

Site Plan Manual



MUNICIPALITY OF MIDDLESEX CENTRE

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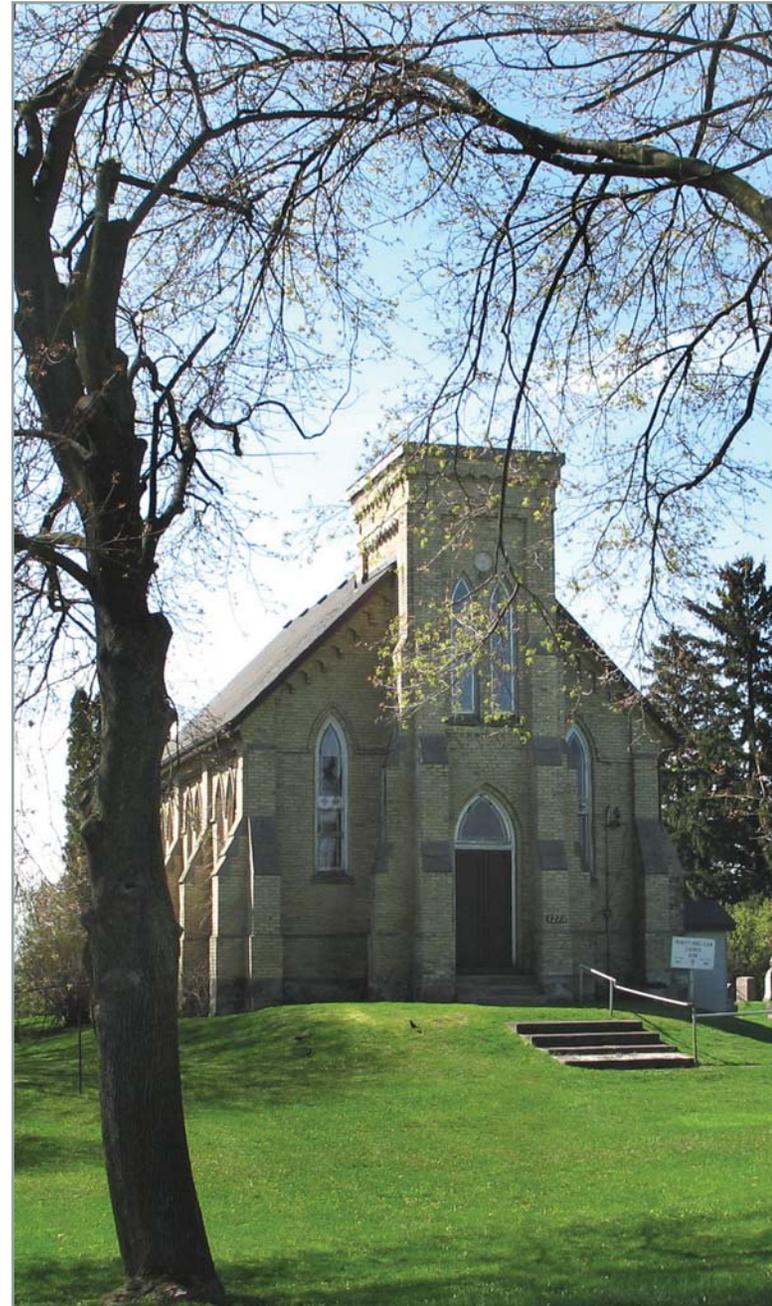
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1 INTRODUCTION

Site Plan Control ensures that development proposals are in keeping with Municipal policies, by-laws, guidelines and standards. Site Plan approval is generally required prior to issuance of a building permit.

This Site Plan Manual is a guide to assist applicants with the requirements of the Site Plan Approval process in their pursuit of building permits.

It allows the Municipality to examine proposed site development to ensure that it is compatible with the surrounding area, is technically sound from a number of perspectives, and contributes positively to the vitality of the Municipality.



2 SITE PLAN CONTROL

The Official Plan for the Municipality of Middlesex Centre contains site plan control policies in accordance with the policies found in Section 41 of the Province of Ontario's Planning Act. The Official Plan identifies the Municipality as a whole as a proposed site plan control area, with the exception of the following types of developments that are excluded from site plan control:

- a) Developments related to farm operations, farm buildings and the residence of a farm operator.
- b) Single detached dwellings, semi-detached dwellings and duplexes, save and except for those permitted within or contiguous to natural environmental areas, or where units form part of a zero lot line, linked housing or similar innovation in housing development.

Site Plan Control may apply to a proposed development, including renovations and/or additions or changes to existing buildings. Applicants should contact the Planning and Development Services Department to determine whether a particular development is subject to Site Plan approval.

Section 41 of the Planning Act, the Site Plan Control policies from Section 10.5 of the Official Plan, and Site Plan Control By-Law 2003-035 as amended are found in Appendix O of this manual.

2.1 The Purpose of Site Plan Approval

The purpose of Site Plan Approval is to allow the Municipality of Middlesex Centre and, where applicable, the County of Middlesex and other agencies, to review the following:

- a) Overall site design;
- b) The impact of the proposal on surrounding land uses;
- c) Siting of structures and buildings (massing and conceptual design);
- d) The widening of public roads which abut the site;
- e) Easements, access, parking and loading facilities;
- f) Grading and site drainage;
- g) Provision for disposal of storm, surface and waste water;
- h) Landscaping and buffering and amenity areas;
- i) Curbs, signs, walkways, lighting, fencing, storage of waste;
- j) Matters relating to exterior design, including the character, scale, appearance and design features of buildings; and
- k) Securities, bonding or other appropriate security or financial arrangements to the satisfaction of the Municipality.

The Municipality will review the application in consideration of internal functioning (i.e. parking, emergency vehicle access, traffic flow); serviceability; energy efficiency; and spatial, aesthetic contribution and functional relationships with adjacent properties.

Site Plan Control ensures that municipal requirements are met and assists to improve the quality, appearance and safety of a development to everyone's benefit, in accordance with those matters listed in Appendix O, Section 41. (4), Approval of plans or drawings.

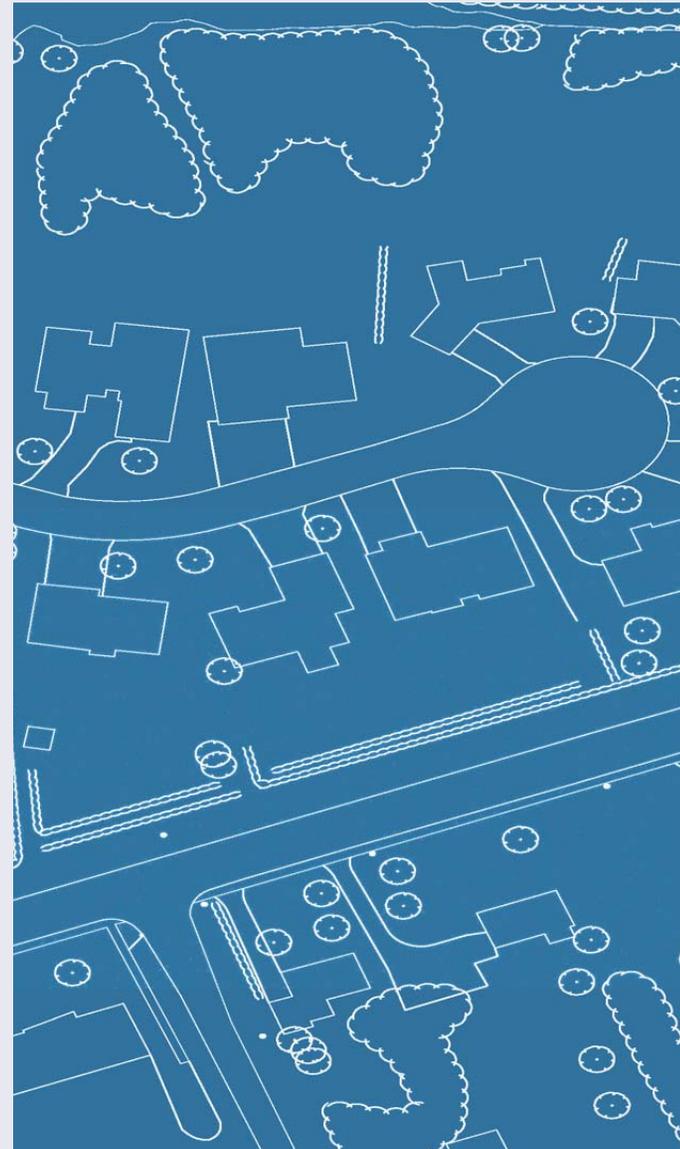


3 HOW TO USE THIS MANUAL

This Manual provides a guideline for the following:

- a) The Site Plan Control Process.
- b) Requirements that may be applied to your proposal.
- c) Standards with respect to site development. There are a number of Municipal Standards/concerns, in addition to the Urban Design Guidelines, such as parking, tree preservation, road widening, accessibility etc., which need to be addressed during the Site Plan Approvals Process.

This Manual should be used by Municipal staff and applicants to ensure that acceptable standards and necessary requirements have been met prior to submitting and processing applications for Site Plan approval. It is suggested that applicants address each point in this manual, where applicable, in order to accelerate the approval process. With the aid of this manual, it is the intent of the Municipality to make the Site Plan approval process an efficient and effective service for all.



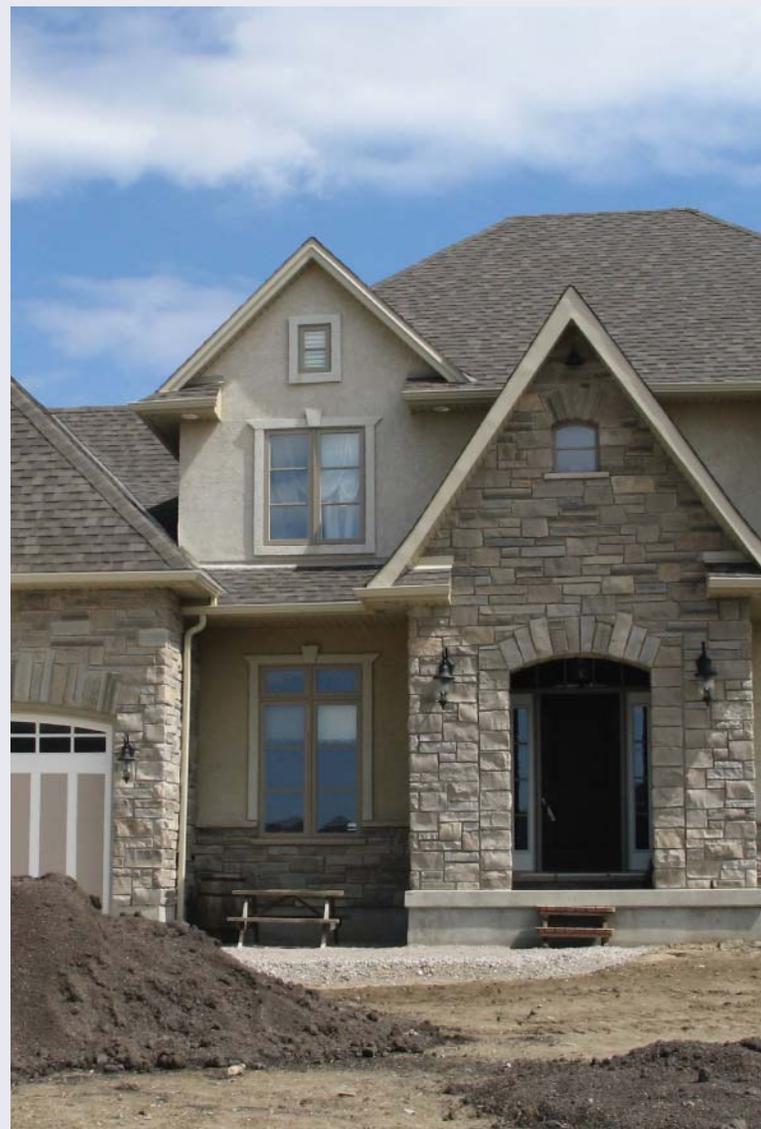
4 SITE PLAN CONTROL PROCESS

The Site Plan Control Process, from the submission of a completed application to the issuance of a building permit for a development, includes:

- a) Pre-consultation with the Planning and Development Services Department is advisable to determine the need for other planning approvals. Staff will provide assistance with the Municipality's requirements and standards.
- b) An applicant submits an application to the Middlesex Centre Planning and Development Department, including a completed application form along with the site plan and processing fee. The application form is contained in Appendix O.
- c) Upon receipt of a completed application, Planning staff will circulate the application to agencies and other staff to review for comments. Planning staff will then prepare a staff report along with a draft Site Plan Agreement which incorporates the comments received and will provide a recommendation to Planning Committee for Municipal Council's consideration. The Committee generally meets on the third Wednesday of every month. The staff report, including the draft Site Plan Agreement, is forwarded to the applicant prior to the meeting.
- d) At Planning Committee, the Committee reviews the application including the staff report and the draft Site Plan Agreement. The applicant may make a presentation to the Committee. The Committee will then provide a recommendation to Municipal Council regarding the Site Plan application. The applicant will then be required to undertake any applicable revisions recommended by Planning Committee.
- e) Upon receipt of a revised Site Plan based on the Planning Committee's recommendation and the payment of any required securities as indicated in the Site Plan Agreement, Planning staff will prepare the final Site Plan Agreement for consideration of execution by Municipal Council.
- f) Upon receipt of the signed agreement by the applicant, Planning staff will forward the agreement for execution at the next regular meeting of the Municipal Council.
- g) The applicant's solicitor will then be required to have the agreement registered on title of the subject property. Upon written confirmation of the registration, the Building Division will be in a position to issue a building permit, provided all fees including development charges have been collected.

- h) Upon completion, according to the Site Plan Agreement, the applicant must submit a request for the release of any securities. Building staff will be a position to release any securities, provided the development is in conformity with the Site Plan Agreement.

The applicant has the right to appeal Municipal Council's decision to the Ontario Municipal Board if the Municipality fails to approve the Site Plan within 30 days after being submitted or if the Municipality has imposed a Site Plan requirement that the applicant finds unreasonable. The appeal must be filed with the secretary of the Ontario Municipal Board and the Clerk of the Municipality. An appeal to the Ontario Municipal Board must be accompanied by a fee of \$125.00 payable to the Minister of Finance and Appellant Form (02). The appellant form is contained in Appendix S of this manual. The Ontario Municipal Board arranges for a hearing.



5 APPLICATION REQUIREMENTS

The application must be accompanied by a fee in the amount of \$750.00 in cash, debit card or cheque made payable to the Treasurer of the Municipality of Middlesex Centre. The application should be completed by the property owner or their authorized agent. Should the property owner choose to have an agent act on their behalf written authorization from the property owner is required with the submission of an application.

For the purpose of reviewing a site plan application, each applicant is required to provide five copies each of the site plan, the landscape plan, site servicing plan, and elevation and cross section drawings if required. The drawings are to be prepared by a professional engineer, an Ontario Land Surveyor or a professional architect, and shall be prepared in such a manner as to permit registration at the Land Registry Office. At least one photo reduced copy (no greater than 11x17) must be submitted. The plans must meet the requirements contained in Appendices 'A', 'B', 'C' and 'D'.



6 APPENDICES

Appendices A to D describe the requirements for Site, Landscape and Site Servicing Plans and Elevation Drawings.

Appendices E to N describe the objectives and guidelines related to the matters to be addressed in connection with site plan approval and any site plan control agreement that may be required as a condition of site plan approval.

Appendices O to T contain excerpts from Section 41 of the Planning Act, the legislation that enables a municipality to employ site plan control, By-law 2003-035 as amended which designates the entire Municipality as a site plan control area, a sample site plan agreement, Section 10.5, site plan control policies, from the Official Plan, Appellant Form (02) to be completed in connection with appeals to the Ontario Municipal Board and a site plan application form.

APPENDIX A Site Plan Drawing Requirements

The site plan requirements are as follows:

- a) All site plans and floor plans will generally be drawn to scale at a maximum of 1:200 and minimum of 1:300. Property dimensions and area, as well as building location(s), are to be certified by an Ontario land surveyor;
- b) Location map at a scale of 1:2000 outlining the development site with sufficient amount of surrounding area to indicate its general location, with major adjacent features, such as streams, parks and schools;
- c) North arrow and scale in metric;
- d) The dimensions of the site as taken from a survey or a legal description of the property and street name(s);
- e) The location and use of all existing and proposed buildings and structures on the site;
- f) Dimensions of buildings and distance between buildings;
- g) Total existing and proposed building size in square metres, lot area, total number of parking stalls including handicap spaces and total number of units;
- h) Finished floor elevations of buildings;

- i) Location of closest fire hydrant (state whether these exist or are being proposed);
- j) Where fire routes are more than 90 metres in length a turnaround shall be provided;
- k) If the site is adjacent to a river or a large watercourse, the site plan should show the location of the surface water at normal flows and the floodplain boundary, if it has been established by the appropriate conservation authority;
- l) Traveled portions of roadways, curb lines, access driveways, parking area layout, ramps (all showing minimum dimensions or typical dimensions and surface material);
- m) Location of any walkways, bicycle ways, stairs and building entrances;
- n) Landscaped and amenity areas;
- o) Location height and type of all proposed fencing and curbing;
- p) Location of all existing and proposed poles, transformers, hydrants and sidewalks on the site and on public lands abutting the site, and location of all site lighting;
- q) Location of all existing and proposed easements and rights-of-way;

- r) Location and type of enclosure to be used for storage of garbage and other waste material;
- s) Location of any lands to be dedicated for public purposes, including road widening;
- t) Setbacks of structures (buildings, signs, parking) from property lines in all cases;
- u) State whether the building is to be sprinkled or not sprinkled, show location of the fire department connections (standpipe/siamese);
- v) Designated fire routes;
- w) Proposed drive through location(s) showing dimensions, queue spaces, order boards and drive-through windows;
- x) Proposed snow storage areas;
- y) Spot elevations, existing and proposed grades; and
- z) Location and height of free-standing signs.

APPENDIX B Landscape Plan Requirements

The base mapping for the landscape plan should be the finalized site plan. The landscape plan should show a legend with key symbol and the following information:

- a) Location by symbol of all existing (to be preserved) and proposed trees and shrubs (the symbol should reflect the branch spread or canopy of existing trees and shrubs, and the proposed trees and shrubs at maturity);
- b) A list of all species including common name, botanical name, quantity, size, and condition at planting;
- c) Planting specifications including sodding; and
- d) Cross-sections to show detailed tree and potted shrub planting methods as necessary.

APPENDIX C Site Servicing Plan Requirements

The base mapping for site servicing plans should include relevant information on the finalized site plan. The servicing plan drawings should include the following information:

General:

- a) Existing and proposed grade elevations (referenced to benchmark elevation);
- b) Existing services location, size and depth of cover over watermain and sewer inverts for storm and sanitary services;
- c) Statement if existing services are to be used, or if services are proposed; and
- d) Ministry of Environment Requirements.

Sanitary Sewer Systems

- a) Drainage piping location from building to drain connections, size and grade; and
- b) Private drain connections both existing and new, location size and grade.

Storm Drainage Systems

- a) Catch basin locations, proposed elevations for grates and inverts;
- b) Direction of surface drainage flow with the use of drainage arrows; show existing and proposed elevations along property lines and key points on site and abutting properties;
- c) Drainage piping location, all maintenance hole access and final grade elevations from building to private drain connections;
- d) Private drain connection, both existing and new, location, size and grade;
- e) Drainage swales (landscaped areas) - elevations along swales, cross sections percentage grade;
- f) Flows from adjacent properties. The storm drainage system is to be designed to prevent storm water from backing up and creating a flooding or ponding condition on the adjacent property;
- g) Weeping tiles - identification of how flows will be handled should weeping tiles be installed;
- h) Drywell systems and retention systems - the site servicing plan is to display such relevant detail contained in the consulting engineers design as will be necessary to ensure that all site features are implemented by a contractor;
- i) Sediment and erosion control measures; and

- j) Stormwater management measures for water quality and quantity control including limits of surface water ponding, maximum ponding depths, and relevant storage volumes.

Water Systems

- a) Water piping and mains, valves, shut offs, blow offs, meter locations and where required, back-flow devices;
- b) Existing and proposed fire hydrants in the vicinity which will service the development; and
- c) Where applicable, any supplementary water storage requirements for fire protection including storage volumes and appropriate piping details.

APPENDIX D Elevation Drawing Requirements

The items provided in the following checklist shall be included in the Elevation Drawing:

- a) Existing and proposed exterior glazed areas and building materials (i.e. brick, aluminum siding, decorative architectural block, etc.);
- b) Existing and proposed colours of all proposed building materials (such as walls and roofs);
- c) The elevation should show all openings;
- d) Overall building height measured from average grade and floor heights;
- e) Location of roof-top mechanical units and proposed screening;
- f) Elevation of any site structure;
- g) Building dimensions;
- h) Elevations labeled North, South, East and West;
- i) Elevation drawings illustrating the architectural design of all sides of the development; and
- j) Development should be consistent with the general character of surrounding land uses and the area, in accordance with the policies of the Official Plan and the Urban Design Guidelines. This should be reflected in the elevation drawings.

APPENDIX E Residential and Commercial Objectives and Guidelines

Location, Orientation and Form of Buildings and Facilities

- a) Demonstrate that massing and conceptual design of new developments provides an acceptable environment for the intended uses in terms of building orientation, form and siting, and is consistent with existing streetscapes and minimizes conflicts with adjacent land uses;
- b) Buildings should reinforce prevailing street patterns by aligning with existing building line or street edge;
- c) Public views should be maintained and improved;
- d) New development should blend with existing development;
- e) Scale and character should reflect and take into consideration heights, ground level treatments, ground level views, roof treatments, frontage widths, continuity of street face, facades, scale of doors, windows and other openings, canopies, lighting, landscaping, compatibility of materials, textures and colours, architectural details such as cornices, railings, lintels, arches, ironworks, chimneys, etc.;
- f) High profile buildings should take into consideration the adverse effect of wind at ground level by avoiding large, flat surfaces facing prevailing winds and designing lower floors to protect areas used for pedestrian circulation;

- g) Building form should create a sense of physical security by controlling ingress and egress as well as providing visual surveillance of public or common areas; and
- h) Incorporate features that will accommodate senior citizens and challenged persons with reference to the Building Code. These facilities should be made safe and convenient by minimizing grade changes and providing curb cuts and ramps and railways.

Residential Building Orientation, Setbacks and Amenity Areas

- a) Locate residential buildings to increase solar access to open sites and to not shade adjacent property;
- b) Orient buildings to ensure that most dwellings will receive sunlight during some part the day;
- c) Common areas should be located centrally to enable visual surveillance;
- d) Separation of buildings on the same site should: ensure adequate daylight and sunlight is provided around buildings throughout the year and be located so as to not unduly deprive existing dwellings and private outdoor spaces in the surrounding areas of sunlight; ensure adequate space around buildings to permit natural ventilation of the dwelling; ensure visual privacy by screening windows and doors from adjacent buildings and activities to allow full use of interior living space and apply minimum setbacks along the full length and height of walls. Separation spaces should be free of buildings, roadways, communal parking areas and any communal amenity areas intended for active use;

- e) Private amenity areas may include landscaped open areas, patios, balconies, communal lounges, recreation facilities and other areas used for recreational or aesthetic purposes and should take into account the anticipated type of household; ease of accessibility; separation between a private outdoor space and adjacent use (accomplished by distance separation or screening-screening should be a minimum 1.5 m high) and separation from parking lots
- f) (minimum of 3 m) and orientation such that headlights and fumes are not directed towards outdoor amenity space; and
- g) Children’s play areas shall be a minimum of 50 sq. metres. The preferred location is away from parking areas, driveways and garbage bins and no closer than 5 metres to any door or window of a dwelling unit; and if located adjacent to a property line, the area shall be fenced with a 1.8 metre privacy fence. The surface area shall be level and be landscaped with grass and perimeter trees.

Residential Parking And Loading Facilities And Internal Driveways

- a) All surfaces for parking and vehicular circulation shall be asphalt or other equivalent hard surface approved by the Municipality. Consideration will be given to alternative surface materials such as cobblestone that allow precipitation to percolate into the soil. All parking stalls are to be lined to delineate the size of stalls.

Residential Development in Proximity to Railway Lines and Other Sources of Noise

- a) Required to meet the Ministry of the Environment (MOE) Noise Guidelines for Residential Development. Applicants may be required to provide, in conjunction with site plans, an acoustical engineering study to meet MOE standards and be responsible for any costs associated with having the study reviewed by a third party on behalf of the Municipality; and
- b) Where noise abatement measures are required, site plans and/or landscaping plans shall incorporate the necessary remedial measures which can include noise attenuation fences, building features such as extra insulation or air conditioning, and orientation of buildings such that blank walls face the noise source.

Commercial Development

- a) Site new development to ensure that adjacent properties have visual privacy and sunlight as well as protection from lighting, noise, odour and vibration;
- b) Screening required for loading areas, snow storage, transformers, metres, garbage
- c) enclosures and roof top mechanical equipment;
- d) Provide safe convenient access for challenged persons to all major entrances by means of minimal grade changes, curb cuts, ramps and railings;
- e) Provide screening and buffering from residential uses;
- f) Where appropriate (pedestrian oriented commercial use), provide frequent and convenient pedestrian connections between buildings and a public sidewalk;

- g) Provide weather protection for pedestrians with shelter, canopies and windbreaks at building entrances and along storefront facades; and
- h) Minimize the public view of off-street parking areas and servicing facilities;

Commercial Parking, Driveway and Loading

- a) Provide adequate parking and orderly circulation;
- b) Parking rows should be delineated by poured concrete curbs or planters at each end to prevent uncontrolled internal traffic movements and generally to confine traffic to designated parking aisles or driveways. Parking areas should be marked to designate all parking spaces;
- c) Parking areas to be designed so as not to require vehicle to reverse from property onto a public street;
- d) Minimize access along main internal driveways;
- e) No more than 20 parking spaces should be permitted in a row without an interrupting minimum 3-metre width planting area;
- f) Provide adequate and convenient parking for all types of motorists such as employees, visitors and the public, and clearly identify the types of parking areas;
- g) Public parking should not conflict with shipping, loading, garbage removal, and utility areas;

- h) Parking areas should avoid excessive grades;
- i) The surface of parking areas shall be treated in the same manner as noted above for residential development;
- j) In order that parking is not the dominant visual element in the streetscape, screen larger parking areas with buildings landscaping or low walls while maintaining some visibility to provide public safety by means of public surveillance; and
- k) Provide properly identified handicapped parking spaces in close proximity to building entrances.

Parking Structures

- a) Parking structures can consist of underground parking, sunken open-air parking lots with usable roof decks;
- b) Structures should be architecturally treated and landscaped; and
- c) Stopping spaces shall have a slope of no more than 5% at the end of ramps to permit motorists to observe traffic and pedestrian before safely entering the street.

Driveways

- a) Main driveways shall be delineated by raised curbs, designed to discourage high speeds (limit length, speed bumps);
- b) Intersections of driveways and parking aisles should ensure adequate visibility for safe intersecting traffic movements;

- c) Main internal driveways should not be located abutting building entrances in order to minimize pedestrian and vehicle conflicts;
- d) Driving lanes should widen at drop-off areas near buildings; and
- e) One way lanes should have clearly marked directional signs.

Off-Street Loading

- a) Sufficient space should be provided to permit delivery vehicles to make all maneuvers on site;
- b) Roads providing access to building fronts and fire routes are to be designed to support emergency vehicles;
- c) Loading spaces shall abut the building to be served;
- d) All loading spaces, maneuvering areas, and driveways should be hard surfaced with suitable materials to the satisfaction of the Municipality i.e., concrete, asphalt, interlocking brick, etc.; and
- e) Joint loading facilities to serve all or several individual businesses will be encouraged.

Fire Department Access

- a) Access to buildings for fire fighting shall be shown on the site plan as required by the Ontario Building Code.

APPENDIX F Access Objectives and Guidelines

- a) To ensure the orderly and safe movement of traffic in and out of private properties with minimum interference with vehicular and pedestrian traffic using the public road system;
- b) Minimize the number of access driveways;
- c) Consider site characteristics including street frontage, land area traffic generated floor area, and parking capacity to determine the desirable number and location of access driveways;
- d) Where opportunity exists, the site plan shall provide for the joint use of common driveways between abutting properties, and this provision will be included in the agreement between applicants and the Municipality;
- e) Access for development on a corner lot should be as far from an intersection of two streets as possible;
- f) Where deemed warranted by the Municipality, the Applicant may be required to undertake a traffic impact study to identify the impact of proposed development on existing traffic, on adjacent roads and to identify the need for external improvements in the form of turning lanes, tapers and/or the need for restricted access either in the short or longer term; and
- g) Where such external improvements are required, they are to be completed at the developer's expense.

APPENDIX G Pedestrian Facilities Objectives and Guidelines

- a) To ensure the provision of safe and convenient pedestrian circulation, including facilities for the physically challenged, senior citizens and children;
- b) Sidewalks and pedestrian walkways shall be located to join building access points to other areas of the site, including parking areas, recreational areas, and public sidewalks;
- c) Where no public sidewalk exists, the installation of a sidewalk across the frontage of the site will normally be a requirement of development in accordance with the standards of the Municipality;
- d) Link public building entrances to sidewalks and parking areas by means of a safe, convenient and well-lit walkway system;
- e) Identify walkways that cross vehicular lanes with changes in paving materials, signs or built elements, such as canopies and arches;
- f) Provide continuous pedestrian walkways between entrances of units in buildings with multiple tenancies;

- g) Increase walkway width where pedestrian activity is increased, such as at street corners, building entrances, storefronts, or where elements cause obstructions (e.g. door swings);
- h) Protect pedestrian areas from vehicular intrusion with landscaping curbs or bollards;
- i) Minimize grade changes between the public sidewalk and pedestrian areas adjacent to buildings; and
- j) Pedestrian facilities shall be designed to enable seniors and the physically challenged to travel unassisted from the public sidewalk to at least one main building entrance and one main parking area by incorporating sidewalk ramps of a proper gradient and surfacing material instead of steps. Compliance with the Building Code will be required.

APPENDIX H

Lighting Objectives and Guidelines

- a) Lighting shall be installed to provide sufficient illumination of the site for pedestrian security and safety, functional vehicular movement, enhancement of external building design, and landscaped open space; and
- b) The type, location, height, intensity and direction of lighting shall ensure that glare is not cast onto adjacent residential properties adversely affecting living environment, or onto adjacent public streets which pose a vehicular safety hazard. Areas where light shading is to be provided are to be illustrated on the drawings.

APPENDIX I

Landscaping and Buffering Objectives and Guidelines

- a) Landscaping provides improvement to aesthetics and function of a site by screening areas, providing privacy, adding visual interest, softening the dominance of buildings, providing definition to public walkways and private amenity areas, controlling access to adjoining properties, providing protection from excessive wind and sun, reducing storm water run-off on the site, and stabilizing slopes;
- b) Landscaping is comprised of deciduous and coniferous trees, shrubs, organics and herbaceous ground cover, berms, water courses, retaining walls, fences, furniture, and other materials or objects that may be used to enhance the function and /or aesthetics of the landscaped area;
- c) Landscaped open space is open, unobstructed space at grade on a lot which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes any surfaced walk, patio, or similar area, but does not include any driveway or ramp (whether surfaced or not), any parking area, or any location beneath or within any building or structure;
- d) Landscaping can function to screen and to add interest through ornamental planting;
- e) Screenings should be located between conflicting uses and activities, and around the perimeter of a site to visually screen unsightly elements or areas (examples being parking areas and service entrances, utility installations);
- f) Screening should enable the reduction of noise between properties and from roads to protect, and thus facilitate, the function of use areas of the site. (e.g. create wind breaks or shelter for activity areas and privacy areas in residential developments);
- g) Ornamental planting should be located to compliment the architecture of buildings, assist in the protection of existing trees, land forms, and watercourses, and define spaces by enclosing and dividing areas for passive and active recreation areas, pedestrian circulation, and entrances onto the site;
- h) Existing landscape elements such as major trees and water courses should be conserved where feasible and practical; and

- i) Criteria for plant selection should take into consideration year-round and seasonal interest (colour, height, form and shape, foliage density, heartiness and suitability, and availability), maintenance (fertilizing, pruning and watering), physical environment (weather, pollution, water, shadowing), proximity to roads, ensuring sight lines are not obstructed, and that salt spray and snow storage areas do not damage plants.

Tree Protection Standards

- a) Careful site planning will ensure tree preservation by the appropriate location of buildings facilities and servicing;
- b) Where possible, no excavation should be carried out within the drip line of trees to be saved. Drip line is the outer extent of the branches;
- c) Heavy equipment will not be driven over tree lawn areas to alleviate soil compaction around roots;
- d) Soil or construction materials shall not be piled over the tree lawn or around roots;

- e) Barriers (e.g. fencing) will be erected around the tree to the drip line of the tree;
- f) A tree preservation report may be required to be prepared by a qualified consultant (i.e., forester, arborist, landscape architect). The report is to include detailed tree inventories, assessments, alternatives and recommendations; and
- g) Proximity to municipal services and utilities should ensure that root systems do not obstruct sewer and water lines and underground hydro lines, and branches do not obstruct overhead hydro lines.

APPENDIX J

Waste Storage Facilities Objectives and Guidelines

- a) Adequate waste storage facilities and enclosures are to be provided through the site plan control process for the storage of garbage between collections for health and safety reasons, for the efficient and safe collection of garbage by collection vehicles, for the storage and collection of recyclable materials, for protection from animals, and to provide adequate separation between conflicting uses and activities;
- b) Facilities shall be located at an inconspicuous location at the building service entrance or rear yard;
- c) Facilities will be easily accessible to the waste collection vehicle;
- d) Collection platform material shall be a concrete pad or other structurally adequate impervious material;
- e) Enclosure wall material shall be low maintenance, durable material such as brick or ornamental block, or other approved material;
- f) Enclosure wall height - 1.8 metres minimum;
- g) Individual waste storage is recommended for row housing dwelling units. Common areas will not be accepted unless individual storage facilities are not feasible; and
- h) For apartments, waste is to be centrally stored in specially designed garbage rooms within the building. Garbage compaction units are encouraged.

APPENDIX K

Grading, Storm Water Management and Waste Water Objectives and Guidelines

Appropriate grading and disposal of storm water, surface and waste waters are to be constructed in order to optimize safe functional access for pedestrians and vehicles to all areas of a site, preserve natural features, preventing storm water from entering sanitary sewer systems, and proper site drainage so that storm water is contained within the site and directed to an internal storm drainage system thereby preventing drainage onto adjacent properties;

- a) Flows from development are to be restricted to those flows which were allowed for in connection with the design of the storm outlet or storm water management facilities;
- b) If in the opinion of Municipal staff it is determined that temporary, on-site storage for storm water is required, the developer will have a professional engineer familiar with storm water management practices submit and have approved by the Municipality the design of the storm water retention system. The approved method is to be shown on the site plan;
- c) Upon completion of the project, the developer will be required to have a professional engineer certify that the retention system was constructed in accordance with the approved design;

- d) If no storm sewer is available or the storm sewer cannot be extended, the Municipality may consider the use of a dry well system, provided the applicant submits a report from a qualified geotechnical engineer that confirms that the soils are suitable for the dry well system, and that an appropriate separation can be maintained from all buildings. The municipality will require the construction of a drain to the street line for a future connection to a storm sewer; and
- e) For waste water, sampling may be required to permit monitoring by the Municipality. Maintenance hole access shall be shown on the site and site servicing plans and shall be located on the private drain connections within the development site at the street line.

APPENDIX L Community Mail Boxes

- a) Community mailboxes shall be located in areas satisfactory to Canada Post and the Municipality, in areas which reduce the potential for conflict with surrounding properties, in areas that provide a suitable location for the temporary parking of automobiles, and is visible and well lit to provide a sense of security.

APPENDIX M Easements, Road Widening and Site Triangle Guidelines

Easements

- a) An easement provides the right to use private property for a specific purpose which is in the public interest. A title search will identify existing easements and their specific use, size, and location. Municipal service easements are required for watermains, sanitary and storm sewers, and drains that traverse the site. Utility easements are required for telephone, hydro, gas and cable services;
- b) The site plan shall show both existing easements and any easements to be conveyed;
- c) Easements shall be free of buildings and structures; and
- d) The treatment of the easement, including the placing of full vehicular access and landscaping, will be with the approval of the Municipality or utility company to which the easement is conveyed.

Road Widening and Site Triangles

- a) Land to be dedicated for road widening and site triangles shall be shown on the site plan and be free from all buildings, structures and signs, and shall generally be used for landscaping only.

APPENDIX N Contaminated Sites Objectives and Guidelines

- a) The Municipality recognizes that some properties that are currently used for industrial purposes or had in the past been used for industrial purposes will be redeveloped for new uses;
- b) It is the landowner's responsibility to contact and consult with the Ministry of the Environment in order to determine where the contaminated soil is located and how to go about disposing of these soils;
- c) If contaminated materials are encountered on-site, the landowner is responsible for removing this material off site at the landowner's expense; and
- d) A record of site condition which answers the following may be required prior to site plan approval:
 - Has there been an industrial or commercial use on the subject land or adjacent lands?
 - Has the grading of the lands been changed by adding earth or other material?
 - Has a gas station been located on the subject land or land adjacent to the subject land at any time?

- Has there been petroleum or other fuel stored on the subject land or land adjacent to the subject land?
- Is there reason to believe that the subject land may have been contaminated by former uses on the site or adjacent sites?
- Has the land ever been subject of an environmental order such as control, stop, preventative, clean-up or prohibition order?

APPENDIX O

Section 41 from the *Planning Act*, R.S.O. 1990

Site plan control area

41. (1) In this section,

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001 or subsection 3 (1) of the Municipal of Toronto Act, 2006, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

Exception

(1.1) The definition of “development” in subsection (1) does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007. 2006, c. 23, s. 16 (1).

Establishment of site plan control area

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area. R.S.O. 1990, c. P.13, s. 41 (2).

Designation of site plan control area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. R.S.O. 1990, c. P.13, s. 41 (3).

Consultation

(3.1) The council,

(a) shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4); and

(b) may, by by-law, require applicants to consult with the municipality as described in clause (a). 2006, c. 23, s. 16 (2).

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.

2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,

(a) the massing and conceptual design of the proposed building;

(b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

(c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;

(d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;

(e) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection (2) are in effect in the municipality; and

(f) facilities designed to have regard for accessibility for persons with disabilities. R.S.O. 1990, c. P.13, s. 41 (4); 2002, c. 9, s. 56 (1); 2006, c. 23, s. 16 (3, 4).

Exclusions from site plan control

(4.1) The following matters relating to buildings described in paragraph 2 of subsection (4) are not subject to site plan control:

1. Interior design.

2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).

3. The manner of construction and standards for construction. 2006, c. 23, s. 16 (5).

Dispute about scope of site plan control

(4.2) The owner of land or the municipality may make a motion for directions to have the Municipal Board determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (4) is subject to site plan control. 2006, c. 23, s. 16 (5).

Final determination

(4.3) The Municipal Board's determination under subsection (4.2) is not subject to appeal or review. 2006, c. 23, s. 16 (5).

Drawings for residential buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required. R.S.O. 1990, c. P.13, s. 41 (5).

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land. R.S.O. 1990, c. P.13, s. 41 (6).

Conditions to approval of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
2. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.

3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.

4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.

4.1 Facilities designed to have regard for accessibility for persons with disabilities.

5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.

6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.

9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4);

(c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under subsection (4);

(d) subject to subsection (9.1), convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. R.S.O. 1990, c. P.13, s. 41 (7); 1996, c. 4, s. 24 (1, 2); 2006, c. 23, s. 16 (6, 7).

Where area is in upper-tier municipality

(8) If an area designated under subsection (2) is within an upper-tier municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the upper-tier municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the upper-tier municipality any or all of the following:

(i) subject to subsection (9), widenings of highways that are under the jurisdiction of the upper-tier municipality and that abut on the land,

(ii) subject to the Public Transportation and Highway Improvement Act, where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs,

(iii) where the land abuts a highway under the jurisdiction of the upper-tier municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,

(iv) where the land abuts a highway under the jurisdiction of the upper-tier municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land,

(v) where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities designed to have regard for accessibility for persons with disabilities;

(b) enter into one or more agreements with the upper-tier municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (c) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;

(c) subject to subsection (9.1), convey part of the land to the upper-tier municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. 2002, c. 17, Sched. B, s. 14 (2); 2006, c. 23, s. 16 (8).

Widening must be described in official plan

(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. R.S.O. 1990, c. P.13, s. 41 (9).

Limitation

(9.1) An owner of land may not be required to convey land under clause (7) (d) or (8) (c) unless the public transit right of way to be provided is shown on or described in an official plan. 1994, c. 23, s. 24 (3); 1996, c. 4, s. 24 (3).

Registration of agreements

(10) Any agreement entered into under clause (7) (c) or (c.1) or under clause (8) (b) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 41 (10); 2002, c. 17, Sched. B, s. 14 (3); 2006, c. 23, s. 16 (9).

Application of Municipal Act, ZOO1 or Municipal of Toronto Act, ZOO6

(11) Section 446 of the Municipal Act, 2001 or section 386 of the Municipal of Toronto Act, 2006, as the case may be, applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c) or (c.1).

R.S.O. 1990, c. P.13, s. 41 (11); 2002, c. 17, Sched. B, s. 14 (4); 2006, c. 23, s. 16 (10); 2006, c. 32, Sched. C, s. 47 (9).

Appeal to O.M.B.

(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality or if the owner of the land is not satisfied with any requirement made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner may require the plans or drawings or the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or upper-tier municipality, as appropriate. 2002, c. 17, Sched. 8, s. 14 (5).

Hearing

(12.1) The Municipal Board shall hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final. 2002, c. 17, Sched. B, s. 14 (5).

Classes of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

(a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and

(b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). R.S.O. 1990, c. P.13, s. 41 (13).

Proviso

(14) Section 35a of The Planning Act, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day. R.S.O. 1990, c. P.13, s. 41 (14).

Certain agreements declared valid and binding

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of The Planning Act, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, is hereby

APPENDIX P

Site Plan Control Policies From the Official Plan

10.5 SITE PLAN CONTROL

10.5.1 General Policies

The Township as a whole is identified as a proposed site plan control area. The Township may, under the site plan control sections of the Planning Act, designate all or part of the Township as a site plan control area, by by-law or by-laws.

Developments that are excluded from site plan control requirements include the following:

- a) Developments related to farm operations, farm buildings and the residence of a farm operator.
- b) Single detached dwellings, semi detached dwellings and duplexes, save and except for those permitted within or contiguous to natural environment areas, or where units form part of a zero lot line, linked housing or similar innovation in housing developments.

10.5.2 Site Plan Agreements

The Township will require applicants to enter into a site plan agreement with the Township in the following circumstances:

- a) There is construction of one or more buildings and structures;
- b) An addition or alteration to a building or structure that has the effect of substantially increasing the size thereof is proposed; or
- c) The development of a parking lot (or alteration of an existing lot) is proposed.

10.5.3 Site Plan Provisions

The Township may require the following, as a minimum, be provided through the site plan approval and agreement process:

- I. Street widenings to the minimum right-of-way widths in accordance with this Plan.
- II. Off Street vehicular loading and parking facilities;
- III. Lighting facilities of lands, buildings or structures;
- IV. Means of pedestrian access and movement;
- V. Landscaping;
- VI. Facilities for the storage of waste material;
- VII. Required municipal and utilities easements;
- VIII. Grading or contour I elevation alteration and the disposal of storm, surface and waste water from the lands in question; and
- IX. Security, bonding, or other appropriate security or financial arrangements to the satisfaction of the Township.

The Township shall consult with the County, the Conservation Authorities and any other agency when considering applications for site plan approval and applying conditions to corresponding site plan agreements. The Township shall undertake the preparation of a Site Plan Manual to provide specific application requirements.

Q **Site Plan Control By-law**
Number 2003-035

THE CORPORATION OF THE TOWNSHIP OF MIDDLESEX CENTRE

BY-LAW NUMBER 2003-035

BEING A BY-LAW TO DESIGNATE THE WHOLE OF THE TOWNSHIP AS A SITE
PLAN CONTROL AREA

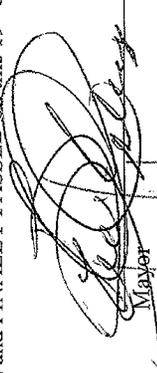
BE IT ENACTED by the Council of The Corporation of the Township of Middlesex Centre, pursuant to Section 41 of the *Planning Act*, and all other powers thereunto enabling, as follows:

1. The whole of the Township of Middlesex Centre is designated as a site plan control area.
2. The following types of developments are excluded from site plan control requirements:
 - 2.1 developments related to farm operations, farm buildings and the residence of a farm operator, with the exception that farm operations related to an Intensive Agricultural Use, as defined in the applicable zoning by-law or by-laws shall be subject to site plan control requirements, and
 - 2.2 single detached dwellings, semi-detached dwellings and duplexes, unless such a single detached dwelling, semi-detached dwelling or duplex is proposed to be located within or contiguous to natural environment areas which require the preparation of a Development Assessment Report in accordance with the policies set out in section 3.0 of the Township Official Plan or is part of a proposed zero-lot-line, linked housing or similar innovation in housing developments.
3. A site plan control agreement may be required as a condition of site plan approval; and, in the following cases, a site plan control agreement shall be required as a condition of site plan approval:
 - 3.1 in the case of a development proposal that includes construction of one or more buildings and structures;
 - 3.2 in the case of a proposed addition or alteration to a building or structure that will have the effect of changing the use and/or substantially increasing its size; and
 - 3.3 in the case of the proposed development of a parking lot or the proposed alteration of an existing parking lot.
4. When considering the approval of a site plan under Section 41 of the *Planning Act*, as a minimum, the following matters and things shall be addressed by the site plan and in any site plan control agreement that may be required as a condition of site plan approval:
 - 4.1 street widenings to minimum right-of-way widths in accordance with the Township's Official Plan;
 - 4.2 off-street vehicular loading and parking facilities;
 - 4.3 lighting of the land, buildings and structures included in the site plan approval;
 - 4.4 means of pedestrian access and movement;
 - 4.5 landscaping;

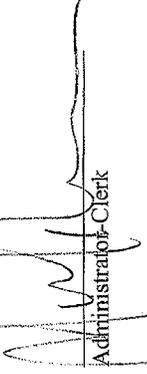
Middlesex Centre Site
Plan Designation By-law

- 4.6 facilities for the storage of waste, including livestock manure storage and the storage of dead livestock;
 - 4.7 municipal and utilities easements;
 - 4.8 grading or contour/elevation alterations;
 - 4.9 recommendations contained in a Development Assessment Report when required pursuant to Section 3.0 of the Township Official Plan;
 - 4.10 disposal of storm, surface and waste water from the land that is the subject of the site plan approval; and
 - 4.11 security, bonding, or other security and financial arrangements to the satisfaction of the Township.
5. Prior to making a decision about site plan approval, including the imposition of a condition requiring a site plan agreement, the Township shall consult with the County of Middlesex, the Conservation Authority or Authorities having jurisdiction in the location of the land buildings or structures, and any other agency having jurisdiction with respect to what is proposed.
6. The Site Plan Manual of the former Township of London, dated February 1984, prepared by MacLaren Plansearch and adopted by resolution of the Council of the former Township of London on February 22, 1984, as such Site Plan Manual has been amended from time to time, shall be used as a guidance document for the purposes of administering the site plan approval process in the Township of Middlesex Centre, until that Site Plan Manual is amended or replaced by the Council of the Township of Middlesex Centre.
7. In the administration of the site plan approval process, even if requirements and standards indicated by the Site Plan Manual are less demanding than those of the applicable zoning by-law or by-laws, the zoning regulations shall prevail as a minimum. The regulations of the applicable zoning by-law or by-laws are to be taken as minimums and the requirements and standards set out in the Site Plan Manual are to be taken as guidelines and are not to be interpreted as derogating from the authority to impose as appropriate, more demanding requirements and restrictions.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED on this 19th day of March, 2003.



Mayor



Administrator-Clerk

R Site Plan Application Form



MUNICIPALITY OF
MIDDLESEX CENTRE

10227 Ilderton Road, R. R. #2, Ilderton, Ontario N0M 2A0 Phone: (519) 666-0190 Fax: (519) 666-0271
"Formerly the Townships of Delaware, Lobo and London"

APPLICATION FOR APPROVAL OF SITE PLAN CONTROL

This application to be completed and filed in duplicate with the Municipality accompanied by the fee and five full size drawings and one reduced size drawing as required.

Every applicant should be aware of the requirements of development in the Municipality of Middlesex Centre's Zoning By-law, the Municipality's Design Standards and Site Plan Control Manual before completing this application.

PART 1

IDENTIFICATION

1.1 NAME OF REGISTERED OWNER

Address _____
Telephone _____ Fax _____

1.2 NAME OF APPLICANT / AUTHORIZED AGENT

Address _____
Telephone _____ Fax _____

1.3 NAME OF SOLICITOR

Address _____
Telephone _____ Fax _____

1.4 NAME OF CONSULTANT (PLANNING, ENGINEERING)

Address _____
Telephone _____ Fax _____

PART 2

PURPOSE OF APPLICATION

2.1 Check the appropriate space:

- (a) Site Plan approval
- (b) Site Plan agreement
- (c) Amend Site Plan
- (d) Amend Site Plan Agreement

2.2 Proposed Name of Development _____

2.3 Present Official Plan Designation _____

2.4 Present Zoning _____

PART 3

PROPERTY DESCRIPTION

3.1 Location:

Former Geographic Township _____

Concession _____ Lot _____

Plan _____ Lot _____

Street Name _____

3.2 Existing land use of subject property

3.3 Surrounding land use

PART 4

SITE DEVELOPMENT STANDARD

Each applicant must have an accompanying site plan (5 copies) that illustrates the following information:

- (a) the boundary lines of the property including angles, dimensions, a directional arrow and the lot area of the land subject of the application;
- (b) the shape, location and measurements of all buildings and structures on the land and relationship to the property boundaries;
- (c) the location and description of adjacent buildings lying within 3 metres of the property boundaries;
- (d) the height, size and front elevation of the proposed buildings;
- (e) the location of landscape area (including treatment such as grass, ornamental paving, earth berms);
- (f) parking areas and loading spaces (including size, aisle width, curbs, surface treatment, number of parking spaces);
- (g) other information showing natural and artificial features on the land, the nature of available water supply, location of available sanitary sewer connection and storm water outlet, which the applicant feels may effect his proposal, should be included.

PART 5

- (a) An application fee of \$750.00 is required to be included when filing an Application for Approval of Site Plan Control with the Municipality of Middlesex Centre.

S Site Plan Agreement

THIS SITE PLAN AGREEMENT made this xxx day of xxxxxxx, 2008,

B E T W E E N:

MUNICIPALITY OF MIDDLESEX CENTRE

(hereinafter referred to as the "Municipality")

OF THE FIRST PART

- and -

xxxxxxxxxxxxxxxx

of the City of London
in the County of Middlesex

(hereinafter referred to as the "Owner")

OF THE SECOND PART

WHEREAS:

- (a) The Owner is the owner of the land described in Schedule A (hereinafter referred to as the "Land");
- (b) The Owner wishes to develop the Land, legally described Block x, Registered Plan 33M-xxx (geographic Township of Lobo), Municipality of Middlesex Centre, and has submitted for approval a Site Plan showing the development of the Land;
- (c) The Municipality is prepared to approve the Site Plan in the form attached to this Agreement as Schedule B upon the condition that the Owner enter into this Agreement;
- (d) Provided the Owner and the Municipality have entered into this Agreement, the Municipality may at that time issue a building permit subject to approval of building plans and subject to the site plan being in full compliance with the Zoning By-law

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants herein contained and in consideration of the approval by the Municipality of the Site Plan in accordance with the provisions of the *Planning Act*, the parties hereto agree as follows:

DEVELOPMENT

- 1. The Owner shall undertake and complete the development of the Land in accordance with the Site Plan; and the Land shall be used by the Owner and by any subsequent Owner or occupier of the Land in accordance with and in conformity with the Site Plan attached to this Agreement as Schedule B.

DEVELOPMENT CONTROL

- 2. As a condition of the approval by the Municipality of the Site Plan, the provision, maintenance and use of the following facilities and matters are required and regulated as follows:

Parking Areas

- 2.1 The Owner agrees that the parking areas on the Land shall be constructed of asphalt, or any other suitable hard surface to the satisfaction of the Municipality. The Owner further agrees that the said parking areas required to accommodate the proposed development shall be restricted to the Land, consisting of a minimum of xxx (xx) parking spaces, of which one (1) space shall be reserved for handicapped purposes. The parking spaces shall be constructed with a minimum width of 2.7 metres and a minimum depth of 6.0 metres whereas the handicapped parking spaces shall be constructed with a minimum width of 4.0 metres and a minimum depth of 6.0 metres. The handicapped parking space shall include the parking space located closest to the main entrance of the building.

Storm Drainage and Grading

- 2.2 The final grading of the Land shall be established to the satisfaction of the Municipality, and as shown on Schedule B. The Owner shall ensure that there is no interruption to any subsurface drainage flow because of construction on the site, which would have an adverse affect on neighbouring properties. Should such an interpretation occur, the Owner shall carry out any necessary remedial work to correct the problem as recommended by its consulting engineer and to the satisfaction of the Municipal Manager of Public Works & Engineering and the County of Middlesex, at no cost to the Municipality, the County of Middlesex, or neighbouring property owners.

Access

- 2.3 The Owner shall restrict the means of vehicular access to the location shown on the Site Plan. Prior to any work being undertaken within any municipal road allowance, the Owner will obtain a work permit from the Municipality. The undertaking of such work shall be to the satisfaction of the Municipal Manager of Public Works and Engineering.

Location of Building

- 2.4 The Owner agrees to construct the building in the location as shown on the Site Plan and in conformity with the regulations of the Zoning By-law.

Landscaping

- 2.5 The Owner agrees to provide grass cover on all areas of the Land not covered by the building, parking areas, driveways, and plantings. The Owner agrees to provide a 4.0 metre (13.3 ft) wide planting strip between the parking area and any lot line.

Exterior Lighting

- 2.6 The Owner agrees that all lighting of the said Land shall be oriented and its intensity so controlled as to prevent glare on adjacent roadways and properties.

Open Storage

- 2.7 The Owner acknowledges that there will be no open storage on the Land.

Garbage and Waste Storage

2.8 The Owner agrees that garbage and recycling container areas shall be screened such that the area is not visible from any adjacent road. The garbage and recycling container area shall specifically be screened by means of an opaque fence 1.8 metres in height to the satisfaction of the Municipality.

Fencing

2.9 The Owner agrees that the erection of additional fencing on the site shall be to the satisfaction of the Municipality's Chief Building Official.

Maintenance

2.10 The Owner shall at all times maintain or cause to be maintained all of the Land in as neat and tidy a condition as is reasonably consistent with the development of the Land pursuant to the Building Permit, and as otherwise required by this Agreement and the Site Plan, including weed removal and grass cutting prior to and during the development, and after completion of the development.

Additional Approvals

2.11 The Owner shall obtain additional approvals from other government agencies or ministries as may be required prior to the issuance of a Building Permit.

Timing for Completion of Site Development

2.12 The Owner agrees to comply with all requirements of the Site Plan and this Site Plan Control Agreement, within one (1) year of the date of commencement of construction as determined by the Chief Building Official.

Signs

2.13 The Owner agrees that all signs, including locations and graphics contained in the proposed development shall be approved by the Chief Building Official and the County of Middlesex prior to the installation of such signs, in order to ensure compatibility with surrounding properties and to ensure no sight line obstructions. No portable signs will be permitted.

Security

2.14 So as to ensure due performance of the requirements of this Agreement with respect to the construction of the building, screening related to the garbage and recycling container storage area, landscaping and the parking area, the Owner shall deposit with the Municipality prior to the execution of this Agreement, a performance bond or letter of credit, satisfactory to the Municipality, for the principal sum of \$5,000.00, which security bond or letter of credit shall be refundable upon due performance.

Future Site Plans

2.15 The Owner agrees to enter into such further site plan agreements as may be deemed necessary, prior to the issue of building permits for construction on the Land.

BUILDING PERMIT REMEDY

3. In addition to any other remedy which the Municipality may have against the Owner for breach of this Agreement in the event of a default by the Owners under this Agreement, the Municipality may withdraw or revoke any other building permit granted to any other person in respect of the Land and may refuse to issue further building permits in respect of the Land until the default has been rectified.

REGISTRATION OF AGREEMENT

4. The Owner consents to the registration of this Agreement against the title to the Land in the appropriate Land Titles or Registry Office to the intent and purpose that this Agreement and all of the Owner's covenants herein shall run with the Land.

OWNER'S TITLE

5. The Owner represents and warrants to the Municipality that the Owner is the Owner in fee simple of the Land.

REIMBURSE MUNICIPALITY FOR COSTS

6. The Owner of the Land agrees to deposit with the Municipality at the time of the execution of this Agreement the sum of \$500.00 to reimburse the Municipality for its actual costs incurred for legal fees and disbursements and for the cost of administration, supervision and all other work required by the Municipality in connection with this Agreement, including the negotiations leading to and the preparation of this Agreement and costs arising out of the realization upon any security given hereunder. If this sum is insufficient, the Owner shall reimburse the Municipality for such actual costs from time to time as and when requested by the Municipality.

RIGHT TO CONTEST MUNICIPALITY'S COSTS

7. The Owner shall have the right to contest that reasonableness of the amount of any of the Municipality's expenses in respect of which the Owner is required to reimburse the Municipality pursuant to this Agreement, provided that such right must be exercised by written notice to the Municipality within 30 days after the Owner has been advised of the amount of such expenses. Such notice to the Municipality shall be accompanied by sufficient funds to pay the amount being contested or security therefore. The amount of such expenses shall be determined by a Court of competent jurisdiction and the Owner shall indemnify the Municipality, on a Solicitor and Client basis, for all costs or expenses incurred by the Municipality in connection with such determination.

MUNICIPALITY'S DISCRETION

8. Where in this Agreement the Municipality is given a discretion, or the right to make a decision, in matters relating to the administration of this Agreement the Municipality shall act by its Clerk or such other officer as the Clerk or Council of the Municipality may designate for such purpose. Before exercising its discretion or making its decision, the Municipality may seek the advice of a Solicitor, an Engineer or a planning or other consultant as may be relevant to the matter in respect of which the discretion is to be exercised or the decision to be made.

EXPENSE OF OWNER

9. Every provision of this Agreement by which the Owner is obliged in any way shall be deemed to include the words "at the expense of the Owner" unless the context specifically otherwise requires.

INTEREST AND LIEN

10. In the event that there are monies due from the Owner to the Municipality which have not been paid within 15 days after demand thereof by the Municipality, interest shall be payable on the amount due at the rate of 12% per annum calculated from the date of demand; and the amount due together with interest thereon shall constitute a lien upon the Land.

ESTOPPEL

11. The Owner shall not call into question, directly or indirectly, in any proceedings whatsoever, in law or in equity, or before any administrative tribunal, the right of the Municipality to enter into this Agreement or to enforce each and every term, covenant and condition herein contained and this Agreement shall be pleaded as an estoppel against the Owner in such proceedings.

TIME

12. Time shall be of the essence hereof in all respects; and the right of the Municipality to require strict performance by the Owner of any and all obligations imposed upon it hereunder shall not be affected in any way by any previous waiver, forbearance or course of dealing.

NOTICE

13. Any notice or any other communication required or permitted to be given under this Agreement shall be in writing and, unless some other method of giving the same is accepted by the person to whom it is given, shall be given by registered mail or by being delivered to the person to whom it is to be given at the appropriate address set out below, or such other address as may be furnished by such person, and shall be deemed effective, as the case may be, at the time of delivery thereof or four business days after the date of mailing thereof unless postal employees at the point of mailing or at the point of delivery are on strike at any time during the four business days following the time of mailing in which event it shall be effective when delivered to the addressee.

SEVERABILITY

14. If any provision of this Agreement shall be found or declared by a Court of competent jurisdiction to be invalid, unenforceable or ultra vires the Municipality then such provision shall conclusively be deemed to be severable and the remainder of this Agreement mutatis mutandis, shall be and remain in full force and effect.

NUMBER AND GENDER

15. In this Agreement, unless the contrary intention appears, words importing only singular number or masculine gender shall include more persons, parties or things of the same kind than one and the feminine and neuter gender; and if there be more than one Owner, including any subsequent Owner of the Land, the covenants of such Owner shall be joint and several.

TITLES

16. It is understood and agreed by the parties hereto that the titles inserted at the head of paragraphs and clauses in this Agreement are intended for ease of reference and do not alter or have any bearing upon the interpretation of the paragraph or clause which they entitle.

BINDING

17. The covenants, agreements, conditions and undertakings herein contained on the part of the Owner shall run with the Land and shall be binding upon the Owner and upon the Owner's heirs, executors, administrators, successors and assigns, as Owner and occupiers of the Land from time to time and shall be appurtenant to the adjoining highways in the Ownership of the appropriate authority; and this Agreement shall endure to the benefit of and be binding upon the appropriate authority and its successors and assigns.

18. In the case of notice to the Owner under Section 13 the service shall be as follows:

xxxxxxx
300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

and in the case of the Municipality shall be as follows:

Municipality of Middlesex Centre
10227 Ilderton Road
R.R. #2
Ilderton, Ontario
N0M 2A0

IN WITNESS WHEREOF the parties have hereto affixed their respective corporate seals attested by the hands of their respective proper officers duly authorized in that behalf and the individual parties have hereunto set their hands with witness present.

SIGNED, SEALED AND DELIVERED
in the presence of:

xxxxxxxxxxxxxx

President, xxxx xxxxxxxx

Secretary-Treasurer, xxxxxx xxxxxx

We have the authority to bind the corporation

Approved and Authorized by
By-law No. xxxx-xxxx enacted
the xxx day of xxxxxx, 2008

MUNICIPALITY OF MIDDLESEX CENTRE

Mayor, Al Edmondson

Clerk, Cathy Saunders

SCHEDULE A
TO
SITE PLAN AGREEMENT

BETWEEN:

MUNICIPALITY OF MIDDLESEX CENTRE

OF THE FIRST PART

- and -

xxxxxxxxxxxx

OF THE SECOND PART

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Municipality of Middlesex Centre, (formerly in the Township of Lobo), in the County of Middlesex and being composed of:

Block x, Registered Plan 33M-xxx
(geographic Township of Lobo)
Municipality of Middlesex Centre
being P.I.N. xxxxxx-xxxx

SCHEDULE B

TO

SITE PLAN AGREEMENT

T Ontario Municipal Board Appellant Form (O2)



Ontario Municipal Board

Commission des affaires municipales de l'Ontario
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 326-6800 or Toll Free: 1-866-887-8820
 FAX: (416) 326-5370

www.omb.gov.on.ca

**APPELLANT FORM (O2)
 PLANNING ACT
 SITE PLAN
 (SUBMIT TO OMB)**

Instructions:

- Complete one form for each type of appeal you are filing.
- A filing fee of \$125 is required for each type of appeal you are filing. To view the Fee Schedule, visit the Board's website.
- The filing fee can be paid by certified cheque or money order, in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- Submit your completed appeal form(s) and filing fee(s) to the Ontario Municipal Board by the required filing deadline.
- Please print clearly throughout the appeal form.
- The *Planning Act* and the *Ontario Municipal Board Act* are available at www.omb.gov.on.ca.

Receipt Number (OMB Office Use Only):
Reference Number (OMB Office Use Only):
Date Stamp - Appeal Received by OMB

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Site Plans	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Application for a site plan – appealing requirements imposed by the municipality/county or by the regional metropolitan/district municipality	

Part 2: Location Information

Address and/or Legal Description of property subject to the appeal:

Municipality

Upper Tier (Example: county, district, region)

Part 3: Appellant Information (Landowner)

First Name: _____ Last Name: _____

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____ Fax #: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Mailing Address: _____ Apt/Suite/Unit# _____ City/Town _____
Street Address _____

Province _____ Country (if not Canada) _____ Postal Code _____

Signature of Appellant: _____ Date: _____

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____ Fax #: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Mailing Address: _____ Apt/Suite/Unit# _____ City/Town _____
Street Address _____

Province _____ Country (if not Canada) _____ Postal Code _____

Signature of Appellant: _____ Date: _____

Please note: if you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Appeal Specific Information

1. Please provide the Municipal File Number: _____
2. Outline the nature of your appeal and the reasons for your referral. Be specific. **If more space is required please continue in Part 8 or attach a separate page.
(Please Print)

3. Provide a brief explanatory note regarding the proposed use of the land and a description of the lands under appeal: **If more space is required please continue in Part 8 or attach a separate page.

Part 6: Related Matters

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please Print)

Part 9: Required Documentation (Please check boxes to indicate document included in filing)

I confirm that I have attached the following items to this form.

Signature of Appellant/Representative: _____ Date: _____

The following material must be attached to this form where applicable, in the order which it is listed:

- A copy of the application for site plan approval.
- Board fee of \$125 made payable to the Minister of Finance. The appeal will not be processed without this fee.
- A copy of any plans, drawings or agreements which are the subject of this referral.
- A copy of any planning report considered by Council.
- If applicable, a copy of the decision of the approval authority.
- An affidavit or sworn declaration by the landowner certifying that copies of all material listed above, as well as a copy of this form, have been sent to the approval authority having jurisdiction to approve the site plan and that the approval authority has been informed of the filing of this referral.

Part 10: Required Fee

Total Fee Submitted: \$ _____

Payment Method: Certified cheque* Money Order

Cash - Do not send cash in the mail. If you are submitting your appeal to the OMB in person, you may pay with cash.

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash by mail.

*Or Solicitor's general or trust account cheque.