

**Applications for Consent (Surplus Farm Dwelling Severance) and
Zoning By-law Amendment**

1931 Four Mile Creek Road – Lepp Farms

For: Lepp Farms Inc / 1174724 Ont. Inc

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Table of Contents

1.0	Introduction	3
2.0	Description of Subject Lands and Surrounding Area	3
2.1	Site Photos.....	4
3.0	Proposed Development	9
3.1	Proposed Consent and Zoning By-law Amendment	9
3.2	Farm Consolidation	10
3.3	Pre-Consultation	11
4.0	Planning Policies.....	11
4.1	<i>Planning Act</i>	11
4.2	Provincial Planning Statement (2024) (PPS)	14
4.3	Greenbelt Plan (2017).....	16
4.4	Niagara Official Plan (2022).....	17
4.5	Town of Niagara-on-the-Lake Official Plan (Town OP)	18
5.0	Proposed Zoning By-law Amendment.....	22
6.0	Conclusion.....	26
7.0	Appendices	27
	Appendix A – Consent Sketch	27
	Appendix B – Draft Zoning By-law and Schedule	29
	Appendix C – Greenbelt Plan.....	32
	Appendix D – Regional Official Plan Schedules.....	33
	Appendix E – Town of Niagara-on-the-Lake Official Plan Schedules	35
	Appendix F – Town of Niagara-on-the-Lake Zoning By-law.....	37

1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to George Lepp, “Owner” of 1174724 Ont. Inc and owner of 3.89 hectares of land in the Town of Niagara-on-the-Lake, municipally known as 1931 Four Mile Creek Road (Subject Lands). NPG has been retained to provide professional planning advice on the applications related to the severance of a surplus farm dwelling located at 1931 Four Mile Creek Road. To facilitate the severance, applications for Consent and Zoning By-law Amendment (ZBA) are required. The ZBA is proposed to rezone the retained lands to a Site-Specific Agricultural Purposes Only (APO-XX) Zone to prohibit new residential uses.

The Provincial Planning Statement (2024) prohibits the creation of new residential lots in Prime Agricultural Areas, except where it can be demonstrated that a farm dwelling has been made surplus by a farm consolidation. In this case, the farm consolidation involves the acquisition of the agricultural parcel in the Town of Niagara-on-the-Lake by George Lepp/1174724 Ont. Inc. operating as a single farming operation as will be discussed further in Section 3.0 of this Planning Justification Report (PJR).

This PJR evaluates the appropriateness of the Consent and Zoning By-law Amendment applications when assessed against policies in the Provincial Planning Statement (PPS), Greenbelt Plan, Niagara Official Plan (NOP), the Town of Niagara-on-the-Lake Official Plan (Town OP), and the Town of Niagara-on-the-Lake Zoning By-law (ZBL) No. 500A-74, as amended.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located in the Town of Niagara-on-the-Lake within the Agricultural Area immediately north east of the intersection of Four Mile Creek Road and East & West Line. The Subject Lands are predominantly used for agricultural purposes and are 3.89 hectares in size and irregularly shaped with approximately 349.35 metres of frontage on Four Mile Creek Road and approximately 57.09 metres of frontage on East & West Line. There is an existing dwelling and two accessory structures on the Subject Lands which have been deemed surplus to farming requirements, as such a new residential lot is proposed to be created (see Part 1 on Consent Sketch – **Appendix A**). A driveway access is provided from the dwelling and accessory structures to Four Mile Creek Road. There are no buildings or structures on the retained lands (Part 2).

The Subject Lands are designated Agricultural in the Town’s Official Plan and Zoning By-law 500A-74 zones the lands Rural (A). The Subject Lands are surrounded by existing Agricultural, Rural Residential, and Institutional uses (see **Figure 1** – Aerial Context).



Figure 1 - Aerial Context

North: Agricultural

East: Agricultural

South: Residential (Single-detached dwellings) and Agricultural

West: Residential (Single-detached dwellings), Agricultural, Institutional

2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit in January 2026. These photos show the existing buildings and structures on the Subject Lands and immediately surrounding properties, as well as their current use and general condition (See **Photos 1-9**).



Photo 1. View of the Subject Lands, looking east from the Four Mile Creek Frontage



Photo 2. View of the Subject Lands, looking northeast from the Four Mile Creek Frontage



Photo 3. View of Four Mile Creek Road, looking south from the Subject Lands



Photo 4. View of property located across from the Subject Lands, looking west on Four Mile Creek Road



Photo 5. View of Four Mile Creek Road, looking north from the Subject Lands



Photo 6. View of orchards located on the Subject Lands, south of dwelling, looking east from Four Mile Creek Road



Photo 7. View of intersection located south of the Subject Lands, looking east towards East & West Line from Four Mile Creek Road



Photo 8. View of intersection located south of the Subject Lands, looking south from Four Mile Creek Road



Photo 9. View of church located west of the Subject Lands, looking west from Four Mile Creek Road

3.0 Proposed Development

3.1 Proposed Consent and Zoning By-law Amendment

The proposed consent is to create a new residential lot for the existing detached dwelling at 1931 Four Mile Creek Road identified as Part 1 on the Consent Sketch (see Figure 2 below or **Appendix A**).

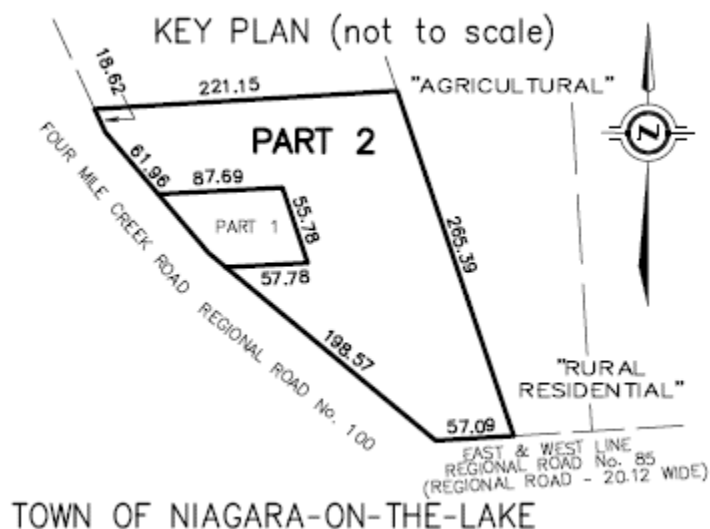


Figure 2. Consent Sketch Key Plan. Part 1 is proposed to be severed from the farming operation on Part 2

The severed lands (Part 1) contain the surplus farm dwelling, the existing accessory buildings, as well as the driveway. Part 1 is proposed to have an area of 3,984 m² (0.4

hectares or approximately 0.98 acres), lot frontage of 70.2 metres, and a lot depth of approximately 76 metres when measured from the midpoint of the front and rear lot lines.

The retained lands (Part 2) do not contain any buildings and are in agricultural production. No buildings are proposed for the retained lands. Part 2 is proposed to have an area of approximately 3.494 hectares, a combined lot frontage of approximately 279 metres along Four Mile Creek Road.

3.2 Farm Consolidation

The Subject Lands and detached dwelling are currently owned by George Lepp, in favour of 1174724 Ont. Inc (acquired March 2024). The farming operations on the Subject Lands is being consolidated with additional farms operated by George Lepp. Due to this consolidation, the dwelling located on the Subject Lands has been deemed surplus to the farming operation. All farming operations within proximity of the Subject Lands are identified on Figure 3 below.

A Surplus Farm Dwelling information sheet has also been included as part of this submission.

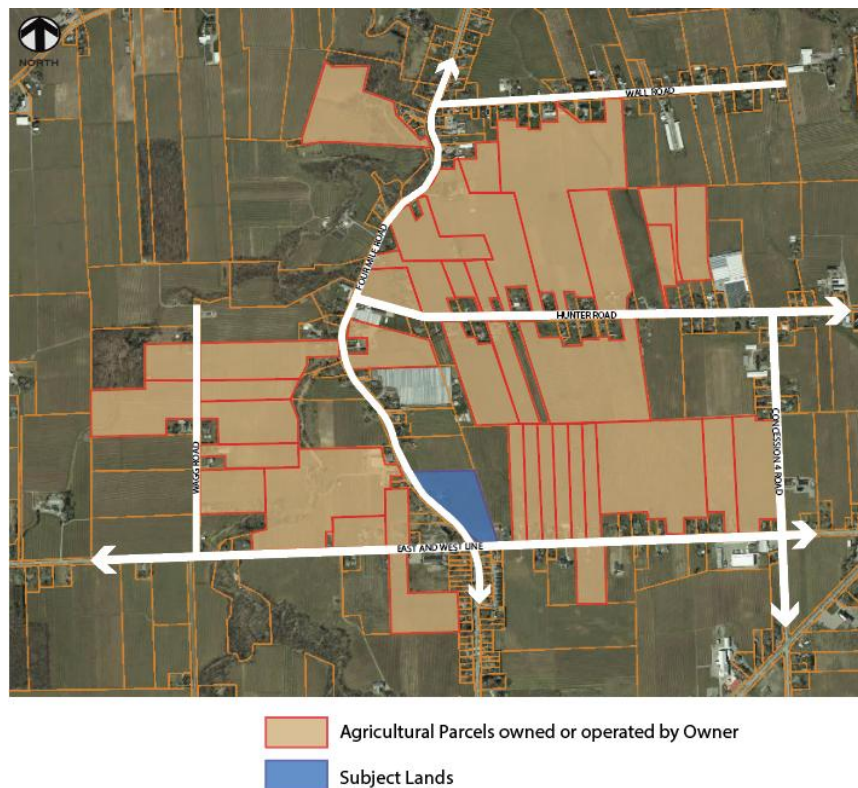


Figure 3. Farm Operation and Consolidation Map.

3.3 Pre-Consultation

In lieu of a preconsultation meeting, NPG Planning Solutions reached out to the Town to confirm the following submission requirements and identified the following requirements for a complete application submission:

1. Planning Justification Brief
2. Draft ZBA
3. Consent Sketch
4. Parcel Register
5. Farm Surplus Dwelling Information Form

Town Staff provided no objection to the following materials being included as part of the submission.

4.0 Planning Policies

4.1 Planning Act

The *Planning Act*, R.S.O. 1990, C.P.13, is the provincial legislation that sets out the basis for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.”

Section 2

Section 2 of the *Planning Act* outlines the matters of provincial interest that the Council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following provides a summary of the provincial interests, along with an analysis as it relates to the Proposed Consent and the Zoning By-law Amendment Application:

Table 1 – Analysis of Section 2 of Planning Act

Section	Provincial Interest	Analysis
a)	the protection of ecological systems, including natural areas, features and functions	The proposed consent is located outside of ecological systems and natural areas.
b)	the protection of the agricultural resources of the Province	The proposed consent will ensure the retained lands will remain in agricultural production in perpetuity.
c)	the conservation and management of natural resources and the mineral resource base	The Subject Lands do not contain any natural resources or mineral resources.

Section	Provincial Interest	Analysis
d)	the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	There are no known significant features on the Site.
i)	the adequate provision and distribution of educational, health, social, cultural and recreational facilities	These facilities are available within the Town's Urban Areas which are in proximity to the Subject Lands.
m)	the co-ordination of planning activities of public bodies	This will be addressed through the circulation of the planning applications to applicable public bodies.

ANALYSIS

In summary, it is our opinion that the proposed consent and the implementing Zoning By-law Amendment Application has regard for matters of public interest as stipulated in Section 2 of the *Planning Act*.

Section 51

Section 53(12) of the *Planning Act* provides that Council (or the Committee of Adjustment as its delegate) in determining whether provisional consent is to be given shall have regard to the matters under Section 51(24) in the *Planning Act*. The table below assesses the criteria outlined in Section 51(24) in relation to the proposed consent application.

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

Criteria	Proposed Consent
(a) <i>the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	The proposed consent has regard for matters of provincial interest provided in Section 2 of the <i>Planning Act</i> . Specifically, the proposed consent ensures the protection of agricultural resources of the Province.
(b) <i>whether the proposed subdivision is premature or in the public interest;</i>	The proposed consent will create a new residential lot to accommodate an existing detached dwelling rendered surplus from a farm operation due to consolidation. This is

Criteria	Proposed Consent
	in the public interest and will not result in development that is premature.
<i>(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposed consent achieves the purpose and intent of the NOP and Town OP policies for surplus farm dwelling severances. The proposed features full municipal services.
<i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i>	The residential lot proposed is occupied by an existing detached residential dwelling and accessory structures. The severed lands are suitable for the residential use in terms of topography and lot dimensions. The lot has driveway access to Four Mile Creek Road, a Town road that is open year round.
<i>(e) 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>	Both the severed and retained lands will have appropriate frontage along a public road to provide safe access to them.
<i>(f) the dimensions and shapes of the proposed lots;</i>	The dimensions of the proposed lot are generally rectangular with the exception of the frontage due to the curvature of the road and are consistent with the size and dimensions of other rural residential lots in the area in terms of lot area, frontage, and depth.
<i>(g) 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>	The retained lands will be rezoned for Agricultural Purposes Only (APO) to prohibit the construction of new residential dwellings. It is anticipated that the APO zoning will be a condition of the consent for the residential dwelling.
<i>(h) conservation of natural resources and flood control;</i>	There are no natural resources on site or flood control issues related to the proposed development.

Criteria	Proposed Consent
(i) <i>the adequacy of utilities and municipal services;</i>	The severed lands will continue to be adequately serviced. The retained lands will not have any buildings or structures and thus do not need servicing.
(j) <i>the adequacy of school sites;</i>	The proposed consent will create a new residential lot consisting of an existing farm dwelling. The proposed development will not impact the adequacy of school sites and is provided for by existing school sites and facilities 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 conveyance of land is required for highway 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 proposed consent will create a new residential lot for an existing detached residential dwelling and will not impact the available supply, means of supplying, or efficient use and conservation of energy.
(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>	This is not applicable to the proposed consent as the lands are not subject to Site Plan Control.

CONCLUSION

All of the relevant matters contained within Section 51(24) of the *Planning Act*, have been considered throughout this PJR and the proposed consent. On that basis, the proposed surplus farming dwelling severance complies with Section 51(24) of the *Planning Act*.

4.2 Provincial Planning Statement (2024) (PPS)

The PPS provides the policy foundation for land use in Ontario. The PPS requires that proposals are consistent with the PPS, make efficient use of land and services, protect agricultural land, and supports opportunities for long-term economic prosperity.

4.2.1 Agricultural Policies

The Subject Lands are within the Prime Agricultural Area, and, more specifically, a Specialty Crop Area based on the policies and definitions in the PPS.

The PPS provides the following policy direction with respect to Lot Creation in Prime Agricultural Areas:

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.

4.3.2.1 In prime agricultural area, permitted uses and activities area: agricultural uses, agricultural-related uses and on-farm diversified uses based on provincial guidance...

4.3.2.2 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.

4.3.2.3 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.

4.3.3.1 Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:

c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and

4.3.3.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 4.3.3.1.c).

ANALYSIS

As discussed in Section 1.0 and 3.0, the existing detached dwelling on the Subject Lands has been deemed surplus to the farming operation of the applicant due to a farm consolidation. Part 1, the residential lot proposed, is large enough to accommodate the surplus farm dwelling and appropriate servicing in accordance with Policy 4.3.3.1(c).

The proposed Zoning By-law Amendment will prohibit the creation of a dwelling on the retained lands which will be the agricultural parcel.

There are no known livestock facilities or anaerobic digesters in the vicinity of the Subject Lands. On that basis, the proposed lot complies with the Minimum Separation Distance Formula.

4.3 Greenbelt Plan (2017)

The Greenbelt Plan addresses the significance of Southern Ontario's farmland and introduces guiding principles to protect agriculture in the region. The policies of the Greenbelt Plan encourage diversity within the agriculture sector to enhance economic opportunities. The Subject Lands are within the Protected Countryside – Niagara Tender Fruit and Grape on Schedule 2 of the Greenbelt Plan (see **Appendix C**).

4.3.1 Lot Creation

Section 4.6 of the Greenbelt Plan provides policy direction for lot creation in the Protected Countryside:

POLICY

4.6 (1) *Lot creation is discouraged and may only be permitted for:*

- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.**

The Greenbelt Plan defines *existing use* as follows:

- a) uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or*
- b) for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established.*

ANALYSIS

According to the Greenbelt Plan, creation of a new residential lot is permitted for a farm dwelling that existed prior to December 16, 2004 and subsequently deemed to be surplus to a farming operation due to a farm consolidation. The dwelling on Part 1 (severed lands) can be seen on Niagara Navigator aerial imagery dating back to at least 1965, establishing it meets the Greenbelt Plan's definition for existing use which requires a legally established use prior to December 16, 2004.

The new residential lot to be created for the surplus farm dwelling is approximately 0.4 hectares in size, which is the minimum size preferred by Niagara Region to accommodate the use.

To satisfy Policy 4.6 (1) f) ii) it is proposed that Agricultural Purpose Only zoning be applied to Part 2 of the Subject Lands to ensure their protection for longer term agricultural use. The application for the Zoning by-law Amendment is submitted concurrently with the consent application.

4.4 Niagara Official Plan (2022)

The NOP is the long-term, strategic policy planning framework for managing growth in Niagara Region. The NOP identifies what needs to be protected, how and where growth should occur, and the policy tools needed to manage forecast growth and development. The Niagara Region lost its planning authority on March 31, 2025; however, the Regional Official Plan policies will still be applicable for development applications.

4.4.1 Policies for Lot Creation in Specialty Crop Areas

The Subject Lands are within the Greenbelt Plan Area as identified on Schedule "A" (Local Municipalities) and Specialty Crop as identified on Schedule "F" (Agricultural Land Base). The Niagara Official Plan includes policies for the agricultural land for which the following policies apply.

POLICY

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;*
- b) the consent is for a residence surplus to a farming operation as outlined in Policy 4.1.5.2.*

4.1.5.2 The severance of a residence surplus to a farming operation may be permitted under the following circumstances:

- a) the proposed lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;*
- b) 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 private sewage disposal system as determined by Provincial and Regional requirements to a maximum of 1 hectare;*
 - i. proposals that exceed 1 hectare may be considered subject to an amendment to this plan;*

c) to reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.

7.2.1.6 *Minor variations in numbers written in the Plan may be permitted by Regional Council without an amendment to the Plan provided the intent and objectives of the Plan are achieved while meeting Provincial policies and standards.*

ANALYSIS

For surplus farm dwelling severances, the policies of the NOP build upon those of the PPS and Greenbelt Plan. The proposed consent meets the area requirements of Policy 4.1.5.2 a) and is described Section 4.3 of this report. The existing dwelling is habitable and has existed on the Subject Lands since at least 1965.

The proposed lot area for the residential lot is approximately 0.4 hectares in size, consistent with the lot area requirement specified in Policy 4.1.5.2 b). The proposed lot area meets the general intent and purpose of the NOP as the proposed lot is connected to municipal water and sewage services.

To reduce fragmentation of the agricultural land base, Part 2 (retained lands) are proposed to be rezoned to an Agricultural Purposes Only (APO) Zone to prohibit its use for residential purposes.

More broadly, the proposed consent meets NOP direction to protect lands in Specialty Crop Areas for long-term use for agriculture. The proposed lot will not result in lands being taken out of agricultural production.

4.5 Town of Niagara-on-the-Lake Official Plan (Town OP)

The Town OP is to guide Niagara-on-the-Lake's physical development through policy direction. Agriculture contributes to Niagara-on-the-Lake in terms of the landscape of the community and the economy of the community. The Town OP seeks to protect this unique aspect of Niagara-on-the-Lake to ensure appropriate agricultural activities are located on lands outside of its urban area boundaries.

4.5.1 General Development Policies

Section 6 of the Town OP provides policies relating to general development within the Town, including the following which applies to the proposed consent:

POLICY

6.17 *Lot Size: 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

As noted, the proposed rezoning of the retained lands (Part 2) to an Agricultural Purposes Only (APO) Zone will protect these lands for long-term use for agriculture by prohibiting new residential uses.

The proposed lots generally meet the minimum zoning requirements in Schedule F of the Town's Zoning By-law. Any deviations from the minimum zoning requirements are discussed in Section 5.0 below.

4.5.2 Agriculture

Section 7 of the Town OP provides policy direction specific to the agricultural area. The following policies apply to the proposal:

OBJECTIVES

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

POLICY

- 7.4.4 e) *Consents may be granted for a residence surplus to a farming operation as a result of a "farm consolidation" (refer to Greenbelt Plan for definition) where the dwelling existed prior to December 16, 2004 provided that:*
 - (i) *The zoning prohibits in perpetuity any new residential use on the retained parcel of farmland created by the severance, and that the zoning ensures the parcel will continue to be used for agricultural purposes;*
 - (ii) *The size of any new lot does not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Ministry of the Environment and Climate Change, Ministry of Municipal Affairs, or persons appointed on behalf;*
 - (iii) *The farms are both located within the Town of Niagara-on-the-Lake;*
 - (iv) *The new lot is located to minimize the impact on the remaining farm operation; and*

(v) *The new lot complies with the Minimum Distance Separation Formula I.*

ANALYSIS

The proposed consent is for a surplus farm dwelling arising from the consolidation of farm operations with various properties in Niagara-on-the-Lake. The proposed consents achieve all of the above criteria within Policy 7.4.4. e), as follows:

Criteria (i): The retained parcel (Part 2) is proposed to be rezoned to Agricultural Purposes Only (APO) to prohibit a future residential use.

Criteria (ii): The proposed consent is consistent with the area requirement of 0.4 ha (1 acre).

Criteria (iii): Please see the description of the Farm Consolidation earlier in this report – all farms are located in Niagara-on-the-Lake.

Criteria (iv): The new lot provide sufficient separation from farming activities which will occur on the retained parcel, no negative impacts are anticipated.

Criteria (v): There are no known MDS I facilities in the vicinity of the Subject Lands.

Based on the foregoing, the proposed consent and Zoning By-law Amendment conform to the Town OP agricultural policies.

4.5.3 General Consent Policy

The policies under this section apply to the Subject Lands with respect to identifying general matters which will be considered through consent application. The policies which follow apply in addition to the previous policies outlined in Section 4.4.1 of this report.

POLICY

21.2.3 *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.*

21.2.4 *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...*

21.2.9 *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.*

ANALYSIS

The severed lands contain one farm dwelling that is connected to municipal water and sewage services. The proposal meets the remaining policies, as the severed lot fronts on an existing public road that is maintained year-round. Finally, as noted above, the new lot avoids the creation of irregular boundaries that would present a challenge to farming operations on the retained lands or surrounding properties.

Section 21 of the Town OP speaks to general consent policies that apply in addition to the consent policies of the Agricultural designation. The following table is the list of requirements and analysis of the proposed consent against these policy requirements.

Table 2 – Niagara-on-the-Lake Official Plan, Section 21.2 Consent Policy Review

Policy	Proposed Development
<p>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></p>	<p>The proposed development ensures the preservation of prime agricultural land as the retained parcel will be rezoned to Agricultural Purposes Only (APO).</p>
<p>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>	<p>The severed (residential) parcel contains adequate servicing and the new lot lines do not render any aspects unsatisfactory.</p> <p>There are no buildings on the retained (agricultural) parcel so there is no need for servicing.</p>
<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...</i></p>	<p>Both parcels will retain frontage on public roads of a reasonable standard of construction.</p>
<p>5. <i>Consents should have the effect of infilling in existing urbanized areas and not of extending the urban area.</i></p>	<p>The proposed development does not extend the urban area. The proposed development represents a surplus farm dwelling severance.</p>
<p>6. <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: a) The lot area and</i></p>	<p>The severed (residential) lot proposed conforms to the lot area and frontage requirements</p>

Policy	Proposed Development
<p><i>frontage should not be less than the requirements for the relevant classification in the implementing by-law. 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. c) Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law.</i></p>	<p>within the Rural A Zone for residential parcels.</p>
<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 be created because of limited sight lines on curves or grades.</i></p>	<p>No new accesses are proposed and no traffic hazards are anticipated.</p>
<p>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></p>	<p>The proposed development considers the standard lot size and frontage for residential parcels. The new lot lines do not create irregular boundaries and will not negatively impact the farming operations.</p>
<p>10. <i>Where a minor variance is required, it shall be made a condition of the consent.</i></p>	<p>Zoning variances are reflected in the Draft Zoning By-law attached to this PJR. Approval of the Zoning By-law Amendment will be a condition of consent.</p>

CONCLUSION

Based on the foregoing, the proposed consent conforms to the Town OP.

5.0 Proposed Zoning By-law Amendment

The Subject Lands are currently zoned Rural in the Town's ZBL No. 500A-74. The current zoning of the Subject Lands permits a single-detached dwelling and accessory buildings. After the provisional consent is granted to create a new lot for the surplus farm dwelling, a Zoning-By-law Amendment will need to be approved to rezone the retained lands to a Site-Specific Agricultural Purposes Only (APO-XX) Zone to ensure the long-term

protection of the lands for agricultural purposes. This can be facilitated by a condition of consent.

The following table assesses Part 1 (severed lot) against the requirements for residential lots created by consent in a Rural (A) Zone listed in Schedule F of the Town's ZBL.

Table 3 – Compliance with Zoning By-law No. 500A-74, Section 4 Rural (A) Residential - (lots created by consent) Zone

No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
4.1(b)	Permitted Uses	A one (1) family dwelling	As existing – no new residential dwellings	Yes
4.2	Zone Requirements	<ul style="list-style-type: none"> No person shall within the Rural (A) Zone use any lot or erect, alter or use any building or structure except in accordance with Schedule "F" - Zone Requirements Table as applicable to the Rural (A) Zone. 	As Existing (Single Detached Dwelling)	Yes
Schedule F – Rural (A) Zone (b) Residential (lots created by consent)	Minimum Frontage	60.96 m	70.2 m	Yes
	Minimum Area	3,716 m ²	3,984 m ²	Yes
	Minimum Lot Depth	60.96 m	~76 m from midpoint of front and rear lot lines	Yes
	Maximum Lot Coverage	15%	8.7%	Yes
	Minimum Front Yard	15.24 m	>15.24 m	Yes
	Minimum Interior Side Yard	3.05 m	3.86 m (storage building)	Yes
	Minimum Rear Yard	15.24 m	>15.24	Yes
	Minimum Dwelling Floor	92.90 m ²	77.4 m ²	No

No.	REGULATION	REQUIRED (metres ⁽²⁾)	PROPOSED (metres ⁽²⁾)	COMPLIANCE
	Area (one storey)			
	Maximum Building Height	10.67 m	< 10.67 m	Yes
	Accessory Building Yards	3.05 m	3.56m (storage building)	Yes

The following table assesses Part 2 (retained lot) against the policies of the Agricultural Purposes Only (APO) Zone and Rural (A) Zone listed in Schedule F of the Town's ZBL.

Table 4 – Compliance with Zoning By-law No. 500A-74, Section 4B Agricultural Purposes Only

No.	REGULATION	REQUIRED (metres ⁽²⁾)	PROPOSED (metres ⁽²⁾)	COMPLIANCE
4.B.1	Uses Permitted	<ul style="list-style-type: none"> a farm including accessory building but not a house, providing that in the event the structures or the land is to be used for the purpose of a Specialized Farm Use as defined in Section 2.32 of this By-law, that a Certificate of Compliance shall have been obtained from the Ministry of the Environment and the 	No structures	Yes

No.	REGULATION	REQUIRED (metres ⁽²⁾)	PROPOSED (metres ⁽²⁾)	COMPLIANCE
		Ministry of Agriculture and Food; <ul style="list-style-type: none"> any use customarily carried on in the field of agriculture subject to the foregoing; a farm produce storage building 		
Schedule F – Rural (A) Zone (a) Rural	Minimum Frontage	As Existing	279.15 m	No
	Minimum Area	As Existing	3.494 ha	No
	Minimum Lot Depth	As Existing	221.15 m	No
	Minimum Front Yard	15.24 m	N/A	N/A
	Minimum Interior Side Yard	3.05 m	N/A	N/A
	Minimum Exterior Side Yard	9.14 m	N/A	N/A
	Minimum Rear Yard	15.24 m	N/A	N/A
	Minimum Dwelling Floor Area	92.90 m ²	N/A	N/A
	Maximum Building Height	10.67 m	N/A	N/A

RESIDENTIAL (SEVERED) LOT RELIEF

MINIMUM DWELLING FLOOR AREA

The existing dwelling features a floor area of 77.4 square metres, slightly deficient the 92.90 square metres required within the Zoning By-law. As this deficiency is existing no land use compatibility conflicts are anticipated.

AGRICULTURAL (RETAINED) LOT RELIEF

MINIMUM FRONTAGE, LOT AREA, DEPTH

Zoning relief related to the agricultural lot is being sought as it reflects a departure from existing conditions. The frontage, lot area, and depth proposed are all suitable for agricultural use and will not result in any negative impacts.

Part 1 and Part 2 of the proposal conform with the remaining provisions of the Zoning By-law. A Draft Zoning By-law has been prepared and can be found in Appendix B to this report.

6.0 Conclusion

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

- The proposed consent and ZBA ensures long-term protection of lands in the Niagara Region's Specialty Crop Area for agriculture.
- The proposed consent has regard for matters of provincial interest and the criteria provided in Section 51(24) of the *Planning Act*, is consistent with the PPS and conforms to the Greenbelt Plan;
- The proposed consent conforms to the general intent and purpose of the NOP;
- The proposed consent and ZBA conform to the Town OP;

Report prepared by:



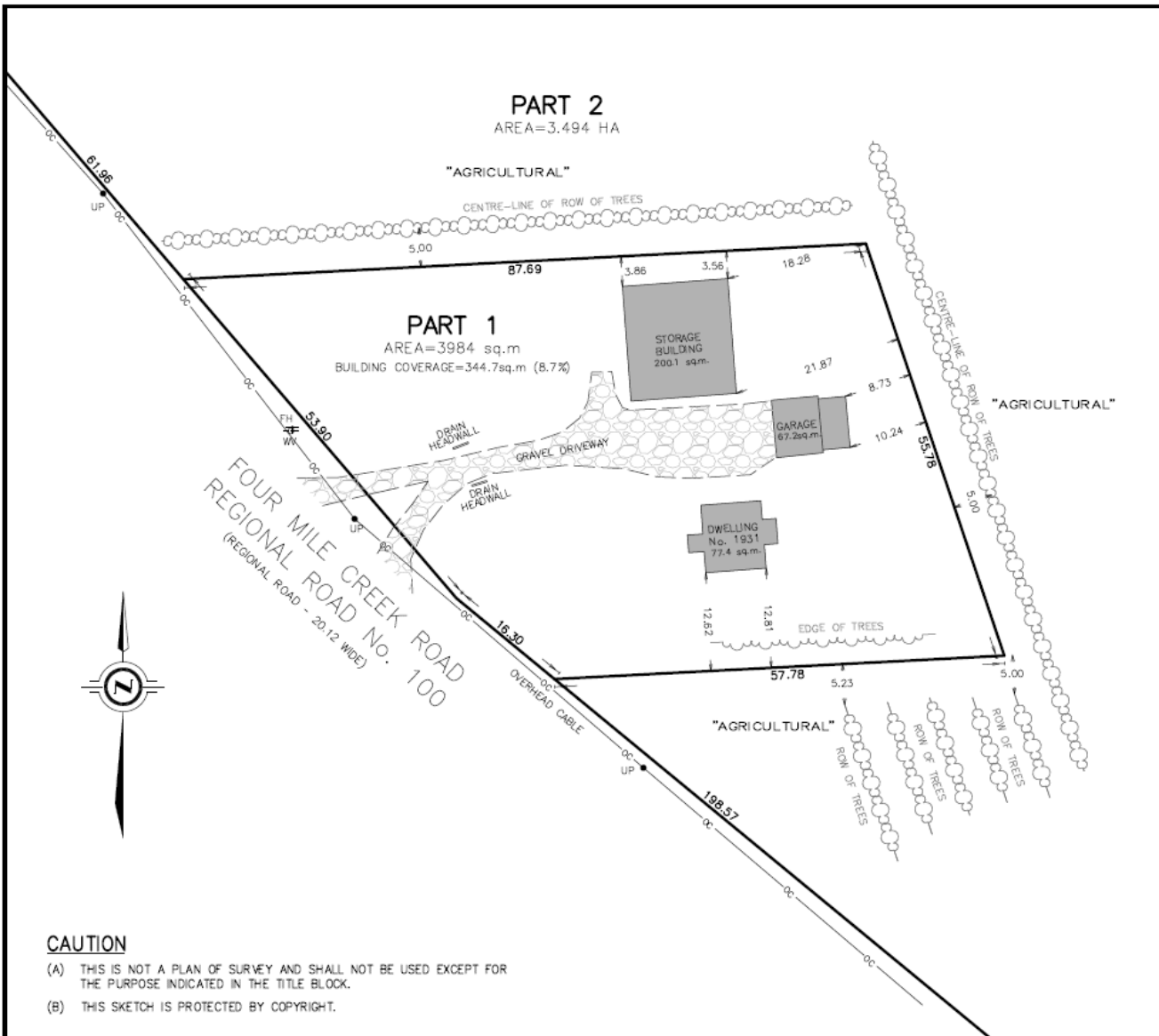
Samuel Durham
Student Planner
NPG Planning Solutions Inc.



Max Fedchyshak, MCIP, RPP
Senior Planner & Partner
NPG Planning Solutions Inc.

7.0 Appendices

Appendix A – Consent Sketch



CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

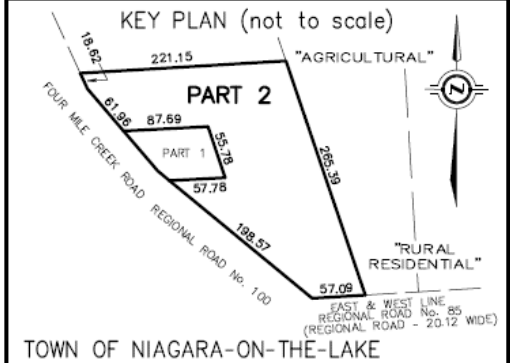
1931 FOUR MILE CREEK ROAD
TOWN OF NIAGARA-ON-THE-LAKE
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 500



J.D. BARNES LIMITED
 © COPYRIGHT 2026

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGAL DESCRIPTION

PART OF LOT 5, TOWNSHIP PLAN 167

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

JANUARY 9, 2026
 DATE

RSK
 ROY S. RYKUP
 ONTARIO LAND SURVEYOR



J.D. BARNES
 LIMITED
 LAND INFORMATION SPECIALISTS
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6M4
 T: (905) 338-3699 F: (905) 338-6224 www.jdbarnes.com

TW	DRIFT
RSK	CHECKED
Ref. No. 25-16-186-00	

PLOT DATE: 1/12/2026 1:50 PM

FILE: G:\PROJECTS\25-16-186\00 - 25-16-186\Drawing\25-16-186-00_LDC.dwg

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

1931 Four Mile Creek Road
Roll 262702000916500

A BY-LAW TO AMEND BY-LAW NO. 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:

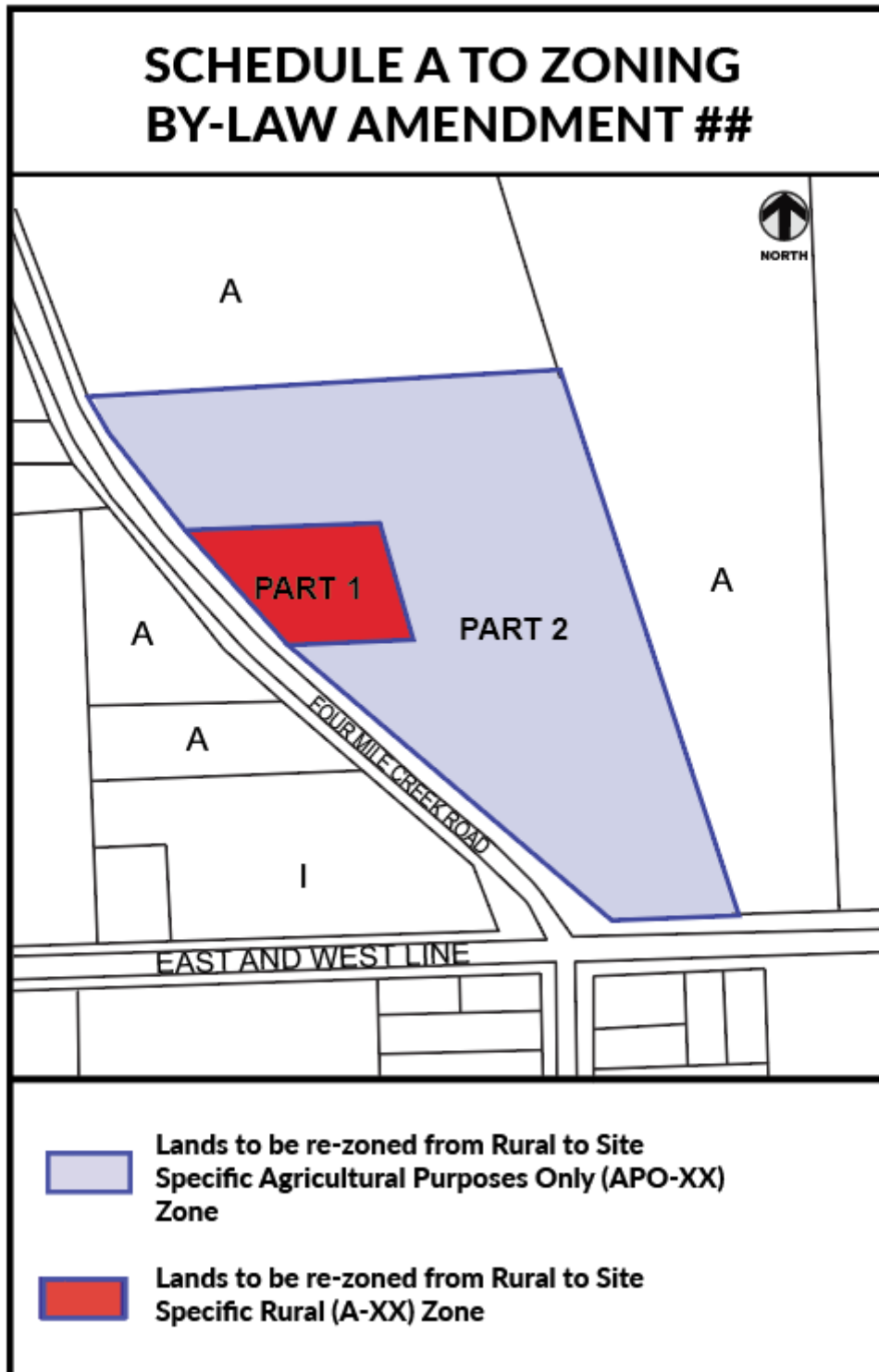
1. That Schedule 'A' is attached to and forms part of this By-law.
2. That Schedule 'A' of By-law 500A-74, as amended, is further amended by changing the zoning of Part 2 identified on Map 'A' (attached to and forming part of this By-law from "Rural (A) Zone" to Agricultural Purposes Only (APO-##) Site Specific Zone.

3. In lieu of the corresponding provisions of Schedule F to Zoning By-law 500A-74 as amended, the following provisions shall apply on the Subject Lands as shown as Part 2 (Rural A-XX Site Specific Zone) on Map 'A' attached hereto:
 - a. Minimum Dwelling Floor Area: 77.4 m² or as existing, whichever is greater
4. In lieu of the corresponding provisions of Schedule F to Zoning By-law 500A-74 as amended, the following provisions shall apply on the Subject Lands as shown as Part 2 (Agricultural Purposes Only APO-XX Site Specific Zone) on Map 'A' attached hereto:
 - a) Minimum Frontage: 275 metres combined along Four Mile Creek Road frontage
 - b) Minimum Area: 3.4 hectares
 - c) Minimum Lot Depth: 55 metres as measured along East West Line frontage
5. 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 _____, 2026.

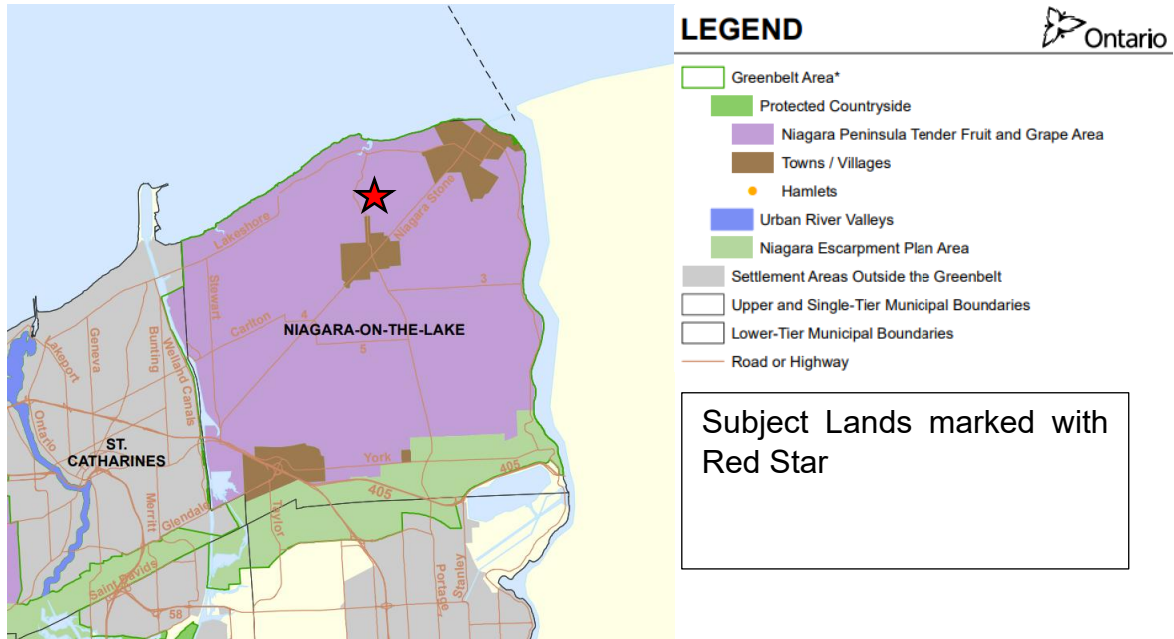
LORD MAYOR
GARY ZALEPA

TOWN CLERK
SHAUNNA ARENBURG



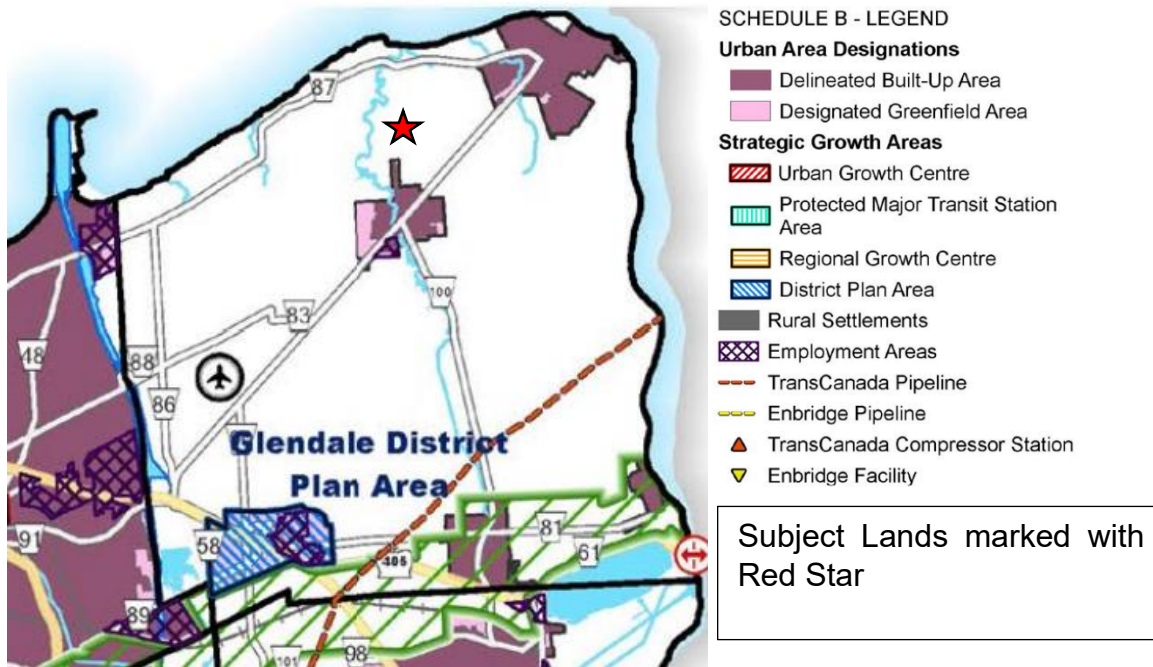
Appendix C – Greenbelt Plan

SCHEDULE 2 – Niagara Peninsula Tender Fruit and Grape Area: **Niagara Peninsula Tender Fruit and Grape Area**

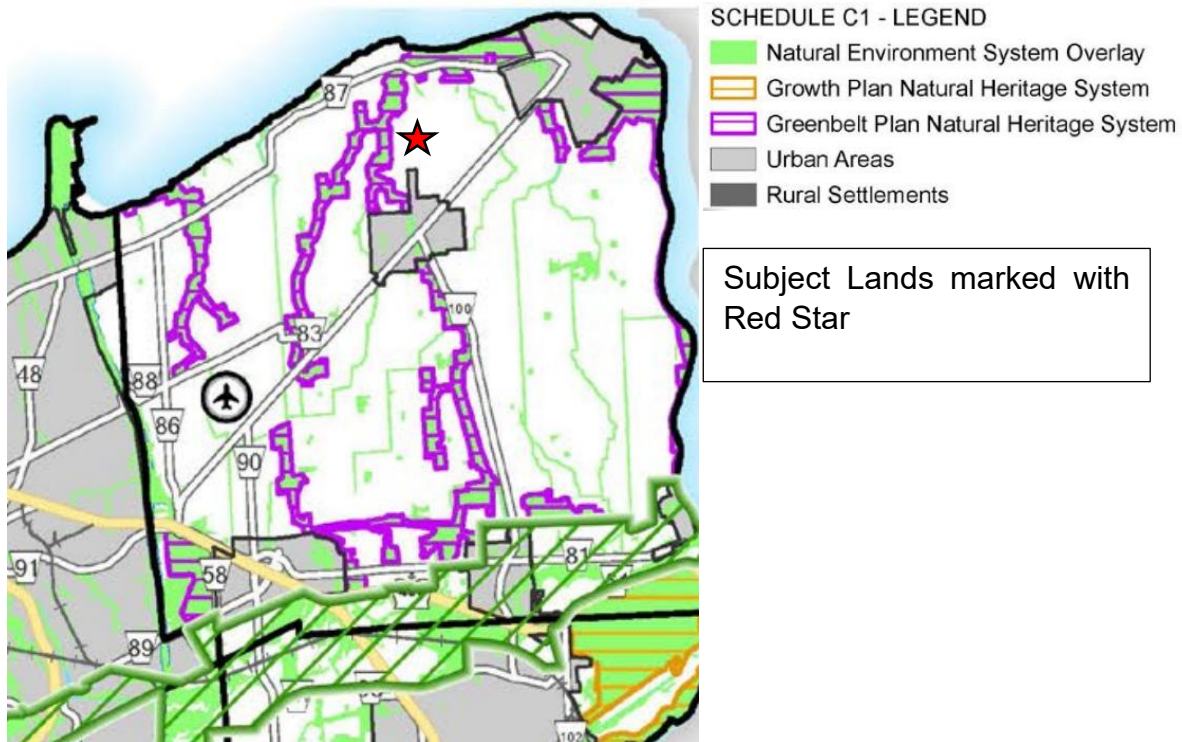


Appendix D – Regional Official Plan Schedules

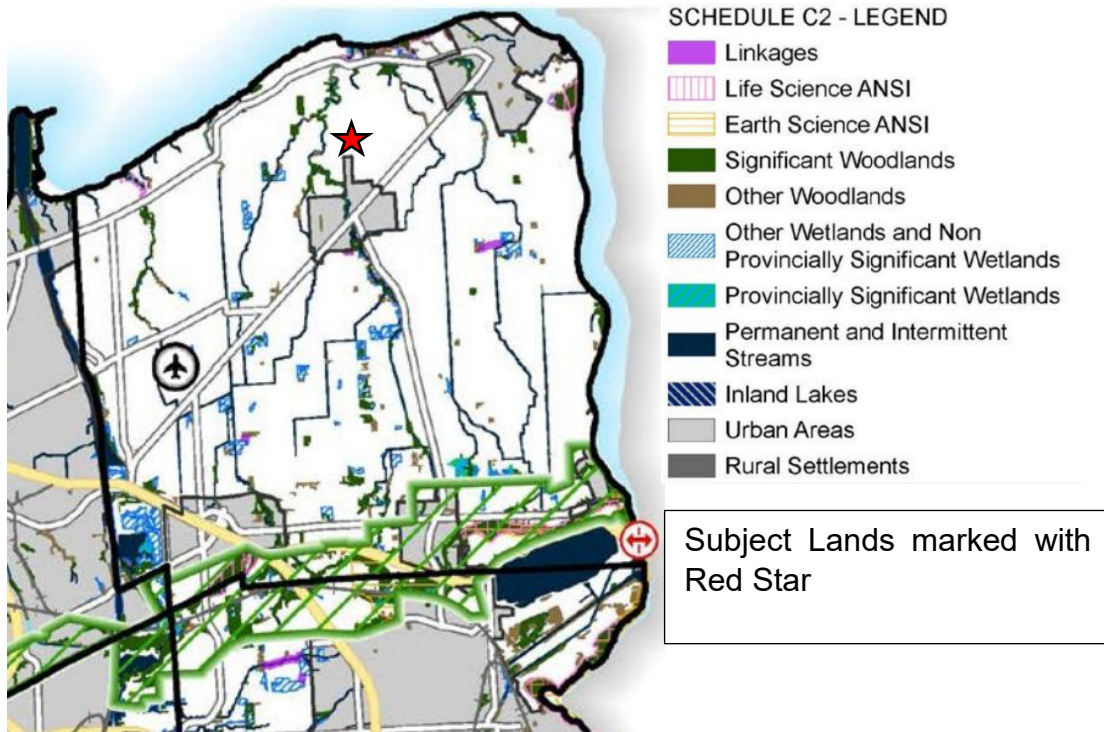
SCHEDULE B – REGIONAL STRUCTURE: **Settlement Area**



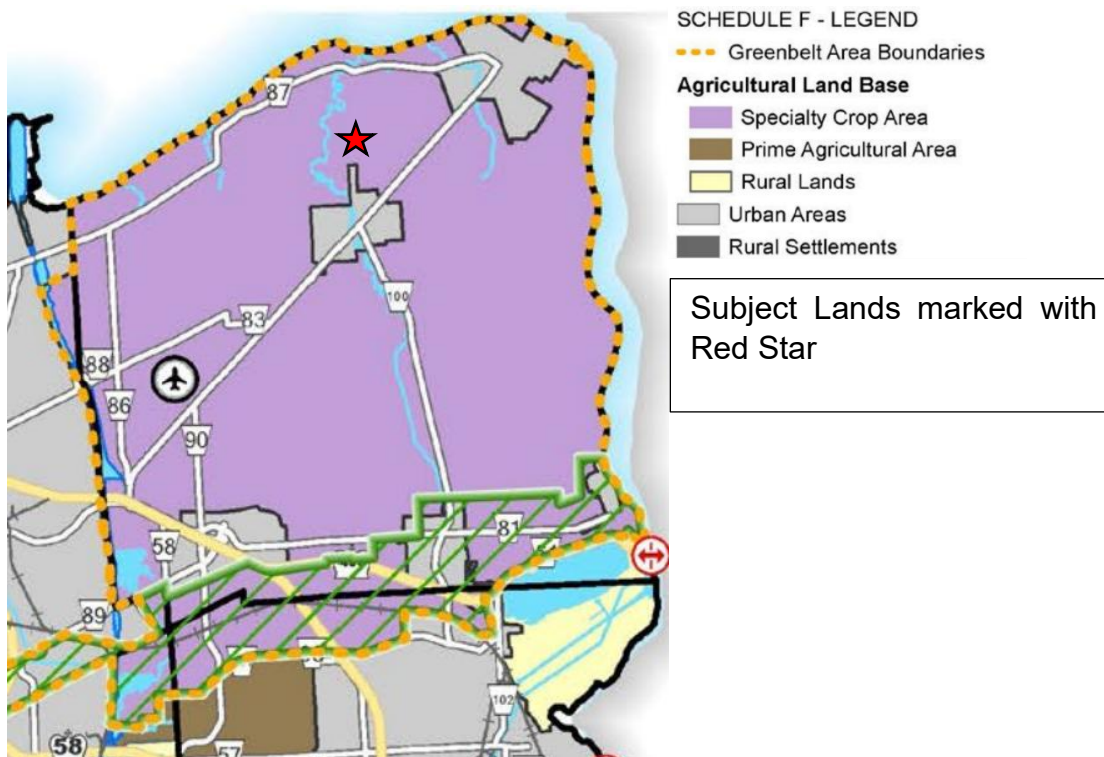
SCHEDULE C1 – NATURAL ENVIRONMENT SYSTEM OVERLAY and PROVINCIAL NATURAL HERITAGE SYSTEM: **Natural Environment System Overlay**



SCHEDULE C2 – NATURAL ENVIRONMENT SYSTEM – INDIVIDUAL COMPONENTS and FEATURES: **Permanent and Intermittent Streams**

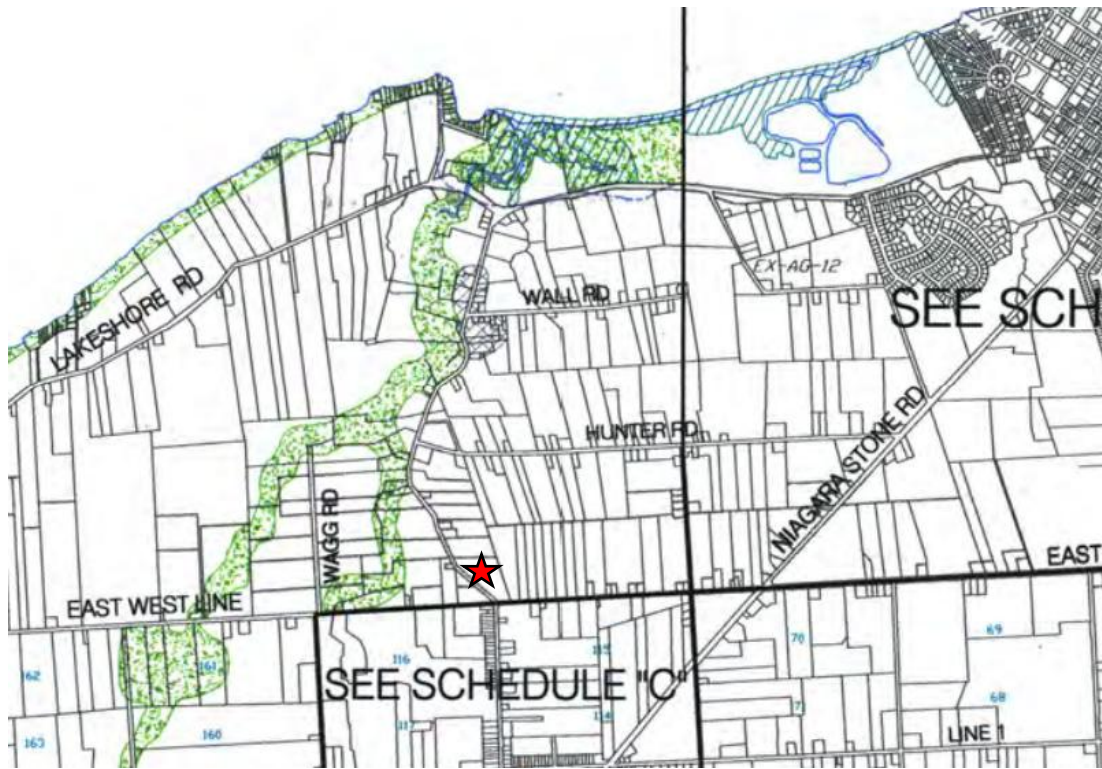


SCHEDULE F – AGRICULTURAL LAND BASE: **Inside Greenbelt Plan; Specialty Crop Area**



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

SCHEDULE A – LAND USE PLAN, **Agricultural**

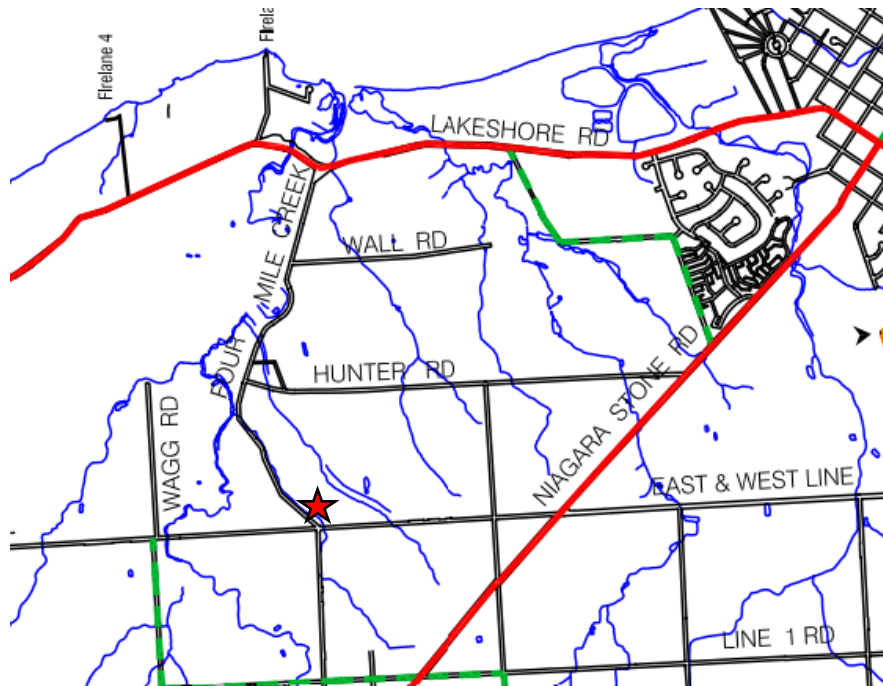


SCHEDULE "A"
Land Use Plan

- | | |
|---|---|
|  Agricultural* |  Major Open Space |
|  Non-Farm Rural |  Wetland (including adjacent lands) |
|  Service Commercial |  Special Study Area |
|  Niagara District Airport |  Exception - See Exceptions, Section 7 |
|  Extractive |  Niagara Escarpment Plan Boundary |
|  Conservation | |
|  Escarpment Protection Area | |
|  Escarpment Natural Area | |
|  Area of Natural & Scientific Interest | |

Subject Lands marked with Red Star

SCHEDULE G – TRANSPORTATION PLAN, **Local Road - Line 5 Road; Concession 2 Road**



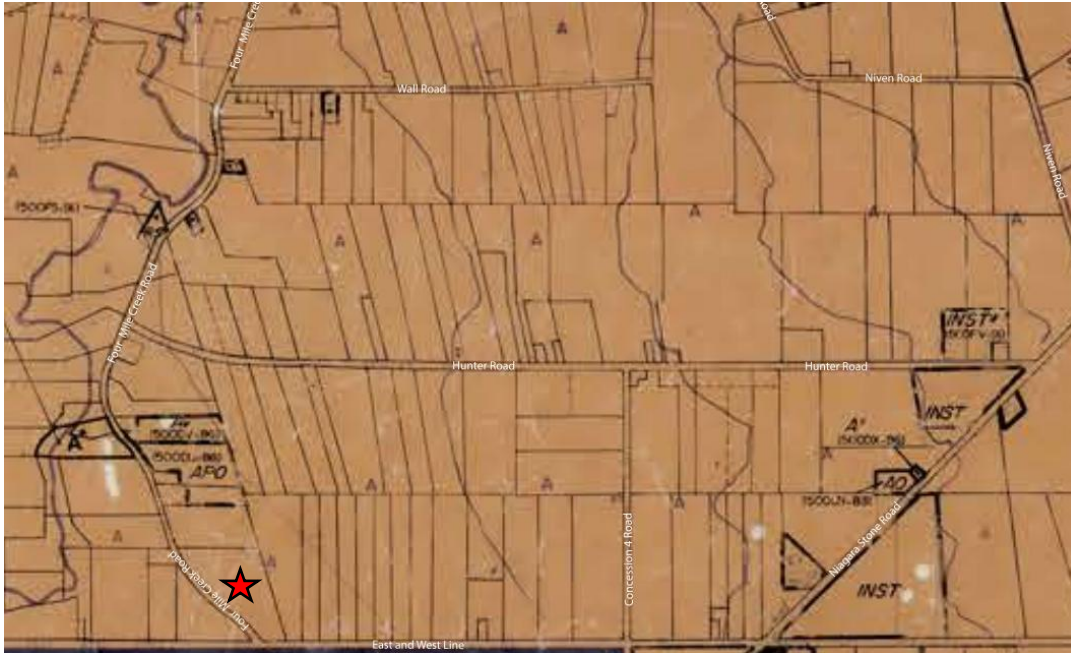
- · — · — · Provincial Highway
 - — — — Regional Road
 - · · · · Niagara Parkway
 - - - - - Collector Roads
 - — — — Local Roads
 - - - - - Road Alignment
- } Arterial Roads

Subject Lands marked with Red Star

SCHEDULE 'G'
Transportation Plan

Appendix F – Town of Niagara-on-the-Lake Zoning By-law

SCHEDULE A to Zoning By-law No. 500A-74, RURAL AREA – **Agricultural (A) Zone**



Subject Lands marked with Red Star