

VIEWPOINTE ESTATES PHASE 4 and 5

Building Design Controls

1. CONSTRUCTION REQUIREMENTS

1.1 Plan Approval

- a) No residence or other improvement shall be constructed until the architectural design, the landscape plans, other plans and specifications showing compliance in all respects with these restrictions and showing elevations, siting, size, colour scheme and all materials to be used have been submitted to and approved in writing by the Seller.
- b) No construction, which shall include grading, filling or other preparatory work, shall commence until approval as referred to in Section 1.1(a) has been issued by the Seller.

1.2 Construction Time Period

Once approved and underway, construction must proceed diligently and continuously. No construction on any lot shall remain in an uncompleted state (whether or not construction is proceeding) beyond the period ending on the date nine months from the date of the approval of the plans and modifications for that lot by the Seller.

2. SITE REQUIREMENTS

2.1 Parking and Driveway Requirements

- a) All garages in single-family homes (with or without suites) must be enclosed and designed for standard 1.5 passenger size motor vehicles meaning no 10' wide single garages in single-family homes. No carports or garages without doors shall be constructed.
- b) All garages in duplexes must be enclosed and designed for at least one standard 2 passenger size motor vehicle per residence / or per duplex side. No carports or garages without doors shall be constructed.
- c) Any additional side parking must be designed and constructed so that additional vehicles do not extend beyond the line, which is the extension of the front of the house, which is closest to the street. Extra parking stalls excluding the driveway shall not be constructed within 4.5 m of the front property line of the property.
- d) All driveways shall be constructed of exposed aggregate **concrete**.

2.2 Lot Grading

- a) Foundation excavations must be filled back, and excess soil removed from the site immediately after construction.
- b) Landscaping and other site changes must not interrupt the drainage pattern of any lot.
- c) Retaining walls between lots shall be finished in stone, which will be made available by the Seller.
- d) All retaining walls must be constructed to the property line with the upper lot generally being responsible for retaining their own land and therefore responsible for construction of the wall, as they will benefit from it.
- e) Exposed concrete foundation walls shall not exceed an average of 0.3 meters in height above finished grade.

2.3 Landscaping

- a) One significant tree must be included on each lot. The significant tree must be at least 7 feet in height if measured when planted, and conform to a list of approved trees.
- b) No yard or side yard along a flanking street shall remain un-landscaped for a period exceeding six months following occupancy.
- c) No dwelling shall be constructed unless reasonable effort shall be made to site the dwelling or adjust the design of the dwelling on the lot to minimize overview and overshadowing and to avoid removal of existing trees.
- d) All yard areas shall be landscaped with water efficient landscaping methods, including rock gardens, trees, shrubs and flowerbeds.
- e) All lots shall have irrigation systems for front and rear yards with drip irrigation being preferred to minimize water use.
- f) Owners of vacant lots are required to attend their properties at least twice per year and must clear said lots of any garbage that has accumulated, and to remove large weeds and invasive species of brush such as Scotch Broom.

2.4 Fencing

- a) Fencing shall be constructed of cedar or other material approved by the Seller and shall not be erected in the front yard of any lot nor in any side yard along a flanking street; provided that fencing may be erected parallel to a flanking street in the rear yard so that the rear yard is fenced off from the side yard along the flanking street, but such fencing shall not be constructed beside the house along the flanking street.

- b) Rear yard fencing shall be constructed of cedar or other material approved by the Seller, and should not exceed 1.5 meters in height (5 feet). No side yard fencing shall be erected except behind the front face of the house and no closer than three meters from the front corner(s) of the house.
- c) front yard fencing is not permitted aside from 1m tall picket style fencing to separate yards.

3. DESIGN REQUIREMENTS

3.1 Roof & Balcony

- a) Modern roof design is the preferred Form and Character at Viewpointe Estates.
- b) No dwelling shall be built with a roof that, in the opinion of the Seller, lacks architectural interest. Roofs shall be considerate of the neighbours' view corridor and should avoid sudden and dramatic in roof pitch.
- c) Inverted pitch rooflines are desired as they offer dramatic light and views and avoid creating unusable attic space.
- d) Roof finishing material must be minimum fiberglass 30 year shingle, concrete, metal or torch on flat roof.
- e) Modern application of rail systems are required to tie in with the building scheme.
- f) In **Phase 4** (lots 11, 12, 13, 14, and 15) and **Phase 5** (lots 29, 30, 31, and 32), no building or structure may be constructed with more than 2 storey's above the curb/road and a roof pitch greater than 4:12.

3.2 Exterior Materials

- a) Brick, Stone or Rock must be incorporated into the front façade, in a modern manner.
- b) A combination of at least three distinct materials must be used on the front face of all homes such as cedar, hardi-plank, stucco, fiber or steel panels, and brick or stone.
- c) A combination of hard-plank and brick (rock or stone) with cedar strip siding, and /or a combination of stucco, cedar and brick or stone, fiber or steel panels, or hardi plank, in any way combined to form a modern, interesting look and style.
- d) Paned windows to be avoided, as this is a traditional look.

- e) Vinyl siding can be used on the side of the house but not if facing a street.
- f) Front doors must be modern and distinctive and not 'arts and crafts'.

3.3 Exterior Colours

All dwellings shall be finished with an exterior colour scheme that has been approved by the Seller. Colours must be submitted with paint chip samples and include roofing colours and style, trim colour and style, gutter and soffit colours, style of rock, front door and garage door colours.

3.4 Fascia, Soffits and Trim

No dwelling shall be constructed without fascias and soffits made of wood or aluminum, nor without door trim in stone or painted / stained wood.

3.5 Exterior Lighting: ViewPointe Estates is Dark Sky Friendly

- a) Exterior light fixtures shall not be located or directed so as to cause glare or illuminate adjacent lots.
- b) Exterior lighting shall be diffused and directed towards the ground if possible to reduce light pollution known as skyglow.

4. GENERAL REQUIREMENTS

- a) No building shall be occupied unless and until that building , including the exterior, is substantially finished, and has been issued an occupancy certificate by the District of Sooke.
- b) There shall be no junk or partially wrecked motor vehicles, or any salvage materials, or goods intended for commercial use or sale, nor shall any waste or refuse be kept or stored on any lot.
- c) No garbage receptacle, incinerator or compost heap shall be kept on any lot unless always screened from view from the street or any neighbouring lot.
- d) No dwelling shall be used for a commercial purpose, except for a home office. For greater clarity, except for a home office, there shall be no place of employment, manufacturing or business of any description operating from a dwelling including a day-care facility, school, medical, or charitable institution.
- e) No animals, birds or livestock aside from the usual house pets shall be kept upon any lot.
- f) No person shall habitually park or cause to be habitually parked on or about the building site or the lands comprising the lot or lots hereby purchased, any

commercial vehicles or machinery in the nature of dump trucks, or similar. This clause shall not be deemed to affect or prohibit the parking for the specified purpose of doing construction or maintenance work upon the said lands for the improvement and benefit thereof, or of commercial vehicles parked temporarily for the purpose of conduction their regular business. Recreational vehicles belonging to visitors shall be permitted to park in the private driveway for a period not exceeding one month.

- g) Except for private passenger automobiles, no chattels, including but not limited to, trailers, campers, motor homes, trucks or boats, shall be parked, placed or situated on any lot except in an area of the lot which is bounded by an approved screen which is specifically designed for the purposes of providing visual screening for the benefit of neighbouring lots. Screening or fencing shall not protrude into the area between the building line and front line of the main dwelling as defined on the zoning bylaw.
- h) A heat pump or similar device shall only be placed at the rear of the house.

The buyer acknowledges that the restrictions contained in this document will not be registered against title to the lot as a statutory building scheme, and that therefore buyers cannot control and enforce against each other the design and appearance of the homes constructed in the ViewPointe Estates development. The Seller is further under no obligation to enforce these agreements against other purchasers, and retains the right to waive or relax these restrictions on application by a purchaser.

The agreement in this document will survive the completion of the purchase of the lot by the buyer and remain in force past the Completion Date.

AGREEMENT: By signing below, I/we agree to comply with the requirements contained in this document.

Signed in _____, British Columbia on _____, 20____.

Buyer's Signature

Buyer's Signature

Witness