



## Planning Justification Report

### **Zoning By-law Amendment**

**1829 Concession Road 4, Niagara on the Lake, Ontario**

For: 2638906 ONTARIO INC.  
By: NPG Planning Solutions Inc.  
4999 Victoria Avenue  
Niagara Falls, ON L2E 4C9  
T: 905 321 6743

Date: November 20, 2024

## Table of Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>4</b>
<b>2.0</b>	<b>Description of Subject Lands and Surrounding Area .....</b>	<b>5</b>
2.1	Site Photos .....	7
<b>3.0</b>	<b>Proposed Development.....</b>	<b>12</b>
3.1	Wine Production Barn .....	12
3.2	Hospitality Patio .....	12
3.3	Pre-consultation .....	13
<b>4.0</b>	<b>Supporting Studies Review .....</b>	<b>14</b>
4.1	Architectural Plans .....	14
4.2	Private Servicing Plan .....	14
4.3	Special Request Inspection Application.....	14
<b>5.0</b>	<b>Planning Policies.....</b>	<b>15</b>
5.1	<i>Planning Act</i> .....	15
5.2	<b>Provincial Planning Statement (2024)</b> .....	<b>16</b>
5.2.1	Rural Areas in Municipalities .....	17
5.2.2	Agriculture .....	17
5.3	<b>Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas</b> 19	
5.3.1	Ferox Winery Intended Uses and Functions .....	22
5.3.2	Agriculture-Related Uses at Ferox Winery .....	23
5.3.3	On-Farm Diversified Uses at Ferox Winery .....	24
5.3.4	Analysis of Building Area that contain OFDUs .....	26
5.3.5	Analysis of Farm Parcel Area with OFDUs.....	27
5.4	<b>Greenbelt Plan (2017)</b> .....	<b>28</b>
5.4.1	Protected Countryside Goals.....	29
5.4.2	Specialty Crop Area Policies .....	29
5.5	<b>Niagara Official Plan (2022)</b> .....	<b>30</b>
5.5.1	The Agricultural System .....	30
5.5.2	Specialty Crop Areas and Prime Agricultural Areas .....	31
5.6	<b>Niagara on the Lake Official Plan</b> .....	<b>32</b>
5.6.1	Goals & Objectives.....	32
5.6.2	Land Use Designations .....	33

5.6.3	Secondary Use Policies .....	34
5.6.4	Estate Winery Policies.....	35
<b>6.0</b>	<b>Proposed Zoning By-law Amendment .....</b>	<b>37</b>
<b>7.0</b>	<b>Summary and Conclusion .....</b>	<b>45</b>
<b>8.0</b>	<b>Appendices .....</b>	<b>46</b>
8.1	Appendix A – Proposed Architectural Plans.....	47
8.2	Appendix B –Greenbelt Plan Schedules.....	49
8.3	Appendix C – Niagara Official Plan Schedules .....	50
8.4	Appendix B –Niagara on the Lake Official Plan Schedules .....	51
8.5	Appendix B –Niagara on the Lake Zoning By-law Schedules .....	52
8.6	Appendix E –Draft Zoning By-law .....	53

## 1.0 Introduction

NPG Planning Solutions Inc. (NPG) serves as the planning consultant for 2638906 ONTARIO INC., “Owner” of 10.236 hectares of land in Niagara-on-the-Lake, spanning two (2) agricultural properties. The first property, consisting of 4.274 hectares of farmland - municipally known as 1829 Concession Road 4, is hereby referred to as the “Subject Lands”. The Subject Lands feature ‘Ferox – by Fabian Reis’, which is a farm winery. The second property, under the same ownership, comprises 5.962 hectares and is located at 1822 Niagara Stone Road, on the opposite side of East & West Line from the Subject Lands. Both agricultural parcels are primarily comprised with grapevines and contribute to the production of Ferox wine.

NPG has been retained to provide professional planning advice on an application for a proposed Zoning By-law Amendment (“ZBA”) application to establish Ferox by Fabien Ries as an Estate Winery, which qualifies as an Agricultural Related Use (“ARU”). This distinction as an Estate Winery is necessary to support the addition of hospitality areas and permit the use of commercial cooking equipment on the Subject Lands, enhancing food pairing options in the hospitality areas. Both the hospitality areas and the use of commercial cooking equipment are considered as On-farm Diversified Uses (“OFDU”).

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of the application for an amendment to the Zoning By-law when assessed against policies in the *Planning Act*, Provincial Planning Statement, 2024 (“PPS”), the Greenbelt Plan, Niagara Official Plan (“NOP”), the Town of Niagara on the Lake Official Plan (“Town’s OP”), and the Niagara on the Lake’s Zoning By-law No. 500A-74. This PJR will also assess the Guidelines for Permitted Uses in Ontario’s Prime Agricultural Areas (“Guidelines”).

Sections 5.1, 5.2, 5.3, and 5.4 of this PJR present an analysis of the proposed application within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformity with the Town’s OP, and Section 6.0 provides justification for approval of the proposed ZBA.

## 2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are legally described as PCL 92-1 SEC M11; LT 92 PL M11, EXCEPT PT 1 30R3822; Niagara-on-the-Lake, ON. The Subject Lands are municipally known as 1829 Concession Road and are situated east of Concession Road 4 and north of East & West Line. The property boundary is predominantly rectangular in shape with 412.154 metres of frontage along Concession Road 4, a 51.725 exterior lot line along East & West Line, a 'lot depth' of 112.755 metres, and a 'lot area' of 4.274 hectares.

The Subject Lands are occupied by Ferox by Fabian Reis ("Ferox") - a Farm Winery located approximately 1.5-kilometres outside of Old Town, Niagara-on-the-Lake. The Subject Lands are predominantly devoted to viticulture, with approximately 80% of its land currently planted with grapevines (**refer to photos 1 & 2**). In addition to the primary agricultural use, the Subject Lands contain a single-detached dwelling, and two (2) agricultural structures used by the Farm Winery hereby referred to as the Retail Barn, and the Production Barn (**refer to photos 3 & 4**).

The Retail Barn, which has been located on the Subject Lands for over sixty years, primarily includes a small retail wine sales area and supports wine tastings. There is a retail washroom on the ground floor and an employee washroom on the second floor. Although it has undergone several additions and renovations, its exterior footprint has remained unchanged since 2000, as verified by satellite imagery.

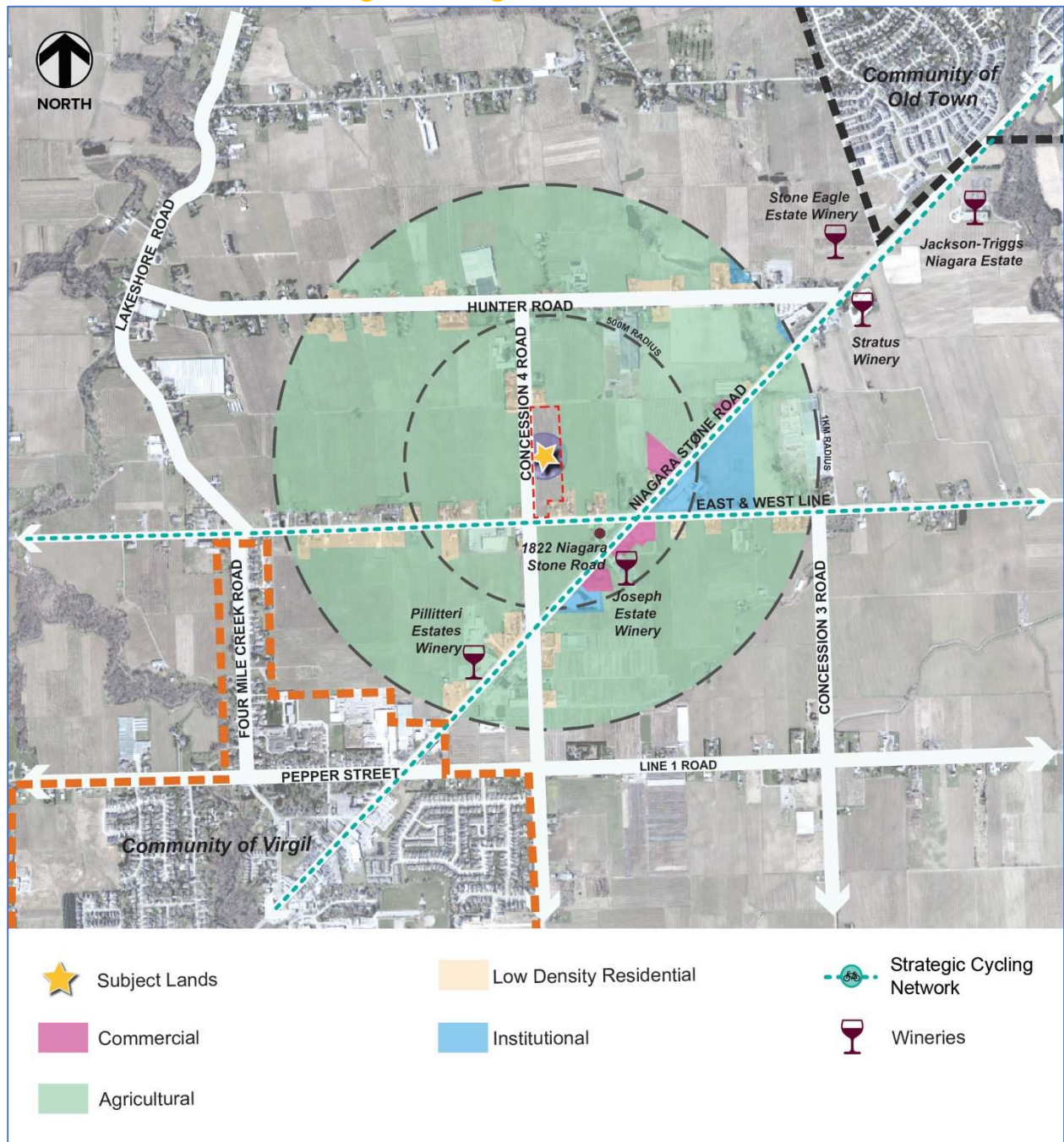
A Building Permit for the construction of the Production Barn, intended to support wine production on the Subject Lands, was issued on May 11<sup>th</sup>, 2022. The Production Barn was approved for a cellar, warehouse, barrel room, kitchen, two (2) employee washrooms, a conference room, and an office. The Final Site Plan Agreement, authorizing the construction of the Production Barn in accordance with the Permit Drawings, was signed by the Mayor and Town Clerk on November 21<sup>st</sup>, 2022.

The Subject Lands feature two (2) entrances off Concession Road 4. The southern entrance is primarily designated for guests visiting the farm winery, while the northern entrance is used for commercial purposes, including shipping, receiving, and the operation of farm vehicles (**refer to photos 5 & 6**). Residents of the single detached dwelling also use this northern access. Emergency access can be accommodated through either entrance. Parking is located behind the Retail Barn (**refer to photos 7 & 8**).

The surrounding area features agricultural land uses for grape cultivation with intermittent rural-residential properties. There are a variety of estate wineries in the directly surrounding area as illustrated in **Figure 1 – Agricultural Context**. These wineries include Joseph Estate Winery and Pillitteri Estate Winery. Located between 1 and 2 kilometres from the Subject Lands are Jackson Triggs Estate Winery, Stratus Winery, and Stone Eagle Estate Winery, the last of which is currently under construction. Additionally,

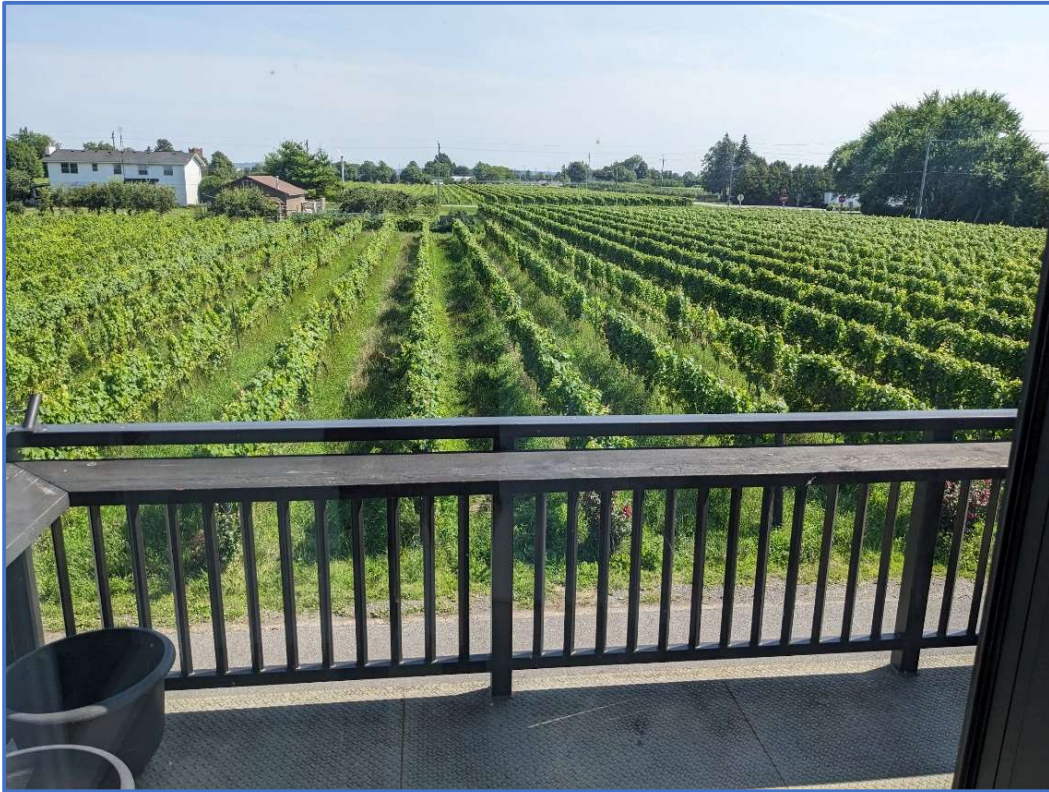
East & West Line Road and Niagara Stone Road is part of the Region's Strategic Cycling Network.

**Figure 1 – Agricultural Context**



2.1 Site Photos

*Photo 1 – Vineyards*



*Photo 2 – Vineyards*



*Photo 3 – Retail Barn*



*Photo 4 – Production Barn*





***Photo 5 – Primary Pedestrian Entrance to Winery***



***Photo 6 – Primary Agricultural Entrance to Winery***



**Photo 7 – Primary Parking Area**



**Photo 8 – Employee Parking Area**



**Photo 9 – Proposed Hospitality Room in Production Barn**



**Photo 10 – Hospitality Patio**



## 3.0 Proposed Development

The Application proposes a site-specific ZBA to establish Ferox as an Estate Winery. This distinction is necessary to support hospitality areas. The site-specific By-law will also permit the use of commercial cooking equipment on the Subject Lands in the preparation of food served within hospitality areas, but not in the establishment of a restaurant.

The proposed uses are as follows:

### 3.1 Wine Production Barn

Wine production would continue to occur in the Production Barn. The floor plans for Production Barn provide for a Cellar/Barrel Room of 378 m<sup>2</sup>, mechanical room and shipping/receiving area.

An area approved as a conference room would be repurposed as a Hospitality Room to accommodate up to twelve (12) seats and operate on a reservation-only basis (**refer to photo 9**). Its primary purpose is to serve as an exclusive venue for food and wine pairings, featuring high-quality seasonal ingredients with an emphasis on supporting local agriculture. Each dish is paired with Ferox wine, creating a curated tasting experience that enhances the overall winery visit.

This Hospitality Room is proposed to be supported by a new Commercial Kitchen in the Production Barn. The Commercial Kitchen is designed to incorporate commercial cooking equipment, including an oven, stovetop, refrigerator, freezer, and various other countertop appliances. The addition of commercial cooking equipment will enable the proposed estate winery to prepare a range of food offerings, which supports the economic viability of the agricultural functions.

While certain elements of the Hospitality Room may appear similar to a restaurant, it is important to distinguish between the two. According to the Town Zoning By-law, a restaurant is defined as a building or part of a building dedicated specifically to the preparation and retail sale of food to the public. In contrast, the Hospitality Room is an ancillary service within the Estate Winery, designed to complement and promote its core agricultural operations. It is not a standalone food service establishment, but rather an experience aimed at showcasing the estate's wines in conjunction with food pairings. This ensures that the hospitality area remains a supportive extension of the winery, rather than functioning as an independent restaurant.

### 3.2 Hospitality Patio

A Hospitality Patio is proposed to be located between the Production Barn and the Retail Barn, hereby referred to as the Hospitality Patio (**refer to photo 10**). Weather permitting, this area will host wine tastings with food pairings, predominantly prepared using the outdoor grill, with supplementary ingredients prepared in the commercial kitchen. Parking for both hospitality areas will be supported by the existing parking lot.

Please refer to **Appendix A** for a complete set of architectural plans.

### 3.3 Pre-consultation

A pre-consultation meeting was held on November 2<sup>nd</sup>, 2023, with attendees including Town staff, regional staff, the registered owner, and the authorized agents. The purpose of the meeting was to obtain feedback on a proposed ZBA to permit a restaurant to operate on the Subject Lands. Following the meeting, it was concluded that the proposed use is more appropriately classified as a Hospitality Room, as outlined in Section 3.0, and is not best characterized as a restaurant.

During the pre-consultation meeting, several key requests were highlighted by regional staff, including adherence to Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) guidelines, specifically the "limited in area" criterion. This guideline limits OFDUs to 2% of the total parcel area, encompassing buildings, outdoor storage, landscaped areas, berms, wells, septic systems, parking, and any new access roads required to support the proposed use.

Staff also referenced By-law 500WK-13, which states that the estate winery use and retail sales at 1822 Niagara Stone Road are only permitted in conjunction with the farm operation at 1829 Concession Road 4. Staff inquired about how the proposed site-specific by-law for 1829 Concession Road 4 would impact By-law 500WK-13. While the Subject Lands are mentioned in By-law 500WK-13, this application will have no effect on the by-law, as it pertains solely to the property at 1822 Niagara Stone Road, not 1829 Concession Road 4. Furthermore, the ownership of the Subject Lands will remain unchanged with the approval of this ZBA.

Regional Private Sewage System staff also requested detailed information about the septic system to determine whether approval falls under the jurisdiction of the Region or the Ministry of Environment, Conservation, and Parks (MECP). If the system falls under regional jurisdiction, a septic inspection would be necessary to confirm that the existing system can accommodate the proposed use. Following the pre-consultation meeting, a special request inspection application was submitted to the Region to assess whether the existing septic systems on-site are adequate for the proposed uses.

The feedback received outlined the following submission requirements to be included with the forthcoming ZBA application:

- Architectural Plans (including Site Plan and Floor Plan)
- Detailed Private Servicing Plans
- Planning Justification Report

A description of the supporting studies identified during pre-consultation, along with the results of the special request inspection, are provided in Section 4.0 of this PJR.

## 4.0 Supporting Studies Review

### 4.1 Architectural Plans

In response to Town comments, Kaegan Walsh Architect, has prepared an updated site plan and developed detailed floor plans to demonstrate how the site will function with the addition of the proposed hospitality areas.

### 4.2 Private Servicing Plan

To satisfy the requirement for a Private Servicing Plan, a servicing letter was prepared by Corney's Honey Wagon Ltd., dated May 6<sup>th</sup>, 2024, providing an overall description of the septic systems located on the Subject Lands, and also demonstrating that the proposed uses could be accommodated by the private servicing in accordance with Part 8, Tables 8.2.1.3.A. - 8.2.1.3.B. of the Ontario Building Code.

The septic letter identifies that there are three (3) septic systems on the Subject Lands. The first is located at the front of the property along Concession 4 and is designated to service the residential dwelling.

Two (2) private sewage disposal systems are in place to service the existing winery. The first is a 6,800-litre holding tank that collects waste from the wine production process. The second is a Gen 1 Waterloo biofilter bed with an above-ground, shed-mounted filtration system, designed to handle an approximate flow of 2,000 litres per day. The report estimates current peak flow rates at approximately 1,550 liters/day, which the Region has acknowledged and accepted.

The Report considered and classified the proposed Hospitality Room within the Wine Production Barn as an Assembly Hall. With a maximum of twelve (12) seats, the proposed Hospitality Room is expected to contribute an additional 432 liters/day. The report specifies that the assembly hall can be accommodated by the Gen 1 Waterloo biofilter bed. As a result, the septic report estimates a total daily flow rate of 1,982 liters/day, including the assembly hall, within the Gen 1 Waterloo biofilter bed.

### 4.3 Special Request Inspection Application

A special request inspection was submitted to the Region for their review on July 15<sup>th</sup>, 2024, along with the servicing letter described above, to determine if any improvements to the existing sewage system were needed based on the proposal for the Hospitality Room.

The Region conducted a site inspection on July 24<sup>th</sup>, 2024, to assess the overall condition of the existing septic systems on the Subject Lands and confirmed that two separate private sewage disposal systems are in place to support the existing winery. At the time of the inspection, no visual defects were found.

The Region noted that a permit was finalized in 2005 by the Niagara Region Public Health Department for a Class 4 sewage system to service two (2) washrooms, two (2) employees and a six-seat restaurant located in the winery building (Retail Barn). The Waterloo Biofilter shed and septic bed area are located to the east of the winery building.

The Region reviewed the servicing letter alongside the proposed floor plans and determined that the anticipated increase in flow from the proposed Hospitality Room is not considered significant. As a result, the Region has no objections to the proposed Hospitality Room, provided the capacity remains limited to twelve (12) seats. Additionally, the Region noted that in the event of a septic system failure, there is adequate space on-site for a replacement system.

## 5.0 Planning Policies

### 5.1 Planning Act

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.”

Section 2 of the *Planning Act* (“the Act”) outlines the matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of the provincial interests, along with an analysis as it relates to the proposed development and the subject Application.

**Table 1: Analysis of Provincial Interest – Section 2 of Ontario Planning Act**

Section	Provincial Interest	Analysis
a)	<i>the protection of ecological systems, including natural areas, features and functions</i>	No ecological systems, including natural areas, features or functions will be affected with this proposal.
b)	<i>the protection of the agricultural resources of the Province</i>	Agricultural resources protected through improved economic resilience of agricultural operation. There are no lands proposed to be taken out of agricultural production.

Section	Provincial Interest	Analysis
f)	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The proposed use will be privately serviced. There is no impact on municipal services.
h.1)	<i>the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i>	The future buildout will be required to comply with the Ontario Building Code, ensuring full accessibility for persons with disabilities.
k)	<i>the adequate provision of employment opportunities</i>	The proposed hospitality areas will create additional employment opportunities in the Town of Niagara on the Lake.

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.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

**SUMMARY**

In summary, the Application addresses matters of provincial interest. This PJR provides a thorough discussion on how the proposal aligns with Provincial, Regional, and Town policies. Based on the analysis presented in the following sections, the Application is deemed to comply with the relevant provisions of the Act.

**5.2 Provincial Planning Statement (2024)**

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.



### 5.2.1 Rural Areas in Municipalities

Section 2.5 of the PPS provides policy direction in support of rural areas in the province. The following policies apply to the proposed development:

#### **POLICY**

---

- 2.5 *Healthy, integrated and viable rural areas should be supported by:*
- a) *building upon rural character, and leveraging rural amenities and assets;*
  - e) *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
  - f) *providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
  - h) *providing opportunities for economic activities in prime agricultural areas, in accordance with policy 4.3.*

#### **ANALYSIS**

---

The Estate Winery would build upon the unique rural character of Niagara-on-the-Lake. This character is shaped by its microclimate that supports the growing of grapes and tender fruit, as well as the ARUs and OFDUs that have developed in response. Wineries that have established in Niagara-on-the-Lake such as the Estate Winery proposed with the Application for ZBA support the economic base, create employment opportunities and provide opportunities for sustainable and diversified tourism in the Town by showcasing and encouraging the sale of agricultural products.

### 5.2.2 Agriculture

Section 4.3 of the PPS provides policy guidance on the permitted uses in Agricultural Areas, with the following policies applicable to the proposed development:

#### **POLICY**

---

##### **4.3.1 General Policies for Agriculture**

- 2. *As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*
- 3. *Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.*

### 4.3.2 Permitted Uses

1. *In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.*

*Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.*

The PPS provides the following definitions:

***Agricultural uses:*** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

***Agriculture-related uses:*** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

***On-farm diversified uses:*** means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

## **ANALYSIS**

---

The Application would permit agricultural uses, ARUs and OFDUs on the Subject Lands.

The agricultural use on the Subject Lands is the vineyard, as it involves the cultivation of grapes for commercial purposes, specifically for wine production. If the Application is approved, the primary use of the Subject Lands will remain agricultural, with over 80% of the land planted with grapevines.

The proposed Estate Winery is directly related to the farm operation on the Subject Lands and in the surrounding area. The Estate Winery supports agriculture and benefits from being in proximity to surrounding farm operations because it primarily uses grapes grown on the Subject Lands, and on the neighbouring agricultural parcel at 1822 Niagara Stone

Road. For these reasons, the production and retail sale of wine are both considered to be ARUs.

The Hospitality Room proposed within the wine Production Barn and the outdoor Hospitality Patio include a combination of ARUs and OFDUs. To varying degrees, the Hospitality Room and the Hospitality Patio are intended for the wine and food pairing. These hospitality uses provide valuable marketing opportunities to the agricultural operation, increasing the name recognition of the agricultural operation. The addition of commercial cooking equipment further enhances the tasting experience in hospitality areas, creating a more refined and comprehensive experience for guests. By promoting agri-tourism, estate wineries strengthen the financial resilience of agricultural operations, thereby safeguarding the long-term viability of agricultural lands.

The Ontario Ministry of Agriculture, Food and Rural Affairs has put in place Publication 851: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Publication 851 provides guidance on agriculture, ARUs and OFDUs. An analysis of the proposed use in relation to Publication 851 is included in Section 5.3 of this PJR.

Subject to appropriate consideration of guidelines put in place through Publication 851, the proposed ZBA is consistent with Sections 4.3.1 and 4.3.2 of the PPS as it would facilitate the development of ARUs and OFDUs that are compatible with the surrounding agricultural operations.

## **SUMMARY**

---

Subject to appropriate regard to Publication 851, the Application is consistent with the above policies of the PPS, as they would facilitate the development of ARUs and OFDUs that support the economic base, create employment opportunities and provide opportunities for sustainable and diversified tourism in the Town.

### **5.3 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas**

The Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) Publication 851: Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas ("Guidelines") is intended to assist in interpreting the policies in the Provincial Planning Statement and represent, where specific parameters are proposed, best practices (not standards or regulations) to be complied with in every case.

The Guidelines identify two key objectives of the PPS policies that pertain to prime agricultural areas:

1. maintaining the land base for agriculture; and
2. supporting a thriving agricultural industry and rural economy.

As these objectives may at times compete with one another, the Guidelines are intended to help decision-makers balance these objectives and ensure development proposals meet all applicable criteria for permitted uses in Ontario's prime agricultural areas.

The general intent of the PPS is to allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development, while permitting a wide range of compatible uses that enable the following: agriculture and farm operators to prosper; development of new farm products; valued/necessary rural services to be available; diversification of the rural economy and tax base; job creation that helps stabilize and grow rural communities; and, greater awareness and appreciation of agriculture in the area.

The Guidelines provide further direction on how uses on how agricultural uses, ARUs and OFDUs are to be classified.

### Agricultural Uses

Agricultural uses include the growing of crops and raising of animals of any type, size, or intensity. Agricultural uses may also include associated farm buildings and structures that are used for agricultural purposes and integral to the farm operation. The OMAFRA guidelines provide examples of agricultural uses which include but are not limited to, cropland, farm implement buildings and drivesheds, greenhouses for plant cultivation, primary farm residences, accommodation for full-time farm labor, and value-retaining facilities.

### Agriculture-Related Uses

ARUs are farm-related commercial and industrial uses which add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties.

According to subsection 2.2.1 in the Guidelines, for a use to be classified as agriculture-related it must meet all the following criteria:

1. *Be a farm-related commercial or industrial use.*
2. *Be compatible with, and not hinder, surrounding agricultural operations.*
3. *Be directly related to farm operations in the area.*
4. *Support agriculture.*
5. *Provide direct products and/or services to farm operations as a primary activity.*
6. *Benefit from being in close proximity to farm operations.*

## On-Farm Diversified Uses

A farm may also have uses on-site that are not directly related to the primary agricultural operation. These uses are referred to as OFDUs. A wide variety of uses may qualify as OFDUs based on the PPS definition, so long as they meet specific criteria which are described below. OFDUs are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas.

The primary criteria listed above for determining if a use is an OFDU are found in subsection 2.3.1 in the Guidelines, as follows:

1. *Be located on a farm.*
2. *Be secondary to the principal agricultural use of the property.*
3. *Limited in area.*
4. *Can include, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.*
5. *Be compatible with, and shall not hinder, surrounding agricultural operations.*

The Guidelines provide clear instructions on how the criteria should be applied to maintain agriculture as the primary use of the Subject Lands. The OFDU shall be secondary to the primary agricultural use on the property and be limited in area. This is measured in spatial and temporal terms. Spatially, the use must be secondary relative to the primary agricultural use on the property. The spatial limits are addressed under the “limited in area” criterion below. Temporal considerations apply to uses that are temporary or intermittent, such as events. Given that OFDUs (and ARU’s) must be compatible with surrounding agricultural operations, the frequency and timing of such events must not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.

While PPS policies enable a wide variety of on-farm economic opportunities, the PPS also requires those uses be limited in area.

These criteria are intended to:

- *Minimize the amount of land taken out of agricultural production, if any*
- *Ensure agriculture remains the main land use in prime agricultural areas*
- *Limit off-site impacts (e.g. traffic, changes to the agricultural-rural character) to ensure compatibility with surrounding agricultural operations*

The Guidelines offer specific recommendations to aid decision-makers in applying the “limited in area” criteria. The Guidelines suggest that OFDU’s may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha.

The Guidelines provide detailed data to assist the applicant implement the OFDU 2% recommendation. This includes the following:

- *Existing laneways shared between agricultural uses and on-farm diversified uses are not counted.*
- *Area of existing buildings or structures, built prior to April 30, 2014, occupied by on-farm diversified uses is discounted (e.g. 50%)*
- *Area of new buildings, structures, setbacks, outdoor storage, landscaped berms, laneways, parking, etc. are counted at 100%*
- *The gross floor area of buildings used for on-farm diversified uses is limited (20% of the 2%)*

Publication 851 contemplates a combination of permitted uses on a farm parcel. The Guidelines do not provide detailed policy analysis or guidance on how to apply the criteria derived from the PPS to complex proposals such as an estate winery. Instead, a simplified example of an existing 19-hectare farm with a combination of permitted uses is provided as Appendix 3 in the Guidelines. This example is helpful in so far as it confirms that with respect to the criterion that OFDUs be “limited in area” that areas can be shared between ARUs and OFDUs. In the example, however, areas are allocated 50-50 between ARUs and OFDUs without any explanation for how this allocation was arrived at, nor a general procedure to apply when determining areas for each use. Interpretative work is therefore required to apply the Guidelines in a reasonable way in specific cases, consistent with the PPS.

### 5.3.1 Ferox Winery Intended Uses and Functions

This application outlines Ferox's intention to become an Estate Winery, integrating both farm and winery operations on the Subject Lands.

Ferox focuses on wine production as well as the marketing and sale of its agricultural products.

Approximately 80% of the land will continue to be dedicated to grape cultivation.

The Production Barn is primarily used for wine production. This building will also include a Hospitality Room to accommodate up to twelve (12) seats and operate on a reservation-only basis and is intended to serve as an exclusive venue for food and wine pairings. This hospitality use will be supported by a commercial kitchen that is intended to provide food pairing to hospitality areas on the Subject Lands.

The Retail Barn will be used for a small retail wine sales area and supports wine tastings, showrooms, storage, and offices.

A Hospitality Patio is proposed to be located between the Production Barn and the Retail Barn. Weather permitting, this area will host wine tastings with food pairings, predominantly prepared on the outdoor grill, with additional ingredients sourced from the commercial kitchen.

The proposed building layout(s) are shown in **Appendix A**. Each of the rooms within the winery building has been analyzed as the winery building includes a range of hospitality uses. The specific allocation of spaces designated for OFDUs, distinguishing between ARUs and OFDUs, along with the supporting rationale, is detailed in Section 5.3.4 of this PJR. These areas must be allocated to ARUs and/or OFDUs, either fully or partially, based on their capacity to support the core business practices of marketing and retailing wine. The classification of each space as an ARU or an OFDU will be determined by its anticipated frequency of use for activities not directly related to wine production or retail sales.

The analysis of the OMAFRA Guidelines in this PJR is a summary of the individual apportionment of the uses in the building, including parking and landscaped areas.

### 5.3.2 Agriculture-Related Uses at Ferox Winery

The proposed Estate Winery is a farm-related commercial and industrial use that is directly related to the agricultural operation on the Subject Lands. The Guidelines suggest that a winery can be considered as an ARU if the grapes used to make the value-added product is primarily from farms in the area. The Guidelines do not specify the maximum lot coverage or floor area that can be devoted to ARUs but do provide a list of criteria that must be met in Subsection 2.2.1 of the Guidelines.

The criteria included in Subsection 2.2.1 of the Guidelines to assess whether the proposed Estate Winery is an ARU is analyzed in **Table 2** below.

**Table 2 – OMAFRA Guideline Criteria for Agriculture-Related Uses**

Criteria	Commentary
<i>Be a farm-related commercial or industrial use</i>	The proposed winery process locally grown feedstock, primarily from grapes grown on the Subject Lands and the neighbouring agricultural parcel, into wine. It will also facilitate the bottling, aging, retail and marketing of the wine produced.
<i>Be compatible with, and not hinder, surrounding agricultural operations.</i>	The winery building and production facility, their individual parking areas and accesses are situated on the site to be compatible with and not hinder surrounding agricultural operations.
<i>Be directly related to farm operations in the area.</i>	The proposed estate winery will produce wine using locally grown grapes, a practice consistent with the surrounding agricultural area, where estate wineries and grape cultivation are prevalent.
<i>Support agriculture</i>	The proposed estate winery supports agriculture by improving the economic sustainability of the agricultural lands by creating additional revenue streams. This can reduce the

Criteria	Commentary
	pressure to sell or convert farmland to non-agricultural uses, thus helping to preserve the land for agricultural purposes.
<i>Provide direct products and/or services to farm operations as a primary activity.</i>	The proposed estate winery will use locally grown feedstock, predominantly grapes grown on site, to produce wine as its primary activity. It will also market and retail the wines it produces on site.
<i>Benefit from being in close proximity to farm operations.</i>	The proposed Estate Winery intends to produce a high-quality, premium product from feedstock grown on site.

Wine production and the retail sale of wine winery meets the criteria outlined in the above table and is therefore classified as an ARU. As a result, any floor area that directly supports the core business operations of wine production, marketing, and retail can be considered part of the ARU. This use includes the entirety of the Retail Barn as well as all areas associated with wine production in the Production Barn.

The Hospitality Room and the Commercial Kitchen proposed within the wine Production Barn and the Outdoor Hospitality Patio have characteristics of ARUs as these areas are focused on the marketing of wine from the winery. These areas should in part be allocated as ARUs.

**5.3.3 On-Farm Diversified Uses at Ferox Winery**

The Hospitality Room within the Production Barn, Commercial Kitchen and the outdoor Hospitality Patio should also in part be allocated as OFDUs. There are certain aspects of the culinary experiences that does not directly relate to the core agricultural purpose of the farm operations.

**Table 3** provides an analysis of the listed criteria for determining if a use qualifies as an OFDU, as outlined in subsection 2.3.1 of the Guidelines.

**Table 3 - OMAFRA Guideline Criteria for On-Farm Diversified Uses**

Criteria	Commentary
<i>Be located on a farm.</i>	The proposed OFDUs are located on the Subject Lands, which is a farm operation.
<i>Be secondary to the principal agricultural use of the property.</i>	The term secondary is measured in spatial and temporal terms. <ul style="list-style-type: none"> <li>• Spatially, the OFDU should comply with limited in area criteria (refer to commentary below).</li> <li>• Temporal considerations apply to uses that are temporary or intermittent, such as the hosting of special events.</li> </ul>



Criteria	Commentary
	<p>The agricultural use, specifically, viticulture will remain the dominant use of the Subject Lands.</p> <p>The Commercial Kitchen and Hospitality Room will be located within the existing building, and the Outdoor Hospitality Patio will not require the displacement of any agricultural lands.</p>
<i>Limited in area.</i>	The proposed OFDUs are limited in area in terms of the area of the farm parcel. The total area allocated as OFDU is substantially less than 2% of the total land area. The area allocated to OFDUs are included in Table 4 and Table 5 of this PJR.
<i>Can include, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.</i>	The proposed OFDU shall complement the value-added agricultural products (wine).
<i>Be compatible with, and not hinder, surrounding agricultural operations.</i>	The OFDUs are fully contained within the existing winery buildings, with exception to the Hospitality Patio. Indoor hospitality uses are not anticipated to impact agricultural operations. The location of the Hospitality Patio between two (2) winery buildings and away from crop lands will ensure that potential land use conflicts resulting from the interface of the OFDU and agricultural production are appropriately mitigated.

The OMAFRA guidelines provide more prescriptive direction or recommendations for OFDUs, particularly with respect to how the specific criterion “be limited in area” should be applied.

**Table 4 – Limited in Area Application Criteria**

Criteria	Commentary
<i>Occupy no more than 2% of the farm parcel to a maximum of 1 hectare.</i>	The Subject Lands are 4.274 ha (42,740 m <sup>2</sup> ) in size. Therefore, the maximum size for OFDUs is equal to 854.8 m <sup>2</sup> .
<i>Maximum floor area devoted to on-farm diversified uses (20% of 2% of farm parcel size).</i>	Based on the criteria for overall size, the maximum permitted building floor area to be allocated as an OFDU is 170.96 m <sup>2</sup> .

### 5.3.4 Analysis of Building Area that contain OFDUs

The OMAFRA Guidelines stipulate that the total area dedicated to OFDU must not exceed 2% of the entire farm parcel. This 2% limit encompasses both internal floor areas allocated to OFDU and external elements of the Subject Lands. Buildings or structures built before April 30, 2014, that are used for OFDU are subject to a 50% discount in their area calculations. The Production Barn is a reconstruction of a building that existed prior to 2014. Therefore, OFDUs within the building should be discounted at 50%.

**Table 5** provides a summary of the spaces allocated for OFDU within the Main Winery Building and the Production Barn.

**Table 5 - Total Building Areas for On-Farm Diversified Uses**

Room No.	Description	Area (m <sup>2</sup> )	Allocated to On-Farm Diversified Use	
			%	(m <sup>2</sup> )
<b>Production Barn</b>				
7	Hospitality Room (1)	43	50	21.5
12	Commercial Kitchen (2)	26	75	19.5
	<b>Total Building Areas - OFDU</b>	<b>69</b>		<b>41</b>
	<b>50% Existing Building Discount</b>			<b>20.5</b>

According to Table 5, the total building area designated for OFDUs, following the application of the existing buildings discount is 20.5 m<sup>2</sup>. The following rationale provides the justification for the allocation percentages assigned to each individual interior space:

- (1) The proposed Hospitality Room in the Production Barn will be a primary benefactor of the Commercial Kitchen. The Commercial Kitchen's involvement directly supports the hospitality function, which goes beyond strictly agricultural-related activities such as wine tasting. The OFDU allocation reflects the increased reliance on the Commercial Kitchen, which is considered a non-agricultural function. As a result, 50% of the Hospitality Room is designated as OFDU, acknowledging the Commercial Kitchen's integral role in enhancing the guest experience, while the remaining 50% is classified as ARU to emphasize the core agricultural business of the winery.
- (2) The Commercial Kitchen is secondary to the winery's primary agricultural function, though it will support both ARUs and OFDUs within the winery. To reflect its predominant role in servicing the hospitality areas where food will be served, 75% of the Commercial Kitchen's function is allocated to OFDU. However, a portion is allocated as ARU, as the kitchen enables the winery to offer food pairings that promote its agricultural products.

The remaining areas of the winery are classified as ARUs, as they directly support the core agricultural operation - either through the production of wine, as seen in the production areas, or the sale of wine, as in the retail area. Other common spaces, such as the entryway, stairwells, washrooms, and coat check, are also considered agriculture-related, as they are essential for supporting the winery's function, regardless of the inclusion of OFDUs in the proposal.

According to Table 5, 20.5 m<sup>2</sup> of the building area is allocated to OFDUs, representing 12% of the maximum allowable floor area. This is significantly below the 170.96 m<sup>2</sup> threshold, which accounts for 20% of the 2% OFDU limit. Therefore, the allocated building area for OFDUs complies with the second criterion outlined in Table 4.

### 5.3.5 Analysis of Farm Parcel Area with OFDUs

As detailed above, the Guidelines stipulate that the 2% area calculation should account for all aspects related to an OFDU such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking and new access roads.

**Table 6** provides a summary of the exterior elements on the Subject Lands that are allocated as OFDUs.

**Table 6 - Total Area of Farm Parcel Occupied by On-Farm Diversified Uses**

Description	Area (m <sup>2</sup> )	Allocated to On-Farm Diversified Use	
		%	(m <sup>2</sup> )
Hospitality Patio (1)	133	25	33.3
Septic Bed - Gen 1 Waterloo bio filter bed (2)	300	16.2	48.6
Landscaping Area (3)	64	0	0
Driveway & Parking Area (4)	3,117	0	0
<b>Total</b>	-	-	<b>81.9</b>

- (1) The Hospitality Patio primarily functions as an ARU, focused on the marketing and tasting of wine, which is an agricultural product. To reflect this role, 25% of the area attributed to the hospitality patio has been allocated to OFDU, acknowledging that while the primary activity is wine tasting, a portion of the operation is supported by the Commercial Kitchen and outdoor cooking facilities for food pairings. As the Commercial Kitchen is predominantly classified as an OFDU, this allocation appropriately reflects the complementary relationship between the wine tasting function and the kitchen's supporting role.

- (2) The Gen 1 Waterloo bio filter bed is approximately 300 m<sup>2</sup>. The Gen 1 Waterloo filter bed has a total capacity of 2,000 litres per day. The proposed Hospitality Room, Commercial Kitchen and Hospitality Patio are anticipated to generate approximately 432 litres/day effluent. This accounts for 21.6% of the capacity of that septic bed. Based on allocations of ARU and OFDU for the Hospitality Room, Commercial Kitchen and Hospitality Patio, we have allocated 36.8% of that capacity as OFDU. Based on these proportions 16.2% of the Gen 1 Waterloo bio filter bed can be allocated as OFDU.
- (3) The 64 m<sup>2</sup> landscaped area near the front entrance of the production barn has not been designated for OFDUs, as it will be installed in an existing gravelled area and serves primarily as an aesthetic enhancement to the agricultural operation. If the landscaped area were not proposed, the gravelled area would not require allocation towards OFDUs, and similarly, the new landscaped area should not be allocated as such. This beautification initiative represents a valuable enhancement to the overall winery environment and would be pursued regardless of the inclusion of OFDUs.
- (4) Existing driveways and parking lots have not been allocated to OFDUs, as they are already in place and are essential for supporting the agricultural and agricultural-related functions of the winery, irrespective of the presence of OFDUs.

In accordance with Table 5 and Table 6, 102.4 m<sup>2</sup> of land and building area is allocated for OFDU use, which represents approximately 0.24% of the total land area of the Subject Lands. This allocation is significantly below the maximum permitted area of 854 m<sup>2</sup>, which represents 2% of the total land area for OFDUs.

## **SUMMARY**

---

Based on the preceding analysis, the Estate Winery qualifies as an ARU as it meets the criteria outlined in Table 2. Additionally, the OFDUs proposed to be located on the Subject Lands are compatible with the surrounding agricultural lands and comply with the area limitations specified in Table 4. Therefore, the proposed uses adhere to the Guidelines on Permitted Uses.

### **5.4 Greenbelt Plan (2017)**

The Subject Lands fall within the Protected Countryside of the Greenbelt Plan and more specifically are designated Niagara Peninsula Tender Fruit and Grape Area as per Schedule 2 of the Greenbelt Plan. The Niagara Peninsula Tender Fruit and Grape Area is a specialty crop area. The delineation of this area is based on provincial soil and climate analysis of the current and potential tender fruit and grape production areas. The Greenbelt Plan focuses on 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.

### 5.4.1 Protected Countryside Goals

Section 1.2.2 of the Greenbelt Plan includes goals aimed at improving both urban and rural areas, as well as enhancing the overall quality of life within the Protected Countryside. The following policies are relevant to this application:

#### **GOALS**

---

*To enhance our urban and rural areas and overall quality of life by promoting the following matters within the Protected Countryside:*

#### **1. Agricultural Viability and Protection**

- a) *Protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value-added uses necessary for sustainable agricultural uses and activities;*
- b) *Support for the unique nature of specialty crop areas as our vital fruit and vegetable growing regions, which include:*
  - i. *The Niagara Peninsula specialty crop area, a destination for and centre of agriculture focused on the agri-food sector and agritourism related to grape and tender fruit production; and*
- d) *Provision of the appropriate flexibility to allow for agricultural, ARUs and OFDUs, normal farm practices and an evolving agricultural and rural economy;*

#### **3. Culture, Recreation and Tourism**

- c) *Enabling continued opportunities for sustainable tourism development.*

#### **ANALYSIS**

---

The Application conforms with the Greenbelt Plan goals. The Application promotes farm diversification and agri-tourism, by establishing permissions for ARUs and OFDUs, while ensuring that the primary agricultural use remains unchanged. The hospitality areas would contribute to added-tourism in Niagara-on-the-Lake, providing additional value to the local economy and community. The use of a Commercial Kitchen would allow for food and wine food pairing is necessary to elevate the experience of patrons. For these reasons, the proposal conforms with the above goals of the Greenbelt Plan.

### 5.4.2 Specialty Crop Area Policies

Section 3.1.2 of the Greenbelt Plan includes policies intended to protect and enhance agricultural lands within Specialty Crop areas.

## **POLICY**

---

*For lands falling within specialty crop areas of the Protected Countryside, the following policies shall apply:*

1. *All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.*
  
6. *The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network shall be maintained and enhanced.*

## **ANALYSIS**

---

The Application would permit ARU and ODFU uses in accordance with the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851 as reviewed in Section 5.3 of this PJR. The proposed use will not hinder any surrounding farm operations.

## **SUMMARY**

---

Based on the preceding analysis, the proposed use is in conformity with the Greenbelt Plan.

### **5.5 Niagara Official Plan (2022)**

The NOP is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The Niagara Official Plan identifies what we need to protect; how and where we will grow; and policy tools to manage the same. Resources such as the natural environment system, agricultural system, source water, aggregates and petroleum, and cultural heritage and archaeology each are protected for specific reasons whether it be ecological, economic, cultural heritage or community health. The Subject Lands are designated Specialty Crop Area as per Schedule F of the Niagara Official Plan.

#### **5.5.1 The Agricultural System**

The agricultural system contains a structure for the agricultural land base and the agri-food network that enables the agri-food sector to thrive. The following relevant objectives apply.

## **POLICY**

---

- 4.1 The objectives of this section are as follows:

- a. *facilitate a strong, diverse, and resilient agricultural economy;*
- b. *protect the region's agricultural land base;*
- c. *ensure agriculture is the predominant land use in specialty crop areas and prime agricultural areas;*
- d. *ensure the long-term sustainability and function of uses within the agricultural system;*
- e. *protect specialty crop areas from fragmentation;*
- f. *protect prime agricultural areas from fragmentation;*
- g. *recognize and control changes to existing uses to ensure a viable agricultural system.*

## **ANALYSIS**

---

The proposed non-agricultural uses will not change or tarnish the existing agricultural use on the Subject Lands. The Application would enhance the resilience of the agricultural operation to ensure its long-term sustainability by introducing an additional revenue stream while ensuring that the use maintains compatibility with surrounding agricultural activities.

### **5.5.2 Specialty Crop Areas and Prime Agricultural Areas**

The NOP contains the following relevant policies to ensure the sustainability of Specialty Crop Areas and Prime Agricultural Areas.

## **POLICY**

---

- 4.1.2.3 *In specialty crop areas and prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.*
- 4.1.7.3 *Agriculture uses, agriculture-related uses and on-farm diversified uses are permitted in the following areas:*
  - a. *specialty crop areas;*
  - b. *prime agricultural areas; and*
  - c. *rural lands.*
- 4.1.7.4 *Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.*
- 4.1.7.5 *Agriculture-related uses and on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.*
- 4.5.2.1 *This section consolidates policy direction integrated throughout this Plan that supports economic prosperity. The Region will endeavour to:*

- c. *support the agri-food industry by:*
  - i. *promoting all types, sizes and intensities of agricultural uses and normal farm practices, including agriculture-related uses and on-farm diversified uses;*

## **ANALYSIS**

---

The above policies of the NOP regarding ARUs and OFDUs are similar to those found within the PPS and the Greenbelt Plan. As discussed in the preceding sections, the Application is consistent with the PPS and the Greenbelt Plan.

## **SUMMARY**

---

Taking into consideration the analysis noted above, the proposed uses are in accordance with the policies included in the Niagara Official Plan.

### **5.6 Niagara on the Lake Official Plan**

The Niagara-on-the-Lake Official Plan ('Town's OP') provides policy direction to guide the Town's physical development. Most of the land in Niagara-on-the-Lake is in agricultural production. As such, agriculture is a significant contributor to the physical, social, and economic character of Niagara-on-the-Lake and the Town wishes to protect and enhance its agricultural system for the long-term by ensuring appropriate uses and activities locate in its agricultural area. To this end, the Town's Official Plan recognizes the important role that value-adding facilities can play in strengthening the agricultural system and provides policies to permit the development of Estate and Farm Wineries in its agricultural area, subject to the policies of the Plan.

The following table summarizes the designation of the subject lands in the Niagara-on-the-Lake Official Plan (**refer to Appendix D**).

**Table 7 – Town OP Relevant Schedules**

	<b>Schedule</b>	<b>Designation</b>
B:	Land Use Plan – Niagara/Old Town	Agriculture
G:	Transportation Plan	Both Concession Road 4 and East & West Line Road are Local Roads

#### **5.6.1 Goals & Objectives**

The Town's OP includes the following goals and objectives which are relevant to the proposal.



## POLICY

---

- 7.2.1. *To help ensure the preservation of prime agricultural lands for farming with particular emphasis on the preservation of specialty crop lands.*
- 7.2.2. *To help preserve the existing and potential agriculturally productive land giving highest priority to Good Tender Fruit/Grape Lands.*
- 7.2.3. *To allow flexibility to farm operations in both type and size and to permit the expansion and contraction of farm operations as necessary provided that the farm remains economically viable and that the size of the farm is appropriate and common in the area.*
- 7.2.7. *To consider the impact on agriculture as the primary guideline in evaluating development proposals in the agricultural areas*

## ANALYSIS

---

No agricultural lands will be removed or tarnished in any way following the implementation of the proposed development. In Niagara-on-the-Lake, there is an established precedent for estate wineries to enhance their economic sustainability by incorporating hospitality areas that use commercial equipment to offer on-site food pairings. This practice has been established to support agricultural operations. It is anticipated that the introduction of the proposed OFDU's will not adversely affect the agricultural activities in the surrounding area.

### 5.6.2 Land Use Designations

The Town's OP includes the following uses being permitted in its Agricultural Lands.

## POLICY

---

- 7.3.1 *In the agricultural designation the following uses shall be permitted:*
- Main Uses:** *The main use permitted is agriculture including all types of farming, their related buildings and structures, the farm residence, the raising of animals and fowl, market gardening, greenhouses and nurseries, forestry and reforestation. Conservation of water, soil, wildlife and other natural resources in their natural state is also permitted.*

**Uses permitted independent of a Main Use:**

- *estate wineries...*

## ANALYSIS

---

Estate Wineries are contemplated within the Agricultural designation in the Town's OP.

### 5.6.3 Secondary Use Policies

Section 7.4(3)(a) of the Town’s Zoning By-law includes the following development to all secondary uses in the agricultural designation. These policies are analyzed in **Table 8** below:

#### **POLICY & ANALYSIS**

**Table 8 – Secondary Use Policies**

<b>Section</b>	<b>Policy</b>	<b>Analysis</b>
<u>ii.</u>	<i>Such uses shall be encouraged wherever reasonably practical to locate on a relatively self-contained or isolated area separated from other agricultural lands by woodland, roads, railways or ravines.</i>	The proposed secondary uses will be primarily situated within the Production Barn and the Retail Barn. The Hospitality Patio, which is adjacent to both the Production and Retail Barns, is clearly delineated from the surrounding agricultural lands.
<u>iii.</u>	<i>The location of the facility or use imposes no operating constraints or results in no reduction of the efficiency of any existing farms.</i>	The proposed secondary uses will not impose any operational constraints on the agricultural activities. Instead, they will enhance agri-tourism opportunities on the Subject Lands, generating additional revenue streams and improving the financial resilience of the agricultural operation.
<u>iv.</u>	<i>An adequate and potable water supply shall be available and it shall be the responsibility of the applicant to provide a report on the adequacy of the water supply, if required by the Town or the authority having jurisdiction.</i>	The Subject Lands are serviced by a municipal watermain along Concession Road 4. Engineering staff have expressed no concerns regarding the proposed amendment.
<u>vii.</u>	<i>Adequate entrances and exits to roads shall be so located as to minimize travel hazards. Ribbon development along roadways shall be discouraged.</i>	Ferox winery has two (2) entrances to Concession Road 4, as outlined in Section 2.0 of this PJR. One entrance is designated for patron access, while the other is intended for the agricultural operation.
<u>viii.</u>	<i>Adequate off-street loading, parking spaces and access points shall be provided for all commercial and industrial development. Access points shall</i>	The Subject Lands provide surplus off-street parking compared to the parking requirements outlined in Section 6.0 of this PJR.

	<i>be clearly defined by pavement breaks, landscaping, curbing or other acceptable means. Outside storage may be limited.</i>	
	<i>The lands shall be appropriately zoned and, where necessary, a Development Agreement be entered into.</i>	This Application proposes a site-specific zoning by-law amendment to ensure the secondary uses are suitable for the site and to protect the agricultural features of the Subject Lands.

#### 5.6.4 Estate Winery Policies

Section 7.4(3) b) of the Town’s OP includes policies which are designed to guide the implementation of Estate Wineries in Niagara-on-the-Lake, to ensure the protection of agriculture is upheld and prioritized. **Table 9** below analyzes these policies.

### POLICY & ANALYSIS

Table 9 – Estate Winery Policies

Section	Policy	Analysis
i.	<i>The minimum acreage for an Estate Winery shall be established in the implementing Zoning By-law and shall generally be a contiguous parcel of at least 8 hectares (20 acres) the majority of 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 image of an Estate Winery....</i>	<p>Although the acreage of the Subject Lands is less than the 8-hectare requirement, the introduction of the estate winery will not compromise the rural character of the property. This proposal involves re-classifying an existing farm winery to an estate winery, without expanding the current agricultural structures or removing any grapevines from production. Approximately 80% of the Subject Lands, including nearly 400 metres of frontage along East &amp; West Line and Concession Road 4, will continue to be dedicated to grapevines, thereby preserving and enhancing the rural setting of the area.</p> <p>Furthermore, establishing an estate winery on the Subject Lands will not only preserve the rural character but will also contribute to its long-term protection and economic resilience. Estate wineries can improve the</p>

		economic sustainability of agricultural lands by creating additional revenue streams, which helps reduce the pressure to sell or convert farmland to non-agricultural uses. This supports the preservation of the land for agricultural purposes in perpetuity. By producing and selling wine - a value-added product - the estate winery increases the farm's profitability without expanding its physical footprint. This approach aligns with agricultural preservation goals by maximizing land productivity.
ii.	<p><i>The production of wine from an estate winery shall be subject to the following criteria:</i></p> <ul style="list-style-type: none"> <li><i>a) all wines produced shall be made from predominately locally grown fruit;</i></li> <li><i>b) all wines produced are to be made from predominately locally grown fruit crushed and fermented on site;</i></li> <li><i>c) an Estate Winery shall have the capability to bottle of all the wine produced on site.</i></li> </ul>	Ferox wine is produced exclusively from locally grown grapes, with approximately 85% to 90% of the grapes sourced from the Subject Lands or the adjacent agricultural property located at 1822 Niagara Stone Road, which is under common ownership. All stages of wine production - including grape pressing, fermentation, and bottling - are carried out on the Subject Lands.
iii.	<i>All Estate Wineries shall be subject to a site-specific zoning by-law amendment to control their number and location within the municipality.</i>	To preserve the agricultural character of the Estate Winery, secondary uses including the Hospitality Areas and the Commercial Kitchen will be governed by the site-specific zoning by-law proposed in this application.
iv.	<i>The retail sale of wine shall be permitted as part of an Estate Winery. The amount of floor space will be limited in the implementing zoning by-law so as not to detract from the main use of the land and not adversely affect other uses permitted in the agricultural area.</i>	The retail sale of wine is currently located inside of the retail barn. The general provisions of Estate Wineries restrict the retail space to a maximum area of 139.2 m <sup>2</sup> (1,500 ft <sup>2</sup> ). These provisions would be applicable to the proposed Estate Winery.
v.	<i>A hospitality room where food and wine is prepared and served...</i>	The use of the Hospitality Room with food service prepared by commercial cooking equipment shall be permitted

		on the Subject Lands, but not in association with a restaurant.
vi.	<i>Estate Wineries shall be required to locate with direct or convenient access to an improved roadway with sufficient capacity to accommodate the anticipated traffic.</i>	Ferox winery has two (2) entrances to Concession Road 4, as outlined in Section 2.0 of this PJR. One entrance is designated for patron access, while the other is intended for the agricultural operation.
vii.	<i>As indicated in sub-section (i) above, on-site vineyards are an important aspect of the image of an Estate Winery and encourages the use of local fruit in the production of wine. As such land not intended for building or on-site services shall be planted in vineyards and the Council may make vineyard planting a condition of the amending By-law to be completed prior to the issuance of a building permit.</i>	As described in the analysis to sub-section (i), approximately 80% of the Subject Lands, including nearly 400 metres of frontage along East & West Line and Concession Road 4, will continue to be dedicated to grapevines, thereby preserving and enhancing the rural setting of the area.

**SUMMARY**

For the reasons mentioned in the analyses above, the proposed application conforms with the Town’s OP.

**6.0 Proposed Zoning By-law Amendment**

The Subject Lands are presently zoned “Rural A” in accordance with Zoning By-law No. 500A-74 (refer to **Appendix E**).

The present Zoning By-law permits the use of an Estate Winery on Rural zoned lands, contingent upon the approval of a site-specific zoning by-law amendment. Several site-specific conditions are required to permit the proposed uses on the Subject Lands, which are included in **Table 10** below:

**Table 10 – Zoning Schedule for Estate Wineries in NOTL**

Section	Regulations	Zoning Requirement	Proposed Concept	Compliance
<b>Zoning By-law 500A-74</b>				
<b>3.33 Estate Wineries</b>	Minimum Area	8 hectares	As existing (4.274 hectares)	<b>No</b>
	Off-street parking	1 per Employee = 5 Spaces	5 Parking Spaces	<b>Yes</b>

	Minimum Lot Frontage	45 metres	As existing (412.154 meters)	Yes
	Minimum building setback	15 metres	17.55 metres	Yes
	Maximum Lot Coverage	15%	1.99%	Yes
	Maximum Building Height	11 metres	7.74 metres	Yes
Secondary Uses		<i>The retail sale of wine</i>	<i>The retail sale of wine</i>	Yes
		<i>A hospitality room meaning all or part of a building where wine and food may be served but does not include the use of commercial cooking equipment on site in the preparation of food.</i>	<i>A hospitality room all or part of a building where wine and food may be served. The use of commercial cooking equipment is permitted provided that the commercial cooking equipment is used only for the pairing of food with wine in conjunction with hospitality services and events of the winery and not in the establishment of a restaurant use.</i>	No
		<i>An agricultural market</i>	<i>Not to be included</i>	N/A
		<i>maximum total floor area for all secondary uses shall generally be limited to 400 square metres with each individual secondary</i>	<i>Hospitality Room (Production Building): 43 m<sup>2</sup>  Commercial Kitchen: 26 m<sup>2</sup></i>	Yes

		<i>uses not exceeding 139.3 square metres</i>	<i>Outdoor Hospitality Patio: 133 m<sup>2</sup></i> <i>Retail: 18.5 m<sup>2</sup></i> <i>Total: 220.5 m<sup>2</sup></i>	
		<i>off-street parking requirement for all secondary uses shall be one (1) parking space for every 18.5 square metres</i>  <i>Required: 12 parking spaces</i>	<i>22 patron parking spaces</i>	<b>Yes</b>

**Minimum Area Requirement:**

The Zoning By-law specifies a minimum parcel area of 8 hectares for an estate winery. However, proposals for smaller parcels may be considered if it can be demonstrated that the proposal complies with other guidelines and does not compromise the rural character associated with an estate winery.

Refer to Section 5.6.4 of this PJR for details on how the proposed estate winery will maintain the rural character of the property.

**Commercial Kitchen**

The Zoning By-law permits hospitality rooms in Estate Wineries as secondary uses where wine and food may be served, excluding the use of commercial cooking equipment for on-site food preparation. This restriction is intended to preserve the agricultural character of the lands by preventing the development of facilities that could resemble urban restaurants, which could lead to the urbanization of speciality crop areas.

As indicated, according to the governing Zoning By-law, a restaurant is defined as a building or part of a building dedicated specifically to the preparation and retail sale of food to the public. The proposal would not facilitate a standalone food service establishment, but rather an experience aimed at showcasing the estate’s wines in conjunction with carefully crafted food pairings. The agricultural and winery use would continue to be the primary use of the Subject Lands.

Notably, there is established precedent for permitting food pairings curated with the use of commercial cooking equipment in hospitality areas of estate wineries in Niagara on the Lake, including Chateau Des Charmes II, Caroline Cellars Estate Winery, Inniskillin Wines, Jackson Triggs Winery, Queenston Mile Winery, Big Head Winery, and Stone Eagle Winery. These examples described are described in **Table 11** below. This

precedent demonstrates that incorporating food pairings prepared in commercial kitchens does not compromise the agricultural nature of the operation.

**Hospitality Patio**

The Site-specific Zoning By-law also recognizes a Hospitality Patio as a permitted secondary use and defines it in a manner akin to Hospitality Room, with the key distinction that it pertains to all or part of a patio rather than an enclosed building. The intent of the Hospitality Patio is intended to showcase wine. Similar to the Hospitality Room, food pairings will be permitted on the hospitality patio; however, food service will primarily be facilitated using the outdoor grill, with only supplementary items prepared in the commercial kitchen.

Important to note, the proposed Hospitality Patio would be located between the Production Barn and the Retail Barn, and significantly distant from any residential uses on separate parcels of the land. For these reasons, the proposed Hospitality Patio is not anticipated to impact nearby uses including agricultural uses on the Subject Lands or residential uses.

**Table 11 – Estate Wineries with Commercial Cooking**

Winery	Urban Area or Agricultural Area	Zoning By-law and Appendix Reference	Provision in Zoning By-law
Chateau Des Charmes II	Agricultural Area	500IX-94	<p>3. <i>The following secondary uses shall also be permitted only in association with and accessory to the main use of the Estate Winery permitted on the lands shown on Schedule 500IX-94.</i></p> <p><i>b) A hospitality room permitting commercial cooking equipment.</i></p>
Caroline Cellars Estate Winery	Agricultural Area	500VH-10	<p>4. <i>Section 3 of By-law 500SL-05 is hereby amended by adding the following: “Notwithstanding anything to the contrary in By-law 500A-74, as amended by By-law 500IO-94, the definition of “Hospitality Room” for the purposes of this By-law is deleted and replaced with the following:</i></p> <p><i>“Hospitality Room/ Area mean a defined hospitality room / area or combined hospitality room/ area where food and wine may be served. The use of commercial cooking</i></p>



			<p><i>equipment is permitted provided that the commercial cooking equipment is used only for the pairing of food with wine in conjunction with hospitality services and events of the winery and not in the establishment of a restaurant use."</i></p>
Colaneri Estate Winery	Agricultural Area	500WP-14	<p>3. <i>In addition to the secondary uses permitted in Section 6.13 of Zoning By-law No. 4316-09 the following secondary use shall be permitted on the subject lands:</i></p> <p>a) <i>Restaurant</i></p>
Inniskillin Wines	Agricultural Area	500TY-07	<p>5. <i>Notwithstanding anything to the contrary in By-law 500A-74, as amended by By-law 500IO-94, the definition of 'Hospitality Room' for the purpose of this Bylaw only is deleted and replaced with the following:</i></p> <p><i>"Hospitality Room/Area means a defined hospitality room/area or combined hospitality room/area where food and wine may be served. Only within the combined retail and hospitality room/areas located in Winery Building 'D' and the outdoor piazza, the use of commercial cooking equipment is permitted provided that the commercial cooking equipment is used only for the pairing of food with wine in conjunction with hospitality service and events of the winery only and not in the establishment of a restaurant use."</i></p>
Jackson Triggs Winery	Agricultural Area	500MR-99	<p>3. <i>In addition to those uses permitted in a "Rural (A) Zone" the following secondary uses shall also be permitted only in association with and accessory to the main use of the Estate Winery:</i></p> <p>a) <i>Café/Serveries/Hospitality Area including commercial cooking equipment</i></p>

Pellar Estates Winery and Restaurant	Agricultural Area	500LY-98	<p>3. <i>In addition to those uses permitted in “Rural (A) Zone” the following secondary uses shall also be permitted only in association with an accessory to the main use of the Estate Winery</i></p> <p style="text-align: center;"><i>Restaurant/kitchen/delicatessen..... 544 square metres.</i></p>
Stone Eagle Winery	Agricultural Area	500YD-23	<p>4. <i>In lieu of the uses permitted in Subsection 4.1 and Section 3.33, only the following uses shall be permitted on the lands zoned “Rural (A) - Site Specific Zone” shown on Map ‘A’ attached hereto:</i></p> <p style="padding-left: 40px;"><i>d) Secondary uses to an Estate Winery as follows:</i></p> <p style="padding-left: 80px;"><i>i. Restaurant/Function Room</i></p> <p style="padding-left: 80px;"><i>ii. Kitchen and Service Station</i></p> <p>5. <i>In lieu of the provisions of Section 3.33 - Secondary Uses - Subsection (d), the maximum total floor area for all Secondary Uses for the Estate Winery on the lands zoned “Rural (A) - Site Specific Zone” shown on Map ‘A’ attached hereto shall not exceed 2,424 square metres (26,092 square feet) with the maximum floor area of each individual Secondary Use as follows:</i></p> <p style="padding-left: 40px;"><i>f) Kitchen and Service Station - 262 square metres (2,820 square feet)</i></p> <p>4. <i>For the purposes of this By-law, the following definitions shall apply to the lands zoned “Rural (A) - Site Specific Zone” shown on Map ‘A’ attached hereto:</i></p> <p style="padding-left: 40px;"><i>Restaurant/Function Room - shall mean part of the Estate Winery building where food is offered for retail sale to the public for immediate consumption either on or off the premises and where private events or functions may be held with catering or restaurant service.</i></p>

			<i>Kitchen and Service Station - shall mean part of the Estate Winery building where commercial cooking equipment is permitted for the preparation of food for retail sale.</i>
Strewn Winery	Agricultural Area	500KS-96	6. <i>In addition to those uses permitted in a "Rural (A) Zone" the following secondary uses shall also be permitted only in association with and accessory to the main use of the Estate Winery:</i>  <i>Restaurant ..... 280 m<sup>2</sup>.</i>
Two Sisters Estate Winery	Agricultural Area	500WR-15	7. <i>The following secondary uses are permitted on those lands shown as Part 1 on Map A attached hereto:</i>  <i>e) Restaurant".</i>
Queenston Mile Winery	Agricultural Area	500XJ(2)-22	2. <i>In addition to the permitted uses of "Section 4.1 - Rural (A) Zone", the following uses shall apply on the subject lands: a) Estate Winery b) Secondary uses to an Estate Winery as follows:</i> <i>ii. Hospitality Area</i> <i>iii. Kitchen (including commercial cooking equipment).</i>  3. <i>For the subject lands identified on Map 'A' (attached to and forming part of this by-law), the following definition shall apply:</i>  <i><b>Hospitality Area</b> shall mean part of a building such as indoor and outdoor areas (balcony and covered patio) where wine and food from the Estate winery is served. The use of commercial cooking equipment on site for the preparation of food is permitted in the designated kitchen. Such uses shall remain ancillary to the Estate Winery use.</i>  4. 5.
Big Head Winery	Agricultural Area	500YF-23	1. <i>Notwithstanding the permitted uses under Section 4 - Rural (A) Zone and Section 3.33, the following uses shall</i>

			<p><i>apply to the lands shown on Map A attached hereto:</i></p> <p><i>c) Restaurant/wine bar</i></p> <p><i>6. Notwithstanding the definition of "hospitality room" provided under Section 2.42B, commercial cooking equipment shall be permitted in the restaurant (kitchen).</i></p>
--	--	--	--

## 7.0 Summary and Conclusion

It is our opinion the proposed Site-specific ZBA represents good land use planning, is in the public interest and should be approved for the following reasons:

1. The application has appropriate regard for matters of provincial interest and complies with the *Planning Act*.
2. The application aligns with the Provincial Planning Statement and OMAFRA's Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas.
3. The application conforms to the Greenbelt Plan, the Niagara Official Plan and the Town of Niagara-on-the-Lake Official Plan.
4. By permitting Ferox by Fabian Reis to operate as an estate winery provides several benefits which protect agricultural lands:
  - Estate wineries generate additional revenue streams that improve the economic viability of agricultural lands.
  - Estate wineries contribute to preserving the rural character of Niagara-on-the-Lake by promoting agri-tourism and farm-related activities, which reinforce land uses that support the long-term viability and protection of agricultural lands.
  - Estate wineries are authorized to utilize locally grown agricultural commodities in the production of wine and other culinary offerings, thereby strengthening the local agricultural economy.
5. No land will be removed from agricultural production or adversely be affected for future agricultural use under this application.
6. The existing site servicing can accommodate the proposed uses.
7. The proposed OFDUs are consistent with other approved wineries in Niagara-on-the-Lake that permit the use of commercial cooking equipment and special events.

Report prepared by:



---

**Robert Smit, MSc RPD**  
Planner  
*NPG Planning Solutions Inc.*

Report reviewed by:



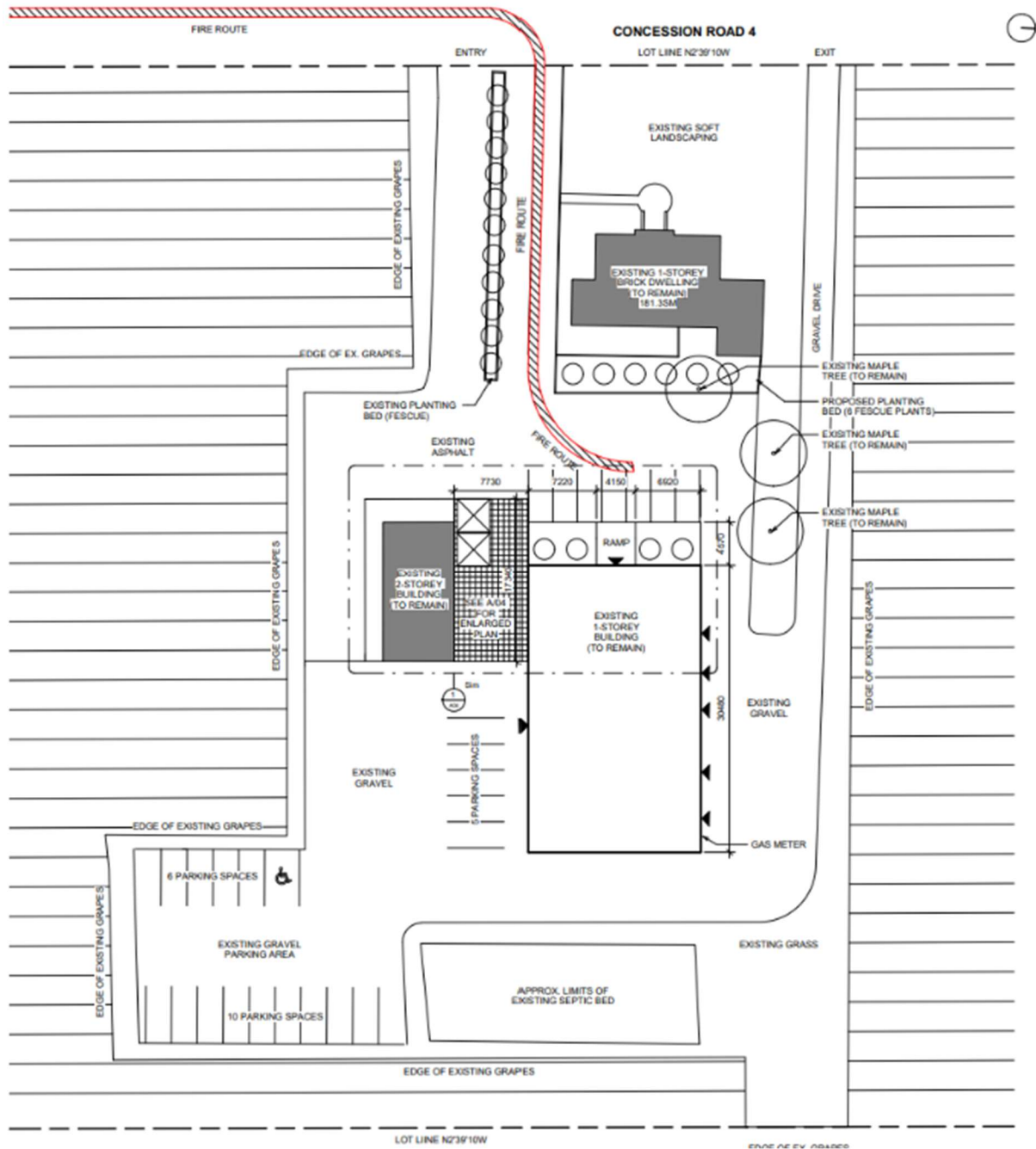
---

**Jesse Auspitz, RPP, MCIP**  
Principal Planner, Toronto  
*NPG Planning Solutions Inc.*

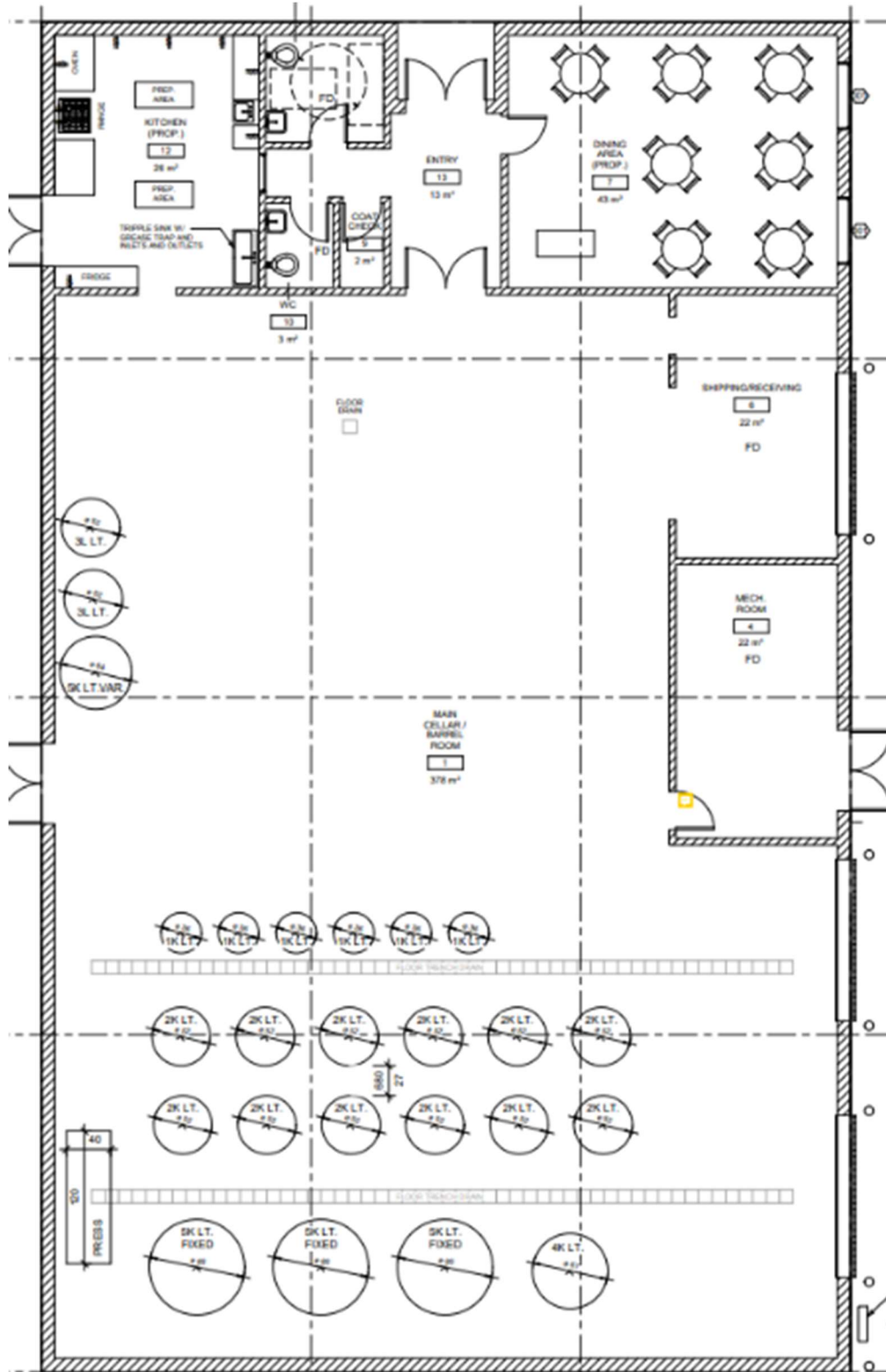
# 8.0 Appendices

# 8.1 Appendix A – Proposed Architectural Plans

## Site Plan



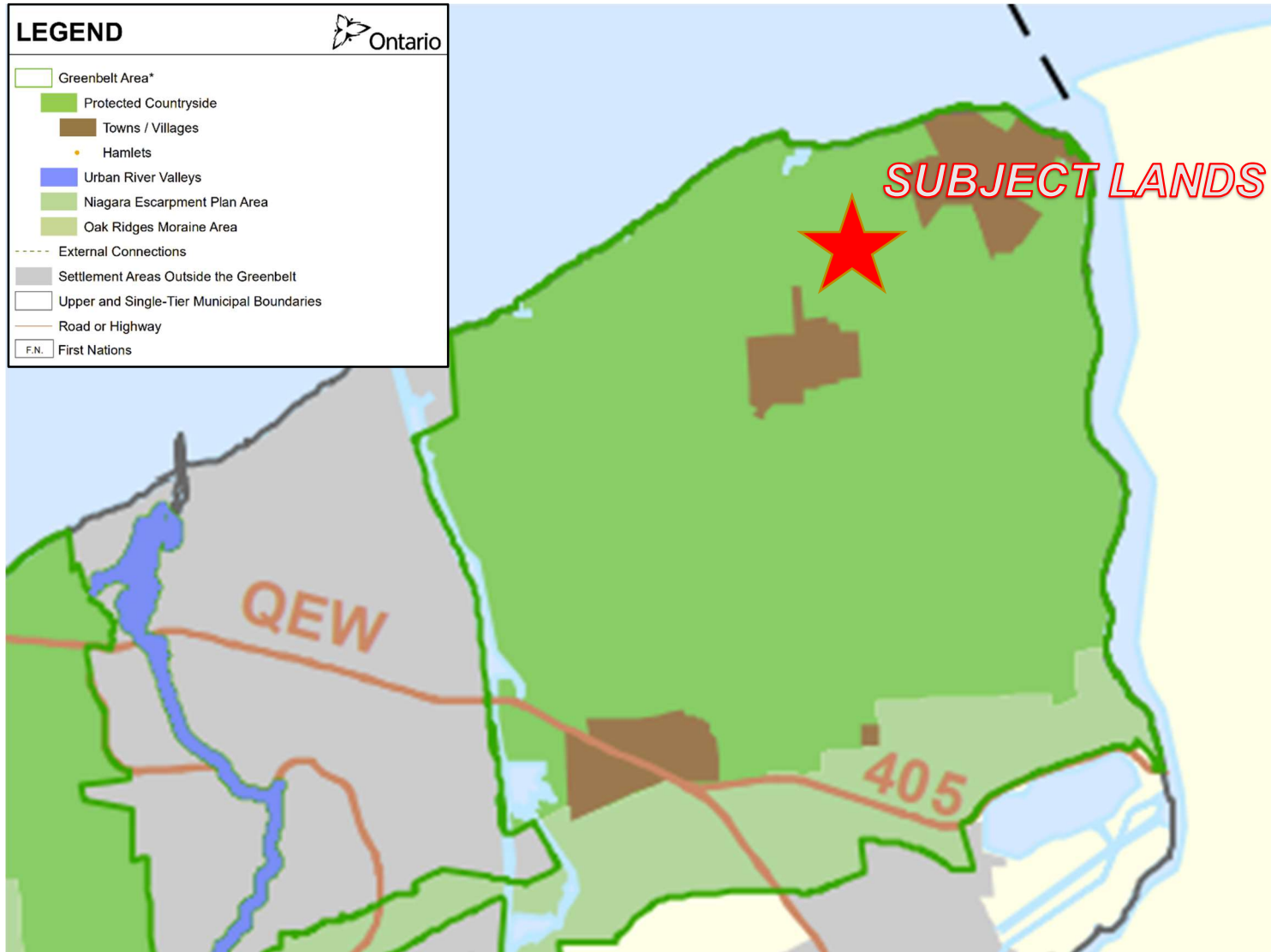
Production Barn





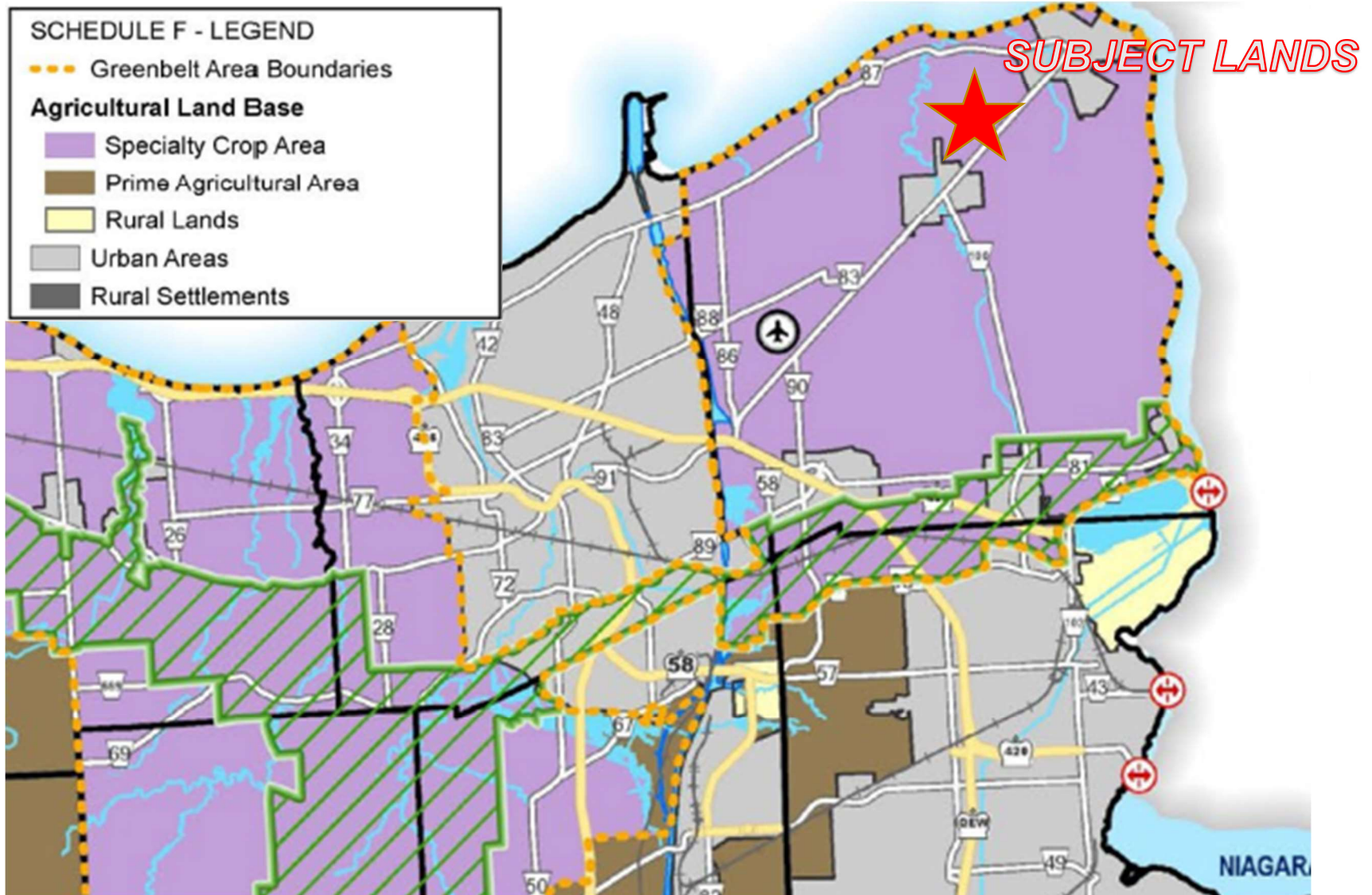
## 8.2 Appendix B –Greenbelt Plan Schedules

### Schedule 1 – Greenbelt Area



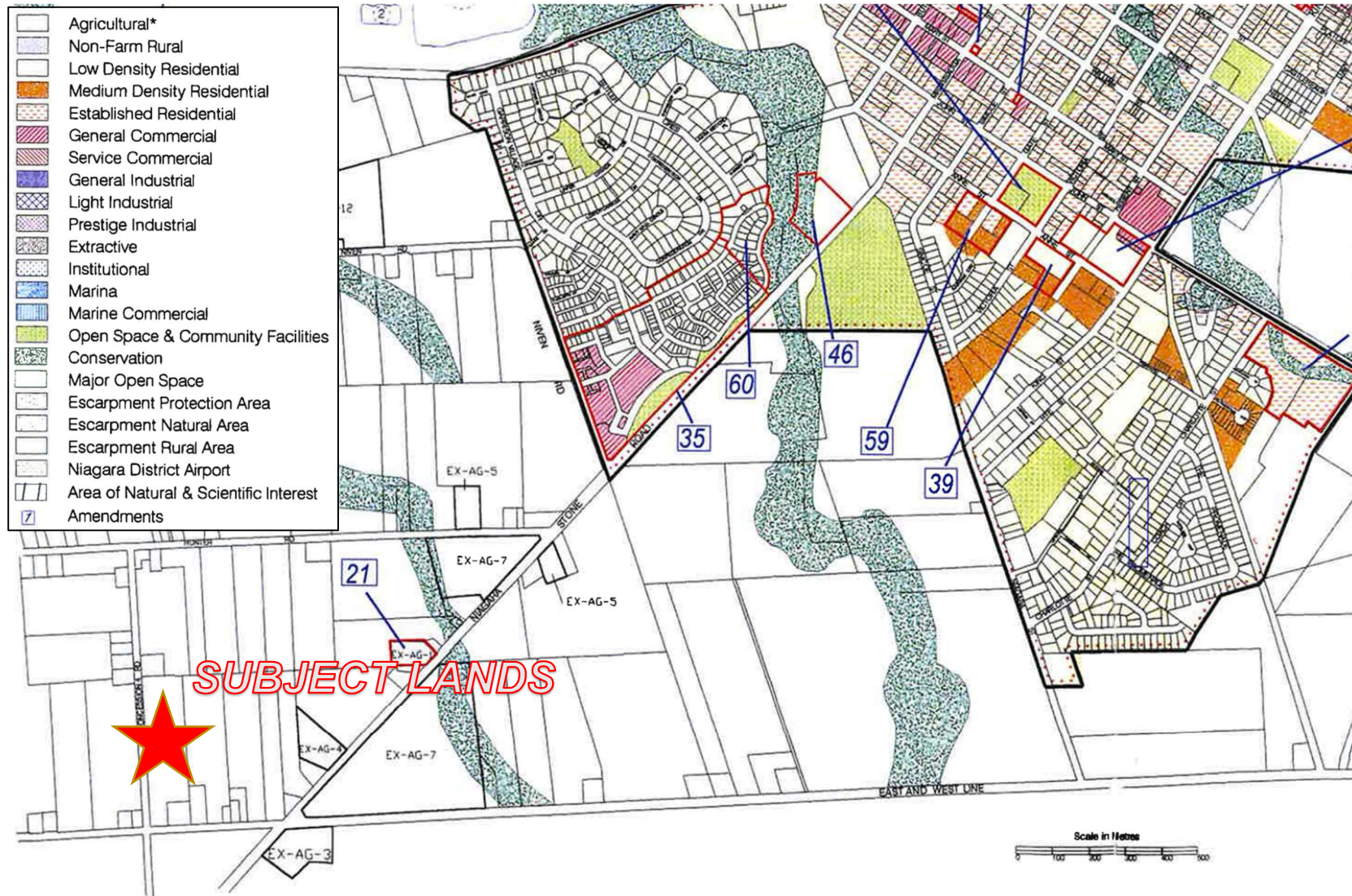
8.3 Appendix C – Niagara Official Plan Schedules

Schedule F – Agricultural Land Base



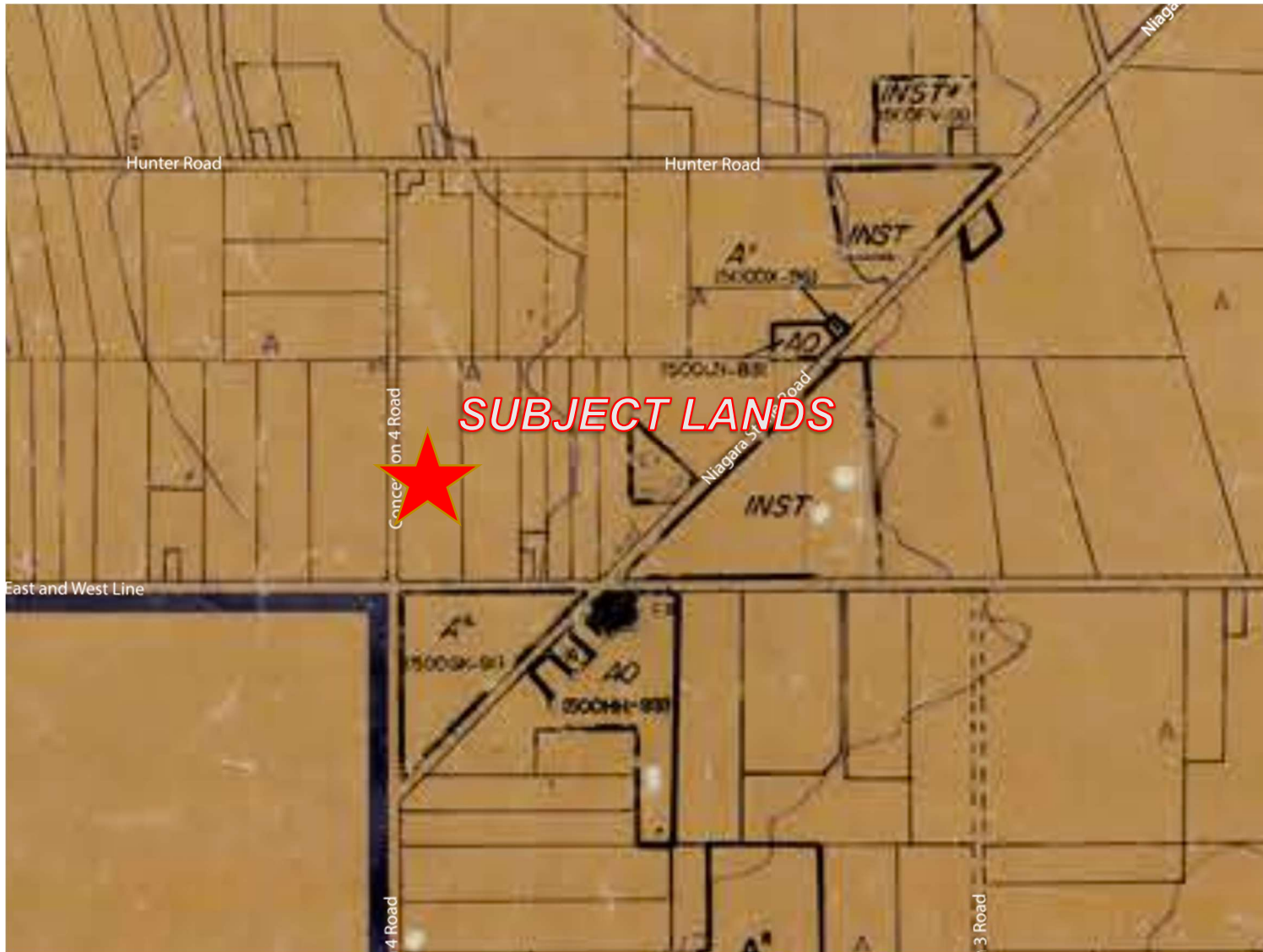
## 8.4 Appendix B –Niagara on the Lake Official Plan Schedules

### Schedule B – Land Use Plan



8.5 Appendix B –Niagara on the Lake Zoning By-law Schedules

Schedule A (Top Half)



## 8.6 Appendix E –Draft Zoning By-law

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 500A-74-##**

1829 Concession Road 4

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 500A-74, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES THEREON.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the *Planning Act*, R.S.O, 1990, c.P.13, as amended;

**AND WHEREAS** this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

1. That Map 'A' is attached to and forms part of this By-law.
2. That Subsection 21.A, Special Exceptions, of By-law 500A-74, as amended, is hereby further amended by adding the following:

**1829 Concession Road 4 – Ferox, by Fabian Reis**

***Permitted Uses***

In addition to the permitted uses identified Subsection 4.1 of the Town Zoning By-law 500A-74, an Estate Winery is permitted on the lands zoned "Rural (A) - Site Specific Zone," as shown on Map 'A' attached hereto.

***Secondary Uses***

In addition to the Secondary Uses identified in Subsection 3.33 of Zoning By-law 500A-74, the following uses shall be permitted, secondary to the Estate Winery use:

- Hospitality Patio
- Commercial Kitchen

3. Notwithstanding the definition of Hospitality Room contained in Section 2.41B of the Town Zoning By-law 500A-74, the following definition of Hospitality Room shall apply to the Subject Lands:

**Hospitality Room** *“means part or all of a building where wine and food may be served. The use of commercial cooking equipment is permitted in association with a Hospitality Room provided that the commercial cooking equipment is used only for the pairing of food with wine in conjunction with hospitality services and events of the winery and not in the establishment of a restaurant use”.*

4. Notwithstanding anything to the contrary in By-law 500A-74, is amended by adding the following definition:

**Hospitality Patio** *“means part or all of a patio where wine and food may be served. The use of commercial cooking equipment is permitted provided that the commercial cooking equipment is used only for the pairing of food with wine in conjunction with hospitality services and events of the winery and not in the establishment of a restaurant use”.*

READ A FIRST, SECOND AND THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
2025.

---

LORD MAYOR GARY ZALEPA

---

TOWN CLERK