

DEVELOPMENT & REVIEWS

All development within Bay Creek will be based on the overall master plan and design guidelines. Development will be governed by the Planned Unit Development (PUD) adopted by the Town of Cape Charles, Virginia, on February 9, 1993, and a community-wide Architectural Review Committee (ARC). The community ARC shall govern all new construction of residential lots within development. Review of new construction, additions, and renovations, including exterior modifications to houses, accessory buildings, and landscape improvements require approval by the ARC.

Final approval for construction shall be issued through permitting with the Town of Cape Charles. Prior to an application to the Town of Cape Charles, applicants shall obtain Formal Final approval from the ARC for all proposed projects. The applicant shall then provide the town with an approved ARC review letter with their initial construction permit application.

DEVELOPMENT REVIEW PROCESS

The plan and design for Bay Creek has been created through collaborative efforts between Preserve Communities, architects, planners, engineers, market consultants, landscape architects, and other associated team members. Each has a significant level of professional expertise and personal commitment to creating a community of the highest level. This team is willing to work with builders, architects, and property owners to make sure that the detail of the home design and construction is consistent with the vision for the planned community. An ARC has been formed that includes members of the design team representing Preserve Communities, including an assembly of qualified design professionals, from varied disciplines. It is the desire of the committee to foster design principles that contribute to the quality community envisioned in the master plan.



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USE OF PROFESSIONALS

ARC Approval of Professionals

All professionals employed by owners in the construction process shall be subject to pre-approval by the ARC. Owners must employ previously approved architects, builders, landscape designers, and installers or, if not previously approved, all shall be approved by the ARC by submitting the required documents to be considered for approval by the ARC for project duration. Only professionals approved by the ARC shall be entitled to participate in the design and construction of residences in the community.

Approval of ARC is not a warranty or guarantee by the ARC as to the qualifications or any professional, but rather specifies that the professional has met the criteria deemed necessary to work within the community.

Architect/Designer

Each owner must use a professional architect or designer to provide design services. Design services shall include, but are not limited to, site analysis, schematic design, design development, construction documents, and construction administration adequate to confirm that the residence is built in compliance with the ARC-approved plans.

Landscape Designer

Employing a professional landscape designer familiar with the native plant palette and environment is required. The building architect and landscape designer must ensure that the house design and landscaping are coordinated and conform to the requirements of these guidelines.

A landscape designer shall work with the architect to design elements outside the building envelope. In addition, the landscape designer may collaborate with the architect to determine the optimal placement of the residence on the site and its relationship to the surrounding property. Other responsibilities of a landscape designer include planned improvements such as driveways, service yards, parking, roads, utilities, walks, decks, terraces, pools, gardens, grading, drainage, exterior lighting, and plantings.

Approval Process for Professionals

A professional, architect, or designer who is not on the ARC Approved Professionals List, Bay Creek Service Provider List, or member of the Bay Creek Builder's Guild, and who has been requested by an owner to undertake a project in the community shall be required to proceed as follows:

Submit a Professional Approval application. The ARC, after review of the submitted documents and interview, if requested by the architect or by the ARC, may either:

- A. Grant immediate approval to commence work and place the professional on the ARC Approved List. In this case no further review of qualifications is required.
- B. Grant conditional approval for design for one (1) residence. Such approval by the ARC is conditional and limited to the project for which the applicant has been retained. The conditionally approved applicant must satisfactorily complete the normal approval process of the ARC for the owner's residence through the construction document submission or the final landscape plan. At completion of design process, should the conditionally approved applicant choose to pursue approved status, upon request, the ARC will reevaluate the qualifications statement. If placed on the ARC Approved Professionals List, the applicant may accept subsequent commissions without need for further review of qualifications by the ARC.
- C. Reject the application and require an alternate selection by the owner.

Note: The ARC reserves the right to remove anyone from the ARC Approved Professionals List for underachievement relating to the execution of a project within the community, or for any reason relating to the professional conduct or standing of the professional.



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REVIEW STRUCTURE

Architectural Review Committee

The Bay Creek Architectural Review Committee (ARC) has the responsibility to ensure compliance with these guidelines. It has been granted the authority to approve plans for new construction, additions, and renovations, including exterior modifications to homes, accessory buildings, and landscape improvements. The ARC 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 Bay Creek. An architectural advisor or architect, certified interior designer, licensed landscape Architect, and a designated builder may be appointed to serve.

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

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 accessory buildings, swimming pools, driveways, walkways, or landscape construction, or other site work that requires grading or filling, an ARC Formal Final approval for such work must be obtained by the property owners or their respective agents. It is important to understand the sequence of events required to obtain design approval for a new home or improvements to existing property in Bay Creek. This will ensure a smooth, orderly progression of the design and construction process. Before an application can be processed by the ARC, all fees, correct and appropriate material as documented must be received. No application will be reviewed or approved unless all fees are paid and received by the ARC.



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REVIEW STRUCTURE

New Home Construction

Following the purchase of a lot and selection or development of a house plan, there is a series of phases in the design review process. Each phase includes a submittal to the ARC. The requirements of each phase are as follows:

Modifications to Existing Residential Property

Prior to the commencement of construction on any improvement to the exterior of a house or outbuilding, modifications or replacement to driveways, walkways, terraces, or decks, new and replacement landscaping, and/or the addition of a swimming pool, fence, or other structure, approval of the ARC is required. Depending on the complexity of the scope of the submittal, a formal review may be required, in which case a fee will be charged. Fees are in accordance with the fee schedule.

The detailed review process for new construction and major/minor modifications is illustrated on *the ARC Submittal & Review Flow Chart*. For all submittal procedures and drawing requirements *see the appropriate application*.



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SUBMITTAL PROCEDURES & DRAWING REQUIREMENTS

General Requirements

All design review submittal packages shall be submitted electronically or by mail to the Architectural Review Committee (ARC) in care of:

Bay Creek Architectural Review Committee
Bay Creek Real Estate Discovery Center
3335 Stone Road
Cape Charles, Virginia 23310
P: (757) 331-8742
E: arc@baycreeklife.com

Approved Builder & Process

A copy of the general contractor qualification information along with Professional Approval Application is required by the ARC if the general contractor is not on the list of Bay Creek Preferred Builders. The City of Cape Charles will require all builders to hold a current Cape Charles license prior to granting any permits.

Conceptual Design Submittal (Optional):

This submittal ensures that the selected house plan or modification designs will fit properly on the designated lot, conforms to specific design requirements and identifies a prospective builder, architect, home designer, landscape architect, or designer. This submittal and any comments received from this submittal shall be incorporated into Submittals.

Preliminary Design Submittal (Optional):

This submittal should be made when the lot purchase is either under contract or a closed purchase, and prior to proceeding with any detailed design of an original house plan or modification to a purchased plan. This ensures that the purchased house plan or the selected architect's or home designer's proposed house design conforms to the specific design requirements set forth in the design guidelines. The ARC will provide further design guidance where necessary concerning the house itself and major accessory building(s).

Formal Final Design Submittal

This submittal focuses on the details and their application in the design.

A. Payment of the required design review fee is required for this phase of the review process, as well as a full builder's bond.

B. Digital Copies of the site plan must be at a scale of 1" = 20', depicting the boundaries of the lot, north arrow, all setbacks and easements, all utility structures (if present), the footprint of the house, outbuilding(s), driveway(s), walkways, all terraces, decks, and all proposed improvements and structure elevations.
(For Site Plan examples, see Appendices, Exhibit C and D.)

C. Digital Copies of the existing topographic survey must be at a scale of 1" = 20', or 1/4" = 1' 0", including pre-construction contours.

D. Digital Copies of the grading plan must be at a scale of 1" = 20', or 1/4" = 1' 0", including existing and proposed contours, retaining wall locations, materials, heights, and surface water drainage management.
(For Grading Plan examples, see Appendices, Exhibit E and F.)

E. Digital copies of the building permit construction documents must be at a scale of 3/16" = 1'-0" for all building structures and include all major exterior elevations, building section(s), and complete construction details of all exterior building elements.

F. All drawings included in B, C, D, and E above, in a PDF format, shall be emailed to the above-referenced submittal address. The subject line of email must include the owners name, lot number, and "Formal Final Design Submittal."

G. Digital copies of a front, rear, and side elevations must be drawn at a minimum scale of 3/16" = 1'-0", must include notations of all major building materials, plan, and overall height dimensions. Plans and elevations must also include all accessory building structures.



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SUBMITTAL PROCEDURES & DRAWING REQUIREMENTS

H. Email a copy of drawings included in B, C, and D, above, in PDF format, to the above referenced submittal address. The subject line of the email must include the owners name, lot number, and “Preliminary Design Submittal.”

I. Building Materials and Colors Form must be fully executed. If requested, samples of materials and/or colors must also be provided.

J. General Contractor’s letterhead must include a proposed construction schedule.

K. Digital copies of the submitted documents will be returned to the property owner with the submittal review comments.

L. The ARC will retain a digital file set of the drawings for a maximum period of 120 days subsequent to approval of the final design submittal. If construction is not started or a continuance request has not been submitted within this time period, the approval will automatically expire.

Formal Landscape Design Submittal

This submittal focuses on the landscape package, including landscape, hardscape construction and irrigation.

Digital copies of a final landscape plan locating and identifying all plant material, irrigation, walks, drives, and structures must be submitted for approval. The plan itself is not required to be submitted until 60 days prior to the home’s scheduled completion date and prior to any installation of landscaping. However, it is encouraged that these plans are reviewed during the Formal Final Design Submittal.

All landscape plans shall be designed in coordination with the prior submitted grading plans, ensuring that drainage patterns are adhered to and are not obstructed.

Variances

All requests for variances from the guidelines must be made in writing and submitted via email. A variance may be considered, especially in the case of setback relief, on sites where existing topography and/or site features may significantly limit reasonable site development. A variance will not be granted for any self-imposed hardship, such as an aggressive land development, or a large house footprint. The ARC has full authority to consider, grant, or reject any variance request at their discretion. All variances granted shall be considered unique and will not set any precedent for future development or decisions.

Exterior Changes to Construction

Owners requesting changes or modifications to the approved plans after approval has been received, should submit a request via email, including a detailed schedule of all changes, to the ARC to determine the process and fees applicable to the requested changes prior to any revisions being made.

Exterior construction or landscaping changes to the subject property shall receive prior written approval from the ARC. Applicants requesting design changes should submit a Plans Change Request and consult with the ARC to determine the required design documents and fees required for approval. Any expansion to the original structure will require a revised as-built survey, flood recertification, if required, digital PDF of a CAD-based file shall be issued at completion by a licensed and certified surveyor.



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APPROVAL PROCESS

Summary of Approval Process

Owners, approved architects and designers are reminded that significant changes may result from comments received via the ARC. These comments may or may not have a substantial effect on the design and/or the timing of construction. Owners and approved architects/designers are advised not to advance out of a submission phase until pertinent approvals are received in writing.

ARC Response Time

All submissions, including revisions, major or minor changes, must include all complete documents and materials as required by each submission phase. To the extent that submissions are incomplete, a notice of incompleteness will be issued and no further action will be taken by the ARC until the deficiencies are corrected. All submissions will receive a written response from the ARC with comments and/or approval.

ARC Approvals and Review Comments

Each applicant will receive a written statement from the ARC to include an approval, with or without review comments based on the Development Review Process, including Conceptual Design, Preliminary Design, and Formal Final Design submissions. The ARC's decision is final and shall be rendered in one of the following forms:

“Approved”

If plans are “Approved”, the owner and the approved architect/designer may continue to the next phase of the development review process.

“Approved Subject to Stipulations”

If plans are “Approved Subject to Stipulations”, the owner and approved architect/designer may continue to the next phase of the development review but must incorporate the stipulated changes prior to submitting the plans for the next phase of the review process.

“Not Approved”

In the event that plans are “Not Approved”, the ARC will provide a written description of the basis for denial. Prior to resubmitting the application, the owner and approved architect/designer may consult with the ARC via email on how to resolve the concerns/issues based upon the ARC comments received for any revised submission.



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Written Approvals/Oral Statements

Written approvals and comments shall be the sole source of reference regarding ARC decisions. Oral statements may not be relied upon unless incorporated into written comments and received from ARC. Any exterior changes made subsequent to the final review must be presented to the ARC for further consideration and approval.

ARC Decisions and Enforcement

Given the uniqueness of each homesite within the community, all approvals granted by the ARC are subject to a specific review and do NOT set any precedents for future decisions. The ARC will review all submitted plans and render one of four types of decisions in writing, as described above. The ARC shall have the right to reject designs and to demand that modifications be made, including changes to materials and colors.

Approval to Proceed with Construction

After approval of the “Formal Final Design” phase, the ARC will forward a written authorization to proceed with construction to the owner and applicant(s). Approval of the final plans does not relieve the owner and approved architect/designer from responsibility for compliance with the ARC Guidelines and the requirements of all governmental agencies and local or state building codes.

Resubmittal of Drawings

In the event the ARC does not approve the submittal application or plans during any phase of the review process, the resubmission of the revised documents must follow the same procedure as the original submittal.

Approval Expiration

If substantial construction has not commenced within a period of 120 days from the date of final approval, the ARC will request a resubmission of all plans for approval in order to assure compliance with the guidelines current at that time. Any change(s) from the previously approved plans will require additional review fees based on the extent of changes made. Approval greater than 120 days old will require a complete new submission of all approval processes (as applicable) based on the guidelines current at that time.

Building Permits

It is the responsibility of the owner to obtain required permits from any city, county, state, or federal agencies having jurisdiction for required permits. The ARC must be notified of any changes to the construction documents resulting from external agency reviews. Even after approving an application, the ARC does not guarantee approval by any governing agency. All building permits must be displayed prominently on the construction site for the duration of construction.

Enforcement/Work in Progress Inspection

The ARC or its representatives shall have the right, during reasonable hours, to enter upon any site to inspect and ensure that all structures and improvements are constructed in conformance with the ARC approved plans. Any structure, improvement, or landscaping constructed that deviates from the approved plans and not previously submitted or approved shall be deemed to be a violation and non-conforming to the ARC regulations as set out. Upon written request from the ARC, owners shall, at their own cost and expense, remove such structure and/or improvement and restore the property to substantially the same condition as existed prior to the nonconforming work. Should an owner fail to remove any non-conforming work, and restore it as required, any authorized agent of the ARC shall have the right to enter all areas of the property. Entry for such purposes shall not constitute a trespass. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the owner and the benefited site or may be deducted from the applicable completion deposits.



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APPROVAL PROCESS

Job Site Plans

A complete set of the current approved plans must be maintained on the job site for inspection at all times.

ARC Final Inspection

The approved architect/designer and/or builder shall be required to submit an application for Final Inspection. Upon receipt of applications, a representative from the ARC may inspect the site for compliance, screening, construction damage to vegetation, removal of all stacked material and/or construction debris. If there is no violations or cleanup required, the approved builder shall receive its bond, and the lot will receive a Bay Creek ARC Review Letter of Compliance.

Deficiencies or Violations

If the ARC finds that the permitted work was not in compliance with the approved plans and specifications, the ARC will issue a letter to the owner, architect/designer, or builder and, if necessary, the landscape designer and landscape installer, stating the reasons for non-compliance. The Owner, or its representative, must have the work brought into compliance and submit a letter certifying completion within 30 days. A final follow-up inspection may then be performed as required. If the noted deficiencies have been corrected, the bond will be released.



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DESIGN SUBMITTAL/REVIEW PROCESS - SEE THE "SUBMITTAL & REVIEW FLOW CHART"



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DESIGN SUBMITTAL/REVIEW PROCESS - SEE THE "SUBMITTAL & REVIEW FLOW CHART"



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DRAWING REQUIREMENTS - SEE APPLICATIONS

