

This Schedule is attached to and forms part of a Building Scheme made by Lamont Limited Partnership #2 (the "Developer").

## 1. Approval Process

No Lot shall be built on or used for any purpose unless and until the Developer has approved, in writing, the plans, specifications and siting of the dwelling, structures and landscaping. All plans must be signed by the Developer before submission to the City of Nanaimo for application for a building permit.

Requirements/approval for the multi-family and duplex sites will be done on a specific and independent submission basis.

**The Developer shall have subjective discretion to modify any of the Architectural Guidelines from time to time.**

## 2. Construction Scheduling

To enhance the streetscape, each owner must commence construction on the Lot within three (3) months of plan approval plus complete the exterior house construction within six (6) months and complete construction of any house or other improvement on the Lot within twelve (12) months from commencement of construction.

## 3. Siting and Plot Plans

The minimum setbacks for the principal building on the Lot will be as per the City of Nanaimo Zoning Bylaw and the applicable Development Permit.

## 4. Site Coverage, Dwelling Size and Building Types

In order to ensure proper massing appearance, the developer will require all houses to cover a minimum of 80% of the building pocket width.

## 5. Accessory Buildings

Ancillary buildings will require specific approval from the Developer.

## 6. Secondary Suites

Secondary suites are not permitted on **Lots 26 to 39**.

## 7. Lot Grading

Lot grading is to follow the natural slope of the landform and street elevations, and the owner shall ensure the grading provides for sheet flow storm drainage, existing and proposed drainage swales and the locations of any existing or proposed lawn basins, as indicated on the Lot Grading Plan. No changes to the Approved Grading Plan will be permitted. A copy of the Lot Grading Plan is available from the Developer for house siting purposes.

It is incumbent upon the owner to maintain the lawn basins and drainage swales in proper working order.

Lot slopes should be absorbed within the building massing to the extent possible (i.e., stepped foundations and floor levels). House excavation or construction must not undermine the slope stability of any roadway base without appropriate earth retention.

The Lot owner will not deposit earth fill, material, garbage, grass clippings or any other deleterious material over the top of any slope nor shall the Lot owner undercut the toe of any slope.

## 8. Elevations

Elevation guidelines must be adhered to by the owner, unless otherwise approved by the Developer.

## 8. Elevations (cont'd)

Prior to commencing excavation basement elevations must be approved by the Developer.

Final lot grading must be completed to accommodate the grade of the adjacent lot, with a smooth transition from lot to lot.

## 9. Architectural Theme and Requirements

All homes in Linley Point will be built to reflect Craftsman and/or Heritage Theme. Special design elements to animate the building facades are required on all elevations fronting onto the main roads. Special design considerations are required on corner side elevations and elevations fronting or facing interior green spaces and with multi-road frontage.

Further to the above, **Lots 1 to 11, 14 to 25 and 40 to 42** will be considered double front houses and therefore, architectural treatment is required for both the front and back of these houses.

The architectural design and location of the principal building on the Lot must be approved by the Developer.

## 10. Repetition

To provide architectural diversity and interest:

- (a) similar street elevations may not be repeated more often than every fourth house on either side of the street, where the houses form part of the same streetscape, and
- (b) house plans or approximate front elevations shall not be repeated more often than every third house on either side of the street. While similar house plans and forms may occur along a section of the street in response to similar site conditions, modifications such as changing the direction of roof slopes, size and location of windows and doors, etc. will be required. House plans submitted to the Developer for approval must reflect the actual site conditions.

## 11. Massing

Vast expanses of blank walls are not acceptable. Two-storey homes are required to have a visual break between the first and second floors such as but not limited to offset of upper floor, balcony, roof band etc.

## 12. Exterior Finishes (Material and Colour Schemes)

Siding is to be applied in a horizontal direction only, or a vertical board and batten, and must be either wood, Hardie Plank (**Lots 26 to 39** are required to have Hardie Plank siding), cedar shingle or high quality vinyl siding. The use of stucco is permitted if kept within the Craftsman and Heritage style of construction theme.

All colours of exterior finishes are to be approved by the Developer. Siding must be used in combination with additional door, window, corner and fascia/baseboard wood trim elements. Colours shall be in keeping with a Heritage/Craftsman theme. Monotone colour schemes are not permitted. Trim elements are to be in a contrasting but complementary color scheme.

Stone veneer elements are also mandatory in combination with siding.

## 13. Windows

Vinyl and/or wood frame windows are required.

## 14. Exterior Trims

Vinyl and wood frame windows must be trimmed with window brick moulding supplied by the window manufacturer. A minimum of 1"x4" wood trim must be used around all window and door openings and at the corners of the building. Fascia trim will be a minimum of 2"x8". Trim or belly bands are required to delineate between the first and second storeys of each home.

## 15. Garages

Minimum two car garages are required on all lots excluding Lots 1, 7 and 13. Minimum one car garages are required on Lots 1, 7 and 13.

Garage doors are to be Alpha Door Gallery Series or approved equivalent.

## 16. Roof and Eaves

The minimum pitch for the main roof of the principal building on the Lot shall be 6/12 with lesser pitches approved by the Developer if consistent with the architectural design. The pitch on corner and secondary roof pitches shall be greater on front elevations.

Roofing materials will be layered fibreglass shingles (minimum of 30 year warranty).

Roof vents must be installed on the rear roof slope where least visible from the street unless the Building Code requires otherwise.

## 17. Chimneys

No concrete block chimneys will be permitted. Metal "A" or "B" vents for heaters or fireplaces shall be enclosed in a framed chimney chase which can be finished to match the exterior finish of the home or located to the rear of the house where it is not visible to the street.

## 18. Driveways

The driveway(s) shall be of exposed aggregate. Any alternative material shall require the approval of the Developer. The maximum width of a driveway abutting a sidewalk or the curb will be 20 feet.

Storage of the vehicles and equipment is not permitted in front yards.

## 19. Fencing

The following is a list of fencing requirements:  
All fencing is to be as per City of Nanaimo requirements. Any additional requirements or restrictions are noted below.

All fence to be solid cedar panel unless otherwise noted.

The maximum height of any fence is 6' unless otherwise noted.

**Linley Valley Drive (Lots 1 to 11, 14 to 25 and 40 to 42)** - the Developer will be installing a 60" Jerith ornamental fence on the Linley Valley Drive property line along these lots. In addition, two concrete/brick pillars and one pedestrian gate will be installed at the entrance to each lot. This fencing is intended to create a consistent look along Linley Valley Drive. This must be maintained, repaired and protected by the lot owner. No other type of fencing or screen can be installed along this side of the lots.

**Lots 26 to 39** - the Developer will be installing a 48" Jerith Patriot ornamental fence on the south property (rear) line on these lots. This must be maintained, repaired and protected by the lot owner. No other type of fencing or screen can be installed along this side of the lots.

## 19. Fencing (cont'd)

Where the Developer has installed ornamental fencing along the rear or front property line the side yard fencing abutting this ornamental fence and extending a minimum of 4.5m into the lot must be of a matching product or a black powder coated chainlink fence of the same height.

## 20. Landscaping

The landscaping must be completed within one (1) growing season from the date the Occupancy Permit is issued. Landscaping includes grading, addition of topsoil, laying of sod and planting of trees and shrubs.

Each owner must ensure that excess soil is promptly removed from the site and that landscaping and other site changes do not interrupt the drainage pattern.

All street fronting yard areas are required to be landscaped with a ratio of dedicated areas to be at least 60% lawn, with the balance as shrubs and/or flowerbeds. If the landscape plan for a lot cannot meet this requirement then approval may still be granted if special approval is provided by the Developer.

## 21. Retaining Walls

Prior to construction of any retaining wall greater than two (2') feet in height on the Lot, required to separate grades or to provide interrupted drainage, the owner will require approval from the Developer with respect to the type and colour of material, the height and location for the wall.

Retaining walls greater than five (5') feet in height must be constructed in accordance with the specifications of a certified engineer.

When terracing the yard landscaping the owner shall use either rock, brick or concrete walls faced with cultured stone or exposed aggregate to match and complement the exterior of the home. No rail ties are to be used in the construction of retaining walls.

It is the responsibility of the owner on the high side or the first person there affecting the grade to construct the wall.

## 22. General Requirements (cont'd)

- (a) Satellite dishes and antennas shall be placed only in inconspicuous locations.
- (b) No wrecked or partially wrecked motor vehicles, any salvage materials, goods intended for commercial use or sale, waste or refuse shall be stored, kept, or permitted to be kept or stored, on any Lot.
- (c) Lot owners shall not keep or permit to be kept, any farm or fur-bearing animals of any type or description, except for domestic household pets, which pets shall not be permitted to run wild or uncontrolled on the Lot.
- (d) No visible clotheslines are permitted.
- (e) No overhead wiring is permitted.
- (f) Electrical, television and telephone meters / equipment / cables are to be installed in an inconspicuous location.
- (g) No trailers, commercial vehicles, recreational vehicles, van conversions or vehicles exceeding one ton, or similar property shall be parked or stored on a Lot for longer than a 24 hour loading and unloading period. Boats and RV parking are permitted on the Lot if parked, placed or situated behind the front line of the principal building or in an area screened from public view.

## 22. General Requirements (cont'd)

- (h) Composters must not be located on any part of the Lot that faces or flanks a roadway, or visible from a roadway.

## 23. Construction Practices

All construction debris shall be removed from the Lot as soon as reasonably practicable.

No burning on Lots shall be permitted.

No construction material or debris may be stored on adjacent lots.

The Lot must be kept clean and orderly during construction.

Special precautions must be taken during construction regarding ground and surface runoff.

## 24. Compliance

To ensure compliance with the provisions of the building scheme, architectural design guidelines and other requirements of the Developer, a compliance deposit of \$3,000.00 per lot shall be paid by the Owner to the Developer prior to release of plan approval.

The Compliance Deposit shall be returned to the Owner upon the written request to the Developer and all the terms of the building scheme and plan approval have been met, and the residential premises has been completed which includes:

- (a) occupancy permit issued;
- (b) exterior elevations, driveways, walks and final exterior paint;
- (c) site cleanup;
- (d) approved final inspection as described in the architectural design guidelines;
- (e) landscaping as required in the architectural design guidelines;
- (f) written request submitted to Architectural Coordinator to perform inspection.

The Developer will retain the Compliance Deposit, or a portion of it, for any of the following infractions caused by Owner, the builder, its subcontractors or agents:

- (a) violation of the building scheme and approvals;
- (b) changes to the approved design plans made without approval of the Architectural Coordinator;
- (c) unfinished yard landscaping and site drainage;
- (d) damage to surface improvements (including but not limited to roadside curbs, gutters and sidewalks, curb stop - water valve, driveway aprons and asphalt, boulevards, landscaped areas and trees, rear gutters and walkways, light standards, fire hydrants, grading and drainage swales, fencing, shallow utilities and structures, retaining walls and sedimentation /erosion);
- (e) failure to clean up the site, including failure to remove excavation material spilled on roads, sidewalks, neighboring lots or other areas of the subdivision; and
- (f) unauthorized dumping.

## 24. Compliance (cont'd)

No part of the Compliance Deposit shall be returned to the Owner should the Owner sell the Property prior to meeting the above requirements. The Compliance Deposit shall continue to be held by the Developer and returned to the subsequent Owner provided that the above requirements concerning completion are satisfied within the time period permitted from the original date of Purchase and Sale. The Owner acknowledges that it is the Owner's responsibility to obtain from any subsequent Owner of the Property a credit on account of the Compliance Deposit paid to the Seller in accordance with this Contract.

For additional details on the Compliance Deposit Requirements refer to the Contract of Purchase and Sale for the Lot.

## 25. Builder Responsibilities

The owner is responsible to repair any damage to curb, sidewalk, roadways or service connections as a result of the house construction and landscaping activities. Inspections should be made prior to construction, informing the Developer of any existing damage. Once the house is constructed, the Lot and adjacent services will be inspected to ensure that any and all damage is repaired.

The Developer shall have the right in its absolute discretion, to exempt any of the aforesaid restrictions relating to any of the unsold Lots and to exempt any of the Lots remaining unsold from all or any of the restrictions and benefits of this statutory building scheme.

## 26. Architectural Approval Process Architectural Coordinator:

Kevin J. Rurka Design  
Email: kjrdesign@shaw.ca  
Phone: (250) 668-2018

General approval process:

Submission of required plans and information to Architectural Coordinator (contact Architectural Coordinator for application requirements and further detail on the approval process).

Review of submission package by Architectural Coordinator for compliance with Architectural Guidelines, colour scheme, siting, grades etc.

Decision and comments provided to Builder.

Release of the Architectural Approval once the Builder has complied with the Architectural Guidelines and the Compliance Deposit is paid to the Developer.

Submission of plans to City for building permit. Any substantial revisions to the plans that affect the exterior elevation are to be resubmitted for approval.

Upon completion of the house construction, final grading, landscaping and a request for final inspection sent to the Architectural Coordinator, a final inspection of the property will be completed.

If there are any deficiencies noted they are to be rectified prior to final approval.

The final approval will be issued and the compliance deposit returned minus any non-compliance or damage as a result of Builder construction.

There is no charge to the Builder for this approval process unless there is a substantial change to the plans after first submission or if there is continued non-compliance, in these cases the Builder will be responsible for any additional costs beyond the typical process.