet or meet the chimney. Subject to the approval of Fairwinds in its sole discretion,

vinyl and aluminum may be permitted as an accent veneer.

All openings (ie. windows and doors) on all elevations are to have minimum 4 inch nominal trim boards, painted or stained to match the house trim colour.

Houses on lots which abut more than one street are to have full elevation treatments on all sides of the House which face a street.

Foundation walls are to be limited to a maximum exposed height of 0.46 metres (18 inches).

Electrical meters are recommended to be enclosed and as inconspicuous as possible.

Any area beneath sundecks which exceeds 0.91 metres (3 feet) in height (and which will not be used as a separate deck area) should be enclosed with lattice and painted a colour complementary to the siding colour. Area beneath sundecks which is less than 0.91 metres (3 feet) in height should be enclosed with a solid wood skirt.

3.9 COLOURS

All exterior colour schemes must be approved by Fairwinds. Houses with pure white, garish or bright colour schemes are not acceptable. Only the following natural colour tones are acceptable:

Natural Low Contrast: naturally-coloured wood stain (solid or semi-transparent) with blending trim colour.

Natural High Contrast: naturally-coloured wood stain (solid or semi-transparent) with contrasting trim colour.

"Heritage" Colours: pastel colours with contrasting trim and shutters on traditional house designs such as Cape Cod.

Stucco shall be in a natural colour tone such as off-white, bone, cream or beige. Darker colour tones may be considered but will require a colour sample to be submitted.

3.10 DRIVEWAYS AND GARAGES

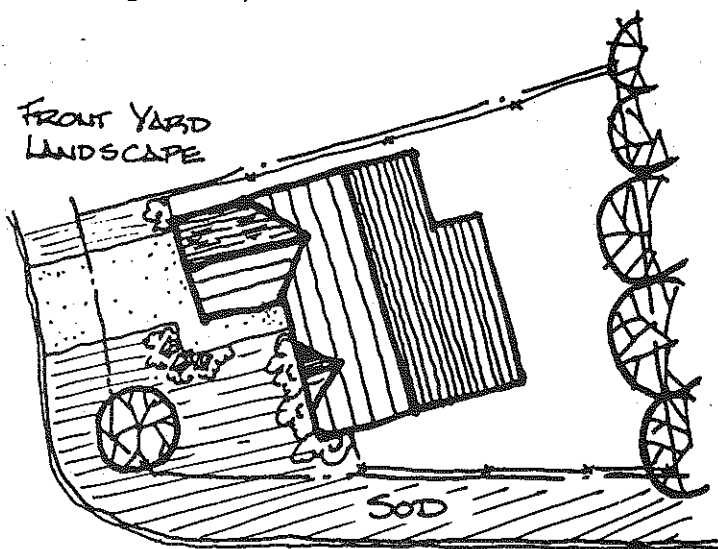
The maximum recommended driveway slope is 15 percent. The layout of the driveway must provide for at least two additional cars to be parked on the Lot, in addition to parking in the garage. Driveways shall be constructed of concrete pavers (in a colour compatible to the colour scheme of the house), or concrete. Other types of driveway materials may be permitted by Fairwinds in its sole discretion in those instances where it is determined by Fairwinds that the Lot's driveway length is extraordinary and/or that the driveway is generally not visible from the streets.

All houses shall have a minimum of a single garage although a double garage is preferred. Carports are not

acceptable, however, detached garages may, at the discretion of Fairwinds, be acceptable, provided such detached garages fit within the building envelope of the Lot. Garages shall be finished in a similar design and materials as the House. The design and materials of garages shall be similar to those of the House. One piece aluminum or steel doors are not acceptable, however, Fairwinds may in its discretion approve sectional aluminum doors.

3.11 LANDSCAPING GUIDELINES

Landscaping as noted on the approved Landscape Plan must be completed within three months of substantial completion of the house (unless such date falls in the period between November 1st and May 1st of any year in which case landscaping shall be completed by the following June 1st).



Landscaping of the front yards (and the side yards on corner lots), shall be designed to enhance individual houses and to accentuate the natural environment and existing rock outcroppings. Landscaping using native species of plant material is encouraged and some examples include: Kinnikinnick (*Arctostaphylos uva ursi*), Salal (*Gaultheria shallon*), Douglas Fir (*Pseudotsuga menziesii*), Arbutus (*Arbutus Menziesii*), and Gary Oak (*Quercus Garryanna*).

As the Building Scheme restricts trees from growing to a height which unreasonably blocks the view from houses on other lots in the Fairwinds Community, thinning and shaping branches or complete tree removal is recommended over topping. A topped tree generally grows back to its original height faster than a properly pruned tree and results in a truncated, unsightly shape.

Approval in writing must be obtained from Fairwinds for the design, detail, and location of any Fencing on the Lot.

Chain link fences may be unacceptable. Fencing must meet the following standards:

No fencing shall be permitted on any lot which exceeds 1.8 metres (5.9 feet) in height.

Side Yard Fencing shall not exceed 1.2 metres (3.9 feet) in height for a distance of 10 metres (32.8 feet) from the point where the side yard fence meets the rear yard fencing.

Front Yard Fencing: No fencing is permitted in the front yards except ornamental fencing to a maximum height of 1.0 metre (3.3 feet) when such fencing has been approved by Fairwinds and is constructed in accordance with the design of the house. In the case of corner lots, the front yard shall include the flanking street side forward of the rear of the house.

If a lot is adjacent to the Golf Course, fencing at or near the boundary the lot shares with the Golf Course shall not exceed 1.2 metres (3.9 feet) in height and a screen of vegetation shall be planted on the Golf Course side of the fencing of a type and design which is approved by Fairwinds.

3.12 APPEARANCE DURING CONSTRUCTION

The owner shall maintain the Lot on an ongoing basis in a neat and tidy manner notwithstanding that the owner may decide not to proceed with construction on the Lot. Owners shall keep the Lot and adjoining sidewalks and lots free of debris throughout construction. Where possible, Fairwinds may identify a location available for owners to dispose of the debris from the Lot. Owners negligent in keeping their lot clean will be charged for clean-up and maintenance of the lot carried out by Fairwinds on their behalf. Burning of garbage is not permitted.

3.13 SIGNAGE

All signage, including "For Sale" signs, are to be of the standard format approved by Fairwinds. Both temporary and permanent signage will be coordinated and approved by Fairwinds who will provide details of the signage policy.

3.14 MISCELLANEOUS

All swimming pools are to be inground, fenced and located in rear yards only. Hot tubs shall be located in rear yards only.

All ancillary buildings shall be restricted to the rear yard and designed to compliment the House on the lot. No ancillary building shall be constructed on the Lot without the prior written approval of the design and location by Fairwinds. Only one ancillary building shall be permitted per lot.

APPENDIX A: LOT SETBACKS

PHASE IVC

Lot # **Minimum set back in metres**

SIDE YARD SETBACKS

Lot 1	5 metres from Rockhampton Road
Lot 3	3 metres from all side property lines
Lot 4	3 metres from all side property lines
Lot 5	3 metres from all side property lines
Lot 6	3 metres from all side property lines
Lot 10	5 metres from Rockhampton Road and 3 metres from all other side property lines
Lot 11	3 metres from all side property lines
Lot 14	3 metres from all side property lines
Lot 22	3 metres from all side property lines
Lot 24	3 metres from all side property lines
Lot 28	3 metres from all side property lines
Lot 29	3 metres from all side property lines
Lot 32	3 metres from all side property lines
Lot 33	3 metres from all side property lines

REAR YARD SETBACKS

Lot 26	5 metres from the rear property line
Lot 27	4 metres from the rear property line
Lot 28	6 metres from the rear property line
Lot 29	5 metres from both rear property lines

Fairwinds

COMMUNITY

APPLICATION FOR BUILDING PLAN APPROVAL

APPLICANT:

Name: _____

Address: _____

Lot #: _____ Telephone: _____

HOUSING DESIGN

Type: House Type: _____ Model: _____

Ground Floor Area: _____ m2 _____ Sq.Ft. 2nd floor Area: _____ m2 _____ Sq.Ft.

From: Roof Style: _____ Roof Pitch/Slope: _____

Roof Material/Colour: _____

Detail: Wall Material/Colour: _____

Trim Material/Colour: _____

Garage Door Material/Colour: _____

Chimney Material/Colour: _____

Soffit Material/Colour: _____

Driveway Material: _____

SITING

Conformance to setback requirements are the responsibility of the contractor.

Setback: Front: _____ Rear: _____ Left Side: _____ Right Side: _____ Height: _____

Grading Minimum Basement Elevation: _____ Fin. 1st Floor: _____

BUILDING PLANS:

The Building Plans with the following information must be provided (The owner is responsible to confirm on site that the information submitted and reviewed matches the actual site conditions before starting construction):

A) SITE PLAN REQUIREMENTS

- a) Dimensions of lot
- b) Dimensions of building
- c) Location of building on lot
- d) Dimensions of property lines
- e) Proposed and existing elevations at each corner of house, garage slab, basement slab and finished main floor
- f) Location slope and type of driveway
- g) Location of retaining walls
- h) Location of drainage swales
- i) Location of underground water lines, sanitary and Hydro/Tel lines
- j) Lot elevation (grades) including contour intervals
- k) Type and location of Shoreline Treatment

B) LANDSCAPE PLAN REQUIREMENTS

- a) Location of building on lot
- b) Location and type of plant materials
- c) Location, slope and type of driveway
- d) Location of retaining walls (if any)
- e) Location and type of walkway
- f) Location and type of sidewalks and patios

C) HOUSE PLAN REQUIREMENTS

- a) Floor plans indicating dimension of house
- b) Front, rear & 2 side exterior elevations showing finished grades
- c) Typical cross section
- d) Details of types of building materials

