

PART 5

COMMUNITY DEVELOPMENT POLICIES

	Page	
5.1	<u>ECONOMIC DEVELOPMENT</u>	5 - 2
5.2	<u>CULTURAL HERITAGE</u>	5 - 3
5.2.1	<u>Inventory of Heritage Resources</u>	5 - 3
5.2.2	<u>Priorities for Heritage Resources</u>	5 - 4
5.2.3	<u>Heritage Evaluation Criteria</u>	5 - 5
5.2.4	<u>Designation of Heritage Properties</u>	5 - 6
5.2.5	<u>Designation of Heritage Conservation Districts</u>	5 - 7
5.2.6	<u>Archaeological Resources</u>	5 - 7
5.3	<u>NATURAL HERITAGE RESOURCES</u>	5 - 9
5.3.1	<u>Watercourses</u>	5 - 9
5.3.2	<u>Fish Habitat</u>	5 - 9
5.3.3	<u>Wildlife Habitat</u>	5 - 10
5.3.4	<u>Trees</u>	5 - 11
5.3.5	<u>Woodlot Management</u>	5 - 11
5.3.6	<u>Legislative Measures</u>	5 - 12
5.3.8	<u>Tree Preservation Plan</u>	5 - 12
5.4	<u>NATURAL HAZARDS</u>	5 - 14
5.4.1	<u>Flood Plain Policies</u>	5 - 14
5.4.2	<u>Unstable Lands</u>	5 - 18
5.4.3	<u>Shoreline Management Policies</u>	5 - 18
5.5	<u>WATERFRONT DEVELOPMENT</u>	5 - 21
5.6	<u>AMENITY AND DESIGN</u>	5 - 22
5.7	<u>URBAN DESIGN</u>	5 - 24
5.8	<u>ENERGY CONSERVATION</u>	5 - 25
5.9	<u>LAND USE COMPATIBILITY</u>	5 - 26
5.10	<u>NEIGHBOURHOODS</u>	5 - 26
5.11	<u>STABLE AREAS</u>	5 - 27
5.12	<u>DECOMMISSIONING AND LAND USE REHABILITATION</u>	5 - 29
5.13	<u>COMMUNITY IMPROVEMENT</u>	5 - 30
5.13.1	<u>Objectives</u>	5 - 30
5.13.2	<u>Community Improvement Criteria</u>	5 - 31
5.14	<u>PROPERTY MAINTENANCE</u>	5 - 34
5.15	<u>AIRPORT DEVELOPMENT RESTRICTIONS</u>	5 - 35
5.16	<u>RENTAL HOUSING CONVERSION TO CONDOMINIUM</u>	5 - 36

5.1 ECONOMIC DEVELOPMENT

The City shall pursue the following policy initiatives to further develop its economic base:

- a) the City of Sarnia will promote itself as a location for a range of economic activities, with an emphasis on automotive, health care, software development, education, research and development, petro-chemicals, tourism, retirement living, natural heritage, recycling, transportation and agriculture including value-added agriculture based products;
- b) the City may acquire and develop industrial land. To help maintain an acceptable inventory of vacant serviced industrial land, the City may enter into partnerships with private interests for the development and marketing of industrial lands;
- c) the City shall continue to develop and promote itself as an affordable, attractive, clean, friendly and safe community;
- d) the City's location, land , labour, lifestyle and leadership shall be promoted to attract new investment;
- e) the City shall be a committed partner in the ongoing implementation of the Strategy for Economic Renewal in Lambton County as prepared by the Sarnia-Lambton Council for Economic Renewal;
- f) new investment and re-investment by existing industry and business, wealth creation, and prosperity are recognized as important policy directions of the Official Plan;
- g) the City shall provide information and assistance to potential new or expanding businesses including "home occupation" enterprises;
- h) the City will support activities which foster community pride and all residents shall be encouraged to promote the community;
- i) the local cultural, historical, waterfront, and winter city themes shall be promoted to increase the existing visitor market and encourage the expansion and development of new tourist facilities;
- j) the City shall continue to assist with the development of conventions, festivals and other visitor oriented events;
- k) the City shall strengthen its role as the primary centre for goods and services in the County;
- l) the expansion of Lambton College as a Provincial centre of academic excellence shall be supported;

- m) the City supports the further development of a communications infrastructure to access the "information highway";
- n) the City will encourage the development and implementation of a comprehensive signage program to provide direction and highlight the major tourist attractions and facilities;
- o) the City supports the designation of the Bluewater Bridge and Highway 402 as one of the links in the Canada-United States-Mexico North America Free Trade Agreement superhighway system;
- p) the City may enter into partnership with private and non-profit interests for the development of community facilities and private enterprise;
- q) the City will continue to explore opportunities and develop plans to establish and promote community recreation and tourist orientated facilities and programs on the City owned waterfront;
- r) the revitalization of downtown Sarnia as a significant social, cultural and entertainment centre of Lambton County is an important goal of this Plan. Renewed investment is encouraged in downtown Sarnia to support the retention and development of retail, personal service, office, entertainment, tourism, and specialty shopping activities to meet local, regional, and tourist needs. The viability of the downtown should be reinforced through continued efforts that provide a mix of residential, institutional, and commercial activities, and the development of the waterfront and downtown as a tourist destination; and
- s) the City shall support the promotion of natural heritage and explore opportunities to promote and develop ecotourism initiatives.

5.2 CULTURAL HERITAGE

5.2.1 Inventory of Heritage Resources

5.2.1.1 It is the policy of the City to encourage the conservation of its heritage resources, including buildings, structures, monuments or artifacts of historic and/or architectural value or interest and areas of unique, rare or effective urban composition, streetscape, landscape or archaeological value or interest; and for such purposes the City will continue to maintain an inventory of the City's heritage resources, including those properties which have been designated pursuant to the Ontario Heritage Act and those which have not, in which each such resource is appropriately described, illustrated and evaluated in terms of:

- a) the architectural and/or historic value or interest of the resource;
- b) the contribution made by the resource to the effectiveness of the urban composition, streetscape or landscape of which it may form a part; and

- c) the structural condition of the resource, including the need for and feasibility of undertaking its physical restoration or rehabilitation.

5.2.1.2 For the purposes of maintaining an inventory of heritage resources, in undertaking public awareness programs and advising Council with respect to implementation, it is the policy of the City to appoint a Local Architectural Conservation Advisory Committee (LACAC) pursuant to the Ontario Heritage Act; and Council shall not give notice of its intention to designate a property or to repeal a by-law designating a property or part thereof in accordance with the Ontario Heritage Act without first having consulted the (LACAC).

5.2.2 Priorities for Heritage Resources

5.2.2.1 The City recognizes that a variety of cultural heritage resources exist in the municipality that contribute to such activities as tourism and core area revitalization. It is the policy of the City to encourage the conservation of heritage resources in land use decisions in the following order of preference:

- a) incorporate heritage resources and their surrounding context into development applications in a manner which does not conflict with the heritage resource;
- b) promote the use of scale and design which blends harmoniously with existing heritage resources when development or redevelopment occurs;
- c) promote the re-use of the resource, building or building elements where a heritage resource cannot be conserved intact; and
- d) require, prior to approving a development application which would result in the destruction of a heritage resource, that the applicant provide measured drawings, a land use history, photographs and other available documentation of the heritage resource in its surrounding context and, if feasible, relocate the heritage resource.

5.2.2.2 It is the policy of the City wherever possible to preserve and enhance the City's heritage resources and for these purposes, Council may:

- a) assess the probable impact of proposed road improvements and other public works projects on any abutting heritage resource which is included in the inventory and provide in the design of such projects for the mitigation of any negative impact;
- b) encourage the integration of heritage resources into the design of draft plans of proposed subdivision and other development;
- c) provide for any heritage resource located within public open space to be restored, rehabilitated, used and maintained for any purpose compatible with the existing or proposed function of such public open space and consistent with the other provisions of this Plan;

- d) pass by-laws under the Planning Act to enable the conservation of heritage resources;
- e) undertake studies and formulate and implement heritage plans and programs, including consultation and cooperation with other local, Provincial and national heritage conservation agencies and organizations;
- f) promote public awareness of the City's heritage resources included in the inventory by conducting programs, publishing information or otherwise stimulating interest in such cultural heritage resources;
- g) continue to maintain a (LACAC) to advise Council on all matters associated with the identification, designation, conservation, protection and restoration and alteration of and additions to heritage buildings, heritage districts, and heritage areas; and
- h) continue the process of designating buildings under the Ontario Heritage Act and listing buildings of historical and/or architectural interest where appropriate, at the request of owners and upon the recommendation of the (LACAC).

5.2.3 Heritage Evaluation Criteria

5.2.3.1 It is the policy of the City that the following shall be used in determining the significance of heritage resources included or proposed to be included in the City's inventory described in Policy 5.2.1.1 of this Plan:

- a) historic value or interest; and/or
- b) architectural value or interest.

Historic Value or Interest

5.2.3.2 A property shall be considered to have historic value or interest if the property has been designated by the Province to be of archaeological or historical significance pursuant to the Ontario Heritage Act or, in the opinion of the City, satisfies at least two of the following criteria or one of these criteria plus one of the criteria listed in Policy 5.2.3.3:

- a) it dates from an early period in the development of the City's communities;
- b) it is a good, representative example of the work of an outstanding local, national or international architect, engineer, builder, designer, landscape architect, interior designer or sculptor and is well preserved;
- c) it is associated with a person who is recognized as having made a significant contribution to the City's social, cultural, political, economic, technological or physical development or as having materially influenced the course of local, Provincial, national or international history;

- d) it is directly associated with a historic event which is recognized as having local, Provincial, national or international importance; or
- e) it is a well preserved example and illustration of the City's social, cultural, political, economic or technological development history.

Architectural Value or Interest

5.2.3.3 A property shall be considered to have architectural value or interest if, in the opinion of the City, it satisfies at least two of the following criteria or one to these criteria plus one of the criteria listed in Policy 5.2.3.2:

- a) it is a well preserved, representative example of a method of construction now rarely used;
- b) it is a good, well preserved and representative example of its architectural style or period of building;
- c) it is a well preserved and outstanding example of architectural design;
- d) it makes an important contribution to the urban composition or streetscape of which it forms a part;
- e) it is generally recognized as an important City landmark;
- f) it is a well preserved example of outstanding interior design; or
- g) it is an example of a rare or otherwise important feature of good urban design or streetscaping.

5.2.4 Designation of Heritage Properties

5.2.4.1 It is the policy of the City to regulate the demolition, removal or inappropriate alteration of buildings of historic or architectural value or interest included in the inventory of heritage resources referred to in [Policy 5.2.1.1](#); and, for these purposes, Council may:

- a) pass by-laws pursuant to the Ontario Heritage Act to designate properties including such buildings or structures to be of such historic or architectural value or interest; and Council shall not permit the demolition, removal or inappropriate alteration of such buildings or structures for a period of 180 days following application therefor by the owner of such buildings or structures, or such further period of time as Council and the owner may agree upon, unless Council has repealed the by-law designating such property or part thereof;
- b) pass by-laws providing for the acquisition by purchase, lease or otherwise of any property or part thereof, including any interest therein, designated in accordance with Policy 5.2.4.1 a), or for the expropriation of any such property;

- c) dispose by sale, lease or otherwise of any designated property or interest therein acquired in accordance with Policy 5.2.4.1 b) upon such terms and conditions as Council may consider necessary; and
- d) enter into any easement agreement or covenant with the owner of a designated property, register such easement or covenant against the real property affected in the land registry office, enforce such registered easement or covenant against the owner or any subsequent owner of such real property and assign such easement or covenant to any person who, in the opinion of Council, will preserve and maintain the property to protect the heritage resources described in the inventory referred to in [Policy 5.2.1.1](#).

5.2.5 Designation of Heritage Conservation Districts

5.2.5.1 It is the policy of the City to control as fully as possible the demolition, removal or inappropriate alteration or erection of buildings which, in the opinion of Council, constitute a heritage resource; and Council, after having consulted its (LACAC), may pass by-laws pursuant to the [Ontario Heritage Act](#) to define one or more potential heritage conservation districts to be examined for future designation as a heritage conservation district and may, after consultation with the owners of properties included in a defined potential heritage conservation district, pass by-laws pursuant to Section 41 of the [Ontario Heritage Act](#) to designate all or part of the defined potential heritage conservation district as a heritage conservation district and apply to the Ontario Municipal Board for the approval of such by-laws.

5.2.5.2 It is the policy of the City that the provisions of Policy 5.2.4.1 b), c), and d) shall also apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated as a heritage conservation district.

5.2.5.3 For the purposes of defining a potential heritage conservation district in accordance with Policy 5.2.5.1, it is the policy of the City that regard shall be had for the urban composition of the area, the incidence therein of buildings or structures of historic or architectural value or interest included in the inventory of heritage resources referred to in [Policy 5.2.1.1](#), the structural soundness of such buildings or structures and the feasibility of restoring, using or maintaining such buildings or structures for economically useful purposes.

5.2.6 Archaeological Resources

5.2.6.1 It is the policy of the City to encourage the conservation of sites of archaeological value as may be identified from time to time by the Province and, upon being advised by the Province that lands proposed for development or redevelopment may constitute or include a resource of potential or acknowledged archaeological value, the City shall, on the direction of the Province, request the owner of such lands to carry out studies to:

- a) survey and assess the value of the archaeological resource;

- b) assess the impact of the proposed development or redevelopment on the archaeological resource;
- c) indicate the methods proposed to be used to mitigate any negative impact of the proposed development or redevelopment on the archaeological resource; and
- d) Council shall not pass by-laws or otherwise facilitate the development or redevelopment of such lands as proposed unless the Province has approved such studies.

5.2.6.2 The City will require the completion of archaeological surveys for development proposed in areas where such features are believed to exist and require the excavation of these sites and/or where suitable, the preservation of significant sites.

5.2.6.3 The City may seek to protect significant archaeological resources through the Zoning By-law provisions set out in the Planning Act.

5.2.7 Burial Places

When burial places are encountered during any excavation activity, the provisions of the Cemeteries Act and its regulations shall apply.

5.2.8 Partnerships

The City recognizes that stewardship of the community's heritage resources requires strong partnerships amongst a variety of stakeholders. In recognition of this need, the City promotes partnership arrangements which assist in heritage resource stewardship, and may include City and County representation, other community-based advocacy groups, property owners and development interests.

5.2.9 Funding

It is the policy of the City to encourage the restoration or rehabilitation of privately owned properties pursuant to the Ontario Heritage Act, Council may pass by-laws providing for the making of a grant or loan to the owner of such designated property for the purpose of paying for the whole or any part of the cost of the alteration such designated property on such terms and conditions as Council may prescribe where such alteration will serve to protect or enhance the heritage characteristics of such designated property.

5.3 NATURAL HERITAGE RESOURCES

The protection and enhancement of Sarnia's natural heritage resources is a priority for the City. Sarnia contains a diversity of natural heritage resources which together help to sustain its urban areas. Through the application of the Natural Heritage, Natural Hazards, Environmental Protection and Major Open Space policies of this Plan, the City will endeavor to ensure that development or redevelopment will maintain and improve, wherever feasible, the natural environment of the City.

5.3.1 Watercourses

Development along watercourses will be planned such that harmful alteration, disruption and destruction of fish habitat is avoided. The following principles will apply to any development that borders a watercourse in the City:

- a) as a first option, natural stream bank vegetation should be maintained;
- b) grassed slopes and other native vegetation, or other suitable erosion control methods, should be introduced and should be maintained on the banks of watercourses;
- c) construction of tile outlets should not contribute to erosion along watercourses;
- d) tree planting or other buffer measures should be installed where appropriate to protect watercourse banks and enhance the "biological corridor" role of watercourses;
- e) interim measures to protect the watercourse from erosion and sedimentation during construction should be incorporated; and
- f) an appropriate setback for all development from the top of the bank of watercourses will be required in order to prevent erosion, improve water quality, enhance wildlife corridors and protect fish habitat, in addition to protecting the development from flooding and slope instability.

5.3.2 Fish Habitat

The City recognizes that, in keeping with the ecosystem approach to resource management, the health of aquatic communities and fish habitat is used as an indicator of a healthy environment. Fish habitat restoration and protection may be implemented through subwatershed studies or on an individual development basis.

- #### **5.3.2.1**
- The City may permit development that will not harmfully alter, disrupt or destroy fish habitat. The goal is no net loss of productive capacity of fish habitat, and where possible a net gain of productive capacity, using a comprehensive environmental review and implementation process and consultation with the St. Clair Region Conservation Authority (SCRCA) and/or the Department of Fisheries and Oceans (DFO).

- 5.3.2.2** Any development or change in the legal use of land near or adjacent to an existing or potential fish habitat area will be reviewed by the (SCRCA) and/or the (DFO) with respect to its potential impact. Any proposal shall be subject to an assessment to determine if it will result in a reduction of the fish habitat to sustain the fisheries resource.
- 5.3.2.3** The City, in conjunction with the (SCRCA) and /or the (DFO) will determine a minimum vegetative buffer zone adjacent to existing or potential fish habitat areas where development is proposed.
- 5.3.2.4** Where it has been determined by the (SCRCA) and/or the (DFO) that any development or change in the legal use of land will affect the natural functions of any fish habitat, the preparation and submission of a Fish Habitat Protection Assessment will be required. Such assessment shall;
- a) identify the nature and extent of potential impact;
 - b) determine appropriate mitigative measures to protect the affected fishery;
 - c) specify compensation for loss of fish habitat through near-site replacement of habitat, off-site replacement of habitat or on-site increase of habitat capacity;
 - e) determine appropriate buffer zones; and
 - f) include the requirements of the (DFO).
- 5.3.2.5** Any requirements imposed through a Fish Habitat Assessment must be implemented by the proponent with input from, and to the satisfaction of the (SCRCA) and/or the (DFO).
- 5.3.2.6** Where it is determined by the (SCRCA) and/or the (DFO) that any development shall cause negative impacts to fish habitat, such development may be prohibited.
- 5.3.2.7** A subwatershed study is considered to be an appropriate vehicle for the implementation of fishery policy and the specification of protective or mitigative measures.
- 5.3.2.8** Watercourses and flood plains should be preserved from development and utilized/integrated as pedestrian movement and passive areas.

5.3.3 Wildlife Habitat

The City recognizes that, in keeping with the ecosystem approach to resource management, the health of land based communities and wildlife habitat is also used as an indicator of a healthy environment. Land based habitat restoration and protection may be implemented through studies or on an individual development basis.

- 5.3.3.1** The City may permit development that will not harmfully alter, disrupt or destroy wildlife habitat.
- 5.3.3.2** Any development or change in the legal use of land near or adjacent to an existing or potential wildlife habitat area will be reviewed by the City with respect to its potential impact. Any proposal may be subject to an evaluation to determine if it will result in the loss of the wildlife habitat.
- 5.3.3.3** The City will determine a minimum vegetative buffer zone adjacent to existing wildlife habitat areas where development is proposed.
- 5.3.3.4** Where it has been determined by the City that any development or change in the legal use of land will affect the natural functions of a significant wildlife habitat, the preparation and submission of a Wildlife Habitat Protection Assessment will be required. Such assessment shall;
- a) identify the nature and extent of potential impact;
 - b) determine appropriate mitigative measures to protect the affected habitat;
 - c) specify compensation for loss of the habitat through near-site replacement of habitat, off-site replacement of habitat or on-site increase of habitat capacity; and
 - d) determine appropriate buffer zones.
- 5.3.3.5** Any requirements imposed through a Wildlife Habitat Assessment must be implemented by the proponent with input from, and to the satisfaction of the City.
- 5.3.3.6** Where it is determined by the City that any development shall cause negative impacts to wildlife habitat that cannot be adequately mitigated, such development may be prohibited.

5.3.4 Trees

In order to maintain a healthy stock of mature trees, the City will require development proponents, as a condition of approval, to preserve mature trees where possible and when trees must be removed, these shall be replaced with new plantings in a reasonable time by trees of similar species and of sufficient maturity to enhance the appearance of the development. In addition, the City will encourage the introduction of new tree plantings as one component of the development approval process.

5.3.5 Woodlot Management

In accordance with the Lambton County Tree By-Law, no clearing of woodlots will be permitted except for minor clearing for convenience purposes as approved by Lambton County Council. County Council may require, as a condition of approval, reforestation of, at least, an equivalent area of land, or planting of a fence line or windbreak.

Where forest cover has been removed and is to be replaced as a condition of a development approval, the use of indigenous species of vegetation is encouraged. Restoration work should be required at a rate of twice the area of forest cover that was removed. Preference will be given to replacing the trees at the same site and/or within the Environmental Protection or Hazard designations. The replacement tree stock should consist of indigenous species where quality stock is available and be maintained by the proponent to the free to grow stage. Long term management of these replacement trees will comply with the County of Lambton Tree Cutting By-Law.

5.3.6 Legislative Measures

To encourage woodlot protection, the City may consider implementing relevant sections of the Forestry Act, the Woodlands Improvement Act, the Municipal Act and any other relevant legislation.

5.3.7 Council may consider the reduction or re-allocation of development densities in order to preserve existing woodlots and mature trees, and other natural areas and features which are not identified within the Environmental Protection Area designations of this Plan.

5.3.8 Tree Preservation Plan

Development proponents within or adjacent to wooded areas will be required to submit a Tree Preservation Plan, satisfactory to the City as a condition of approval. The Tree Preservation Plan shall:

- a) contain an inventory of existing tree species and condition;
- b) indicate the impact of development on existing trees and the wildlife habitat that they provide;
- c) indicate measures necessary to reduce the negative effect of development;
- d) indicate the trees to be removed and ensure the preservation of the remaining trees;
- e) indicate a plan for the replacement of trees with suitable quality stock, preferably of indigenous species, and maintenance of replacement trees to a free to grow stage;
- f) be included in the development agreement; and
- g) incorporate the requirements of an Environmental Evaluation if the wooded area is part of a Significant Woodland. Significant Woodlands are those forested areas which are designated Environmental Protection in a Primary corridor or Significant Natural Area, or any contiguous forested area that is **4 hectares**, or greater in size.

natural corridors

- 5.3.9** The linking of significant natural areas through a comprehensive system of natural corridors will be encouraged. Stewardship initiatives and compatible land uses will be encouraged in an effort to restore areas of vegetation gaps and forest openings within these natural corridors. Any reforestation required by the Tree By-Law or Tree Preservation Plan should maintain and enhance existing corridors where practical.
- 5.3.10** In reviewing development proposals, the City shall consider the protection, maintenance and enhancement of water and water related resources.
- 5.3.11** The City will attempt to maintain and, where possible, enhance surface and groundwater resources in sufficient quality and quantity to meet existing and future needs.
- 5.3.12** The City will promote water conservation and support the efficient use of water resources.
- 5.3.13** It is a policy of this Plan to recognize the Huron Shore Flyway identified by the Sarnia Urban Wildlife Committee. The Flyway is generally located north of Michigan Avenue/Line. There are several natural areas located within this area which provide resting and staging areas for migratory birds and which are regarded as popular areas for observing birds. These areas include Canatara Park, the Sarnia waterfront, the Lake Huron shoreline, the Howard Watson Nature Trail, the Dennis Rupert Prairie Reserve, the Sarnia Chris Hadfield Airport, Saredaca Outdoor Centre, the Wawanosh Wetlands and the Bright's Grove Sewage Lagoons. The preservation and protection of these natural habitats will be encouraged.
- 5.3.14** The establishment of walking/biking trails along natural corridors throughout the City is encouraged, with the objective of creating a comprehensive network of recreation trails.
- 5.3.15** The continued maintenance and enhancement of the Howard Watson Nature Trail for use as a walking/biking path linking various areas of the City, is a policy of this Plan. The extent of the trail is shown on Schedule "B" to this Plan.

5.4 NATURAL HAZARDS

Major watercourses, corresponding flood plains and valley systems with significant slopes represent constraints to development. The following policies will apply to development within and adjacent to flood plains and adjacent to significant slopes.

The topographical variations of a flood plain directly affect the nature and characteristics of a flood. There are two different types of topography: 1) valley topography; and 2) flat topography.

In valley topography, flood plains tend to be well defined and areas that are subject to flooding are generally distinguishable from areas that are subject to minimal or no flooding. Floods within valley topography tend to be deeper and have higher velocity flows. Due to the flood characteristics there is a major concern for loss of life and significant property damage. In this case, a One Zone Concept should be utilized. Under the One Zone Concept, development in the flood plain is rigorously limited.

In areas characterized by flat topography the flood plain can be extensive and severely hazardous areas may not be clearly definable. The resulting floods tend to be shallow and of low velocity and consequently the major concern is property damage, impaired access, and reduced emergency services (e.g. police, fire, ambulance). Under these conditions, more opportunity for development is possible, provided flood susceptibility is minimized through floodproofing and problems upstream or downstream are not created. In this case, a Two Zone Concept should be utilized, in which development is permitted, subject to specific flood proofing measures, in the area known as the flood fringe. At the time when development is proposed, the preparation of engineering reports, may be required to determine the extent of the regulatory flood plain.

5.4.1 Flood Plain Policies

regulatory flood standards

5.4.1.1 The Regulatory Flood Standard for the Perch Creek watershed is based upon the 1:100 year flood standard.

The Regulatory Flood Standard for the Cow Creek watershed is based upon the Hurricane Hazel Storm centered event which occurred in 1954.

5.4.1.2 Site specific encroachment analyses have been performed by the City and the St. Clair Region Conservation Authority for Development Area 1 (area bounded by Blackwell Road, Modeland Road, Highway 402 and the former C.N.R. right-of-way) and the residential area located east of Franklin Avenue and south of Hamilton Road in the Bright's Grove Community. As a result of these analyses, residential development is permitted within these areas below the 1:100 year flood standard subject to the approval of the municipality and the St. Clair Region Conservation Authority.

- 5.4.1.3** The City will, where appropriate, encourage the vegetation of flood plains with species native to the County.
- 5.4.1.4** The flood plains within Sarnia consist of One-Zone and Two-Zone, Policy areas.
- 5.4.1.5** The creation of lots which extend into flood susceptible areas may be permitted provided that the Zoning By-law prohibits the establishment of structures or outdoor storage on that portion of the lot located within the flood plain in One-Zone Flood Plain Policy Areas or the floodway in Two-Zone Flood Plain Policy areas and that the need for community trails along the watercourse is addressed.
- 5.4.1.6** Structures which are replaced due to fire or unusual loss will generally be floodproofed to the Regulatory Flood elevation with reductions as determined appropriate and feasible by the St. Clair Region Conservation Authority. In no case shall buildings be replaced without floodproofing to the 100 Year Flood elevation.
- 5.4.1.7** It is a policy of this Plan to have Fill Regulations developed and registered for both the Perch Creek and Cow Creek watersheds.
- 5.4.1.8** Prior to a building permit being issued by the City for construction within the flood plain, a permit from the St. Clair Region Conservation Authority, pursuant to the “Fill, Construction and Alteration to Waterways” regulations under the Conservation Authorities Act will be required.
- 5.4.1.9** The construction of new public roads, or new structures necessary for conservation, public recreation, water supply, wastewater management, stormwater management, utility, or agricultural purposes may, subject to the approval of the St. Clair Region Conservation Authority, be permitted within the flood plain in a One-Zone Flood Plain Policy Area or the floodway in a Two-Zone Flood Plain Policy Area.
- fill**
- 5.4.1.10** No alteration to a watercourse and no placing or removal of any fill of any kind whether originating on the site or elsewhere shall be permitted in Hazard Areas unless such action is approved by the City, or, where fill regulations apply, by the local Conservation Authority. The City may consider implementing a Site Alteration By-Law under the authority of the Ontario Municipal Act (R.S.O. 1990).
- 5.4.1.11 One-Zone Flood Plain Policies**
- 5.4.1.11.1** One-Zone Flood Plain Policies apply to the areas identified as One-Zone Flood Plain Policy Areas on Schedule "B". The One-Zone designation includes all lands below the Regulatory Floodline.
- 5.4.1.11.2** No development shall be permitted in a One-Zone Policy Area designation except those uses identified in Policy 5.4.1.11.4.

5.4.1.11.3 Notwithstanding Policy 5.4.1.11.2, minor expansions or alterations may be undertaken on buildings existing in the flood plain at the time of adoption of this Plan provided that:

- a) no new dwelling units are created;
- b) no new floor space (including basements) created within the flood plain is below the elevation of existing first floor space; and
- c) such minor expansions or alterations including mechanical and electrical services are generally floodproofed to the Regulatory Flood elevation. Under certain circumstances, reductions in the level of floodproofing may be permitted where deemed appropriate and feasible by the St. Clair Region Conservation Authority.

5.4.1.11.4 The flood plain for major watercourses exhibiting valley topography is subject to the One Zone Concept as defined by the Regulatory Flood Standard which will be determined in consultation with the local Conservation Authority.

All buildings and structures will be prohibited except for:

- a) those necessary for flood or erosion control;
- b) those necessary for conservation and stormwater management purposes;
- c) minor buildings such as rain shelters; and
- d) those structures that comprise a portion of a recreation pathway or those permitted through the specific policies elsewhere in this Section.

All such development below the regulatory flood line will require a "Fill, Construction and Alterations to Waterways" permit from the local Conservation Authority.

5.4.1.12 Two-Zone Flood Plain Policies

5.4.1.12.1 Two -Zone Flood Plain Policies apply to areas identified as Two-Zone Flood Plain Policy Areas on Schedule "B". The Two-Zone floodway-flood fringe concept is selectively applied to portions of the flood plain that could potentially be developed with no adverse impacts on flood flows.

5.4.1.12.2 Under the Two-Zone concept, the floodway and the flood fringe shall be identified as follows:

floodway: the hazardous portion of the flood plain where flood depths and/or velocities are considered to be such that they pose a significant threat to life and/or property. Consequently, the floodway is generally defined as the area required for the safe passage of flood flows. In all circumstances, delineation of the floodway will be approved by the St. Clair Region Conservation Authority based on depth and velocity parameters.

flood fringe: the portion of the flood plain between the limits of the floodway as defined by the Conservation Authority and the Regulatory Floodline. Flood depth and velocity is generally less severe than in the floodway.

5.4.1.12.3 Development in the flood fringe shall be restricted to infilling, redevelopment or replacement of existing buildings or structures, and minor expansions or alterations or minor additions or alterations to buildings existing as of the date of adoption of this Plan. Development in the floodway shall be restricted to minor expansions or alterations to buildings existing as of the date of adoption of this Plan in accordance with Policy 5.4.1.11.3.

5.4.1.12.4 Development which conforms to Policy 5.4.1.12.3 may be permitted within the flood fringe provided that the following conditions are met:

- a) a fill permit is issued by the St. Clair Region Conservation Authority under the Fill, Construction and Alteration to Waterways Regulation on the basis that no adverse effects on the hydraulic characteristics of flood flows will occur;
- b) all development is suitably floodproofed to the Regulatory Flood elevation as determined by and to the satisfaction of the Conservation Authority and the City;
- c) all habitable floor space is constructed at or above the Regulatory Flood elevation and all essential building services (i.e. electrical, telephone, heating etc.) are constructed at or above or are protected to the Regulatory Flood elevation;
- d) the creation of any uninhabitable floor space below the Regulatory Flood elevation where there is the possibility of conversion to habitable floor space is not permitted; and
- e) access for all new habitable buildings located in the flood fringe shall be such that emergency vehicular and pedestrian movement is not prevented during times of flooding in order that safe access/evacuation is ensured. The determination of "safe" access shall be made by the Conservation Authority based on the depth and velocity factors as they affect individual sites.

absence of engineered floodlines

5.4.1.12.5 The preparation of engineering reports to determine the extent of the floodplain may be required in areas where no engineered flood lines exist. The cost of required reports will be borne by the development proponent.

existing development in the floodplain

5.4.1.12.6 Any redevelopment or expansion of existing development within the flood plain must be in conformity with the policies of this Plan and the policies of the local Conservation Authority. All such development below regulatory flood lines will require a permit from the local Conservation Authority.

5.4.2 Unstable Lands

setbacks from slopes

5.4.2.1 Development adjacent to steep slopes or watercourse valleys will be subject to setbacks from the stable top-of-bank. The stable top-of-bank will be determined by the proponent in consultation with the City and the Conservation Authority/Province. The required development setback will reflect the degree, severity and extent of the hazard. The erosion hazard (slope setback) will be determined using an allowance for slope stability, an erosion allowance based upon the 100 year erosion rate, and an erosion protection allowance. A standard setback may be included in the implementing Zoning By-Law.

engineering and geotechnical studies

5.4.2.2 Where slope stabilization, development or redevelopment is proposed near the top-of-bank of a major watercourse or significant slope, the proponent will consult with the City regarding the need for geotechnical or engineering studies.

5.4.2.3 Where Ontario Regulations stipulate, the City will consult with the Conservation Authority, however, outside regulated areas, the City may consult with the Conservation Authority at its own discretion. The City will reserve the right to require geotechnical and/or engineering studies and/or works.

5.4.3 Shoreline Management Policies

5.4.3.1 The principal goals of shoreline management are to minimize the risks to life and property damage from flooding, erosion and associated hazards along the Lake Huron and St. Clair River shorelines, and to ensure that shoreline development adequately addresses flooding and erosion hazards through a combination of public and private management and development alternatives.

5.4.3.2 It is a policy of the City to install shoreline protection designed to minimize damage to public property on a phased basis as the need arises and as funding can be made available.

5.4.3.3 Lake Huron Shoreline

The following policies will apply to lands along the Lake Huron Shoreline which may be susceptible to shoreline flooding or erosion according to the Shoreline Management Plan prepared by the St. Clair Region Conservation Authority.

5.4.3.3.1 Two Shoreline Management Areas based on the characteristics of the shoreline related to bluff height and beach development have been developed by the St. Clair Region Conservation Authority for the City. Shoreline Management Area 1 represents the high hazard area and Shoreline Management Area 2 represents the medium hazard area. Reference should be made to the Community Prescription Maps located

in Section 5 of the Shoreline Management Plan for an accurate illustration of the Shoreline Management Area boundaries. The Shoreline Management areas will be identified in the Zoning By-law.

5.4.3.3.2 The shoreline development policies applicable to the Shoreline Management Areas are summarized in the following chart:

Development Type	Shoreline Management Area 1	Shoreline Management Area 2
repairs/maintenance to dwellings	permitted	permitted
interior alterations to dwellings	permitted	permitted
dwelling additions (1)	25 percent addition permitted provided no further encroachment lakeward and flooding and/or erosion hazards are appropriately addressed (2)	50 percent addition permitted provided no encroachment into Shoreline Management Area 1 and provided that flooding and/or erosion hazards are appropriately addressed (2)
unattached garages	permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
septic systems	not permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
new dwellings	not permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
rebuilding of dwelling destroyed by forces other than flooding and/or erosion	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)
multi-lot severances and subdivisions	not permitted	not permitted
infilling severances	not permitted	permitted - provided that flooding and/or erosion hazards are appropriately addressed (2)

NOTE:

- (1) Additions are expressed as a percentage of the ground floor area of the dwelling existing on the date of adoption of this Plan.
- (2) Addressing the flooding and/or erosion hazards in conjunction with the development or redevelopment of a shoreline property can take the form of structural or non-structural measures, or a combination of these measures meant to reduce potential damages. These measures may include (but are not limited to) moveable dwelling designs, dwelling relocation, bluff stabilization measures, protection works, drainage, and beach nourishment. Where protection works are proposed as a means to address the hazards, these works should meet established standards and procedures.

5.4.3.3.3 For sites within **75 metres** of Lake Huron which lie below the flood elevation of **179.2 metres** CGD, the required minimum elevation of any openings to new buildings shall be **179.2 metres** CGD. It will be the responsibility of the proponent of any new development within this area to determine the **179.2 metres** CGD flood elevation on the subject property.

5.4.3.4 **St. Clair River Shoreline**

The following policies will apply to the St. Clair River Shoreline.

5.4.3.4.1 For the St. Clair shoreline in Sarnia, the Ministry of Natural Resources has determined the 1:100 year flood level to be the **178.0 metre** contour. It is the policy of this Plan that this **178 metre** contour shall be the flood elevation for lands among the St. Clair River as they are less susceptible to wave uprush than lands which front directly on Lake Huron. For sites near the St. Clair River, the required minimum elevation of any openings to new buildings shall be **178.3 metres**.

5.4.3.4.2 For sites bordering the St. Clair River that have no shoreline erosion protection, a new habitable building will be required to have a minimum setback of **15 metres**. Additions to existing habitable buildings have less than the required setback from the top of the shoreline bank along the St. Clair River are permitted provided that the addition does not reduce the existing setback.

5.4.3.4.3 Requests for consideration of minor reductions in the setback requirement may be directed to the Committee of Adjustment, without an amendment to this Plan.

5.4.3.4.4 New development on shoreline sites shall incorporate provisions for shoreline erosion protection.

5.4.3.4.5 The City shall continue to seek the assistance of the St. Clair Region Conservation Authority and the St. Clair Parkway Commission to install or upgrade shoreline protection where required.

5.4.3.4.6 Minor land filling and modifications to the configuration of the shoreline shall be permitted, however, such modifications shall not be so large as to significantly disrupt water currents or present a major obstruction to up-river or down-river views. Only inert fill as defined by Ontario Regulation 309 R.S.O. 1980 shall be used where landfill is required. Buildings may be built on the landfill areas.

5.5 WATERFRONT DEVELOPMENT

- 5.5.1** Since the land uses permitted along the waterfront should not adversely affect the use of other lands in the vicinity, incompatible activities are prohibited, as a matter of policy, from waterfront locations.
- 5.5.2** The City will seek the co-operation of the St. Clair Parkway Commission and the St. Clair Region Conservation Authority and appropriate City Council Committees in the acquisition and development of additional waterfront parkland, with these activities to be concentrated in specified locations which would make a significant contribution to the City's open space network.
- 5.5.3** The City will seek the co-operation of the St. Clair Parkway Commission and/or the St. Clair Region Conservation Authority in the development of public docking and mooring facilities, and boat ramps for pleasure boats in appropriate locations on the City's waterfront.
- 5.5.4** It is a policy of this Plan to promote public access to the waterfront. Where possible, parking areas, rights-of-way or scenic easements will be established to provide pedestrian or visual access to the waterfront.
- 5.5.5** Leasing of some municipal owned waterfront park areas and recreational facilities to the St. Clair Parkway Commission may be encouraged to facilitate maintenance, promotion and consistency in design and development of these areas.
- 5.5.6** The leasing of waterfront lands for commercial ventures will be permitted when the proposed use is compatible with the objectives for waterfront development and when the following guidelines are adhered to:
- a) the proposed use serves the interests or needs of people attracted to the waterfront;
 - b) the proposed use requires or benefits significantly from a waterfront location;
 - c) the proposed use does not detract from the usability of adjacent open space areas or the quality of the recreational experience that they provide; and
 - d) the proposed use does not create or contribute to water quality problems in Sarnia Bay, the St. Clair River or Lake Huron.
- 5.5.7** Waterfront development shall provide for a continuous public walkway at or near the water's edge along the length where feasible, so that the waterfront will have a cohesive appearance and common identity. The walkway will be primarily designed for passive activities such as walking, sitting, viewing, fishing etc. Where feasible, portions of the walkway may also incorporate a bicycle path.

- 5.5.8** The landscape design of open space areas shall be conducive to the creation of a common identity for the waterfront.
- 5.5.9** Open space areas within the waterfront shall be allocated to a range of water and land-based recreational facilities that accommodate both active and passive pursuits and appeal to all age groups. To the extent possible, recreational facilities will be particularly suited to the waterfront location and will provide opportunities that are not available elsewhere in the community.
- 5.5.10** The spatial distribution of facilities, both recreational and commercial, shall seek to provide an adequate separation of activity generating uses from passive recreational areas so that problems of incompatibility can be minimized.
- 5.5.11** Recreational facilities may be either publicly or privately operated, provided such facilities are available to the public and conform to all other applicable waterfront policies.

5.6 AMENITY AND DESIGN

buffering and screening

- 5.6.1** In order to minimize the negative effects of conflicting land uses and forms of development, buffering and/or screening will be provided in all areas and for all uses wherever such conflicts may be created.
- 5.6.2** The City's Zoning By-law, site plan agreements and other special agreements will control and/or guide new development and will ensure that adequate buffering and/or screening is provided wherever required.

noxious uses

- 5.6.3** All land uses and transportation facilities that may be noxious due to noise, visual characteristics, vibration, dust or odours will be physically separated from Residential Areas wherever possible. The City will be satisfied that prior to approving any development that may be incompatible with adjacent uses, appropriate steps have been or will be taken to reduce any land use conflicts to a tolerable level, or to eliminate them entirely.
- 5.6.4** Buffering and/or screening will be provided by the developer where a new Residential Area is developed adjacent to any other land use designations except for Major Open Space Areas and Hazard and Environmental Protection Areas.
- 5.6.5** The provision of buffering and/or screening may include any combination of the following:

- a) the separation of uses and/or buildings by means of greater-than-normal setbacks;
- b) restrictions on outside storage of goods, materials or equipment;
- c) restrictions on parking facilities;
- d) restrictions on loading facilities in industrial or commercial areas;
- e) restrictions on the location and type of outdoor lighting equipment, including the direction of illumination;
- f) the installation of fences, walls and earth berms to create a visual barrier; and
- g) vegetative screens and other forms of landscaping.

high density residential

5.6.6 The design and siting of high density residential development will minimize potential negative effects on all other types of dwellings.

noise guidelines

5.6.7 The appropriate Provincial noise guideline standards will be maintained for all new development within or adjacent to Residential Areas.

5.6.8 Council may require that applications for residential uses adjacent to Controlled Access Provincial Highways and railway lines be supported by a Noise Impact Study, prepared in accordance with normal accepted standards, which will include the following:

- a) a description of the proposed development, including plans;
- b) physical site characteristics, including elevations and contours;
- c) a statement of noise measurement techniques and methodologies used;
- d) the results of noise measurement and prediction studies for the site, during both daytime and night-time;
- e) the extent to which noise levels throughout the site vary from accepted noise level standards, as set by the Province from time to time;
- f) noise attenuation measures to be installed to reduce excess noise levels; and
- g) noise level prediction results anticipated after attenuation measures are installed, for both daytime and night-time.

5.6.9 No new residential development adjacent to Controlled Access Provincial Highways and railway lines will be permitted unless predicted post-development noise levels are at or below the levels acceptable to the Province. However the Municipality may approve development and require that notice be given to prospective purchasers and tenants where predicted noise levels exceed maximum acceptable Provincial levels.

street trees

5.6.10 The City recognizes the environmental, aesthetic and heritage values associated with trees lining both urban and rural boulevards, streets, and roadways. As such, the City shall promote and encourage the protection and wise management of such trees and encourage public authorities and agencies to give due consideration for their preservation when undertaking utility projects and regular maintenance.

5.6.11 The City shall protect and preserve street trees located within road rights-of-way wherever practical.

5.6.12 The City will encourage private landowners to protect and preserve trees located outside of road rights-of-way.

5.6.13 The City will encourage the planting of trees in boulevards within the road allowances of all arterial, collector and local streets in accordance with the City's Tree By-law.

5.7 URBAN DESIGN

5.7.1 The City recognizes the importance of urban design to the quality of its environment. In order to promote the practice of comprehensive urban design, the City may establish guidelines or otherwise advance its interest in achieving key elements of desirable development, including:

- a) safety;
- b) compact urban form in the interests of the efficient use of land and services;
- c) integration of compatible land uses;
- d) conservation of the natural environment and built heritage resources;
- e) linkages (pedestrian, cycling, vehicular and transit);
- f) consistency in building setbacks and other features, where appropriate;
- g) aesthetics;
- h) longevity of public and private services and facilities; and

- i) flexible standards, such as road allowance widths, tree planting in boulevards and stormwater management practices.

high quality design

5.7.2 The City will encourage the highest quality in design and amenity to be incorporated into the design plans in all land use designations which may include, where appropriate:

- a) loading areas and waste disposal storage areas to be screened from adjacent public roads and residential areas by buildings and landscaping;
- b) landscaped strips to be installed around the entire periphery of the property, except for entrances, exits and interconnections with adjacent properties for pedestrians and vehicles;
- c) parking areas being paved, curbed and landscaped to an acceptable standard;
- d) the exterior facade of buildings exposed to abutting public roads being designed to complement the existing streetscape;
- e) off-street interconnections for pedestrians and vehicles between existing and proposed development; and
- f) environment or habitat considerations.

5.8 ENERGY CONSERVATION

5.8.1 The City will promote the following energy conservation policies throughout the municipality:

- a) encourage the use of public transit services through such means as scheduling, route selection, maintenance, and facilities design;
- b) consider opportunities for the development of bicycle paths and pedestrian access systems in the context of preparation and review of public works, community improvement, and private development initiatives;
- c) provide safe, convenient, and efficient movement of pedestrians and vehicles between land use areas through the application of relevant urban design principles;
- d) encourage energy-conscious building and site design in conjunction with site-specific assessment of micro-climate conditions;
- e) arrange the siting and orientation of buildings to maximize solar gain and minimize heat loss;

- f) encourage the design of new development to accommodate adjacent existing buildings to ensure that solar access is protected and shadowing minimized; and
- g) encourage landscaping which is designed and maintained to support energy conservation through such means as species selection, spacing and the location of landscaping elements.

5.9 LAND USE COMPATIBILITY

5.9.1 The proposed use of all land in the City must be compatible with adjacent land uses, having regard for the Ministry of Environment Land Use and Compatibility Guidelines. Residential areas and other sensitive uses, such as hospitals and nursing homes, will be protected from undesirable air quality, excessive noise and vibration, and excessive dust and odour through the policies of the Plan and the use of Site Plan Control. Developers may be required to carry out noise, dust, odour and/or vibration assessments and determine control measures that are satisfactory to the City and the Province.

5.9.2 Adult entertainment parlours shall not be permitted in areas designated Residential, Downtown, Commercial Centre, Highway Commercial, Community Commercial and Office Commercial. Generally, such uses shall be permitted only in areas designated General Commercial and Industrial which are not less than **120 metres** from lands zoned for residential or open space purposes.

In such areas, adult entertainment parlour uses shall only be considered on the basis of individual applications to amend the Zoning By-law in accordance with the following additional locational criteria:

- a) any building erected or altered for use as an adult entertainment parlour shall not be permitted on a site that abuts Vidal Street, London Road/Line, Indian Road, Murphy Road, Exmouth Street, Mitton Street, Wellington Street, Front Street or Christina Street; and
- b) any adult entertainment parlour shall not be permitted on any lot which has a lot line which is located within **320 metres** of any other lot occupied by an existing adult entertainment parlour use.

5.10 NEIGHBOURHOODS

5.10.1 The City contains a number of residential neighbourhoods which because of their particular history and character, lend variety and vitality to the residential environment. These distinct residential areas are not geographically defined by this Plan but are recognized by this Plan as being of fundamental importance to the residents' sense of community within the wider life of the City. A neighbourhood concept shall be recognized by Council, considered as part of any proposal review, and strengthened in accordance with the following policies:

- a) wherever possible neighbourhood areas should be identified using such identifiers as urban barriers (major roads and railway lines) natural barriers (watercourses and waterbodies), areas of homogeneous residential uses, areas of particular residential style and period, and residential areas focusing on such community facilities as parks; and
- b) in preparing development, redevelopment or conversion proposals, the proponent, shall consider surrounding land use and the neighbourhood character in terms of the properties adjacent to the proposal and the wider surrounding neighbourhood area.

5.11 STABLE AREAS

5.11.1 The City contains a number of areas where the existing land uses are well established. These stable areas warrant careful consideration with respect to conservation, maintenance and support. It is the intent of this Plan to recognize the concept of stable areas in accordance with the following policies:

- a) the concept of stable areas is recognized as an important consideration in assessing new development, redevelopment and conversion proposals in relation to the impact of change on surrounding land uses and land use patterns;
- b) the concept of stable areas is recognized as being potentially applicable to all land use designations and a variety of areas in the urban land use system;
- c) there are a number of well established areas in the City which may be identified as stable areas on the basis of any or all of the following:
 - i) continuity in pattern of land use;
 - ii) continuity in pattern of land ownership;
 - iii) continuity in use and building type density of development, and intensity of activity;
 - iv) consistency in tenure;
 - v) building improvement which is consistent with the function and character of the area;
 - vi) uniformity and continuity in standards of maintenance and occupancy;
 - vii) relatively low level of applications for redevelopment or conversion; and
 - viii) an appropriate level of public infrastructure in terms of quality and type of service;

- d) in addition to the criteria contained in Section 5.11.1(c), stable residential areas may also be identified as neighbourhoods in accordance with the neighbourhood criteria of Section 5.10.1(a) of this Plan;
- e) it is the intent of the City with respect to stable areas:
- i) to protect the stability of the area from incompatible development, redevelopment or conversion which may result in such adverse impacts as follows:
 - disrupting the established uses on adjacent sites or surrounding areas;
 - creating disruptive visual impressions which take away from the urban quality of the area and the existing architectural and streetscape themes;
 - creating unintended visual or activity focal points which are not appropriately supported by other activities, uses, and facilities;
 - introducing inappropriate use activity volumes and traffic patterns which put undue pressure on the capacity of the existing support facilities;
 - ii) to protect the stability of the area from premature development, redevelopment or conversion having regard for the compatibility of the proposed building(s) and use(s) with the character of the surrounding buildings and uses and the anticipated continuation of the stability of the surrounding areas during the term of this Plan;
 - iii) to review development, redevelopment or conversion proposals in stable residential areas in relation to the neighbourhood concept policies contained in Section 5.10.1(b) of this Plan and the particular characteristics of the area;
 - iv) that development be in keeping with the characteristics of the neighbourhood and surrounding area; and
 - v) that development not cause adverse impacts on surrounding neighbourhoods and areas;
- f) the Plan recognizes the principle of the separation of land uses as an effective way to promote compatibility and limit adverse impacts;
- g) the Plan recognizes the important role of impact mitigation measures such as the provision of buffers, landscaping, site design, building arrangements on a site and building design to enhance the compatibility of uses, buildings, and architectural treatments;
- h) where development, redevelopment or conversion is proposed in a residential area consisting predominantly of one and two unit residential buildings, particular consideration shall be given by the proponent and the City to assess the surrounding area in relation to the identification criteria of Section 5.11.1(c) and to evaluate the compatibility of the proposal with area characteristics; and

- i) it is the intent of this Plan to protect existing stable areas in the implementing Zoning By-law through the establishment of zoning categories which recognize the established existing land uses, land use pattern and development standards.

5.12 DECOMMISSIONING AND LAND USE REHABILITATION

- 5.12.1** Where a change in land use is proposed and the previous or existing use has the potential to cause environmental contamination, the site will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect. Adverse effects include one or more of the following: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or plant and animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; making any property unfit for use by humans; loss of enjoyment of normal use of property; and interference with normal conduct of business. Risk based management is the most effective methodology to accomplish a change in land use.
- 5.12.2** Contaminated sites policies apply to sites and facilities within the City of Sarnia which are or may be contaminated and pose a risk to human and environmental health. The purpose of these policies is to ensure that site restorations are completed in a manner that meets criteria set by the Province prior to any development approvals by the City.
- 5.12.3** When development is proposed on or adjacent to a property known to be, suspected to be, or potentially a contaminated site identified by the Province, the proponent will be required to conduct an appropriate level of Environmental Site Assessment in accordance with the Province's Guideline for use at Contaminated Sites in Ontario (June, 1996).
- 5.12.4** Development applications will not be considered until the proponent demonstrates that the site assessment and restoration process has been completed in accordance with the Province's Guideline for Use at Contaminated Sites in Ontario (June, 1996).
- 5.12.5** In instances where the City is deeded land for public highways, road widening, parkland, stormwater management, easements or for any other purpose, the City may require evidence, as a condition of the transfer, that no environmental contamination has occurred on the subject lands or that the lands have been satisfactorily restored.
- 5.12.6** These policies are not intended to apply to the closure of landfill sites or other facilities that are required to meet closure conditions of a Certificate of Approval issued under the Environmental Protection Act.

5.13 COMMUNITY IMPROVEMENT

The entire Official Plan, deals with various aspects of community improvement, however, the policies of this Section are designed to assist the City in the identification and prioritization of Community Improvement Areas and projects, subject to available resources.

The entire City will be designated as a Community Improvement Area. Within the City individual Community Improvement Project Areas may be identified and prioritized. Criteria for selecting and designating these projects areas are outlined.

5.13.1 Objectives

The objectives in this section address the general aims of this Plan, as well as specific aspects of community improvement. It is the objective of this section to outline a basis for selecting and defining community improvement areas.

general objectives

5.13.1.1 For all areas, it is the intent of the City:

- a) to contribute to and enhance sense of community in the City;
- b) to upgrade and improve municipal infrastructure where it is deficient;
- c) to enhance social and recreational facilities;
- d) to aid in fulfilling the potential of commercial districts in the City;
- e) to enhance the economic potential of the City in order to foster employment generating activity; and
- f) to enhance the environmental attributes of the City.

objectives for residential areas

5.13.1.2 In residential areas the City intends:

- a) to maintain and rehabilitate older neighbourhoods;
- b) to upgrade and enhance hard municipal services in older neighbourhoods;
- c) to provide for the special housing needs of senior citizens, low income families, and the handicapped; and
- d) to provide improved neighbourhood and residentially oriented recreational facilities.

objectives for commercial districts

5.13.1.3 In commercial areas the City intends:

- a) to enhance their role as community centres;
- b) to encourage redevelopment, intensification and revitalization;
- c) to upgrade and improve municipal infrastructure where deficient;
- d) to enhance the commercial streetscape for improved aesthetics, commercial attractiveness, and to foster and improve pedestrian circulation systems;
- e) to foster links to areas of recreational and community activities;
- f) to foster better organization and availability of municipal or shared parking areas;
- g) to encourage appropriate forms of residential development; and
- h) to eliminate land use conflicts.

objectives for industrial and service commercial areas

5.13.1.4 In industrial areas the City intends:

- a) to encourage appropriate development and redevelopment to facilitate economic activity;
- b) to eliminate land use conflicts; and
- c) to upgrade access and servicing to industrial lands where deficient.

5.13.2 Community Improvement Criteria

In order to achieve the objectives previously listed, a set of criteria for choosing community improvement projects and delineating potential community improvement project areas follow.

general criteria

5.13.2.1 The following are considered to be candidates for community improvement projects:

- a) areas where land use conflicts exist;
- b) areas which require upgrading or replacement of road surfaces, sewer or water systems, storm water management systems, streetlighting or sidewalks;
- c) areas where social or recreational facilities are deficient;

- d) areas where parks are deficient; and
- e) areas where public access to the Lake Huron waterfront are deficient.

criteria for residential project areas

5.13.2.2 In addition to the General Criteria the following criteria should be utilized to define a Residential Project Area:

- a) areas of older housing stock in need of renovation or redevelopment;
- b) areas where special housing needs can be provided or accommodated; and
- c) areas where neighbourhood and other residentially oriented social and recreational facilities are deficient.

criteria for commercial districts

5.13.2.3 In addition to the General Criteria the following criteria should be utilized to define a Commercial Project Area:

- a) areas where an active Business Improvement Association is operating;
- b) areas where streetscape improvements are needed;
- c) areas where the provision or improvement of links, particularly pedestrian linkages, to areas of recreational and community activities; is feasible;
- d) areas of under-utilized commercial buildings;
- e) areas where specific works are required to facilitate desired redevelopment; and
- f) areas where land use conflicts exist.

criteria for industrial areas

5.13.2.4 In addition to the General Criteria the following criteria should be utilized to define an Industrial Project Area;

- a) areas where land use conflicts exist;
- b) areas where property access is poor;
- c) areas where storm water management system is deficient; and
- d) areas where access, or sewer and/or water system improvements are needed.

Potential Public Land Acquisition

5.13.3 The following lands may be acquired by the City for community improvement purposes:

- a) lands for neighbourhood, community parks, public beach access and parking, or Environmental Protection Areas;
- b) lands needed for purposes of facilitating commercial land assembly, or to provide links and connections to public open space; and
- c) residential lots in an industrial designation to facilitate industrial land assembly.

Actual acquisition will depend on financial resources, and whether circumstances warrant acquisition when it is specifically considered. This policy does not represent a commitment to acquire the lands, nor does it limit the ability of the City to acquire lands in other locations for community improvement or other purposes.

designation of community improvement project area

5.13.4 Pursuant to the Planning Act, the City may designate by By-law the whole or any part of an area delineated as a potential Community Improvement Area as a Community Improvement Project Area for the purpose of preparing a Community Improvement Plan.

5.13.5 The City may acquire and hold land within the Community Improvement Project Area and clear, grade, or otherwise prepare the land for community improvement.

5.13.6 Once a Community Improvement Plan has been prepared, the City may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the Community Improvement Project Area in conformity with the Community Improvement Plan, and sell, lease or otherwise dispose of land acquired or held by the City in the Community Improvement Project Area to any persons or governmental agency for use in conformity with the Community Improvement Plan.

5.13.7 For the purpose of carrying out the Community Improvement Plan, the City may make grants or loans to property owners within the Community Improvement Project Area to pay for the whole or part of the cost of rehabilitating their properties in conformity with the Community Improvement Plan.

joint studies and development

5.13.8 Pursuant to the Planning Act, the City may enter into agreements with any governmental authority or agency, or with one or more other municipalities for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the City. Any agreement other than an agreement with one or more municipalities will be approved by the Minister of Municipal Affairs and Housing.

demolition control areas

5.13.9 In order to either encourage the preservation of historic and/or architecturally significant buildings, or prevent the premature demolition of dwellings, Council may pass a By-law to designate any area within the City to which a Property Standards By-law applies as an area of demolition control. Thereafter, no person shall demolish the whole or any part of any residential property in such area unless a demolition permit is issued by Council.

cultural and natural heritage

5.13.10 In addition to the other measures described in this Plan, the City may make use of programs under the Ontario Heritage Act to support the preservation of historic buildings.

5.13.11 In addition to the other measures described in this Plan, the City may make use of and work with the various programs from senior government to support the preservation and conservation of natural heritage. Programs administered by the Provincial or Federal government will be considered.

bonus zoning provisions

5.13.12 In order to provide some flexibility in the provision of the Zoning By-law which implements this Official Plan, and thus help implement the policies of this section, the City may pass a By-law pursuant to the Planning Act, to authorize increases in the height and density of permitted development in return for such facilities, services or matters as set out in the By-law

co-operation with community groups

5.13.13 Local service clubs and organizations can be of great assistance in providing or assisting to provide needed or desired community facilities organizing and hosting special events, festivals and promotions.

5.14 PROPERTY MAINTENANCE

5.14.1 It will be the policy of the City to keep in a fit and well maintained condition all municipally owned structures and properties.

5.14.2 In addition, in order to protect the health, safety and welfare of the general population, and to enhance the community's physical character, the City may, pursuant to the Planning Act, pass a By-law to:

- a) prescribe standards for the maintenance and occupancy of property within the City or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;

- b) require property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition; and
- c) prohibit the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a By-law passed under the authority of this section.

5.15 AIRPORT DEVELOPMENT RESTRICTIONS

- 5.15.1** Development in the vicinity of the Sarnia Chris Hadfield Airport will be controlled to reduce the potential for land use conflicts and to ensure there will be no negative impacts on the long term function of the airport. Noise Exposure Forecasts (NEF) approved by Transport Canada and illustrated on Schedule "A" will be used in evaluating new development proposals in proximity to the airport. New development contrary to Provincial and Federal policy in this regard will be prohibited.
- 5.15.2** New residential development and other sensitive land uses will not be permitted in areas near airports above the 30 NEF contour as illustrated on Schedule 'A' and approved by Transport Canada.
- 5.15.3** Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above the 30 NEF contour if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.
- 5.15.4** New development within areas up to the 30 NEF contour shall be regulated in accordance with the Transport Canada publication entitled 'Land Use in the Vicinity of Airports', as amended from time to time.
- 5.15.5** The height of buildings within the Rural Area, Highway Commercial, Light Industrial Area and Private Residential Community designations as shown on Schedule "A" to this Plan will be restricted by regulations of the Zoning By-law and Transport Canada zoning to ensure a satisfactory level of safety for lands in the vicinity of Sarnia Chris Hadfield Airport. The application of site plan control in accordance with Section 41 of the Planning Act, will restrict landscaping to within safe maximum heights so that appropriate standards established by Transport Canada are met.

OPA #15

5.16 Rental Housing Conversion to Condominium

5.16.1 Rental housing conversion to condominium refers to the change in status of purpose built multi-unit rental housing units to condominium ownership. Existing rental housing buildings include buildings that are either totally occupied, partially occupied, or unoccupied but approved as rental housing buildings.

5.16.2 The City shall ensure that the conversion of multi-unit rental housing to condominium tenure will not have an adverse impact on the supply of rental housing within the City of Sarnia, particularly affordable rental housing. For the purpose of this Official Plan the definition of affordable rental housing shall be consistent with the definition contained in the Provincial Policy Statement (March, 2005).

- a) This definition of affordable rental housing is, the least expensive of:
 - i) A unit for which rent does not exceed 30% of gross annual household income for low and moderate income households; or
 - ii) A unit for which the rent is at or below the average market rent of a unit in the regional market area (Lambton County).
- b) Low and moderate income household in the case of affordable rental housing shall mean households with incomes in the lowest 60% of the income distribution for renter households for the regional market area (Lambton County).

5.16.3 The City shall not support the conversion of multi-unit rental housing to condominium ownership unless all of the following criteria are satisfied by the applicant:

- a) the rental vacancy rate by dwelling structure/type for the City of Sarnia has exceeded 3% for the preceding two-year reporting period as defined and reported yearly through the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey;
- b) the existing market rents of the units proposed for conversion are above the average market rent levels for the City of Sarnia as reported yearly by the CMHC Rental Housing Market Survey for rental units of a similar dwelling/structure and bedroom type. The City may require applicants to submit rental rolls on a per unit basis as proof of rental values in this regard;
- c) the proposed conversion will not result in the loss of 10% or more of the existing rental stock of the same dwelling type within the City of Sarnia;
- d) a public meeting has been held on the proposed conversion, to which the owner and all tenants of the subject building(s) have been invited;

- e) the building proposed for conversion meets the City's standards of maintenance and occupancy, and the requirements of the Ontario Building Code and the Ontario Fire Code or is proposed to be brought into conformity in accordance with such standards as a condition of the conversion;
- f) parkland or cash-in-lieu of parkland has already been dedicated or paid to the City with respect to the site upon which the building(s) proposed for conversion is located or the applicant has agreed to dedicate lands for parkland purposes, or provide cash-in-lieu of parkland, to the City in accordance with the requirements of the Planning Act as a condition of the conversion;
- g) the proposed use of the land and building to be converted complies, or is proposed to be brought into compliance, with the City's zoning regulations affecting such land(s) and building(s) as a condition of the conversion;
- h) that tenants have the option to continue to lease their units following an approval for conversion to condominium in accordance with the provisions of the Tenant Protection Act or any successor legislation; and
- i) tenants are given the first right of refusal to purchase a condominium unit in the conversion in accordance with the provisions of the Tenant Protection Act or any successor legislation.

5.16.4 The City shall notify tenants in units approved for conversion of their rights under the Tenant Protection Act or any successor legislation.

5.16.5 Notwithstanding the above, the City may approve an application to convert rental housing to condominium tenure where it can be demonstrated that:

- a) Essential retrofitting to the building is immediately required to promote safe, healthy and affordable housing and where it is demonstrated to the satisfaction of the City that income received from rent, including rent increases permitted under Provincial legislation, is not capable of supporting the work required. The City may require applicants to submit certified financial statements in this regard.
- b) The building proposed for conversion is designated as a heritage property under the provisions of the Ontario Heritage Act.

