

Section 3 Protected Countryside: The Unique *Specialty Crop Area*

3.1 Identification

- 3.1.1 The Town's location south of Lake Ontario within the shadow of the Niagara Escarpment, creates a unique micro-climate which supports productive agricultural lands that produce crops that cannot be grown in other parts of Ontario. Because of this unique and finite resource, the Town has a deeply rooted agricultural heritage and history of supporting agriculture. Agriculture is an integral part of the character of the Town, a key component of the local economy and occupies the majority of the land base. The majority of the Town's agricultural land is in active and intense production. Agriculture and specialty crop lands are a finite natural resource in Niagara-on-the-Lake. The Town will work diligently to protect it and, in that regard, will give first priority to agricultural land uses.
- 3.1.2 The unique agricultural area in the Town is distinguished from other agricultural areas in the province by numerous factors including access to an extensive, constructed *Niagara-on-the-Lake Agricultural Infrastructure System*, that serves the sector, smaller than normal farm parcels, intense farm operations, the wide range of commodities that can be produced, the length of crop cycles, and the approach to managing buffers around watercourses and other features to preserve air flow and create an environment free from pests and invasive species.
- 3.1.3 In addition to being Protected Countryside under the Greenbelt Plan 2017, the entire rural area of Niagara-on-the-Lake is identified by the Province as a *Specialty Crop Area* in recognition of the Town's unique soils and climate that allow grape and tender fruit production. By identifying the land as part of a *Specialty Crop Area*, the Province has imposed controls to provide the highest levels of protection on the Town's rural land base and create circumstances where *all types and intensities of agricultural uses and normal farm practices are permitted* and agricultural operations will continue and flourish. The Town supports this goal and through this Official Plan implements policies for the Protected Countryside that protect the land base, support a healthy and viable *agricultural system*, manage resources and control a limited number of pre-existing uses, identified as Major Open Space, Licensed Aggregate Operations and Niagara District Airport Lands.
- 3.1.4 The portion of the Town's *Natural Heritage System* in the Protected Countryside is located largely on agricultural land and many of the farms contain natural features. The *Niagara-on-the-Lake Agricultural*

Infrastructure System is integral to successful tender fruit and grape production. In implementing environmental controls, the Town has always differentiated between constructed elements of the *Niagara-on-the-Lake Agricultural Infrastructure System* and recognized the ongoing stewardship of farms that facilities both environmental protection and agricultural production. The Provincial policies permit flexibility in applying environmental control in *specialty crop areas*. The Town has implemented this flexibility for agricultural operations in the *specialty crop area* and addressed specific requirements associated with maintaining the *Niagara-on-the-Lake Agricultural Infrastructure System* through the policies contained in this Plan, specifically in Section 8.

3.1.5 The lands in the Protected Countryside, which are all unique *specialty crop lands*, as shown on Schedule B1, are comprised of the following land use designations:

- a) *Specialty Crop Area*
- b) Major Open Space;
- c) Licensed Aggregate Operations; and
- d) Niagara District Airport Lands.

3.1.6 The lands in the Protected Countryside include the *Natural Heritage System* as shown on Schedule C.

3.2 *Agricultural System*

3.2.1 Supporting an *Agricultural System* in Niagara-on-the-Lake.

3.2.1.1 In acknowledgement of the unique nature of the Town's agricultural community and to provide the flexibility and support required to sustain production and ongoing financial viability the Protected Countryside will be managed as an *agricultural system*; a continuous and permanent land base that supports viable agricultural production and related economic activity.

3.2.1.2 In managing the *agricultural system*, the Town will respect and respond to the unique characteristics of agriculture in Niagara-on-the-Lake which include its:

- a) significance in the local economy;
- b) role as the key component of *working landscapes*;

- c) reliance on a climate conducive to growing tender fruit and grapes;
- d) perennial crop profile;
- e) small individual farm parcel size;
- f) farm operations comprised of disparate land parcels of varying sizes;
- g) intensive farm operations;
- h) access to the extensive *Niagara-on-the-Lake Agricultural Infrastructure System* that utilizes engineered and constructed municipal drains and natural watercourses to sustain specialty crop production, reduce flooding and provide an augmented flow of water during dry periods to sustain crops;
- i) presence of a variety and number of *agriculture-related* and *on-farm diversified uses* including a *significant* component of *agri-tourism uses*;
- j) labour intensive farm operations;
- k) diversity of production;
- l) sensitivity of specialty crops to insects, pests, invasive species and blocked air flow;
- m) Impact from active interfaces between agricultural and community land uses;
- n) active production in the *natural heritage system*;
- o) integral relationship of specialty crops with buffers, naturalized areas and stream corridors;
- p) diversity of production;
- q) reliance on support *infrastructure* (farm services, storage, retail, packing shipping, irrigation works, etc.);
- r) longer time frames for crops to reach maturity;
- s) agriculture's role as an integral part of the Town's *working landscape*;

- t) importance to the local economy;
- u) unique ability of the land base to support tender fruit and grape production;
- v) importance of climate to tender fruit and grape production; and
- w) the finite and non renewable nature of the resource.

3.2.1.3 Flexibility is incorporated in the policies to respond to these unique characteristics.

3.2.2 Objectives

3.2.2.1 The objectives for managing and building the Town's *agricultural system* include:

- a) Preserving and supporting the *Specialty Crop Area* for farming.
- b) Expanding the area under production.
- c) Accommodating supportive components and agricultural infrastructure including the *Niagara-on-the-Lake Agricultural Infrastructure System*.
- d) Fostering functional and economic linkages.
- e) Creating the circumstances that will support ongoing tender fruit and grape production.
- f) Recognizing, respecting and valuing the full range of ecological goods and services delivered to the community through good farming practices.
- g) Protecting the integrity of the *agricultural system* from conflicting uses.
- h) Managing natural heritage features as part of the *agricultural system* in a way that will protect the feature but not impede the ability to farm or grow specialty crops in a sustainable manner.
- i) Acknowledging that agricultural land is integral to the long term sustainability of the *Natural Heritage System* and provides vital linkages.

- j) Supporting uses that enable farming and farmers to:
 - i. Become more economically viable, competitive and sustainable;
 - ii. Adapt to new and changing markets;
 - iii. Diversify into and take advantage of new agricultural opportunities;
 - iv. Improve the understanding of agriculture by the general public; and
 - v. Broaden operations to diversify economic activity and add value to agricultural production.
- k) Emphasizing the value of agriculture as an essential part of the Town's environment, *working landscape*, economy, character and quality of life.
- l) Encouraging the preservation of agricultural lands for agricultural purposes and directing non-farm uses to settlement areas.
- m) Managing the interface between agricultural and *non-agricultural uses* by preventing conflicts and implementing edge planning controls (buffering, separation, etc.) that protect the ability and right to farm and grow *specialty crops*.
- n) Permitting *agriculture-related uses* and *on-farm diversified uses* including *agri-tourism uses* in appropriate locations and at an appropriate scale relative to surrounding land uses.
- o) Consolidating and simplifying the regulations associated with farming on agricultural lands.
- p) Permitting the appropriate reconfiguration of farm operations to support economic viability.
- q) Permitting existing appropriate small scale industries and commercial uses supportive of, and directly related to, agricultural operations.
- r) Supporting the eradication of invasive species that threaten agricultural production.

3.2.3 Permitted Uses

- 3.2.3.1 The following uses may be permitted in the Protected Countryside in accordance with the applicable provisions of this Plan:
- a) *Agricultural uses except those that require licensing by the Federal Government;*
 - b) *Agriculture-related uses;*
 - c) *On-farm diversified uses which include agri-tourism uses;*
 - d) *Infrastructure serving the agricultural sector;*
 - e) Forestry uses that do not require buildings or structures and do not negatively impact agricultural production;
 - f) Passive recreational uses such as trails and outdoor nature interpretation that do not impact agricultural production and respect the right of private property owners;
 - g) Residential uses on lots created in accordance with Section 3.2.15;
 - h) Extraction of minerals aggregates in accordance with the policies of this Plan;
 - i) All existing uses lawfully used for such purpose prior to December 16, 2004, the date the Greenbelt Plan came into effect; and
 - j) Single-detached dwellings on existing lots of record, provided they were zoned for such as of December 16, 2004 or where an application for an amendment to a zoning by-law is required as a condition of severance granted prior to December 14, 2003 but which did not proceed.
- 3.2.3.2. On-farm alternative and/or renewable energy systems are permitted in association with agricultural operations. For those systems not exempt from the Planning Act by provisions under the Green Energy and Green Economy Act, such systems shall be small scale. The provisions of this Plan related to *agriculture-related uses* and *on-farm diversified uses* apply to alternative and/or renewable energy systems.

3.2.4 General Policies for *Specialty Crop Area*

- 3.2.4.1 The re-designation of lands within the Specialty Crop Area to another designation in this Plan is not permitted.
- 3.2.4.2 The size of farm parcels will be maximized by consolidation with other farm properties.
- 3.2.4.3 All types, sizes and intensities of *agricultural uses* are encouraged. *Normal farm practices* are to be unhindered.
- 3.2.4.4 *Agricultural uses, Agriculture-related uses, and On-Farm Diversified uses* are permitted subject to conformity with the policies of this plan, Provincial Plans, and relevant Provincial Guidelines for permitted uses in *prime agricultural areas*.
- 3.2.4.5 All uses in the *Specialty Crop Area* will be designed, located and managed to not detract from the primacy of agriculture.
- 3.2.4.6 All lands designated as *Specialty Crop Area* will be placed in an Agricultural Zone in the Zoning By-law. Existing uses which are permitted by this Plan will be placed in an appropriate exception zone if the Town is satisfied that the use has been in continuous operation since December 16, 2004 and the use does not pose a risk to public health or safety.
- 3.2.4.7 Where municipal services are not available, uses shall be limited to low water and low effluent producing uses, on condition that the site can accommodate the use on private water and private sewage treatment systems in perpetuity.
- 3.2.4.8 Land uses that would cause potential aviation safety hazards are discouraged in the vicinity of the Niagara District Airport.
- 3.2.4.9 New buildings and structures for agricultural, agriculture-related or *on-farm diversified uses* are not required to undertake a natural heritage or hydrologic evaluation if a minimum thirty (30) metre *vegetation protection zone* is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and *on-farm diversified uses* shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.

3.2.4.10 New buildings or structures for agricultural, agriculture-related and *on-farm diversified uses* are permitted within thirty (30) metres of permanent and *intermittent streams*, where:

- a) The permanent or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;
- b) A minimum fifteen (15) metre *vegetation protection zone* is established between the building or structure and the permanent or intermittent stream; however, this *vegetation protection zone* is not required to be maintained as *natural self-sustaining vegetation* if the land is and will continue to be used for agricultural purposes;
- c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production; and
- d) A new individual on-site sewage system will not be located within 30 metres of the stream

3.2.5 Accommodation for Full-time and Seasonal Farm Labourers

3.2.5.1 Farm holdings may have accommodation for full-time and seasonal labourers as part of a farm unit where the nature of the farm is such that help needs to be located nearby.

3.2.5.2 The zoning by-law will include restrictions pertaining to the size, and location of accommodation for full-time and seasonal farm labourers based on the type of farm operation, other holdings of the operator, the suitability of the location of the building(s) as to adjacent land uses, access, number of units, etc., and the ability to provide on-site sewer and water services without reducing the amount of land available for production.

3.2.5.3 Accommodation for full-time and seasonal labourers shall not negatively impact the amount of land available for agricultural production.

3.2.6 Agriculture-Related Uses and On-Farm Diversified Uses

3.2.6.1 Allowing a range of appropriate *on-farm agriculture-related uses* and *on-farm diversified uses* (which include *agri-tourism uses*) contribute to economically sustainable agriculture in the Town, strengthens the

agricultural system, facilitates broader access to local food and beverages, agricultural products and wines from 100% Ontario grown fruit wines, preserves the agricultural land base, and maintains the scenic quality of the agricultural landscape.

3.2.6.2 *Agriculture-related uses* and *on-farm diversified uses* may be permitted in accordance with the policies in this Plan and specifically in accordance with the following:

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- b) An adequate and potable water supply is available.
- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.
- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.
- e) Adequate entrances and exits to roads are located to minimize travel hazards.
- f) Adequate off-street loading, parking spaces and access points will be provided.
- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.
- h) Outside storage may be limited.
- i) Appropriate controls imposed through available legislation, to ensure that the hours of operation of a use do not conflict with adjacent land uses.
- j) Appropriately zoned land supported, where necessary, by a *development* agreement.
- k) *Development* on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.
- l) *Development* may be subject to site plan control.

3.2.6.3 *Agriculture-related uses* and *on-farm diversified uses* involving *development* over 500 square metres shall be subject to a zoning by-law amendment. In reviewing a zoning by-law amendment application, the following additional considerations shall be addressed:

- a) Whether the use is more appropriately located in a nearby settlement area;
- b) Whether the use is required on or in close proximity to the agricultural operation to support and complement the agricultural activity;
- c) Whether the use is compatible with the existing farming operation and/or surrounding farming operations; and
- d) Whether the use complies with all other applicable provisions of this Plan and the Regional Official Plan.

3.2.6.4 Lot creation to accommodate *agriculture-related* or *on-farm diversified uses* is not permitted.

3.2.7 *Agriculture-related uses*

3.2.7.1 *Agriculture-related uses* must be small scale, relate directly to and be required in close proximity to the farm operation.

3.2.7.2 To sustain a market and allow for efficient operation of *agriculture-related uses*, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away provided that a minimum of 75% of the product processed or sold is from farm operations in the Town.. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.

3.2.7.3 *Roadside product outlets* (fruit stands) and “pick your own” facilities are limited to distribution of product produced from the farm operation on which it is located, with parking areas and structures limited in area. The area used for shall not negatively impact or reduce the amount of land available for agricultural production.

3.2.8 On-farm Diversified Uses

3.2.8.1 *On-farm diversified uses* which include *agri-tourism uses*, home industries and home occupations, must be secondary to the principal agricultural use on a property, limited in area and complement and contribute to the sustainability and viability of the farming operation.

3.2.9 Agri-tourism uses

3.2.9.1 *Agri-tourism uses* are *on-farm tourism uses* that promote the enjoyment, education or activities related to the farm operation and are permitted subject to the following:

- a) Small scale *agri-tourism uses* that are directly related to agriculture will be permitted as-of-right in the implementing zoning by-law.
- b) *Agri-tourism uses* indirectly related to agriculture that benefit from a farm location may be permitted but will require an amendment to the zoning by-law. These types of *agri-tourism uses* will be considered based on the following criteria:
 - i. the scale of the operation is limited and appropriate to the site and surrounding farming operations;
 - ii. the use has minimal impact on, does not interfere with and is compatible with surrounding *agricultural uses* and neighbouring properties;
 - iii. the use does not generate potentially conflicting off-site impacts including impacts related to *infrastructure* or transportation;
 - iv. the use is limited to low water consumption and low effluent-producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public *infrastructure*;
 - v. for *special events*, the use represents an occasional activity and is not a regularly recurring activity;
 - vi. the timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding agricultural or non-farm properties;

- vii. the use does not require *significant* improvements to utilities or *infrastructure* such as roads or hydro services;
- viii. the use complies with all of the policies of this Plan and the Regional Official Plan;
- ix. the area used shall not negatively impact the amount of land available for agricultural production; and
- x. the proposed use or *site alteration* and/or *development* will not negatively impact *cultural heritage resources*.

3.2.10 Wineries

3.2.10.1 Estate wineries and farm wineries may be permitted as an *on-farm diversified* use, an *agriculture related* use or a blend of the two, subject to the applicable provisions in this Plan and the following specific provisions.

3.2.10.2 Estate Wineries

3.2.10.2.1 All estate wineries will be subject to a site specific zoning by-law amendment.

3.2.10.2.2 The minimum acreage for an *estate winery* will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with a minimum of 75% of the land being in full vineyard production. This acreage is required to provide a rural setting for the winery, land for the ponding of wastewater and associated vineyards. Existing estate wineries having less than eight (8) hectares in lot area will be recognized in the zoning by-law provided they comply with all other provisions of this plan.

3.2.10.2.3 The production of wine from an *estate winery* is subject to the following criteria:

- a) all wines produced will be made from *locally grown fruit* with a minimum of 75% of the fruit grown on site;
- b) an *estate winery* will make the majority of wine on site in accordance with Provincial regulations;
- c) all wines produced are to be made from *locally grown fruit* crushed on site;

d) an *estate winery* will have the capability to bottle the majority of all the wine produced and sold on site.

3.2.10.2.4 The following uses may be permitted as ancillary to an *estate winery*, provided that the amount of floor space is limited in the zoning by-law, so such uses are only accessory to and complement the *estate winery*, do not detract from the main use of the land, and do not adversely impact other uses permitted in the agricultural area:

- a) retail sale of wine made on site;
- b) hospitality room/area where food and wine is prepared and served;
- c) limited events controlled through a regulatory by-law;
- d) the sale of products in an agricultural market provided 75% of such products are from the Town; or
- e) overnight accommodations, as per Section 10.13.2.

3.2.10.2.5 Estate wineries will be required to locate with direct or convenient access to an improved roadway with sufficient capacity to accommodate the anticipated traffic. The location of ingress and egress locations shall be given careful consideration to prevent negative impacts on neighbouring properties.

3.2.10.2.6 On-site vineyards are an important aspect of the image of an *estate winery* and encourage the use of *local fruit* in the production of wine. As such, land not intended for building or on-site services will be planted in vineyards or tender fruit. Vineyard planting may be a condition of the amending by-law to be completed prior to the issuance of a building permit.

3.2.10.2.7 Where *outdoor events* are permitted as part of an *estate winery* operation, they will be regulated through a general and/or site specific by-law that will limit the number, timing and duration of such events to ensure they remain ancillary to the main use and do not negatively impact other uses permitted in the area.

3.2.10.3 Farm Wineries

3.2.10.3.1 Farm wineries will be permitted in the implementing zoning by-law as part of a farm operation. The minimum acreage required for a *farm winery* will be specified in the implementing zoning by-law but shall not be less than four (4) hectares with a minimum of 75% of the land being in full vineyard production.

3.2.10.3.2 The production of wine from a *farm winery* will be subject to the following criteria:

- a) all wines produced will be made from locally grown fruit with a minimum of 75% of that fruit grown on site;
- b) all wines sold must be made on site;
- c) all wines produced are to be made from fruit crushed, blended, fermented or barrel aged for 3 months, on site; and
- d) all wines produced will be bottled on site.

3.2.10.3.3 The retail sale of wine produced on site will be permitted. The amount of floor space will be limited in the implementing zoning by-law so as not to detract from the main use of the land and not adversely affect other uses permitted in the agricultural area.

3.2.10.3.4 To extend the operating season of wineries, allow the efficient operation of processing facilities and contribute to the ongoing viability of the farm up to 25% of product may be obtained from surrounding local farm operations or from other parts of Ontario provided the majority of product is from the farm or from surrounding local operations. Such facilities will require a site specific zoning by-law amendment prior to expanding the operation to include product from other parts of Ontario.

3.2.11 Breweries and Distilleries

3.2.11.1 Breweries and distilleries are not permitted in the *Specialty Crop Area*.

3.2.12 Adaptive Re-use

3.2.12.1 Adaptive re-use of surplus farm facilities on existing farms for *agriculture-related, on-farm diversified uses or agri-tourism uses* will

be encouraged to conserve cultural *Built Heritage Resources* and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.

3.2.13 *Minimum Distance Separation Requirements*

3.2.13.1 The *Minimum Distance Separation Formulae*, as amended from time to time shall be utilized for locating new development where permitted. Separation distances between new or expanding livestock operations and other land uses in the area shall also be in accordance with the *Minimum Distance Separation Formulae*.

3.2.14 Lot Creation

3.2.14.1 Lot creation is permitted for *agricultural uses* where the severed and retained lots are intended for *agricultural uses* and provided the minimum lot size is 16 hectares.

3.2.14.2 A consent is not permitted where it would create a lot pattern which would negatively impact farm operations.

3.2.14.3 Minor lot adjustments, boundary additions, or easements may be permitted for legal or technical reasons and provided:

- a) they do not create a separate lot for a residential dwelling;
- b) the land for which the consent is requested is added to adjoining lands where there is an existing farm operation;
- c) the size of the existing agricultural operation is large enough to support a potentially viable farm operation; and
- d) the consent complies with other policies of the Plan.

3.2.14.4 Except as permitted in Section 3.2.15, consents are not permitted that would create a separate lot for a residential dwelling.

3.2.14.5 Lot creation may be permitted for *infrastructure*, where the facility or corridor cannot be accommodated by easements or rights-of-way.

3.2.15 Surplus Farm Dwellings

3.2.15.1 Where a habitable dwelling existed prior to December 16, 2004, a consent to sever a lot containing the dwelling may be granted if that residence becomes surplus to a farming operation as a result of a farm consolidation, as defined in the Greenbelt Plan, provided that:

- a) The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;
- b) The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary by the appropriate authority to support a well and private sewage disposal system;
- c) The farms are both located within the Town of Niagara-on-the-Lake;
- d) The new lot is located to minimize the impact on the remaining farm operation; and
- e) The new lot complies with the MDS Formula.

3.3 Major Open Space

3.3.1 Background

- 3.3.1.1 The Major Open Space designation recognizes *significant* open space such as federal and provincial parks, museums, major sport complexes and historical sites.
- 3.3.1.2 The Niagara Parks Commission (NPC) manages, controls and develops parks and green spaces under its ownership along the Niagara River to protect the natural beauty of the area.
- 3.3.1.3 Parks Canada has the objective of protecting *cultural heritage resources* of National significance in a system of national parks and to encourage public appreciation of this heritage. It provides 113 hectares of parkland in Niagara-on-the-Lake. Parks Canada has jurisdiction over Fort George, Fort Mississauga, and Butler's Barracks. Butler's Burial Grounds and the Commons, all in and around Old Town and Brock's Monument at Queenston Heights.
- 3.3.1.4 To the west of Old Town, is a large tract of land (138.8 hectares) formerly administered by the Department of National Defence, now under the jurisdiction of Parks Canada.
- 3.3.1.5 The sites of Fort George, the Commons, Butler's Barracks, Fort Mississauga (the Golf Course) and the Department of National Defense lands are all specifically designated for their existing use in