



TOWNSHIP OF WAINFLEET

SITE PLAN CONTROL GUIDELINES

JUNE, 2015

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Wainfleet Site Plan Control Guidelines

1. Introduction

What is Site Plan Control?

Site Plan Control is a form of development control provided to municipalities by Ontario's Planning Act. Development that requires site plan review cannot be started without Township approval. Once the plans are approved, a site plan agreement is generally executed. This agreement commits the owner to do what the site plan shows, based on the terms of the agreement. Building permits are not issued until site plan control requirements are in-hand.

Site Plan Control ensures the image and look of the Township through better individual developments by applying consistent standards and guidelines to ensure that off-street parking and loading facilities are properly located, constructed and maintained during all seasons; to ensure the safety and convenience of automobile and pedestrian traffic; and to ensure the protection of environmental areas (e.g. wetlands, hilltops, wildlife habitats) through the appropriate location of buildings, roads and parking spaces.

Why is Site Planning Important?

Whether it is a visual improvement, a new addition or a new building, investing in upgrades and cleaning up of private property are welcomed and essential for community vitality.

The ultimate goal of the Site Plan Control Guidelines is to guide future development to:

- Improve the appearance of Wainfleet's rural and hamlet areas;
- Create a safe and comfortable environment for people and vehicles that encourages business; and,
- Reduce the potential for conflict with adjacent land uses.

The following Site Plan Control Checklists has been prepared to help applicants understand the site design requirements pertaining to their specific project. The checklist is set out by:

1. Land use types; and
2. Land use zones.

The Checklists encourage plans that will both improve the function of an individual site while enhancing the Township's appearance.

When is it Required?

Development within certain land use zones is subject to Site Plan Control. These land use zones include:

- Commercial Zones;
 - Hamlet Commercial "C1"
 - Tourist Commercial "C2"
 - Recreational Commercial "C3"
- Industrial Zones;
 - Industrial "M1"
 - Extractive Industrial "M2"
- Institutional "I" Zones; and,
- Mobile Home Park "MHP" Zone.

Site Plan Control is also required for the following facilities in the Residential, Agricultural and Rural Zones:

- Medical Marijuana Facilities in the Agricultural and Rural Zones;
- Home Industries in the Agricultural and Rural Zones;
- Help House in the Agricultural and Rural Zones;
- Day Care Facility in Residential Zones; and,
- Group Homes in Residential, Agricultural and Rural Zones.

2. Site Plan Control Levels

The Site Plan Control Process requirements will differ depending on the scale and use of the development. Three levels of approvals are available:

Level 1 – Site Plan Approval WITH a site plan agreement:

- New buildings or additions larger than 25% of the site's existing GFA (gross floor area);
- Any medical marijuana facility (MMAR or MMPR licensed), and,
- New buildings or additions of any size that change the configuration of a site such as: grading, parking areas, loading areas and vehicular access.

Level 2 – Site Plan Approval WITHOUT a site plan agreement:

- New buildings or additions less than 25% of the site's existing GFA, and
- New buildings or additions greater than 25% of the site's existing GFA with no change to the existing site configuration at the discretion of the Manager of Planning.

Level 3 – Scoped Site Plan Approval:

- New home industry;
- New Help House;
- New or expanded Day Care Facility; and,
- New or expanded Group Homes.

Drawings and plans required by Level 3 will be as determined by the Manager of Planning.

What is Required to Apply?

In order to obtain Site Plan Approval certain drawings shall be prepared including:

1. Site plan: A site plan is a professionally prepared drawing that shows how a site will be developed, (refer to Figure 1). Information required on the site plan includes:
 - Property Lines (show entire property and dimensions);
 - Existing and proposed structures;
 - Distance between structures;
 - Distances from proposed structures and additions to property line (setbacks);
 - Floodplain, if applicable;
 - Contour lines: existing and proposed;
 - Topographic features such as streams, wetlands, woodlots, etc.;

- Access features: driveways, roads, parking and loading areas;
- All easements: drainage, access, utility, etc.;
- Exterior lighting;
- Finished floor elevations;
- Other features such as fences, hedges, berms, new vegetation;
- Slope hazard (to be determined in consultation with NPCA); and,
- Septic systems

Title block information

- Location map (insert in needed);
- Property description;
- Municipal address;
- Name of project;
- Owner's name, address and phone
- Plan preparer's name, address and phone;
- Site statistics: total lot area and existing and proposed building coverage, floor area (per floor or storey), building(s) height, landscape coverage, number of parking spaces;
- Scale;
- North arrow; and
- Date of map, date of latest revision.

2. Floor plans, and
3. Building elevations.

Items 2 and 3 (floor plans and building elevations) may not be required at Level 3: Scoped Site Plan Approval at the discretion of the Manager of Planning.

Depending on the type of use, size of lot and size of the building being proposed, two additional drawings may be required at the discretion of the Manager of Planning.

These include:

1. Lot Grading & Drainage Plan, and
2. Landscaping plan.

The application form will specify what types of plans and any other documentation/study will be needed for each type of project.

3. Site Plan Control Process

Pre-Application Meeting

1

- Prior to submitting an application, the applicant is required to meet with the Planning Department and outside governmental agencies such as Niagara Region and the Niagara Peninsula Conservation Authority (NPCA), as required to discuss the requirements of the site plan control process and required drawings and reports. To schedule a pre-consultation meeting please contact the Township's Planning Department at 905.899.3463.
- The Niagara Region, NPCA, and other outside agencies may require additional studies and permit applications for development impacting Regional infrastructure, natural features, potential archaeological sites, etc. Township staff and staff from outside agencies will work collaboratively to ensure such studies are scoped properly to avoid unnecessary work.
- To learn more about the Niagara's Region review process and it's requirements please go to: <http://www.niagararegion.ca/government/works/pdf/Protocol%20for%20Plan%20Review%20and%20Technical%20Clearance.pdf>
- To learn more about the NPCA's review process and it's requirements please go to: <http://www.npca.ca/planning-permits/development-review-information-permits/>

2

Submission of Complete Application

- The Planning Department will review the application upon receipt to ensure that it is fully complete. The omission of required information in the application form may delay the processing of the application.

3

Process of Application

Once completeness of the application has been confirmed, a file number is assigned to the application for reference purposes. The site plan application and the site plan including schedules are circulated to various Township Departments and relevant outside governmental agencies. Township staff reviews the site plan and either accepts it without modifications or requests modifications.

Review of applications deemed complete by the Township's Planning Department will be undertaken by the Planning Department and appropriate governmental agencies within 30 days. Where modifications are required, the Planning Department reviews the issues or additional requirements with the applicant. A revised site plan application incorporating Township's modifications is required to be re-submitted.

4

Site Plan Control Agreement

Once all Township and outside agencies requested modifications have been addressed a Site Plan Control Agreement between the owner/developer and the Township (if required) is prepared. Typically, the Site Plan Control Agreement covers the conditions of development detailed in the site plan (landscaping, lot grading, entrances, servicing, buffering and fencing, garbage and snow removal, lighting, parking). The Site Plan Control Agreement is forwarded to the owner/developer for review/signature.

5

Council Approval

Level 1: City Council passes a By-law approving the Site Plan Control Agreement developed between the owner/applicant and the Township.

Level 2 & 3: Approval has been delegated to the Manager of Planning who will authorize the agreement for the Township.

6

Registration of Agreement

Level 1 & 2: The Clerk's Department registers the Site Plan Control Agreement on title.

Level 3: The Township will maintain the original on file in the Planning Department file and in the property file.

Application Fees

Fees are required with the submission of planning applications. These fees cover the work undertaken by planning, infrastructure, legal, financial and public works staff in their review of development proposals.

Application fees are required for the following development processes:

- Base Site Plan Approval Application;
- Amendment to Site Plan Approval; and,
- Release or Partial Release of Site Plan Agreement.

NOTE: These fees do not pertain to inspection visits related to the Building Permit or Private Septic System processes.

Additional Fees (Agency Review)

External governmental agencies such as the Niagara Region and the Niagara Region Conservation Authority require fee with the submission of planning applications.

For Niagara Region's applicable site plan review fees please go to: http://www.niagararegion.ca/business/fpr/forms_fees.aspx#site_plan

For Niagara Peninsula Conservation Authority applicable site plan review fees go to: <http://www.npca.ca/planning-permits/development-review-information-permits/>

4. Site Plan Checklists

The following sets out a series of checklists that must be met for a site plan to be approved.

The enclosed figures are for illustration and guidance purpose only. Alternative site plan design options are encouraged to be explored provided that they have regards for the site plan guidelines contained in this document.

Commercial “C” Zones

Hamlet Commercial “C1”

Tourist Commercial “C2”

Recreational Commercial “C3”

1. Building Siting

Hamlet Commercial “C1” and Tourist Commercial “C2”

- Buildings are sited and designed to face the road; and
- Consistent setbacks with adjacent buildings are maintained along the street.

Resort Recreational Commercial “C3”

- The siting of cabins, lodges, and seasonal trailer parks is based on a clear circulation pattern for both vehicular and pedestrian users; and
- Amenity spaces are easily accessible to all guests and are identified in the overall site plan.

2. Building Design

Hamlet Commercial “C1” and Tourist Commercial “C2”

- Buildings maintain an appropriate scale, e.g., stepped façade, pitch roof, etc., in relation to adjacent buildings;
- Active façades, including windows, arcades, and other pedestrian-scaled elements face the public street(s);
- Corner buildings address both streets through the use of windows and other architectural elements such as awnings, main entrances, etc.;

- Façade material variations coincide with the building’s change in plane and/or specific architectural elements;
- Primary entrances are clearly delineated with architectural elements such as canopies, awnings, and/or specially designed windows;
- Reflective (mirror) glass is not used at grade level of retail buildings;
- Glazing for retail establishments occupies a minimum of 30% of the building elevation facing the front lot line;
 - The 30% glazed area requirement includes entrances, windows, or upper level glazing. Where this objective is not met, compensatory design measures are used including upgraded building materials, articulated façades, canopies, etc.
- Roof top equipment is screened to a height sufficient to reduce noise and be not visible from the street; and
- Storefront lighting is located low on the commercial building elevations and directed downward to reduce glare on adjacent lots.

Resort Recreational Commercial “C3”

- Buildings maintain an appropriate scale, e.g., stepped facade, pitch roof, etc., in relation to adjacent buildings; and
- Façade material variations coincide with the building’s change in plane and/or specific architectural elements.



3. Site Access & Parking

(Refer to page 7 figures 1 to 4)

Hamlet Commercial “C1” and Tourist Commercial “C2”

- Main entries or doors to buildings are visible from the street;
- A clear and unobstructed foot path is provided from the site’s parking area to the building’s main entrance door;
- Parking is provided to the rear or to the side of the building;
- Front yard parking is screened from view from the public street by landscaping, low fencing and/or low walls;
- Where multiple commercial properties abut, a combined parking access is provided to reduce the impact of multiple driveway access points on the street;
- All vehicular access and egress points are provided at appropriate locations to avoid a frontage wide driveway condition; and
- Garbage bin areas are screened from view and located in the side or rear yard(s).

Resort Recreational Commercial “C3”

- Main entries or doors to buildings are visible from the street or the internal circulation road;
- A clear and unobstructed foot path is provided from the site’s parking area to the building’s main entrance door;
- Parking is provided to the rear or to the side of the buildings abutting the street or the internal circulation road;
- Front yard parking is screened from view from the street by landscaping, low fencing and/or low walls;
- All vehicular access and egress points are provided at appropriate locations to avoid a frontage wide driveway condition; and,
- Garbage bin areas are screened from view and located in the side or rear yard(s).

4. Site Landscaping

(Refer to page 7 figures 1 to 4)

Hamlet Commercial “C1” and Tourist Commercial “C2” and Resort Recreational Commercial “C3”

- A minimum 3.0 metre wide landscaped area is provided adjacent to residential zoned properties;
- The provision of hard surface pedestrian areas are encouraged between the building and the road when the building is in close proximity to the road;
- Where no pedestrian access is provided, a minimum 3.0 metre wide landscaped area should be provided along front yards abutting the street;
- If applicable, a 1.8m high screen fence shall be erected along the lot line separating residential and commercial properties;
- Landscaping, low fencing and/or low walls are used to visually screen surface parking areas from the road;
- Ornamental planting is used to define entry features, pedestrian circulation, and/or compliment the architecture of the building; and
- Native and/or drought resistant planting is used throughout the site.

The enclosed diagrams are for illustration and guidance purpose only. Alternative site plan design options are encouraged to be explored provided that they have regards for the site plan guidelines contained in this document.

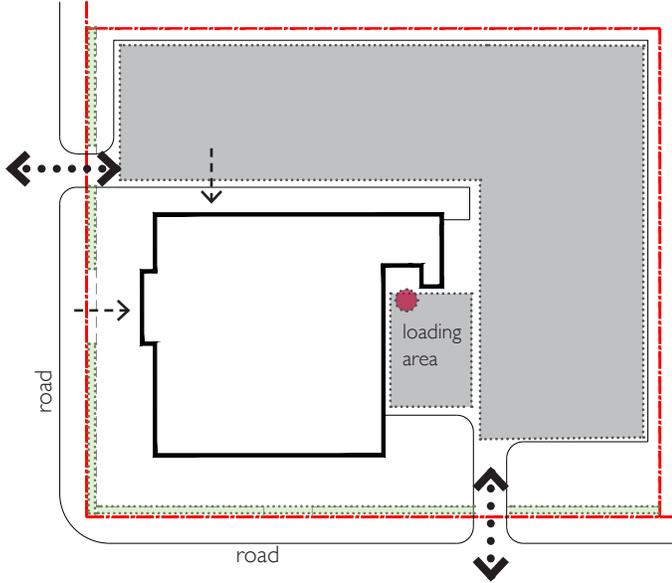


Figure 1. Commercial site corner lot condition with building at corner

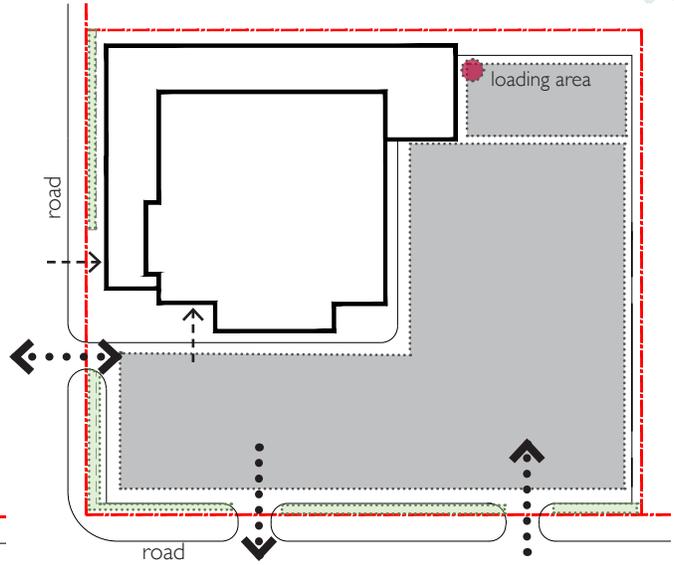


Figure 2. Commercial site corner lot condition with building away from corner

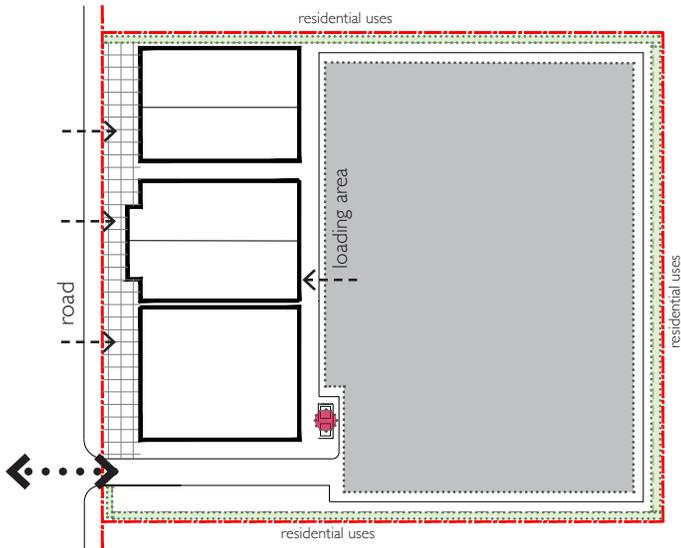


Figure 3. Commercial buildings fronting onto the road (Hamlet condition). Plan demonstrates consolidated access to rear surface parking for multiple commercial buildings

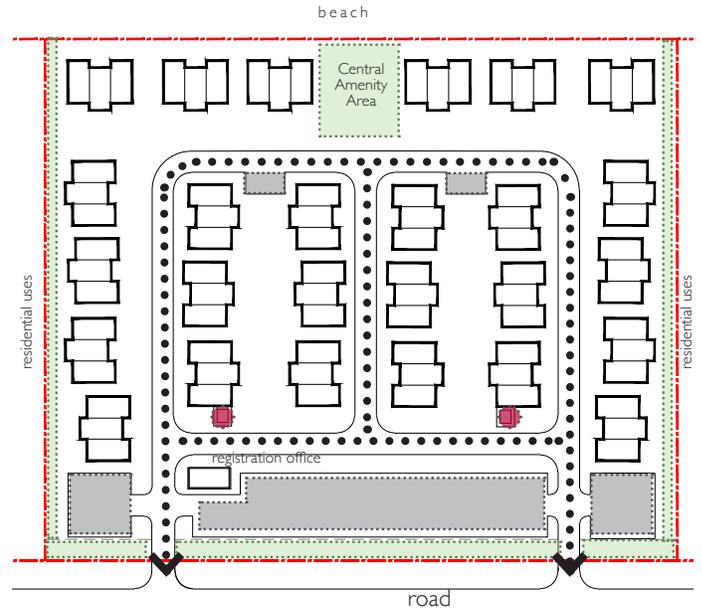


Figure 4. Resort site design

Legend

- > Pedestrian Access
- > Vehicular Access
- ▨ Landscaped Area
- Screened Garbage Bins
- ▨ Surface Parking Area
- - - - Property Boundary

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Industrial “M” Zones

Industrial “M1”

Extractive Industrial “M2”

1. Building Articulation, Massing & Architecture

- Buildings with large blank walls immediately adjacent to a street edge use architectural and/or landscaping elements to provide for visual relief (i.e. use of different materials, windows, or recesses in the building wall);
- The massing of a corner building includes elements that distinguish the structure and creates a prominent built form;
- Primary entrances should be clearly delineated with architectural elements such as canopies, awnings, and/or specially designed windows; and,
- Windows are incorporated on the building walls of warehouse spaces to provide natural light;
- Clear glass is generally used. However, tinted glass is permissible to meet security needs or to address the orientation of the building; and
- Sloped roofs should be of one material for visual continuity.

2. Site Access & Parking

(Refer to page 10 figures 1 to 4)

- Main entries or doors to buildings should be visible from the street and/or main parking lot;
- New surface parking is provided in the rear yard or the side yard of the lot;
- Existing front parking is screened from view from the street by landscaping, low fencing and/or low walls;
- All vehicular access and egress points are provided at appropriate locations to avoid a frontage wide driveway condition;
- Clear car and truck circulation routes are provided to minimize conflict between parking, loading and service areas;
- Garbage bin areas are screened from street view and located in the side or rear yard(s); and
- Loading and service activities occur at the sides and/or rear of the building, in a contained, courtyard configuration.

3. Site Landscaping

(Refer to page 10 figures 1 to 4)

- A minimum 3.0 metre wide landscaped area is provided adjacent to residential zoned properties;
- Where no pedestrian access is provided, a minimum 3.0 metre wide landscaped area is provided in the front and exterior side yard abutting the street(s); and
- Where outdoor storage or parking areas are proposed, a 1.8m high screen fence shall be erected along the lot line separating Industrial Zones from residential zoned properties.

The enclosed diagrams are for illustration and guidance purpose only. Alternative site plan design options are encouraged to be explored provided that they have regards for the site plan guidelines contained in this document.

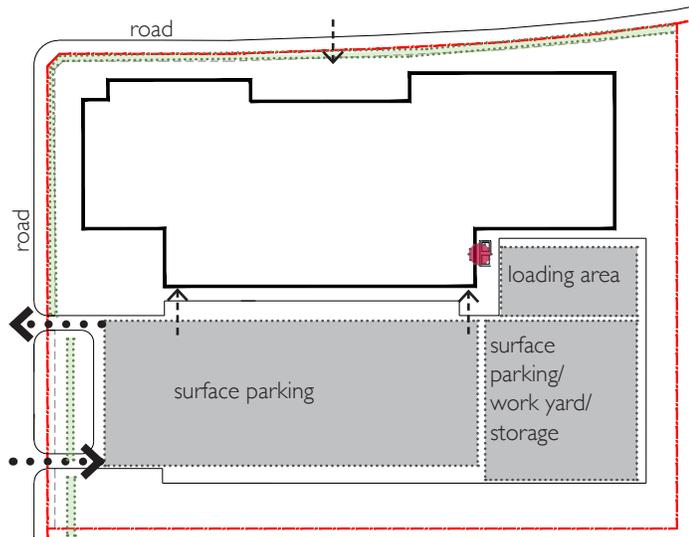


Figure 1. Industrial site corner lot condition with building at corner

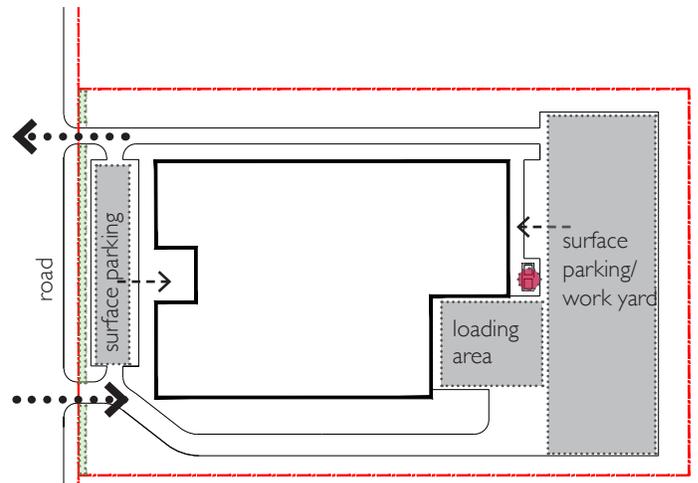


Figure 2. Industrial site internal lot condition

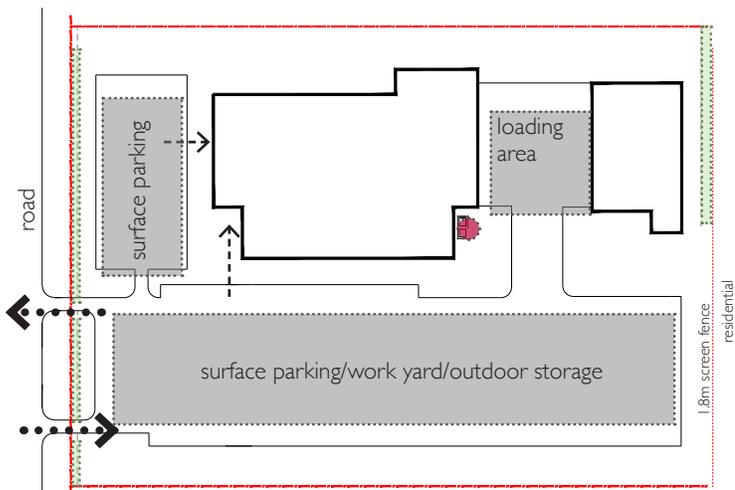


Figure 3. Industrial site internal lot condition

Legend

- > Pedestrian Access
- > Vehicular Access
- ▤ Landscaped Area
- Screened Garbage Bins
- ▤ Surface Parking Area
- - - Property Boundary

Institutional “I” Zone

1. Building Siting

- Buildings are sited and designed to face adjacent public streets.

2. Building Design

- Buildings with large blank walls immediately adjacent to a street edge should use architectural and/or landscaping elements to provide for visual relief;
- All sides of a building are consistent with regard to material and details;
- Façade material variations coincide with the building’s change in plane and/or specific architectural elements;
- Primary entrances are clearly delineated in the architecture of the building with architectural elements such as canopies, awnings, and/or specially designed windows;
- Glazing is incorporated into building façades facing the street edge;
- Clear glass is generally used, tinted glass is permissible to meet security needs or to address the orientation of the building;
- Reflective (mirror) glass is not used; and
- Sloped roofs are of one material for visual continuity.

3. Site Access & Parking

(Refer to page 12 figures 1 to 3)

- Main entries or doors to buildings are visible from the street;
- A clear and unobstructed pedestrian path is provided from the site’s parking area and/or the street to the building’s main entrance door;
- Surface parking is provided to the rear or to the side of the building;
- Front parking is screened from view from the street by landscaping, low fencing and/or low walls;
- All vehicular access and egress points are provided at appropriate locations to avoid a frontage wide driveway condition; and
- Garbage bin areas are screened from view and located on the side or rear yard(s).

4. Site Landscaping

(Refer to page 12 figures 1 to 3)

- A minimum 1.5 metre wide landscaped area is provided adjacent to residential zoned properties;
- Where no pedestrian access is provided, a minimum 3.0 metre wide landscaped area is provided in the front and exterior side yard abutting the street(s);
- Where parking areas are proposed adjacent to residential zoned properties, a 1.8m high screen fence is proposed along the adjoining lot line;
- Landscaping, low fencing and/or low walls are used to visually screen surface parking areas from the street;
- Ornamental planting is used to define entry features, pedestrian circulation, and/or complimenting the architecture of the building; and
- Native and/or drought resistant planting is used throughout the site

The enclosed diagrams are for illustration and guidance purpose only. Alternative site plan design options are encouraged to be explored provided that they have regards for the site plan guidelines contained in this document.

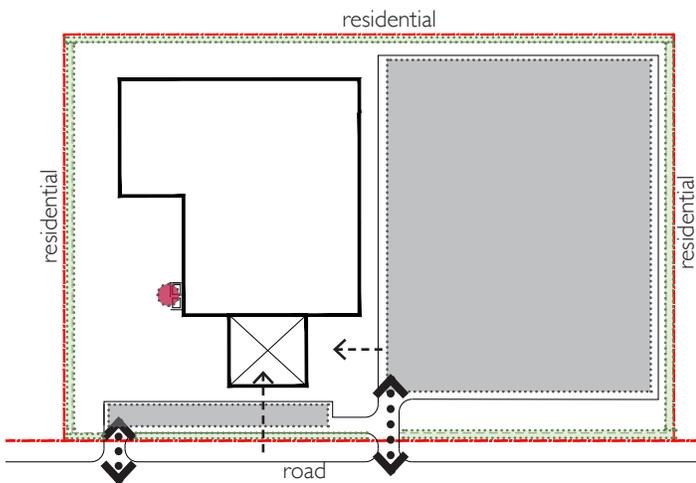


Figure 1. Industrial site internal lot layout with limited surface parking between the road and the building

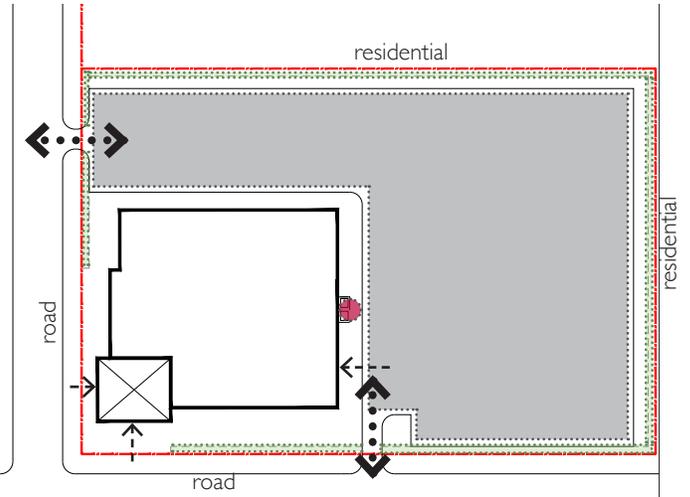


Figure 2. Institutional site corner lot layout with building at corner

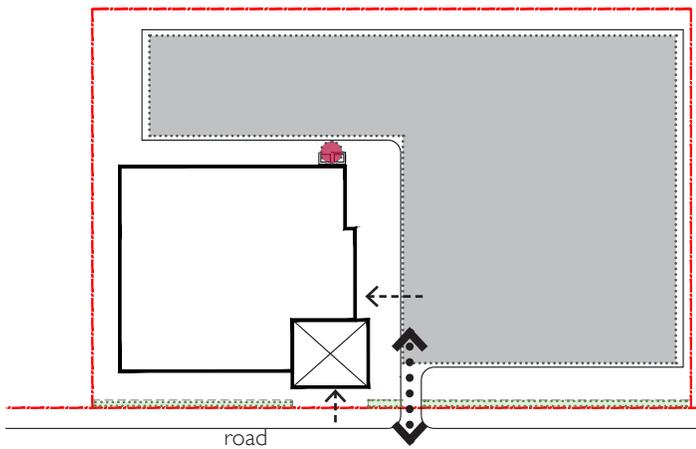


Figure 3. Industrial site internal lot layout with building fronting onto the road

Legend

- > Pedestrian Access
- > Vehicular Access
- ▤ Landscaped Area
- Screened Garbage Bins
- ▨ Surface Parking Area
- - - Property Boundary

Mobile Home Park “MHP” Zone

1. Building Siting

- Mobile homes are sited to face the public street or the community’s internal circulation road;
- The siting of mobile homes is based on a clear circulation pattern for both vehicular and pedestrian users; and
- Open Space Amenity areas are centrally located.

2. Building Design

- Communal buildings on the site are consistent with regard to material and details.

3. Site Access & Parking

(Refer to this page figure 1)

- A clear and unobstructed pedestrian path is provided from the internal circulation road to each mobile home front door;
- Vehicular access to a mobile home community is provided at appropriate locations to avoid wide driveway conditions (driveway entrances are not wider than 8.0 metres) and
- Communal garbage bin areas are screened from view.

4. Site Landscaping

- A minimum 3.0 metre wide landscaped area is provided adjacent to residential zoned properties;
- If mobile homes back onto public streets, a minimum 3.0 metre wide landscaped area is provided adjacent to public streets;
- Ornamental planting is used at entry features; and
- Native and/or drought resistant planting is used throughout the site.

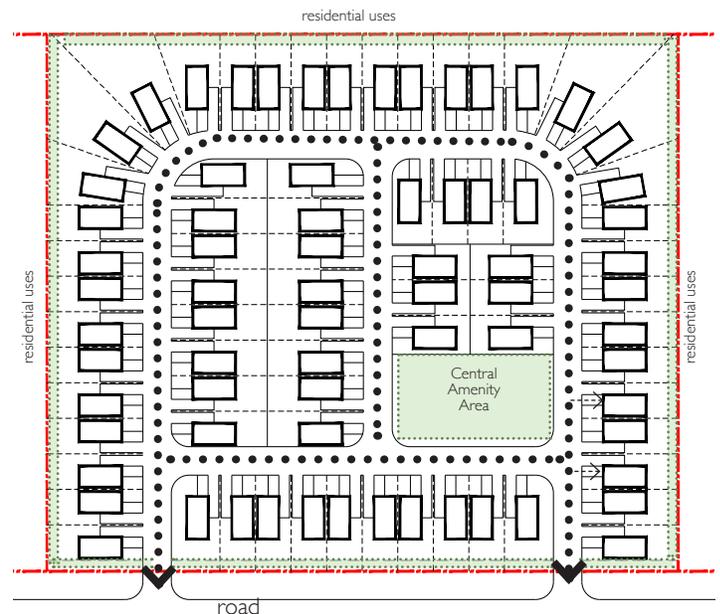


Figure 1. Mobile Home site. Demonstration site showing an 8.0m internal road system and a central amenity area

Legend

- > Pedestrian Access
- > Vehicular Access
- ▨ Landscaped Area
- - - Property Boundary

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Agriculture Zone Medical Marijuana Facilities (MMF)

1. Building Siting

- Buildings are sited as far as reasonably possible from surrounding dwellings and a minimum of 150 metres from the lot line of any residential or institutional use or Zone, including a day nursery.

2. Building Articulation, Massing & Architecture

- Buildings should resemble greenhouse or farm buildings as much as possible; and
- Rooftop ventilation equipment should be screened from view of the street and adjacent properties with noise mitigating screening

3. Site Access & Parking

- Surface parking is provided to the rear or to the side of the building; and
- All loading and garbage pickup zones are located indoors.

4. Site Landscaping

- Security fences that abut the public street should be screened with a 3 metre landscape area located between the lot line and the fence; and
- Native and/or drought resistant planting is used throughout the site.

5. Lighting

- Security lighting is located low on the building elevations and directed downward to reduce glare on adjacent lots and public roads.



Examples of greenhouse structures used in the production of medical marijuana.

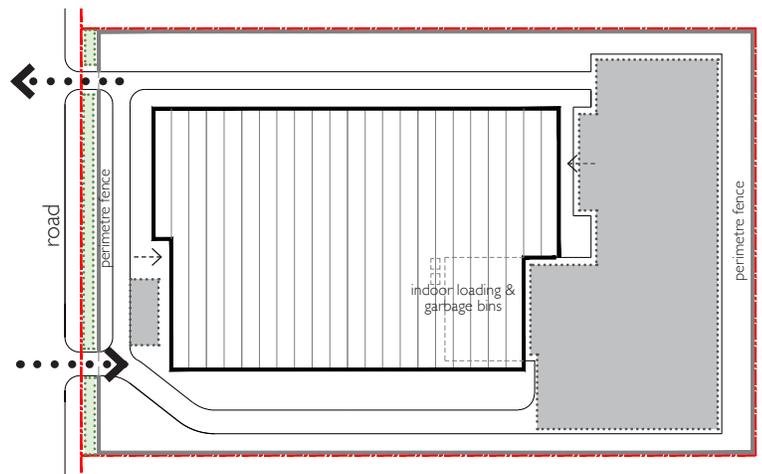


Figure 1. Medical Marijuana Facility Site Design

Legend

- > Pedestrian Access
- > Vehicular Access
- ⋯ Landscaped Area
- Surface Parking and/or Work yard
- - - Property Boundary

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Level 3

Scoped Site Plan Approval Guidelines Home Industries in the Agricultural and Rural Zones

1. Building Siting

- New home industry buildings are located as close to the existing dwelling and agricultural buildings as possible; and
- The home industry building is located to the rear of the dwelling on the lot.

2. Building Articulation, Massing & Architecture

- Buildings maintain an appropriate scale and reflective of the rural building character, e.g., stepped facade, pitch roof, etc., in relation to existing buildings.

3. Site Access & Parking

- New buildings should be accessed from the same existing driveway;
- No outdoor storage is allowed;
- New parking is provided to the rear or to the side of the building;
- Existing front parking is screened from view from the street by landscaping, low fencing and/or low walls; and
- Garbage bin areas are screened from view and located in the side or rear yard(s).

4. Site Landscaping

- A minimum 3.0 metre wide landscaped area is provided in the front yard abutting the street; and
- Native and/or drought resistant planting is used throughout the site.

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Level 3

Scoped Site Plan Approval Guidelines Help House in the Agricultural and Rural Zones

1. Building Siting

- The building(s) is located as close to the existing dwelling and agricultural building as possible;
- The building is located to minimize loss of tillable area; and
- The building is located to the rear of the existing residential dwelling on the lot.

2. Building Articulation, Massing & Architecture

- Buildings maintain an appropriate scale, e.g., stepped facade, pitch roof, etc., in relation to existing buildings.

3. Site Access & Parking

- New buildings should be accessed from the same existing driveway; and
- Centralized, common parking areas located at rear or side of buildings are preferred.

4. Site Landscaping

- A minimum 3.0 metre wide landscaped area is provided in the front yard abutting the street; and
- Native and/or drought resistant planting is used throughout the site.

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Level 3 Scoped Site Plan Approval Guidelines Day Care Facility in Residential Zones

1. Building Siting

- New buildings and building additions are sited and designed to face the street; and
- Pedestrian and vehicular circulation should be designed to avoid conflicts and be clearly indicated on the site plan.

2. Building Articulation, Massing & Architecture

- Buildings maintain an appropriate scale, e.g., stepped facade, pitch roof, etc., in relation to adjacent buildings;
- Active façades, including windows face the public street(s);
- Façade material variations coincide with the building's change in plane and/or specific architectural elements; and
- Primary entrances are clearly delineated with architectural elements such as canopies, awnings, and/or specially designed windows.

3. Site Access & Parking

- Main entries or doors to building are visible from the street;
- A clear and unobstructed pedestrian path is provided from the parking area to the building's main entrance door;
- New parking is provided to the rear or to the side of the building;
- Existing front parking is screened from view from the street by landscaping, low fencing and/or low walls;
- All vehicular access and egress points (pickup and drop off zones) are provided at appropriate locations to avoid a frontage wide driveway condition;
- Pickup and drop off areas should be located adjacent to the building's main entrance to avoid children crossing driveways;

- Pickup and drop off locations should not block external vehicular travel; and
- Garbage bin areas are screened from view and located in the side or rear yard(s).

4. Site Landscaping

- A minimum 3.0 metre wide landscaped area is provided in the front and exterior yard abutting the street(s); and
- Native and/or drought resistant planting is used throughout the site.

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Level 3

Scoped Site Plan Approval Guidelines

Group Homes in Residential, Agricultural and Rural Zones

1. Building Siting

- New buildings and building additions are sited and designed to face the road; and
- Pedestrian and vehicular circulation should be designed to avoid conflicts and be clearly indicated on the site plan.

2. Building Articulation, Massing & Architecture

- Buildings maintain an appropriate scale, e.g., stepped facade, pitch roof, etc., in relation to adjacent buildings;
- Façade material variations coincide with the building's change in plane and/or specific architectural elements; and
- Primary entrances are clearly delineated with architectural elements such as canopies, awnings, and/or specially designed windows.

3. Site Access & Parking

- Main entries or doors to building(s) are visible from the street;
- A clear and unobstructed pedestrian path is provided from the parking area to the building's main entrance door;
- New parking is provided to the rear or the side of the building;
- Existing front parking is screened from view from the street by landscaping, low fencing and/or low walls;
- All vehicular access and egress points are provided at appropriate locations to avoid a frontage wide driveway condition; and
- Garbage bin areas are screened from view and located in the side or rear yard(s).

4. Site Landscaping

- A minimum 3.0 metre wide landscaped area is provided in the front and exterior yard abutting the street(s); and
- Native and/or drought resistant planting is used throughout the site.

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Appendix A

Site Plan Control Agreement sample

THIS AGREEMENT made this ____ day of _____, 20____.

B E T W E E N:

[NAME OF OWNER]

(hereinafter called the "Owner")

-and-

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

(hereinafter called the "Municipality")

WHEREAS the Owner is the owner of the land described in Schedule "A" hereto (the "Lands") and municipally known as, _____;

AND WHEREAS the Municipality approved the plans and drawings submitted with the Owner's application on _____, subject to certain conditions, including the entering into of an agreement with respect to the provision of facilities, works or matters as permitted by subs. 41(7) of the *Planning Act*, R.S.O. 1990, c.P.13;

AND WHEREAS subs. 41(10) of the *Planning Act* permits the registration of this Agreement against the lands to which it applies;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the Parties hereto agree one with the other as follows:

1. Construction in Accordance with Plans and Drawings

The Owner covenants and agrees to develop the Lands and to construct and build such buildings or structures in *[strict OR substantial]* compliance with the plans and drawings set out in Schedule "B" of this Agreement.

2. Conditions

The Owner covenants and agrees to satisfy each of the conditions set out in Schedule "C" to this Agreement.

3. Fees and Charges

The Owner covenants and agrees to pay to the Municipality the fees and charges set out in Schedule "D" to this Agreement.

4. Security

In order to guarantee compliance with all conditions contained herein, the Owner covenants and agrees to file with the Municipality prior to or upon execution of this Agreement, a letter of credit in the amount of \$_____.

The aforementioned letter of credit shall be in a form approved by the Municipality, and the Owner covenants and agrees that the said letter of credit shall be kept in full force and effect and that it will pay all premiums as the said letter of credit becomes due or until such time as

the Municipality returns the letter of credit. The Owner hereby acknowledges and agrees that should there be a deficiency in or failure to carry out any work or matter required by any clause of this Agreement, and the Owner fails to comply, within thirty (30) days written notice, with a direction to carry out such work or matter, the Municipality may draw on the letter of credit to the extent necessary and enter onto the subject lands and complete all outstanding works or matters, and pay all costs and expenses incurred thereby from the proceeds so drawn. In place of a letter of credit, the Owner may deposit with the Municipality cash or certified cheque in an amount equal to the letter of credit and such deposit shall be held by the Municipality as security in accordance with this Agreement, provided that no interest shall be payable on any such deposit.

5. Notices

Any notice required to be given by either party to the other shall be mailed, delivered or sent by facsimile transmission to:

(a) the Owner at:

Address

Contact person

Email and fax number of Owner

(b) the Municipality at:

Manager of Planning

31940 Highway #3,

P.O. Box 40, Wainfleet, Ontario,

L0S 1V0,

Tel (905) 899-3463,

fax (905) 899-2340

email: planning@wainfleet.ca

or such other address of which the parties have notified the other in writing, and any such notice mailed, delivered or sent by facsimile transmission shall be deemed good and sufficient notice under the terms of this Agreement.

6. Registration of Agreement

The Owner hereby consents to the registration of this Agreement, together with any schedules hereto, upon the title to the Lands. The Owner agrees to pay to the Municipality the cost of registration of this Agreement, as well as any further costs incurred by the Municipality as a result of the registration of any other documents pertaining to this Agreement.

7. Termination of Agreement

If the development proposed by this Agreement is not commenced within _____ (____) year from the date of the execution of this Agreement, the Municipality may, at its sole option and on _____ (____) days notice to the Owner, declare this Agreement null and void and of no further force or effect and the Owner shall not be entitled to any refund of fees, levies or other charges paid by the Owner pursuant to this Agreement.

Schedule "A"

SUBJECT LANDS

[insert legal description of lands]

SAMPLE

SCHEDULE “B”

APPROVED PLANS AND DRAWINGS

The Owner covenants and agrees to construct all buildings, structures, works, services and facilities required under this Agreement in accordance with the below-referenced municipally-approved plans and drawings:

4.1 SITE PLAN

Identified as Drawing No.:

Prepared by:

Date Approved:

4.2 ELEVATIONS PLAN

Identified as Drawing No.:

Prepared by:

Date Approved:

4.3 MECHANICAL PLAN

Identified as Drawing No.:

Prepared by:

Date Approved:

4.4 SERVICES PLAN

Identified as Drawing No.:

Prepared by:

Date Approved:

4.5 LANDSCAPE PLAN

Identified as Drawing No.:

Prepared by:

Date Approved:

4.6 PLANTING PLAN

Identified as Drawing No.:

Prepared by:

Date Approved:

SCHEDULE "C"

CONDITIONS OF SITE PLAN APPROVAL

The Owner covenants and agrees to:

[list conditions of site plan approval including facilities, works or matters]

- highway widening
- access facilities
- loading and parking facilities
- walkways and ramps
- lighting facilities
- landscaping
- garbage and waste facilities
- easements
- grading and storm and waste water
- snow removal
- public transit right-of-way
- maintenance of facilities and works
- external services

SCHEDULE "D"
FINANCIAL PAYMENTS

Item	Fee
1.0 Legal	
2.0 Planning Processing Fee	
3.0 Engineering	
4.0 Landscape Approval	
5.0 Cash-in-Lieu of Parkland	
6.0 [Other Fees or Charges]	
TOTAL PAYABLE ON EXECUTION OF AGREEMENT	\$ -

Appendix B Definitions

Building Setbacks

The horizontal distance between a building and the property boundaries

Contour lines

A line on a map joining points of the same elevation. A collection of point maps out the outline of the land.

Building's Plane

Building surface

Building Massing

The combined effect of the arrangement, volume and shape of a building or group of buildings. Also called bulk.

Building Façade

The principal face(s) of a building.

Site Plan

A Site Plan is a drawing depicting the site of a proposed or existing project. Some of the key elements of a Site Plan are property boundaries, land topography, vegetation, proposed and/or existing structures, easements, wells, and roadways.

Site Plan Control

Site plan control is a form of development control provided to municipalities by Ontario's Planning Act. No one can undertake any development, which is subject to site plan control unless the Township has reviewed and approved certain plans. Once the plans are approved, a site plan agreement is generally executed. This agreement contractually binds the owner to develop and maintain a site in accordance with the approved plans and the terms of the agreement. Building permits are not generally issued until site plan control requirements are addressed.

Sitting

The location or position of a building as to its environments: adjacent buildings, property lines, adjacent roads and natural features, etc.

Facade

Flood plain

All land adjacent to a watercourse over which water flows in time of flood.

Grading

Gross Floor Area (GFA)

The area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features.

Plan Review (Niagara Region definition)

- Reviewing development applications (including pre-consultation) under the Planning Act and the Niagara Escarpment Planning and Development Act in a timely manner;
- Identifying the need for and review of technical reports; and,
- Specifying conditions of approval.

TOWNSHIP OF WAINFLEET



SITE PLAN CONTROL GUIDELINES

JUNE, 2015