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

**SUBJECT:** Public Meeting – 15608 and 15618 Niagara River Parkway  
Zoning By-law Amendment Application (ZBA-07-2024)

**DATE:** 2024-07-16

**REPORT #:** CDS-24-110

**PREPARED BY:** John Federici, MCIP, RPP, Senior Planner

**DEPARTMENT:** Community & Development Services

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## BACKGROUND INFORMATION

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. Staff is reviewing the information submitted and collecting comments. No recommendation is being made at this time.

The Zoning By-law Amendment Application has been submitted concurrently with a Consent Application to adjust the lot boundary between 15608 Niagara River Parkway and 15618 Niagara River Parkway. The Zoning By-law Amendment proposes to rezone a portion of the subject lands municipally known as 15608 Niagara River Parkway (Reif Estate Winery), which is proposed to be added to 15618 Niagara River Parkway through the boundary adjustment, to the existing “Rural Residential (RR) Site Specific Zone” on the lands. The Application also addresses a setback deficiency to an existing building located on 15608 Niagara River Parkway.

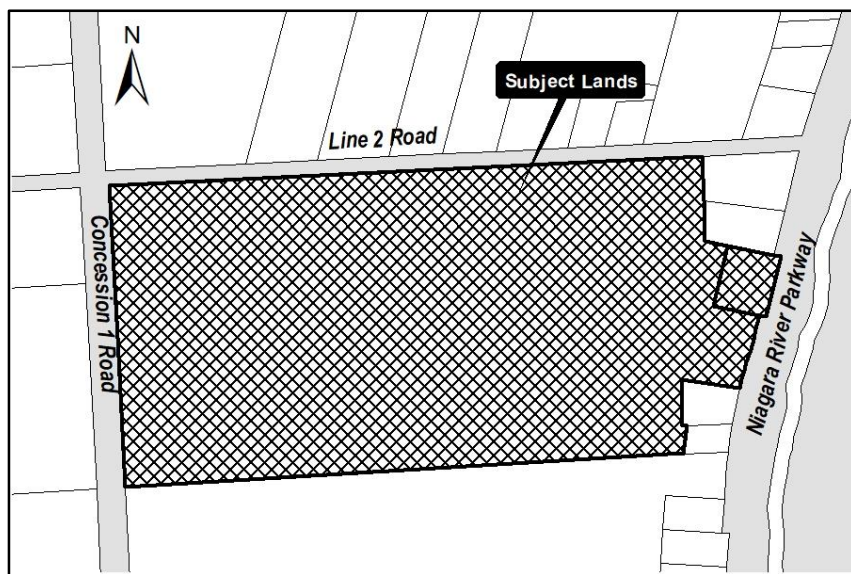
The Consent Application will be considered by the Town’s Committee of Adjustment during the July 18, 2024, meeting.

### Location

The subject lands comprise two separate parcels that are located to the south of Line 2 Road, east of Concession 1 Road and west of the Niagara River Parkway within the agricultural area (see **Figure 1**). The lands are municipally known as 15608 Niagara River Parkway and 15618 Niagara River Parkway.

The 15608 Niagara River Parkway property has an area of 323,667 square meters (approximately 79 acres) and is the location of Reif Estate Winery. 1,341.8 square meters of land from 15608 Niagara River Parkway is proposed to be added to 15618 Niagara River Parkway (Grand Victorian dwelling), which currently has an area of 6,124.9 square meters

(approximately 1.5 acres). Both properties combined have a total of 185.6 metres of frontage on Niagara River Parkway. The surrounding lands include agricultural and rural residential uses.



**Figure 1:** Location of the subject lands.

### **Development Process**

The Application is in the first phase of the development review process.



### **Proposal**

A Zoning By-law Amendment Application has been submitted to rezone the portion of the subject lands being added to 15618 Niagara River Parkway from “Rural (A) Site Specific Zone” to an existing “Rural Residential (RR) Site Specific Zone,” which was enacted through By-law No. 500XC-18.

Historically, the Reif Estate Winery lands and the Grand Victorian has had complementary functions (winery and country inn). The Grand Victorian now functions as a private residence and the lands proposed to be added through boundary adjustment are requested for rear yard amenity space for residential use.

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

- Cover Letter – May 23, 2024.
- Planning Justification Report – May 6, 2024.
- Consent Sketch – April 17, 2024.

- Site Plan – May 8, 2024.

The Zoning By-law Amendment Application was deemed complete by Town Staff on June 21, 2024.

A Consent Application has been submitted to adjust the boundary between 15608 and 15618 Niagara River Parkway. The Consent Application is being reviewed as part of a separate process and will be considered by the Town's Committee of Adjustment on July 18, 2024. The Consent Sketch is attached as **Appendix I** to this report.

### **Policy Review**

The following provides a general overview of the policy framework regarding the Zoning By-law Amendment Application. A full policy review will be completed and included in the recommendation report.

#### 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

The subject lands are identified as being within the "Prime Agricultural Area" and, more specifically, a "Specialty Crop Area" under the Provincial Policy Statement (the "PPS").

The PPS recognizes that agricultural land is an asset that must be properly managed and protected. The policies of the PPS restrict lot creation in agricultural areas and only permit the severance of agricultural lots for legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, or infrastructure, all subject to specific criteria. 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.

#### Greenbelt Plan, 2017

The subject lands are identified as being "Specialty Crop Area" (Niagara Peninsula Tender Fruit and Grape Area) within the "Protected Countryside" according to 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.

Section 4.6 of the Greenbelt Plan discourages lot creation within Prime Agricultural Areas, which include Specialty Crop Areas. Lot creation may only be permitted for agricultural or agricultural related uses, acquiring land for infrastructure purposes, minor lot adjustments or boundary additions provided that they do not create a separate lot for a residential dwelling, or for a residence surplus to a farming operation, all subject to specific criteria.

### Niagara Official Plan, 2022

The subject lands are designated as “Specialty Crop Area” on Schedule F in the Niagara Official Plan, 2022 (the “NOP”). Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in the specialty crop area.

The NOP permits consents for legal or technical reasons, and minor boundary adjustments, as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and they comply with all other policies in the NOP.

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

The subject lands are designated “Agricultural” on Schedule A in the Town of Niagara-on-the-Lake Official Plan (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.

The Town OP provides policies for consents for minor boundary adjustments on lands in the Agricultural designation that the boundary adjustment is minor, the parcel retained is large enough to support a potentially viable farm operation, the consent complies with other policies of the Plan, and the consent does not create a separate lot for a residential dwelling. Section 21 of the Town OP sets out further policies which direct that consents for severance where the site already contains a building should only be permitted if existing sanitary sewage disposal, water supply and drainage are adequate and the new lot lines to be created do not render any aspect of such services unsatisfactory.

### 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 identified as “Specialty Crop Lands” on Schedule B1 in the proposed Official Plan.

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

The portion of the subject lands municipally known as 15608 Niagara River Parkway are zoned “Rural (A) Site Specific Zone”, and lands municipally known as 15618 Niagara River Parkway are zoned “Rural Residential (RR) Site Specific Zone,” enacted through By-law No. 500XC-18.

The Zoning By-law Amendment Application has been submitted to rezone a portion of the lands municipally known as 15608 Niagara River Parkway to an existing “Rural Residential (RR) Site-Specific Zone” which applies to lands known municipally as 15618 Niagara River Parkway. The application also addresses a setback deficiency to an existing building located on 15608 Niagara River Parkway. Under Section 3.33 of Zoning By-law 500A-74, as amended, estate wineries are required to have a minimum building setback of 15 metres from all property lines. Relief is being requested to allow a setback of 12 metres from an existing administrative building to the property line.

### **Consultation**

The Application was circulated to Town Departments and external agencies for review and comment on June 21, 2024. Public Notice was provided as required by the *Planning Act*.

To date, the following comments have been received:

### Town Comments

Finance – No objection.

Operations – No objection.

### Agency Comments

Enbridge Gas – No objection.

Hydro One – No objection.

Niagara Parks Commission – No objection. Request as part of the Site Plan Approval process that a strip of land 30 feet in depth across the entirety of the parcel located at 15618 Niagara River Parkway, be dedicated to the Niagara Parks Commission.

Niagara Peninsula Conservation Authority – No objection.

### Public Comments

As of the time of report completion, no comments have been received from the public. The Open House was held on July 9, after report submission as well. Any comments received will be reported via the staff presentation at the public meeting.

### **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 submit revised application materials, as applicable. Any revised materials will be made publicly available. Once the review process has concluded, a Staff recommendation report will be prepared and presented at a future Committee of the Whole meeting.

### **ATTACHMENTS**

- **Appendix I** – Consent Sketch