

PLANNING JUSTIFICATION AND IMPACT ANALYSIS REPORT

Proposed Zoning By-law Amendment to permit
Special events – Outdoor Hospitality as an On-Farm Diversified Use at

**1096 Lakeshore Road, Niagara-on-the-Lake, ON
(Konzelmann Winery)**

June 2025
Quartek Project #25024



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A. INTRODUCTION

Quartek Group Inc. (Quartek) was retained by Jim Reschke – Konzelmann Winery (Owner/Applicant) to prepare this Planning Justification Report for an application to amend the Zoning By-law to permit the use of an intermittent outdoor special events space, nearby the lake front as an On-Farm Diversified Use (OFDU).

A pre-consultation meeting took place on March 20th, 2025, to propose the development of outdoor special event space. The proposal does not involve any permanent structures to be constructed. Town Planning Staff advised that the estate wineries are a permitted use under Section 7 of the Official Plan and that the outdoor special event space would be considered an on-farm diversified use (OFDU) as it includes value-added uses and agri-tourism uses, the permission would be subject to approval through a Zoning By-law Amendment.

Though there is no built form in the subject property, a zoning amendment is required to permit the requested use. Please refer to the pre-consultation agreement found in [Appendix A](#).

According to the Town and Regional requirements, in addition to the Planning Justification Report, the following technical studies and drawings were completed to support the proposed development and have been included with the applications:

- Conceptual Site Plan Layout
- Landscape/Planting Plan
- Draft Zoning By-law Amendment and Schedule
- Property Index Map and Parcel Registers (including all PIN Printouts and Legal Instruments)
- Planning Justification Report – inclusive of Air, Noise and Vibration Emissions study.

The purpose of this Report is to describe the site, and its surrounding lands uses, outline the proposed use, summarize the relevant planning policies and regulations, outline the proposed zoning by-law amendment, and provide the justification and rationale for approval of the OFDU.



B. SITE CONTEXT

The subject lands are located on the North side of Lakeshore Road, municipally referred as **1096 Lakeshore Road**, and legally described as PLAN M1 PT LOTS 133 AND 134.

The lands are currently occupied by the winery operations and buildings, the agricultural area and a private residence. The subject parcel is designated both Agricultural and Conservation Area based on the Town’s Official Plan.

The lot occupies ±15 ha of area with roughly 46.69 metres of frontage along Lakeshore Road.



FIGURE 1 : SUBJECT LANDS (SOURCE : NIAGARA NAVIGATOR)

--- SUBJECT LANDS



FIGURE 2: SUBJECT LANDS AERIAL (SOURCE: NIAGARA NAVIGATOR)



FIGURE 3: STREET VIEW OF SUBJECT LANDS (GOOGLE MAPS)



B.1 Surrounding Land Uses

The following describes the surrounding land uses to the proposed development:

North: Lake Ontario

East: Agricultural | Residential

South: Agricultural | Residential

West: Agricultural | Residential



FIGURE 4: SURROUNDING LAND USES (SOURCE: GOOGLE EARTH)



C. PROPOSED DEVELOPMENT

The subject property is currently zoned as **special exception 21.A.42 Konzelmann Zone** reserved for agricultural purposes with secondary uses including:

- retail sale of wine,
- a hospitality room, and
- an agricultural market.
- The maximum total floor area for all secondary uses permitted herein shall be 636.892 sq.m (6,855.44 sq.ft), with the area for hospitality and retail sales not exceeding 202.032 sq.m (2,174.65 sq.ft) and 295.460 sq.m (3,180.31 sq.ft), respectively. The agricultural market shall have an allowable floor area of 139.4 sq.m (1,500 sq.ft)
- Off-street parking for all secondary uses shall be one (1) parking space for every 18.5 sq.m (199 sq ft) of floor area devoted to the secondary use.

A zoning by-law amendment is required to permit outdoor special events to happen on site as an on-farm diversified use. No permanent structures will be proposed on site.

The Town's Official Plan currently designates the parcel as both **Agricultural and Conservation**.

The main use, agriculture, includes 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. (Section 7.3.1)

Secondary uses include 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. (Section 7.3.1)

However, permitted uses that are independent of a main use include 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. (Section 7.3.1)

The proposed use will help boost the local tourism and hospitality and encourage cultural and social development. The proposed use also helps local vendor businesses and service support for ceremonies and events.

Refer to **Appendix B** for the conceptual site plan.

Setbacks will be used to establish privacy for the existing private residence within the site and also the neighbouring property. The existing vegetated buffer acts as a noise attenuation feature and provides privacy for the neighbouring property.

Figure 5 and 6 provides the layout of the conceptual site plan and location of the proposed use providing sufficient setback in relation to the adjacent land uses and in addition to the existing vegetative buffer along the common property line shared by the adjacent neighbour.



FIGURE 5: PROPOSED SPECIAL EVENTS AREA (SOURCE: NIAGARA NAVIGATOR)

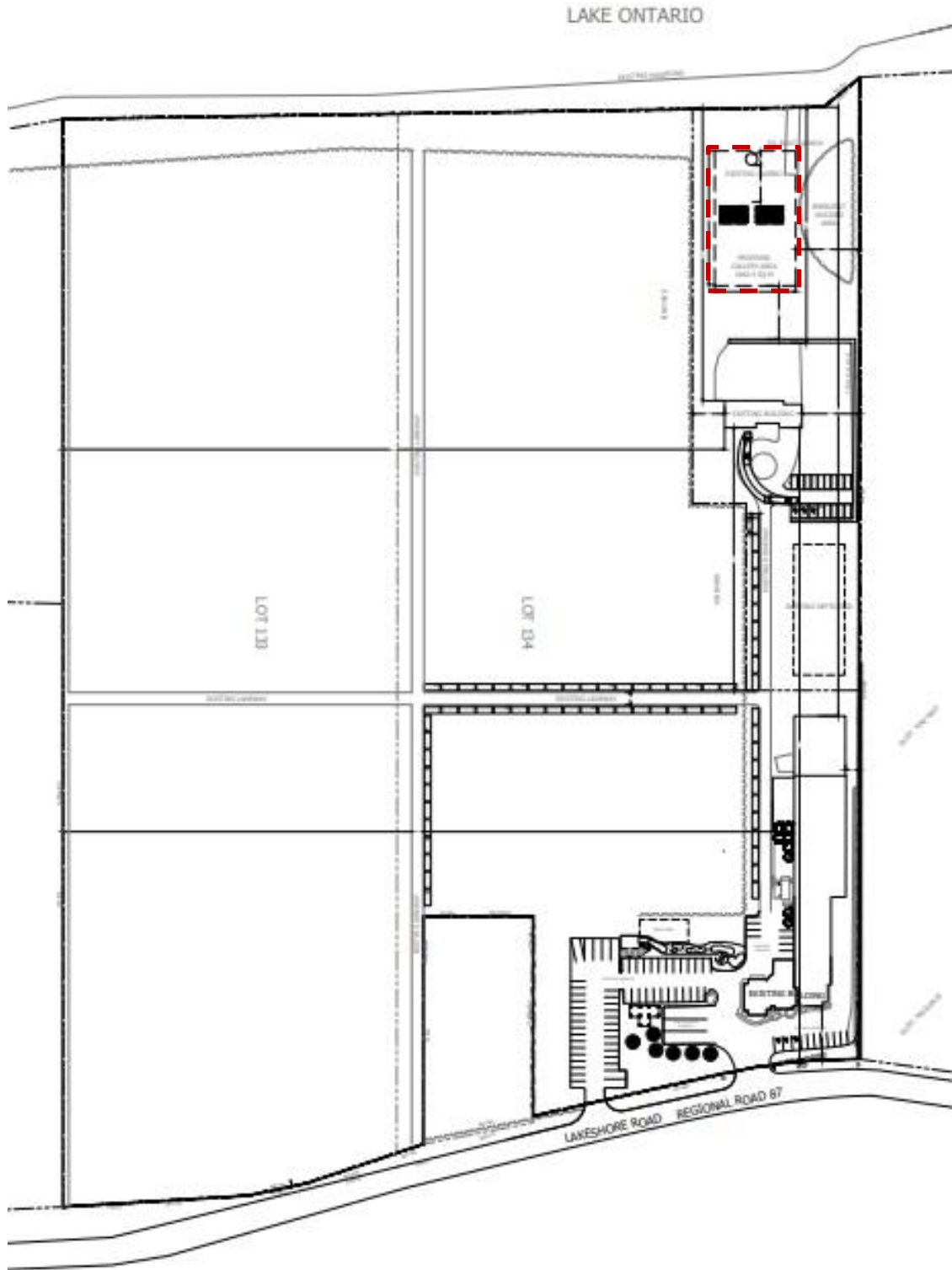


FIGURE 6: PROPOSED SITE PLAN – OUTDOOR SPECIAL EVENTS – KONZELMANN WINERY



FIGURE 7: SURROUNDING CONTEXT – 1053 LAKESHORE ROAD, NIAGARA-ON-THE-LAKE, ON

As shown on Figure 7, 1053 Lakeshore Road has a farm with residence with a set back ± 22.0 metres from the front lot line. The private residence in the subject property has a rear yard measuring slightly over 88 metres from building to rear lot line at the closest points. The dwelling at 1053 Lakeshore Road is set far away from 1096 Lakeshore Road. The proposal conforms to the community identity by offering a similar front yard setback and building length, while also offering deeper rear yards.



FIGURE 8: SURROUNDING CONTEXT – 1064 LAKESHORE ROAD, FORT ERIE, ON

As shown on Figure 8, the property located at 1064 Lakeshore Road has a farm with residence. The vacant lot offers roughly 19 metres of frontage. The property is not affected by the proposed use as the proposed use is towards the lakeside.



FIGURE 9: SURROUNDING CONTEXT – 1104 LAKESHORE ROAD, NIAGARA-ON-THE-LAKE, ON

Along the other side lot line is: 1104 Lakeshore Road Avenue. Towards the rear of the property are barns and a private residence. The proposed use in the subject property maintains sufficient distance from the private residence and the barns aligned along with the common property line with the subject property acts as a noise attenuation feature. (Figure 9)

In addition to the development's proposed 15 metres of rear setback, there is not expected to be impacts towards the neighbouring properties to the rear. Vegetated areas in the subject property will further mitigate any privacy or noise concerns to the rear.

D. PLANNING POLICY ANALYSIS

D.1 Planning Act, R.S.O. 1990, c.P.13

The Planning Act (January 1, 2025, Consolidation) sets out the basis for land use planning in Ontario.

Section 1.1.e - The purpose of the Planning Act is to promote sustainable economic development in a healthy natural environment within the means provided and led by Provincial policy and to encourage cooperation and coordination among various interests.

Section 2 - The Planning Act addresses matters of Provincial interest and requires municipal Council to have regard to matters such as the protection of ecological systems and agricultural resources; conservation of significant architectural, cultural, historical, archaeological, or scientific interest; supply, efficient use and conservation of energy and water; adequate provision and efficient use of transportation, sewage, water services, and waste management systems; orderly development of safe and healthy communities; accessibility for persons with disabilities to all facilities, services; provision of a full range of housing, including affordable housing; protection of the financial well-being; and protection of public health and safety.



Subsection 3 requires that a decision of Municipal Council, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Planning Statement (PPS).

Section 34 of the Act permits a person or public body to request an amendment to a By-law subject to providing the prescribed information and material to the Council including public consultation when required.

Having regard for the Planning Act, the Owner/Applicant has completed the necessary technical studies that evaluate the proposed special events use for an efficient use of the specialty crop area. Furthermore, the application and required planning review fees for the requested amendments to the Zoning By-law seeking approval from the Town Council was provided.

D.2 Provincial Planning Statement

The Provincial Planning Statement 2024 (PPS) was issued under Section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that was previously in effect.

The Provincial Planning Statement (PPS, 2024) provides the policy foundation for regulating land uses in Ontario. The PPS prioritizes growth and development urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production, and the agri-food network. In addition, resources, including natural areas, water, aggregates and agricultural lands will be protected. Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be mitigated.

The policies applicable to the proposal have been considered to determine the appropriateness of the development.

4.3 Agriculture

4.3.1 General Policies for Agriculture

1. Planning authorities are required to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network.
2. As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.
3. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.



4.3.2 Permitted Uses

1. In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.
2. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
3. New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
4. A principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c).

The proposed development complies with the relevant policies laid out by the PPS by not compromising on the agricultural lands. The proposed use (On-farm Diversified Use) is a permitted and compatible use within the prime agricultural area and doesn't hinder with agricultural operations on site. No alterations have been made to the site and is merely just a use that is being proposed with no permanent structures.

The minimum distance separation calculations won't be required for the proposed development as there are no livestock facilities or anaerobic digesters existing or proposed in the subject property.

D.3 Greenbelt Plan – 2017

The Greenbelt Plan, together with the Oak Ridges Moraine Conservation Plan (ORMCP) and the Niagara Escarpment Plan (NEP), identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape.

The Greenbelt Plan includes lands within, and builds upon the ecological protections provided by, the NEP and the ORMCP.

The Greenbelt Plan, together with the Growth Plan, the NEP and the ORMCP, builds on the Provincial Policy Statement (PPS) to establish a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity.

Section 3 Geographic-Specific Policies in the Protected Countryside

Section 3.1 Agricultural System

Section 3.1.2 Specialty Crop Area Policies



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

1. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.
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. Towns/Villages are not permitted to expand into specialty crop areas.
4. New land uses, including the creation of lots (as permitted by the policies of this Plan), and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
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.
6. The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network shall be maintained and enhanced.

Section 4 – General Policies for the Protected Countryside

Section 4.1 – Non-Agricultural Uses

Section 4.1.3 Developed Shoreline Area Policies

The developed shoreline areas of Lake Ontario, Lake Simcoe, Lake Scugog and other inland lakes contain substantial amounts of both seasonal and permanent residential development. The developed shoreline areas of lakes (including their littoral zones) are particularly important and sensitive because they include key natural heritage and hydrologic features and functions, benefits to water quality and quantity, cultural heritage resources, vital human services and recreational opportunities, including trail systems. Climate change is expected to be an important consideration in shoreline management given projected declines in Great Lakes water levels.

Policy 4.2.4.5 of the Growth Plan applies to developed shoreline areas within the Protected Countryside.

Please refer to **Schedule 1 – Greenbelt Area**

The proposed development complies with the policies laid out by the Greenbelt Plan by not having negative impact on the Agricultural System and the proposed use is an on-farm diversified use that is compatible with the existing use in the subject property. The proposed use only utilizes the rear



area of the private residence existing in the subject property which was previously not used for agricultural purposes. Hence, no amount of agricultural lands have been compromised due to the proposal. No permanent structures are being proposed on site to create negative impacts on the existing use and the nature of the use is compatible and complimentary to the existing use in the property.

D.4 NPCA – Planning and permitting Procedural Manual

The purpose of this application is to explain the planning and permitting application processes and provide guidance for the NPCA Policy Document implementation. Since the proposed development does not have any permanent structures being proposed on site or compromise the shoreline policies in a negative manner, this document does not apply for the proposed development.

Section 2.0

Regulatory Authority:

Section 28 of the Conservation Authorities Act empowers conservation authorities to prohibit, restrict, regulate or give permission for certain activities in and adjacent to watercourses, valleylands, wetlands, shorelines and other hazardous lands. In administering NPCA's Section 28 regulation (O. Reg. 155/06), NPCA is the approval authority for permits under this regulation. In NPCA's review of applications under the Planning Act, NPCA staff ensure that proponents and the provincial or municipal planning authorities area aware of the Section 28 regulation and requirements under the Conservation Authorities Act, and assist in the coordination of these applications to eliminate unnecessary delay, duplication, or conflict in the process.

Section 7.1.2

Works for Which No Permit Is Required

Activities may be undertaken without written permission provided that appropriate best management practices are implemented to control sediment and erosion, and provided there are no adverse impacts associated with the activity.

As long as these activities do not result in the straightening, changing, diversion or interference in any way with a watercourse, or interference in any way with a wetland, they are not subject to Ontario Regulation 155/06 and do not require written permission from NPCA.

The proposed development does not intend on proposing any permanent structures in the property and hence a building permit won't be required.

Appendix J – NPCA Shoreline Protection Works Submission Guidance and Checklist



D.5 Niagara Regional Official Plan

The Niagara Region's Official Plan (November 2022) was adopted by Regional Council in June 2022 and received the Ministry of Municipal Affairs and Housing approval in November 2022.

The new Plan includes expansions to the urban settlement boundaries, enhanced policies, and new mapping of the natural environmental system, updated mapping and more concise text revisions to the policies. Recently, the Province has rescinded the Region's planning authority as of April 1, 2025, With the Town requiring to be in compliance with both the Regional Official Plan and the Town's Official Plan.

The Plan is the framework used to guide land use and development in Niagara thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The economy, cultural heritage and community health have on growth. The Plan manages growth by identifying what needs protection; where and how to grow; and which policy tools need to guide growth.

The Niagara Regional Official Plan designated the site as **Specialty Crop Area (Schedule F)**.

Please refer Figure 10 for Official Plan Designation – Schedule F

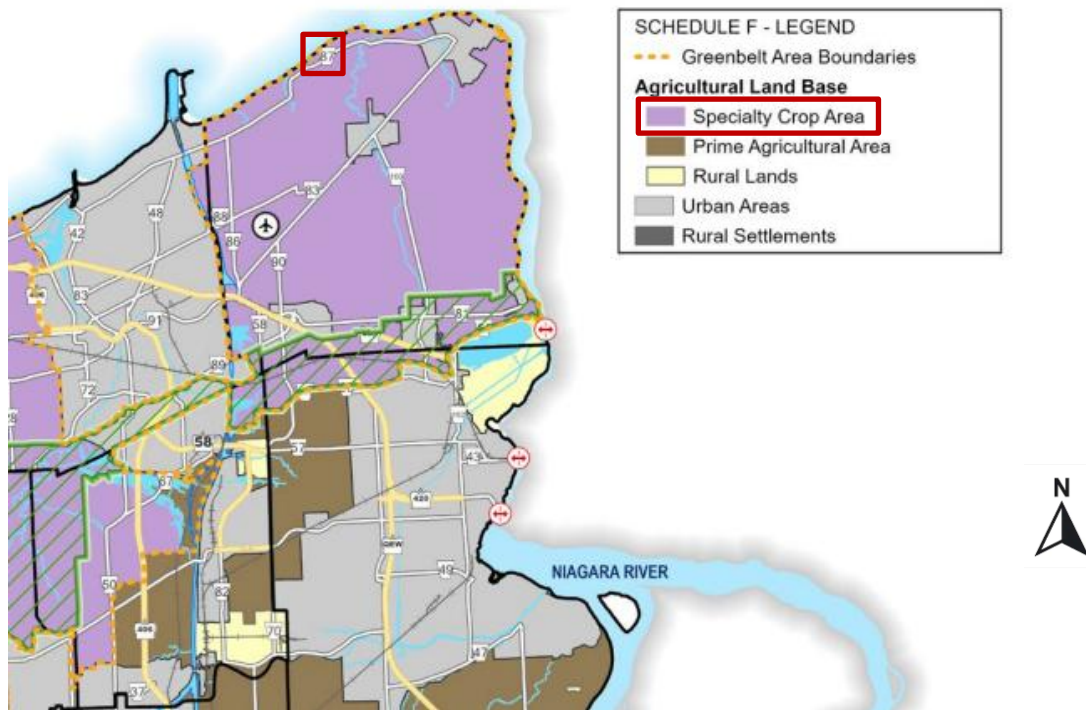


FIGURE 10: NIAGARA REGIONAL OFFICIAL PLAN DESIGNATION – SPECIALTY CROP AREA



4. Growing Region

4.1 Agricultural System of the NOP contains a structure for the agricultural land base and the *agri-food network* that enables the agri-food sector to thrive.

It identifies the agricultural system as being comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. Relevant objectives of this section include:

- a. facilitate a strong, diverse, and resilient agricultural economy;
- d. restrict and control non-agricultural uses to minimize potential conflicts

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

4.1.2.3 In *specialty crop areas* and *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected, and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted.

4.1.7.3 *Agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted in the following areas:

- a. *specialty crop areas*;
- b. *prime agricultural areas*; and
- c. *rural lands*.

4.1.7.4 Proposed *agriculture-related uses* and *on-farm diversified uses* shall be *compatible* with, and shall not hinder, surrounding agricultural operations.

4.1.7.5 *Agriculture-related uses* and *on-farm diversified uses* shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.

4.1.7.6 *On-farm diversified uses* shall be:

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

4.1.7.7 The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*.

4.1.7.10 Local Area Municipalities are encouraged to utilize site plan control to regulate the impact of *agriculture-related uses* and *on-farm diversified uses*, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping, and landscape protection.

The proposed development meets the requirements set by the Niagara Official Plan by not proposing settlement areas or removing topsoil in specialty crop areas and prime agricultural areas. The



proposed use is instead complimentary to the existing use and on-farm diversified uses are permitted ensuring agricultural operations are not disturbed on site.

D.6 Town of Niagara-on-the-Lake Official Plan

The Niagara-on-the-Lake Official Plan (2017 Consolidation) will shape growth and development in the Town and establish a vision for the present and future inhabitants of planning area. The Official Plan provides a general policy designed to support historic architecture within Niagara-on-the-Lake being one the Town’s biggest strengths.

The town also recognizes the importance of open areas as they greatly contribute to the atmosphere and ambience of urban areas and in many cases are a source of recreation for the residents of the municipality. strong, livable and healthy communities, protect the environment and public health safety, and facilitate economic growth.

The Town’s Official Plan designates the property as permitted for **Agricultural and Conservation** land use.

The goals and objectives of **Section 7.2** emphasizes on preserving the prime agricultural areas especially the specialty crop lands and permit limited amount of farm related development. The Town’s Official Plan encourages small scale industries and commercial uses supportive of agricultural operations to expand where appropriate while requiring new development or redevelopment not primarily related to agriculture is to locate in appropriately designated areas.

Schedule A further identifies the subject lands as within the Agriculture and Conservation Area.

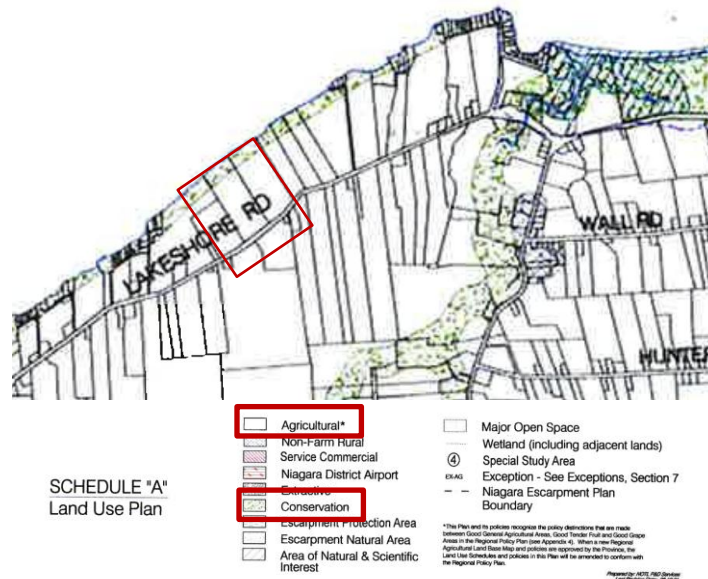


FIGURE 11: TOWN OF NIAGARA-ON-THE-LAKE LAND USE PLAN (SCHEDULE A)



Section 7.3 - Agriculture

Section 7.3.1 - Agriculture

Main uses include 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. Such uses should also be located so that their effect on surrounding prime agricultural land and viable farm operations is minimized.,
- retirement lots.

Section 16 - Conservation

The Conservation/Wetland designation applies to lands considered environmentally significant or where lands are considered unsuitable for buildings purposes and require special attention to avoid loss of life and property damage.

Within this designation are included Provincially Significant wetlands, flood prone and shoreline erosion areas, area of natural and scientific interest, woodlots and fish habitats.

The goals and objectives for the Conservation Area typically include: (Section 16.2)

- (1) To protect wetlands from incompatible activities.
- (2) To encourage the retention of woodlots and the reforestation of low capability farmland. (3) To protect areas of natural and scientific interest.
- (3) To control development within the 100-year erosion limit of Lake Ontario.
- (4) To petition the senior levels of government for physical and financial assistance in stabilizing the Lake Ontario shoreline.
- (5) To increase public access to the Niagara River and Lake Ontario and to prevent damage to the shoreline.
- (6) To delineate and regulate development on all lands having inherent physical environmental hazards such as flood susceptibility, poor drainage or other physical conditions which act as



a constraint to development in order to prevent loss of life and to minimize property damage and social disruption.

- (7) To preserve and enhance the amenities and natural resources offered by waterways, wetlands and natural areas in the Town.
- (8) To preserve and protect provincially significant wetlands in accordance with provincial policy statements.

Section 16.3.1 – Conservation

Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted:

Main Uses: Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission.

Secondary Uses:

Uses permitted with a Main Use: accessory buildings and structures subject to the approval of the authority having jurisdiction.

Uses permitted independent of a Main Use: - shoreline protection works - any agricultural use permitted in Section 7 of this Plan - yard space for any use permitted in an abutting designation - accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.

There is no proposed built form development within the conservation area.

Section 16.4 – General Conservation Policies

(1) The provision of protection works or the dumping of material along the Lake Ontario and Niagara River shorelines is prohibited without the prior written authorization of the Town and the Ministry of Natural Resources and Forestry, as per the provisions of the Shoreline Protection Act and the Lake and Rivers Improvement Act. Notwithstanding the provisions of this policy Shoreline Protection Works carried out in accordance with the requirements of the Shoreline Protection Act and the Lake and Rivers Improvement Act shall not require an amendment to this Plan.

(2) No buildings or structures, or addition thereto nor the placement or removal of fill material, shall be permitted within or adjacent to the Niagara River, Lake Ontario or any inland watercourse, and its associated valley system, without the prior written authorization of the Conservation Authority or the Ministry of Natural Resources and Forestry.

(3) No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material shall be permitted in any floodline or fill line as established by the



Niagara Peninsula Conservation Authority without written approval from the Conservation Authority. Flood lines along One and Eight Mile Creek are regulated to the 1:100 year storm flood level. Two and Four Mile Creeks are regulated to the Regional Storm Flood level.

(4) No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material shall be permitted within the 100 year erosion limit of Lake Ontario without the written approval of the Niagara Peninsula Conservation Authority.

(10) In interpreting the boundary of any conservation designation the following principals shall apply:

a) Where lands abut the Lake Ontario or the Niagara River the boundary of the conservation designation shall be the top of the bank adjacent to the Lake or river. On undeveloped land a minimum 15 metres (49.2 feet) natural buffer area shall be provided along the lake or river to protect fish habitat. Where development is anticipated or an addition to an existing building, variations to the natural buffer area may be considered, subject to the approval of the Town of Niagara-on-the-Lake in consultation with the Ministry of Natural Resources and Forestry and the Niagara Peninsula Conservation Authority. The Town where deemed necessary may also request within the buffer area a maintenance area (generally 8 metres (26.2 feet) wide).

(11) Within the 100 year erosion limit of Lake Ontario, as shown on Schedule "A" to this Plan any use permitted shall be subject to the approval of the Conservation Authority and will only be permitted if the erosion hazard has been adequately overcome by protective measures approved by the Ministry of Natural Resources and Forestry or to the satisfaction of the Niagara Peninsula Conservation Authority which may require shoreline protection works to be installed prior to development taking place.

The proposal will offer a value-added use that supports agri-tourism for the site that promotes the winery business making it a on-farm diversified use. The added use will maintain visual compatibility with the neighbourhood character.

The proposed use ensures that no agricultural crop area or conservation area is being compromised, as the area to be used is part of the manicured lawn in the vicinity of the residential dwelling. The proposed use has very minimal impact as it is intermittent in nature and will be used seasonally. Minimal amplified music will be used, as the primary interest in the on-farm diversified use is for wedding ceremonies. The area will not serve food or play sustained music for prolonged periods of time. Noise impacts are minimal as is the nature of wedding ceremonies, this will protect the privacy and enjoyment of the neighbour's properties.

Further, the events to be conducted will mainly occur during weekends and holidays for a few hours during the day, hence safety and neighborhood character is maintained. No permanent structures or paved areas are being proposed on site and the proposed use encourages local tourism and



helps local businesses. Sufficient parking available to accommodate guests. The proposed OFDU use occupies the 4.3% on the overall site.

The proposed use aligns with the area character through use and doesn't affect the existing streetscape presence as the use is located towards the rear side of the property towards the lake. As no permanent structures are proposed, the use will be consistent with the surrounding passive uses in the area and is complimentary to the existing use in the property. The proposed outdoor special events use will contribute to providing a broader range of employment opportunities and boost tourism while not overwhelming the adjacent dwellings. For these reasons stated above, the proposed use is considered to conform to the policies of the Town of Niagara-on-the-Lake's Official Plan.

D.7 Town of Niagara-on-the-Lake Zoning By-law

According to Schedule A – top half, of the Town's Zoning By-law 500A-74, the subject lands are zoned as **Rural (A) Zone** and has a **special exception of 21.A.42 - Konzelmann Zone**.

Figure 11 shows the location of the lands.

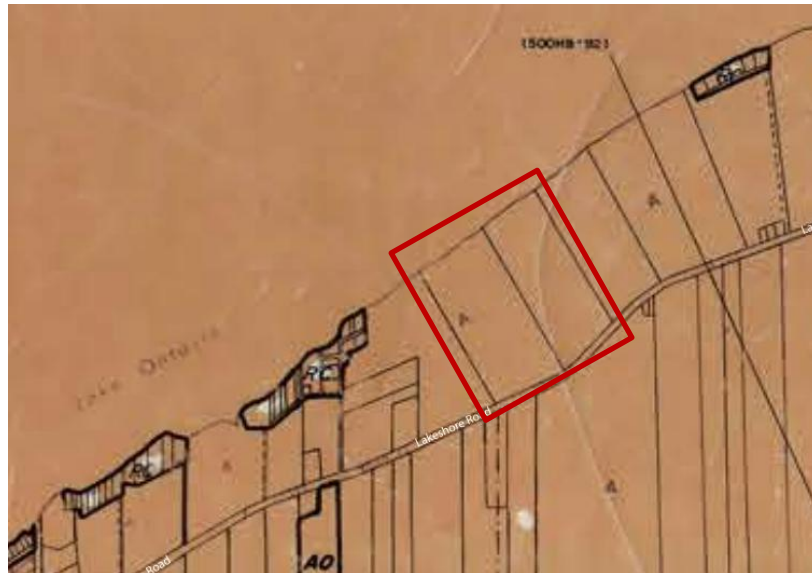


FIGURE 12: ZONING BY-LAW SCHEDULE A (500A-74)– NIAGARA-ON-THE-LAKE

Section 4 – Rural (A) Zone

The Rural (A) Zone is intended for a farm including accessory buildings, a nursery or commercial greenhouse, any use or enterprise, a home industry, a farm produce storage building, a seasonal home grown produce sales outlet, an animal hospital or kennel, a farm winery, a greenhouse building used for Marijuana for medical purposes facility. Additionally, one family dwelling, a small-scale tourist accommodation and a group home is permitted under the zoning. Residential Uses include a one (1) family dwelling, a small-scale tourist accommodation as defined in Section 2.73A (By-law 500LJ-97) and a group home as in Section 2.36B and 3.35 (By-law 500MT-99).



Section 21.A.42 – Special Exception – Konzelmann (21.A.42) Zone (Bylaw 500IR-94)

The zoning also includes a site exception 21.A.42 under the Konzelmann Zone which permits other secondary uses such as the

- a) retail sale of wine,
- b) a hospitality room
- c) an agricultural market
- d) The maximum total floor area for all secondary uses permitted herein shall be 636.89 sq.m with area for hospitality and retail sales not exceeding 202.032 sq.m and 295.460 sq.m respectively for which an amendment will be required to accommodate the proposed use.
- e) Off-street parking for all secondary uses shall be one (1) parking space for every 18.5 sq.m of floor area devoted to the secondary use.

Refer **Schedule A – Special Exception 42 – Konzelmann (21.A.42) Zone (Bylaw 500IR-94)**

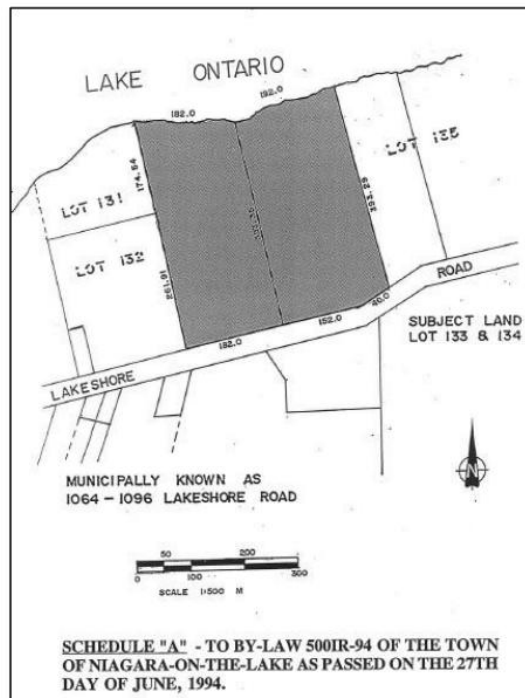


FIGURE 13: SCHEDULE A – SPECIAL EXCEPTION - BYLAW 500IR-94 – KONZELMANN (21.A.42) ZONE

Thus, the special exception does not permit use of the subject lands for an outdoor hospitality use. Hence, the application is seeking a zoning bylaw amendment to permit an on-farm diversified use for outdoor special events use.

The following table provides the zoning provisions for the Rural (A) zone and the requested amendments to facilitate the proposed outdoor hospitality use.



The proposed development complies with the zoning provisions except for the proposed use and minimum lot area that isn't included in the special exception 21.A.42. The proposed use is similar to previously permitted uses in the special exception as they do not hinder and complements the existing use.

TABLE 1 – SECTION 4 – RURAL (A) ZONE REGULATIONS

ZONE REGULATIONS	REQUIRED	PROPOSED
Minimum Unit Frontage	38.10 metres	46.69 metres
Minimum Lot Area	4.05 ha	1.5 hectares
Maximum Lot Coverage	15%	2.2%
Minimum Front Yard	15.24 metres	108.52 metres
Minimum Side Yard	3.05 metres	13.28 metres
Minimum Rear Yard	15.24 metres	120.59 metres
Maximum Building Height	10.67 metres	1 storey

TABLE 2 – SECTION 21.A.42 – RURAL (A) ZONE -SPECIAL EXCEPTION 42 -KONZELMANN (21.1.42) ZONE

Zone Regulations	Required	Proposed
Minimum Unit Frontage	45 metres	46.69 metres
Minimum Lot Area	8.0 ha	1.5 hectares
Maximum Lot Coverage	15%	2.2%
Minimum Front Yard	15 metres	108.52 metres
Minimum Side Yard	15 metres	13.28 metres
Minimum Rear Yard	15 metres	120.59 metres
Maximum Building Height	11 metres	1 storey
Off street parking	1 parking space per 18.5 sq.m GFLA. 1862 SQ.M = 100 Parking stalls	85 new parking stalls proposed with 74 existing parking stalls = 159 parking stalls



D.8 OMAFRA Guidelines - Publication 851

Section 2.3 – On-Farm Diversified Uses

The proposed on-farm diversified use is located on a farm, secondary to the principal agricultural use of the property and is limited in area based on the PPS Criteria for On-Farm Diversified Uses ([Section 2.3.1](#)). The area includes but is not limited to, home occupations, home industries, Agri-tourism uses and uses that produce value-added agricultural products and shall be compatible with and shall not hinder surrounding agricultural operations.

Based on guidelines set under on-farm diversified use, the following conditions have been met by the temporary use that is being proposed – Outdoor Hospitality use (temporary use) in Konzelmann Winery:

Section 2.3.1.2 – Temporary Uses – On-Farm Diversified Use (OFDU):

- Permanently displace little to no agricultural land within the limits discussed under the “limited in area” criterion.
- Do not require site grading or drainage.
- Wedding ceremonies and other events held infrequently when impacts to agriculture is minimal.
- Land used for a temporary use must be immediately returned to agriculture.
- Meets compatibility requirements like significant emergency, water and wastewater services and maintain reasonable noise and traffic levels in the area.
- A harvestable crop is produced on the land the year in which the temporary use is implemented.
- Impacts to the site itself and surrounding agricultural operations are mitigated like compaction, drainage, trespassing)

The proposed site plan includes the OFDU calculation in which the guidelines indicate that an overall of only 2% of the property should be used for On-Farm Diversified Use (OFDU). However, it is to be understood that this is a guideline and not a policy or by-law to strictly adhere upon the exact percentage. The current calculation adds up to 4.3% of the total lot area. Please refer to [Appendix B – Conceptual Site Plan](#).

Based on the compatibility considerations listed in the OMAFRA Publication 851 ([Section 2.3.1.5](#)) we believe that the percentage is still a justified amount of area for the subject property as it is the best use of area without disturbing the agricultural land but also support agri-tourism in the neighborhood.

Section 2.3.1.5 – Compatibility Considerations – OMFRA Publication 851

- does not hinder surrounding agricultural operations
- appropriate to available rural services and infrastructure
- maintains the agricultural/rural character of the area



- meets all applicable environmental standards
- cumulative impact of multiple uses in prime agricultural areas is limited and does not undermine the agricultural nature of the area

The large amount of area in the oversized lot is used for agricultural purposes and no permanent structures have been proposed on site. Given the nature of the events happening at specific days and time of the year, the agricultural character of the area is still maintained while maintaining environmental standards. No amount of agricultural land and its production has been compromised because of the proposed development, as the area is primarily used as the rear yard of the residential dwelling and is not in agricultural production. Hence, 4.3% OFDU area doesn't have a negative impact on the neighbourhood character or agricultural operations.

E. PROPOSED ZONING BYLAW AMENDMENT

Requested Zoning Bylaw Amendment:

The proposal offers an economic opportunity that aligns with the community vision while providing a complimentary use. As displayed in Table 1, the development will request two amendments to the existing Rural (A) Site specific 21.A.42 Konzelmann Zone.

21.A.42-xx

Added Permitted Use: On-farm diversified Use - Special Events – Outdoor Hospitality

1. Permitting the use of outdoor special event. Current zoning only allows indoor hospitality room.
2. Increase the maximum total floor area for all secondary uses permitted to be from 636.892 sq.m to 1100 sq.m.

Setbacks:

The proposed use does not overwhelm the lot, as they only offer a different use to the site with 108.52 metre front yard setback to the private residence that complies with zoning and is similar to adjacent dwellings. The rear yards offer 120.59m+ metres of depth, not interrupting with the conservation area and the proposed gallery area is located only on the erosion hazard setback. As mentioned earlier, since the ceremonies happen only for few hours during the day and no permanent structures are being proposed, there is no concern regarding the safety of the development and its users. Given that the privacy towards rear dwellings is achieved by the vegetated buffer that has been existing in the site already. The side yard setbacks offer 13.28 metres between dwellings and the adjacent lots exceeding the minimum requirement.

Nature of special events:

The Permitted Many of them choose to start their married life in a much simpler fashion in farm settings. Barns, farm or Ranches have been the most popular choice in recent days for wedding receptions. Based on a survey obtained from the best practices for on-farm diversified uses report (Page 96), planners indicate that only 32% of uses account for weddings or concerts in municipalities



compared to other OFDU uses. The intention for Konzelmann Winery has always been to provide an opportunity for family and friends to sit along and clink glasses and enjoy their big day in a serene and intimate set up.

The events are held during summer months (May to September). Konzelmann Winery will have about 25-30 of these events spread throughout the year. There isn't any plan to increase the number of events in the future. Most of the events are less than 50 people and run for 2 hours (wedding ceremonies).

The intent is to proceed further with a on-farm diversified use where the area dedicated to on-farm diversified use would be permitted for outdoor special events with remainder of the property remaining in an agricultural zone. The area zoned for on-farm diversified uses may be up to the recommended land area limit discussed in the guidelines.

F. PLANNING IMPACT ANALYSIS

Having regard to the potential impacts from the proposed development, the planning exercise of determining the appropriate scale and location of the proposed outdoor hospitality use considered the following:

- Offering a complimentary use that is compatible with the area character.
- Providing value-added and agri-tourism uses for the property and area.
- Maintaining appropriate setbacks and providing landscaped screening to limit the potential impacts towards adjacent uses.
- Providing a conscious and adapting use that makes more efficient use of the property.

F.1 Policy Conformance

In conformity with the Provincial Planning Statement, the subject lands are designated for agricultural use and will continue to be so.

The development will be connected to the community through the use of existing infrastructure. The proposed development represents an excellent opportunity for value-added uses and agri-tourism while protecting the agricultural lands and consistent with the policies of the PPS. This supports long term viability of the rural areas, local food production and the agri-food network.

In conformity with the Regional Official Plan policies, the proposed use will contribute towards achieving the offering of alternative complimentary use than what currently exists. The proposed use can be considered appropriate development given the nature of the use that adapts with the existing environment.

F.2 Compatibility with Adjacent Land Use

The subject property in whole has been compatible with the adjacent neighborhood giving a harmonious blend of uses in the neighborhood. The estate winery use is permitted, and the on-farm diversified use will compliment this. A balanced approach has been considered by keeping in mind the number of events that take place on site ensuring minimal disruption to neighbouring properties.



The proposed development is consistent with the adjacent neighborhood (Hinterbrook Estate winery) with an additional complimentary use such as ceremonies and other events falling under on-farm diversified use being conducted on site. Many wineries such as Ironwood Cider house, The Hare Wine Co. and Trius Winery and Restaurant have incorporated wedding events in their facilities.

While wedding ceremonies and other events falling under the on-farm diversified use are considered a new and different use from the existing use, the use can be considered to align with the community vision of enhancing the local tourism. The development will contribute to the local business and support services.

F.3 Traffic and Access

The proposed development will use the existing direct frontage and vehicular access along the public Lakeshore Road. Lakeshore Road is a regional road. Noise Impacts will to be negligible considering the private and quiet nature of wedding ceremonies. The existing lane way from the Lakeshore Road will be utilized by guests to access the area designated for ceremonies and as the events happen infrequently and during the day and the laneway will mostly be utilized by the vehicles used for agriculture. Pavement won't be required for the parking stalls.

F.4 Municipal Site Servicing

Water Supply:

Existing municipal watermain on Lakeshore Road.

Fire Fighting:

Refer to **Appendix B** – Conceptual Site Plan for truck turning plan.

Sewage System:

Based on the pre-consultation comments, the subject property has a existing sewage system on the property under the jurisdiction of the MECP and not the Region as it exceeds 10,000 litres per day. It was indicated that the MECP should be consulted to determine their requirements. The MECP has confirmed that they have no concerns if the consultants have justified that the current sewage system can handle the sewage flows associated with these events.

The Sewage system has never exceeded the capacity in the past and because Konzelmann winery isn't planning on expanding the number of events, there won't be an increase in sewage volume. Considering the fact that there has been more footprint on the site during the pre-pandemic period through bus tours and walk-in customers. As Konzelmann Winery now works on reservation/seated system for wine tastings a frequent monitoring system could be done to evaluate the volume of sewage to make sure that they are not exceed its treatment capacity. In case of a larger event, Konzelmann will also provide portable washrooms. Hence, the sewage capacity should be sufficient for the new guests using the services.



F.5 Garbage Waste Collection

The proposed development already has a garbage dumpster on site and is emptied weekly.

F.6 Natural Heritage and Environmental Considerations

The subject property lies within an area of **archaeological potential** on Schedule K of the Niagara Official Plan. Since the proposed use would not have new site disturbances on the subject lands there are no archaeological concerns, and an archaeological study won't be required by the Region.

The subject property also lies within the **Natural Environment System (NES)** consisting of the Lake Ontario Shoreline, which is considered a key Hydrologic feature (KHF) outside of settlement areas. Given that there are no site alterations, permanent buildings, concrete, gravel or retaining walls are being proposed within the line, an Environmental Impact Study (EIS) won't be required by the Region. Only temporary structures are proposed on site.

F.7 Noise and Lighting

Air:

The proposed location is along the lake side of the property. Air movement is expected to vary. However, the event will be organized in a way that they don't happen during severe weather conditions. There are no concerns with respect to effects on permanent structures as there isn't any being proposed on site.

Noise:

The events that will be organized are passive in nature (eg: wedding ceremonies, handmade art workshops etc.) Hence there is negligible noise impact on adjacent neighbours or even within the site. Should there be significant noise concerns we are certain that the existing vegetative buffer and the waves crashing along the shore should play an evident role in cancelling out the noise created by the guests.

Comparatively, if we were to use the Province's D-6 Compatibility guidelines as an example. A Class I industrial facility, such as: Electronics manufacturing and repair, Furniture repair and refinishing, Beverage bottling, Auto parts supply, Packaging and crafting services, Distribution of dairy products, Laundry and linen supply is recommended to have a minimum separate distance of 20 metres, with a 70-metre potential influence area. None the structures on the eastern neighbouring property are within the 20-metre separation distance, with primary residence being over 180 metres away and the accessory dwelling being over 75 metres away.

Additionally, there is a vegetated buffer that is 25m wide within the subject site along the property line along the side property line and 10m wide buffer in the adjacent property along the same property line. The only existing structures that are closer to the property line are the storage structures. They could act as a noise attenuation feature that help create privacy for residents in the adjacent neighbourhood.



Lighting:

There is no proposed lighting on site since the events occur only during the day. The parking will also only be utilized during the day. The proposed parking stalls is completely dedicated to guests attending the wedding ceremonies. Hence the stalls won't be used frequently. Therefore, our understanding is that no paving or lighting will be required unless there might be other concerns raised by the Town.

G. SUMMARY AND CONCLUSIONS

The proposed development represents an appropriate land use for the following reasons:

1. It conforms to the policies for intensification and the efficient use of land and existing infrastructure within the urban area, as well as policies for encouraging infill residential development that provides a complimentary use as contained in the Provincial Planning Statement, Niagara Region Official Plan, and the Town's Official Plan.
2. The proposed development is a secondary use on the property. It provides value-added uses and agri-tourism uses that complement the existing use in the subject property without compromising on agricultural lands.
3. The proposed development complies with the zoning provisions except for the permitted use(s) as no permanent structures are being proposed on site.
4. The proposed development can be operated with the help of existing services without exceeding the limit.
5. The nature of the proposed use blends with the existing nature of the development and the neighborhood.

The proposed development will implement the principles of urban design and represents good land use planning.

Prepared By:

A handwritten signature in black ink, appearing to read 'Zamima Khan', written over a horizontal line.

Zamima Khan, B.Arch, PURBN, PCPM
Intern Urban Planner

A handwritten signature in black ink, appearing to read 'Adam Moote', written over a horizontal line.

Adam Moote, B.A. (Hons.), MPlan, RPP, MCIP
Senior Consulting Planner



H. REFERENCES

1. Planning Act, R.S.O. 1990, c. P.13, Ministry of Municipal Affairs and Ministry of Housing
2. Provincial Policy Statement, Ministry of Municipal Affairs and Ministry of Housing (2024)
3. Greenbelt Plan 2017
4. NPCA Planning and Permitting Procedural Manual
5. Niagara Regional Official Plan 2022
6. Town of Niagara-on-the-Lake Official Plan
7. Town of Niagara-on-the-Lake Zoning By-law 500A-74
8. OMAFRA Guidelines – Publication 851



APPENDIX A – PRE-CONSULTATION AGREEMENT



APPENDIX B – CONCEPTUAL SITE PLAN



APPENDIX C DRAFT ZONING BY-LAW AMENDMENT

TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. _____

A By-law to amend By-law No. 500A-74 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the Town of Niagara-on-the-Lake.”

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

1. THAT Schedule A (500A-74), Zoning Maps, be amended by changing the zoning of the lands known municipally as 1096 Lakeshore Road as follows:
 - Site-specific Rural (A) Zone Special exception 21.A.42 – Konzelmann Zone
2. This By-law shall come into force and effect on the date of passing by Council, subject to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.


Read and passed this day _____ of _____ 2025.

CLERK

MAYOR



LEGEND

-  Subject Land - Change Rural (A) Zone to Site specific Rural (A) Zone – Special exception 21.A.42

Read and passed this day _____ of _____ 2025.

CLERK

MAYOR