

**The Corporation of the  
Township of South-West Oxford**

**By-law No. 22-2021**

**A By-law to designate a Site Plan Control Area  
and Guidelines and to Delegate Councils  
Power Under Section 41 of the Planning Act, R.S.O. 1990, c.P. 13**

**Whereas** Section 41 of the Planning Act, R.S.O. 1990, as amended, provides in part that, 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 situate may, by by-law, designate the whole or any part of such area as a site plan control area and may delegate to either a Committee of the Council or to an appointed officer of the municipality any of the Council's powers or authority under that Section;

**And Whereas** in the Oxford County *Official Plan*, the whole of the Township of South-West Oxford is described as a site plan control area and the Council of the Township of South-West Oxford considers it appropriate to designate the whole of the Township of South-West Oxford as a site plan control area;

**And Whereas** the Township of South-West Oxford requires applications for building construction permits to be accompanied by plans and drawings referred to under Subsection 41(4) of the Planning Act, R.S.O. 1990, and by one or more agreements with the Corporation that deal with or ensure the provision and maintenance of any facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any facilities, works or matters mentioned in Subsection 41(7) of that Act.

**Therefore** the Council of the Corporation of the Township South-West Oxford enacts as follows:

**Definitions**

**1.0 Definitions**

In this By-law, unless a contrary intention appears, or the term is defined in the Zoning By-law:

- 1.1 "Act" means the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 1.2 "Approval Authority" means the Township Council or the delegated official appointed by this By-law to exercise all or any of Council's Authority under Section 41 of the *Act*;
- 1.3 "Corporation" means the Corporation of the Township of South-West Oxford;
- 1.4 "Council" means the Municipal Council of the Corporation;

- 1.6 "*Development*" means:
  - 1.6.1 the construction, erection or placing of one or more buildings or structures on the land, or alteration or redevelopment in the following situations:
    - 1.6.1.1 an interior or exterior addition or alteration to a building or structure on a property that has the effect of increasing the *usability* of the property; or
    - 1.6.1.2 an addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure or the cumulative size of buildings or structures by more than 20% of the gross floor area.
  - 1.6.2 the laying out and establishment of a parking lot resulting in five (5) or more spaces;
  - 1.6.3 the laying out and establishment of sites for the location of three or more trailers as defined in the Municipal Act or of the sites for the location of three or more mobile homes as defined in subsection 46(1) of the *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 the *Act*; or
  - 1.6.4 an amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the *Corporation*.
- 1.7 "*Facilities*" means site works and works abutting the site as defined in subsection 41 (7) (a) of the *Act*.
- 1.8 "LPAT" means the Local Planning Appeal Tribunal;
- 1.9 "*Official Plan*" means the County of Oxford Official Plan as amended from time to time;
- 1.10 "*Site Plan Design Guidelines*" means Schedule "A" to this by-law;
- 1.11 "*Usability*" means a change in the use of a property which would:
  - 1.11.1 result in a change in the amount of noise, lighting, odour and/or vibration which is generated on the property;
  - 1.11.2 alter the ingress/egress of the property;
  - 1.11.3 alter the traffic flow on or around the subject property, including the installation of a drive-through;
  - 1.11.4 alter the parking requirements;
  - 1.11.5 alter the hours of operation.

### **Development Subject to Site Plan Control**

#### **2.0 Site Plan Control Area**

The whole of the Township of South-West Oxford as constituted from time to time is hereby designated as a site plan control area. *Development* in the following zones is subject to Site Plan Control: Agri-Business (AB), Residential Type 3 (R3), Village (V), Highway Commercial (HC), Restricted Industrial (MR), General Industrial (MG), Institutional (I) or Recreational (REC). Site Plan Control applies to development in special zones where the zone symbols are followed by a dash and a number.

#### **2.1 Exempt Classes of Development**

The following classes of *development* may be undertaken without the approval of plans and drawings otherwise required under subsections 41(4) or 41(5) of the *Act*, and this By-law does not apply to such classes:

- 2.1.1 A residential building which is constructed, erected or placed solely for the purpose of a single detached, semi-detached, duplex, or converted dwelling containing a maximum of two (2) dwelling units;
- 2.1.2 An addition or alteration to a building or structure listed in Section 2.1.1;
- 2.1.3 Buildings or structures used for an agricultural use on a farm;
- 2.1.4 Minor additions or alterations that increase the size of a building or cumulative size of buildings by less than 20% of the gross floor area, as set out in Section 1.6.1.2;
- 2.1.5 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.

### **Approval of Plans and Drawings**

#### **3.0 Application for Approval**

Every application for site plan approval shall be accompanied by the following plans, specifications, documents and information:

- 3.1 the plans referred to in Paragraph 1 of subsection 41(4) of the *Act*, 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 with the building or structure and all the facilities, works and matters referred to in clause 41(7)(a) of the *Act* in accordance with the *Site Plan Design Guidelines*;
- 3.2 the drawings referred to in Paragraph 2 of subsection 41(4) of the *Act* in accordance with the *Site Plan Design Guidelines*;
- 3.3 a complete application form duly authorized and all required drawings and

supporting reports or documents referred to in Section 3.1, 3.2 and 3.3;

- 3.4 the fees, securities and deposits as outlined in the Township User Fee By-law.

#### 4.0 Development Agreement

The application for site plan shall result in the following:

- 4.1 a condition to the approval of the plans and drawings referred to in subsection 41(4) of the *Act*, the owner of the land is hereby required to:
- 4.1.1 provide in accordance with the *Site Plan Design Guidelines* and at no expense to the *Corporation* the facilities, works or matters mentioned in subsection 41(7)(a) of the *Act* approved in accordance with Section 41 of the *Act* and shown on the plans and drawings; and
  - 4.1.2 maintain in accordance with the *Site Plan Design Guidelines* and at the sole risk and expense of the owner the facilities or works mentioned in subsection 41(7)(b) of the *Act* and shown on the plans and drawings, approved in accordance with Section 41 of the *Act*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.
- 4.2 pursuant to Section 41 (7) ( c) of the *Act*, a requirement to enter into one or more agreements with the *Corporation* in the form in Schedule "A" to this by-law dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in subsection 41(7) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this By-law and in accordance with the *Site Plan Design Guidelines*;
- 4.3 where required under an agreement referred to in Section 3.4, security to protect the *Corporation* in respect of its liability for holdback and costs under subsection 17(4) of the Construction Lien Act, R.S.O. 1990, c. C.30, as amended, and to assure satisfactory provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in subsection 41(7) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this by-law and in accordance with the *Site Plan Design Guidelines*. The security will be equal to the greater of \$2,000.00 or the dollar value of 20 percent of the costs of all site work of the *development*, including but not limited to, asphalt, curbing, servicing and landscaping. In addition, the security shall be equal to the dollar value of 100 percent of the costs of works affecting the municipal road allowance, property or works within or on municipal easements;
- 4.4 if necessary, conveyance of part of the subject land to the *County of*

*Oxford or the Corporation for municipal purposes under subsections 41(8) and 41(9) of the Act;*

### **Delegation to Appointed Officers**

#### **5.0 Delegation of Power**

- 5.1 All of the Council's powers or authority under Section 41 of the Act, except the authority to define any class or classes of development as mentioned in Clause 41(13)(a) of the Act, are hereby delegated to and may be exercised by the Chief Administrative Officer of the Corporation of the Township of South-West Oxford.
- 5.2 The Council hereby authorizes the Chief Administrative Officer together with one of the Public Works Superintendent, Chief Building Official or Clerk, and in consultation with the County Development Planner, to sign and deliver, any necessary site plan agreements, for and in the name and on behalf of the Corporation, and such agreements shall be binding upon the Corporation without any further authorization or formality.

### **Exercise of Council's Powers**

#### **6.0 Exercise of Power**

The exercise of the powers, authority or appointment delegated or made under Section 5 of this by-law is subject to the following:

- 6.1 The *Approval Authority* shall approve the plans and drawings referred to in subsection 41(4) of the *Act* except where,
  - 6.1.1 the proposed facilities, works or matters shown on the plans and drawings do not comply with any applicable zoning by-law or are not substantially in accordance with the *Site Plan Design Guidelines* attached as Schedule "A" to this by-law, or
  - 6.1.2 the application submitted as required in Section 3.0 of this by-law is incomplete.
- 6.2 As a condition to the approval of plans and drawings referred to in subsection 41(4) of the *Act*, the *Approval Authority* may require that the owner of the land enter into one or more agreements referred to in Section 3.3 of this by-law, unless otherwise exempted by duly adopted resolution of Council.
- 6.3 The powers or authority under Sections 41(7)(b) and (c) of the *Act* with respect to any of the facilities, works or matters mentioned in Section 41(7)(a) of the *Act* shall be exercised by the *Approval Authority*.

- 6.4 The provisions of the *Site Plan Design Guidelines* be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given effect according to its true intent and purpose.

### **Lapsing of Approval**

#### **7.0 Lapsing of Approval**

An approval of plans and drawings referred to in subsection 41(4) of the *Act* lapses,

- 7.1 where a building permit is required for the *development*:
- 7.1.1 at the expiration of one year from the date of approval if, within the one-year period, no building permit is issued for the *development*;
  - 7.1.2 and a building permit is issued for the *development* but the owner has not started construction within one year of date of issuance of the building permit or the construction of the *development* has not been completed within two years of the date of issuance of the building permit; or
  - 7.1.3 upon the revocation at any time of any building permit issued for the *development*; and
- 7.2 where no building permit is required for the *development* but the owner has not started construction within one year of date of site plan approval or the construction of the *development* has not been completed within two years of the date of site plan approval; or,
- 7.3 where the *Approval Authority* has granted approval to the plans and drawings and a Development Agreement is necessary to implement the *development*, but no Development Agreement has been executed and Registered on Title, within one year of the said approval; or,
- 7.4 the lapse of an approval is effective upon the date of giving written notice by the *Approval Authority* to the owner by registered mail and posting notice on site, revoking the approval; or, where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated.

### **Failure to Act / Referral / Appeal**

#### **8.0 Failure to Act / Referral / Appeal**

Where the *Approval Authority* does not approve the plans and drawings referred to in subsection 41(4) of the *Act* within thirty days after they are submitted to the Municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the Municipality under subsection 41(7) of the *Act* or with any part thereof,

including the terms of any agreement required, the owner of the land may, by written notice to the Township of South-West Oxford Chief Administrative Officer and submission of the fee as set out in Section 3.4 to this By-law, request that the plans or drawings or the unsatisfactory requirements or parts thereof of the agreement, be referred to Council, and;

- 8.1 Council shall hear the owner or afford the owner an opportunity to be heard as soon as practicable after the decision of the *Approval Authority*; and
- 8.2 shall consider the report and recommendations of the *Approval Authority* and determine the matter at issue, settle and determine the details of the plans or drawings and approve the same, settle and determine the requirements, including the provisions of any agreement; or
- 8.3 the owner of the land may, by written notice to the Township of South-West Oxford Clerk and to the Local Planning Appeal Tribunal, request that the plans or drawings or the unsatisfactory requirements or parts thereof of the agreement, be referred to the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal shall hear and determine the matter at issue.

### **Executive Acts Aphorized**

#### **9.0 Executive Acts Authorized**

The Mayor and Township Chief Administrative Officer are hereby authorized to execute on behalf and under the seal of the *Corporation* any document necessary to give further effect to the provisions of this by-law.

### **Enforcement**

#### **10.0 Development without Approved Plans**

Every person who, without having plans or drawings approved in accordance with Section 41 of the *Act*, undertakes any *development* in the site plan control area designated by this by-law is, pursuant to Section 67 of the *Act*, upon conviction in a court of law is guilty of contravening Section 41 of the *Act*.

#### **11.0 Failure to Provide or Maintain Facilities**

Every person who undertakes any *development* in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in clause 41(7)(a) of the *Act* and that are required by the *Corporation* under that clause as a condition to the approval of plans or drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, upon conviction in a court of

law, guilty of contravening Section 41 of the *Act*.

#### 12.0 Failure to Enter into Agreement

Every person who undertakes any *development* in the site plan control area designated by this by-law without entering into one or more agreements with the *Corporation* that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the *Corporation* to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, upon conviction in a court of law, guilty of contravening Section 41 of the *Act*.

#### 13.0 Penalty Upon Conviction

Every person who contravenes any provision of this by-law, upon conviction, is guilty of an offence and is liable to any penalty as provided in the *Act*.

#### 14.0 Facilities Provided by the Township

Where the owner fails to provide or maintain any of the facilities, works or matters that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in subsection 41(7)(a) of the *Act* and that are required by the Corporation as a condition to the approval of plans or drawing referred to in subsection 41(4) of the *Act*, the Council may by by-law direct that such facilities, works or matters shall be provided or maintained by or on behalf of the Corporation at the expense of the owner and the expense incurred in doing so shall be recovered:

- 14.1 by use of any deposits or securities furnished to the *Corporation* under Section 3.4 of this by-law;
- 14.2 by action;
- 14.3 in a like manner as municipal taxes;
- 14.4 in annual instalments payable by the owner, not exceeding ten years, with interest.

#### 15. By-law Repealed

- 15.1 That By-law No. 39-2008 and By-law 04-2010 are hereby repealed in their entirety.

16. Citation

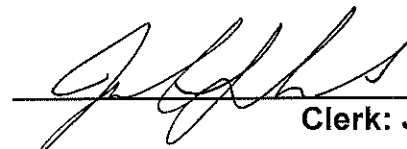
16.1 This by-law may be cited as the "Site Plan Control By-Law".

17. Force and Effect

17.1 The provisions of this by-law shall take full force and effect on the date of passing.

**Read a First and Second time this 2<sup>nd</sup> day of March, 2021.**

**Read a Third time and Finally Passed this 2<sup>nd</sup> day of March, 2021.**

  
\_\_\_\_\_  
Mayor: David Mayberry  
\_\_\_\_\_  
Clerk: Julie Forth

# Site Plan Approval Guidelines



Township of South-West Oxford

**Schedule "A" to By-law No. 22-2021**

Originally Prepared by the County of Oxford  
Community and Strategic Planning Office  
November, 2008  
(Township reviewed and amended February, 2021)

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## **Section 1 - Introduction**

### **1.1 Description**

In the Province of Ontario, the Planning Act authorises municipalities to employ Site Plan Control as a land use tool to ensure the appropriate location of a development on a site and to ensure the safety, attractiveness and compatibility with the surrounding land. This Guideline document has been prepared to inform potential developers and the public about the use of Site Plan Control, the requirements for Site Plan approval in the Township of South-West Oxford and to provide guidelines for site plan preparation and review.

Section 2 of this Guide provides an overview of the Township's Site Plan Approval process. Section 3 identifies the submission requirements for Site Plan application and approval. The more specific objectives for each matter which is subject to Site Plan Control, as well as the guidelines, criteria and standards to be used in order to achieve these goals, are in Section 4 of this guide.

### **1.2 DEFINITION OF "DEVELOPMENT"**

For the purposes of Site Plan Control, development is defined in the Planning Act as:

...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 travel trailers as defined in subsection 168(5) of the Municipal Act 2001, 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. (S. 41(1) Planning Act, R.S.O. 1990)

In addition to the provisions in the Planning Act, within Oxford County and its local area municipalities, the general policies for use of Site Plan Control are contained in the County of Oxford Official Plan. The Official Plan defines the entire Township as a proposed Site Plan Control Area. Development in the Township is further regulated through the Township of South-West Oxford Zoning By-law, the Township Site Plan Control By-law and other applicable By-laws.

Pursuant to Section 41 of the Planning Act, the Council of the Township of South-West Oxford has enacted a comprehensive Site Plan Control (SPC) By-law. The Township's SPC By-law identifies the development situations and land use classes subject to SPC and exempts certain classes of land use from these controls. This By-law also outlines the requirements for the submission of plans and drawings, and where necessary appropriate studies, prior to permitting "development" on the lands which are subject to Site Plan Control.

### **1.3 SITE PLAN APPROVAL REQUIRED**

Site Plan approval is required for all new commercial, industrial, institutional or medium density residential uses. In particular, recreational uses and agricultural-commercial and agricultural-industrial uses in the Agricultural Reserve designation of the Official Plan are subject to Site Plan Control.

Site Plan approval is required for all commercial, industrial, institutional, private recreational or multi-family (medium density) residential types of development in the following situations:

- a) The construction, erection or placing of one or more buildings or structures on the land; or
- b) An interior or exterior alteration to a building or structure on a property that has the effect of increasing the usability of the property; or
- c) An addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure in all zones; or
- d) The making or construction of, or addition to, a commercial or industrial parking lot resulting in five or more parking spaces; or
- e) An amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the Township on property which has been designated as a site plan control area in the Site Plan Control By-law which has been adopted by the Township.

It should be noted that all submissions must meet the requirements of the Township Zoning By-law No. 25-98 and the County of Oxford Official Plan, otherwise planning approval will be required prior to the approval of a site plan application.

The following classes of development are exempted from site plan approval:

- Dwellings: Single detached dwelling, semi-detached dwelling, duplex dwelling, and converted dwelling containing a maximum of two (2) dwelling units.
- Uses, buildings or structures accessory to the uses listed above, provided they do not generate a requirement for two (2) or more additional parking spaces.
- Buildings or structures used for an agricultural use, but not including agricultural-commercial or agricultural-industrial operations such as farm equipment sales and service establishments, farm supply outlets and other uses set out in the Agri-Business Zone of the Township of South-West Oxford Zoning By-law 35-99.
- 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.

#### **1.4 GOALS OF SITE PLAN CONTROL:**

The principal goals of Site Plan Control are to:

- ensure the safety and convenience of vehicular and pedestrian traffic to, from, and on the site of a new development or redevelopment;
- reduce the cost to the municipality where development requires the widening of existing roads or the granting of easements for municipal purposes;
- ensure that off-street parking and loading facilities are properly located, constructed and maintained during all seasons;
- improve the quality and aesthetic appearance of developments for greater enjoyment by the users and tenants;
- improve the image of the Township through well designed individual developments; and
- to ensure proper storm water management, drainage and lot grading for individual developments.

## **SECTION 2 – SITE PLAN CONTROL PROCESS**

### **2.1 APPROVAL PROCESS**

The Township's site plan control process is described below and Figure 1 is a flow chart illustrating the process which can be found on page 5. It can be expected that this process will take approximately 30 days from submission of a complete application to final approval by the Township if the application conforms to the provisions in the Township of South-West Oxford Zoning By-law 25-98 and the policies of the County of Oxford Official Plan.

#### **1. Pre-application Meeting**

The Township encourages the applicant and their agents to meet with the Township staff and the County Planner to discuss the development proposal before submitting any application for Site Plan Approval. The purpose of the meeting is to advise the applicant of the various Official Plan policies and Zoning By-law provisions which apply to the development. The review of these policies and provisions will assist the applicant in the design of the site such as the placement of the proposed buildings, structures and other built features before preparing the required site plan drawings. If it is identified that additional planning approval is required before the proposed site plan could be considered for approval, staff will discuss with the applicant in determining if an application for planning approval should be submitted and considered concurrently with the site plan application.

It is anticipated that any required or additional studies will be identified during the pre-consultation review. If so, the applicant will be expected to provide such studies in conjunction with the completed application.

#### **2. Submit Application**

The site plan approval process is initiated by submitting a completed application and the required fee for site plan approval to the Township South-West Oxford Municipal Office or the County of Oxford Community and Strategic Planning Office. The application form can be found in Appendix 'A' of this document. Additional application forms are available at the local Township office, the Oxford County Community and Strategic Planning Office or on-line at [http://www.oxfordcounty.ca/Business-in-Oxford/Planning-and-Development/Development/South-West Oxford#tab\\_applications](http://www.oxfordcounty.ca/Business-in-Oxford/Planning-and-Development/Development/South-West Oxford#tab_applications). The required application fee must accompany the completed application.

For information regarding the application fee please contact the Township of South-West Oxford at 519-485-0477 or online on the County's Community and Strategic Planning Office website at <http://www.oxfordcounty.ca/Business-in-Oxford/Planning-and-Development>. A checklist of complete application submission requirements are listed in Appendix 'B'.

#### **3. County, Township and Agency Review**

The County Planner will review the initial submission and forward to the Clerk. The Clerk will circulate the application to the appropriate agencies for review and comment. The site plan application will be circulated to the following public agencies, as required:

- Township staff including the Chief Building Official, Drainage Superintendent, Fire Chief, and Works Superintendent;
- Oxford County Community and Strategic Planning Office;

- Ontario Provincial Police – Oxford County Detachment;
- Oxford County Public Works Department;
- Applicable local utility companies;
- Oxford County Public Health and Emergency Services Department, if required
- County or Township Accessibility Advisory Committee, if required
- The Upper Thames River Conservation Authority, Long Point Region Conservation Authority or Catfish Creek Conservation Authority, if required.

Other agencies, including Provincial ministries, may be circulated depending on the location and scope of the application. The applicant will be notified, in writing, if the circulated agencies require revisions of the site plan drawings or if additional information is required.

#### **4. Site Plan Meeting**

The applicant will receive an acknowledgement letter, recognizing receipt of the application as well as the notice of a site plan meeting. If required, a site plan meeting will be scheduled for staff, circulated agencies and the applicant, to review the application and agency comments. If required, additional meetings with staff may be held before the requirements for Site Plan Approval have been met.

#### **5. Final Approval**

For the purposes of Site Plan Approval, in accordance with Section 41(13)(b) of the Planning Act and stated by By-law 22-2021 as amended, the authority to approve plans and drawings required for any site plan control area in the Township has been delegated to the Chief Administrative Officer, Chief Building Official and/or Public Works Superintendent, in consultation with the County Development Planner.

Township Staff will review the proposal and will consider the report and draft Site Plan Agreement. Staff may approve, refuse or modify the application and accompanying plans. Staff may also modify the Site Plan Agreement.

Where “conditional” approval is granted, the developer will modify the drawings and plans in accordance with the direction of staff. Approval of the application will require the developer to enter into a Site Plan / Development Agreement with the Township. The Site Plan Agreement will include standard development requirements and any necessary special provisions to address all requirements of the review agencies. The approved plans and documents will be incorporated into the Site Plan Agreement. A sample Site Plan Agreement is attached as Appendix “D” to these guidelines.

#### **6. Agreement Execution**

Once the Final Site Plan Agreement is prepared, the following steps will be undertaken:

- The Clerk will have the Final Site Plan Agreement signed by Township Officials;
- The Clerk will advise the applicant the Site Plan Agreement has been approved and signed by the Township. The Applicant will also be advised of any additional deposits that may be required as per the agreement.
- The applicant will provide any additional deposits to the Township South-West Oxford
- Upon receipt of the deposits, the Township will release the signed agreements to the applicant, along with instructions to have the agreement registered on title.
- The Applicant will have the agreement registered on title.

- The Applicant will provide proof of registration to the Director of Corporate Services, along with an original copy of the agreement (Proof of registration would be a Document General).
- The Clerk will advise the Chief Building Official when the signed agreement is returned with proof of registration.

**7. Building Permit**

Construction of buildings or structures cannot commence until the Site Plan Agreement is registered and building permits are issued, at the expense of the applicant. The Clerk will notify the Township Chief Building Official when both the applicant and Township Officials have executed the Agreement, and the required security deposit has been received. The applicant may then apply for a building permit.

**8. Post-construction**

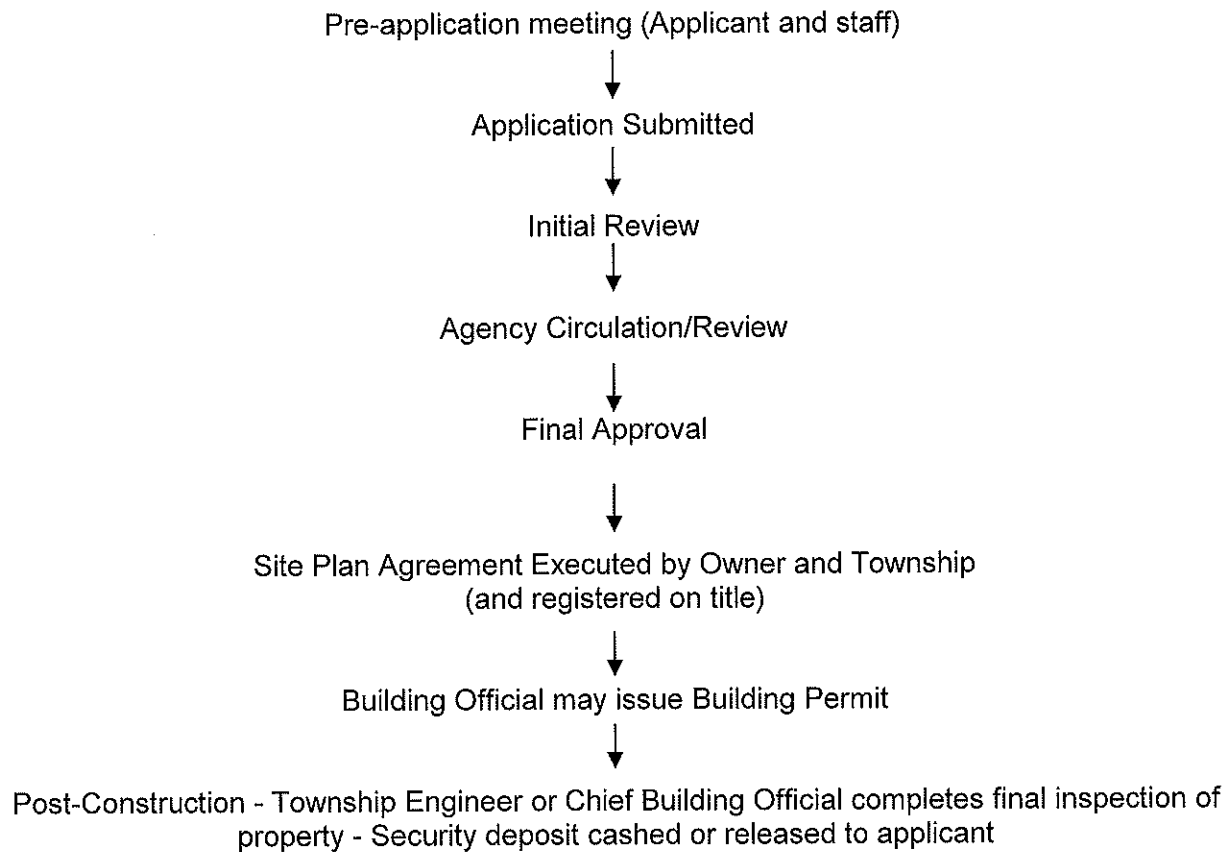
The Township will return the balance of the applicant's security deposit when the Township's Chief Building Official or Engineer, as the case may be, has indicated to the Clerk, in writing, that all inspections of the property have been completed to ensure compliance with the terms of the Site Plan Agreement. Any works completed on Township property shall be required to be completed and the property returned to its original condition. The applicant will be required to provide any professional reports or 'as-built' drawings to confirm the completion of works such as final grading and stormwater management facilities on the subject property, prior to the return of any applicable security. Partial returns may be released depending on the terms of the agreement.

**9. Appeals**

Under Section 41(12) of the Planning Act, if the Township does not approve a complete application within 30 days after it has been received or the applicant is not satisfied with the any of the requirements made by the Township, including any terms of the required Site Plan Agreement, the applicant may appeal to the Local Planning Appeal Tribunal (LPAT).

Written notice of appeal, including the reasons for appeal and prescribed fees, must be lodged with both the LPAT and the Township Clerk. After receipt of an appeal, the LPAT will schedule a hearing and determine the matters of issue. Once the LPAT has issued a decision/order, the applicant shall enter into a Site Plan Agreement with the Township to implement the LPAT decision. The decision of the LPAT is final and binding on all parties.

**Figure 1: General Site Plan Review Process**



**Section 3 - Application Requirements**

**3.1 APPLICATION**

The property owner or his authorized agent should complete the application found in Appendix A. Where an agent is making the application, the written authorization of the owner must accompany the application. If the application is being made under an agreement of purchase and sale, a copy of the agreement must be attached and will remain confidential. Although hard copies of application forms and drawings must be submitted when applying for site plan approval, additional digital copies can also be accepted electronically. Drawings which accompany a site plan application which are larger than 11"x17" are required to be submitted in standard pdf to [planning@oxfordcounty.ca](mailto:planning@oxfordcounty.ca).

The application must be accompanied by the required fee payable in cash or cheque made to the "Township South-West Oxford." The application form must be filed in duplicate and submitted at one of the following locations.

Township South-West Oxford  
Municipal Office  
312915 Dereham Line  
Mount Elgin, ON N0J 1N0  
Phone: 519-485-0477 / 519-877-2702  
Fax: 519-485-2932  
Website: [www.swox.org](http://www.swox.org)

County of Oxford  
Community and Strategic Planning Office  
P.O. Box 1614, 21 Reeve Street  
Woodstock, ON N4S 7Y3  
Phone: 519-539-9800  
Fax: 519-421-4712  
Website: <https://www.oxfordcounty.ca/Your-Government/Departments-and-offices/Community-Planning>

**3.2 FEES, SECURITIES AND DEPOSITS**

In accordance with the Township Site Plan Control By-law, an applicant may be required to provide the Township with a deposit of cash, certified cheque or irrevocable letter of credit, or any combination thereof, to ensure satisfactory provision and maintenance of the building, structures, facilities and work approved under the site plan approval process. The fees and deposits shall be administered in accordance with the following provisions:

- a) The required application fee shall be submitted payable to the "Township South-West Oxford" Please refer to Appendix C for the application fee and deposit requirements.
- b) The applicant shall provide securities and applicable deposits before the Township issues site plan approval and the Chief Building Official issues any building permits for the development.
- c) The amount of the security for the subject property shall be based on 50% of the estimated cost of the site works (i.e. asphalt, curbing, landscaping, servicing etc.) of the proposed development or \$2,000, whichever is greater. The amount of the security shall be listed in the agreement with the applicant.
- d) In addition, a security is required for any works on Township property in the amount of 100% of the estimated cost of the site works. Any construction on Township property or the use of public right of ways during construction must be first approved by the Township through the site plan approval process and outlined in the site plan agreement.
- e) A deposit is required for the review of site servicing, grading and storm water

management and as determined by the Township staff. If the collected deposit does not cover the cost of the third-party review, the applicant will be required to pay for any additional/outstanding fees to the Township prior to site plan approval. Alternatively, any monies from the deposit remaining after the third-party review will be returned to the applicant upon site plan approval.

- f) The release of the securities and deposits may be done in phases as each phase of the development is completed. The method by which the release is phased shall be outlined in the agreement with the applicant to the satisfaction of the Township Chief Building Official and/or the Township Chief Administrative Officer.

### **3.3 GENERAL REQUIREMENTS FOR DRAWINGS**

The completed application form shall be accompanied by a site plan drawing. At a minimum, the drawings used to describe the proposed development will show the site details, landscaping, services and grading. Additional separate drawings showing the landscape plan, site servicing plan, building elevations and cross section plans shall also be submitted.

Six (6) full size (maximum size of 24"x 36") folded copies of the site plan drawing(s) are required including a digital pdf copy of the full-size drawings. Ten (10) additional copies of the plans reduced to 11"x17" are also required for circulation purposes. These drawings shall be prepared by a qualified professional in such a manner as to permit registration at the Oxford County Land Registry Office. A Professional Engineer is required to certify any grading, servicing or construction drawings as required. An Ontario Land Surveyor is required to certify any property boundary dimensions and measurements.

#### **3.3.1 Drawings Required for Stamping**

Once Site Plan Approval has been granted, three (3) sets of large drawings, a digital pdf of the final plans and three (3) sets of small drawings shall be submitted to be included in the Registered Agreement. Final plans for Site Plan Approval shall be certified by the appropriate professional. The drawings and plans submitted for review must meet the requirements set out below in Sections 3.4 to 3.11 inclusive.

### **3.4 SITE PLAN DRAWING REQUIREMENTS**

The site plan requirements are listed in checklist format in "Appendix B" and are required as a minimum submission for site plan approval. Further details are listed below. All submitted drawings are required to be in black and white only unless otherwise specified in these Guidelines.

### **3.5 BUILDING ELEVATION AND CROSS-SECTION DRAWINGS REQUIREMENTS**

Building elevation and cross section drawings are required for all commercial, industrial and institutional buildings and residential buildings containing more than four units. These drawings must include the following details:

- a) drawing scale;
- b) elevation and details of all facades of the building including type of surface material and paint colour schemes;
- c) all windows, doors, openings and any mechanical equipment attached to or on the roof

- of the building including the dimensions of these features;
- d) a longitudinal cross-section view through the building to the street line; and
- e) elevations and dimensions of any signs on the building. If a freestanding sign is proposed, an insert drawing is required with the details of the sign.

### **3.6 DESIGN FOR ACCESSIBILITY**

In accordance with the Ontarians with Disabilities Act, 2005 the Township aims to make all buildings accessible to persons with disabilities. The legislation will apply to all private and public sector organizations and businesses with the release of five standards relating to accessibility with respects to goods, services, facilities, employment, accommodation and buildings. All site plans shall be required to adhere to the standards released under the Act. As the standards are released, they will replace the existing County of Oxford Facility Accessibility Design Standards (FADS).

Site plans shall incorporate design features that will make all facilities accessible. Indoor and outdoor design of facilities shall be made safe and convenient by minimizing grade changes and providing such things as disabled parking spaces, suitable curb cuts, ramps and hand-rails.

Specific details for accessible design of sites and the interiors of buildings are set out in this guideline and the County of Oxford Facility Accessibility Design Standards, which are available on the County of Oxford website at <http://www.oxfordcounty.ca/General/Accessibility-Standards> or at the County Office. The Design Standards are not mandatory, but are encouraged for all new or redeveloped buildings and facilities.

### **3.7 LANDSCAPE PLAN REQUIREMENTS**

The landscape plan(s) encompasses the same area of the site plan and must include:

- a) the location of all existing and proposed trees and/or shrubs which are to be preserved or removed. The symbol of each tree/shrub must reflect the branch spread or canopy of existing trees/shrubs and the proposed trees/shrubs at maturity;
- b) a landscaping table listing all existing and proposed species, including common name, botanical name, quantity, size and condition at planting;
- c) planting specifications and any required instructional drawings; and
- d) all areas to be seeded or covered in grass sod and calculated area thereof, in addition to the percent coverage for the site.

Please refer to Section 4.8 which lists, in detail, the Landscape Plan Guidelines.

### **3.8 SITE SERVICING PLAN REQUIREMENTS**

The Township of South-West Oxford's servicing standards are to be adhered to when designing any new developments within the Township. The servicing standards can be obtained by contacting the Township of South-West Oxford's Public Works Department for the servicing standards. The site servicing plan must also include details of all sanitary sewer, storm drainage, potable water and electricity systems as detailed below:

### **3.8.1 Sanitary Sewer Systems**

The sanitary sewer features are to be designed in accordance with the Township of South-West Oxford's servicing standards as well as the Provincial standards which can be found at [www.ene.gov.on.ca](http://www.ene.gov.on.ca) and the County of Oxford standards and specifications. Please contact the Township for details regarding servicing standards at 519-485-2490. Please contact the County of Oxford Public Works Department at 519-539-9800 for information regarding the County standards and specifications. The following features must be illustrated on the servicing drawing.

- a) Drainage piping - location from building to private drain connections, size and grade.
- b) Private drain connections - existing and new, location, size and grade.
- c) Control manholes to be located at the street line on private property.
- d) All manholes must show invert and finish grade elevations.
- e) Ministry of Environment requirements - "private sewers" are to be designed generally in accordance with *Guidelines for the Design of Sanitary Sewage Works, Systems, Storm Sewers (interior), Water Distribution Systems and Waste Storage Facilities*.
- f) Location and capacity of existing and proposed septic tank(s) and tile bed(s) on the property, if municipal sanitary sewers are not available.

### **3.8.2 Storm Drainage Systems**

The storm drainage features are to be designed in accordance with the Township South-West Oxford's servicing standards and the Conservation Authority with the jurisdictions' standards and specifications. For information regarding the Conservation Authorities' requirements, please visit the applicable Conservation Authority website: [Upper Thames River Conservation Authority](#), [Catfish Creek Conservation Authority](#), [Long Point Region Conservation Authority](#). For lands abutting County road allowances, storm drainage features are to be also designed in accordance with County standards. Please contact the County Public Works Department at 519-539-9800 for information on the County standards. The following features must be illustrated on the servicing drawing.

- a) Catch basins - locations, proposed elevations for grates and inverts.
- b) Drainage piping location and all access hole inverts and final grade elevations from building to private drain connections.
- c) Private drain connections - existing and new, location, size and grade, drainage swales (landscaped areas) - elevations along swale, cross sections % grade (slope).
- d) Overland flow - show flow arrows to permit ready identification of overland flow direction, show existing and proposed elevations along property lines, and key points on site and abutting properties.
- e) Flows from adjacent properties - in the event that adjacent private properties drain onto the site being developed, 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.
- f) Weeping tiles - identify how flows will be handled should weeping tiles be installed.
- g) Dry well systems and retention systems - display such relevant detail contained in the consulting Engineer's design as will be necessary to ensure that these features are implemented by the contractor;

- h) Sediment and erosion control measures to be implemented before and during construction and post-construction; and
- i) Stormwater management systems and design.

Depending on the site and scale of the development, a stormwater management report may be required in addition to the above servicing drawing requirements.

### **3.8.3 Water System**

The water system features are to be designed in accordance with Provincial, County of Oxford and the Township of South-West Oxford's standards and specifications. The following features must be illustrated on the servicing drawing.

- a) Location and size of all existing or proposed water pipes and mains, valves, shutoffs and blow-offs.
- b) Location of existing and proposed fire hydrants in the vicinity which will service the development.
- c) Location of existing and proposed private water wells on the subject property, if applicable.

### **3.8.4 Electrical System**

The electrical system features are to be designed in accordance with the electrical distribution authority (Hydro One or Erie Thames Powerlines) and the Township of South-West Oxford's servicing standards and specifications. The following features must be illustrated on the servicing drawing.

- a) Transformer and vault location.
- b) Primary, secondary and service wire and/or cable location.
- c) Service entrance and meter location on any buildings or structures.

## **3.9 FIRE DEPARTMENT ACCESS**

Access to buildings for emergency services as required by the Ontario Building Code, shall be shown on the site plan.

## **3.10 ROAD WIDENING(S) AND SIGHT TRIANGLE(S)**

All road widening(s) and site triangles to be dedicated to the Township and/or County are to be shown on the site plan. These lands are to be free of buildings, structures and signs. All road widening(s) and site triangles will be deeded free and clear of all legal encumbrances to the municipality. Any costs associated with the dedication of road widening(s) and site triangles are to be incurred by the applicant.

## **3.11 EASEMENTS**

An easement provides the right to use private land for a specific purpose. A title search prior to developing plans will identify existing easements and their specific use, size and location.

In order that any municipal and utility installations traversing the site can be properly installed and maintained by the appropriate authority, municipal service easements and utility easements are required for any water mains, sanitary and storm sewers, drains telephone, electricity, gas and cable services that traverse the site.

The site plan shall show both existing easements and any easements to be granted to the Township, County or applicable utility provider. The easements shall be free of all buildings and structures. The treatment of the easement(s) including the placing of fill, vehicular access and landscaping, shall be with the approval of the Township, County or utility company to which the easement is conveyed.

## **SECTION 4 – SITE PLAN CONTROL OBJECTIVES AND GUIDELINES**

### **4.1 BUILDING LOCATION AND FACILITY DESIGN - ALL DEVELOPMENTS**

#### **4.1.1 Location of Buildings and Facilities**

The objectives of site plan control for building and facility location are to demonstrate the extent to which the massing and conceptual design of new developments:

- a) minimize conflicts with adjacent land uses;
- b) provide a comfortable and pleasing environment for the intended uses in terms of building orientation, form and siting;
- c) are consistent with or complimentary to existing buildings that are to be retained;
- d) are consistent with or complimentary to existing streetscapes;
- e) comply with Zoning By-law provisions; and
- f) manage drainage and lot grading on the subject site and mitigate the effects of development on adjacent properties.

#### **4.1.2 Building Orientation**

Objectives for proper orientation of buildings on a development site include the following:

- a) Where possible, buildings should reinforce the prevailing street pattern by aligning with the established building line or street edge. Buildings may be set back from or placed at an angle to the existing street edge if they are of community importance.
- b) Where possible public views, into, through and out of a development site, should be maintained and improved. Community identity can be achieved by ensuring views of community features such as churches, heritage buildings, bodies of water, valleys, open space and bridges are preserved.
- c) New development next to parks, open space and streets should be designed to blend with the open area.
- d) Buildings should be oriented to maximize energy conservation.

### **4.1.3 Building Form**

The scale and character of new development should reflect the existing neighbourhood pattern and/or adjacent heritage buildings. The following features of the surrounding neighbourhood should be reflected in the new development:

- building height;
- ground level treatments;
- ground level views;
- roof treatments;
- frontage widths;
- continuity of street face;
- facades;
- scale of doors, windows and other openings;
- canopies;
- lighting; and
- landscaping.

The form created by the building should produce a sense of physical security by controlling ingress and egress as well as providing visual surveillance of all public or common areas.

The applicant is encouraged to consider aesthetic characteristics of adjacent development and incorporate similar features into the design of new buildings and structures such as:

- the compatibility of materials, textures and colours; and
- the unique architectural details such as cornices, railings, lintels, arches, ironworks and chimneys.

## **4.2 PARKING, DRIVEWAY AND LOADING FACILITIES GUIDELINES – ALL DEVELOPMENTS**

The requirements for parking surface material, space size and number, as well as aisle and driveway widths are provided in the Township of South-West Oxford's Zoning By-law 25-98.

### **4.2.1 Parking Areas**

To ensure appropriate design for vehicle access and loading, all parking spaces are to be painted with lines to delineate the location and size of spaces. Consideration may be given to alternative surface materials such as cobblestone which allow precipitation to percolate into the soil, for any parking spaces provided over the minimum number required.

To ensure adequate parking areas are provided that have orderly circulation and an attractive community appearance:

- a) Delineate parking rows to confine traffic to designated parking aisles or driveways.
- b) Minimize access to and from parking aisles along main internal driveways.
- c) All accessible parking is to be clearly marked with signage in conformity with the County of Oxford's Accessibility Design Standards. The spaces should be designed to minimize the need for persons with disabilities to cross internal driveways. Accessible parking

spaces should accommodate cars or vans which have lifts or ramps installed on either the side or rear of the vehicle. Parking spaces should be designed to provide space for the lift or ramp and manoeuvring space for the person with a disability. Specific details are set out in the County of Oxford Facility Accessibility Design Standards, which are available at the County offices or on the County of Oxford website at <http://www.oxfordcounty.ca/General/Accessibility-Standards>. The Design Standards are not mandatory, but are encouraged for all new or redeveloped buildings and facilities.

- d) Clearly identify the types of designated parking areas for employees, visitors and the public.
- e) Public parking should not conflict with shipping, loading, garbage removal or utility areas.
- f) To ensure that parking is not the dominant visual element in the streetscape, screen larger parking areas with buildings, landscaping or low walls, while still maintaining some visibility to provide public safety by means of public surveillance.

#### **4.2.2 Parking Space Requirements**

As previously mentioned, requirements for the number of parking spaces for specific types of uses and the size of spaces are set out in the Township Zoning By-law.

The number of parking spaces designated to accommodate persons with disabilities shall be in accordance with the Township of South-West Oxford's Zoning By-law 35-99 which states, "Where more than 10 parking spaces are required, 1 space out of the first 10 spaces and 1 space out of each additional 100 spaces, or portion thereof, shall be for disabled parking and shall have a minimum width of 3.7 m (12.1 ft.) and a minimum length of 6.0 m (19.7 ft.)." Section 4.3.14 of the County of Oxford Facility Accessibility Design Standards sets out recommendations for the size and number of designated parking spaces that go beyond the minimum required in the Zoning By-law.

#### **4.2.3 Internal Driveways**

To ensure proper flow of traffic:

- a) Delineate main internal driveways with raised curbs.
- b) Avoid lengthy straight sections and use speed bumps to discourage high speeds.
- c) Ensure adequate visibility of intersecting traffic movements in the design of driveways and parking aisle intersections.
- d) For large commercial or industrial developments, main internal driveways should be located away from building entrances in order to minimize pedestrian and vehicle conflicts.
- e) Aisles designed for one-way or two-way circulation should be clearly marked.
- f) Driving lanes should widen at drop-off areas near buildings.
- g) Turning radii shall be provided at the end of dead-end driveways.

#### **4.2.4 Off-Street Loading Facilities**

To ensure loading facilities are effective:

- a) Sufficient space should be provided on a property to permit delivery vehicles to make all manoeuvres "off-street" away from fire routes which are to be designed to support emergency vehicles.

- b) Separate access or internal driveways should provide access to loading facilities which abut the building to be served.
- c) For commercial developments or other integrated development, the use of joint loading facilities to serve all or several individual businesses will be encouraged.

Site Plan designs should ensure that adequate waste storage facilities and enclosures are provided to permit:

- a) the storage of garbage and recyclable materials between collections thereby avoiding health, safety, and litter problems;
- b) for the efficient and safe collection of garbage by collection vehicles; and
- c) adequate separation from other land uses including residential uses.

#### **4.3 GARBAGE STORAGE HANDLING AREAS – ALL DEVELOPMENTS**

##### **4.3.1 Design Features**

To ensure proper design and siting of waste storage facilities include the following:

- a) Location and accessibility – waste disposal areas should be located at the building service entrance or rear yard which can be easily accessed by the waste collection vehicle.
- b) Collection Platform Material – a concrete pad or other structurally adequate impervious material is required to mitigate any seepage of liquid waste
- c) Enclosure Wall Material and Height – the enclosure should be constructed with low maintenance durable material.
- d) Street-fronting Townhouses should have an individual waste and recycling storage area within or immediately associated with each unit. Common exterior storage facilities are not recommended and will only be permitted where the applicant demonstrates that individual storage facilities are not feasible.
- e) Apartments – waste and recycling is to be centrally stored in specifically designed common storage facility.

#### **4.4 SNOW REMOVAL AND STORAGE AREAS – ALL DEVELOPMENTS**

To ensure proper snow removal and storage areas, include the following:

- a) Location of snow storage – snow storage areas should be identified on the site plan outside of a parking area, garbage storage and pedestrian access to the building.
- b) Design – parking areas, outdoor amenity areas, pedestrian access ways should be designed to ensure accessibility of snow removal equipment.

#### **4.5 ACCESS – ALL DEVELOPMENTS**

To ensure the orderly and safe movement of traffic with minimum interference with pedestrian traffic:

- a) the number of access driveways shall be minimized;
- b) individual residential driveways on to arterial streets should be avoided;
- c) access for development on a corner lot should be as far from the intersection of the two

- streets as possible;
- d) where required, the site plan shall make provisions for the joint use of common driveways between abutting properties.

#### **4.6 PEDESTRIAN FACILITIES GUIDELINES – ALL DEVELOPMENTS**

To ensure the provision of safe and convenient pedestrian circulation:

- a) Install public sidewalks across the frontage of the site in accordance with the Township standards. Please contact the Township of South-West Oxford at 519-485-0477 for the required public sidewalk standards.
- b) On-site walkways should join building(s), access points to parking areas, recreational areas and public sidewalks.
- c) Link building entrances to sidewalks and parking areas by means of a safe, convenient and well-lit walkway system.
- d) Clearly identify walkways that cross vehicular lanes.
- e) Provide continuous pedestrian walkways between entrances of units in buildings with multiple tenancies.
- f) Increase the width of the walkway where pedestrian activity is greater, such as at building entrances
- g) Protect pedestrian areas from vehicular intrusion with landscaping or curbs.
- h) Minimize grade changes between the public sidewalk and private pedestrian areas.
- i) Design pedestrian facilities for maximized accessibility 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. Compliance with the Ontario Building Code will be required.
- j) Recommended standards are outlined in Sections 4.1.3 to 4.1.6, 4.1.9 to 4.1.10 and 4.4.14 of the County of Oxford Facility Accessibility Design Standards.

#### **4.7 SITE LIGHTING GUIDELINES – ALL DEVELOPMENTS**

The type, location, height, intensity and direction of lighting shall be shown on the site plan. Lighting should be kept internal to the site and not adversely affect adjacent residential properties, or adjacent public streets, which could pose a vehicular safety hazard. Illumination patterns and levels must be designed to ensure that the site is not illuminated more than necessary.

Exterior lighting recommendations are contained in Section 4.4.13 of the County of Oxford Facility Accessibility Design Standards.

#### **4.8 LANDSCAPING AND BUFFERING FEATURES GUIDELINES – ALL DEVELOPMENTS**

Landscaping requirements, in the form of planting strips, are outlined in the Township of South-West Oxford's Zoning By-law 25-98 and must be shown on the Site Plan or if required, a separate Landscape Plan.

##### **4.8.1 Definitions**

For the purposes of these guidelines, the following definitions are applicable:

"Landscaping" is comprised of deciduous and/or coniferous trees, shrubs, organic and herbaceous ground cover, berms, water courses, retaining walls, fences, outdoor furniture, and other materials or objects that may be used to enhance the function and/or aesthetics of the landscaped area.

"Landscaped Open Space" - means the open unobstructed space at grade on a lot and 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 curb, retaining wall, parking area or any open space beneath or within any building or structure.

The following landscaping design requirements may be required on the landscape plan at the discretion of Township staff.

#### **4.8.2 Screening and Ornamental Planting**

The two basic types of landscaping are "Screening" and "Ornamental Planting." The function of each type overlaps. Screening can also be Ornamental and vice versa. Screening and ornamental plantings can include items such as plants, hedges, walls, fences, berms and herbaceous or organic ground cover.

#### **4.8.3 Plant Selection**

Native plant species are encouraged where feasible. The selection of landscaping and plant material shall be based on the following criteria:

- a) Year Round and Seasonal Interest
  - i) colour,
  - ii) height and shape of planting through to maturity
- b) Maintenance – fertilizing; pruning and watering; plants that drop large seed pods or shrubs with thorns or sharp edges shall be planted away from pedestrian walkways.
- c) Function - wind protection, seasonal shading and vandal resistance
- d) Physical Conditions - proximity to buildings in terms of shadow and obstruction of sunlight; roads and vehicular access ensuring sight lines are not obstructed and salt spray and snow storage areas do not damage plantings; and municipal services and utilities ensuring root systems do not obstruct utilities above or below ground.

#### **4.8.4 Preservation of Existing Landscape Elements**

Consideration should be given to the preservation, retention and improvement of existing landscape elements such as major trees and watercourses.

### **4.9 TREE PROTECTION STANDARDS – ALL DEVELOPMENTS**

Tree preservation and protection is encouraged through careful site planning including the appropriate location of buildings, facilities and servicing. In general, when trees are to be saved in a construction area, the following recommendations have to be followed to ensure the longevity of those trees:

- a) Where deemed necessary, a tree preservation report will be required and prepared by a

qualified professional. This report shall include detailed tree inventories, assessments, discussion of alternatives and recommendations.

- b) A snow fence or other barrier should be placed around the tree to at least the "drip line" of the tree. The "drip line" is the outer extent of branches, regardless of tree maturity.
- c) No excavation shall be carried out within the "drip line" of trees to be preserved. Root loss must be minimal.
- d) No heavy equipment shall be driven over the tree lawn area within the drip line, to alleviate soil compaction around the tree roots.
- e) No soil or construction materials shall be piled within the drip line area or around the trunks of trees to be preserved.

#### **4.10 GRADING OF STORM AND SURFACE WATER, AND WATER WASTEWATER SYSTEM REQUIREMENTS – ALL DEVELOPMENTS**

Proper grading and disposal of storm and surface should be constructed in order to optimize:

- a) safe, convenient and functional access for pedestrians and vehicles to all areas of the site;
- b) preservation of the natural features of the site where feasible;
- c) the prevention of storm water from entering the sanitary sewer system;
- d) proper site drainage such that storm water is contained within the site and directed to an internal storm drainage system, thereby preventing drainage onto adjacent properties.

All designs for the conveyance of storm and surface water are to be prepared by a qualified professional. When deemed necessary by the Township, these designs are to be certified and the drawings appropriately stamped.

##### **4.10.1 Storm Water Retention Systems**

- a) Flows - The flows from a development site are to be restricted to those flows that were allowed for the site in the design of the storm sewer.
- b) Retention Systems – The Township may determine that a storm water retention system is required as a method of temporary on-site storage of storm water. The applicant will be required to have a professional engineer, who is competent in storm water management practices, submit to and have approved by the Township, the design of a storm water retention system. The approved method is to be displayed on the site plan submitted for site plan approval. Additional supporting documentation may be required.
- c) Certification by Engineer - Upon completion of construction, the applicant will be required to have the professional engineer certify that the retention system was constructed in accordance with the approved design.
- d) Dry Well System - If no storm sewer is available or the storm sewer cannot be extended, the Township may consider the use of a dry well system provided that the applicant provides a report from a qualified geotechnical engineer that confirms that the soils are suitable for a dry well system and that an appropriate separation can be maintained from all buildings. The Chief Building Official may also require the installation of a drain extending from the dry well to the street line for a future connection to a storm sewer.

#### **4.10.2 Waste Water Systems**

Sampling access holes may be required to permit monitoring by the Township and the County Water and Wastewater Department. These access holes shall be displayed specifically on the site plan and shall be located on the private drain connection(s) within the development site at the street line.

#### **4.11 Additional Guidelines For Commercial Development**

In general, commercial uses can have impacts on other more sensitive land uses. New commercial uses and expanding uses must have minimal impacts on nearby sensitive land uses

##### **4.11.1 General Guidelines**

The design should meet the following objectives:

- a) Ensure new developments are sited such that adjacent properties maintain sunlight exposure, have visual privacy, protection from the new development's lighting, noise, odour and vibration.
- b) Screen certain site elements, such as loading areas, snow storage areas, transformers, meters, garbage enclosures and roof-top mechanical equipment from public view.
- c) Avoid building designs with large flat surfaces. Incorporate angles, differing setbacks, peaked rooflines, canopies, and coloured trim to provide interesting, attractive façade(s).
- d) Provide safe, convenient access for persons with disabilities to all major building entrances by means of minimal grade changes, curb cuts, ramps and railings.
- e) Provide screening and buffering between existing residential uses and new developments.

##### **4.11.2 Commercial Development in the Village Core Areas**

Within the Village Core Areas, locate buildings at the minimum setback line from the street and to a width equal to the maximum frontage of the property to:

- a) Provide frequent and convenient pedestrian connections between buildings and the public sidewalk.
- b) Provide protection for pedestrians from inclement weather with shelters, canopies and windbreaks at building entrances and along storefront facades.
- c) Minimize the public view of off-street parking areas and servicing facilities.

#### **4.12 ADDITIONAL GUIDELINES FOR RESIDENTIAL DEVELOPMENTS**

The following guidelines address residential development proposals which require Site Plan Approval. As previously mentioned, Site plan Approval is required for multi-family (medium density) residential types of development.

##### **4.12.1 General Building Orientation**

- a) Consideration should be given to locating residential buildings close to the north lot line to increase solar access to open spaces on the site.

- b) The proposed building(s) should not excessively shade adjacent private or public property. In the case of multiple storey apartment buildings, a shadow study may be required to ensure that adjacent properties are not negatively affected by the proposed development.
- c) The long axis of apartment buildings and multiple residential buildings should be to ensure that most of the dwelling units would receive sunlight during some part of the day.
- d) Residential buildings exceeding 4 storeys should be sited with one of the longest walls parallel to and not more than 6.0 m (20 feet) from a driveway that can accommodate fire equipment.
- e) Common areas and, in particular, children's play areas should be located centrally to provide visual surveillance.

#### **4.12.2 Separation Spaces**

Separation spaces generally refer to the space between buildings on the same site. Setbacks refer to the space between a building and the street line or property line. Separation spaces are also required for fire protection under the Ontario Building Code. Separation spaces between buildings and property lines should address:

- a) Sunlight - Space should be provided around dwellings to ensure the provision of daylight. New housing should be located so not to deprive existing dwellings and private outdoor spaces in the surrounding areas of adequate sunlight or daylight.
- b) Ventilation - The space around the unit should be sufficient to permit natural ventilation of the dwelling.
- c) Noise and Privacy - Physical separation and/or screening should be provided between the dwelling unit and adjacent users and activities to permit the occupant to enjoy rest and privacy without undue interference from external noise. Windows and entrances of a dwelling unit should be separated and/or screened from adjacent buildings and activities to permit residents to make full use of their interior living spaces.
- d) Application of Separation Space - The minimum separation space in front of any window or opening should be applied along the full length and height of the exterior wall. Separation spaces should be free of buildings, roadways, communal parking areas and any communal amenity areas intended for active use.

#### **4.12.3 Private Outdoor Amenity Areas**

Private Outdoor Amenity Areas are intended to provide private outdoor areas directly related to the dwelling unit that can effectively extend the living area of the unit and may include landscaped open areas, patios, balconies, communal lounges, swimming pools, recreation facilities and any other areas which may be used for recreational or aesthetic purposes. Outdoor amenity areas shall not include any driveway or parking area. Private outdoor amenity areas should address:

- a) Type of Occupancy - The amenity space should reflect the anticipated type of households that will occupy the dwelling units.
- b) Accessibility - For ease of maintenance, an on-grade private outdoor space should be accessible from the front of the unit without requiring access through a living or dining room. A private outdoor space above grade should be easily accessible from a principle habitable room such as a living room.

- c) Separation and Screening - Separation, in the form of distance or separation screening, between private outdoor spaces and adjacent uses should be provided. Where screening is used to provide separation between abutting privacy areas at the same grade, this screening should be at least 1.5 m (5.0 ft) high.
- d) Parking Separation - Common parking lots should not be closer than 3.0 m (9.8 ft) to a private outdoor space and should be oriented so that headlights and fumes are not directed towards the private outdoor space by using a parallel parking arrangement or by screening with planting or fencing.

#### **4.12.4 Children's Play Areas**

All Multi-family residential development shall have an area set aside within the site for the exclusive use by children as a play area. This play area shall consider the following factors in the design:

- a) Size and Location - The area shall be located away from parking areas, driveways and garbage bins. If located adjacent to a property line, the area shall be fenced with a six-foot privacy fence.
- b) Surface - The areas shall be level and be landscaped with grass and perimeter trees.

#### **4.12.5 Proximity to Railway Lines and Other Sources of Noise**

Applicants may be required to provide, in conjunction with site plans, an acoustical engineering study outlining on-site noise measurements, methods of evaluation, noise sources and abatement measures. New residential development which is proposed to locate in proximity to railway lines or other major sources of noise will be required to meet Provincial Noise Guidelines for residential development to ensure an acceptable acoustical environment is provided for future occupants. Where noise abatement measures are required, site plans and/or landscaping plans shall incorporate the necessary remedial measures.

The applicant will be responsible for any costs associated with having the study reviewed by an independent acoustical engineer on behalf of the Township of South-West Oxford.

#### **4.12.6 Community Mailboxes**

Community mailboxes are to be located according to the following criteria:

- a) in areas which are satisfactory to Canada Post and the Township;
- b) in areas which reduce the potential for conflict with surrounding properties;
- c) in areas that provide a suitable location for the temporary parking of automobiles and on a portion of the municipal road allowance which has been widened slightly to recognize the location of the mailbox;
- d) in a visible and well-lit area that provides a sense of security; and,
- e) for townhouse developments, within a common element area that is easily accessible to all dwelling units and, preferably, protected from the natural elements.

**APPENDIX "A"**  
**TOWNSHIP SITE PLAN APPLICATION FORM**

FILE No. \_\_\_\_\_

REC'D: \_\_\_\_\_

DATE APPLICATION CONSIDERED \_\_\_\_\_

COMPLETE: \_\_\_\_\_

**TOWNSHIP OF SOUTH-WEST OXFORD**  
**SITE PLAN APPROVAL APPLICATION FORM**

The undersigned hereby request the Township of South-West Oxford to consider a Site Plan Control application pursuant to Section 41 of the Planning Act on the lands hereinafter described.

**1. BACKGROUND INFORMATION**

a) Applicant/Agent:

Name \_\_\_\_\_

Address \_\_\_\_\_

City: \_\_\_\_\_ Postal Code \_\_\_\_\_

Contact Person E-mail: \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

b) Registered Owner: (if other than applicant)

Name \_\_\_\_\_

Address \_\_\_\_\_

City: \_\_\_\_\_ Postal Code \_\_\_\_\_

Contact Person E-mail: \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

c) Location of Subject Land:

Lot Number(s) \_\_\_\_\_ Plan No. or Concession \_\_\_\_\_

Part Number(s) \_\_\_\_\_ Reference Plan \_\_\_\_\_

Lot Number(s) \_\_\_\_\_ Registered Plan \_\_\_\_\_

Street Address (or 911 Number) \_\_\_\_\_

The subject land is located on the \_\_\_\_\_ side of the street between \_\_\_\_\_  
and \_\_\_\_\_.

Assessment Roll Number: \_\_\_\_\_

d) New Development \_\_\_\_\_ or Expansion of Existing Development \_\_\_\_\_

If new, is any demolition of existing buildings on the site proposed? Yes \_\_\_\_ No \_\_\_\_

Are there previous site plan or development agreements registered against these lands?

Yes \_\_\_\_ (File no. \_\_\_\_\_) No \_\_\_\_

e) Existing use of Subject property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f) Proposed uses of land and buildings

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

g) Official Plan Designation

Schedule “\_\_-1” Township Land Use Plan \_\_\_\_\_

Schedule “\_\_-2” Village of \_\_\_\_\_ Land Use Plan \_\_\_\_\_

Other Schedules and Appendices \_\_\_\_\_

h) Zoning By-law

Existing Zoning \_\_\_\_\_

Requested Zoning \_\_\_\_\_

If related to a recent or current Zone Change application, please indicate the

File No. \_\_\_\_\_ Status \_\_\_\_\_

## **2. SITE INFORMATION**

**Note:** Under Parts 2(a) and 2(b) below, where the proposed dimension / feature does not meet the By-law regulation, a Minor Variance(s) or Zoning By-law Amendment will be required. **A decision on the Site Plan application cannot be made without first securing approval of the required Minor Variance(s) or Zoning By-law Amendment.**

a) **Zoning Provisions**

REGULATION  
by Zoning By-law 35-99

PROPOSED

|                                                  |       |       |
|--------------------------------------------------|-------|-------|
| Lot Frontage                                     | _____ | _____ |
| Lot Depth                                        | _____ | _____ |
| Lot Area                                         | _____ | _____ |
| Lot Coverage                                     | _____ | _____ |
| Front Yard                                       | _____ | _____ |
| Rear Yard                                        | _____ | _____ |
| Interior Side Yard                               | _____ | _____ |
| Exterior Side Yard (corner lot)                  | _____ | _____ |
| Landscaped Open Space (%)                        | _____ | _____ |
| No. of Parking Spaces                            | _____ | _____ |
| No. of Loading Spaces                            | _____ | _____ |
| Width of Planting Strip                          | _____ | _____ |
| Driveway Width                                   | _____ | _____ |
| Handicap Spaces                                  | _____ | _____ |
| Other (Specify)                                  | _____ | _____ |
| Minimum Distance Separation (MDS) if applicable. |       |       |
| To Barn                                          | _____ | _____ |
| To Manure Storage Facility                       | _____ | _____ |

Off-Street Parking and Loading Facilities

|                                                                                    |       |
|------------------------------------------------------------------------------------|-------|
| Total number of off-street parking spaces existing:                                | _____ |
| Number of off-street parking spaces<br>proposed (include existing & proposed):     | _____ |
| Number of off-street loading<br>facilities existing:                               | _____ |
| Number of off-street loading facilities<br>proposed (include existing & proposed): | _____ |

b) **Proposed Building Size:**

Ground Floor Area of Existing Buildings(s) \_\_\_\_\_

Ground Floor Area of Proposed Development \_\_\_\_\_  
Total Ground Floor Area (including  
existing & proposed) \_\_\_\_\_  
Number of Storeys proposed \_\_\_\_\_  
Building Height Proposed \_\_\_\_\_  
Total Gross Floor Area Proposed (including  
existing and proposed) \_\_\_\_\_

**3. COMPLETE AS APPLICABLE**

Note: If the application includes a combination of residential, commercial, industrial, institutional or open space development on the same site, the applicable sections must be completed.

**a) Multiple Family Residential**

Landscaped Area \_\_\_\_\_ m<sup>2</sup> (or ft<sup>2</sup>)  
Conversion or Addition to Existing Residential Buildings Yes \_\_\_\_\_ No \_\_\_\_\_  
Amenity and/or Children's Play Area Yes \_\_\_\_\_ No \_\_\_\_\_

**UNIT BREAKDOWN**

| Type          | Number of Units | Floor area of Unit Type<br>(m <sup>2</sup> or ft <sup>2</sup> ) |
|---------------|-----------------|-----------------------------------------------------------------|
| Bachelor      | _____           | _____                                                           |
| One-Bedroom   | _____           | _____                                                           |
| Two-Bedroom   | _____           | _____                                                           |
| Three-Bedroom | _____           | _____                                                           |

Other Facilities provided (e.g. play facilities, underground parking, games rooms, swimming pool, etc.) \_\_\_\_\_

**b) Commercial / Industrial Uses**

Describe Type of Business Proposed \_\_\_\_\_  
No. of Buildings Proposed \_\_\_\_\_  
Conversion or Addition to Existing Building \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, describe \_\_\_\_\_  
Gross Floor Area (breakdown by type of use - office area, retail, storage etc.) \_\_\_\_\_  
Seating Capacity (if applicable) \_\_\_\_\_  
Number of employees - Initially \_\_\_\_\_ In future (5 yrs) \_\_\_\_\_  
Open Storage Required Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe type, location, area m<sup>2</sup> (ft<sup>2</sup>) and buffering provided (if any) \_\_\_\_\_

Phasing of development/construction if any \_\_\_\_\_

If residential use proposed as part of, or accessory to commercial/industrial use, please complete Sec. 3 a).

**c) Institutional, Open Space or Other Uses**

Proposed Use \_\_\_\_\_

No. of Beds (if applicable) \_\_\_\_\_

Gross Floor Area by Type of Use (office, common rooms, storage, etc.) \_\_\_\_\_

Landscaped Area \_\_\_\_\_ m<sup>2</sup> (ft<sup>2</sup>)

**4. AUTHORIZATION**

NOTE: The property owner or the authorized agent must complete the application. Where an agent is making the application, the written authorization of the owner must be completed below. If the application is being made under an agreement of purchase and sale, a copy of the agreement must be attached and will remain confidential.

**Authorization of Owner(s) for Applicant/Agent to Make the Application**

I/We, \_\_\_\_\_, am/are the owner(s) of the land that is the subject of this application for site plan and I/we authorize \_\_\_\_\_, to make this application on my/our behalf.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
DATED

**5. DECLARATION:**

I/We, \_\_\_\_\_ of the \_\_\_\_\_ of  
(Name) (Township/City)  
\_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
(Name of municipality) (County) (Name of County)

**DO SOLEMNLY DECLARE THAT:**

All of the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of the Canada Evidence Act.

\_\_\_\_\_  
Signature of Owner/Applicant

DECLARED before me at the \_\_\_\_\_ of \_\_\_\_\_  
(Township/City) (Name of municipality)  
in the \_\_\_\_\_ of \_\_\_\_\_  
(County) (Name of County)

this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
A Commissioner for Taking Affidavits, etc.

---

**APPENDIX "B" - CHECKLIST FOR SITE PLAN DRAWING REQUIREMENTS**

The following is a checklist of the information to be provided on the site plan drawing.

- ☐ Site plan at a maximum scale of 1:200 and a minimum scale of 1:300.
- ☐ All measurements must be in metric.
- ☐ Location/key map at a 1:2000 scale with north arrow.
- ☐ Applicant's and owner's name, address and telephone number.
- ☐ Project name, municipal address and legal description (Lot and Plan number)
- ☐ Site Plan and Building Statistics:
  - ☐ Zoning Category / Symbol
  - ☐ Lot Area
  - ☐ Lot Coverage – proposed and permitted
  - ☐ Gross Floor Area – proposed and required
  - ☐ Gross Leasable area (if applicable)
  - ☐ Landscaped Open Space Area – proposed and required
  - ☐ Paved Area
  - ☐ Parking spaces – proposed and required
  - ☐ Loading spaces
  - ☐ Accessible parking spaces provided
- ☐ All bearings and dimensions of the property.
- ☐ Adjacent land uses, zoning and existing structures.
- ☐ Adjacent street names.
- ☐ Above ground utilities;
- ☐ Existing municipal sidewalks.
- ☐ Dimensions of all buildings and structures.
- ☐ Building setbacks to lot lines and rights-of-way (including overhead canopies).
- ☐ Centre line setback of buildings from major roads
- ☐ Existing and proposed easements, rights-of-way and site triangles
- ☐ Location and dimensions of parking spaces (including accessible parking), aisles and loading spaces.
- ☐ All vehicular entrances (widths and radii).
- ☐ Dimensioned landscape amenity areas.
- ☐ Existing and proposed grades around the perimeter of the site and critical points within site, including the base of existing trees to be preserved.
- ☐ Finished floor elevations of existing and proposed buildings.
- ☐ Retaining walls (top and bottom of wall spot elevations, material)
- ☐ Building entrances, including spot elevations at entrances to indicate flush thresholds.
- ☐ Existing natural features and vegetation.
- ☐ Type and location of all hard surface areas – walkways, stairs, ramps.
- ☐ Garbage storage and handling areas.
- ☐ Snow removal and storage areas.
- ☐ Sign locations.
- ☐ The location and turning radii for Fire and Emergency Service access route.
- ☐ Professional stamp (engineer or architect).
- ☐ Property dimensions certified by an Ontario Land Surveyor

## **APPENDIX "C" - APPLICATION FEE**

The application fee for Site Plan Approval in the Township of South-West Oxford is \$400.00, plus a \$500 County Public Works review fee and a deposit of \$2,000.00, payable to the "Township of South-West Oxford."

The deposit shall be drawn upon by the Township for Engineering and Legal expenses related to development of the Site Plan Agreement.

Additional deposits may be required under Section 3.2 and will be specified in the Site Plan Agreement and will be payable prior to Final release of the agreement for registration.

A minimum deposit of \$1,000 must be maintained with the Township until such time as Section 2.8 in the Guidelines is satisfied, which is in addition to any other deposits that may be required under the Site Plan Agreement.

**APPENDIX "D" – SAMPLE SITE PLAN AGREEMENT**

**TOWNSHIP OF SOUTH-WEST OXFORD**

**SITE PLAN CONTROL AGREEMENT**

**THIS AGREEMENT**, made in Duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 2020

**BETWEEN:**

**XXX Ontario Inc.**

hereinafter called the 'Owner'

**OF THE FIRST PART**

- and -

**The Corporation of the Township of South-West Oxford,**  
a Municipal Corporation within the County of Oxford,  
hereinafter called the 'Township'

**OF THE SECOND PART**

**WHEREAS** the Owner represents that they are the Registered Owner of those lands and premises in the Township of South-West Oxford described in Schedule "A" to this Agreement and have applied to the Township of South-West Oxford for site plan approval under the Planning Act, R.S.O., 1990, and amendments thereto;

**AND WHEREAS** the Owner acknowledges that the lands are subject to Site Plan Control pursuant to the provisions of Section 41 of the Planning Act, R.S.O., 1990, and pursuant to Township of South-West Oxford Site Plan Control By-law No. 39-08, as amended;

**AND WHEREAS** the Township is of the opinion that such land development is not proper and in the public interest unless the Owner agrees to perform the covenants herein set forth;

**WITNESSETH** that, in consideration for the approval of the said plans and as a condition of such approval, the parties hereto covenant and agree one with the other as follows:

1. The lands affected by this Agreement are the lands described in Schedule "A" attached hereto and are hereinafter referred to as "the subject lands";

2. The Owner has obtained an approved Site Plan from the Township, indicating the locations of the structure(s) to be built, the access ways, the parking areas and appropriate on-site drainage, fencing, among other details. Said Site Plan is attached hereto as Schedule "B".
3. The Owner agrees to the following:
  - a) to retain a qualified Professional Engineer to oversee the implementation of the site plan, including but not limited to the installation of drainage, water and sanitary sewer connections (if necessary) and final grading, for the duration of the construction of the structure(s), and that the said Professional Engineer shall provide reports to the Township (and County, if required) regarding the implementation of the site plan at the discretion of the Township and at the sole expense of the Owner;
  - b) that prior to commencing any site alteration activity, or building construction, the Owner will secure all the necessary approvals for installation of municipal services onto the subject lands, if necessary, for the development.
  - c) that prior to the erection of any buildings or structures that are subject to the provisions of the Building Code Act, the Owner shall supply the appropriate structural plans, and detailed site and grading plans, in order to obtain the building permits required;
  - d) that all work and services required under this Agreement shall be carried out in good and workmanlike manner in accordance with good trade practices so as to cause a minimum of nuisance to the neighbours;
  - e) all landscaped materials are to be maintained at all times to at least the minimum standards established in the Agreement. Any removal or loss of landscaped materials shall be replaced and maintained to achieve basic compliance with this Agreement;
  - f) that all necessary precautions shall be taken during site alteration and construction activity to avoid the raising of dust, creating unnecessary noise and other nuisances and to provide for the public safety, so far as is practicable;
  - g) to grant to the Township and/or County, as the case may be, and their servants, agents and contractors, a license to enter the subject lands for the purpose of inspection of the works and the lands or for any other purpose pursuant to the rights of the Township and/or county under this Agreement;
  - h) that any damage to Township or County property adjacent to the subject lands, that has been deemed to have occurred as a direct result of development activity on the subject lands, either during or after site alteration and construction, will be repaired and/or returned to a condition satisfactory to the Township or County, at the sole expense of the Owner. Any deposit required for this purpose, as identified in Schedule "C" to this Agreement, shall be returned to the Owner, in accordance with the provisions listed in Schedule "C" and at the discretion of the Township or County, as the case may be;
  - i) Any new entrance shall be approved by Township of South-West Oxford Public Works Department.

4. This Agreement will be registered on the Title of the subject lands and the Owner shall be solely responsible for the expenses associated with the preparation and registration of this Agreement and compliance with all the provisions hereof. The Owner shall be required to provide to the Township a registered copy of the Agreement prior to the issuance of any building permit.

5. The Owner covenants and agrees that upon the approval of the plans set out in Section 2 of this agreement, and following registration of this Agreement on the Title, the Owner shall carry out all works shown on the said plans in accordance with said plans at the sole expense of the Owner, and such work shall proceed in a timely manner.

6. The Owner agrees to reimburse the Township for all reasonable engineering and legal costs incurred by the Township for the preparation and supervision and enforcement of this Agreement, and such payment is to be made within thirty (30) days of the receipt of any associated invoice from the Township.

7. All applicable Township Development Charges and all County of Oxford Development Charges shall be paid prior to the issuance of any building permit.

8. If applicable, all fees and charges levied by the County of Oxford relating to the installation of sanitary sewers or municipal water services shall be paid prior to the issuance of any building permit.

9. The Owner covenants and agrees that no later than twelve (12) months after occupancy of the proposed development on the subject lands, or the expansion of such use, as applicable:

- a) The Owner shall provide to the Township two (2) copies of the "as constructed" drawings, printed in full size drawing format, that accurately illustrate the works and services; the buildings; the engineered site grading and drainage features; and, the landscaping and parking features as required to be constructed for the proposed development on the subject lands.
- b) The "as constructed" drawings shall be prepared and certified by the Owner's Engineer (or other professional), as required for each drawing. The "as constructed" drawings shall be accompanied by the Engineer's (or other professional's) Certificate of Completion, indicating the proposed development has been completed in accordance with the approved plans.
- c) The Owner further covenants and agrees that, only upon receipt of the Engineer's certificate of completion and the "as constructed" drawings, together with a written request from the Owner to the Township, shall the Township be required to provide a refund of the deposit submitted with the application for Site Plan Control.

- d) The Owner further acknowledges that failure to meet the above-noted requirements (for the "as constructed" drawings, Engineer's Certificate of Completion and Owners' written request) within the prescribed time period shall constitute a breach of the terms of this agreement. The Township shall provide, in writing, notice of the deposit forfeiture to the Owner, whereupon the deposit that was provided to the Township in support of the application shall be forfeited immediately to the Township and no further refund of this deposit shall be provided by the Township to the Owner.
  - e) The Owner further covenants and agrees that the forfeiture of the deposit to the Township, should this event occur, in no way releases the Owner from their obligation to provide the required Certificate(s) of Completion and the "as constructed" drawings for this development.
10. The Owner acknowledges that any changes in land use, or any changes to the approved Site Plan drawing(s), attached as Schedule "B" to this Agreement, will require further review and approval by the Township and other applicable authorities, if necessary, prior to the commencement of any site alterations or the approval of any building permit(s) associated with those proposed changes. If necessary, an amendment to this Agreement will be required to be entered into to identify the change(s) and address any additional concerns of the Township.
11. The Owner acknowledges that this Agreement is entered into under the provisions of Section 41(7)(c) of the Planning Act, R.S.O. 1990, as amended, and that any expenses of the Township arising out of the enforcement of this agreement may be recovered in the following manner:
- a) by use of any cash, deposit or security furnished to the Corporation under Section 3.2.2 of this by-law; or,
  - b) by action; or,
  - c) in a like manner as real property taxes, pursuant to the Municipal Act, 2001.
12. The parties hereto agree that this Agreement and everything contained herein shall enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of each of the parties hereto as the case may be and shall constitute a covenant running with the lands described in Schedule "A" attached hereto.
13. The Owner covenants and agrees that the right of the Township to enter into this Agreement and to enforce each and every term, covenant and condition thereof shall not be called into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal and that the Township may plead this provision in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

14. All words importing the singular only shall include the plural; words importing the masculine only shall include the female and words importing a person shall include a corporation.

15. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the respective parties have executed this Agreement.

Signed, Sealed and Delivered  
in the Presence of

\_\_\_\_\_  
Witness

\_\_\_\_\_  
I have the authority to bind the Corporation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
I have the authority to bind the Corporation

**CORPORATION OF THE  
TOWNSHIP OF SOUTH-WEST OXFORD**

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Public Works Superintendent,  
Chief Building Officer, or  
Clerk

We have authority to bind the Corporation.

---

**SCHEDULE "A"**

ALL AND SINGULAR that certain parcel of tract of land and premises situate, lying and being in the Township of South-West Oxford, in the County of Oxford, being composed of:

Legal Description and PIN for property

---

**SCHEDULE "B"**

**ADD SITE PLAN!!!**

---

**SCHEDULE "C"**

**Deposit for Works on Adjacent Lands Owned by the Township and/or County**

The following provisions apply with respect to Deposits to be provided by the Owner to the Township for the purposes of security associated with any works, services or other matters related to the proposed development that affect adjacent municipal lands, including road allowances.

1. A deposit shall be paid to the Township by the Owner, in the amount of:  
\$2,000.00 – Received.
2. The deposit represents 100% of the value of construction of the proposed works, services or other matters to be constructed within the adjacent municipal road allowance, with such works, services and other matters having been deemed necessary for the purposes of the approved development.
3. Should the Owner fail to ensure satisfactory development, execution and completion of the works, services and other matters within the municipal road allowance necessary for the approved development, the Township may, at its discretion, or at the request of the County, as applicable, draw upon the deposit as set out in clause 1 of Schedule "C" in order to complete and/or remedy any outstanding items, as required to be constructed or established in accordance with the approved site plan.
4. Should the Township decide to draw upon the Deposit, it shall provide appropriate advance notice, in writing, at least one (1) week prior to taking such action, to the Owner prior to drawing from the deposit. Said notice shall specify the outstanding issues to be remedied and the amount of the deposit that is to be used to effect such remedy. Should the Owner satisfactorily remedy the outstanding issues prior to the Township's action, then the Owner shall immediately provide necessary certificates, as prepared by their Professional Engineer, noting that such outstanding remedies have met the requirements of the approved site plan.
5. Upon receipt by the Township of the Certificate of Completion and the "as built drawings", pursuant to section 10 of this Agreement, the deposit shall be returned to the Owner, less any Township (or County) costs paid out of the deposit.
6. Partial returns of the deposit may be released in advance of the receipt of the Certificate of Completion, but in no case shall the full amount of the deposit be returned in advance of the owner meeting the provisions of Section 10 of this Agreement.
7. The Township shall not pay any interest on the deposit.