



BAY  
CREEK

*Cape Charles, Virginia*

ARCHITECTURAL REVIEW COMMITTEE  
DESIGN GUIDELINES  
THE COLONY AT BAY CREEK

— 2021 —

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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

#### 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.

#### 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).

#### Sidewalks

Street-side sidewalks are neither required nor allowed in The Colony.

#### Landscape Guidelines

For approved design guidelines, tree, and plant species *see section 10*.

## 3.0 ARCHITECTURAL STYLE

The architectural style of all structures shall be that of Modern Coastal.

#### History & Character

The Modern Coastal takes its heritage from the Coastal Farmhouse, Classic Coastal, Coastal Shingle, and Coastal Plantation styles. Modern Coastal can be adapted for any beach front, waterfront, or coastline location.

#### Identifying Features

##### Garages

One-, two-, or three-car, front integral, side load, or garage courts, detached or attached are preferred. Detached or attached garages can be associated with the larger estate home lots. Roofs are either end gabled, cross gabled, or hipped and can have fully-fledged living quarters with dormers or faux dormers over upper attic space.

##### Roofs

Gabled or hipped roofs are typical roof forms. Shed or gabled dormers may be used on upper-floor levels with either ganged double-hung or casement windows.

Roofs may have a split slope when separate porch shed roofs are introduced and may vary with slopes from 4:12 to 12:12 and one material of metal standing seam. Bracketed roofs or trellises are generally associated with this design pattern. Eaves and soffit boards are typically deeper than normal and coupled with exposed rafter tails, corbels and or brackets. Gables to roof and dormers generally have decorative truss and gable detailing.

### Porches

Porch locations are typically one- or two-sided and one or two story in height. Porches generally centrally located but can be to one side if entry door is off-center. Rear porches are an expansive covered feature and provide a transition of internal and external spaces.

### Balconies, Canopies, & Trellis

Bracketed canopies and trellis features are typical of this design pattern providing both interest and shade to principal rooms. Balconies and railings are of a horizontal design accent with minimal vertical balustrades and follow a coastal/beach design bias.

### Crawl Space/Raised Slab

Crawl spaces to the main house and porches are an essential design element and are constructed with either brick, painted brick, or stucco columns. Recessed louvers or lattice shall be provided. Raised slabs shall follow the appearance of a crawl space and shall not be of continuous stucco or brick finish.

### Siding, Stucco, & Trim

Wall siding will vary from predominant board and batten but may have classic clapboard, lap, or beveled siding in either painted wood or smooth or grained cementitious siding. Trim and corner boards will match siding material used with a maximum of 6" width and of flat stock material. Stucco shall be either smooth, tabby, or stucco-based board and batten.

### Windows & Doors

Vernacular styled double-hung or casement windows should have minimal glazing and muntin patterns are used to maximize a light and airy feel. Doors should either be a single- or double-entry door with or without sidelights. Rear porch doors should be double with sidelights or sliding glass doors to an outdoor entertaining space. Windows and doors shall be painted in neutral colors to provide a light and airy feel and be made of either painted wood or metal.

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, or a circular 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 appropriate to the house design. Window grilles shall not obstruct 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.

Windows shall be made of wood and finished by painting, painted metal cladding or vinyl cladding. Allowed exterior colors are white, black and cream only. Include the window manufacturer's cladding color, or selected paint color, on the Building Materials and Colors forms part of the Final Design Review submittal package.

### 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.

### Floor Plan

Open concept floor plans should have tall vaulted/volume ceilings, and harmonious flow to an internal/exterior transition to an outdoor living environment

### Chimneys

Chimneys are not allowed in The Colony.

### Gutters

Gutters shall be half-round and a maximum of 6". Round downspouts are preferred.

## SECTION II

### 4.0 REVIEW PROCESS

For Submittal and Review processes, the Colony follows the published Bay Creek process.

## 5.0 ARCHITECTURAL GUIDELINES & CONSTRUCTION STANDARDS

### 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 ARC reviews all proposed building submissions to ensure compliance with the above guidance.

### Architects

Each dwelling and any attached or accessory buildings will be designed by a qualified design professional or architect approved by the ARC.

### Foundations

Although not a requirement, the ARC recommends that the foundation system of each structure shall be designed to meet all state and local building codes and be approved by the local building inspection department. In areas where the bearing capacity of the soil is questionable, the foundation system should be designed by a licensed professional engineer. The foundation design should be based upon soil reports and test results prepared by a soils engineering firm.

### Floor Elevations

All homes are to be built on a crawl space or an elevated slab. All elevated slab foundation walls shall be finished in brick or stucco and may have appropriate detailing of wooden, recessed louvers. Finished floor elevations shall be constructed a minimum of 36" for both elevated slab and crawl space above finished grade at foundation. Garage floor elevations may be a minimum 4" above adjacent grade and 4" minimum below house's finished floor. Drive under foundations are acceptable.



Crawl space or porch piers shall be constructed of brick or stucco over concrete block. The crawl space area, between the finish grade and foundation shall be filled with recessed wood louvers, brick, or stucco, but never continuous stucco or brick and not obscure the piers. Homes with drive under parking and garages are acceptable.

### Stone Foundations

Stone is not approved unless a foundation to a brick home shall be constructed to simulate ballast stone as utilized in historic dwellings. The ARC must approve all stone.

### Siding Products

Siding shall appear as a natural brick material and shall be wood, cedar shakes, smooth and grained cementitious lap board, or shingles. In no case shall vinyl or aluminum be acceptable.

### Brick

Brick shall cover full walls and major portions of the house. Appendages (garages or wings) may be of different materials. In no case will brick be applied to the front of the house only. Painted brickwork may also be used as accent material.

### Stucco

The preferred application for stucco is true stucco, applied to masonry by wire lath. Stucco finishes may not be used as the primary wall finish system but as an accent finish.

### Shutters

All shutters shall be made of wood. In no case shall the shutters be made of hollow fiberglass or plastic. Shutters shall be correctly sized to the outside height and width of the window frame. The correct sizes, style, materials, and all hardware shall be included in the Formal Final Design Submittal Package. It is recommended that shutters are operable; however, non-operable (fixed) shutters are allowed. Operable shutters shall be provided with hinges and shutter tiebacks. Non-operable fixed shutters shall be provided with faux hinges and tiebacks.

### Guttering

Guttering is not required at The Colony. However, if a homeowner chooses to install guttering, it must conform to the following: The system may be composed of gutters along all low roof edges with downspouts connected to an outfall at least 5'-0" away from the foundation wall with a below-ground piping and dry well system, or a series of lateral, sloped outfall gutters in matching material that conduct the water at least 7'-0" from the foundation wall and shall coordinate with the required grading and drainage plans. Applied guttering systems must be of one material throughout and complete, including guttering, leaders, and downspouts. Copper guttering is encouraged; painted aluminum, or galvanized steel are allowed. Vinyl gutters are prohibited. Downspout shapes shall be round. Splash blocks or ground gutters must be used with applied systems, and must be mud-set brick, mud-set stone, or exposed aggregate concrete. Each must be sloped away from the foundation wall and a minimum of 5'-0" in length. Plastic splash blocks are prohibited.

### Flat Roofs

All proportions of roofs shall be consistent with the proposed architectural style per the Architectural Pattern sections of this book. Flat roof areas will be permitted on a limited basis as approved by the ARC and shall be formed to slope to a minimum of 1/4" per 12" or to applicable state building code. The main roof of the dwelling will have a pitch appropriate to the house style unless a variance is granted in writing by the ARC. Roofs shall be a minimum 30-year rating, 5V galvalume, standing seam galvalume. Heating/air conditioning, extraction fans, and plumbing vents shall not penetrate the roof on the roadside of the building. In all cases, vents and pipes will be painted the same color as the roof and or wall. To reduce the number of vent piercings in the roof, all vents (as allowed by code) shall be tied together below the roof pitch line and formed into a single vent that will continue to penetrate the roof. Roof vents will not be permitted on exposed street or golf view elevations. Powered roof venting mounted on the outside of the roof is not permitted. Attic ventilation shall be provided using gable vents or with ridge and soffit vents per state building code.

### Exterior Decks & Railings

All exterior deck boards shall be either wood, concrete, or brick which must be painted or stained, or simulated wood composite. Support columns shall be a minimum of 6" x 6" treated wood material. 16" x 16" brick or stucco columns are recommended. All decks shall be underpinned with either horizontal, wood slats, 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" posts. Railings and balusters shall meet code for height and spacing and shall be in character with the architectural style of the building. Railings can be in wood, aluminum, or simulated wood composite.

### Porch Skirt

The porch skirt can be in wood, simulated wood composite, or aluminum or treated wood slats. Slats are to be a minimum of 1½" wide by 1" thick, and spaced no wider than 2" apart, and supported by 2" x 4" framework. The porch skirt shall be painted or stained, and in no instance shall treated, unpainted materials be used allowing knotholes to be visible.

### Equipment Screening

All mechanical, electrical, and electronic equipment including transformers, propane tanks, air conditioning condensers, generators, and compressors will be properly screened with landscape to blend with the site and block such equipment from the 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.

### Patio Screening & 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 ARC. No lighting of a patio or other recreation area will be installed without the written approval of the ARC and, if allowed, will be designed for recreation character to buffer surrounding residences from all lighting. All lighting shall be compliant with the International Dark Sky Association (IDA) or a certified fixture/approved fitting database and the seal of approval program ([www.darksky.org](http://www.darksky.org)). The exact fixture locations and specifications, including lamping, shall be included in the Formal Final Design Submittal Package.

### 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.

### Mailboxes

A central mailbox pavilion is provided. Mailboxes located "at the street" are not allowed.

### Garbage Receptacles

Garbage receptacle must be screened with approved fencing or landscaping and be completely out of sight, within setbacks, or placed within the garage.

### Solar Panels

The application and the principles of solar design and sustainability within The Colony is supported. However, it should be carefully considered in the planning and construction of all residences in the community.

Solar collectors must be aesthetically integrated into the roof design and hidden from view whenever possible. Solar collector tiles or panels should be carefully designed to relate to the architectural mass in association with the Pattern Book and the preferred architectural building styles on which they are to be placed.

When the solar collectors are placed on the roof, they should be located at the same roof pitch and detailed to be as unobtrusive as possible. Although the ARC supports a sustainable design approach, it will discourage or reject any proposals for collectors of any size, shape, or color that are insensitively located and designed. This will include any electrical and mechanical equipment required that is equally insensitively located. Full product and material specifications shall be provided for approval by the ARC.

### Antennas & Satellite Dishes

The ARC 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” in diameter unless approved by the ARC. The location of these devices shall be included in the Formal Final Design Submittal Package, including dimensioned plan views and elevations and material specifications. All antennas of any type must be of the concealed type installed inside attic space or other enclosed space unless otherwise approved by the ARC.

### Garages

A garage shall be an attached or detached structure with operable doors designed primarily to accommodate a motorized vehicle. A garage, when more than 45° off the bearing of the street, shall not be considered as a front entry garage. Side- or rear-loading garages are recommended. Detached garages are recommended for TND lots within Bayside Village; however, attached garages may be approved by the ARC on a case-by-case basis.

Any attached, detached, or connecting buildings on a lot must be subservient in style, material, and color with the main house design.

Carports (covered outdoor areas to park vehicles) are allowed as an integral part of the detached garage or carriage house structure. Porte-cocheres (covered area at home entries) are allowed, but do not qualify as a garage. At no time is the garage area or guest house to be used as a permanent living space unless it has received ARC approval and a Town permit to do so.

Garages must have fully finished interior walls.

Boats (not in boat slips), trailers, and other tow-able recreation vehicles must be stored in an enclosed garage and not visible to an exposed view

## ARCHITECTURAL GUIDELINES | ELEMENTS OF STYLE:

### Porch Flooring

- Brick or wood
- Radius edge decking is allowed but must be picture-framed at the perimeter.
- Wood 1¼” tongue-and-groove is preferred.
- Concrete-textured or exposed aggregate
- May be solid boarding or spaced boards allowing the metal to be seen from below.

### Porch Ceilings

- 1 x 4, 1 x 6 plain or beaded, square edged, or tongue-and-groove
- Board-on-board to form the appearance of rectilinear flat panels. These panels may be trimmed with ogee or cove trim to embellish the panels. Size of panels may vary.
- May be open showing rafters.
- Other combinations may be accepted by ARC where appropriate to style and imagery presented.

## Shutters


- Use of shutters is strongly encouraged and shall be either operable or fixed operable with appropriate hardware.
- Board or louvered
- Operable shutters shall have the ability to be closed and locked from the inside
- Shutters may be wood or synthetic.
- Overlapping of shutters is discouraged and must be approved by the ARC.
- All shutters to be a minimum of 1 ½” thick.
- Bahama shutters are appropriate and shall be installed to a maximum of 15° angle.

## Windows

- All glass surfaces should have true divided light appearance. Both interior and exterior glass surfaces shall be broken by the muntins or sticking. This may be accomplished by a true simulated divided lite to both sides of glazing.
- Windows may be wood or vinyl clad (clad windows must have wood trim and sill).
- 7/ 8” sticking is preferred over larger 1¼” to 13/ 8”.
- Window lite patterns are to be appropriate to the style of the home.
- Casing is to be a minimum of 1¼” x 3½” (Note: some lapped siding may require 1½” minimum thickness.) 1¼” x 4¼” with back band is preferred. Wood or cementitious product is allowed. No standard 2¼” case will be allowed.
- Windowsill is to be a minimum of 2” thick - 3” is preferred and detailed per style of home.
- Above windows shall not be allowed unless the design pattern permits.
- Special windows – Palladian, flanked, triple hung, walk through and jib windows appropriate to historical imagery and style will be allowed where the ARC feels appropriate.
- Maintain a minimum of a 3” cased mull between multiple windows

Colors

Colors utilized on contributing structures shall be compatible, shall not be garish, and shall enhance their surroundings as well as blend with adjacent structures and street scenes.

		EXTERIOR PALETTE COLOR GUIDE	
FIELD	TRIM	FIELD	TRIM
MADERA ROSE 130	REF. CORAL 132	MADEIRA ROSE 130	REF. CORAL 132
BRICK ROAD 169	GEORGIAN CLAY 210	BRICK ROAD 169	GEORGIAN CLAY 210
KENYA CORAL 362	PADRE ISLAND 308	KENYA CORAL 362	PADRE ISLAND 308
BURMA ROAD 330	PECHE 432	BURMA ROAD 330	PECHE 432
BROWN BAG 464	IVORY SAMPLER 640	BROWN BAG 464	IVORY SAMPLER 640
PERSIAN MELON 675	FALLING STAR 677	PERSIAN MELON 675	FALLING STAR 677
WYETH'S FIELD 985	WALES GREEN 953	WYETH'S FIELD 985	WALES GREEN 953
WOODRINE 916	ARLINGTON GREEN 1144	WOODRINE 916	ARLINGTON GREEN 1144
KENTUCKY BLUE 1153	FALL'S RIVER 1266	KENTUCKY BLUE 1153	FALL'S RIVER 1266
JASPERWARE 1267	JAMAICAN BLUE 1307	JASPERWARE 1267	JAMAICAN BLUE 1307
SANTA MARIA BLUE 1398	CLOUDLESS SKY 1405	SANTA MARIA BLUE 1398	CLOUDLESS SKY 1405
PROTOCOU BLUE 1431	PIGSSO BLUE 1433	PROTOCOU BLUE 1431	PIGSSO BLUE 1433
BLUE DANUBE 1445	KING'S ROBE 1587	BLUE DANUBE 1445	KING'S ROBE 1587
PURPLE PLUM 1653	AGERATIUM 1603	PURPLE PLUM 1653	AGERATIUM 1603
ARROW WOOD 460	CASTLE ROCK 468	ARROW WOOD 460	CASTLE ROCK 468
DEEP ONYX 1674	OBSIDIAN GLASS 1675	DEEP ONYX 1674	OBSIDIAN GLASS 1675
TUNDRA POND 1282	SIGNATURE BLUE 1486	TUNDRA POND 1282	SIGNATURE BLUE 1486

This chart is for preliminary visualization only. Actual colors may differ from the artist's rendition. For final selection, please request actual paint samples.

These colors are strongly encouraged as they are the true historic character of Cape Charles. All color palettes will be approved on a building-by-building basis. Approval will come only from the ARC.

### Porch Rails

- Hand and shoe railing should be appropriate to the style and local vernacular, designed in a manner to shed water away from balusters.
- Handrails may be round or oval, chamfered, or eased cap with apron which may be square, have beaded edge, or simple shape.
- Proper scale and proportion of hand and shoe railings to balusters are critical to the design.

### Porch Balusters

- Square or turned balusters of correct proportions in line with style and house are allowed. 1 1/2" x 1 1/2" balusters with rounded edges are not allowed.
- Square balusters should not exceed 1 1/4" x 1 1/4" hard edge.
- Jigsaw cut balusters or horizontal boards in lieu of balusters are acceptable if appropriate to the design.
- Wood is preferred, but approved synthetic balusters are allowed.
- Iron railings may be approved if historical imagery and site location are felt to be appropriate by the ARC.

### Siding & Corner Boards

- Horizontal beveled, butt, or lapped with 3 1/2" to 6" exposure to the outside, new wood, cementitious siding (smooth) or reclaimed wood
- Horizontal butt boarding under covered porches. Synthetic or reclaimed wood should be used with 5 1/2" to 1 1/4" exposure.
- Wood is the preferred material.
- Vertical board & batten for accent or minor massing, boards to be a minimum of 9 1/2" x 3/4" wood or synthetic, batten strips to be 1 1/2" x 3/4" minimum wood or synthetic – wood is the preferred material.
- Cedar shingles, even butt or shaped – preferred for accent use only.
- Aluminum siding, vinyl siding, and cedar shakes are not allowed.
- Corner boards minimum of 3 1/2" to 5 1/2" x 1 1/4" to 1 1/2" smooth, wood, or synthetic. (Siding must not protrude beyond corner boards.)
- Use of stucco on the body of the house is discouraged and only allowable with an acceptable historical precedent if approved by the ARC.

### Cornices

- Cornices may be enclosed with crown and bed moldings or open with exposed rafter tails and roof decking as the style may dictate.
- Size, scale, and overhang depth of cornice and frieze must be in proper proportion and appropriate to the style and body of the house. Major massed homes should generally have larger-scale and higher-style cornice than minor masses.
- With enclosed cornices, ogee crown molding is to be used at the fascia only. (Although bed molding can be used in lieu of crown.) Bed molding is to be used where the soffit and frieze meet.

### Roofing

- 5V Galvalume, painted or factory finish
- Standing seam Galvalume, painted, factory finish, or copper

## 6.0 SITE PLAN, LANDSCAPE DESIGN, & CONSTRUCTION GUIDELINES

### GENERAL GUIDELINES

In developing the site plan for a lot, it is essential that the owner(s) take into consideration the setback requirements, the terrain and physical constraints of the specific site, the need to preserve significant trees, and other environmental concerns. While each site plan should reflect the functional needs of the lot owner, it should also be sensitive to the site's unique characteristics and inherent design opportunities.

### SPECIFIC GUIDELINES

The ARC shall consider each site independently but shall give extensive consideration to each individual plan's impact upon adjacent homesites and view corridors. Whenever possible, care must be taken to locate each structure so as not to infringe upon view corridors, adjacent structures and home sites, and natural amenities of the site. Therefore, the ARC 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 the street, golf course, community preserve trails, and waterways
- D. Existing land topography
- E. Existing drainage channels
- F. Height and mass of proposed structures
- G. Mature height and massing of proposed planting materials

### Site Positioning of New Construction

Homes do not have to be placed square with the street or setback lines. Lots can be combined in The Colony subject to the approval of the developer and the ARC.

To aid the architect/owner and the ARC in the positioning of the new home, the site plan for the proposed home shall include the location and first-floor elevation of all adjacent homes. The positioning of a new home must take into consideration the placement of existing adjacent homes to provide an attractive streetscape and ensure that visual corridors are not obstructed.

Water lots have the unique position of effectively having two fronts, one facing the street and the other facing the water. Careful consideration should be given to siting buildings and hardscapes to enhance both fronts.

### Setback Requirements

Setback is defined as the minimum distance that a property structure may be placed, measured to the first vertical wall. Compliance with setback requirements will be determined by measurement of the distance from property lines to the closest portion of proposed construction excluding stairs, roof overhangs, and service enclosures. Setback variances will be considered by the ARC on a case-by-case basis upon their effect to the street scene and community. 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 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.

### Trees

In developing the site plan, the owner should make every reasonable effort to preserve major trees on each lot. This includes trees with overhanging canopies from adjacent lots. The ARC may reject a plan that does not comply with this objective. It is advised to utilize appropriate existing natural vegetation on site. Clearing small, invasive, unsightly vegetation and enhancing the under-story of existing trees is encouraged. For more information *refer to section 10*.

Written permission is required from the ARC before removing any trees 4" and over in caliper anywhere on the lot. To maintain an effective and appropriate canopy cover, replacement tree plantings may be required in accordance with the preferred list of species. The locations and specifications of the removed and newly planted trees shall be shown on the Landscape Plan. For certain lots, a tree survey may be required to designate tree groupings that are to be preserved and cannot be removed without approval of the ARC. It is important that all contractors be carefully apprised of the construction requirements for the protection of all trees that are to remain on each lot. For tree protection detail *see the Bay Creek Pattern Book and Design Guidelines, page 63, section 7.*

### Precautions

Stockpiling of any building materials, cutting, filling, or any ground disturbances shall not be allowed within drip line of existing tree canopies. Runoff and erosion shall be controlled on site during construction while the site is disturbed. Grade reduction within the drip line should be avoided. Burning is not allowed.

### Grading & Drainage

Site grading should be kept to a minimum so that it accommodates drainage flow to common properties of The Colony and not onto adjacent homesites. Any grading necessary within the site should be done with properly installed silt fencing in place and maintained throughout the duration of the construction. Earth berms or lagoons are discouraged in most instances. However, exceptions may be made in special cases where screening is necessary, or the lagoon feature is required for site engineering.

Site drainage for each lot should be planned in relation to overall The Colony drainage patterns. As necessary, underground piping may be used to direct storm water away from structures and to help mitigate the potential of erosion on the site.

Given the prevailing condition of adjacent lots, the first homeowner to build must grade a swale on the lot line between the two lots. Minimum swale depth must be 6" and shall be sized appropriately to capture and convey the stormwater runoff within the swale. The swale to be constructed should include a berm on the adjacent lot to be located no greater than 5' into the adjacent lot. The swale shall be designed to final grade to accommodate the adjacent property owner connecting their lot grading to the swale without disturbance. Upon completion of both sides, the centerline of the swale will be located on the lot line. In the event of any existing trees located on the lot line, this condition will be reviewed on a case by case basis during the ARC submittal. If trees are being saved, the swale may be graded around the tree, and grading shall not disturb more than 30% of the root zone. All drainage swales shall be unobstructed from trees or shrubs and shall consist of only sod, or mulch, groundcover, or grasses.

Channeling or ditching, other than those channels or ditches relating to the overall community drainage patterns, should be avoided and concentration flow to existing waterways, ponds, and lagoons is prohibited. In general, runoff should be directed to the existing or man-made channels or structures designed for the overall community.

A grading and drainage plan must be prepared and approved by the ARC for each lot. The contractor shall be responsible for providing positive drainage at 1.5% minimum in all planting areas when possible. If minimum 1.5% slope is not possible, and minimum be required, dry wells shall be designed by a qualified professional and must be sized appropriately based on the drainage area. The dry well design and specifications shall be submitted with the required drainage plan.

### 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 ARC.

### Tree Removal & Selective Thinning

The removal of trees on lots shall be avoided whenever possible. The ARC may approve tree removal and/or selective tree thinning within the designated building setback. The ARC may also approve tree removal and/or thinning outside the designated building setback for view corridors provided it does not increase the visual impact on adjacent Lots or significantly increase off-site visibility of the house. Unauthorized removal or cutting of trees may be subject to fines at the discretion of the ARC.



## Plantings

Plantings for homesites should reinforce the natural character 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.

Seasonal color (annuals), perennials, and ground covers are to be planted in sufficient quantity so that exposed areas of pine straw or mulch are minimized once the plants have reached average maturity.

Plantings should transition from ground covers and progress to larger shrubs closer to the house, mixing textures and colors. New trees and shrub plantings for each lot are to be a mix of sizes that will blend naturally into the surrounding vegetation with consideration given to deer-resistant plants. For detailed planting mix and percentage *see section 10*.

The use of large specimen trees is preferred in areas close to the house to help blend the building with the site. At disturbed areas where extensive reforestation is planned, a planting mix that includes smaller tree and shrub materials may be used provided the larger size requirements are adhered to in areas that are highly visible from off-site.

In addition to the recommended plant list, other plant types may be acceptable for use within the community. The ARC will take into consideration all elements of the individual landscape plan and plant materials selected during the approval process.

Landscape improvements as approved by the ARC shall be installed within (30) days of occupancy or completion of the building, whichever occurs first.

## Turf

The Colony requires the entire lot to be sodded. Those disturbed ground areas of a building site not sodded shall be covered with plants or mulched with approved landscaping materials.

## Artificial Synthetic Turf

Artificial or synthetic turf is allowed but shall be restricted to a max of 670 sq. ft. and shall be located only in rear yards and be totally screened from adjacent properties.

## Irrigation

An irrigation system of an approved design shall be installed to maintain landscape areas on all building sites and along street frontage.

## Mulching & Edging

Mulching newly planted trees, shrubs, and groundcovers is necessary to hold moisture and encourage growth. However, certain mulch types are not aesthetically appropriate. Pine straw or shredded hardwood mulch are allowed. Rock mulches and hardwood bark are unacceptable.

Metal plant bed edging is appropriate. Stone and brick edging are acceptable per ARC approval and shall be sized appropriately to the bed and plant types. Landscape fabrics used shall be completely hidden from view.

Homeowners are encouraged to minimize use of herbicides, pesticides, and fertilizers, and are encouraged to use plant materials and maintenance methods that require minimal use of water and energy resources.

### Cutting/Vegetable Gardens

Upon approval of the ARC, cutting/vegetable gardens are permitted within rear yards with the exception of reverse frontage lots upon approval of the ARC. Gardens shall be located a minimum 10 feet from side property lines and 20 feet from rear property lines and must be fully screened from street, golf, and water views. Post and wire fencing may be used around gardens for prevention of nuisance pests. Prefab wood fencing or chain link will not be permitted. Fence height and design is subject to ARC approval. For acceptable posts and wire fencing *see the Bay Creek Pattern Book and Design Guidelines, page 73, section 9.*

### Site Utilities

All site utilities are to be installed underground on alignments that minimize grading, tree cutting, and other disruption of the site. Utility boxes, including any meters, are to be located and/or screened to be essentially invisible from off-site.

### Exterior Lighting

No lighting of a patio or other recreation area will be installed without the written approval of the ARC and, if allowed, will be designed for recreation character so as to buffer surrounding residences from all lighting. All lighting will comply with the International Dark Sky Association (IDA) Fixture and approved fitting database and the seal of approval program ([www.darksky.org](http://www.darksky.org)). The exact fixture locations and specifications, including lamping, shall be included in the Formal Final Design Submittal Package.

### Easements

Easements for installation and maintenance of utilities may be reserved over each lot by deed. Within these easements, no structure, trees, or other overhanging 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.

### Walls & Fences

Walls and fences should be considered as an extension of the architecture of the residence and should make a transition between the mass of the architecture and the natural forms of the landscaped site. All walls and fences should be designed to be compatible with the total surrounding environment and should not block natural views. The wall and/or fence design shall be included in the Final Design Submittal Package, including dimensioned plan views and elevations, as well as material specifications.

Prefab wood or chain-link fencing will not be permitted within the community.

All other fences in The Colony shall be a maximum 48" in height from finished grade.

Fences and walls may be extended up to the side setbacks, beginning at the rear corner of a home. Walls and fences may extend to the rear yard line. Pool fencing locations will be reviewed on a case by case basis.

Fence gates are allowed and must open into lot. All fences must be visually permeable. For acceptable walls and fences *see the Bay Creek Pattern Book and Design Guidelines, page 73, section 9.*

### Paving

Approved paving materials include brick, stone, concrete pavers, concrete with shell or aggregate mixture, broom-finished concrete, stained concrete, and cobblestone. Stamped concrete in imitation of brick or stonework is prohibited. Pervious surface materials including pea gravel, crushed shell, or granite fines may be used with approval of the ARC. Pervious surfaces shall be edged with brick, stone, concrete pavers, or metal edging. For acceptable paving *see the Bay Creek Pattern Book and Design Guidelines, page 71, section 9.*

## Driveways

Driveways are an extension of the home and therefore should be purposefully designed with respect to the architectural style of the home.

Driveways should be designed to avoid tree root zones and located outside of canopy drip line.

Driveways shall be minimum 12' in width.

No common driveways (with the exception of driveways that serve duplex units) will be allowed unless approved by the ARC.

Strip driveways will be allowed upon approval by the ARC.

Curbs at street shall not be removed, but aprons are to extend and be level with back of curb. An apron of concrete, at the street shall be required.

## Swimming Pools

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 within The Colony. Pool equipment shall be placed inside a service yard or screened appropriately (as mentioned previously,) and not visually exposed.

The top of the pool or pool deck may not extend over 2' above existing grade unless integrated into a terraced landscaping plan approved by the ARC.

Pool decks shall be designed to provide drainage away from the pool. Backwash is not permitted to be discharged into the sanitary sewer system, stormwater sewer system, waterways, or golf course corridors, and must be contained on the lot.

Significant landscaping is required around pools and pool decks to screen from adjacent properties and views from the lakes, waterways, golf course, or trails.

Pools cannot be built within utility easements or lot setbacks and shall be located within rear yards only. The owner is solely responsible for complying with any VA DHEC rules and regulations applicable to residential pools.

## Pool Cabanas

Pool cabanas are permitted only with ARC approval and must be situated within the setbacks established for the applicable homesite. If conditioned, then it will be considered an outbuilding.

## Pool Fencing

Pool fencing must be as required by local codes and utilize approved fencing materials. The fence must be screened with approved landscaping. For appropriate fencing *see the Bay Creek Pattern Book and Design Guidelines, page 73, section 9.*

### Propane Tanks

Propane tanks, 60 gallon or more, must be buried underground and located no closer than 5' to the property line. Propane tanks of less than 60 gallon, including 100 lb. exchange units, may be installed above ground but must be hidden from view by enclosures or year-round plant screening. All propane tank installations must comply with the current National Fire Prevention Authority (NFPA) documents administered by the State Fire Marshall.

### Service Yards

All residences are required to have an attached service yard. Utilities, including electrical service, garbage containers, HVAC compressors, water softeners, pool equipment, etc. may be located in a service yard.

The primary service yard enclosing equipment is recommended to be screened from view by a wall or fence with a maximum height of six feet or screen plantings of mature size. Use of lattice on service yards is not allowed. The door of the service yard is to be full height and must have a pathway of concrete or pavers.

All service yards must be designed to have minimum impact on neighboring residences. The service yard may cross over the side yard setback lines on all 40' to 70' wide lots. However, service yards must be at least 5' from the property line on all lots 80' wide or wider.

### Bonds

In the event that the general contractor is not on The Colony approved general contractor list, a construction deposit/bond in the amount of \$10,000.00 must be paid to the ARC, in the form of a check or money order, 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

### 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.

### Sizing

The site dimensions must be adequate to accommodate the proposed improvements, including the house, parking, drives, accessory structures, and screening.

### Finished Grades & Elevations

Finished grades and elevations must be compatible with neighboring sites, particularly with regard to drainage and view.

### 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" above adjacent grade.

## Garages

Each residence must provide parking for at least two cars. Garages may be integral attached or detached. 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 columns 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.

## Roofs

Roof design should emphasize the roofs 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.

Roofing material shall be "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 12"; the minimum gable overhang is 6". Dormers may be hipped, gable, shed.

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.

## 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.

## 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. Widow peaks/Viewing towers are encouraged in the design to create verticality and interest.

## 8.0 CONSTRUCTION STANDARDS

### Building Design

Buildings may be of one, two or three stories and include half-stories and towers. The first "living" level of residences shall be raised a minimum of 36" from the surrounding grade and accessed by exterior stairs and garages. Commercial and utility spaces may be set closer to grade.

Multi-story buildings are to be of a "three-part" design with a defined base, middle and top. The base shall be a minimum of 36" high and span between grade and the first living level. Bases over 48" may contain "at grade" garages and utility spaces. The middle section will typically span the first and second levels and a portion of the third level. The intent of the top section is to relieve long vertical expanses of walls and to form a pleasing transition to the roofline. The top sections may be defined by balconies, porches and window treatments in lieu of solid walls. One-story structures will include a base, but the middle and top sections may be combined.

Cupolas, widow peaks, viewing 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.

### 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.

### Covered Porch Flooring

Porch flooring shall be brick, modular slab stone, wood which must be sealed, painted, or stained, or simulated wood composite. Wood species shall be hardwood tongue and groove; composite shall be 3” tongue and groove, all sloping away from the building at a pitch of 1/8” = 1’-0”. The tongue and groove shall run with the slope.

### Exterior Decks & 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” 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” 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.

### Lattice

Lattice can be expanded PVC or treated wood slats. Slats are to be a minimum of 1½” wide by ¾” thick and spaced no wider than 2” apart and supported by 2” x 4” 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.

### 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.

### Porch Railings & 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.

### 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.

### 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.

### Telephone & 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.

### 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 and shall be compliant with the IDA or a certified fixture/approved fitting database and the seal of approval program ([www.darksky.org](http://www.darksky.org))

### 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.

### Driveways & 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.

### House Numbers

House numbers must be mosaic done by New Ravenna or like kind approved by the Architectural Review Committee.

## 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:

### 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.

Prior to commencement of construction, a stabilized construction entrance shall be installed for each homesite lot and utilized until construction is complete. For details *see the Bay Creek Pattern Book and Design Guidelines, page 64.*

### Erosion Control

During construction, each lot will require the installation of an approved silt fence to restrict silt, trash, and debris from migrating onto adjoining lots or right of ways. These fences must be properly maintained for the duration of the home building process. For details *see the Bay Creek Pattern Book and Design Guidelines, page 64.*

### Construction Debris & Trash 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 covered dumpster or other approved covered container which shall be removed and/or emptied on a regular basis. There will be no stockpiling or dumping on adjacent lots or streets. Trash and debris from contractors or their personnel not removed will be removed by the developer and billed to the responsible party. Personnel observed throwing trash from cars and trucks may be barred from the job site.

### Access to Utilities

Contractors will use only the utilities provided on the immediate site of which they are working.

### Damage to Property

Any damage to streets, curbs, drainage inlets, streetlights, street markers, mailboxes, walls, etc. will be repaired by the developer and such costs billed to the responsible contractor.

### Speed Limits

The established speed limit within the community is clearly posted and must be obeyed by construction vehicles, including light trucks and autos. Adhering to the speed limits shall be a condition included in the contract between the builder and its subcontractors' suppliers. Repeat offenders may be denied future access into the community.

### Truck Washing

Contractors are responsible for all delivery vehicles, trucks, or subcontractor vehicles to enter and leave the construction site in a clean condition.

### Spills

Operators of vehicles are required to see that they do not spill any damaging materials 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.

### 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.

### Construction Access

No construction activity will be permitted before 8:00 AM or after 6:00 PM (MON-SAT). No construction of any kind will be permitted on Sundays or any Federal Holidays. Loud music is never permitted. Mounted speakers on vehicles or outside of homes under construction are not allowed.

### Spouses & Children

Only bona fide workers are allowed on property. Spouses may drive workers to the site and pick them up but must not remain on the property unless they are actual employees of the contractor or subcontractor. No children of bona fide workers are allowed on the property.

### Pets

No contractor personnel will be permitted to bring pets on the property.

### Construction Trailers, Portable Field Offices, & Site Access

Any lot owner or builder who desires to bring a construction trailer or field office into the community shall first apply for and obtain written approval from the ARC. To obtain such approval, a copy of the architect's site plan and/or a construction management plan shall be submitted showing the proposed locations of all such structures. All temporary structures shall be removed upon completion of construction.

The builder must purchase Proximity Cards in order for those employees and sub-contractors to access their work site. The builder is held accountable for all of their sub-contractors and for informing them of the rules and regulations for working in the community.

### Sanitary Facilities

Each Builder shall be responsible for providing adequate sanitary facilities for its construction workers. Portable toilets or similar temporary toilet facilities shall be located only within the building envelope or in another area approved by the ARC. Portable toilets shall not be located within any setbacks and the entry door must be located away from any street or adjacent homeowner's view.

### Vehicles & Parking Area

Construction crews, subcontractors, or service personnel shall not park on, or otherwise use, other adjacent lots or community open spaces, nor leave vehicles on-site overnight. Private and construction vehicles, as well as machinery shall be parked only within the building envelope. All vehicles shall be parked so as not to inhibit traffic or damage trees or other vegetation. The ARC may require that crews be shuttled to the job site if parking is or becomes an issue. Access to the construction site shall only be through the cleared driveway opening for the lot unless otherwise approved by the ARC. Parking or storage is prohibited in any natural areas, within the drip lines of trees, or setbacks. The builder shall be responsible for restoring natural vegetation damaged as a result of his or her activities.

No vehicles (trucks, vans, cars, etc.) may be left in the community overnight. Construction equipment may be left on the site while needed but must not be kept on the street.

### Excavation Materials

Excess excavation materials must be hauled away from the community and disposed of legally. Appropriate measures shall be taken to protect natural areas, surrounding properties, and buried utilities from damage.



## Vegetation Rules & Regulations

Contractors shall take all precautions for the preservation and protection of existing trees and natural vegetation. Lot owners will be financially responsible for replacement of trees and/or natural vegetation due to negligence. Tree protection fencing shall be placed around trees to be preserved at drip line for the duration of construction period. All tree protection fencing shall be shown on landscaping plans. For detail *see the Bay Creek Pattern Book and Design Guidelines, page 63.*

## Care of Trees During Construction

The following are requirements during construction:

1. Excavations and installation of underground utilities shall be performed in such a manner as to avoid damaging the root systems of trees to be preserved. Hand-dig trenches within the drip line of significant trees.
2. If, in the judgment of the ARC, a tree becomes damaged or destroyed due to carelessness or avoidable activities on the part of the owner or builder, the ARC may require the owner to plant a suitable replacement.

## Construction Signage

Temporary construction signs shall be limited to one sign per lot not exceeding nine (9) square feet of total surface area. The sign shall be freestanding within the building envelope, unless otherwise approved, and its graphic design shall follow the template established by the ARC. For examples *see the Bay Creek Pattern Book and Design Guidelines, page 75, section 9.* Signs shall be single-faced and panel type. No additional signs may be attached to the main sign or be suspended below it. Signs shall not be illuminated.

Colors of signs shall be determined by the ARC.

Information such as “For Sale,” “Available,” or similar language, or descriptive phrases such as “3-bedroom” may appear on any sign.

Construction signs must be removed at the time the house is substantially complete or when the ARC directs the sign to be removed.

Only approved Builder Guild Members shall be permitted to erect signage and held fully accountable for misuse.

**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**

## 10.0 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 environment should be considered when selecting landscape materials:

- Wind tolerance
- Salt spray tolerance
- Sandy soils
- Water needs

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

- Lot size and scale
- Architectural elements
- Exterior color

The following are approved guidelines for landscape design for The Colony

### Mulch

Approved:

- Shredded hardwood
- Pine Straw

DO NOT USE: Dyed Hardwood, Hardwood Bark, Rubber Mulch (tires, etc.) or Rock Mulch

### Edging

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

### Lawns

Approved

- Bermuda Sod (Front, Back and Sides)

DO NOT USE: St. Augustine Sod or Tall Fescue Sod

### Street Trees

- Willow Oak, 2 ½ – 3" caliper, 10 -12 ft. in height, 35 ft. on center.

### Side Trees

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

### Flowering Plants

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

## RECOMMENDED PLANTINGS

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

Ground Cover Quick Picks:

- Hawthorn
- Holly
- Hosta
- Juniper (all)
- Liriope
- Periwinkle/Vinca
- Wintercreeper/Evonymous

Shrub Quick Picks:

- Arborvitae
- Azalea
- Boxwood
- Buttonbush
- Camellia
- Cleyera
- Crepe Myrtle
- False Yew
- Gardenia
- Hydrangea
- Ligustrum
- Nandina
- Roses
- Waxmyrtle

Trees Quick Picks:

Birch  
Elm  
Ginkgo  
Golden-rain tree  
Magnolia  
Oak  
Red Maple  
Snowbell,Japanese

Invasive Alien Plant Species of Virginia: Restricted materials are those deemed invasive by Virginia DCR. This list may be obtained by visiting the DCR website at: <http://www.state.va.us/dnh/>.

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

