COUNTY OF LAMBTON
OFFICIAL PLAN UPDATE

BACKGROUND REPORT NO. 13

SUBDIVISION DESIGN
CONDOMINIUM DESIGN

DATE: February, 2014

PREPARED BY: Lambton County Planning and Development Services Department
BACKGROUND

In compliance with the Planning Act (RSO 1990 as amended), the County of Lambton Planning and Development Services Department is undertaking a review of the 1998 County Official Plan. This review is required at 5 year intervals to ensure Official Plans remain relevant to area demographics, land use changes and emerging topics in planning. Under the review, the County will also ensure the Official Plan is in accordance with provincial legislation including the Provincial Policy Statement (2005) and other documentation.

Section 51 of the Planning Act sets up a legislative framework that details policies that need to be addressed in order to ensure the implementation of legislative requirements for subdivision/condominium approvals as well as informing all involved of the requirements to avoid incomplete proposals.

The plan of condominium is regulated by both the Condominium Act and through plan of subdivision approvals in the Planning Act, pursuant to Section 9(2) of the Condominium Act. The municipal approval of plan of condominium is through the subdivision sections of the planning Act.

Both plan of subdivision and condominium design will be discussed as they relate to the County of Lambton Official Plan, as in accordance with provincial and municipal legislature.

RELATION TO PROVINCIAL POLICY STATEMENT (2005)

The following Provincial Policy Statement excerpts have been selected as they pertain to the need of subdivision and condominium design. These policies will be referenced throughout the report as they relate to the County of Lambton Official Plan update.

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns
1.1.1 Healthy, livable and safe communities are sustained by:
a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

d) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

e) promoting cost-effective development standards to minimize land consumption and servicing costs;

f) promoting accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society;

1.1.3 Settlement Areas

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

1.1.3.7 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities

1.1.3.8 Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

1.5 Public Spaces, Parks and Open Space

1.5.1 Health, active communities should be promoted by:

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;

b) providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including
facilities, parklands, open space areas, trails and, where practical, water-based resources;
c) providing opportunities for public access to shorelines; and
d) considering the impacts of planning decisions on provincial parks, conservation reserves and conservation areas

1.6 Infrastructure and Public Service Facilities
1.6.3 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services.

1.6.5 Transportation Systems
1.6.5.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs;
1.6.5.5 Transportation and land use considerations shall be integrated at all stages of the planning process

1.7 Long-Term Economic Prosperity
1.7.1 Long-term economic prosperity should be supported by:
e) planning so that major facilities (such as airports, transportation/transit/rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

1.8 Energy and Air Quality
1.8.1 Planning authorities shall support energy efficiency and improved air quality through land use and development patterns which:
e) Promotes design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation.

2.6 Cultural Heritage and Archaeology
2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential
if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

CURRENT COUNTY OF LAMBTON OFFICIAL PLAN

Currently, there are no plan-of-subdivision policies in the County of Lambton Official Plan since Plan approvals were historically addressed at the Provincial level. There are also currently no policies that relate to plan of condominium in the County of Lambton Official Plan.

Official Plan policies are required to ensure that proposed subdivisions and condominiums are consistent with the Provincial Policy Statement and matters of the Planning Act as well as the intended form of development by community. Section 51 of the Planning Act specifically provides criteria and detail for planning approval matters and design.

PROPOSED POLICY CHANGES TO THE OFFICIAL PLAN

Reference will be made to subdivision design policies, followed by condominium design policies as each relate to the County of Lambton Official Plan.

Subdivision Design

Premature Development and Public Interest

Section 51(24) of the Planning Act requires that it is determined that any proposed subdivision is not premature development and is in the public interest in order to move forward. This concept exists in many Official Plans. Not only does the City of Sarnia Official Plan include OP policy regarding subdivisions, it specifically includes policy regarding premature/not in public interest matters. For example, the Official Plan policy states subdivisions would only be considered for approval when the City is able to provide necessary services without imposing undue increases in taxation on all residents. This idea would be reflective of situations where development may leapfrog over service areas requiring public service infrastructure / extensions that are installed by the municipality, thus creating a situation where ratepayers will be subsidizing the developers' profit margins, and the long term maintenance of the system is being paid by fewer ratepayers per length of infrastructure (creating a higher cost per ratepayer to maintain the overall system).
Section 51(24)(c) of the Planning Act requires that subdivision design have regard for the adjacent plans of subdivision development. The planning for expanding subdivision development could necessitate Conceptual Development Plans in order to maintain an integrated approach that would ensure subdivisions are not premature.

The City of Sarnia currently provides for Official Plan policy for conceptual development plans. "The main objectives of Conceptual Development Plans are to assure the Council and staff that:

a) development of extensive areas of vacant land in several ownerships is carried out in a comprehensive and integrated manner which reinforces the community structure;

b) major new development or redevelopment takes place in harmony with existing uses. Conceptual Development Plans may be required for parts of the City, where due to local circumstances, it is necessary to plan in greater detail in order to assure that the policies of this Plan will be properly implemented. In certain parts of the City, to be identified from time to time, Conceptual Development Plans may be a prerequisite for any major new development or redevelopment."

Continuing in this train of thought, consents may be granted for the purposes of assembling land for future subdivisions, provided the proposal is considered appropriate, and further provided that no development is permitted on the lands so assembled until the plan of subdivision is approved by the approval authority. Lands proposed for a future plan of subdivision could be placed in a holding or deferred development category under the implementing Zoning By-law.

Ad hoc development is to be discouraged. The concept of creating lots by consent in an incremental manner that avoids a plan of subdivision on large holdings would not develop the area in a comprehensive basis to ensure proper and orderly development. Creating lots by consent on large holdings reduces the economics to develop the remaining or overall planned holding as it reduces the number of lots in the final plan while often increasing the cost to extend infrastructure.
Premature Development and Public Interest Policies:

- Subdivision design must have regard for adjacent plans of subdivision development;

- It must be determined that any proposed subdivision is not premature development and is in the public interest in order to move forward. Premature includes not only a lack of servicing matters but also includes a lack of planned land use patterns and policy direction that properly integrates new development into the community;

- Consider necessitating Conceptual Development Plans to ensure no subdivisions that are premature development are approved;

- Subdivisions proposals must have regard for adjacent plans of subdivision development;

- Consents may be granted for the purposes of assembling land for future subdivisions, provided the proposal is considered appropriate, and further provided that no development is permitted on the lands so assembled until the plan of subdivision is approved by the approval authority;
• A plan of subdivision shall be required to create new divisions of land where the overall future development potential of the land parcel is considered to be more appropriately designed on a comprehensive basis to ensure proper and orderly development; and,

• Large land holdings which may be developed by a plan of subdivision shall generally not be divided by consent.

Lot Dimensions

Section 51(24) of the Planning Act requires regard to the shape and dimensions of the lots.

Policy Suggestions and Directions:
• The size, location and configuration of any parcel created shall be designed to enhance the intended land use in a manner which is sensitive to any environmental constraints;

• The depth of the plan of subdivision lot should generally be not more than four times the frontage of the lot;

• Irregularly shaped parcels which are considered to create awkward access situations, back lot development, or other development constraints should not be permitted;

• The Official Plan should require that the lot size be consistent with the minimum/maximum development standards of the Municipality as established in the zoning by-law; and,

• The size of any lot must be appropriate for the proposed use and have regard for appropriate siting/building envelopes and points of access in relation to land constraints. The shape of any lot must be appropriate for the intended use and be an efficient use of the land. The shape of residential lots should be regular in shape.

Road Matters

Subsection 51(24) of the Planning Act requires that the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and
the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them.

**General or consent lot creation policies include the following:**

- The lots are designed to front onto and have direct access to an improved public street that is maintained year-round and is of standard adequate to accommodate the additional traffic;

- Lots will not be granted where they will create a traffic hazard because of limited sight lines due to grades, curves, pumping stations, super mail boxes, proximity to intersections or other constraints; and,

- No subdivision approval that would result in landlocked parcels.

Existing road redevelopment may be necessary to mitigate adverse impacts on traffic flows such as adding more lanes, a turning lane, road improvements, road reconstruction in light of new sewer/infrastructure or improvements that would necessitate dedications of private land to the government level that has jurisdiction to the public street that needs to be widened. Similarly, undersized roads tend to require a road dedication in times of planning applications. As such, transportation studies may be required for a complete application as well as the implementation of study recommendations as a condition of plan of subdivision approval including a possible road dedication at the cost of the developer.

**In terms of road issues:**

- Road names are to be processed through the County 911 Road Naming protocol to ensure compliance. The local municipality may have additional road naming processes above the County of Lambton process. Signs for new streets shall be installed to the cost of the developer and to the satisfaction of the municipality;

- New subdivision roads must meet the widths and standards of the jurisdiction intending to assume the road once constructed by the
developer. The road design shall be implemented under the subdivision agreement which should be a conditional of draft approval; and,

- Pursuant to Subsection 51(25)(d) of the Planning Act, the owner of the land proposed to be subdivided shall enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services.

During the subdivision process it is important to ensure that safe access can be achieved from each lot(s) onto the public right-of-way. As part of the engineering process to locate service connections in relation to access lanes, the utility companies require this forethought and in terms of public interest it would alleviate problems with entrances overlapping neighbouring entrances in areas of curved road or bulbs. This would reduce the conflict between land owners and the municipality by reducing conflict on the entrance extension on municipal lands and allow for co-ordination of service design. Furthermore, this would have regard for proper planning in terms of access not creating a traffic hazard because of limited sight lines on curves or grades.

- During the subdivision process it is important to ensure that safe access can be achieved from each lot(s) onto the public right-of-way; and

- During the subdivision review and design critique, direct access from individual lots to major roads should be discouraged with reverse frontages requiring fencing and 1 ft reserves.

It is important to ensure that the design of the subdivision does not over extend street extensions to the point where it may create the potential for inadequate servicing from fire and police protection. Specifically, long dead-end streets may become blocked or reconstructed which could create a potential for blocked access especially in times where emergency services or fire protection is required. The Township of St. Clair has a working policy that a dead-end street can only be long enough to service 11 dwellings (length of fire protection in the case of a blocked road) unless the dead-end street has an emergency exit or phased loop design. Furthermore, the design of the subdivision must reflect appropriate fire hydrant systems to the satisfaction of the Fire / Building Departments and ensure the proper width of the travelled portion of the cul-de-sac in terms of fire protection vehicles, being typically 19 metres in radius to lot lines and 13 metres radius
terms of travelled portion. Furthermore, the length of a dead-end street creates issues of safety in terms of water lines which could lose water pressure or be blocked in various times that could coincide with its need during emergency events.

- In light of the above, the subdivision policies should provide wording to address the length of development on dead-end streets or phased development on dead-end streets.

The Plan of Subdivision design may require that new roads will end at the boundary of the phase to be developed or the property line with the intent that the abutting phase or lands will eventually be continued. The subdivision road pattern design must recognize the abutting lands and not preclude its future development. As stated in Subsection V.1.1.1.d of the PPS, which requires municipal policy to avoid development and land use patterns that would prevent the efficient expansion of settlement areas, the extension or placement of road shall be arranged as to allow for the efficient expansion of abutting lands.

- Wording should be included to ensure that road allowances to abutting lands may be required in order to ensure the appropriate development of the abutting lands; and,

- During developments along existing road surfaces, new service laterals, extensions or changes to water, storm or sewage line that require the excavation of portions of the public street, will require a rehabilitation standard in accordance with the jurisdiction of the road and to the highest standards of urban design.

Land Suitability

- Subsection 51(24) of the Planning Act requires that subdivision approvals review the site restrictions or proposed restrictions, if any, on the land proposed to be subdivided or restrictions, if any, from adjoining lands or conservation of natural resources and flood control matters;

- Wording should be included such as the creation of a lot in an area susceptible to flooding, erosion or any other environmental or man-made constraint will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures and/or it has been demonstrated that there will be no
negative impacts on the natural features or the ecological functions for which the area has been identified. Not limiting the items “Lands Constraints” may include former dumps, man-made hazards, brownfields, bluefields, abandoned wells or conduit, former industrial sites, etc. Subsequently, a record of site condition or brownfield report may be required;

- A plan of subdivision should only be considered if it has been established that the soil and drainage conditions are suitable to permit the siting of buildings;

- Any wells (water or petroleum) or drainage tiles shall be properly decommissioned as a condition of approval; and,

- As part of the land suitability and regard for PPS Subsection 2.6.2, an archeological report shall be prepared as part of the submission of the plan of subdivision application for development and site alteration with significant archaeological resources.

**Urban Design**

The County of Lambton supports and encourages a high standard of urban design for public and private development to create a respectable, attractive and livable community. Most urban design concerns should be addressed at a local municipal level in the form of Official Plan Policies, or Community Improvement Plans, or other applicable vehicles of regulation, policy, and/or information. The following areas should be acknowledged and considered by the approval authority (the County), but details and specific policies should be determined by municipalities.

- Linkages to parks, open spaces or public gathering area such as schools or commercial nodes should be designed in a subdivision where options are available;

- Where there are natural features such as waterfront access or significant woodlands, the subdivision design should be encouraged to integrate such features into the overall lot layout design in order to best provide opportunities for public access to shorelines or open spaces while maintaining the integrity of significant natural lands. Urban design includes encouraging the protection of natural settings where possible and encouraging tree savings plans in areas that are warranted;
• Urban design includes tree planting, which encourages a high standard of urban design for an attractive and livable community rather than encouraging stark and bare streetscapes. Tree plantings per lot also provide for passive solar energy efficiencies where deciduous trees shade the heat of the summer and moderate the immediate neighbourhood while in the winter it would allow the sun’s radiation to reach dwellings; and,

• Urban design also includes the use of appropriate fencing or features involved in sound barriers or reverse frontages. The form and design of such features should be to high urban design standard and to the satisfaction of the local municipality. Subdivision agreements should address the long term maintenance of the required fencing by the developer and subsequent successors. Fencing should be encouraged to mitigate the potential for land use conflicts where residential subdivisions abut a public park, open space, schools, public gathering areas, non-residential, or differing densities. Such mitigation features would also reflect the concerns of PPS Subsection V.1.7.1 of the PPS.

Compatibility

• In light of PPS Subsection V.1.7.1, residential lots shall be buffered from industrial uses and respect the Ministry of the Environment D series land use guidelines including GUIDELINE D-6 (formerly 07-09) COMPATIBILITY BETWEEN INDUSTRIAL FACILITIES AND SENSITIVE LAND USES and GUIDELINE D-1 LAND USE COMPATIBILITY.

Green Initiatives

• Green initiatives should be encouraged at the time of subdivision development where possible, such as the recycled use of stormwater pond water for irrigation of green spaces or passive solar tree plantings or reduction of infrastructure per dwelling unit.
Stormwater

- Stormwater management planning, engineering and design work for Site Plan Review applications and Draft Plans of Subdivision will be conducted and submitted to the local municipality and the approval agent in accordance with the Ministry of the Environment and the municipality’s specifications, guidelines and objectives;

- Prior to any draft approvals, it must be identified that the design of the stormwater management system does not hinder the drainage of the abutting lands above or below the subject lands;

- Stormwater drainage systems will be designed to ensure that both quality and quantity controls are in place to meet the applicable targets and standards set out by the Ministry of the Environment and the applicable Conservation Authority;

- Stormwater management systems may require stormwater ponds which shall be situated in the subdivision design to minimize land use conflict and appropriately deeded to the municipality that has jurisdiction; and,

- Opportunities to rehabilitate or enhance natural features and drainage functions through development should be explored.

Water Service

- New water lines shall be integrated with existing and planned public water system infrastructure in water service areas;

- The design of municipal water service lines in a new subdivision that are in water service areas shall provide looping where possible and not hinder development of the abutting lands;

- The subdivision approval shall require the adequate servicing of water supply and fire hydrant protection; and,
• Connections must be on public systems in municipal water service areas or lands abutting a municipal service line.

Sewer Service

• The public sanitary system must be utilized for all new subdivisions or redevelopment where the subject lands are located in sewer service areas;

• Prior to the complete application of a plan of subdivision, the proponent must provide documentation with the application that there is sufficient sewage capacity and that sewage allocation can be afforded to the development;

• If pumping stations are required, development of the infrastructure shall not impose costs onto the municipality, and the proper sizing and design done to the satisfaction of the local municipality. Pumping stations shall be adequately screened and fenced in subdivision proposals; and,

• Sewage allocation should not exceed three years and coincide with a lapse date of 3 years for subdivision approval. Large development may warrant longer lapsing dates.

Conditions of Approval

• Pursuant to Subsection 51(25) of the Planning Act, the approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable and have regard for the nature of the development proposed for the subdivision.

Accessibility

• Subdivision development needs to address accessibility issues and shall
require sidewalks to afford transportation opportunities to the segment of the population that does not drive, to the satisfaction of the municipality. Similarly, linkages or walkways to parks, open spaces or public gathering area such as schools or commercial nodes should be designed in a subdivision where options are available. Pedestrian movement through subdivision paths that link a cul-de-sac to abutting parks, schools, or pedestrian infrastructure would support section V.1.5.1. of the PPS.

Cash-in-lieu

In light of not incurring costs to be paid by the existing ratepayers, Section 51.1 of the Planning Act provides for cash-in-lieu of parkland or parkland dedication and the Development Charges Act provides for development (former impost) fees to be paid by the developer. These fees are intended to reduce the impact on existing ratepayers to help offset costs incurred to the Municipality in an incremental manner which eventually reach a tipping point for additional services requirements as a result of development. As such, a condition of development to plans of subdivision should provide clear direction that within the approval process such fees may be required as a condition of draft approval. This provision should ensure the details of parkland or parkland dedication is linked to the appropriate parkland policies. At no point should the parkland cash-in-lieu exceed 5 percent of the value of the lands prior to the approval of the draft plan of subdivision. Part of the condition to approval may require a land assessor to provide the value to the local municipality and the County approval authority.

Complete Application

The Planning Act was subsequently changed since the County of Lambton Official Plan was created to include the policy of a complete application. In this manner, the public and decision makers would have sufficient knowledge to make informed decisions while ensuring the proponent understands their responsibilities and avoid eleventh hours delays or stop designs that would preclude development. This matter is required to be included in Official Plans pursuant to Subsection 51(18) of the Planning Act, an approval authority may require that an applicant provide any other information or material that the approval authority considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.”

The following supporting information may be required as part of a complete development application, to be determined through pre-application consultation with subdivision staff and other public agencies:
Complete Application Requirements:

- Planning Justification Report;
- Transportation Impact Study;
- Servicing Report;
- Stormwater Management Plan and MOE support letter;
- Tree Preservation Report and Plan;
- Hydrogeological and Water Balance Assessment;
- Watershed or Subwatershed Study;
- Floodline Delineation Study;
- Architectural/Urban Design Report;
- Environmental Site Assessment;
- Ministry of the Environment (MOE) Record of Site Condition (RSC);
- A Technical Standards and Safety Authority (TSSA) Contaminant Management Plan or Risk & Safety Management Plan and hazard distances;
- Environmental Impact Study or Scoped Environmental Impact Study;
- Archaeological Assessment;
- Heritage Impact Assessment;
- Noise Study;
- Vibration Study;
- Geotechnical Study; and
- or a report to be obtained from appropriate agencies regarding the suitability of the lot creation and any proposed building where the authority deems that there is a particular problem requiring additional technical advice.

Condominium Design

Types of Condominiums

There are five types of condominiums in Ontario being: (1) the Standard Condominium, (2) the Leasehold Condominium, (3) the Phased Condominium, (4) the Vacant Land Condominium; and (5) the Common Element Condominium.

The traditional and most common condominium in Ontario is the Standard Condominium which was the only type permitted prior to the recent amendments to the Condominium Act. The Standard Condominium consists of conveyable units and common elements.
This is the most prevalent type of condominium in the County. An example of a Standard Condominium would be a number of multiple-units in a building(s) on a communal parcel of land affording the landscaping, yard setbacks, parking, internal traffic lanes, open space and servicing for the dwelling units.

Leasehold Condominiums, like Standard Condominiums, consist of units and common elements but instead of the lands being owned by unit owners via the condominium corporation, the lands are leased. The land lease is legislated for a period of between 40 to 99 years although the individual units may be sold at any time; however, at the end of the lease, if not renewed, the land and the condominium buildings become the property of the owner of the lands. The main purpose of leasehold condominiums is to allow institutions (universities) to lease surplus land until it is required for expansion purposes or as a means of encouraging affordable housing.

Phased Condominiums are Standard Condominiums that include the overall property being developed in stages. The condominium corporation and common elements grow to encompass each of the developed stages under one condominium corporation rather than several smaller, independent condominium corporations. This form of condominium would allow developers to become more in tune with the housing market forces and develop land as needed. This type of condominium has occurred in the County of Lambton.

The Vacant Land Condominium is a type of condominium where the units are bare un-built land parcels rather than built units at the time of condominium registration. A typical Vacant Land Condominium would look somewhat like a vacant plan of subdivision but the units (parcels of land) may be serviced by an internal private road, private infrastructure networks, a single water cut-off, and private fire protection infrastructure. Vacant Land Condominiums cannot be phased. One component of this form of development is that the provision of road, water, sewer, sanitary and storm infrastructure services to individual land parcels/units that are privately maintained rather than publicly maintained infrastructures. The long term maintenance of the private infrastructure is the responsibility of the condominium corporation and the Condominium Act requires reserve funds in addition to studies and reports to address this matter. It should be noted that if the condominium corporation dissolves, the residents/rate-payers may have an expectation that the municipality assume the in-ground service infrastructure.

The Common Element Condominium has no units, only common elements. This form of development allows common elements to be tied to other parcels of land.
The practical application of this form of condominium is to tie the ownership of a private golf course or a private beach to a nearby subdivision where the ownership of the golf course becomes owned by the condominium corporation derived from the nearby subdivision lots/parcels tied to the common element.

**Subdivision Policies for Condominiums**

- As earlier stated, the policies of the plan of subdivision should apply to a plan of condominium but there may be accommodations required to address all the nuances resulting from the various types of condominium.

  As such, policy in the Official Plan must detail that the policies of the plan of subdivision apply where applicable to any plan of condominium.

**Site Plan Control**

Often plans of condominium require site plan control to address matters including, but not limited to: sufficient and barrier free parking, functional internal circulation, impacts of greater densities onto the municipal infrastructure systems, integration of internal drainage to the overall municipal system, communal landscaping, location of super mail boxes, communal recreation areas, as well as ensuring proper emergency service deliveries such as turning widths for fire vehicles to long term maintenance of internal private fire hydrants. Thus:

- Official Plan policy should ensure that site plan control be a requirement for condominium development;

- Some points of emphasis should be placed on barrier free design with approvals ensuring barrier free usability from vehicle to front door and, that if there are a number of units, there should be an appropriate number of wheel chair parking spaces;

- Grading and drainage shall be reviewed by the site plan and ensure that the development does not adversely impact the neighbouring lands or the drainage network;

- Crime prevention through environmental design CPTED principles should be considered and implemented where appropriate;
• The safe and efficient movement of vehicular and pedestrian movement should be considered with policy to encourage linkages and interconnections to the neighbouring land use pattern;

• Aesthetics in the development shall meet the highest urban design and may include landscape mechanisms to buffer the view of parking areas and or fencing to divide individual outdoor living spaces;

• Tree plantings and passive solar design should be considered in the landscaping of condominium plans in order to mitigate the impacts of direct sunlight on both recreational and built spaces;

• Given the private nature of condominium lands, the site planning and approval matters should address the following issues: maintaining the private fire hydrants, internal light standards, location of garbage vaults / how waste services are dealt with, as well as issues of private-municipal snow removal;

• The site planning-condominium approvals should also consider emergency accesses, individual common outdoor living area(s) locations, trail / pedestrian linkages or common recreational areas; and,

• If common recreational areas are developed there should be a potential for reducing parkland cash-in-lieu requirements.

Infrastructure

• Roads or internal lanes in a Condominium would be a private road with private service infrastructure. Private road(s) shall be maintained by the condominium corporation; however, the site plan control shall include mechanisms in the site plan to have regard to the long term maintenance of the private road, appropriate widths / turning widths, appropriate surfacing, appropriate drainage and appropriate snow removal expectations;

• The design of the private lane shall be wide enough to accommodate the emergency fire vehicles as well as recognizing two-way traffic flows. In no case shall it be less than 6 metres in asphalted widths with corners being oversized to accommodate emergency vehicle access for one way traffic and greater widths for two way traffic;
• Site plans shall ensure that best urban design including matters of integrating vehicular and pedestrian traffic flows, their interactions with parking areas, snow clearing and storm drainage;

• The private roads shall not impede traffic flows, especially emergency traffic from the police, ambulance, fire, or municipal vehicles and barriers to access shall be prohibited;

• Private roads should be addressed and named lanes similar to public streets with addressing to the satisfaction of the 911 county addressing policy;

• Agreements may wish to clarify that if the condominium corporation dissolves the local municipality is not expected to assume the private road and the service infrastructure unless such items can meet the municipal standards;

• Fire hydrants that are private shall be subject to appropriate scheduled inspections that are forwarded to the appropriate fire protection/municipal staff and any maintenance shall be borne by the condominium corporation;

• Internal water systems may need to be looped in larger developments and the local municipality will require metered devices with safety mechanisms at all connections to a public system. Generally metering will be established by the local municipality and historically metering has been at the lot line of the overall condominium with one bill issued to the condominium corporation; and,

• Water services to a condominium shall be by a public water service system.

Respecting the Historic Land Use Pattern

Various municipalities in the County have a strong sensitivity of ensuring that the form of development is compatible and in keeping with the adjacent community. This prompted policies to ensure compatible densities and integration of developments into the community. Such policies include the following:

• Where low density development is proposed by a plan of condominium with a private road system, increases in density may be considered but only
densities up to a maximum of 15 units per gross hectare, excluding open space for areas abutting low density residential land use patterns;

- It is important that condominium developments not be permitted where they would disrupt existing or future streets, prevent the extension of urban areas or create inaccessible areas within the immediate community;

- The County and local plans should encourage integration and connectivity of vehicular and pedestrian traffic flows not only within but in connection with the condominium and its abutting land use pattern;

- Linkages to open spaces, public gathering areas, institutions or commercial areas from the condominium lands should be encouraged in the design where such functions exist;

- Official Plan policy may wish to review matters of encouraging grid pattern or allowing for integration of road - lane patterns in condominium developments;

- Integration may also encourage developments to be street orientated and encourage forms that blend into the existing land use pattern and streetscape; and,

- The Official Plan may direct municipalities to develop design guidelines for form and character to ensure the integration of new developments into existing neighbourhoods.

**Affordable Housing**

- The condominium development should be reviewed and designed with regard to Affordable Housing policies and Provincial direction.

**Conditions to Approval**

The approval authority has the ability to apply conditions of approval and such conditions may be included in the condominium declaration. Furthermore, this provides the approval agent the ability to include warning clauses (i.e. noise from abutting railroads subject to an acoustical study) in the condominium declaration. As such, the Official Plan policy should include wording to ensure that a statement that all or portions of conditions from the approval agent are included in the
declaration. In the same light, the approval authority should ensure the type of condominium that is being created is clearly identified in the approvals and set out as a statement in the declaration.

As part of final approval, the submission of a survey with the unit boundaries by reference to the “dry walled staged” building limits or monuments and a statement by a licensed Ontario Land Surveyor that the unit boundaries correspond accurately to the diagram/survey be included in the description. In addition to the survey, cross sectional architectural drawing may be required where applicable.

**Phased Condominium Additional Considerations**

- Phased Condominium must have the approval for all the lands intended to be covered by a condominium and not just the phase being considered for development;

- A Phase in a Phased Condominium does not include portions of a building but rather portions of land; and as such, no phase shall be considered if it consists of a part of a building;

- The declaration of the initial Phased Condominium shall require a statement that it is a Phased Condominium in the declaration and on the survey. Pursuant to Subsection 51(h) of Ontario Regulation 48/01 of the Condominium Act, all phases in a Phased Subdivision must be completed and registered within ten years of the first registration;

- New conditions are not generally expected in subsequent phases however, the approval authority may impose new conditions to a phase and require them in the amended declaration;

- The municipality will require that the initial phase can function in terms of access, servicing, parking, amenities as if it is a stand-alone condominium in the event that the subsequent phase does not occur;

- The municipality will require that all obligations of the owner for previous phases to the Condominium Agreement are completed prior to final approval for registration of any phase;

- Prior to the approval of subsequent phases, the applicants engineer shall provide certification to the Secretary-Treasurer that all services have been
installed or assurances completed to the satisfaction of the local municipality; and,

- Prior to the approval of subsequent phases, the building inspector and local municipality shall provide documentation to the Secretary-Treasurer that the development has been reviewed and that there are no deficiencies.

Vacant Land Condominium Additional Considerations

- No building can cross a condominium unit boundary at the time of registration;

- No units are allowed above or below other units;

- Prior to registration, the common elements must be built or the municipality may accept the appropriate securities to ensure the completion of the common elements;

- Prior to registration, a statement is required to detail the services provided by the municipality including the long term maintenance of roads. Normally the municipality does not provide maintenance to a private road and wording should clarify this matter; and,

- In developments of townhouses or semi-detached dwellings in vacant land condominiums, the municipality should require as a condition of approval, that the developer enter into a subdivision agreement with a party wall component. The party wall component shall ensure that the municipality has a surveyor’s certificate that shows the common wall foundations are on unit boundaries and there is wording that identifies implied easements with respect to the party wall or common building components.

The municipality should consider the following agreement clauses to be included in the subdivision agreement and condominium declaration as conditions of approval:

- the unit owner is obliged to maintain the replacement-cost insurance of the building for the unit so that the building can be financed in case of damage;

- a right of the condominium to enter a unit to do such work as necessary to maintain support of buildings on neighbouring units at the expense of the unit owner of the deficient unit;
• no work be allowed to common foundations/walls/building components that provides support to a neighbouring unit unless the work is approved and inspected by appropriate professionals; and,

• units owners have a right to enter a neighbouring unit subject to controls by the condominium to do such work on the entering unit as must be reasonably done from the neighbouring unit; and, the right for the condominium from time to time to inspect any foundation or walls of a unit in order to ensure it is structurally sound and have the right to remedy any deficiencies.

Condominium Conversions

• Municipalities should include Official Plan policies to detail the conversion of rental residential units into condominium units, especially in terms of addressing affordable housing; and,

• Municipalities should inspect properties for conversion and require conditions of approval that the property be improved to an appropriate standard prior to registration of the declaration or plan approvals.

SUMMARY

With the County acting as approval authority for Plans of Subdivision and Condominium, it is sensible to include policies in the Official Plan that guide the preparation of the proposals. Additionally, subdivisions are very common forms of development and the County currently lacks policies directed at the unique challenges and realities of subdivision and condominium development. Adding a new section to the plan to address subdivision and condominium is recommended.
For more information on this report, or the County of Lambton Official Plan Update, please contact the Planning and Development Services Department:

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or visit the Official Plan Update Website at:
www.lambtononline.ca/home/residents/planninganddevelopment/Pages/OfficialPlan.aspx

Sources:

City of Sarnia Official Plan, Provincial Planning Act, Town of Blue Mountains Official Plan, Ministry of the Environment D series land use guidelines,

City of Sarnia, Planning and Development Department (2006). Official plan of the City of Sarnia. Sarnia, Ontario