



Planning Justification Report

Zoning By-law Amendment and Consent

1708 & 1710 Niagara Stone Road, Niagara-on-the-Lake

For: Gary and Lena Pillitteri

By: NPG Planning Solutions Inc.
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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to Gary and Lena Pillitteri, the owner (“Owner”) of the properties located at 1708 & 1710 Niagara Stone Road (“Subject Lands”) in the Town of Niagara-on-the-Lake. The Subject Lands have an area of approximately 0.5 hectares. NPG has been retained to provide professional planning advice on a Zoning By-law Amendment Application and a Consent Application (“Applications”). The Consent Application is required to merge a portion of the Subject Lands, generally corresponding to 1710 Niagara Stone Road, with the neighbouring winery property at 1696 Niagara Stone Road while the Zoning By-law Amendment Application is required to permit a four (4) bedroom villa in the existing single-detached dwelling on 1708 Niagara Stone Road. The Zoning By-law Amendment Application is also needed to amend By-law 500WS(1)-24 to reflect the new boundaries of 1696 Niagara Stone Road and to provide relief for the garage and storage building municipally known as 1710 Niagara Stone Road.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development. It evaluates the appropriateness of the Applications when assessed against policies in the Provincial Planning Statement (2024) (“PPS”), Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area (2016) (“OMAFRA Guidelines”), the Greenbelt Plan (2017), Niagara Official Plan (2022) (“NOP”), and the Town of Niagara-on-the-Lake Official Plan (“Town OP”).

Overall, the Applications are consistent with the Provincial Planning Statement, and conform with the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, Greenbelt Plan, Niagara Official Plan and the Town OP. The proposed Applications are an example of good land use planning and therefore we recommend that the Applications for a Zoning By-Law Amendment and Consent be approved.

Sections 5.1, 5.2, 5.3, and 5.4 of this report present analysis of the proposed Applications within the Provincial and Regional planning policies. Section 5.6 of this report discusses the proposal’s conformance with the general intent and objectives of the Town OP. In particular, Sections 5.3.1, 5.4.1, and 5.5.3 provide detailed discussions on land-use compatibility between the proposed villa use and the surrounding winery and agricultural operations. Section 6.0 provides justification for approval of the Application for a Zoning By-Law Amendment.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands consist of two parcels municipally known as 1708 and 1710 Niagara Stone Road. The Subject Lands are irregular in shape and have a frontage of approximately 26.9 metres, a depth of approximately 91.5 metres, and a total area of approximately 5,062 m².

The Subject Lands front onto Niagara Stone Road and are located just outside the Virgil urban area in the Town of Niagara-on-the-Lake. The properties are generally flat throughout, with level surfaces around the building and driveway areas. There is a slight slope as the elevation changes in the grassed portion towards the eastern property line. The Subject Lands are grassed with trees located throughout the site, and access to the property is provided via the asphalt and gravel driveway from Niagara Stone Road. Currently, the Subject Lands contains the following buildings and structures that are to be retained as part of the proposed applications:

Table 1 – Existing Structures on Subject Lands

Municipal Address	Buildings and Structures
1708 Niagara Stone Road	<ul style="list-style-type: none"> • Two-storey brick/vinyl residential dwelling currently used as a short-term rental accommodation • Covered patio and barbeque area attached to the two-storey dwelling
1710 Niagara Stone Road	<ul style="list-style-type: none"> • Two-storey vinyl garage with storage on the first storey and seasonal farm help accommodation on the second storey • Storage building connected to vinyl garage • Vinyl shed for storage

The two-storey building at 1708 Niagara Stone Road is currently a 4-bedroom dwelling and contains a porch, outdoor sitting area, and covered patio and barbeque area. The two-storey dwelling is currently licensed as a 3-bedroom short-term rental accommodation. The dwelling is screened in the front yard from Niagara Stone Road by a row of mature trees. While there is no consistent fencing between the Subject Lands and the neighboring winery property at 1696 Niagara Stone Road, there is some existing metal fencing, chain link fencing, and board fencing between the residential dwelling and the winery property (see **Photos 11, 12, 14, and 15**) and extending from the winery property into 1710 Niagara Stone Road (see **Photos 16, 17, and 18**).

There is an existing outdoor sitting area located along the eastern side of the 2-storey dwelling, featuring paving stones and moveable seating (see **Photo 8**). There is existing board fencing and a mature tree above the sitting area that screens this space from the 1710 Niagara Stone Road buildings to the north. Attached to the rear of the dwelling is a covered patio and barbeque area with landscaping and board fencing enclosing a portion

of the patio area (see **Photo 11**). The board fencing screens this area from the adjacent property at 1696 Niagara Stone Road (see **Photos 14** and **15**).

1710 Niagara Stone Road contains a 2-storey vinyl garage, a storage building, and a vinyl shed. The 2-storey vinyl garage and the storage building are attached, with internal doors that provide access between the two buildings. The 2-storey vinyl garage provides for storage space on the first storey and seasonal farm help accommodation on the second storey (see **Photos 20, 21, and 23**). The interface between 1710 Niagara Stone Road and 1708 Niagara Stone Road is demarcated by a row of cedar planters, board fencing, and chain link fencing (see **Photos 16, 19, and 22**).

Both properties are supported by two existing septic systems. The two-storey dwelling at 1708 Niagara Stone Road is supported by a septic system located to the east of the dwelling. 1710 Niagara Stone Road is supported by a septic system located to the north of 1708 Niagara Stone Road and east of the vinyl garage and storage building at 1710 Niagara Stone Road, as demarcated by a bed of sod (see **Photo 25**).

Figure 1 below shows the land uses within the surrounding areas. The Subject Lands are primarily surrounded by agricultural and rural residential uses. The Pillitteri Estates Winery and its associated agricultural operations directly abut the Subject Lands to the north and west. Rural residential uses are located immediately to the east of the Subject Lands, along Niagara Stone Road and Concession 4 Road and are primarily non-farm residential, with comparable lot size to the Subject Lands.

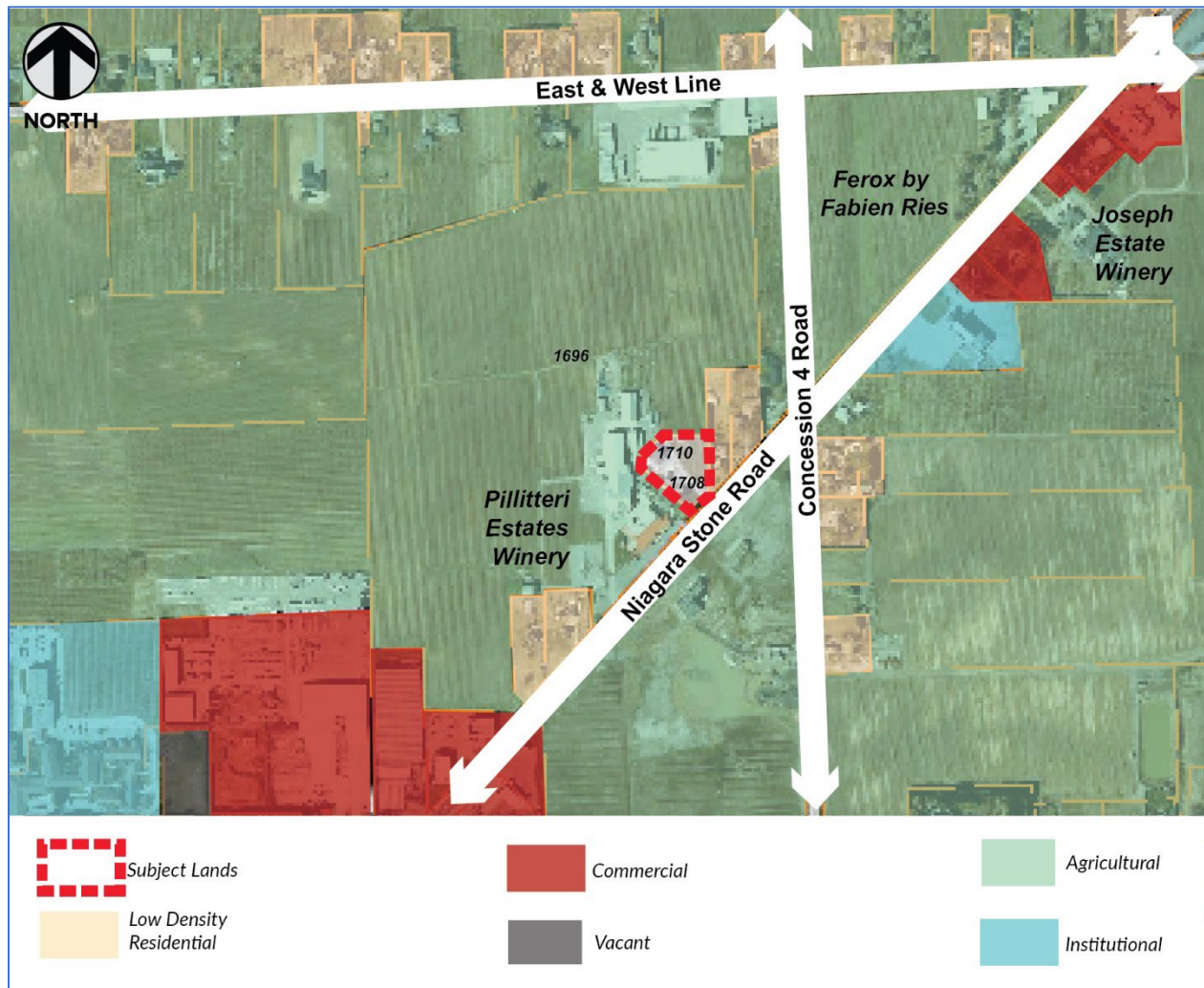


Figure 1 – Aerial Context

- North:** Agricultural (Pillitteri Estate Winery)
- East:** Residential – non-farm single-detached dwelling
- South:** Vacant – agricultural
- West:** Agricultural (Pillitteri Estate Winery)

2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit. Please refer to the following photos for greater detail on the current state of the Subject Lands and the surrounding land uses (see **Photos 1 to 30**).

1708 & 1710 Niagara Stone Road – Planning Justification Report



Photo 1 – Neighbouring Property 1696 Niagara Stone Road from 1708 Niagara Stone Road



Photo 2 – Entrance to Subject Lands

1708 & 1710 Niagara Stone Road – Planning Justification Report



Photo 3 – Neighbouring Property 1716 Niagara Stone Road Gravel Driveway



Photo 4 – 1695 Niagara Stone Road Property Directly Across from Subject Lands



Photo 5 – Looking East from 1708 Niagara Stone Road Outdoor Sitting Area



Photo 6 – Eastern Boundary of Subject Lands to Neighbouring Property at 1716 Niagara Stone Road

1708 & 1710 Niagara Stone Road – Planning Justification Report



Photo 7 – Frontage of 1708 Niagara Stone Road with Existing Trees Shielding 1708 Niagara Stone Road 2-Storey Dwelling (Right) and Interface with 1696 Niagara Stone Road 2-Storey Dwelling (Left)



Photo 8 – Outdoor Sitting Area In Front of 1708 Niagara Stone Road Dwelling



Photo 9 – Porch Entrance to 2-Storey Dwelling at 1708 Niagara Stone Road



Photo 10 – Covered Patio and BBQ Area at Rear of 1708 Niagara Stone Road Dwelling



Photo 11 – Covered Patio and BBQ Area at Rear of 1708 Niagara Stone Road Dwelling with Landscaping and Fencing



Photo 12 – View of Interface Between 1708 Niagara Stone Road (Right) and 1696 Niagara Stone Road (Left)



Photo 13 – 1696 Niagara Stone Road 2-Storey Dwelling and Greenhouse as seen from 1708 NSR Western Property Line

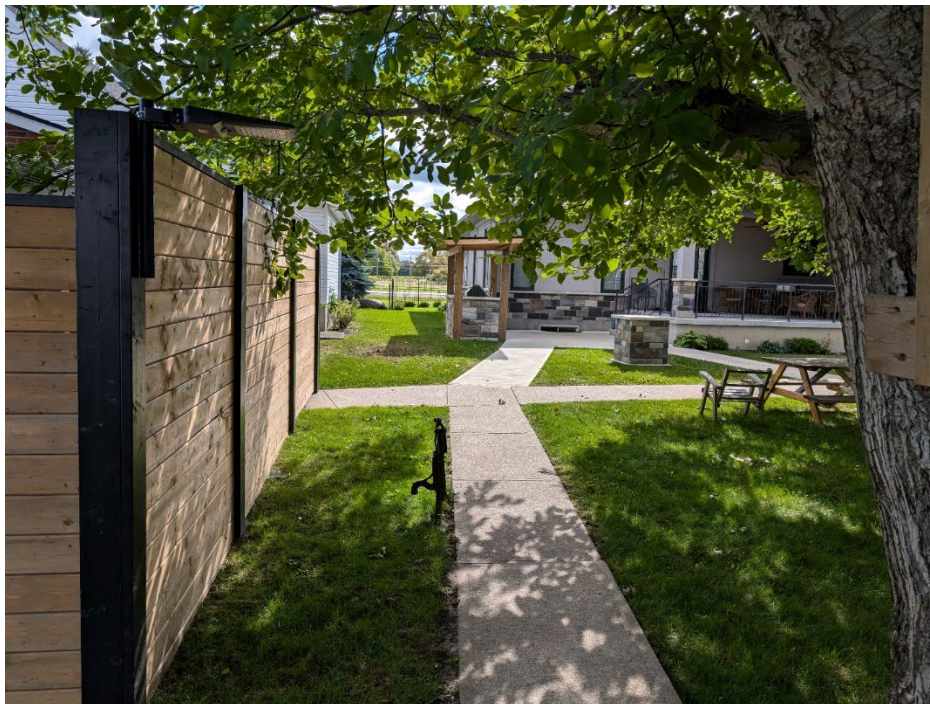


Photo 14 – Looking South to Niagara Stone Road with View of Existing Board Fencing Along Segment of Western Boundary Between 1708 Niagara Stone Road (Left) and 1696 Niagara Stone Road (Right)



Photo 15 – Existing Interface Between 1708 Dwelling (Center) and 1696 Niagara Stone Road (Right)



Photo 16 – Existing Trampoline Play Area Behind Covered Patio of 1708 Niagara Stone Road Dwelling



Photo 17 – Trampoline Play Area Facing 1696 Niagara Stone Road with View of Winery in the Background



Photo 18 – 1696 Niagara Stone Road Greenhouse and Play Equipment as Viewed from 1708 Niagara Stone Road Trampoline Area

1708 & 1710 Niagara Stone Road – Planning Justification Report



Photo 19 – Looking North from 1708 Niagara Stone Road to 1710 Niagara Stone Road



Photo 20 – 2-Storey Vinyl Garage at 1710 Niagara Stone Road

1708 & 1710 Niagara Stone Road – Planning Justification Report



Photo 21 – 2-Storey Vinyl Garage and Existing Vinyl Shed at 1710 Niagara Stone Road



Photo 22 – Looking South from 1710 Niagara Stone Road to 1708 Niagara Stone Road



Photo 23 – 1710 Niagara Stone Road 2-Storey Vinyl Garage East Elevation



Photo 24 – 1710 Niagara Stone Road Storage Building Rear Building Face



Photo 25 – Septic Bed Under Sod at 1710 Niagara Stone Road



Photo 26 – Looking North to 1696 NSR from 1710 Niagara Stone Road



Photo 27 – Looking East from 1710 Niagara Stone Road 2-Storey Vinyl Garage to Existing Garden



Photo 28 – Looking South from 1696 NSR Future Hospitality Area to Board Fencing and 1708 NSR



Photo 29 – Outdoor Hospitality Area on 1696 Niagara Stone Road



Photo 30 – Outdoor Hospitality Area Abutting Greenhouse on 1696 Niagara Stone Road

3.0 Proposed Development

The Owner is proposing a Consent Application (boundary adjustment) as shown in **Figure 2 – Consent Sketch**, prepared by J. D. Barnes which show the following:

- Part 1, containing the dwelling at 1708 Niagara Stone Road, with a lot area of 4,050 m² or 1 acre;
- Part 2, containing the buildings at 1710 Niagara Stone Road that accommodate agriculture and agriculture-related uses, with a lot area of 1,013 m² or 0.25 acre; and,
- Part 3, being 1696 Niagara Stone Road, containing the existing winery and associated agricultural operations, with a lot of area of 19.67 hectares or 48.6 acres.

In detail, the proposed boundary adjustment will sever Part 2 from the Subject Lands and add it to Part 3 as shown on the Consent Sketch. Following the boundary adjustment, the buildings on Part 2 will require zoning relief for minimum interior side yard width from the new lot lines. For information, Part 3 was recently the subject of a Zoning By-law Amendment Application (ZBA-17-2022) that was approved by Council and By-law 500WS(1)-24 came into effect in January 2024 as a result.

Furthermore, the Owner is proposing a Zoning By-law Amendment Application to:

- permit the use of the existing 2-storey dwelling at 1708 Niagara Stone Road as a villa with four guest bedrooms, 4 parking spaces for a rate of 1 parking space per guest room, and a total outdoor amenity area of 144.8 m²; and,
- to amend the By-law 500WS(1)-24 to reflect the new boundaries of 1696 Niagara Stone Road and to provide relief for the new buildings on Part 2.

Following the boundary adjustment, the property municipally known as 1696 Niagara Stone Road, made up of Part 2 and Part 3, will have a total area of 19.77 hectares.

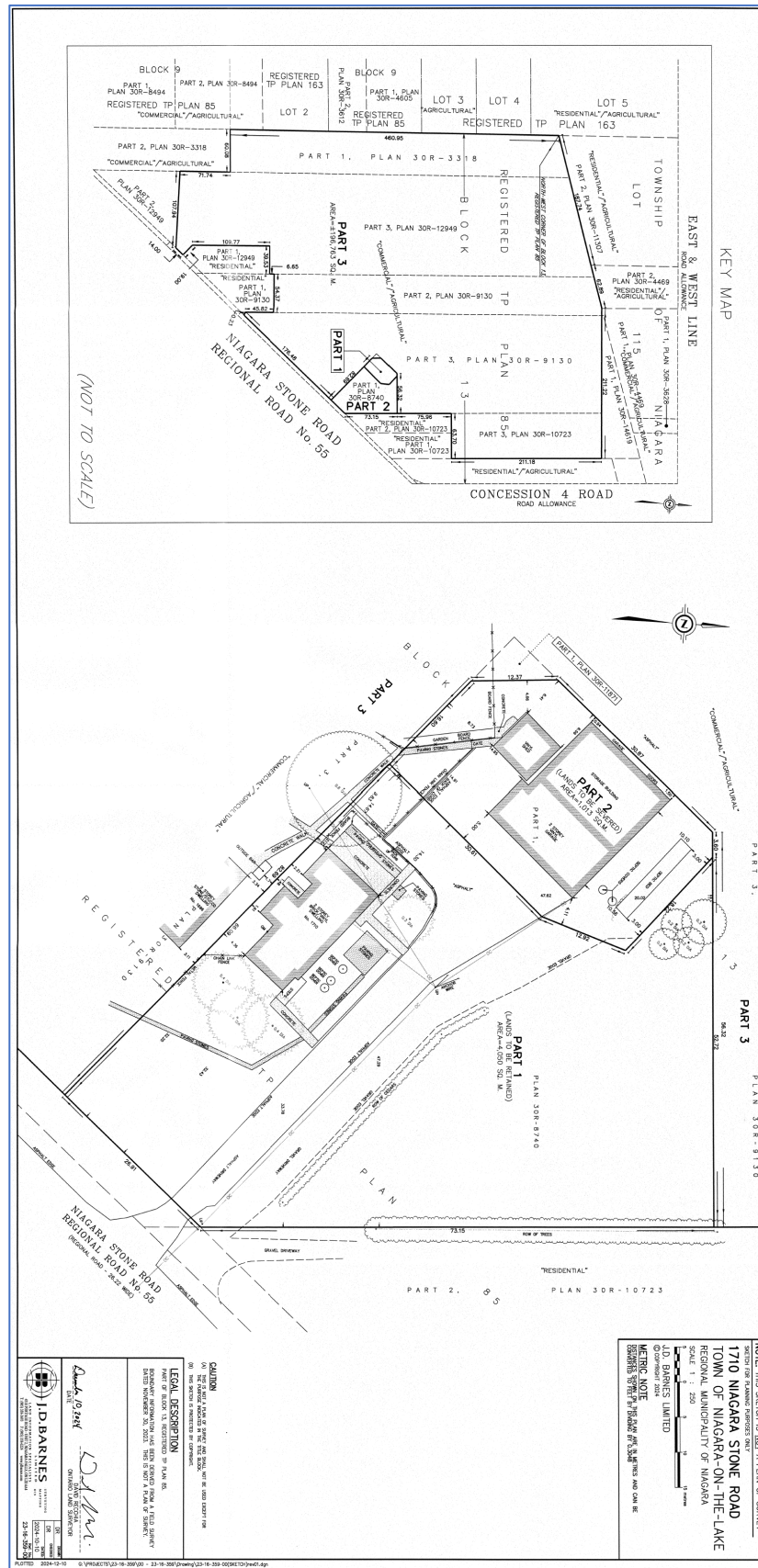


Figure 2 – Consent Sketch

All existing buildings and structures on Part 1 and Part 2 are proposed to remain and to function as existing. No new building or structure is proposed on the Subject Lands. A new outdoor amenity area and additional landscaping are proposed on Part 1 as follows:

- An outdoor amenity area to the east of the asphalt and gravel driveway is proposed to be 77 m², which is intended to include paving stones, a firepit, and moveable seating.
- A row of cedar trees in planters is proposed, extending across the driveway to the north and above the proposed outdoor amenity space. This proposed landscaping provides screening for the proposed villa use and its associated amenity area from Part 2 and the rest of the winery operations.
- A row of cedar trees in planters is proposed along a portion of the southeastern property line at the vehicular entrance to the property and is set back at 1 metre from this property line. This proposed landscaping is intended to close off the existing gravel driveway entrance, to provide a 1-metre setback between the asphalt driveway and the southeasterly lot line while enhancing the public-private interface along Niagara Stone Road.

The proposed works on the Subject Lands are conceptually shown **on Figure 3 – Concept Plan.**

Part 1 will be serviced by the existing septic system located to the east of the existing dwelling (approximate location noted on the concept plan). Part 2 will be serviced by the existing septic system located to the east of the existing 2-storey vinyl garage.

Access to Part 1 will be provided through the existing asphalt driveway from Niagara Stone Road, with the existing gravel driveway to be closed as previously discussed above. Part 2 will be accessed through the winery property. The 2-storey vinyl garage and storage building are attached with an internal entrance that permits access between these two buildings, which is appropriate to support site operations. Vehicles requiring access to these buildings will be able to do so through Part 3 (1696 Niagara Stone Road).

Additionally, the concept plan provides for a reconfigured outdoor hospitality area on Part 3. The reconfigured outdoor hospitality area provides for a greater setback between the hospitality uses on Part 3 and the villa on Part 1. It should be noted that the secondary uses will still meet the zoning requirements per the site-specific by-law; this detail will not impact the proposed Applications.

[illegible]

Figure 3 – Concept Plan

4.0 Supporting Studies Review

As per the Pre-Consultation Agreement dated July 18th, 2024, the following items are required for Zoning By-law Amendment and Consent Applications:

1. Planning Justification Report (PJR)
2. Conceptual Site Plan and Floor Plans
3. Septic System Details & Contact Information for Owner to Arrange Septic Inspection
4. Consent Sketch
5. Draft Zoning By-law Amendment
6. PIN Maps and Parcel Registers

The supporting studies and plans have been submitted as supporting documentation for the proposed development and should be read and reviewed in conjunction with this PJR.

4.1 Septic System Details

The Region had requested septic system details and a detailed sewage system design during the pre-consultation, with specific details to address requirements in the Ontario Building Code, Part 8, Tables 8.2.1.3.A and 8.2.1.3.B, such as the number of employees, vehicles serviced, washrooms, office space, restaurant seats, floor plans, etc. Through discussions with the Region, it was determined that the minimum 1-acre lot size for Part 1 as proposed in the pre-consultation is sufficient and would not require a replacement design. The Region noted that this is due to a new raised system on the property which can be plowed and replaced as necessary. Therefore, the requirement to provide septic system details and a detailed sewage system design has been waived as noted in the correspondence dated October 8th, 2024, (see **Appendix F**), provided that Part 1 is at least 1-acre in size and the septic system on Part 2 is located a minimum of 3-metres away from the new property line.

5.0 Planning Policies

The purpose of this Planning Justification Report is to evaluate the appropriateness of advancing an application for a Zoning By-law Amendment and Consent in the context of the Planning Act, Provincial Planning Statement (PPS), Guidelines for Permitted Uses in Ontario's Prime Agricultural Area (OMAFRA Guidelines), Greenbelt Plan, Niagara Official Plan (NOP), and Town of Niagara-on-the-Lake Official Plan (Town OP). This section provides an overview and discussion of these documents.

5.1 Planning Act

Section 2 of the *Planning Act* identified matters of Provincial interest that Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Included in these matters are:

- (b) the protection of the agricultural resources of the Province;*
- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (h) the orderly development of safe and healthy communities;*

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

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

Matters of provincial interest are articulated in Provincial, Regional, and Town planning documents, and discussed throughout this Planning Justification Report. In summary, the Applications have regard for matters of provincial interest, and would permit a boundary adjustment and the use of an existing dwelling as a villa that would support existing agricultural operations, utilize existing on-site water and septic services, make efficient use of existing buildings and structures, and would be compatible with surrounding uses in a manner that would not adversely impact surrounding land-uses or result in agricultural fragmentation, and would maintain the Town's existing rural character.

5.1.1 Section 51(24) Criteria Assessment for a Plan of Subdivision

Section 53(12) of the *Planning Act* provides that a council or the Minister in determining whether a provision consent is to be given shall have regard to the matters under subsection 51(24) of the *Planning Act*. The proposed boundary adjustment is assessed against the criteria for a plan of subdivision in Section 51(24) of the *Planning Act*, and subsequently analyzed in the following table:

Table 2 – Section 51(24) of the Planning Act

No.	Criteria	Analysis
(a)	<i>the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	<p>The proposed Consent Application does not take any lands out of agricultural operations. On the other hand, the proposed boundary adjustment adds lands into an existing agricultural operation.</p> <p>The boundary adjustment represents orderly development that meets Regional and Town requirements for a lot in the agricultural area. The proposed boundary adjustment would not impact public health or safety as it has adequate servicing, access onto a Regional road, and appropriate setbacks and separation distances from adjacent uses.</p>
(b)	<i>whether the proposed subdivision is premature or in the public interest;</i>	<p>The boundary adjustment would support existing agricultural operations, utilize existing buildings and structures in a manner that is compatible with and complementary to adjacent uses, and would not have impacts on the agriculture land base or cause agricultural fragmentation. As such, it is in the public interest.</p>
(c)	<i>whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	<p>The proposed Consent Application conforms to the policies of the NOP and the Town OP. Section 5.5 and 5.6 of this Report evaluate the proposal for conformity with the NOP and the Town OP.</p>
(d)	<i>the suitability of the land for the purposes for which it is to be subdivided;</i>	<p>Part 2 is suitable to merge with Part 3 to support the adjoining winery property and existing agricultural operations. Part 2 is already being used to support the agricultural operations of Pillitteri Estate Winery. The proposed boundary adjustment is highly suitable.</p>
(d.1)	<i>if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	<p>No residential development is proposed.</p>

No.	Criteria	Analysis
(e)	<i>the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	As the Consent Application is a boundary adjustment, no new lots, or new vehicular accesses are proposed. No highways as per the <i>Planning Act</i> are proposed either.
(f)	<i>the dimensions and shapes of the proposed lots;</i>	The new proposed lot boundaries are appropriate as it meets the Region's and Town's minimum requirements for a lot in the agricultural area, while still ensuring that the new lots are viable to support the winery/agricultural and villa uses.
(g)	<i>the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;</i>	No restrictions are proposed.
(h)	<i>conservation of natural resources and flood control;</i>	There are no natural resources nor flood-prone areas within the Subject Lands.
(i)	<i>the adequacy of utilities and municipal services;</i>	As a result of the boundary adjustment, buildings on Part 2 will receive water connection from Part 3 (i.e. 1696 Niagara Stone Road). The existing septic system on Part 2 is adequate for the existing buildings thereon and the proposal does not impact this. Part 1 will continue to be serviced by municipal water supply and its own private septic system.
(j)	<i>the adequacy of school sites;</i>	The proposed boundary adjustment does not impact the adequacy of school sites in the area.
(k)	<i>the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	No lands are required to be dedicated for public purposes.
(l)	<i>the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The boundary adjustment contributes to optimizing and conserving energy as existing buildings will be retained and utilized to support the proposed villa use and existing agricultural uses.

No.	Criteria	Analysis
(m)	<i>the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006.</i>	Site plan control would apply to both the proposed villa use on Part 2 and the winery use on the combined Part 1 and Part 3 and is anticipated to follow after the approval of the Consent Application.

5.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024) 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.

The Subject Lands are located within the Rural Areas, specifically the Prime Agricultural Areas and are identified as Speciality Crop Area as per the PPS. The following policies apply.

5.2.1 Rural Areas in Municipalities

POLICY

- 2.5.1** *Healthy, integrated and viable rural areas should be supported by:*
- a) building upon rural character, and leveraging rural amenities and assets;*
 - d) using rural infrastructure and public service facilities efficiently;*
 - 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

As existing, the Subject Lands consist of a dwelling on Part 1, and a storage building, a garage, and a shed on Part 2. There are two (2) existing private septic services that will continue to service Part 1 and Part 2 separately, which efficiently utilize rural infrastructure.

The Applications will permit the residential dwelling as a villa on Part 1 and consolidate the agriculture-related uses on Part 2 with the estate winery on Part 3. The villa use

augments the tourism accommodation options in the Town by leveraging its proximity to Pillitteri estate winery. The boundary adjustment and associated zoning amendment will strengthen the existing agricultural operations on 1696 Niagara Stone Road.

No new structures are proposed and these uses will continue to maintain and enhance the rural character of the area. The villa use utilizes the existing residential use to provide temporary accommodation for the travelling public, leveraging rural amenities and assets such as the surrounding landscape and proximity to the estate winery. The villa property features grassed lawns, extensive landscaping, and a generous front yard setback, which altogether contributes to the rural character of the area and streetscape along Niagara Stone Road. Furthermore, the villa property enjoys a favorable location adjacent to the estate winery. It is a use that is complementary to the estate winery's functions, contributing to sustainable and diversified tourism opportunities.

5.2.2 Sewage and Water

POLICY

3.6.1 *Planning for sewage and water services shall:*

a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;

f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.

3.6.4 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on environmental health and the financial viability or feasibility of other forms of servicing set out in policies 3.6.2 and 3.6.3.

ANALYSIS

The Subject Lands are currently serviced by municipal water services and private septic services. Through the proposed boundary adjustment, Part 1 will have a lot area of 4,050 m² or 1 acre and Part 2 and Part 3 will have a combined area of 19.77 hectares which are suitable for the long-term provision of the private septic services.

Part 1 will continue to be serviced by the municipal water services and the existing septic system located east of the 2-storey dwelling, which is a relatively new raised system on the property.

Part 2 will continue to be serviced by the existing septic system located east of the garage and storage building, as this system is adequate and functioning. The buildings on Part 2 are currently serviced by municipal water through Part 1 and will continued to be serviced by municipal water following the boundary adjustment through Part 3.

5.2.3 Agriculture

POLICY

4.3.1.2 *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.*

4.3.1.3 *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.*

4.3.2.1 *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.

4.3.3.2 *Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.*

ANALYSIS

The Subject Lands are located in prime agricultural areas, specifically specialty crop areas. The existing use on Part 1 is a single detached dwelling which legally exists prior to the Greenbelt Plan coming into effect and therefore, is permitted by this Plan. The proposed villa use is an ancillary use to the single detached dwelling that permits the existing dwelling to be used for temporary accommodation by the travelling public. The proposed Applications do not propose any new use on the Subject Lands.

Part 2 includes buildings and structures currently used for storage purpose and seasonal farm help accommodation in support of the agricultural and winery operations on Part 3. The seasonal farm help accommodation is an agricultural use. The storage and garage shed buildings on Part 2 are used for storage of boxes for the vineyard and winery,

whereas the vinyl shed is used for the storage of wine vinegar produced by the winery. These are considered agriculture-related uses.

Section 5.1.4 below discusses the uses within the context of the Ontario Ministry of Agriculture, Food, and Rural Affairs (“OMAFRA Guidelines”).

The PPS defines legal or technical reasons with regard to lot adjustments as the following:

“means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot”.

The proposed Consent Application is a minor boundary adjustment that would not create a new lot, as Part 2 is intended to merge with Part 3 containing the existing winery. The existing structures on Part 2 are currently used to support the overall agricultural operations on Part 3 as previously discussed. The proposed lot adjustment is appropriate as it will consolidate these structures and uses into the winery property they support. The Applications will allow lands that currently support agricultural operations to be consolidated with other specialty crop lands for long-term protection.

5.2.4 Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (2016)

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

The OMAFRA 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 OMAFRA 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 OMAFRA Guidelines provide further direction on how uses on farms are to be classified into agricultural uses, agriculture-related uses and on-farm diversified uses.

5.2.4.1 Agriculture Uses

Agricultural uses include the growing of crops and raising of animals. Agricultural uses may also include associated farm buildings and structures that are used for agricultural purposes and integral to the farm operation. Farm worker housing for full-time farm labour is permitted as an agricultural use in the PPS.

Part 1 does not contain agricultural uses.

Part 2 contains the seasonal farm help accommodation within the storage building, which is an agricultural use. The OMAFRA guidelines provide that accommodation for farm workers should be placed in a manner so as to meet the MDS guidelines and take as little land out of agricultural production as possible. The seasonal farm help accommodation building meets these guidelines. As it was not originally used for agricultural purposes and is not located in the vineyard, the current location is in an appropriate area for the use.

5.2.4.2 Agriculture-Related Uses

Agriculture-related uses are farm-related commercial and industrial uses that are directly related to farm operations, and are compatible with, and do not hinder, agricultural operations. Residential, recreational, and institutional uses are not agriculture-related uses.

According to PPS and OMAFRA guidelines, value-retaining facilities which serve to maintain the quality of raw commodities produced on the farm are considered either agricultural or agriculture-related uses, depending on the operation. The storage and garage shed buildings on Part 2 are used for storage of boxes for the vineyard and winery, whereas the vinyl shed is used for the storage of wine vinegar produced by the winery. These uses qualify as value-retaining facilities for the winery, which is an agriculture-related use.

Furthermore, the storage and garage shed buildings are compatible with and would not hinder the surrounding agricultural operations. No additions or modifications are proposed; these agriculture-related uses are utilizing existing buildings. They are appropriately serviced by an existing septic system to the east of the storage building and would be screened by proposed landscaping on Part 1. Overall, the agriculture-related uses on Part 2 would not impact the agricultural uses and its functioning.

5.2.4.3 On-Farm Diversified Uses

On-farm diversified uses apply to a wide variety of uses that are secondary to the principal agricultural use of the property and are limited in area. In order to qualify as an on-farm diversified use, the use must be located on a farm, be secondary to the principal agricultural use of the property, limited in area, include uses such as home occupations and those that produce value-added agricultural products, and are compatible with, and do not hinder, agricultural operations.

Per Section 2.3.1 – PPS Criteria for On-Farm Diversified Uses, the OMAFRA Guidelines state that:

On-farm diversified uses must be located on a farm property that is actively in agricultural use. The on-farm diversified uses provisions in the PPS do not apply to small residential lots in the prime agricultural area.

Therefore, the on-farm diversified use guidelines would not apply to Part 1 as it is not located on a farm and is a small residential lot in the prime agricultural area. Part 2 does not contain on-farm diversified uses.

SUMMARY

Based on the foregoing, the proposed Applications are all consistent with the recommendations and criteria provided by the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

5.2.5 Cultural Heritage and Archaeology

POLICY

4.6.2 *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

ANALYSIS

The Applications are not proposing any new development or site alteration on the Subject Lands. Although the Region's and Town OP identifies the Subject Lands as being located in an area with archaeological potential, Regional staff and Town Heritage staff noted in the pre-consultation agreement that there are no heritage or archaeological concerns for the proposed Applications. Town Heritage staff noted that the property is not included in the Municipal Heritage Register and both Regional and Town staff noted that no ground disturbance is being proposed and therefore an Archaeological Assessment is not required.

SUMMARY

Based on the foregoing, the proposed Applications are consistent with the PPS as they will contribute to the long-term protection of specialty crop lands, and not cause any disruption to surrounding agricultural operations, nor result in the creation of a new lot. Moreover, the Applications will also maintain and enhance the rural character of the area, and contribute to diversified tourism opportunities and economic activities on prime agricultural lands.

5.3 Greenbelt Plan (2017)

The Greenbelt is a significant part of Ontario's Greater Golden Horseshoe Growth Plan (Growth Plan), which is an overarching strategy that provides clarity and certainty about urban structure, where and how future growth should be accommodated, along with what must be protected for current and future generations. It protects against loss and fragmentation of agricultural land base and supports agriculture as the predominant use.

Although the 2024 Provincial Planning Statement (PPS) consolidated the policies of the Growth Plan and the PPS (2020), the Growth Plan and PPS (2020) policies continue to apply where the Greenbelt Plan refers to them in order to maintain existing protections for the Greenbelt.

Per **Table 3** below, the Greenbelt Plan identifies the Subject Lands as being within the Specialty Crop Area of the Protected Countryside—specifically, within the Niagara Peninsula Tender Fruit and Grape Area (see **Appendix A – The Greenbelt Plan Schedules**).

Table 3 – Applicable Greenbelt Plan Schedules

Greenbelt Plan Schedules	Designation
Schedule 1 – Greenbelt Area	<i>Protected Countryside</i>
Schedule 2 – Niagara Peninsula Tender Fruit and Grape Area	<i>Niagara Peninsula Tender Fruit and Grape Area</i>

5.3.1 Specialty Crop Area Policies & Prime Agricultural Area Policies

POLICY

- 3.1.2.1** *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.*
- 3.1.2.2** *Lands shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These non-agricultural uses are generally discouraged in specialty crop areas and may only be permitted after the completion of an agricultural impact assessment.*
- 3.1.2.5** *Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.*
- 3.1.3.1** *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 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.

3.1.3.3 *Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These uses are generally discouraged in prime agricultural areas and may only be permitted after the completion of an agricultural impact assessment.*

3.1.3.5 *Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.*

ANALYSIS

The Subject Lands, located within the Greenbelt's Speciality Crop Areas, contain agricultural and agriculture-related uses which are permitted in the Greenbelt Plan as per Policy 3.1.2.1 and 3.1.3.1 on Part 2.

The Subject Lands also contain an existing non-agricultural use on Part 1, i.e. the single detached dwelling. The Applications also propose to add "villa" as an ancillary use to this existing single detached dwelling. Conformity to the Greenbelt Plan policies for non-agricultural uses is analyzed in Section 5.3.2 of this Report.

The proposed villa use on Part 1 maintains land use compatibility with the surrounding agricultural operations including the estate winery on Part 2 and Part 3, in conformity with Policies 3.1.2.5 and 3.1.3.5, for the following reasons:

- Existing and proposed enhanced landscape treatment on the Subject Lands – The Subject Lands currently contain some existing metal, chain link, and board fencing between Part 1 and Part 3. There are a row of cedar planters, as well as board fencing and chain link fencing that separates Part 1 and Part 2. The Applications propose additional cedar planters to the north and east of the proposed outdoor amenity area. This provides for a delineation between the proposed villa use on Part 1 and the agricultural operations on Part 2 and Part 3. The proposed landscaping is an improvement upon the existing conditions, which effectively addresses land-use compatibility.
- No new buildings or structures are proposed on Part 1 that would adversely impact the abutting agricultural uses on Parts 2 and 3. The 2-storey dwelling has existed in proximity to the agricultural uses since 1954 (see **Figures 4 to 7** in following section) without negative impacts. There is an appropriate separation distance between the dwelling and the agricultural operations to the north on Part 2 and the winery operations to the west on Part 3. The proposed villa will utilize the existing single-detached dwelling, maintain the existing separation distances, and

utilize existing and proposed landscaping treatments to maintain and enhance land-use compatibility.

5.3.2 Non-Agricultural Uses, Infrastructure & Existing Uses

POLICY

- 4.1.1.1** *Non-agricultural uses are not permitted in the specialty crop areas as shown on Schedule 2 and Schedule 3 of this Plan or within prime agricultural areas in the Protected Countryside, with the exception of those uses permitted under sections 4.2 to 4.6 of this Plan.*
- 4.2.2** *The location and construction of infrastructure and expansions, extensions, operations and maintenance of infrastructure in the Protected Countryside are subject to the following:*
- a) Planning, design and construction practices shall minimize, wherever possible, the amount of the Greenbelt, and particularly the Natural Heritage System and Water Resource System, traversed and/or occupied by such infrastructure;*
 - b) Planning, design and construction practices shall minimize, wherever possible, the negative impacts on and disturbance of the existing landscape, including, but not limited to, impacts caused by light intrusion, noise and road salt;*
 - d) New or expanding infrastructure shall avoid key natural heritage features, key hydrologic features or key hydrologic areas unless need has been demonstrated and it has been established that there is no reasonable alternative;*
 - f) New or expanding infrastructure shall avoid specialty crop areas and other prime agricultural areas in that order of priority, unless need has been demonstrated and it has been established that there is no reasonable alternative;*
 - g) Where infrastructure crosses prime agricultural areas, including specialty crop areas, an agricultural impact assessment or equivalent analysis as part of an environmental assessment shall be undertaken; and*
- 4.5.1** *All existing uses are permitted.*
- 4.5.2** *Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record for agricultural uses and discourage non-agricultural uses where appropriate.*
- 5.3** *... First, section 7 of the Greenbelt Act, 2005 requires municipal and other decisions under the Ontario Planning and Development Act, 1994, the*

Planning Act or the Condominium Act, 1998 to conform with the policies in the Greenbelt Plan. Second, section 9 of the Greenbelt Act, 2005 requires municipalities to amend their official plans to conform with the Greenbelt Plan...

ANALYSIS

The Subject Lands also contain an existing non-agricultural use on Part 1, i.e. the single detached dwelling legally existing prior to the Greenbelt Plan coming into effect. As shown in **Figures 4 to 7** below, the single detached dwelling on Part 1 has existed since 1954 and is permitted in the Greenbelt Plan as per Policy 4.5.1. Through the proposed Applications, Part 1 will remain residential while adding a villa use to this residential use. The proposed villa use is a temporary accommodation use for the traveling public, which retains its key function of a residential use.



Figure 4 – 1954/1955 Satellite Imagery



Figure 5 – 1965 Satellite Imagery



Figure 6 – 2000 Satellite Imagery

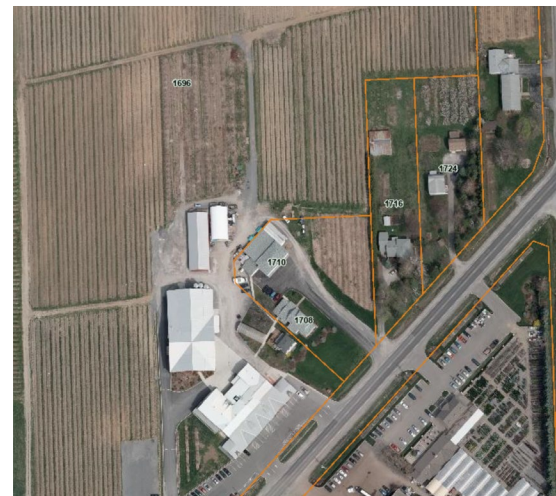


Figure 7 – 2006 Satellite Imagery

Source: Niagara Navigator Satellite Imagery

The Town of Niagara-on-the-Lake introduces villa use outside of the Urban Areas in its Official Plan through By-law 4631-13 which was approved by the former Ontario Municipal Board (OMB) (now Ontario Land Tribunals) on December 5, 2013. By-law 4631-13 provides:

Villas

...They may be permitted in urban areas that are fully serviced with water and sewage disposal services approved by the Town and outside urban areas with water and sewage disposal services approved by the Niagara Regional Public Health Department...

Lands outside of the Urban Areas in the Town of Niagara-on-the-Lake are all part of Prime Agricultural Areas, specifically Specialty Crop Areas. The 2013 OMB decision, and the villa use within Specialty Crop Areas, must have been consistent with the then Provincial Policy Statement and conformed with the then Greenbelt Plan. The Greenbelt Plan is intended to provide general directions and not meant to contemplate all permitted uses. Local Official Plans, including the Town OP, implement policies of the Greenbelt Plan and would contemplate finer uses than the Greenbelt Plan. Section 5.5.5 of this Report will discuss the proposal's conformity with the Villas policies in the Town OP.

Following the Applications, the only new service connection will be connecting the buildings on Part 2 to the municipal water service on Part 3. This conforms to Policy 4.2 of the Greenbelt Plan as the new service will be confined within an area that is already not in agricultural production and does not contain any key natural heritage features, key hydrologic features or key hydrologic areas.

5.3.3 Lot Creation

POLICY

4.6.1 *Lot creation is discouraged and may only be permitted for:*

e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; and

ANALYSIS

The proposed Applications will facilitate a minor boundary adjustment to merge Part 2 with Part 3. This will not create a new lot in the speciality crop area and Part 2 will support current agricultural operations on Part 3.

SUMMARY

Based on the foregoing, the proposed Applications conform to the relevant policies of the Greenbelt Plan by facilitating a minor boundary adjustment that will not result in the creation of a new lot or fragmentation of natural heritage or hydrologic features. The Applications also maintain land-use compatibility between the residential use and

adjacent agricultural operations while retaining the key function of the legal non-conforming residential use with the addition of the villa use.

5.4 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is intended “to guide the physical, economic and social development of the Regional Municipality of Niagara”. It contains objectives, policies and mapping that implement the Region’s approach to provide for managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

Table 4 below outlines the applicable Niagara Official Plan designations for the Subject Lands (see **Appendix B**).

Table 4 – Applicable Niagara Official Plan Schedules

Niagara Official Plan Schedules	Proposed Development Designation
Schedule F – Agricultural Land Base	<i>Speciality Crop Area</i>
Schedule J1 – Transportation Infrastructure	<i>Niagara Stone Road is a Regional Road</i>
Schedule J2 – Strategic Cycling Network	<i>Niagara Stone Road is part of the Region’s Strategic Cycling Network</i>
Schedule K – Archaeological Potential	<i>Areas of Archaeological Potential</i>

5.4.1 Agriculture

POLICY

- 4.1.1.2** *Prime agricultural areas and specialty crop areas, as shown on Schedule F, shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. 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 seven lands within the prime agricultural area, in this order of priority.*
- 4.1.2.1** *Specialty crop areas shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to Policies 4.2 to 4.6 of the Greenbelt Plan and Section 4.1.3 of this Plan.*
- 4.1.2.2** *In specialty crop areas, all existing uses lawfully used for such purpose prior to December 16, 2004 are permitted. In specialty crop areas, single detached dwellings and accessory structures are permitted on existing lots of record, provided they were zoned for such or permitted through other regulation as of December 16, 2004.*

4.1.3.7 *Where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.*

4.1.4.1 *Within the prime agricultural area, including the protected countryside of the Greenbelt Plan which also includes specialty crop area, lot creation is discouraged and may only be permitted in accordance with the policies in Sections 4.1.4, 4.1.5 and 4.1.6 of this Plan.*

ANALYSIS

The Subject Lands are located within the Speciality Crop Area in the Town of Niagara-on-the-Lake. Part 1 contains an existing non-agricultural residential use, whereas Part 2 contains accessory storage buildings that will, through the proposed boundary adjustment, support the agricultural operations on Part 3. As noted in the previous analysis regarding the Greenbelt Policies in Section 5.3.1 of this report, existing uses lawfully used for such purpose prior to December 16, 2004, including the residential use on Part 1, are permitted in specialty crop areas. The proposed villa use on Part 1 is an ancillary use to the residential use, permitting the use of the existing dwelling for temporary accommodation to the travelling public.

Furthermore, the Consent Application facilitates a boundary adjustment for technical reasons and conforms with the policies in Sections 4.1.4, 4.1.5, and 4.1.6 of the NOP as noted in the following sections.

As previously analyzed, land use compatibility is maintained and enhanced between the villa use on Part 1 and the agricultural operations on Part 2 & Part 3.

POLICY AND ANALYSIS

Policy 4.1.4.2 of the NOP provides that proposed residential lots being considered under Sections 4.1.5 for a consent within the agricultural land base must meet a series of conditions. The criteria and analysis for a Consent Application within the agricultural land base is outlined as follows:

Table 5 – Policy 4.1.4.2 Consent Criteria

No.	Policy	Analysis
a)	<i>the size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and long-term operation of a private sewage disposal system as determined by Provincial and Regional requirements;</i>	Following the proposed Consent Application, Part 1 accommodating the existing residential use will be 0.4 hectares.

No.	Policy	Analysis
b)	<i>any new lot has an adequate groundwater or other water supply, in compliance with Provincial requirements;</i>	<p>There is no new lot created as a result of the Consent Application.</p> <p>Part 1 will continue to be connected to municipal water services.</p> <p>Part 2 is currently connected to municipal water services through Part 1. Through the proposed boundary adjustment, the connection to Part 1 will be disconnected and Part 2 is proposed to connect to municipal water services through Part 3.</p>
c)	<i>any new lot has sufficient frontage on an existing publicly- maintained road;</i>	<p>No new lot is created. Following the boundary adjustment, there is no change to the current frontage on both parcels. Both parcels still have frontage onto Niagara Stone Road.</p>
d)	<i>where possible, joint use should be made of the existing road access to the farm operation;</i>	<p>Through the proposed boundary adjustment, Part 2 will make use of the existing driveways and road access from Part 3 to access Niagara Stone Road and agricultural and winery operations.</p>
e)	<i>road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections; and</i>	<p>No new lot nor road access is proposed. The boundary adjustment is not anticipated to create traffic hazards.</p>
f)	<i>proposed lots shall be located and configured to minimize impacts on surrounding farming operations.</i>	<p>There is no new lot created as a result of the Consent Application. Following the boundary adjustment, both parcels are located and configured in a manner that will minimize impacts on surrounding farming operations.</p> <p>As existing, the uses on Part 1 only interface with the winery operations to the west and do not interface with the agricultural operations to the north. The dwelling on Part 1 will remain in the same area, located away from the agricultural operations. It should be noted that the dwelling on Part 1 has existed in proximity to the agricultural uses since at least 1954/1955 without</p>

No.	Policy	Analysis
		<p>any adverse impacts on farming operations and vice versa. Furthermore, landscaping is proposed for additional buffering between the villa use and its proposed outdoor amenity area with the agricultural operations to the north. This configuration will provide for adequate separation distance and will minimize impacts between Part 1 and the farm operations on Part 3.</p> <p>Part 2 will remain in the same location and configuration, abutting the agricultural operations on Part 3 to the north. The proposed storage uses for agricultural products on Part 2 will support agricultural operations on Part 3.</p>

POLICY

- 4.1.4.3** *All proposed development and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.*
- 4.1.5.1** *In the specialty crop areas, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Policy 4.1.4.2. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan, as amended from time to time, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail.*
- a) the consent is supported through a planning justification report;*
 - f) the consent is for legal or technical reasons as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and complies with other policies in this Plan; and*

ANALYSIS

Part 1 has existing water service and septic system, with both proposed to remain. Part 2 has an existing water service connection through Part 1 and a separate septic system located east of the storage building. This septic system will continue serving the buildings within Part 2. The water connection from Part 1 to Part 2 will be terminated after the

boundary adjustment. Part 2 will then connect to the existing municipal water services on Part 3.

In accordance with Policy 4.1.5.1, **Table 5** above provides an analysis with regard to the consent provisions in Policy 4.1.4.2, demonstrating the proposed Applications' conformity with the Region's consent criteria within the agricultural land base.

The NOP defines legal or technical reasons as:

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (PPS, 2020).

The proposed Consent Application is for a minor boundary adjustment which consolidates buildings used for agricultural and agriculture-related purposes into existing agricultural operations. It would not result in the creation of a new lot or increased fragmentation of natural heritage or hydrological features.

5.4.2 Municipal Servicing

POLICY

5.2.3.4 *Individual water supply and sewage disposal systems are permitted outside the urban areas provided the site conditions are suitable for the long-term provision of such services with no negative impacts.*

ANALYSIS

Part 1 will retain its existing septic system and water services. Part 2 will retain its existing septic system and will connect to municipal water services on Part 3.

5.4.3 Archaeology

POLICY

6.4.2.1 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

ANALYSIS

Although the Subject Lands are located in an area of archaeological potential, the proposed Applications are not proposing any development or site alternation on the lands. As noted by the Region in the Pre-Consultation Agreement dated July 18th, 2024, as no site disturbance is proposed with the Applications, an Archaeological Assessment is not required.

SUMMARY

Based on the foregoing, the proposed Applications conforms to the relevant policies of the Niagara Official Plan by retaining the legally existing residential use on a minimum 0.4-hectare lot, facilitating a minor boundary adjustment, providing for appropriate servicing on both lots, permitting uses that are compatible with and would not be intrusive on agricultural operations, and facilitating land-use compatibility with the adjacent winery and surrounding agricultural operations.

5.5 Town of Niagara-on-the-Lake Official Plan (Office Consolidated 2017)

The Town of Niagara-on-the-Lake Official Plan (“Town OP”) sets out policies that deal with legislative and administrative concerns, policies to guide physical growth and policies to express a wide variety of social, economic and environmental concerns.

As outlined in **Table 6** below and shown in **Appendix C**, the Subject Lands are located outside of Virgil and are designated Agricultural as per Schedule C and are also identified as being within an Area of Archaeological Potential as per Schedule H of the Official Plan. Niagara Stone Road is identified as a Regional Road per Schedule G.

Table 6 – Applicable Town of Niagara-on-the-Lake Official Plan Schedules

Town of Niagara-on-the-Lake Official Plan Schedules	Proposed Development Designation
Schedule C – Land Use Plan (Virgil)	<i>Agricultural</i>
Schedule G – Transportation Plan	<i>Niagara Stone Road is a Regional Road</i>
Schedule H – Archaeological Potential	<i>Areas of Archaeological Potential</i>

5.5.1 Agriculture

POLICY

7.3.1 Agricultural

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.

Secondary Uses:

Uses permitted with a Main Use:

- roadside produce outlets*
- farm wineries*

- home industries and occupations including bed & breakfasts
- group homes
- accessory buildings and structures
- farm help houses and additional farm dwellings for seasonal or full time farm help

Uses permitted independent of a Main Use:

- agricultural markets
- estate wineries
- small scale industrial and commercial activities that are directly related to and serve agriculture and require a location in close proximity to farms. Provided that such uses are not in conflict with the Niagara Escarpment Plan, as amended from time to time and it is not possible for such uses to locate in Urban Areas. Such uses should also be located so that their effect on surrounding prime agricultural land and viable farm operations is minimized.
- retirement lots

ANALYSIS

The Subject Lands are designated Agricultural within the Town OP. Part 2 contains agriculture-related uses to support the estate winery on Part 3, which are permitted in the Agricultural designation.

The single detached dwelling Part 1 is an existing building that was constructed prior to 1954/1955 according to aerial images. The Town OP contains policies that contemplate residential use within the Agricultural designation. The proposed villa use, an ancillary use to the existing detached dwelling, is also a permitted use in the Town OP within Agricultural designation as the Plan contains policies relating to villas outside urban areas.

POLICY AND ANALYSIS

Policy 7.4.4 b) of the Town OP provides general agricultural policies, as related to consents. The following policies apply:

Table 7 – Consents in the Agricultural Lands

Policy	Proposed Development
<i>Consents are permitted for minor boundary adjustments or easements provided that:</i>	The Consent Application proposes a minor boundary adjustment to merge Part 2 with Part 3.
<i>(i) the boundary adjustment is minor, or</i>	The proposed boundary adjustment is minor and is for legal technical reasons as defined in the PPS. The boundary

Policy	Proposed Development
	adjustment will not create a new residential lot nor result in fragmentation of agricultural land. The uses on Part 2 will continue to support existing agricultural operations on Part 3.
(ii) the land for which the consent is requested is to be added to adjoining lands where there is an existing farm operation;	Part 2 is proposed to be added to Part 3, which contains existing agricultural operations.
(iii) the parcel to be retained is large enough to support a potentially viable farm operation;	Part 1 will have an area of 0.4 hectares following the boundary adjustment. Part 1 will continue to be used for residential use and this area is adequate. Section 5.5.3 of this Report concludes Part 1's land area is adequate for the villa use.
(iv) the consent must comply with other policies of the Plan, and	The proposed Applications comply to the policies of this Plan as further discussed in this section.
(v) the consent must not create a separate lot for a residential dwelling.	The proposed Applications would not result in a new residential lot. The residential dwelling on the existing lot on Part 1 is to be retained.
Consents may be granted for land which is to be added to adjoining lands on which there is an existing farm operation, and where the parcel to be retained is large enough to support a viable farm operation.	<p>The proposed Applications will facilitate a minor boundary adjustment, which will add Part 2 to Part 3. Part 2 contains existing agriculture and agriculture-related uses, which will continue to support the agricultural and winery operations on Part 3.</p> <p>As discussed, Part 1 will continue to be used for residential use and this area is adequate. Section 5.5.3 of this Report concludes Part 1's land area is adequate for the villa use.</p>

5.5.2 Planning Impact Analysis

POLICY AND ANALYSIS

Section 6.23 of the Town OP provides policies with respect to a Planning Impact Analysis, which requires the submission of “a *Planning Impact Analysis[...]*as part of any application for an Official Plan and/or Zoning change.” The Official Plan further notes the purpose of the Impact Analysis as follows:

The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan. In the same sense, a minor application will not be expected to provide the level of detailed analysis as would be required for significant developments. Town Council shall be the final arbiter in determining the level of analysis required.

Table 8 below provides a review and discussion of the matters to be considered for a Planning Impact Analysis in the context of the proposed Applications.

Table 8 – Planning Impact Analysis

No.	Policy Requirement	Proposed Development
(a)	<i>Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed;</i>	The proposed Applications are compatible with the surrounding uses and would not impact the character, future land uses, and/or stability of the surrounding neighbourhood. No new buildings, structures, or lot creation are proposed with the Applications. The Applications are proposing a boundary adjustment to merge Part 2 with the winery on Part 3, which would support existing agricultural operations on the adjacent winery. Furthermore, the proposed villa use would utilize the existing residential dwelling, a building which has existed harmoniously with the winery and agricultural uses next door for a period of at least 20 years. The proposed villa would retain its function as a residential use and is not anticipated to negatively impact the surrounding land-uses, present or future. Section 5.5.3 below outlines in greater detail the proposed villa use and its compatibility with the surrounding winery and agricultural operations, demonstrating that the Town’s rural character will be

No.	Policy Requirement	Proposed Development
		maintained while ensuring that potential impacts between the properties will be effectively mitigated.
(b)	<i>The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</i>	No new buildings or structures are proposed – the current buildings would remain, which has existed for over 20 years. This is not anticipated to result in any impacts on surrounding land-uses.
(c)	<i>The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area;</i>	The Applications propose all existing vegetation to be retained as well as additional landscaping to be provided for further screening between the villa and agricultural operations to the north. This maintains the existing vegetation of the property, while contributing to the aesthetic value and visual character of the rural landscape and property.
(d)	<i>Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services;</i>	Medium density residential development is not proposed in the Applications.
(e)	<i>The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to;</i>	The Subject Lands are physically suitable for the proposed villa use on Part 1 and proposed boundary adjustment on Parts 2 and 3. The proposed villa will utilize the existing dwelling on Part 1 and the proposed boundary adjustment would permit the existing buildings on Part 2 to support the agricultural operations on Part 3. No new uses, buildings, or structures are proposed that would impact the suitability of the Subject Lands.
	<i>(i) the existing environmental and/or physical hazards.</i> <i>(ii) the potential impacts of these hazards.</i> <i>(iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted</i>	There are no known environmental or physical hazards on the Subject Lands.

No.	Policy Requirement	Proposed Development
	<p><i>engineering techniques and resource management practices.</i></p> <p><i>(iv) the costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard</i></p>	
(f)	<p><i>The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.</i></p>	<p>The proposed boundary adjustment would result in a lot size of approximately 0.4 hectares (1 acre) for Part 1 and a combined lot size of 19.77 hectares for Parts 2 and 3.</p> <p>The size of Part 1 can appropriately accommodate the proposed villa use, providing for the permitted number of guest rooms outside of urban areas and the required number of parking spaces for the guest rooms. Detailed analysis of Part 1's ability to accommodate the proposed use is provided in Section 5.5.3 of this Report.</p> <p>The size of Parts 2 and 3 would be more than sufficient to accommodate the existing agricultural and winery operations.</p>
(g)	<p><i>The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would have an impact in this regard.</i></p>	<p>The proposed Applications would not have adverse financial impact on the Town.</p>
(h)	<p><i>The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.</i></p>	<p>Part 1 has access to Niagara Stone Road through the existing driveway and Part 2 would access Niagara Stone Road through the driveway on Part 3.</p> <p>The existing driveway on Part 1 provides proper ingress/egress for the villa. As part of the proposed Applications, the driveway entrance to the villa will be clearly delineated and separated from the neighbour's driveway at 1716 Niagara Stone</p>

No.	Policy Requirement	Proposed Development
		<p>Road by the provision of cedar planters.</p> <p>In addition to this, the number of guest bedrooms for the proposed villa is four (4). It is understood that up to three (3) bedrooms are already used for short-term rental. The proposed villa use is not expected to generate a significant amount of additional traffic.</p>
(i)	<p><i>The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency.</i></p>	<p>The Provincial and Regional regulations, policies, and plans pertaining to the Applications have been addressed in Sections 5.2 to 5.4 of this report, which concludes that the proposed Applications are consistent with and conform to the applicable policies of these plans.</p>
(j)	<p><i>The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan.</i></p>	<p>Adequate servicing exists for Part 1 through existing municipal water connection and individual septic service, which would continue after the Applications.</p> <p>Part 2 has an existing septic system that would continue to be utilized. The buildings on Part 2 currently receive municipal water services via Part 1. This connection would be routed through Part 3 following the boundary adjustment. Part 3 also has municipal water connection. This is not anticipated to increase demand on municipal water supply.</p> <p>No new buildings or structures are proposed as part of the Applications; as such, the proposed boundary adjustment and villa use are not anticipated to impact the drainage of Part 1.</p> <p>It is anticipated that an updated servicing/grading plan would be submitted as part of the Site Plan Application for 1696 Niagara Stone</p>

No.	Policy Requirement	Proposed Development
		Road (Parts 2 and 3), which would take into account the boundary adjustment, following the approval of the proposed Applications.
(k)	<i>The location and adequacy of lighting, screening, and parking areas.</i>	<p>No change is proposed to the parking areas for Parts 2 and 3 as no new uses are proposed with the boundary adjustment.</p> <p>Parking for the proposed villa will be provided on the left side of the driveway. This configuration provides the required amount of parking spaces for the villa, while providing for unobstructed access to and from the property. The villa's parking spaces are screened by the existing row of cedars along the gravel driveway to the east of the parking, as well as by a row of proposed landscaping along the north of the villa property.</p> <p>Landscaping in the form of fences and cedar planters provide adequate screening for the dwelling and villa use from adjacent agricultural operations.</p>
(l)	<i>Provisions for landscaping and fencing.</i>	There is existing landscaping and fencing between Parts 1 and 3 that will be maintained. Additional landscaping is proposed between Parts 1 and 2 along the north of Part 1 to provide for additional buffering and facilitate greater land-use compatibility.
(m)	<i>The location of outside storage, garbage and loading facilities.</i>	No new outside storage, garbage, or loading facilities are proposed with the Applications.
(n)	<i>The need and desirability of the use.</i>	The proposed Applications are desirable as the boundary adjustment would support the existing agricultural operations on Part 3, whereas the proposed villa would utilize the existing dwelling in a manner that is compatible with and complementary

No.	Policy Requirement	Proposed Development
		to the existing winery use on Part 3. The villa use being adjacent to an existing estate winery provides a destination that attracts tourists, and is highly desirable and appropriate.
(o)	<i>The effect on the agricultural land base.</i>	The proposed boundary adjustment would contribute to the long-term protection of the agricultural land base as agricultural and agriculture-related uses on Part 2 will be consolidated to the agricultural operations on Part 3. The proposed villa use on Part 1 does not remove any agricultural lands nor generate any adverse impact on surrounding agricultural operations. As such, it would not impact the existing agricultural land base negatively.
(p)	<i>The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources.</i>	There are no known environmental and heritage resources in the area. Although the Subject Lands are located in an area with archaeological potential, an Archaeological Assessment is not required as per the Pre-Consultation Agreement, as no new buildings or structures are proposed that would cause ground disturbance.
(q)	<i>The availability of alternative sites where the application proposes an amendment to the Official Plan to change a land use designation or expand an urban boundary.</i>	This is not applicable as the Applications are not proposing an Official Plan Amendment nor an urban boundary expansion.
(r)	<i>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.</i>	The proposed villa use and boundary adjustment are not anticipated to generate adverse impacts on the surrounding land-uses and streets. The uses and current configuration have existed without issues for a period of over 20 years – the proposed boundary adjustment and villa use would not impact this. Additional landscaping is proposed to provide for further screening between the villa and agricultural operations to the north. Detailed Landscape Plan

No.	Policy Requirement	Proposed Development
		will be provided at the Site Plan Application stage for Part 1. A detailed discussion on mitigation of impacts between the proposed villa use and the existing winery and agricultural operations on Parts 2 and 3 are discussed in detail in the following Section 5.6.5.

5.5.3 Villas

POLICY

6.36 Villas

Villas shall integrate compatibly into residential communities of the Town. They are an important part of the local economy and provide overnight accommodation through the use of existing housing stock. They may be permitted in urban areas that are fully serviced with water and sewage disposal services approved by the Town and outside urban areas with water and sewage disposal services approved by the Niagara Regional Public Health Department.

Applications for new Villas or to convert Country Inns to Villas shall require a Zoning By-law Amendment.

A Villa is a temporary use of a single detached residential dwelling unit having a minimum of four (4) bedrooms. It is an occasional or seasonal use that allows the travelling public temporary accommodations for rest and relaxation. Although it is intended to restrict Villas to a maximum of six (6) bedrooms, exceptions may be warranted and can therefore be considered as part of a site specific zoning review. Outside urban boundaries the maximum number of bedrooms in a Villa shall be six (6).

The Municipality will regulate other matters through the implementing Zoning By-law, site plan approval process and/or licensing by-law.

A Villa may be rented for use as temporary accommodation. Prior to the issuance of a short term rental license, a Villa will be subject to an amendment to the Zoning-By-law and a Site Plan Control Agreement. Requiring both a Zoning By-law Amendment and a Site Plan Control Agreement and assessing other factors such as sufficient parking, proper local management and licensing. Villas will be subject to sufficient public scrutiny to ensure compatibility within the surrounding residential neighbourhood, thus disruptions such as noise, are limited and subject to municipal regulation.

In addition, the existence of Villas in designated heritage residential dwellings, or those that have the potential for designation, could contribute to the conservation of their heritage character and provide financial support for the ongoing maintenance of the heritage features of the property.

ANALYSIS

The proposed villa will utilize the existing single-detached dwelling on Part 1, which has existed compatibly in the neighbourhood since 1954/1955 per the historical aerial imagery in **Figures 4 to 7**. Furthermore, Part 1 will continue to be serviced by the existing municipal water supply and private septic system which are sufficient for the proposed use. The Applications include a Zoning By-law Amendment to permit a villa on Part 1. As previously noted, the proposed villa will make use of the existing single-detached residential dwelling. The villa will have four (4) guest bedrooms, which is within the maximum number of guest bedrooms permitted outside of the Urban Area.

It is anticipated that a Site Plan Application will follow the approval of the ZBA Application. The proposed ZBA Application proposes four (4) surface parking spaces at a rate of one space per guest bedroom, which meets the zoning requirements for a villa. Access to parking is provided via the existing driveway, which will appropriately facilitate ingress/egress. Furthermore, it is anticipated that the villa will be managed by the existing Owners of the property, who also operate the winery next door. This ensures proper local management of the villa. Licensing for the villa is anticipated to follow the approval of the zoning and site plan applications. Lastly, the existing single-detached dwelling on Part 1 is not a designated heritage building.

POLICY AND ANALYSIS

In addition to these policies, the Town OP provides that applications for villas will be considered in the context of a review process, involving compliance with the criteria adopted to protect the residential character of the neighbourhood as outlined in **Table 9** below:

Table 9 – Application Criteria Assessment for Villas

No.	Policy Requirement	Proposed Development
(i)	<i>There is sufficient lot area to comfortably accommodate the required number of parking spaces, private amenity space, setback and other requirements.</i>	<p>Part 1 has a lot area of 4,050 m² or 1 acre, which meets both Town's lot size requirement for villas outside of urban areas. This lot size is sufficient to accommodate the required parking, amenity areas, and the majority of the lot requirements.</p> <p>The deficient lot requirements pertain to lot frontage, interior side yard setback, and rear yard setback. The lot frontage and interior side yard setback are existing conditions that are legal non-complying and have existed without issues or adverse impacts since at least 1954/1955, per</p>

No.	Policy Requirement	Proposed Development
		<p>the Niagara Navigator historical satellite imagery in Figures 4 to 7.</p> <p>Following the boundary adjustment, there will be a deficiency in rear yard setback as well. However, the Applications propose to mitigate the reduced rear yard setback through additional landscaping between Parts 1 and 2, which will effectively screen the villa use from the agricultural operations to the north.</p> <p>In summary, the proposed lot size and configuration will be sufficient to accommodate the villa use and the associated requirements.</p>
(ii)	<p><i>Within urban areas, the lot size shall be a minimum of 0.3 hectares (0.75 acres) for five (5) guest rooms and 0.4 hectares (1 acre) for more than five (5) guest rooms. A lesser size lot may be considered for a proposed Villa or an increase in number of rooms for an existing Villa within the urban area without an amendment to this Plan provided the reduction in lot area is:</i></p> <ul style="list-style-type: none"> <i>Outside urban boundaries the lot size shall be a minimum of 0.4 hectares (1 acre) for all Villas.</i> 	<p>The proposed lot size for Part 1 meets the minimum requirement of 0.4 hectares (1 acre).</p>
(iii)	<p><i>A usable outdoor amenity area shall be provided for the activities and relaxation of guests. The amenity area should not consist of areas contained in the front or side yards and setback areas around parking lots. The amount of amenity space must be sufficient for a limited number of guests and must increase in area corresponding to the number of guest rooms.</i></p> <p><i>Outdoor amenity space is to be provided on-site. A minimum outdoor area of 135m² (1453 ft²) should be provided, plus an additional 9 m² (97</i></p>	<p>A total outdoor amenity area of 144.8 m² is proposed for exclusive use of overnight guests of the villa. The outdoor amenity area consists of an existing covered patio and BBQ area, an existing outdoor sitting area, and a proposed outdoor amenity space to the east of the parking spaces.</p> <p>Two of the amenity areas are located in the side yard to the east. The outdoor sitting area is an existing configuration that is appropriately located close to the villa entrance and patio area. The proposed outdoor</p>

No.	Policy Requirement	Proposed Development
	<p><i>ft²) for each rented room beyond three (3). All on-site facilities, such as outdoor patios, amenity areas etc. are for the exclusive use of overnight guests of the Villa.</i></p>	<p>amenity space located east of the driveway and provides a larger area for leisure and recreation that is properly screened by proposed cedar planters. Although the amenity areas are located within the side yard, both the existing and new areas are appropriate for various passive recreational activities. Furthermore, the interior side yard to the east of the dwelling is large and far exceeds zoning requirements, with additional landscaping elements such as a row of cedars along the gravel driveway, rolling topography, and landscaping along the eastern boundary on the neighbour's property that would mitigate any potential impacts.</p>
(iv)	<p><i>Any application for an amendment to the implementing Zoning By-law for a Villa must be accompanied by a Planning Impact Analysis in accordance with the requirements set out in "Part 2 – General Policies" of the Official Plan and Heritage Impact Analysis for properties designated under the Ontario Heritage Act. The analysis will be required as part of the application to determine the appropriateness of the proposed change and identify ways of reducing any adverse impact on surrounding land uses.</i></p>	<p>The review and discussion on the Planning Impact Analysis requirements are provided in Section 5.5.2, which concludes that the proposed villa use is appropriate for the area and would not result in adverse impacts on the surrounding land-uses.</p>
(v)	<p><i>All applications for Villas must be accompanied by a site plan that satisfies the Requirements of the Town's Site Plan Control Agreement, showing the following:</i></p> <ul style="list-style-type: none"> <i>a) The locations, surface treatment, drainage and driveway access of all parking areas</i> <i>b) The location of all buildings and structures</i> 	<p>Enclosed with the submission is a site plan showing the location of all existing buildings, all existing and proposed landscaping, as well as the locations, surface treatment, and driveway access of all parking areas for the proposed villa use.</p>

No.	Policy Requirement	Proposed Development
	c) <i>All existing and proposed landscaping.</i>	
(vi)	<p><i>The implementing by-law for the Villa will prohibit the use of the dwelling for lodging of roomers and boarders beyond the number of rooms permitted in the Villa.</i></p> <p><i>No signage indicating that the building is a Villa or that rooms are for hire shall be displayed anywhere within the Municipality, other than signs permitted in accordance with the Town's Sign By-law and site plan requirements.</i></p>	Noted.
(vii)	<i>A Villa must front on a public road. For the purpose of this policy, the Niagara River Parkway is considered to be a public road.</i>	The proposed villa use on Part 1 fronts onto Niagara Stone Road, which is a Regional road.
(viii)	<i>Notwithstanding the foregoing policies of this section, decisions on the approval of applications for Villas must be in conformity with the Niagara Escarpment Plan and the policies of the Niagara Parks Commission.</i>	Not applicable.
(ix)	<i>The provision of adequate services is essential to protecting adjacent land uses and the environment from adverse development impacts, maintaining public safety and ensuring that municipal standards are maintained. In order to meet this objective, Villa development will be allowed to proceed only where adequate services are available.</i>	Part 1 is currently serviced by existing municipal water and private septic systems which are adequate for the existing four (4) bedrooms. The proposed villa use will continue to be serviced by these existing systems.
(x)	<p><i>The evaluation of Villa applications will consider the proposed on-site services, the servicing capabilities of the area and the capacity of municipal services to accommodate the proposed use in keeping with the "Part 2-General Policies: Planning Impact Analysis" of this plan. This shall include:</i></p> <p>a) <i>Provision of appropriate water and sanitary services;</i></p>	The proposed villa use would be serviced by the existing municipal water and private septic systems on the site. As no new structures or additions are proposed with the Applications that would impact the provision of services, lot grading/drainage, and stormwater management requirements, the existing servicing is adequate to support the proposed villa use.

No.	Policy Requirement	Proposed Development
	<ul style="list-style-type: none"> b) Lot grading/drainage of the property; c) Stormwater management requirements. 	
(xi)	<p><i>Villas outside urban boundaries shall not conflict with the broad objective of preserving Niagara-on-the-Lake's agricultural lands. In an agricultural area a Villa is permitted as an ancillary use in an existing building on the property providing that it:</i></p> <ul style="list-style-type: none"> a) <i>Maintains appropriate separation distances and is protected from incompatible uses (such as pit and quarry operations, livestock operations, existing and former solid waste disposal sites and industrial/ transportation facilities) that may result in adverse environmental effects.</i> b) <i>Has adequate access to the road system.</i> 	<p>The proposed villa would utilize the existing building on Part 1. As previously noted, no new buildings or additions are proposed on Part 1 – apart from the boundary adjustment, the villa would propose additional landscaping but would otherwise maintain the existing conditions, contributing to preservation of the Town's agricultural lands and rural landscape.</p> <p>The villa would not be located adjacent to any incompatible land-uses that would result in adverse environmental impacts. The proposed villa would maintain an appropriate separation distance from the agricultural and vineyard operations to the north (i.e. Part 2) and to the west (i.e. Part 3). The proposed Applications would not impact the distance from the villa to the buildings on Parts 2 and 3, as this is an existing condition that would be maintained. The current setbacks and separation distance to the winery and agricultural operations on Parts 2 and 3 has existed without issues for over 20 years, since at least 2000.</p> <p>Lastly, Part 1 fronts onto Niagara Stone Road. Access to the villa would be provided through the existing driveway from Niagara Stone Road, which provides adequate access to and from the property.</p>
(xii)	<p><i>In cases where a Villa application involves a lot located outside urban boundaries, such development must be capable of being served by adequate on-site sewage disposal</i></p>	<p>The villa would continue to be serviced by existing on-site water and septic services, which are available and appropriate for the proposed use. As part of the correspondence on the</p>

No.	Policy Requirement	Proposed Development
	systems to the satisfaction of the Public Health Department and the Ontario Building Code. O.Reg.278/99, as amended.	septic system as noted in Appendix F , the Region confirmed that there is a new raised septic system on Part 1 that is sufficient for the proposed villa.
(xiii)	<p><i>Outside urban boundaries, Villa proposals should ensure surrounding farming operations are protected from adverse impacts, unnecessary restrictions on activities and functions, and interference with the farmer's ability to farm. Applications will be considered in terms of their ability to address the following criteria, aimed at minimizing negative effects on agriculture:</i></p> <ul style="list-style-type: none"> <i>Potential impacts on surrounding agricultural operations and effectiveness of proposed mitigation.</i> 	<p>The Applications ensure that there are no adverse impacts on the proposed villa use nor the surrounding agricultural operations, including the adjacent estate winery.</p> <p>The dwelling in which the villa use is proposed is in close proximity to the 2-storey dwelling, the greenhouse, and the recently approved hospitality patio use located on Part 3. However, no adverse impacts are expected on these uses on Part 3 because:</p> <ul style="list-style-type: none"> The current interface between the villa building and the 2-storey dwelling on Part 3 consists of a metal fence (see Photo 7) and a chain link fence to provide a continuous barrier from the front yard to the corner of the villa building. These two (2) buildings are located approximately 5 metres away from each other. As the 2-storey dwelling on Part 3 is used as a farm residence, the proposed villa use in the existing dwelling on Part 1 will not impact the agricultural operations. Photo 15 shows the western façade of the villa dwelling, which does not contain habitable elements or a formal access to the dwelling. The door on the western façade of the villa dwelling is not the primary entrance to the villa and only provides access to the basement for storage and mechanical equipment (see Survey prepared by JD Barnes). This ensures that this area along the property boundary will not be used by villa guests, minimizing

No.	Policy Requirement	Proposed Development
		<p>conflicts between the two properties.</p> <ul style="list-style-type: none"> • More than 9 metres of the rear yard of Part 1 are proposed to be screened off from guests of the villa by a combination of board fence and cedar planters. Photos 19 and 22 show how landscaping along the northern perimeter of the villa property would serve as an effective buffer between the villa and the agricultural operations on Part 2. Photo 10 shows the covered patio and BBQ area to the rear of the villa dwelling, which are completely screened from Part 3 by existing board fencing. Photo 11 provides additional perspective from the covered patio, illustrating how the existing board fencing and landscaping are effective in screening Part 3 by absorbing sound from the adjacent property, increasing privacy, confining occupants of the villa to certain portions of the property, and overall restricting access between the two properties. Altogether, this configuration is effective in ensuring compatibility and minimizing impacts on both the villa and winery operations. • The recently approved outdoor hospitality space and pavilion on the Part 3 are required to provide a minimum 3-metre setback from the interior lot lines where they interface with the villa property. This is coupled with the rear yard setback on Part 1 to provide more than 12 metres separation distance between the villa use and the winery functions to the north and northwest.

No.	Policy Requirement	Proposed Development
	<ul style="list-style-type: none"> Ability to accommodate on-site services and satisfy site planning requirements. 	As noted above, the villa would utilize the existing on-site water and septic services which are adequate to support the proposed use.
	<ul style="list-style-type: none"> Proximity to existing intensive livestock operations, considering conformity with distance provision of the Minimum Distance Separation Formula of the Agricultural Code of Practice. There will be no severances and no new lots will be created on lands zoned to permit Villas located outside of urban boundaries. 	The villa would not be in proximity to any livestock operations; therefore, the MDS formula does not apply.

5.5.4 Lot Sizes

POLICY

6.17 Lot Sizes

The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or Consent Application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.

ANALYSIS

Part 1 exceeds the minimum lot size as required in the zoning by-law, with a proposed lot size of 4,050 m² or 1 acre. This proposed lot size meets the Region's requirements for a new lot created within the agricultural land base, and maintains the minimum required size in order to minimize impacts on the agricultural system. Furthermore, although Part 1 does not meet the required lot frontage requirement in the zoning by-law, the frontage deficiency is an existing condition that does not impact the proposed villa use and its operations. Please refer to Section 6 of this report for a detailed review of the zoning provisions and accompanying planning justification.

Through the boundary adjustment, Part 2 and Part 3 will have a combined lot size of approximately 19.77 hectares, which exceeds the zoning by-law's requirement of 4.05 hectares, which is suitable to support the existing agricultural operations.

5.5.5 Servicing

POLICY AND ANALYSIS

The Town OP provides policies regarding private sewage disposal and servicing per Sections 6.25 and 6.30, respectively. The applicable policies on servicing as they pertain to the proposed Applications are discussed in **Table 10** below.

Table 10 – Servicing Policies Analysis

No.	Policy Requirement	Proposed Development
6.25 (a)	<p><i>Private Water Supply and Private Sewage Disposal</i></p> <p><i>The lot area shall comply with requirements of the authority having jurisdiction for the type of development proposed and the type of private system to be used.</i></p>	No new private water supply or sewage disposal system is proposed as a result of the Applications. The proposed boundary adjustment would result in Part 1 having a lot area of 4,050 sqm (1 acre), and Part 2 having an area of 1,013 sqm to be merged with Part 3. This meets the minimum lot size requirements for a private septic system per Policy 4.1.4.2 (a) of the NOP.
6.25 (b)	<i>The size of lots which are to be serviced in an unserviced area with private on site on-site sewage disposal shall not exceed an area of 0.4 hectares or 1 acre of useable land except if additional area is necessary because of private servicing concerns as determined by the authority having jurisdiction.</i>	The new lot sizes facilitated by the proposed boundary adjustment would be 0.4 hectares (1 acre) for Part 1 and 1,013 sqm for Part 2.
6.25 (c)	<i>Lots serviced via on-site sewage disposal units should have a minimum frontage of 150 feet.</i>	Part 1 will have a lot frontage of 26.91 metres (88 feet). This is an existing condition before the proposed boundary adjustment. This deficiency in lot frontage is legal non-complying. The boundary adjustment will facilitate the proposed lot size to ensure that that it meets the minimum lot size requirement per Region's and Town's policies for lots in an agricultural area.
6.25 (d)	<i>Frontage of 100 feet may be considered for lots containing a minimum 1.25 acres of suitable land area.</i>	
6.25 (e)	<p><i>Each private sewage disposal system shall require approval by the authority having jurisdiction. Generally, the provision of private systems shall be restricted to residential development. If, in the opinion of the authority having jurisdiction any area appears</i></p>	The existing septic systems on Parts 1 and 2 will continue to service the current uses as per the proposed Applications.

No.	Policy Requirement	Proposed Development
	<i>questionable for the proper operation of a private sewage disposal system, an evaluation of the subject lands by a competent authority, shall be required before development is allowed to proceed.</i>	
6.25 (f)	<i>The improvement of existing substandard private systems shall be encouraged by all means available to the municipality.</i>	Noted. The proposed Applications would be subject to a septic inspection by the Region to ensure the proposed Applications won't impact existing sewage systems, that minimum setback requirements are met, and that there are no defects.
6.30 (2)	<p>Sanitary Sewers</p> <p><i>e) Existing private sanitary sewage systems are recognized outside of any Urban Boundary. New private sanitary sewage systems are permitted for any lot created or existing outside of an Urban Boundary in accordance with the policies of this Plan and subject to the approval of the authority having jurisdiction.</i></p>	The proposed Applications would utilize existing on-site septic systems. As part of the boundary adjustment, Part 1 would utilize the existing raised septic system to the east of the dwelling, whereas Part 2 would utilize the existing septic system to the east of the storage building. Both septic systems are adequate to support the proposed Applications. No new sewage systems are proposed.

5.5.6 Archaeology

POLICY

18.5 Archaeological Planning

- (1) *An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.*
- (2) *An archeological assessment will be required for the entire property. For lands located outside an urban area boundary where the entire property will not be developed consideration may be given on a site specific basis by the Ministry of Tourism, Culture, and Sport in consultation with the Town to exempt the areas that will not be developed from requiring an archaeological assessment.*

- (4) *Small-scale applications such as minor variance, land severance or minor zoning amendments, will be reviewed and an archaeological assessment may be required by the Town and Regional Municipality of Niagara (Planning and Development Services Department) as the delegated authority. Where a new building lot is created on land that is presently vacant an archaeological assessment may be required if:*
- (a) the application is situated within the zone of archaeological potential as indicated on Schedule H, or*
 - (b) the application contains or will directly affect a federal, provincial, or municipal historic landmark, monument, site or designated property.*

ANALYSIS

The Subject Lands are located in an area with archaeological potential as per the Region's and Town OP. Town Heritage staff noted that the property is not included in the Municipal Heritage Register. As no site alteration or ground disturbance is being proposed with the Applications, Regional staff and Town Heritage staff noted in the pre-consultation agreement that there are no heritage or archaeological concerns with the proposed Applications, and therefore, an Archaeological Assessment is not required.

5.5.7 Consents

POLICY AND ANALYSIS

Section 21.2 of the Town OP provides policies regarding Consent Applications. **Table 11** below provides a discussion of the consent policies as related to the proposed Applications.

Table 11 – Criteria Assessment for Consent Applications

No.	Policy Requirement	Proposed Development
(1)	<i>Under certain circumstances, where a Plan of Subdivision is not necessary for proper and orderly development, a consent to a land conveyance may be granted in accordance with the following principles in addition to the policies contained within the Regional Niagara Policy Plan. In all cases, the preservation of prime agricultural land from the encroachment of urban-type development shall be a primary objective.</i>	The proposed Consent Application would not result in the creation of a new lot and is intended to facilitate a boundary adjustment. No new buildings or development are proposed on the Subject Lands that would impact agricultural lands, ensuring that prime agricultural land will be preserved from development encroachment.
(2)	<i>The Town will recommend to the Land Division Committee that consents for land severance where new</i>	The Subject Lands are not vacant – they contain existing buildings and structures with existing soil, drainage,

No.	Policy Requirement	Proposed Development
	<i>development will be permitted to occur on previously vacant sites should be granted only when it has been established that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal.</i>	and servicing that are suitable to support the continued use of the buildings. New development is not proposed with these Applications.
(3)	<i>The Town will recommend to the Land Division Committee that consents for severance where the site already contains a building, should only be permitted if existing sanitary sewage disposal, water supply and drainage are adequate and the new lot lines to be created do not render any aspect of such services unsatisfactory.</i>	<p>The Subject Lands contain existing water and septic services that are adequate. The existing water and septic services for Part 1 are proposed to be retained with the boundary adjustment.</p> <p>The private septic system serving the buildings on Part 2 is also located within Part 2 and will continue serving these buildings following the boundary adjustment. Furthermore, the boundary adjustment maintains a minimum 3-metre setback from the existing septic bed to the new lot lines, per the Ontario Building Code requirements.</p> <p>The buildings on Part 2 are currently connected to municipal water supply via Part 1 and will be re-routed through Part 3. No increase in water demand is expected following the Consent Application.</p>
(4)	<i>The Town will recommend to the Land Division Committee that consents shall be granted only when the land fronts on an existing public road. The public road is to be of a reasonable standard of construction and maintained year-round. If the effect of a consent would be to require a greater standard of road construction across the frontage of the site in question or beyond that site and/or other municipal services, then</i>	The retained lot will have frontage on Niagara Stone Road, which is a Regional road and a Town arterial road. The severed lot will be added to the adjacent lands which also have frontage on Niagara Stone Road. The boundary adjustment would not require a greater standard of construction or any associated construction.

No.	Policy Requirement	Proposed Development
	<i>the applicant may be required to contribute to the cost of such improvement through a written agreement with the public authority having jurisdiction.</i>	
(5)	<i>Consents should have the effect of infilling in existing urbanized areas and not of extending the urban area.</i>	The proposed boundary adjustment is outside of urban areas and does not have the effect of extending the urban area.
(6)	<p><i>The size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:</i></p> <p><i>a) The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.</i></p> <p><i>b) Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.</i></p>	<p>a) The lot frontage for Part 1 is deficient the frontage requirements in the zoning by-law. This is an existing condition that is legal non-complying. The lot areas for both Part 1 and Parts 2 and 3 meet lot requirements per the zoning by-law.</p> <p>b) The boundary adjustment takes into account the lot configuration and setbacks in proposing the new lot lines. Although certain yard setbacks on Part 1 and the combined Part 2 & Part 3 are deficient of the Zoning By-law requirements, most of them are existing conditions. Two (2) setback deficiencies are identified and have been requested for relief through the ZBA Application. Despite these deficiencies, the proposed lot sizes and configurations are appropriate for the proposed boundary adjustment and villa, and is not anticipated to have adverse impacts on surrounding properties. Section 6 discusses the relief sought through the ZBA application and planning justification for these deficiencies in more detail.</p>
(7)	<i>The Town will recommend to the Land Division Committee that consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would</i>	Part 1 has adequate access to Niagara Stone Road through the existing driveway. Part 2 will have access to Niagara Stone Road through the driveway on Part 3. Both accesses are sufficient with clear

No.	Policy Requirement	Proposed Development
	<i>be created because of limited sight lines on curves or grades.</i>	sight lines that would not create a traffic hazard.
(8)	<i>The Town will recommend to the Land Division Committee that a plan of subdivision would be more appropriate where the number of lots being created by consent would have a significant impact on the surrounding neighborhood.</i>	No new lots are proposed with the Applications. Only a boundary adjustment is proposed which would not have a significant impact on the surrounding neighbourhood.
(9)	<i>Proposed new lots lines shall take into account the existing pattern of surrounding lands. Wherever possible, the new lines shall avoid creating irregular boundaries for the parcel in question or that remaining. Where lands in the Agricultural designation are affected, every attempt shall be made to avoid creating a lot pattern which would make it difficult to farm.</i>	The surrounding lands do not have a consistent lot pattern. The boundary adjustment creates lot lines that do not impact lands that are currently in agricultural production. The new lot boundaries for Part 1 do not impede its current and proposed uses.
(10)	<i>Where a minor variance is required, it shall be made a condition of the consent.</i>	Zoning relief has been requested through the ZBA Application to recognize deficiencies regarding frontage and yard setbacks, as further outlined in Section 6 of this report.
(11)	<i>Where a consent would have the effect of creating an additional access to a Provincial highway, a Regional road or a Niagara Parks Commission Road, or changing the location of an existing access to such a highway, then the approval to such addition or change by the Ministry of Transportation and Communication, the Region or the Niagara Parks Commission shall be made a condition of the consent, including such concerns as road widenings, service roads and permission for access.</i>	The proposed boundary adjustment would not create any new access to the Regional road.
(12)	<i>All consents within the area of the Niagara Escarpment Plan, as shown on the Schedules of this Official Plan, must</i>	The Subject Lands are not within the within Niagara Escarpment; therefore,

No.	Policy Requirement	Proposed Development
	<i>be in accordance with the policies of the Niagara Escarpment Plan. The consent policies of this Plan shall prevail where they are more restrictive than the Niagara Escarpment Plan.</i>	the policies of the Niagara Escarpment Plan do not apply.

SUMMARY

Based on the foregoing, the proposed Applications conform to the relevant policies of the Town OP by protecting and conserving the Town's prime agricultural lands through a minor boundary adjustment that would not create a new lot in the agricultural area, would add lands to an adjoining property with existing farm operations, and would provide for adequate servicing; while permitting a villa use that would not adversely impact the agricultural land base, would be compatible with surrounding land-uses by maintaining and enhancing the rural character of the area, and would facilitate land-use compatibility with the adjacent winery and agricultural operations.

6.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Rural (A) Zone while the lands municipally known as 1696 Niagara Stone Road are zoned Site-Specific Rural (A) Zone (By-law 500WS-15 & By-law 500WS(1)-24) in accordance with Zoning By-law No. 500A-74, as amended (see **Appendix D – Town of Niagara-on-the-Lake Zoning By-law 500A-74**).

A Zoning By-law Amendment is requested to facilitate the proposed development. The Zoning By-law Amendment proposes the following:

1. Rezoning of Part 1 (including the property municipally known as 1708 Niagara Stone Road) from *Rural (A) Zone* to a site-specific *Rural (A-XX) Zone* to permit the villa use, to recognize the deficient lot frontage and interior side yard width as well as to provide relief for rear yard width.
2. Rezoning of Part 2 & Part 3 (including the properties municipally known as 1696 and 1710 Niagara Stone Road) from Rural (A) Zone in part and Site-Specific Rural (A) Zone (By-law 500WS-15 & By-law 500WS(1)-24) in part to a site-specific *Rural (A-YY) Zone* to update the new land boundaries, and to provide relief related to interior side yard for the storage building and vinyl garage.

The following comprehensive zoning tables provide zoning review for both 1708 Niagara Stone Road and the new property that includes both 1696 & 1710 Niagara Stone Road against the Town Zoning By-law.

Unless otherwise specified by site-specific Zoning By-law 500WS-15, the most restrictive provisions from either the Section 6.13 of Zoning By-law 4316-09, Schedule F of Zoning By-law 500A-74, or the site-specific Zoning By-law 500WS-15 are shown in the tables.

Draft Zoning By-law Amendments have been prepared (see **Appendix E – Draft Zoning By-law Amendments**).

6.1 1708 Niagara Stone Road

6.1.1 Comprehensive Zoning Review

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Section 4 Rural (A) Zone – Schedule F, Zoning By-law 500A-74				
4.1 (b)	Permitted Uses	A one (1) family dwelling	Villa with 4 guest bedrooms	No
4.2 (b)	Minimum Lot Area	3716m ²	4,047.21 m ²	Yes
	Minimum Lot Frontage	60.96m	Existing: 26.91m	No
	Minimum Lot Depth	60.96m	66.1m	Yes
	Maximum Lot Coverage	15%	+/- 4%	Yes
	Minimum Front Yard Depth	15.24m	32.4m	Yes
	Minimum Rear Yard	15.24m	9.8m (to covered patio) 14.3m (to 2-storey dwelling)	No
	Minimum Interior Side Yard Width	3.05m	Existing: 1.48m (to westerly interior lot line)	No
	Maximum Building Height	10.67m	Under 10.67m	Yes
	Minimum Dwelling Floor Area (2-Storey)	139.35m ²	Approximately 291.5 m ²	Yes
	Accessory Buildings Yards	3.05m	N/A	N/A
Section 3 General Provisions – Zoning By-Law 500A-74				
3.4 (c)	Accessory Buildings Height	4.5m	N/A	N/A
3.19 (a)	Parking Space Requirements	Villa and/or any form of small-	1 space per guest room ¹	Yes

¹ For reference, Zoning By-law 4316-09 requires a minimum 1 parking space per guest bedroom.

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
		scale tourist accommodation is not identified in this section of the by-law. Dwelling – One Family: 1 space	4 spaces total	
3.19 (b)	Parking Area Requirements	2.74m width minimum by 6m length minimum	2.75m by 6.7m	Yes
3.19 (d) (i)	Ingress and Egress to Required Parking Spaces and Area Single, Semi-Detached, Duplex or Townhouse Dwellings	Minimum one unobstructed driveway at least 3m width but not more than 6m width	One unobstructed driveway 3.9m in width	Yes
3.28 (c)	Yard and Setback Encroachments Permitted Unenclosed & Uncovered Porch, Deck, Balcony, Patio or Steps	May project into any required front or rear yard a maximum distance of 1.5m and 0.6m in a required side yard provided that in the case of a porch, or steps such uses are not more than 1.8m above grade	N/A	Yes

6.1.2 Planning Justification

Permitted Use

Proposed: Villa with four guest bedrooms

The current 500A-74 Zoning By-law does not define a villa or contain provisions regarding villas, and only provides for uses that meet the criteria of a small-scale tourist accommodation. Therefore, a Zoning By-law Amendment is required to permit the proposed villa use.

As detailed extensively in previous sections of the report, the proposed villa use conforms with the Town OP's policies for villas, demonstrating that the use is appropriate for the area and will ensure that the character of the neighbourhood is maintained, while providing for the required parking and amenity space for guests. The villa would be compatible with and complementary to the adjacent winery property, with design measures consisting of fencing and landscaping that will mitigate potential impacts and conflicts between the two uses. Altogether, the proposed villa use will maintain its small-scale nature as a temporary accommodation and minimize adverse impacts on the surrounding uses by utilizing the existing building and structures on the property, proposing additional landscaping to enhance land-use compatibility, and utilizing the existing on-site servicing.

For greater clarity, the draft Zoning By-law (**Appendix E**) proposes the definition of "Villa" as follows:

Villa shall mean the commercial use of a single detached dwelling unit with four or more bedrooms than may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation, but not occupied continuously as a principle residence.

Minimum Lot Frontage

Required: 60.96m

Proposed: 26m

The current lot frontage of 26.91 metres is an existing condition that is legal non-complying. Furthermore, the intent of the minimum lot frontage requirement is to ensure that properties outside of the Town's urban area maintain the rural character of the landscape. The villa use proposes additional landscaping near the driveway entrance that would contribute to enhancing the existing streetscape along Niagara Stone Road. We propose to recognize this deficient lot frontage through this ZBA Application.

Minimum Rear Yard

Required: 15.24m

Proposed: 9.8m (from the covered patio)

The deficiency in the rear yard setback is due to the boundary adjustment. It should be noted that there is no physical change on the ground as a result of the boundary adjustment. The distance between the existing dwelling and the buildings to the north (on Part 2) remains the same. However, to improve compatibility between these, additional landscaping is proposed at the northerly extent of the driveway and proposed outdoor amenity area which acts as a barrier in preventing potential trespassing, screening the agricultural uses from view, enhancing privacy for villa users, and mitigating noise impacts. The villa use is screened off from the agricultural operations to the north by a

combination of board fence and cedar planters which effectively mitigate any potential impacts arising from the reduced yard width.

Minimum Interior Side Yard Width

Required: 3.05m

Proposed: 1.4m (to westerly interior lot line)

The interior side yard width on the west side of the dwelling face is an existing condition that is legal non-complying. The intent of this provision is to ensure that there is sufficient space between properties to minimize potential conflicts. As discussed throughout the report, this is an existing condition that date back for at least 20 years without issues. The existing fencing and landscaping along the western lot line between both properties ensure that the potential for conflicts are minimized and appropriately mitigated. We propose to recognize this deficiency through this ZBA Application.

6.2 1696 & 1710 Niagara Stone Road

6.2.1 Comprehensive Zoning Review²

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
Zoning By-law 500WS-15 & 500WS(1)-24				
2.i	Permitted Uses	<ul style="list-style-type: none"> • Permitted Uses of Rural (A) Zone • Estate Winery 	Farm help accommodation Estate Winery, including associated storage	Yes
2.ii	Secondary Uses	<ul style="list-style-type: none"> • Agricultural Market • Bake Shop/Bakery • Hospitality Room • Outdoor Event Areas (lawn and tent areas) • Restaurant • Retail Wine Sales Area • Wine Tasting Room • Winery Education Centre • Dry Food Services Hut • Hospitality Patio 	As per Zoning By-law	Yes
2.iii(a)	Minimum Lot Area	8.09 ha	Approximately 19.77 hectares	Yes
2.iii(b)	Minimum Lot Frontage	45m	176.8m	Yes

² As the impact of the Applications on this property is limited, only relevant regulations will be reviewed below.

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
2.iii(c)	Minimum Side Yard Setback of Existing 2-Storey Dwelling	1.52m	3m	Yes
2.iii(d)	Minimum Side Yard Setback of the Bottling Warehouse	11.3m	14.4m	Yes
2.iii(e) (i) – (ix)	Maximum floor area for secondary uses	Various	As per Zoning By-law	Yes
2.iii(f)	Parking and accessible space requirements	170 parking spaces with at least 5 accessible spaces	As per Zoning By-law	Yes
2.iii(g)	Estate wineries bus parking	8 bus parking	As per Zoning By-law	Yes
2.iii(h)	Minimum side yard setback of the existing greenhouse	10m	As per Zoning By-law	Yes
2.iii(i)	Minimum side yard setback of pavilion, dry food services hut and moveable gazebos	3m	As per Zoning By-law	
2.iii(j)	Outdoor Event Area for Education Centre	Prior to the construction of the education centre, a maximum of 300 m ² of the floor area for the education centre may be used as the outdoor event area	As per Zoning By-law	Yes

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
2.iii(k)	Dry Food Services Floor Area	A maximum of 37 m ² of the floor area for the dry food services hut may be used as the hospitality patio	As per Zoning By-law	Yes
2.iv	Event Tents	In lieu of the corresponding provisions of Section 6.12 of Zoning By-law 4316-09, as amended, event tents with a combined area of 358 m ² may be erected continuously between May 1 st and October 31 st of each year, as part of the outdoor event area. All other event tents must be removed within 24 hours of an event.	As per Zoning By-law	Yes
Section 4 Rural (A) Zone – Schedule F, Zoning By-law 500A-74				
4.2 (a)	Minimum Front Yard	15.24m	16.3m	Yes
	Minimum Rear Yard	15.24m	190.2m	Yes
	Maximum building height	10.67m	Under 10.67m	Yes
Section 6.13(f) – Zoning By-law 4316-09				
(5)	Minimum interior side yard	15m	Storage building: 5m Vinyl shed: 12.1m	No
(11)	Maximum lot coverage for all buildings	15%	+/- 4%	Yes

6.2.2 Planning Justification

Minimum Interior Side Yard for Storage Building and Vinyl Shed

Required: 15m

Proposed: 5m and 12m, respectively

The deficient interior side yard setbacks for the storage building and vinyl shed are a result of the boundary adjustment and the new lot lines. The intent of the interior side yard setback is to ensure that there is appropriate separation distance from adjacent uses to minimize potential conflicts. Existing and proposed landscaped treatments as described on Part 1 are effective at mitigating potential impacts between the agricultural operations and the villa use.

7.0 Summary and Conclusion

The proposed Zoning By-law Amendment Application and Consent Application would permit a boundary adjustment and a villa that would support existing agricultural operations on the adjacent winery property, be compatible with the surrounding neighbourhood, and would not result in the creation of a new lot.

It is our opinion that the proposed Zoning By-law Amendment Application and Consent Application represent good land use planning, are in the public interest, and should be approved for the following reasons:

1. The Applications are consistent with the Provincial Planning Statement (2024) and conform with the Greenbelt Plan, the Niagara Official Plan, and the Town of Niagara-on-the-Lake Official Plan;
2. The Applications will facilitate a minor boundary adjustment for technical reasons that protects and conserves the Town's prime agricultural lands, supports agricultural operations, and will not create a new lot in the agricultural area, nor result in fragmentation of agricultural, natural heritage, or hydrologic features;
3. The Applications do not increase servicing demand for all the lands involved and could be supported by either existing private septic systems or existing municipal water supply;
4. The Applications will retain a residential use that has legally existed before the Greenbelt Plan and permit a villa use in the existing single-detached dwelling in a manner that maintains the rural character of the area and contributes to diversified tourism opportunities; and,
5. Land use compatibility between the proposed villa use and the surrounding agricultural operations is achieved and enhanced through sensible lot configuration, as well as existing and proposed landscaping treatments, and appropriate separation distances between the uses.

Report prepared by:



Lichheng Lim, BES Planning

Intermediate Planner

NPG Planning Solutions Inc.

Report reviewed and approved by:



Jeremy Tran, MCIP, RPP

Manager, Urban Design & Development Planning

NPG Planning Solutions Inc.

8.0 Appendices

Appendix A – Greenbelt Plan Schedules

Appendix B – Niagara Official Plan Schedules

Appendix C – Town of Niagara-on-the-Lake Official Plan Schedules

Appendix D – Town of Niagara-on-the-Lake Zoning By-law 500A-74

Appendix E – Draft Zoning By-law Amendments

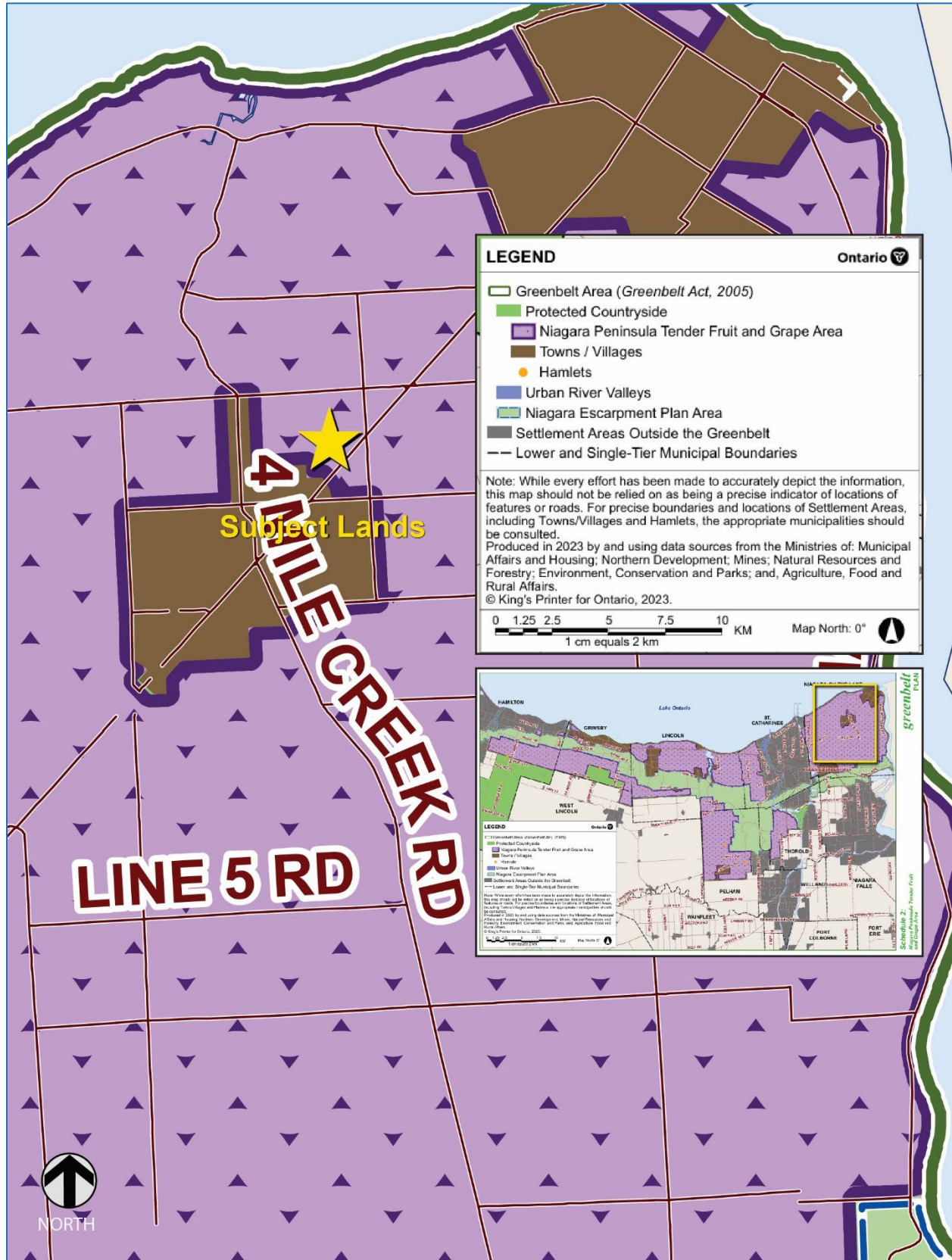
Appendix F – Correspondence with Region Regarding Septic Systems

Appendix A – Greenbelt Plan Schedules

Schedule 1: Greenbelt Area

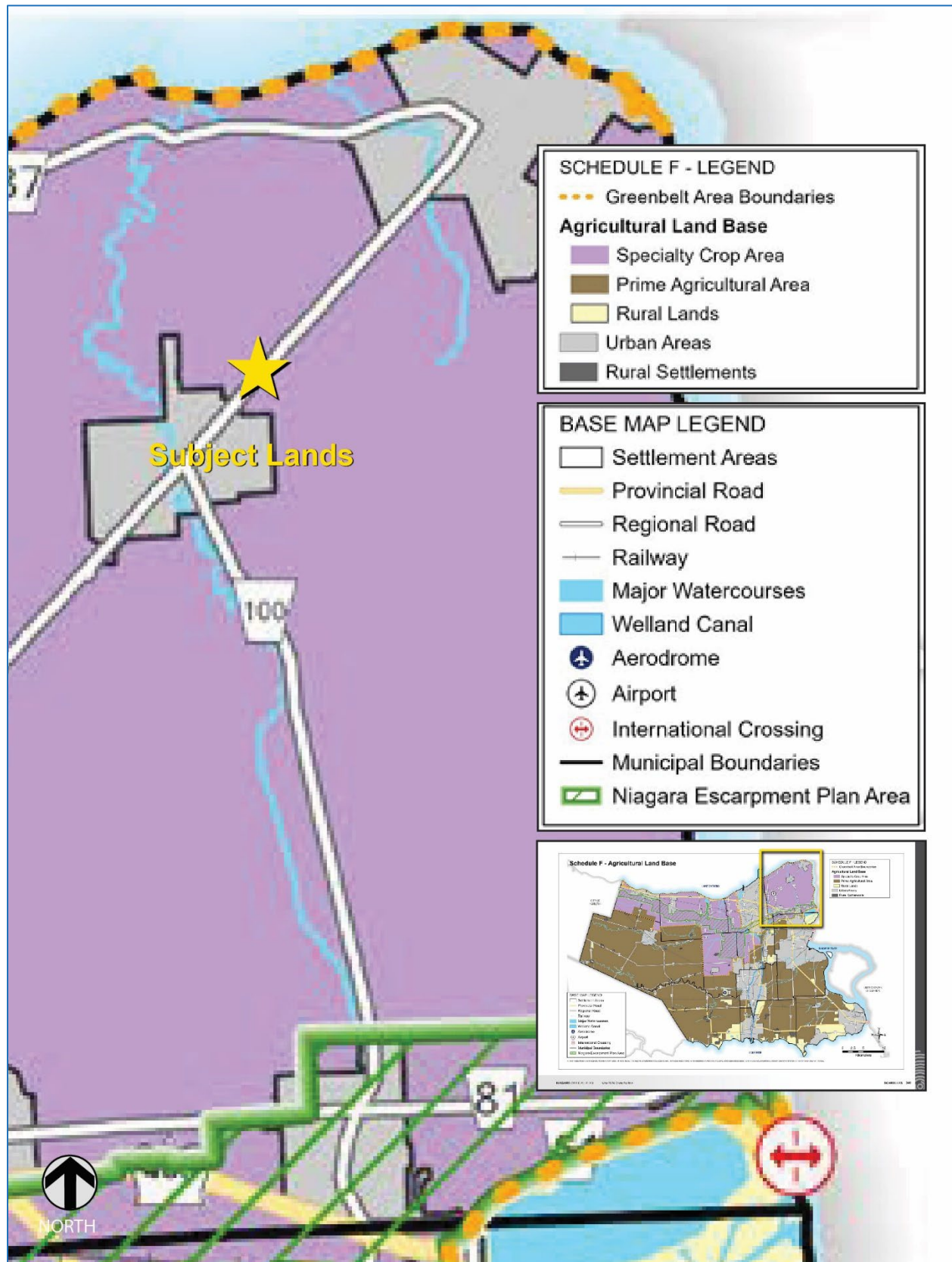


Schedule 2: Niagara Peninsula Tender Fruit and Grape Area

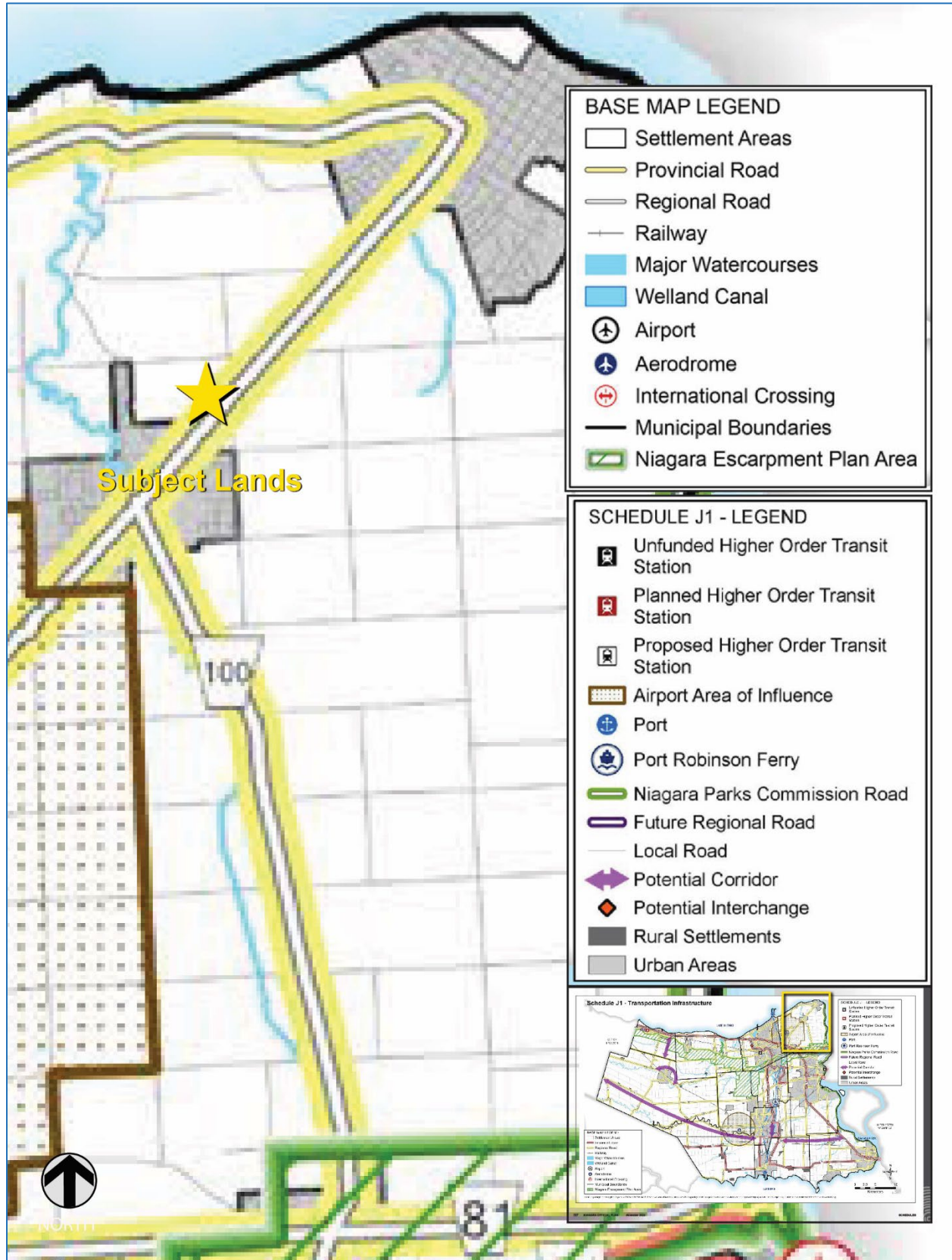


Appendix B – Niagara Official Plan Schedules

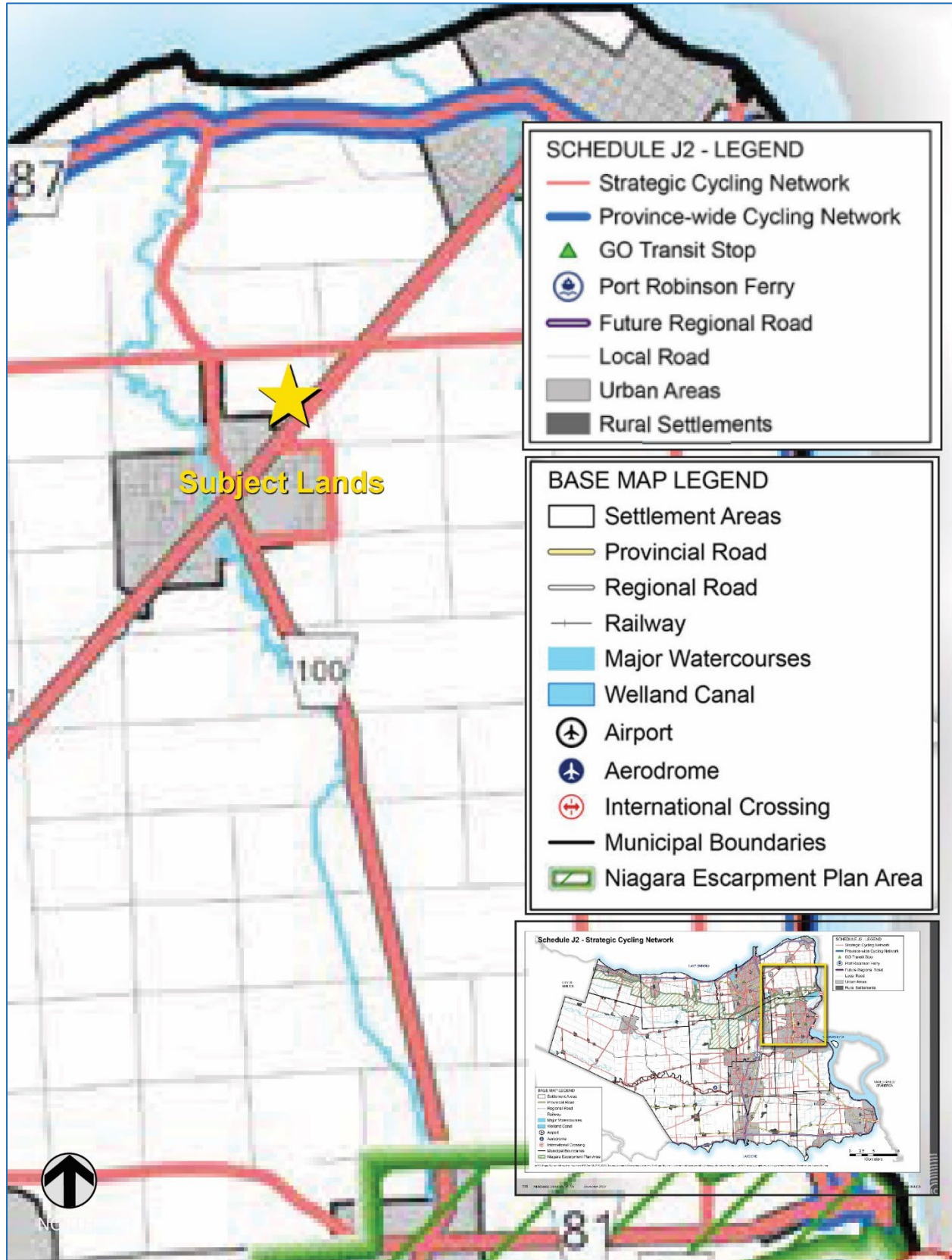
Schedule F: Agricultural Land Base



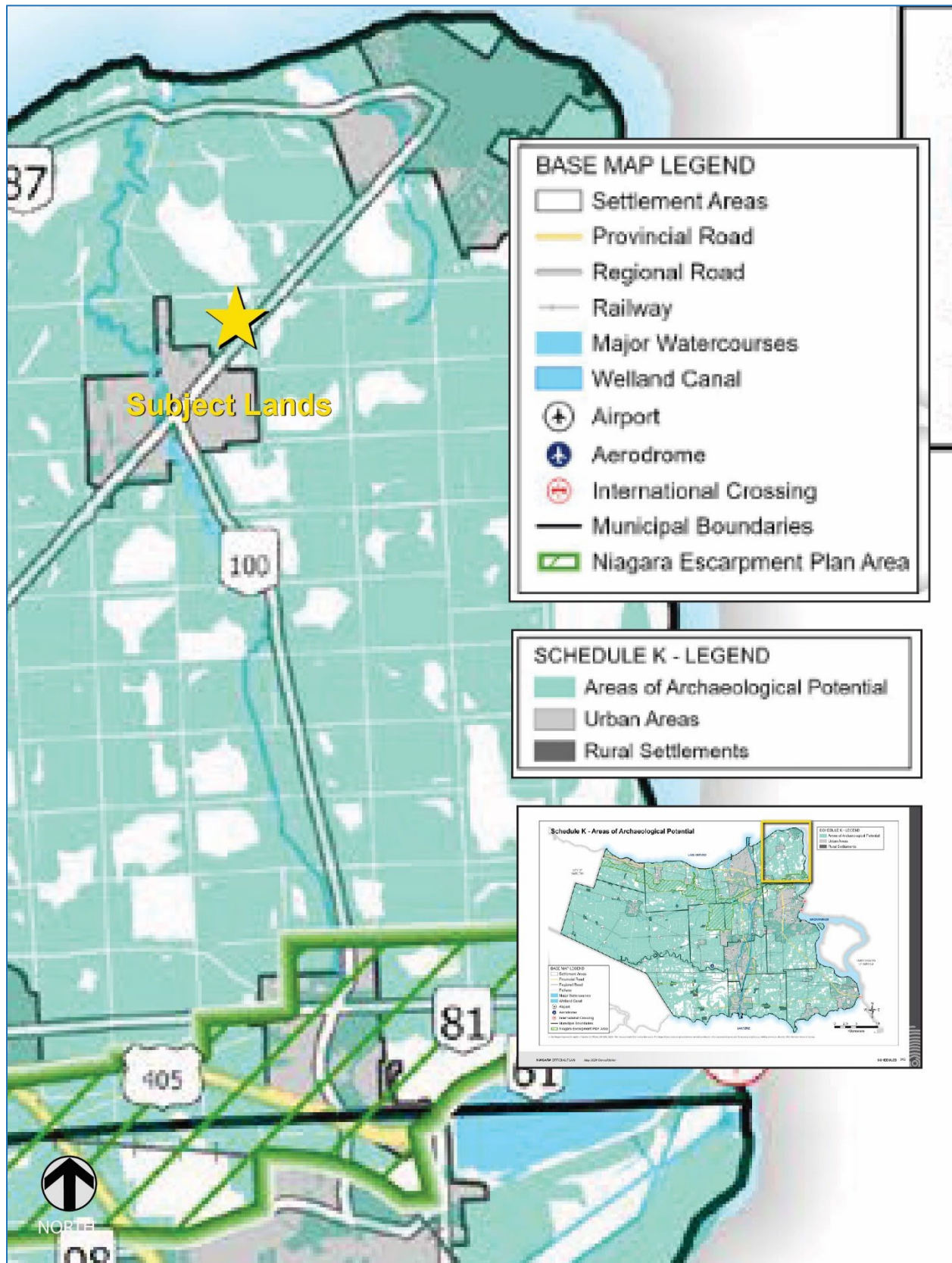
Schedule J1: Transportation Infrastructure



Schedule J2: Strategic Cycling Network

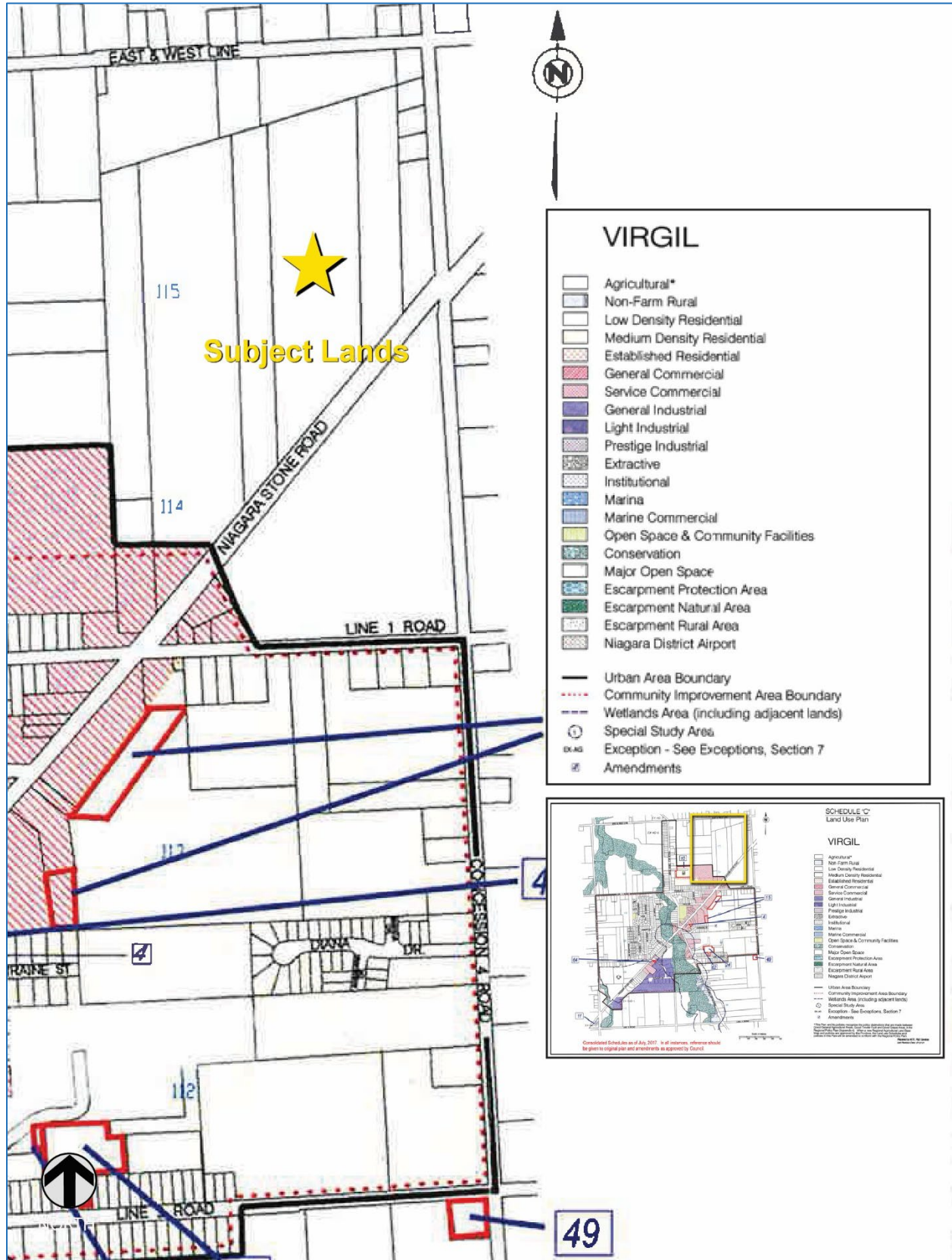


Schedule K: Archaeological Potential

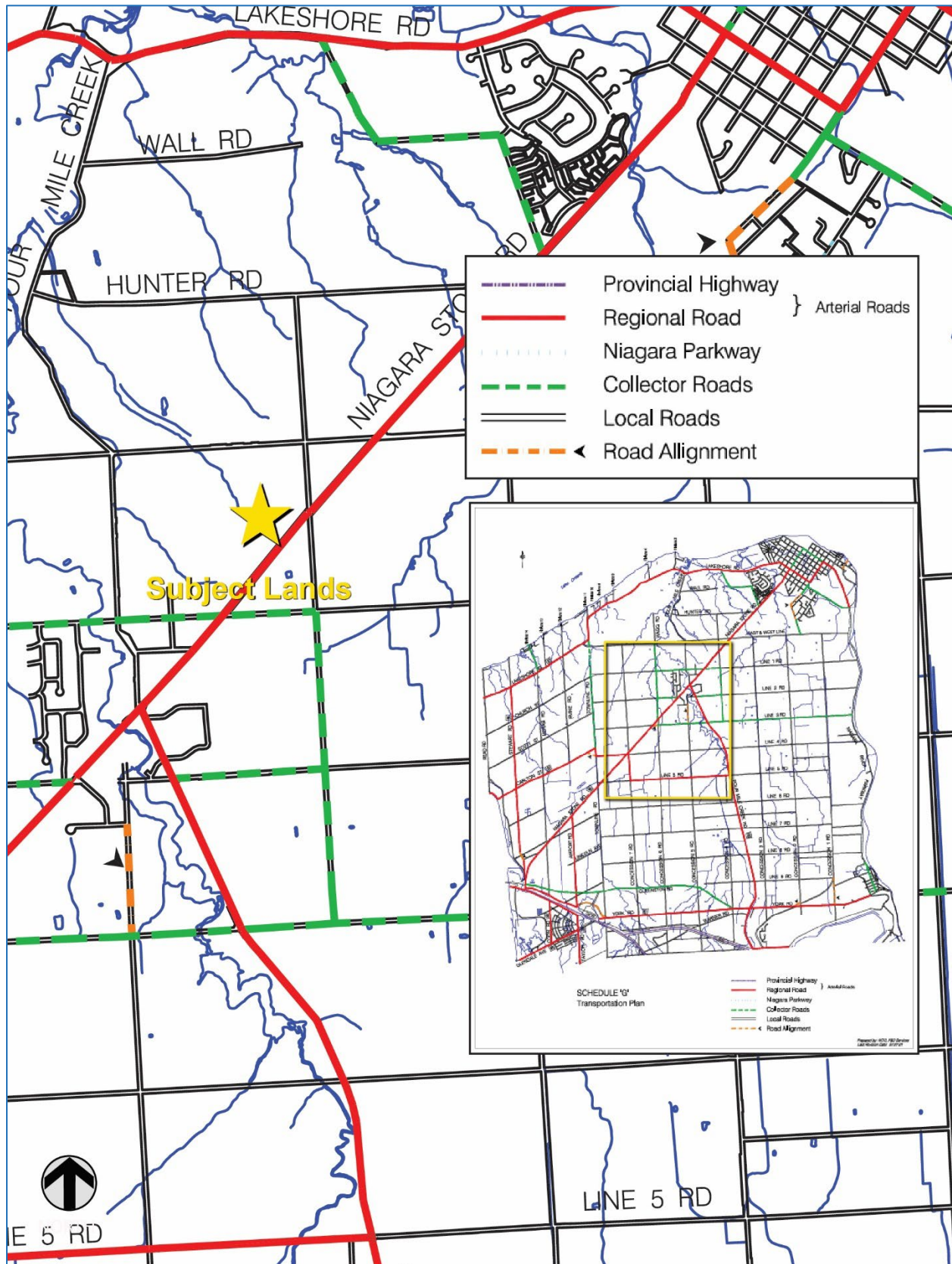


Appendix C – Town of Niagara-on-the-Lake Official Plan Schedules

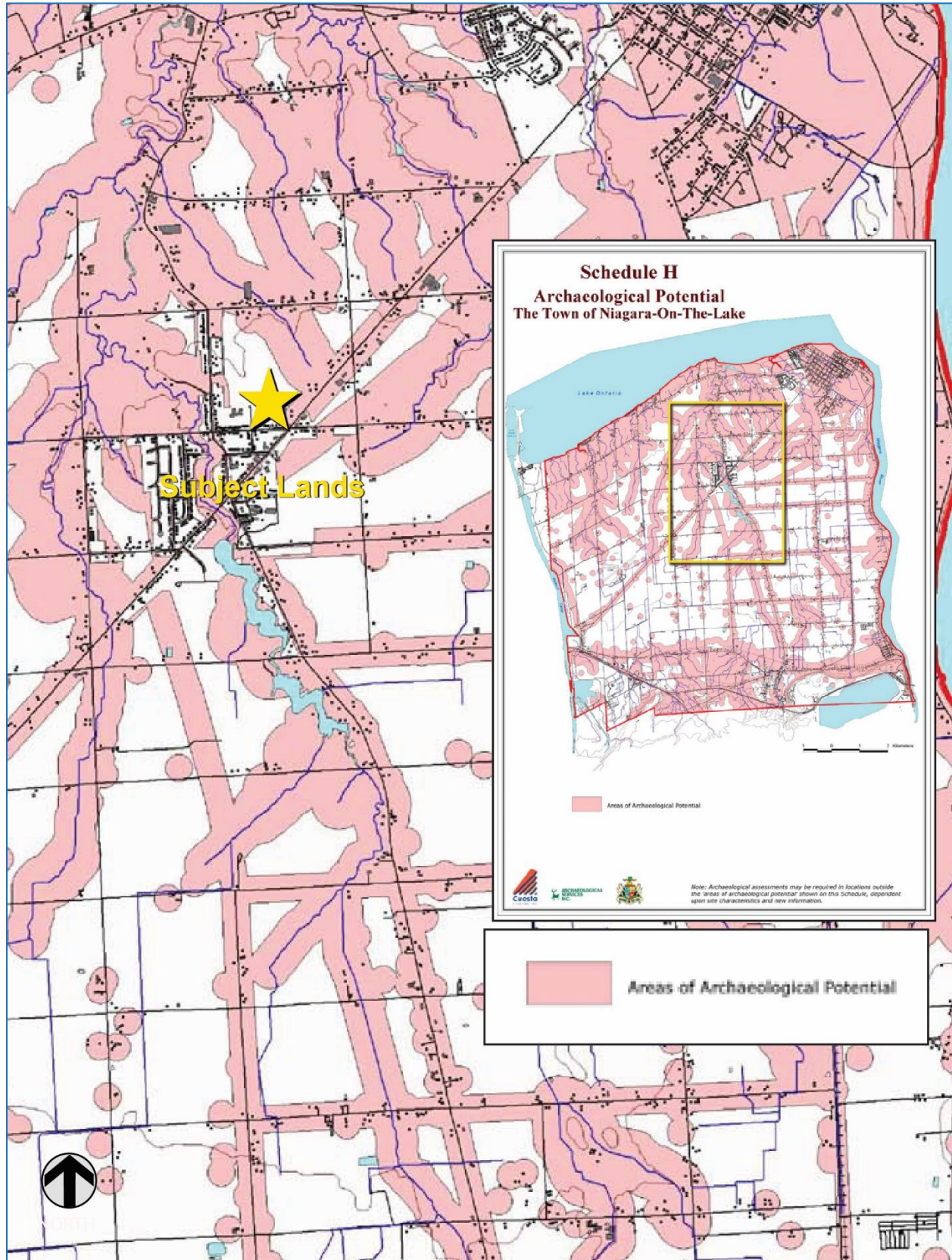
Schedule C: Land Use Plan (Virgil)



Schedule G: Transportation Plan

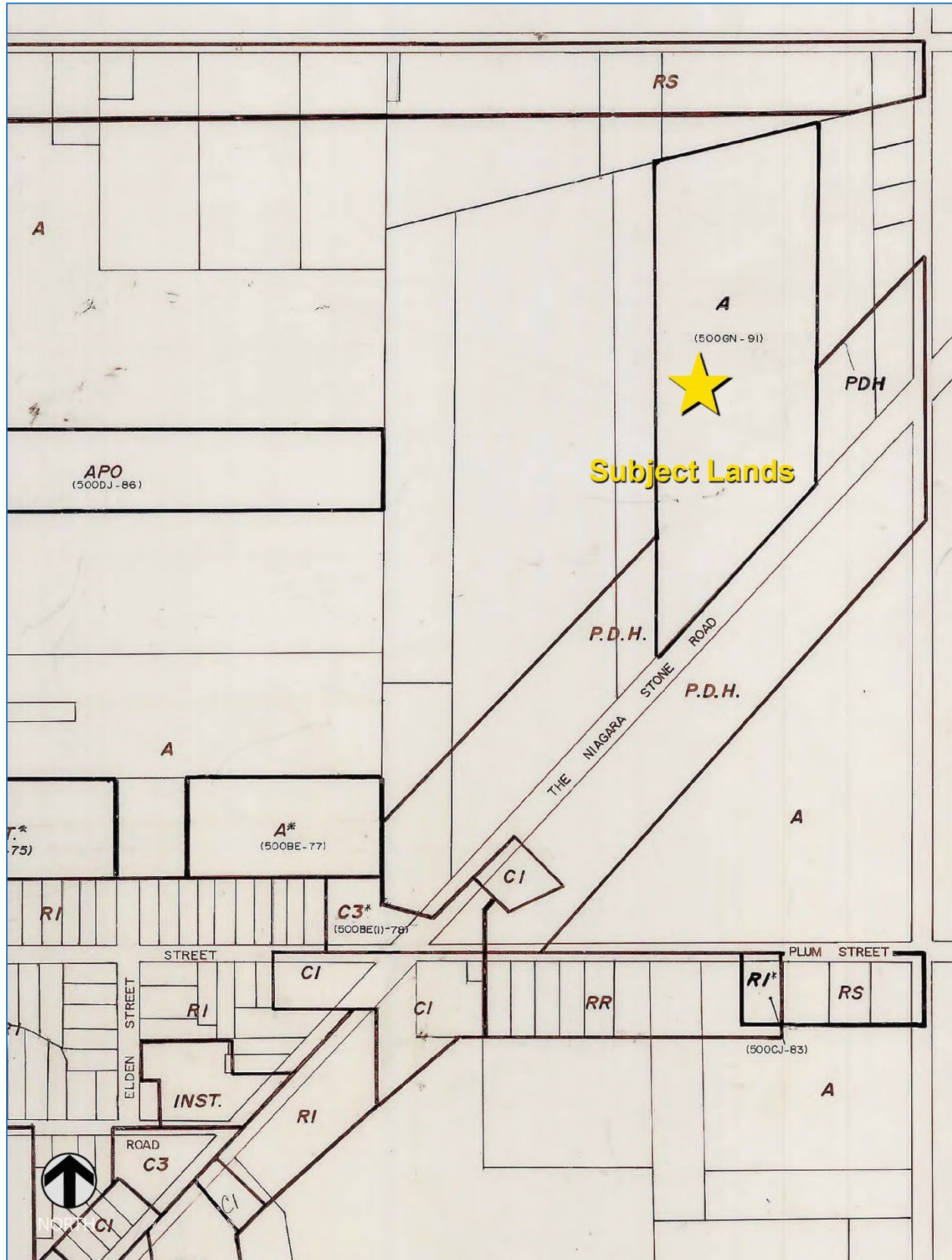


Schedule H: Archaeological Potential



Appendix D – Town of Niagara-on-the-Lake Zoning By-law 500A-74

Schedule C: Virgil



Appendix E – Draft Zoning By-law Amendments

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500XX-25**

1708 Niagara Stone Road

Roll # 262702001300500

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 Schedule “A” of By-law 500A-74, as amended, is further amended by changing the zoning of the subject lands shown on the schedule attached hereto and forming part of this By-law from “Rural (A) Zone” to “Rural (A-##) – Site Specific Zone”.
2. That Section 21.A – Special Exceptions, as amended, is hereby further amended by adding the following subsection:

21.A.## 1708 Niagara Stone Road – See Schedule “A” (A-##)

a) In addition to the permitted uses of the “Rural (A) Zone” the following uses shall be permitted:

(a) Villa

b) In lieu of the corresponding provisions of the zone requirements in Schedule F to By-Law 500A-74 – Rural (A), the following provisions shall apply:

(a) Minimum lot frontage: 26 m

(b) Minimum rear yard: 9.8 m

(c) Minimum interior side yard width: 1.4m

c) The villa use shall be subject to the following regulations:

- (a) A “Villa” shall contain a maximum of up to six (6) rented bedrooms;
- (b) A maximum of one “Villa” per lot is permitted;
- (c) A “Villa” shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the Ontario Planning Act;
- (d) A “Villa” shall provide for an outdoor amenity area of a minimum of 135 m² (1453 ft²) with an additional 9 m² (97 ft²) for each rentable bedroom beyond three (3);
- (e) Off street parking shall be provided at a rate of 1 parking space per guest room and in accordance with Section 3.19, Parking Area Requirements, and shall be screened from view from the public street and shall not be located in the outdoor amenity area, nor in the required exterior side yard setback, nor in the required landscaped portion of the front yard; and,
- (f) A “Villa” must be licensed appropriately by the Town of Niagara-on-the-Lake.

d) For the purposes of this site-specific by-law, the following definition shall apply:

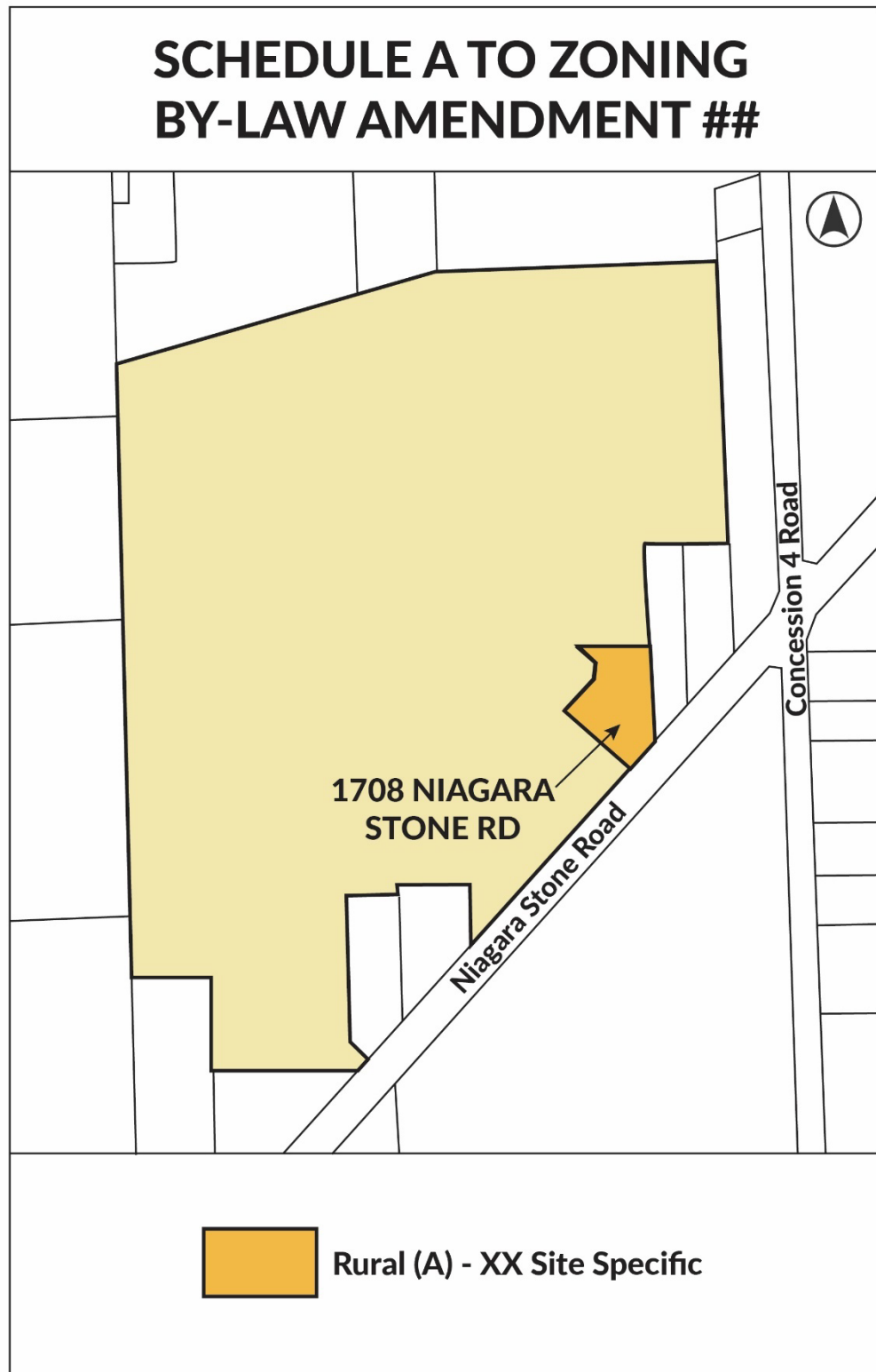
Villa: the commercial use of a single detached dwelling unit with four or more bedrooms than may be rented for periods up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation, but not occupied continuously as a principle residence.

- 3. All other provisions Zoning By-law 500A-74, as amended, shall continue to apply to the lands shown on the attached Schedule.
- 4. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF _____, 2025.

LORD MAYOR GARY ZALEPA

GRANT BIVOL, TOWN CLERK



**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500XX-25**

Pillitteri Estates Winery – 1696 & 1710 Niagara Stone Road

Roll # 262702001300505

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW NO. 500WS(1)-24, BEING A BY-LAW 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 the Council for the Town of Niagara-on-the-Lake did approve By-law 500WS(1)-24 on January 30, 2024 to permit additional secondary uses on the lands;

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

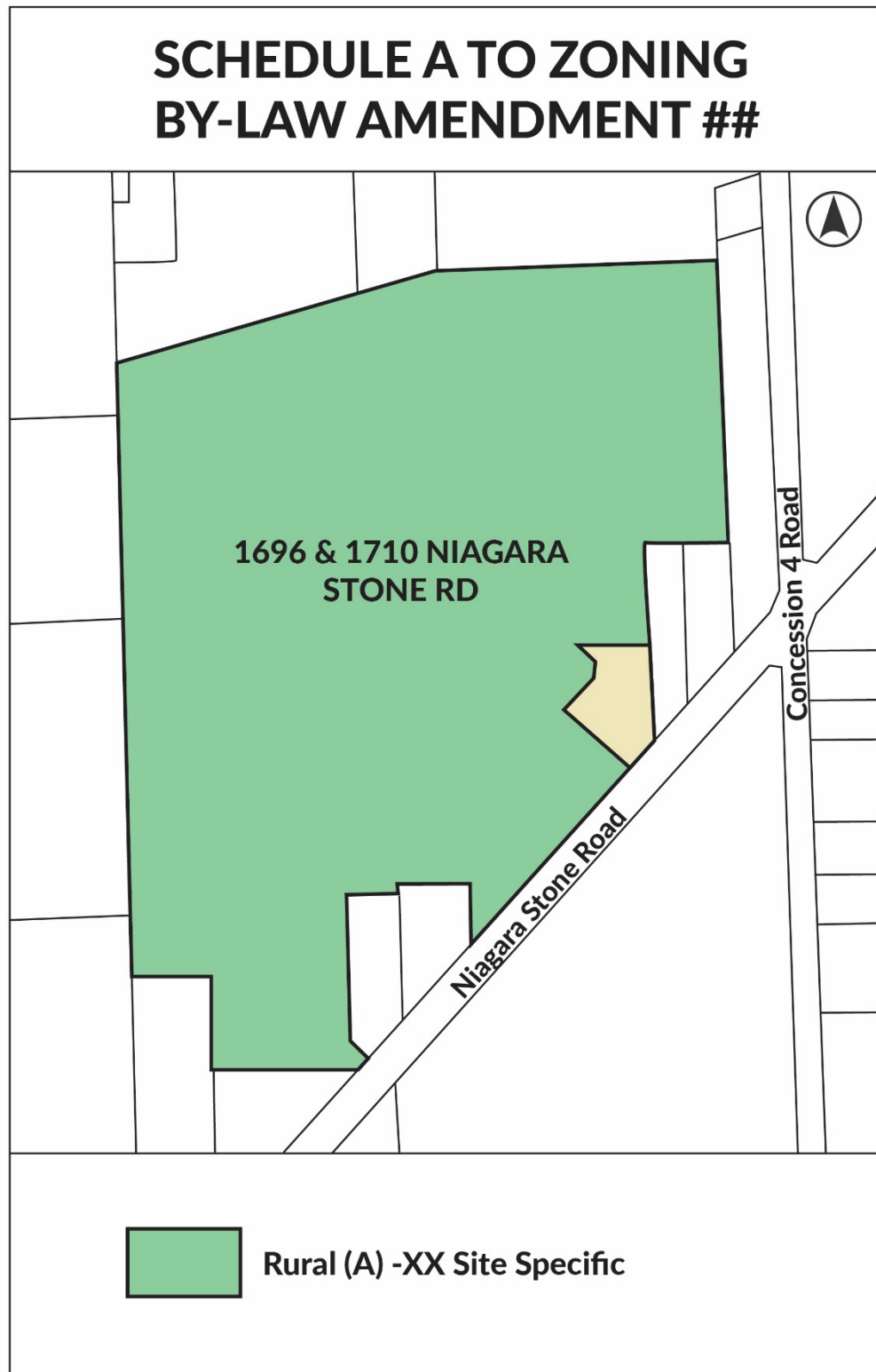
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That Schedule “A” of By-law 500A-74, as amended, is further amended by changing the zoning of the subject lands shown on the schedule attached hereto and forming part of this By-law from “Rural (A) – Site Specific Zone” to “Rural (A-##) – Site Specific Zone”.
2. That the text of Section 2(iii) of By-law 500WS-15 is amended as follows:
 - The following new provisions are added at the end of the section:
 - (l) Minimum side yard setback of storage building: 5 m
 - (m) Minimum side yard setback of vinyl shed: 12 m
3. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF _____, 2025.

LORD MAYOR GARY ZALEPA

GRANT BIVOL, TOWN CLERK



Appendix F – Correspondence with Region Regarding Septic Systems

Lichheng Lim

From: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>
Sent: October 8, 2024 4:21 PM
To: Lichheng Lim
Cc: Jeremy Tran; Shanks, Amy
Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

Hi Lichheng,

Sorry about that, yes that is correct.

Thank you,



Quintin Michlik
Private Sewage Systems Inspector

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3358

W: www.niagararegion.ca

E: quintin.michlik@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: Lichheng Lim <llim@npgsolutions.ca>
Sent: Tuesday, October 8, 2024 3:10 PM
To: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>
Cc: Jeremy Tran <jtran@npgsolutions.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>
Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good afternoon, Quintin,

I just wanted to clarify whether you meant that the parcel at 1708 needs to be a minimum 1 acre in size and not 1 hectare in size. The concept plan submitted at pre-consultation notes 1 acre. Can you please confirm?

Thank you,

Lichheng

Lichheng Lim (she/her), BES Planning

Intermediate Planner

M 647 676 3738 **E** llim@npgsolutions.ca



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From: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>

Sent: October 2, 2024 4:09 PM

To: Lichheng Lim <llim@npgsolutions.ca>

Cc: Jeremy Tran <jtran@npgsolutions.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>

Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

Hi Lichheng,

Thank you for following up.

After discussing, due to the proposed boundary line adjustment leaving 1708 Niagara Stone Road to be a hectare in size we will not require a replacement design. This is also due to the fact that there is a new raised system on the property which can be plowed and replaced if necessary.

Therefore you should be good to proceed however please note that the parcel needs to be at least a hectare and the existing system for 1710 needs to be at least 3 m from the new property line.

If you have any questions please let me know.

Thank you,



Quintin Michlik

Private Sewage Systems Inspector

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

P: (905) 980-6000 ext. 3358

W: www.niagararegion.ca

E: quintin.michlik@niagararegion.ca



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From: Lichheng Lim <llim@npgsolutions.ca>
Sent: Wednesday, October 2, 2024 3:39 PM
To: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>
Cc: Jeremy Tran <jtran@npgsolutions.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>
Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

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Hi Quintin,

Thanks for the call today. As discussed, it was confirmed that 1710 Niagara Stone Road is proposed to merge with the winery next door (1696 Niagara Stone Road) as part of the boundary adjustment; therefore, lot size would not be a constraint, and the detailed septic design would not be required for 1710. Your comments below would apply to the villa property at 1708 Niagara Stone Road. You've noted that the septic system is fairly new, and as such, we also discussed the possibility of providing the detailed septic design for 1708 NSR at the site plan stage instead. I understand this is being discussed internally – can you please confirm whether the Region will accept the detailed septic design as part of the SPA stage?

Thank you,

Lichheng

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From: Lichheng Lim
Sent: October 1, 2024 1:45 PM
To: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>
Cc: Jeremy Tran <jtran@npgsolutions.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>
Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

Hi Quintin,

We had a few questions for clarification on this. It might be easier to discuss through the phone – can you please give me a call back when you get a chance? My cell is 647-676-3738.

Thanks!

Lichheng

Lichheng Lim (she/her), **BES Planning**

Intermediate Planner

M 647 676 3738 **E** llim@npgsolutions.ca



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From: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>

Sent: October 1, 2024 10:51 AM

To: Lichheng Lim <llim@npgsolutions.ca>

Cc: Jeremy Tran <jtran@npgsolutions.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>

Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

Hi Lichheng,

Likewise I hope you're well also.

When I spoke to Jeremy we were discussing the existing systems and how approval is good for 6 help house workers.

With regards to the boundary adjustment, one key thing we look for is to make sure that there is spare area in the event a septic system needs to be replaced especially for smaller lots. Due to the size of this lot, a detailed septic design must be submitted to show that a replacement system can be built within the proposed boundaries meeting current Ontario Building Code. If a design can not be shown to meet the minimum requirements then the boundaries may need to be adjusted in order to provide enough room for a replacement system should one be required.

Therefore a detailed design will still be required to confirm the property can support the boundary adjustment.

If you have any questions please let me know.

Thank you,

| **Quintin Michlik**



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My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: Lichheng Lim <llim@npgsolutions.ca>

Sent: Monday, September 30, 2024 1:06 PM

To: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>

Cc: Jeremy Tran <jtran@npgsolutions.ca>

Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

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Hi Quintin,

I hope you're well. In preparing our applications for submission, I wanted to confirm whether a detailed sewage system design would be required for submission.

I note that in your conversation with Jeremy earlier this month, you confirmed that the septic system to the east of 1710 NSR and north of 1708 NSR can accommodate farm help accommodation for six workers, and that the system to the east of 1707 NSR and south of 1710 NSR can accommodate the existing 2-storey 4-bedroom dwelling at 1708 NSR. In the pre-con notes, the Region states the following with regard to private servicing (please see attached on page 15 and 16):

Private Servicing

A detailed sewage system design must be submitted to confirm the property can support the proposed development.

Applications must include specifics as outlined in the Ontario Building Code, Part 8, Tables 8.2.1.3.A. - 8.2.1.3.B, such as the number of employees, vehicles serviced, washrooms, office space, restaurant seats, floor plans, etc.

As the applications are not proposing any new uses, would a detailed sewage system design still be required?

Thank you,

Lichheng

Lichheng Lim (she/her), BES Planning

Intermediate Planner

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From: Jeremy Tran <jtran@npgsolutions.ca>

Sent: September 4, 2024 10:19 AM

To: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>

Cc: Lichheng Lim <llim@npgsolutions.ca>

Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

Hi Quintin,

Thanks for the call yesterday.

You've confirmed that the attached letter only speaks to the septic system to the east of 1710 NSR and north of 1708 NSR and that this "northerly system" can accommodate farm help accommodation for 6 workers. There's another system to the east of 1708 NSR and south of 1710 NSR, i.e. the "southerly system" that can accommodate the existing 2-storey 4-bedroom dwelling at 1708 NSR.

As you're aware, there was a recent pre-con meeting for a proposed boundary adjustment, adding the portion labelled Part 2 on the attached conceptual plan to the 1696 NSR property, as well as a Zoning By-law Amendment application to use the existing dwelling as a 4-bedroom villa (no additional bedroom or bathroom is proposed). You've indicated that the special inspection for the applications would take place after we submit the applications. We'll reach out to you once the applications have been submitted to schedule for this meeting.

Thank you.

Jeremy Tran, MCIP, RPP

Senior Planner/ Urban Designer

M 905 658 9678 **E** jtran@npgsolutions.ca



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From: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>
Sent: September 3, 2024 10:28 AM
To: Jeremy Tran <jtran@npgsolutions.ca>
Cc: Lichheng Lim <lhim@npgsolutions.ca>
Subject: RE: 1710 Niagara Stone Road - Consent and ZBA applications

Hi Jeremy,

I can be available for a call later this afternoon around 4:10 does that work for you?

Thank you,



Quintin Michlik
Private Sewage Systems Inspector

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7

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W: www.niagararegion.ca

E: quintin.michlik@niagararegion.ca



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From: Jeremy Tran <jtran@npgsolutions.ca>
Sent: Friday, August 30, 2024 3:05 PM
To: Michlik, Quintin <Quintin.Michlik@niagararegion.ca>
Cc: Lichheng Lim <lhim@npgsolutions.ca>
Subject: 1710 Niagara Stone Road - Consent and ZBA applications

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Hi Quintin,

I hope you're doing well.

We are the planners for these applications . At the precon meeting (agreement is attached), a special inspection of the septic system was identified. And we understand that you recently inspected the system this month. I've attached the inspection letter in this email for your reference.

Would you have sometime next Tuesday for a quick call with us? We have some questions for you regarding the special inspection for the applications as well as the attached letter for the previous inspection? Thank you.

Jeremy Tran, MCIP, RPP

Senior Planner/ Urban Designer

M 905 658 9678 **E** jtran@npgsolutions.ca



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