



Planning Justification Report

Strewn Winery – Vacation Apartment Rental Accommodation

Zoning Bylaw Amendment

1339 Lakeshore Road, Niagara-on-the-Lake

Prepared & Submitted by

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Table of Contents

Section 1 - Introduction and Background	1
Section 1.1 - Zoning Status	1
Section 1.2 - Existing Conditions	2
Section 1.3 - Location and Neighbourhood	3
Section 2 - Proposed Development	4
Section 3 - Policy Framework.....	5
Section 3.1 - Provincial Policy Statement.....	5
Section 3.2 - Growth Plan for the Greater Golden Horseshoe (2020)	6
Section 3.3 - Greenbelt Plan.....	7
Section 3.4 - Niagara Region Official Plan (2022).....	8
Section 3.5 - Town of Niagara-on-the-Lake Official Plan	11
Section 3.6 - Publication 851 – Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas	12
Section 3.7 - Town of Niagara-on-the-Lake Zoning By-Law 500A-74.....	16
Section 4 - Conclusion and Recommendation	18

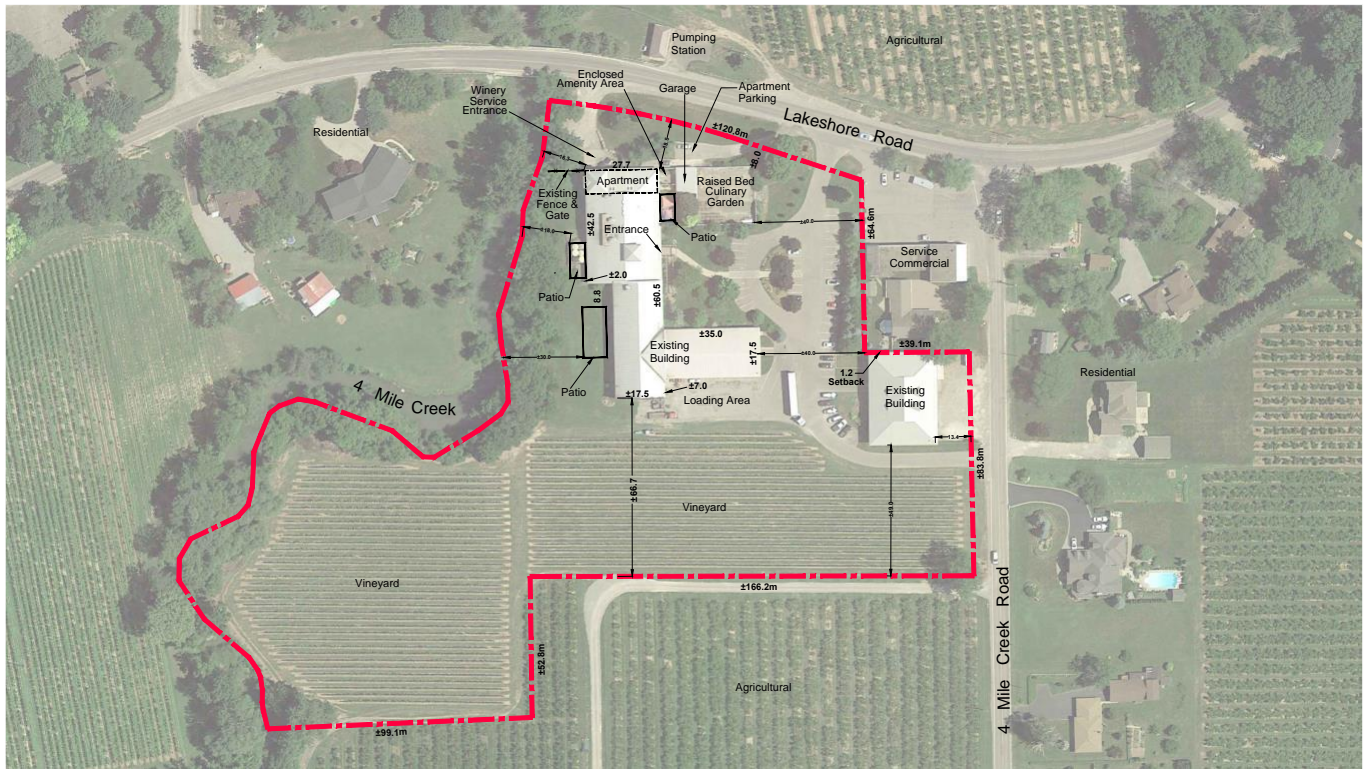
Attachments

Zoning By-law 500KS-96.....	Attachment 1
On-Farm Diversification Calculations.....	Attachment 2
Aerial Imagery.....	Attachment 3
Greenbelt Area Mapping.....	Attachment 4
Niagara Region Official Plan (2022) Mapping.....	Attachment 5
Town of NOTL Official Plan (2017) Mapping.....	Attachment 6
Publication 851 Permitted Uses.....	Attachment 7
Publication 851 2% Guideline.....	Attachment 8
Zoning Bylaw 500A-74 Mapping.....	Attachment 9

Section 1 - Introduction and Background

The Owners of Strewn Winery, located at 1339 Lakeshore Road, Regional Rd. 87 in the Town of Niagara-on-the-Lake, are currently pursuing the conversion of an existing four-bedroom apartment dwelling located in the current winery into a “Small Scale Tourist Accommodation”, a vacation apartment. See Figure 1 below.

A zoning bylaw amendment will be required to facilitate the proposed conversion. The purpose of this report is to provide a thorough analysis of the proposed transition and evaluate the appropriateness of the proposed Zoning Bylaw Amendment in the context of the Provincial Policy Statement (2020), Greenbelt Plan (2017), Niagara Region Official Plan (2022), Town of Niagara-on-the-Lake Official Plan and the Town of Niagara-on-the-Lake Zoning By-Law 500A-74.



Strewn Winery
VACATION APARTMENT
ZONING BY-LAW AMENDMENT
1339 Lakeshore Road, Niagara-on-the-Lake

0 5 10 25 50 75
Metres

NOTE: The intent of this plan is to show the proposed patio roots in relation to the existing building and is not based on a survey. The property boundary was interpreted from Regional online mapping and is approximate. Aerial photograph from Google Earth and dated 2018.

Scale 1:1,250 | November 22, 2022 | Project No. 22117 | Drawn By: SL



Figure 1

Section 1.1 Zoning Status



Zoning Bylaw, 500A-74 zones Strewn Winery as Rural (A) with site specific provisions approved through Bylaw 500KS-96 to permit an Estate Winery with detailed regulations being applied (Attachment 1) . The existing Zoning Bylaw, 500A-74, Section 4.1 b) lists “*Small Scale Tourist Accommodations defined in Section 2.73A (Bylaw 500 LJ-97)*” as a permitted use on the subject property. Section 2.73A defines “*Small Scale Tourist Accommodation*” and in subsection i) states it “*is an accessory use to **a one family dwelling unit***”.

While a Small Scale Tourist Accommodation is a permitted use on the subject property, the existing zoning bylaw, Section 2.73A i), requires the accommodation to be located within a one family dwelling unit. As such, an amendment will be required to address the requirement of Subsection i) to allow for a four-bedroom apartment to serve as a Small Scale Tourist Accommodation for the estate winery.

If the proposed vacation rental accommodation was located within an accessory single detached dwelling, the proposed vacation apartment would be considered a permitted use.

Subsection iv) limits a Small Scale Tourist Accommodation to four bedrooms and Subsection vi) requires an outdoor amenity space with a minimum of 47.0 m², with no dimension being less than 6.0 m. In this case 47 m² of outdoor amenity space is provided with one dimension being only 5.5m. As a result, these two requirements must be recognized in the proposed zoning bylaw amendment.

All other Subsections of Section 2.27A are met.

Section 1.2 Existing Conditions

Strewn is a premium estate winery which has been in operation since 1997. The property has roots in the community that go back nearly 70 years when it was home to the Niagara Canning Company. Strewn Winery was approved as an Estate Winery through the approval of Bylaw 500KS-96, a copy of which is attached to this report (Attachment 1). During the renovations of the canning factory to create the winery an apartment dwelling was constructed as it was a permitted use in the zoning bylaw at the time.

The 3.7 ha (9.23ac) property has approximately 120m frontage on Lakeshore Rd with 2 ha (5 acres) planted in grapes. The farm operation includes a separate 8.8 ha (21.7 ac) property on Line 1 with 7.1 ha (17.6 ac.) in grapes. The winery crushes grapes from approximately 100 acres of vines from other farms within Niagara. Figure 1 illustrates the winery property, the vineyards, the location of all the buildings, the 3 separate driveway entrances, and surface parking areas. The winery is fully serviced with Town water and sewage.

Figure 2 is the detailed layout of the interior of the winery buildings as they presently exist, including the apartment, with the floor areas identified. An additional 1,362.70 m² (14,668 ft²) winery storage building exists on the easterly property boundary. Calculations for site area and on-farm diversified uses have been consolidated within Attachment 2 and Table 3 of this report.

The existing apartment dwelling which is proposed to be used as a vacation apartment has 4 bedrooms within 304.91 m² (3,282 ft²). Three bedrooms, living room and kitchen are located on the first floor with a master bedroom on a second floor. The parking for the apartment includes the two-car garage available, which is approximately 5.5m wide and 8.7m long, totaling 47m² and linked to the apartment via a sidewalk to the front door of the apartment.

There are approximately 50 total parking spaces on the subject property. 40 parking spaces are dedicated to winery operations, which includes two accessible spaces near the main entrance. Three large spaces are provided for bus parking to support tour operations. The vacation apartment has two dedicated spaces in the garage and another two surface parking spaces immediately outside of the garage along the driveway. The



apartment has an existing separate gravel driveway access from Lakeshore Rd, which includes three unmarked spaces to accommodate additional parking.

The basement under the apartment is the winery barrel cellar as well as providing for delivery and storage space for the winery which is also accessed by an independent driveway from Lakeshore Rd.

Section 1.3 - Location and Neighbourhood

Strewn Winery is located on Lakeshore Road, approximately 160m west of Four Mile Creek Road, in a predominantly agricultural area of the Town with other vineyards, and orchards as well as clusters of non-farm rural residences and farm related industrial/commercial uses nearby. See attached aerial imagery (Attachment 3).

Adjacent land uses include:

- **North**, across Lakeshore Road are orchards, and a cluster of rural residential dwellings on Firelane 2 which abut the Lake Ontario shore line. There is the packing shed and distribution operation at the corner of Lakeshore and Firelane 2. The mouth of Four Mile Creek flows north into Lake Ontario in this general proximity.
- **East** - Immediately adjacent, at the southwest corner of Four Mile Creek Road and Lakeshore Road is an existing automobile repair garage, Ed Wiens and Sons Automotive. Further to the east along Lakeshore Road are a series of rural residences and farming operations, grapes and orchards.
- **South** - Similarly, to the south along Four Mile Creek Road are rural residences and agricultural operations, grapes and orchards.
- **West** – The property is bounded on the west by the Four Mile Creek which flows to the north to its mouth at Lake Ontario. Beyond the creek along Lakeshore Road are rural residences and both orchards and vineyards.

Section 2 - Proposed Development

The four-bedroom apartment dwelling which has existed since the winery's inception in 1997 is proposed to be zoned to enable its use as a Small Scale Tourist Accommodation, a vacation rental apartment. Zoning Bylaw, 500A-74 currently only permits Small Scale Tourist Accommodations within single family dwellings. As such, a Zoning Amendment is required to permit the existing apartment as a Small Scale Tourist Accommodation within the existing site-specific estate winery zoning. See Figure 2 below for more details.

The proposed vacation apartment is fully serviced with town water and sewer as is the winery. It has a separate driveway from Lakeshore Rd. A two-car garage, and two additional parking spaces immediately are located adjacent to the apartment in conformity with the zoning bylaw requirements.

Vacation apartments are also required to meet the regulations within the Short-Term Rental Licensing Bylaw 4634-13 as amended. An application is being submitted to the Clerk in conjunction with this application.

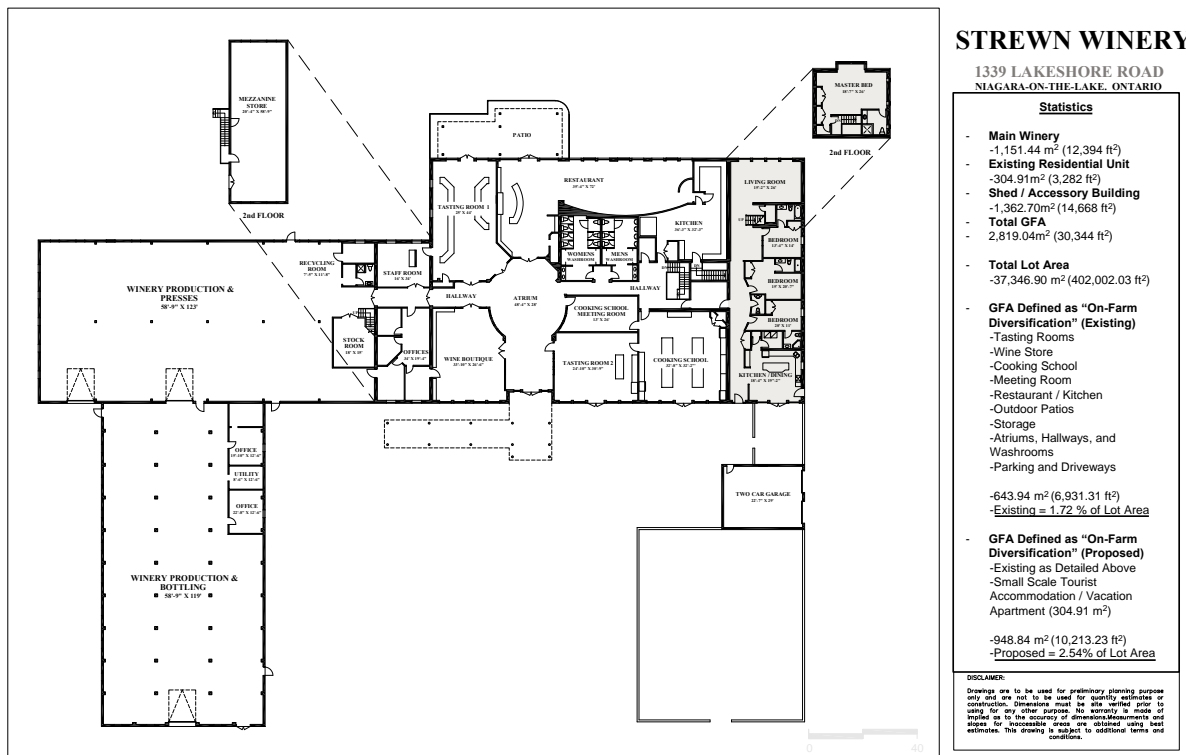


Figure 2



Section 3 - Policy Framework

Section 3.1 - Provincial Policy Statement

The amended Provincial Policy Statement ("PPS") came into effect on May 1, 2020, updating the Provincial government's policies on land use planning. The document provides policy direction with respect to land use planning to promote strong communities, a strong economy, and a clean and healthy environment. The PPS, Policies 2.3.1, 2.3.2 and 2.3.3 serve to protect agricultural land while encouraging agricultural diversification and enhanced economic opportunities for farmers.

The PPS provides definitions for the uses in agricultural areas. Guidelines on Permitted uses in Ontario's Prime Agricultural Areas, Publication 851, have subsequently been developed to assist municipalities and are now an important tool in supporting agricultural uses and the economic activities that will reinforce the agricultural industry. Relevant PPS definitions include:

- *Agricultural-Related Uses - "those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and or services to farm operations as a primary activity"*
- *On-Farm Diversified Uses - "Uses that are secondary to the principle agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products..."*
- *Agri-tourism Uses: "those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation."*

The PPS has taken a comprehensive approach to requiring the protection of prime agricultural land, particularly specialty crop lands, and supporting the additional uses that will ensure the economic viability of the operating farm including "agri-tourism uses" which includes "limited accommodations".

The proposed vacation apartment rental accommodation will be secondary to the principle agricultural use of the property and is limited in area (four-bedroom apartment has 304.91 m² (3,282 ft²). The approval of a vacation Short Term Tourist Accommodation, a vacation apartment, on the subject property will support Strewn's efforts to economically diversify their farming operation. This development will facilitate, without adding any further buildings, an additional value-added use, an agri-tourism use, providing limited accommodations which will increase the economic and consumer appeal of Strewn's agricultural product. The proposed development is an appropriate example of on-farm diversification as defined by the PPS.

On-Farm Diversified Uses are supported by a number of Sections within the PPS, including:

- Section 1.1.4.1, which states: *"Healthy, integrated and viable rural areas should be supported by:*
 - a) Building upon rural character, and leveraging rural amenities and assets*
 - b) Promoting regeneration, including the redevelopment of brownfield sites*
 - c) Accommodating an appropriate range and mix of housing in rural settlement areas*
 - d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands*
 - e) Using infrastructure and public service facilities efficiently*
 - f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources*



- g) *Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets*
 - h) *Conserving biodiversity and considering the ecological benefits provided by nature*
 - i) *Providing opportunities for economic activities in prime agricultural areas in accordance with policy 2.3”*
- Section 1.7.1, which states: *“Long-term economic prosperity should be supported by:*
 - a) *Promoting opportunities for economic development and community investment-readiness*
 - c) *Optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities*
 - i) *Sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.”*
- Section 2.3.1, which states: *“Prime agricultural areas shall be protected for long-term use for agriculture.”*
- Section 2.3.3.1, which states: *“In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.”*

In accordance with the Sections detailed above, the proposed change in use is consistent with the PPS. This development will continue to protect the land for its long-term use for agriculture and protect the natural environment of 4 Mile Creek, which abuts the property to the west. No changes to existing buildings or their relationship to abutting natural features are proposed through this application. As a proposed Small Scale Tourist Accommodation, the vacation apartment provides limited accommodations and will promote economic diversification, support local food and improve the local agricultural economic network anticipated by the PPS.

The proposed vacation apartment is an existing dwelling and its transition will not result in changes to the appearance or function of the estate winery. Any additional vehicles will use the existing independent access from Lakeshore Rd. for the dwelling, the parked vehicles will not be visible from Lakeshore Rd. and as such will not impact the operation of the winery. The existing rural character of the immediate area will be maintained and preserved in accordance with Provincial Policy and associated guidelines. The estate winery will continue to be compatible with and not hinder adjacent farming operations. The proposal will not necessitate any changes to the existing building or its setbacks to the adjacent lot lines. The proposed on-farm diversification through providing vacation apartment accommodations will enhance the viability of agricultural operations on the subject property.

The PPS encourages Farm Related, On-Farm Diversification, and Agricultural Tourism uses to support agriculture, preserve crop lands, and contribute to the economic viability of the farming business and the agricultural network. The proposed zoning bylaw amendment is consistent with and implements the PPS.

Section 3.2 - Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe 2020 provides a framework for building stronger, prosperous communities by better managing growth. The Growth Plan states that natural areas and agricultural lands will provide a significant contribution to the Region’s resilience and ability to adopt to a changing climate. Unique and high-quality agricultural lands will be protected for the provision of healthy, local food for future generations. Farming will be productive, diverse, and sustainable.



The Growth Plan underscores the protection of agricultural lands by directing growth to Settlement Areas (2.2.1 Managing Growth) and “*supporting the environmental and agricultural protection and conservation objectives of this plan*” (2.2.1,3 d) as well as directing the expansion of any Settlement Area away from “*prime agricultural areas*” 2.2.8 3(f). Section 4.2.6 Agricultural system requires that municipalities map specialty crop areas and protect them “*for long-term use for agriculture*” which has been done through the Region’s and Town’s Official Plans.

There are a number of objectives and policies within the Growth Plan which support agricultural uses in the GGH, including the economic diversification of an Estate Winery, specifically:

- Section 1.2.1 Guiding Principles, which states: “*The policies of this plan...are based on the following principles:*”
 - *Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.” as well as*
 - *Protect and enhance natural heritage, hydrologic and landform systems, features and functions*
- Section 4.2.6, which states: “*Prime agricultural area, including specialty crop areas, will be designated in accordance with mapping identified by the Province, and these areas will be protected for long-term use for agriculture.....Municipalities are encouraged to implement regional agri-food strategies and other approaches to sustain and enhance the Agricultural System and long-term economic prosperity and viability of the agri-food sector.”*

The proposed transition of an existing apartment to a Small Scale Tourist Accommodation, a vacation apartment through the proposed Zoning Bylaw Amendment is consistent with the Growth Plan for the Greater Golden Horseshoe. The subject property is located within a Prime Agricultural Area, and as such is protected for long term agricultural use. The economic diversification of Strewn’s existing estate winery operation will further support the local agricultural economy.

The proposed vacation apartment accommodation is an example of on-farm diversification. It is an agri-tourism use providing limited accommodations that is appropriately scaled within a Prime Agricultural Area and is consistent with and implements the objectives of the Growth Plan for the Greater Golden Horseshoe.

Section 3.3 - Greenbelt Plan

The Greenbelt Plan, a Provincial policy document implementing the PPS was amended effective July 1st 2017, addressing the significance of Southern Ontario’s farmland and introducing guiding principles to protect farmlands. These guiding principles look to protect sensitive agricultural areas while encouraging diversity within the agricultural sector, enhancing economic opportunities. The subject property is within the Greenbelt Area Boundary (Attachment 4).

The proposed development of a vacation apartment rental accommodation is supported by a number of Sections within the Greenbelt Plan, including:

- Section 1.2.2, which states, “*Protected Countryside Goals are to enhance our urban and rural areas and overall quality of life by promoting...:*”
 - a) *Protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value-added uses necessary for sustainable agricultural uses and activities*
 - b) *Support for the unique nature of specialty crop areas as our vital fruit and vegetable growing regions, which include the Niagara Peninsula Specialty crop area*



- d) *Provision of the appropriate flexibility to allow for agricultural, agriculture-related and on-farm diversified uses, normal farm practices and an evolving agricultural and rural economy.”*
- Section 3.1.2, which states: *“For lands falling within the 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, agricultural-related uses, and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations*
 - 6. *The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network shall be maintained and enhanced.”*

In accordance with Section 1.2.2 and Section 3.1.2, the proposed Zoning Bylaw Amendment is consistent with the Greenbelt Plan. The Greenbelt Plan supports competitive, economically sustainable, and environmentally friendly agricultural uses. The proposed Small Scale Tourist Accommodation, a vacation apartment, will provide limited accommodations and implement the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. As illustrated by the analysis within Section 5.6, the Greenbelt Plan permits the existing estate winery and proposed vacation apartment as an On-Farm Diversified and Agri-tourism use.

In accordance with the PPS and Greenbelt Plan, the proposed On-Farm Diversified uses on the subject property will maintain the land base for agricultural use and support a thriving agricultural industry and rural economy in Niagara. Agriculture will remain the principal use of the subject property, as no land is being taken out of agricultural production, this development will positively impact the viability of ongoing and future farming operations (See Table 2).

As illustrated on the provided site plan drawings (See Figure 1 and Figure 2) the apartment dwelling subject to this application is an existing residential use and the proposed development will not result in changes to the building exterior or winery functionality. Formalization of the existing apartment as a Small Scale Tourist Accommodation, a vacation apartment, will not impact in any way, the winery functionality or agricultural operations. As such, normal farm practices on the subject property and adjacent lands will continue unhindered, and the agricultural and rural character of the surrounding area will be maintained.

The vacation apartment is separated from primary agricultural operations as it has a separate driveway and parking area.

Implementing On-Farm Diversified uses on the property will contribute to the economic viability of the vineyard and winery operation and make a positive contribution to the agricultural industry of Niagara-on-the-Lake and Niagara Region.

The proposed application will provide “limited accommodations” which is consistent with the Greenbelt Plan.

Section 3.4 - Niagara Region Official Plan (2022)

On November 4th, 2022, the Minister of Municipal Affairs and Housing approved the 2022 Niagara Official Plan, with modifications. The new Niagara Official Plan is a long-term land use planning document that shapes and defines the Region for future generations. The Official Plan identifies an agricultural system for protection and sets out policies to facilitate a strong, diverse and resilient agricultural economy.

As detailed on Attachment 5, the subject property is designated Greenbelt Plan Area on Schedule A – Local Area



Municipalities and Specialty Crop Area within the Greenbelt Area Boundary on Schedule F. Additionally, the subject property is impacted by the Region's Natural Environment System (NES) as illustrated on Schedule C1, containing features which are mapped as part of the Provincial Natural Heritage System. As such, the proposed development is subject to a number of objectives and policies, including:

- Section 3.1.5.7, which states: *"A proposal for new development or site alteration within 120 metres of any key natural heritage feature within a Provincial natural heritage system or any key hydrologic feature outside of settlement areas will require an environmental impact study and/or hydrologic evaluation that identifies a vegetation protection zone, which:*
 - a) Protects the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change*
 - b) Is established to achieve and be maintained as natural self-sustaining vegetation; and*
 - c) For wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands, is no less than 30 metres measured from the outside boundary of the feature"*
- Section 3.1.5.8.1, which states: *"If a site is within the mapped Provincial natural heritage system, and if an application for development or site alteration is to be made, the policies of Section 3.1.5.8 apply, regardless if the site is in a key natural heritage feature, key hydrologic feature, vegetation protection zone, or in adjacent lands."*
- Section 3.1.11, which states: *"Other woodlands are identified, and considered a natural heritage feature and area in all geographic areas of the Region. The location of other woodlands is shown in Schedule C....Development or site alteration shall not be permitted in other woodlands unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the other woodland or its ecological functions"*

The subject property is impacted by the Region's Natural Environment System (NES), consisting of other woodlands, and a permanent or intermittent stream. These features are associated with Four Mile Creek, which directly abuts the property to the west. The portion of the property containing these features is mapped as part of the Provincial Natural Heritage System, and is considered a Key Natural Heritage Feature (KNHF) and Key Hydrologic Features.

The proposed applications which are the subject of this report only serve to formalize an existing use as a Small Scale Tourist Accommodation, a vacation apartment, and will not result in any new development or site alteration which would negatively impact the KNHF, KHF, and other woodlands identified on the property. The November 17th 2022 Preconsultation comments from Niagara Region staff, indicated no Environmental Impact Study is required to support the proposed development.

- Section 4.1, which states: *"The objectives of this section [The Agricultural System] are as follows:*
 - a) Facilitate a strong, diverse, and resilient agricultural economy;*
 - b) Protect the region's agricultural land base;*
 - c) Ensure agriculture is the predominant land use in specialty crop areas and prime agricultural areas;*
 - d) Restrict and control non-agricultural uses to minimize potential conflicts;*
 - e) Ensure the long-term sustainability and function of uses within the agricultural system;*
 - f) Protect specialty crop areas from fragmentation;*
 - g) Protect and recognize rural lands as part of the agricultural system;*
 - h) Provide for a limited amount of non-agricultural residential development on rural lands; and*
 - i) Recognize and control changes to existing uses to ensure a viable agricultural system"*



- Section 4.1.2.3, which states: *“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”*
- Section 4.1.7.4, which states: *“Proposed agriculture-related and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations.”*
- Section 4.1.7.5, which states: *“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.”*
- Section 4.1.7.6, which states: *“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.”*
- Section 4.1.7.7, which states: *“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. The following criteria shall be considered when reviewing applications for proposed agricultural-related uses:*
 - e) *Whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;*
 - f) *Whether the use is required for or in close proximity to the agricultural operation for it to support and compliment the agricultural activity;*
 - g) *The extent to which the use is compatible with the existing farming operation and surrounding farming operations;*
 - h) *Whether the scale of the activity is appropriate and maintains the character of the agricultural area;*
 - i) *The use does not generate potentially conflicting off-site impacts;*
 - j) *The activity does not include a new residential use;*
 - k) *The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;*
 - l) *The use does not require significant improvements to infrastructure; and*
 - m) *The use complies with all other applicable provisions of this plan.”*

Strewn Winery is an approved and existing estate winery with approved and existing on farm diversified uses, agri-tourism uses and a four-bedroom apartment that have existed since 1997. No changes to the existing site plan are being proposed.

The proposed Zoning Bylaw Amendment will recognize the transition of an existing apartment dwelling to a Small Scale Tourist Accommodation, a vacation apartment, providing small scale accommodation and creating another revenue stream for Strewn Winery and supporting the economic diversification of their existing farming operation. Agriculture will continue as the principle use of the property, and the proposed rental apartment will provide limited accommodations and will not negatively impact the rural character of the immediate area. The rental accommodation is accessory to and supportive of the farming operation. The proposed development will not result in any changes to the existing structure of the winery or the existing site plan, and as such existing compatibility with adjacent uses will be maintained. The existing four-bedroom apartment and proposed vacation rental is limited in area at 304.91 m² (3,282 ft²) and does not constitute the creation of a new residential use. The



rental accommodation will require no infrastructure improvements and complies with all other applicable provisions of the Regional Official Plan. As such, the proposed development is supported by the objectives and policies for agriculture-related uses and on-farm diversification within the Regional Official Plan.

As detailed above, the proposed use and zoning bylaw amendment will provide “limited accommodations” and is in conformity with the objectives and policies of the Niagara Region Official Plan.

Section 3.5 - Town of Niagara-on-the-Lake Official Plan

The Town of Niagara-on-the-Lake Official Plan provides policy direction for the future development of the community and the provision of public works within the community. The policies of the plan are directed towards preserving the agricultural land base, particularly prime agricultural land.

The Town OP designates the subject property as Agricultural on Schedule A Land Use Plan (Attachment 6). As such, the proposed development is subject to a number of objectives and policies, including:

- Section 7.2, which states: *“Goals and Objectives:*
 - *To help ensure the preservation of prime agricultural lands for farming with particular emphasis on the preservation of specialty crop lands*
 - *To help preserve the existing and potential agriculturally productive land giving highest priority to Good Tender Fruit/Grape Lands.*
 - *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*
 - *To permit a limited amount of farm-related development by way of retirement lots, selectively located small scale agriculturally related commercial and industrial developments*
 - *To ensure that existing small scale industries and commercial uses supportive of agricultural operations are allowed to expand where appropriate, while requiring new development or redevelopment not primarily related to where agriculture is to locate in appropriately designated areas.*
 - *To ensure that agricultural areas are protected from harassment and conflict from non-farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation.*
 - *To consider the impact on agriculture as the primary guideline in evaluating development proposals in the agricultural area.”*
- Section 7.3.1, which states: *“In the agricultural designation the following uses shall be permitted:*
 - *Main Uses: The main use permitted is agriculture including all types of farming, their related buildings and structures, the farm residence, the raising of animals and fowl, market gardening, greenhouses and nurseries, forestry and reforestation. Conservation of water, soil, wildlife and other natural resources in their natural state is also permitted*
 - *Secondary Uses: Uses permitted with a Main Use:*
 - *Roadside Produce Outlets*
 - *Farm Wineries*
 - *Home Industries and Occupations included 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 Main Use*



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

Bed and Breakfasts are listed as Permitted Uses and are one example of “limited accommodations” as defined in the PPS. Figure 3 of Publication 851 specifically lists a “farm vacation suite” as another example of a permitted on farm diversified use. The proposed four-bedroom vacation apartment is a further example of such an accommodation and is permitted on the subject property.

The proposed On-Farm Diversification of the subject property will support the increased viability of the farming operation and ensure that the primary function of the subject property, the cultivation of grapes, is protected long into the future. The application which is the subject of this report will contribute to the economic viability of the winery while maintaining a size and scale that is appropriate for the property’s current rural setting. The proposed development will not negatively impact adjacent uses and will not hinder nearby agricultural operations.

The Town of Niagara-on-the-Lake Official Plan lists Bed and Breakfasts with a main use as permitted uses for lots within the Agricultural Designation. A Bed & Breakfast along with a vacation apartment is an example of “limited accommodations” as defined by the PPS. The main use of the subject property, the cultivation and processing of grapes, will remain the principal use of the operation. In accordance with permitted uses, additional On-Farm Diversified uses are proposed through formalizing a vacation apartment accommodation at the winery, which is directly related to and will serve the existing agricultural operation. The proposed On-Farm Diversified Uses are most appropriately located adjacent to the estate winery operation.

The proposed development’s conformity with Provincial Guidelines for On-Farm Diversification have been made the focus of Section 3.6 of this report. As such, the proposed Small Scale Tourist Accommodation, a vacation apartment within Strewn Winery, conforms to the Niagara-on-the-Lake’s Official Plan.

Section 3.6 - Publication 851 – Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas

Even though all the existing uses on the property have legally existed as approved though Bylaw 500KS-96 we have evaluated the existing and proposed uses with the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas Publication 851 which were prepared in 2016.

The Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas Publication 851 helps municipalities, decision makers, farmers, and others interpret the policies in the PPS regarding the uses that are permitted in Prime Agricultural Areas (Attachment 7). The Guidelines have provided a set of criteria to support the evaluation of proposed On-Farm Diversified Uses. To demonstrate conformity, the proposed development has been evaluated against these criteria in Table 2 below.

Table 2		
#	Criteria	Justification
1	Located on a farm	

		The proposed On-Farm Diversified use is located on a farm and within an approved Estate Winery.
2	Secondary to the principal agricultural use of the property	<p>Agricultural uses, namely the production of grapes and operation of the estate winery, will continue as the principal use of the property.</p> <p>With respect to temporal considerations, the timing and frequency of the proposed On-Farm Diversified Use will not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area. On-Farm Diversified uses will operate year-round. Given the location of the apartment within the winery and as an existing use since 1997, its formalization as a Small Scale Tourist Accommodation will not impact existing farm operations. The apartment accommodation will remain secondary to the principal agricultural use of the property.</p>
3	Limited in area	<p>This proposed On-Farm Diversification is formalizing a change to existing use, and as such no land is being taken out of agricultural production.</p> <p>The existing apartment dwelling is 304.91 m² (3,282 f²) and is not being expanded through the proposed applications. The apartment will remain limited in scale in the context of the greater winery property.</p> <p>The existing approved On-farm Diversified uses (Agri-tourism uses) currently exceed Provincial Guidelines with respect to "Limited in area". The Guidelines were not in place when the Estate Winery and the existing On-farm Diversified Uses were approved in 1997. These uses have existed compatibly in the agricultural area since that time.</p> <p>In accordance with OMAFRA Guidelines and comments from staff at Niagara Region, a 50% discount in area has been applied for on-farm diversified uses that are within existing buildings (there are no new buildings proposed through the application).</p> <p>The transition of the apartment from a Farm Related Use to an On-farm Diversified Use adds only 304.91 m² in diversified uses, increasing the percentage of on farm diversification from 1.72% to 2.54%. The proposed application does not introduce any new floor area to the farm, it only formally approves the use of an existing apartment as a Small Scale Tourist Accommodation. The total area of the On-farm Diversified Uses continues to remain under the 1 ha Guideline.</p>

		<p>The limited scale of the existing apartment and proposed change to an On-Farm Diversified use will not change its relationship of scale when compared to the rest of the subject property. The agricultural/rural character of the area is maintained.</p> <p>Additionally, the farm operation includes a separate 8.8 ha (21.7 ac) property on Line 1 with 7.1 ha (17.6 ac) in grapes. Strewn's operations in Niagara-on-the-Lake represent a total of 12.53 ha (30.96 ac). When considering these lands in their totality, existing and proposed percentages of on-farm diversification are 0.73% and 1.08% respectfully, both under the 2% guideline. On-farm diversification remains a minor component of Strewn Winery's overall operations.</p> <p>Section 4.4.10 speaks to the expansion of on-farm diversified uses. The proposed change from a Farm Related use, an apartment, to an On-Farm Diversified use/agri-tourism use does not change the relationship of the use to the farm with respect to scale, nor impact the existing operation or any adjacent agricultural operation. The existing apartment cannot be relocated elsewhere. The proposed change in use will continue to meet the intent of the Guidelines.</p>
4	Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.	<p>On-Farm Diversified uses will include the following in accordance with the provided criteria:</p> <ul style="list-style-type: none"> • Small Scale Tourist Accommodation, a Vacation Apartment <p>The proposed use will create additional economic opportunities for agri-tourism associated with the existing farm and estate winery operation.</p> <p>Figure 3 of Publication 851 details examples of the types of uses which are appropriate examples of agri-tourism uses, which include a "farm vacation suite" (Attachment 7). As such, the vacation rental apartment proposed is an appropriate example of on-farm diversification.</p>
5	Shall be compatible with, and shall not hinder, surrounding agricultural operations	<p>The parcel is approximately 3.7 ha in size, with 2.0 ha being in full vineyard production. The proposed Small Scale Tourist Accommodation, as a vacation apartment will continue to exist sensitively and at an appropriate scale. It will continue to reinforce the rural character of the farm and estate winery and ensure adjacent land uses are not negatively impacted by the proposal.</p>



Consistent with the PPS definitions, permitted uses include Agricultural Uses, Agriculture-Related uses, and On-Farm Diversified uses including agri-tourism uses. A “farm vacation suite” is provided as an example of an agri-tourism use which is considered on-farm diversification (Attachment 7). All uses must be compatible with and not hinder the primary agricultural operation or adjacent agricultural operations. On-Farm Diversified uses are required to be secondary to the principal agricultural use of the property and not hinder nearby agricultural operations. The proposed vacation rental apartment is a farm vacation suite and is an appropriate example of on-farm diversification. The proposed development will provide appropriately scaled accommodations to support economic diversification.

Zoning By-Law 500A-74 Section 2.73A iv) also states that this use should not exceed three bedrooms. As this accommodation is in the agricultural area and has its own separate driveway entrance and has no immediate neighbours it is not anticipated that the increase in number of bedrooms from three to four would have any negative impact on the existing estate winery use nor any adjacent uses. There is sufficient parking adjacent to the unit with an independent driveway access from Lakeshore Rd. that will not conflict with winery traffic.

The PPS policies enable a wide variety of on-farm economic opportunities. The PPS also requires that those uses be secondary to the main use and be limited in area. Publication 851 Guidelines suggests that the area occupied by On-Farm Diversified uses not exceed 2% of a farm parcel, up to a maximum of 1ha (Attachment 8). In accordance with OMAFRA Guidelines and comments from staff at Niagara Region, a 50% discount in area has been applied for on-farm diversified uses that are within existing buildings (there are no new buildings proposed through the application). As illustrated in Table 3 below, there is currently approximately 643.94 m² of on-farm diversified uses on the property. Transitioning the existing 304.91m² apartment dwelling into a formalized rental accommodation will increase the on farm diversified uses from 643.94 m² (1.72% of total lot area) to approximately 948.84 m² (2.54% of lot area).

As mentioned previously, the farm operation includes a separate 8.8 ha (21.7 ac) property on Line 1 with 7.1 ha (17.6 ac) in grapes. Strewn’s operations in Niagara-on-the-Lake represent a total of 12.53 ha (30.96 ac). When considering these lands in their totality, existing and proposed percentages of on-farm diversification are 0.73% and 1.08% respectfully, both under the 2% guideline. On-farm diversification remains a minor component of Strewn Winery’s overall operations.

The proposed additional on farm diversified use increases the calculated % of total lot area by only 0.82 percentage points. Even so, the on-farm diversified uses continue to remain below the 1.0 ha benchmark.

A calculation of the On-Farm Diversified uses on the subject property has been summarized in Table 3 below:

Table 3	
Provision	Proposed
Total Lot Area	37,346.90 m ²
On-Farm Diversified Uses [CURRENT]	643.94 m ² (1.72%)
On-Farm Diversified Uses [PROPOSED]	948.84 m ² (2.54%)
Percentage Point Increase to On Farm Diversification as a Component of Lot Area	0.82

Detailed calculations of lot areas and On-Farm Diversified uses have been provided on Attachment 2.

The intention of Provincial Guidelines for scale of diversification is to ensure that such uses remain secondary to the principal operation of farming, and that such uses are minor in nature so that rural character is maintained.. The proposal to change the existing apartment dwelling to a Small Scale Tourist Accommodation will not change



the relationship between the apartment on the farm nor the estate winery. The proposed development will not remove any grapes from production and winery operations on the property will continue, unhindered. Once the Small Scale Tourist accommodation is implemented, Strewn's Estate Winery will continue to exist compatibly with adjacent agricultural uses. The introduction of the Small Scale Tourist Accommodation will not result in any adverse impacts to abutting landowners.

When applying these Guidelines comprehensively and appreciating there is no impact of the change in scale of the proposed Small Scale Tourist Accommodation when compared to the existing apartment dwelling, the proposal is in conformity with the policies of the Provincial Policy Statement and the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. As such, the proposed zoning bylaw amendment to change the existing four bedroom apartment to Small Scale Tourist Accommodation, a vacation apartment, is consistent with the PPS.

Section 3.7 - Town of Niagara-on-the-Lake Zoning By-Law 500A-74

Zoning By-Law 500A-74 controls the use of land outside of the Urban Area within Niagara-on-the-Lake. As illustrated on Attachment 9, the subject property is currently zoned as Rural (A).

There is an existing site-specific zoning in place for the property to facilitate the existing estate winery operation. However, this zoning must be amended to recognize the proposed Small Scale Tourist Accommodation – the vacation apartment. As such, a zoning amendment is being requested to further amend Bylaw 500A-74 (as amended by Bylaw 500KS-96) to rezone the subject property from Rural (A) to Rural (A-XX).

As illustrated and described by the attached Draft Zoning Amendment for the property, the proposed amendment will result in the following:

- Adding ***"A Small Scale Tourist Accommodation Use, a vacation apartment"***, as a permitted use
- Accommodating additional special provisions relate to the vacation apartment, including;
 - Permit a vacation apartment with a maximum of four-bedrooms
 - Permit an 47sq m outdoor amenity space with one dimension only 5.7m rather that the 6m required.

"Limited accommodations" are included in the definition of Agri-tourism Uses in the PPS and as a result are permitted by the PPS, the Greenbelt Plan, the Regional Official Plan and Town Official Plan on the subject property. A "Farm Vacation Suite" is listed as an example of on farm diversification within Publication 851.

The existing Zoning Bylaw, 500A-74, Section 4.1 b) lists "Small Scale Tourist Accommodations as defined in Section 2.73A (Bylaw 500 LJ-97)" as permitted uses on the subject property.

Section 2.73A i) requires that Small Scale Tourist Accommodations be "an accessory use to a one family dwelling unit". As the proposed use will be located within an apartment dwelling, an amendment is required to implement the accommodation as a permitted use.

If the tourist accommodation was in the form of a single detached dwelling rather than an apartment, the proposed Small Scale Tourist Accommodation would be permitted, subject to other detailed requirements within Section 2.73A.

The proposed accommodation will be fully serviced by municipal water and sewage. An application for the required licensing will be submitted to the Town Clerk and processed concurrently with the requested zoning amendment. An outdoor amenity space of approximately 47 m² has been provided solely for the relaxation of the guests. Off-street parking has been adequately accommodated on the same lot as the facility and has suitable



frontage along a public road. While located within a winery, the actual tourist accommodation itself will not be licensed to serve alcoholic beverages.

As detailed previously within this report, the proposed application will not change the relationship between the existing estate winery and adjacent uses. Amending the zoning bylaw to permit an appropriately scaled vacation rental unit will facilitate the economic diversification of Strewn Winery while maintaining land use compatibility. Changing the existing apartment dwelling into a Small Scale Tourist Accommodation will not negatively impact ongoing farming operations on the property, or in the immediate rural community.

As such, the requested amendments to the zoning bylaw are minor in nature and are consistent with the policy direction provided by the Town's Official Plan.



Section 4 - Conclusion and Recommendation

This report has illustrated that the vacation rental accommodation within Strewn's existing estate winery operation meets the objectives, policies and development criteria of the Provincial Policy Statement (2020), the Greenbelt Plan (2017), the Growth Plan for the Greater Golden Horseshoe (2019), the Niagara Regional Official Plan (2022), and the Town of Niagara-on-the-Lake Official Plan.

The proposed use is an example of "limited accommodations" an agri-tourism use, as permitted by the PPS, the Growth Plan, the Greenbelt Plan, the Niagara Region Official Plan and the Town Official Plan.

The Guidelines on Permitted Uses provide municipalities assistance in implementing these policies. The transition of the four bedroom apartment from a Farm Related Use to an On-Farm Diversified use only increases the On-farm diversified uses from 1.72% to 2.54%. The On-Farm diversified uses will continue to be within the 1.0 ha Guideline, and remain a secondary component to Strewn's overall operations in Niagara-on-the-Lake.

Most importantly, notwithstanding the minimal change in the arithmetic calculation, the proposed use meets the policy direction for these uses;

- No land will be taken out of agricultural production,
- There will be no negative impact on the existing agricultural operation or any nearby agricultural operation,
- The limited accommodation will economically diversify the farm and winery operation and contribute to Strewn's economic viability.
- The development will make a positive contribution to the Regional agricultural network.

No changes to existing buildings or their relationship to abutting natural features are proposed through this application. As a proposed Small Scale Tourist Accommodation, the vacation apartment provides limited accommodations and will promote economic diversification, support local food, and improve the local agricultural economic network.

It is recommended that the proposed zoning by-law amendment be approved as it is representative of good planning.

Prepared by,

Stephen Bedford, MCIP, RPP, PLE
Principal Planner
LANDx Developments Ltd.

21.A.69 1339 LAKESHORE ROAD (STREWN WINERY)

(By-law 500KS-96) [Roll No: 0200101030000]

1. Schedule "A" of By-law 500A-74, as amended is further amended by rezoning those lands shown on Schedule "A" (*) attached hereto and forming part of this By-law to a "Rural (A) – site specific Zone".

2. In addition to the provisions of a Rural (A) Zone, an Estate Winery subject to the following special provisions shall be permitted on the subject lands:

Minimum lot area..... 3.95 ha

Minimum Building setbacks:

Cold Storage Building (Building 'B')
from Four Mile Creek Road..... 13.4 m

Cold Storage Building ('B') from north side lot property line 1 m

Winery Building ('A') from Lakeshore Road 18 m

Winery Building ('A') from rear property line..... 14.6 m

Warehouse Building ('C') from Lakeshore Road 8.95 m

Maximum building height of cupola..... 12.5 m

Maximum building height..... 8 m

3. In addition to those uses permitted in a "Rural (A) Zone" the following secondary uses shall also be permitted only in association with and accessory to the main use of the Estate Winery:

Hospitality Room..... 60 m²

Tasting room & wine sales area * 200 m²
*includes the retail of wine products, seasonal produce,
products related to the cooking school & herbs (i.e.
agricultural market)

Cooking School..... 140 m²

Restaurant 280 m²

Outdoor Patio 190 m²

4. Notwithstanding the parking provision of Zoning By-law 500A-74, as amended off street parking for all secondary uses shall be 1 (one) parking space for every 18.5 m² of floor area devoted to the secondary use for those lands shown on Schedule "A" attached hereto and forming part of this by-law.

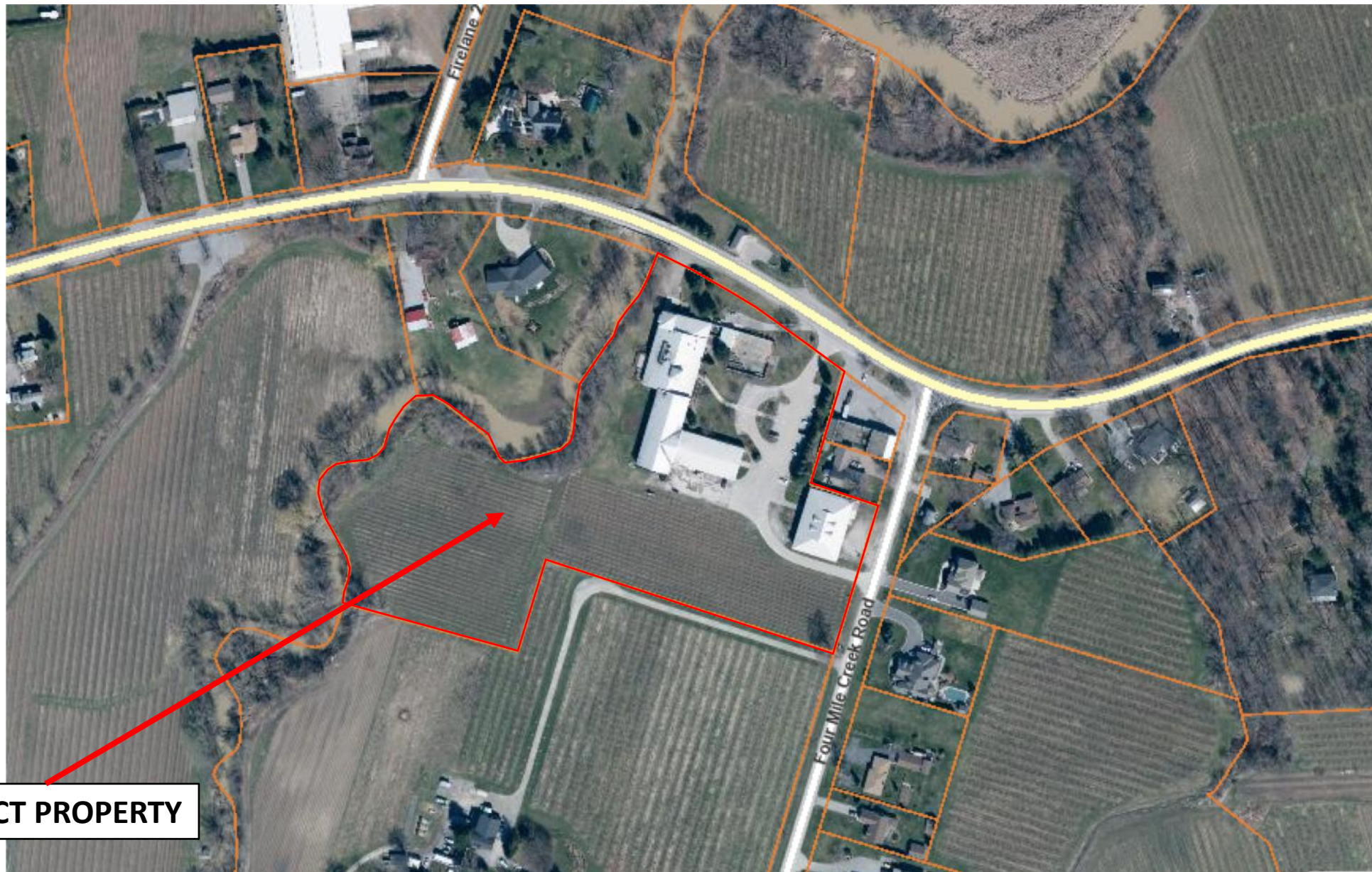
**(Schedule "A" is attached to By-law 500KS-96)*

Strewn Winery

On Farm Diversification Calculations

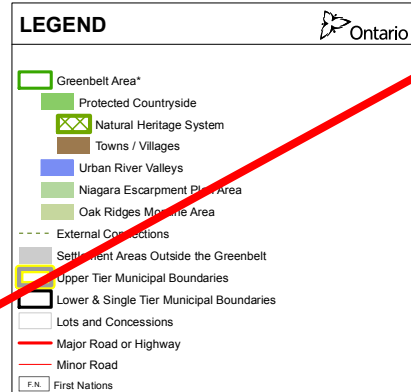
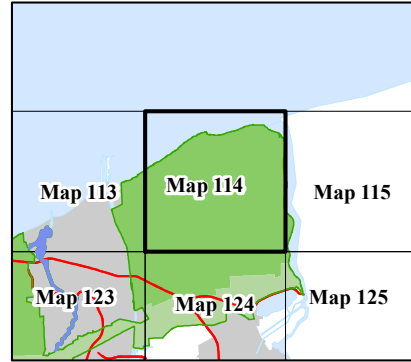
March 22nd, 2023

Lot Area	37346.90 m2
	3.73 ha
Maximum On Farm Diversified Uses	10000.00 m2
On Farm Diversified Uses Existing (Existing * 0.5)	643.94 m2
Existing % of Total Lot Area	1.72%
On Farm Diversified Uses Proposed ((Existing + Vacation Rental)*0.5)	948.84 m2
Proposed On Farm Diversified Uses as a Percentage of Lot Area	2.54%



SUBJECT PROPERTY

greenbelt



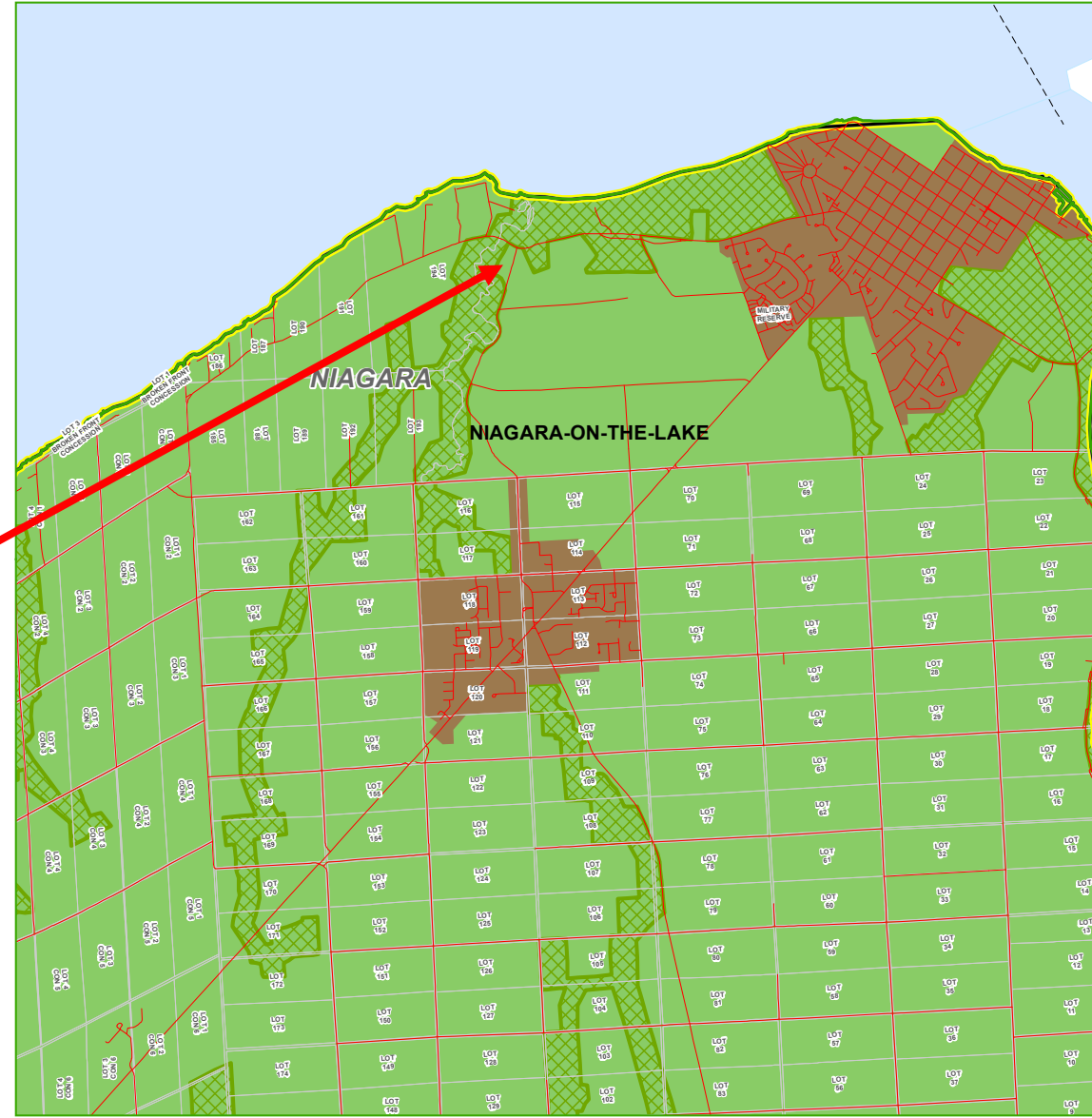
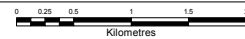
The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

Settlement boundaries generally reflect information provided by the relevant municipality. For precise boundaries and locations of Settlement Areas (Greenbelt Towns, Villages and Hamlets) the appropriate municipalities should be consulted.

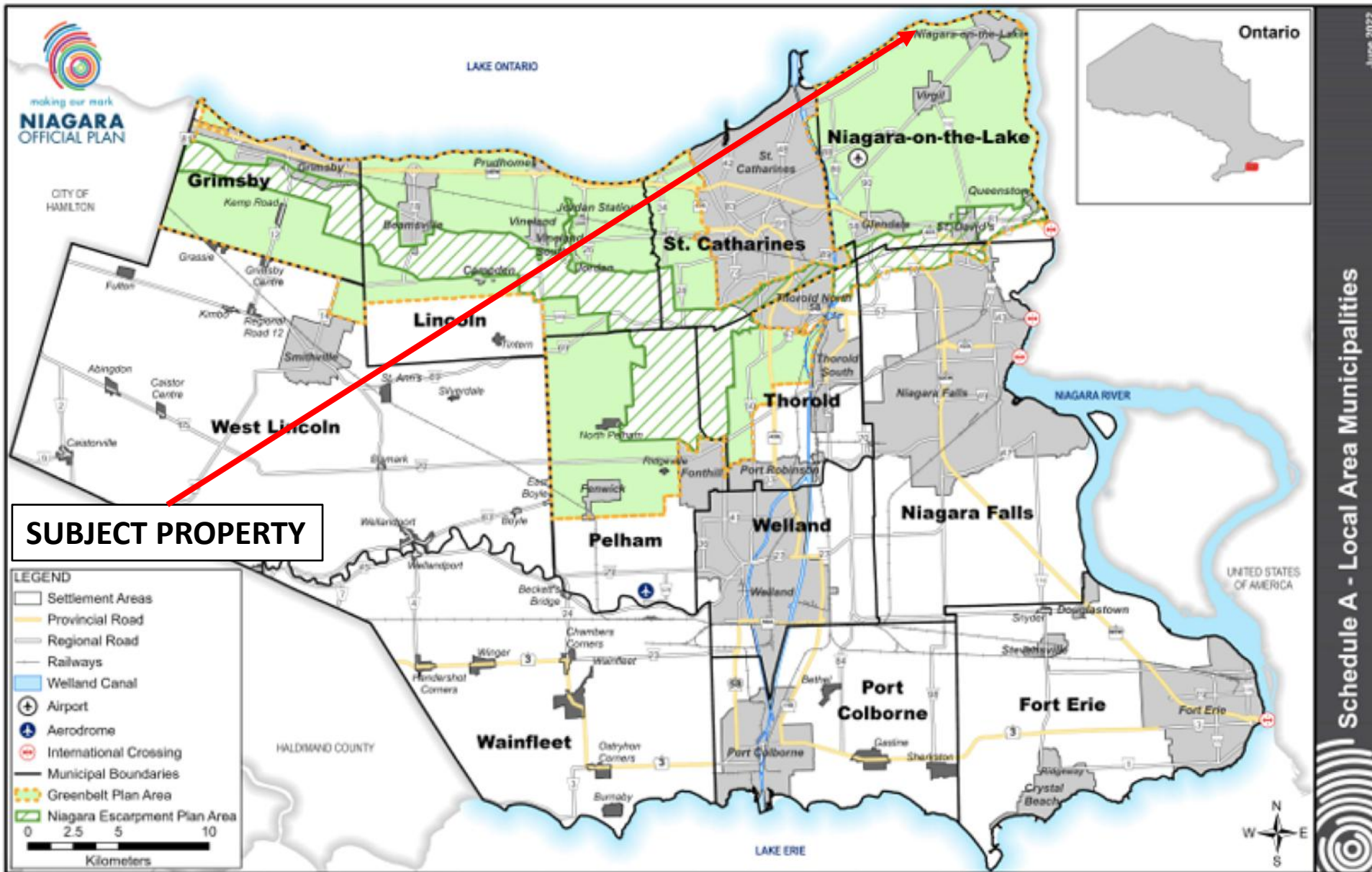
Source of Information:
Produced by and using data sources from the Ministry of Municipal Affairs, Ministry of Natural Resources and Forestry and the Ministry of Agriculture, Food and Rural Affairs.

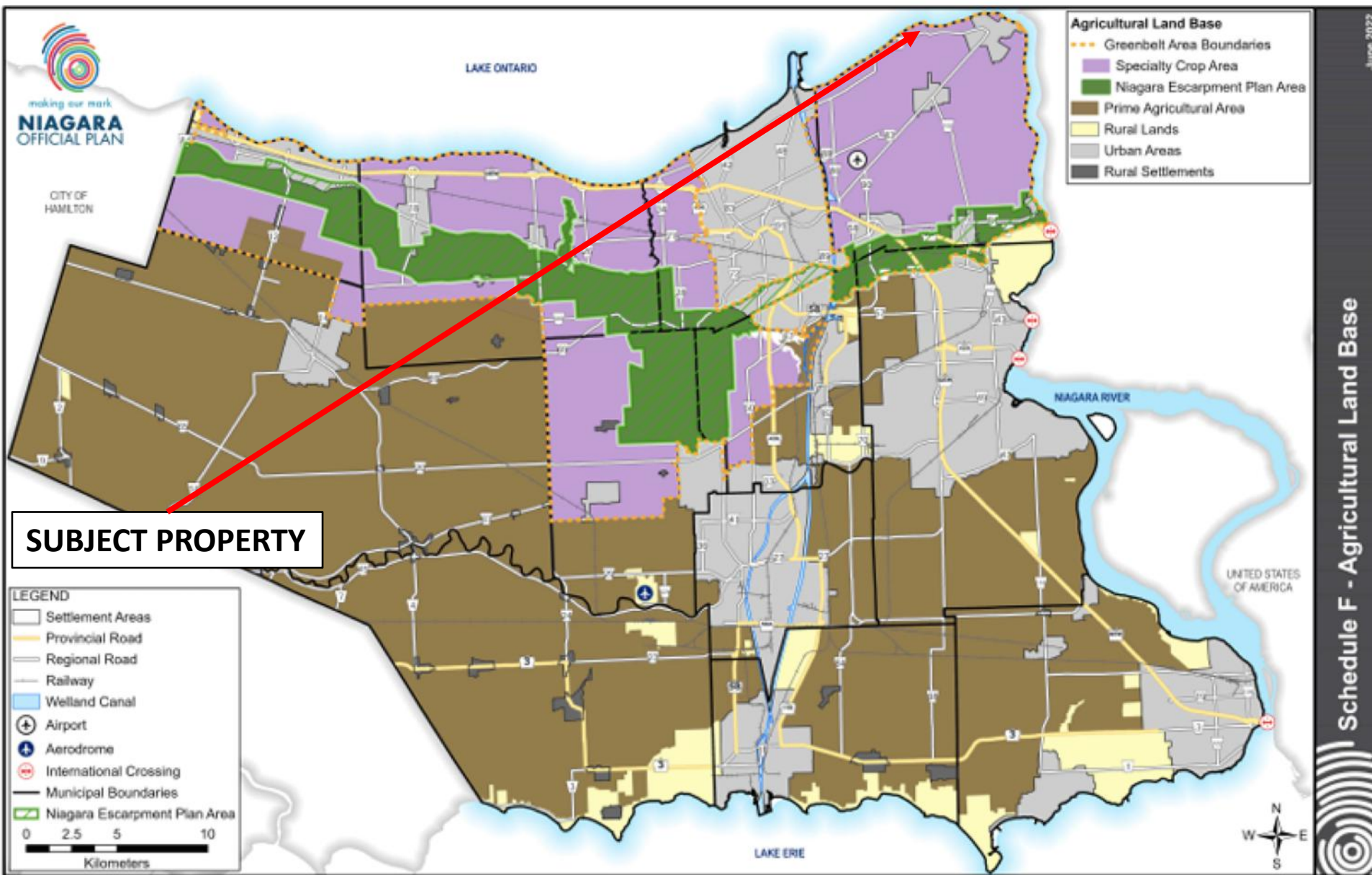
Projection: UTM Zone17 NAD83
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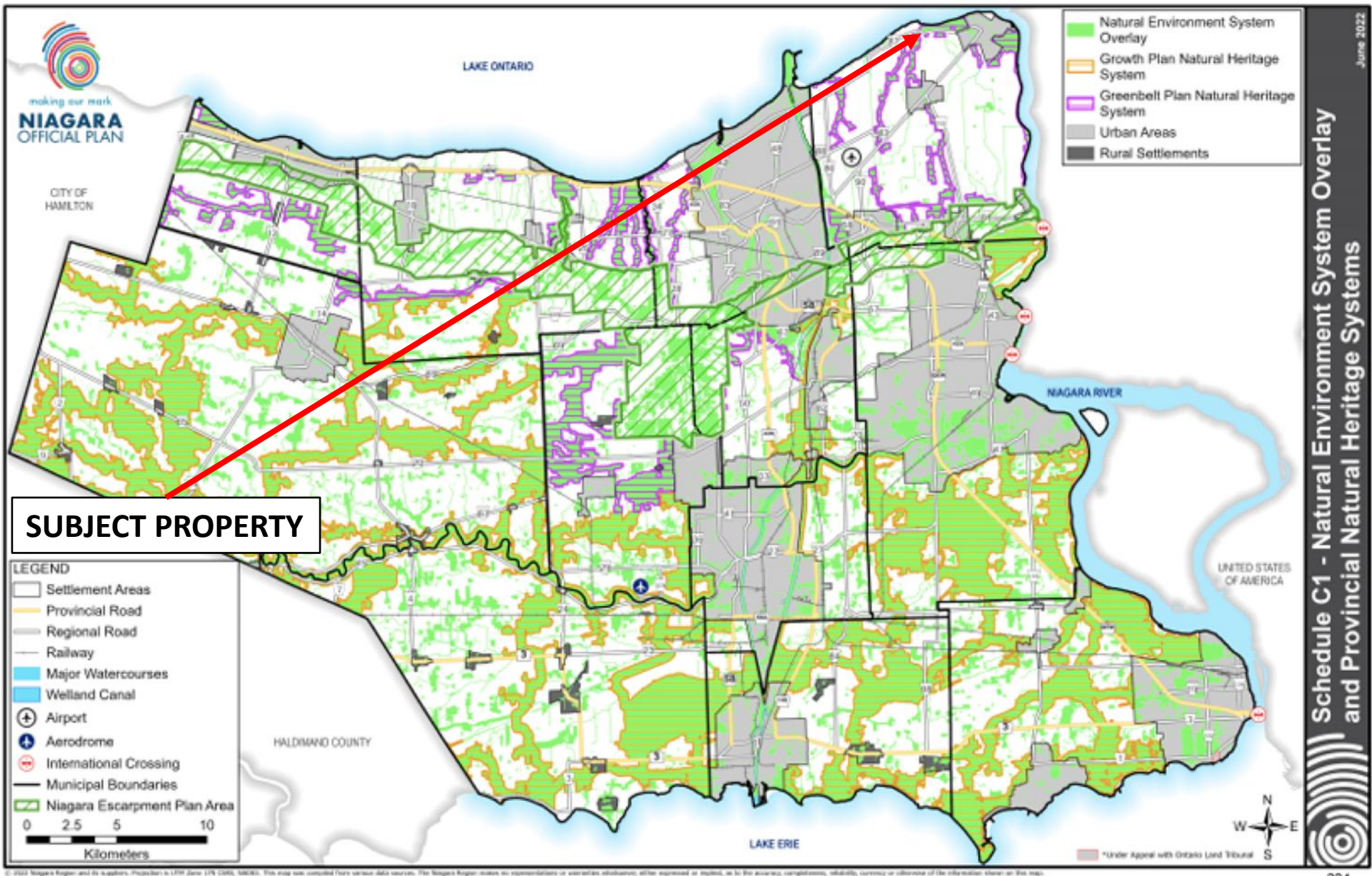
* Ontario Regulation 59/05, as amended.












SUBJECT PROPERTY












SCHEDULE "A" Land Use Plan

-  Agricultural*
-  Non-Farm Rural
-  Service Commercial
-  Niagara District Airport
-  Extractive
-  Conservation
-  Escarpment Protection Area
-  Escarpment Natural Area
-  Area of Natural & Scientific Interest

-  Major Open Space
-  Wetland (including adjacent lands)
-  Special Study Area
-  Exception - See Exceptions, Section 7
-  Niagara Escarpment Plan Boundary

*This Plan and its policies recognize the policy distinctions that are made between Good General Agricultural Areas, Good Tender Fruit and Good Grape Areas in the Regional Policy Plan (see Appendix 4). When a new Regional Agricultural Land Base Map and policies are approved by the Province, the Land Use Schedules and policies in this Plan will be amended to conform with the Regional Policy Plan.

Prepared by: NOTL P&O Services
Last Revision Date: 08.10.01



SUBJECT PROPERTY



Value-added uses that could use feedstock from outside the surrounding agricultural area (e.g., processor, packager, winery, cheese factory, bakery, abattoir)



Home occupations (e.g., professional office, bookkeeper, land surveyor, art studio, hairdresser, massage therapist, daycare, veterinary clinic, kennel, classes or workshops)*



Home industries (e.g., sawmill, welding or woodworking shop, manufacturing/fabrication, equipment repair, seasonal storage of boats or trailers)



Agri-tourism and recreation uses (e.g., farm vacation suite, bed and breakfast, hay rides, petting zoo, farm-themed playground, horse trail rides, corn maze, seasonal events, equine events, wine tasting, retreats, zip lines)*



Retail uses (e.g., farm market, antique business, seed supplier, tack shop)*



Café/small restaurant, cooking classes, food store (e.g., cheese, ice cream)*

Figure 3. Examples of on-farm diversified uses provided all PPS criteria are met.

* Source: Shutterstock

Recommended Area Calculations for On-Farm Diversified Uses

- existing laneways shared between *agricultural uses* and *on-farm diversified uses* are not counted
- area of **existing** buildings or structures, built prior to April 30, 2014, occupied by *on-farm diversified uses* is discounted (e.g., 50%)
- area of **new** buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%
- *on-farm diversified uses* may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha
- the gross floor area of buildings used for *on-farm diversified uses* is limited (e.g., 20% of the 2%)



SUBJECT PROPERTY

AS AMENDED BY 500KS-96

SUBJECT PROPERTY IS NOW ZONED AS RURAL (A)