

**THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX
BY-LAW NUMBER 2014/048**

SITE PLAN CONTROL BY-LAW

WHEREAS Section 41(2) of the *Planning Act, R.S.O. 1990, c.P.13* enables the council of a municipality to designate the whole or any part of such a municipality as a site plan control area where such area is shown or described as a proposed site plan control area in its official plan;

AND WHEREAS the Official Plan of the Municipality of Southwest Middlesex identifies all lands within the boundaries of the Municipality as a proposed site plan control area and contains provisions related to the application of site plan control;

NOW THEREFORE the council of the corporation of the Municipality of Southwest Middlesex enacts as follows:

1. The whole of the Municipality of Southwest Middlesex is designated a Site Plan Control Area.
2. Notwithstanding Sections 4 and 5 of this By-law, no person shall undertake any development on land located in the Site Plan Control Area unless Council, or the Ontario Municipal Board where referral to the Board has been made under Section 41(2) of the *Planning Act, R.S.O. 1009, c.P.13*, has approved the plans and drawings as provided for in Section 41(4) of the *Planning Act, R.S.O. 1009, c.P.13*.
3. (1) Unless otherwise provided herein, the definitions contained in Zoning By-law No. 2011/065, as amended from time to time, shall apply for the purposes of this By-law.

(2) In this By-law, "development" shall be defined as:
 - a) the construction, erection or placing of one or more buildings or structures on land; or
 - b) 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
 - c) the laying out and establishment of a commercial parking lot, or sites for the location of three or more trailers as defined in subsection 164(4) of the *Municipal Act, S.O. 2001, c.25*, or sites for the location of three or more mobile homes as defined in section 46(1) of the *Planning Act, R.S.O. 1990, c.P.13*; or
 - d) the laying out of sites for the construction, erection or location of three or more land lease community homes as defined in section 46(1) of the *Planning Act, R.S.O. 1990, c.P.13*; or
 - e) the laying out and establishment of outdoor recreation uses unless accessory to a residential use; or
 - f) the laying out and establishment of outdoor patios associated with restaurants or taverns;
 - g) The laying out of a commercial wind energy generation system.

- (3) In this By-law, “commercial wind energy generation system” shall be defined as one or more wind energy generation systems that singly or collectively produces more than a total of 40 kilowatts based on nameplate rating capacity.
4. The following types of development are exempt from the application of site plan control:
- a) farm buildings and structures, except those associated with a mushroom farm, a riding school, a commercial greenhouse operation or an animal kennel;
 - b) single detached dwellings, semi-detached dwellings, duplexes and any other two unit dwelling and buildings and structures accessory thereto;
 - c) accessory buildings or structures not exceeding a total gross floor area of 50 square metres;
 - d) tents, marquees, trailers and similar temporary structures to be erected for a period not exceeding eight(8) weeks where associated with a commercial use and one (1) week in all other cases in any calendar year;
 - e) buildings or structures, additions or alterations to existing buildings and structures, used for the purpose of enclosing mechanical equipment, staircases, passageways, entrances, porches, verandahs and similar structures.
 - f) Improvements or modifications to an existing building or structure, provided that the number of required parking spaces is not increased by more than ten (10) percent relative to the amount of parking currently provided on the lands;
 - g) Buildings or structures destroyed or damaged by fire, explosion or act of God, provided that:
 - i. The reconstructed building or structure is used for the same purpose as the said building or structure; and
 - ii. The gross floor area and height of the reconstructed building or structure generally do not exceed those of the said building or structure; and
 - iii. The reconstructed building or structure is generally not located closer to any lot lines than the said building or structure.
 - h) Development undertaken by the Municipality itself.
5. In addition to the exemptions listed in Section 4, in certain circumstances the Chief Building Official (in consultation with appropriate municipal department heads) may exempt additions to a building or structure that do not increase the gross floor area by greater than 25% or 150 square metres, whichever is the lesser, from site plan control.
6. Where development is subject to site plan control, matters and things to be addressed shall include but not be limited to the following:
- a) land dedication for street widening purposes;
 - b) off-street parking facilities and vehicular loading;

- c) number, width and location of vehicular entrances;
 - d) lighting of the land, buildings and structures;
 - e) pedestrian access and circulation;
 - f) facilities designed to have regard for persons with disabilities;
 - g) landscaping and buffering (including fencing);
 - h) servicing and utility easements;
 - i) grading or alteration in the elevations or contours of the land;
 - j) disposal of storm, surface and waste water;
 - k) facilities and enclosures for the storage of garbage and other waste materials.
7. Where development is subject to site plan control, the following plans and drawings shall be submitted to, and approved by, the Municipality prior to the issuance of a building permit:
- a) 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 relevant matters and things required under Section 6 of this By-law.
 - b) Drawings showing plan, elevation and cross-section views for each building to be erected which are sufficient to display,
 - i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas of public access;
 - iii. facilities designed to have regard for accessibility for persons with disabilities and
 - iv. matters related to exterior design, including, without limitation, the character, scale, appearance and design features of buildings and structures.
8. An agreement, registered on title by the owner, shall generally be required as a condition of site plan approval and the agreement shall run with the lands and be binding on future heirs and successors in title in accordance with the provisions of subsection 41(10) of the Planning Act.
9. Security shall be required in the amount of \$5,000 to ensure due performance with respect to the works, exclusive of the building, building addition or structure to be erected or altered and the services and utilities appurtenant thereto, such security to be in the form of a certified cheque that will be cashed by the Municipality. The said security shall be returned to the owner

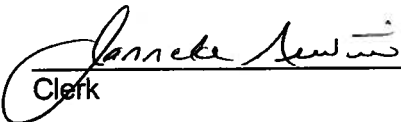
without interest within one year of the completion of the works to the satisfaction of the Municipality less any costs incurred by the Municipality to remedy any deficiencies in the works undertaken.

10. No person shall undertake any development and no building permit shall be issued in respect thereof that is subject to site plan control unless Council, or the Ontario Municipal Board where referral to the Board has been made, has approved the plans and drawings submitted under Section 7.
11. Any person who contravenes a provision of this by-law is guilty of an offence and will be required, upon conviction, to pay a fine, as set out in Section 67 of the *Planning Act*, R.S.O. 1990, c.P.13.
12. In addition to a fine, a court that has jurisdiction and authority may, where a person is found guilty of contravening this by-law, issue a prohibition order or rescinding order with respect to the work performed by the party charged.
13. This by-law shall come into force and effect on the date of passing thereof and may be referred to as the "Site Plan Control By-law".

Read a first and second time this 26th day of March, 2014.



Mayor

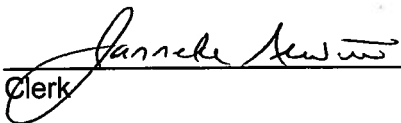


Clerk

Read a third time and finally passed this 16th day of April, 2014.



Mayor



Clerk