

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2026-48

A By-law to establish a Site Plan Control Area within the Town of Midland under the *Planning Act* and to repeal By-law 2013-13 as amended.

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the Council of a municipality where an area is shown or described as proposed site plan control area in an Official Plan, to designate, by By-law, the whole or any part of the area as a Site Plan Control Area;

AND WHEREAS the Town of Midland Official Plan identifies the whole of the geographic Town of Midland as a proposed site plan control area;

AND WHEREAS Council deems it desirable to designate all of the lands located within the geographic limits of the Town of Midland, as identified herein, as a Site Plan Control Area;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. Definitions

“Applicant” shall mean any owner of land as identified in the records of the Land Registry Office and includes a purchaser under a valid Agreement of Purchase and Sale, or their authorized agent.

“Approved Plans” shall mean the final set of drawings, documents, and technical submissions, as outlined in the “Final Site Plan Approval” letter, that have been formally reviewed and approved by the Town of Midland as part of a site plan control application.

“Chief Building Official” shall mean the staff member at the Town of Midland in the position of the Chief Building Official or designate as appointed by the Council of the Corporation of the Town of Midland.

“Conditional Site Plan Approval” shall mean the issuance of a Conditional Site Plan Approval letter, issued by the Director, that stipulates the conditions under which the plans, drawings, and reports prepared in support of an application to permit development in an area subject to Site Plan Control, as per Section 2 of this By-law, shall be accepted by the Town pursuant to Section 41(7) of the Planning Act. Clearance of any conditions imposed shall be to the satisfaction of the Town.

“Council” shall mean the Council of The Corporation of the Town of Midland.

“Development” shall mean development as defined within Subsection 41(1) of the Planning Act, and includes but is not limited to:

- i. the construction, erection or placing of one or more buildings or structures on land; or
- ii. the making of an addition or alteration to an existing building or structure that has the effect of substantially increasing the size or usability thereof; or
- iii. the laying out and establishment of: (1) a commercial parking lot; (2) sites for the location of three or more trailers as defined in clause (a) of subsection 164(4) of the Municipal Act (3) sites for the location of three or more Mobile Homes; or (4) sites for the construction, erection or location of three or more Land Lease Community Homes.

“Director” shall mean the staff member at the Town of Midland in the position of the Executive Director of Community and Growth or their designate(s).

“Final Site Plan Approval” shall mean a letter, issued by the Director, confirming that, all conditions outlined in a previously issued “Conditional Site Plan Approval Letter” have been satisfied (if applicable) and that a Site Plan Agreement has been prepared by the Town and has been provided to the landowner for execution.

“Land Lease Community Home” shall mean any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwellings, but does not include a mobile home.

“Minor variation” shall mean a change to “Approved Plans” which is, in the opinion of the Director, minor in nature, and that a revision to the Approved Plans or site plan agreement is not warranted or required as it does not interfere with the overall intent of the approval, conditions, site design and layout, paved surfaces, lot grading, and/or stormwater management.

“Minor amendment” shall mean a change to Approved Plans which may require an amendment to a site plan agreement, but does not significantly alter:

- i. The location, size or height of any buildings and structures; or
- ii. The current or proposed use; or
- iii. The design and appearance of the Development; or
- iv. The location or function of any works required under Subsection (7)(a) of Section 41 of the Act; or
- v. Any conditions within the Conditional Approval Letter.

“Mobile Home” shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

“Municipal Act” shall mean the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

“Planning Act” shall mean the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

“Public Service Facilities” means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services. Public Service Facilities do not include infrastructure.

“Site Plan Control Application, Base” shall mean an application submitted for approval under Section 41 of the Planning Act to permit any of the following:

- i. Development as defined by Section i. or Section iii. of the definition of Development; or
- ii. Development that is not exempt from obtaining site plan approval pursuant to Section 3 of this By-law.

“Site Plan Control Application, Minor” shall mean an application submitted for approval under Section 41 of the Planning Act to permit any of the following:

- i. Development as defined by Section ii. of the definition of Development; or
- ii. Expansion(s) or alteration(s) to an existing parking lot.

“Storey” shall mean that portion of a building, other than an attic or a basement, included between any floor level and the floor, ceiling or roof next above it.

“Substantial Change” shall mean a change to approved or conditionally Approved Plans and drawings which requires a new base Site Plan Control Application be submitted as it significantly alters:

- i. The location, size, massing or height of any buildings and structures, including the addition or removal of same; or
- ii. The proposed use(s); or
- iii. The location or function of any works required under Subsection (7)(a) of Section 41 of the Planning Act; or
- iv. Any of the conditions within the Conditional Approval Letter.

“Town of Midland” shall mean the Corporation of the Town of Midland.

2. Designation of Site Plan Control Area

The whole of the Town of Midland is hereby designated as a Site Plan Control Area pursuant to Section 41 of the Planning Act. Further, any Development as defined by this By-law is required to proceed by way of a site plan control application.

3. Exemptions

Notwithstanding Section 2 of this By-law, site plan control does not apply to the following:

- 3.1 The placement of a portable classroom on a school site of a district school board;
- 3.2 The construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless:
 - (a) the building or structure is a Land Lease Community Home; or
 - (b) Development is proposed within 120 metres of a wetland, a lake, or a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.
- 3.3 Erection, construction, alteration, or expansion of buildings or structures used for agricultural or farming operations.
- 3.4 Erection or construction of accessory buildings or structures which cumulatively do not exceed a total gross floor area of 50 square metres per lot since the most recent site plan approval.
- 3.5 Expansion of existing parking areas provided that the number of required parking spaces is not increased by more than 10% relative to the amount of parking currently provided on the lands.
- 3.6 Tents, marquees and similar temporary structures to be erected for a temporary period not exceeding 150 consecutive days per calendar year from the date the structure was erected provided the tents, marquees and similar temporary structure does not occupy any required parking spaces and/or increase the required parking as per the Town's Zoning By-law.
- 3.7 Buildings or structures, and additions or alterations to same, used for the purpose of enclosing mechanical equipment, staircases, passageways, entrances, porches, verandahs and similar structures.
- 3.8 Structures designed to service persons with accessibility constraints and disabilities in accordance with the standards of the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, as amended.
- 3.9 An addition, expansion, or alteration to an existing building or structure provided that one or more of the criteria below, if applicable, are met:

- a. the improvement or modification is contained wholly within the existing building or structure.
 - b. any proposed addition or expansion is less than or equal to 15% of the Gross Floor Area of the existing principle building or structure on a lot, to a maximum of 275 square metres. Only one (1) addition or expansion that is exempt from Site Plan control is permitted under this provision in any five (5) year period from when a building permit has been issued by the Town;
 - c. Any proposed addition to, or vertical expansion of, an existing building or structure, provided that such addition or expansion does not result in the construction of more than one (1) additional storey after the date of enactment of this By-law;
 - d. The number of required parking spaces is not increased by more than 10% relative to the amount of parking currently provided on the lands;
 - e. the total area of open space on a lot which is used exclusively for landscaped open space is not decreased by more than 10%.
- 3.10 Buildings or structures destroyed or damaged by fire, explosion or flood or other similar cause, provided that:
 - a. The use of the reconstructed building or structure is the same used for the same purpose as the former building or structure;
 - b. the gross floor area and height of the reconstructed building or structure generally does not exceed those of the former building or structure; and
 - c. the reconstructed building or structure is not located closer to any lot line than the former building or structure.
- 3.11 Industrial equipment, machinery or storage tanks necessary for the operation of the industrial use:
 - a. that are not located closer than 6.0 metres to any lot line;
 - b. that are located a minimum of 15.0 metres from any lot line of any lot zoned or used for residential purposes; and
 - c. where the height does not exceed 9.0 metres.
- 3.12 Development on any lands owned by Town of Midland.
- 3.13 Any Development required by the Town of Midland for the provision of access, site services, municipal services, and Public Service Facilities.
- 3.14 The construction of a new parking lot, or alteration to an existing parking lot, in accordance with the following:
 - a. residential uses where the parking requirement is 13 parking spaces or less; or
 - b. the number of commercial parking spaces provided is not increased by more than 10% relative to the amount of parking currently provided on a lot.

4. Required Materials

- 4.1 An Owner may apply to the Town for a voluntary consultation service in the form of a Planning Act Application Pre-Submission Review. A key outcome of this service is consultation with the Town and external agencies, including a customized list of the plans, reports, and studies that would be required in support of a complete application. Further, the Town will work with prospective Applicants to establish Terms of Reference for any required plans, reports, and studies.
- 4.2 The precise details and inclusions of plans forming part of a complete application are to be determined by the Town in accordance with the Town's Engineering Standards, any applicable Ontario Ministry guidelines, Ontario Provincial Standard Specifications, Provincial documents and guidelines and all other industry standards as applicable. The scoping of required plans shall be completed as determined by the Town and executed through a formal Terms of Reference creation exercise to the satisfaction of the Town.
- 4.3 Upon review of the submission of a Site Plan Control Application, the Applicant will be advised by the Town in writing that a complete or incomplete submission has been received.
- 4.4 A complete submission of a Site Plan Control Approval application for the purposes of Section 41(3.3 and 3.4) of the Planning Act, shall include:
 - a. An application form with all fields completed.
 - b. The Applicant providing to the Town all associated fees as set out in the Town's Fees and Charges-By-law. The fee(s) are processed upon the application being deemed complete.
 - c. The Applicant providing deposits and full payment as required for legal, peer review or other applicable costs to be incurred by the Town, upon request by the Director in accordance with the in force and effect Town Fees and Charges By-law. The deposit(s) are processed upon the application being deemed complete.
 - d. All information or materials prescribed by regulation pursuant to Section 41 of the Planning Act.
 - e. Other information or materials as described in the Town's Official Plan, as determined to be applicable by the Town.
 - f. The following supporting information documentation shall be included in the application cover letter:
 - i. Description of the proposed site and development;
 - ii. Written report of the context within the existing neighbourhood, which includes a map to contextualize the site layout within the neighbourhood
 - iii. Demonstrate how the proposed application meets the applicable policies of the Official Plan.

- iv. Demonstrate how the proposed application conforms to the applicable provisions of the Town of Midland Zoning By-law
- v. Confirmation of status of any other Planning Act applications or approvals on the subject lands. This would include but not limited to Zoning By-law Amendments, Holding provisions, Conditions of Draft Plan of Subdivision, Minor Variance, etc.; and
- vi. Location of available servicing and/or servicing assumptions for the site.

5. Site Plan Approval Requirements

- 5.1 No person shall undertake any Development in an area designated under Section 2 herein unless otherwise exempted under Section 3 herein, unless and until the Director, or the Ontario Land Tribunal on appeal, has issued Final Site Plan Approval
- 5.2 In considering approval of proposed Site Plan drawings, consideration will be given to, among other things, the items listed in Schedule "A" to this By-law.
- 5.3 Site Plan Approval requires that the landowner enter into a Site Plan Agreement with the Town. No Development is permitted unless the landowner enters into a Site Plan Agreement, except where exempted from Site Plan Control by Section 3 or by the Director. In the absence of a Site Plan Agreement, the Director may require documentation and drawings to be approved/stamped to satisfy this By-law.
- 5.4 The Town may require the Applicant of land subject to Site Plan Control Approval to provide specific associated facilities, undertake and maintain works, provide easements or widenings, and enter into agreements pursuant to s. 41(7) of the Planning Act as conditions to approval of plans that may form part of a Site Plan Agreement.
- 5.5 Any Site Plan Agreement entered into in accordance with the provisions of this By-law shall be registered against the land to which it applies, and the Town is entitled to enforce the provisions of such Agreement against the landowner and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners of the land. The Town requires a postponement of any encumbrances, except for permitted encumbrances accepted by the Town's solicitor, to be registered on title in favour of the Site Plan Agreement.

6. Expiry

- 6.1 Upon the issuance of Conditional Site Plan Approval, the Applicant will have 3 years from the issuance date to fulfill any conditions contained within the Conditional Approval Letter.
- 6.2 Final Site Plan Approval will be issued upon the fulfillment of the conditions outlined in the Conditional Site Plan Approval Letter.
- 6.3 Should the outlined conditions within the Conditional Approval Letter not be fulfilled within the 3 year period in Section 6.1, Conditional Site Plan Approval will expire and the file will be closed with no refunds being provided. Once the file is closed, an Applicant would be required to submit a new Site Plan Control Application. It is the responsibility of Applicant to manage site plan timelines in accordance with Section 6 of this by-law.
- 6.4 The Town, at its sole discretion, reserves the right to issue Conditional Site Plan Approval. The Town reserves the right to withhold Conditional Site Plan Approval.

7. Penalty

- 7.1 Every person who undertakes Development within a Site Plan Control Area without the approval of the required plans and drawings required by this By-law or other than in accordance with the Approved Plans and any conditions of approval is guilty of an offence under section 67 of the Planning Act, and if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence.
- 7.2 Every person who contravenes a provision of this By-law is guilty of an offence and on conviction is liable:
 - a. On a first conviction to a fine of not more than \$25,000.00; and
 - b. On a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.
- 7.3 Where a corporation is convicted under Section 7.2 the maximum penalty that may be imposed is:
 - a. On a first conviction to a fine of not more than \$50,000.00; and
 - b. On a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

8. Financial Obligations and Securities

- 8.1 Site Plan Securities shall be collected and managed in accordance with the following terms:

- a. That 50% of internal works and services be secured, including 1.76% non-refundable HST;
 - b. That 100% of external works and services be secured, including 1.76% non-refundable HST;
 - c. That Site Plan securities be held in their entirety until the project is substantially complete and any required maintenance period begins, or at the discretion of the Director; and
 - d. That Site Plan securities be reduced to 0% per cent for internal and 20% for external securities and held for the duration of a two-year maintenance period and released once the maintenance period has expired and all required deficiencies have been satisfactorily addressed.
 - e. Internal works means all works, services, facilities, and improvements required as a condition of Site Plan Approval that are located within the boundaries of the subject lands and are not situated within a public highway or on municipal lands;
 - f. External works means all works, services, facilities, and improvements required as a condition of Site Plan Approval that are located within a public highway, municipal right-of-way, or on lands owned or controlled by the Town;
 - g. The reduction or release of Site Plan securities shall be contingent upon inspection and written confirmation by the Town that the required works have been completed in accordance with the approved plans, the Site Plan Agreement, and all applicable standards. The Town retains sole discretion in determining whether works are satisfactory for the purposes of security reduction or release.
- 8.2 Securities shall be calculated on the basis of a probable construction cost estimate prepared by a professional engineer and/or landscape architects and submitted to the Town for review and acceptance.
- 8.3 Probable construction cost estimates shall be provided to the satisfaction of the Town and reflected in the Site Plan Agreement.
- 8.4 Financial obligations may otherwise be set out and implemented through the Site Plan Agreement applying to the Development of the applicable subject lands.
- 8.5 The Town will accept security in the form of an irrevocable letter of credit, certified cheque, surety bond or other form approved by the Town. The letter of credit or surety bond will be in a form acceptable to the Town.
- 8.6 All financial obligations shall be addressed prior to or together with execution of the Site Plan Agreement or approval of drawings, or where an

Agreement isn't warranted, a Building Permit is issued, including but not limited to:

- a. Posting of securities.
- b. Provision of proof of insurance.
- c. Payment of any tax arrears applying to the subject lands.
- d. Payment of any outstanding invoices, fees or deposits associated with the Site Plan Approval application.
- e. Payment of any other fee, charge or deposit required as a condition of Site Plan Approval.

- 8.7 The Owner shall pay the Town's Engineering Inspection Fee, as set out in the Town's Fees and Charges By-law and updated annually. This fee covers the cost of engineering review, inspection, and administrative oversight of works required under the Site Plan Agreement.

9. Construction in Accordance with Approved Plans

- 9.1 Development shall only occur in accordance with Approved Plans, approved by the Town at the time Final Site Plan Approval is given and as per any applicable Site Plan Agreement.
- 9.2 No deviations or changes shall be made to the Approved Plans and no construction shall take place contrary to the Approved Plans without the prior written approval of the Town.
- 9.3 Where an Applicant seeks to deviate from or change the Approved Plans, the Director at their discretion, may classify the extent of the change as one of the following, based on the information submitted by the Applicant:
- a. A Minor Variation - A minor variation shall be identified on the 'As-constructed' or 'As-built' Drawings submitted to the Town following completion of the siteworks. Where a minor variation to the Approved Plans is permitted by the Town, a copy of the request and the Town's authorization shall be kept as a record by the Town and the Applicant.
 - b. A Minor Amendment - Where a minor amendment to the Approved Plans is permitted by the Town, the Town will advise if an amendment to the Site Plan Agreement is required and the next steps.
 - c. Substantial Change - Where the Town determines the change is a Substantial Change, the Applicant shall be required to reapply for Site Plan Control Approval as a new application.
- 9.4 The Town may, at its sole discretion, require additional fee(s), reports, studies, plans and drawings to support a request for a Minor Variation, or a Minor Amendment, or a new Site Plan Control Application due to a substantial change.

10. Site Plan Notification

- 10.1 Unless waived by the Director, the Applicant shall be required to post an on-site notice of the application for Site Plan Control Approval in accordance with the Town's Notice Signs Procedures and Protocols.

11. Severability

- 11.1 In the event that a particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

12. Other

- 13.1 The requirements of this By-law are in addition to the requirements contained in any other applicable by-laws of the Town or applicable provincial or federal or regulations.
- 13.2 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Town or by any governmental authority having jurisdiction to make such restriction or regulations.
- 13.3 Nothing in this By-law or in any Site Plan Agreement entered into hereunder shall be construed as relieving any Applicant from the obligation of complying fully with the provisions of the Zoning By-law, nor shall the Zoning By-law be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed hereby.
- 13.4 Terms used in this By-law which are not defined herein shall revert to the definition within the Zoning By-law or any successor document or by-law. Where a term is not defined by the Zoning By-law, the Canadian Oxford Dictionary definition shall apply.

13. That By-law 2013-13 as amended be repealed.

14. That this By-law shall come into force and effect on the final passage thereof.
That this By-law shall come into force and effect on the final passage thereof.

BY-LAW PASSED AND ENACTED THIS 24TH DAY OF JUNE 2026.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SHERRI EDGAR – CLERK

Written approval of this By-law was given by Mayoral Decision MDE-2026-12 dated June 24, 2026.

Schedule “A” to By-law 2026-48

Where applicable, the following shall be included on the Site Plan drawings submitted in support of the application or as a separate drawing where appropriate:

- Site dimensions
- Proposed and existing buildings
- Identification of the uses of the proposed and existing building
- Municipal setbacks (and any applicable MTO or County setbacks)
- Pedestrian and vehicular access and circulation including the identification of surface material for all parking areas, vehicular driveway aisles and pedestrian walkways, accessibility related connections/tactile plate installations, curb cut depressions
- Legend on plans and drawings including:
 - Key plan
 - Project name and municipal address
 - Applicant name
 - Drawing title, revision number and issue date
 - Drawing signed, sealed and dated by the certified professional who prepared the plans.
- Zoning Matrix including:
 - Current zoning
 - Total lot area, frontage, lot coverage and landscaped open space
 - Minimum yards and proposed setbacks
 - Gross floor area (by proposed use if applicable) for all existing and proposed buildings and structures
 - Total number of units (if residential)
 - Breakdown of unit type 1 bedroom, 2 bedroom, 3 bedroom, etc. (if residential)
 - Total number of parking spaces (required and proposed) for both vehicular and bicycle)
 - Building height for all proposed and existing buildings.
- Snow storage area
- Garbage storage (types and location) and collection areas
- Treed and/or landscaping areas
- Limits of the proposed works and grading details
- Proposed Road Widening
- Drive aisle widths, identification of parking areas, parking stalls and the dimensions of parking stalls and number of spaces, including EV ready charging spaces and barrier free parking spaces (where required)
- Sight Triangles
- Existing 0.3 metre reserves
- Location of incoming servicing including water and sanitary services
- Location of proposed stormwater management pond (if required)
- Any environmental or hazard constraints (if EIS or constraint mapping has been undertaken)

- Location of any amenity space/patios/etc (if proposed).
- Location of existing and proposed external plant and equipment to assess noise sources.
- Existing or proposed easements and identification of whom they are in favour of.
- Watercourse, swales, culverts, retaining walls, embankments, catch basins, utilities and other features on or adjacent to the site.
- Adjacent traffic islands, utility poles, transformers, fire hydrants and sidewalks (as applicable)
- loading space location and size (where applicable), indicated widths and proposed direction of traffic flows as well as proposed ramps or access driveways
- Location of person doors and loading doors
- Identification of principle entrance, fire routes, nearest hydrant location and proposed Fire Department connection locations on the building.
- Proposed curbing and identification of type
- Proposed boulevard treatment
- Identification of proposed fire routes in accordance with the Ontario Building Code and fire route signage
- Location and height of external lighting fixtures to Dark Sky standards