

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

SUBJECT: Public Meeting – 1829 Concession 4 Road
Zoning By-law Amendment Application ZBA-16-2024

DATE: 2025-01-14

REPORT #: CDS-25-010

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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. Staff is reviewing the information submitted and 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 (the “Application”) 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 an existing Farm Winery (Ferox) to an Estate Winery with provisions for secondary uses relating to hospitality areas and commercial cooking equipment.

Location

The subject lands are located on the northeast corner of Concession 4 Road and East and West Line, in the agricultural area of the Town (see **Figure 1**).

The subject lands have an area of approximately 4.27 hectares (10.55 acres) with 412 metres of frontage along Concession 4 Road and 51.5 metres of flankage along East and West Line. The subject lands contain an existing single-detached dwelling and two barns which are associated with the existing Farm Winery (Ferox) use of the property. The majority of the lands are planted in vines. The existing buildings are serviced by municipal water and a private septic system. The surrounding lands are characterized by agricultural and rural residential uses.

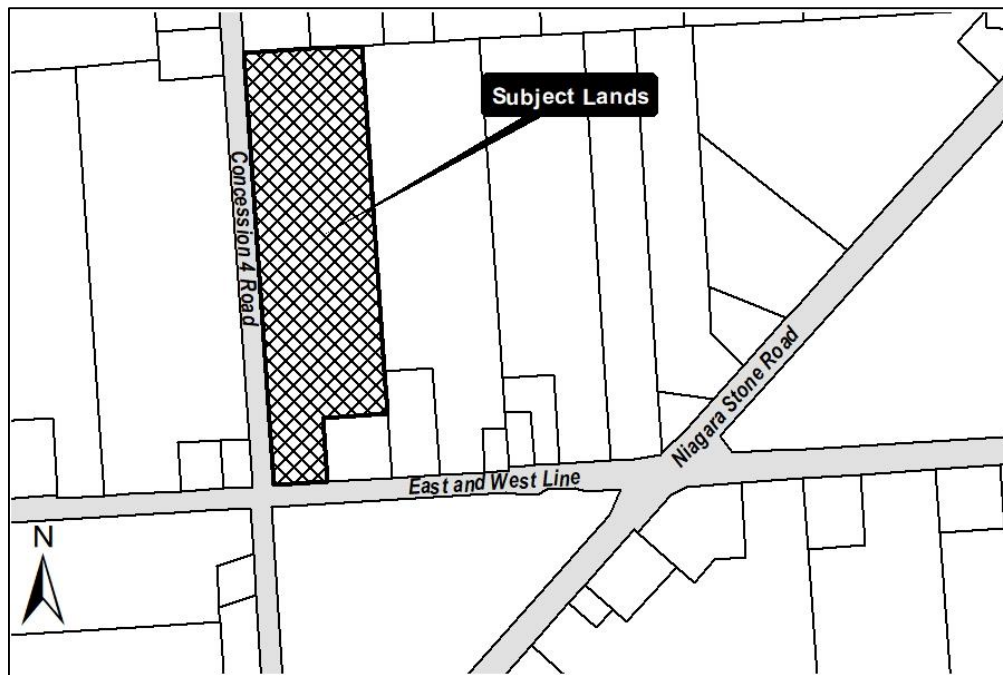


Figure 1: Location of subject lands

Development Process

The Application is in the first stage of the required development review and approval process, as follows:



Proposal

The Application has been submitted for a Zoning By-law Amendment to rezone the subject lands from “Rural (A) Zone” to “Rural (A) Site-Specific Zone” to facilitate the conversion of an existing Farm Winery to an Estate Winery on the subject lands, including site-specific provisions for secondary uses relating to hospitality areas and commercial cooking equipment.

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

- Zoning Amendment Application Form - November 19, 2024
- Site Plan - November 11, 2024
- Floor Plan - November 11, 2024
- Survey - June 21, 2012
- Planning Justification Report & Draft Zoning By-law Amendment - November 20, 2024
- Septic System Report - June 25, 2024

The Application was deemed complete by Town Staff on December 16, 2024.

Site Plan and Floor Plan drawings showing the proposed Estate Winery and secondary uses are attached as **Appendix I** to this report.

Policy Review

The following provides a general overview of the policy framework regarding this 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 Planning Statement, 2024

The Province released the Provincial Planning Statement, 2024 (the “PPS”), on August 20, 2024. The PPS, 2024 took effect on October 20, 2024. The PPS identifies the subject lands as being within a “Prime Agricultural Area” and, more specifically, a “Specialty Crop Area.”

Policies 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 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 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, 2017 Consolidation, as amended

The subject lands are designated “Agricultural” on Schedule A of 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.

The Town OP permits Estate Wineries independent of a main use and is subject to a Zoning By-law Amendment. 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 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 as “Protected Countryside” in the proposed Official Plan which 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 subject lands are tied to an adjacent property, 1822 Niagara Stone Road, by way of site-specific zoning by-law amendment 500WK-13. The purpose of this connection was to increase the agricultural land size requirement for the site-specific provisions of the zoning for 1822 Niagara Stone Road.

The Application 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 220.5 square metres.

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

- Hospitality Room (Production Building) – 43 square metres
- Outdoor Hospitality Patio – 133 square metres
- Commercial Kitchen – 26 square metres
- Retail Area – 18.5 square metres

A provision is also required to recognize the undersized lot at 4.27 hectares, whereas the Zoning By-law requires a minimum lot area of 8 hectares for Estate Wineries. Definitions for “hospitality room” and “hospitality patio” are included in the site-specific amendment.

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*.

The electronic Open House is scheduled for Tuesday, January 7, 2025 (occurring after report completion). Should any public comments/questions be received during the Open House, Staff will note these during the Public Meeting.

To date, the following comment has been received from Town Departments:

Fire and Emergency Services – No objections to the ZBA. The subsequent SPA must show the fire route and include its dimensions on the drawings.

No further comments have been received from Town Departments, Agencies or the Public at the time of report completion. Should any comments be received after the completion of this report, Staff will make note of them during the Public Meeting.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through 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 is 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** – Site Plan and Floor Plan Drawings