

SCHEDULE "A"

KINGFISHER BAY (DEVELOPMENT OF BLOCK 3 PLAN 0514218)

ARCHITECTURAL GUIDELINES ESTABLISHED BY THE DEVELOPER, LNR-KINGFISHER BAY LTD.

The success of Kingfisher Bay at the north tip of the Marina is dependent upon a distinct identity and image that will foster pride in the neighbourhood, promote quality of life for the residents and protect the long-term value of their property. Kingfisher Bay is designed for estate homes to be built on large lake front lots.

To assist in achieving this, all proposed designs for the homes in "**Kingfisher Bay**" are to be approved by the Architectural Control Committee established by the Developer, based on the architectural guidelines as described herein. These guidelines were developed with input from the existing residents at Lake Newell Resort and the County of Newell administration.

The builder(s) must adhere to the development and building requirements as set out by the County of Newell No. 4 by-laws. The guidelines established by the developer are to further improve the overall project and may exceed the County guidelines.

DESIGN AND CONSTRUCTION GUIDELINES AND OBJECTIVES

Architectural Intent

- The intent for this project is to satisfy the demand for estate home product and therefore the architectural design; massing, colours and exterior elements of an estate area are mandatory.
- To allow for the individuality in design for each homeowner in a way that provides interest and variety to exterior elevations, while avoiding repetition or extreme contrasts on all homes.
- To provide a pleasant and consistent environment that takes into account the existing development and proposed future developments at the adjoining parcels of land and complementary to natural setting of the lake shore.

- To promote water conservation and produce an environmentally friendly subdivision. This requires, as a minimum, low water use toilets (Coroma) and low water use shower heads.

Construction Guidelines:

Legal Surveys

Builders should review the registered plan to ensure that any variations do not affect their site plan. The builder/owner should first visit the site to note the unusual siting or grading problems that may vary with grading plans and to inspect legal, grade, easement, and other engineering plans to ensure that there is no conflict between driveways/sidewalk locations, hydrants, water-valves, signs, street lighting, electrical and telephone pedestals, etc.

Building Grade Plan

The Building Grade Plan prepared by the consulting engineer shows:

- a) Designated lot corner evaluations;
- b) Basic surface drainage patterns required;
- c) Lowest permissible top of footing elevation dictated by engineering requirements;
- d) Special requirements respecting drainage gutters etc.

Lot Pins

Each lot will be staked pins. The builder/contractor must be very careful to ensure they have established the correct grade for the driveway. The builder should examine the curb, gutter and sidewalk to make sure it does not settle in front of the driveway. As well, the builder should ensure that all work by the shallow utility company is complete prior to placing the driveway. Driveways should be designed to ensure they do not settle and piles or engineered fill may be necessary.

Damage to Utilities

The cooperation of all builders and sub-trades is requested to minimize damage to curb boxes, water valves, telephone pedestals, power pedestals, street light terminals, natural gas lines, hydrants, irrigation system, streets, sidewalks, manholes, curbs and other structures. Should damage occur to services adjacent to any specific lot, charges for repair shall be deducted from the damage deposit. To protect utilities on and around the site, the builder is recommended to undertake the following precautions.

- a) When excavating basements, builders should have excavators place a minimum of 16" of excavation material on curb and sidewalk to create a ramp for deliveries of materials.
- b) Brief sub-trades, deliverymen and all others of the importance of being careful around utility installations.
- c) If damage occurs, repair costs will be borne by the builder.

- d) Plumbers should be instructed to replace water valve markers when house connections are complete. Lot builders will be responsible for expenses to locate, adjust, or to repair water valves.

Acceptance of Lots

Damage to services adjacent to the lot will be charged to the builder, unless damage occurs prior to delivery of grade slips to builder. As per the Architectural and Building Grade Application, the builder or his agent must notify the Developer in writing, including photographs, of any damage to services prior to receiving the grade slip, or damages will be deemed to have occurred during the construction of the house.

Location of Utilities

All servicing, with the exception of the irrigation pipe, are accessible from the street. The surface irrigation pipe is installed at back of the lots. Construction of permanent structures over sewer, water, irrigation, gas and electrical lines is prohibited.

Disposal of Excavation Dirt and Construction Wastes

Excavation dirt must be contained within the confines of the lot. If dirt removal is not performed within a reasonable time frame, the dirt will be moved and the ensuing costs charged to the builder, dumping of waste concrete is not allowed.

Garbage Pick-Up

The builder shall ensure that all garbage containers are located on the building site, to ensure that waste material is contained during construction. Containers shall not be permitted on the street or the adjoining property.

Waste Material and Litter on Building Sites

Builders are required to maintain, a clean work site and to clean up the site on completion of construction. Every attempt should be made to control waste materials and litter on each lot in order to avoid dispersal of this garbage by the wind to other lots within the subdivision. If proper clean up does not occur, the debris will be removed and charged to the builder/owner

Weed and Dust Control

The lot is to be weed free and efforts are to be made to minimize the creation of dust during construction

Signs

Builder signs shall only be allowed on the building lots.

Construction Time Limit

The exterior of the house shall be completed within one year of construction start.

Grade Slip

The issuance of a building grade slip or other information by the Developer or other agents of the Developer does not absolve the builder from complying with all statutory requirements such as provincial or municipal regulations, by-laws or other enactments and any encumbrances affecting the Title to the property, including, without limitation, utility rights of way, easements and restrictive covenants.

Commitment to Install Water Conserving Devices

Prior to a submission to the County for a building permit, the owner/builder must submit a cover letter with the application for the grade slip, stating that the water efficient toilets and shower heads will be installed. The developer will have the right to inspect such installation before releasing any of the Security Deposit.

Building Approval Guidelines:

Building Commitment

Once a lot is purchased the builder/owner must have built the home by **Sept. 30, 2010**. After the expiration of this date, the Developer at his option, reserves the right to take back the lot, at the original purchase price with no compensation for any costs incurred by the owner, including but not restricted to the cost of money, property taxes and other levies paid.

One-Year Approval Period

The builder/owner shall submit two (2) sets of plans with the Architectural and Building Grade Application Form prior to commencement of construction, for approval by the Architectural Control Committee. The Approval is good for one year and is not transferable.

Security Deposit

A security deposit of \$5,000 per lot or \$10,000 for any single application (*for construction of two or more houses*) is payable to the Developer. This deposit is required prior to the review and approval of any application. The security deposit will be released sixty (60) days following the final inspection of the house to confirm adherence to the approved Architectural and Building Grade Application. Deductions will be made for any damages to streets, curbs, utilities, non-conformance with approved plans, etc. If the damages exceed \$5,000 during construction, the owner/builder is liable for the difference and the Developer will require an additional Security Deposit or other satisfactory remedy of any damages or non compliance.

Extra Charges

An administration charge of \$200 will be issued on any re-submissions or additional site inspections.

Right of Refusal

LNR-Kingfisher Bay Ltd. (or its designate) reserves the right to decline the approval of any plans or designs, which it considers not to be in compliance with the Architectural Guidelines.

Changes

The LNR-Kingfisher Bay Ltd. reserves the right to change or modify provisions of these controls on a lot-by-lot basis in order to best utilize the view and layout of the homes or to create walkout basements.

PLOT PLANS REQUIRE THE FOLLOWING:

- a) Scale 1:200 metric
- b) North arrow
- c) Municipal address
- d) Legal description of property
- e) All designated property lines
- f) Size and location of proposed building(s) to property lines, and other structures
- g) All cantilevers (including bay windows, fireplaces, etc.)
- h) Abutting streets, avenues, lanes, etc.
- i) Easements and utility rights-of-way labelled and dimensioned
- j) Spot levels around buildings showing the finished grade on all sides of the building and elevations along the side yards – drainage directions
- k) Dimensions from property line to sidewalk and face of curb
- l) Show elevations for the top of footing, main floor, garage, and finished grades on all building sides
- m) All elevations to be in metric
- n) All plot plans to include lot area and site coverage calculation
- o) Location and height of retaining walls

BUILDING PLANS REQUIRE THE FOLLOWING:

- a) All blueprints to be fully dimensioned and to scale, minimum of 3/8 " scale
- b) Blueprints must show all 4 exterior elevations
- c) Floor plans of basement and all floors
- d) Show sizes of windows, doors, heights, etc.
- e) Show all exterior finishes and detailing

Final Inspections

Final inspections will be scheduled once a month. The builders are to notify the Developer or his designate, one week prior to these inspections of homes that require final inspection.

Building Lot Guidelines:

Driveways

Driveways are to be placed according to the engineers building grade plan and a minimum width of the garage.

Site Grading

Lot grades are to provide positive drainage away from the home both front, back and sides.

Drainage cannot be allowed to drain to the neighbours' lot.

Down spouts are to drain to satisfy the engineers approved grade slip

Driveway 10%

Front & rear yards 20%

Side yards 33%

Grading will be allowed for builder/owners to create walk out basements where possible.

Foundation Design

Builders are responsible for footing elevations and for any other precautions necessary for good foundation design.

Retaining Walls

The builder/owner is responsible for the construction and cost of all retaining walls. The home on the higher side is responsible for the retaining wall unless the design of the lower home creates the requirement for the retaining wall as determined by the Developer. Retaining walls should not be higher than 3 ft. unless otherwise approved and are to be of concrete material with a parging finish.

Corner Lots

All exposed sides of corner lots are to be treated as the primary view. If a bungalow is selected it can be built to the County side yard setbacks if approved by the Architectural Committee. A two stories or split level should have a minimum of 10 feet to property line and significant detailing on the side walls is required.

Front Set Backs

All homes are to be set back at least 6 meters and no more than 9 meters, unless the building envelope provided by the developer indicates otherwise. This is to improve the lake views of other lot owners.

Side Yard Set Backs

setback reduced to
2.5m



In order to maximize views for other homeowners, some or all homes may be set back 3 meters from the side lot line as per the building envelope. This is at the discretion of the Architectural Committee.

Landscaping

Topsoil is to be supplied by the builder/owner and shall be in place and graded prior to final inspection. The builder/owner is responsible for a minimum of 2 trees or 1 tree and 6 shrubs in the front yard as part of the Architectural Guidelines. Trees to be 8 ft. or taller. The developer at his option may consider supplying additional trees, which the builder/owner must install and maintain.

Fencing

Installation of fences is allowed. The side yard and the back yard fences shall be a maximum of 6' high black or transparent nature. (Plastic coated chain link or wrought iron in design is required). Front yard fences are discouraged. However, if allowed, they must not exceed 4' in height and must be of similar design to the back and side yard fence. All fence(s) must have the developer's approval before being installed.

Repeated Homes

Builder/owners will not be allowed to repeat the exterior appearance of the same homes within four homes laterally or directly across the street from the subject lot. Given the limited colour pallet, repetition of colours may be limited to neighbouring residences.

Minimum Building Size

In Kingfisher Bay (Block 3), a minimum of two car garage is required. The house shall be a minimum 1,300 sq ft. bungalow and 1,800 sq ft. two story +/- 5% of total square footage. Larger estate homes are encouraged in Kingfisher Bay. The major focus is significant massing to widen the house and maximize the front lot widths and back side view of the house e.g. move the garage over to widen the house on narrower homes and effectively increase the width to allow front and back porches.

Housing Style

A variety of homes are encouraged with styles ranging from Arts and Crafts, to Tudor, to French Country to English Cottage. Both front and back porches are strongly encouraged and will help with the massing of the house across the front elevation.

Materials and Exterior Finishes:

Roof

Various roof materials are permitted including asphalt, clay, fiber and wood products as long as they are CSA approved and conform to federal and provincial building codes

The guiding principle in place requires that the roof must be black, dark gray or dark brown. Depending on the style of the home, typically bungalows, and at the developers discretion, the main roof pitch can be a minimum of 3/12, however 6/12 or greater is encouraged and subject to the County of Newell No. 4 height bylaw restrictions. Rooflines are to be made as aesthetically interesting as reasonably possible by means of a variation of roof forms and through the use of dormers and gable end details.

Soffit and Fascia

Soffit overhangs are to be a minimum of 18" (450mm) and have a 6" (200mm) fascia and 5" (127mm) eaves trough. Exposed gable fascia is to be Smartboard or Hardiwood in material. Fascia covered by eaves trough may be aluminum.

Wall Cladding

Acceptable materials are wood siding, vinyl siding, stucco with stone tile or masonry. Homes clad with stucco should incorporate detailing such as two tone stucco battens (6") for doors and window trim, or Smartboard or Hardboard for elevations that have for example, a Tudor flavour in the overall house elevation for all sides of the house. There must be 20 % masonry per front and rear elevation to give accenting to the front and rear of the house, with 24" wrap around the sides of the house and garages. The bottom edge of the wall cladding must be adjusted so that a maximum of 18" (450mm) parping is maintained on all elevations.

A liberal amount of glass is encouraged at the rear of the houses in Block 3. Closed in sun rooms and balconies are encouraged. Walk out basements will have patios. Minimum 20% masonry is required for all non-glass surfaces.

The developer reserves the right to approve exterior materials and colours on an individual basis.

Additional Exterior Detailing

All houses will incorporate a sidelight in the front entry detail. If a sidelight is not possible because of the design of the home, then a transom over the front door is required. The driveways will be finished in concrete (broom finished) with a 24" (600mm) aggregate border along the sides of the driveway to the front walk. The garage door should contain glass panels in the top row of panels. Shutters and louvers etc. are encouraged for the front elevation.

Each house must install a minimum of one front entry monuments 1M back of the curb. This monument will show the house address on the face of it and a light on top of the monument. This top light will be used for illumination of the road at night. It must have power to it all the times but

operated by light sensitive switch to come on at sunset and go off at sunrise. (A lighting monument detail will be provided at the building permit stage)

Side Elevation Treatment

Special attention must be paid to all elevations oriented toward public or open spaces or at the developer's discretion in highly visible locations. Architectural treatments used on the front elevation such as articulation of wall or roof forms, box outs, and window trim details, etc. must be incorporated on these side elevations.

Houses on corner lots should try to incorporate bay windows, cantilevers, interesting fireplace chases, hip roofs on second stories, and battens or window detailing to eliminate or soften, the two story wall facing the street, adjoining property or public area. Single story homes are encouraged on these lots.

Walkout Lots

The main floor rear deck on any walkout lot must be built concurrently with the home and must incorporate a minimum 12" (300mm) column, details appropriate for the design of the home.

Rear Elevation Treatment

The rear elevation of these highly visible homes in Kingfisher Bay must be designed with the same attention to detail as the front of the home. For the houses that back on to the marina, the house view from the water must be impressive to match the location of the property and enhance the value of all the homes. Some elements, which must be considered, are the placement of balconies, windows and doors, articulation of roof forms and details such as window trim, deck columns and railings. Three story height rear elevations without interruption will not be permitted. All rear decks and balconies must be approved and built concurrently with the home.

Chimneys and Fireboxes

Chimneys and furnace flues must be boxed in and covered with the appropriate pre-dominate exterior cladding material and carefully detailed incorporating corbelling, banding, or batten accents. Direct vent fireboxes are not allowed if located on the front or rear elevation. Direct vent fireboxes, which project into the side yard on a side elevation, oriented toward a public space must incorporate detailing to enhance the side elevation.

Front Entrances

Builder/owners are required to construct the houses so that the garages are offset and that the main entry is visible from the street. The front entry should be a focal point of this elevation. This can be accomplished by incorporating features such as columns and roofline treatments, which emphasize the entrance. Sidewalks that lead to the main entry are to be poured concurrently with and match the driveway materials and design.

The number of risers to the entry landing or porch may not exceed three unless lot grades are such that more risers are required. The underside of all veranda elements must be enclosed and finished with materials suitable to the design of the home.

Front Elevations

Muntin bars are encouraged but not mandatory. If used, they will be incorporated on all windows facing the street, including street orientated elevations on corner lots.

Appearance During Construction

The builder/owner is required to keep their lot clean and orderly during construction. There will be no burning of garbage on site. Builder/owners are required to supply garbage bins and to empty them as they become full. The developer expects the site to be cleaned on a daily basis. A written notice may be issued to the builder in cases where the site is not kept clean. If the developer is forced to keep the site clean, all costs including written notice costs will be assessed against the owner/builder including a minimum fee of \$100.00 for the repeated reminders.

County Road Load Restrictions

The builder/owner is reminded that the County of Newell No. 4 has road load restrictions. It is the builder/owners responsibility to verify with the County in advance to avoid any penalties or fines for non-compliant loads.

Best Management Practices

The developer has implemented policies to address the amount of debris, silt, and dirt being tracked either on to the street which could then run off directly into the road ditch or the lake. These policies will include measures which restrict construction vehicles from driving onto the lot and requiring them instead to remain on the street. **Builders are subject to penalties for violation.**

The Developer's Design Committee's decisions on any approval are final.