

# **SITE PLAN APPROVAL GUIDELINES**



# **DRYDEN**

**CITY OF DRYDEN**

**Schedule "A" to By-law No. 2024-15  
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**City of Dryden  
 Site Plan Approval Guidelines**

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## **SECTION 1 – INTRODUCTION**

### **1.1 DESCRIPTION**

In the Province of Ontario, the *Planning Act* authorizes 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 City of Dryden and to provide guidelines for site plan preparation and review.

Section 2 of this Guide provides an overview of the City'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*, the general policies for use of Site Plan Control are contained in the City of Dryden Official Plan. The Official Plan defines the entire City as a Site Plan Control Area. Development in the City is further regulated through the City of Dryden Zoning By-law, the City of Dryden Site Plan Control By-law, and other applicable By-laws.

To date the Council of the City of Dryden has adopted a policy and procedure that engaged site plan control for the municipality. This Site Plan Control (SPC) By-law pursuant to Section 41 of the *Planning Act*, identifies the development situations and land use classes subject to SPC and exempts certain classes of land use from these controls. The By-law and Guideline 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 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

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- 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 City on property which has is designated in the site plan control area.

It should be noted that all submissions must meet the requirements of the City of Dryden Zoning By-law and the City of Dryden 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:

- Developments up to ten (10) residential units including single detached, semi-detached, duplex, townhouse, or apartments;
- 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 on a farm;
- 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

### **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 appearance of developments for greater enjoyment by the users and tenants;
- improve the image of the City through well designed individual developments; and
- to ensure proper storm water management, drainage, and lot grading.

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

### **2.1 Approval Process**

The City's site plan control process is described below, and Figure 1 is a flow chart illustrating the process and can be found on page 5. It can be expected that this process will take approximately 30-45 days from submission of a complete application to final approval by the City **if** the application conforms to the provisions in the City of Dryden Zoning By-law and the policies of the City of Dryden Official Plan and can be deemed complete upon first review.

#### **Pre-application Meeting**

The City encourages the applicant and their agents to meet with City staff of the Building and Planning Department 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

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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.

### **Submit Application**

The site plan approval process is initiated by submitting a completed application and the required fee for site plan approval to the City of Dryden Building and Planning Department. The application form can also be found at the end of this Appendix. Additional application forms are available at City Hall or on-line at <https://forms.dryden.ca/Building-and-Planning-Forms/Application-for-Site-Plan-Control>. The required application fee must accompany the completed application.

For information regarding the application fee please consult the Fees and Charges By-law on the City of Dryden website or contact the Building and Planning Department at 807-223-1140. A checklist of complete application submission requirements is listed in Appendix 'B.'

### **City and Agency Review**

The Building and Planning Department of the City of Dryden will review the initial submission and 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:

- a) Site Plan Review Group consisting of city staff including the Chief Building Official, Junior Planner, Fire Chief, and Public Works Manager;
- b) Applicable local utility companies;
- c) Northwestern Health Unit – Kenora District, if applicable.

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.

### **Site Plan Meeting**

The applicant will receive written communication (via email), recognizing receipt of the application as well as the notice of a site plan meeting if required. If required, a site plan meeting will be scheduled that includes staff, circulated agencies, and the applicant, to review the application and receive agency comments. If required, additional meetings with staff may be held before the requirements for Site Plan Approval have been met. Alternatively, communication via email with any comments or questions for consideration will be provided within 10 business days of receipt of a completed application.

### **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 2024-       as amended, the authority to approve plans and drawings required for any site plan control area in the City has been delegated to the Chief Building Official in consultation with the Site Plan Review Group.

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City Staff will review the proposal and will consider the report and draft a 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 City. 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.

### Agreement Execution

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

The Chief Building Official will send the agreement to the applicant for review, approval, and signature;

- a) A staff report detailing the approved plans along with the signed agreement, value of security and supporting documents will be presented to Council;
- b) The value of security is to be payable to the City of Dryden in the form of cash, cheque, or irrevocable Letter of Credit;
- c) Once approved by Council, the signing officers for the City of Dryden, being the Mayor and City Clerk shall execute the final agreement;
- d) The Chief Building Official will advise the applicant that the Site Plan Agreement has been approved and signed by the City.
- e) Upon signature of the agreement, the City will release the signed agreement to the applicant, along with instructions to have the agreement registered on title;
- f) The Applicant will have the agreement registered on title;
- g) The Applicant will provide proof of registration to the Chief Building Official, along with an original copy of the agreement;

### Building Permit

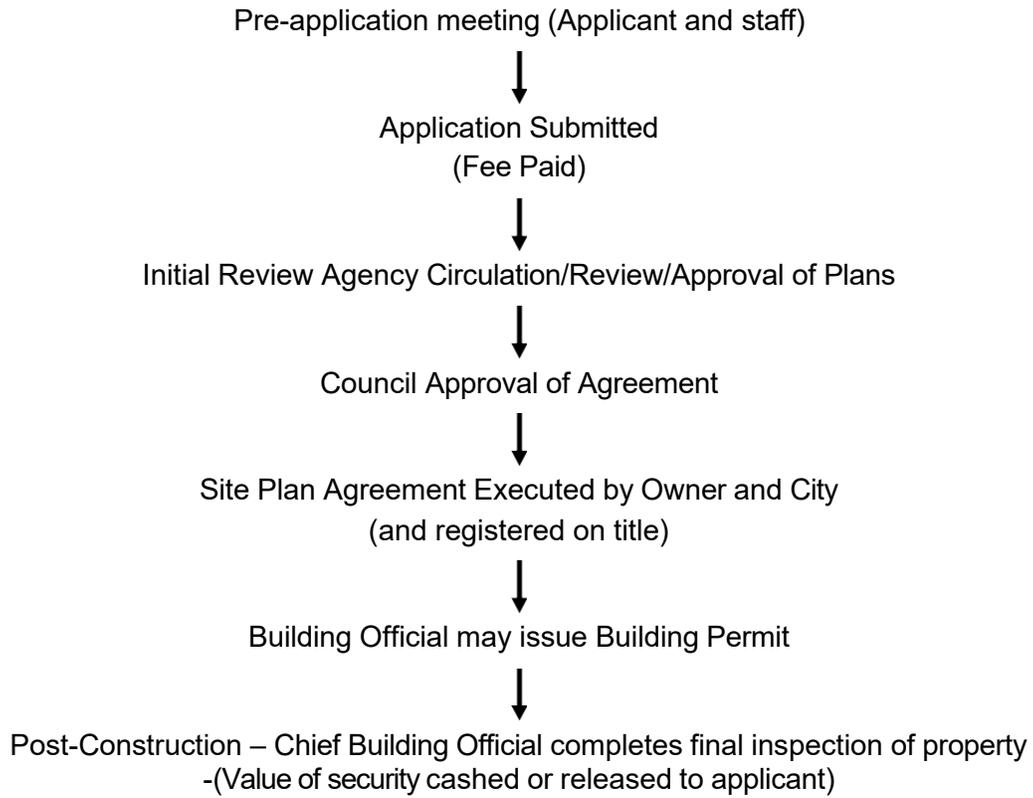
Construction of buildings or structures cannot commence until the Site Plan Agreement is registered and the required value of security has been received. Once completed, building permits are issued, at the expense of the applicant.

### Post-construction

The City will return the balance of the applicant’s value of security when the City’s Chief Building Official has indicated that all inspections of the property have been completed to ensure compliance with the terms of the Site Plan Agreement. Any works completed on City 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.

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



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### Appeals

Under Section 41(12) of the *Planning Act*, if the City does not approve a complete application within 60 days after it has been deemed complete by City staff or the applicant is not satisfied with any of the requirements made by the City, including any terms of the required Site Plan Agreement, the applicant may appeal to the Ontario Land Tribunal (OLT).

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

## SECTION 3 - APPLICATION REQUIREMENTS

### 3.1 APPLICATION

The property owner or his authorized agent shall 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 that are larger than 11"x17" are required to be submitted in standard pdf to [pskillen@dryden.ca](mailto:pskillen@dryden.ca)

An application deemed complete must be accompanied by the required fee payable in cash or cheque made to the "City of Dryden." The application form must be filed and submitted at or sent to the following location:

City of Dryden  
30 Van Horne Avenue  
Dryden, Ontario P8N 2A7  
Phone: 807-223-1140

### 3.2 FEES, SECURITIES AND DEPOSITS

In accordance with the City's Site Plan Control By-law, an applicant will be required to provide the City with a value of security in the form 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:

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- a) The required application fee shall be submitted payable to the “City of Dryden.” Please refer to the City of Dryden’s Fees and Charges By-law for the application fee requirements.
- b) The applicant shall provide securities and applicable deposits before the City issues site plan approval and the Chief Building Official issues any building permits for the development.
- c) The amount of security for the subject property shall be based on 20% of the estimated cost of the site works (i.e., asphalt, curbing, landscaping, servicing etc.) of the proposed development or \$1,500.00, whichever is greater. The amount of security shall be listed in the agreement with the applicant.
- d) In addition, security is required for any works on City property in the amount of 100% of the estimated cost of the site works. Any construction on City property or the use of public rights-of-way during construction must be first approved by the City through the site plan approval process and outlined in the site plan agreement.
- e) A separate deposit may be required for the review of site servicing, grading and storm water management including storm system modelling as determined by City staff. If a deposit was not collected or 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 City 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 Chief Building Official and/or the 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 are recommended or may be required at discretion of City staff.

One (1) full size (minimum 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. These drawings shall be prepared by a qualified professional in such a manner as to permit registration at the 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, 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.

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### **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.

In accordance with the Ontarians with Disabilities Act, 2005 the City aims to make all buildings accessible to persons with disabilities. 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 are encouraged to adhere to the standards released under the Act.

Site plans shall incorporate design features that will make all facilities accessible. The indoor and outdoor design of facilities shall be made safe and convenient by minimizing grade changes and providing such things as accessible parking spaces, suitable curb cuts, ramps, and handrails. At minimum developments will adhere to all requirements of the Ontario Building Code and the City of Dryden Zoning By-law, as amended.

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

Building elevation and cross section drawings are required for all commercial, industrial, institutional, and residential buildings. 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;
- 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 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) 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.

### **3.7 SITE SERVICING PLAN REQUIREMENTS**

The City of Dryden’s servicing standards are to be adhered to when designing any new developments within the municipality. The servicing standards can be obtained by contacting the Public Works Department. Please Note: Installation of water and sewer services must occur from the main to the property line **prior** to any installation of water and sewer lines in a property in order to maintain grade and proper connection details. The site servicing plan must also include details of all sanitary sewer, storm drainage, potable water, and electricity systems as detailed.

### **3.7.1 Sanitary Sewer Systems**

The sanitary sewer features are to be designed in accordance with the City of Dryden's servicing standards as well as the Provincial standards which can be found at <https://www.ontario.ca/page/ministry-environment-conservation-parks> Please contact the Public Works Department of the City of Dryden for information regarding the 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.

### **3.7.2 Storm Drainage Systems**

The storm drainage features are to be designed in accordance with the City of Dryden's servicing standards and specifications. For lands abutting Provincial road allowances, storm drainage features are to be also designed in accordance with Provincial standards. Please contact the Public Works Department for information on the 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 including storm sewer modelling by a qualified person/company may be required in addition to the above servicing drawing requirements.

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## **3.7.3 Water System**

The water system features are to be designed in accordance with Provincial and City of Dryden 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.

## **3.7.4 Electrical System**

The electrical system features are to be designed in accordance with the electrical distribution authority, Hydro One, and the City of Dryden'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.

## **3.8 FIRE DEPARTMENT ACCESS**

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

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

All road widening(s) and site triangles to be dedicated to the City 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.

## **3.10 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 City 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 City 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 developments 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 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.

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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, loading zone and driveway widths are provided in the City of Dryden Zoning By-law.

#### **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 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 Provincial Accessibility Design Standards. The spaces should be designed to minimize the need for persons with disabilities to cross internal driveways. Parking spaces should be designed to provide space for the lift or ramp and maneuvering space for the person with a disability. Specific details are set out in the City of Dryden Zoning By-law as well as through consultation of AODA guidelines.
- 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 City of Dryden Zoning By-law.

#### **4.2.3 Internal Driveways**

To ensure proper flow of traffic:

- a) Delineate main internal driveways with raised curbs.

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- 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 maneuvers "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 developments, the use of joint loading facilities to serve all or several individual businesses will be encouraged.

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

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.

**4.3.1 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 are to be centrally stored in specifically designed common storage facilities.

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

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

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- 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 are restricted unless proven to not impact traffic movement or safety concerns;
- c) access for development on a corner lot should be as far from the intersection of the two streets as possible and placed so as to comply with required site lines in the City of Dryden Zoning By-law;
- d) where appropriate, 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 City standards. Please contact the City of Dryden Public Works Department 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.

**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 Sub-section 3.17 of the City of Dryden Official Plan.

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

Landscaping requirements, in the form of planting strips, are outlined in the City of Dryden's Zoning By-law 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 City staff.

**4.8.2 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.

**4.8.3 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:

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- a) 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.
- b) No excavation shall be carried out within the "drip line" of trees to be preserved. Root loss must be minimal.
- c) No heavy equipment shall be driven over the tree lawn area within the drip line, to alleviate soil compaction around the tree roots.
- d) 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 waters 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 City, 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 City 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 City, 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 City 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 Public Works Manager 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 Wastewater Systems**

Sampling access holes may be required to permit monitoring by the City 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 facade(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.

#### **4.12 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 that have greater than 10 dwellings.

##### **4.12.1 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 residential buildings 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 building should be sufficient to permit natural ventilation of the dwelling units.
- c) Noise and Privacy - Physical separation and/or screening should be provided between the structure and adjacent users and activities to permit the occupants 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.

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**4.12.2 Private Outdoor Amenity Areas**

Private Outdoor Amenity Areas are intended to provide private outdoor areas directly related to the residential building that can effectively extend the living area of the units 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.

**4.12.3 Children's Play Areas**

All Multi-family residential development is recommended to 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) 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.
- c) Common areas – in particular, children's play areas should be located centrally to provide visual surveillance.

**4.12.4 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 City of Dryden.

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**APPENDIX A – SITE PLAN APPLICATION**



**THE CORPORATION OF THE CITY OF DRYDEN  
APPLICATION FOR SITE PLAN CONTROL**

**ROLL #** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

<b>DATE RECEIVED:</b> _____		<b>APPLICATION #</b> _____		<b>FILE</b> _____	
<b>PART A</b>		Address		Telephone & Fax Numbers	
1.a. Names					
Registered Owner:					
Authorized Agent or Solicitor:					
1.b. i) All correspondence should be sent to (one only) <input type="checkbox"/> Owner <input type="checkbox"/> Agent					
ii) Who can be contacted during the day for further information? <input type="checkbox"/> Owner <input type="checkbox"/> Agent					
2. Location of Property					
Municipality	Civic Address	Concession Number		Lot(s) Number(s)	
Registered Plan #	Lot(s)	Reference Plan #	Part(s)	Parcel #	

3. Description of Property as shown on Sketch				
Frontage (m.)				
Depth (m.)				
Area (ha.)				
4. Use of Property				
	Existing	Proposed		
Official Plan Designation				
Zoning By-law Designation				
Use(s) of Property				
Surrounding Land/Uses				
Zoning of Adjacent Lands:				
Existing Uses of Abutting Lands:				

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Other Planning Applications:

Is the subject land, the subject of an application by the applicant for approval of an Official Plan Amendment, a Zoning By-law Amendment, a Minor Variance, a Plan of Subdivision, or Consent?

Yes\_\_\_\_\_ No\_\_\_\_\_

Please list:

REQUIRED SCHEDULES AND ASSOCIATED INFORMATION			
---	--	--	--

The following schedules must be submitted with your complete application:

(please (√) boxes to confirm these schedules are included)

- Site Plan;
- Elevation or Cross-Section Plan;
- Servicing and Drainage Plan;
- Landscape Plan.

\*This information may be shown on the site plan or on separate schedules

The following information must be provided on the above schedules (please (√) appropriate boxes confirming this information has been included):

- Boundaries, dimensions, and area of the subject property;
- Location, dimensions, and setbacks of existing and/or proposed structures;
- Elevation and cross section views for each building to be erected, including conceptual design of the building(s);
- Highway widening;
- Access ramps, curbing, and traffic direction signs;
- Loading and parking facilities, access driveway, surfacing of such areas;
- Walkway and walkway ramps, including surfacing;
- Lighting;
- Landscaping features such as walls, fences, hedges, trees, or other ground cover to include the description of type, number, location, and height of plantings;
- Garbage and waste disposal;
- Easement and public utilities;
- Grading, alteration or drainage plan showing rooftop drainage handling system, surface grading (existing and proposed), catch basin locations;
- Signage;
- Service hook-up locations for telephone, hydro, water, sewer;
- Exterior building materials;
- Location and type of air conditioner units.

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5. Dated at the .....of ....., this.....day of ..... 20\_\_ .

.....  
(Signature of applicant, solicitor, or agent)

6. I, ....., of the .....

In the County/District/Regional Municipality of .....

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. If Planner's and/or legal fees are incurred by the City, pertaining to this Application, the Applicant, by endorsing below, hereby agrees to submit the balance due, upon receipt of an invoice for same.

DECLARED before me at the ..... of....., )

in the ..... of ....., )

this ..... day of ....., 20\_\_ . )

A Commissioner, etc. ....)

(Commissioner's Signature)

.....)

(Applicant's Signature)

(Above to be signed in the presence of a Commissioner)

***AUTHORIZATION***

I, We \_\_\_\_\_ hereby authorize \_\_\_\_\_

Property Owner(s)' Name

Name of Agent

to make application on my/our behalf to the City of Dryden in connection with the property at:

Legal Description/Municipal Address

SIGNED BY: \_\_\_\_\_ DATED: \_\_\_\_\_

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**“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 include metric.
- Location/key map with north arrow indication.
- Applicant's and owner's and agent's name, address, and telephone number.
- Project name, municipal address, and legal description (Lot and Plan number)
- Site Plan and Building Statistics:
  - Zoning Type
  - 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).
- Fire Access Route information if applicable.
- Dimensioned landscape amenity areas.
- Existing and proposed grades around the perimeter of the site and critical points within site.
- 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.
- 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 City of Dryden can be found by visiting the Building and Planning Department tab on the City of Dryden website at [www.dryden.ca](http://www.dryden.ca) and searching for the Fees and Charges By-law. Fees are updated annually. Fees are payable to the “City of Dryden.”

**APPENDIX “D” – SAMPLE SITE PLAN**

**AGREEMENT**

**SITE PLAN DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** made this

**BETWEEN:**

**[Input Owner/Business Name Here]**

**(hereinafter called the “Owner”)**

**OF THE FIRST PART,**

**-and-**

**THE CORPORATION OF THE CITY OF DRYDEN**

**(hereinafter called the “Municipality”)**

**OF THE SECOND PART,**

**WHEREAS** the Owner represents that it is the registered owner of the lands described in Schedule “A” annexed hereto, which lands are hereinafter referred to as the “Lands;”

**AND WHEREAS** the Owner has obtained approval from the Council of the City of Dryden;

**AND WHEREAS** this Agreement has been entered into pursuant to Section 41 of the Planning Act, 1990;

**AND WHEREAS** sub-section 10 of Section 41 of the Planning Act, 1990, provides for the registration of Site Plan Development Agreements on the title of the Lands;

**AND WHEREAS** the execution of this agreement was authorized by By-Law Number 20XX-\_\_\_\_;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the mutual covenants herein contained and other good and valuable consideration, the parties hereto hereby covenant and agree as follows:

1. Prohibition

The Owner hereby agrees that no development or re-development will proceed or take place on the Lands except as shown on plans, drawings and specifications approved by Council of the Municipality or the staff who have been delegated the authority to approved said plans (hereinafter referred to as the “Site Development Plans”), and without limiting the generality of the foregoing, development or re-development shall include the construction, erection or placing of one or more buildings or structures on the Lands 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 the construction, erection, installation or placement on the lands of any loading spaces, parking areas, garbage container areas, landscaping, alteration of the natural landscape, lighting, drainage facilities, access driveways or fencing.

2. Conditions

Unless otherwise approved by the Municipality pursuant to Paragraph 1 hereof, the Owner shall develop the Lands and any adjoining abutting municipal property being part of the road allowance but not part of the traveled roadway (hereinafter referred to as the “Boulevard”) in accordance with the Site Development Plans identified in Schedule “B” attached hereto and the conditions contained in Schedule “C” attached hereto.

3. Conformity with Site Development Plans and Conditions

The Owner further agrees that if any structures, buildings, facilities, services, works or landscaping improvements are constructed or altered on the Lands and Boulevard, they will be constructed in conformity with the Site Development Plans and conditions contained in Schedule “C” attached hereto. It is understood and agreed that if construction is not commenced within one (1) year of the approval or any part thereof by the Council of the Municipality of the Site Development Plans, such approval shall at the option of the Municipality become null and void and Site Development Plans must be re-submitted to the Municipality for approval pursuant to the terms of this Agreement and in accordance with the provisions of the Planning Act, 1990. In such an event, the Owner hereby acknowledges that the Municipality may alter, amend, or revoke any or all of the conditions of approval previously given and substitute new conditions of approval.

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### 4. Completion and Security

The Owner agrees that he shall construct and provide the structures, buildings, facilities, service or works shown on the Site Development Plans within one (1) year of the approval by Council of the Site Development Plans. As a condition of approval of any Site Development Plans, the Owner shall lodge with the Municipality cash security for the works and services described in Schedule "D" attached in such amount as specified therein ("Security"). The Municipality will accept an irrevocable Letter of Credit for the Security drawn on a chartered bank of Canada acceptable to the Municipality, provided such letter of credit shall be in a form acceptable to the Municipality and contain the following provisions:

- i) the Letter of Credit shall be security for any obligations of the Owner pursuant to the provisions of this Agreement, without any limitations whatsoever;
- ii) drawings on the Letter of Credit shall be permitted upon presentation of a letter from the Municipality to the bank claiming default by the Owner under the terms of this Agreement, and such defaults shall not be limited to the actions of the Owner;
- iii) partial drawings shall be permitted;
- iv) the Letter of Credit shall provide for automatic renewal or a replacement Letter of Credit in such terms acceptable to the City Clerk until such time as the City advises the Bank that the Letter of Credit may be reduced or is no longer required;
- v) if the Letter of Credit is not renewed at least thirty (30) days prior to the date of expiry by an irrevocable letter of renewal or replacement Letter of Credit in such form and on such terms acceptable to the Municipality, the Municipality may be permitted to draw on up to 100% of the Letter of Credit on or before the date of expiry.

Notwithstanding anything else herein contained, approval of the Site Development Plans shall be deemed to have been given, and the Owner hereby agrees not to undertake any development or re-development or construction of any structures for which a building permit has been issued, unless required securities are in place and this Agreement has been executed by the registered Owner and Encumbrancer of the Lands and has been registered on the title to the Lands.

### 5. Release of Security

Upon certification by the City that all conditions imposed by this Agreement have been satisfied and provided the Owner is not in default with respect to any other provisions of this Agreement, the Owner shall be entitled to the release of the balance of the Security held by the Municipality at the time of such certification. The Municipality shall not be required to refund or account for any Security utilized by the Municipality as a result of any default by the Owner under the provisions of this Agreement.

### 6. Construction

The Owner shall undertake all construction activity on the Lands in such a manner so as not to unreasonably interfere with adjoining lands or traffic on adjacent streets. The Owner shall control all dust, mud and debris resulting from any construction activities and remove the same promptly from any municipal catch basin, manhole, sewer, ditch, culvert, roadway, boulevard or sidewalk. The Owner shall reimburse the Municipality for any damage to any municipal services, facilities or works resulting from the development or re-development of the Lands, howsoever caused and the determination of the Manager of Public Works with respect to whether or not said damage was caused by the Owner or with respect to the extent of the damage shall be final and binding on all parties.

### 7. Maintenance

The Owner shall maintain in good repair and in a safe and clean condition the Lands and Boulevard, vegetation, structures, buildings, facilities, services, works and landscaping on the Lands and Boulevards at his own expense and shall do all acts necessary to comply with and properly carry out and provide for the maintenance and use thereof, including the replacement or repair of broken, damaged or worn material or parts and the replacement of dead or deceased vegetation. The Owner shall further keep the Lands and Boulevard free and clear of all refuse, debris, and obstructions. Without limiting the generality of the foregoing, and in addition to anything else contained herein, the Owner shall be bound by, do, and perform those obligations more particularly set out in Schedule "C" attached hereto.

### 8. Connections to Municipal Services

All connections to the Municipality's storm sewers shall be made under the supervision of

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the Manager of Public Works, at the Owner's expense. All storm sewers constructed on or under the Lands shall be constructed to the satisfaction of the Manager of Public Works and shall be installed after confirmation of elevations and required connections of city infrastructure are completed. Relocation of any municipal services, facilities, or utilities (including any curbs, gutters, catch basins, poles, bus shelters, manholes, telephone boxes, drains or transformers, whether owned by the City of Dryden, the Municipality or any utility company, board or commission) shall be carried out at the Owner's expense.

### 9. Building or Demolition Permits

Notwithstanding the provisions of this Agreement, the Owner and the Encumbrancer hereby acknowledge that the Municipality is not obligated to issue any building permits or demolition permits or grant any other permits or consents with respect to any development or re-development on the Lands unless:

- i) all federal, provincial, and municipal statutes, regulations, by-laws, ordinances, orders, and requirements have been complied with;
- ii) any other agreements with any other governmental body or agency are not in default; and
- iii) all property taxes with respect to the Lands have been paid in full.

In the event the development or re-development of the Lands herein contemplated requires any other municipal or other governmental approvals, including but not limiting the generality of the foregoing, a building permit, a consent for a severance or rezoning or a variance pursuant to the provisions of the Planning Act, 1990, (as amended), a permit for access, ingress or egress, approvals pursuant to the provisions of the Environmental Assessment Act, (as amended) or the Environmental Protection Act (as amended), the approval of the Medical Officer of Health, the approval of the Conservation Authority having jurisdiction, or the approval of any other governmental body or agency, then in such event the Owner hereby agrees not to commence any work on the Lands or demolish or alter any structures on the Lands unless all such approvals, permits or rezoning have been obtained.

### 11. Landscaping

In the event the Site Development Plans and conditions set out in Schedule "C" attached do not provide sufficient detail with respect to landscaping requirements, the Owner shall install and maintain such landscaping improvements as may be required by the Municipality. All approved landscaping shall be maintained in a healthy and growing condition at all times.

### 12. Hydro

The Owner shall, at its sole cost, comply with the requirements of Hydro One and Dryden Public Works, where applicable, including bearing the cost of the relocation of existing hydro facilities if applicable.

### 13. Costs

The Owner shall pay to the Municipality, forthwith upon demand, all costs and expenses incurred by the Municipality, whether directly or indirectly, in connection with this Agreement and the approval of any Site Development Plans. Without limiting the generality of the foregoing, such costs and expenses shall include a charge for the processing of the Site Development Plans by the Municipality, and all legal, surveying and engineering costs and the costs of any consultants retained by the Municipality incurred in connection with this Agreement, the supervision of all of the works undertaken in connection therewith or in ensuring compliance with this Agreement and the registration thereof on title to the Lands.

### 14. Owner's Expense

The Owner acknowledges that where this Agreement obliges the Owner to perform any work or do anything it is to be done at the Owner's expense and not at the Municipality's expense.

### 15. Registration

The Owner and Encumbrancer hereby consent to the registration of this Agreement on the title of the Lands.

### 16. Acknowledgement by Encumbrancer

The Encumbrancer hereby acknowledges that it is aware of all of the terms, covenants and conditions contained in this Agreement and agrees to be bound by such terms, covenants and conditions in the event that it should obtain control, possession or equitable ownership of the Lands.

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17. Indemnification by Owner

The Owner shall indemnify and save harmless the Municipality against all actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of this Agreement or the Owner undertaking the development or re-development herein referred to.

18. Right of Entry

The Owner covenants and agrees with the Municipality to grant and hereby grants to the Municipality or its authorized representatives the right to enter upon the Lands or any part thereof in order to ascertain whether or not the provisions of this Agreement have been complied with in full.

19. Default

In the event of any default by the Owner pursuant to any of the terms of this Agreement, in addition to any other remedies available to the Municipality and without any limitation thereof, the Municipality may:

- i) draw on the Security in whole or in part;
- ii) undertake or complete any obligation of the Owner hereunder;
- iii) enter upon the Lands through its servants or agents for any purpose whatsoever;
- iv) issue a stop work order with respect to any further development, re-development, or work upon the Lands; and
- v) recover from the Owner all costs and expenses incurred by the Municipality whether directly or indirectly, with respect to the default or the remedy thereof, and as a Performance Security of \$XXX,XXX,00 and collect such costs and expenses in like manner as municipal taxes.

20. Drainage

The Owner shall not take any action or cause any work to be done that will adversely affect drainage from or onto properties adjoining the Lands, and the owner shall with the prior approval of the Municipality, at the Owner's expense, construct such drainage works as may be required. Notwithstanding the aforesaid, the Owner shall indemnify and save harmless the Municipality with respect to drainage from or onto lands adjoining the Lands as a result of the development or re-development hereby contemplated and the construction of any works, facilities or structures on the Lands.

21. Occupancy

The Owner covenants and agrees that there shall be no occupancy of the building until all requirements of this Agreement have been complied with and the Chief Building Official has issued an Occupancy Certificate. The Chief Building Official may, however, issue a conditional Occupancy Certificate provided the Letter of Credit is sufficient to cover any outstanding works.

Prior to the issuance of an Occupancy Certificate the Owner shall complete the following:

- i) all Municipal services to be installed;
- ii) all site servicing and storm drainage;
- iii) all internal lighting, fencing, and landscaping; and
- iv) the submission of "As Built" lot grading drawings to ensure that the site has been developed in accordance with the approved Site Plan.

22. Successors and Assigns

The parties hereto hereby covenant and agree that this Agreement shall be binding upon them, their respective heirs, executors, administrators, successors, and assigns.

23. Invalidity

If a Court of competent jurisdiction should declare any section or part of a section of this Agreement to be invalid or unenforceable, such section or part of a section shall not be construed as being an integral part of the Agreement or having persuaded or influenced a party to this Agreement to execute the same, and it is hereby agreed that the remainder of the Agreement shall be valid and in full force and effect.

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24. Counterparts

This Agreement may be simultaneously executed in several counterparts, each of which when so executed shall be deemed to be an original and such counterparts together shall constitute but one and the same instrument.

25. Interpretation

In construing this Agreement, words in the singular shall include the plural and vice versa and words importing the masculine shall include the feminine, and neuter and vice versa, and words importing persons shall include corporations and vice versa. In the event of any conflict or ambiguity in the Site Development Plans or Schedules to this Agreement, the decision of the Clerk of the Municipality shall be final and binding. In the event of conflict between the main body of this Agreement and the Schedules attached hereto, the provisions in the schedules attached hereto shall apply.

26. Notice

All notices, demands or requests provided for or permitted to be given pursuant to this Agreement shall be made in writing as follows:

- i) If made to the Municipality, shall be addressed to The Clerk, City of Dryden
- ii) if made to the Owner and Encumbrancer at their respective designated addresses for service shown on the document General attached to this Agreement in the Registry Office in which this Agreement is registered.

All notices, demands or requests shall be deemed to have been properly given if delivered personally or sent by prepaid and registered mail, return receipt requested. If notice is given by mail, the same shall be effective five (5) business days of being deposited with the post office, or upon proof of delivery by return receipt. However, in the event of the interruption of postal services, the notice shall not be deemed to have been given during such period of interruption, unless the notice has been actually received.

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**IN WITNESS WHEREOF**, the individual parties hereto have hereunto set their hands and seals and the Corporate parties have hereunto affixed their Corporate Seal as attested to by the hands of their proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

Authorized to be executed by: THE CORPORATION OF THE CITY OF DRYDEN

By-law 20XX-\_\_\_\_, passed on the \_\_\_\_ day of \_\_\_\_\_, 20XX

\_\_\_\_\_  
MAYOR, [name]

\_\_\_\_\_  
CITY CLERK, [name]

\_\_\_\_\_  
OWNER/BUSINESS [name/title]

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
OWNER/BUSINESS [name/title]

\_\_\_\_\_  
SIGNATURE

**SCHEDULE "A"**

**ALL AND SINGULAR** that certain parcel or tract of land and premises situate, lying and being in the City of Dryden, legally know as;

[Enter Legal Description and PIN for property]

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**SCHEDULE "B"**

<b><u>Name of Plan, Drawing or Sheets or Specification</u></b>	<b><u>Number of Drawing of Pages</u></b>	<b><u>Date of Plan Prepared Specification</u></b>	<b><u>Date of Approval by By Municipality</u></b>
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**SCHEDULE "C"**

The Lands shall be used in accordance with the City of Dryden Comprehensive Zoning By-law, 2740-2000, as amended.

**SCHEDULE "D"**

To secure the obligations of the Owner under the terms of this Agreement and to cover legal or other costs of the Municipality which may be incurred to ensure that the obligations are complied with.

AMOUNT: \$XXX,XXX.00