

# **Planning Justification Report**

**Tawny Ridge Estates**

**Phase 2**

**Niagara-on-the-Lake, ON**

**November 2022**

**Upper Canada Consultants  
30 Hannover Drive, Unit 3  
St. Catharines, ON L2W 1A3**



**UPPER CANADA  
CONSULTANTS**  
ENGINEERS / PLANNERS

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## **PREFACE**

Upper Canada Consultants was retained by St. Davids Riverview Estates Inc. to prepare Planning Justification Report in relation to applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for a development to be known as Tawny Ridge Estates (Phase 2). The applications pertain to portions of properties known municipally as 170, 178, 184 and 192 Tanbark Road and an unaddressed parcel of land with frontage on Warner Road (Roll #262702002520600) in the St. Davids Settlement Area of Niagara-on-the-Lake, within the Regional Municipality of Niagara.

Applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for lands located east of the subject lands constituting Phase 1 of the overall Tawny Ridge Estates development have been previously submitted to the Town for review and consideration. The Phases are proceeding through the planning approval processes separately.

The overall intent of the Tawny Ridge Estates Phase 2 applications is to facilitate the development of the subject lands with a mix of residential dwellings including twenty (20) lots for single detached dwellings, six (6) blocks for twenty-four (24) street townhouse dwellings and one (1) block for thirty (30) multiple residential units in the form of either Block Townhouses, Stacked Townhouses or Apartment Dwellings.

An Official Plan Amendment is required to permit an increased development density of 9.6 units per acre across the entirety of the subdivision, whereas the Official Plan limits development density to 6 units per acre. The Official Plan Amendment will also permit the development of apartment dwellings on Block 27 of the subject lands, which are not listed as a permitted use in the St. Davids Special Policy Area.

The related Zoning By-law amendment seeks to amend the existing Residential 1 (R1) Zone and Residential (RD) Zone to site-specific Residential 2 Zone (R2-X) and Residential Multiple 1 Zones (RM1-A, RM1-B) Zones to develop the land in a manner that is similar to surrounding land uses and in conformity with applicable growth policies, objectives, and urban design requirements.

This report assesses how the submitted applications satisfy the necessary requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to applicable Provincial, Regional and local land use planning policies, by-laws and design guidelines.

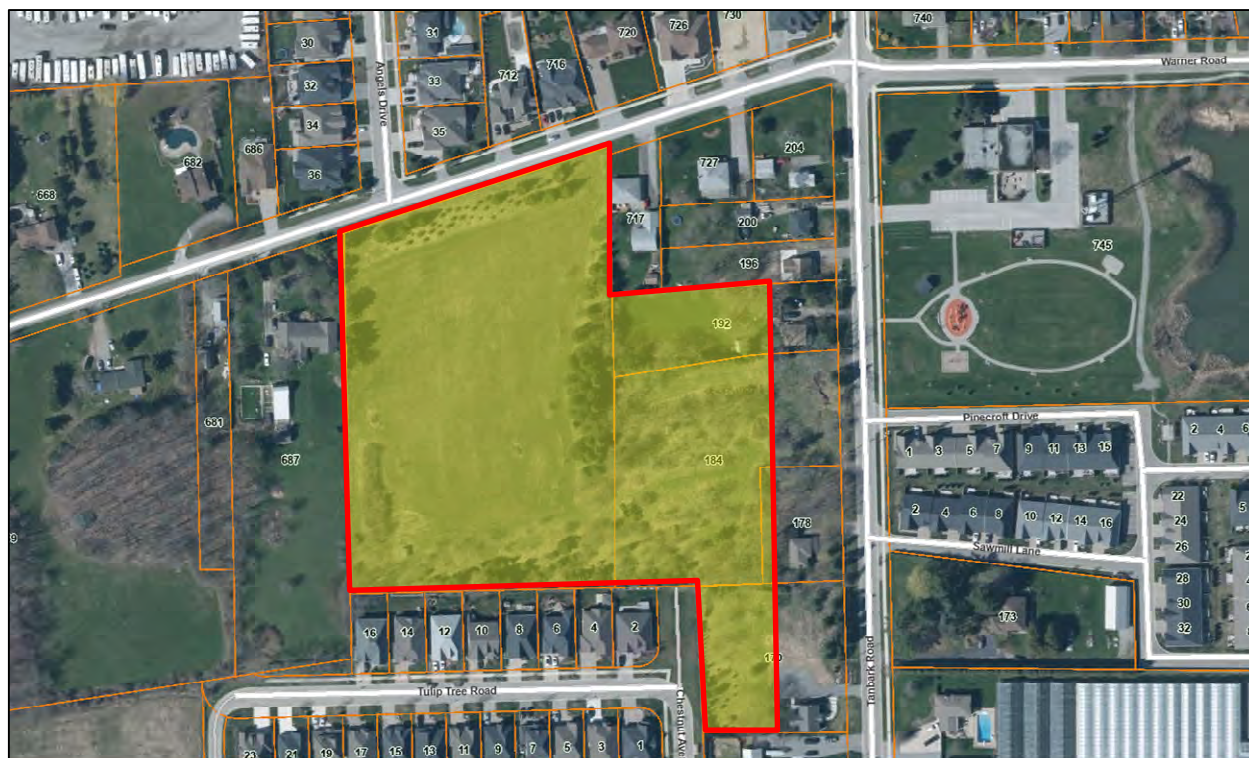
This report should also be read in conjunction with the following reports and materials:

- Draft Plan of Subdivision prepared by Upper Canada Consultants (**Appendix I**)
- Draft Official Plan Amendment prepared by Upper Canada Consultants (**Appendix II**)

- Draft Zoning By-law Amendment prepared by Upper Canada Consultants (**Appendix III**)
- Functional Servicing Report prepared by Upper Canada Consultants
- Stage 1 & 2 Archeological Assessments prepared by Detritus Consulting Ltd.
- Transportation Impact Study prepared by Paradigm Transportation Solutions Inc.
- Phase 1 and 2 Environmental Site Assessments prepared by Hallex Engineering Ltd.
- Preliminary Architectural Elevations (**Appendix V**)
- Preliminary Site Plan for an Apartment Development (**Appendix VI**)

## **DESCRIPTION AND LOCATION OF THE SUBJECT LANDS**

The subject lands are comprised of parts of the properties known municipally as 170, 178, 184 and 192 Tanbark Road and an unaddressed parcel of land with frontage on Warner Road and Chestnut Avenue (Roll #262702002520600). These lands are situated along the west side of Tanbark Road, south of Warner Avenue, and north of Hickory Avenue and Tulip Tree Road. A 2020 aerial image of property from Niagara Navigator is shown below in **Figure 1**, with the subject lands highlighted in yellow.



**Figure 1 – 2020 Aerial View of Subject Lands (Cropped from Niagara Navigator)**

The subject lands are comprised of 3.11 hectares of land with 121.52 metres of frontage along Warner Road. The subject lands also have frontage along the existing terminus of Chestnut Avenue, to the south.

The site contains some trees and vegetation and is generally flat. Aerial imagery from 1934 indicates that the subject lands were historically used as an orchard, prior to be used partially for residential purposes. The required Arborist Report prepared by Beacon Environmental Ltd. has confirmed that the property does not contain any endangered or unique tree or vegetative species that would constitute a significant woodland or require protection or affect the development potential of the lands.

### Growth Planning Designation

The subject lands are located within the St. Davids Urban Area within the Town of Niagara-on-the-Lake which is considered as a Settlement Area under the 2020 Provincial Policy Statement.

The subject lands are also located within the Provincially delineated Built-up Area. Given this designation, any residential development on the subject lands would be contributed to the Town of Niagara-on-the-Lake's minimum annual residential intensification target of 25%, as provided in the Niagara Region Official Plan.

At the local level, the subject lands are located within the St. Davids Special Policy Area. Lands within the Special Policy Area are subject to detailed growth and development policies and a set of Urban Design Guidelines.

### Adjacent Land Uses

The surrounding neighbourhood area is comprised predominantly of residential land uses of varying forms (i.e. detached dwellings, townhomes) and sizes. The existing development fabric is a mix of older detached dwellings along Tanbark Road and newer construction (< 20 years) to the north and south. Recently, several residential developments have been completed that have changed St. Davids from a small rural village into a growing, vibrant residential community with a mix of housing forms.

The surrounding lands contain the following land uses:

North: Single Detached Residential Dwellings

West: Single Detached Residential Dwellings

South: Single Detached Residential Dwellings, Street Townhouse Dwellings

East: Phase 1 Lots, Block Townhouse Dwellings, Municipal Fire Hall, Municipal Park

Photographs of the subject lands and adjacent area are provided on the following pages as **Figures 2 to 17**.

### Transportation

The subject lands have 121.52 metres of frontage along Warner Road, which is a local roadway that is owned and maintained by the Town of Niagara-on-the-Lake. The subject lands also have approximately 18.04 metres frontage along Chestnut Avenue, which will be extended through the site as the primary roadway. The subject lands are proximate to Provincial Highway 405

which provides access between the QEW and the Canada/United States Border, and York Road which provides a connection to the Glendale Area and the Queen Elizabeth Way.



## **PHOTOS OF THE SUBJECT LANDS**



**Figure 2 – Warner Road Property, Looking North**



**Figure 3 – Warner Road Property, Looking South**



Figure 4 – Terminus of Chestnut Avenue, Looking North



Figure 5 – Frontage of Warner Road Property, Looking Southeast





Figure 6 - "Sparky's Park" - Municipal Park East of the Subject Lands



Figure 7 - Existing Municipal Stormwater Management Facility - Proposed Outlet



Figure 8 – Vineyard Creek Stormwater Management Facility on Sandalwood Drive – Proposed Outlet



Figure 9 – Existing Single Detached Dwellings Backing onto Subject Lands





Figure 10 – Existing Townhouses and Streetscape on Hickory Avenue



Figure 11 - Tanbark Road Looking South



Figure 12 – Neighbouring Home at 717 Warner Road



Figure 13 – Neighbouring Property at 687 Warner Road





Figure 14 – Dwellings on the North Side of Warner Road, West of Tanbark Drive



Figure 15 – Existing Dwellings on Angels Drive



Figure 16 – Neighbouring Home at 717 Warner Road



Figure 17 – Neighbouring Property at 687 Warner Road



## THE PROPOSED DEVELOPMENT AND APPLICATIONS

### Draft Plan of Subdivision

The proposed Plan of Subdivision for Tawny Ridge Estates Phase 2 contains twenty (20) lots for single detached dwellings, six (6) blocks for twenty-four (24) street townhouse dwellings and one (1) block for medium density development with a maximum proposed unit count of thirty (30) dwelling units. The Draft Plan is shown in **Figure 18**, below and is included as **Appendix I** to this report.

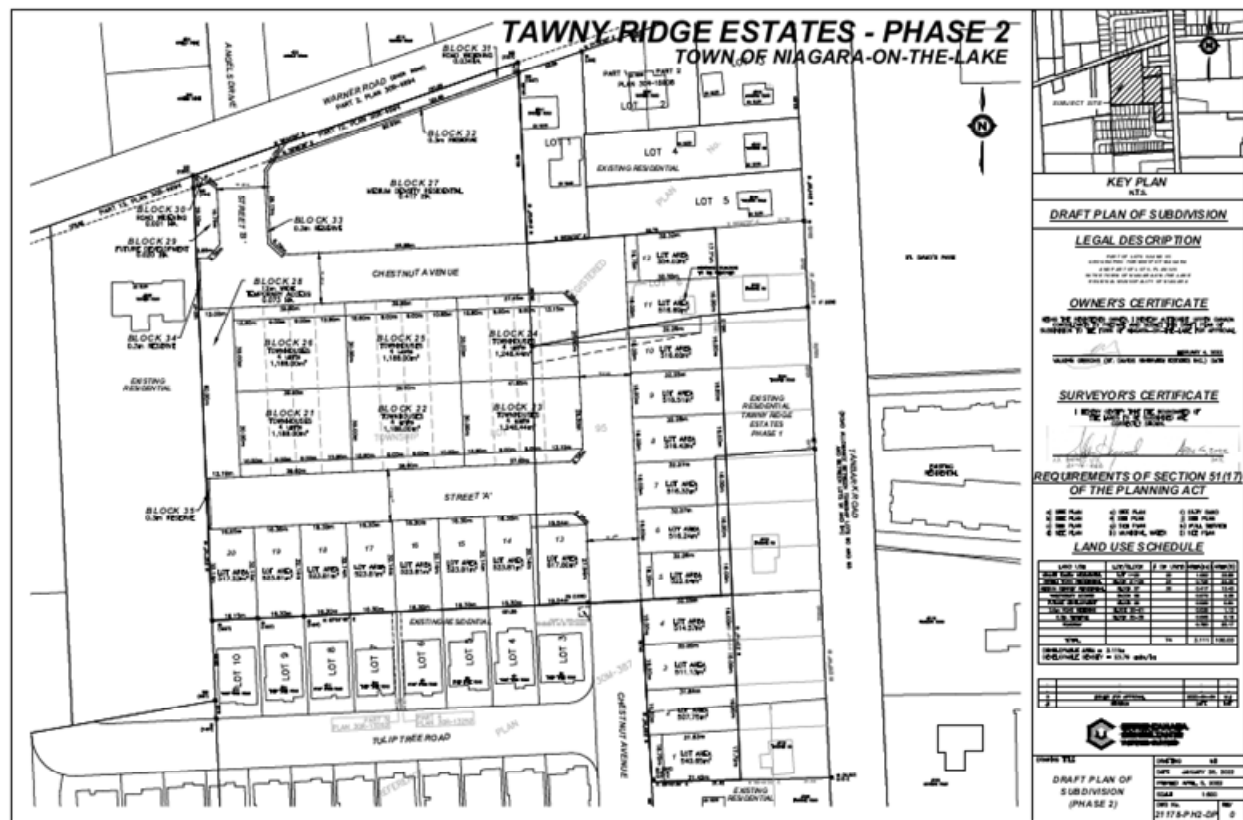


Figure 18 - Draft Plan of Subdivision - Tawny Ridge Phase 2

### Official Plan Amendment

The proposed Official Plan Amendment pertains to an increase in cumulative development density and additional permitted uses.

The current planning framework for the Low Density designation within the St. David's Special Policy Area limits development density to 6 units per acre/(14.4 units per hectare). An increase to 9.6 units per acres (23.7 units per hectare) is requested to facilitate the inclusion of Street Townhouses and a Block for Block Townhouses, Stacked Townhouses or an Apartment Building on Block 27 within the proposed Draft Plan of Subdivision.

Townhouses of all forms are permitted in the Low Density Residential designation, however the Special Policy Area policy framework does not permit apartment buildings. The Official Plan Amendment contains a site specific policy that will permit establishment of an Apartment Building on Block 27 of the subject lands.

### **Zoning By-law Amendment**

A comprehensive amendment to the zoning of the subject lands is proposed to implement the draft plan of subdivision. The overall effect of the amendment will be to amend the existing R1 and RD Zones to a site specific R2 Zone for Single Detached Dwellings and site-specific RM1 Zoning for Street Townhouse Blocks and the Multiple Residential Development Block (Block 27). The amendments will provide site specific provisions for setbacks, coverage and height, as well as provide new zoning provisions and definitions for Stacked Townhomes and Apartments. The provisions requested are the same or similar to those required for the Single Detached Dwellings proposed in Tawny Ridge Phase 1 and in the adjacent Courtland Valley subdivision to the south.

### **Density**

The subject lands are 3.11 hectares (7.68 acres) in total land area and are intended to be developed with a maximum of 74 residential dwelling units.

Based on the site area, a total unit density of 9.62 units per acre (23.79 units per hectare) is proposed. Although this overall density is considered to be compatible with adjacent development, it exceeds the permitted density cap of 6 units per acre (14.4 units per hectare) set out for the St. David's Special Policy Area. The Official Plan Amendment will provide the permissions for this proposed increase in density.

### **Parkland and Recreation**

No new municipal parkland is proposed within Phase 2 of Tawny Ridge Estates, as the lots are adequately serviced by the large municipal park ("Sparky's Park") located on the east side of Tanbark Road (see **Figure 6**). Cash-in-lieu of parkland dedication will be paid at the time of registration for this development.

### **Transportation**

The proposed lots will have access provided by way of new municipal roadways that will connect to both Warner Road and Chestnut Avenue. All proposed roadways will be Town owned and maintained. The proposed roadways will be public rights-of-way that will be assumed by the Town after development has been completed. Sidewalks are contemplated

within the subdivision, which will facilitate circulation through the site and create connectivity to Warner Road.

### **Parking**

As outlined in Table 6-5 of Town Zoning By-law 4316-09, single detached dwellings and townhouse dwellings must have a minimum of two (2) legal parking spaces provided for each dwelling. The proposed lots have been sized and configured to be able to provide parking space in the driveway and a space in an attached garage.

Apartment dwellings are required to provide one (1) space per dwelling unit, in accordance with the Town's Zoning By-law. Given the similar nature and function of stacked townhomes to apartment dwellings, a ratio of one (1) parking space per dwelling unit has been proposed through the Zoning By-law Amendment.

## **Built Form**

### **Single Detached Dwellings**

Lots 1-20 are anticipated to be developed with one or two storey detached dwellings. This form of development is currently permitted by both the in-effect R1 Zone and the proposed R2 Zoning. The built form would be generally similar to that proposed in Tawny Ridge Phase 1 and on lands adjacent to the subject lands. Conceptual single detached dwelling elevations prepared by ACK Architects are included below in **Figure 19**.



Figure 19 - Conceptual Detached Dwelling Elevations – ACK Design Studio Inc.

## Street Townhouses

In total, six (6) Blocks are proposed within the Draft Plan for the development of twenty-four (24) for Street Townhouse Dwellings. These dwellings units will be freehold with attached garages and frontage on either Street “A” or the extension of Chestnut Avenue. Each Block will contain four (4) units.

The built form is proposed to be two storeys in height, include covered entrances, covered rear decks (optional), car-and-half garages and significant glazing along the front facade. The buildings may include a mix of cladding and accent materials, all of which will be refined through the Site Plan review process. A sample elevation provided by the developer is provided in **Figure 20** and in **Appendix V**.



Figure 20 - Conceptual Street Townhouse Dwelling Block

## Multiple Dwelling Block (Block 27)

Block 27 is planned to contain a multiple residential development form which may include Block Townhouses, Stacked Townhouses or an Apartment Building.

Under a Block Townhome model, the site may consist of bungalow or two storey townhouse dwellings that are accessed by a private internal roadway. The units can be arranged to present themselves architecturally towards adjacent public streets, which is desirable, however their functionality, access and servicing method would be contained internally and brought in from Chestnut Avenue. A similar development form is currently found east of the subject lands, on the east side of Tanbark Road in a development known as Pincecroft Estates



Stacked Townhouses are not contemplated or defined by the Town's Zoning By-law. Stacked Townhouses can be generally described as dwelling units stacked on top of one another, with independent access points from the exterior with no common areas. Stacked Townhouses typically contain 2 or more units per vertical module. These types of dwellings typically have significant amounts of architectural detailing including in their design and can emulate traditional or modern design styles. Stacked Townhouse developments typically provide parking at grade in a traditional parking lot. A preliminary concept image of a stacked townhouse development prepared by the developer is provided in **Figure 21** for contextual purposes.



**Figure 21 - Example of a Stacked Townhouse**

With regard to an apartment dwelling, the maximum height proposed for the subject lands is be 4-storey or 13.5 metres in height. This proposed range would allow for the development of a flat roof structure of four storeys or gable roof structure of three storeys. Both would be permitted to accommodate up to 30 units. The form and function of an apartment dwelling is desirable for Block 27 as it presents a reasonable opportunity to create compatible density within the development and provide architectural interest along Warner Road, Street "B" and Chestnut Avenue. An apartment would be similar in mass to a stacked townhouse dwelling and would rely on parking contained within the base of the building, underground or at grade in a traditional parking lot. Similar to the other potential dwelling forms, all servicing and access would be provided to Block 27 from Chestnut Avenue.

The owner has prepared a preliminary site plan layout showing how an apartment could generally be accommodated on the property. Please see **Figure 22** or **Appendix VI** for a large scale version of this conceptual plan.

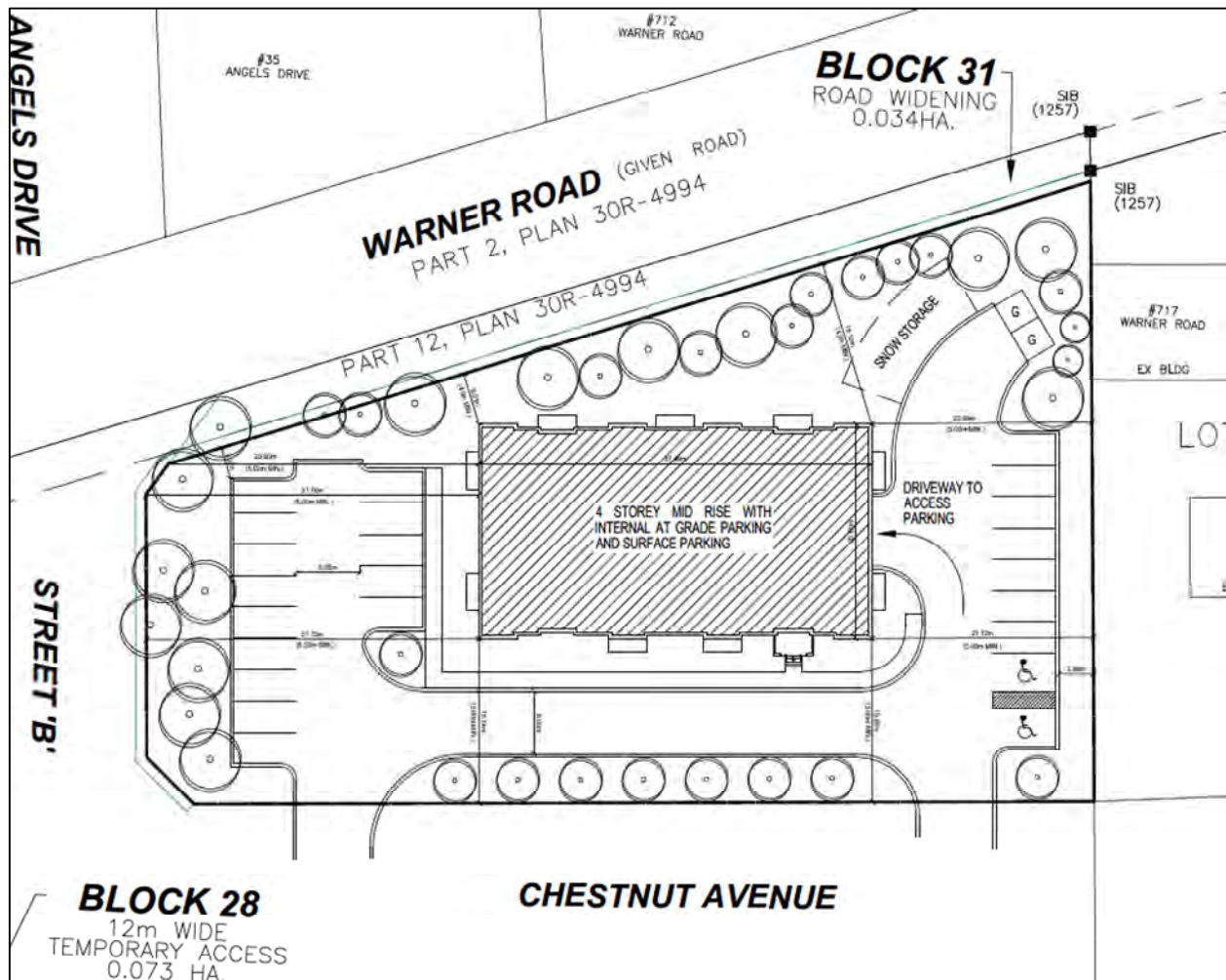


Figure 22 - Conceptual Apartment Site Plan Layout

## **REQUIRED STUDIES AND REPORTS**

Consistent with the submission requirements outlined during pre-consultation (see **Appendix IV**) on April 21, 2021, and in addition to this Planning Justification Report, an Archaeological Assessment, Environmental Site Assessment, Transportation Impact Study, Functional Servicing Report and Tree Protection Plan have been submitted with the applications.

The required Streetscape Analysis Report has also been prepared and is integrated into this planning report.

### **Supporting Studies**

#### **Stage 1 & 2 Archaeological Assessment (Detritus Consulting Ltd.)**

Archeological Assessments were undertaken on 170, 178, 184 Tanbark Road by Detritus Consulting Ltd. in October of 2020. The Stage 2 field works yielded no archaeological resources, and accordingly the Consultant has recommended that no further study be required. The related reports were forwarded to the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for final clearance. Letters of concurrence were respectfully issued on March 26 and April 9, 2019.

Stage 1 and 2 Assessments were completed separately for 192 Tanbark Road in September of 2021. As outlined in the Archeologist's report, no archaeological resources were encountered through site investigation. The report was subsequently submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries and a letter of concurrence was issued on October 6, 2021.

#### **Environmental Site Assessment (Hallex Environmental Ltd.)**

A Phase One Environmental Site Assessment (ESA) report was completed for 170, 178 and 184 Tanbark Road by Hallex Environmental Ltd. in January of 2019. The need for this study was based on aerial imagery that appeared to show the subject lands being used as an orchard in the past. Former orchards have a potential to contain pesticides and other contaminating materials in the soil.

Through soil sampling and analysis, the consultant confirmed that none of the 21 samples taken from the subject lands exceeded the applicable Provincial Table 3 Residential Land Use standards. Accordingly, the consultant concluded that 170, 174 and 184 Tanbark Road and the Warner Road property are suitable for residential development with no need for a record of site condition to be filed.



Phase One ESA investigation of 192 Tanbark Road was also completed by Hallex in July of 2021. Through review, the consultant indicated that the subject lands also contained an orchard, which is an Area of Potential Environmental Contamination. Furthermore, the age of the dwelling led the consultant to believe that the site may have contained a heating oil tank at one point, which may have contaminated the site.

A Phase Two ESA was completed on October of 2021 by Hallex which included the completion of soil sampling. Laboratory analysis confirmed that the samples met all applicable Table 2 Standards for Residential Land Uses and therefore no additional study or filing of a record of site condition was required.

#### Transportation Impact Study (Paradigm Transportation Solutions Inc.)

Paradigm Transportation Solutions was retained by the owner to prepare a Transportation Impact Study (TIS) for Phase 2 of the Tawny Ridge Estates development. The TIS, which was scoped by the Town and Region included a review of the transportation networks within proximity to the site and was specifically inclusive of an analysis of the intersection of Tanbark Road with Warner Road and York Road (Regional Road 81).

Based on Paradigm's evaluation the development would generate between 38-48 trips between AM, PM and weekend peaks. The report concludes that traffic being generated by the proposed lots would not affect existing traffic operations within the study area, and that the existing transportation infrastructure can accommodate projected volumes without a reduction in the level of service.

The report also concludes that external works such as a left turning lane for movements from Warner Road South to Street "B" and from Tanbark Road to Hickory Avenue are not warranted.

Overall, the report concludes that the development will have no impact on the existing transportation network and can be accommodated by existing infrastructure.

#### Functional Servicing Report prepared by Upper Canada Consultants (June 2020)

The Functional Servicing Report has been prepared to provide an overview of overview of available servicing infrastructure, proposed connection methods and how stormwater will be managed for the proposed and retained parcels of land.

As outlined in the report, the subject lands can be serviced with watermain, sanitary sewer and storm sewer.

With regard to watermain, there is an existing 150 mm watermain within Warner Road and an existing 150 mm watermain stub at the current terminus of Chestnut Avenue. To provide

domestic water and fire protection, a new 150 mm watermain will be constructed to service the development and create a loop between the two existing systems. Required municipal fire hydrants will also be connected to this watermain for site fire protection.

With regard to sanitary servicing, there is an existing 200 mm diameter sanitary sewer on Warner Road that conveys flows eastward to Tanbark Road. To support the development, a new sanitary sewer will be connected to this existing service on Warner Road. Preliminary analysis indicates that the existing sewer system has capacity to support the development.

Stormwater Management will be provided by way of storm sewers and the use of existing offsite stormwater management wet pond facilities. These ponds are respectively located to the east, adjacent to the municipal fire hall and north of Queenston Road within the Vineyard Creek subdivision. The Report indicates that the proposed storm sewers will convey flows to the existing 600 mm storm sewer on Tanbark Road, which has sufficient capacity to support the development.

#### Arborist Report (Beacon Environmental Ltd.)

A detailed Arborist Report has been prepared by Beacon Environmental Ltd. for the Phase 2 lands. The intent of this review was to inventory the site and identify trees that may need to be protected through the development process.

Based on site investigation, a mix of individual trees and clusters of fruit trees and weedy trees were identified on the subject lands. No endangered or protected species are present.

In total, three (3) trees are required for preservation. Each is located along the western boundary of the site next to 687 Warner Road. The balance of the trees can be removed to facilitate development. One additional tree is located in close proximity to the shared lot line with 717 Warner Road and is recommended to be further surveyed to determine if it is wholly contained on the subject lands, or is in shared ownership with the neighbouring lot.

As detailed grading and servicing plans are developed, there may be opportunity to preserve or relocate otherwise healthy trees within the subject lands.

#### **Other Request Studies and Reports**

##### Preliminary Grading Plan

The subject lands are generally flat and must be cleared of vegetation to obtain a high-quality topographic survey. It is considered reasonable and appropriate to require this information as a condition of approval. This will also allow for an integrated grading design with Tawny Ridge Estates Phase 1.

## **PROVINCIAL LEGISLATION AND PLANS**

Development applications within the Settlement Areas of Town of Niagara-on-the-Lake are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and the 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

### **PLANNING ACT (R.S.O. 1990)**

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest concerning land use planning and the necessary procedures to be followed when making applications for development.

Section 2 of the Planning Act outlines matters of Provincial interest that the Planning Authority must have regard for when considering applications for development. These matters of Provincial interest include:

- a) the protection of ecological systems, including natural areas, features and functions;*
- b) the protection of the agricultural resources of the Province;*
- c) the conservation and management of natural resources and the mineral resource base;*
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) the supply, efficient use and conservation of energy and water;*
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) the minimization of waste;*
- h) the orderly development of safe and healthy communities;*
  - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) the adequate provision of a full range of housing, including affordable housing;*
- k) the adequate provision of employment opportunities;*
- l) the protection of the financial and economic well-being of the Province and its municipalities;*
- m) the co-ordination of planning activities of public bodies;*
- n) the resolution of planning conflicts involving public and private interests;*

- o) *the protection of public health and safety;*
- p) *the appropriate location of growth and development;*
- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
  - (i) *is well-designed,*
  - (ii) *encourages a sense of place, and*
  - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

The applications have regard for clauses f), h), j), p), q) and r) of Section 2 of the Planning Act.

- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

*The subject lands are located west of Tanbark Road, south of Warner Road and north of both Hickory Avenue and Tulip Tree Road. These adjacent streets contain urban services and residential development. The subject lands can be serviced by extending existing water and sanitary sewer infrastructure, as well as storm sewers within the Chestnut Street and road allowance, thus building upon existing infrastructure and utilizing available servicing capacity.*

- h) *the orderly development of safe and healthy communities;*
  - (h.1) *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*

*The proposed development represents an orderly and continuous extension of the existing development condition along Warner Road, Tanbark Road and Chestnut Avenue, with no impact on public health and safety. The development of single detached dwellings, townhomes and multiple dwelling structures is compatible with adjacent development, and will provide additional built character along Warner Road.*

- j) *the adequate provision of a full range of housing, including affordable housing;*

*The development proposal will integrate 74 new dwellings into the municipal housing supply. The proposed development mix includes 20 single detached dwellings, 24 street townhouse*

*dwellings and up to 30 multiple residential units. Based on current market conditions and growth pressures, the facilitation of additional residential development is necessary within Ontario in general, but especially in Niagara's communities. The proposed dwellings are intended to be sold at market value and will likely not meet the definition of affordable housing.*

- p) the appropriate location of growth and development;

*The subject lands are an appropriate location for development by having frontage on a local roadway, having readily available connections to full municipal services and utilities available, and being located in close proximity to municipal parkland. The development proposal is compatible with adjacent residential development and will provide a through connection between the neighbourhoods to the south and Warner Road for pedestrians, cyclists and vehicles.*

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

*The subject lands are situated in a location with convenient access to sidewalks and other recreational walking routes. Although Public Transit service is not available, the broader portions of the St. Davids community remain accessible by foot or bicycle.*

- r) the promotion of built form that,
- a. is well-designed,
  - b. encourages a sense of place, and
  - c. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

*As exemplified through the preliminary architectural plans provided with the application, the subject lands will contain a well-designed built form that is consistent with adjacent development and stylised in manner that is compatible with both older and more recent developments in St. David's. Future Site Plan Approval processes will ensure that designs are compatible and appropriate with adjacent development and the community.*

## **Section 22 – Official Plan Amendments**

Applications for Official Plan Amendments are considered under Section 22 of the Planning Act. Amendments are permitted subject to the provision of prescribed information. The need for this application was identified through Plan refinement and design and has been submitted

concurrently with the Draft Plan and Zoning Amendment applications. The materials requested as part of a complete application are considered to appropriately justify the application.

### **Section 34 – Zoning By-laws and Amendments**

Applications for Zoning By-law Amendments are considered under Section 34 of the Planning Act. Amendments are permitted to municipal by-laws subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

### **Section 51 (24) – Draft Plan of Subdivision**

Applications for lot creation such as subdivisions are considered under Section 51 of the Planning Act.

Section 51 (24) the Act prescribes that *“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”* items a) to m). An overview of how each item is addressed in the context of the future consent application is provide below in italics.

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

*As noted, the application is consistent with Section 2, clauses f), h), j), p), q) and r) of the Planning Act.*

- b) whether the proposed subdivision is premature or in the public interest;

*The subject lands are designated and zoned for residential development in the Town of Niagara-on-the-Lake’s Official Plan and Zoning By-law. The proposed draft plan application seeks to establish residential uses on the subject lands.*

*The subject lands are able to be serviced and accessed from existing municipal infrastructure and roads, thus leveraging recent investment in the area.*

*The application for subdivision is not premature, and is in the public interest as it will implement growth and development that is consistent and in conformity with overarching land use planning policies. The Plan of Subdivision will create a mix of housing forms that will be contributed towards required housing and growth targets for the municipality.*

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

*The subject lands and surrounding areas are designated as Low Density Residential in the Town of Niagara-on-the-Lake Official Plan. The proposed land uses (single detached dwellings, townhouse dwellings and apartments) are permitted by the Official Plan within the built-up area as forms of intensification development.*

*The proposed development plan is a logical and compatible extension of residential development found on the west side of Tanbark Road between York Road to the north and Highway 405 to the South. Furthermore, the proposed road network integrates and aligns with roadways created through recent subdivision development (i.e. Angels Drive, Chestnut Street)*

*The development plan uses available land efficiently and provides similar lotting patterns and sizes to that found on adjacent properties. The plan also provides flexibility for the future development of lands to the west (687 Warner Road), which are also within the St. David's Urban Boundary*

*A detailed review of Official Plan conformity is provided further on in this report.*

- d) the suitability of the land for the purposes for which it is to be subdivided;

*The lands are well suited for development as they are free of physical encumbrances and hazards, can be serviced by extensions to existing municipal infrastructure and have access to a public roadway. The size of the property lends itself to a reasonable and compatible development density and includes appropriate extensions of municipal roadways.*

*The development of the lands with residential land uses is considered appropriate and compatible with existing, adjacent development.*

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

*Affordable housing is not proposed through this application, however,. given the variety of dwelling forms proposed through this development, the subdivision may provide opportunities for attainable housing.*

- e) 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;

*The proposed lots will have frontage along a proposed extension of Chestnut Avenue and two additional new public roadways (Street "A" and "B"). Warner Road and Tanbark Road are the main adjacent roadways which provide convenient routes and connections to Regional roadways and Provincial highways.*

- f) the dimensions and shapes of the proposed lots;

*The proposed single detached dwellings will have lot frontages ranging between 16.0 metres to 16.7 metres. The minimum and maximum lot sizes will be 507.75 square metres and 554.03. Lot 13, being a corner lot, is larger than all lots at 617.80 square metres in area and has 19.54 metres of frontage along Street A. These single lots are similar to adjacent lots found on Tulip Tree Road, and those proposed along Tanbark Road in Phase 1 of Tawny Ridge Estates.*

*The proposed Street Townhouse Lots will have frontages of 9.0 metres for interior units and 10.8 metres for end units. End units flanking Chestnut Avenue on Block 23 and 24 will have the largest frontages being 13.15 metres.*

*Block 27 will be developed with a multiple residential product being either i) a private road townhouse development or ii) a small-scale apartment building. The proposed Block sizing of 0.417 hectares is considered to be sufficient to accommodate a maximum of 30 units.*

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

*There are minor restrictions to development on the subject lands related to access and circulation. As the neighbouring lot (687 Warner Road) is also within the urban boundary, but has not agreed to be developed through these applications, a temporary road (Block 28) must be provided for waste collection and fire/emergency services circulation and access. This Block will be subject to a hold provision, and only eligible for Residential Development at such time that the adjacent lands are developed.*

- h) conservation of natural resources and flood control;

*The subject lands do not contain any natural resources and are not located within a floodplain.*

- i) the adequacy of utilities and municipal services;

*As outlined in the provided Functional Servicing Report prepared by Upper Canada Consultants, the proposed development can be adequately serviced by watermain, sanitary sewer and storm sewers located.*

*The availability and adequacy of public utilities will be confirmed through the comment and review process by affected bodies.*



- j) the adequacy of school sites;

*St. Davids Elementary School is located within ~400 metres of the subject lands. Comments on the adequacy of schools will be provided by the School Boards through their comments on the application.*

- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

*Cash-in-lieu of parkland dedication will be provided to the Town through registration of the plan of Subdivision. No lands for parks are required, as there is an existing municipal park across the road from the lots.*

- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

*Energy efficient design may be explored through the development of detailed building plans. The surrounding neighbourhood is active transportation friendly which may lead to a reduced dependence on the private automobile for short trips, thus limiting potential climate change impacts.*

- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

*The proposed Street Townhouse Dwellings and Multiple Dwelling Block will be subject to Site Plan Approval.*

## **PROVINCIAL POLICY STATEMENT (2020)**

### **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)**

The overarching purpose of the 2020 Provincial Policy Statement (PPS) is provide direction to planning authorities on how to best achieve the development of healthy, livable and safe communities.

The subject lands are located within the Niagara-on-the-Lake (St. Davids) Urban Area, which is delineated in both the Regional Municipality of Niagara Official Plan and Town Official Plan. The St. Davids Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2020). Policy 1.1.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. Consistent with PPS the proposed development will occur within the St. Davids settlement area boundary.

Within Settlement Areas, development is to be proposed in a manner that efficiently uses land and resources, is appropriate for the efficient use of infrastructure and public service facilities, minimizes negative impacts on air quality and climate change, supports multi-modal transportation options including active transportation and transit and freight movement. Consistent with these policies, the proposed development is within an appropriate location for growth as the subject lands are designated and zoned for residential development, can be provided with full municipal services and are located in proximity to walking routes and municipal parkland.

Policy 1.1.3.5 of the PPS requires that municipalities establish and implement minimum targets for intensification and redevelopment within built-up areas. As set forth in the 2022 Regional Official Plan, Niagara-on-the-Lake is to accommodate 25% of development to the year 2051 within the Built-Up Area as intensification. Consistent with this Policy, the subject lands are located entirely within the Built-up Area and all development that will occur on the subject lands will contribute to the achievement of a minimum of 15% intensification annually to the year 2031.

### **Coordination (PPS 1.2)**

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration of all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Through the pre-consultation process, the planning authority and other review agencies have provided direction on required studies and information needed to process the application. This comprehensive approach is used to ensure that all matters of Provincial, Regional and local interest are identified.

With regard to land use compatibility policies in Section 1.2.6 of the PPS, the applications propose residential development adjacent to existing residential land uses. Accordingly, there are no land use compatibility issues that will result through the approval of the proposed lots.

#### **Housing (PPS 1.4)**

Section 1.4 of the PPS requires municipalities and planning authorities provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This is to be achieved through establishing targets for affordable, to low and moderately priced homes, including all forms of residential intensification, and second units.

The Applications will facilitate the development of seventy-four (74) residential dwellings among varying forms (i.e. single detached, street townhouse, multiple residential development) within a Settlement Area. As the subject lands are surrounded predominantly single detached dwellings and bungalow townhouse units, the introduction of these additional dwellings will contribute to the range and mix of housing forms and housing choice prescribed by the PPS as well as the Regional and local Official Plans.

#### **Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)**

The PPS directs planning authorities to promote healthy and active communities through the detailed planning of streets, spaces and facilities that are safe, foster social interaction and facilitate active transportation and community connectivity. To achieve this, Policy 1.5.1 of the PPS requires that a full range and equitable distribution of publicly accessible spaces for recreation be provided such as parks, trails, as well as access to shorelines for public enjoyment.

The subject lands are situated within walking distance of a municipal park (Sparky's Park). This park provides suitable amenity area to support future residential development. Cash-in-lieu of parkland dedication will be provided through the registration of this development to assist the municipality in the provision of recreational opportunities throughout the community.

## **Infrastructure and Public Service Facilities (PPS 1.6)**

A general tenant of the Policies within Section 1.6 of the PPS is that urban development must occur on urban services, and that existing infrastructure should be capitalized upon before undue expansions are considered.

### Water and Sanitary Services

With regard to watermain, there is an existing 150 mm watermain along Warner Road and an existing 150 mm watermain stub at the current terminus of Chestnut Avenue. To provide domestic water and fire protection, a new 150 mm watermain will be constructed to service the development and create a loop between the two existing systems. Required municipal fire hydrants will also be connected to this watermain for site fire protection.

With regard to sanitary servicing, there is an existing 200 mm diameter sanitary sewer on Warner Road that conveys flows eastward to Tanbark Road. To support the development, a new sanitary sewer will be connected to this existing service on Warner Road. Preliminary analysis indicates that the existing sewer system has capacity to support the development.

### Stormwater Management

Stormwater Management will be provided by way of storm sewers and the use of existing offsite stormwater management wet pond facilities. These ponds are respectively located to the east, adjacent to the municipal fire hall and north of Queenston Road within the Vineyard Creek subdivision. The Report indicates that the proposed storm sewers will convey flows to the existing 600 mm storm sewer on Tanbark Road, which has sufficient capacity to support the development.

### Transportation

The Policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and support active transportation.

The subject lands are situated along the south side Warner Road, which is identified as a Local Road on Schedule G of the Town's Official Plan.

As cited previously, Paradigm Transportation Solutions completed a Transportation Study for Phase 2 of Tawny Ridge. That report has concluded that the development will have no significant impact on the existing transportation network and that the existing transportation infrastructure can accommodate projected traffic volumes without the need for upgrade or improvements.

### **Cultural Heritage and Archaeology (PPS 2.6)**

Section 2.6 of the PPS requires that significant built-heritage resources and significant cultural heritage landscapes be conserved. Further to this, development shall not be permitted on lands that contain archeological resources or areas of archeological potential.

The Town of Niagara-on-the-Lake has an Archeological Screening Tool that defines area of the municipality that exhibit potential for archaeological resources. Schedule H of the Town's Official Plan shows the property being within an area of archaeological potential, therefore assessments were required to be completed.

The subject lands were assessed for archaeological resources by Detritus Consulting Ltd. Through investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. Letters of concurrence for the subject lands have been issued by the Ministry and the site is now cleared of archeological potential.

## 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

### Guiding Principles (PTG 1.2.1)

In order to realize the vision of the Growth Plan, policies within the Plan are based on the following principles:

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*
- *Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.*
- *Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.*
- *Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.*
- *Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.*
- *Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.*
- *Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.*
- *Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.*

The applications conform to the above listed principles in several ways. The Official Plan Amendment and Zoning By-law Amendment will provide beneficial changes in land use policy and zoning criteria that will allow vacant, underutilized urban lands to be developed with a range and mix of residential dwelling forms that contribute to the achievement of a complete community. As the lands are also located within the Built-up Area, there is a reasonable opportunity for the municipality to increase development yield on these lands to meet and exceed minimum growth and intensification targets.

The applications will also facilitate development in an area that is active transportation supportive which can have a positive impact on the reduction of greenhouse gasses associated with higher levels of automobile use.

#### **Managing Growth (PTG 2.2.1)**

The subject lands are located within the Niagara-on-the-Lake (St. Davids) Settlement Area, within the Provincially established Built-up Area. As set forth in Policy 2.2.1 of the Growth Plan, the vast majority of growth and development is to be directed to Settlement Areas, specifically, those with a delineated built boundary and existing and planned or existing municipal services. Policy 2.2.1.2 c) furthers this direction by requiring that, within Settlement Areas, growth be focused in delineated built-up areas.

The application conforms with and implements this policy as the subject lands are within a Settlement Area, are within the Built-up Area and can be supported by extensions to existing municipal services at the property line.

#### **Delineated Built-up Area (PTG 2.2.2)**

Policy 2.2.2.1 directs that by 2031, and each year afterwards, 50% of all growth within the Regional Municipality of Niagara is to occur in the Built-up Area (i.e. intensification.) Until the next municipal comprehensive review is completed by the Regional Municipality of Niagara, the established minimum annual residential intensification target of 25% for the Town of Niagara-on-the-Lake remains in effect.

The subject lands are located within the Built-Up Area of the St. Davids Settlement Area. The proposed amendment will facilitate the development of additional residential dwellings that will contribute to the Town's prescribed annual residential intensification target.

#### **Housing (PTG 2.2.6)**

The Growth Plan directs Planning Authorities to develop housing strategies that will ensure that forecasted growth can be accommodated, density targets are achieved, and that a mix of housing options be available.

The proposed Plan of Subdivision includes a mix of residential building forms that will assist in the provision of a mix and range of housing forms. This variation will assist in providing variety in housing prices, which may lead the attainment of more affordable housing opportunities in the community.

### **Transportation (PTG 3.2.2)**

Similar to infrastructure planning, transportation planning and investment must be coordinated with development. Within Urban environments, the primary goals of the Growth Plan are to provide connectivity amongst modes, provide balance in transportation choices, to be sustainable, to ensure multimodal access to housing, jobs and other community elements and to ensure safety.

From a transportation perspective, the subject lands are accessible by multiple modes of transportation including walking, cycling, and private automobile. As stated in the TIS completed by Paradigm Transportation Solutions Ltd. no improvements are needed to existing transportation networks to support the development.

### **Water and Wastewater Systems (PTG 3.2.6)**

The Growth Plan requires that urban development must be supported by urban services such as watermain and sanitary sewers.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants the development land can be supported by available servicing connections on Warner Road and Chestnut Avenue.

### **Stormwater Management (PTG 3.2.7)**

Although prescribed by the Growth Plan, the Town of Niagara-on-the-Lake is one of many Niagara municipalities which does not have a Stormwater Management Master Plan.

Although a master plan is not in effect, new developments must ensure that stormwater can be managed on site with no impact on adjacent lands.

Stormwater Management will be provided by way of storm sewers and the use of existing offsite stormwater management wet pond facilities. These ponds are respectively located to the east, adjacent to the municipal fire hall and north of Queenston Road within the Vineyard Creek subdivision. The Report indicates that the proposed storm sewers will convey flows to the existing 600 mm storm sewer on Tanbark Road, which has sufficient capacity to support the development.



**Public Open Space (PTG 4.2.5)**

Section 4.2.5 of the Growth Plan encourages local municipalities to develop a system of publicly accessible parkland, open space and trails.

The Town of Niagara-on-the-Lake's public open space network is well established throughout the community. The subject lands are located across from a large municipal park which offers convenient opportunities for recreation and outdoor enjoyment.

**Cultural Heritage Resources (PTG 4.2.7)**

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans to use in the consideration of development applications. The Town of Niagara-on-the-Lake has an Archeological Screening Tool that defines areas of the municipality that exhibit potential for archaeological resources. Schedule H of the Town's Official Plan shows the property being within an area of potential, therefore archeological assessments were required to be completed.

As noted previously in this report, the subject lands were assessed for archaeological resources by Detritus Consulting Ltd. Through investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. Letters of concurrence for the subject lands have been issued by the Ministry and the site is cleared of archaeological potential.

## **NIAGARA REGION OFFICIAL PLAN (2022)**

The subject lands are located within the St. Davids Urban Area (Settlement Area) and the Provincially Delineated Built-Up Area, as shown on Schedule B of the Regional Official Plan (ROP) provided below as **Figure 23**.



Figure 23 - Schedule B of Regional Official Plan (Cropped)

The Regional Official Plan (ROP) contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The Regional Plan directs growth and development to settlement areas where full urban services are available, as well as public transit, community and public services and employment opportunities. The Plan directs that 60% of all residential units occurring annually within

Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

The subject lands are located within the St. Davids Urban Area (Settlement Area) and are within the delineated built-up area. Niagara-on-the-Lake has a forecasted population of 28,900 people and 17,610 jobs by 2051, per Table 2-1 of the ROP. The required intensification target set by the Region for the Town of Niagara-on-the-Lake is 25% or 1,150 units, per Table 2.2 of the Regional Official Plan.

The proposed development will contribute 74 new homes into the Town's housing supply and round out existing development within the western end of the St. David's Urban Boundary. The subject lands are logical location for residential development and can be serviced by existing roadways and municipal infrastructure. The proposed development will assist the Town in the achievement of its annual growth and intensification targets.

Section 2.2.1 of the Niagara Region Official Plan contains policies pertaining to the management of urban growth. Generally, these policies direct growth to occur in a manner that supports the achievement of intensification targets, is compact and vibrant, is inclusive of a mix of land uses and housing forms, and efficiently utilizes existing services and transportation networks/services.

The applications conform with this policy direction through the provision of a mix of residential housing forms or varying densities on urban, serviced land. The proposed development will assist the Town in the achievement of Regional intensification targets and rounds out available lands with a logical development pattern that will contain vibrant housing forms and streetscapes.

Overall, the applications are considered to conform with the Niagara Region Official Plan and implement its growth management direction in an appropriate, efficient and context sensitive manner.

## **TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (2017 CONSOLIDATION)**

The Town of Niagara-on-the-Lake Official Plan is the long-range planning tool used to guide growth and development in the municipality. As shown on “Schedule D – St. Davids Land Use Plan” of the Town Official Plan, the subject lands are designated as Low Density Residential (see **Figure 24**).

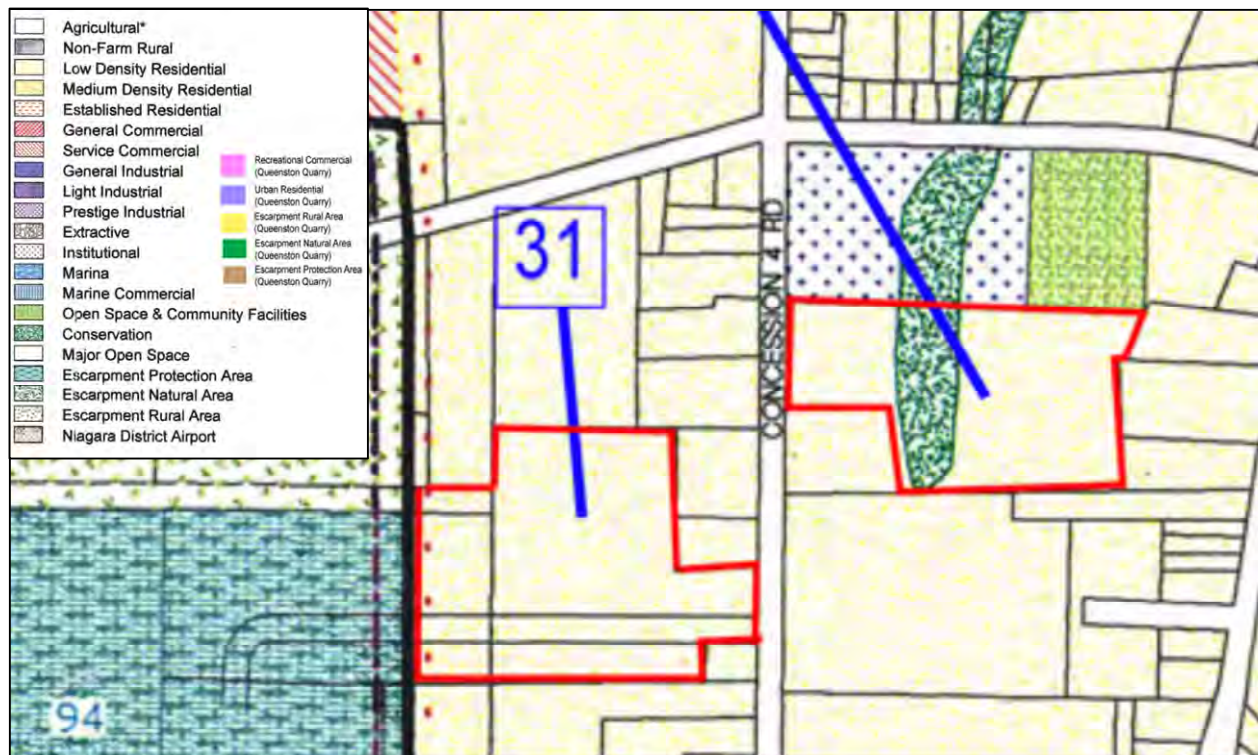


Figure 24 - Schedule A of Town of Niagara-on-the-Lake Official Plan (Cropped)

An overview of conformity with applicable Policies from the Official Plan is provided in the following subsections.

### **SECTION 6: GENERAL DEVELOPMENT POLICIES**

#### **6.1 Archeological Survey**

Section 6.1 of the Town’s Official Plan requires that archaeological assessments be carried out for the purpose of determining if archaeological resources may exist on a property. As the subject lands are located within an identified archeological potential area, Stage 1 & 2 Archaeological Assessments were required and carried out by Detritus Consulting in 2020 and 2021.

As noted previously in this report, no archaeological resources were encountered on the subject lands and the consultant filed the completed reports with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. Letters of concurrence for the subject lands have been issued by the Ministry and the site is now eligible for development.

#### 6.4 Building Height Restrictions

Policy 6.4 of the Town of Niagara-on-the-Lake Official Plan states that the municipality consists of low-rise structures with building heights that typically do not exceed 11 metres in height. In the immediately surrounding areas, the lands are developed with a mix of one to two storey dwellings of varying forms (single detached dwellings, street townhouse dwellings, block townhouses).

The single detached dwelling lots (Lots 1-20) are to be zoned as R2, which has a maximum base building height of 10.0 metres. The height is requested to be increased to 11.0 metres, consistent with the maximum height permitted by the Official Plan. This increase will facilitate two storey development with architectural design elements such as peaked roofs and dormers.

The street townhouse Blocks (Blocks 21-26) are proposed to be zoned as RM1-A, which has a maximum base building height of 10.0 metres. Similar to the single detached dwelling lots, the height is requested to be increased to 11.1 metres for Street Townhomes, which is generally consistent with the maximum height permitted by the Official Plan.

To facilitate the development of the multiple residential Block (Block 27), a modified RM1-B Zone that permits Stacked Townhomes and Apartment Dwellings as permitted uses, in addition to Block Townhomes is proposed.

Similar to Street Townhouses, a height of 10.0 metre is applicable to Townhouse dwellings. Both Block Townhouses are proposed to be permitted to a height of 11 metres, consistent with the overarching Official Plan policy direction. This height provide flexibility for two to three storey structures. Stacked Townhouses are propsoed to be 11.5 metres in height, to provide design flexibility.

For an apartment building, a maximum of four floors is proposed which can be developed in harmony with adjacent low-density land uses. To ensure design flexibility, a maximum height of 13 metres is suggested to be applied. This height assumes a flat roof structure with a height breakdown of approximately 3.0 metres per floor (3 metres x 4 floor = 12 metres), plus an additional 1.5 metres for a decorative parapet and grading flexibility. This proposed height would also provide flexibility for a three-storey development with peaked roof, or three storeys of apartments with the ground level uses as indoor parking.



The intent of the policy is generally to ensure that new development remains harmonious with the existing character of the community and adjacent uses with Established Residential Area. As the subject lands are not located within the Established Residential Area, and that they are adjacent to recent residential development, some which has similar height, consideration of additional height is reasonable. The required site plan control process for townhouses and the multiple residential block will provide further opportunity to scrutinize development designs to ensure compatibility.

#### 6.5 Contaminated Areas Due to Previous Use

The Official Plan requires that soil investigations be completed on development sites where contamination is believed to be present.

A Phase One Environmental Site Assessment report was completed for 170, 178 and 184 Tanbark Road and the unaddressed Warner Road property by Hallex Environmental Ltd. in January of 2019. The request for this study was based on aerial imagery that appeared to show the subject lands being used as an orchard in the past. Lands that contained former orchards typically have a potential to contain pesticides and other contaminating materials in the soil.

Through soil sampling and analysis, the consultant confirmed that none of the 21 samples taken from the subject lands exceeded the applicable Provincial Table 3 Residential Land Use standards. Accordingly, the consultant concluded that 170, 174 and 184 Tanbark Road and the Warner Road property are suitable for residential development with no need for a record of site condition to be filed.

A Phase 2 Environmental Site Assessment was completed separately for 192 Tanbark Road in September of 2021. As outlined in the consultant's report, soils samples were analyzed and met applicable Table 2 Standards for residential land uses. Accordingly, the portion of 192 Tanbark Road forming a part of the subject lands are deemed fit for residential development,

As the necessary investigations have been completed and that the qualified professional consultant has concluded that the lands meet applicable Provincial standards, the applications are deemed to conform to the Official Plan.

#### 6.6 Cost of Servicing Development

Policy 6.6 of the Town's Official Plan states that "In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services which are not economically feasible to provide, improve or maintain. Instead, development should be permitted only in locations where demands on public services will be minimized, urban areas, or where it can

most effectively utilize existing services. Council has provided for the allocation of capacity as outlined in the municipal sewage allocation by-law.”

The submitted applications contemplate the development of vacant urban lands located between existing development and the urban area boundary for St. David’s. Unlike Tawny Ridge Phase 1, which has frontage along Tanbark Road and municipal services available at the property line, the development of the Phase 2 lands will require the extension of municipal services and roads.

As outlined in the Functional Servicing Report, the development of the subject lands will require the extension/construction of watermain, sanitary sewer and storm sewers. Severing capacity has been confirmed, and the need for upgrades to municipal services and/or stormwater management facilities is not required. Any and all necessary infrastructure, including road restoration, will be at the cost of the developer.

#### 6.11 Frontage on a Public Street

Policy 6.11.1 of the Official Plan requires that development will only be permitted where the lot has frontage on a public street.

In conformity with this requirement, the Plan of Subdivision proposes the extension of Chestnut Avenue and the creation of new municipal roadways shown as “Street A” and “Street B” on the submitted Draft Plan of Subdivision.

In conformity with this policy, all lots and development blocks will have frontage provided on a public roadway. Roadway stubs are provided at the terminus of Chestnut Avenue and Street “A” to provide additional public street frontage and facilitate the potential future development of the adjacent lands to the west.

#### 6.17 Lot Sizes

Policy 6.17 of the Official Plan prescribed that “The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.”

For the proposed single detached dwelling lots (i.e. Lots 1-20), lot frontages are proposed to be less than the minimum 18.0 metres required in the current R1 Zone. The rationale for reducing lot size and frontage is to create consistency with adjacent lots along Tulip Tree Road and the twelve lots proposed as part of Tawny Ridge Phase 1 – both of which are back-to-back lotting



configurations. Using similar lot geometry ensures a consistent lotting pattern, visually pleasing and more functional fence lines without off-sets, and overall development compatibility.

The proposed amendments will keep the lots as small as reasonably possible, in conformity with the direction of the Official Plan to encourage and foster more development within the Town's existing urban areas. With regards to single detached dwelling specifically, the lot sizes will also be comparable and similar to those proposed in Tawny Ridge Phase 1 and along Tulip Tree Drive.

Reductions in Lot Size and frontage are not required for the Street Townhouse Blocks.

The Multiple Residential Block (Block 27) have been sized to accommodate a variety of different multiple residential development forms under private ownership (i.e. condominium). The proposed minimum lot size and frontage, reflective of the draft plan, has been included in the site-specific zoning for the subject lands.

#### 6.21 Parking and Loading Facilities

Per Table 6-5 of Town of Niagara-on-the-Lake Zoning By-law 4316-09, the required amount of parking and loading spaces per land use type is as follows

- Single Detached Dwelling – Two Spaces per Unit (2)
- Block and Street Townhouse Dwellings - Two Spaces per Unit (2)
- Apartment Building - One Space per Unit (1)
- Stacked Townhomes – One Space per Unit (1) - *Proposed*

Detached Dwelling Lots and Blocks for Street Townhouse dwellings can provide the required amount of parking by utilizing both the driveway and the garage.

Block 27 may require off-street parking and loading facilities if Stacked Townhomes or an Apartment Building is developed. The preliminary site plan model for the property shows that access and parking would be located internal to the subdivision and accessed from Chestnut Avenue. This approach is preferable from a visual standpoint and limits traffic impact onto Warner Road, which will function as a primary access to the development. If Block Townhomes are proposed, the use of private garage and driveways for parking may be utilized.

Loading facilities are not required for residential developments, such as apartments, but may be considered based on the future proposed form and function of Block 27.

### 6.22 Parks and Dedication

For lot creation applications in the Town of Niagara-on-the-Lake, inclusive of subdivisions, parkland dedication is required in the form of land dedication or cash-in-lieu.

For this development, cash-in-lieu of parkland has been identified by the Town through pre-consultation as the preferred method to provide parkland, as a large municipal park is located on the east side of Tanbark Road and within walking distance of the subject lands.

### 6.23 Planning Impact Analysis

As both an Official Plan Amendment and Zoning By-law Amendment have been applied for, this Planning Justification Report has been prepared and submitted concurrently to satisfy application requirements. This Planning Justification Report addresses all relevant matters outlined in Section 6.23 of the Official Plan throughout the document.

### 6.29 Road Setbacks

Policy 6.29 requires that “setbacks from roads shall be provided as required by the implementing Zoning By-law. Such setbacks shall be sufficient to allow space for landscaping and off-street parking, loading and movement of vehicles clear of any road allowances.”

The proposed front yard setbacks for single detached dwellings and street townhouse dwellings are proposed to be 4.5 metres to the dwelling and 6.0 metres to a garage (Base R2 & RM1 Provisions). These setbacks provide sufficient room for off-street parking and landscaping to be provided in the front yards and are consistent with the setbacks approved for the Courtland Valley Development (i.e. Tulip Tree Drive, R1-7a Zone) to the south which employs a 4.5 m setback to dwellings and 6.0 metre setback to garages.

### 6.30 Servicing Policies

Generally, the policies of Section 6.30 of the Official Plan require that urban development be supported by municipal services, including watermain, sanitary sewer and storm sewers.

The Functional Servicing Report has been prepared to provide an overview of overview of available servicing infrastructure, proposed connection methods and how stormwater will be managed for the proposed and retained parcels of land.

As outlined in the report, the subject lands can be serviced with watermain, sanitary sewer and storm sewer.

The Village of St. Davids is subject to a subset of Official Plan policies which pertain to development within the Settlement Area, beyond the base provisions of the Official Plan. The general intent of this policy subset is to balance the preservation of the character of portions of the historic Established Village Area and to facilitate and regulate appropriate development within the community.

**SCHEDULE "D1"  
ST. DAVIDS  
ESTABLISHED  
VILLAGE AREA**

building  
parcel  
town limit  
Established Village Area

building  
parcel  
town limit  
Established Village Area

1:6,000

St. Davids  
North 1:6,000  
Planning 1000

## Section A. Objectives

1. Preserve the ambience and character of the historic village;

2. Maintain the urban area boundaries as the limit to the service area in support of the municipal servicing strategy and protection of abutting agricultural lands for farming purposes;
3. Protect the ecosystem integrity of woodlots, the Four Mile Creek watercourse, and the Niagara Escarpment;
4. Protect the views of the Niagara Escarpment, and provide for appropriate public access and linkages to the Bruce Trail;
5. Provide for efficient future growth within the urban area boundaries based on a comprehensive plan for municipal infrastructure and compatible land uses;
6. Provide for appropriately located active parkland and recreational facilities;
7. Enable further investigation of the need for and feasibility of new community facilities including a community center, library, daycare, and medical center;
8. Provide for a diversity of housing types to meet the needs of the resident community;
9. Provide for appropriately located commercial opportunities and activities to serve the needs of the St. Davids community;
10. Provide a long-term strategy for the development of lands within the urban boundary adjacent to Bevan Heights;
11. Provide for a comprehensive approach to transportation planning including roadways, pedestrian ways, bicycle ways/lanes and a long-term strategy for the future of Paxton Lane;
12. Provide for a comprehensive approach to stormwater management;
13. Provide for well-designed new development through urban design guidelines to address streetscape character, infill opportunities, and community focal points;
14. Recognize existing industrial uses, provide for appropriate planned growth of these uses, encourage industry which is environmentally sensitive in terms of such impacts as noise, traffic, vibration, fumes and waste management, and provide for compatible development opportunities on adjacent lands.

Objectives 2, 5, 8 and 13 are relevant to the submitted applications. These noted objectives are satisfied by the applications as development is provided within the Settlement Area Boundary, that the proposed land uses are compatible with existing development and provide housing diversity, and that the preliminary designs of the proposed dwellings reflect the general requirements of the applicable design guidelines.

## **Section B. Policies**

### General Development Policies for St. Davids

Development in St. Davids is governed by the general development policies of the Towns Official Plan and the following specific policies:

1. Where appropriate the scale, massing, and design of any new development shall be compatible with the character of adjacent development, and support the characteristics of the Village. All new street-related development should enhance the streetscape;
2. New development shall be designed, where appropriate to preserve and enhance the streetscape in terms of such elements as building setback, façade design, and façade density;
3. New development shall respect established building lines and significant landscape features;
4. Access to new buildings that have a direct relation to the street shall be arranged in relation to, and designed to facilitate, street-oriented pedestrian movement;
5. Parking areas for new commercial buildings shall be located in rear yards;
6. Proposals for infill development shall be designed to be sensitive to the attributes of adjacent properties in terms of such elements as scale, massing, building separations, and landscaped open space;
7. Signage, lighting, and landscaping treatments shall be compatible with the character of adjacent properties and the Village in general.

The proposed development emulates a compatible and comparable lotting fabric to that which is found throughout the recently developed portions of St. Davids on lands west of Tanbark Road and adjacent to the subject lands. Specifically, similar single detached and street townhouse dwellings forms can be found on lands to the south in the Courtland Valley Subdivision.

With regard to established buildings lines, the development must have regard for setbacks from Warner Road, and exterior side yard setbacks from the planned extension of Chestnut Street. Along Warner Road the two most adjacent setbacks are approximately 31 metres for 687 Warner Road, and approximately 9 metres for 717 Warner Road. A setback of 3 metres is proposed from all Lot Lines on Block 27 to ensure maximum design flexibility. It is likely that the existing dwellings on either side of the property will not remain for the long term, as this proposed subdivision will create development incentive and road access for lands to the west and that 717 Warner Road will likely be included as part of a development including adjacent properties to the east. It is not considered or desirable to maintain these adjacent setbacks as they limit development potential on lands designated and zoned for development. Flanking setbacks from Chestnut Avenue will be generally upheld through the requested side yard setbacks for Blocks 23 and 24.

Pedestrian access for all proposed buildings will be provided from the proposed public roadways. The provision of sidewalks within the subdivision and eventual connectivity to sidewalks on adjacent lands will provide convenient pedestrian connections. The Multiple



Dwelling Block may employ opportunities for pedestrian connections directly to, or through the Block to both Warner Road and Chestnut Street.

The scale of the proposed development will be consistent and similar to that found in Tawny Ridge Phase 1 and in the Subdivisions to the north of Warner Road and south of the subject lands. These areas contain more recent construction with taller building heights, reduced front yard setbacks, increased lot coverages a mix of larger scaled dwellings.

The proposed lotting pattern and requested zoning provisions will ensure that the common and desirable design elements of larger setbacks, driveways and opportunities for front yard landscaping are upheld. The proposed dwellings forms will have a direct relationship with the street.

Through detailed design and review, a more nuanced development flavour may be achieved, however at this stage, the lotting and zoning are considered to be compatible with and reflective of the overall development character of the immediately surrounding community.

#### Servicing

1. New development including plans of subdivision, plans of vacant land condominium, and new lots created by consent shall be designed and serviced subject to the approval of the Town's Public Works Department and other appropriate agencies.
2. Approval of new development shall be coordinated by the Town to ensure that the provision of municipal infrastructure takes place in an orderly, efficient, and cost-effective manner.
3. New development shall proceed only if Council is satisfied that services and utilities are or can be made available and have the adequate capacity to accommodate and safely service the proposed development.
4. Developers shall be financially responsible for providing all services and utilities to new development.
5. All lots shall be served by municipal water and wastewater services.
6. Elimination of existing private water and wastewater facilities shall be required. For all properties connected to the communal sanitary sewer system, decommissioning of existing septic systems shall be carried out in accordance with Regional Health Department requirements. Private wells shall not be connected to the municipal water supply system.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the proposed subdivision can be serviced from existing municipal water, sanitary and stormwater infrastructure. These connections shall be made at the cost of the developer, and will be subject to the approval of the municipality.

### Land Division and Land Assembly

1. Land division within St. Davids should generally proceed by plan of subdivision to ensure that an appropriate lotting pattern is created; that an appropriate roadway design will be achieved; and that suitable arrangements for the provision of services are addressed in a subdivision agreement.
2. Land division may proceed by way of plan of vacant land condominium. Such proposals shall be reviewed on the basis of such considerations as, but not limited to, building footprints and configurations; the massing and design of new buildings in relation to the style of adjacent buildings; internal vehicular and pedestrian movement; parking arrangements for motor vehicles; common and private amenity areas; landscaping, buffering and screening details; and consistency with Municipal services standards and facilities.
3. Small scale land division by consent of the Committee of Adjustment shall generally be discouraged except for the division of blocks within a plan of subdivision, the consolidation of remnant land parcels, minor lot boundary adjustment, and minor infilling along existing public roadways.
4. Land assembly or lot consolidation may be required to ensure parcel configurations that are appropriate for development purposes by way of plan of subdivision, the orderly design of public infrastructure, and compatibility with abutting lands. The Town will encourage the merging of lands, or the undertaking of multi-party development agreements, in order to meet this policy intent

The proposed land division method proceeding concurrently with the Official Plan and Zoning By-law Amendment is a Plan of Subdivision. An appropriate lotting pattern is proposed and achieved by providing similar lot sizing and back to back orientations, where possible, with adjacent development. The proposed roadways designs are appropriate as well, providing a logical travel route through the lands with terminating vistas, building frontage and flankage and turns to slow traffic movement. The roadways will serve as the route for required servicing extensions and are able to connect to adjacent infrastructure.

To facilitate development, the subject lands will be consolidated in title prior to registration of the plan of subdivision.

### Residential Land Use

1. Low density residential land uses and building types are recognized as the predominant permitted housing type intended in the St. Davids Special Policy Area. A mix of low density building types shall be encouraged.

2. Low density residential projects may be developed to a maximum 6 units per acre net density as provided for in the residential density policies of this Plan.
3. Medium density residential projects are recognized as a minor housing type. Medium density residential projects may be developed to a maximum 12 units per acre net density as provided for in the residential development policies of this Plan.
4. Medium density building types shall be limited to townhouses, triplexes, fourplex and quad-plex dwellings, senior citizen housing projects and nursing homes. Medium density building types may be considered in accordance with the following:
  - (a) Medium density projects shall be designed in such a way as to be compatible with adjacent low density buildings and areas;
  - (b) Medium density projects shall provide adequate outdoor amenity areas including functional common open areas and private open space areas with suitable landscaping;
  - (c) Medium density projects shall provide sufficient on-site parking for each dwelling and visitor accommodation.

5. Medium density projects shall be located:

- (a) Where it can be demonstrated that the project will be compatible with adjacent development in terms of intensity of use, building design, and architectural treatment;
- (b) Adjacent to or in close proximity to commercial areas for the purpose of serving the needs of residents, supporting the viability of the commercial area, and establishing consistency with the land use intensity of the commercial area;
- (c) Where the project has direct access to a public street without drawing traffic through low density areas;
- (d) Where adequate municipal services are available and can be provided without disruption through reconstruction of existing lines. Such reconstruction shall be discouraged by the Municipality. It shall be the responsibility of the proponent to establish the availability of capacity and demonstrate that adequate services are available

The subject lands are designated as Low Density Residential. Per Section 9.3 of the Official Plan, the Low Density Residential designation permits housing forms such as single detached dwellings, semi-detached dwellings and duplexes. Policy 3 indicates that medium density projects are also permitted, which include townhouses and plexes, but not apartment dwellings.

In addition to the previously noted medium density housing forms, Senior Citizens Housing projects and Nursing Homes are permitted, which typically are accommodated in a single,

multi-floor structure that is similar in form to an apartment building. The Official Plan Amendment proposes the inclusion of an apartment building as a permitted use for Block 27, as the resultant built form would be similar to a Seniors Housing Project or Nursing home.

The Official Plan permits a maximum density of 6 units per acre (14.82 units per hectare) in low density residential areas. The proposed plan of subdivision has a proposed cumulative density of 9.6 units per acre (23.79 units per hectare), which exceeds the maximum density permitted in the Official Plan, but is less than the Medium Density limit of 12 units per acre. Accordingly, the Official Plan Amendment to allow for a site-specific increase to the Low Density limit on these lands has been filed to address this overage.

The minor increase in density conforms with higher level planning objectives set out by the Town which encourages growth and development within urban area to preserve and protect agricultural lands from encroachment. The provision of additional density is considered of benefit to the Town, as the subdivision will be able to more efficiently use land, existing infrastructure, and contribute towards require intensification targets and a mix of housing opportunities.

In conformity with Policy 5), the proposed multiple residential Block is located in the most appropriate location on the subject lands with frontage along Warner Road. This orientation allows for maximum benefit from a built-form perspective on three sides and allows for parking to be provided internally to the site, out of the view of existing dwellings. Although traffic will be brought into the proposed subdivision to access the site, it is preferable to a new access on Warner Road which may conflict with Angels Drive. With regard to servicing, the Functional Servicing Report prepared by Upper Canada Consultants has concluded that there is sufficient servicing capacity to support the increased development density.

#### Housing Diversity

1. Council recognizes the importance to the St. Davids community of providing adequate affordable housing for all residents of St. Davids, and encourages the development of an appropriate mix of housing types to meet the needs, preferences, and lifestyles of all residents.
2. Council encourages and intends to facilitate the development of an appropriate supply of housing for seniors in St. Davids and affordable housing for families which support community facilities and services in St. Davids.
3. Council intends to work with and facilitate the efforts of public and private resources, and the non-profit and co-operative sectors, in the provision of seniors' housing in St. Davids.

4. Council may consider the permission of accessory apartment units as a subordinate, independent living area for seniors within single unit dwellings.
5. It is the intent of this Plan that development which is specifically intended to accommodate seniors be located in close proximity to supporting commercial and community facilities.

The proposed plan will provide a range and mix of housing opportunities within St. Davids including detached, townhouse and/or apartment units. This variation is helpful in ensuring that residents of the community can age in place. The provision of apartment dwellings is a good example of such housing forms. The provision of townhouses will also provide opportunities for relatively more affordably family or seniors living in comparison to larger, detached dwelling lots.

#### Urban Design

1. The Town intends to adopt urban design guidelines to ensure that the unique historic character of St. Davids is preserved and extended through careful design consideration of built form, open space, and streetscapes.
2. All development, redevelopment, and infill in St. Davids shall be designed in a manner consistent with urban design guidelines adopted by Council.

An evaluation of conformity with the St. Davids Urban Design Guidelines is provided further on in this report.

#### 6.33 Tree Preservation and Reforestation

It is a policy of the Town's Official Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.

- 1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed. The proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.
- 2) The Town will undertake to identify public lands owned by the municipality or by agreement lands owned by other public agencies where reforestation can occur



- 3) Tree preservation and reforestation which encourages the reforestation with native species and naturalization of disturbed areas within the Niagara Escarpment Plan is encouraged; and
- 4) In the case of dying or diseased trees particularly fruit trees which have the potential to infect healthy trees, such trees may be removed immediately and trees

A detailed tree inventory and preservation plan has been prepared by Beacon Environmental Ltd. for the Phase 2 lands. The intent of this review was to identify trees that would need to be protected through the development process.

Based on site investigation, a mix of individual trees and clusters of fruit trees and weedy trees were identified on the subject lands. No endangered or protected species are present.

In total, three (3) trees are required for preservation. Each is located along the western boundary of the site next to 687 Warner Road. The balance of the trees can be removed to facilitate development. One additional tree is located in close proximity to the shared lot line with 717 Warner Road and is recommended to be further surveyed to determine if it is wholly contained on the subject lands, or is in shared ownership with the neighbouring lot.

As detailed grading and servicing plans are developed, there may be opportunity to preserve or relocate otherwise healthy trees within the subject lands.

## **SECTION 6A: GROWTH MANAGEMENT POLICIES**

Section 6A of the Official Plan contains policies and growth objectives for the Urban Settlement Areas within the Town of Niagara-on-the-Lake. This policy section generally implements the growth management policies of the Provincial Growth Plan for the Greater Golden Horseshoe (2019) and the Regional official Plan.

### **Subsection 2 – Municipal Urban Structure**

As outlined in Policy 2.2, within the Town's Urban Structure is comprised of the following:

- Urban Areas;
- Built-up Areas within an Urban Area;
- Intensification Areas within the Built-up Areas;
- Greenfield Areas within an Urban Area;
- Core Natural Heritage System; and,
- Transportation Corridors.

The subject lands are located within the St. Davids Settlement Area (i.e. Urban Area). Urban Areas are to be the focus of urban development in the Town and contain municipal services

including water and sanitary sewers. The Urban Areas of Niagara-on-the-Lake are to be developed in a manner that will achieve the prescribed growth and intensification targets set out by the Regional Municipality of Niagara. The proposed lots will be connected to municipal services and the development will be counted towards the prescribed population growth targets for the municipality.

The subject lands are also located within the Built-up Area and are subject to the policies of Section 6.A, Subsection 2.4 of the Official Plan. Accordingly, any development occurring on the subject lands is considered as intensification and will be counted toward the Town's average annual intensification target of 25%, as well as the projected population and employment targets for the municipality and Regional Municipality of Niagara. The subject lands are not located within any Intensification Areas, as designated on Schedules I1 and I2 of the Official Plan.

### Subsection 3 – Growth Management

The Growth Objectives for the Town of Niagara-on-the-Lake are outlined in Section 6.A, Subsection 3.2 of the Official Plan and include:

- a) To accommodate all future urban growth within the present-day urban boundary;*
- b) Maintain the current delineation of the urban area boundary for the foreseeable future;*
- c) Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities.*
- d) Direct urban growth and development to the Town's existing Urban Areas.*
- e) Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. Davids, and Queenston through appropriate intensification.*
- f) Direct appropriate intensification to Designated Intensification Areas.*
- g) Optimize existing infrastructure to provide for efficient use of infrastructure.*
- h) Coordinate land use planning with infrastructure planning; and,*
- i) Protect, conserve and manage our natural resources and prime agricultural lands for current and future generations.*
- j) Require growth in stable neighbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.*
- k) Contribute to the conservation of resources such as the Core Natural Areas and prime agricultural land.*
- l) Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

Of the Objectives listed above, a), d), e), g), j) and l) are relevant and applicable to the proposed development.

The applications satisfy Objective a) and d) as the subject lands are located within the St Davids Urban Area. Building upon this, Objective e) is also satisfied as the development is located within the Built-up Area, and development will contribute to the achievement of the 15% (now 25%, per the new Regional Official Plan) annual residential intensification target for the Town.

Objective g) is satisfied as the proposed lots will be serviced by existing municipal services.

Objective j) requires development to meet the residential objectives of the Official Plan contained in Section 9 of the Plan. A detailed overview of how the application meets these objectives is provided further on in this report. Accordingly, Objective j) is considered to be satisfied.

Objective l) prescribes the development of complete communities. The proposed subdivision represents a compact residential development with multiple dwellings forms that that integrates with recently developed plans of subdivision. The development site also benefits from being located within a short walk or cycle trip of commercial land uses, schools, recreational opportunities and transportation routes.

Subsection 3.4 of the Growth Management Policies directs that an appropriate mix of housing be provided throughout the urban areas to meet growth objectives. The majority of new growth is to be directed to medium and higher density areas, and some medium density growth is also able to be provided in low density areas. The applications contemplate a generally low density subdivision within an established low density area with appropriate and compatible zoning provisions. Overall, the applications are considered to conform to this portion of the Official Plan and represent a compatible and reasonable infilling opportunity that will contribute positively to the housing mix in St. Davids, by providing additional detached dwellings.

#### Subsection 4 – Intensification

As noted throughout this report, the minimum annual residential intensification target for the Town of Niagara-on-the-Lake is now 25%, as set forth by the new Niagara Region Official Plan (approved November 4, 2022). In order to achieve this target, development within the Built-up area must occur. The subject lands are located within the Built-up Area, as shown on Schedules I-1 and I-2 of the Official Plan.

Subsection 4.3 indicates that the majority of the Town's intensification will be encouraged in intensification areas, and supplemented by general infilling within the Built-up Area provided that the proposed development is compatible.

Specific policies pertaining to intensification within the Built-up Area are outlined in Subsection 4.4. of the Plan. A detailed overview of conformity with these policies is provided below:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.

*The subject lands are located within the Built-up Area. The twelve proposed dwellings would contribute to the 25% annual residential intensification target, now in effect from Niagara Region.*

- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.

*The proposed dwelling forms for the subdivision will be single detached dwellings, townhouses dwellings and/or apartment dwellings which are consistent and compatible with adjacent development.*

- c) The provision of affordable housing in intensification areas will be encouraged through the application of the policies in Section 9 of the Official Plan.

*The subject lands are not within an intensification area. Affordable housing, per the Provincial definition, is not proposed within this subdivision.*

- d) Mixed use development is also encouraged within the commercial areas of the Built-Up Area. The preferred built form for mixed use development is a minimum of 2 storeys with commercial and office uses on the ground floor, with residential units or office uses located above. The 2 storey height will ensure mix use developments are not underdeveloped.

*Only residential land uses are proposed through this application.*

- e) The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.

*This policy is directed at Town initiatives and is not applicable to this application. However, the proposed zoning amendment will introduce new zoning provisions that facilitate opportunities to encourage and support growth and intensification on lands fit for development.*

- f) Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.

*The proposed lots and future dwellings are anticipated to provide parking in an attached garage and/or in the driveway. The existing neighbourhood has a consistent character that has vehicles parked in the “front yard” on the driveways or in the garages.*

*Block 27 will be designed in a manner that limits to visual impact of surface parking on Warner Road by locating parking towards the south side of the Block. Landscaping and fencing will be used to further screen parking in other yards.*

- g) The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.

*As outlined in the Functional Servicing Report submitted with the Applications, the subject lands can be supported by existing municipal water and sanitary services.*

- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.

*Currently, there are no applicable urban design guidelines for the Built-up Area of the Town as a whole.*



*There are Urban Design Guidelines for the St. Davids Area specifically which are applicable to these applications. An evaluation of conformity with these guidelines is provided further on in this report.*

- i) The Town will locate and maintain important amenities and services, which serve the residents, such as parks, schools, recreational facilities, government offices, library within the Built- up Area.

*This policy is not applicable to private development applications. However, it is noted that the subject lands are located in proximity to such services including a parkland and a municipal fire station.*

- j) When the Town or the Region is undertaking public works projects within the Built-Up Area, the public works projects will be coordinated with any applicable public realm improvement projects.

*This policy is not applicable to private development applications.*

- k) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).

*The subject lands are not located within an intensification area, however, the proposed increase density is appropriate for the subject lands and will support the gentle intensification of the property, rather than underdevelopment.*

- l) During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.

*As outlined in the Functional Servicing Report submitted with the Applications, the subject lands have municipal services available at the property line. The subdivision is considered to have adequate capacity available.*

- m) Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.

*The subject lands are not located within a municipally identified intensification area.*

As demonstrated above, the applications conform to the requirements of the Built-up Area Intensification Policies.

Subsection 4.6 contains policies pertaining to Land Use Compatibility. New development is required to be compatible with the surrounding area and intensification and infilling projects should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;
- c) The existing and/or planned densities of the surrounding neighbourhood; and,
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:
  - Street and block patterns
  - Lot frontages lot area, depth
  - Building Setbacks
  - Privacy and over view
  - Lot grading and drainage
  - Parking
  - Servicing

With regard to Land Use Compatibility, the proposed development form will be residential land uses within an existing residential neighbourhood containing a mix of single detached dwellings

and townhouses. The subject lands do not contain any cultural heritage resources or designated properties, and do not contain any natural heritage resources and/or features.

A small increase in development density and building height is proposed to create a consistent development pattern with recent development in the surrounding area. The small increase in density and height is desirable and will have no significant impact on the public realm or adjacent land uses.

The items outlined in subsection f) are evaluated in the Streetscape Design Analysis. Overall, the development is considered to have regard for the noted items and will integrate well with the surrounding neighbourhood.

## Subsection 7 – Infrastructure

### 7.3 Water and Wastewater Services

Similar to the policies outlined in Section 6.30 of the Official Plan, Section 7.3 of the Growth Management Policies requires that Urban Growth occur on urban services. The proposed development is proposed within the St. Davids Urban Boundary and constitutes Urban Growth. In conformity with the direction of the Official Plan, the proposed lots will be connected to urban services including watermain, sanitary sewer and storm sewers.

As outlined in the Functional Servicing Report submitted with the Applications, the subject lands have municipal services available within Chestnut Avenue and Warner Road. The development is considered to have adequate capacity available.

## **SECTION 9 RESIDENTIAL**

The general Residential development goals, objectives and policies for the Town are contained within Section 9 of the Official Plan.

The subject lands are located within the St. Davids Special Policy Area, and thus have more specific policies that are to guide development and growth. Notwithstanding this, there are some general policies that are applicable. Conformity with these relevant policies are provided below.

### Section 9.2 Goals and Objectives

The Goals and Objectives for Residential Land uses are:

- 1) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.

- 2) To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.
- 3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.
- 4) To encourage the development of economical housing in a suitable environment.
- 5) To ensure that existing housing and existing residential areas shall be preserved and improved.
- 6) To support the retention and to give consideration to the expansion of heritage districts in the older residential areas of Niagara/Old Town and Queenston through the policies of this Plan and the establishment of Heritage Conservation Districts.
- 7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.
- 8) To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.
- 9) To promote the maintenance and rehabilitation of the existing housing stock.
- 10) To support the development, at appropriate locations, of residential facilities that meet the housing needs of persons requiring specialized care.
- 11) To encourage the development of well-designed and visually distinctive forms.

The submitted applications conform with these goals and objectives by proposing additional housing units and forms to accommodate forecasted population growth within the Town.

The proposed development is appropriately located within an existing neighbourhood, along a municipal roadway and is able to be serviced with existing municipal infrastructure. The proposed development form will be complimentary to existing dwellings found in the area and represents a context sensitive intensification on underutilized urban lands.

The proposed dwellings will be subject to urban design review where assurances about compatible built-form and architectural elements can be provided.

Overall, the applications propose of desirable residential development in an appropriate location within the Town of Niagara-on-the-Lake.

### Section 9.3 Land Use Designations

The subject lands are designated as Low Density Residential on Schedule D of the Town of Niagara-on-the-Lake Official Plan, which permits single detached, semi-detached and duplex dwellings. Medium density housing forms such as Townhouses and apartments are also permitted in low density developments subject to a Zoning By-law Amendment and the satisfaction of the policies of Section 9 of the Official Plan.

The applications conform with Policy 9.3 as they propose permitted uses and are inclusive of a zoning by-law amendment.

Policy 9.3 (3) outlines the location and design criteria associated with the consideration of medium density development. These criteria include:

- a. The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.
- b. Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.
- c. Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.
- d. Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).
- e. The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.
- f. Adequate municipal services can be provided to accommodate the needs of the development.
- g. Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.
- h. Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking

The Plan of subdivision design has appropriate regard for the policies of Section 9.3 (3) by proposing medium density land uses such as the street townhouse blocks and multiple residential block within the central portion of the development and along Warner Road. By placing the street townhouse blocks within the centre of the development, a gradual transition in density between the detached development to the south and east is achieved and limits direct impacts on existing, adjacent properties. The placement of the multiple block at the



north end of the property utilizes the prominence of the lot and its three frontages for maximum architectural and aesthetic benefit which will effectively will improve the streetscape. Warner Road provides a sufficient break in built form and allows for large scale, low density character to continue towards York Road.

A sufficient amount of landscaping and buffering is provided for each street townhouse dwelling, which will ensure privacy between dwelling. The multiple residential Block will employ shorter setbacks along the property edge, but will be required to provide a minimum of 25% landscaping for stacked townhouse or apartment developments, per the submitted zoning amendment. Such amounts are considered reasonable and comparable to other small multiple residential developments in Niagara.

The two required parking spaces for Street Townhouses can be accommodated via the proposed attached garage and driveway, consistent with the typical parking configuration found in the surrounding neighbourhood. The multiple residential block will provide access from Chestnut Avenue rather than Warner Road to ensure parking is concealed behind the buildings. In the event an apartment is developed, there is an opportunity to place parking within the building, at grade.

With regard to storage, the Street Townhouse Blocks have sufficient room for small accessory structures such as a shed, and garages that are wide enough to fit a vehicle, bicycles and waste bins. Block 27 will employ similar garage sizes for Block Townhomes, and likely an in-ground secured waste collection system such as Molok or Earthbin for a stacked townhouse or apartment development. Such systems are preferable as they reduce odour impacts and are more aesthetically pleasing than metal waste bins and enclosures.

With regard to vehicular, pedestrian and amenity areas, the Town will have an ensured ability to review such elements on Block 27 through the lens of Town standards and good planning and design principles through the required Site Plan approval process.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants the development lands have full municipal servicing available within adjacent roadways. Based on the review of the Consultant it has been determined that adequate water supply for domestic and fire fighting purposes can be provided, and that there sufficient capacity in the existing sanitary and storm sewer systems in the area to support the needs of the development.

As outlined in the Traffic Impact Study completed by Paradigm Transportation Solutions Ltd., the proposed development will not result in impacts to the existing transportation network. This study was predicated on the assumption that no new access would be provided from Block 27 to Warner Road. In an effort to limit conflict with the proposed intersection with Angels

Drive and to ensure a consistent built streetscape, the primary entrance for the property will be from the Chestnut Avenue Extension.

The Zoning By-law amendment provided to permit the Townhouse and Apartment Uses appropriately places the related Blocks into an RM1 Zone with relevant site-specific provisions.

As outlined above, the applications conform with the location and design criteria for medium density development.

#### Section 9.4 General Residential Policies

Policy 9.4 (4) of the Official Plan pertains to residential density requirements. The Plan limits low density residential development to 6 units per acre, and medium density developments to 12 units per acre. Cumulatively, the proposed overall density for the property is 9.6 units per acre, which is generally between and low and medium density, which is reflective of the form and function of the plan – being low density in character but more medium density in functionality and composition. Council may consider increases subject to a demonstration of compatibility and potential land use impacts. The relevant tests are considered to be found in Policy 9.3 (3) of the official plan.

The subject lands are not within the Old Town Area and are not identified as a part of the Established Residential Area, and therefore are an appropriate location for increases in density to be considered. The requested increase in density is relatively minor and does not result in overbuilding of the lands or any land use compatibility issues with existing or planned development on adjacent lands. Accordingly, the requested Official Plan Amendment is considered to meet the general intent and purpose of the Official Plan with regards to density and should be supported.

### **SECTION 18: HERITAGE CONSERVATION**

#### Section 18.5 Archaeological Planning

As the subject lands exhibited archaeological potential, the necessary assessments were conducted by qualified professionals. As outlined previously in this report, these assessments yielded no finds and no further assessment was required.

The reports have been filed with the Province and the necessary Ministerial Letter of Concurrence have been issued.

## **SECTION 20: TRANSPORTATION**

As shown on Schedule G of the Town of Niagara-on-the-Lake Official Plan, Warner Road is classified as a Local Road. Section 20.2.4 of the Plan outlines the role and function of Local Road, which include:

- a) Local roads are intended to provide access to individual properties.
- b) Local roads shall be mainly in the form of loops and cul-de-sacs, with emergency and security access where necessary.
- c) The right-of-way width for Local Roads shall be sufficient to accommodate the intended traffic volumes as well as on-street parking. The right-of-way width, the construction of the road and the location of all necessary services shall be the satisfaction of the Town.
- d) Design of access to Local roads will ensure safety and ease of entry and exit of traffic.

The proposed roadway network will include an extension of Chestnut Avenue, which is a local roadway, through the site with a connection to Warner Road. A second public roadway shown as Street “A” will provide frontage and access to Lots 13-20 and Blocks 21-23. Street “B” is required to provide access into the site, and will provide access to Chestnut Avenue and the temporary road located west of Blocks 21 and 26.

The proposed road network design conforms with the Official Plan providing access to individual properties, creating circulation and looping through neighbourhoods and providing necessary emergency access.

A 3.74 metre wide road widening has been requested by the Town along the frontage of the subject lands abutting Warner Road. This dedication is shown as Blocks 30 and 31 on the Draft Plan.

## **OFFICIAL PLAN AMENDMENT 78**

Official Plan Amendment 78 (OPA 78) was developed and approved by the Town in response to the implementation of an Interim Control By-law in the Town in 2018/2019. The Amendment sets out requirements for infilling and intensification within residential areas, as pressures for development and redevelopment increase within the municipality.

OPA 78 established twelve criteria that applications must be evaluated against when considering infilling and intensification. An overview of conformity with each of the criteria, as applicable, is provided below.

### **Development Criteria – Residential Infill and Intensification**

In considering an application for development approval on lands designated ‘Low Density Residential’, ‘Medium Density Residential’ and ‘Established Residential’, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a heritage conservation district plan:

- a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;

*The proposed lots are generally consistent with the overall size and configuration of the developed portions of Tulip Tree Road and the lots currently proposed in Tawny Ridge Phase 1.*

*Chestnut Avenue only has properties that flank the roadway, and there are no existing frontages to compare to.*

- b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;

*The proposed lots will facilitate the development of residential dwellings that will be similarly massed, styled and positioned with adjacent developments on adjacent lands.*

*The design of future dwellings will be scrutinized and assured through the Urban Design Review process associated with this development and through the Site Plan Approval process, where applicable.*

- c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;

*The only street frontage that contains existing development fronting onto it is Warner Road. The two adjacent dwellings are situated at two significantly different setbacks from the ultimate edge of road (post widening), being approximately 23 metres for 687 Warner Road (west side) and 9 metres for 717 Warner Road (east side). An average setback between the two would be approximately 16 metres, or close to one third into Block 27. Upholding these setbacks is not considered appropriate in this scenario.*

*It is expected that both the adjacent properties will be redeveloped in the near future. At this time it is considered the most appropriate time to set a new setback from the roadway that facilitates high quality development and interaction with the public realm. This is best achieved through a minimum setback from Warner Road. The draft amendments proposed a minimum of 3.0 metres to ensure design flexibility.*

- d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;

*Lots 1 to 12 have larger lot widths, which in turn provide opportunities for larger side yard setbacks to be provided along existing development interfaces with properties to the north and south.*

- e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;

*The detailed design of the future dwellings has not yet been refined. As shown on the preliminary elevations provided with these applications, the proposed buildings will emulate desirable architectural forms and facets that are supported by the St. Davids Urban Design Guidelines including attached garages, significant glazing, peaked roofs, a mix of cladding materials and prominent entrances. These elements are also similar to existing development on adjacent lands.*



- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;

*A Tree Preservation Plan was undertaken as part of the application preparation process for this development by Beacon Environmental Ltd. The report has concluded that there are no trees that require preservation, save and except for those encroaching onto the site from adjacent lands.*

*The proposed plan layout is conducive to the integration of robust streetscaping and landscaping efforts on private property, consistent with that found in adjacent development.*

- g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;

*The provisions of the requested R2 Zone limit the width of garages and require setbacks that are larger to the garage face than the dwelling face. These combined measures will ensure that the streetscape is not dominated by garages.*

- h) new driveways and service connections shall be sited to minimize tree loss;

*The detailed engineering design of this site will occur at a later date. Where possible and/or required, the retention of healthy and aesthetically valuable trees may be considered.*

- i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;

*Grading and drainage matters will be addressed through detailed engineering.*

- j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;

*The orientation of the lots will have no impact on public views. The subject lands are vacant and largely surrounded by trees which obscure views into the open plain. This existing viewshed is not significant to the neighbourhood aesthetically and will not be negatively impacted by the development of the lands. Instead, the development will create a vibrant neighbourhood that will contribute positively to the public realm.*

- k) proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and

*The proposed street network includes the northbound extension of Chestnut Avenue. This connection will provide access to the existing neighbourhood from Warner Road.*

- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

*The submitted Transportation Impact Study prepared by Paradigm Transportation Solutions indicates that the development will have no impact on the existing transportation system.*

*The submitted Functional Servicing Report prepared by Upper Canada Consultants has confirmed that the proposed development has adequate municipal water, sanitary, stormwater and fire fighting capacity.*

## **ST. DAVIDS URBAN DESIGN GUIDELINES (2005) AND STREETSCAPE ANALYSIS**

Development within the Village of St. Davids is subject to a set of Urban Design Guidelines that were prepared by Brook McIlroy Planning + Urban Design in March of 2005 (**Figure 26**).

The basic framework of these guidelines provides Guiding Principles of Design, a framework of Urban Design Elements and specific subsets of Guidelines for different elements of the community such as the Historic Village, Established Neighbourhoods, the Public Realm and the Private Realm.

While applicable, it cannot be overlooked that these guidelines may not be consistent or reflective of more up-to-date planning policies, provisions and initiatives and that they do not consider the recent development of the St. Davids community.

Nonetheless, an overview of alignment with the Guidelines shall be provided herein with an overview

of how the proposed development adheres and implements its general design directions based on the submitted development plan and preliminary architectural elevations.

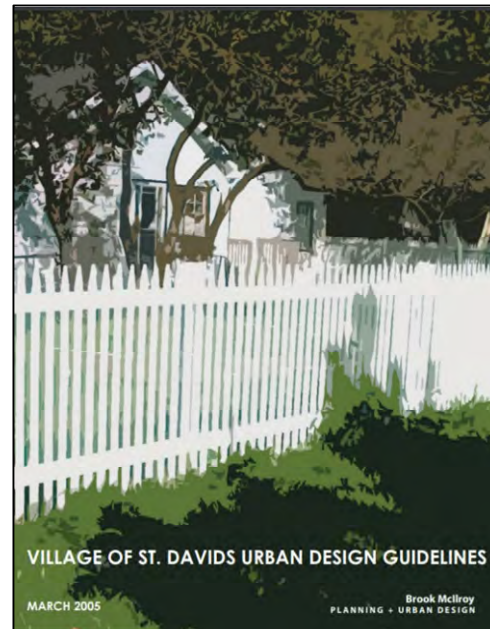
Additionally, this section will provide a brief overview of the existing Streetscape along Warner Road and Chestnut Avenue demonstrating how the look, feel and function of the new proposed roadways and development will uphold the character of the area.

### **Urban Design**

The subject lands are not located within the historic village area or along Four Mile Creek Road or York Road, which are the portions of the Settlement Area that are provided with the most urban design guidance.

The subject lands do not contain, and are not adjacent to any heritage properties, natural heritage features or corridors.

The built form in the immediate area is best described as a mix of low and medium density residential land uses of varying ages and forms (i.e. new and older single detached dwellings, bungalow townhomes).



**Figure 26 - St. Davids Urban Design Guidelines**

The overall intent and purpose of the guidelines is to balance growth with the preservation or unique elements of the St. Davids Community. As noted, these efforts are to be strongest in the established residential area and village centre. As the subject lands are located outside these core areas and are generally suburban in nature, the guidelines are used to ensure that new development is provided in a way that reasonably integrates design elements and characteristics throughout the community through high quality built form and well designed public spaces and streets.

Section 6.6 – Public Realm: Streets and Section 7 of the Guidelines (Private Realm Guidelines) are applicable and relevant to the submitted applications and are evaluated below.

A detailed evaluation of conformity to Section 6.8 Streetscapes will be provided at the time of engineering design when road design and profiles are prepared.

### **Section 6.6 – Streets**

The Guidelines prescribe that proposed development blocks should be urbanized, with sidewalks so that they may be short and walkable. Development Blocks are recommended to not exceed 250 metres in length without a break or redundant connections to other roadways. Furthermore, the streets should be interconnected to better disperse vehicle and pedestrian traffic.

The proposed street network is a logical and appropriate extension of Chestnut Avenue, which extends approximately 195 metres northward from Hickory Avenue before turning westward internal to the development towards a new access point to Warner Road via Street “B”. The internal east to west blocks do not exceed 130 metres in length and are considered appropriate distances for walking within the development. The proposed road network and temporary roadway create an internal loop which will help disperse traffic entering from Warner Road to Street “A” and Chestnut Avenue, which may help minimize traffic volumes. The overall form of the street network is considered to conform with Section 6.6 of the Guidelines.

### **Section 7.2 Private Realm: Architectural Elements**

#### **Section 7.2.2 General Architectural Guidelines**

Guideline 7.2.2 supports variations in architectural forms, however, designs should relate contextually to St. Davids. Buildings are to have high quality design and materials, consist of similar elements and use traditional materials such as stone, wood, metal and concrete.

The preliminary Elevations provided with this submission show a mix of modern and traditional designs and materials that will integrate into the existing neighbourhood. Such materials include stucco, brick and stone veneer.

### Section 7.2.3 Rooflines

Guideline 7.2.3 encourages a variety of rooflines within residential blocks and encourages colours and materials to compliment the dwelling design. Elements such as dormers, chimneys, varied pitches, cupolas and vents are also permitted.

As shown in the preliminary elevations of the single detached dwellings and townhouse dwellings in **Figure 27**, these elements have been contemplated and are reflective of traditional homes within St. Davids and recent development emulating the same.



Figure 27 - Conceptual Dwelling Elevations

### Section 7.2.4 Entranceways

Entranceways to the proposed dwellings are shown to consist of a prominent door placement and transom windows. The consistency across the preliminary designs aligns with the direction put forward in Guideline 7.2.4.



#### Section 7.2.5 Windows

As all lots will face at least one public roadway, the provision of adequate glazing is important to ensure a strong connection with the public realm. This approach is echoed in the Design Guidelines.

As proposed in the conceptual elevations, the dwellings can employ varying window designs to ensure visual permeation, as well as opportunities for increased natural light and better ventilation within the homes, which is typically desired by residents.

The use of dormers with windows and garage doors that include translucent panels or transform style windows can also be considered to assist in the achievement of 30-40% glazing for these dwellings, as prescribed in the Design Guidelines.

#### Section 7.2.6 Garages and Accessory Structures

Based on site geometry, the use of attached garages in traditional configurations is contemplated in this development. Existing dwellings to the south along Tulip Tree Road and North along Angels Drive use traditional garage orientations which directly face the street. This design form will be emulated in the proposed subdivision and will ensure that the streetscape is not dominated by garages..

#### Section 7.2.7 Architectural Features

Architectural features such as chimneys, cornice, porches, gables, (etc.). are appropriate elements for the proposed homes. Such details will be refined through detailed architectural design. Examples of these elements can be seen in the provided preliminary elevations.

#### Section 7.2.8 Fences

At this preliminary stage, fencing is only proposed between rear yards.

Through detailed design, the inclusion of low perimeter fencing in flanking yards may be considered, specially along the northern interface of Block 27 and Warner Road, Chestnut Avenue and Street "B".

#### Section 7.2.9 Building Materials

The form of building materials is not yet known for each proposed dwelling.

It is noted that adjacent developments appear to use a mix of faux stone and uniquely coloured vinyl siding.

For the proposed dwellings, a similar palette of materials would be appropriate, however, the use of more traditional cladding and building materials is encouraged.

### **Section 7.3 Private Realm: New Residential Built Form**

#### **Section 7.3.1 General Principles**

The applicable General Principles for new residential built form can be summarized to require:

- Consistency in Design;
- A Strong Public Face;
- Diverse Dwelling Design; *and*
- Higher Density Development being allotted along Arterial and Collector Road and Open Spaces.

The preliminary housing designs emulate a similar character with variations in design that capture several desirable architectural elements set out in the Urban Design Guidelines.

There is anticipated to be a mix of two storey and bungalow detached dwellings to ensure a unique mix of dwellings and variety in the streetscape. The proposed Street Townhouses and Multiple Residential Block will add additional design elements, massing and height into the development which will emulate a unique sense of place.

The slight increase in density and tighter lot fabric is desirable given the interface with adjacent development to create a consistent development fabric and efficient use of land.

#### **Section 7.3.2 Single Detached and Attached Dwelling Setbacks**

The proposed detached and street townhouse dwellings will be setback a minimum of 4.5 metres to the face of dwellings and a minimum setback of 6.0 metres to the face of an attached garage. Such setbacks will facilitate the provision of projected and covered front porches and place visual prominence on the dwelling rather than the garage.

The requested zoning provides sufficient flexibility to create a unique augmentation of dwellings along the streetscape and will assist in avoiding a uniform plane of homogeneous housing. As shown in the provided elevations drawings, the proposed dwelling designs will incorporate a mix of porches, recessed building elements and glazing that can create varying points of interaction with the street.

The Guidelines are very prescriptive regarding rear yard setbacks, stating that they shall be 7.5 metres. As outlined further in the zoning analysis portion of this report, it is noted that rear

yards are proposed to be reduced to 7.0 metres to create efficiently in lotting while still proving ample amenity and landscaping space.

#### Section 7.3.3 Garages

The owner is contemplating traditional attached garages for all ground based dwelling units

As shown in the preliminary elevations, the garages will be recessed behind the front face of the dwelling with habitable floor space provided above, consistent with the direction found in the Guidelines.

Guideline 7.3.3 f) pertains to lots over 12.2 metres in width and requires that garage interior widths be a minimum of 6.0 metres and that two doors, as opposed to one be provided. This preferred configuration is shown in the preliminary elevations and will integrate well with adjacent development on Tanbark Road, Tulip Tree Drive and Hickory Avenue.

The applicable zoning provisions of the proposed R2 zone will limit garage width to 7.5 metres. For 16.0 metre lots, as proposed, this represents 46% of the frontage of the lot. Therefore, the achievement of garage massing as directed in the Urban Design Guidelines can be achieved.

#### Section 7.3.4 Massing, Form and Facades

The proposed massing of the detached dwelling and street townhouses are demonstrated on the preliminary plot plans included with this report. As shown, the requested zoning facilitates a built form that is similarly massed to adjacent development and can be manipulated into a variety of shapes and configurations. Consistent with the Guidelines, Townhouse blocks do not exceed 6 attached units to ensure consistent breaks in the streetscape. Corner units of both detached and townhouse types have sufficient setbacks and flankage to allow for the provision of additional windows, secondary doors and fencing along the streetline to frame and mass development.

#### **Streetscape Analysis**

The subject lands are a large, contiguous parcel of urban land and function more like a greenfield site, rather than infill opportunity and therefore will be able to create a consistent streetscape through the development and design process. There are some strategic opportunities for public realm enhancement along existing frontages which are explained below.

The subject lands have frontage along Warner Road, which is a local road per Schedule G of the Town of Niagara-on-the-Lake Official Plan. This street is considered to be in transition from a development standpoint and contains a mix of older rural-style properties, newer large-scale

estate residential dwellings and vacant lots towards the intersection with Tanbark Road, as shown in **Figures 28 and 29**.



Figure 23 - Warner Road, Looking West



Figure 29 - Vacant Lands at Southwest Corner of Tanbark Road and Warner Road

It is expected that Warner Road will be reconstructed in the future to an urban cross section once the balance of vacant lands within the urban boundary are developed.

Given the transitional form of the street, it is considered appropriate to implement more modern design principles along Warner Road at this time such as reduced building setbacks, taller buildings and high-quality private realm elements such as architecture and landscaping. The interface of Block 27 along Warner Road provides an effective opportunity to achieve design excellence along this segment of public road through the Site Plan Approval process and necessary civil works associated with the subdivision. It is considered to be more in conformity with the Official Plan and Urban Design Guidelines for the Town to provide a high-quality streetscape proactively, rather than making attempts to integrate and harmonize with sparse remnants of previous development that is not likely to remain.

Chestnut Street will be extended northward to support the development, but has no existing dwellings currently fronting on to it, aside from municipal boulevard on the west side of Tulip Tree Drive. To ensure consistency in the Streetscape found in adjacent subdivisions, the proposed internal roadways have been sized to municipal standards. Opportunities for sidewalks, boulevard plantings and decorative lighting are possible given the proposed roadway widths. It is intended that the internal streets will emulate a similar character to what is found in the neighbourhood to the south, as shown in **Figure 30**.





Figure 30 - Hickory Avenue, Looking West

## **TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW 4316-09**

Schedule A-23 of the Town of Niagara-on-the-Lake Zoning By-law delineates the subject lands as being zoned as Residential (R1) (see **Figure 31**, below).

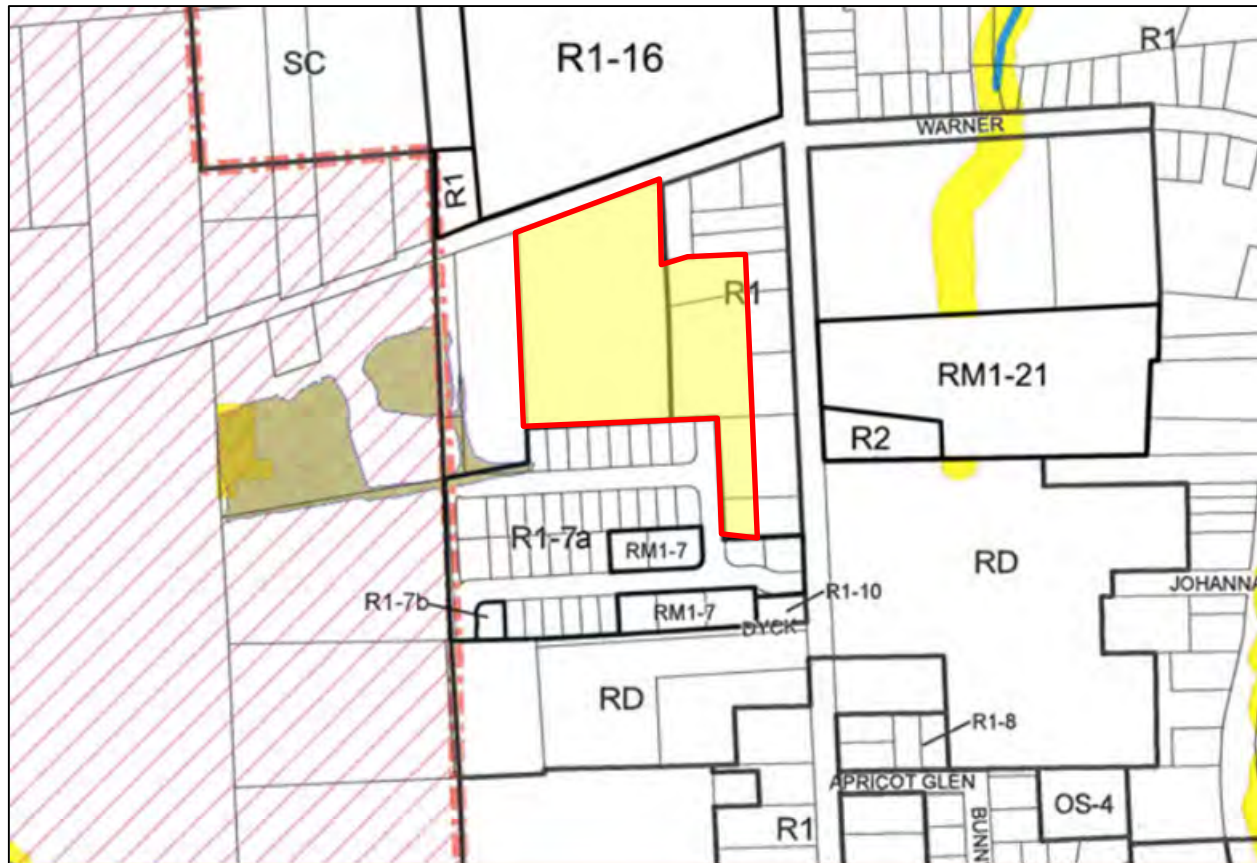


Figure 31 - Schedule A-3 of Zoning By-law 4316-09

The Residential (R1) Zone is the typical low-density zone found throughout the Town. This zone permits single detached dwellings as the primary dwelling form, but also allows for group homes, cottage rental, bed and breakfasts, home occupations, accessory buildings and structures and public uses.

The submitted Plan of Subdivision proposes residential land uses including single detached dwellings, street townhouses, block townhouses, stacked townhouses and apartment dwellings. To facilitate these uses a zoning change to a site-specific R2 Zone for single detached dwellings and site-specific RM1 Zone for townhouses and apartment dwellings is proposed.

An overview of the proposed zoning for each dwelling type, including Zoning Tables is provided in the following section.

## **Single Detached Dwelling Zoning – R2-X**

The proposed single detached lots will provide a consistent rear lotting condition with existing detached dwellings on Tulip Tree Drive and those existing and proposed (via Tawny Ridge Phase 1) lots along Tanbark Road. The lot width and area has been proposed to generally match the adjacent lotting pattern to ensure symmetrical design compatible design.

As proposed, the twenty (20) lots for single detached dwellings do not satisfy the minimum lot area (668 sq. m) or minimum lot frontage (18.0 m) requirements of the R1 Zone. The smallest proposed lot has a frontage of 16.0 metres and a lot area of 507 square metres. the desired minimum lot size and frontages can be accommodated through the application of the Residential (R2) Zone, which permits single detached dwellings. This zone has been similarly applied to the twelve (12) detached dwelling lots in Tawny Ridge Phase 1.

Site-specific exceptions to the R2 Zoning have been requested, and are explained and evaluated below. A lot grading layout, showing the typical dwelling that could be achieved on one of the proposed lots is also provided for reference.

### **Increased Maximum Lot Coverage**

The R2 Zone limits lot coverage to 40%. An increase to 55% is requested to facilitate the development of similar sized dwellings that are found in the surrounding neighbourhood, as well as elements such as garages, accessory structures and covered decks and patios. As shown on the preliminary lot plan, landscaping, parking and drainage can still be achieved despite the proposed increase in coverage.

### **Reduced Front Yard Setback to the Front Face of an Attached Garage**

The required front yard setback to a garage face in the R2 zone is 7.5 metres. The developer is requesting that a 6.0 metre front yard be permitted to more efficiently develop the property and to create consistency with the adjacent street townhouse dwellings who also have 6.0 metre setback proposed to the garage faces.

The requested reduction in setback will have no significant impact on the streetscape, nor will it affect the ability to provide a legally sized parking space in the driveway. A 6.0 metre setback to the garage face was applied to the Courtland Valley development to the south and has resulted in a well designed, consistent streetscape.

### Reduced Exterior Side Yard Setback

Lot 13 has an exterior side yard setback applicable along the proposed extension of Chestnut Street. The developer is requesting that the required 4.5 metre setback to be reduced to 3.9 metres. This request is made to ensure a generally consistent setback of flanking properties along Chestnut Street and to ensure a consistent plane of development with the planned street townhouse dwellings. The required and proposed exterior side yard setbacks are significantly larger than those typically found in other local municipalities that generally range between 1 to 3 metres. Such development exists and functions without issue elsewhere, and therefore the requested reduction is not considered to result in any significant impact.

### Reduced Rear Yard Setback

The required rear yard setback in the R2 zone is 7.5 metres. The developer is requesting that a 7.0 metre rear yard be permitted to more efficiently develop the property. The provision of a yard depth of 7.0 metres or 22.9 feet is considered ample and able to facilitate amenity, drainage, accessory structures and landscaping. Furthermore, the reduction in depth allows for generally uniform lot depths and double loaded roads to be provided within this subdivision.

The decrease in setback is being offset with the related request for covered deck to be included by increasing the required setback from 3.5 to 3.95 metres from the rear lot line to limit any overlook or privacy concerns.

### Increased Maximum Building Height

An increase from 10.0 to 11.0 metres for building height is requested for all single detached dwelling lots. The R2 Zone limits building heights to 10.0 metres, however the Policy 6.4 of the Official Plan generally permits heights not exceeding to 11.0 metres in residential areas. It is noted that the single detached dwellings located to the south in the Courtland Valley subdivision have a permitted height of 10.67 metres. an increase of an additional ~0.3 metres beyond this is not easily perceivable and is not considered to have an impact.

The increase in height will not facilitate the development of a third storey for the proposed dwellings and will not result in any additional overlook into existing or future yards on adjacent lands. The additional increase in height is requested to ensure flexibility in architectural design and facilitate steeper pitches for roofs, which are promoted in the St. Davids Urban Design Guidelines.

### Inclusion of Covered Decks and Required Setbacks – General Provisions

Section 6.44 of the Zoning By-law outlines permitted yard projections and encroachments. Table 6-10 indicates that unenclosed and uncovered porches, decks, balconies, patios or steps are all permitted encroachments. The zoning by-law is silent on covered decks and porches, which are anticipated to be included the design of future dwellings to enable the use of outdoor amenity areas throughout the year.

Covered decks are becoming increasingly popular in new development and typically function as a weather protected form of outdoor amenity space. These areas are typically located tight to a dwelling and can lessen the occurrence of dining or congregation space in yards near property lines, thus limiting nuisance on adjacent properties.

Specifying the inclusion of covered decks provides certainty to the architect and future buyers about the forms of development that can be allowed. Furthermore, it will provide clarity to the building and planning departments at the time of building permit when zoning conformity is being checked.

A increased minimum setback of 3.95 metres from the rear lot line has been requested for any proposed decks to ensure they are provide generally no closer to the lot line than if the rear yard setback had not been reduced from 7.5 to 7.0 metres.

Overall, the site-specific provisions are appropriate for the proposed dwellings and will have a positive benefit from an architectural, massing and compatibility perspective.

A copy of the preliminary plot plan has been provided as **Figure 32** to this report and shows the resultant building form that can be achieved through the requested zoning change.

A Zoning Conformity Matrix reflecting the site-specific departures from the R2 Zone has also been provided as **Table 1**.



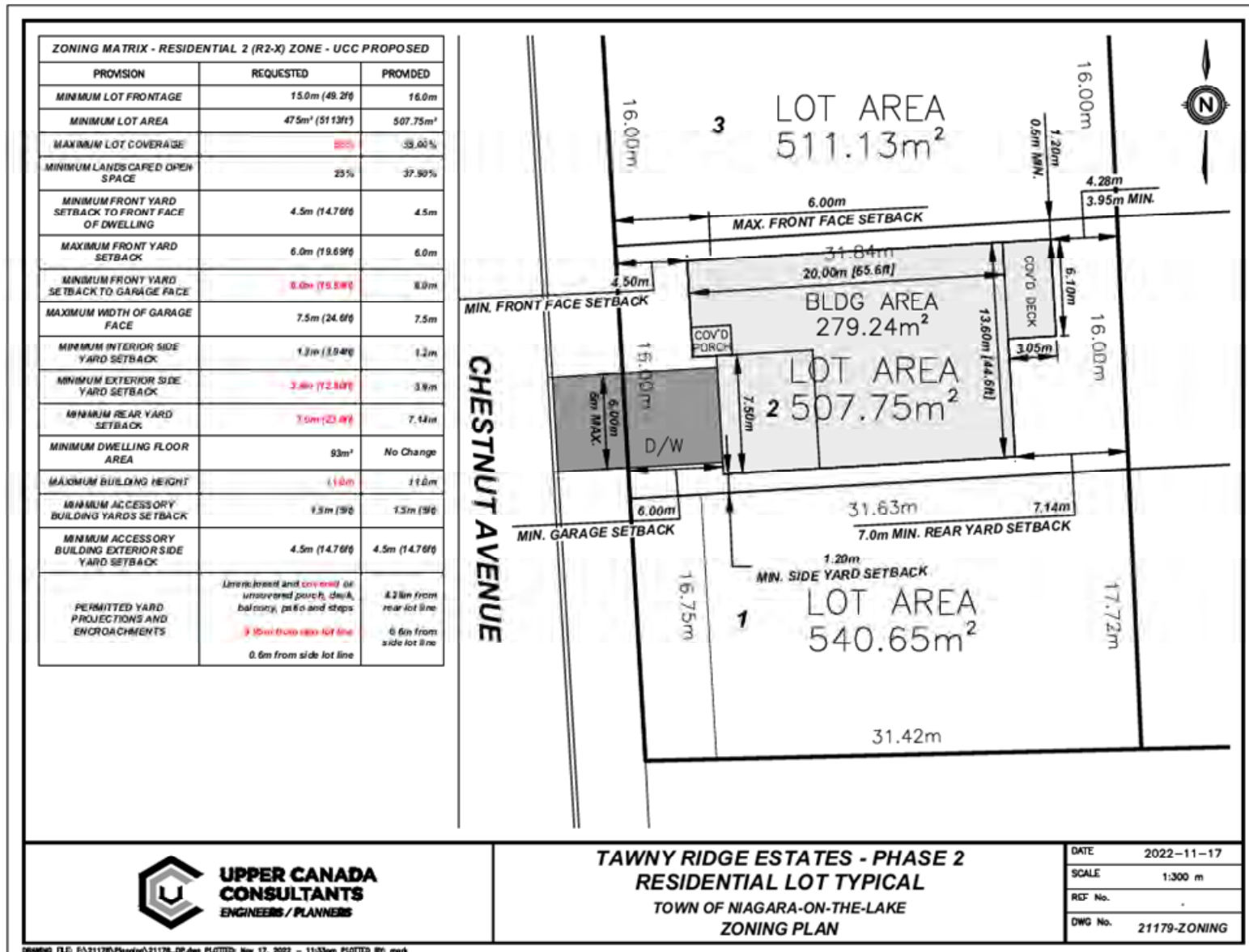


Figure 32- Preliminary Plot Plan – R2-X Zone

**TABLE 1: ZONING CONFORMITY - RESIDENTIAL 2 ZONE (R2-X) – Single Detached Dwellings**

As noted, a change in Zoning from R1 to a site-specific R2 Zone is proposed. The requirements of the R2 Zone are outlined below with a brief outline of how each requirement is satisfied or to be modified. General Provisions applicable to these lots as outlined in Section 6 of the Zoning By-law are also included below.

<b>Section 9.2 R2 Zone</b>	<b>Required</b>	<b>Proposed Change</b>
Permitted Uses	a) accessory buildings and structures in accordance with Section 6.1 b) bed and breakfast establishment in accordance with Section 6.5 c) cottage rental (added by 4316AI-13, OMB PL130581, December 5, 2013) d) group home in accordance with Section 6.20 e) home occupation or a home profession in accordance with Section 6.24 f) public use in accordance with Section 5.381 (as amended by 4315Y-12) g) single detached dwelling	No Change Proposed.
<b>Zone Requirements</b>	<b>Required</b>	<b>Proposed Change</b>
Minimum Lot Frontage	15.0 metres	No Change Proposed.
Minimum Lot Area	475 sq. m.	No Change Proposed.
Maximum Lot Coverage	40 %	55%
Minimum Landscaped Open Space	25%	No Change Proposed.
Minimum Front Yard Setback to Front Face of Dwelling	4.5 metres	No Change Proposed.
Maximum Front Yard Setback	6.0 metres	No Change Proposed.

Section 9.2 R2 Zone	Required	Proposed Change
Minimum Front Yard Setback to the Front Face of the Attached Garage	7.5 metres	6.0 metres
Maximum Width of a Garage Face	7.5 metres	No Change Proposed.
Minimum Interior Side Yard Setback	1.2 metres 3.0 metres if no attached garage	No Change Proposed.
Minimum Exterior Side Yard Setback	4.5 metres	3.9 metres
Minimum Rear Yard Setback	7.5 metres	7.0 metres
Minimum Dwelling Floor Area	93 sq. m.	No Change Proposed.
Maximum Building Height	10.0 metres	11.0 metres
Minimum accessory buildings Setback	1.5 metres	No Change Proposed.
Minimum Accessory building Exterior Side Yard Setback	4.5 metres	No Change Proposed.
Section 6.38 f)	For a single detached dwelling, semi-detached dwelling, duplex dwelling, townhouse dwelling unit or quadraplex dwelling unit, the driveway or aisle width shall not exceed 6.0 m (19.69 ft). (as amended by 4316J-11)	No Change Proposed.
Section 6.38 g)	In a residential zone, the minimum parking dimension for a required surface parking space shall be 2.75 m (9.0 ft) x 6.0 m (19.69 ft), except that the dimensions of a required parking space in a private garage shall be 3.0 m (9.84 ft) and for apartment buildings, the minimum dimension for a required parking space in a parking	No Change Proposed.

Section 9.2 R2 Zone	Required	Proposed Change
	structure or on the surface shall be in accordance with Table 6-3 in 6.38 (e). (as amended by 4316J-11)	
Table 6.5  Residential Parking Ratios	<u>Single Detached Dwelling</u>  2 Parking Spaces per Unit	No Change Proposed.
Section 6.44 Permitted Yard Projections and Encroachments	Unenclosed and uncovered porch, deck, balcony, patio or steps  Front or Rear Yard  1.5 metres  Side Yard  0.6 metres	Unenclosed and <b>covered</b> or uncovered porch, deck, balcony, patio or steps  <b>3.95 metres from the rear lot line.</b>  0.6 metres from a side lot line.

## **Street Townhouse Zoning – RM1-A**

The proposed Blocks for Street Townhouse Dwellings are located within the central portion of the subdivision and in a parallel rear lotting configuration. To permit Street Townhouses, the application of an RM1 Zone is required.

The proposed individual townhouse lots conform to the applicable minimum lot size and lot area requirements set out in the RM1 Zone, which ensures that the dwelling form is more “low density” in character and not unreasonably small or narrow in size, consistent with other street townhouses in the general area.

Site specific provisions are requested for some zoning criteria to ensure compatible design, the efficient use of land and that reasonably and modern sized dwellings can be accommodated.

### **Increased Maximum Lot Coverage**

The maximum lot area requirement for street townhomes is 40% under the base provisions of the RM1 Zone. On the smallest, interior townhouse lot, this equates to a building footprint of 108 square metres or 1,162 square feet including the garage. This floor size is considered to be small in comparison to other developments.

The Zoning By-law Amendment proposes to increase the lot coverage to 65% for street townhouse lots to provide for the more efficient use of land and the consideration of elements such as covered decks or accessory structures (i.e. sheds). The increase in lot coverage will not negatively affect opportunities for the provision of drainage, landscaping or space for general amenity.

### **Reduced Front Yard Setback to Garage Face**

The required front yard setback to a garage face in the RM1 zone is 7.5 metres. The developer is requesting that a 6.0 metre front yard be permitted to more efficiently develop the property and to create consistency with the adjacent single detached dwellings who also have a proposed 6.0 metre setback to the garage faces.

The requested reduction in setback will have no significant impact on the streetscape, nor will it affect the ability to provide a legally sized parking space in the driveway. A 6.0 metre setback to the garage face was applied to the Courtland Valley development to the south and has resulted in a well designed, consistent streetscape.

### Maximum Width of a Garage Face

Town staff has advised the developer that the garage face is considered to be “...the doors and other portions that form the walls of the garage”. Under the Rm1 Zone, garage face widths are limited to 3.5 metres, which is barely enough room for a standard 11-foot garage door.

In the interest of providing a functional garage parking space and room for storage and waste containers, a garage face width of 5.4 metres is requested. As shown on the preliminary street townhouse elevations included in this report, the architecture contains several points of interest that draw attention away from the garage door and towards the materials, glazing and geometry of the home. Given this design approach, the increase in garage door size is considered appropriate.

### Reduced Interior Side Yard Setback

For dwelling units greater than 5 metres in height, an interior side yard setback of 1.8 metres is required. The developer is seeking to reduce this setback to 1.5 metres, consistent with what is required for dwelling units less than 5 metres in height.

The reduction of 0.3 metres between the proposed townhouse blocks is appropriate as it will not affect the ability to drain or access the properties or potential utility metres. The separation is also sufficient to permit some glazing on the side walls on interior end units.

### Reduced Exterior Side Yard Setback

Blocks 23 and 24 have exterior side yard setbacks applicable along the proposed extension of Chestnut Street. The developer is requesting that the required 4.5 metre setback to be reduced to 3.9 metres. This request is made to ensure a generally consistent setback of flanking properties along Chestnut Street and to ensure uniform dwelling widths for end units.

### Reduced Rear Yard Setback

The required rear yard setback for Street Townhouses in the RM1 Zone is 7.5 metres. The developer is requesting that a 7.0 metre rear yard be permitted to more efficiently develop the property. The provision of a yard depth of 7.0 metres or 22.9 feet is considered ample and able to facilitate amenity, drainage, accessory structures and landscaping. This rear yard depth will be applied to all street townhouses blocks and will create a consistent spacing between dwellings.



### Increased Maximum Building Height

An increase from 10.0 to 11.1 metres for building height is requested for all street townhouse blocks. The RM1 Zone limits building heights to 10.0 metres, however the Policy 6.4 of the Official Plan generally permits heights not exceeding to 11.0 metres in residential areas. It is noted that the street townhouse dwellings located to the south in the Courtland Valley subdivision have a permitted height of 10.67 metres. an increase of an additional ~0.4 metres beyond this precedent is considered to have no impact.

The increase in height will not facilitate the development of a third storey for the proposed dwellings and will not result in any additional overlook into existing or future yards on adjacent lands. The additional increase in height is requested to ensure flexibility in architectural design and facilitate steeper pitches for roofs, which are promoted in the St. Davids Urban Design Guidelines.

### Inclusion of Covered Decks and Required Setbacks – General Provisions

Section 6.44 of the Zoning By-law outlines permitted yard projections and encroachments. Table 6-10 indicates that unenclosed and uncovered porches, decks, balconies, patios or steps are all permitted encroachments. The zoning by-law is silent on covered decks and porches, which are anticipated to be included the design of future dwellings.

Covered decks are becoming increasingly popular in new development and typically function as a weather protected form of outdoor amenity space. These areas are typically located tight to a dwelling and can lessen the occurrence of dining or congregation space in yards near property lines, thus limiting nuisance on adjacent properties.

Specifying the inclusion of covered decks provides certainty to the architect and future buyers about the forms of development that can be allowed. Furthermore, it will provide clarity to the building and planning departments at the time of building permit when zoning conformity is being checked.

An increased minimum setback of 3.95 metres from the rear lot line has been requested for any proposed decks to ensure they are constructed generally no closer to the lot line than if the rear yard setback had not been reduced from 7.5 to 7.0 metres.

For interior townhouse units, it is requested that a 0.0 metre setback be provided for rear decks from common lot lines. The twinning of deck structures is common in newer construction and is

typically divided by a privacy screen. The 0.0 metre setback will have no impact on either side of the lot line, as perimeter fencing can also be extended the length of the yard for additional privacy.

Overall, the site-specific provisions are appropriate for the proposed dwellings and will have a positive benefit from an architectural, massing and compatibility perspective.

A copy of the preliminary plot plan has been provided as **Figure 33** to this report and shows the resultant typical Street Townhouse form that can be achieved through the requested zoning changes. A Zoning Conformity Matrix reflecting the site-specific departures from the RM-1 Zone has also been provided as **Table 2**.

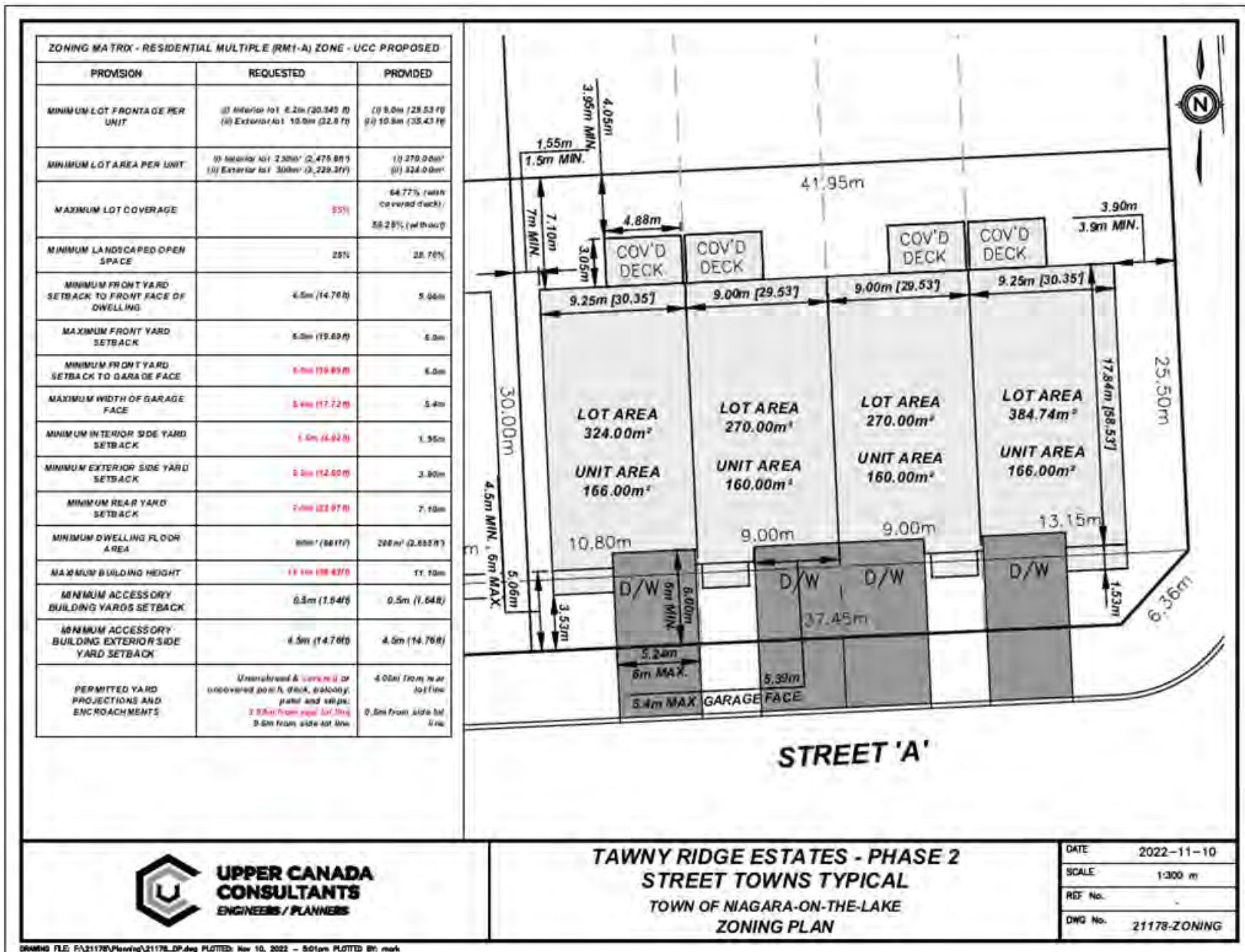


Figure 33 - Street Townhouse Typical Lotting Layout

**TABLE 2: ZONING CONFORMITY - RESIDENTIAL MULTIPLE 1 ZONE (RM1-A) – Street Townhouse Dwellings**

As noted, a change in Zoning from R1 to a site-specific RM1-A Zone is proposed. The based requirements of the RM1 Zone are outlined below with a brief outline of how each requirement is satisfied or to be modified. General Provisions applicable to these lots as outlined in Section 6 of the Zoning By-law are also included below.

<b>Section 9.4.2.2 RM1 Zone</b>	<b>Required</b>	<b>Proposed Change</b>
Permitted Uses	(a) (g) accessory buildings and structures in accordance with Section 6.1 (b) bed and breakfast establishment in an existing detached dwelling in accordance with Section 6.5 (c) fourplex or quadraplex dwelling (d) existing single detached dwelling (e) group home in accordance with Section 6.20 (f) townhouse dwelling (g) (c) triplex dwelling	No Change Proposed.
<b>Zone Requirements</b>	<b>Required</b>	<b>Proposed Change</b>
Minimum Lot Frontage Per Unit	Interior lot – 6.2 metres Exterior Lot – 10.0 metres	No Change Proposed.
Minimum Lot Area Per Unit	Interior lot – 230 m <sup>2</sup> Exterior Lot – 300 m <sup>2</sup>	No Change Proposed.
Maximum Lot Coverage	45 %	65%
Minimum Landscaped Open Space	25%	No Change Proposed.
Minimum Front Yard Setback to Front Face of Dwelling	4.5 metres	No Change Proposed.
Maximum Front Yard Setback	6.0 metres	No Change Proposed.
Minimum Front Yard Setback to the Front	7.5 metres	6.0 m

Section 9.4.2.2 RM1 Zone	Required	Proposed Change
Face of the Attached Garage		
Maximum Width of a Garage Face	3.5 m	5.4 m
Minimum Interior Side Yard Setback	Minimum interior side yard setback of 1.5 m (5 ft) for end units, except for end units having a height 5.0 m (16.4 ft) or greater, then 1.8 m (5.9 ft) shall be provided, except that where no attached garage is provided, the minimum side yard shall be 3.0 m (9.84 ft). No interior side yard is required between the common vertical wall dividing one unit from another	1.5 m for end units greater than 5 m in height
Minimum Exterior Side Yard Setback	Minimum exterior side yard setback of 4.5 m (14.76 ft), except where an entrance to an attached garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6m (19.69 ft).	3.9 m
Minimum Rear Yard Setback	Minimum rear yard setback of 7.5 m (24.6 ft), except for units having a height 8.0 m (26.2 ft) or greater, then 9.0 m (29.53 ft) shall be provided.	7.0 metres
Minimum Dwelling Floor Area	80 sq. m.	No Change Proposed.
Maximum Building Height	10.0 metres	11.1 metres
Minimum accessory buildings Setback	0.5 metres	No Change Proposed.
Minimum Accessory building Exterior Side Yard Setback	4.5 metres	No Change Proposed.
Minimum Side Yard Setback for Porch	Minimum setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6 m (2 ft)	No Change Proposed.
Section 6.38 f)	For a single detached dwelling, semi-detached dwelling, duplex dwelling, townhouse dwelling unit or quadraplex	No Change Proposed.

Section 9.4.2.2 RM1 Zone	Required	Proposed Change
	dwelling unit, the driveway or aisle width shall not exceed 6.0 m (19.69 ft). (as amended by 4316J-11)	
Section 6.38 g)	In a residential zone, the minimum parking dimension for a required surface parking space shall be 2.75 m (9.0 ft) x 6.0 m (19.69 ft), except that the dimensions of a required parking space in a private garage shall be 3.0 m (9.84 ft) and for apartment buildings, the minimum dimension for a required parking space in a parking structure or on the surface shall be in accordance with Table 6-3 in 6.38 (e). (as amended by 4316J-11)	No Change Proposed.
Table 6.5 Residential Parking Ratios	<u>Townhouse Dwelling</u>  2 Parking Spaces per Unit	No Change Proposed.
Section 6.44 Permitted Yard Projections and Encroachments	Unenclosed and uncovered porch, deck, balcony, patio or steps  Front or Rear Yard  1.5 metres  Side Yard  0.6 metres	Unenclosed and <b>covered</b> or uncovered porch, deck, balcony, patio or steps  <b>3.95 metres from any front, rear or exterior lot line</b>  0.6 metres from an interior lot line.  <b>0.0 metres along a shared unit line</b>



### **Block Townhouse Zoning – RM1-B**

Block 27 is intended to be developed as either a Block Townhouse or Stacked Townhouse condominium development or a condominium apartment development.

The proposed RM1-X Zone permits Block Townhomes and will facilitate the first option for development. A block townhouse site generally consists of traditional townhomes with a private roadway, individual driveways and garages. Amenity is typically provided contiguous to the dwelling or in a common element.

Site specific Block Townhouse provisions are requested for Block 27 to ensure flexibility in design.

#### Deemed Front Yard and Minimum Lot Frontage – Chestnut Avenue

Block 27 is intended to be accessed and serviced from the proposed extension of Chestnut Avenue to avoid unnecessary accesses and/or traffic impacts on Warner Road. Accordingly, it is considered appropriate to deem Chestnut Street as the Front Yard as the flanking yard against Street “B” and Warner Road will be abutted by 0.3 metre reserves with no intended points of access and that servicing will be provided to the site from the south side of the Block.

To ensure the Block is created and not further divided in the future, which may affect planned density, the proposed minimum lot frontage requirement is to be increased from the base 30 metres to 85 metres – reflective of that proposed along Chestnut Avenue.

#### Reduction of Minimum Lot Area per Unit and Removal of Maximum Density Permitted

To ensure that the cumulative density of 9.6 acres per unit across the entirety of the subdivision is achieved, a reduction in the Minimum Lot Area per Unit provisions is requested. The reduction proposed is from 289 square metres per unit to 135 square metre per unit to facilitate a maximum development yield of 30 units on the site. Given this control, there is no longer a need for a site-specific density provision for Block 27.

#### Increased Maximum Lot Coverage

The maximum lot coverage requirement for Block Townhouses is 35%. In the interest of providing flexibility in site design, and a balance between built form, landscaping and roadways and parking, an increase in coverage up to 50% is requested by the developer.

The requested increase is considered sufficiently flexible to accommodate 30 dwelling units and accessory elements like covered decks, maintenance sheds or a gazebo. It is likely that 50% may not be required, but the additional range will ensure that no further approvals will be required which would delay the development of required housing.

#### Reduced Front, Rear, Interior and Exterior Yard Setbacks

For Block Townhomes a 6.0 metre setback is applicable from all lot lines, per the base RM1 Zone. While these setbacks can provide reasonable separation between existing uses, the setbacks needlessly waste space on small sites and limit development potential.

The developer is requesting that all yard setbacks be reduced to 3.0 metres to provide maximum development flexibility. While a 3.0 metre setback may not be employed from every lot line, it does ensure sufficient room is provided along the site perimeter for drainage and access and potential route route setbacks.

Providing additional flexibility is appropriate and will allow for easier design and revisions to be made in response to public and council feedback and through the site plan process, without the need for undue planning applications.

#### Reduced Distance Between Building on the Same Lot

The required provisions regarding separation between buildings on the same lot are rigid and limit the ability to maximize development potential by providing unnecessary and excessive separation between structures.

It is reasonable to remove these provisions, as necessary building code requirements and civil design requirements will provide required separation between buildings on the property.

#### Minimum Distance Between Any Townhouse Dwelling and an Internal Driveway

The minimum required setback between the wall of a dwelling and an internal private road, such as that would be found within a Block Townhouse development is 4.5 metres. the developer has proposed to reduce this setback to 3.0 metres to provide some additional flexibility in design. A 3.0 metre setback is generally the minimal setback require to properly provide a utility trench that support individual dwellings units, although greater distances above 4 metre are preferable. A reduction in this setback will provide additional flexibility should pinch points be encountered

through detailed design and engineering. The proposed 3.0 metre setback is also the minimum setback permitted from a fire route and can be safely provided.

#### Increased Maximum Building Height

An increase from 10.0 to 11.0 metres for building height is requested for all Block Townhouse dwellings. The RM1 Zone limits building heights to 10.0 metres, however the Policy 6.4 of the Official Plan generally permits heights not exceeding to 11.0 metres in residential areas. It is noted that the existing dwellings located to the south in the Courtland Valley subdivision have a permitted height of 10.67 metres. an increase of an additional ~0.3 metres or one foot beyond this is considered to have a negligible impact.

The increase in height will not facilitate the development of a third storey for the proposed dwellings and will not result in any additional overlook into existing or future yards on adjacent lands. The additional increase in height is requested to ensure flexibility in architectural design and facilitate steeper pitches for roofs, which are promoted in the St. Davids Urban Design Guidelines.

#### Inclusion of Covered Decks and Required Setbacks – General Provisions

Section 6.44 of the Zoning By-law outlines permitted yard projections and encroachments. Table 6-10 indicates that unenclosed and uncovered porches, decks, balconies, patios or steps are all permitted encroachments. The zoning by-law is silent on covered decks and porches, which are anticipated to be included the design of future dwellings.

Covered decks are becoming increasingly popular in new development and typically function as a weather protected form of outdoor amenity space. These areas are typically located tight to a dwelling and can lessen the occurrence of dining or congregation space in yards near property lines, thus limiting nuisance on adjacent properties.

Specifying the inclusion of covered decks provides certainty to the architect and future buyers about the forms of development that can be allowed. Furthermore, it will provide clarity to the building and planning departments at the time of building permit when zoning conformity is being checked.

A minimum setback of 3.0metres from the rear lot line (i.e. Warner Road) has been requested for any proposed decks to ensure they are provided generally no closer to the lot line than other proposed dwelling forms (i.e. stacked townhouses, apartment building).

For interior block townhouse units, it is requested that a 0.0 metre setback be provided for rear decks from common lot lines. The twinning of deck structures is common in newer construction and is typically divided by a privacy screen. The 0.0 metre setback will have no impact on either side of the lot line, as perimeter fencing can also be extended along a significant portion of the length of the yard for additional privacy.

Overall, the site-specific provisions are appropriate for the proposed dwellings and will have a positive benefit from an architectural, massing and compatibility perspective.

#### Minimum Accessory Exterior Side Yard Setback

Similar to setbacks requested for general development on Block 27, a 3.0 metre setback at minimum is requested for accessory structures from the Exterior Side Yard Setback along Street “B”. Although accessory structures are not common in private road developments, there may be a need for a small storage shed to accommodate maintenance materials such as shovels, salt or other landscaping materials. The requested setback would still provide sufficient room for access, drainage and maintenance of the perimeter of the site, as well as any necessary screening to lessen the visual impact of the structure.

Overall, the site-specific provisions are appropriate for the proposed dwellings and will have a positive benefit from an architectural, massing and compatibility perspective.

A Zoning Conformity Matrix reflecting the site-specific departures from the RM-1 Zone has also been provided as **Table 3**.

**TABLE 3: ZONING CONFORMITY - RESIDENTIAL MULTIPLE 1 ZONE (RM1-B) – Block Townhouse Dwellings**

Block 27 is intended to be developed with Multiple Residential dwelling units. This development may occur with Block Townhomes.

Section 9.4.2.3 RM1 Zone	Required (RM1)	Proposed Change (RM1-B)
Permitted Uses	(a) accessory buildings and structures in accordance with Section 6.1 (b) bed and breakfast establishment in an existing detached dwelling in accordance with Section 6.5 (c) fourplex or quadraplex dwelling (d) existing single detached dwelling (e) group home in accordance with Section 6.20 (f) townhouse dwelling (g) triplex dwelling	No Change Proposed.
Zone Requirements	Required	Proposed Change
Deemed Front Yard		Chestnut Avenue
Minimum Lot Frontage	30 metres	85 metres
Minimum Lot Area Per Unit	285 m <sup>2</sup>	139 m <sup>2</sup>
Maximum Density	30 units per hectare	N/A
Maximum Lot Coverage	35%	50%
Minimum Landscaped Open Space	30%	No Change Proposed.
Minimum Front Yard Setback	6.0 m	3.0 m
Minimum Interior Side Yard Setback	6.0 m	3.0 m
Minimum Exterior Side Yard Setback	6.0 m	3.0 m
Minimum Rear Yard Setback	6.0 m	3.0 m

Section 9.4.2.3 RM1 Zone	Required (RM1)	Proposed Change (RM1-B)
Minimum Distance Between Buildings Located on the Same Lot	<p>(i) Between walls not containing windows to a habitable room – 3.0 metres</p> <p>(ii) Between walls where one wall contains a window to a habitable room – 9.0 m</p> <p>(iii) Between walls where booth walls contain a window to a habitable room 15.0 m</p>	N/A
Minimum Distance Between Any Townhouse Dwelling and an Internal Driveway	<p>4.5 metres to the front of a dwelling</p> <p>6.0 metres to the front face of a garage</p>	<p>3.0 metres to the front wall of a dwelling</p> <p>6.0 metres to the front face of a garage (No Change)</p>
Minimum Dwelling Unit Area	80 m <sup>2</sup>	No Change Proposed.
Maximum Building Height	10.0 m	11.0 m
Minimum accessory buildings yards Setback	0.5 m	No Change Proposed.
Minimum Accessory building Exterior Side Yard Setback	4.5 m	3.0 m
Minimum Side Yard Setback for Porch	Minimum setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6 m (2 ft)	No Change Proposed.
Section 6.38 f)	For a single detached dwelling, semi-detached dwelling, duplex dwelling, townhouse dwelling unit or quadraplex dwelling unit, the driveway or aisle width shall not exceed 6.0 m (19.69 ft). (as amended by 4316J-11)	No Change Proposed.
Section 6.38 g)	In a residential zone, the minimum parking dimension for a required surface parking space shall be 2.75 m (9.0 ft) x 6.0 m (19.69 ft), except that the dimensions of a required parking space in a private garage shall be 3.0 m (9.84 ft) and for apartment buildings, the minimum	No Change Proposed.



Section 9.4.2.3 RM1 Zone	Required (RM1)	Proposed Change (RM1-B)
	dimension for a required parking space in a parking structure or on the surface shall be in accordance with Table 6-3 in 6.38 (e). (as amended by 4316J-11)	
Table 6.5 Residential Parking Ratios	<u>Townhouse Dwelling</u> 2 Parking Spaces per Unit	No Change Proposed.
Section 6.44 Permitted Yard Projections and Encroachments	Unenclosed and uncovered porch, deck, balcony, patio or steps  Front or Rear Yard  1.5 metres  Side Yard  0.6 metres	Unenclosed and <b>covered</b> or uncovered porch, deck, balcony, patio or steps  <b>3.0 metres from the rear lot line.</b>  0.6 metres from a side lot line.  <b>0.0 metres along a shared unit line</b>

## **Stacked Townhouse and Apartment Dwelling Zoning – RM1-B**

The other two proposed options for the development of Block 27 include a stacked townhouse or apartment development. Given the similar structural nature of stacked townhomes and apartments, a site specific set of Zoning provisions is proposed utilizing the RM1 Zone framework as a base. Irrelevant provisions such as garage door width requirements have not been carried forward as part of this zoning set.

### Add Permitted Uses and Definitions

The Niagara-on-the-Lake Zoning By-law does not contain a definition for stacked townhomes. The following definition is proposed to be utilized for this amendment:

“Stacked Townhouse Dwelling – A building containing four or more dwelling units divided horizontally and vertically, with each unit having a private entrance to the grade level”.

The proposed definition was recently approved by the City of Niagara Falls, though a comprehensive update of the medium density zoning criteria.

### Deemed Front Yard and Minimum Lot Frontage – Chestnut Avenue

Block 27 is intended to be accessed and serviced from the proposed extension of Chestnut Avenue to avoid unnecessary accesses and/or traffic impacts on Warner Road. Accordingly, it is considered appropriate to deem Chestnut Street as the Front Yard as the flanking yard against Street “B” and Warner Road will be abutted by 0.3 metre reserves with no intended points of access and that servicing will be provided to the site from the south side of the Block.

To ensure the Block is created and not further divided in the future, which may affect planned density, the proposed minimum lot frontage requirement is to be increased from the base 30 metres to 85 metres – reflective of that proposed along Chestnut Avenue.

### Minimum Lot Area per Unit

To ensure that the cumulative density of 9.6 acres per unit across the entirety of the subdivision is achieved, a reduction in the Minimum Lot Area per Unit provisions is requested. The reduction proposed is from 289 square metres per unit to 135 square metre per unit to facilitate a maximum development yield of 30 units on the site. Given this control, there is no longer a need for a site-specific density provision for Block 27.

### Maximum Lot Coverage

The maximum lot coverage requirement for Stacked Townhomes is proposed to be 50%, which can sufficiently support a reasonably sized development. In the interest of providing flexibility in site design, and a balance between built form, landscaping and roadways and parking, an increase in coverage up to 50% is permitted.

The requested increase is considered sufficiently flexible to accommodate 30 dwelling units and accessory elements like covered decks, maintenance sheds or a gazebo.

### Minimum Landscaped Area

There is no minimum landscaped area requirement in the base RM1 provisions. It is considered appropriate to provide a minimum requirement for stacked Townhomes and Apartment development to ensure that sufficient room for amenity, buffering, snow storage and landscaping can be accommodated in a balanced fashion with the built form and parking areas. A value of 25% is considered an appropriate minimum amount of landscaping to provide a visually appealing development.

### Minimum Setback from a Parking Area or Private Driveway

A minimum setback of 3.0 metres is proposed to ensure that perimeter sidewalks and landscaping can be provided along the base of proposed development. Additionally, a minimum 3.0 metre setback is required between a building and driveway, per the Ontario Building Code.

### Front, Rear, Interior and Exterior Yard Setbacks

Similar to Block Townhomes, the developer is requesting that all yard setbacks be set at 3.0 metres to provide maximum development flexibility. A 3.0 metre setback may not be employed from every lot line as development is also subject to a maximum lot coverage provision of 50%. The proposed provision will ensure adequate room is provided along the site perimeter for drainage and access and potential fire route setbacks.

Providing additional flexibility is appropriate and will allow for easier design and revisions to be made through the site plan process, without the need for additional planning applications.

### Maximum Building Height

An increase from the base RM1 provision of 10.0 to 11.5 metres is requested for stacked townhouse dwellings, to provide a generally consistent height throughout the subdivision and amongst townhouse dwellings.

The increase in height will not facilitate the development of a third storey for the proposed dwellings and will not result in any additional overlook into existing or future yards on adjacent lands. The additional increase in height is requested to ensure flexibility in architectural design and facilitate steeper pitches for roofs, which are promoted in the St. Davids Urban Design Guidelines.

For apartment dwellings, a height of 13.5 metres or four (4) storeys for is proposed. This height would provide flexibility for a four storey flat roof development with ground level interior parking and three levels of residential above, or a three storey apartment with a peaked roof. The proposed height is considered compatible and appropriate for the site and will transition well with the street townhouses to the south and large single detached dwellings on the north side of Warner Road.

### Permitted Encroachments – General Provisions

Section 6.44 of the Zoning By-law outlines permitted yard projections and encroachments. Table 6-10 indicates that unenclosed and uncovered porches, decks, balconies, patios or steps are all permitted encroachments.

Both apartment dwellings and stacked townhomes are likely to contain small balconies for each unit. It is considered acceptable to permit these to encroach 1.5 metres into required yards. This provides sufficient depth for chairs and movement. Any additional balcony depth should be pursued through recessed design into the building to limit the extent of projections towards roadways or adjacent development.

Overall, the site-specific provisions are appropriate for the proposed dwellings and will have a positive benefit from an architectural, massing and compatibility perspective.

A Zoning Conformity Matrix outlining the proposed the site-specific provisions applicable to both Stacked Townhomes and Apartment Dwelling Units is provided as **Table 4**.

**TABLE 4: ZONING CONFORMITY - RESIDENTIAL MULTIPLE 1 ZONE (RM1-B) – Stacked Townhouse and Apartment Dwellings**

As noted, a change in Zoning from RD to a site-specific RM1-B Zone is proposed. As there are no provisions outlined in the RM1 Zone currently for Stacked Townhomes or Apartment Buildings, a new zoning subject is proposed on a site-specific basis for Block 27 of the Draft Plan of Subdivision.

<b>Section 9.2 RM1 Zone</b>	<b>Proposed Provisions</b>
Permitted Uses	<b><u>Add:</u></b>  <b>Stacked Townhouse; Apartment Building</b>
<b>Zone Requirements</b>	<b>Proposed Change</b>
Deemed Front Yard	<b>Chestnut Avenue</b>
Minimum Lot Frontage	<b>85 metres</b>
Minimum Lot Area	<b>0.4 hectares / 1 acre</b>
Minimum Lot Area Per Unit	<b>139 square metres</b>
Maximum Lot Coverage	<b>50 %</b>
Minimum Landscaped Open Space	<b>25 %</b>
Minimum Setback from a Parking Area or Driveway	<b>3.0 metres</b>
Minimum Front Yard Setback	<b>3.0 metres</b>
Minimum Interior Side Yard Setback	<b>3.0 metres</b>
Minimum Exterior Side Yard Setback	<b>3.0 metres</b>

<b>Section 9.2 RM1 Zone</b>	<b>Proposed Provisions</b>
Minimum Rear Yard Setback	<b>3.0 metres</b>
Maximum Building Height	<b>11.5 metres for a Stacked Townhouse 13.5 metres or four (4) storeys for an Apartment Building, whichever is less.</b>
Minimum accessory buildings Setback	<b>0.5 metres</b>
Minimum Accessory building Exterior Side Yard Setback	<b>3.0 metres</b>
Table 6.5 Residential Parking Ratios	<b>Stacked Townhouse -1 space per dwelling unit</b>
Section 6.44 Permitted Yard Projections and Encroachments	<b>Unenclosed and covered or uncovered porch, deck, balcony, patio or steps  1.5 metres into any required yard</b>



## **PLANNING OPINION**

The owner of the subject lands has submitted applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for portions of lands known municipally as 170, 178, 184 and 192 Tanbark Road and an unaddressed parcel of land along Warner Road in the St. Davis Settlement Area of the Town of Niagara-on-the-Lake.

The applications together contemplate the development of seventy-four (74) residential dwellings units on a 3.11 hectare parcel of land. The development will include a mix of single detached dwellings, street townhouse dwellings and a block for multiple residential development in the form of block or stacked townhouses or an apartment building.

The concurrent Official Plan Amendment facilitates the development of the subject lands at a cumulative density that is higher than permitted in the St. Davids Special Policy Area, being 9.6 units per acre whereas 6 units per acre is permitted. Based on the form of development and the proposed number of units, this increase in density is considered to be appropriate for the subject lands and the overall area and reflective of the low-to-medium density character of the development. The Official Plan Amendment also facilitates the ability for the developer to contemplate a small-scale apartment building consisting of thirty (30) or less units on the multiple residential block. Given the location of this Block along three public roadways, it is considered a preferable location for more intensive residential development where architectural excellence can be pursued.

The proposed medium density elements of the plan, which include townhouses and apartment dwellings, are appropriate to integrate into the development in the interest of providing a mix and range of housing opportunities and the efficient use of urban services land. The location and design of the medium density elements of the plan satisfy the necessary policy tests found in the Official Plan and are considered beneficial to the neighbourhood as a whole.

The requested site-specific zoning provisions are appropriate for the site and will assist in the creation of compatible and uniform design, and the efficient use of land. Overall, the zoning variety results in a mix of residential land uses that function well amongst each other and with existing land uses. The detailed interaction of the built form will be managed through the application of the St. David's Urban Design Guidelines, which will ensure the preferred general character of development is achieved.

As outlined within this report, the submitted applications satisfy the Sections 22, 34 and 51 (24) of the Planning Act, are consistent with the 2020 Provincial Policy Statement, and conform with the 2020 Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan and Town of Niagara-on-the-Lake Official Plan.

Therefore, it is my professional planning opinion that the proposed development is a reasonable and context sensitive endeavour that will provide a mix and range of housing options in a predominantly residential area of the St. Davids community.

Respectfully Submitted,

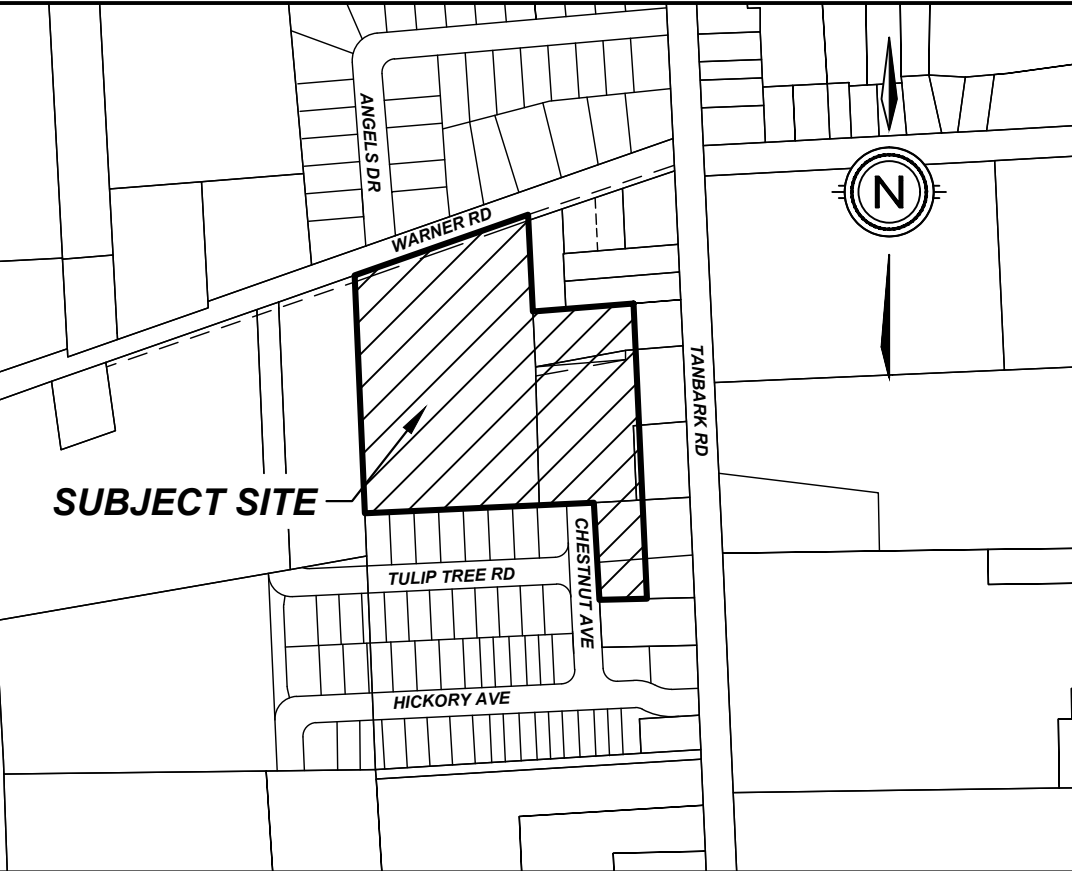
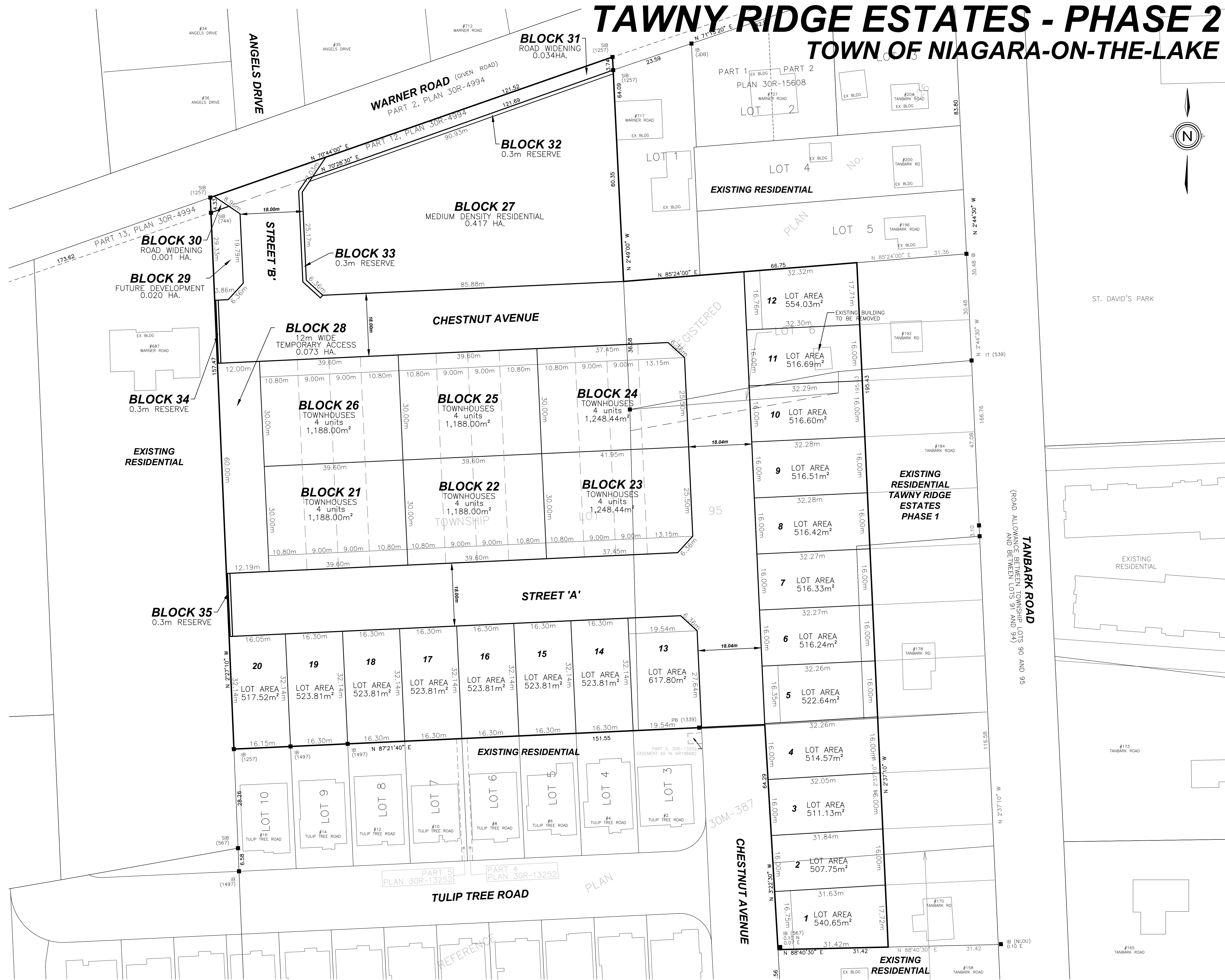
A handwritten signature in blue ink, appearing to read 'Craig Rohe', is positioned above the printed name.

Craig Rohe M.Pl., MCIP, RPP  
Senior Planner  
Upper Canada Consultants

**APPENDIX I**  
DRAFT PLAN OF SUBDIVISION

# TAWNY RIDGE ESTATES - PHASE 2

## TOWN OF NIAGARA-ON-THE-LAKE



KEY PLAN  
N.T.S.

### DRAFT PLAN OF SUBDIVISION

#### LEGAL DESCRIPTION

PART OF LOTS 94 AND 95  
GEOGRAPHIC TOWNSHIP OF NIAGARA  
AND PART OF LOT 6, PLAN 326  
IN THE TOWN OF NIAGARA-ON-THE-LAKE  
REGIONAL MUNICIPALITY OF NIAGARA

#### OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF NIAGARA-ON-THE-LAKE FOR APPROVAL.

FEBRUARY 4, 2022  
VAUGHN GIBBONS (ST. DAVIDS RIVERVIEW ESTATES INC.) DATE

#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

J.D. BARNES LTD.  
21-16-262  
APRIL 5, 2022  
DATE

### REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- |             |                    |                 |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN        | i) SILTY SAND   |
| b) SEE PLAN | f) SEE PLAN        | j) SEE PLAN     |
| c) SEE PLAN | g) SEE PLAN        | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN     |

#### LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-20	20	1.053	33.85
STREET TOWN RESIDENTIAL	BLOCK 21-26	24	0.725	23.30
MEDIUM DENSITY RESIDENTIAL	BLOCK 27	30	0.417	13.43
TEMPORARY ACCESS	BLOCK 28		0.073	2.35
FUTURE DEVELOPMENT	BLOCK 29		0.020	0.64
3.0m ROAD WIDENING	BLOCK 30-31		0.035	1.13
0.3m RESERVE	BLOCK 32-35		0.005	0.16
ROADWAY			0.783	25.17
TOTAL		74	3.111	100.00

DEVELOPABLE AREA = 3.11ha  
DEVELOPABLE DENSITY = 23.79 units/ha

0	ISSUED FOR APPROVAL	2022-04-04	M.K
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	MK
DRAFT PLAN OF SUBDIVISION (PHASE 2)	DATE	JANUARY 28, 2022
	PRINTED	APRIL 5, 2022
	SCALE	1:500
	DWG No.	21178-PH2-DP
	REV	0

## **APPENDIX II**

### **DRAFT OFFICIAL PLAN AMENDMENT**

**THE CORPORATION**  
**OF THE**  
**TOWN OF NIAGARA-ON-THE-LAKE**  
**BY-LAW NO. \_\_\_\_\_-21**

(Official Plan Amendment No. \_\_)

A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING  
ACT TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL  
PLAN

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Ontario Planning Act hereby enacts as follows:

- 1. Amendment No. \_\_ to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text is hereby adopted.
  
- 2. Amendment No. \_\_ to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
TOWN CLERK



PART A - THE PREAMBLE

This part does not constitute part of this amendment.

PART B - THE AMENDMENT

This part consists of the following text which constitutes Official Plan Amendment No. \_\_ to the Official Plan for the Town of Niagara-on-the-Lake.

## **PART A - THE PREAMBLE**

The preamble does not constitute part of this amendment.

### **PURPOSE**

The purpose of this Official Plan Amendment (OPA) is facilitate the development of the subject lands as a Plan of Subdivision inclusive of 74 residential units. The Plan of Subdivision contemplates the development of twelve (12) lots for single detached dwellings, six (6) blocks for twenty four (24) Street Townhouse Dwellings and one (1) block for multiple residential development in the form of block townhomes, stacked townhomes or an apartment building.

### **BASIS**

The basis of the amendment is as follows:

1. Upper Canada Consultants has submitted applications for Draft Plan of Subdivision and to amend the Town of Niagara-on-the-Lake Official Plan and Zoning By-law 4316-09 to facilitate the creation of a 74-unit residential Subdivision
2. The related Zoning By-law Amendment proposes to rezone the lands from R1 and RD to site specific R2 and RM1 Zones to facilitate a more dense, and mixed residential development that permitted under current provisions.
3. The submitted applications are consistent with the 2020 Provincial Policy Statement and conform with the 2020 Growth Plan for the Greater Golden Horseshoe and Niagara Region Official Plan.
4. Notwithstanding the minor density exceedance and requested inclusion of apartment dwellings as a permitted use on the subject lands, the applications otherwise conform with the Town of Niagara-on-the-Lake Official Plan.
5. The dimensions of the proposed lots and resultant development density is compatible with adjacent properties within the immediately surrounding area.

## PART B - THE AMENDMENT

All of this part of the document entitled Part B – The Amendment, consisting of the following text and Schedule constitutes Amendment No. X to the Official Plan of the Town of Niagara-on-the-Lake.

### **DETAILS OF THE AMENDMENT**

1. Schedule 'A' attached hereto is to form Official Plan Amendment No. \_\_\_\_ for the lands known municipally as Parts of 170, 178, 184 and 192 Tanbark Road and an unaddressed parcel of land on Warner Road (Roll # 262702002520600) in the Town of Niagara-on-the-Lake.
2. Schedule 'A' attached hereto and forming part of Official Plan Amendment No. \_\_\_\_ defines the boundaries of the site specific amendment to the subject lands only.
3. Notwithstanding Policy Section 6.32.3 – Residential Land Uses of the St. Davids Special Policy Area A-3 policy subset, the lands designated as Low Density Residential and shown on Schedule 'A' to this Amendment shall be permitted to have a maximum unit per hectare development density of “nine point six” (9.6) units per acre.
4. Notwithstanding Policy Section 6.32.3 – Residential Land Use of the St. Davids Special Policy Area A-3 policy subset, the proposed parcel of land delineated as Block 27 on the Draft Plan of Subdivision shown on Schedule 'A' to this Amendment shall be permitted to be developed with 30 dwelling units.
5. Notwithstanding Policy Section 6.32.3 – Residential Land Use of the St. Davids Special Policy Area A-3 policy subset, the proposed parcel of land delineated as Block 27 on the Plan of Subdivision shown on Schedule 'A' to this Amendment shall be permitted to be developed with an Apartment Dwellings (i.e. apartment building).

## **APPENDIX III**

### **DRAFT ZONING BY-LAW AMENDMENT**

**Explanation of the Purpose and Effect of  
By-law X**

The subject lands are comprised of Parts of land known municipally as 170, 178 184 and 192 Tanbark Road and an unaddressed parcel of land located on the south side of Warner Road in Niagara-on-the-Lake. The properties are located in the St. Davids Settlement Area on the west side of Tanbark Road, south of Warner Road, north of Hickory Avenue.

Purpose

The purpose of this By-law is to establish Zoning provisions that facilitate the comprehensive development of the subject lands as Plan of Subdivision containing seventy-four (74) residential dwelling units.

The subject lands are zoned Residential 1 (R1) and Residential Development (RD). The proposed amendment will rezone the lands to Residential 2 (R2-X) with site-specific provisions and Residential Multiple 1 (RM1-A & RM1-B) with site specific provisions.

These lands represent the second of two phases of the Tawny Ridge Estates Development.

Effect

The effect of this By-law is to rezone the subject lands as Residential 2 Site Specific (R2-X) and Residential Multiple 1 (RM1-A & RM1-B) with site specific provisions to facilitate the development of twenty (20) lots for single detached dwellings, six (6) blocks for twenty-four (24) street townhouse dwellings and one (1) block for multiple unit development.

<i>Applicant:</i>	name
<i>File Number:</i>	X
<i>Report Number:</i>	x
<i>Assessment Roll Number:</i>	x

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4316-09**

FIRSTLY: PART TOWNSHIP LOT 95 NIAGARA AS IN RO481788; SECONDLY:  
PART LOT 6, PLAN 326 NIAGARA AS IN RO394608; THIRDLY: PART  
TOWNSHIP LOT 95 NIAGARA;PART LOT 6 PLAN 326 NIAGARA AS IN  
RO443882; PART TOWNSHIP LOT 95 NIAGARA AS IN RO418784, EXCEPT  
THE EASEMENT THEREIN; PART TOWNSHIP LOT 94 NIAGARA;PART  
TOWNSHIP LOT 95 NIAGARA AS IN RO527884; TOWN OF NIAGARA-ON-  
THE-LAKE

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING  
ACT TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW  
TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION  
AND USE OF BUILDINGS AND STRUCTURES THEREON.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this  
By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990,  
c.P.13, as amended;

**AND WHEREAS** this By-law conforms to the Town of Niagara-on-the-Lake  
Official Plan.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN  
OF NIAGARA-ON-THE-LAKE** enacts as follows:

1. Schedule “D” of By-law 4316-09, as amended, is further amended by  
changing the zoning of the subject lands identified on Map A (attached to and  
forming part of this By-law) from “Residential 1” (R1) to “Residential 2” Site  
Specific (R2-X) and “Residential Multiple” Site Specific (RM1-A RM1-B).
2. That Map A (attached to and forming part of this By-Law) be included and  
form part of the Town of Niagara-on-the-Lake Zoning By-law 4316-09 as  
“**Figure X**: Tawney Ridge Estates – Phase 2”;
3. That Subsection 9.13 – Site Specific Exceptions of Section 9 – St. David’s  
Community Zoning District is hereby further amended by adding the following:

**“9.13.X**

*Notwithstanding the provisions of the “Residential 2 (R2) Zone” of Section 9 –  
St. Davids Community Zoning District and Section 6 – Provisions of Zoning  
By-law 4316-09, the following provisions shall be applicable on those lands  
shown on **Figure X**.*



**Residential 2 Zone (R2 - X)**

(c) Maximum Lot Coverage	55%
(g) Minimum Front Yard Setback to the Front Face of the Attached Garage	6.0 metres
(j) Minimum Exterior Side Yard Setback	3.9 metres
(k) Minimum Rear Yard Setback	7.0 metres
(m) Maximum Building Height	11.0 m

**Provisions**

6.44 Table 6-10	Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections And Encroachments	3.95 m from rear lot line

4. That Subsection 9.13 – Site Specific Exceptions of Section 9 – St. David’s Community Zoning District is hereby further amended by adding the following:

**“9.13.X**

Notwithstanding the provisions of Section 9.4.2.2, Townhouse Dwelling, On-Street of the “Residential Multiple 1 (RM1) Zone” of Section 9 – St. Davids Community Zoning District and Section 6 – Provisions of Zoning By-law 4316-09, the following provisions shall be applicable on those lands shown on **Figure X.**

**Residential Multiple 1 Zone (RM1-A)**

(c) Maximum Lot Coverage	55%
(j) Minimum Front Yard Setback to Garage Face	6.0 metres
(g) Minimum Width of a Garage Face	5.4 metres
(i) Minimum Interior Side Yard Setback	1.5 metres
(j) Minimum Exterior Side Yard Setback	3.9 metres
(k) Minimum Rear Yard Setback	7.0 metres
(m) Maximum Building Height	11.1 m

**Provisions**

6.44 Table 6-10	Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections	3.95 m from rear lot line
And Encroachments	0.0 m along common/shared lot lines

5. That Subsection 9.13 – Site Specific Exceptions of Section 9 – St. David’s Community Zoning District is hereby further amended by adding the following:

**“9.13.X**

Notwithstanding the provisions of Section 9.4.2., Block Townhouse Dwellings of the “Residential Multiple 1 (RM1) Zone” of Section 9 – St. Davids Community Zoning District and Section 6 – Provisions of Zoning By-law 4316-09, the following provisions shall be applicable on those lands shown on **Figure X.**

**Residential Multiple 1 Zone  
(RM1-B)**

Deemed Front Yard	Chestnut Street
(a) Minimum Lot Frontage	85 metres
(b) Minimum Lot Area per Unit	139 square metres
(c) Maximum Density	Not Applicable
(d) Maximum Lot Coverage	50%
(f) Minimum Front Yard Setback	3.0 metres
(g) Minimum Interior Side Yard Setback	3.0 metres
(h) Minimum Exterior Side Yard Setback	3.0 metres
(i) Minimum Rear Yard Setback	3.0 metres
(j) Minimum Distance Between Building Located on the Same Lot	Not Applicable.
(k) Minimum distance between any townhouse dwelling and an internal driveway and parking area	3.0 metres to the dwelling 6.0 metres to the garage face.
(m) Maximum Building Height	11.0 m

**Provisions**

6.44 Table 6-10	Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections	3.0 m from rear lot line
And Encroachments	0.0 m along common/shared lot lines

6. That, in addition to the Provisions of the RM1-B Zone, that the following definition, uses and provisions also be applicable / permitted:

**Definitions:**

“Stacked Townhouse Dwelling – A building containing four or more dwelling units divided horizontally and vertically, with each unit having a private entrance to the grade level.”

**Residential Multiple 1 Zone  
(RM1-B)**

Permitted Uses	Stacked Townhouse Apartment Building
Deemed Front Yard	Chestnut Avenue
Minimum Lot Frontage	85 metres
Minimum Lot Area	0.4 hectares
Minimum Lot Area per Unit	139 square metres
Maximum Lot Coverage	50%
Minimum Landscaped Open Space	25%
Minimum distance between any building and an internal driveway and parking area	3.0 metres
Minimum Front Yard Setback	3.0 metres
Minimum Interior Side Yard Setback	3.0 metres
Minimum Exterior Side Yard Setback	3.0 metres
Minimum Rear Yard Setback	3.0 metres
Maximum Building Height	11.5 metres for a stacked townhouse 13.5 metres or 4 storeys for an apartment dwelling
Minimum Accessory Building Setback	0.5 metres
Minimum Accessory Building Exterior Side Yard Setback	3.0 metres
Required Parking	1 space per stacked townhouse

*dwelling unit*

**Provisions**

*Permitted Yard Projections  
And Encroachments*

*Unenclosed and covered or  
uncovered porch, deck, balcony, patio  
or steps  
1.5 metres into any required yard*

7. That the effective date of this By-law shall be the date of final passage thereof.

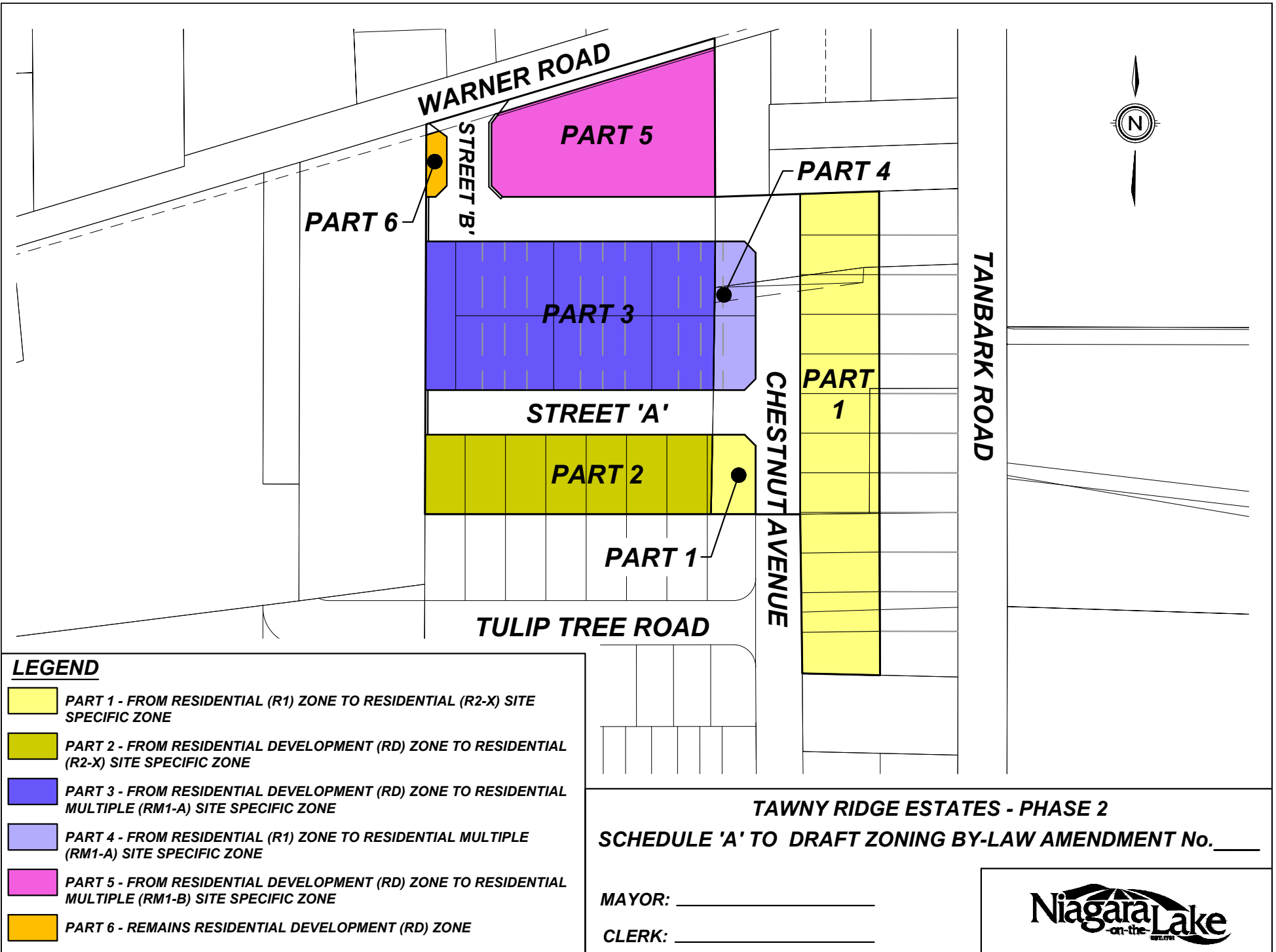
READ A FIRST, SECOND AND THIRD TIME THIS X DAY OF X, 2023.

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
TOWN CLERK

DRAFT

<i>Applicant:</i>	name
<i>File Number:</i>	x
<i>Report Number:</i>	x
<i>Assessment Roll Number:</i>	x



**APPENDIX IV**  
**PRE-CONSULTATION AGREEMENT**



Department of Community & Development Services  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 • Fax: 905-468-0301

[www.notl.org](http://www.notl.org)

Date of Pre-consultation meeting: April 1, 2021 (electronic)

Fee collected: \$0

(Office Use Only)

## Pre-Consultation Agreement

For applications filed under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

Persons intending to file an application under the *Planning Act, R.S.O. 1990, c. P.13, as amended* are required to attend a pre-consultation meeting with Community & Development Services Staff prior to submitting an application. The pre-consultation meeting will identify the requirements to submit a complete application and will provide the opportunity to discuss the application, planning-related matters, application fees, the application review process, and other matters.

*All information requested on this form is collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The requested information on this form and all accompanying plans, reports, and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and company of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.*

### 1. Application Type (select all that apply)

- |  |   |   |  |   |
|--|---|---|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment | <input checked="" type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Draft Condominium Description | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Consent                 | <input type="checkbox"/> Minor Variance                     | <input type="checkbox"/> Fence/Sign Variance                  | <input type="checkbox"/> LNCU Permission               | <input type="checkbox"/> Other: _____       |

### 2. Details of the Subject Lands

Municipal Address

170, 178, 184 Tanbark Rd & Vacant Lot

Assessment Roll Number

Legal Description

Part of Lots 94 and 95, and Part of Lot 6, Town of NotL, RMON

Lot Area (metric)

3.41 ha

Lot Frontage (metric)

121.54-Warner, 166. 73-Tanbark

Lot Depth (metric)

Irregular Shape-varies

### 3. Registered Owner

Name(s)

St. Davids Riverview Estates Inc.

Company Name

Email

4gibbons@sympatico.ca

Telephone

905-651-327 4

### 4. Authorized Agent

Name

Greg Taras RPP

Company Name

Urban & Environmental Management

Email

gtaras@uemconsulting.com

Telephone

905-358-6873

Contact for all future correspondence (select one):

☐ Registered Owner

☒ Authorized Agent

### 5. Details of the Proposal

Provide a description of the proposal, including any specific amendments or relief being requested:

Development of a 3.41 ha (8.43 ac) property at the corner of Tanbark Road and Warner Road in St. David's for a 42-lot, single family residential subdivision.



<b>6. Provincial Planning, Official Plan, and Zoning Information</b>	
Identify the applicable Provincial Plan designations that apply to the subject lands: <input type="checkbox"/> Specialty Crop Area <input checked="" type="checkbox"/> Built-Up Area <input type="checkbox"/> Greenfield Area <input type="checkbox"/> Niagara Escarpment Plan Area	
Does this application conform to the applicable Provincial Plans? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Niagara Regional Official Plan Designation(s) of the subject lands: Urban Area, Built-Up Area	
Does this application conform to the Niagara Regional Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed:	
Existing Town of Niagara-on-the-Lake Official Plan Designation(s) of the subject lands: Low Density Residential	
Does this application conform to the Town of Niagara-on-the-Lake Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed:	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: "Residential Development (RD)" and "Residential (R1)"	
Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe the nature of the amendment needed: ZBA required for RD Zone.	
<b>7. Site Plan Control</b>	
Is Site Plan Approval required for the proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is there an existing Site Plan Agreement that applies to any portion of the subject lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>8. Archaeology and Municipal Heritage</b>	
Is any portion of the subject lands within an area of archaeological potential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands designated under the <i>Ontario Heritage Act</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>9. Niagara Peninsula Conservation Authority (NPCA)</b>	
Is any portion of the subject lands within an NPCA regulated area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>10. Parkland Dedication and Development Charges</b>	
Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the <i>Planning Act, R.S.O. 1990, c. P.13</i> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are Town Development Charges applicable to the proposal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>11. Agencies to be Circulated on the Application</b> (subject to change)	
<input checked="" type="checkbox"/> Niagara Region <input checked="" type="checkbox"/> Niagara Escarpment Commission <input type="checkbox"/> NPCA <input type="checkbox"/> Niagara Parks Commission <input checked="" type="checkbox"/> Enbridge Gas <input checked="" type="checkbox"/> TransCanada Pipelines <input checked="" type="checkbox"/> Bell Canada <input checked="" type="checkbox"/> NOTL Hydro <input checked="" type="checkbox"/> Hydro One <input checked="" type="checkbox"/> Canada Post <input type="checkbox"/> Parks Canada <input checked="" type="checkbox"/> Local School Boards <input type="checkbox"/> Other:	

## 12. Plans, Reports, and Information Required for a Complete Application

Notwithstanding the plans, reports, and information noted below, Staff reserve the right to request additional plans, reports, and information, if applicable. All plans, reports and information are subject to peer-review at the applicant's cost. At the time of submission of an application, all accompanying plans, reports, and information may become part of the public record.

Reports/Studies	Notes
<input checked="" type="checkbox"/> Planning Justification Report / Impact Analysis	
<input type="checkbox"/> Streetscape Study	
<input type="checkbox"/> Transportation Impact Study	
<input type="checkbox"/> Parking Impact Analysis	
<input checked="" type="checkbox"/> Archaeological Assessment and Ministry letter(s)	
<input type="checkbox"/> Cultural Heritage Impact Assessment	
<input type="checkbox"/> Environmental Impact Study	
<input checked="" type="checkbox"/> Environmental Site Assessment	
<input checked="" type="checkbox"/> Arborist Report / Tree Inventory	
<input checked="" type="checkbox"/> Functional Servicing Report	
<input checked="" type="checkbox"/> Stormwater Management Report	
<input type="checkbox"/> Land Use / Market Study	
<input checked="" type="checkbox"/> Urban Design Brief	
<input type="checkbox"/> Geotechnical Study	
<input type="checkbox"/> Hydrogeological Study	
<input type="checkbox"/> Slope Stability Report	
<input type="checkbox"/> Air, Noise, and Vibration Emissions Study	
<input type="checkbox"/> Agricultural Impact Assessment	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
Plans/Drawings	Notes
<input checked="" type="checkbox"/> Site Plan	
<input checked="" type="checkbox"/> Landscape Plan and Planting Plan	
<input checked="" type="checkbox"/> Building Elevations	
<input type="checkbox"/> Coloured Site Plan, Landscape Plan and Building Elevations	
<input type="checkbox"/> Floor Plans (including Gross Leasable Floor Areas)	
<input type="checkbox"/> Photometric Plan / Lighting Plan	
<input checked="" type="checkbox"/> Draft Plan of Subdivision	
<input type="checkbox"/> Draft Condominium Description	
<input checked="" type="checkbox"/> Servicing Plan	
<input checked="" type="checkbox"/> Preliminary Grading Plan	
<input type="checkbox"/> Lot Grading and Drainage Area Plan	
<input type="checkbox"/> Consent Sketch	
<input type="checkbox"/> Minor Variance Sketch	
<input type="checkbox"/> Fence/Sign Variance Sketch	
<input type="checkbox"/> Reference Plan / Registered Plan	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Town of Niagara-on-the-Lake  
Pre-Consultation Agreement

Other Requirements	Notes
<input type="checkbox"/> Draft Regional Official Plan Amendment	
<input type="checkbox"/> Draft Town Official Plan Amendment	
<input checked="" type="checkbox"/> Draft Zoning By-law Amendment	
<input type="checkbox"/> Surplus Farm Dwelling Information Form	
<input type="checkbox"/> MDS I/II Farm Data Sheet(s)	
<input checked="" type="checkbox"/> Property Index Map and Parcel Registers (including all PIN Printouts and Legal Instruments)	
<input type="checkbox"/> Legal Opinion	
<input type="checkbox"/> Heritage Permit	
<input type="checkbox"/> Urban Design Guidelines / Architectural Codes	
<input type="checkbox"/> Municipal Heritage Committee Review	
<input checked="" type="checkbox"/> Urban Design Committee Review	
<input checked="" type="checkbox"/> Cost Estimates for all proposed on-site and off-site works	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

### 13. Application Fees

Notwithstanding the fees noted below, all fees are payable based on the Fee Schedule By-law in effect on the date the application is received. Separate cheques shall be made payable to the appropriate agency. Additional fees may be required to process the application, including but not limited to peer-review fees.

Application Type	Town Planning	Niagara Region	NPCA	Town Operations	Other
Official Plan Amendment					
Zoning By-law Amendment	\$7,823	1315			
Draft Plan of Subdivision	\$8,787	5385		\$13500	
Draft Condominium Description					
Site Plan					
Consent					
Minor Variance					
Fence/Sign Variance					
LNCU Permission					
Pre-Consultation Fee Deduction	- \$2,500				
Other:					

SWM

\$635

## 14. Additional Comments

- Opportunity for more lots
- There should be a wider variety of lot sizes and building types - single, towns, semis, bungalows and 2-storey dwellings.
- Opportunity to improve layout and road network
- Lots 1-5 should be double-loaded
- Lots 26-33 should line up with lots to the rear (fronting Tulip Tree Road)
- Road alignment with Angels Drive - the TIA notes that the spacing is adequate, but it does not prefer aligning the two roads.
- Connection to Tulip Tree Road at the west end.
- The proposed road pattern doesn't allow much opportunity for development on 687 Warner.
- Has there been any discussions about purchasing 687 Warner and 681 Warner (rear lands)
- Development should be in accordance with the St. Davids Urban Design Guidelines - street/block design, facades and garages, pedestrian network, parks?, on street parking.

### Region

- Arch assessment for additional lands acquired
- Phase 1 with soil sampling as well
- ECA approval for extension of services
- Functional servicing study and SWM brief
- Grading and drainage plans required
- temporary lane along western lots until further access is provided. Turning templates required.

### Engineering

- Warner and Tanbark both have water and sanitary, but no frontage on storm sewers.
- Storm sewers should be extended with cost sharing with the Town
- Road widening, 4m, along Warner
- Town would like to upgrade Warner to curb and gutter, with cost sharing
- Three overlapping storm drainage areas.
- Demolished dwellings require permanent capping of services.
- TIS, SWM report, and servicing brief
- servicing, grading, landscape, streetscape, photometric, sediment and silt controls
- cost estimate

### Fire

- Follow diagram for emergency vehicle clearance and hydrant locations

### Zoning

- consider municipal addressing of dwellings
- consider site specific zoning

## 15. Additional Notes

- i. The purpose of this Pre-consultation Agreement is to identify the information required to process and evaluate an application, as set out in the *Planning Act, R.S.O. 1990, c. P.13, as amended*. This pre-consultation process is designed to proceed based on the mutual agreement of the parties who have provided signatures below.
- ii. Pre-consultation does not imply or suggest any decision whatsoever on behalf of Staff or the municipality to either support or refuse the application.
- iii. All information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.
- iv. The applicant should be aware that the information provided in this Pre-consultation Agreement is accurate as of the date of the pre-consultation meeting. Should other policies, by-laws or procedures be approved by the Province, Region, Town and other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect on the day the application is received. If an application is not submitted within one (1) year, the applicant must confirm with the Town that the directives of the original pre-consultation meeting are being met. Another pre-consultation meeting may be required at the direction of the Director of Community & Development Services if an application has not been submitted within one (1) year of the pre-consultation date and/or the proposal has changed.
- v. It is hereby understood that, subject to any appeals, an application filed for the proposal identified in this Pre-consultation Agreement will only be considered complete if it includes the required plans, reports and information identified in this Pre-consultation Agreement, completed application form(s), any information or materials prescribed by statute, the required fees, a copy of this signed Pre-Consultation Agreement, and any other applicable requirements as identified on the application forms. Any application submitted without the plans, reports and information identified in this Pre-consultation Agreement will be deemed incomplete and will not be processed. Alternately, Staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
- vi. The applicant acknowledges that the Town, Region, and other agencies consider the application forms and all accompanying plans, reports, and information filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all accompanying plans, reports and information have been obtained, to permit the Town, Region and other agencies to release the application and any accompanying materials either for their own use in processing the application, or at the request of a third-party, without further notification to, or permission from, the applicant.
- vii. It is hereby understood that during the review of the application additional plans, reports, and information may be required as a result of issues arising during the processing of the application, public input, or the review of the submitted studies.
- viii. The applicant acknowledges and agrees that Town of Niagara-on-the-Lake Staff, Agency Staff and Committee of Adjustment Members may enter onto their property to view, photograph, and survey their property as necessary for this proposal. It is acknowledged that failure to allow access onto the subject lands may result in the application being considered incomplete.
- ix. If the Town or Region do not have sufficient expertise to review and determine that a study is acceptable, a peer-review may be required. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Town, Region or other agencies.
- x. Some studies may require review and clearance/approval from other agencies. In this instance, the review fee(s) of the review agency shall be paid by the applicant.

Town of Niagara-on-the-Lake  
Pre-Consultation Agreement

## 16. Signatures of Attendees

I have read, understand, and agree to all of the content provided in this Pre-consultation Agreement:

Position/Title	Name	Signature	Date
Planner	Mark Iamarino		April 1, 2021
Planning Manager	Rick Wilson		April 1, 2021
Development Coordinator			
Secretary-Treasurer, CoA			
Operations Staff	Kiefer Paton		April 1, 2021
Regional Staff	Lola Emberson		April 1, 2021
NPCA Staff			
Other Staff: Fire	Jay Plato		April 1, 2021
Other Staff: Zoning	Darka Jensen		April 1, 2021
Other Staff:			
Registered Owner	Vaughn Gibbons		April 1, 2021
Authorized Agent	Greg Taras, UEM Consulting		April 1, 2021
Other:			
Other:			
Other:			

### APPLICATIONS MUST BE SUBMITTED TO:

Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road  
PO Box 100  
Virgil, ON L0S 1T0

Phone: (905) 468-3266  
Fax: (905) 468-0301  
Website: [www.notl.org](http://www.notl.org)

**APPENDIX V**  
**CONCEPTUAL DWELLING ELEVATIONS**



CLIENT:

PROJECT:  
NIAGARA ON THE LAKE

REVISIONS

1	SEPT. 1/22	ISSUED FOR CLIENT REVIEW
---	------------	--------------------------

MODEL:

TYPICAL BLOCK

AREA:

TBD sq.ft. - ELEV A

NOT INCLUDING OPEN TO BELOW AREA

PROJECT  
NUMBER:

22-22

DRAWN BY:

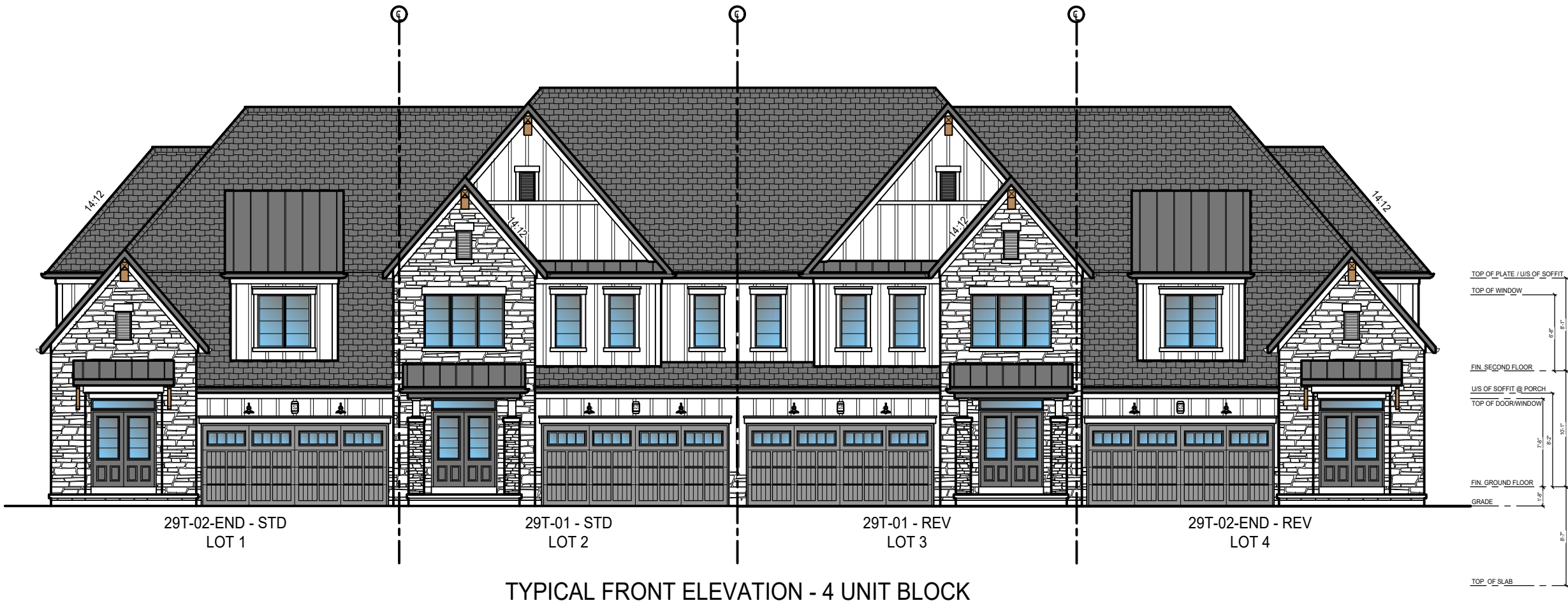
SL

SCALE:

3/32" = 1'-0"

DRAWING NO.:

1 OF 2



TYPICAL FRONT ELEVATION - 4 UNIT BLOCK



FRONT ELEVATION

SPATIAL SEPARATION & MIN. CONSTRUCTION REQUIREMENTS  
WALL AREA = 4352.96 SF / 404.99 SM  
LIMITING DISTANCE = M 8.5 %  
MAX. ALLOWABLE OPENINGS = 57 SF 5M  
OPENINGS PROVIDED = 751.84 SF / 69.85 SM (GLASS AREA ONLY)



REAR ELEVATION

SPATIAL SEPARATION & MIN. CONSTRUCTION REQUIREMENTS  
WALL AREA = 4352.97 SF / 402.56 SM  
LIMITING DISTANCE = M 8.5 %  
MAX. ALLOWABLE OPENINGS = 57 SF 5M  
OPENINGS PROVIDED = 876.74 SF / 81.08 SM (GLASS AREA ONLY)

PRELIMINARY

THIS DRAWING IS NOT TO BE SCALED. THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND INFORMATION. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, AND ALL OTHER INFORMATION. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, AND ALL OTHER INFORMATION. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, MECHANICAL, ELECTRICAL, AND ALL OTHER INFORMATION.

NO.	DESCRIPTION	DATE	BY
1	REVISED ELEVATION A FOR PRELIMINARY CLIENT REVIEW	2021-04-01	DA
2	REVISED ELEVATION B FOR PRELIMINARY CLIENT REVIEW	2021-02-11	DA
3	REVISED ELEVATION C FOR PRELIMINARY CLIENT REVIEW	2021-02-11	DA

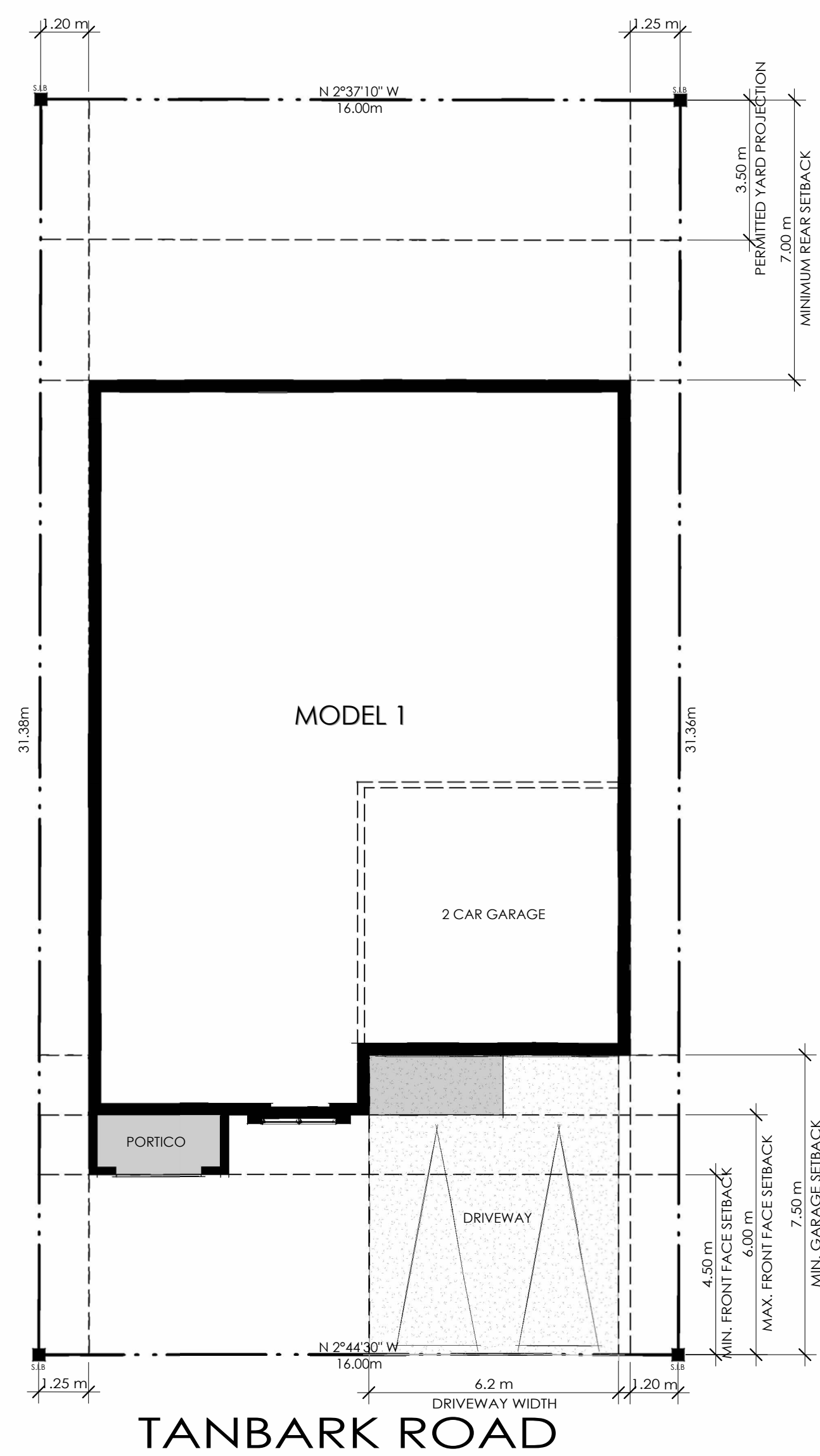
60 RANDALL DRIVE,  
SUITE 10 JUK,  
ONTARIO L1S 6L3  
INFO@CARPENTERS.CA  
T 416-848-5901  
F 416-895-6101

2/24 THREE STOREY STACKED TOWNHOUSE  
DEVELOPMENT

ELEVATIONS 'B'

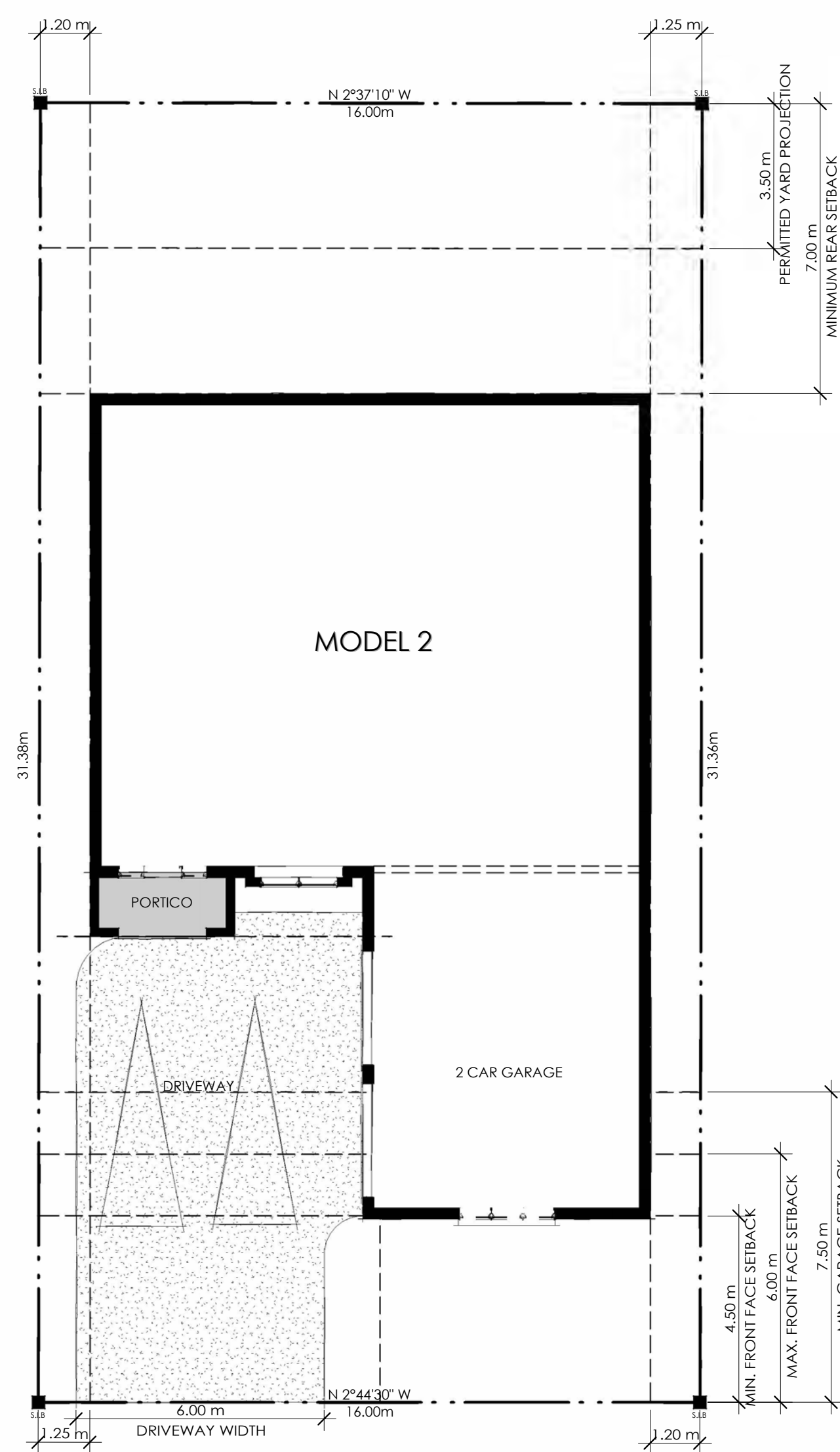
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Checked by: CMN / SA  
Date: Feb. 11, 2021  
Scale: 3/16" = 1'-0"  
Project No: 2020-61  
Drawing No: A108





# TANBARK RESIDENTIAL DEVELOPMENT AT ST. DAVIDS MODEL 1 - BUNGALOW LOFT

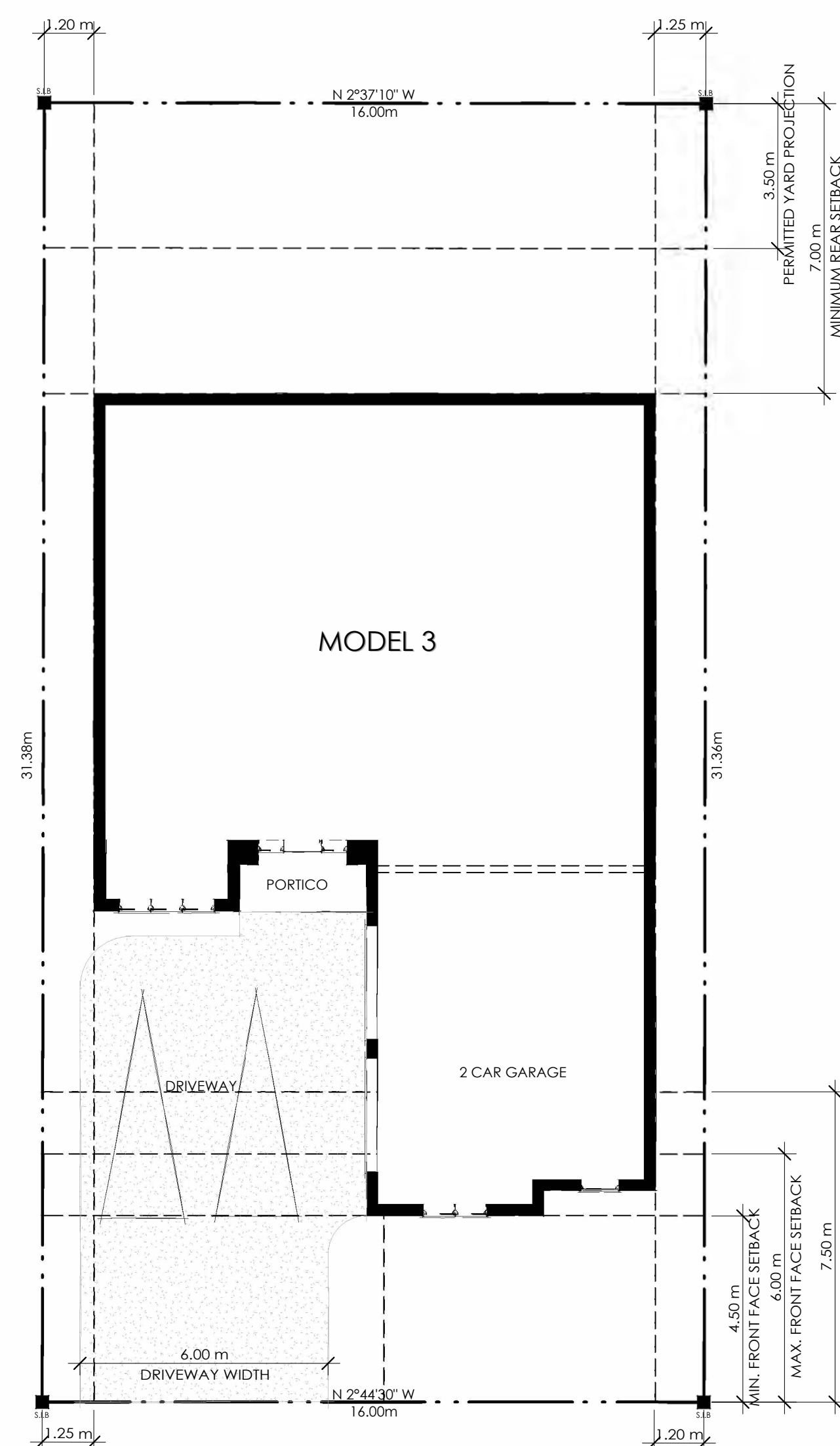




TANBARK ROAD







TANBARK ROAD



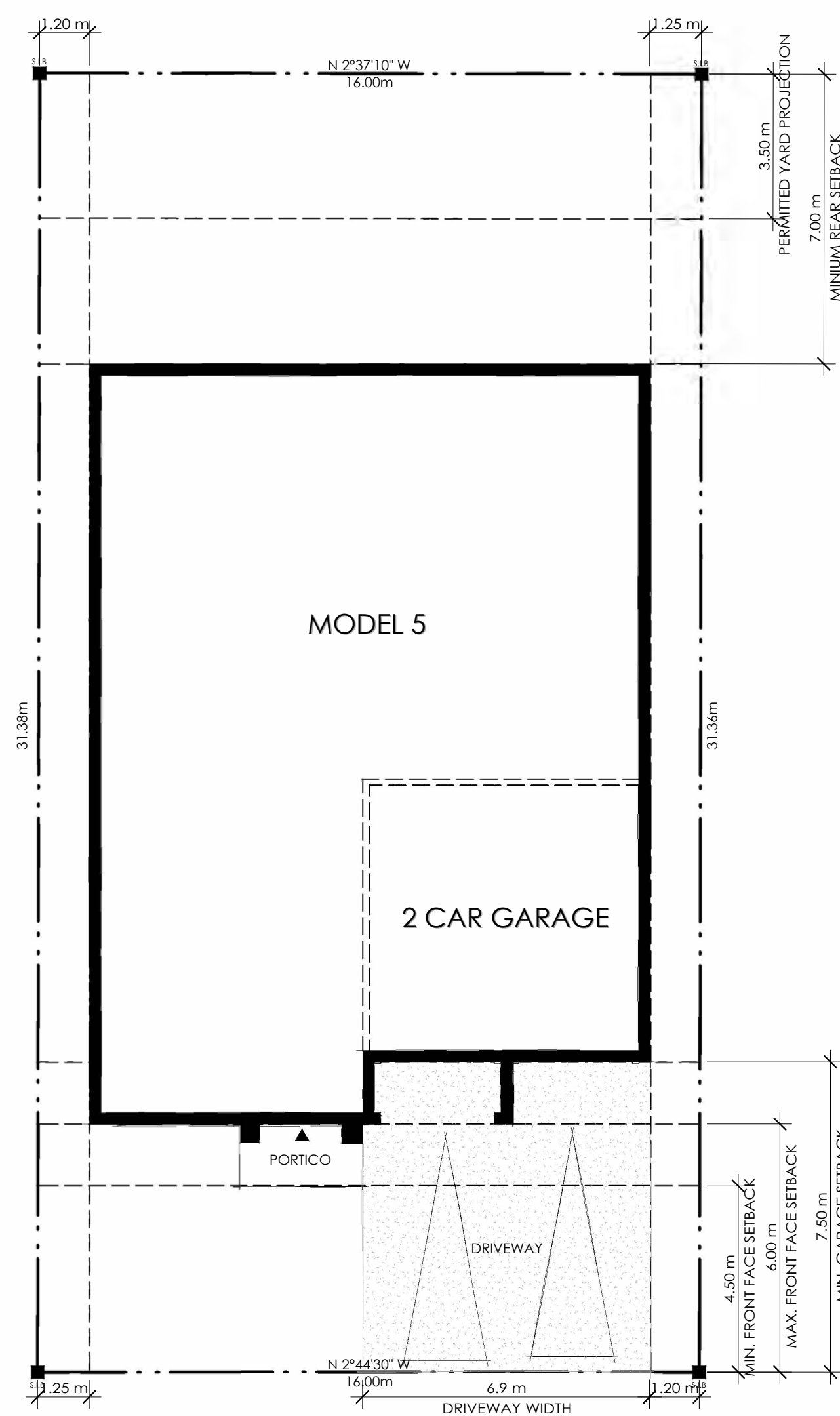












**TAWNY RIDGE**  
ESTATES

# TANBARK RESIDENTIAL DEVELOPMENT AT ST. DAVIDS MODEL 5 - TWO STOREY

**A · C · K**  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

**APPENDIX VI**  
**CONCEPTUAL MULTIPLE RESIDENTIAL APARTMENT**  
**BLOCK PLAN**



PRELIMINARY FOR DISCUSSION ONLY

ANGELS DRIVE

#35  
ANGELS DRIVE

#712  
WARNER ROAD

**BLOCK 31**  
ROAD WIDENING  
0.034HA.

SIB  
(1257)

SIB  
(1257)

**WARNER ROAD** (GIVEN ROAD)  
PART 2, PLAN 30R-4994

PART 12, PLAN 30R-4994

SNOW STORAGE

#717  
WARNER ROAD

EX BLDG

4 STOREY MID RISE WITH  
INTERNAL AT GRADE PARKING  
AND SURFACE PARKING

DRIVEWAY TO  
ACCESS  
PARKING

LOT 1

LOT 4

EX BLDG

STREET 'B'

**BLOCK 28**

12m WIDE  
TEMPORARY ACCESS  
0.073 HA.

**CHESTNUT AVENUE**

12

LOT AREA  
554.03r

LOT AREA

	SM	Ha	Ac
TOTAL LOT AREA	4,106.95	0.41	1.01

LOT DIVISION

	SM	%
LANDSCAPED AREA	1,866.61	45.5%
PAVED AREA	1,477.54	36.0%
BUILDING COVERAGE	762.80	18.6%

*LANDSCAPED OPEN SPACE	1,727.42	42.1%
*SNOW STORAGE AREA	81.99	2.0%

\* INCLUDED IN LANDSCAPED AREA

TOTAL BUILDING STATISTICS

	SM	M	#
TOTAL GROSS FLOOR AREA	32,481.61	-	-
TOTAL COVERAGE	762.80	-	-
MAXIMUM BUILDING HEIGHT	-	-	-
TOTAL RESIDENTIAL UNITS	-	-	27
FLOOR SPACE INDEX	-	-	7.9

BUILDING STATISTICS BREAKDOWN

BUILDING	TOTAL GFA		COVERAGE		# OF UNITS	1 BED UNITS	1 BED+D UNITS	2 BED UNITS	2-BED + D UNITS	STOREYS (ABOVE GR)
	SF	SM	SF	SM						
4 STOREY MID RISE	32,481.61	3,017.64	8,210.71	762.80	27					4
TOTAL	32,481.61	3,017.64	8,210.71	762.80	27	0	0	0	0	

VEHICLE PARKING PROVIDED

	RATIO	# OF UNITS	NO. OF SPACES
RESIDENTIAL	1.48 /unit	27	40
TOTAL PARKING			40

1 ISSUED FOR CLIENT REVIEW2022-09-07SA

No. DESCRIPTIONYYYY-MM-DDBY

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**S&C ARCHITECTS INC.**  
T: (416) 848-0991 F: (416) 860-6101  
INFO@SCARCHITECTS.CA  
60 RANDALL DRIVE SUITE 10  
AJAX, ONTARIO L1S 6L3

Client

Project Name

Sheet Title  
CONCEPTUAL SITE PLAN

Drawn by: ASPChecked by: SADate: SEPT. 2022

Scale: 1 : 200Drawing No. A101

Project No. 2021-04