

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – 976 York Road
Zoning By-law Amendment Application ZBA-12-2023

DATE: 2024-04-09

REPORT #: CDS-24-054

PREPARED BY: Victoria Nikoltcheva, Planner II

DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

Executive Summary

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. All comments received will be considered through the review of the applications. No recommendation is being made at this time.

An application for a Zoning By-law Amendment has been received, which proposes to rezone the subject lands from “Rural (A) Zone” to “Rural (A) Site-Specific Zone” to facilitate the conversion from a Farm Winery to an Estate Winery with provisions for secondary uses for hospitality, retail, and kitchen containing commercial cooking equipment, as well as an outdoor event area and site-specific provisions for required off-street parking.

Location

The subject lands are located on the north side of York Road, east of Concession 6 Road, in the agricultural area of the Town (see **Figure 1**).

The subject lands have an area of approximately 10.17 hectares (25.13 acres) with 253 metres of frontage on York Road. The subject lands contain an existing two-storey winery production building and a vineyard. The building is serviced by municipal water and a private on-site septic system. The surrounding lands are characterized by agricultural and rural residential uses.

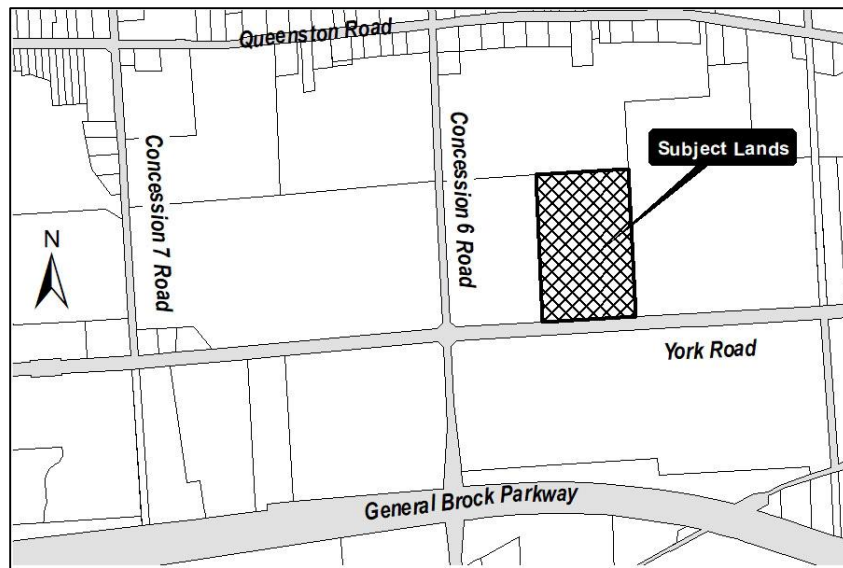


Figure 1: Location of subject lands

Development Process

The current application is in the first stage of the required development review and approval process outlined as follows:



Proposal

The Zoning By-law Amendment application requests to rezone the subject lands from “Rural (A) Zone” to “Rural (A) Site-Specific Zone” to facilitate the conversion from a Farm Winery to an Estate Winery with provisions for secondary uses for hospitality, retail, and kitchen containing commercial cooking equipment, as well as an outdoor event area and site-specific provisions for required off-street parking.

Architectural drawings showing the proposed Estate Winery use is attached as **Appendix I** to this report.

The following documents have been submitted and are being considered during the review of this application:

- Application Form – Zoning By-law Amendment, March 11, 2024
- Site Plan Drawings Package, December 4, 2023
- Planning Justification Report, February 12, 2024
- Draft Zoning By-law Amendment, February 12, 2024
- Stormwater Management Brief, July 2023
- Servicing Brief, November 2023
- Site Servicing & Grading Plan, November 1, 2023

- Septic System Capacity Report, February 5, 2024
- Septic Approval Permit, August 19, 2021
- Fire Fighting Access Letter, April 19, 2023
- Fire Fighting Details, May 31, 2023
- Topographic Survey with Plantings, March 25, 2019
- Security Cost & Working Days Estimate, November 1, 2021

The application was deemed complete on March 14, 2024.

An application for Site Plan Approval has also been submitted concurrently for review with the Zoning By-law Amendment in accordance with Town requirements.

Policy Review

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

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws. By-laws passed by Council shall conform to official plans that are in effect.

Provincial Policy Statement, 2020 (PPS)

The PPS identifies the subject lands as being within a "Prime Agricultural Area" and more specifically a "Specialty Crop Area". Healthy, integrated, and viable rural areas should be supported by efficient use of rural infrastructure and services, promoting diversification of the economic base and employment opportunities, and leveraging rural amenities and assets.

Policies further direct that agriculture-related and on-farm diversified uses are permitted in prime agricultural areas if they are compatible with and do not hinder surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives. The PPS also includes definitions for "agriculture-related uses" and "on-farm diversified uses."

Greenbelt Plan, 2017

The subject lands are designated as "Specialty Crop Area" (Niagara Peninsula Tender Fruit and Grape Area) within the "Protected Countryside" designation of the Greenbelt Plan. All types of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (the "Guidelines"). Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations. The Greenbelt Plan contains similar definitions of agriculture-related and on-farm diversified uses.

The Guidelines provide criterion that must be satisfied for a use to qualify as an agriculture-related use or an on-farm diversified use. The criteria for agriculture-related uses include farm-

related uses, compatibility with surrounding agricultural operations, relation to surrounding farm operations, supporting agriculture, providing products/services to farm operations and benefiting from being in close proximity to farm operations. The criteria for on-farm diversified uses include being located on a farm with an active agricultural operation, being secondary to the principal agricultural use, being limited in area, agri-tourism uses and uses that produce value-added agricultural products, and compatibility with surrounding agricultural operations.

Niagara Official Plan, 2022

The new Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and applies to the proposal. The subject lands are identified as being within the “Specialty Crop Area” on Schedule F in the NOP.

Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in the specialty crop area. The NOP provides descriptions and examples of each use and directs that proposed agriculture-related and on-farm diversified uses shall be compatible with, and not hinder, surrounding agricultural operations. The NOP contains similar criterion and policy framework as Provincial plans for agriculture-related and on-farm diversified uses.

Town of Niagara-on-the-Lake Official Plan (OP), 2017 Consolidation, as amended

The subject lands are designated “Agricultural” on Schedule A of the Town OP. The Town OP provides goals and objectives for agricultural designated lands, including the preservation of these lands, permitting a limited amount of farm-related development and considering the impact on surrounding agriculture.

Estate Wineries are permitted independent of a main use. Secondary uses are permitted in the agricultural designation, subject to demonstrating compatibility with surrounding operations, avoiding Good Tender Fruit/Good Grape lands, providing adequate servicing, functional circulation of the site (driveways and roads) and sufficient off-street parking/loading facilities. Further, the Town OP also provides that hospitality rooms and retail spaces for wineries may be considered where it is demonstrated that the uses are only accessory to and complement the estate winery.

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 intent. The subject lands are designated “Protected Countryside” in the proposed Official Plan and provides relevant background, objectives and policies, including permissions for Estate Wineries.

Town of Niagara-on-the-Lake Zoning By-law 500A-74, as amended

The subject lands are zoned “Rural (A)” in Zoning By-law 500A-74, as amended. The proposed Zoning By-law Amendment requests that the subject lands be rezoned to “Rural (A) Site-Specific Zone” to permit the conversion of the existing Farm Winery to an Estate Winery with site specific secondary uses limited to a maximum floor area of 713.2 square metres.

The proposed site-specific secondary uses and the associated floor areas, with a breakdown of each space, is provided below:

- Retail space – 26.6 square metres
- Commercial kitchen – 35.1 square metres

- Overall hospitality areas – 602 square metres
- Office – 49.5 square metres

Provisions are also proposed for an outdoor event area, including a total area of 185.8 square metres of outdoor event tent(s), and limits the number of events per year and hours of operation.

The amendment also requests site-specific provisions for required off-street parking facilities at a rate of 1 space per 18.5 square metres of secondary uses and 1 space per employee.

Consultation

The Application was circulated to required Town Departments and external agencies for review and comment. Public Notice of the Application was provided as required by the *Planning Act*. An electronic Open House was held on March 28, 2024.

The following comments have been received to date:

Town Comments

Building – A building permit is required for the interior alterations and change of use.

Finance – No objections.

Fire & Emergency Services – No objections.

Heritage – The Archaeological Assessment Ministry Compliance Letter does not reference the report submitted with the application. The Ministry Letter for the submitted assessment must be provided.

Agency Comments

No external agency comments were received at the time of preparation of this report.

Comments have been requested by April 5, 2024.

Public Comments

No public comments were received at the time of preparation of this report. No participants registered for the open house.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through the review of the application. The applicant will have an opportunity to respond to comments and may submit revised application materials. Any revised materials will be made publicly available. Once the review process has concluded, a staff recommendation report including a full review of all applicable policies will be prepared and presented at a future Committee of the Whole meeting.

ATTACHMENTS

- Appendix I – Architectural Drawings