



## **2017 Architectural Guidelines**

### **Introduction**

Like most automatic-membership homeowners associations, the Crystal Beach Tennis & Yacht Club ("CBTYC") has the power and responsibility of design review to preserve its architectural and aesthetic integrity. Design review is as basic a community function as maintenance of the common areas, collecting fees and paying bills.

Properly exercised, design review can create and preserve an attractive liveable community, for the benefit of all its members. But failure to exercise architectural control properly can create major problems for a community. These problems can take the form of misunderstandings and controversy among the residents, inconsistencies and unfairness in treatment of members, a multitude of real or imagined violations, and, occasionally, expensive and protracted legal disputes. At the same time, the association and its members may suffer major property value losses if architectural control is absent or ineffective.

One essential element of a successful design review process is recognition by all members of the community that it is a benefit and not a burden. While design review is, at best, an imperfect art, no community will tolerate – let alone support – a review process that is not clearly understood or that does not work effectively and fairly. With that in mind, CBTYC has compiled these Architectural Guidelines, which are available in hard copy and electronically at the CBTYC website ([www.cbtyc.com](http://www.cbtyc.com)). We have sought to make this guide clear and comprehensive so as to be of value to individual members and to our community as a whole.

The Architectural Guidelines govern the exterior appearance of all additions, alterations and modifications affecting the exterior appearance of improvements on a Lot, including changes in materials and colours. They are intended to complement and supplement, but not supplant, the CBTYC Registered Restrictions, which also are available on the CBTYC website. Should there be a conflict between the Registered Restrictions and the Architectural Guidelines, the Registered Restrictions control. Likewise, should there be a conflict between the CBTYC By-laws and the Architectural Guidelines, the By-laws control. Resolution of any such conflicts, and interpretations of both the Registered Restrictions and the Architectural Guidelines, is the responsibility of the CBTYC Architectural Committee in the first instance and ultimately of the Board.

The Architectural Guidelines are designed to be a user-friendly and timely resource. If you have suggestions for improving this document, please feel free to share them with any member of the CBTYC Architectural Committee or Board. Similarly, if you would like to serve on the Architectural Committee, please contact a Committee or Board member because we are always looking for energetic and conscientious volunteers.

Thank you for doing your part to ensure the architectural integrity of our beautiful community, while simultaneously preserving the considerable financial investment each one of has made.

Sincerely,

Don Boyd, President  
CBTYC Board

John Perry, Chair  
CBTYC Architectural Committee

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## **I The Role of Architectural Guidelines in CBTYC's System of Governance**

When people choose to live in CBTYC, they become part of an indisputably unique community. They take on many responsibilities relating to promoting harmony and protecting property values. They are expected to knowingly and willingly accept the restrictions, by-laws, rules and regulations of our community, even though these documents place limits on them. This is considered a small concession in exchange for the advantages gained as members of an association of owners, such as:

- Cultivating mutually respectful relationships with our neighbors;
- Sharing in association governance and activities; and
- Preserving and safeguarding our common interests.

### **A. GOVERNANCE – OVERVIEW**

CBTYC is a planned common interest community, founded on a "Victorian Seaside" theme that is tied to both a look for lots and structures and a lifestyle that is linked to a lakeside relationship (Lake Erie).

An owner owns his or her deeded lot and single-family dwelling unit. The CBTYC owns all the common areas, including the land, roads, buildings, beach, amenities and equipment for the use and benefit of the lot owners, their guests and renters.

The community (through its governing structure) seeks to employ a unified and consistent approach in the development and redevelopment of the community. This approach is grounded in express or implied principles contained in the CBTYC governing documents, and applies to original construction on individual lots or Club property, as well as to subsequent improvements or replacement needs that range from minor to more major projects. A uniform and disciplined application of these principles is critical to the long-term success of our community and in particular its architectural and aesthetic success and integrity, its ability to maintain a high quality of life, and the preservation of significant financial investments, both collective and individual.

### **B. GOVERNANCE – DOCUMENTS**

CBTYC is designated as a Home Owners Association ("HOA") under Ontario Statutes and is subject to a framework of documents that prescribe restrictions as well as the manner in which the HOA operates. The following, in order of legal authority, are relevant to understanding CBTYC's system of governance.

- 1) Province of Ontario – Ministry of Consumer and Commercial Relations – Letters Patent (Articles of Incorporation) – August 11, 1992

This document outlines the objects of an HOA, which are:

- a. To advance the cultural and recreation interests of the seasonal and permanent resident members; and
- b. To promote aquatic, athletic, physical and other such activities.

The document also includes specific provisions pertaining to the ability of a member to transfer his or her interest and rights to other members, the composition of an association's board, and operating as a non-profit association.

- 2) Province of Ontario – Land Titles Act – Section 191- Region of Niagara, Town of Fort Erie – CBTYCX Registered Restrictions (Covenants) – May 7, 1993

There are five sets of so-called Registered Restrictions on the title of all the lands comprising CBTYC. The Registered Restrictions, also available on the CBTYC website, were imposed by the original developer of the community to prescribe how the community would be developed and operate, with an intent that these restrictions and the obligations therein would devolve eventually to both the CBTYC HOA and to the owners individually, upon the developer's exit from CBTYC.

- 3) Province of Ontario – Corporations Act – Section 193

This statute, through letters of patent, facilitates the creation of the Association, and provides for the creation of By-laws that governs the community.

- 4) By-Law # 1 of Crystal Beach Tennis & Yacht Club – September 13, 2007

Grounded in the Registered Restrictions and the Corporations Act, our By-laws are the rules we as an HOA put in place to govern ourselves and our interactions with one another. As such, they may be amended only by the members of the HOA.

- 5) CBTYC Rules & Regulations

Published annually in the CBTYC Directory, the Rules & Regulations address day-to-day expectations of members and their guests, including golf carts, parking, the beach, the pool, tennis courts, clubhouse, fitness room, renters and pets. While many of these rules come directly from the Registered Restrictions, the Rules & Regulations themselves are promulgated by the CBTYC Board.

- 6) CBTYC Architectural Guidelines

As set forth above, the Architectural Guidelines are intended to manage the architectural aesthetics of the community, from commonly owned property down to the individual lot level. This document is critical to the integrity of the community, and the ability to direct investment in a positive manner, thereby increasing property values.

Among the core architectural elements of CBTYC governed by the Architectural Guidelines are the following (for more detail, please consult the "Current CBTYC Specs" appendix to these Guidelines):

- Type/Style of Housing
- Corrugated, colourless, galvanized steel roofing
- Interlocking rust-colored bricks for driveway and parking areas
- White window frames, door frames and railings
- Vinyl or similar siding or support posts within a defined pastel pallet
- Tree-lined streets
- White lattice screening at grade around individual houses
- Manicured lawns and flower beds
- White picket fencing
- Front and rear yard verandahs and/or decks
- Regulated shed, landscaping and structure placement
- Use and structure prohibitions/restrictions

### **C. GOVERNANCE – STRUCTURE**

CBTYC’s Board of Directors consists of five HOA members, who are elected at the annual general meeting in August of each year. Following each election, the Board votes to elect the CBTYC Officers, including a President, a Vice President, a Secretary, a Treasurer and, traditionally, an At-Large Member. The Board is empowered to establish such committees as it deems appropriate to assist in the management of CBTYC business.

### **D. GOVERNANCE FINANCIAL**

The CBTYC Board of Directors is charged to develop and adopt an annual budget for the community. The budget comprises an operating account (for revenues generated and expenses incurred in the ordinary course of CBTYC business), a capital account (for future capital expenses) and a reserve account (for replacement of depreciated assets).

### **E. GOVERNANCE –CORE VALUES**

In 2017, CBTYC conducted a survey of the membership. Among the many great results of this initiative was the formulation of a set of CBTYC core values.

- Maintain Honesty and Integrity in everything the Community does
- Maintain Current Standards for Landscaping and Buildings
- Safety and Security of Residents
- Preservations of the Community’s Natural Beauty & Environment
- Maintaining a Friendly Atmosphere & Sense of Community
- Employing a Pay as You Go Budgeting Philosophy
- Providing a Variety of Quality Amenities and Services

These values are cornerstones of our community and should inform all of our interactions,

including those related to the preservation of community's architectural integrity. GOT TO HERE!

## **II The Role of the Architectural Committee**

The Architectural Committee ("Committee") is a permanent CBTYC committee, required by the Registered Restrictions. The Committee is charged with reviewing, and making recommendations to the Board of Directors ("Board") regarding, proposed additions, modifications or alterations to the exterior appearance of any Improvements or any proposed change in the use of a Lot. The Committee also is charged with reviewing and making recommendations to the Board regarding proposed new-builds within our community.

The Committee is composed of at least three (3) members of the Club, each of whom is appointed by the Board for a two-year term. The Committee generally meets every month between May and September, and as needed during the off-season. Residents are welcome to attend the meetings to discuss their proposed projects or simply to learn more about projects that may affect them.

## **III Design Review Process Overview**

Whether you are building a new home at CBTYC or planning exterior architectural enhancements to your existing home, it is important that you work with the Architectural Committee to ensure that your plan is consistent with the Victorian Seaside style that has distinguished our community since its founding. Our collective compliance with the design review process is critical to maintaining the high architectural standards that have made CBTYC the unique architectural gem it is today.

### **A. DOCUMENTING YOUR PLANS**

Once you have decided upon your project, whatever the scale and scope, it is important that you capture the design in a document or documents capable of review by the Committee and Board. While professionally prepared plans are not necessary, scaled drawings and plans are critical for allowing the Committee and Board to understand the scope of your project. What matters most is that your submission accurately depicts the project for which you are seeking approval because, in all but the rarest cases, your submission will be all that the Committee and Board have to work with when considering the merits of your proposal.

### **B. SUBMITTING YOUR APPLICATION FOR APPROVAL**

When your plans are ready, you will need to obtain and complete an Application for Approval of Architectural Change or Improvement and a Neighbour Notification Form, both of which are available on the CBTYC website.

Please be sure to furnish all of the information requested on the application, and remember to include the application fee and, if applicable, the refundable deposit

associated with your project. This will reduce the chance for delays in the processing of your application.

It is equally important that you advise your neighbours of your plans. While there exist construction easements on each of our properties to allow us to perform necessary construction work, it is nevertheless important that neighbours know about and, where appropriate, are able to plan for any burden your project may impose on them. To assist in this process, every owner seeking approval for an architectural change must complete and submit a Neighbour Notification Form confirming that your neighbours sharing a property line with you have been advised of your plans. It bears noting in this regard that reaching accord with your neighbours is both desirable and – almost always – achievable so long as your communication is honest, complete and timely. It has been the experience of the Committee and the Board that the infrequent conflicts that have arisen among neighbours could have been avoided had the homeowner proposing the architectural change just taken the time to build consensus for her vision with her neighbours.

The next section of these Guidelines contains application requirements for specific project types. Note, however, that a complete application for *any* project includes the identity and contact information of your licensed contractor (unless you are doing the work yourself) and proof of insurance for the contractor. The contractor certificate of insurance must designate CBTYC as a co-insured with coverage of at least \$1 million. Strict adherence to this requirement is critical for the physical safety and financial security of our community.

### **C. COMMITTEE REVIEW AND BOARD APPROVAL**

Upon receipt of your application, the Committee will carefully review all aspects of the proposal to ensure compliance with these Guidelines and the Registered Restrictions. This phase generally is completed within 30 days of receipt of your application. If your application is not complete or if it raises questions for the Committee, a member of the Committee will promptly contact you in an attempt to remedy the perceived deficiency. Once its review is complete, the Committee will make its recommendation for approval or disapproval to the Board, which will take up the matter at its next regularly scheduled meeting. In extraordinary circumstances, the Board may convene a special meeting for the purpose of acting on an Application for Architectural Change or may address the application via e-mail.

Please note that approval of a project by the Board should in no way be construed as confirmation that the project is properly designed or that it complies with applicable Town codes or ordinances. Board approval means only that the project as proposed conforms to the requirements of the CBTYC Registered Restrictions and Architectural Guidelines. Neither the Board nor the Committee shall have any legal liability in connection with any submission, approval or disapproval of plans. Any applicant submitting plans to the Committee agrees, by the act of submitting an application, not to commence any legal action against CBTYC, the Board or the Committee in connection with the submission.

Residents should not involve the Architectural Committee, the Board of Directors or the Onsite Property Manager in neighbour-to-neighbour disputes that do not involve violations of these Guidelines, the Registered Restrictions or the CBTYC By-laws.



#### **D. COMPLETING YOUR PROJECT**

Upon receipt of a letter of approval or qualified approval from the Committee, you may begin the construction of your proposed design. Work must start within thirty (30) days of the date the approval is received and be completed within ninety (90) days from the start of construction unless otherwise expressly condoned by the Board.

Please note that all new construction, as well as certain home modifications, will require building permits from the Town of Fort Erie, as well as other local and provincial jurisdictions. It is the resident's responsibility to ascertain from the Town whether a permit is necessary, and to obtain any required permits.

Prior to commencing work on your project, you must either furnish copies of any required Town permits to a member of the Committee or confirm with a member of the Committee that no such permits are necessary. At that time or shortly thereafter, the Committee will issue you a CBTYC Building Permit certifying that your project complies with the Registered Restrictions and Architectural Guidelines. Please note that the CBTYC Building Permit expires 90 days from the start of construction unless otherwise expressly extended by the Board.

All permits – including Town permits, if necessary, and the CBTYC Building Permit – are to be posted conspicuously on the job site throughout the course of your project. A member of the Committee or Board may visit the job site during the project to ensure that work is being performed consistent with your application and these Guidelines.

It should be remembered that the Town of Fort Erie and various local utilities are responsible for providing sewer, water, electrical and other services to your lot; construction problems or problems with your lot or home are not the responsibility of CBTYC or its Board or Architectural Committee.

Please note that, pursuant to the Registered Restrictions and long-established CBTYC precedent, there is to be no major construction between May 15<sup>th</sup> and September 15<sup>th</sup>. Additionally, all projects must be concluded by June 15<sup>th</sup>.

#### **E. SITE INSPECTION**

Using the Completion Date provided in the CBTYC Building Permit, a designated representative of the Committee will perform a final site inspection to ensure that the completed construction conforms to the approved drawings. If everything is satisfactory, a Certificate of Compliance will be issued by the Committee following this inspection. A copy of this Certificate and photographs of the completed project will be placed in your Lot's permanent CBTYC architectural file.

#### **IV Architectural Changes Requiring Approval**

The Registered Restrictions provide that no existing residence or lot may be altered in any way that materially affects the exterior appearance of the property, unless those alterations have been approved in advance by the Architectural Committee.

The following projects are considered sufficiently significant in scope as to require

compliance with the Architectural Committee approval process. Please note that this list is illustrative and not exhaustive. If you have any question as to whether your proposed project requires approval, please ask any member of the Committee or Board, or the CBTYC Onsite Property Manager, in writing.

- New houses
- Additional rooms
- Family rooms
- Porches (open or closed)
- Decks
- Railings
- Sun rooms
- Dormers
- Windows (new or replacement)
- Carports
- Storage sheds
- Green houses
- Roof modifications
- Driveways

An addition to, or alteration of, an existing structure should always match the existing house with respect to:

- Scale, materials and colour
- Roof pitch, overhand and colour of original roof
- Windows, doors and trim details
- Overall continuity of building lines

Please be aware that, in considering your application, the Architectural Committee and Board will take into account such factors as distance or location from adjacent homes, as well as proximity to the Parkette and other public access points.

Finally, these Guidelines and the procedures set forth herein pertain to planned projects, not emergency projects necessitated by mechanical failure, fire, severe weather and the like. In such extenuating circumstances, the Board and the Committee will work directly with the owner to ensure that any and all repair work complies with the Guidelines and Registered Restrictions, with approvals, as necessary, likely coming after the fact.

#### **A. NEW HOUSE CONSTRUCTION**

**Application Fee: \$500**  
**Refundable Deposit: \$1500**

All new construction must comply with the zoning and building codes of the Town of Fort Erie, and new houses must have a minimum habitable living area of 650 square feet. The builders for new home construction must submit final plans and specifications to the Architectural Committee for approval prior to construction. Prior to initiation of the project the builder and homeowner must meet with the onsite Property Manager to establish a construction schedule. Foundations for new home construction must be completed by December 1<sup>st</sup>. Failure to do so jeopardizes completing the project by May 15. Finally, the

landscaping and driveway must be completed in the same construction season by May 15 unless otherwise expressly extended by the Board.

Applications pertaining to new home construction must include the following:

- Completed application and neighbour notification form.
- Survey of the property and any existing improvements.
- Survey and site plan showing the proposed construction in relation to any existing improvement and property lines.
- Front back and side view drawings indicating colours, materials, details, etc. All pertinent dimensions must be indicated, and shown to scale. Any existing construction must be shown on these drawings. Architect or contractor's drawings are preferred for this requirement.
- Floor plan(s) showing new work in relation to any existing structure(s).
- Stain, colour chips, or material samples of the proposed house siding and trim colours.
- Please note that corrugated, colourless, galvanized steel roofing is mandatory, for both aesthetic and practical reasons.
- Indications (on drawings) of all colours for doors, shutters, windows and trim.
- Greenspace plan, including plantings and landscaping
- Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

## **B. EXTERIOR ADDITIONS OR ALTERATIONS**

**Application Fee: \$150**  
**Refundable Deposit: \$750**

When planning exterior additions or alterations, colour schemes, materials and architectural features from adjoining neighbour's homes must be taken into account, and the predominant theme of the Club (i.e., Victorian Seaside with muted colours) shall be respected. Colours for trim should be selected so that a wide contrast with the house colour is avoided. Colours of doors, windows and trim should closely match existing colour and are also subject to prior approval.

Applications for exterior additions or alterations must include the following:

- Completed application and neighbour notification form.
- Front back and side view drawings indicating colours, materials, details, etc. All pertinent dimensions must be indicated and shown to scale. Any existing construction must be shown on these drawings. Architect or contractor's drawings are preferred for this requirement.
- Floor plan(s) showing new work in relation to any existing structure(s).
- Stain, colour chips or material samples of the proposed house siding and trim colours, if applicable.
- Please note that colourless, corrugated, galvanized steel roofing is

- mandatory.
- Indications (on drawings) of all colours for doors, shutters, windows and trim, if applicable.
  - Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
  - Contact information and proof of insurance for licensed contractor.
  - Permits, if required by Town of Fort Erie.

Please note that, while professionally prepared renderings are not required for alterations and additions, applications with poor quality drawings or incomplete information will be returned to the applicant for clarification, thereby delaying the project's review.

Approval by the Board does not imply structural soundness and/or safety of the project. The purpose of the architectural review process is to ensure compliance with the Registered Restrictions and these Guidelines only, i.e. the aesthetic integration of the project with existing neighbours and the neighbourhood.

The Registered Restrictions also require that the common roads and the lot where the work is being performed be kept clear of mud and construction debris. If any of the common roads is damaged due to the construction activities on the lot, the resident doing the construction shall be held financially responsible for the repair of the damage.

Residents are required to "finish grade," plant trees and plant grass seed on their lot either by the July 1<sup>st</sup>, or the October 1<sup>st</sup> immediately following the purchase of their lot or upon completion of the proposed construction, whichever applies.

### **C. DECKS, PATIOS AND RAILINGS**

**Application Fee: \$50**  
**Refundable Deposit: \$250**

Decks and patios may have a significant effect on the overall appearance of a house, and thus require prior approval from the Architectural Committee. Because of the severe weather to which CBTYC decks are exposed, it is recommended that they be constructed of pressure-treated wood. Composite wood or simulated wood decks also are acceptable. As for backyard patios, Unilock-style pavers and stamped concrete are acceptable materials.

Decks and patios should be compatible with the structure they are designed to improve. Generally speaking, natural tones and grey are recommended. Modifications to existing decks and patios must match the existing construction in colour and design. As a matter of neighbourly courtesy, the privacy of your adjacent neighbour(s) should be given consideration when planning the deck location. In your design process, please consider that decks higher than 18 inches above grade require a railing. Benches placed at the edge of decks should also have back supports for safety and steps to the deck should have a handrail.

Applications for deck or patio improvements must include the following:

- Completed application and neighbour notification form.
- Drawings showing location relative to existing structures and property lines. Your plans should also include references to colours, materials, details, etc. All pertinent dimensions must be indicated and shown to scale.
- Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Landscaping plans if proposed work is at the front of your home.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

Applications for changes of exterior colours or materials must include the following:

- Completed application and neighbour notification form.
- Stain, colour chips or material samples of the proposed house siding and trim colours, if applicable.
- Indications (on drawings) of all colours for doors, shutters, windows and trim, if applicable.
- Please note that colourless, corrugated, galvanized steel roofing is mandatory.
- Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.

#### **D. FENCES, SCREENS, ARBORS AND GATEWAYS**

##### **Application Fee: \$25**

All proposed fences, except decorative garden fencing shorter than 24 inches, requires prior approval from the Architectural Committee. No proposed fencing may be more than four feet high at its highest point and must have a minimum of 66% of the surface area open. The appearance and material of the fence shall be in keeping with our Victorian Seaside architectural theme. If a "white picket fence" look is desired, it is strongly recommended that PVC or similar synthetic material be used. Please note that solid, chain-link or chain-wire fencing is not permitted.

Applications for fences must include the following:

- Completed application and neighbour notification form.
- Combined survey and site plan showing the proposed fencing in relation to any existing improvements and property lines.
- Manufacturer's catalogue "cuts" indicating fence design and quality of construction.
- Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.

## **E. TREE REMOVAL**

**Application Fee: \$25**

The CBTYC Registered Restrictions prohibit the removal of any tree whose trunk diameter measures four inches or more without the prior approval of the Board. At the same time, *no* street-lining – i.e., front yard – trees may be removed without prior approval. Please note that, because of a community-wide desire for architectural consistency, only four species of trees have been approved for CBTYC front yards: Honey Locust, Katsura, Bradford Pear and Oxydendrum.

If a tree must be removed because of old age, disease or severe damage, a replacement tree is to be planted somewhere on the property. If such a tree poses a safety or infestation risk to the community and the homeowner fails to take appropriate steps to address the situation, the Board will take the necessary remedial steps.

All tree removal shall be done by a qualified tree service that carries the appropriate insurance for the type of work required.

Applications for tree removal must include the following:

- Completed application and neighbour notification form.
- Combined survey and site plan showing the location of the tree to be removed, and the location of the replacement tree, in relation to any existing improvement and property lines.
- Identification of the pre-approved species of the tree(s) proposed for removal and for any replacement tree(s).
- Physical identification of the tree to be removed. (A brightly coloured marker tied around the tree is ideal.)
- Proposed date of removal and planting.
- Contact information and proof of insurance for licensed contractor.

## **F. ADD-ON CHIMNEYS**

**Application Fee: \$150**  
**Refundable Deposit: \$750**

Add-on chimneys must be enclosed in a chase, which is to be finished with the same siding used on the rest of the structure. Exposed metal chimney flues running the height of the house are not allowed.

Applications for add-on chimneys must include the following:

- Completed application and neighbour notification form.
- Front and side elevations. All pertinent dimensions must be indicated and shown to scale.
- Samples or detailed descriptions of materials to be used.
- Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction

- between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

### **G. DRIVEWAYS (FRONT AND SIDE)**

**Application Fee: \$75**  
**Refundable Deposit: \$500**

Any change to existing driveways requires prior approval. Note that the Unilock-style paver similar to those used on all CBTYC driveways is the only acceptable driveway material.

Applications for changes to existing driveways must include the following:

- Completed application and neighbour notification form.
- Combined survey and site plan showing location relative to existing structures and property lines. All pertinent dimensions must be indicated and shown to scale.
- Schedule of work (starting date and substantial completion date). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Landscaping plans if proposed work is at the front of your home.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

### **H. PERMANENT STORAGE SHEDS**

**Application Fee: \$75**  
**Refundable Deposit: \$500**

Requests for permanent storage sheds or outbuildings will be reviewed on a case-by-case basis. No temporary or moveable storage sheds or containers are permitted at CBTYC. Generally, the structure of the permanent storage shed or outbuilding should match the colour and architectural style of the main house, including a corrugated, galvanized steel roof similar to the main house, and should be in scale with the house and lot. Depending on where the structure is located, it may have to be visually buffered by plantings to "soften" its effect on the neighbourhood.

The maximum allowable floor plan size for a storage shed on a lot is 9' x 12', with a maximum height of 13 feet. For lots abutting the Parkette, please note that sheds can be built no closer than 35 feet from the Parkette property line. Note that all permanent storage sheds must be constructed atop a concrete pad.

Applications for storage sheds must include the following:

- Completed application and neighbour notification form.
- Survey and site plan showing the proposed storage shed in relation to any existing Improvements, property lines and neighbouring structures. Note that no element of a shed (e.g., eaves or pad) may cross property lines.

- Front, back and side view drawings indicating colours, materials, details, etc. All pertinent dimensions must be indicated, and shown to scale. Any existing construction must be shown on these drawings.
- Schedule of work (starting date and substantial completion date, at a minimum). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie. (Note that a permit is required for sheds exceeding 108 square feet.)

## **I. GUTTERS**

### **Application Fee: \$25**

If gutters are replaced on any dwelling or shed, the replacement gutters must be of the same colour as the previous gutters unless expressly authorized by the Architectural Committee.

## **J. STORM DOORS, SCREEN DOORS, WINDOWS & GARAGE/SHED DOORS**

### **Application Fee: \$25**

Any replacement doors or windows must be of the same style and colour as the previous doors or windows unless expressly authorized by the Architectural Committee.

Applications for a different style of door or window must include the following:

- Completed application and neighbour notification form.
- Front, back and side view drawings indicating colours, materials, details, etc. All pertinent dimensions must be indicated, and shown to scale. Any existing construction must be shown on these drawings.
- Schedule of work (starting date and substantial completion date, at a minimum). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

## **K. WINDOW AND DOOR SHUTTERS**

### **Application Fee: \$25**

Unless you are replacing your window shutters with an identical product, Architectural Committee approval is required. The width of proposed shutters for windows or doors should be approximately half the width of the window or door they flank. For example, for a three-foot wide window or door, each of the flanking shutters should be approximately 18-inches wide. Shutters should not be used to flank casement or awning type windows, nor should they be used to flank sliding glass doors.

Applications for a different style of shutter must include the following:



- Completed application and neighbour notification form.
- Front, back and side view drawings indicating colours, materials, details, etc. All pertinent dimensions must be indicated, and shown to scale. Any existing construction must be shown on these drawings.
- Schedule of work (starting date and substantial completion date, at a minimum). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

## **L. AIR CONDITIONER COMPRESSORS**

### **Application Fee: \$25**

Unless you are replacing your existing air conditioner compressor with an identical product in the same location it currently occupies, Architectural Committee approval is required. Common sense should be exercised in the location of air conditioner compressors. Because noise from the compressors can disturb neighbours, care must be taken to locate the unit as far as practicable from your neighbours' operable windows. Shrubs or bushes are to be planted to screen ground compressors.

Applications for a new air conditioner compressor must include the following:

- Completed application and neighbour notification form.
- Survey and site plan showing the proposed air conditioner compressor in relation to any existing Improvements and property lines, as well as adjoining houses.
- Schedule of work (starting date and substantial completion date, at a minimum). Please remember that the Registered Restrictions prohibit any exterior construction between May 15<sup>th</sup> and September 15<sup>th</sup>.
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

## **V Guidelines for Miscellaneous Items**

### **A. GENERAL PROPERTY MAINTENANCE**

The Registered Restrictions and CBTYC By-laws require all property owners to maintain their Lots and Improvements, including specifically their lawns, plantings, driveways and building exteriors. Among the specific responsibilities of each owner are the following:

- Ensure that no trash or recyclables are stored on your lot; take all trash to the common trash area as necessary.
- Keep lawns watered.
- Keep children's toys/play equipment neat and orderly.
- Ensure that sheds, fences, roofs, decks and driveways are in good repair and well maintained.

The majority of complaints regarding Lot maintenance involve properties that have poorly

maintained side lots or poorly maintained siding, driveways, porches, columns and other architectural features. If, after inspecting a given Lot, the Architectural Committee decides that the state of disrepair on the Lot detracts from the appearance of the adjoining properties or the overall community, the Architectural Committee may deem the condition a violation subject to the Enforcement Procedures set forth herein.

### **B. "FOR SALE" SIGNS**

The only signs permitted to be posted on individual lots are "For Sale" signs. "For Rent" and "No Parking" signs are prohibited. "For Sale" signs must meet the following requirements, regardless of whether they are placed by a realtor or the property owner:

- The sign will be 12" x 16".
- The colour of the sign must be green with white lettering, single faced.
- A maximum of three (3) lines are permitted.

### **C. LANDSCAPING**

Landscaping design is up to the discretion of the individual property homeowner, but must be in keeping with the Victorian Seaside architectural theme. Use of natural materials is strongly encouraged.

Residents who plan to do more than the normal type of landscaping (e.g., softscape; flowerbeds, shrubs and trees, etc.) must file an application with the Architectural Committee. Types of projects requiring prior approval include the use of landscape timbers, large rocks, decorative ponds, retaining walls and projects that may alter existing drainage patterns. Any project located near the common roadway must be constructed so as not to interfere with vehicles sight lines.

Applications for landscaping changes must include the following:

- Completed application and neighbour notification form.
- Site plan showing the proposed landscaping in relation to any existing improvements and property lines.
- Schedule of work (starting date and substantial completion date, at a minimum).
- Contact information and proof of insurance for licensed contractor.
- Permits, if required by Town of Fort Erie.

### **D. DECORATIVE YARD ACCESSORIES**

Decorative and ornamental yard accessories (e.g., birdbaths, sundials, statues, etc.) must be of a size, configuration and placement that are appropriate for the lot, consistent with the Victorian Seaside architectural theme.

### **E. HOME BUSINESS**

CBTYC Lots and Improvements thereon are to be used only for residential purposes. Accordingly, no commercial operations are permitted on any Lot. This restriction is not intended to preclude the operation of an in-home office, so long as no business signage is posted in connection with that use. Any offensive activities, in terms of sound or appearance, which may be a nuisance or annoyance stemming from the operation of a

home business, are expressly prohibited.

#### **F. NOISE AND PRIVACY**

The Registered Restrictions provide that "No noxious or offensive activity shall be carried out, nor shall anything be done thereon that may be or become a nuisance or annoyance in the area or to the Lot Owners or occupants." Examples of impermissible nuisances include but are not limited to the following:

- Construction noise except when expressly permitted.
- Noise from air conditioner compressors or other outside equipment located too close to property lines.
- Smoke or embers from uncontrolled outdoor fireplaces.
- Garbage and recyclables stored on Lots.

#### **VI Enforcement Procedures for Violations**

Should a property owner effect an architectural change without adhering to the requirements set forth in these Guidelines, the following measures may be taken:

1. Should the Architectural Committee verify a reported violation, a Notice of Violation will be issued by the Committee, placing the owner of the lot on notice of the reported violation. The owner of the lot has seven calendar (7) days from receipt of the notice to advise the Architectural Committee as to what action the owner intends to take to cure the violation. The owner has thirty (30) calendar days from the date of the notice to cure the violation or appeal it in writing to the Board.
2. If the owner of the lot corrects the violation, a Correction of Violation form will be sent to the owner, a copy of the Correction will be placed in the owner's file, and the matter will be closed.
3. If a timely written appeal is taken, the Board will act upon the appeal at its next regularly scheduled meeting. If the appeal is denied, the member will have thirty (30) days from the date the notice of denial is communicated to correct the violation. In the event the appeal is successful, such will be communicated to the owner. If the appeal is unsuccessful, the Board will provide a written decision with direction to the owner as to the actions to be taken by the owner to remedy the situation.
4. In the event the owner fails adequately to address the situation, the Board may take such further action as it deems appropriate under the circumstances and as is consistent with its authority under the CBTYC By-Laws, including forfeiture of any refundable security deposit and legal action.

#### **VII Definitions (as set forth in the Registered Restrictions)**

1. Architectural Committee: a committee of three or more persons appointed by the Board of Directors of CBTYC to oversee or approve (unless such approval is

specifically given to the Board of Directors) the exterior appearance of all additions, alterations and modifications affecting the exterior appearance of improvement on a Lot including changes in materials and colours.

2. Certificate of Compliance: a document issued and executed by the Architectural Committee that confirms that a certain improvement or dwelling unit constructed on a Lot has been completed in conformity with plans and specifications previously reviewed by and found acceptable to the Architectural Committee.
3. Improvement: any thing or device (other than trees and shrubbery less than two feet high), the placement of which would affect the exterior appearance, including, by way of illustration and not limitation, any building, garage, porch, shed, greenhouse, coop, cage, covered or uncovered patio, swimming pool, clothes line, deck, radio or television antenna, fence, curbing, sidewalk, wall, tree or shrubbery higher than two feet or sign.
4. Lot: (i) Any Lot, i.e. lots nos. 1 through 170 on Plan 59M-208 and (ii) any block, lot or parcel of land on Plan 59 M-208 or on any other filed plan, the owner of which block, lot or parcel has been admitted to membership in the Club pursuant to Section 3.01 of this By-Law.
5. Lot Owner: The registered owner, whether one or more persons or entities, of the fee owner in any Lot, whether or not such holder in actually resides on such Lot.
6. Plan 59M-208. The map or plan for the Property or portions thereof filed in the Land Registry Office for Land Titles Division of Niagara South.
7. Registered Restrictions: the document or documents of restrictive covenants or conditions registered in the Land Registry Office for the Registry Division of Niagara South as the same may from time to time be supplemented, extended or amended in the manner provided for in the CBTYC By-laws.