

PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT



4079 Marshall Road

Niagara Falls, ON

January 2025

Prepared For:

Federow Farms

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1 INTRODUCTION

LandPro Planning Solutions Inc. (LandPro) has been retained by Federow Farms on behalf of the property owner to provide a Planning Justification Report in support of a Zoning By-Law Amendment for the property located at 4079 Marshall Road, in Niagara Falls. This property is legally described as PT LT 13 CON 2 Willoughby, City of Niagara Falls.

1.1 PURPOSE

The purpose of the application is to amend the City's Zoning By-law to permit the establishment of an assembly hall, an on-farm diversified use (OFDU) in an existing barn, for the purposes of hosting special events. The rezoning will also include site-specific zoning provisions pertaining to the area of the barn.

1.2 PRE-CONSULTATION

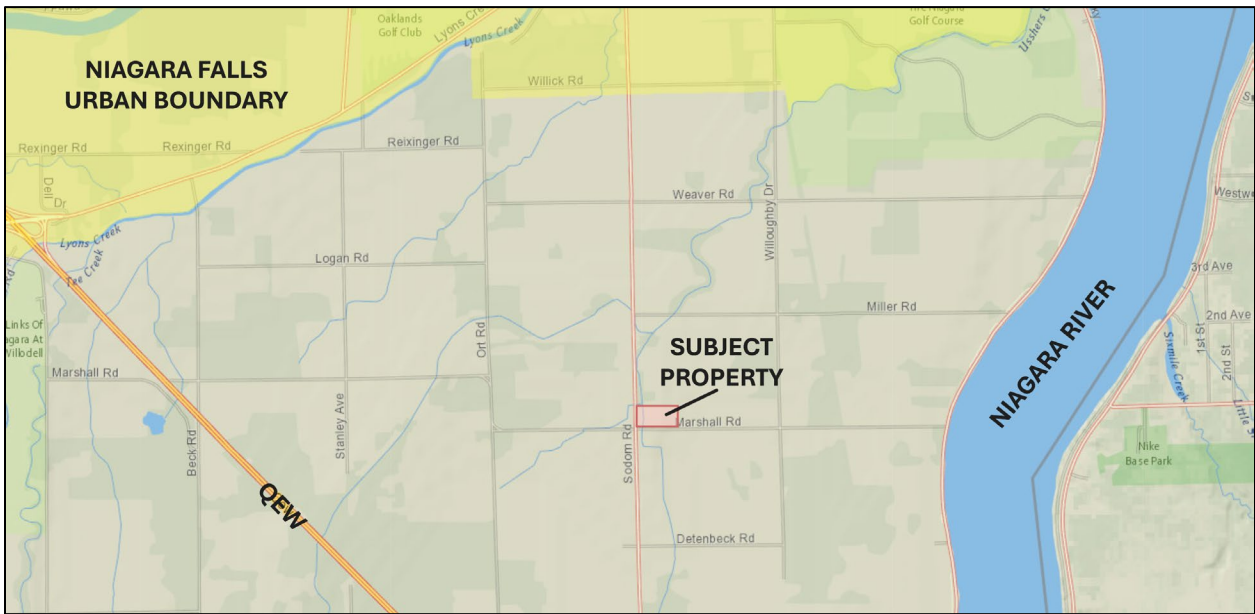
A Pre-Consultation meeting was held on January 4th, 2024, and resulted in a Planning Justification Report being required in support of a Zoning By-law Amendment application. The purpose of this report is to analyze the proposal against Provincial, Regional, and City policy and provisions and determine whether it is considered good planning.

2 SITE CONTEXT

The subject property is located at the northeast corner of Sodom Road and Marshall Road in the rural area of Niagara Falls known as Willoughby. The property is located approximately two kilometres west of the Niagara River and two kilometres south of the Niagara Falls Urban Boundary.

See property location shown in **Figure 1** below.

Figure 1: Property Location



The surrounding land uses are as follows:

- NORTH** Agricultural
- EAST** Agricultural
- SOUTH** Agricultural/Rural Residential
- WEST** Rural Residential/Agricultural

2.1 PROPERTY DIMENSIONS & PHYSICAL ATTRIBUTES

Table 1 – Existing Property Dimensions

The subject property has frontage onto Marshall Road and Sodom Road, with property access onto Marshall. The existing property dimensions are presented in Table 1.

Currently, 4079 Marshall Road contains seven buildings:

- 1. A single detached dwelling,
- 2. 5 farm buildings:
 - a. 3 barns,
 - b. 1 greenhouse,
 - c. 1 chicken coop, and

Marshall Road	
Lot Frontage	291.89 m
Lot Depth	152.44 m
Lot Area	44,062 m ² or 4.41 ha

3. One accessory building:
 - a. Storage shed.

The farming element focuses on the cultivation of nursery stock coniferous trees, field-produced vegetables, an apiary, and production of black garlic.

Products are sold directly at the farm gate, on Facebook Marketplace, at local farmers markets, and to local landscaping companies and farmers for hedgerows and windbreaks.

Coniferous trees that are produced include: Colorado Blue Spruce, White Spruce, Norway Spruce, Douglas Fir, Balsam Fir, and White Pine. Ownership is experimenting on a small scale with deciduous varieties, specifically oak and poplar seedlings.

Vegetable offerings include a variety of tomatoes, peppers, beans, potatoes, garlic, squash, cucumbers, and corn, along with eggplant, sugar beets, and carrots.

The apiary includes 160 hives across the property, supporting pollination, and the honey is distributed locally.

The applicant operates this property as a farm, focused on supplying the local market.

3 PROPOSED DEVELOPMENT

The property currently contains a barn on the eastern side which the property owner desires to use as an assembly hall to accommodate an event space business. The application is to permit an assembly hall as an OFDU at a size of no more than 230m². This is 52 m² more than permitted, and as such the proposed Zoning By-law Amendment would seek permission for the OFDU use while adding a site-specific provision for the increased permitted size of the facility.

Please see **Figure 2** for the site plan and **Figure 3** for the barn floor plan. Larger versions of these documents are accompanying this application.

Figure 2: Concept Plan, LandPro Planning Solutions Inc. – Jan 2025

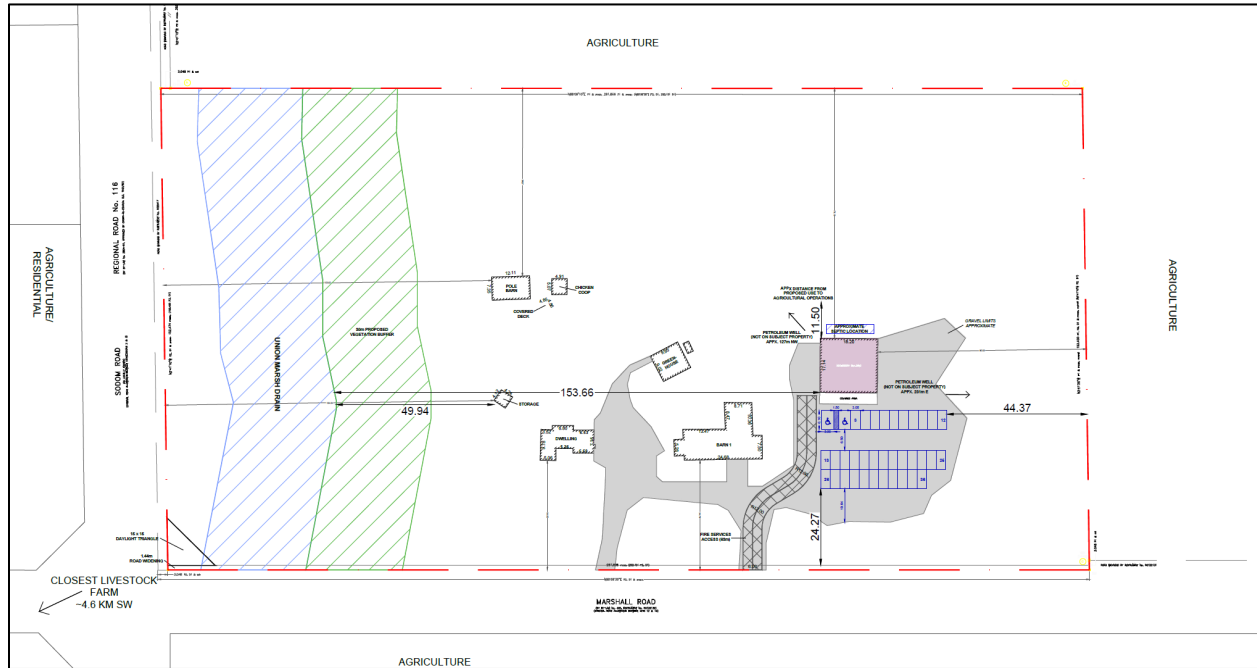
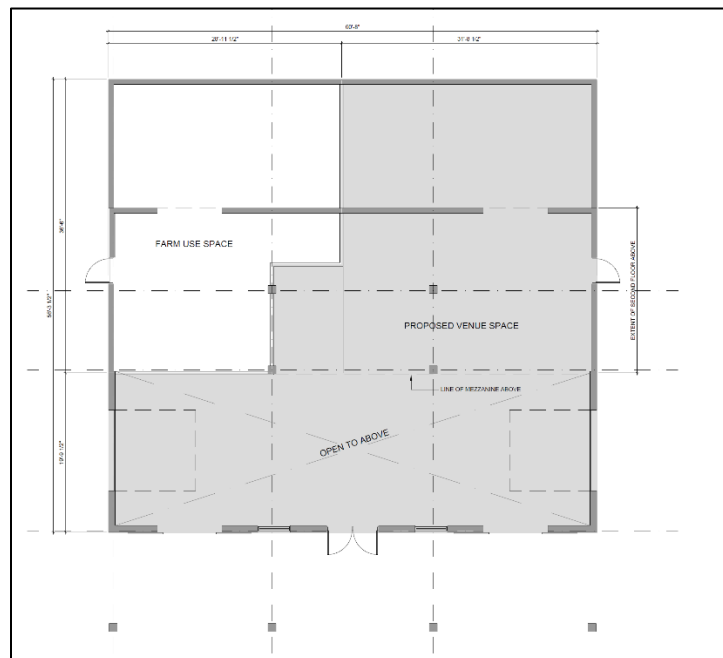


Figure 3: Floor Plan, Iconic Architecture - Nov 2024



In reference to the site plan above, “BARN 2” is the proposed event space. To accommodate 180 seats in the event space, thirty-six (36) parking spaces are proposed, located on an existing parking and driving area used for agricultural purposes. A new septic tank is proposed just north of the proposed event barn.

The floor plan demonstrates that the ground floor of the existing barn is 317.27 m² and that 230m² of this is proposed to be used as event space. The remaining 87.27 m² of the ground floor will continue to be used for the farm, as will the entire second floor (115.61m²).

4 LAND USE PLANNING FRAMEWORK

In preparing these applications, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. Planning Act, R.S.O 1990 c.P.13
2. Provincial Planning Statement, 2024
3. Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, 2016
4. Niagara Region Official Plan, 2022
5. Niagara Falls Official Plan, 2019
6. City of Niagara Falls Zoning By-Law No. 395

The proposed development was assessed against these regulations and associated policies. A detailed review is below.

4.1 PLANNING ACT, R.S.O 1990 c.P.13

The *Planning Act* is the provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use changes occur.

The purposes of the *Act* as outlined in **Section 1.1** are:

- a) to promote sustainable economic development in a healthy natural environment;
- b) to provide for a land use planning system led by provincial policy;
- c) to integrate matters of provincial interest in provincial and municipal decisions;
- d) to provide for planning processes that are fair;
- e) to encourage co-operation and coordination among various interests; and
- f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in **Section 2** of the *Act*. This application *has regard* to the following matters:

Table 2 – Planning Act, Section 2

Planning Act - Section 2 excerpts	LandPro Response
a) the protection of ecological systems, including natural areas, features and functions	The development will respect the setbacks from the natural areas to ensure their protection.
b) The protection of the agricultural resources of the Province;	The permitted use will complement the agricultural uses as an OFDU, providing the farm financial feasibility and surety.
i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities	The OFDU assembly hall will provide a local facility for the provision of social and cultural events to be held in a rural area.
k) the adequate provision of employment opportunities;	The added use will provide for the farm to supplement their farming income. This will keep the farm operation financially feasible and will also contribute to employment opportunities and subcontracted services to support events at the facility.
p) The appropriate location of growth and development	The development will permit another building to be used as an OFDU, an appropriate use on an active farm parcel.

This application has regard for the relevant sections of the *Planning Act*.

4.2 PROVINCIAL PLANNING STATEMENT, 2024

The *Provincial Planning Statement (PPS)* provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Rural Areas in Municipalities (2.5) recognizes the importance of leveraging rural assets and amenities. Healthy, integrated and viable rural areas should be supported by:

Table 3 – PPS, Section 2.5.1

Section 2.5.1	Comment
a) building upon rural character, and leveraging rural amenities and assets;	The OFDU will build on the rural character and leverage the rural amenities and assets by repurposing a farm building into

Section 2.5.1	Comment
	a rural event space. The OFDU incorporates the natural amenities that can only be found in a rural area.
b) promoting regeneration, including the redevelopment of <i>brownfield sites</i> ;	This proposal regenerates the use of the farm building into an event space that regenerate its use and provides for more financial stability for the farm operation.
d) using rural infrastructure and public service facilities efficiently;	This proposal uses the existing rural infrastructure efficiently, and is compatible with rural service levels and existing public service facilities
e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;	Permitting this OFDU will diversify the farm property by providing an event space that provides employment opportunities and goods and services.
f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;	The proposal will create a rural wedding venue in the municipality, creating a destination for wedding attendees from potentially all over Ontario.
h) providing opportunities for economic activities in <i>prime agricultural areas</i> , in accordance with policy 4.3.	As an OFDU, the proposal will provide for economic activity in the prime agricultural area of the City in accordance with the applicable policies.

Section 3.6.4. states that *“Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual onsite sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.”* A new private septic system is required to be installed for the new use to the north of the wedding barn. There no negative impacts expected as a result of the use of private services.

The subject property is located in a prime agricultural area, where the PPS permits agricultural uses, agriculture-related uses and OFDUs based on provincial guidance (4.3.2.1). The proposed use is considered an OFDU, which, the PPS defines as *“uses that are secondary to the principal agricultural use of the property, and are limited in area,”* stating that OFDUs *“shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”* The proposed event barn is compatible with and will not hinder surrounding agricultural operations. It is secondary to the farm operation and is proposed to be limited in area. For more information regarding OFDU criteria, please

refer to section 4.2.1 of this report, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. It is our opinion that the proposed event centre use is aligned with the Guidelines.

Section 4.3.2.2. of the PPS states that *"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."* The viability of farm practices on this property will be protected by expanding their business to include the event space.

The subject property is identified as an Area of Archeological Potential. Section 4.6.2 of the PPS states *"Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved."* At the Pre-Consultation meeting on January 4th, 2024, Regional staff were satisfied that no development or site alteration was proposed, and so related policies are not applicable at this time.

This application is consistent with the Provincial Planning Statement.

4.2.1 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, 2016

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) prepared the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851) document in 2016. The purpose of this was to help municipalities, decisionmakers, farmers and others interpret the policies in the Provincial Planning Statement (PPS) on the uses that are permitted in prime agricultural areas.

These guidelines are meant to complement, be consistent with and explain the intent of the PPS policies and definitions. Where specific parameters are proposed, they represent best practices rather than specific standards that must be met in every case (1.1).

This publication describes OFDUs as uses that *"should be related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict. On-farm diversified uses are intended to enable farm operators to diversify and supplement their farm income, as well as to accommodate value-added and agri-tourism uses in prime agricultural areas,"*(2.3).

The proposed event barn would co-exist with the farm operation without conflict and would be complemented by the agricultural setting. It will enable the property owner to supplement their farm income and provide a tourist destination in the City. The OMAFRA guidelines for OFDUs are as follows:

Table 4: OMAFRA Guidelines 2.3.1 for on-farm diversified uses

OMAFRA Criteria	Comment/Compliance
1. Located on a farm.	The event centre will be on the subject farm property.
2. Secondary to the principal agricultural use of the property.	<p><i>Agricultural uses</i> must remain the dominant use of the property. This is measured in spatial and temporal terms.</p> <p>The principal use of the property remains the agricultural operations.</p>

OMAFRA Criteria	Comment/Compliance										
	<p>The proposed use is limited in area and temporal as the frequency and timing of the events and rentals will not interfere with cropping cycles or other agricultural uses on the farm or in the surrounding area.</p>										
<p>3. Limited in area.</p>	<p>The proposed use will be spatially limited, and no agricultural land will be taken out of production.</p> <p>Generally, On-Farm Diversification should be limited in area to 2% of the subject property (up to 1 hectare) including all structures, laneways, and parking. Moreover, indoor space should be limited to 20% of that number. The guidelines suggest that <i>existing laneways shared between agricultural uses and on-farm diversified uses are not counted</i>.</p> <p>The property is 4.41 hectares, 2% of which is 881.23m²(or 0.088 hectares). The indoor space limit would therefore be 176.25m² (20% of 881m²).</p> <p>According to the floor plan created by Iconic Architecture, dated November 8th 2024, the total proposed calculations are as follows:</p> <table data-bbox="613 1035 1414 1461"> <tr> <th data-bbox="613 1035 886 1104">OFDU</th><th data-bbox="886 1035 1414 1104">Area</th></tr> <tr> <td data-bbox="613 1104 886 1213">Converted Barn (Event Space)</td><td data-bbox="886 1104 1414 1213">230m² to be used as event space (of 317.27m² total ground floor area).</td></tr> <tr> <td data-bbox="613 1213 886 1318">Septic System</td><td data-bbox="886 1213 1414 1318">Exact size to be determined. Estimated to be approximately 75m².</td></tr> <tr> <td data-bbox="613 1318 886 1388">Total Area:</td><td data-bbox="886 1318 1414 1388">305m² (0.7% of property)</td></tr> <tr> <td data-bbox="613 1388 886 1461">Total Indoor Space:</td><td data-bbox="886 1388 1414 1461">230m² (26% of total OFDU permitted space)</td></tr> </table> <p>As demonstrated in the table above, the total OFDU area is below the suggested limit. There is room for the septic design to be larger than anticipated.</p> <p>The indoor area is larger than what these guidelines recommend by 53.75m², or 6%.</p> <p>Please note that the existing driveway and parking lot was not included in calculations as it is primarily used by agricultural operations.</p>	OFDU	Area	Converted Barn (Event Space)	230m ² to be used as event space (of 317.27m ² total ground floor area).	Septic System	Exact size to be determined. Estimated to be approximately 75m ² .	Total Area:	305m ² (0.7% of property)	Total Indoor Space:	230m ² (26% of total OFDU permitted space)
OFDU	Area										
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Total Area:	305m ² (0.7% of property)										
Total Indoor Space:	230m ² (26% of total OFDU permitted space)										

OMAFRA Criteria	Comment/Compliance
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.	<p>OFDUs that relate to agriculture (e.g., agri-tourism and value-added uses) may be encouraged by municipalities. The event centre is intended to be an agri-tourism use to attract tourists to the area who are interested in the agricultural setting. It is intended to increase economic activity on the farm, aiding in making the farm more viable and exposing the farm's setting and products to more tourists.</p> <p>Considering special events, Section 2.3.2 of the Guidelines advises that temporal considerations can be applied, such that any events do not interfere cropping cycles or other agricultural uses. The Guidelines also recognizes that events are intermittent.</p>
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.	<p>The proposed use is to be compatible with the surrounding agricultural operations as they will continue to pursue their agricultural practices without impairment or inconvenience. The use shall be appropriate for the rural services available and maintain the agricultural character of the area.</p>

This application is generally consistent with the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

4.3 NIAGARA REGION OFFICIAL PLAN, 2022

The Niagara Region Official Plan (NROP) contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

This application proposes an OFDU that is permitted within regional specialty crop, prime agricultural areas, and rural lands (4.1.2.3 and 4.1.7.3). The description of OFDUs is:

On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations (Table 4-1).

The NROP has further criteria for OFDUs, outlined below:

Table 5: NROP Section 4.1.7 for on-farm diversified uses

NROP Policy		Yes/No	Comment
4.1.7.5	Agriculture-related uses and on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.	Yes	The PPS permits OFDUs. Consistency is reviewed in Sections 4.2 and 4.3 of this report. Further, the subject property is outside of the Greenbelt.
4.1.7.6	On-farm diversified uses shall be: a. located on a farm; b. secondary to the principal agricultural use of the property; c. limited in area; and d. compatible with, and shall not hinder, surrounding agricultural operations.	Yes	This is reflective of the criteria found within the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. These criteria are reviewed and commented on in Table 4 of this report.
4.1.7.7	The appropriate scale for <i>on-farm diversified uses</i> may vary depending on the type of use and whether the activities are located in the <i>specialty crop area</i> or in other <i>prime agricultural areas</i> .	Yes	The proposed use will be located in a prime agriculture area, outside of specialty crop areas, and meet the recommended scale per the OMAFRA Guidelines, outlined in Table 4 of this report.

The NROP also provides support for this application under section 4.5.2.1., stating that the Region will endeavor to support the agri-food industry by promoting all types, sizes and intensities of *agricultural uses* and *normal farm practices*, including *agriculture-related uses* and *on-farm diversified uses* (4.5.2.1.c.i).

The western edge of the subject property contains the Region's Natural Environment System and so is considered Key Natural Heritage Features (KNHF) and/or Key Hydrologic Features (KHF). No development is proposed within these lands and the proposed event barn is located approximately 150 metres east of the area. Regional staff were satisfied that the proposal is minor in nature and no EIS was required at Pre-Consultation.

The Pre-Consultation notes identified that a petroleum well may be located on the property. Section 4.4.1.3 of the NROP states that "*No development shall occur within 75 metres of a petroleum resource operation*

unless the petroleum resource operation has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.” The property owner has confirmed that there are no petroleum wells located on the subject property, but rather there are two wells located on adjacent properties; one to the north and one to the east. The northern petroleum well is located approximately 127 metres northwest of the existing barn which is to be renovated into an event space; the eastern well is located 231 metres directly east of said barn. Please see **Figures 4 and 5** below for images of the wells.



Figure 4: Northern well, taken by property owner in Sept 2024. Visible is fence demonstrating the end of the subject property and property structures located farther in the background.



Figure 5: Eastern well, taken by property owner in Sept 2024. Visible is subject property structures located far in the background, including proposed event venue barn.

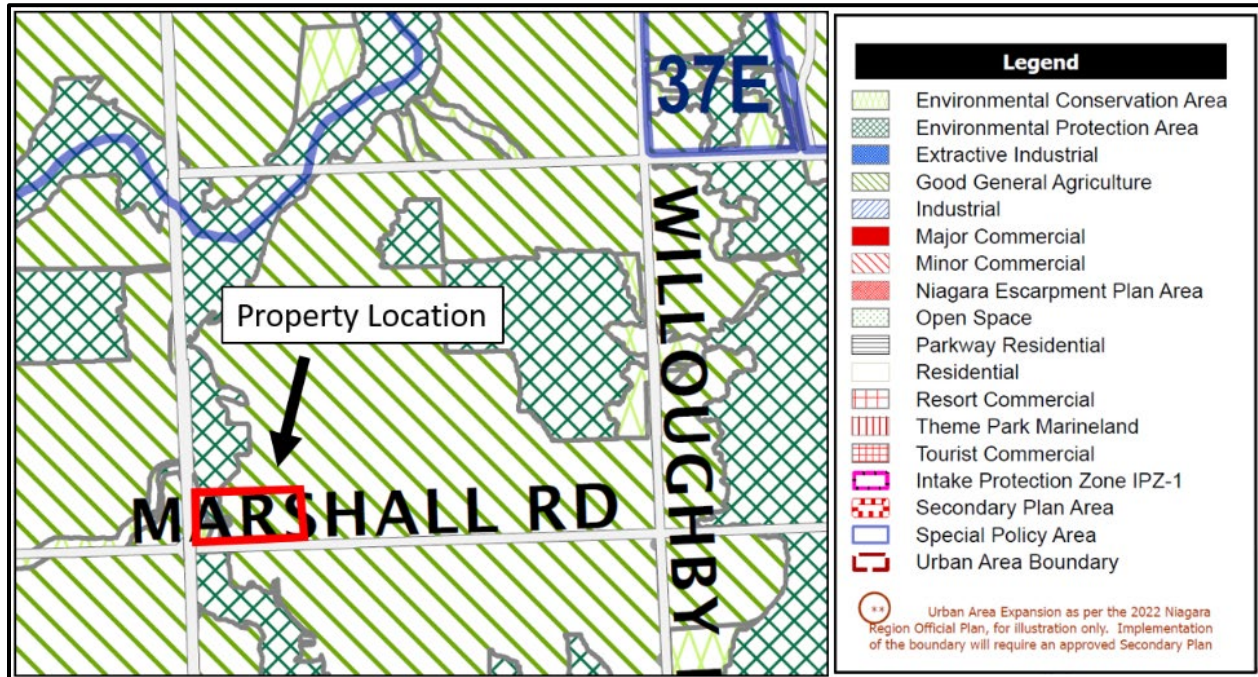
Similar to the PPS, the Niagara Region Official Plan supports OFDUs as secondary to a principle agricultural use, of which this proposal represents.

The proposed application conforms with the Niagara Regional Official Plan.

4.4 CITY OF NIAGARA FALLS OFFICIAL PLAN, 2019

The City of Niagara Falls Official Plan (NFOP) designates the property as Good General Agriculture, with the western edge of it also being designated as Environmental Protection Area.

Figure 6: Official Plan Designation



The NFOP offers that lands with the Good General Agricultural area represent a blend of agricultural uses and natural areas. Agricultural areas are to be used for all types of agricultural uses including crop farming, tender fruit and vineyards, dairy farming, livestock operations, nurseries, and intensive greenhouse as well as agricultural value retention uses, forestry, conservation uses and farm related residential dwellings (Part 2.7.1). The NFOP also permits secondary uses that provide farm diversification related to the agricultural or residential use of the lands, including home industry, value added uses, and agritourism uses, that can offer financial assistance to land owners in the agricultural area (2.7.2). Permitting of the secondary uses requires the following:

Table 6: NFOP Section 2.7.2 for secondary uses on Good General Agricultural

NFOP Policy	Yes/No	Comment
...they are compatible with and retain the agricultural, rural or rural	Yes	The event space within the existing barn is compatible with and retains the agricultural and rural character of the area. No new structures are proposed with this application.

NFOP Policy	Yes/No	Comment
<i>residential character of the Good General Agriculture Area.</i>		
<i>...secondary uses shall remain designated and zoned for agricultural or rural purposes and be in compliance with other policies of this Official Plan.</i>	Yes	The land use designation and zoning where the proposal is located will remain Good General Agricultural and Rural respectively.
<i>The ancillary uses shall not have associated outside storage of materials or hinder the surrounding agricultural uses in terms of noxious odours, noise or traffic and shall provide adequate on-site parking as outlined in the City's Zoning Bylaw.</i>	Yes	The proposed use will not have associated outdoor storage nor will it produce odours, noise, or traffic that are anticipated to hinder any surrounding or related agricultural operations. No traffic study was required by the City. Sufficient parking is provided, as is outlined in Table 8 of this report.
<i>The severance of an ancillary use is not permitted.</i>	Yes	No severance is proposed.

Section 2.7.2.3.2 of the NFOP suggests that agri-tourism uses that are not agriculturally related but *would benefit from a farm location may be considered through a site specific zoning by-law amendment*. The proposed event barn would be a tourist destination whose value is very much derived from its agricultural setting. The criteria to be considered by Council for such uses include the following:

Table 7: NFOP Section 2.7.2.3.2 for agri-tourism uses that are not agriculturally related

NFOP Policy	Yes/No	Comment
<i>the proposed use shall be appropriate for the size of farm and farm operation</i>	Yes	The proposed event space and associated lands is below the recommended limits per the OMAFRA Guidelines for OFDUs. Please see Table 4 for more information.
<i>at least 50% of the arable land of such farm parcel shall be in active and full agricultural production with higher amounts encouraged</i>	Yes	At least 50% of the property's arable land is in active agricultural production. For more details, please see Section 2.1 of this report.
<i>the proposed use shall be operated by the farm or farm family member</i>	Yes	The proposed event business is to be operated by the property owner and/or their family.

NFOP Policy	Yes/No	Comment
<i>any indoor space required for the use should be limited to 100 m2 and within existing buildings and/or structures on site</i>	Yes	<p>The proposed indoor space is located within the existing barn, however it is larger than 100m².</p> <p>The existing barn offers 317.27m² total ground floor area and the Applicant proposes to use 230m² for the event space. The Applicant considers 100m² to be too small an area to be effectively used for event purposes.</p> <p>We are of the opinion that the size of the event barn meets the intent of this policy, noting that this policy requires best efforts to meet (“should”).</p>
<i>the impact of the operation on neighbouring lands in terms of: noise (sound systems), hours of operation, frequency of events and the control of these impacts under the Municipal Act</i>	Yes	<p>The event business will be subject to all applicable noise by-laws and special events by-laws. The event scheduling will not affect agricultural operations or scheduling. The barn is approximately 170 metres from the closest neighbouring house to the south, 250 metres to the west, and nearly a kilometre to the north, east, and southeast. The event space would be fairly isolated and is not anticipated to negatively affect surrounding landowners. No traffic study was required.</p>
<i>the use of site plan control to address issues such as access, servicing, parking, protection of natural areas and agricultural lands, and setbacks from livestock and adjacent uses</i>	TBD	<p>Requirement for Site Plan Control has not been identified by City staff.</p>

The property owners shall install adequate private servicing for the event per NFOP policy 7.6: *All development will be expected to depend on private waste disposal systems and private water supply in accordance with the requirements of the Regional Public Health Department and/or the Ministry of the Environment.*

The western edge of the property contains the Union Marsh Drain and the lands surrounding this waterway is designated Environmental Protection Area (EPA). Section 2.11.2 states that *Areas designated EPA are to receive the highest level of protection with policies that prohibit development or site alteration.* The EPA designation applies to *Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas* (2.11.2.13). No development is proposed within the EPA designation.

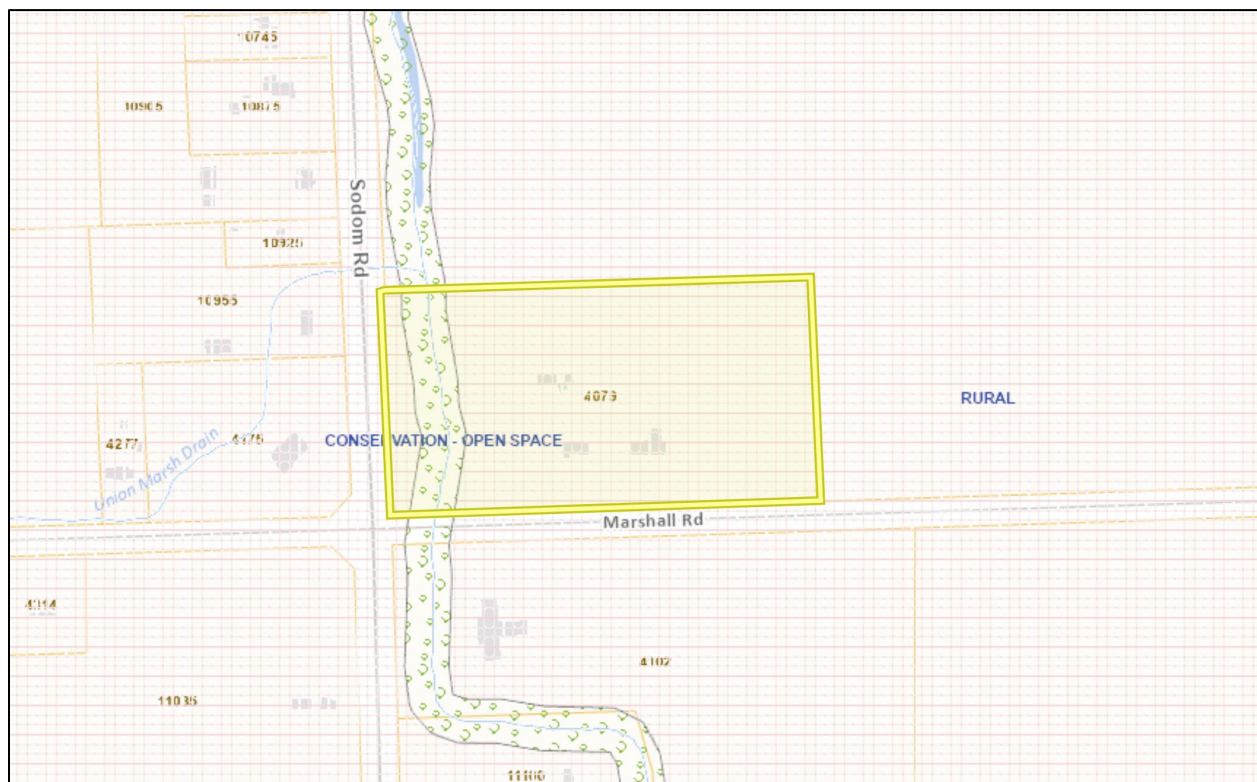
This proposal conforms to the City of Niagara Falls Official Plan.

4.5 CITY OF NIAGARA FALLS ZONING BY-LAW NO. 395 (1966)

The subject property is currently zoned *Conservation – Open Space* and *Rural*. Please see **Figure 7** below. The proposal is located wholly within the Rural zone.

Permitted uses in the Rural zone include agricultural uses, single family dwellings, and utilities. This Zoning By-law Amendment application proposes to maintain the Rural zone but to add the permitted use of an on-farm diversified use, with the site-specific provision to permit up to 230m² of usable indoor floor space. This rezoning is per the Niagara Falls Official Plan policy Section 2.7.2.3.2.

Figure 7: City of Niagara Falls Zoning per Niagara Falls Viewer GIS



Please see the Rural zoning provisions below in **Table 8**.

Table 8: City of Niagara Falls Zoning By-Law No. 396/66 – Rural Zone

Zone Provisions	Required	Proposed	Comment
Min. Lot Area	1 hectare	4.41 hectares	Complies

Min. Lot Frontage	61 m (200 ft)	291.89 m	Complies
Min. Front Yard	20.7m (68ft) from ROW centreline	33.18m to road widening, appx. 45m to ROW centreline	Complies
Min. Rear Yard	9.1 m (30ft)	59.37m	Complies
Min. Interior Side Yard	4.6m (15ft)	65.93m	Complies
Min. Floor Area - Dwelling	92.9m ² (1000ft ²)	138.441m ²	Complies
Max. Building Height	10.7 m (35ft)	9.75m or less	Complies
Parking Requirements	1 parking space per 5 seats (<i>Assembly Hall</i>)	36 spaces (up to 180 seats)	Complies

The Zoning By-law Amendment seeks to add an on-farm diversified use as a permitted use. It also serves to increase the permitted indoor space to 230m².

Subject to City approval, this proposal will meet the provisions of the Zoning By-law 396/66.

5 PLANNING ANALYSIS SUMMARY

The application proposes to add an OFDU with an increased permitted indoor area.

It has regard to the purposes of the *Planning Act* listed in **Section 1.1**. The application also has regard to the matters of provincial interest outlined in **Section 2**; specifically *criterion a, b, i, k, and p*.

This application is consistent with the Provincial Planning Statement. It meets the criteria for “healthy, integrated and viable rural areas” per Section 2.5.1 (**Table 3** of this report) and will have adequate private servicing per Section 3.6.4. The proposal involves an OFDU in a prime agriculture area which is permitted by the PPS and meets the OFDU definition per the PPS. The proposal also generally meets the OMAFRA Guidelines for OFDUs (**Table 4** of this report). The viability of farm practices on this property will be protected by expanding the property owner’s business to include the event space. Policies related to any archeological potential do not apply as Regional staff were satisfied that no development or site alteration is proposed.

This application conforms to the Niagara Region Official Plan. The proposed OFDU is permitted and supported in prime agricultural areas (Section 4.5.2.1.c.i) and meets the NROP’s description of OFDUs. **Table 5** of this report demonstrates that the proposal meets the NROP’s criteria for OFDUs (Section 4.1.7). The Regional Natural Environment System on the western edge of the property will be unaffected by the

proposal, as the proposed event space is approximately 150 metres east of the regulated area. Regional staff were satisfied that the proposal is minor in nature and no EIS was required at Pre-Consultation. The property owner demonstrated with photographs (**Figures 4 and 5** of this report) that the nearest petroleum wells were not on the subject property and are well outside of the 75-metre required distance between wells and development.

This application conforms to the City of Niagara Falls Official Plan (NFOP). The NFOP designates the property as Good General Agriculture, with the western edge of it also being designated as Environmental Protection Area. The NFOP permits secondary uses that provide farm diversification related to the agricultural or residential use of the lands, including agritourism uses, that can offer financial assistance to land owners in the agricultural area (Section 2.7.2). The proposed event space meets Section 2.7.2 policies regarding secondary uses (**Table 6** of this report). The NFOP suggests that agri-tourism uses that are not agriculturally related but *would benefit from a farm location may be considered through a site specific zoning by-law amendment* (Section 2.7.2.3.2). The proposal meets this section's policies regarding agri-tourism uses that are not agriculturally related (**Table 7** of this report). The proposed indoor space is larger than the NFOP's suggested 100m², however, it is our opinion that the application still conforms to the NFOP, as justified in **Table 7**. No development is proposed within the EPA designation.

This application is to amend the Zoning By-law to permit on-farm diversified use in the area of this property zoned Rural, with the site-specific provision to permit up to 230m² of usable indoor floor space. All other Rural zoning provisions are met, as is demonstrated in **Table 8** of this report. This rezoning is per the Niagara Falls Official Plan policy 2.7.2.3.2. Subject to its approval by Council, this proposal will meet the provisions of the City of Niagara Falls Zoning By-Law No. 395 (1966).

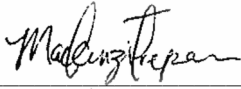
6 CLOSING

It is our opinion that the application represents good planning and should be approved. The application:

1. Has regard for the Planning Act,
2. Is consistent with the PPS, 2024
3. Conforms to the Niagara Region Official Plan,
4. Conforms to the City of Niagara Falls Official Plan, and
5. Subject to Council approval, will conform to Zoning By-law 395/66.

Based on the above, we are of the opinion that this application represents good planning and encourage City Council to approve it.

LANDPRO PLANNING SOLUTIONS INC.



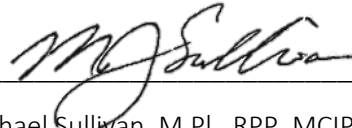
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