



Town of Niagara-on-the-Lake

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REPORT #: CDS-23-160 **COMMITTEE DATE:** 2024-01-16
REPORT TO: COTW-General **DUE IN COUNCIL:** 2024-01-30

SUBJECT: Tawny Ridge Estates Phase 1 - OPA-03-2022, ZBA-12-2022 & 26T-18-22-02
Tawny Ridge Estates Phase 2 - OPA-05-2022, ZBA-25-2022 & 26T-18-22-03
170 - 192 Tanbark Road & South Side of Warner Road

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Official Plan Amendment (File OPA-03-2022) for lands described as Tawny Ridge Estates Phase 1 (170 - 192 Tanbark Road) be approved, and the draft Official Plan Amendment, attached as **Appendix V** to this report, be adopted by Council;
- 1.2 The application for Zoning By-law Amendment (File ZBA-12-2022) for lands described as Tawny Ridge Estates Phase 1 (170 - 192 Tanbark Road) be approved, and the draft Zoning By-law Amendment, attached as **Appendix IX** to this report, be adopted by Council;
- 1.3 The application for Draft Plan of Subdivision (File 26T-18-22-02) for lands described as Tawny Ridge Estates Phase 1 (170 - 192 Tanbark Road), attached as **Appendix I** to this report, be approved subject to the conditions contained in **Appendix VII** to this report;
- 1.4 The Lord Mayor be authorized to endorse the Tawny Ridge Estates Phase 1 Draft Plan of Subdivision as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received;
- 1.5 The application for Official Plan Amendment (File OPA-05-2022) for lands described as Tawny Ridge Estates Phase 2 (South Side of Warner Road, West of Tanbark Road) be approved, and the draft Official Plan Amendment, attached as **Appendix VI** to this report, be adopted by Council;
- 1.6 The application for Zoning By-law Amendment (File ZBA-25-2022) for lands described as Tawny Ridge Estates Phase 2 (South Side of Warner Road, West of Tanbark Road) be approved, and the draft Zoning By-law Amendment, attached as **Appendix X** to this report, be adopted by Council;
- 1.7 The application for Draft Plan of Subdivision (File 26T-18-22-03) for lands described as Tawny Ridge Estates Phase 2 (South Side of Warner Road, West of Tanbark Road), attached as **Appendix II** to this report, be approved subject to the conditions contained in **Appendix VIII** to this report; and

1.8 The Lord Mayor be authorized to endorse the Tawny Ridge Estates Phase 2 Draft Plan of Subdivision as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Council regarding applications for Official Plan Amendments, Zoning By-law Amendments and Draft Plans of Subdivision for the residential development of “Tawny Ridge Estates Phase 1” and “Tawny Ridge Estates Phase 2” on the west side of Tanbark Road and south side of Warner Road.
- The Official Plan Amendments propose to redesignate the lands from “Low Density Residential” to site-specific “Low Density Residential” to permit an increased density.
- The Zoning By-law Amendments request that Phase 1 be rezoned from “Residential (R1) Zone” to “Residential (R2) Site-Specific Zone” and the Phase 2 lands be rezoned from “Residential (R1) Zone” and “Residential Development (RD) Zone” to “Residential (R2) Site-Specific Zone” and “Residential Multiple (RM1) Site-Specific Zones”.
- The Draft Plan of Subdivision applications would permit the development of Phase 1 with 12 lots for single-detached dwellings with access onto Tanbark Road. Phase 2 would develop with 20 lots for single-detached dwellings, 24 on-street townhouses and a block of multiple residential units (maximum 20 block townhouses or maximum 30 stacked townhouses) on new streets.
- Staff recommends approval of the applications, as detailed in this report, as the proposals conform to *Planning Act* requirements, are consistent with the Provincial Policy Statement and conform to Provincial, Regional and Town planning policies.

3. PURPOSE

This report provides recommendations to Council regarding two applications for Official Plan Amendment, two applications for Zoning By-law Amendment and two applications for Draft Plan of Subdivision for the proposed residential development referenced as “Tawny Ridge Estates” (Phase 1 and Phase 2).

Phase 1 proposes 12 lots for single-detached dwellings with access onto Tanbark Road and a walkway block.

Phase 2 proposes 20 lots for single-detached dwellings, six (6) blocks of land for 24 on-street townhouse units, a block of land for multiple residential units (maximum 20 block townhouses or maximum 30 stacked townhouses), a new public street network, walkway and blocks of land for temporary access, future development, road widening and reserves. The applicant has removed the original request for an apartment use in the development.

The Official Plan Amendment applications propose an increased residential density for the development on the subject lands.

The Zoning By-law Amendment applications request the subject lands be rezoned to “Residential (R2) Site Specific Zones” for the single-detached dwellings and “Residential Multiple (RM1) Site Specific Zones” for the townhouse portions of the Phase 2 subdivision.

The proposed Draft Plans of Subdivision are attached as **Appendix I** (Phase 1) and **Appendix II** (Phase 2) to this report. The Phase 2 subdivision includes new streets that connect to Chestnut Avenue to the south (Courtland Valley subdivision) and Warner Road to the north across from Angels Drive.

4. BACKGROUND

The subject lands are comprised of properties located on the west side of Tanbark Road (170, 178, 184 and 192 Tanbark Road) and south side of Warner Road in the urban area of St. Davids. The properties have a combined area of approximately 3.72 hectares (9.2 acres) and frontages of approximately 197 metres (646 feet) on Tanbark Road and 121 metres (397 feet) on Warner Road. The subject lands are shown on **Map 1** in **Appendix III** to this report. Surrounding lands contain residential, agricultural and community facility uses.

The applications for Phase 1 were deemed complete on November 1, 2022 and the Phase 2 submissions were deemed complete on December 20, 2022.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The applications have been evaluated for consistency and conformity with the relevant Provincial, Regional and local planning policies and legislation, as discussed in the following report sections. Applicable policies and legislation are provided in **Appendix IV** to this report.

5.1.1 Planning Act, R.S.O. 1990, c. P.13

The applications support matters of provincial interest, are consistent with policy statements and conform to provincial plans and upper-tier and lower-tier Official Plans as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “settlement area” according to the Provincial Policy Statement, 2020 (PPS), within the “Delineated Built-up Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) and as a “Minor Urban Centre” in the Niagara Escarpment Plan, 2017 (NEP). The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within the Urban Area Boundary and as a “Delineated Built-Up Area.”

The Provincial planning documents generally encourage efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities and consider impacts to climate change. The applications align with Provincial and Regional policies to provide more housing and a more diverse housing stock to address current housing needs. The variety of proposed housing types, including single-detached dwellings, block townhouses, and stacked townhouse units would cater to residents of different age groups, lifestyles, incomes, and household sizes. The applications would assist in achieving the regional intensification target and accommodate forecasted population growth. Additional density and intensification would provide a more compact built form and reduce land consumption.

Single-detached and townhouse dwellings are consistent with existing housing forms in St. Davids. The growth within St. Davids allows for the preservation of Escarpment Natural Areas and Escarpment Protection Areas and the scenic resources and open space character of the Niagara Escarpment.

The applications propose residential development within the boundaries of St. Davids where growth is intended to occur and municipal service capacity is available. It is important for the Town to use urban land efficiently and accommodate growth and development with the existing urban boundaries.

Staff consider the applications to be consistent with the PPS and conform with the Growth Plan, Niagara Escarpment Plan and Niagara Official Plan.

5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are currently designated “Low Density Residential” on Schedule D and “Built-Up Area” on Schedule I-3 in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”). The subject lands are also within Special Policy Area A-3 (St. Davids) in the Official Plan. The Town OP designation on the subject lands is shown on **Map 2** of **Appendix III** to this report.

Housing and Density

The Official Plan encourages a mix of housing types and intensification to meet the long-term needs of the community. Single-detached dwellings are permitted in Low Density Residential areas. The Official Plan also permits Medium Density Residential uses, such as townhouses, in Low Density Residential areas, subject to a Zoning By-law Amendment and conformity with other applicable policies.

The applications propose single-detached dwellings, on-street townhouses (direct access to a public road) and either block townhouses or stacked townhouses on Block 27 in Phase 2 (both accessed via centralized private driveways connecting to the internal public road). The proposed uses and built form should be compatible with surrounding development subject to the detailed Zoning By-law provisions and urban design review. The applicant has removed the option for an apartment in the development in response to public comments.

The General Residential Policies in the Official Plan direct that density is a function of service capacity and typography, and that the visual impression of the Town is that of a low-rise, low-density community, and while that impression should be maintained it is possible to consider a variety of built forms to provide housing options. The policies further direct that generally low-density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and which will be subject to a public review process. The applicant submitted a Planning Justification Report, including a Streetscape Analysis, that demonstrates how the proposed development is compatible with surrounding neighbourhoods.

The Residential Land Use policies within the St. Davids Special Policy Area A-3 state that low density residential projects may be developed to a maximum 6 units per acre net density. The Official Plan Amendments have been filed to address this policy requirement.

The Official Plan Amendment (OPA) for Phase 1 proposes an overall net residential density of 7.64 units per acre (18.87 units/hectare). The OPA for Phase 2 proposes an overall net residential density of 13.32 units per acre (32.66 units/hectare) within the existing “Low Density Residential” designation (including medium density housing forms as permitted by the OP). The increased site densities allow for a range of housing and an efficient use of urban land and municipal services. Staff is satisfied that these densities are appropriate in consideration of the policies of the Official Plan, the layout of the subdivisions and proposed Zoning By-law standards to achieve compatible development. The recommended Official Plan Amendments are attached as **Appendix V** (Phase 1) and **Appendix VI** (Phase 2) to this report.

Building Height

The Official Plan contains a building height policy that indicates building heights have generally not exceeded 11 metres (36 feet) and that for the most part this low-rise character should be maintained. Further, the policy states that the implementing zoning by-law should limit building height accordingly. The proposed maximum building height is 11 metres for the single-detached dwellings, on-street townhouses and block townhouses while a maximum height of 11.6 metres is requested for the stacked townhouses. The overall low-rise character of the Town would be maintained in accordance with the intent of the Official Plan.

Servicing and Roadways

The policies of the Official Plan require that all urban development shall be serviced with full municipal services including sanitary sewers, watermain and storm sewers. The proposed conditions for the subdivisions require approval of detailed servicing plans (Town and Provincial standards). Staff note that the developer is responsible for the construction of a storm sewer on Warner Road. Town Operations Staff continue to monitor runoff from developments upstream of the subject lands. The Town conducts maintenance along the storm system including the stormwater management ponds to ensure the system operates efficiently and effectively under storm events.

The new road network proposed for Phase 2 will be constructed to municipal standards and connect to Chestnut Avenue and Warner Road. The proposed streets (as well as Tulip Tree Road to the south) terminate at the westerly limit of the property to provide future opportunities to extend development onto abutting lands to the west (687 Warner Road and 681 Warner Road). A proposed temporary road access over Block 28 in Phase 2 will provide a turn-around for waste collection and emergency vehicles. Block 28 and Block 29 (small remnant parcel) are identified for future development. The applicant submitted a concept plan for the abutting lands to the west to demonstrate that the Tawny Ridge Estates development would not constraint any future development to the west.

Residents have requested that ‘Street A’ in Phase 2 be extended further east to connect with Tanbark Road. The residents raised concerns that the existing intersection of Hickory Avenue and Tanbark Road is unsafe due to the curvature of Hickory Avenue, the location of the abutting driveway at 144 Tanbark Road in proximity to Hickory Avenue and local driving conditions such as sightlines, on-street parking, traffic and speeding. The opinion of some

residents is that the Tawny Ridge Phase 2 development would result in additional traffic at the Hickory Avenue/Tanbark Road intersection and that the extension of 'Street A' would alleviate some of the additional traffic and avoid creating additional safety issues at the intersection. The potential of a road connection to Tanbark Road in this general location was shown on a concept plan considered for the overall area dating to 2006.

The applicant submitted a Transportation Impact Study (TIS) completed by Paradigm Transportation Solutions, a third-party engineering and planning consultant that specializes in traffic and transportation planning and engineering. The TIS concludes that the intersections in the study area in their current configurations will be minimally impacted with the additional traffic volumes generated by the proposed development and will continue to operate in a safe and efficient manner. Town Operations Staff accept the conclusions of the TIS - an additional street connection (Street A extension) is not required.

Town Staff continue to monitor Tanbark Road and use "speed minder" display boards to inform motorists of their speed (posted speed limit of 50 km/hour). The information collected from investigations is provided to Niagara Regional Police for enforcement consideration. Any changes to the intersection control at Tanbark Road and Hickory Avenue must meet warrants specified in the Ontario Traffic Manual - stop signs are not used as speed control devices but rather to control right-of-way conflicts. Town Staff can place on-street parking restrictions up to 30 metres on either side of the Tanbark Road and Hickory Avenue intersection to address any resident concerns.

Block 13 (Phase 1) and Block 36 (Phase 2) are proposed as a pedestrian walkway to provide convenient access for future residents to the existing park on the east side of Tanbark Road, south of Warner Road. The developer is also required to construct a sidewalk along the west side of Tanbark Road from Hickory Avenue to Warner Road (beyond the subdivision boundaries).

Trees

The Official Plan states that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. Further, the OP provides that in urban areas where it is unavoidable that trees be removed, the applicant shall plant trees of a similar or comparable species acceptable to the Town.

The applicant submitted arborist reports, prepared by Andrew Cook and Beacon Environmental Limited, for Phase 1 and Phase 2 of the proposed subdivision, respectively. The treed areas on the subject lands do not meet Provincial or Regional criteria for a significant woodland, and no species at risk were identified. The development would require the removal of 55 of 58 trees within Phase 1 and removal of 346 of 349 trees within Phase 2. Trees proposed for removal within Phase 1 include invasive species, those which have apple scab, or are in poor condition and infested with a borer. Trees proposed for removal in Phase 2 include 145 fruit trees or "weed trees" as defined by the Town and those in poor condition. Numerous trees considered to be in "good" condition are proposed for removal to allow the subdivision development; however, trees will be retained where possible. To ensure adequate tree canopy is achieved through the proposed development, a detailed Landscape Plan will be required for implementation as part of the subdivision development with conditions requested by the Town and Niagara Escarpment Commission.

Site Condition

A Phase One Environmental Site Assessment and Soil Sampling Report was completed for 170, 178, and 184 Tanbark Road and the south side of Warner Road and a Phase Two Environmental Site Assessment was completed for 192 Tanbark Road. The Environmental Site Assessment reports identified historic use of pesticides on and off-site along with above and below-ground fuel storage tanks at 178, 170 and 192 Tanbark Road. Soil testing was completed, and the reports concluded that site condition standards set by the Ministry were met. The Environmental Site Assessment reports concluded that the subject lands are suitable for residential development and no further environmental site assessment work is necessary.

Archaeology

Stage 1 and 2 Archaeological Assessments were completed for proposed development lands. The assessments concluded that no further archaeological work is recommended. Letters were issued by the Ministry acknowledging completion of the Stage 1 and 2 Archaeological Assessments.

Staff consider the applications to conform to the applicable policies of the Town OP.

The Conditions of Draft Plan Approval are contained in **Appendix VII** (Phase 1) and **Appendix VIII** (Phase 2) attached to this report.

5.1.4 St. Davids Urban Design Guidelines (2005)

The urban design policies for Special Policy Area A-3 require all development in St. Davids to be consistent with the St. Davids Urban Design Guidelines.

The applications for both Phase 1 and Phase 2 were considered by the Town's Urban Design Committee at their meeting on May 24, 2023. The Committee passed a motion that the following recommendations be considered by Staff and the applicant:

- Encourage the development to conform with the St. Davids Urban Design Guidelines
- Concern regarding additional height
- Keeping the existing dwellings to add diversity in housing style
- Concern about clear-cutting trees
- Concern that garages appear to dominate the front facades on renderings, steep pitches on roofs and unusual dormers
- Mitigation of climate change issues in the development
- Potential for Street B to wrap around development to join Street A
- Committee does not support proposed zoning respecting height, setbacks or apartment
- Proposed apartment is not consistent with Warner Road streetscape
- Provide a diversity of housing types
- Concern with driveways onto Tanbark Road given high traffic levels
- Drainage and infrastructure issues be addressed

These matters are addressed throughout the report respecting the subdivision design, conditions of approval and recommended Zoning By-law site-specific standards. Staff note that the Draft Plan conditions require all future dwellings to be reviewed by Staff prior to the

issuance of a building permit respecting urban design considerations in accordance with the St. Davids Urban Design Guidelines.

The Urban Design Guidelines state that the most important considerations for new construction to fit into St. Davids is the height and massing of the adjacent buildings. Dwellings to the south, in Courtland Valley are a mix of one and two-storey dwellings, whereas dwellings to the north, in Fiorucci Estates are predominantly larger two-storey dwellings. Pinecroft Estates, to the east, is characterized by one and 2 storey townhouse blocks.

The Urban Design Guidelines also direct that new Residential Areas should avoid a pattern of amorphous expansion and encourage new residential areas to be developed as new, distinct neighbourhoods of a defined size and unique character, but are well connected to the existing Village fabric of St. Davids both in character and through multiple physical linkages. The Urban Design Guidelines further direct that sub-neighbourhood areas may be distinguished by a dominant housing type, provided there is some intermixing of dwelling types and a variety of visible building elements and materials within each block. It is also recognized in the Urban Design Guidelines that diverse housing types and designs create great streets, and thereby, on any given street in St. Davids there is a striking lack of repetition.

There is no maximum height identified in the Urban Design Guidelines. Rather, the direction provided in the Urban Design Guidelines is that since the majority of existing buildings do not exceed two storeys in height, it is recommended that new buildings generally reflect the same proportions. On blocks that lack continuous building frontage, such as the subject lands, the Urban Design Guidelines indicate that consideration should be given to match heights/widths of neighbouring blocks. The maximum permitted height in Courtland Valley and Pinecroft Estates is 10.67 metres and the maximum permitted height of Fiorucci Estates is 10 metres. The proposed site-specific Zoning would permit a maximum height of 11 metres which is generally consistent with the height permitted in surrounding neighbourhoods.

The Urban Design Guidelines state that higher density housing should generally be placed along arterial, collector or major roads as well as around open spaces and at the end of blocks. The block townhouses/stacked townhouses are proposed along Warner Road, a major roadway in St. Davids. The stacked townhouses would also be in proximity to the existing park and are located at the end of a block with only one abutting lot.

The minimum front yard setback in the Urban Design Guidelines is between 3 and 4.5 metres. The Urban Design Guidelines also state that there should be a variety of front yard setbacks, between 3 and 6 metres on any given street. The proposed lots along Chestnut Avenue and 'Street A' conform to the Urban Design Guidelines as the minimum proposed front yard setback is 4.5 metres, which is also consistent with surrounding development.

Compared to other local streets, the existing lots along Tanbark Road have a wide variety of front yard setbacks, but front yard setbacks are generally larger. Therefore, proposed lots along Tanbark Road would have a minimum front yard setback of 6 metres to generally maintain the existing character while also adding to the existing variety of front yard setbacks that characterizes St. Davids.

The Urban Design Guidelines indicated that rear yard setbacks should be a minimum of 7.5 metres and that rear yard amenity areas should have a minimum depth of 5.5 metres with a minimum area of 50 square metres for single-detached dwellings and 45 square metres for townhouse dwellings. The proposed minimum rear yard setback is 7.0 metres with proposed site-specific encroachments for covered or uncovered patios and decks. The proposed site-specific rear yard setback generally conforms to the Urban Design Guidelines. Rear yard amenity spaces are expected to meet the minimum depth and area requirements.

The Urban Design Guidelines encourage short blocks to encourage walking which results in environmental and safety benefits. Block lengths are encouraged not to exceed 250 metres, should be interconnected to disperse traffic, and through traffic is discouraged. To promote walking and cycling, the Urban Design Guidelines encourage walkways through blocks and to open spaces to increase accessibility throughout neighbourhoods, between public amenities and facilities, and to link recreational trails. Where blocks exceed 250 metres, the Urban Design Guidelines state that mid-block connections, such as walkways, should be provided.

The applicant has proposed a mid-block walkway that would provide a pedestrian connection between Chestnut Avenue and Tanbark Road. The walkway has a 3-metre right-of-way and would provide convenient access to the existing park. Sidewalks are also required along the west side of Tanbark Road, providing connections to surrounding areas. The Pedestrian Network Plan provided in the Urban Design Guidelines also identifies a pedestrian linkage in the same location as the proposed walkway.

5.1.5 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated "Residential" and "Built-Up Area" in the proposed Town of Niagara-on-the-Lake Official Plan. The Residential designation permits a variety of residential uses, building forms and densities subject to compatibility and design considerations.

5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09 (as amended)

The lands along Tanbark Road are zoned "St. Davids Community Zoning District - Residential (R1) Zone." The balance of the subject lands are zoned "St. Davids Community Zoning District - Residential Development (RD) Zone." The applicable zoning of the subject lands is shown on **Map 3 of Appendix III** to this report.

The Zoning By-law states that the RD Zone "is a development zone intending that the lands so zoned shall be developed for residential purposes at a subsequent date. The appropriate zone category shall be established through a Zoning By-law amendment." Permitted uses and zone requirements in the RD Zone are limited to "as existing."

The applications for Zoning By-law Amendment request to rezone the proposed lots fronting Tanbark Road (Phase 1) to "St. Davids Community Zoning District – Residential (R2)" with site-specific provisions. The Phase 2 lands are proposed to be rezoned to "St. Davids Community Zoning District – Residential (R2)" and "St. Davids Community Zoning District – Residential Multiple (RM1)" both with site-specific provisions.

The recommended site-specific Zoning By-law provisions are summarized as follows:

Phase 1 (Single-Detached Lots on Tanbark Road)

Zoning Provision	R2 Zone	R2 Site-Specific Zone
Maximum lot coverage	40%	50% Additional 5% lot coverage for attached covered and unenclosed porches, decks and patios
Minimum front yard setback to main façade of dwelling	4.5 metres	6.0 metres
Minimum rear yard setback	7.5 metres	7.0 metres
Maximum building height	10.0 metres	11.0 metres (2 storeys peaked roof)
Maximum projection of attached uncovered and covered (1-storey) and unenclosed porches, decks and patios into required rear yard	1.5 metres (uncovered)	3.05 metres

Phase 2 (Single-Detached Lots)

Zoning Provision	R2 Zone	R2 Site-Specific Zone
Maximum lot coverage	40%	50% Additional 5% lot coverage for attached covered and unenclosed porches, decks and patios
Minimum front yard setback to front face of attached garage	7.5 metres	6.0 metres (attached garage setback minimum of 1.5 metres behind the main façade of dwelling on ground floor)
Minimum exterior side yard setback	4.5 metres	4.0 metres (dwelling) 6.0 metres (front face of garage)
Minimum rear yard setback	7.5 metres	7.0 metres
Maximum building height	10.0 metres	11.0 metres (2 storeys peaked roof)
Maximum projection of attached uncovered and covered (1-storey) and unenclosed porches, decks and patios into required rear yard	1.5 metres (uncovered)	3.05 metres

The R2 Zone is an appropriate zone category as the single-detached lots within both Phase 1 and Phase 2 exceed the minimum lot frontage (15 metres) and minimum lot area (475 square metres) of the R2 Zone. The site-specific provisions allow for increased lot coverage corresponding to the available building envelope on a lot based on setbacks. An additional 5% coverage is permitted for covered and unenclosed porches for sheltered rear yard amenity space or front porches to enhance the streetscape. The R2 provision for front yard setback has

been increased to 6 metres for Phase 1 (Tanbark Road) to be more in keeping to existing homes along the street. Garages will be setback behind the main dwelling façade. The rear yard setback is proposed at 7 metres which is a minor reduction. The applicant requested a maximum height of 11 metres to permit various options in future dwelling designs. Staff has included a limitation for a maximum 2 storey dwelling with a peaked roof to address compatibility and urban design principles. The added height is a minor increase and comparable to the maximum height of 10.67 metres permitted in the abutting Courtland Valley subdivision. A provision to allow porches, decks and patios to encroach into the rear yard maintains a suitable separation to the rear property line.

Phase 2 (On-Street Townhouse Dwellings - Blocks 21 to 26)

Zoning Provision	RM1 Zone	RM1 Site-Specific Zone
Maximum lot coverage (overall block)	45%	55% Additional 5% lot coverage for attached covered and unenclosed porches, decks and patios
Minimum front yard setback to garage face	7.5 metres	6.0 metres (attached garage setback minimum of 1.5 metres behind the main façade of dwelling on ground floor)
Maximum width of garage face per unit	3.5 metres	5.4 metres (garage door width maximum 50% of dwelling unit façade width)
Minimum interior side yard setback for end units	1.8 metres	1.5 metres
Minimum exterior side yard setback	4.5 metres	4.0 metres (dwelling) 6.0 metres (front face of garage)
Minimum rear yard setback	7.5 metres	7.0 metres
Maximum building height	10.0 metres	11.0 metres (2 storeys peaked roof)
Maximum projection of attached uncovered and covered (1-storey) and unenclosed porches, decks and patios into required rear yard	1.5 metres (uncovered)	3.05 metres

The site-specific RM1 Zone is appropriate for the proposed on-street townhouses (direct frontage and driveway access to public roads). The conceptual unit frontages exceed the minimum 9 metres required in the standard RM1 Zone. Similar to the proposed R2 Zone, provisions are included for increased lot coverage, dwelling and garage setbacks and maximum building height. The maximum width of a garage door is provided to assist in reducing the impact of garage doors on the streetscape. Rear yard encroachments would be permitted for attached, uncovered or covered (1-storey) and unenclosed porches/decks/patios.

Phase 2 (Block Townhouses or Stacked Townhouses - Block 27)

Zoning Provision	RM1 Zone	RM1 Site-Specific Zone
Minimum lot frontage	30.0 metres	85.0 metres (south lot line)
Maximum number of dwelling units	no provision	20 (block townhouses) 30 (stacked townhouses)
Maximum lot coverage (overall block)	35%	50%
Minimum setbacks to property lines (overall block)	6.0 metres	4.5 metres (north, south & west lot line) 3.0 metres (east lot line)
Minimum distance between a dwelling unit and internal driveway/parking area	4.5 metres (dwelling) 6.0 metres (garage)	3.0 metres (dwelling) 6.0 metres (front face of garage) (attached garage setback minimum of 1.5 metres behind the main façade of dwelling on ground floor)
Maximum building height	10.0 metres	11.0 metres (block townhouse) (2 storeys peaked roof) 11.6 metres (stacked townhouse) (peaked roof)
Minimum accessory building setback	0.5 metres	4.5 metres
Maximum garage door width per unit	no provision	50% of dwelling unit facade
Minimum parking spaces for a stacked townhouse dwelling	2 spaces per unit	1.4 spaces per unit
Minimum amenity space (overall block)	no provision	5% - part of minimum 30% landscaped open space for overall block (private space abutting each block townhouse unit or common central space for stacked townhouse dwellings)
Minimum width of landscape buffer strip for any parking area abutting east lot line	no provision	3.0 metres
Maximum projection of attached covered (1-storey) and unenclosed porches into required setbacks to property lines	1.5 metres (uncovered)	1.5 metres (north, south & west lot line)

Concept plans were not submitted for the layout of the proposed townhouse units on Block 27. This block is adjacent Warner Road but would be accessed from the proposed new internal street. The location provides separation from dwellings on the north side of Warner Road allows direct vehicle access to this main roadway in the neighbourhood. The site-specific RM1 Zone provides development standards for either block townhouses (maximum 20 units) or stacked townhouses (maximum 30 units). Setbacks are established from the property limits. The maximum lot coverage provision has increased but the future design requirements may reduce the overall coverage when internal dwelling setbacks, driveways, parking and amenity spaces are considered. The maximum height of 11 metres (2-storeys and peaked roof) is

proposed for the block townhouses. The applicant requests a 11.6 metre height for the stacked townhouse option which is acceptable. A new parking provision for stacked townhouses is included to allow for resident and visitor parking in a common parking areas since stacked townhouse units do not typically provide parking spaces directly in front of each unit. The development of Block 27 requires future Site Plan Approval.

Appendix IX (Phase 1) and **Appendix X** (Phase 2) to this report contain the draft Zoning By-law Amendments.

5.3 Consultation

The applications were circulated to Town departments and external agencies. Notice of the applications was provided as required by the *Planning Act*. Comments from departments and agencies are summarized below (**Appendix XI** to this report contains agency comments):

Town Comments

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection. Hydrants to be shown on future plans.

Heritage – No objection. Archaeological clearances obtained from Province.

Operations – No objections. Detailed conditions of draft plan approval.

Parks – No objections. Cash-in-lieu of parkland dedication requested as conditions.

Urban Design Committee – Comments noted earlier in this report.

Agency Comments

Canada Post – No objection. Standard conditions requested.

Enbridge Gas – No objection. Standard conditions requested.

Bell – No objection. Standard conditions requested.

Hydro One – No objection.

Niagara Region – No objection. The applications are supported by Regional planning policies. Detailed conditions of draft plan approval.

Niagara Escarpment Commission – No objections. Condition requested for draft plans.

NOTL Hydro – No objection. Standard conditions requested.

District School Board of Niagara – No objection. Future students to attend St. Davids Elementary School and A. N. Myer Secondary School.

Niagara Catholic District School Board – No objection. Future students to attend St. Michaels Catholic Elementary School.

5.3.3 Public

An Open House was held on February 8, 2023 and a statutory Public Meeting was held on March 7, 2023. There were numerous people that spoke at both the Open House and Public Meeting and submitted letters and petitions. Comments from the public are provided in **Appendix XII** to this report and summarized as follows:

- density and the proposed apartment are not in keeping with the area
- concern with Zoning changes, dwelling sizes, setbacks and proposed height
- insufficient parking
- lack of parkland in the development

- trees should be preserved
- flooding and drainage concerns as well as water pressure issues in the neighbourhood
- traffic and safety concerns related to the existing intersection design at Tanbark Road and Hickory Avenue, speeding on Tanbark Road and increased traffic volumes from the development
- request for an additional street connection to Tanbark Road similar to that shown in a previous concept plan for development in the area

These comments have been addressed throughout the sections of this report. Staff provided a courtesy notice to residents that spoke or submitted comments indicating that the recommendation report on the applications was being considered at tonight's meeting.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse or modify the proposed Official Plan Amendments, Zoning By-law Amendments and/or Draft Plans of Subdivision and Conditions.

8. FINANCIAL IMPLICATIONS

The applicant is responsible for all costs associated with the development. The Town will collect Development Charges at the time of issuance of building permits. Cash-in-lieu of parkland dedication will be collected in accordance with the *Planning Act*.

9. ENVIRONMENTAL IMPLICATIONS

Tree removal on the subject lands is required for the proposed developments. Comments on tree removal and new plantings are addressed in the report and through conditions of Draft Plan Approval.

10. COMMUNICATIONS

Once Council has made decisions on the applications, notice of the decisions will be given as required under the *Planning Act*. The decisions of Council are subject to a 20-day appeal period. If no appeals are received during the appeal period, the decisions of Council are final.

11. CONCLUSION

Community and Development Services Staff recommend approval of the Official Plan Amendment Applications (OPA-03-2022 & OPA-05-2022), the Zoning By-law Amendment Applications (ZBA-12-2022 & ZBA-25-2022) and the Draft Plan of Subdivision Applications (26T-18-22-02 & 26T-18-22-03) as detailed in this report, since the applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement, and conform with the Growth Plan, Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-23-045** - Public Meeting (March 7, 2023) - Official Plan Amendments, Zoning By-law Amendments and Draft Plans of Subdivision - Tawny Ridge Estates Phase 1 & 2
- **CDS-23-120** - Urban Design Review (May 24, 2023) - Official Plan Amendments, Zoning By-law Amendments and Draft Plans of Subdivision - Tawny Ridge Estates Phase 1 & 2

13. APPENDICES

- **Appendix I** - Draft Plan of Subdivision - Phase 1
- **Appendix II** - Draft Plan of Subdivision - Phase 2
- **Appendix III** - Maps
- **Appendix IV** - Planning Legislation and Policies
- **Appendix V** - Draft Official Plan Amendment 87 - Phase 1
- **Appendix VI** - Draft Official Plan Amendment 88 - Phase 2
- **Appendix VII** - Draft Plan Conditions - Phase 1
- **Appendix VIII** - Draft Plan Conditions - Phase 2
- **Appendix IX** - Draft Zoning By-law Amendment - Phase 1
- **Appendix X** - Draft Zoning By-law Amendment - Phase 2
- **Appendix XI** - Agency Comments
- **Appendix XII** - Public Comments

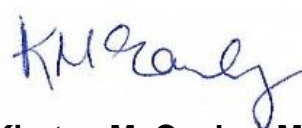
Respectfully submitted:

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