



## Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** CDS-25-054  
**COMMITTEE DATE:** 2025-04-08  
**DUE IN COUNCIL:** 2025-04-29  
**REPORT TO:** COTW-Planning  
**SUBJECT:** 1696-1710 Niagara Stone Road  
Zoning By-law Amendment ZBA-20-2024 – Recommendation Report

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-20-2024) for lands known municipally as 1696 and 1708-1710 Niagara Stone Road **BE APPROVED**, for reasons outlined in this report and the draft Zoning By-law Amendments, attached as **Appendix IV** and **Appendix V**, be forwarded to Council for adoption.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to the Committee and Council regarding an application for a Zoning By-law Amendment (the “Application”) for lands known municipally as 1696 and 1708-1710 Niagara Stone Road.
- The Application proposes to rezone 1708 Niagara Stone Road from “Rural (A) Zone” to “Rural (A) Site-Specific Zone” to permit a 4-room Villa in the existing single-detached dwelling, with site-specific provisions for minimum lot frontage, minimum building setbacks, minimum outdoor amenity area, villa regulations, and a definition for the proposed use.
- The Application also proposes to amend the existing “Rural (A) Site-Specific Zone” on 1696 Niagara Stone Road (Pillitteri Estate Winery) to facilitate a conditionally approved minor boundary adjustment (Town Consent File B-01/25) to convey the rear portion of 1708-1710 Niagara Stone Road (municipally known as 1710 Niagara Stone Road), containing an existing storage building and vinyl shed, to merge in title with the Winery property. Site-specific provisions are requested for side yard setbacks of the existing structures to the new lot boundary.
- Staff recommends approval of the Application, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement and conforms with provincial, and regional/town planning policies.

### 3. PURPOSE

This report provides a recommendation to Committee and Council respecting an Application under the *Planning Act* seeking approval of a Zoning By-law Amendment to rezone the subject lands known as 1696 and 1708-1710 Niagara Stone Road.

The Application proposes to rezone 1708 Niagara Stone Road from “Rural (A) Zone” to “Rural (A) Site-Specific Zone” to permit a 4-room Villa in the existing single-detached dwelling. Site-

specific provisions include minimum lot frontage, minimum building setbacks, minimum outdoor amenity area, villa regulations, and a definition for a “Villa” use.

The Application also proposes to amend the existing “Rural (A) Site-Specific Zone” on 1696 Niagara Stone Road (Pillitteri Estate Winery) to facilitate a conditionally approved minor boundary adjustment (Town Consent File B-01/25) to convey the rear portion of 1708-1710 Niagara Stone Road (municipally known as 1710 Niagara Stone Road), containing an existing storage building and vinyl shed, to merge in title with the Winery property. Site-specific provisions are requested for side yard setbacks of the existing structures in relation to the new lot boundary. The Committee of Adjustment conditionally approved the minor boundary adjustment (Town Consent File B-01/25) on February 20, 2025.

The Conceptual Site Plan drawing is attached as **Appendix I** to this report.

#### **4. BACKGROUND**

The subject lands are known municipally as 1696 Niagara Stone Road and 1708-1710 Niagara Stone Road, located on the northwest side of Niagara Stone Road and west of Concession 4 Road, in the agricultural area of the Town. The location of the subject lands is shown on **Map 1 of Appendix II**.

The lands at 1708-1710 Niagara Stone Road have an existing lot area of approximately 1.25 acres (0.51 hectares) with 26.9 metres of frontage along Niagara Stone Road. The lands currently contain an existing single-detached dwelling, a two-storey storage building containing seasonal farm help accommodation, and a vinyl shed. Subject to the conveyance of the rear portion of the property (municipally known as 1710 Niagara Stone Road), the lands would be known municipally as 1708 Niagara Stone Road and result in a lot area of 1 acre (0.4 hectares). The property is serviced by municipal water and a private septic system.

The lands at 1696 Niagara Stone Road have an existing lot area of approximately 48.61 acres (19.67 hectares) with 176.8 metres of combined frontage along Niagara Stone Road. The lands contain an Estate Winery, various agricultural production buildings, farm help accommodations and other structures/buildings accommodating the permitted secondary uses of the Estate Winery. With the merger of 1710 Niagara Stone Road (rear portion of 1708-1710 Niagara Stone Road containing storage building and vinyl shed), the lands would result in a total lot area of 48.86 acres (19.77 hectares). Although outside of the urban boundary, the lands at 1696 Niagara Stone Road are serviced by existing municipal water and sanitary connections.

The surrounding lands are characterized by agricultural and rural residential uses.

The Application was deemed complete by Town Staff on January 17, 2025.

A Site Plan Amendment will be required for 1696 Niagara Stone Road to include 1710 Niagara Stone Road, and a new Site Plan Agreement will be required for the Villa use at 1708 Niagara Stone Road.

## **5. DISCUSSION / ANALYSIS**

### **5.1 Policy and Legislative Framework**

The Application has 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 planning legislation and policies are provided in **Appendix III**.

#### **5.1.1 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 for 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.

The Application supports the matters of provincial interest, is consistent with policy statements and conforms to provincial plans and 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 “Prime Agricultural Area” and more specifically a “Specialty Crop Area” according to the Provincial Planning Statement, 2024 (the “PPS”), and are designated as a “Specialty Crop Area” within the “Protected Countryside” according to the Greenbelt Plan, 2017. The provincial “*Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas*,” 2016 (the “Guidelines”), are applicable to the proposal. The subject lands are also identified as being within the “Specialty Crop Area” on Schedule F of the Niagara Official Plan, 2022 (the “NOP”).

Policies within these Provincial and Regional plans aim to promote and protect all types of agricultural, agriculture-related and on-farm diversified uses that are compatible with and do not hinder surrounding agricultural operations based on criteria within the provincial Guidelines. These plans also contain direction for the expansion and/or conversion of existing uses, and their overall compatibility with the agricultural area.

As discussed below, Staff consider the Application to be consistent with the PPS and the Guidelines, and conform with the Greenbelt Plan and NOP.

##### **5.1.2.1 Guidelines**

The Guidelines provide criteria that must be satisfied for a use to qualify as an agricultural use or an agriculture-related use. The criteria for agricultural uses include the growing of crops, associated on-farm buildings, the promotion of all types, sizes and intensities of agricultural uses, and normal farm practices. 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 existing storage building and vinyl shed building at 1710 Niagara Stone Road are used to support the existing Estate Winery at 1696 Niagara Stone Road, as they accommodate additional storage space for production. The applicant’s Planning Justification Report states

that these areas are used to store boxes for the vineyard and winery, and for storing wine vinegar produced on-site. Further, the storage building contains a seasonal farm help accommodation on the second storey. These buildings are classified in part as agricultural and agriculture-related uses under the Guidelines.

Agricultural uses include farms that produce agricultural products, and any on-farm buildings and structures required to support the production, including farm help accommodations. The seasonal farm help accommodation on the second storey of the storage building is considered an agricultural use, as it is necessary for the farm operation. The septic system servicing the seasonal farm help accommodation will remain on the same lot to continue adequate sanitary servicing of the building.

The storage functions in the buildings are considered agriculture-related uses, as they would qualify as value-retaining facilities to support the winery. The buildings are farm-related uses, are compatible with and directly relate to the farm operation, support agriculture, and benefit from being in close proximity to the farm operation. Therefore, the storage functions meet the criteria to be classified as agriculture-related uses.

The Application also proposes to facilitate a Villa use within an existing single-detached dwelling, known municipally as 1708 Niagara Stone Road, which is considered as a rural residential lot. Given that the lands at 1708 Niagara Stone Road contain a dwelling and manicured lawn, no lands are being taken out of agricultural production to facilitate the proposal. The Villa use will occur within an existing dwelling, and will utilize the existing access and driveway.

The conditionally approved boundary adjustment provides sufficient separation between the agricultural and agriculture-related uses and the proposed Villa property to further achieve compatibility between the properties. Therefore, the uses are compatible with and would not adversely impact surrounding farmlands and their operations.

#### **5.1.2.2 Agricultural and Non-Agricultural Uses Interface**

Within the Specialty Crop Area, where agricultural and non-agricultural uses interface, land use compatibility must be achieved by minimizing and mitigating adverse impacts on the agricultural system. Further, any proposed development and uses require sustainable servicing to appropriately accommodate the proposal.

With regard to the submitted Application, Staff has reviewed the compatibility of the proposed Villa use of the existing single-detached dwelling (non-agricultural use) with the adjacent existing agricultural operation and uses.

The Villa use requires the provision of amenity area for guests. A portion of the required amenity area will be provided under an existing covered area at the rear of the dwelling; this area is appropriately screened by existing fencing and vegetation. An additional proposed outdoor sitting area (amenity area) is located beside the dwelling, which is similarly being screened from the street and abutting farm operation with existing vegetation. The new amenity space is being provided on the other side of the driveway, in an open grassed area which has substantial setbacks (approximately 20.6 metres to the east and 17.2 metres to the north) from abutting properties. In addition to the proposed landscaping on-site, an existing row

of mature cedars provides additional screening and buffering between the subject lands and abutting rural residential property. The existing and proposed designated amenity areas are located 9.8 metres, 9.1 metres and 19.7 metres, respectively, from the newly established lot boundary (1710 Niagara Stone Road) of the abutting agricultural lands.

The Region has noted that the proposed outdoor amenity space for the Villa must remain free of any permanent structures so that it may be used for a potential septic system relocation, should the existing system fail in the future. If this were to occur in the future, Staff are of the opinion that the property can accommodate amenity space elsewhere on-site to achieve the minimum amenity area requirements and maintain appropriate compatibility with surrounding agricultural lands.

No adverse impacts to abutting agricultural lands or operations are anticipated as a result of the proposed Villa use of the existing dwelling, as the dwelling and its residential use currently exist. The existing single-detached dwelling at 1708 Niagara Stone Road has been established in the agricultural area, with no known adverse impacts to-date. No adverse impacts to the Villa use are anticipated as a result of the existing abutting agricultural operations, due to the setbacks to the amenity areas and associated landscape and fence buffering. The conversion to a Villa within the existing dwelling, and its associated amenity areas, is not anticipated to result in incompatibilities, as the proposed use remains residential in nature.

No adverse impacts to the proposed Villa use of the dwelling are anticipated as a result of proximity to the adjacent Estate Winery and secondary uses. The Villa dwelling would continue to be buffered from the Estate Winery use by the existing greenhouse and dwelling at 1696 Niagara Stone Road. Further, the required setback provisions of the Villa property will ensure that there is adequate separation between the Villa and adjacent winery use. The covered amenity area to the rear of the Villa is also completely screened by a fence and existing mature vegetation, providing additional mitigation measures to ensure compatibility between both properties. Given the above, Staff are of the opinion that the existing 3-metre setback of the Villa to the secondary uses on the winery property is appropriate.

#### **5.1.2.3 Conversion of Existing Uses**

The Greenbelt Plan and NOP both recognize the continued permission of existing uses in the Specialty Crop Area. These documents contain policies on the expansion and conversion of legally existing uses in the agricultural system. Such conversions are permitted provided that they do not require new municipal services, do not expand into key natural heritage or key hydrologic features, do not introduce new incompatible uses, and are in accordance with the minimum distance separation requirements (MDS). Proposals must also demonstrate how they are bringing the existing use on the subject lands more into conformity with the applicable policy documents.

The proposed Villa is proposed in an existing single-detached dwelling that was legally established prior to the Greenbelt Plan. Considering that the dwelling pre-dates the Greenbelt Plan, the use of the dwelling for residential purposes may continue on the subject lands. The Application proposes to convert the existing dwelling to facilitate rental accommodation of a residential use. The conversion of the dwelling does not require new municipal services and will not result in any site alteration changes (therefore, will not expand into key natural heritage or key hydrologic features). The NOP states that conversions of existing uses require the

completion of an agricultural impact assessment to address compatibility with surrounding agricultural lands; however, while the proposal is to facilitate short-term rental of the subject lands, the Application would continue to provide residential accommodation. No removal of lands from agricultural production or use are required to facilitate the proposed Villa use within the dwelling, as this is strictly related to the rental use of the rooms/house. In lieu of an agricultural impact assessment, the Region required the applicant to address land use compatibility within their Planning Justification Report. Through the Application and through the future Site Plan Approval process, enhanced landscaping will be implemented between the Villa property and the abutting farm lands to achieve land use compatibility by restricting access to the farm and allowing for greater separation and screening as to not conflict with any agricultural operations/activities happening at the same time as the rental of the Villa.

To bring a use more into conformity with the applicable Provincial and Regional policies, the proposal must be pursuant to the objectives of facilitating a strong, diverse, and resilient economy, as well as protecting the agricultural land base and controlling change to existing uses to ensure a viable agricultural system. The Application for a Villa use on the subject lands is considered to contribute to the agri-tourism industry by allowing for short-term accommodation rentals to support nearby agri-tourism uses. Staff are of the opinion that the conversion of the dwelling to a Villa maintains existing residential permissions on the property and conforms to applicable Provincial and Regional policies.

The MDS guidelines provided by the Province recognize that there may be existing dwellings in the agricultural area that do not conform to the requirements, as they pre-date legislation. The existing dwelling, much like other surrounding rural residential properties, has existed on the subject lands with no known incompatibilities between the residential use and abutting agricultural uses. In addition, there are no livestock facilities in the immediate area. The Application does not propose a more sensitive use than what has already been established. The MDS I calculation is therefore not applicable to the development, and Staff are of the opinion that the proposal complies with the Minimum Distance Separation Formulae.

#### **5.1.2.4 Archaeology**

The subject lands are within the area of archaeological potential. Development within the areas of archaeological potential, as mapped by the Region and the Town, require an archaeological assessment to determine archaeological potential and the preservation of archaeological resources, if found on-site. No new development is permitted until such time as the archaeological assessment is complete and confirmation from the Ministry that the assessment was conducted in accordance with provincial requirements is received.

The Application does not propose any ground disturbance to facilitate the proposal; therefore, an archaeological assessment was not required with the submission. If, in the future, there is significant site disturbance proposed, an assessment may be required. The standard warning clause for the discovery of deeply buried archaeological resources has been provided to the applicant.

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

The subject lands are currently designated “Agricultural” in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”). The Town OP designation on the subject lands is shown on **Map 2 of Appendix II**.

The Town OP permits up to a maximum of six (6) bedrooms for Villas outside of the urban area. The municipality can regulate Villas through an implementing Zoning By-law, the Site Plan Approval process, and/or the licensing process. The Town OP also requires a minimum outdoor amenity area of 135 square metres, plus an additional 9 square metres for each rented room beyond three (3).

Villas in the agricultural areas must maintain appropriate separation distances and be protected from incompatible uses that may result in adverse environmental effects. In addition, Villa proposals in these areas must ensure that surrounding farm operations are protected from adverse impacts, restrictions on activities, and do not interfere with the farmer's ability to farm the lands. Criteria that must be addressed to consider such use includes: potential impacts on surrounding farm operations and any mitigation measures, having appropriate on-site services, and considering conformity with the MDS formulae. The lots must also be a minimum area of 1-acre and front onto a public road.

Land use compatibility between the Villa use and abutting properties and servicing of the lot has been discussed in detail under Section 5.1.2 of this report. With the boundary adjustment to convey 1710 Niagara Stone Road to 1696 Niagara Stone Road, the retained Villa parcel is 1-acre in size, and it continues to front onto a public road (Niagara Stone Road), as the entrance to the property is not changing through this Application.

Access to the storage buildings at 1710 Niagara Stone Road will be through 1696 Niagara Stone Road; therefore, the applicant will be required to decommission the existing driveway that leads to this property through the Villa lot. The existing driveway on the Villa parcel will be used for parking and appropriate vehicular circulation to support the Villa.

Since the Villa is proposed to have four (4) bedrooms, a total of 144 square metres of amenity space is required at minimum. The site plan drawing demonstrates three (3) different amenity areas, all totalling to be 144.8 square metres in area. The Town OP states that amenity areas should not consist of areas contained in the front or side yards. While one of the amenity areas to the rear of the existing dwelling is technically located in the side yard, this is an existing covered area that accommodates the dwelling and is situated further away than the closest point of the dwelling to the interior lot line. In addition, an existing fence and mature vegetation screen this amenity area from the side yard. The remaining amenity areas achieve the direction provided in the Town OP for amenity area locations, as they are provided in the rear yard.

The Application requires one parking space, as per the requirements of Zoning By-law 500A-74, since the Villa would be rented out in its entirety. The applicant has demonstrated that the site can sufficiently accommodate up to four (4) parking spaces if necessary, meeting all setbacks and sizing requirements.

The Town OP also contains Agricultural designation policies and permits uses in relation to agriculture and their related buildings and structures. The conveyance of 1710 Niagara Stone Road to 1696 Niagara Stone Road satisfies the objectives of the Agricultural designation, as the structures on this parcel are currently used to support the ongoing Estate Winery operation at 1696 Niagara Stone Road. By conveying this parcel to the same ownership as the winery,

this allows for the agriculture-related buildings to be consolidated into one parcel and not result in winery employees accessing another private property for the purposes of farming and/or accommodating the business.

Staff are of the opinion that the proposed Villa use is appropriate for the use of the lands as it achieves land use compatibility and compliance with Town OP policies. In addition, the conveyance of the storage buildings to the winery property, through the conditionally approved Consent application, allows for the ongoing use of agriculture and agriculture-related buildings supporting a farming operation. Staff consider the Application to conform with the applicable policies of the Town OP.

#### **5.1.4 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 Town of Niagara-on-the-Lake Official Plan (the "proposed Town OP"). The proposed Town OP also includes permissions and specific provisions for Villas, but does not differentiate between urban and rural areas.

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

The lands at 1708-1710 Niagara Stone Road are zoned "Rural (A) Zone" in Zoning By-law 500A-74 (as amended). The lands at 1696 Niagara Stone Road (Pillitteri Estate Winery) are zoned "Rural (A) Site-Specific Zone" by way of site-specific zoning by-law 500WS(1)-24, an amendment to 500A-74 (as amended). The standard "Rural (A) Zone" permits a range of agriculture-related uses, a single-detached dwelling, and a small scale tourist accommodation. The "Rural (A) Site-Specific Zone" for 1696 Niagara Stone Road permits an Estate Winery, as well as a range of secondary uses in conjunction with the Estate Winery use.

The Application requests a "Rural (A) Site-Specific Zone" for 1708 Niagara Stone Road to facilitate the proposed Villa use, to a maximum of four (4) rooms. The Villa use requires the rental of the entire dwelling, and not individual rooms. The existing single-detached dwelling on the property will accommodate the proposed Villa use.

The following site-specific provisions are proposed for lands at 1708 Niagara Stone Road:

- Permit a four (4) room Villa in the existing single-detached dwelling
- Minimum lot frontage – as existing, 26.9 metres (whereas the standard is 60.96 metres for rural residential lots)
- Minimum interior side yard setback – as existing, 1.4 metres (whereas the standard is 3.05 metres)
- Minimum rear yard setback – 9.8 metres (whereas the standard is 15.24 metres)
- Minimum outdoor amenity area – 144 square metres (this is standard for four bedrooms)
- That Site Plan Control shall apply to the subject lands.
- That licensing shall be as required by the Town.

As Zoning By-law 500A-74 (as amended) does not define a Villa use, for the purposes of this site-specific by-law, the definition of a Villa from Zoning By-law 4316-09 (as amended) has been utilized. Zoning By-law 500A-74 (as amended) generally captures the Villa use permissions within the definition for a "small scale tourist accommodation."



The reduction in lot frontage acknowledges an existing legal non-conforming situation. While the lot's frontage is well below the minimum requirement, it remains adequate for access to a public road, with no known issues to-date.

The requested setback to the side yard is also an existing legal non-conforming situation. The dwelling has existed with this setback with no known nuisances or adverse impacts to-date, as this side yard is shared with the adjacent Pillitteri Estate Winery property.

The requested rear yard setback is being recognized to the new lot boundary as a result of the minor boundary adjustment to convey 1710 Niagara Stone Road to 1696 Niagara Stone Road. While the rear yard setback is being reduced from the standard requirement, this setback is to an outdoor covered portion of the dwelling. The dwelling itself is setback approximately 14 metres from the new boundary. The reduced setbacks can be considered appropriate, as the existing dwelling siting maintains sufficient distance as to not pose implications with land use compatibility between the Villa use and the abutting farm operation.

The Application proposes to achieve the minimum required amenity space, as prescribed by the Town OP. In the definition for a small scale tourist accommodation in Zoning By-law 500A-74 (as amended), a minimum total amenity area of 47 square metres is required. The proposal exceeds this requirement and aligns with the requirements of the Town OP.

The proposal is subject to Site Plan Control and the appropriate licensing (Short Term Rental) through the Town on an annual basis.

The Application also requests to amend the existing "Rural (A) Site-Specific Zone" of 1696 Niagara Stone Road to include the conveyance of 1710 Niagara Stone Road. As a result of the merger, the following site-specific provisions are required:

- Minimum side yard setback (the standard building setback is 15 metres from all lot lines for Estate Winery properties)
  - For the existing vinyl garage/storage building – 4.1 metres
  - For the vinyl shed – 12 metres

The newly established lot boundary would result in deficiencies to this setback requirement. Staff are of the opinion that the requested setbacks maintain sufficient distance between the buildings and the lot line, including the abutting Villa use, as discussed in Section 5.1.2 of this report. The existing storage building has overhead garage doors on both the front and rear side of it, and would remain easily accessible to the winery employees/farmers from the rear of the building without requiring potential vehicles to access the building from its front side. Staff do not anticipate any adverse impacts to the adjacent agricultural lands and farming operation, or the surrounding rural residential lands, as a result of the Application. No physical development is required to facilitate the proposed Villa use, other than the allocation of amenity areas which are generally already existing. The subsequent Site Plan Approval processes for both lots will ensure that appropriate landscaping and parking is implemented as required. The proposed zoning categories and site-specific provisions are appropriate to accommodate the Application. Staff are supportive of the draft Zoning By-law Amendments, attached as **Appendix IV** and **Appendix V** to this report.

### **5.3 Consultation**

The Application was circulated to Town departments and external agencies for review and comment. Public notice of the Application was provided as required by the *Planning Act*.

Comments submitted by the public and agencies are included in **Appendix VI** to this report, and summarized as follows:

#### **5.3.1 Town Departments**

Building – No objections.

By-Law Enforcement – No objections. Under Council direction, the Town is no longer accepting new Short Term Rental (STR) applications for Cottage Rentals, Country Inns, Vacation Apartments, and Villas. Staff will conduct a detailed analysis of STRs in relation to how many are in the community and if there should be a maximum limit imposed, with findings to be presented to Council by June 1, 2025. Town Staff are working on a new STR By-law and the Application will be subject to the conditions of the By-law is in place at the time of permit application.

Fire and Emergency Services – No objections.

Finance – No objections.

Heritage – No objections.

Operations – No objections.

#### **5.3.2 External Agencies**

Accessibility Committee – No objections.

Canada Post – No objections.

Enbridge Gas – No objections.

Niagara Peninsula Conservation Authority – No objections.

Niagara Region – No objections, provided that the proposed outdoor amenity area will not include permanent structures.

#### **5.3.3 Public**

An electronic Open House was held on February 10, 2025, and the statutory Public Meeting was held on March 4, 2025. No members of the public attended either the Open House or Public Meeting.

One (1) public comment has been received, which indicates support of the Application by the abutting neighbours.

## **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 Zoning By-law Amendment.

## **8. FINANCIAL IMPLICATIONS**

The owner will be responsible for all costs associated with the proposal. The Town will collect applicable Development Charges at the time building permits are issued. Securities and deposits will be collected and released in accordance with the terms of the future a Site Plan Agreements.

## **9. ENVIRONMENTAL IMPLICATIONS**

Any comments on environmental implications are addressed throughout the report.

## **10. COMMUNICATIONS**

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

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

## **11. CONCLUSION**

Community and Development Services Staff recommend approval of Zoning By-law Amendment Application ZBA-20-2024, as the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement and conforms with the Greenbelt Plan, Niagara Official Plan and Town Official Plan.

## **12. PREVIOUS REPORTS**

- **CDS-23-211** – 1696 Niagara Stone Road – Zoning By-law Amendment Application ZBA-17-2022 – Recommendation Report (January 16, 2024)
- **CDS-25-036** – Consent Application B-01/25 – 1708-1710 Niagara Stone Road (February 20, 2025)
- **CDS-25-035** – 1696-1710 Niagara Stone Road – Information Report – Zoning By-law Amendment Application ZBA-20-2024 (March 4, 2025)

### 13. APPENDICES

- **Appendix I –** Conceptual Site Plan
- **Appendix II –** Maps
- **Appendix III –** Planning Legislation and Policies
- **Appendix IV –** Draft Zoning By-law Amendment (1708 Niagara Stone Road)
- **Appendix V –** Draft Zoning By-law Amendment (1710 Niagara Stone Road)
- **Appendix VI –** Agency and Public Comments

Respectfully submitted:

**Prepared by:**



**Victoria Nikoltcheva**  
**Senior Planner, Community & Development Services**

**Recommended by:**



**Aimee Alderman, MCIP, RPP**  
**Manager of Development Planning**  
**Community & Development Services**

**Recommended by:**



**Kirsten McCauley, MCIP, RPP**  
**Director, Community & Development Services**

**Submitted by:**



**Bruce Zvaniga**  
**Chief Administrative Officer (Interim)**