

## **Regatta Point Design Review**

### **Process**

#### **I Purpose of Design Review Process and Design Guidelines**

1. The Design Review Process is hereby established for the purpose of providing a means of systematic and uniform review of proposed residential construction throughout Regatta Point.
2. The Design Review Process shall determine the activities requiring approval by the Design Review Board and shall hereafter determine the standards and criteria which shall be required to meet and obtain the Design Review Board approval.
3. Notwithstanding anything contained herein, the development and construction on Regatta Point shall be subject to all mandatory regulations and codes at the local, Provincial, and Federal levels of governmental authority which must be complied with, and without limiting the forgoing, in particular shall be subject to the Development Agreement entered into between Regatta Point Landowners Association and the City of Halifax.

#### **II The Design Review Board Composition**

Regatta Point Landowners Association does hereby establish the Design Review Board (hereinafter called the "Board") which shall be responsible for the administration and the granting of approvals as provided for under this Design Review Process, and further the said Board shall be constituted on the following basis:

1. Unless otherwise determined by the Regatta Point Landowners Association the Board will consist of six members. The Chairperson of the Regatta Point Landowners Association shall be an ex-officio member of the Board.
2. The Regatta Point Landowners Association shall designate a member of the Board to be Chairperson thereof The Chairperson is expected to attend all meetings of the Board of Directors and provide a written report of the Design Review Board activities.
3. Members of the Board must be land owners of Regatta Point and also residents of Regatta Point;
4. A majority of the Board shall constitute a quorum;
5. All decisions of the Board require a vote of majority of the members present;

6. The Board shall meet at such time, place and location as shall be determined by the Board;
7. The Board shall send by ordinary mail their decision to the Applicant and shall not be required to provide written reasons for the basis of their decision;
8. In the event an Applicant feels aggrieved by a decision of the Board it may appeal that decision directly to the officers of Regatta Point Landowners Association who may determine the nature, time and place of a hearing, if any, and whose decision shall be final;
9. All meetings of the Board shall be held in private unless the Board determines otherwise;
10. All meetings of the Design Review Board shall record minutes. The minutes of each meeting shall be forwarded to the Board of the Regatta Point Landowners Association.

### **III Design Review Process**

1. All plans for construction in Regatta Point shall be prepared and approved by a qualified Architect authorized to practice in the Province of Nova Scotia.
2. All buildings and improvements to be constructed in Regatta Point shall be in accordance with the plans and specifications as submitted by the Applicant to the Design Review Board and approved thereby, subject however to such minor variations or modifications as may be required from time to time by the applicant and which do not substantially alter, affect or change the provisions of the plans and specification. Any other deviations therefrom shall require further approval in writing by the Design Review Board prior to construction.
3. Plans for all new constructions, subsequent alterations, or additions must be reviewed and approved in writing by the Design Review Board prior to the initiation of construction. If for any reason construction is started prior to the receipt of written approval by the Regatta Point Review Board, the property owner shall be deemed in violation of the Regatta Point Design Process and shall be subject to penalties and corrective measures as provided herein.
4. All alterations in the future such as, but not limited to colour changes to buildings, removal of trees, landscape changes, renovations to buildings, fence building, etc., shall be required to be approved by the Design Review Board.

#### **IV Design Review Approval Sequence**

The following is intended to summarize chronologically the procedural steps to be followed in processing an application before the Design Review Board:

1. The applicant shall meet informally with a Member of Members of the Design Review Board to discuss the' plans and to obtain assistance in the application process.
2. The applicant submits an Application fee as per Appendix U A" together with preliminary sketch plans as may be required or negotiated in order to provide information to the Design Review Board. .
3. If the Application is complete a preliminary review of application, plans and stake-out will be conducted and the Board will notify the Applicant of its findings. Incomplete applications will not be considered.
4. Applicant submits final plans.
5. If the Application is complete a final review of the Applications, Plans, and Stakeout will be conducted and if approved, a Design Certificate will be issued by the Board. Incomplete applications will not be considered.
6. Applicant obtains building permit from the City of Halifax.

#### **V Preliminary Application**

The applicant shall complete a preliminary stake-out on the site and submit a preliminary application for comment by the Design Review Board. This preliminary review is intended to resolve possible design problems and ensure the design guidelines and declaration of covenants. and restrictions are being followed during the design development state prior to the preparation of final construction documents.

The preliminary application shall consist of:

- (a) A fully completed application for residential development available from the Chairman of Regatta Point Design Review Board in such form as the Board may from time to time determine;
- (b) A cheque for the filing fee. Filing fees determined by development area and are related to the number of Units of the structure, as per Appendix "A" for the fees applicable to each development area. Additional fees shall be required for re-submission of applications revised in response to comments made by the Design Review Board. Applications for review of subsequent alternations of additions to

existing buildings will be subjected to the same approval process as new construction.

(c) Two sets of the following documents:

1. The Site Analysis: Scale - 1" = 20'

Provide tree survey indicating the location and species of all trees 6 caliper inches or larger. Also the location of significant clusters of small trees. Should an individual tree survey be impractical because of the presence of a uniformly heavy stand of second growth, the site plan should include a statement to this effect;

2. Site Plan: Scale - 1" = 20'

This site plan would show existing topography based on the two and one-half foot contour interval or 1 meter, indicated property boundaries, set-back lines, location of street rights-of-way, green belts, and all easements, the building plan, the area of the site to be undisturbed, the construction limit lines, and circle of trees to be saved in this limit. Describe how the builder will protect the trees to be retained and how the construction limit line will be maintained. The location of all utilities including electrical, telephone, sewer and water. Indicate the proposed site development including elements such as driveways, parking areas, patios, decks fencing, retaining walls, service yard, etc. Also please show the proposed drainage system, landscaping, and indicate the general massing of plant materials and intended species. If appropriate supply all site section to show clearly the existing and finish grades and the relationship of the buildings, parking, and other site features. Major grade changes are especially important to illustrate.

3. Architectural Drawings: Minimum Scale 1/8" = 1'

Floor plans showing all levels. Elevation drawings showing all exterior faces of the proposed structure and indicate existing grade, proposed grade, and finished floor elevations. Indicate all exterior building materials including siding, window and door type, etc. Section through the most important portion of the building showing floor levels and describing all wall and floor assemblies. Note: submit any additional information which will aid the Design Review Board.

(d) Preliminary Stake-out:

When applicable, locate and identify property monument, and identify site boundary lines with string. Then identify the general location of the proposed structure on the site with wood stakes.

## **VI Time for Review**

Within seven days or such longer period as is reasonable in the circumstances, of the submission of the preliminary application, the Design Review Board will determine whether or not the preliminary application is complete. If it is not, it will be returned to the applicant without consideration by the Board. If it is complete, it will be placed on the next Design Review Board meeting agenda. The Board will make every effort possible to expedite its review and comments; however, the Board may take up to thirty days for preliminary comments after completeness is determined. The Design Review Board will then:

1. Approve the preliminary design as submitted; or
2. Approve the preliminary design with conditions; or
3. Deny approval and state the principal reason for denial.

## **VII Design Review Board Rejection**

The Board may offer specific suggestions of assistance in resolving problems which arise during the review process. The Board is employed, however, to reject an application if, in the judgement of the Board the applicant does not meet the applicable Design Review Requirements provided for herein.

Approval of a preliminary application does not obligate the Design Review Board to approve and certify the final application if, in the judgement of the Board, the final application does not carry out the design principles established by the preliminary application or if it does not meet the design guidelines as demonstrated by the preliminary application, or if the design has been modified or adjusted in a manner unacceptable to the Design Review Board.

## **VIII Final application**

The final application shall include:

1. A revised application for development.
2. Two complete sets of hard line drawings. Each sheet of drawings and the first page of all other documents shall include the site number, street name, applicant's name, architect, and the date of drawings.

Submission shall include:

- (a) Site plans-minimum scale 1 inch equals 20 feet. Show all information required on preliminary submittal except it shall be accurately drawn hard lines. Identify all materials, show full dimensions, and show exterior lighting if any.
  - (b) Landscape plan-1 inch equals 20 feet. Superimpose landscape plan over site plan and indicate location, numbers and species of all plants, trees, shrubs, and ground cover both existing and proposed. The landscape plan, with written permission from the Design Review Board, may be deferred until the rough grading is completed on the site.
  - (c) Architectural drawings, Floor Plans- minimum scale 1/4 inch equals 1 foot 0 inches. Show the wall layouts, all changes in floor level, all dimensions, door and windows, and attached decks, fences and other appurtenances. Show the relationship of the Units to each other within a development at scale 1/8 inch equals 1 foot, 0 inches or appropriate scale not less than 1" = 20 feet.
  - (d) Indicate all interior finishes and materials and door and window schedules.
1. Elevation drawings-minimum scale 1/8 inch equals 1 foot. Show all exterior views of the principal structures including those which will be partially blocked from view by elements such as garages or fences. Show all exterior views of accessory structures. Indicate building materials, window types and door types. Show finished floor elevations and existing proposed grade lines.
  2. Building section-minimum scale 1/8 inch equals 1 foot 0 inch min. Show a minimum of one building section through the most important portion of the building and the typical exterior wall sections. Indicate all materials.
  3. Roof plan-minimum scale 1/8 inch equals 1 foot 0 inches. Show all vents, chimneys, sky lights, ridges, valleys, etc. and indicate the materials and colours.
  4. Exterior materials, colour specifications, and samples except when the Board specifically elects to waive this requirement where the colours and materials are known to the Board. Both the names of the proposed exterior materials and the physical sample shall be included for all buildings and garages and accessory structures. A final application will not be considered complete without these exterior samples. Please indicate the following: the name, the grade, description and sample of the roofing to be used; the name, the grade and sample of siding with the chosen colour applied; the specifications and manufacturer for all windows and doors; any other exterior materials of significance to the design.
  5. Construction schedule. The applicant shall provide a detailed schedule indicating the schedule commencement and completion of the following phases of work; exterior construction, framing, roofing and siding; the tie into utilities, power, water

and sewer; also the landscaping. This schedule will serve as the basis for the Design Review Board monitoring of your construction activities and it will assist in the overall co-ordination and management of all construction activities at Regatta Point.

## **IX Design Review Board Action**

Within seven days or such longer period as is reasonable in the circumstances of the receipt of the final application the Design Review Board will review the application for completeness and for conformity with the design guidelines and conditions and also the deviation, if any, from the approved preliminary application.

If incomplete, the application will be returned to the owner without any consideration from the Design Review Board. If complete, the applicant will be so notified and the application will be placed on an agenda of the next Design Review Board meeting.

Once the final application is accepted, the Design Review Board has thirty days within which to review and comment on the final application, inspect the site for compliance with the plans, and make its final decision. If no action is taken or decision announced by the Design Review Board within the thirty day period the application shall be considered approved.

Design Review Board approval shall be stamped approved on the plan for design compliance. A Regatta Point design certificate will be issued once the applicant has signed the Regatta Point construction agreement and all fees have been paid in full. The certificate must be posted and maintained in a visible manner next to the City of Halifax building permit on the construction site.

## **X City of Halifax Building Permit**

Approval by the Design Review Board and the issuance of the Regatta Point design certificate does not include or remove the necessity of obtaining a building permit from the City of Halifax. If the applicant has not already done so a building permit must be obtained from the City. Once the City building permit is obtained from the City it and the Regatta Point design certificate must be displayed on the construction site. The applicant may then begin clearing and construction.

## **XI Design Review Guidelines per Lot**

The lands referred to in the Regatta Point Conceptual Plan shall further be subject to the restrictions as found in the Appendixes attached hereto which said Appendixes contain specific design review guidelines to be administered by the Design Review Board as the same applies to the Lots on the Regatta Point Conceptual Plan.

## **XII Enforcement Provisions**

Enforcement of the Design Review Process shall be conducted by Regatta Point Landowners Association and by none other. Regatta Point Landowners Association shall have all rights at law and in equity including but not being limited to specific performance of the provisions of the Design Review Process. All cost and enforcement of Regatta Point Landowners Association, including legal fees based on solicitor/client basis, and all other professional fees, shall be in the responsibility of the landowner to whom the enforcement provisions are directed.

Further, Regatta Point Landowners Association shall be permitted to take whatever corrective measures are deemed necessary in its sole discretion acting reasonably based upon the Design Review Process and the approvals granted thereunder, for purposes of correcting policing and enforcing the provisions of the Design Review Process and all approvals granted thereunder. For further clarity and statement herein and for purposes of providing continuity in decision making, during the term of the Design Review Board as provided for herein and when administered by Regatta Point Landowners Association, then only Regatta Point Landowners Association shall have the right to enforce the restrictive covenants as contained herein and the restrictive covenants through the Design Review Board there created. No other owner of land, a Unit or Units with Regatta Point shall have such right of enforcement.

### **XIII Design Review Board Approval Certificate**

Approval of the Design Review Board as provided for herein shall be evidenced by a stamp or such other similar identification, the style and location of which shall be determined from time to time by the Design Review Board, but which shall contain the signature of any two members of the Design Review Board. Any land owner may require from time to time the Design Review Board to execute a statement or caveat for purposes of filing at the Registry of Deeds Office in Halifax that the plans for the proposed construction have met with approval of the Design Review Board, which said statement or caveat shall be signed by any two members of the Design Review Board and may contain such information as the Design Review Board considers necessary for purposes of putting on public notice compliance by the Applicant for the proposed construction.

### **XIV Protection from Liability**

No action or other proceeding shall lie or be brought against the Design Review Board or any Member thereof for any act done in good faith or in the intended exercises of any duty or power under these restrictive covenants or any part of the Design Review Process or for any omission or neglect or default in the performance or exercise in good faith or such duty or power.

**APPENDIX A**

## REGATTA POINT LANDOWNERS ASSOCIATION GROUNDS PROJECT

## FEE SCHEDULE FOR DESIGN APPROVAL

1	- 2	Units	\$500.00
3	- 15	Units	\$800.00
16	- 25	Units	\$1,000.00
26	- 100	Units	\$1,000.00

Charge for existing property \$25.00 (Members-no charge)

The above fees shall be used by Regatta Point Landowners Association to defray the costs of implementing the Design Review Guidelines and to retain Professional Advisors to evaluate the applications for development and may be amended from time to time by Regatta Point Landowners Association acting reasonably to more accurately reflect the costs of implementing the Design Review Guidelines.

Regatta Point Landowners Association Design Review Board

Application for design review process:

Date:

Lot Number:

Developer:

Address:

Phone:

Architect:

Address:

Phone:

Landscape Architect:

Address:

Phone:

General description of Project (attach additional pages if required).

Payable to:

Regatta Point Landowners Association

1-2 Units	\$ 500.00
3-15 Units	\$ 800.00
16-25 Units	\$1,000.00
26-100 Units	\$1,500.00
Renovation	\$ 25.00

Regatta Point Landowners Association

Design Review Board

This document, when signed by two members of the Design Review Board, constitutes approval for the Development of Lot \_\_\_\_\_ as per the plan specifications presented to the Board on \_\_\_\_\_

Name (Print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name (Date) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX "D"

SINGLE FAMILY ATTACHED RESIDENTIAL.RP-6, 7, 8, 9, 1m, 12, 13,.14, 15, 16, 17, 19, 20, 21, 22,23,28, 29, 30.

## 1. Grading

- a) conform to Appendix "I" and "H", disruption of the natural conditions to be kept to a minimum; .
- b) blasting is discouraged and requires a special permit;
- c) earth cuts and fill must be re-vegetated;
- d) drainage must away from the minimum of 2% integrated by drain; be maintained building at a slope or a storm water
- e) where large changes in grade requiring extensive cuts and fill occur resulting in:
  - 1. slopes greater than 3:1 less than 2:1, these require soil stabilization, wire mesh under sod and temporary wood stakes;
  - 2. slopes greater than 2:1 these require retaining walls except in the case of rock outcrops which may be exposed.
- f) where retaining walls are required, they may be constructed as: dry laid stone, stone and mortar poured in place concrete, brick, pressure treated wood;
- g) planning must be demonstrated showing the impact of your site development, and the impact it will have on the overall drainage patterns of your development area, or the area directly downstream.

## 2. Siting

- a) conform to Appendix "I" and "H", minimum disturbance to the natural landscape is a key requirement.  
Significant site features such as healthy trees should be maintained where possible;
- b) the following principles of siting are to be employed:

1. buildings and site improvements are to be designed so as to minimize the difference in elevation between existing and proposed finish grades;
2. tree wells are to be constructed where significant trees can be saved by such devices;
3. site cutting and clearing to the extent possible is to be phased so that existing vegetation and or topsoil can be shifted from one location to another during final grading and landscaping.

### 3. Greenbelts

- a) where a greenbelt is designated, no-disturbance of existing conditions will be allowed except:
  1. cleanup and general repair of existing landscaping;
  2. fence construction at boundary between Regatta Point lots RP-6 and RP-8 and properties not part of Regatta Point development.

### 4. Driveways & Parking

- a) all driveways and parking areas are to be hard paved:  
either asphalt paving, concrete, stone, rock, or precast concrete
- b) parking is to be provided on a minimum basis of 2 cars per unit. This parking can be either outside at grade, free standing garage, or garage as part of building structure. A driveway 30' long, clear of street line is deemed parking for 2 cars;
- c) driveway grades are recommended at 8% not to exceed 10% without design review approval, with 6% maximum cross fall at parking areas;
- d) paved parking areas are not to exceed 60% of front yard areas in Freehold Units and landscaped area is compulsory in front of all units of either freehold or condominium description.

### 5. Utilities

- a) sanitary and storm sewers to be approved by the Municipality and coordinated with Project Services;
- b) electrical services are required to be underground from the terminal pole to the building including telephone and Cable T.V.;

- c) transformers, air-conditioners, electrical meters, similar mechanical equipment are to be screened, from view.

## 6. Foundations

- a) all foundations must be poured in place concrete;
- b) exposed concrete must be avoided wherever possible and surfaced with materials specified for building elevations;
- c) concrete foundations must not project greater than 12" above finished grade unless finished as in paragraph b above;
- d) the closure between grade and wall shall appear solid if not a foundation wall.

## 7. Exterior Walls

- a) the finish materials for exterior walls to the following:
  - 1. brick-earth tones or natural stone;
  - 2. siding-natural wood, horizontal bevel board 4" exposed to weather, or; natural wood, shingles 4" exposed to weather;
  - 3. siding trim: inside and outside corners 2" x 6" natural wood, top of wall trim 2" x 8" natural wood (e.g. at soffit) bottom of wall trim; 2" x 8" natural wood (e.g. foundation) window trim not specified;
  - 4. siding finishes are limited to a solid colour stain: Cabot O.V.T. 0511, 1544, 0540, 0567, 0580, 0533, 0534, 0535, 0537, or approved equals.

## 8. Windows & Doors

- a) windows shall be:
  - 1. wood-factory finished wood or natural wood stained.
  - 2. metal-factory finished or anodized (bright metal finish will not be accepted);
- b) exterior door shall be at owners discretion except that bright metal finish will not be accepted;

- c) horizontal slider windows either sashless or semi-sashless will not be approved; . .
- d) the amount, size, and shape of glass incorporated into the building must be firmly integrated into the design of the building. The arbitrary use of irregular shapes is discouraged.

## 9. Roofs

- a) all roof areas are to be sloped, minimum roof slope 6 in 12. Pitched, gable, and hip variations and composites are preferred, shed roofs will also be approved if thoroughly integrated with the building form. Roof dormers are encouraged;
- b) roofing materials shall be: architectural asphalt shingles, fire treated shakes and shingles, non-glare standing seam metal, ceramic or asbestos cement shingles;
- c) roof top radio or television antenna, satellite dish receivers, mechanical equipment; etc., shall not protrude from roof unless screened from view;
- d) mechanical roof vents are discouraged. All vents of any description are to be the same colour as surrounding materials;
- e) skylights are to be placed as close to the roof surface as possible. Bubble shaped roof skylights are not acceptable.

## 10. Chimneys

- a) Masonry chimneys are preferred and are to be constructed of brick, colour same as paragraph 7-a-l of this Appendix "D";
- b) prefabricated metal chimneys will only be approved if boxed in (with construction to match related building) to minimum distance from top of chimney allowed by Fire Authorities.

## 11. Signage

- a) signs for the purpose of project or personal identification will be limited to the following:
  - 1. one general project sign located remote from unit associated with main entry, not to be rear lit, and to be co-ordinated with landscaping;

2. Civic numbers not to be rear lit and not to exceed 6" high mounted on building facade or entry gate in association with front door.

## 12. Exterior Lighting

- a) all exterior lighting designed to the following guidelines:
  1. light source, either high pressure sodium or incandescent. (e.g. florescent will not be approved);
  2. where possible light source shall be shielded from eye level view;
  3. colored lights will not be approved, except as seasonal decoration (e.g. Christmas).

## 13. Fencing & Walls

- a) fencing is allowed, to provide: privacy, wind breaks, define outdoor living areas, aid in child control, and is subject to the following guidelines:
  1. Front yard fencing is discouraged but will be allowed not to exceed 2' - 6" height;
  2. rear yard fencing is allowed at maximum 6' height as follows:
    - a. not further than 15 feet horizontally from building;
    - b. between private area and public area;
  3. rear yard fencing is allowed at maximum except that perimeter fencing is discouraged;
  4. Fence designs are to incorporate exterior materials and finishes used on associated buildings;
  5. all fence layouts and designs are subject to Design Review Board Approval;
- b. walls may be used to define areas of difference use, complement landscape schemes, and define different levels. See Paragraph 1 (f) of this Appendix "D" for allowable construction.

## 14. Gateways & Entrances

- a) Gateways, entrances structures, gazebos, etc. can be approved if planned to reinforce the character and flavour of a particular design theme. Subject to Design Review Board Approval.