



Town of Niagara-on-the-Lake

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REPORT #: PBDS-26-032 **COMMITTEE DATE:** 2026-04-14
REPORT TO: Council **DUE IN COUNCIL:** 2026-04-28
SUBJECT: Town of Niagara-on-the-Lake Official Plan Update – Delegation, Motion & Secondary Plans

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **DIRECTS** Staff to revise the final Draft Official Plan to incorporate the modifications to Sections 2.2.7.1, 2.2.7.3 d) i) and 2.2.7.3 d) iii);
- 1.2 Council **DIRECTS** Staff to remove the Glendale, St. Davids, Queenston and Dock Area Secondary Plans from the Final Draft Official Plan;
- 1.3 Council **DIRECTS** Staff to maintain the Glendale, St. Davids, Queenston and Dock Area Secondary Plans in the current Official Plan; and
- 1.4 Council **DIRECTS** Staff to revise the Draft By-law 2026-025 to incorporate revisions in accordance with the direction received for Recommendation 1.1, Recommendation 1.2, and Recommendation 1.3 of this report; and
- 1.5 Council **DIRECTS** that Draft By-law 2026-025 be removed from the April 28, 2026 agenda and a revised draft by-law be brought forward to Council at the May 26, 2026 Council Meeting, to adopt the revised Final Draft Official Plan.

2. EXECUTIVE SUMMARY

- This report provides an update on the final Draft Official Plan given feedback received from a delegation and a motion approved during the Committee of the Whole-Planning Meeting on April 14, 2026, as well as recent Provincial direction.
- As requested by Council, Staff have considered the feedback from the delegation and recommend revision of wording in the final Draft Official Plan related to Estate Wineries.
- Staff have reviewed the approved motion to revise wording in the final Draft Official Plan, requiring a minimum of 75% of lands on a winery parcel to be planted in vineyard, and recommend that such requirement be considered as part of the future On-Farm Diversified and Winery Policy Review.
- Since the April 14, 2026, Committee of the Whole-Planning Meeting, the Province has advised that, should the final Draft Official Plan be approved as written, the Secondary Plans will be removed.
- It is recommended that Council refer the final Draft Official Plan back to Staff for a final revision, to incorporate updated wording related to wineries and refine the approach to ensure that the Secondary Plan policies remain in force and effect.

3. PURPOSE

This report provides recommendations that Council direct Staff to revise the final Draft Official Plan and associated draft by-law based on the following:

- The delegation received during the Committee of the Whole-Planning Meeting on April 14, 2026, to revise policy wording for Estate Wineries; and
- The recent direction received from the Province to remove the Secondary Plans.

The report also provides a response to the Council-approved motion, during the April 14, 2026 Committee of the Whole-Planning Meeting, to revise policy wording for all wineries to implement minimum percentage of planted vineyards.

4. BACKGROUND

The following subsections provide background information regarding the delegation received during the April 14, 2026, Committee of the Whole-Planning Meeting, the Council-approved motion for winery policies revisions, and recent Provincial direction regarding Secondary Plans.

4.1 Committee of the Whole-Planning Delegation (April 14, 2026)

During the April 14, 2026, Committee of the Whole-Planning Meeting, a delegation from Del Rollo, Arterra Wines Canada & Wine Growers Association of Ontario, was received. Details of the requested policy wording changes are provided below, and relate to Section 2.2.7.2., 2.2.7.3 d) i) and 2.2.7.3 d) iii). The requested wording changes are identified using bolded font. Council directed Staff to consider the proposed wording.

Section 2.2.7.2	
Existing Section 2.2.7.2 of the final Draft Official Plan	Town staff will complete a review of the winery policies through a comprehensive review. Once complete, updated policies will be implemented into this Plan where applicable.
Delegation - Proposed for Section 2.2.7.2 of the final Draft Official Plan	Town staff will complete a review of on-farm diversified uses through a comprehensive review. Once complete, updated policies will be implemented into this Plan where applicable.

Section 2.2.7.3 d) i.	
Existing Section 2.2.7.3 d) i) of the final Draft Official Plan	All wines produced will be made from <i>locally grown fruit</i> with majority of the fruit grown on site;
Delegation - Proposed for Section 2.2.7.3 d) i) of the final Draft Official Plan	The majority of wines produced would be made from <i>locally grown fruit</i> with the majority of fruit grown on site;

Section 2.2.7.3 d) iii	
Existing Section 2.2.7.3 d) iii) of the final Draft Official Plan	All wines produced are to be made from <i>locally grown fruit</i> , predominantly crushed on site;
Delegation - Proposed for Section 2.2.7.3 d) iii) of the final Draft Official Plan	The majority of wines produced will be made from <i>locally grown fruit</i> , predominantly crushed on-site;

4.2 Committee of the Whole-Planning Motion (April 14, 2026)

The following motion was carried during the April 14, 2026, Committee of the Whole-Planning meeting to amend the final Draft Official Plan, as follows, related to minimum lot areas planted in vineyard production. The requested wording changes are delineated using bolded font.

“That the proposed OP wording for 2.2.7.3 Estate Wineries section b) and 2.2.7.4 Farm Wineries a) regarding vineyard production be amended to reflect the approved Council 2019 OP wording, specifically:

2019 text

*3.2.10.2.2 The minimum acreage for an estate winery will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with a **minimum of 75%** of the land being in full vineyard production.*

*3.2.10.3.1 The minimum acreage required for a farm winery will be specified in the implementing zoning bylaw but shall not be less than four (4) hectares with a **minimum of 75%** of the land being in full vineyard production.”*

4.3 Secondary Plans

Following the Committee of the Whole-Planning meeting held on April 14, 2026, Staff received a request from the Ministry of Municipal Affairs and Housing (MMAH) on April 16, 2026, to schedule a meeting to discuss the incorporation of secondary plans in the final Draft Official Plan. Staff met with representatives from MMAH on April 17, 2026, and were advised that, upon receipt and review of the final Official Plan, the Ministry would remove the Town’s four (4) Secondary Plans from the Official Plan. This direction aligns with the consultation on upper-tier official plans, secondary plans, and site and area-specific policies; an Environmental Registry of Ontario posting currently open for comment.

The final Draft Official Plan and draft by-law referenced in the Recommendation Report CDS-26-040 incorporate the Secondary Plans prepared for Glendale, Queenston, St. Davids, and the Dock Area. The Glendale Secondary Plan has been incorporated as approved by the Ontario Land Tribunal in March 2026, and the St. Davids, Queenston and Dock Area Secondary Plans remain largely unchanged, with limited revisions scoped to minor administrative updates to section references.

4.3.1 Ministry of Municipal Affairs and Housing Correspondence

Town Staff have been in continued correspondence with the MMAH since the start of the Official Plan review process. The following table (**Table 1**) outlines when Staff provided copies of the draft Official Plan for Ministry review, when Staff met with the Ministry, and when Staff were advised of the recent change in direction related to Secondary Plans.

Table 1 – Official Plan Update Correspondence with MMAH

Date	Correspondence
July 25, 2025	First draft of the Official Plan circulated to MMAH in accordance with the <i>Planning Act</i> 90-day requirement.
August 8, 2025	Email sent to MMAH to confirm inclusion of secondary plans in the review.
October 3, 2025	Second release of the Draft Official Plan and Public Information Centre details shared with MMAH.
October 24, 2025	MMAH completed the provincial one-window review.
October 27, 2025	MMAH provided comments associated with their review. MMAH commented that secondary plans that are integrated into the Official Plan are required to be consistent with the <i>PPS, 2024</i> , and updated to align with all applicable provincial policy, legislation and regulatory requirements.
November 3, 2025	Notice of Public Meeting circulated to MMAH.
November 11, 2025	Staff request to schedule a meeting with MMAH.
November 13, 2025	Staff met with MMAH to discuss and clarify review comments.
November 2025 to March 2026	Ongoing email correspondence between Staff and MMAH to address questions (e.g. Wild Land Fire Susceptibility)
March 13, 2026	Release of final Draft Official Plan and notice of the April 14, 2026, Committee of the Whole-Planning meeting circulated to MMAH.
March 27, 2026	Meeting held with MMAH to discuss site-specific policies.
April 10, 2026	Recommendation Report for Town of Niagara-on-the-Lake Official Plan circulated to MMAH.
April 16, 2026	Request sent from MMAH to schedule a meeting.
April 17, 2026	Staff met with MMAH where Official Plan approval, secondary plans, and the draft by-law were discussed. During this meeting, Staff were advised that the Secondary Plans would be removed from the Town's Official Plan upon Ministry review.

5. DISCUSSION / ANALYSIS

The following sections provide Staff's analysis of the proposed modifications to the final Draft Official Plan based on the received delegation and approved Council motion from the Committee of the Whole-Planning meeting, and subsequent input from MMAH regarding the inclusion of Secondary Plans. The analysis evaluates the implications of the proposed changes to the winery policies in Section 2.2.7 of the final Draft Official Plan. The analysis also provides context regarding the meeting held with MMAH on April 17, 2026, and outlines the options for how to proceed with Secondary Plans in the final Draft Official Plan and draft by-law. The intent of the analysis is to inform Council's decision on the proposed amendments.

5.1 Committee of the Whole-Planning Delegation (April 14, 2026)

Staff evaluated the proposed modifications to the policy language to determine its suitability for incorporation in the final Draft Official Plan. Staff recommend that the applicable policies be updated to include the proposed modifications. The below analysis is related to the proposed wording for the “majority of wines” instead of “all wines.” Staff recommend that the “On-Farm Diversified Use and Winery Policy Review” be renamed to an “On-Farm Diversified Uses Review” to more accurately capture the full scope of on-farm diversified uses under review and not imply that the review is limited to winery-related policies.

5.1.1 On-Farm Diversified Uses Review

The Town has experienced significant growth in the on-farm diversified use sector over the past decade. In response, Staff will complete an On-Farm Diversified Uses Review to review and refine the Town’s Official Plan, Zoning By-law, and related policy instruments. The objective of the review is to balance the needs of the agricultural community, economic development objectives, tourism management, and community character, while ensuring a focus on protecting agriculture lands for the long-term.

The review will include additional engagement with key agricultural or other relevant stakeholders. This process will also involve a policy and regulatory review, comparative jurisdictional scan, gap analysis, identification of key issues, and the development of policy recommendations.

The winery policies will be considered during the On-Farm Diversified Uses Review process. The intent is to provide a more updated and in-depth analysis of the Town’s existing wineries while also identifying the planning objectives for future wineries.

5.1.2 Operational and Enforcement Considerations

The proposed modifications can provide operational flexibility while mitigating risk for wineries. As outlined during the delegation presentation at the April 14, 2026, Committee of the Whole-Planning meeting, separate regulatory frameworks exist which may permit wineries to use fruit that is not locally grown or fruit not grown on-site.

The proposed modifications support flexibility related to crop failure, such as during years affected by poor local harvests or adverse weather conditions. As permitted by separate regulatory frameworks, allowing alternative sourcing can assist with operational continuity.

As part of the planning process, the use of the term “all wines” may be considered overly restrictive and difficult to enforce within the planning framework. “All wines” could impose limitations beyond the scope of what Staff can reasonably regulate in the long-term.

The utilization of the term “majority” supports the continued growth of the Town’s winery industry during evolving climate conditions, and possible crop yield losses attributable to pest and insect infestations. As part of any future proposals for Estate Wineries, the Town will require the submission of documentation and justification related to wine production to ensure that Official Plan policies are being upheld.

5.1.3 Crushing On-Site

Throughout the Official Plan Update consultation process, the topic of on-site fruit crushing was discussed. Stakeholders noted that, in practice, there are circumstances where crushing facilities may be shared among multiple properties. Allowing this flexibility acknowledges existing industry practices and may support more efficient use of infrastructure while protecting the Town's specialty crop lands.

Potential benefits for incorporating the term "the majority of wines" related to crushing on-site includes increased land availability for agricultural purposes and reduced development footprints. These considerations would be part of the justification required by applicants and reviewed by Staff as part of a Zoning By-law Amendment or other related planning application.

5.1.4 Land Use Compatibility

Modifying the policy language from "all wines" to "majority of wines" may result in an increased reliance on off-site fruit and the intensification of operational activities (e.g., transportation, processing), potentially creating compatibility issues with surrounding agricultural or rural residential uses related to transportation and infrastructure. Existing permissions for wineries allow the use of off-site locally grown fruit in addition to the fruit grown on site. Utilizing "majority of wines" terminology would not result in increased compatibility concerns, as the intent of the policy language is maintained and would be supported by existing permissions and Agricultural System policies in the final Draft Official Plan.

5.1.5 Policy Interpretation and Enforcement

The proposed modification to introduce the term "majority" may increase interpretive ambiguity since this is not a defined term in the final Draft Official Plan. However, the utilization of more flexible language allows Staff and Council to consider winery needs and operations based on their own merits, and based on applicable policies at the time.

5.1.6 Alignment with Agricultural Policy Objectives

Modifying the policy language from "all wines" to "majority of wines" may have potential to weaken the direct link between winery operations and on-site agricultural production. However, Staff recognize that, outside of the policy set presented during the delegation, other policy language within the final Draft Official Plan help to address and support agricultural uses, agricultural-related uses, and on-farm diversified uses.

5.1.7 Legal Non-Conforming Status of Existing Wineries

Upon approval of the new Official Plan, existing wineries that do not align with the final policies will be considered "legal non-conforming." This means that they were approved and/or constructed prior to the in force and effect date of the new Official Plan. Any future development would be required to align with the policies in the new Official Plan once it comes into effect.

5.2 Motion

The motion passed during the Committee of the Whole-Planning Meeting on April 14, 2026, included incorrect section references to Section 2.2.7.3 b) and Section 2.2.7.4 a). However, the amended wording is applied, in accordance with the intent of the motion, to Section 2.2.7.2 b) and Section 2.2.7.4 a) of the final Draft Official Plan, highlighted as follows:

Section 2.2.7.2 b)	
Existing Section 2.2.7.2 b) of the final Draft Official Plan	The minimum acreage for an <i>estate winery</i> will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with generally the land being predominantly in full vineyard production to be reviewed at the time of a Zoning By-law Amendment to maximize lands in agricultural production. This acreage is required to provide a rural setting for the winery, land for the ponding of wastewater and associated vineyards. Proposals for lesser acreage will be considered where it is demonstrated that the proponent can comply with all other policies of the plan and that the reduced area will not jeopardize the rural setting of an <i>estate winery</i> . Existing <i>estate wineries</i> having less than eight (8) hectares in lot area will be recognized in the zoning by-law provided they comply with all other provisions of this plan.
Updated Section 2.2.7.2 b) of the final Draft Official Plan	The minimum acreage for an <i>estate winery</i> will be established in the implementing zoning by-law and will generally be a contiguous parcel of not less than eight (8) hectares, with a minimum of 75% of the land being in full vineyard production. This acreage is required to provide a rural setting for the winery, land for the ponding of wastewater and associated vineyards. Proposals for lesser acreage will be considered where it is demonstrated that the proponent can comply with all other policies of the plan and that the reduced area will not jeopardize the rural setting of an <i>estate winery</i> . Existing <i>estate wineries</i> having less than eight (8) hectares in lot area will be recognized in the zoning by-law provided they comply with all other provisions of this plan.

Section 2.2.7.4 a)	
Existing Section 2.2.7.4 a) of the final Draft Official Plan	<i>Farm wineries</i> will be permitted in the implementing zoning by-law as part of a farm operation. The minimum acreage required for a <i>farm winery</i> will be specified in the implementing zoning by-law but shall generally not be less than four (4) hectares of the land being predominantly in full vineyard production.
Updated Section 2.2.7.4 a) of the final Draft Official Plan	<i>Farm wineries</i> will be permitted in the implementing zoning by-law as part of a farm operation. The minimum acreage required for a <i>farm winery</i> will be specified in the implementing zoning by-law but shall not be less than four (4) hectares with a minimum of 75% of the land being in full vineyard production.

Staff have reviewed the above revisions to Section 2.2.7.3 b) and Section 2.2.7.4 a) of the final Draft Official Plan. Staff have indicated throughout the Official Plan Update process that any requirements for minimum lands to be planted in vineyard production would best be addressed during the upcoming On-Farm Diversified Uses Review. At this time, Staff do not have sufficient information to confirm a minimum land area required to be in full vineyard production for wineries, as the Town's policies only address lot coverage. Staff further do not have information to advise of typical percentages of land occupied by vineyards, nor best practices for such plantings. Further, there are several factors that can impact the amount of land planted in vineyards, such as crop failure and climate change. Accordingly, Staff recommend that consideration for minimum lands to be planted in vineyard production be addressed through the On-Farm Diversified Uses review, to allow for a more comprehensive review of regulatory processes and typical agricultural practices. In addition, as part of the On-Farm Diversified Uses review, Staff will conduct additional public engagement, including with the agricultural community, to better inform the implementation of any minimum planting requirements.

5.3 Secondary Plans

During the meeting held on April 17, 2026, Staff were advised by MMAH that, since the Secondary Plans have yet to be comprehensively updated, the Secondary Plans should be removed from the submitted final Draft Official Plan and would not form part of the approval of the new Official Plan. This direction is in contrast to the previous feedback received from MMAH, which required the Secondary Plans to be in conformity with applicable Provincial policies. Town Staff have reviewed all Secondary Plans, are of the opinion that they remain in conformity with Provincial policies. MMAH also advised staff of the option to remove secondary plans from the final Draft Official Plan and revise the draft by-law. If removed, the draft by-law would be updated to include language confirming that the secondary plans in the current (2017) Official Plan will remain in effect. As a result, two Official Plans would effectively be in force. The sections of the current Official Plan pertaining to the secondary plans would remain in effect, while the remainder of the existing Official Plan would be repealed upon approval of the new Official Plan by MMAH.

The Province is undertaking consultation associated with Bill 98, *Building Homes and Improving Transportation Infrastructure Act, 2026*, which aims to standardize official plans and create a distinct framework for secondary plans while preserving development permissions.

The proposed changes for secondary plans includes:

- identifying the types of areas where secondary plans could be used;
- separating secondary plans from the primary official plan, so they would exist as a standalone document while being subject to the same process requirements; and
- exempting secondary plans from Minister's approval (lower-tier municipalities in upper-tier municipalities with planning responsibilities would not be exempt from approval by the relevant upper-tier municipality).

The direction received from the MMAH aligns with the above proposed changes. Accordingly, and to ensure that the Town's Secondary Plan policies are protected, the secondary plans would be removed from the new Official Plan and maintained in the current (2017) Official Plan. Therefore, the secondary plans would remain in force, without the potential for MMAH to remove them prior to approval and without any interim period where the policies would not be in force and effect.

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 a) Official Plan

7. OPTIONS

- 7.1 Option 1:** Council directs staff to revise the final Draft Official Plan to incorporate modifications to Section 2.2.7.1, 2.2.7.3 d) i) and 2.2.7.3 d) iii), as requested by a delegate, directs staff to remove the Secondary Plans from the final Draft Official Plan, directs staff to maintain the Secondary Plans in the current Official Plan, and directs staff to revise the Draft By-law to incorporate these revisions. **(Recommended)**
- 7.2 Option 2:** Council provides direction to staff to incorporate certain revisions into the final Draft Official Plan, and revise the Draft By-law, if necessary, to incorporate these revisions. (Not Recommended)
- 7.3 Option 3:** Council refuses the recommendations of this report, and adopts the final Draft Official Plan as presented during the Committee of the Whole-Planning Meeting on April 14, 2026. (Not Recommended)

8. FINANCIAL IMPLICATIONS

There are no financial impacts associated with this report.

9. ENVIRONMENTAL IMPLICATIONS

There are no environmental impacts associated with this report.

10. COMMUNICATIONS

Staff will have advise the Official Plan Update notification list of any changes made to the final Draft Official Plan, prior to its final adoption by Council.

11. CONCLUSION

Staff have completed a review of the policy changes requested by the delegation, the approved Council motion, and the Ministry of Municipal Affairs and Housing input received for the final Draft Official Plan and Draft By-law.

Staff recommend that revisions be made to the Estate Winery policies to reflect the “majority of wines,” as requested by the delegate during the April 14, 2026 Committee of the Whole-Planning Meeting. Staff have reviewed the approved motion to revise wording the in the final Draft Official Plan, requiring a minimum of 75% of lands on a winery parcel to be planted in vineyard, and recommend that such requirement be considered as part of the future On-Farm Diversified and Winery Policy Review. Based on recent input from the Province, Staff also

recommend revising the final Draft Official Plan to remove the Secondary Plan policies, and instead include these only in the current Official Plan.

Overall, it is recommended that Council refer the final Draft Official Plan back to Staff for a final revision, to incorporate updated wording related to wineries and refine the approach to ensure that the Secondary Plan policies remain in force and effect.

12. PREVIOUS REPORTS

- Town of Niagara-on-the-Lake Official Plan – Recommendation Report – CDS-26-040
- Official Plan Update – Statutory Public Meeting - CDS-25-177
- Official Plan Update – First Draft Official Plan - CDS-25-104
- Official Plan Update: Status Update and Council Workshop - CDS-25-084
- Update on the Adopted NOTL Official Plan and Conformity Exercise - CDS-22-058
- Council Workshop – Official Plan Update and Conformity Exercise - CDS-25-044
- Update on Niagara-on-the-Lake Official Plan and Conformity Exercise - CDS-24-185

13. APPENDICES

No appendices are attached to this report.

Respectfully submitted:

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