

## DESIGN REVIEW POLICIES

**Function of The Village Architect.** To encourage the architectural harmony of The Village in Niagara-on-the-Lake, all property owners are bound by The Village Codes and by the requirements contained in this document. To that end, no structure or improvement shall be erected or altered until approvals described in this document have been obtained. The role of the Village Architect shall be to oversee the adherence to The Village Codes as set out herein.

**Scope of Responsibility.** The Village Architect has the right to exercise control over all construction in The Village in Niagara-on-the-Lake. The Village Architect shall also review all exterior alterations and modifications to structures including fencing and improvements (even after initial construction is complete), including, but not limited to, painting and renovations. Alterations and modifications which are internal and do not affect the exterior appearance of the building and any soft landscaping, shall be exempt from these reviews and required approvals. If there is a question of whether or not an alteration or modification is exempt, the owner must ask The Village Architect for a ruling, whose ruling shall be final subject only to appeal to The Village Codes Tribunal.

**Enforcing Powers.** Should a violation occur, The Village Architect has the right to an injunctive relief, which requires the owner to stop, remove, and/or alter any improvements in a manner that complies with the standard established by The Village Architect. Approval by The Village Architect does not relieve an owner of his/her obligation to obtain any government approvals. If such approvals are required and are not obtained by the owner, The Village Architect and/or the applicable government agency may take whatever actions are necessary against the Owner to force compliance.

**Limitations of Responsibilities.** The primary goal of The Village Architect is to review the submitted applications in order to determine if the proposed construction conforms to The Village Codes. The Village Architect does not assume responsibility for the following:

1. The structural adequacy, capacity, or safety features of the structure and/or improvement.
2. Non-compatible or unstable soil conditions, soil erosion, etc.
3. Compliance with the current Ontario Building Code, WSB safety requirements, and any governmental laws, regulations or ordinances.
4. The performance or quality of work of any contractor or builder.

**Meeting of The Village Architect.** The Village Architect shall meet as requests are received at a mutually convenient time. All meetings mutually agreed to by The Village Architect and owner shall be the owner's expense and shall be billed by The Village Architect as per the then current fee schedule.

**Review Fees.** Review fees are established by The Village Architect in consultation with The Village Founders. The Village Architect reserves the right to waive these fees at his/her discretion.

**Review Policy.** The Village Architect reviews the submission and either grants approval, approval with stipulations, or denies approval. The Village Architect shall endeavour to notify the owner of the decision in writing and/or drawings within ten business days from the date of receipt of a completed document. If applicable, one set of plans shall be returned with comments. If however, The Village

Architect does not contact the owner within ten business days, the application shall NOT automatically be deemed “approved”. The Village Architect may deny approval because the application is incomplete or inadequate. If approval is not granted, a revised application may be submitted and reviewed in the same fashion as the initial application, including fees. Additional fees may be required for resubmissions.

If the application is denied approval, a formal appeal may be made in writing to The Village Architect.

**Appeal Process.** A formal appeal shall be submitted to The Village Codes Tribunal made up of a minimum of three individuals including at one representative from The Village Founders; The Village Architect; and one representative resident of The Village. The Tribunal’s findings shall be majority vote (with a tie denying the variance approval) and shall be final and binding and shall apply only to this specific variance request and not set a precedent. A non-refundable fee of \$500.00 shall be submitted by the applicant with the formal appeal.

**Application Withdrawal.** An application may be withdrawn without prejudice. At the discretion of The Village Architect, design review fees may be refunded.

**Variations.** The Village Architect has the right to grant variances to The Village Codes on the basis of architectural merit or hardship without setting a precedent for any other buildings. All variance requests pertaining to The Village Codes must be made in writing. Any variance granted shall be distinguished and shall not set precedent for future decisions.

**Construction Deposit.** A construction deposit of five-thousand dollars (\$5,000.00) may be required from the builder for each house. The deposit shall be held by The Village Architect, or as he directs, until a final field inspection has been made by The Village Architect. Full compliance shall result in the return of the construction deposit. If the deposit is required to repair, replace, or clean up common areas that are damaged due to construction activities, the builders shall be notified prior to the use of the deposit. The builder shall be allotted a reasonable amount of time to rectify the problem before the deposit is expended. This deposit requirement may be waived at the discretion of The Village Founders.

**Construction Inspection.** Periodic inspections may be made by The Village Architect while construction is in progress to determine compliance with the approved plans and specifications. The Village Architect is empowered to enforce its policies as set forth in The Village Codes by any action including an action in a court of law, to ensure its compliance. The Village Architect shall be reimbursed for any and all costs and time incurred if a code is not immediately rectified to The Village Architect’s approval.

## **DESIGN REVIEW PROCEDURE & APPROVAL BY THE VILLAGE ARCHITECT**

### **DESIGN REVIEW PROCEDURE**

Design Review applications and Minor Change requests can be submitted online, or by mail. Before proceeding, you should have reviewed the following documents:

1. Your Lot Purchase Agreement.
2. The Village Codes which consist of the Urban Regulations, the Architectural Regulations and the relevant Regulating Plan.

### **For Online Submission:**

1. Visit [www.TheVillageNiagara.com/codes](http://www.TheVillageNiagara.com/codes) to access the online submission portal.
2. On that page, click “Review Application & Minor Change Online Form”.
3. Fill in all required information, including contact information, property information and the name of the designer or architect.
4. Provide a description of the variance or change request, and upload all relevant documents, photos, plans, and drawings.
5. Click “Submit”, and your application will be sent to The Village Architect for review.

The Village Architect or a representative from The Village office may contact the owner for further clarification. They endeavour to notify the owner within ten business days from the date of submission. If a response is not received within ten business days, you may contact the developer for further assistance through the company website: [www.TheVillageNiagara.com/contact](http://www.TheVillageNiagara.com/contact)