



Town of Niagara-on-the-Lake

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REPORT #: PBDS-26-005 **COMMITTEE DATE:** 2026-04-14
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2026-04-28
SUBJECT: 1096 Lakeshore Road – Zoning By-law Amendment Application (ZBA-09-2025)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-09-2025) for lands known municipally as 1096 Lakeshore Road **BE APPROVED**, and the draft Zoning By-law Amendment, attached as **Appendix V**, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding an application for a Zoning By-law Amendment (the “Application”) for lands known municipally as 1096 Lakeshore Road.
- The Application proposes to rezone the lands by expanding the existing list of permitted uses for the existing “Rural (A) Site-Specific Zone” to include an “Outdoor Hospitality Area,” in addition to setting out site-specific provisions to regulate this use. A “Holding (H)” provision is recommended, which would not allow the use to be established until such time as Site Plan Approval is granted.
- Revisions to the proposal were brought forward through resubmission of materials during the application review process.
- Staff recommend approval of the Application, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement and conforms with Provincial and local planning policies.

3. PURPOSE

This report has been prepared to provide a recommendation to the Committee and Council regarding an Application under the *Planning Act* seeking approval of a Zoning By-law Amendment on the subject lands, known as 1096 Lakeshore Road.

The Application proposes to add permissions for an “Outdoor Hospitality Area” located at the northeastern corner of the subject lands near the lakefront, which is to remain as a grassed area to allow for outdoor events, including but not limited to wedding ceremonies.

The Zoning By-law Amendment proposes to amend the existing “Special Exception 21.A.42 Konzelmann Zone” by expanding the list of permitted uses to include an “Outdoor Hospitality Area,” in addition to setting out site-specific requirements and definitions to regulate the size of the space, number of events permitted, number of guests permitted, parking, lighting, hours of operation, distance to property lines, and landscape buffers. A “Holding (H)” provision is

proposed to require the issuance of Site Plan Approval by the Director of Planning, Building and Development Services prior to permitting the use and associated outdoor events, to ensure that the limits of the designated “Outdoor Hospitality Area” are clearly identified and to address site layout details including but not limited to parking, traffic flow internal to the site, vehicular entrance and exit points, pedestrian walkways, fire route, and landscape buffers.

The Application drawing (Concept Plan) is attached as **Appendix I** to this report.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands are municipally known as 1096 Lakeshore Road, located on the north side of Lakeshore Road along the lakefront (Lake Ontario) in the Town’s agricultural area. The location of the subject lands is shown on **Map 1** of **Appendix II**.

The subject lands have an area of approximately 151,075 square metres (15.1 hectares) and contain a residential dwelling, and agricultural and winery buildings to support the Konzelmann Estate Winery. The lands contain approximately 10 hectares (100,738 square metres) of planted vineyards. The surrounding lands contain agricultural and rural residential uses.

4.2 Public Notice

The Application was deemed complete by Town Staff on July 2, 2025. The submitted application materials can be found on the Town’s website at the following link:

<https://www.notl.com/business-development/public-planning-notice/1096-lakeshore-road-zba-09-2025>

Public Notice of the Application was provided in accordance with *Planning Act* requirements. Yellow public notice signs were posted on the subject lands, and notice was provided by mail to all property owners within 120 metres of the subject lands. A map of the circulation radius is attached as **Appendix III** to this report.

4.3 Application Revisions

Since the initial submission, the proposal has been revised by the applicant in response to comments from the Town, external Agencies, members of the public, and Town Council.

The initial proposal was for an “Outdoor Hospitality Area” that was 1,850 square metres in size, located at the northeastern portion of the property, in addition to 82 associated parking spaces, with no provisions to regulate the use of the proposed “Outdoor Hospitality Area.”

The applicant has revised the proposal to reduce the size of the “Outdoor Hospitality Area” by 200 square metres, to 1,650 square metres in total, and to reduce the number of proposed parking spaces to forty (40). The land area occupied by the proposed parking has been decreased, allowing sufficient space for a fire route to access the proposed “Outdoor Hospitality Area.” Movement along the agricultural laneways for traffic associated with the requested outdoor events is now proposed to be one-way to ensure that the agricultural laneway does not require expansion for two-way traffic, which would likely require the removal of grapevines. Collectively, these revisions assist in limiting potential impacts to the existing agricultural operation of the subject lands.

With respect to guest access to the “Outdoor Hospitality Area” and buffering from adjacent properties, the applicant has removed the access nearest to the easterly property line and has relocated this access further to the interior of the property along an existing agricultural laneway. This, combined with the addition of a 3.0 metre wide landscape buffer strip along the easterly property line, will direct pedestrian traffic to the interior of the property and will assist with providing visual and physical buffering to the abutting property to the east, which is accompanied by a fence, to mitigate potential trespass issues on abutting agricultural properties.

The applicant has also revised the proposed Zoning By-law Amendment to implement provisions to regulate the use of the “Outdoor Hospitality Area” by limiting the number of guests based on septic capacity, providing site-specific definitions, setting out hours of operation and a timeframe in which the outdoor events may occur, identifying a maximum number of events per year and minimum distance to property lines.

The revisions made are focused on limiting the scale, duration and frequency of the outdoor events proposed to minimize potential impacts to and establish compatibility with agricultural operations, in addition to ensuring that there is sufficient space for a fire route to access the “Outdoor Hospitality Area.”

4.4 Previous Activity and Approvals

There is a long history of planning approvals which have occurred on the subject lands. A brief overview of these approvals is provided below to provide context for the current proposal.

In 1994, By-law Number 500IR-94 was approved by Town Council to implement site-specific permissions for the Estate Winery in addition to secondary uses, including the retail sale of wine, a hospitality room, and an agricultural market. In 2000, a central portion of the property fronting Lakeshore Road west of the existing parking lot was severed and rezoned through By-law Number 500OJ-00 for residential purposes. In 2011, By-law Number 500VO-11 was approved, which increased the maximum floor area for all secondary uses permitted through the site-specific provisions which apply to the subject lands. Over the years, there have been several amendments to the Site Plan Agreement to reflect changes to the layout and operation of the subject lands.

4.5 Future Applications & Approvals

Approval of a Site Plan Application, as set out within the “Holding (H)” provision recommended by Staff, will be required to facilitate the implementation of the “Outdoor Hospitality Area.” Through the Site Plan Application process, items related to the location of the designated “Outdoor Hospitality Area,” and associated pedestrian access, parking arrangement, vehicular entrance and exit points, fire route, landscaping buffer strip, among other matters, will be addressed.

Site Plan Applications are subject to approval by the Director of Planning, Building and Development Services, in accordance with the *Planning Act* and as delegated by Town Council through the Town’s Site Plan Control By-law. A list of future Site Plan matters to be addressed is included in **Section 5.5** of this report.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Application has been evaluated for consistency and conformity with the relevant Provincial and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix IV**.

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.

The Application supports the matters of provincial interest and 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 Local Planning Documents

The subject lands are designated as being within a “Specialty Crop Area” under the Provincial Planning Statement, 2024 (the “PPS”) and the Greenbelt Plan, 2017 (the “Greenbelt Plan”). The Niagara Official Plan, 2022 (the “NOP”) designates the lands as being within a “Specialty Crop Area” and are impacted by the NOP natural environment system, consisting of the Lake Ontario shoreline, which is considered a Key Hydrologic Feature outside of settlement areas. Under the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation (the “Town OP”), the subject lands are designated “Agricultural” and “Conservation” on Schedule A. The Town OP designation on the subject lands is shown on **Map 2 of Appendix II**.

Policies within these plans are focused on preserving and protecting Specialty Crop Areas over the long term for farming and agricultural operations. The policies provide direction to ensure that agricultural areas and operations are protected from the intrusion of new incompatible land uses.

As discussed below, Staff consider the Application to be consistent with the PPS, and conform with the NOP and the Town OP.

5.1.2.1 Proposed Use

The policies of the PPS, Greenbelt Plan and NOP permit a range of agricultural, agricultural-related and on-farm diversified uses within the Specialty Crop Area, subject to the applicable policy direction and provincial guidelines. An on-farm diversified use is defined as a use which is secondary to the principal agricultural use of the property and is limited in area. Under the goals and objectives of the Greenbelt Plan, as part of promoting agricultural viability and protection, there is direction to provide for appropriate flexibility to allow for on-farm diversified uses (“OFDUs”) and an evolving agricultural and rural economy.

OFDUs include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added products. As demonstrated in the following sections of this report, the proposed “Outdoor Hospitality Area” under these plans is a form of agri-tourism and is classified as an on-farm diversified use, which is compatible with and is not anticipated to hinder surrounding agricultural operations.

5.1.2.2 On-Farm Diversified Use in the Specialty Crop Area

The goals and objectives of the Provincial policy direction include the protection of the Specialty Crop Area land base while allowing agriculture-supportive infrastructure and value added uses necessary for sustainable agricultural uses and activities. In addition, the objectives include increasing certainty for the agricultural sector to foster long-term investment in the agri-food network and improvement to and management of the agricultural land base. The NOP mirrors the policies of the Greenbelt Plan with respect to uses permitted in the Specialty Crop Area as well as associated goals and objectives.

A full range of OFDU's are permitted in the Specialty Crop Area based on the Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. The policy direction sets out that OFDU's shall be:

- located on a farm
- secondary to the principal agricultural use of the property
- limited in area
- compatible with, and shall not hinder, surrounding agricultural operations

The Ministry of Agriculture, Food and Rural Affairs released Publication 851 in 2016, entitled "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas" ("OMAFRA Guidelines"). As it pertains to the proposal, the OMAFRA Guidelines provide guidance on how to evaluate and apply the criteria noted above. Town Staff provide an analysis below based on the policy direction and guidance in the OMAFRA Guidelines which demonstrates how the proposed "Outdoor Hospitality Area" adequately addresses all the criteria set out.

The proposed "Outdoor Hospitality Area" is located on lands owned and operated by Konzelmann Estate Winery. Most of the subject land is in agricultural operation that is actively farmed. The property is planted with grapes, which are harvested and processed on site to produce wine. As such, the requirement for an OFDU to be located on a farm is met.

The OMAFRA Guidelines direct that agricultural uses must remain the dominant use of the property, and this is measured in spatial and temporal terms. Spatially, the OFDU must be secondary relative to the agricultural use of the property, and the spatial limits are addressed under the "limited in area" criterion, discussed below. Temporal considerations apply to uses that are temporary or intermittent, such as events. Given that OFDU's must be compatible with surrounding agricultural operations, the frequency and timing of any events must not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.

The OMAFRA Guidelines direct that large-scale, repeated, or permanent events are not OFDUs and should be directed to existing facilities such as fairgrounds, parks, community centres, settlement areas or rural lands.

The individual outdoor events being proposed within the "Outdoor Hospitality Area" are considered temporary as the proposed Zoning By-law Amendment permits a maximum of twenty-four (24) outdoor events within a year from April 1st to October 31st, with an event defined as being one day. However, because the "Outdoor Hospitality Area" is proposed to be a permanent space to hold events, the events are limited in duration, size and frequency but would be permitted to be held on an ongoing or permanent basis.

The proposed "Outdoor Hospitality Area" will not displace any land that is in active agricultural production, as the area is currently grassed. The parking areas associated with the proposed use are located along the existing agricultural laneways, and only one-way traffic is proposed along the laneway when events are taking place to ensure that lands in agricultural production are not displaced or removed to accommodate additional parking or two-way traffic along the existing agricultural laneways. Clauses will be inserted into the amending Site Plan Agreement to regulate one-way traffic along the agricultural laneway, and signage for one-way traffic will be required to be shown on the Site Plan.

The proposed Zoning By-law Amendment provisions have been structured to limit the number of events per year and guests attending those events to assist in establishing that the proposed "Outdoor Hospitality Area" is secondary to the agricultural operations on the subject lands, and to ensure that the scale of the "Outdoor Hospitality Area" is limited both from a land area perspective but also temporally and in terms of the maximum number of people that are permitted to attend each event. Town Staff have recommended a maximum number of guests for each event to be 132 people, which can be accommodated via the existing septic system on the subject lands. Given that most of the subject lands are in agricultural production and no agricultural land is being displaced, in addition to the proposed events being limited in number, scale, frequency and intensity, Town Staff are of the opinion that the proposed use is secondary to the principal agricultural use of the property.

With respect to the "limited in area" criterion, the intent of the policy direction is to minimize the amount of land taken out of agricultural production, to ensure agriculture remains the main land use in prime agricultural areas, and to limit off-site impacts to ensure compatibility with surrounding agricultural operations. The OMAFRA Guidelines direct that the "limited in area" criterion should be based on the total land area that is unavailable for agricultural production because of the OFDU. The area calculation should account for all aspects related to an OFDU such as buildings, outdoor storage, landscaped areas, berms, septic systems, parking and new access roads. The OMAFRA Guidelines allow for existing buildings and uses associated with OFDUs to be discounted and recommend that the standard for the acceptable area occupied by an OFDU is up to 2% of the farm parcel. In the case of OFDUs that are intermittent, such as events, the OMAFRA Guidelines identify that the "limited in area" criterion may mean an area greater than the general recommendation of 2% of the farm parcel.

Town Staff have completed detailed calculations of the existing and proposed OFDUs on the subject lands and have applied discounts for existing uses as identified in the OMAFRA Guidelines. Town Staff have determined that, based on the drawings provided by the applicant, approximately 3.1% of the total land area will be occupied by existing and proposed OFDUs and associated areas. The existing OFDUs on the subject lands include an indoor hospitality room, retail wine sales, and associated space dedicated to parking, septic system and landscaping. These associated areas include parking and landscaped areas associated with existing and proposed OFDUs, the septic system used for hospitality uses, and the widening of the fire route required for the "Outdoor Hospitality Area." While this is above the recommended "limited in area" lot coverage percentage of 2% identified in the OMAFRA Guidelines, these calculations should not be viewed in isolation in determining whether the proposed "Outdoor Hospitality Area" is an appropriate use for the subject lands. Rather, the percentage of land area occupied by an OFDU should be evaluated in the context of whether the proposed use will be compatible with and will not hinder surrounding agricultural operations.

As noted, the OMAFRA Guidelines acknowledge that for intermittent uses, such as events, an area greater than the general recommended maximum lot coverage of 2% may be acceptable. The proposed Zoning By-law Amendment would implement a number of restrictions for the “Outdoor Hospitality Area” and associated events, including but not limited to restricting the size of the “Outdoor Hospitality Area,” number of events per year, number of guests permitted per each event, hours of operation and times of the year that events could occur, prohibiting lighting, and setting out a maximum number of parking spaces for the use. The applicant has also proposed that vehicular traffic associated with outdoor events be limited to one-way traffic along the agricultural laneway, which would result in no lands in agricultural production being removed to accommodate the proposed parking arrangement.

The proposed restrictions will allow for approximately one (1) event per week from April 1st to October 31st of each year that will only be conducted during the daytime hours, with events being required to finish by 8:00 pm. This will allow the landowner the opportunity to conduct its normal farm practices outside of the days that events are occurring on the subject lands, which is anticipated to be +/- one (1) day per week. The scale and intensity of the proposed “Outdoor Hospitality Area” is controlled by the proposed zoning provisions, and the number of guests permitted ensures that the guests in attendance can be accommodated by the existing septic system. In terms of impacts such as potential soil compaction, the proposed parking arrangement, traffic generated and pedestrian paths to support the proposed “Outdoor Hospitality Area” are utilizing existing agricultural laneways. As such, heavy agricultural machinery is currently using these laneways and pathways, and Town Staff do not anticipate any further soil compaction resulting from vehicular or pedestrian traffic along the agricultural laneways. Given that there are no lands being taken out of agricultural production to accommodate the proposal and that the recommended provisions will limit the scale, intensity and timing of the events, Town Staff are of the opinion that the proposal is compatible with the normal farm practices occurring on the subject lands, and it is not anticipated that the “Outdoor Hospitality Area” will hinder agricultural operations on the subject lands.

In addition to considering potential impacts on the subject lands, Town Staff evaluated potential impacts to surrounding agricultural operations. The OMAFRA Guidelines identify that uses which attract large numbers of people onto the farm for non-farm events or for recreational purposes could result in excessive noise and trespass issues that may be incompatible with surrounding agricultural operations. The applicant has proposed a 3.0-metre-wide landscape buffer strip along the easterly lot line in proximity to the proposed “Outdoor Hospitality Area,” which will assist in clearly defining the limit of the property line, in addition to providing a physical and visual buffer from the abutting property to the east. Town Staff during a site visit also noted an existing fence located along the easterly property line in proximity to the proposed “Outdoor Hospitality Area,” which will assist in mitigating potential trespass issues.

With respect to potential noise impacts, Town Noise By-law 4588-12, as amended, (the “Noise By-law”) is in effect to regulate sound, vibration, or nuisance. As such, any noise from the “Outdoor Hospitality Area” would be regulated by the Noise By-law, and any noise which complies with the Noise By-law is not anticipated to result in negative impacts to agriculture. The proposed Zoning By-law Amendment also sets out minimum distances to the lot lines, which will provide a further buffer from where the events are taking place and the abutting property to the east. Town Staff are of the opinion that the site-specific zoning provisions will regulate the proposed use in terms of size, scale, and intensity to ensure that active farmland

is preserved and that there are no anticipated impacts which would hinder surrounding agricultural operations, and the site-specific provisions recommended restrict events from occurring past 8:00 pm. As such, noise is not anticipated into the evening.

Local municipalities are encouraged to utilize site plan control to regulate the impact of OFDU's in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection. The applicant has provided a conceptual layout for the site and the addition of the "Outdoor Hospitality Area," which will be refined through the Site Plan Approval process should the Application receive approval from Town Council.

Town Staff are of the position that the proposal is consistent with the PPS, 2024, and conforms with Provincial and local plans in effect with respect to policies and related provincial guidelines that apply to OFDU's.

5.1.2.3 Secondary Use Policies

The Town OP provides goals and objectives for designated agricultural lands, including the preservation of prime agricultural lands and consideration of the impact on surrounding agriculture. The policy direction in the Town OP for agricultural lands is to help ensure the preservation of prime agricultural lands for farming, with a particular emphasis on the preservation of specialty crop lands. The Town OP sets out policies to ensure that agricultural areas are protected from harassment and conflict from non-farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation.

Estate wineries are a permitted use in the Agricultural designation, and hospitality uses may also be given consideration where it is clearly demonstrated that such uses are only accessory to and complement the estate winery. These accessory uses shall only be permitted on an individual case by case basis and subject to a site-specific zoning by-law amendment where the floor space may be restricted. The Town OP sets out that any agricultural use permitted in Section 7 of the plan is permitted within the Conservation designation. Given that estate wineries are a permitted use within Section 7 and that the outdoor event space is proposed to be a hospitality use accessory to the estate winery, and that there are no physical changes or development proposed as part of the proposal, Town Staff are of the opinion that the proposed use is supported by the Town OP. No physical alterations, buildings or structures are proposed within the portion of the property designated "Conservation" in the Town OP, and any development, including hard surfacing or landscaping, is prohibited by the recommended site-specific zoning provisions. Accordingly, Town Staff are of the opinion that the proposal conforms with the policy direction to preserve and protect the Lake Ontario shoreline.

Section 7.3.1 (3) of the Town OP provides permissions for certain uses as secondary uses, including Agricultural Markets and small-scale industrial or commercial activities that are directly related to and serve agriculture. These secondary uses may be permitted independent of a main agricultural use on a parcel. As outlined in the preceding policy discussion, Staff are satisfied that the proposed OFDU is appropriately scaled for the rural context and is not anticipated to hinder agricultural operations in the surrounding area. The location of the use is in an isolated are of the property and can be accommodated by the existing septic system. Adequate entrances and exits to road have been proposed to minimize travel hazards and

parking and access points have been limited to establish that there will be no negative impact to the agricultural operations of the subject lands.

Town Staff are of the position that the proposal conforms with the secondary use policies contained within the Town OP.

5.1.2.4 Minimum Distance Separation Formulae

Section 7.4.2) (b) of the Town of the Town OP requires that all new development located on lands designated "Good Tender Fruit or Good Grape" in the Regional Policy Plan shall be subject to the Minimum Distance Separation ("MDS") I requirements. While there is no development proposed, the definition of "Development" in the Town OP includes a change in land use requiring approval under the *Planning Act*, and accordingly, this policy applies.

The Regional Policy Plan (2004) provided a distinction between good tender fruit/good grape land and those lands of lesser agricultural value within the "Unique Agricultural Lands" land-use designation. The Regional Policy Plan (2004) has since been repealed and replaced by the Regional Policy Plan (2011), the Niagara Region Official Plan (2014) and the Niagara Official Plan (2022). These subsequent versions of the Region's Official Plan (i.e., the Regional Policy Plan (2011), the Niagara Region Official Plan (2014) and the Niagara Official Plan (2022)), do not provide a distinction of agricultural value of lands within the Specialty Crop Area designation (previously the "Unique Agricultural Lands" designation), and as such, the Good Tender Fruit/Good Grape land designation and applicable policies are not in force and effect. There is no additional guidance in the Town OP regarding the application of MDS for OFDU's, and Town Zoning By-law 500A-74, as amended, also does not contain any guidance related to MDS.

Although there is limited direction in the Town OP regarding the application of MDS for OFDU's, Town Staff have reviewed the provincial guidelines for MDS, entitled "The Minimum Distance Separation (MDS) Document, Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks – Publication 853" (the "MDS Guidelines").

Implementation Guideline #35 identifies that MDS setbacks for agriculture-related uses and OFDUs from existing livestock facilities and anaerobic digesters will generally not be needed for land use planning applications. The MDS Guidelines do acknowledge that certain OFDUs may exhibit characteristics that could lead to potential conflicts with surrounding livestock facilities or anaerobic digesters, including agri-tourism uses.

The MDS Guidelines identify that municipalities may require to choose to require an MDS I setback for OFDUs and that municipalities shall include specific provisions in their zoning by-law to clearly indicate the types of OFDUs that will be required to meet MDS I setbacks, including provisions related to the measurements from existing livestock facilities and anaerobic digesters. Otherwise, MDS I setbacks will not be required for these types of uses. Given that the Town OP and Zoning By-law 500A-74, as amended, does not provide any specific guidance on minimum distance separation regarding OFDU's, Town Staff are of the position that MDS I setbacks are not required for the proposed OFDU.

5.1.2.5 Archaeology

Provincial and local policies aim to protect and conserve archaeological resources through prohibiting development on lands that are deemed to have archaeological potential unless

archaeological resources have been evaluated and conserved. The subject lands are located in an area of archaeological potential per Schedule K of the NOP and Schedule H of the Town OP.

Given that the “Outdoor Hospitality Area” is required to remain a grassed area, and that there is no construction or ground disturbance proposed as part of the proposal, an archaeological assessment was not required to form a complete application.

5.1.2.6 Servicing and Parking

Town Staff note that the Ministry of Environment, Conservation and Parks (“MECP”) currently has jurisdiction over the three (3) existing septic systems on the subject lands, as total sewage flows for the site currently exceed the Niagara Region’s review limit of 10,000 litres per day.

At the request of the MECP, the applicant has provided a Sewage Flow Analysis to determine the impact of the proposed “Outdoor Hospitality Area” on sewage flows and the capacity of the existing private septic systems on site. The analysis concluded that there is an existing surplus capacity of approximately 1,063 litres per day. Based on the flow rates set out in the Ontario Building Code, the surplus capacity calculated would allow for an additional 132 persons to be accommodated. Staff from the MECP have reviewed the Sewage Flow Analysis and have confirmed that the MECP has no concerns if special event guests are limited to those numbers that would allow the sewage system to operate within its approved rated capacity. Town Staff have provided provisions in the proposed Zoning By-law Amendment to limit the number of guests within the “Outdoor Hospitality Area” to 132 guests, to ensure that the number of guests permitted can be adequately accommodated by the existing septic system.

With respect to parking needs to support the proposed use, the existing site-specific zoning provisions identify that a minimum of one (1) parking space is required for every 18.5 square metres of floor area devoted to a secondary use. The definition of “Floor Area” under Town Zoning By-law 500A-74, as amended, “means the total floor area of all storeys or half storeys contained within the exterior faces of the exterior walls of a building, but excluding any private garage, breezeway, porch, veranda, sunroom, attic or cellar.” Given that the “Outdoor Hospitality Area” will remain a grassed area and there are no buildings or structures proposed, Town Staff have recommended site-specific parking rates which apply to the “Outdoor Hospitality Area” based on the Concept Plan proposed by the applicant, as follows:

- Minimum Number of Parking Spaces: 1 per 45 square metres of land area which comprises an Outdoor Hospitality Area
- Maximum Number of Parking Spaces: 1 per 30 square metres of land area which comprises an Outdoor Hospitality Area

Based on the maximum permitted area of the “Outdoor Hospitality Area,” this would result in a minimum requirement of 37 parking spaces and a maximum requirement of 55 parking spaces. When combined with the existing parking spaces on site, approximately 113 to 131 parking spaces will be available on the subject lands. The applicant has advised that while outdoor events are occurring, the existing indoor hospitality area would not be used for other events. For example, if a wedding ceremony is occurring at the outdoor hospitality area, the indoor hospitality area would not be being used to accommodate other guests, given that the wedding receptions are to occur in the indoor hospitality room. Additionally, if it rains, the applicant has indicated through discussions with Town Staff that the outdoor event could be relocated

indoors. In this regard, Town Staff understand that the existing parking supply that is dedicated to the indoor hospitality space will be available to guests attending the proposed “Outdoor Hospitality Area” and there will be shared parking between the indoor and outdoor hospitality areas. In addition, the maximum parking rate will establish that no land currently in agricultural production will be removed to accommodate parking on the subject lands, and that agriculture will remain the primary use of the property. Town Staff are of the opinion that with the proposed provisions which limit the scale, size and frequency of outdoor events within the “Outdoor Hospitality Area,” combined with the existing parking on site, that the parking rates proposed are appropriate and balance parking needs with preserving agricultural land.

5.1.2.7 Natural Heritage System

As noted, the subject lands are impacted by the NOP Natural Environment System (“NES”), consisting of the Lake Ontario shoreline, which is considered a Key Hydrologic Feature (“KHF”) outside of Settlement Areas, and this portion of the property is designated “Conservation” in the Town OP.

Regional Environmental Planning Staff have reviewed the Application and have advised that NOP policies normally require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of KHF's. However, the proposed ZBA is strictly for outdoor event space, and does not involve any site alteration or development (no grading, temporary/permanent buildings, concrete, gravel or retaining walls). The area is to remain grassed and the Lake Ontario shoreline is already zoned appropriately. As such, Regional Environmental Planning staff offer no objection to the application. Given that no physical alterations, buildings or structures are proposed within the portion of the property designated “Conservation” in the Town OP, and that the recommended zoning provisions restrict any development or hardscaping, Town Staff are of the opinion that the proposal conforms with the policy direction to preserve and protect the Lake Ontario shoreline.

5.1.3 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’s intent. Town Staff are undertaking a review of the proposed Official Plan for conformity and consistency with applicable policies.

The subject lands are designated “Protected Countryside” and “Specialty Crop Lands” in the proposed Town OP. The designation permits a variety of agricultural uses, agriculture-related uses, and on-farm diversified uses, subject to criteria. Small scale agri-tourism uses are considered on-farm diversified uses that are permitted within the proposed Official Plan, and those agri-tourism uses that are directly related to agriculture are permitted as of right in the implementing zoning by-law.

Agri-tourism uses indirectly related to agriculture that benefit from a farm location may be permitted but require an amendment to the zoning by-law, and criteria are set out to establish that the scale of the operation is limited and appropriate to the site and surrounding farming operations, the use is compatible with surrounding agricultural uses and neighbouring properties, and that the use does not require significant improvements to utilities or infrastructure, among other matters. A Zoning By-law Amendment would be required to facilitate the “Outdoor Hospitality Area” under the proposed Town OP.

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

The subject lands are zoned “Special Exception 21.A.42 Konzelmann Zone” in the Town of Niagara-on-the-Lake Zoning By-law 500A-74, as amended. The existing zoning on the lands is shown on **Map 3** to **Appendix II** to this report.

5.3 Proposed Amendment

The Application is seeking an amendment to Zoning By-law 500A-74, as amended (the “Zoning By-law”). The draft Zoning By-law Amendment, as recommended by Staff, is attached as **Appendix V**.

The Zoning By-law Amendment proposes to amend the existing “Special Exception 21.A.42 Konzelmann Zone” by expanding the list of permitted uses to include an “Outdoor Hospitality Area,” in addition to setting out site-specific requirements and definitions to regulate the size of the outdoor hospitality space, number of events permitted, number of guests permitted, parking, lighting, hours of operation, distance to property lines, and landscape buffers. A “Holding (H)” provision is proposed to require the issuance of Site Plan Approval by the Director of Planning, Building and Development Services prior to permitting the use and associated outdoor events, to ensure that the limits of the designated “Outdoor Hospitality Area” are clearly identified and to address site layout details.

Town Staff would normally provide a comparison of the existing Zoning By-law provisions to the site-specific provisions being proposed to clearly identify the relief being requested, and to provide a justification for this relief. However, given that the Zoning By-law does not define or permit an “Outdoor Hospitality Area,” there are not provisions in the Zoning By-law in which to compare the proposed site-specific provisions to. As such, the following chart illustrates the site-specific provisions recommended by Staff:

| Requirement | Proposed Outdoor Hospitality Area Provisions |
|---|---|
| Maximum Land Area | 1,650 square metres |
| Maximum Occupant Load | 132 people |
| Hours of Operation for an Outdoor Event | Between April 1 st and October 31 st of each year, between 10:00 a.m. and 8:00 p.m. |
| Maximum Number of Outdoor Events Per Year | Twenty-four (24) Outdoor Events shall be permitted each year, with one event defined as one day |
| Lighting | No outdoor lighting shall be permitted |
| Temporary Tents | Temporary event tents may be erected during the duration of an Outdoor Event and shall be removed within 24 hours after each Outdoor Event, and are subject to any applicable requirements set out in the Ontario Building Code |
| Permanent Structures | Permanent structures which do not exist as of the date of the passing of this By-law are not permitted within an Outdoor Hospitality Area |

| Requirement | Proposed Outdoor Hospitality Area Provisions |
|------------------------|--|
| Landscaping | An Outdoor Hospitality Area shall remain as a grass area. Additional permanent landscaping, including but not limited to hard surfacing, retaining walls, fountains, etc., shall be prohibited |
| Parking | Minimum Number of Parking Spaces: 1 per 45 square metres of land area, which comprises an Outdoor Hospitality Area Maximum Number of Parking Spaces: 1 per 30 square metres of land area, which comprises an Outdoor Hospitality Area |
| Distance to Lot Lines | Minimum Distance to Easterly Lot Line – 25 metres Minimum Distance to Northerly Lot Line – 15 metres Minimum Distance to Westerly Lot Line – 280 metres |
| Landscape Buffer Strip | A landscape buffer strip that is a minimum of 3.0 metres in width and a minimum of 50 metres in length, comprised of coniferous plantings, shall be provided along the easterly lot line to provide a visual screen for the Outdoor Hospitality Area |

The following chart illustrates the site-specific definitions recommended by Staff:

| Term | Site-Specific Definition |
|--------------------------|--|
| Outdoor Hospitality Area | Means a designated outdoor space secondary to an Estate Winery that is communal and available for use by guests of the Estate Winery for an <i>Outdoor Event</i> . Temporary tents without a foundation or platform which are only erected during the duration of an <i>Outdoor Event</i> are permitted. Alcohol and food may be served as part of an Outdoor Event only, but the use of commercial cooking equipment is prohibited. |
| Outdoor Event | Means an organized, temporary gathering occurring outdoors for recreational or social activities that shall only occur within a designated Outdoor Hospitality Area. |
| Wedding Ceremony | Means an <i>Outdoor Event</i> where the exchange of wedding vows between two people and an officiant may be witnessed by guests in attendance. Wedding rehearsals, pre-wedding photo shoots or similar activities carried out in preparation for a Wedding Ceremony are permitted on the property but shall not be considered an <i>Outdoor Event</i> for the purpose of this By-law. |

The site-specific zoning provisions would establish controls to regulate the location and operation of the “Outdoor Hospitality Area” related to the size, scale, location, frequency and

intensity of this proposed land use and are appropriate for the subject lands and the surrounding agricultural area. The provisions will establish land use compatibility with surrounding uses and agricultural operations.

The proposed provisions set out a maximum land area, occupant load, number of events per year, and hours of operation for the proposed “Outdoor Hospitality Area.” As discussed, these provisions would control the “Outdoor Hospitality Area” from a land area perspective but also from a temporal perspective. The maximum number of people permitted in the “Outdoor Hospitality Area” will ensure that the number of guests and events per year can be accommodated by the existing septic systems on the subject lands and that there are not large numbers of people entering and exiting the subject lands on a frequent basis. This will assist in allowing normal farm practices on the subject lands and in the surrounding area to continue without being hindered, as the provisions would result in approximately one (1) outdoor event per week on average from April 1 to October 31 of each year.

Further controls have been proposed that set out a minimum distance to property lines and a minimum landscape buffer strip. Town Staff received comments from the landowner about the subject lands to the east regarding the use of amplified music and potential impacts to the effectiveness of bird bangers on their property, and impacts to their dwelling. As noted, the Town has a Noise By-law in effect, which regulates sound, vibration, or nuisance, and there are no negative impacts to agriculture anticipated. With the minimum required distance to the easterly property line, the dwelling on the abutting property to the east (1104/1128 Lakeshore Road) is located approximately 155 metres (508 feet) from the proposed “Outdoor Hospitality Area.” With the regulations proposed respecting controlling the frequency, duration, and hours of operations for outdoor events combined with the regulation of the Noise By-law, Town Staff do not anticipate negative impacts to the residential dwelling to the east. A 3.0 metre landscape buffer strip comprised of coniferous plantings is also required along the easterly property line to provide further physical and visual buffering, which will assist in clearly delineating the property line to reduce potential trespass onto the adjacent property. The applicant has also revised the pathway to access the “Outdoor Hospitality Area” more central to the site, which will direct guests away from the easterly property line and further reduce potential trespass issues.

The site-specific zoning provisions also prohibit any permanent landscaping, such as hard surfacing, retaining walls, etc., within the “Outdoor Hospitality Area,” as well as setting out minimum and maximum parking requirements. Prohibiting permanent landscaping will establish that the space remains a grass area to ensure that existing natural heritage features are not impacted. This would also allow the area to be used for agricultural purposes in the future, should business plans change, and the winery chooses to stop conducting outdoor events. This portion of the property would continue to be available for agricultural production as it is a grassed area.

As discussed in **Section 5.1.2.6** of this report, the minimum and maximum parking rates proposed balance the need to mitigate potential impacts to agricultural operations by not removing any lands currently in agricultural production and providing sufficient parking to accommodate the proposed use. It is anticipated that a portion of the parking that currently exists on the subject lands for the indoor hospitality room will be used by guests of the proposed “Outdoor Hospitality Area,” as the landowner has indicated that while outdoor events are occurring, the indoor hospitality room would not be used for other events. The parking

arrangement also allows for a fire route to be established that does not impact lands currently in agricultural production. For these reasons, which are further discussed in **Section 5.1.2.6**, Town Staff are of the position that the parking rates and location proposed are appropriate.

Based on the analysis above, Staff recommend approval of the Zoning By-law Amendment, attached as **Appendix V**.

5.4 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*, as discussed in **Section 4.2** of this report.

Comments received by Town Departments and external Agencies are attached as **Appendix VI** and **Appendix VII**, respectively, and public comments are included in **Appendix VIII**.

5.4.1 Town Departments

Public Works and Infrastructure – No objections.

Building – No objections.

Finance – No objections.

Accessibility – No objections. Comments provided for the Site Plan Approval stage related to accessible parking spaces and accessible paths to the outdoor hospitality area.

Fire and Emergency Services – No objections. At the Site Plan Approval stage, Staff will require that the applicant identify the access for the proposed fire route in its entirety from Lakeshore Road to the proposed outdoor hospitality area, in addition to ensuring that proposed parking spaces are on a non-combustible surface.

Heritage – No objections. No ground disturbance is proposed.

5.4.2 External Agencies

Niagara Region – No objections. The subject lands are impacted by the natural environment system consisting of the Lake Ontario shoreline, which is considered a Key Hydrologic Feature (“KHF”) outside of settlement areas. NOP policies typically require the completion of an Environmental Impact Study when development or site alteration is proposed within 120 metres of a KHF. Given that the outdoor hospitality area is to remain grassed and the Lake Ontario shoreline is already zoned appropriately, Regional Environmental Planning Staff offer no objection to the application. Given that the sewage flows for the site are above 10,000 litres per day, the MECP should be consulted to ensure that there are no concerns from a private servicing perspective. A road widening of varying width along the site’s Lakeshore Road frontage is required to achieve the designated road allowance, which will be addressed at the Site Plan Approval stage. The applicant is responsible for obtaining any applicable Regional road use permits.

Ministry of Environment, Conservation and Parks (“MECP”) – No objections, provided that the number of event guests are limited to those numbers that would allow the sewage system to operate within its approved rated capacity.

Niagara Peninsula Conservation Authority (“NPCA”) – No objections. The NPCA has reviewed the application materials and note that no new development or site alteration is proposed. The application is to recognize small events that will take place on an existing disturbed area near Lake Ontario. Multiple hazards are associated with the Great Lakes and impact the site. However, the majority of these risks exist closer to the Lake. The outdoor hospitality area will be located within the Erosion Hazard of Lake Ontario. Erosion hazard risks are mitigated with appropriate shoreline protection, and the NPCA is of the opinion that the shore protection in place is in adequate condition to mitigate the erosion hazard.

Enbridge Gas – No objections.

Canada Post – No objections.

5.4.3 Public

An electronic Open House was held on August 11, 2025, attended by four (4) members of the public. The statutory Public Meeting was held on September 9, 2025, to which six (6) members of the public registered to attend, and five (5) members of the public spoke.

At the time of writing this report, Staff have received approximately seven (7) letters or items of written correspondence from five (5) members of the public. All public comments are attached as **Appendix VIII** to this report. A summary of comments received, as well as Staff’s responses, are provided in the table below.

| Public Comment | Response |
|---|---|
| Concerns regarding non-compliance with the existing zoning, site plan and provincial Alcohol and Gaming Commission of Ontario obligations over the last several years in carrying out the proposed use without permission, and the continual breach of obligations before the Superior Court of Justice. The current application does not address the failures of the landowner to comply with the existing by-law. | Matters related to the Alcohol and Gaming Commission of Ontario (“AGCO”) and before the Court of Justice are subject to review and consideration outside of Town planning processes. Through the application review, Staff are ensuring that the proposed use of the land will be suitably addressed through zoning provisions and the future Site Plan Approval processes. |
| The application discusses its desire to have special events which requires an application for the Town’s present Special Events Policy. The term “Special Events” in the application is confusing. What is requested are not “Special Events” addressed in the Special Events Policy but Winery Events as contemplated through Zoning By-law permissions given to other estate wineries. This confusion should be clarified before the application is considered. | The applicant has clarified through discussions with Town Staff and in the resubmission materials that the intention is to permit outdoor events as of right within the Zoning By-law Amendment. As such, should the Zoning By-law Amendment be approved, the applicant would not be required to obtain a Special Events Permit and would be subject to all applicable provisions set out in the Zoning By-law Amendment. |
| The application should be denied, or, at the very least, deferred until the following has occurred: | Town Staff are of the position that sufficient information has been provided by the applicant to move forward with a recommendation to Town Council, as required under the provisions of the |

| Public Comment | Response |
|--|--|
| <ol style="list-style-type: none"> 1. The decision of the Superior Court has been rendered 2. The Town has completed a full review of its Special Events Policy and a new policy has been established 3. Applicant clarifies whether it is seeking “Special Events” pursuant to the Town’s policy or “winery events” codified in a zoning amendment 4. Applicant has brought the property into full conformity with the current zoning and site plan requirements 5. Applicant addresses the Tied House License conditions with the AGCO and provides written confirmation that the uses the Town is asked to approve does not contravene such license. | <p><i>Planning Act.</i> As noted, the applicant has clarified that the intention is to have permissions to host outdoor events without the requirement to obtain a Special Events Permit.</p> <p>A “Holding (H)” provision has been recommended by Town Staff to ensure that the applicant obtains Site Plan Approval prior to the holding symbol being lifted and the outdoor events being permitted to ensure that the use is appropriately regulated by and conforms with zoning and the site plan agreement. Town Staff are in discussions with staff at the AGCO to confirm next steps regarding the AGCO licensing process and how it interacts with Town processes.</p> |
| <p>The draft amendment was to include controls proposed by Konzelmann with respect to any approval granted on this application. The draft By-law contains no controls whatsoever.</p> | <p>The applicant has revised the proposal to include provisions to regulate the use of the proposed “Outdoor Hospitality Area” and Town Staff have recommended similar provisions within the draft Zoning By-law Amendment attached as Appendix V to this report.</p> |
| <p>Concerns regarding conflicts between the proposal and incompatibility with the existing character of the neighbouring property to the east. A residential home would be subject to constant disruption from tourist events, while farming operations would interfere with the commercial experiences proposed. Agricultural practices often involve noise, heavy machinery, and the application of chemicals – factors that clash with the proposed use.</p> | <p>Town Staff are of the position that the provisions set out in the proposed Zoning By-law Amendment are appropriate to establish compatibility with surrounding agricultural operations and the abutting dwelling to the east, as discussed further in Sections 5.1.2.2, 5.1.2.3, 5.1.2.4 and 5.3 of this report.</p> |
| <p>Concerns regarding tourist safety as agricultural operations involve large equipment and potentially hazardous substances. Hosting significant numbers of visitors in such close proximity to working farmland creates a dangerous environment.</p> | <p>The applicant has advised that agricultural operations on the subject lands will not occur during the time that there is an outdoor event taking place. In addition, a landscape buffer strip is required through the proposed Zoning By-law Amendment, which will provide a visual and physical buffer to the abutting property to the east, which will assist in identifying the limits of the subject lands to mitigate potential trespass issues. The access to the proposed “Outdoor Hospitality Area” has been located west of the existing dwelling, away from the common property line with the abutting farming operation</p> |

| Public Comment | Response |
|---|--|
| | to the east. During a site visit, Town Staff also noted that there is a fence along the easterly property line in proximity to the proposed “Outdoor Hospitality Area,” which clearly identifies the property line and will mitigate potential trespass issues. |
| The applicant has failed to provide details regarding event capacity, frequency, and the services necessary to support guests. The proposed 30 annual events exceed what is reasonable in an agricultural area. Several complaints have been filed in recent years yet violations persist. Effective enforcement is necessary. | The proposed Zoning By-law Amendment sets out provisions to control the number of events per year, maximum capacity within the “Outdoor Hospitality Area,” and hours of operation. As discussed in Section 5.1.2.6 of this report, the applicant has indicated that the maximum capacity of the “Outdoor Hospitality” can be accommodated by the existing septic system on the subject lands. |
| The agricultural character of Niagara-on-the-Lake is one of its greatest assets, yet widespread approval of large-scale events would gradually transform farmland into event venues. | Each <i>Planning Act</i> application is reviewed on its own merits, and similar uses proposed on other properties in the Specialty Crop Area would be required to make application under the <i>Planning Act</i> to permit such use. Town Staff are of the position that the proposed provisions which would regulate the duration, frequency and size of events occurring within the “Outdoor Hospitality Area,” balances the need to preserve the agricultural character of the area with allowing for on farm diversified use which will help to diversify revenue streams for the farm and bring visitors to the area to support the agricultural economy. |
| Scientific studies have shown that people living near fields are more exposed to pesticides than those living distant from agricultural operations. Concerns that guests of the hosting vineyard would likely be visiting during the spring and summer months, and may be impacted by pesticides applied by the owner or on adjacent lands and potential for these pesticides to blow to the venue area in the vineyard. Concerns regarding potential health impacts associated with pesticide use. | Town Staff are not aware of any provincial or local land use policies or legislation which would be evaluated as part of the review of a <i>Planning Act</i> application which pertain to pesticide use as part of normal farm practices in the Specialty Crop Area. Town Staff understand that there are provincial legislation and regulations under the Ministry of the Environment, Conservation and Parks, which govern the sale, use, storage, and disposal of pesticides via licensing and classification, that the owner of the subject lands and adjacent lands would be subject to. |

| Public Comment | Response |
|---|---|
| <p>The proposal is not consistent with the applicable provincial guidance for establishing on-farm diversified uses in a prime agricultural area. The proposal continues to exceed the standard acceptable area of 2% of a farm parcel for an OFDU and does not demonstrate compatibility with surrounding agricultural operations.</p> | <p>Conformity and consistency with applicable provincial policy and guidelines as it relates to on-farm diversified use and compatibility with the agricultural area is discussed in Sections 5.1.2.2, 5.1.2.3, 5.1.2.4 and 5.3 of this report.</p> |
| <p>The submission materials have not included a review of the Minimum Distance Separation (MDS) requirements to demonstrate that surrounding agricultural operations are able to pursue agricultural practices without impairment or inconvenience.</p> | <p>As discussed in Section 5.1.2.4 of this report, Town Staff are of the position that MDS is not applicable to the proposal.</p> |
| <p>The revised proposal continues to have potential site functionality issues (i.e. location of parking and access). The proposal does not provide appropriate regulations as part of the Zoning By-law Amendment to limit and control potential impacts to surrounding agricultural uses.</p> <p>Recommendation for Council to deny the application for the reason that the applicant has failed to demonstrate that the proposed outdoor event use is consistent with provincial policy. Should Council decide to approve the application, recommendation that they be limited in area, duration, frequency and number of people.</p> | <p>As discussed throughout this report, Town Staff have recommended provisions which limit the size, frequency and duration in the Zoning By-law Amendment to regulate the proposed “Outdoor Hospitality Area,” to achieve compatibility with the surrounding agricultural operations. A “Holding (H)” provision is also included in the proposed Zoning By-law Amendment to address potential site functionality issues.</p> |
| <p>The OMAFA Guidelines provide that conflicts between new OFDUs and farming due to normal farm practices should be avoided or mitigated. Normal farm practices for vineyards could include the application of fertilizers (i.e. manure spreading), the use of bird control technologies such as bird bangers, composting of materials and the use of machinery (i.e. tractors). The applicant has not considered how the proposed use may be impacted by surrounding agricultural operations and how in turn may result in complaints from the guests using the outdoor events space.</p> | <p>As discussed throughout this report, Town Staff have recommended provisions which limit the size, frequency and duration of outdoor events in the Zoning By-law Amendment to regulate the proposed “Outdoor Hospitality Area,” to achieve compatibility with the surrounding agricultural operations. The normal farm practices identified by the commentator will also be occurring on the subject lands as it is an active farm.</p> |

| Public Comment | Response |
|---|--|
| <p>The parking configuration proposed along either side of the agricultural laneway has the potential to result in soil compaction (impacting soil stability, drainage, and potentially root systems) and damage to the grapevines associated with the proximity of vineyards to the parking spots.</p> <p>As per Section 3.19(d) of the Zoning By-law, ingress and egress to required parking spaces is to be provided by driveways that have a minimum width of 6 metres, whereas the current Concept Plan illustrates a width of 5 metres to access the proposed parking spaces. The widening of the laneway to meet this definition would further exacerbate the concern raised related to the encroachment of parking into the vineyards and would further increase the OFDU area calculation which is already in excess of the provincial standard.</p> | <p>As discussed in Section 5.1.2.6 of this report, traffic will be limited to one way travel along the agricultural laneway where the additional parking spaces are proposed, which requires a drive aisle of 3.0 metres. Town Staff do not anticipate that any grapevines will require removal to accommodate parking along the existing agricultural laneway based on in person measurements taken, and that agricultural machinery already uses these laneways. As such, it is not anticipated that the soil would be compacted further than it already is currently from the heavy agricultural machinery.</p> |
| <p>It is unclear how guests parking on the westerly segment of the laneway will turn around and/or if they are expected to utilize the shared agricultural laneway on the western boundary of the property.</p> | <p>The Site Plan has been revised, and parking is no longer proposed on the westerly segment of the existing agricultural laneway.</p> |
| <p>Recommendation for a Holding (H) provision to the site-specific use until Site Plan Approval is granted, given the potential site-functionality issues.</p> | <p>A “Holding (H)” provision has been included in the proposed Zoning By-law Amendment to require Site Plan Approval to ensure that the site layout, direction for flow of traffic, fire route, accessibility requirements and other matters are addressed, to the satisfaction of Town and external agency staff, prior to lifting the “Holding (H)” provision.</p> |

| Public Comment | Response |
|--|---|
| <p>The revised proposal continues to have potential site functionality issues, such as the location of parking and the suitability of sanitary sewer facilities. Additional regulations should be included in the site-specific Zoning By-law Amendment to limit and control potential impacts to agricultural uses. The 35 proposed parking spaces is likely to have an impact on agricultural uses and disrupt normal farm practices. This is because the scale, frequency, and timing of proposed outdoor events is likely to disrupt the timing of things such as pesticide application and loss of vines to widen the existing laneway to accommodate two rows of parking and a through lane.</p> | <p>A “Holding (H)” provision has been included in the proposed Zoning By-law Amendment to require Site Plan Approval to ensure that the site layout, direction for flow of traffic, fire route, accessibility requirements and other matters are determined prior to lifting the “Holding (H)” provision. The controls proposed for the proposed use are identified and justified in Section 5.3 of this report, and potential impacts to agricultural uses have been addressed throughout this report.</p> |
| <p>Several recommendations were provided to be included in the site-specific Zoning By-law Amendment for consideration regarding maximum areas for secondary uses, definitions, noise, hours of operation, parking, and the use of a holding provision to address potential site functionality issues.</p> | <p>Town Staff have reviewed the recommendations and have considered them in putting forward the draft Zoning By-law Amendment.</p> |
| <p>The sewage flow analysis prepared by Quartek indicates that the existing capacity of the sewage system can only accommodate 200 guests if there is a reduction of other uses in the hospitality and/or office area on the day of the event. Should the proposed ZBA proceed without a reduction in the number of guests and/or the requirement for mobile washroom facilities, a provision should be included in the site-specific regulations to prohibit the use of offices and/or hospitality area during special events to address sewage capacity constraints.</p> | <p>Provisions have been included in the proposed Zoning By-law Amendment to limit the maximum number of guests within the “Outdoor Hospitality Area” to 132, which the applicant has indicated can be accommodated by the existing septic system on the subject lands, as discussed in Section 5.3 of this report.</p> |
| <p>The abutting property to the east has suffered overflows from the large septic bed on the subject lands within the last two years. This system must be inspected to determine its current capacity and brought into safe operation before any additional demand is made on it.</p> | <p>The MECP is the authority having jurisdiction over the existing septic systems on the subject lands, and questions regarding the frequency of inspections would fall to the MECP. The MECP has indicated that no objections to the proposal, provided that the number of event guests are limited to those numbers that would allow the sewage system to operate within its approved rated capacity.</p> |

5.5 Future Site Plan Matters

As noted throughout the report, there are several items to be addressed through the Site Plan Application process, including but not limited to:

- Exact location of the designated “Outdoor Hospitality Area.”
- Parking arrangement and signage for one-way travel along agricultural laneways
- Vehicular entrance and exit points
- Fire route
- Landscape buffer strip details
- Requirements for accessible parking spaces and pedestrian access to outdoor hospitality area

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
- 1.2 Economic Development & Community Partnerships

Action

- 1.1 b) Planning for Progress Initiatives
- 1.2 a) Economic Development

7. OPTIONS

The Committee and Council 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. Securities and deposits will be collected and released in accordance with the terms of a future amendment to the Site Plan Agreement.

9. ENVIRONMENTAL IMPLICATIONS

As identified in **Section 5.1.2.7** of this report, the subject lands are impacted by the NOP Natural Environment System (“NES”), consisting of the Lake Ontario shoreline, which is considered a Key Hydrologic Feature (“KHF”) outside of Settlement Areas, and this portion of the property is designated “Conservation” in the Town OP.

Regional Environmental Planning Staff have reviewed the Application and have advised that NOP policies typically require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of KHF's. However, the proposed ZBA is strictly for outdoor event space, and does not involve any site alteration or development (no grading, temporary/permanent buildings, concrete, gravel or retaining walls). The area is to remain grassed, and the Lake Ontario shoreline is already zoned appropriately. As such, Regional Environmental Planning staff offered no objection to the application.

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.

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

11. CONCLUSION

Planning, Building and Development Services Staff recommend approval of the Zoning By-law Amendment (ZBA-09-2025), as the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement and conforms with the Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

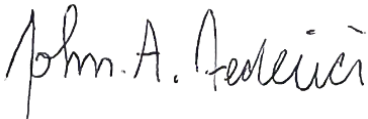
- **CDS-25-120** – Public Meeting – Information Report – 1096 Lakeshore Road (September 9, 2025)

13. APPENDICES

- **Appendix I** – Concept Plan
- **Appendix II** – Maps
- **Appendix III** – Public Notice Circulation Radius
- **Appendix IV** – Planning Legislation and Policies
- **Appendix V** – Draft Zoning By-law Amendment
- **Appendix VI** – Town Comments
- **Appendix VII** – Agency Comments
- **Appendix VIII** – Public Comments

Respectfully submitted:

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