

Planning Justification Report

Tanbark Road Subdivision

“Opulence”

Niagara-on-the-Lake, ON

June 2023

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PREFACE

Upper Canada Consultants was retained by Gatta Homes 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 planned at 134-136 Tanbark Road in the St. Davids Settlement Area of Niagara-on-the-Lake.

The overall intent of the applications is to facilitate the development of the subject lands with a twenty-eight (28) lot residential subdivision consisting of single detached dwellings.

An Official Plan Amendment is required to permit an increased net development density of 8.23 units per acre across the entirety of the subdivision, whereas the Official Plan limits development density to 6.0 units per acre.

The related Zoning By-law amendment seeks to amend the existing Residential Development (RD) Zone to three site-specific Residential 2 Zone (R2-X) to develop the land in a manner that is similar to surrounding land uses and in conformity with applicable growth and planning 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 and considered 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.;
- Phase 1 and 2 Environmental Site Assessments prepared by Niagara Soil Solutions;
- Traffic Impact Study prepared by R.V. Anderson Associated Ltd.;
- Natural Heritage Constraints Analysis prepared by Ecological and Environmental Solutions; *and*
- Tree Protection Plan prepared by Jackson Arborculture Ltd.;

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject lands are comprised of portions of the properties known municipally as 134 and 136 Tanbark Road. The subject lands were assembled through a recent consent application (Town Files B-25/22 & B-33/22) which severed the rear portions of both lots from the existing single detached dwellings and added them to the larger parcel at the rear. The subject lands are situated along the west side of Tanbark Road behind existing detached development, south of the former Dyck Lane, and north of Hickory Avenue. A 2020 aerial image of property from Niagara Navigator is shown below in **Figure 1** with the subject lands highlighted in yellow.

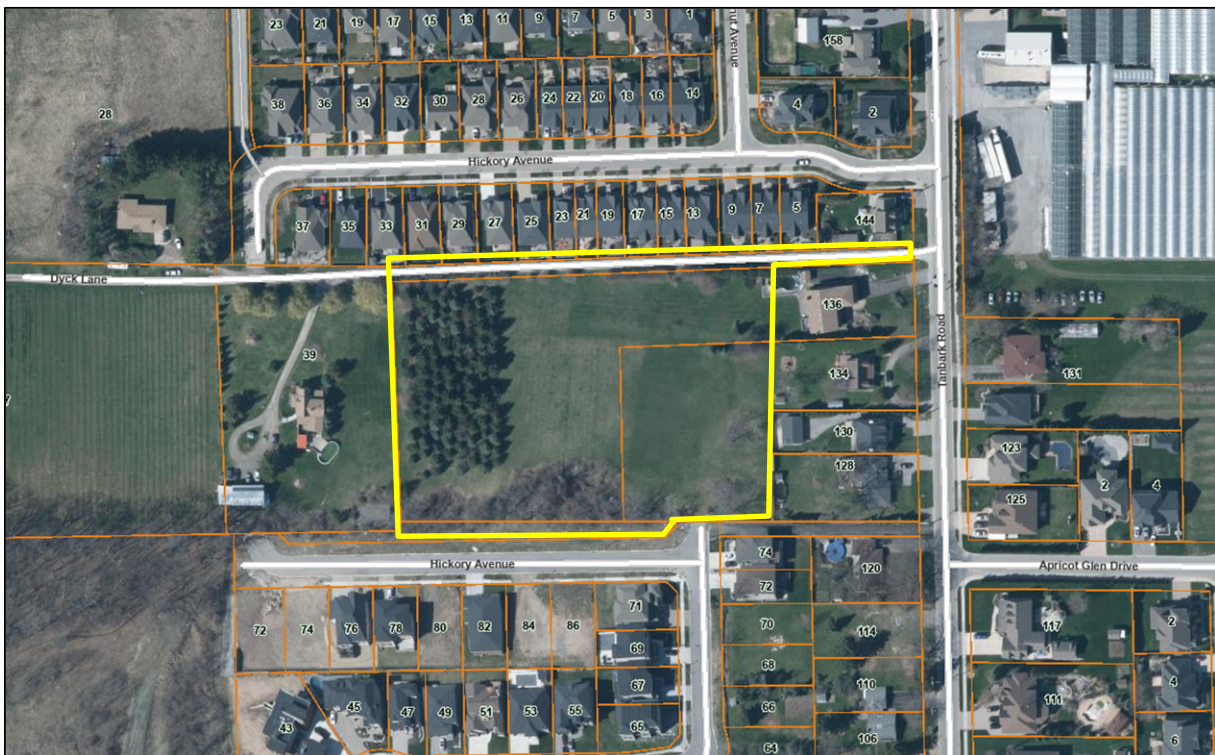


Figure 1 – 2020 Aerial View of Subject Lands (Cropped from Niagara Navigator)

The subject lands are 1.776 hectares in area with approximately 108.73 metres of frontage along Hickory Ave. The subject lands also have frontage on the terminus of Kenmir Ave and also on Tanbark Road at Dyck Lane.

The site contains some trees and vegetation and is generally flat with manicured law. Aerial imagery from 1934 shown in **Figure 2** indicates that the subject lands were historically used as an orchard, prior to be used partially for residential purposes.

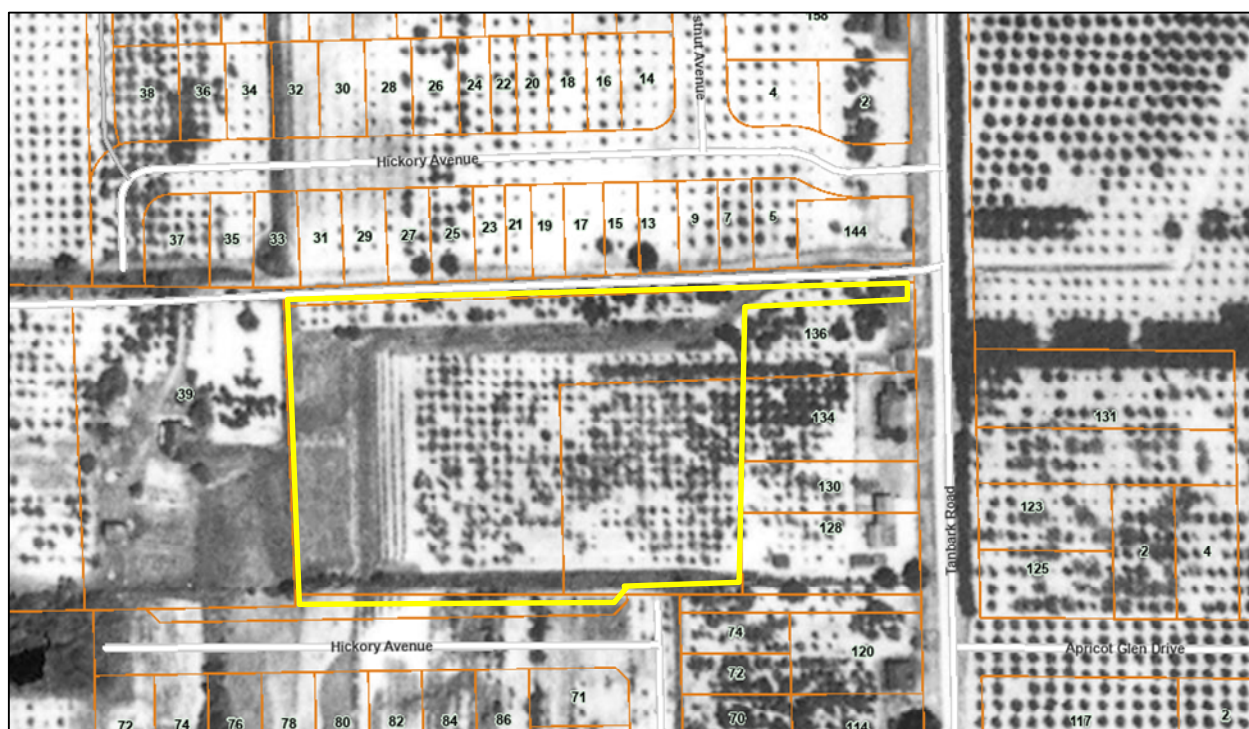


Figure 2 - 1934 Aerial Image Showing Orchards - Niagara Navigator

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 by 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 will be contributed to the Town of Niagara-on-the-Lake's minimum annual residential intensification target of 25%, as provided in the 2022 Niagara Region Official Plan.

In the Town of Niagara-on-the-Lake Official Plan the subject lands are located within the St. Davids Settlement Area and are also with a 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 (Courtland Valley) and south (St. Davids Estates). Recently, several residential

developments have been completed that have grown St. Davids from a small rural village into a vibrant residential community with a mix of housing forms.

The surrounding lands contain the following land uses:

North: Single Detached Residential Dwellings, Street Townhouse Dwellings

West: Single Detached Residential Dwellings, Agricultural Lands

South: Single Detached Residential Dwellings

East: Single Detached Residential Dwellings

Photographs of the subject lands and adjacent area are provided on the following pages as **Figures 3 to 10**.

Transportation

The subject lands have frontage along Hickory Avenue (South Leg) and Kenmir Road, as well as a small portion of frontage along Tanbark Road. Each of these roadways are local roads that are owned and maintained by the Town of Niagara-on-the-Lake. 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 3 – Subject Lands, Looking North towards Courtland Valley Estates



Figure 4 – Subject Lands, Looking West



Figure 5 – View of the Subject Lands from Hickory Avenue, Looking North



Figure 6 – Dyck Lane, Looking East toward Tanbark Road



Figure 7 – Existing Detached Dwelling on North Side of Hickory Avenue



Figure 8 - Existing Pedestrian Connection / Emergency Access between Hickory Avenue and Tanbark Road



Figure 9 – Neighbouring Dwelling at 134 Tanbark Road



Figure 10 – Neighbouring Dwelling at 136 Tanbark Road

Zoning By-law Amendment

An amendment to the zoning for the subject lands is proposed to implement the Draft Plan of Subdivision.

The subject lands are currently zoned as Residential Development (RD) in Zoning By-law 4316 (09). The RD zone permits only existing uses only and functions simialr to a holding provision. Any new development contemplated on lands zoned RD requires zoning approval and a change to a different residential zone category.

The owner is proposing to zone the subject lands as Residential (R2) Zone with site-specific provisions. The R2 zone permits single detached dwellings as well as uses or accessory uses that typically occur within or with single detached dwellings. Single detached dwellings are the predominant form of development in the St. Davids Settlement Area.

Site-specific provisions related to lot area, lot frontage, setbacks and coverage are proposed to implement the Draft Plan of Subdivision.

Density

The subject lands have been surveyed to measure 1.776 hectares (4.388 acres) in total land area and are intended to be developed with a maximum of twenty-eight (28) single detached dwellings.

Based on the site area, a net unit density 8.23 units per acre (exclusive of the roadway and pedestrian walkway / easement) is proposed. Although this overall density is considered to be compatible with adjacent development and meet the general intent and purpose of the Official Plan, it does exceed the permitted density limit of 6.0 units per acre set out for the St. Davids Special Policy Area. The Official Plan Amendment will provide the required permissions for this minor increase in density.

Parkland and Recreation

Block 29 is proposed to be provided as a 6.0 metre wide pedestrian walkway to connect the development to Tanbark Road. This is similar to the access provided as part of the adjacent St. Davids Estates Development. This walkway, which represents 4.17% of the development site is requested to be accepted by the Town as Parkland. The remaining 0.23% of the required 5% parkland dedication can be provided as cash-in-lieu.

Transportation

The proposed lots will have access provided from Kenmir Avenue and Hickory Avenue (south leg). Street "A" will be a public roadway that will be Town owned and maintained once

assumed after development is complete. Sidewalks are contemplated within the subdivision and will facilitate circulation to and through the site and create connectivity for pedestrians.

Parking

As outlined in Table 6-5 of Town Zoning By-law 4316-09 single detached 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, at minimum.

Built Form

The subject lands are intended to be built with custom designed homes. To provide some general direction on what the homes may look like, and what features they may include a set of preliminary house elevations has been provided by the owner's architect for inclusion in this report. An overview of the intended built form is provided below and further on in the Urban Design Guidelines Analysis.

Lots 1-7 are intended to be developed with bungalow/bungalow detached dwellings. The preliminary architectural concepts for these lots are shown in **Figure 12** below.



Figure 12 - Proposed Bungalow / Bungalow Dwellings - Lots 1-7

Lots 8-12 and Lots 20-25 are intended to be developed with bungalow/bungloft dwellings as well. A preliminary elevation is shown below in **Figure 13** below.



Figure 13 - Proposed Bungalow/Bungloft Dwelling - Lots 18-12, 20-25

Lots 12-19 are intended to be developed with two-storey detached dwellings. These lots will be located along the back of the cul-de-sac and assist in framing the street. A preliminary elevation is shown below in **Figure 14**.



Figure 14 - Proposed Two Storey Dwelling - Lots 12-19

Lots 26-28 will be custom designed units based on the long, horizontal orientation of the proposed lots. These dwellings will most likely be bungalow and emulate a “ranch-style” orientation occupying the majority of the width of the property. Preliminary elevations have not yet been prepared.

REQUIRED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation (see **Appendix IV**) on November 3, 2022, and in addition to this Planning Justification Report, Stage 1 and 2 Archaeological Assessments, Phase 1 and 2 Environmental Site Assessments, Transportation Impact Study, Functional Servicing Report, Natural Heritage Constraints Report and Tree Protection Plan have been submitted with the applications.

Supporting Studies

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

Archeological Assessments were undertaken on the subject lands by Detritus Consulting Ltd. in 2022.

The completion of a Stage 1 Archaeological Assessment identified that the subject lands exhibited a high potential for the discovery of archeological resources, namely due to the confirmed identification and registration of twenty-five (25) archaeological sites within one kilometre of the subject lands. Accordingly a Stage 2 Assessment was recommended.

Stage 2 field works were undertaken on the subject lands in September of 2022. Test pitting was completed throughout the site and yielded no archaeological resources. Accordingly, the Consultant has recommended that no further study be required. The related Stage 1 and 2 Archaeological reports were forwarded to the Ontario Ministry of Citizenship and Multiculturalism for final clearance.

The owner is currently awaiting issuance of the final letters of concurrence from the Ministry.

Environmental Site Assessment – Phase 1 & 2 (Niagara Soils Solutions)

A Phase One Environmental Site Assessment (ESA) report was completed for 134 & 136 Tanbark Road by Niagara Soils Solutions (NSS) in July of 2022. 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.

The consultant completed on-site soil testing on July 28, 2022. In total, 13 samples were taken across the property. Laboratory analysis confirmed that none of the samples taken from the subject lands exceeded the applicable Provincial Table 3 Residential Land Use standards. Accordingly, the consultant concluded that the subject lands are suitable for residential development with no need for a record of site condition to be filed.

Transportation Impact Study (R.V. Anderson Associates Limited)

R.V. Anderson Associates Limited (RVA) was retained by the owner to prepare a Transportation Impact Study (TIS) for the proposed subdivision development. The TIS, which was scoped by the Town included a review of the transportation networks within proximity to the site inclusive of an analysis of the intersection of Tanbark Road with Warner Road and Kenmir Avenue and Tanbark Road.

Based on RVA's evaluation, which contemplated 29 dwelling units rather than the proposed 28 units, the development would generate between 23 two-way weekday trips during the AM peak hour and 29 two-way weekday trips during the PM peak hour. 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.

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)

A Functional Servicing Report was prepared by Upper Canada Consultants 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 will be serviced by existing and planned watermains, sanitary sewers and storm sewers.

With regard to water service, there is an existing 200 mm watermain within the southern leg of Hickory Avenue where Lots 1-7 will have frontage. These proposed lots will be provided with lateral connections into the existing watermain for service. The balance of the development will be provided with a new watermain that connects from the existing terminus of a 200mm service at Kenmir/Hickory to the existing 250mm watermain on Tanbark Road creating a loop of service.

With regard to fire protection, Lots 1-7 will utilize existing hydrants on Hickory Avenue while lots within the proposed cul-de-sac will be provided with new municipal hydrants for fire protection.

With regard to sanitary servicing, there is an existing 200 mm diameter sanitary sewer on Hickory Avenue that will be utilized for Lots 1-7. The Lots within the cul-de-sac will be connected to a new 200mm sanitary sewer which will outlet through Block 29 to the existing

200mm sanitary sewer on Tanbark 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 an existing offsite stormwater management wet pond facility south of Warner Road, east of Tanbark Road. The Report indicates that the proposed storm sewers will convey flows to the existing storm sewer system on Tanbark Road, which has sufficient capacity to support the development.

Natural Heritage Constraints Analysis (Ecological and Environmental Solutions)

A Natural Heritage Constraints Analysis was completed for the subject lands by Ecological and Environmental Solutions (EES) in 2023. The intent of this review was to identify limitations to the development on the subject lands that may be caused by existing vegetation. The scope of study was focused on a small cultural plantation of trees on the west end of the subject lands and remnant hedgerow along the southern boundary of the property along Hickory Avenue.

The report concludes that the subject lands do not contain any features that are included within the Region or Town's natural heritage mapping. The closest natural heritage feature is a signification woodland located approximately 60 metres to the west of the subject lands.

Site analysis consisted of two site visits, screening for Habitat for Species at Risk and Significant Wildlife Habitat. Through analysis the consultant developed their opinion that the subject lands do not contain components of the Regional Environment System that require consideration through the development process.

It is noted that a potential Butternut Tree was identified at the eastern end of the property. Butternut Trees are an endangered species and require protection in Ontario. DNA sampling was conducted on the tree to determine its genus. The analysis confirmed that the tree was a hybrid and not a true Butternut Tree. Accordingly, the species does not require protection.

Tree Protection Plan (Jackson Arborculture Ltd.)

A detailed tree inventory and preservation plan was prepared by Jackson Arborculture Ltd. in March of 2023. The intent of this review was to identify trees for removal and protection as a result of development. Tree removal in Niagara-on-the-Lake is regulated by By-law 5139-19 and applied to trees with diameters of 12.5 centimetres or more.

Based on site investigation, fifty-seven (57) trees and four (4) groups of trees were identified on the subject lands. No endangered or protected species are present.

In total, thirty-nine (39) trees, two (2) tree groups and a small portion of one additional tree group may need to be removed to facilitate the planned development. Trees identified for protection are located along the boundary of the subject lands or on adjacent lands.

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 a), d) f), h), j), p), q) and r) of Section 2 of the Planning Act.

- a) the protection of ecological systems, including natural areas, features and functions;

The subject lands do not contain any identified or mapped natural heritage features.

The property does contain a small coniferous plantation on the western portion of the property as well as a treed area on the southern portion of the property, north of Hickory Avenue.

A Natural Heritage Constraints Analysis was completed by EES which evaluated these vegetated communities. Based on site analysis, the consultant has concluded that the subject lands do not contain any natural heritage features or species that would present a limitation to development or require conservation.

- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

Through the completion of a Stage 1 Archaeological Assessment the subject lands were identified as exhibiting high archeological potential.

A Stage 2 assessment of the property, inclusive of test pitting, was completed that yielded no finds on the subject lands. Accordingly, the consulting archaeologist recommended no further study and submitted the completed reports to the Ministry of Citizenship and Multiculturalism for review and final approval.

Subject to Ministry approval of the studies and the inclusions of warning clauses for future development activities, the applications will conserve archeological resources.

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

As outlined in the Functional Serving Report prepared by Upper Canada Consultants, the subject lands can be adequately serviced by existing and planned watermain, sanitary sewer and storm sewers. Telecommunication and utility services are also available in the immediate area for extension and connections.

The site has been geometrically designed to be eligible for municipal waste collection services.

- 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 logical extension of the existing residential development condition along Kenmir Avenue, with no impact on public health and safety. The development of single detached dwellings is compatible with adjacent low density development, and will provide additional housing opportunities within the municipality.

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

The development will contribute 28 new residential dwellings into the municipal housing supply. The proposed development includes single detached dwelling lots of varying sizes and configurations which will provide variety and housing choice. 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 utilize vacant, developable lands intended for residential purposes.

- 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. Davids.

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 satisfies items a), d), f), h), j), p), q) and r) of Section 2 of the Planning Act (Matters of Provincial Interest).

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

The subject lands are designated and zoned for low density residential development in the Town of Niagara-on-the-Lake’s Official Plan and Zoning By-law. The proposed draft plan application will establish permitted residential uses (i.e. single detached dwellings) on the subject lands.

The subject lands can 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 facilitate development 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 single detached dwellings 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.

The development plan uses available land efficiently and provides compatible residential lotting that will integrate well into the existing neighbourhood.

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, natural heritage features and hazards, can be serviced by extensions to existing municipal infrastructure, and have access to a public roadway. The size of the property is well suited to accommodate low-density development.

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 these applications.

- 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;

Lots 1-7 will have frontage along the south leg of Hickory Avenue. Lots 8-28 will have frontage provided on a proposed extension of Kenmir Avenue (Street "A") that terminates in a cul-de-sac. Kenmir Avenue provides access to Tanbark Road, which further facilitates connections to York Road, Four Mile Creek Road and Highway 405.

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

The lots proposed in the development vary in terms of area, frontage and orientation.

Lots 1-7 are typical 15 metre lots, which are similar to those found in developments to the north and south.

Lots 8-25 vary in size and frontage due to their configuration around the cul-de-sac. The mix of lot areas and frontages will facilitate the integration of relatively smaller detached dwellings amongst larger existing dwellings in the area. Site-specific relief is required to permit the lots with deficient frontage and lot area.

Lots 26-28 are intended to be developed with wide dwellings with shallow depth. These lots have frontage larger than 22 metres and lot areas that exceed minimum requirements.

- 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 no restrictions to development on the subject lands.

- 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.

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 ~700 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;

A mix of land dedication and cash-in-lieu of parkland dedication can be provided to the Town through registration of the plan of Subdivision. No land for a new park was requested by the Town through pre-consultation.

- 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 single detached dwellings are not 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 general intent and 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 Niagara Official Plan and Town of Niagara-on-the-Lake 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 within the Built-up Area and all development that will occur will contribute to the achievement of the minimum residential intensification target.

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 Town 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 are expected to result from the approval of the proposed lots or zoning changes.

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 twenty-eight (28) single detached dwellings within the St. Davids Settlement Area. As the subject lands are located amongst predominantly single detached dwellings and street townhouse units in the neighbourhood, 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 Niagara and Town Official Plans. The variation in lot sizes may also provide some variation in affordability.

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. This park provides suitable amenity area to support future residential development. A mix of land (i.e. Block 29) and cash-in-lieu of parkland dedication is desired to 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 water service, there is an existing 200 mm watermain within the southern leg of Hickory Avenue where Lots 1-7 will have frontage. These proposed lots will be provided with lateral connections into the existing watermain for service. The balance of the development will be provided with a new watermain that connects from the existing terminus of a 200mm service at Kenmir/Hickory to the existing 250mm watermain on Tanbark Road creating a loop of service.

With regard to sanitary servicing, there is an existing 200 mm diameter sanitary sewer on Hickory Avenue that will be utilized for Lots 1-7. The Lots within the cul-de-sac will be connected to a new 200mm sanitary sewer which will outlet through Block 29 to the existing 200mm sanitary sewer on Tanbark 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 an existing offsite stormwater management wet pond facility south of Warner Road, east of Tanbark Road. The Report indicates that the proposed storm sewers will convey flows to the existing storm sewer system 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 at the terminus of Kenmir Avenue, which is identified as a Local Road on Schedule G of the Town's Official Plan.

As cited previously in this report, R.V. Anderson Associated Limited completed a Transportation Impact Study for the development. That report has concluded that the development will have

no 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 Stage 2 test pit investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry of Citizenship and Multiculturalism. Letters of concurrence related to the completed Stage 1 and 2 Reports have not yet been issued by the Ministry.

2017 NIAGARA ESCARPMENT PLAN

The subject lands are designated in the 2017 Niagara Escarpment Plan (NEP) as Escarpment Protection Area and Minor Urban Centre, as shown in **Figure 15** below. The portion of the land to be developed (i.e. subdivision area) is located within St. David's Settlement Area Boundary. An overview of policy conformity with the applicable NEP Policies is provided in the following section.

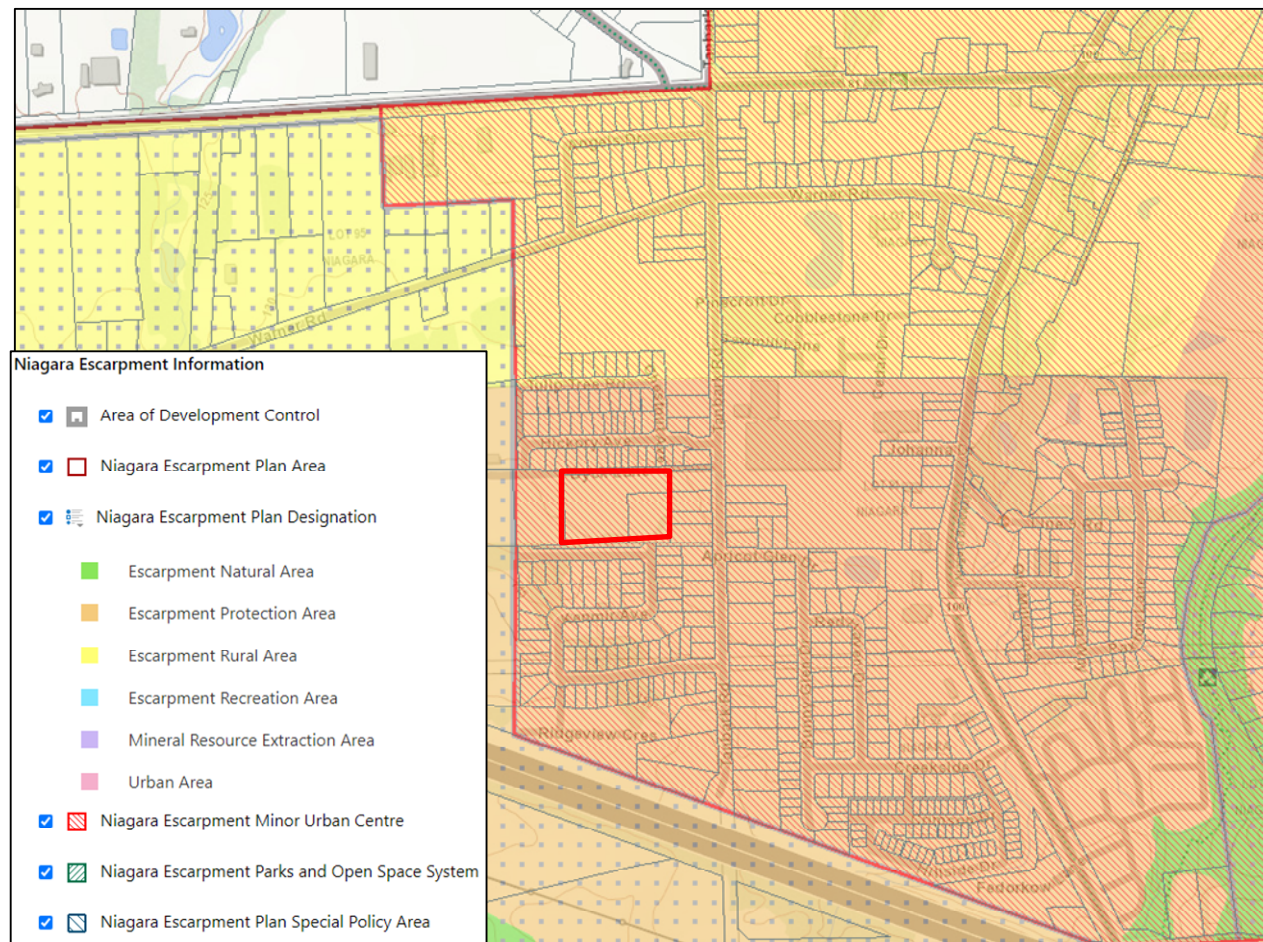


Figure 15 – Niagara Escarpment Plan

Escarpment Protection Area (Section 1.4)

The Escarpment Protection Area is stated in the NEP to be significant due to its visual prominence and environmental significance. The policies of Section 1.4 of the NEP seek to protect and enhance natural and hydrologic features and the open landscape characteristics of such areas.

Lands provided with the Escarpment Protection Area must satisfy criteria such as being in proximity escarpment slopes that are part of the landscape, being close to landscapes that have been significantly altered through development or in areas of environmental sensitivity.

In this NEP designation, permitted land uses generally include agriculture, single dwellings, institutional uses and nature and open space uses. The policies of Section 1.4.4. of the NEP are quite stringent in permitting new lot creation in the Escarpment Protection Area, however, as the subject lands are also located within the Minor Urban Centre designation of the NEP, additional land use permissions are applicable which facilitate the proposed subdivision development and related amendments.

Minor Urban Centre (Section 1.6)

The Minor Urban Centre designation applies to several of the established rural settlements, villages and hamlets located within the NEP Area. Section 1.6.2 of the NEP identifies St. Davids as one of these Minor Urban Centres.

The objectives for Minor Urban Centres are outlined in Section 1.6.1 of the NEP, and include:

- 1. To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.*
- 2. To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.*
- 3. To promote the co-location of compatible public services to address local community needs in convenient locations that are accessible by walking, cycling and public transit, where available.*
- 4. To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.*
- 5. To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.*
- 6. To direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.*
- 7. To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.*

The proposed development and supporting application satisfy the noted objectives of Section 1.6.1 NEP. Specifically, the applications direct new development amongst existing development and within an area that can be serviced by existing municipal services and roadways. The proposed built form is compatible with and existing, recent development on adjacent lands and is also reflective of the more modern design typologies found outside the historic village centre of St. Davids. The subject lands are also located at a lower elevation than adjacent development which is adjacent to the escarpment landscape and therefore will not detract from existing viewsheds.

Section 1.6.5 of the NEP states that land uses identified in local planning documents will be those permitted in Minor Urban centres, subject to the satisfaction of the Development Criteria in Section 2 of the NEP. Similarly, lot creation permissions are those facilitated and permitted by local documents, which may extend beyond single lot severances.

Section 1.6.6. of the NEP pertains to amendments to land use designations or policies within an Official Plan or Secondary Plan. Such amendments are permitted provided that they do not pertain to lands designated in the NEPO as Escarpment Natural Area and Mineral Resource Extraction Area and that they do not conflict with the Objectives and Development and Growth Objections cited in the Minor Urban centres policies.

The proposed development form is in alignment with local planning policies for the property – being low density in character, providing only single detached dwellings and rounding out available urban land for intensification.

Section 2.2. General Development Criteria

As noted, developments within Minor Urban Centres are afforded additional flexibility when compared to Escarpment Protection Areas. However, in order to benefit from these policies, development proposals must satisfy and not conflict with the General Development Criteria of the NEP. A detailed overview of conformity and alignment is provided below.

1. The Escarpment environment shall be protected, restored and where possible enhanced for the long-term having regard to single, multiple or successive development that have occurred or are likely to occur.

The proposed development will occur on lands previously used for agricultural and residential purposes which is located within recently developed residential subdivisions. The applications will have no impact on the escarpment environment.

2. The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including flooding hazards, erosion hazards, or other water-related hazards and hazard events associated with unstable soil or unstable bedrock.

The subject lands do not contain any natural hazards such as floodplains, erosion or other water related hazards.

3. Development is permitted only on an existing lot of record.

The subject lands are comprised of one full lot of record and portions of two other existing lots obtained through recent severance applications. The lands will be merged in title to facilitate the registration and development of the subdivision.

4. A property listed as a nature preserve in Appendix 4 of this Plan, acquired by an approved conservation organization, shall not be used as a building lot or for any other purpose inconsistent with the maintenance and protection of the natural features and values for which the nature preserve was established.

The subject lands are not listed as a Nature Preserve on Appendix 4 of the Niagara Escarpment Plan.

5. Where a lot is located in more than one designation, development shall be located on that portion of the lot located in the least restrictive designation, except where the impact of development on the Escarpment environment would be reduced by locating the development on a portion of the lot located in a more restrictive designation.

The subject lands are located entirely within the Escarpment Protection Area designation and are overlaid with the Minor Urban Centre designation. The Minor Urban Centre designation facilitates expanded development permissions for the property as the lands are located within an established community within the NEP.

6. Any development permitted should be designed and located in such a manner as to promote design and orientation that:
- a) maximizes energy efficiency and conservation and considers the mitigating effects of vegetation;
 - b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
 - c) reduces greenhouse gas emissions so that the development is contributing to the goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.

Opportunities for energy efficiency and renewable energy will be reviewed through detailed engineering and architectural design.

7. Only one single dwelling is permitted on each existing lot of record in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless a second single dwelling is, in the opinion of the implementing authority, the only viable way to conserve the heritage attributes of an existing single dwelling; and
- a) the existing single dwelling is a heritage attribute and is subject to a heritage conservation easement agreement; this existing single dwelling is the only single dwelling located on the lot;
 - b) the second single dwelling is located on the same existing lot of record as the existing single dwelling to be preserved;
 - c) the second single dwelling is not located within the Escarpment Natural Area unless the implementing authority has determined that there is no other less restrictive designation within which the new dwelling can be sited; and
 - d) municipal official plan policies and standards are met (e.g., lot size).

The limitations of this policy do not apply, as the subject lands are located within a Minor Urban Centre.

8. Development permitted should be designed and located in such a manner as to provide for or protect access to the Niagara Escarpment, including the Bruce Trail corridor.

The proposed development will not restrict access to the Niagara Escarpment or Bruce Trail corridor.

Section 2.4 Lot Creation

Based on the application types and that the proposed dwelling types will be single detached dwellings only, policies 1-9 of Section 2.4 are considered relevant to the applications. An overview of conformity with each is provided below.

1. Lot creation, including lots created within Urban Areas, Minor Urban Centres and Escarpment Recreation Areas, shall be subject to conformity with official plans and/or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.

The proposed applications are situated within the Escarpment Protection Area designation and within a Minor Urban Centre (St. Davids). Generally, the applications and conform with the Niagara Official Plan, Town of Niagara-on-the-Lake Official Plan, St. Davids Secondary Plan.

The proposed zoning by-law amendment is a required application to facilitate the development of the lands and is considered to not conflict with the NEP.

2. New lots to meet residential needs should be created primarily in designated Urban Areas, Minor Urban Centres and Escarpment Recreation Areas.

The proposed residential lots are proposed to be created within the St. Davids Minor Urban Centre which has an established Settlement Area Boundary.

3. Ribbon or strip development should be prevented.

Ribbon/Strip development is not proposed. The development will be a comprehensive subdivision design that is consistent with the Town's Official Plan and St. Davids Secondary Plan.

4. The size and configuration of new lots shall be subject to the requirements of official plans and/or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.

The lotting criteria must be established through the submitted Zoning By-law Amendment application. The proposed provisions will implement the direction of the Town's Official Plan and St. Davids Secondary Plan.

5. New lots must:

- a) maintain and enhance the existing community character and/or open landscape character of the Escarpment; and
- b) protect and enhance existing natural heritage and hydrologic features and functions.

The proposed subdivision lots will contain single detached dwellings units on a variety of different lot sizes with varying configurations. These dwelling forms and subsequent lot sizes are compatible with existing development character on adjacent lands, and throughout the St. Davids community.

6. Prior to commenting upon proposals for new lots, the implementing authority shall consider:

- a) the number, distribution and density of vacant lots in the area;
- b) the additional lots that may be created in conformity with this Plan;
- c) the consequences of the development of the lots with regard to the objectives of the designation; and
- d) providing for or protecting public access to the Niagara Escarpment, including the Bruce Trail corridor.

This requirement pertains to Town review of the application.

7. Where a lot is proposed in more than one designation, the severance policy of the least restrictive designation shall apply. There should be sufficient area in the least restrictive designation to accommodate the development.

The proposed subdivision lots are located wholly within the Escarpment Protection Area designation and St. Davids Minor Urban Centre Designation.

8. Except for new lots permitted under Part 2.4.12, new lots created by consent shall front onto an existing public road that is of a reasonable standard of construction and generally maintained all year round.

The proposed lots are to be created through a privately initiated Plan of Subdivision application. A portion of the lots will have frontage on an existing municipal roadway (Hickory Avenue) and a new public roadway (Street "A") will be constructed to provide frontage for the balance of the proposed units.

9. Public bodies and private persons are encouraged to consolidate existing vacant lots to establish lots of such a size as to permit uses consistent with the objectives of the designation in which they are located.

To facilitate this development, the owner has obtained additional lands and consolidated them together to facilitate a comprehensive low density residential development.

Based on the analysis provided, the submitted applications conform to the policies of the 2017 Niagara Escarpment Plan.

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 new and compatible residential dwellings 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 mildly 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 single detached residential lot sizes and configurations that will contribute to the provision of a range of housing opportunities. This variation in lot sizes will assist in providing some variety in housing prices, which may lead the provision of more attainable 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 R.V. Anderson Associates, no improvements are needed to existing transportation networks to support the proposed 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 municipal water and sanitary mains within Hickory Avenue, Kenmir Avenue and Tanbark Road.

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 yet have a Stormwater Management Master Plan.

Despite a master plan not being 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 existing and planned storm sewers and the use of capacity within an existing offsite stormwater management wet pond facility. Preliminary analysis has indicated that sufficient capacity is available to support this 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 within a reasonable walk from a large municipal park which offers convenient opportunities for recreation and outdoor enjoyment. The

provision of the Block 29 walking trail will provide more convenient and direct access to Tanbark Road and the park to the north.

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 Citizenship and Multiculturalism. Letters of concurrence for the subject lands have not yet been issued by the Ministry.

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 Niagara Official Plan (NOP) provided below as **Figure 16**.



Figure 16 - Schedule B of Regional Official Plan (Cropped)

The NOP 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.

Chapter 3 – Growing Region

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 NOP. 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 28 dwelling units into the Town's housing supply and will assist in efficiently utilizing vacant development lands within the western end of the St. Davids 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 residential housing on urban, serviced land. The proposed development will assist the Town in the achievement of the Regional municipal intensification target of 25%.

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.

Chapter 6 – Vibrant Region

Section 6.4 of the Niagara Official Plan pertains to archeological resources. Given the unique history of the area involving both first nations and European settlers, the Niagara Region exhibits high potential for the discovery of archaeological resources.

Schedule K of the Niagara Official Plan delineated areas of archaeological potential in Niagara. As shown on **Figure 17**, the subject lands appear to be located within this screening layer.



Figure 17 - Schedule K of the Niagara Official Plan

As the subject lands are identified to exhibit archaeological potential, the owner has completed Stage 1 and 2 Archeological assessments of the subject lands. 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 Citizenship and Multiculturalism. Letters of concurrence for the subject lands have not yet been issued by the Ministry.

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 18**).

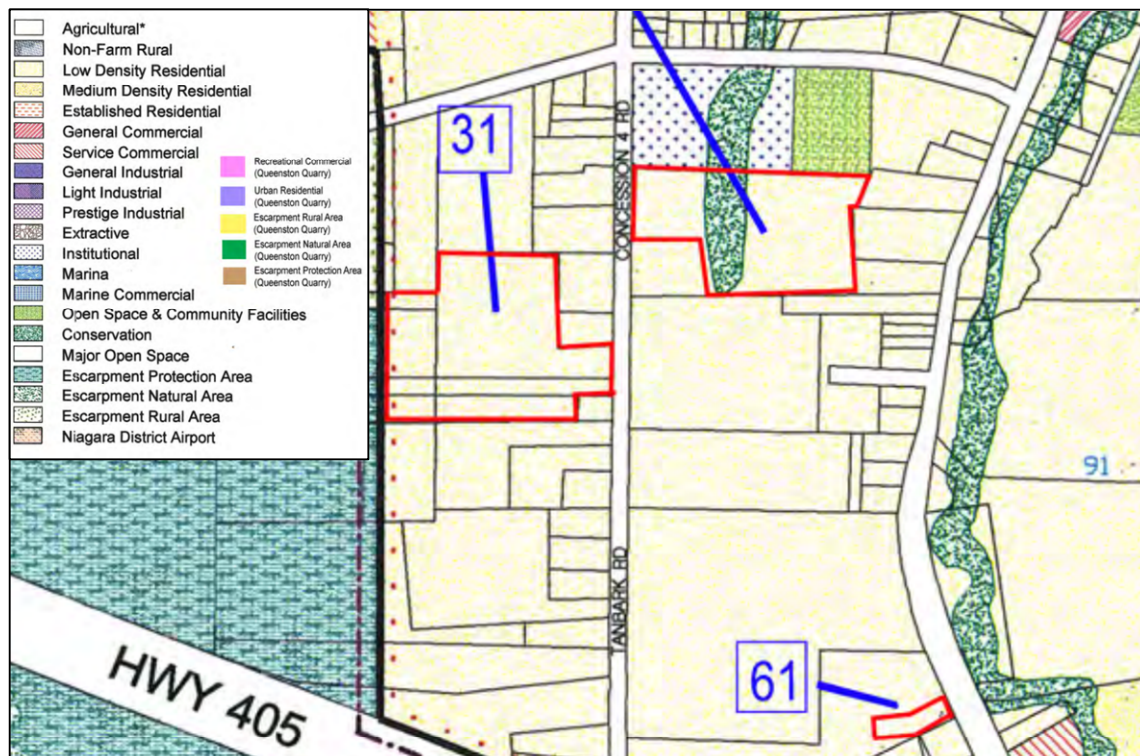


Figure 18 - Schedule “D” of Town of Niagara-on-the-Lake Official Plan – St. Davids Land Use Plan (Cropped)

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 2022.

No archaeological resources were encountered on the subject lands and the consultant filed the completed reports with the Ministry of Citizenship and Multiculturalism. Letters of Concurrence for the subject lands have not yet been issued by the Ministry.

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).

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 more recent residential development, consideration of additional height is reasonable.

The Zoning By-law Amendment application seeks an increase in height from 10 metres to 11 metres to provide additional flexibility in architectural design. Such an increase would not conflict with the policy direction of section 6.4 of the Official Plan.

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 (ESA) report was completed for 134 & 136 Tanbark Road by Niagara Soils Solutions (NSS) in July of 2021. 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.

The consultant completed on-site soil testing on July 28, 2022. In total, 13 samples were taken across the property. Laboratory analysis confirmed that none of the samples taken from the subject lands exceeded the applicable Provincial Table 3 Residential Land Use standards. Accordingly, the consultant concluded that the subject lands are suitable for residential development with no need for a record of site condition to be filed.

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 developments and within the urban area boundary for St. Davids that include Courtland Valley to the north and St. Davids Estates to the south.

As outlined in the Functional Servicing Report, the development of the subject lands will require the extension/construction of a new watermain, sanitary sewer and storm sewer. Severing capacity has been confirmed in adjacent systems, 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 Kenmir Road and the creation of new municipal roadway shown as "Street A" on the submitted Draft Plan of Subdivision. Lots 1-7 will utilize existing frontage along Hickory Avenue. All lots and development blocks will have frontage provided on a public roadway, as required by the Official Plan.

6.16 Lands for Easements

Policy 6.16 of the Town's Official Plan requires that *"Where land is required for maintenance/utility easements or emergency access to serve any proposed development, such land shall be obtained by and at the expense of the owner."*

The proposed servicing design for this development requires a servicing corridor be provided to Tanbark Road where municipal water, sanitary sewer and stormwater connections are available. The lands needed to convey these services are represented as Block 29 on the Draft Plan of Subdivision and are owned by the applicant. Block 29 will be designed at grade as a pedestrian walkway with the required servicing provided underground.

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.”

The proposed lot sizes within the development vary based on their frontage location. Lots 1-6 exceed the minimum 15.0 metres of lot frontage required in the R2 Zone, however are slightly under the minimum lot size of 475 square metres. The provided lot areas are slightly below the minimum due to a slightly reduced lot depth. Lots 1-6 range in area between 452 to 457 square metres. Despite being slightly below the minimum area requirement, the lots have sufficient area to accommodate a reasonable sized detached dwelling. Lot 7, which also has frontage on Hickory Avenue has a lot frontage of greater than 18 metres, as required for corner lots and exceeds the minimum lot area requirement.

Lots interior to the development and fronting onto “Street A” vary in terms of area base don the location of the lot along the internal cul-de-sac bulb and adjacent to existing lots on Tanbark Road. Some lots exceed minimum requirements, while others are under. Consistent lot sizing ensures consistency in built form, however, due to geometric constraints additional site-specific provisions for reduced setbacks and coverage for specific lots has been requested to facilitate similarly sized dwellings throughout the development.

The proposed lot sizes are appropriate given the overall lot area and access requirements. These varying lot sizes conform with the Official Plan by efficiently using land to provide additional intensification opportunities with the urban area.

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 for Single Detached Dwellings is two (2) spaces per unit.

The proposed detached dwelling are sized adequately to provide the required amount of parking by utilizing both the driveway and the garage. Loading facilities are not required for single detached lots.

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, a mix of land dedication (Block 29) and cash-in-lieu of parkland is desired to be utilized.

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.

6.28 Requirements for Development

Section 6.28 of the Town's Official Plan states that "Before any development is approved, the municipality shall be satisfied that necessary utilities, fire protection and police protection are adequate".

The proposed development can be serviced by way of extensions to existing municipal services and utilities. Fire protection will be provided for Lots 1-7 by two existing hydrants on Hickory Avenue and new municipal hydrants will be provided within the cul-de-sac to provide fire protection for the remainder of the lots. The proposed roadway (Street "A") has been adequately sized to facilitate the movement of emergency and municipal vehicles (i.e. fire truck, waste collection).

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 setbacks within the subdivision will be a mix of 3.0 metre and 4.5 metres. The requested setbacks will provide sufficient room between the dwelling face and lot line for landscaping. Off-street parking opportunities will be facilitated by a minimum 6.0 metre setback to accommodate parking in the driveways and the provision of attached garages for additional parking. The requested setbacks will not affect vehicle movements within the development or on existing streets.

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 will be serviced by a mix of existing and new watermain, sanitary sewers and storm sewers.

6.32.3 Special Policy Area A-3 (St. Davids)

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.

In addition to Schedule D of the Official Plan, Schedule D1 shows the Established Village Area that is subject to additional development policies. As shown on **Figure 19**, the subject lands are located outside of the Established Village Area. Therefore, the Established Village Area policies are not applicable to the submitted applications.

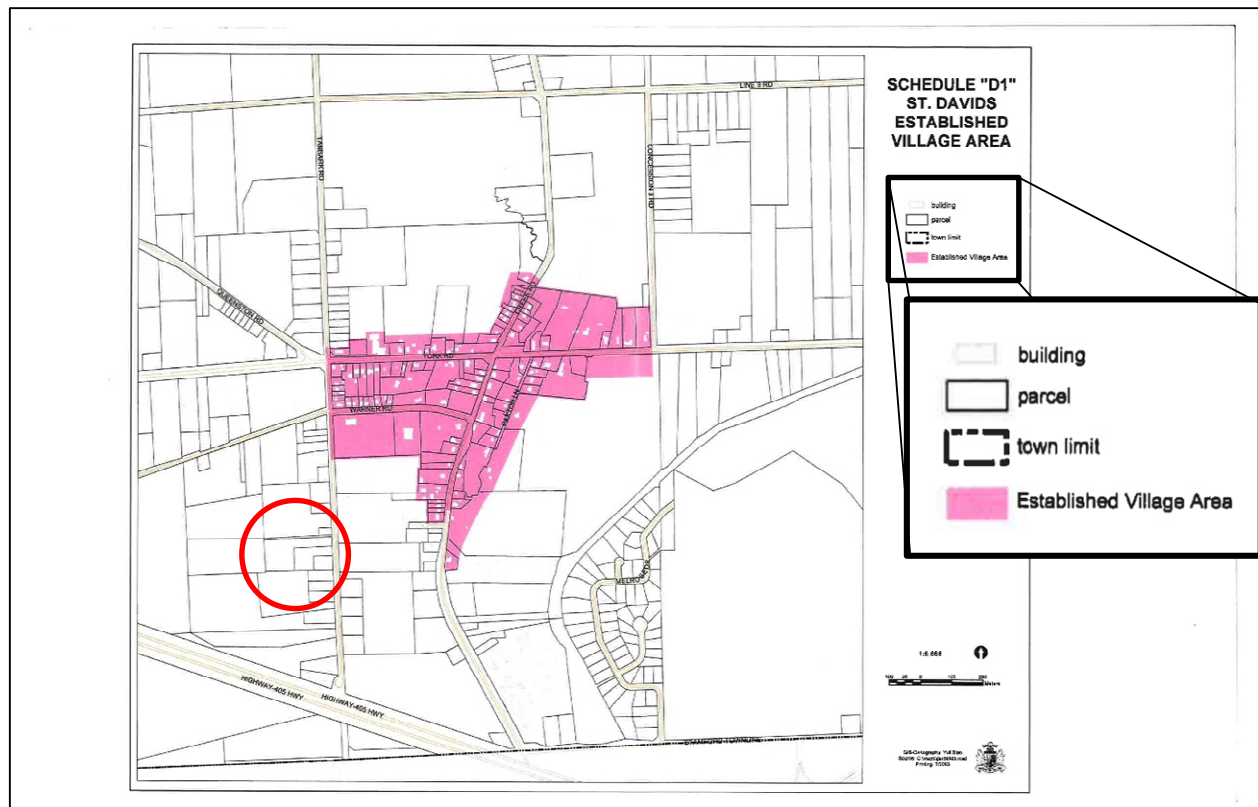


Figure 19 - Schedule D1 - Town of Niagara-on-the-Lake Official Plan (Subject Lands shown in Red)

Section A. Objectives

The following Plan Objectives apply to the entirety of the St. Davids Area.

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 the development is proposed within the Settlement Area Boundary, that the intended residential dwelling forms and lot sizes are compatible with existing development and provide a mix of detached housing sizes, 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 efficient low-density lotting pattern that integrates well within this area of the St. Davids community. Specifically, similar single detached dwellings forms can be found on lands to the north in the Courtland Valley Subdivision and to the south in the St. Davids Estate Subdivision.

The proposed development density will fill the streetscape with smaller visual breaks between dwellings. Such spacing facilitates the more efficient use of the land and generates a more interesting pattern of design and textures.

With regard to established buildings lines, the north side of Hickory Avenue is undeveloped and does not have an established building line. The proposed development will introduce a balance to the streetscape and frame the other side of the road with 3.0 metre setback dwellings. The established building line along the east side of Kenmir Road is setback approximately 5-6 metres from the front lot lines. The proposed lotting for dwellings north of those on Kenmir will be closer to the roadway due to short lot depth, but will transition appropriately as the view down the roadway corridor will be filled with similarly set back developments and that the waling trail will form a terminating vista for the street. The augmentation of the dwellings

within the development will help to better frame the adjacent pedestrian access and draw attention to pedestrians.

Pedestrian access for all proposed buildings will be provided either from Hickory Avenue (Lots 1-7) or from the proposed public roadway (Street "A"). The provision of sidewalks within the subdivision and eventual connectivity to sidewalks on adjacent lands will facilitate active transportation opportunities. The proposed walking trail connection to Tanbark Road will improve connectivity to the broader neighbourhood, and parkland to the north.

The scale of the proposed development will be consistent and similar to that found in adjacent subdivisions which contain more recent construction with taller building heights, reduced front yard setbacks, increased lot coverages a mix of larger scaled one and two storey dwellings.

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 will be serviced from existing and proposed 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

Applications for land division or assembly with St. Davids are subject to the policies below:

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 lot orientations with adjacent development to the north (Courtland Valley) and east (existing residences on Tanbark Road). Lots 1-7 will also complete the streetscape by developing the north side of the south leg of Hickory Avenue, across from existing dwellings built as part of St. Davids Estates. The proposed roadways design is logical and functional providing access to the subject lands.

To facilitate the registration and development of the subdivision the subject lands will be consolidated in title by the owner.

Residential Land Use

New residential land uses must conform with the relevant development policies outlined below:

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.

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. The submitted applications conform with this policy by proposing single detached dwellings.

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 8.23 units per acre (20.35 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 a minor amount 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 growth towards require intensification targets and a mix of housing opportunities.

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 of detached housing opportunities within St. Davids on lots that utilize different sizes, orientations and configurations. The location of the subject lands is among properties with higher values and sales prices. The proposed development is a smaller scale continuation of the high quality design found within the area. The provision of the dwellings on smaller sized will assist with providing lower comparable housing costs. Recent changes to the Planning Act will also facilitate opportunities to provide accessory dwelling units within the proposed dwellings, if desired by future applicants.

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 how the applications conform 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 arborist 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 was prepared by Jackson Arborculture Ltd. in March of 2023. The intent of this review was to identify trees for removal and protection as a result of development. Tree removal in Niagara-on-the-Lake is regulated by By-law 5139-19 and applied to trees with diameters of 12.5 centimetres or more.

Based on site investigation, fifty-seven (57) trees and four (4) groups of trees were identified on the subject lands. No endangered or protected species are present.

In total, thirty-nine (39) trees, two (2) tree groups and a small portion of one additional tree group may need to be removed to facilitate the planned development. Trees identified for protection are located along the boundary of the subject lands or on adjacent lands.

As detailed grading and servicing plans are developed, opportunity to relocate or preserve additional otherwise healthy trees within the development may be possible.

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 (2020) and the Niagara 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), c), 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 Niagara Official Plan) annual residential intensification target for the Town.

Objective g) is satisfied as some of the proposed lots will be serviced by later connections existing municipal services where possible, while others will be serviced by new infrastructure associated with the development which will connect to existing municipal networks.

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 that integrates well 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 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 of varying scales.

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 Official Plan (approved November 4, 2022). In order to achieve this annual 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 twenty-eight (28) 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 form for the subdivision will be single detached dwellings, which are similar to 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 residential 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 in the front yard. The existing neighbourhood has a consistent character that has vehicles parked in the “front yard” on the driveways or in the garages.

- 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 systems.

- 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 relatively close 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. 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.

Land Use Compatibility

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*

The proposed development form will be residential land uses within an existing residential neighbourhood containing a mix of single detached dwellings and street townhouse dwellings. The subject lands do not contain and are not adjacent to any cultural heritage resources or designated properties, and do not contain any natural heritage resources and/or features.

A minor 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 site is currently located at a significantly lower grade than the balance

of St. Davids Estates to the south. The provision of additional height will help to transition from the bungalow nature of development to the north towards the escarpment.

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 development will utilize existing municipal services and will provide new service to support development. The report has confirmed that from a preliminary review position that capacity is available in existing municipal sanitary and stormwater management systems.

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 detached housing units and a mix of lot sizes 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 detached 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 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. The applications conform with Policy 9.3 as they propose permitted low density residential land uses (i.e. detached dwellings).

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. Cumulatively, the proposed overall density for the property is 6.4 units per acre, which is just slightly above the threshold for low density. Council may consider increases subject to a demonstration of compatibility and potential land use impacts. The relevant tests are 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 residential development on adjacent lands. Accordingly, the applications are 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 exhibit archaeological potential, the necessary assessments were conducted by qualified professionals. As outlined previously in this report, these archaeological 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 is pending.

SECTION 20: TRANSPORTATION

As shown on Schedule G of the Town of Niagara-on-the-Lake Official Plan, Kenmir Road and Hickory Avenue (South) are classified as Local Roads. 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.

Hickory Avenue (south leg) will provide frontage and access to 1-7 in the proposed plan.

Kenmir Road is proposed to be extended as “Street A” to provide access into the subject lands for the remaining 21 lots.

The proposed “Street A” is a cul-de-sac design with a planned secondary access to Tanbark Road. This street design conforms with the direction of the Official Plan. A smaller width 18.0 metre right-of-way is proposed for “Street A”. Despite the small reduction in width, the street will still be able to provide travel lanes and sidewalks within the boulevards. The smaller nature of the street will assist in traffic calming and emulating the character of a local road.

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 subject lands are not an infill lot and are intended to be developed comprehensively.

The proposed lot sizes vary due to the provision of a cul-de-sac street. The lot areas similarly vary, however are capable of accommodating compatible sized detached dwellings.

- 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 styled and positioned with adjacent developments on adjacent lands. The massing and scale of the dwellings will vary depending on the lot location, but such variation will be internal to “Street A”. Lots 1-7 are located across from existing detached dwelling development and have lot sizes that will facilitate the development of dwellings similar in scale to those existing within St. Davids Estates. The design of future dwellings will be

scrutinized and assured through the Urban Design Review process associated with this development

- 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 on the same side of the street is Kenmir Avenue. The lot dimensions of the existing Kenmir Lots are significantly different than Lots 26-28 on the proposed plan, being relatively narrower and deeper.

The shallow depth of Lots 26-28 lots has resulted in a site-specific request for a reduced front yard setback. Based on the configuration of the site, it is possible to provide the garage for Lot 28 on the south side of the dwelling to generally match the setback of 74 Kenmir Avenue at a setback of 6.0 metres.

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

The existing property at 74 Kenmir Avenue is separated from Lot 28 by a 6.0 metre wide walking access. Sufficient spacing is provided between the existing and proposed development to provide appropriate built form transition.

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

The proposed lots will be situated amongst new and actively being constructed dwellings. The proposed custom nature of the homes will allow for differentiation in design and materials. The adjacent St. David Estate development emulates a similar character, with a variety of building materials, colours and roof styles.

- 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 Jackson Arborculture Inc. 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 majority of the developable area is free of trees, save for the coniferous tree plantation that must be removed to facilitate development. 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 can 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 framed to the south by development and are separated by the former Dyck Lane and fencing to the north. This existing viewshed will be improved through the provision of uniquely designed dwellings and landscaping.

- 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 Kenmir Avenue. This connection will provide access to the proposed lots. A secondary access to Tanbark Road is also provided which will provide for pedestrian and cyclist connectivity within the development and adjacent lands to the south.

- 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 RVA 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 20**).

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 Kenmir Avenue and Hickory Avenue demonstrating how the look, feel and function of the new proposed roadway and development will integrate and be compatible with the existing 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 characterized as a mix of detached low density residential land uses of varying ages and forms (i.e. new and older single detached dwellings, bungalow townhomes).

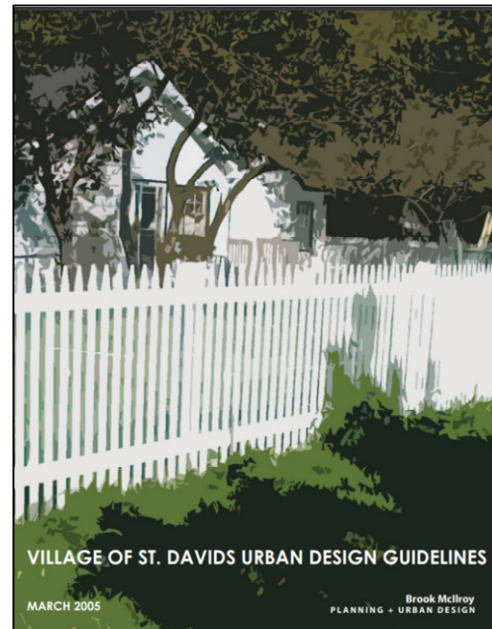


Figure 20 - St. Davids Urban Design Guidelines

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, Section 6.10.5 Culs-de-Sac, 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 development will utilize existing frontage on Hickory Avenue for a portion of the development and will include a new public roadway for the balance. The proposed cul-de-sac street will begin at the intersection of Kenmir Avenue and Hickory Avenue and proceed north before turning west and ending. Pedestrian redundancy is provided within the development through the provision of a public trail on Block 29. This new access will be within approximately 70 metres of the existing Tanbark pedestrian/emergency access to the south.

SECTION 6.10.5 – CULS-DE-SAC

The proposed development will include a cul-de-sac. Section 6.10.5 of the Guidelines provides direction for cul-de-sac development as follows:

- a) Culs-de-sac should not be permitted unless topographic or other features limit through street opportunities.
- b) Where possible, the depth of culs-de-sac should be no greater than a typical block length (less than 250 metres).

- c) Where appropriate, pedestrian walkways with a minimum width of 3.0 metres shall be located at the end of culs-de-sac to provide links to adjacent streets and open space areas.

A cul-de-sac street is required as there is no opportunity to connect “Street A” to an adjacent public roadway.

The proposed cul-de-sac is less than 250 metres in length and a 6.0 access block connecting to Tanbark Road has been provided. The access is at the turn of the cul-de-sac rather than near the bulb due to the proximity to Tanbark Road and that the property has legal frontage already connecting to the roadway.

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 conceptual general elevations included previously in this report show a mix of modern and traditional designs and materials that will interface well with existing, adjacent development. 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 detached dwellings in **Figures 12-14** of this report, these elements have been contemplated and are reflective of traditional homes within St. Davids and recent developments to the north (Courtland Valley) and south (St. David Estates).

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 lot geometry, the use of attached garages is contemplated in this development. Existing dwellings on Kemnir Avenue and Hickory Avenue utilize garage orientations which directly face the street and are recessed behind the architectural façade of the dwelling. The step-back in garage setback paired with the Zoning By-law Limitation on garage door width will ensure that garage doors are subordinate the primary architectural features of the dwellings.

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.

It is noted that the owner is seeking to utilize some architectural ornamentation to link the dwellings to shared fence lines which will provide additional architectural interest.

Section 7.2.8 Fences

Fencing is proposed for all lots, specifically in the rear and side yard. The provision of ornamental fencing or different fencing materials will be considered through home design.

Section 7.2.9 Building Materials

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

For the proposed dwellings, a similar palette of materials would be appropriate and will be refined through the home design process. It is expected that all homes will be custom designed and will likely include similar higher quality building materials of compatible colour and texture.

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 detached dwellings to ensure a unique mix of dwellings and variety in the streetscape.

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 dwellings will be setback a minimum of 3.0 metres or 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 front yard setbacks provide the flexibility necessary to create a unique augmentation of development and landscaping 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 5.0 and 6.0 metres to more efficiently use land while also providing sufficient amenity area.

Section 7.3.3 Garages

The owner is contemplating front-approach 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. The preliminary elevations show houses with single garage doors. This character is consistent with adjacent development on Hickory Avenue and adjacent lots on Kenmir Avenue and would be appropriate in the context of this site. Consideration of split garages may occur during home design

Section 7.3.4 Massing, Form and Facades

As outlined in the draft zoning amendment and through the preliminary architectural elevations provided within this report, the requested zoning provisions facilitate 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 corner units 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 rectangular parcel of urban land that will include typical and pie-shaped lots along a new public street extended from Kenmir Avenue and along the existing frontage on Hickory Avenue. There are some strategic opportunities for public realm enhancement along the existing frontage along Hickory Avenue, “Street A” and along the pedestrian trail (Block 29).

Hickory Avenue

The subject lands have frontage along Hickory Avenue, which is a local road per Schedule G of the Town of Niagara-on-the-Lake Official Plan. This street was created through the St. Davids Estates Subdivision and is intended to be developed with eight (8) lots fronting onto it, west of Kenmir Avenue and one flanking property that fronts onto Kenmir Avenue. Photographs of the existing streetscape are included as **Figures 21** and **22** of this report.



Figure 216 – Hickory Avenue, Looking Southeast



Figure 22 – Hickory Avenue, Looking West

The existing developed character of the street is large detached dwellings with 6.0 metre setbacks and 15.0 + metre frontages. These existing dwellings have rooflines with minimal slope which presents taller facades towards the public realm.

The proposed architecture for the north side of Hickory Avenue will include shorter facades with steeper rooflines to provide a mix of architectural style along the street. The limited faced heights will pair well with the proposed 3.0 metre setback to avoid overwhelming the streetscape and pedestrian realm. The inclusion of boulevard plantings and decorative lighting along the north side of the street would be desirable and compliment the existing street form.

Kenmir Avenue

Kenmir Avenue's current urban condition sets the precedent for what the streetscape should be expected to look like for "Street A". The current street format includes an 18.0 metre urban cross section inclusive of a sidewalk on one side, street tree plantings and 6.0 metre minimum setbacks. The existing boulevards are wide enough to facilitate the provision of additional landscaping. A photograph of the existing streetscape is provided below as **Figure 23**.



Figure 23 - Kenmir Avenue, Looking South

“Street A” will provide a more compact interface of development and the streetscape through the use of 3.0 and 4.5 metre setback to dwelling faces and 6.0 metre minimum garage setbacks. The proposed right-of-way width beyond the property line will contain the same amount of room on Kenmir Avenue required to emulate the same streetscape. Such elements will frame the street and create a closer relationship between the built form and street than the balance of Kenmir Road, which is appropriate given the cul-de-sac nature of the internal portion of development.

Pedestrian Walkway

Block 29 is proposed to be a 6.0 metre wide land dedication that can facilitate the provision of new servicing connections to tanbark Road and pedestrian access to the larger neighbourhoods.

As an emergency access for the site is located at the southern end of the development between Lot 28 and 74 Kenmir Avenue, the 6.0 metre access can be outfit with a paved walking surface and adjacent plantings and lighting. Such design elements will soften the interface of the path with adjacent development and also serve as an inviting access to the neighbourhood. Landscaping will also contribute to the quality and interest of the terminating vista at the north limit of “Street A”.

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 Development (RD) (see **Figure 24**).

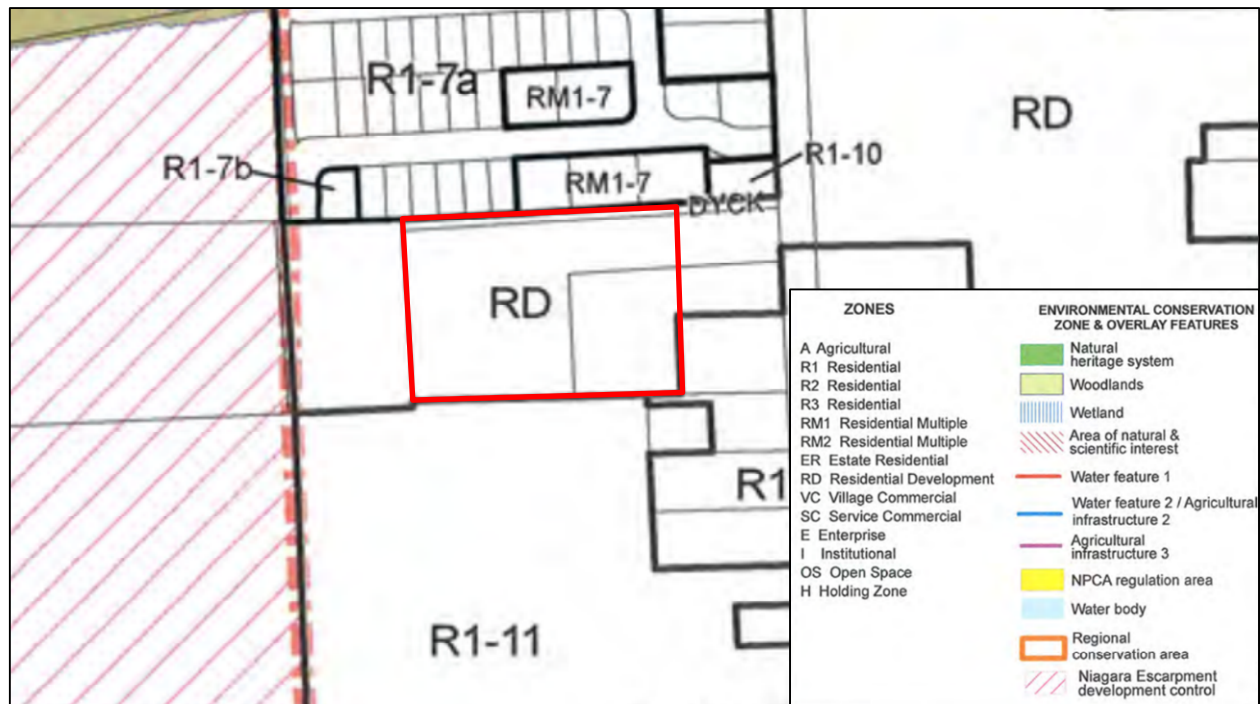


Figure 24 - Schedule A-23 of Zoning By-law 4316-09

The Residential Development (RD) Zone acts as a placeholder for large developable parcels of land and is intended to allow for the implementation of appropriate zoning in conjunction with development applications such as a Plan of Subdivision.

Accordingly, a Zoning By-law Amendment application has been submitted to implement appropriate zoning to permit and regulate the development of the proposed single-detached lots which will be created through the Draft Plan of Subdivision.

It is proposed that the subdivision lands will be zoned under the Residential 2 (R2) Zone category. Three sets of site-specific provisions are requested. These are labelled as R2-XXXA, R2-XAAB and R2-XXXC, and are described in greater detail in the following sections.

Lots 1-11, 14-17, and 20-25 – (R2-XXXX)

The R2-XXXX Zone is proposed for 21 of the 28 lots. A Zoning Conformity Matrix reflecting the site-specific departures from the R2 Zone has also been provided as **Table 1**. An overview of the requested site-specific provisions is provided below:

Minimum Lot Frontage

The proposed site-specific Zoning requests a decrease in lot frontage. This decrease will pertain to Lots 9-12, 14-17 and 20-25.

The reduction in frontage is due to the cul-de-sac road design and the desire to efficiently develop the lands with a mix of lot sizes. The requested reduction will not impair the ability for the Lots to include a suitably sized dwelling on the properties.

Minimum Lot Area

The Zoning By-law Amendment seeks a reduction in Lot Area for the noted lots.

Lots 1-6, 9-11 and 18-23 require relief to permit smaller lot areas. Generally, the lot areas for these properties are above 400 square metres, however their overall size has been limited due to the cul-de-sac and property depth from north to south. The requested reduction in lot area will not affect the ability for an adequately and compatibly sized detached dwelling to be provided on each lot.

It is noted that Lots 7, 8, 14-17, 24 & 25 exceed the minimum lot area requirement 475 square metres. These lots will not require the site-specific relief, but as they will be subject to the balance of the requested site-specific provisions for the R2-Xa Zone, they have been included for ease of implementation.

Maximum Lot Coverage

The proposed site-specific Zoning requests an increase in lot coverage from 40% to 45% plus 5% for covered porches and decks. The 45% lot coverage for the main dwelling is appropriate as it allows for a reasonably sized dwelling to be accommodated without overwhelming the property as a majority of the lot will remain as open space for amenity, drainage and landscaping. The small increase in coverage allows for the more efficient utilization of the lots.

The additional 5% lot coverage for covered porches and decks is desirable as these structures contribute positively to the streetscape and to the usability of the outdoor amenity area and do not have the same bulk and massing as the main dwelling. The extra lot coverage is only applicable to covered decks and porches and cannot be utilized for other parts of the dwelling.

Minimum Front Yard Setback to Front Face of Dwelling

A reduction in front yard setback to the front face of the dwelling from 4.5 meters to 3.0 meters is requested. This provision will allow the dwellings to be located closer to the street, helping to activate the public realm. The proposed 3.0 metre setback provides sufficient space for landscape plantings to soften the interface between the dwelling and the public realm while also helping to create an attractive streetscape. The additional 1.5 metres of developable lot depth will assist with the efficient use of the lots that have smaller lot areas.

Minimum Front Yard Setback to Front Wall of Garage

In conjunction with the reduced front yard setback to the dwelling front face, a reduced setback to the front wall of garage from 7.5 meters to 6.0 meters is requested. This reduction is a result of the dwelling being pushed closer to the road but still achieves the intent of the garage setback in accommodating vehicular parking and in ensuring that the garage is subordinate to the main dwelling.

The provision of a 3.0 metre front yard setback and 7.5 metre garage setback would create too large of a space between building elements which would be noticeably inconsistent with dwellings found in St David Estates.

Minimum Rear Yard Setback

The Zoning Amendment seeks a 1.5 metre reduction in required rear yard setback from 7.5 to 6.0 metres. This reduction is required to facilitate a reasonable dispersal of lots along Hickory Avenue and along "Street A". reduction in rear yard setback will not affect the ability for reasonable amenity area to be provided or have any impacts on drainage or landscaping opportunities.

Minimum Exterior Side Yard Setback

The Zoning Amendment includes a reduced setback provision for exterior side yards. The two lots with an exterior side yard are lots 7 and 8. The provision of a 3.0 metre setback rather than

the required 4.5 metre setback will have minimal impact on the public realm, and will maintain a similar setback from a public road as the front of the proposed dwellings on Hickory Avenue.

The 3.0 metre setback and future boulevard will provide sufficient physical setback from public realm and sidewalk and enough land area on private property for drainage, landscaping, amenity and the provision of fencing.

Maximum Building Height

An increase in maximum building height from 10 meters to 11 meters is requested. The increase in building height allows for the provision of steep roof pitches which create architectural variation and visual interest. No shadowing or privacy impacts result from the additional height as the pitched roof creates an angular plane to adjacent properties and does not obstruct site lines.

With the increased height, development to the south will still be located at a higher grade than the proposed development. The increase in height will also assist in the built transition of height between the bungalow development in the Courtland Valley Subdivision and St. David Estates.

Permitted Encroachments

It is requested that the permitted encroachments in Section 6.44 of the Zoning By-law also be applicable to covered decks and porches. This is to recognize the difference in bulk and massing between covered porches and the main dwelling as covered porches are not enclosed and are typically only one-storey.

It is also requested that the site-specific by-law permit the encroachment of ornamental projections to an interior side yard lot line. This permitted encroachment would be limited to connecting materials between the primary dwelling and a shared fence.

TABLE 1: ZONING CONFORMITY - RESIDENTIAL 2 ZONE (R2-XXA) – Lots 1-11, 14-17 & 20-25

As noted, a change in Zoning from RD 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.

Section 9.2 R2 Zone	Required	Proposed Change
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.
Zone Requirements	Required	Proposed Change
Minimum Lot Frontage	15.0 metres	12.6 metres
Minimum Lot Area	475 sq. m.	417 square metres
Maximum Lot Coverage	40 %	45% plus 5% for covered porches or decks
Minimum Landscaped Open Space	25%	No Change Proposed.
Minimum Front Yard Setback to Front Face of Dwelling	4.5 metres	3.0 metres
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	3.0 metres
Minimum Rear Yard Setback	7.5 metres	6.0 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 covered or uncovered porch, deck, balcony, patio or steps 3.5 metres from the rear lot line. 1.2 metres from a side lot line for a covered deck or porch.
Section 6.44 Permitted Yard Projections and Encroachments	Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures Maximum projection of 0.6 metres into any required yard.	An ornamental fencing structure may project from the side of dwelling to a shared fence line. (0.0 metre setback)

Lots 12, 13, 18 & 19 (R2-XXXB)

In addition to the Site-specific relief requested for Lots 1-11, 14-17, & 20-25 and described above, a reduced lot area, additional increase in lot coverage and a reduction in minimum rear yard setback is requested for Lots 12, 13, 18 & 19. The additional requested provisions are evaluated below.

Minimum Lot Frontage

The reduction in frontage is due to the cul-de-sac road design and the desire to efficiently develop the lands with a mix of lot sizes. The requested reduction will not impair the ability for the Lots to include a suitably sized dwelling on the properties.

Minimum Lot Area

The Zoning By-law Amendment seeks a reduction in Lot Area for the noted lots.

The lots require relief to permit smaller lot areas due to their location along the cul-de-sac bulb. The required radius from the centre of the bulb jogs inward to the noted properties and limits the front yard area. Generally, the lot areas for these properties range between 333 square metres and 420 square metres. The requested reduction in lot area will not affect the ability for an adequately and compatibly sized detached dwelling to be provided on each lot and will be aided by the requested increase in lot coverage to 50% to ensure similar sized dwellings to those possible on adjacent lots can be developed

Maximum Lot Coverage

An additional 10% lot coverage for the main dwelling and subsequent 5% for covered porches and decks is requested for these lots (50% + 5%). This is a result of the smaller lot areas of the lots incurred due to the geometric offset from the cul-de-sac bulb. The additional lot coverage will allow for the implementation of a consistent built-form throughout the subdivision that utilizes the lot efficiently.

Minimum Front Yard Setback to Front Face of Dwelling

A reduction in front yard setback to the front face of the dwelling from 4.5 meters to 3.0 meters is requested. This provision will allow the dwellings to be located closer to the street, helping to activate the public realm. The proposed 3.0 metre setback provides sufficient space for landscape plantings to soften the interface between the dwelling and the public realm while also helping to create an attractive streetscape. The additional 1.5 metres of developable lot depth will assist with the efficient use of the lots that have smaller lot areas due to the cul-de-sac.

Minimum Front Yard Setback to Front Wall of Garage

In conjunction with the reduced front yard setback to the dwelling front face, a reduced setback to the front wall of garage from 7.5 meters to 6.0 meters is requested. This reduction is a result of the dwelling being pushed closer to the road but still achieves the intent of the garage setback in accommodating vehicular parking and in ensuring that the garage is subordinate to the main dwelling.

Minimum Rear Yard Setback

A reduction in rear yard setback is requested as the lots have reduced depth as a result of being located along the bulb in the roadway. A 5.0 meter rear yard setback is proposed for these lots.

The reduced setback provides a balance between providing a practical amount of private amenity space, while reducing maintenance obligations which is desirable for certain individuals. The proposed rear yard amenity areas for these lots are also proposed to be improved with a rear covered deck which provides weather protection and an additional layer of privacy and enables the full utilization of the outdoor area.

Maximum Building Height

The Zoning Amendment proposes an addition 1.0 metres in height beyond the 10.0 metre height limit. This additional height will facilitate steeper roof pitches, which will provide variation in contrast to the shallow pitched roofs to the south in St. Davids Estates. Such permission will assist in the achievement of variable built form in the St. Davids community, as contemplated by the urban design guidelines. This minor increase is in conformity with the Official Plan which permits building heights of 11.0 metres.

Permitted Encroachment

It is requested that the permitted encroachments in Section 6.44 of the Zoning By-law also be applicable to covered decks and porches. This is to recognize the difference in bulk and massing between covered porches and the main dwelling as covered porches are not enclosed and are typically only one-storey.

It is also requested that the site-specific by-law permit the encroachment of ornamental projections to an interior side yard lot line. This permitted encroachment would be limited to connecting materials between the primary dwelling and a shared fence.

TABLE 2: ZONING CONFORMITY - RESIDENTIAL 2 ZONE (R2-XXxB) – Lots 12, 13, 18 & 19

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.

Section 9.2 R2 Zone	Required	Proposed Change
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 4316Al-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.
Zone Requirements	Required	Proposed Change
Minimum Lot Frontage	15.0 metres	12.6 metres
Minimum Lot Area	475 sq. m.	333 sq. m.
Maximum Lot Coverage	40 %	50% plus 5% for covered porches or decks
Minimum Landscaped Open Space	25%	No Change Proposed.
Minimum Front Yard Setback to Front Face of Dwelling	4.5 metres	3.0 m
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	No Change Proposed.
Minimum Rear Yard Setback	7.5 metres	5.0 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 covered or uncovered porch, deck, balcony, patio or steps 2.25 metres from the rear lot line. 1.2 metres from a side lot line for a covered deck or porch.
Section 6.44 Permitted Yard Projections and Encroachments	Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures Maximum projection of 0.6 metres into any required yard.	An ornamental fencing structure may project from the side of dwelling to a shared fence line. (0.0 metre setback)

Lots 26-28 – (R2-XXXC)

Lots 26-28 are unique due to their wide frontages and shallower lot depths. This compression is due to the required location of the road extension from Kenmir Avenue and the location of the mutual lot line with existing dwellings along Tanbark Road.

The site-specific provisions requested to facilitate the efficient and compatible development of these lots are outlined below.

Maximum Lot Coverage

An additional 5% lot coverage for the main dwelling and subsequent 5% for covered porches and decks is requested for these lots (50% + 5%). This is a result of the smaller lot areas of the lots incurred due to the geometric offset from the cul-de-sac bulb. The additional lot coverage will allow for the implementation of a consistent built-form throughout the subdivision that utilizes the lot efficiently.

Minimum Front Yard Setback to Front Face of Dwelling

A reduction in front yard setback to the front face of the dwelling from 4.5 meters to 3.0 meters is requested. This provision will allow the dwellings to be located closer to the street and provide as much room as possible in the rear yard for amenity.

Minimum Front Yard Setback to Front Wall of Garage

In conjunction with the reduced front yard setback to the dwelling front face, a reduced setback to the front wall of garage from 7.5 meters to 6.0 meters is requested. This reduction is a result of the dwelling being pushed closer to the road but still achieves the intent of the garage setback in accommodating vehicular parking and in ensuring that the garage is subordinate to the main dwelling.

The provision of a 3.0 metre front yard setback and 7.5 metre garage setback would create too large of a space between building elements which would be noticeably inconsistent with dwellings found in St David Estates.

Minimum Rear Yard Setback

A reduction in rear yard setback is requested as the lots have reduced depth as a result of being located along the bulb in the roadway. A 5.0 meter rear yard setback is proposed for these lots due to the shallow lot depth. The reduced rear yard will provide sufficient dwelling depth to accommodate adequate living space and an attached garage that can fit a vehicle within.

The proposed rear yard amenity areas for these three lots are also proposed to be improved with a rear covered deck which provides weather protection and an additional layer of privacy and enables the full utilization of the available outdoor area.

Maximum Building Height

The Zoning Amendment proposes an addition 1.0 metres in height beyond the 10.0 metre height limit. This additional height will facilitate steeper roof pitches, which will provide variation in contrast to the shallow pitched roofs to the south in St. Davids Estates. Such permission will assist in the achievement of variable built form in the St. Davids community, as contemplated by the urban design guidelines. This minor increase is in conformity with the Official Plan which permits building heights of 11.0 metres.

Permitted Encroachment

It is requested that the permitted encroachments in Section 6.44 of the Zoning By-law also be applicable to covered decks and porches. This is to recognize the difference in bulk and massing between covered porches and the main dwelling as covered porches are not enclosed and are typically only one-storey.

It is also requested that the site-specific by-law permit the encroachment of ornamental projections to an interior side yard lot line. This permitted encroachment would be limited to connecting materials between the primary dwelling and a shared fence.

TABLE 3: ZONING CONFORMITY - RESIDENTIAL 2 ZONE (R2-XXXC) – Lots 26, 27 & 28

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.

Section 9.2 R2 Zone	Required	Proposed Change
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 4316Al-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.
Zone Requirements	Required	Proposed Change
Minimum Lot Frontage	15.0 metres	No Change Proposed.
Minimum Lot Area	475 sq. m.	No Change Proposed.
Maximum Lot Coverage	40 %	45% plus 5% for covered porches or decks
Minimum Landscaped Open Space	25%	No Change Proposed.
Minimum Front Yard Setback to Front Face of Dwelling	4.5 metres	3.0 m
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	No Change Proposed.
Minimum Rear Yard Setback	7.5 metres	5.0 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 covered or uncovered porch, deck, balcony, patio or steps 2.5 metres from the rear lot line. 1.2 metres from a side lot line for a covered deck or porch.
Section 6.44 Permitted Yard Projections and Encroachments	Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures Maximum projection of 0.6 metres into any required yard.	An ornamental fencing structure may project from the side of dwelling to a shared fence line. (0.0 metre setback)

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 134 and 136 Tanbark Road in the St. Davis Settlement Area of the Town of Niagara-on-the-Lake.

The applications together contemplate the development of twenty-eight (28) residential dwelling units on a 1.776 hectare parcel of land. The development will include varying size lots for single detached dwellings and a block for pedestrian access and servicing connections to Tanbark Road.

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 8.23 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 minor and appropriate for the subject lands.

The required Zoning By-law Amendment will amend the site zoning from Residential Development (RD) to site-specific Residential Two (R2) Zones. The site-specific provisions are required to efficiently develop the property, have regard for geometric pinch points and facilitate a mix of lot and dwelling sizes.

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, 2017 Niagara Escarpment Plan, 2022 Niagara Official Plan and Town of Niagara-on-the-Lake Official Plan (as Amended).

Therefore, it is my opinion that the applications will facilitate the appropriate development of the subject lands in a manner that is compatible with adjacent land uses, efficiently and logically utilizes the property and represents good planning.

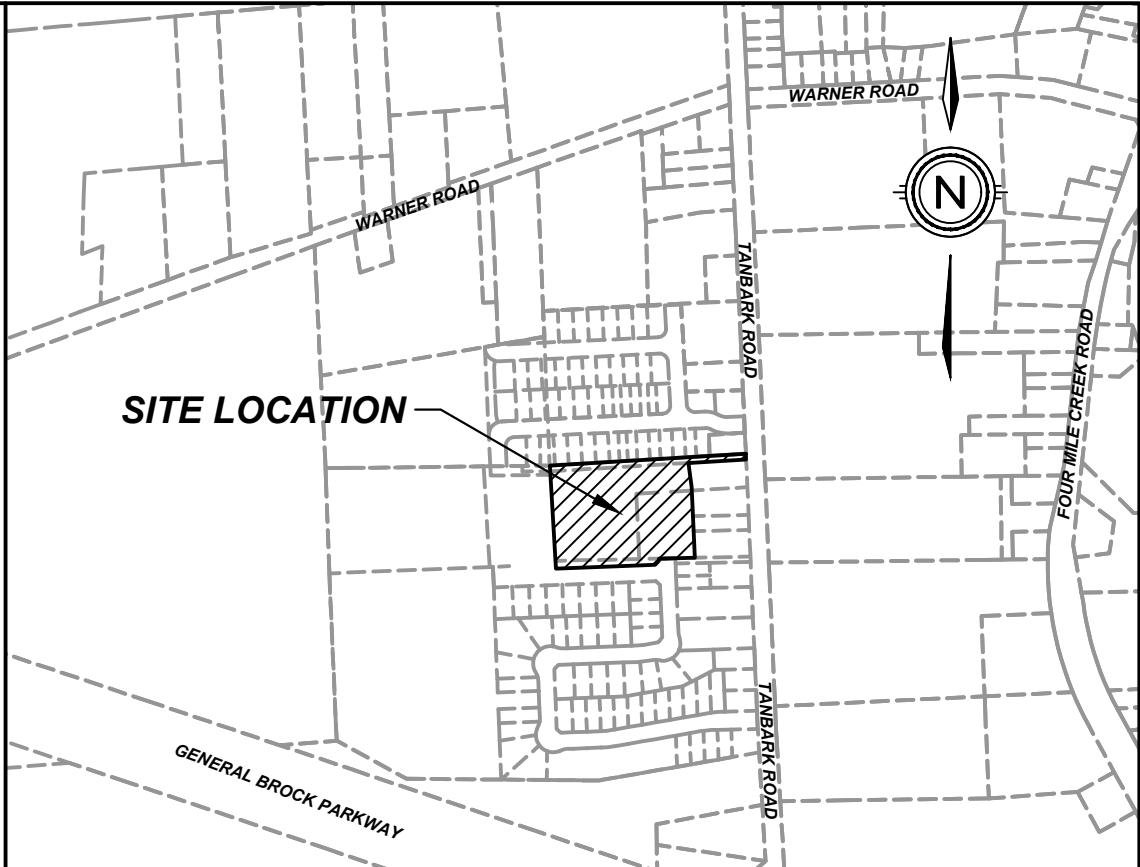
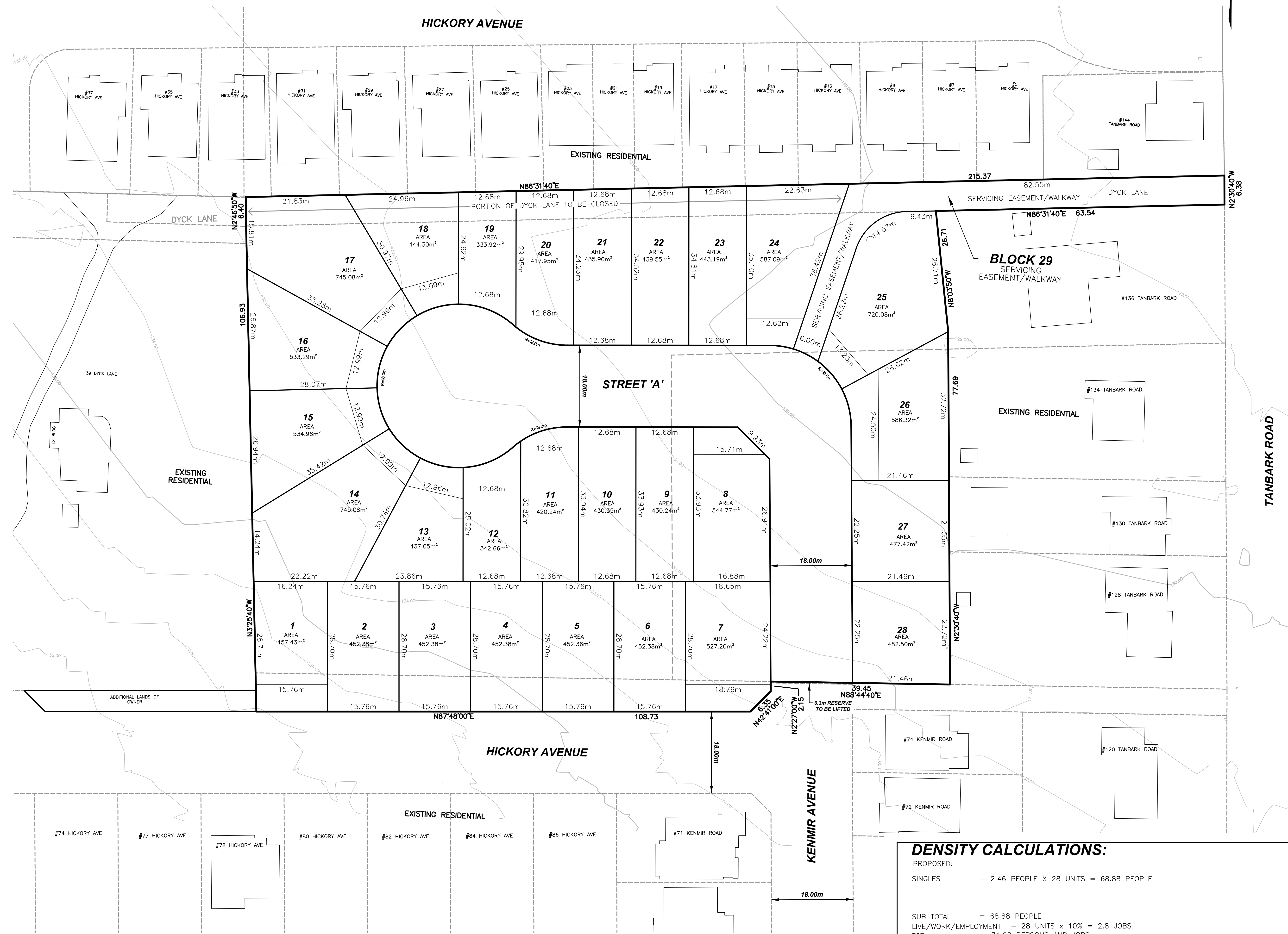
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'William Heikoop', written in a cursive style.

William Heikoop, B.U.R.Pl., MCIP, RPP
Planner
Upper Canada Consultants

APPENDIX I
DRAFT PLAN OF SUBDIVISION

OPULENCE
TOWN OF NIAGARA - ON - THE - LAKE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PARTS 1, 3 & 5, PLAN 30R-16093 AND PART 6, PLAN 30R-13040
PART OF BLOCK 65, REGISTERED PLAN 30M-318
AND
PART OF TOWNSHIP LOT 94
GEOGRAPHIC TOWNSHIP OF NIAGARA
NOW 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.

SURVEYOR'S CERTIFICATE

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

J.D. Barnes Ltd. *April 26, 2023*
J.D. BARNES LTD. DATE

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


a) SEE PLAN	e) SEE PLAN	i) CLAY LOAM
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-DETACHED RESIDENTIAL	LOT 1-28	28	1.377	77.48
6.0m EASEMENT/WALKWAY	BLOCK 29		0.075	4.17
ROADWAY			0.324	18.35
TOTAL		28	1.776	100.00

DEVELOPABLE AREA (LESS ROADWAY & WALKWAY) = 1.377ha
DEVELOPABLE DENSITY = 20.33 units/ha

0	ISSUED FOR APPROVAL	2023-06-27	M.K
#	REVISION	DATE	INIT

		UPPER CANADA CONSULTANTS <i>ENGINEERS / PLANNERS</i>	
DRAFT PLAN OF SUBDIVISION		DRAFTING TA/MK/AM	
		DATE AUGUST 4, 2022	
		PRINTED JUNE 27, 2023	
		SCALE 1:400	
		DWG No.	REV
		21224-DP	0

DENSITY CALCULATIONS:

PROPOSED:
SINGLES - 2.46 PEOPLE X 28 UNITS = 68.88 PEOPLE

SUB TOTAL = 68.88 PEOPLE
LIVE/WORK/EMPLOYMENT - 28 UNITS x 10% = 2.8 JOBS
TOTAL = 71.68 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha) - 71.68/1.776 ha = 40.36 PERSONS & JOBS PER HECTARE

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 28 residential lots for single detached dwellings.

BASIS

The basis of the amendment is as follows:

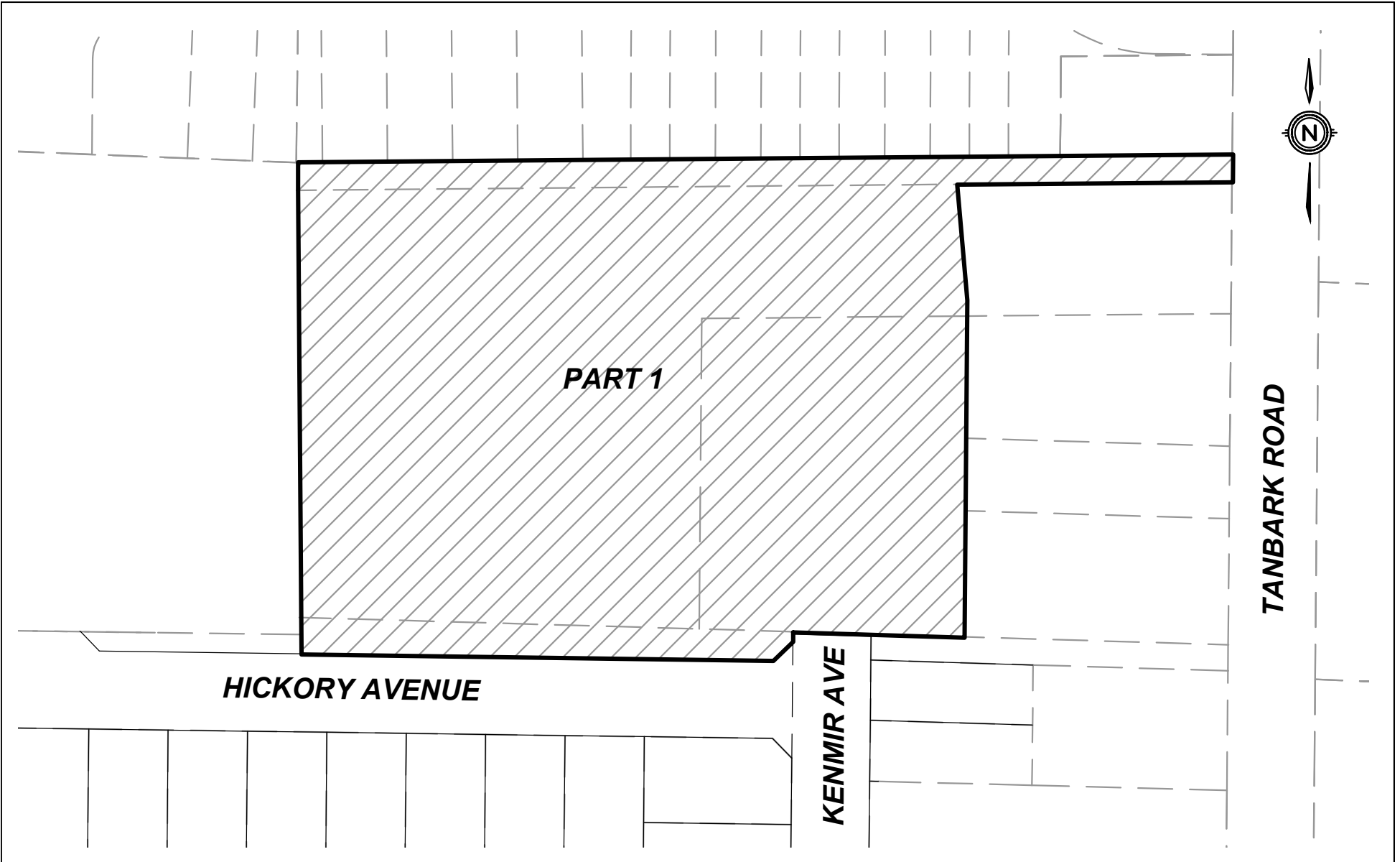
1. Upper Canada Consultants has submitted applications for Draft Plan of Subdivision and to amend the Town of Niagara-on-the-Lake Official Plan and Zoning By-law 4316-09 to facilitate the creation of a residential Subdivision
2. The related Zoning By-law Amendment proposes to rezone the lands from RD to site specific R2 Zone to facilitate a more dense development that permitted under current provisions.
3. The submitted applications are consistent with the 2020 Provincial Policy Statement and conform with the 2017 Niagara Escarpment Plan, 2020 Growth Plan for the Greater Golden Horseshoe and 2022 Niagara Official Plan.
4. Notwithstanding the minor density exceedance 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 134 and 136 Tanbark Road 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 “eight point two three” (8.23) units per acre.



LEGEND



PART 1 - FROM LOW DENSITY RESIDENTIAL TO LOW DENSITY
RESIDENTIAL-SITE SPECIFIC

OPULENCE

SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. ____

MAYOR: _____

CLERK: _____



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 134 and 136 Tanbark 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 Hickory Avenue (North) and north of Hickory Avenue (South).

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 twenty-eight (28) single detached dwellings.

The subject lands are zoned Residential Development (RD) and require a Zoning By-law Amendment to be developed beyond existing uses. The proposed amendment will rezone the lands to Residential 2 (R2-X) with site-specific provisions.

Effect

The effect of this By-law is to rezone the subject lands with site -specific Residential 2 Zoning to facilitate the development of twenty-eight (28) lots for single detached residential dwellings.

Site specific provisions for reduced lot frontage, reduced minimum lot area, increased lot coverage, reduced front and rear yard setback, reduced exterior side yard setback, increased building height and permitted encroachments are proposed.

<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**

134 and 136 Tanbark Road, 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 Development” (RD) to three “Residential 2” Site Specific Zones (R2-XXXA, R2-XXXB, R2-XXXC).
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: Opulence Subdivision”;
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-XXXA)

Minimum Lot Frontage	12.6 metres
Minimum Lot Area	417 square metres
Maximum Lot Coverage	45 % plus 5% for covered porches and decks.
Minimum Front Yard Setback to Front Face of Dwelling	3.0 metres
Minimum Front Yard Setback to Front Face of the Attached Garage	6.0 metres
Minimum Exterior Side Yard Setback	3.0 metres
Minimum Rear Yard Setback	6.0 metres
Maximum Building Height	11.0 m

Provisions

6.44 Table 6-10	a) Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections And Encroachments	<ul style="list-style-type: none">• 3.5 m from rear lot line• 1.2 m from side lot line for a covered deck or porch
	b) An ornamental fencing structure may project from the side of dwelling to a shared fence line. (0.0 metre setback)

Residential 2 Zone (R2-XXXB)

Minimum Lot Frontage	12.6 metres
Minimum Lot Area	333 square metres
Maximum Lot Coverage	50 % plus 5% for covered porches and decks.
Minimum Front Yard Setback to Front Face of Dwelling	3.0 metres
Minimum Front Yard Setback to Front Face of the Attached Garage	6.0 metres
Minimum Rear Yard Setback	5.0 metres
(m) Maximum Building Height	11.0 m

Provisions

6.44 Table 6-10	a) Unenclosed and covered or uncovered porch, deck,
-----------------	---

*Permitted Yard Projections
And Encroachments*

- balcony, patio and steps.*
- 2.25 m from rear lot line*
 - 1.2 m from side lot line for a covered deck or porch*
- b) An ornamental fencing structure may project from the side of dwelling to a shared fence line. (0.0 metre setback)*

Residential 2 Zone (R2-XXXC)

<i>Maximum Lot Coverage</i>	<i>45 % plus 5% for covered porches and decks.</i>
<i>Minimum Front Yard Setback to Front Face of Dwelling</i>	<i>3.0 metres</i>
<i>Minimum Front Yard Setback to Front Face of the Attached Garage</i>	<i>6.0 metres</i>
<i>Minimum Rear Yard Setback</i>	<i>5.0 metres</i>
<i>(m) Maximum Building Height</i>	<i>11.0 m</i>

Provisions

<i>6.44 Table 6-10</i>	<i>a) Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.</i>
<i>Permitted Yard Projections And Encroachments</i>	<ul style="list-style-type: none"><i>• 2.5 m from rear lot line</i><i>• 1.2 m from side lot line for a covered deck or porch</i> <p><i>b) An ornamental fencing structure may project from the side of dwelling to a shared fence line. (0.0 metre setback)</i></p>

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

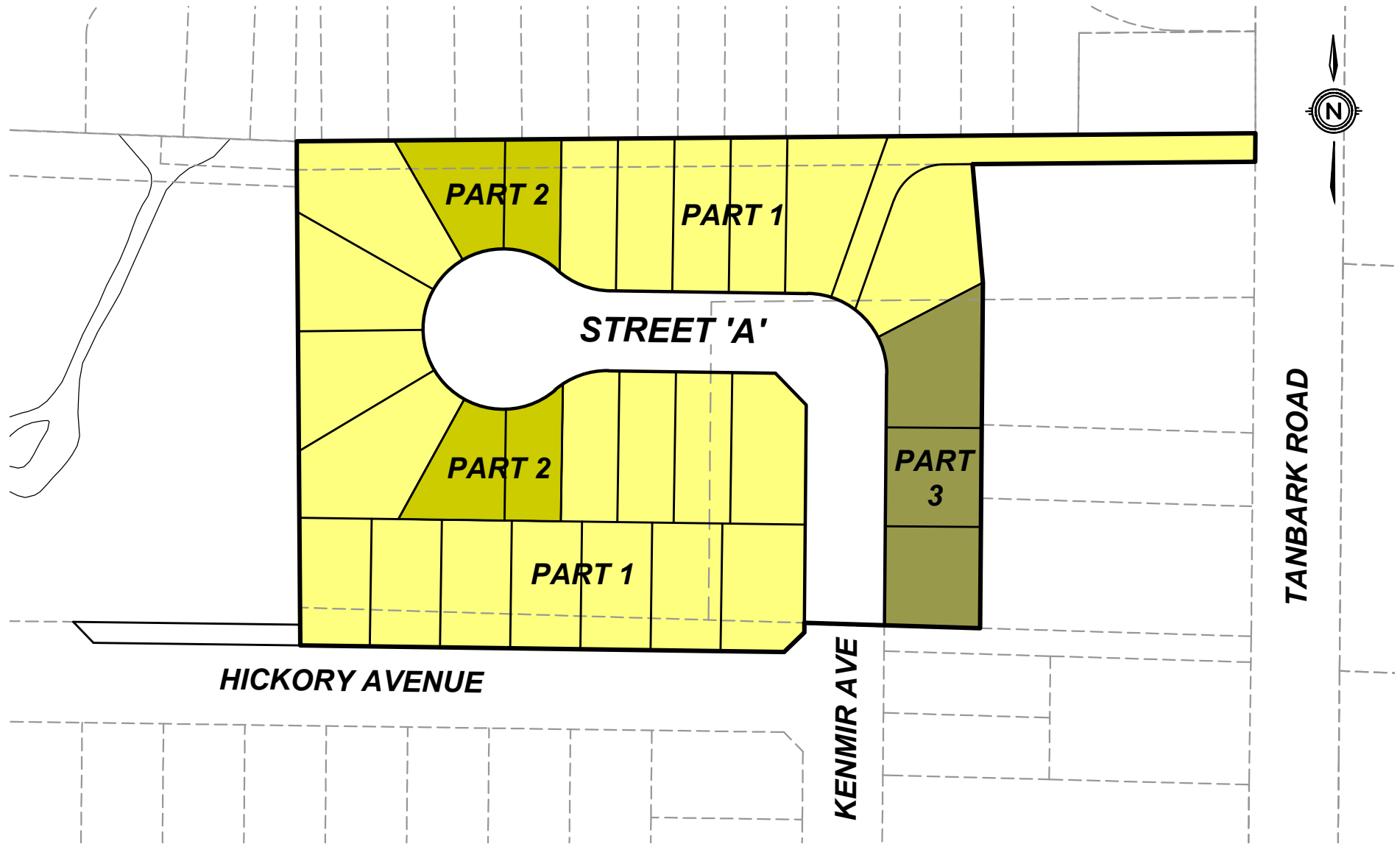
READ A FIRST, SECOND AND THIRD TIME THIS X DAY OF X, 2023.

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



LEGEND

- PART 1 - FROM RESIDENTIAL DEVELOPMENT (RD) ZONE TO RESIDENTIAL 2-SITE SPECIFIC (R2-XXXA) ZONE**
- PART 2 - FROM RESIDENTIAL DEVELOPMENT (RD) ZONE TO RESIDENTIAL 2-SITE SPECIFIC (R2-XXXB) ZONE**
- PART 3 - FROM RESIDENTIAL DEVELOPMENT (RD) ZONE TO RESIDENTIAL 2-SITE SPECIFIC (R2-XXXC) ZONE**

OPULENCE

SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____



APPENDIX IV
PRE-CONSULTATION AGREEMENT

Office Use Only --	Meeting date: November 3, 2022	Fee collected: \$2,780
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APPLICANTS only need to complete page 1 of this form. E-mail the entire document with page 1 filled out to: planning.development@notl.com
You will be contacted with a meeting date and a planner will be assigned to your file.

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. This 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 checked="" 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 134-136 Tanbark Road		Assessment Roll Number
Legal Description		
Lot Area (metric) 1.776 ha	Lot Frontage (metric) 109.12m	Lot Depth (metric) 113.06m

3. Registered Owner

Name(s) Cyrus Gatta	Company Name 1784510 Ontario Limited
Email cyrus@gattahomes.com	Telephone 905 468 8867

4. Authorized Agent

Name William Heikoop	Company Name Upper Canada Consultants
Email wheikoop@ucc.com	Telephone 905-688-9400

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:

Draft plan of subdivision involving the vacant lands currently belonging to 134 and 136 Tanbark. A consent application has already been submitted to consolidate the 134 Tanbark Lands with the remnant Block 65 in St. Davids Estates. An additional consent application is required to add the 136 Tanbark Road lands to the property.

6. Provincial Planning, Official Plan, and Zoning Information

Identify the applicable Provincial Plan designations that apply to the subject lands:

☐ Specialty Crop Area ☒ Built-Up Area ☐ Greenfield Area ☒ Niagara Escarpment Plan Area

Does this application conform to the applicable Provincial Plans? ☒ Yes ☐ No

Existing Niagara Regional Official Plan Designation(s) of the subject lands:

Urban (Built-up) Area

Does this application conform to the Niagara Regional Official Plan? ☒ Yes ☐ 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? ☒ Yes ☐ No

If no, describe the nature of the amendment needed:

OP Section 9.3.1(1) states:

Uses permitted independent of a Main Use:

- Medium density residential uses (townhouses) subject to; the relevant policies of Section 9, and a site specific ZBA

Existing Town of Niagara-on-the-Lake Zoning of the subject lands:

Residential Development (RD)

Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law? ☐ Yes ☒ No

If no, describe the nature of the amendment needed:

Only existing uses are permitted within the RD zone, require a Zoning By-law Amendment to facilitate the proposed residential redevelopment.

7. Site Plan Control

Is Site Plan Approval required for the proposal? ☒ Yes ☐ No

Is there an existing Site Plan Agreement that applies to any portion of the subject lands? ☐ Yes ☒ No

8. Archaeology and Municipal Heritage

Is any portion of the subject lands within an area of archaeological potential? ☒ Yes ☐ No

Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? ☐ Yes ☒ No

Is any portion of the subject lands or adjacent lands designated under the *Ontario Heritage Act*? ☐ Yes ☒ No

9. Niagara Peninsula Conservation Authority (NPCA)

Is any portion of the subject lands within an NPCA regulated area? ☐ Yes ☒ No

10. Parkland Dedication and Development Charges

Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the *Planning Act, R.S.O. 1990, c. P.13*? ☒ Yes ☐ No

Are Town Development Charges applicable to the proposal? ☒ Yes ☐ No

11. Agencies to be Circulated on the Application (subject to change)

☒ Niagara Region ☒ Niagara Escarpment Commission ☐ NPCA ☐ Niagara Parks Commission

☒ Enbridge Gas ☒ TransCanada Pipelines ☒ Bell Canada ☒ NOTL Hydro

☒ Hydro One ☒ Canada Post ☐ Parks Canada ☒ Local School Boards

☐ 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	Required with ZBA
<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)	Required with ZBA
<input type="checkbox"/> Cultural Heritage Impact Assessment	
<input checked="" type="checkbox"/> Environmental Impact Study	Constraints Analysis/Natural Heritage Evaluation, required with ZBA
<input checked="" type="checkbox"/> Environmental Site Assessment	Phase 1 with soil sampling, required with ZBA and Subdivision Agreement
<input type="checkbox"/> Arborist Report / Tree Inventory	
<input checked="" type="checkbox"/> Functional Servicing Report	Brief, required with Subdivision Agreement
<input checked="" type="checkbox"/> Stormwater Management Report	Required at Subdivision Agreement stage
<input type="checkbox"/> Land Use / Market Study	
<input type="checkbox"/> Urban Design Brief	
<input type="checkbox"/> Geotechnical Study	
<input type="checkbox"/> Hydrogeological Study	
<input type="checkbox"/> Slope Stability Report	
<input checked="" type="checkbox"/> Air, Noise, and Vibration Emissions Study	Noise Study, required with ZBA and Subdivision Agreement
<input type="checkbox"/> Agricultural Impact Assessment	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
Plans/Drawings	Notes
<input checked="" type="checkbox"/> Site Plan	Concept plan - include building envelopes
<input checked="" type="checkbox"/> Landscape Plan and Planting Plan	Required at Subdivision Agreement Stage
<input checked="" type="checkbox"/> Building Elevations	Conceptual
<input type="checkbox"/> Coloured Site Plan, Landscape Plan and Building Elevations	
<input type="checkbox"/> Floor Plans (including Gross Leasable Floor Areas)	
<input checked="" type="checkbox"/> Photometric Plan / Lighting Plan	Required at Subdivision Agreement stage
<input checked="" type="checkbox"/> Draft Plan of Subdivision	
<input type="checkbox"/> Draft Condominium Description	
<input checked="" type="checkbox"/> Servicing Plan	Required at Subdivision Agreement stage
<input checked="" type="checkbox"/> Preliminary Grading Plan	Required with Subdivision, Grading Plan required at Sub Agreement
<input checked="" type="checkbox"/> Lot Grading and Drainage Area Plan	Required at Subdivision Agreement stage
<input checked="" 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 checked="" type="checkbox"/> Streetscape Plan	Required at Subdivision Agreement Stage
<input type="checkbox"/>	
<input type="checkbox"/>	

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	Required at Subdivision Agreement stage
<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	TBC for 2023	Refer to attachme			
Draft Plan of Subdivision	TBC for 2023	Refer to attachme		Refer to attachmen	
Draft Condominium Description					
Site Plan					
Consent	\$2,835				
Minor Variance					
Fence/Sign Variance					
LNCU Permission					
Pre-Consultation Fee Deduction	-\$2,780				
Other: _____					
Other: _____					
Other: _____					
Other: _____					

14. Additional Comments

Note that the Town is currently undergoing a review of Application fees, and the fees listed in Section 13 are current for 2022. Please follow-up with Town staff prior to submitting your application to ensure that the correct review fees are paid. There are ongoing proposed Provincial changes (i.e. Bill 109) to the planning process which may impact or change next steps for application submission. Please follow-up with Town staff prior to submitting your application to ensure that all requirements and process are met.

- The Town's OP identifies single detached dwellings as a main use within the Low Density Residential designation, and townhouse dwelling units as a main use within the Medium Density Residential designation. Medium density residential uses are permitted within the Low Density designation subject to the policies of Section 9 of the Town's OP and a site specific amendment to the Zoning By-law.
- According to the Town's Official Plan, low density residential projects may be developed to a maximum of 6 units per acre net density. Medium density residential projects may be developed to a maximum of 12 units per acre net density. Greater density may be permitted if accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development, which will be subject to a public review process. The current proposal has a net density of approximately 6.6 units per acre.
- Redevelopment requires review from the Urban Design Committee. Development for the lands should have regard for the St. Davids Secondary Plan and Urban Design Guidelines.
- The proposal should consider the build out of the remaining RD land and address the Town's OP for ensuring the orderly design of infrastructure and compatibility with abutting lands. If pursuing this design, please demonstrate that the proposed roadway does not need to connect through to the future Hickory Street extension.
- Town Fire staff will look to confirm that Block 27 will be used for emergency access, or whether the Block is only intended to be a walkway/easement.
- A Zoning By-law Amendment is required from Residential Development zone, to address proposed the single detached and townhouse dwelling units. The provisions will likely need to be site-specific given existing zoning permissions. Minor Variances will not be permitted for 2 years after the ZBA is approved.
- The lands are partially in the Zone of Archaeological Potential; it is recommended that a Stage 1-2 Archaeological Assessment be conducted for the entire property. Please also submit the accompanying Ministry acceptance letter.
- Consent application and rezoning required for existing dwelling fronting Tanbark (140 Tanbark Road) - to separate the lands from the subdivision, and to rezone the dwelling from Residential Development (RD).
- In accordance with the Town's Official Plan, Site Plan Approval will be required for the townhouse block. The townhouse dwelling lots may be severed by way of part lot control.
- **Refer to attachments (via email) for comments from Town Operations, Niagara Region and the Niagara Escarpment Commission staff.**

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.

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	Aimee Alderman		November 3, 2022
Planning Manager	Rick Wilson		November 3, 2022
Development Coordinator	Ana Gaio		November 3, 2022
Secretary-Treasurer, CoA	Natalie Thomson		November 3, 2022
Operations Staff	Rob Alguire		November 3, 2022
Regional Staff	Amy Shanks		November 3, 2022
NPCA Staff			
Other Staff: <u>NEC</u>	Cheryl Tansony		November 3, 2022
Other Staff: <u>Operations Staff</u>	Kiefer Paton		November 3, 2022
Other Staff: _____			
Registered Owner	Kekoo & Cyrus Gatta		November 3, 2022
Authorized Agent	William Heikoop (UCC)		November 3, 2022
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.com
E-mail: planning.development@notl.com