



Subject:	Zoning By-law Amendment Application by Chester and Phyllis Kowalik CN: 3-5-02-03, Application: PLZBA20190043
To:	Planning & Economic Development Committee
From:	Planning and Development Department

Report Number:	PD-53-19
Wards Affected:	Ward 4
Date to Committee:	Monday, July 15, 2019
Date to Council:	Monday, July 22, 2019

Recommendation:

Council Approve Zoning By-law Amendment Application PLZBA20190043 in the name of Chester and Phyllis Kowalik.

Council **Enact and Pass** Zoning By-law XX attached as Appendix B of Planning and Development Department report PD-53-19 to amend the zoning regulations for lands at 4490 Victoria Avenue;

Council **Deem** that Zoning By-law XX conforms to the Official Plan for the Town of Lincoln.

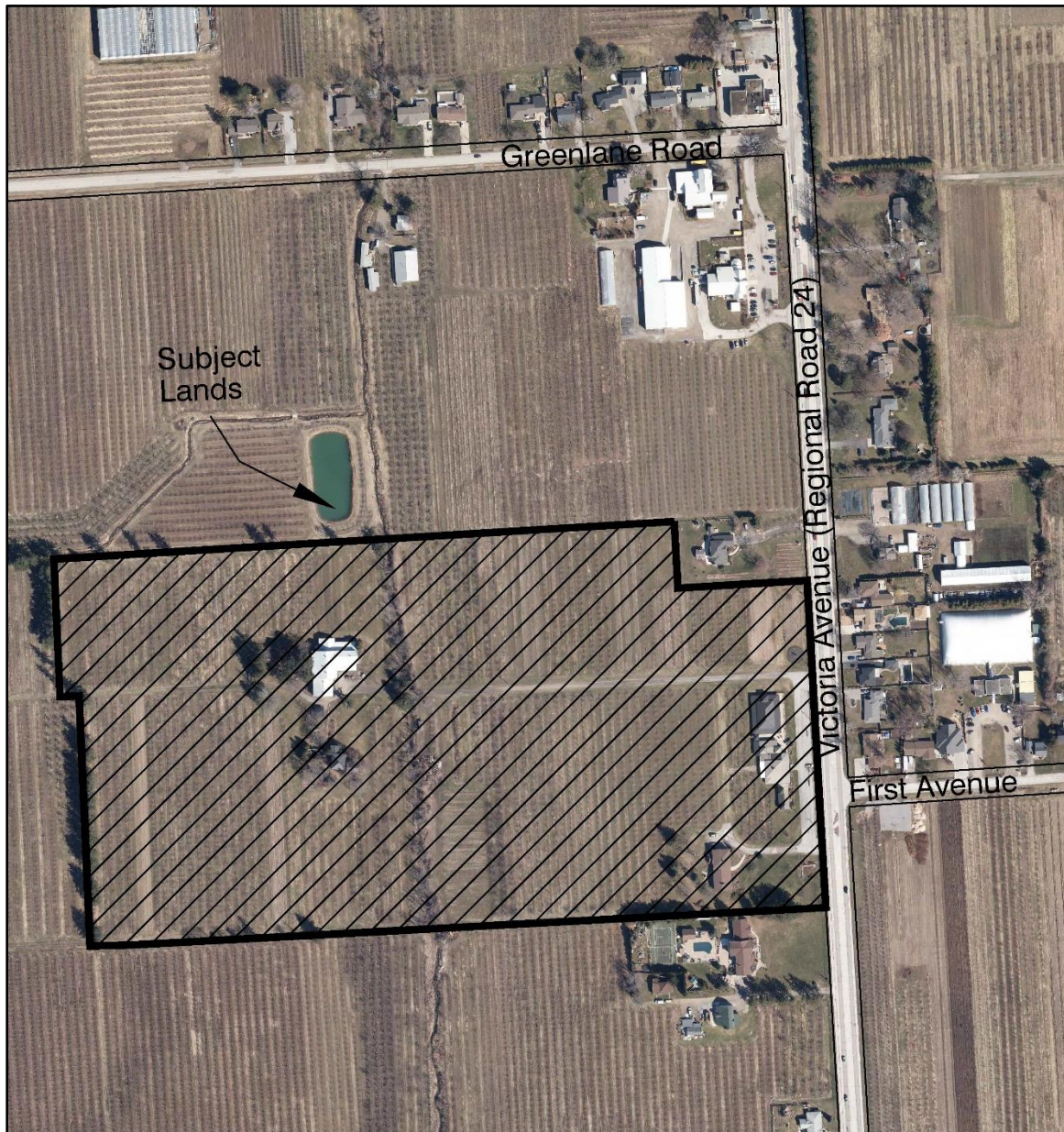
Purpose:

The purpose of this report is to provide a recommendation to Committee and Council regarding a Zoning By-law Amendment application to permit a banquet type facility within an existing storage building as a permitted use within the Agricultural (A-22) Zone that applies to the subject lands.

Background:

The subject lands are municipally known as 4490 Victoria Avenue and located on the west side of Victoria Avenue to the south of Greenlane Road. The subject lands are composed of part Lots 1 and 2, Concession 2, being Parts 1 and 2 of Plan 30R-1574. A map outlining the location of the subject lands is included on the following page and a site plan is included in Appendix A.

The subject lands possess a lot area of 13.2 hectares (32.57 acres) and are currently used as a seasonal retail peach market and a storage building. The Zoning By-law Amendment would permit the existing storage building adjacent to the market to be used as a banquet facility for event purposes. The storage building is approximately 516.26 square metres in size. As there are currently no services to the storage building, the events are proposed to utilize existing washrooms in the Peach Market building that is immediately adjacent, and the on-site caterer will employ the use of a mobile kitchen. Surrounding lands are predominantly being used for agricultural/rural residential purposes.



The owners are adapting their operations in response to the changing economic climate and market conditions in order to preserve their vision of being the preferred destination

for quality peaches. The intent is to implement strict guidelines that will ensure growth and demand of peaches as a result of this venture. Each event will require the use of peaches in the menu as well as the mandatory purchase of peaches to take home, hence demonstrating the strong correlation of the banquet events to the primary agricultural use of the property. Visitors will be educated on the growing conditions and agricultural history unique to Lincoln.

Report:

It is required that municipal decisions affecting planning matters shall be consistent with the Provincial Policy Statement (PPS), Growth Plan and other provincial legislation. The following policies are particularly relevant to this application.

Provincial Policy Statement:

According to the Provincial Policy Statement (PPS), the lands are located within a prime agricultural area and more specifically as a specialty crop area. Such lands shall be protected for long-term use for agriculture, with specialty crop areas being given the highest priority for protection.

Policy 1.1.5.8 states that agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.

Policy 2.3.1 states the prime agricultural areas will be protected for long-term use for agriculture. Policy 2.3.3.1 states that permitted uses include agricultural uses, agricultural related uses and on-farm diversified uses and that proposed uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

According to the Provincial Policy Statement, agricultural-related uses and on-farm diversified uses are defined as follows:

Agriculture-related uses means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

On-farm diversified uses means uses that are secondary to the principal 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 means 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 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas as set out by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to assist with the interpretation of the PPS (2014) suggest that the peach market is considered an agricultural-

related use directly related to a farming operation, supports agriculture and is compatible with surrounding agricultural operations. Secondary uses directly related to and supportive of agriculture, such as the proposed banquet facility are considered on-farm diversified uses.

Staff considers the proposed use an appropriate adaptive use of the building promoting agri-tourism, as well as supporting and promoting the agricultural operation. Therefore, it is Staff's opinion that the proposed use conforms to the applicable policies of the Provincial Policy Statement and meets the guidelines provided by OMAFRA.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe 2019:

A Place to Grow is the Province of Ontario's new growth strategy for the Greater Golden Horseshoe region and took effect on May 16, 2019. It is identified as the framework for planning growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It is required that municipal decisions affecting planning matters shall be consistent with the principles and policies of the Growth Plan. The lands are located within the Prime Agricultural Area as defined by the Plan. The Plan defers to protective legislation found in statements of provincial policy such as the PPS and provincial plans such as the Greenbelt Plan.

Planning Staff are of the opinion that the proposal is considered an on-farm, value added, diversified use in conformity to the Growth Plan as it will contribute to the long-term economic viability of the peach market.

Greenbelt Plan:

The Greenbelt Plan identifies the subject lands as being located within the Protected Countryside designation, further identified as the Niagara Peninsula Tender Fruit and Grape Specialty Crop Area. Policy 3.1.2.1 states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.

Staff are of the opinion that the proposal directly supports the Peach Country Farm Market by promoting the agricultural use and will not further negatively affect the surrounding agricultural area.

Regional Official Plan:

The lands are within a Unique Agricultural Area according to the Regional Official Plan. The Unique Agricultural Area designation encourages the preservation of agricultural lands for agricultural purposes. The Region's Plan permits small-scale commercial and industrial uses directly related to, serving and requiring close proximity to surrounding agricultural areas. The policies of the Region's Plan support the establishment of

agricultural value-added uses and encourage a more diversified, profitable and sustainable agricultural industry in Niagara.

Staff are of the opinion that the proposed use of the building as a banquet facility accessory to the Peach Country Farm Market is a value added agri-tourism use that benefits being located in close proximity to the market and therefore conforms to the Regional Policy Plan.

Council Policy:

The lands are subject to a number of planning policies, including the policies of the Official Plan and the regulations of Zoning By-law No. 93-14-Z1.

Official Plan:

The lands are designated Specialty Agriculture according to the Official Plan. As noted in Section 1.3.3.2, a primary objective of the Official Plan is to promote Lincoln as a Centre of Excellence for Agriculture and attract a full range of business linked to or supportive of food and farming and all related activities. In Section 2.1.2, Objectives for Agricultural Land Use Policies include encouraging growth of agriculture-related uses and on-farm diversified uses in appropriate locations and at an appropriate scale relative to surrounding land uses.

Section 2.1.5.4.1 states that Agri-tourism uses are to be located on a farm and secondary to the principal agricultural use of the property, limited in area to 500 square meters or less, and related to agriculture will be permitted as of right in the implementing Zoning By-law. It further states that agri-tourism uses that are both located on a farm and secondary to the principle agricultural use of the property involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be considered based on the following criteria:

- The scale of the operation is appropriate to the site and surrounding farming operations;
- The use has minimal impact on, does not interfere with and is compatible with surrounding agricultural uses;
- The use does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation/traffic;
- 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 and will not generate the need for additional public infrastructure;
- The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;
- The use complies with all of policies of this Plan and Niagara Region Official Plan.
- For special events, the use represents an occasional activity and is not a regular recurring activity; and

- The timing and duration of such uses do not hinder the agricultural operation on the site or on surrounding lands.

Zoning By-law:

The subject lands are currently zoned Agricultural (A-22) according to the Zoning By-law No.93-14-Z1 which includes site specific provisions to accommodate a “Farm Produce Outlet” which is the peach market. The site-specific provisions of the Agricultural (A-22) Zone do not include a banquet facility as a permitted use. As such, the proposed Zoning By-law amendment is intended to introduce an additional provision to permit a banquet facility that would include a footprint area of 517 square metres.

Planning and Development Staff:

Planning Staff are of the opinion that the proposed banquet facility is an on-farm diversified and value added agri-tourism use. It will remain secondary to the main agricultural use, is at an appropriate scale to the main agricultural use and is compatible with the surrounding area. The proposed use increases the viability of the agricultural operation and will benefit from being in close proximity to the existing farming operation and peach market. In addition, Planning Staff are of the opinion that the proposed use is an appropriate adaptive re-use of the existing building and will have minimal impact to the surrounding area.

The applicant has submitted a Traffic Impact Brief which concludes that no traffic improvements are required as a result of the proposed use. No new entrances are proposed and the driveway is proposed to be extended to wrap around the building for ease of vehicular movement on site. The driveway extension will include 48 additional parking spaces to accommodate the proposed use for a total of 83 spaces, whereas 67 spaces are required.

Staff has prepared a draft Zoning By-law Amendment which is included as Appendix B.

Processing Timelines:

Date of Receipt of Complete Application: March 22, 2019

Processing Time: +/- 4 months (114 days)

Section 34(11) of the Planning Act permits an applicant to file an appeal to the Local Planning Appeal Tribunal if Council refuses or neglects to make a decision on a Zoning By-law Amendment Application within 150 days of the submission of a complete application.

Financial, Legal, Staff Considerations:

Financial: Development charges will apply at the building permit stage for the change of use of the building from agricultural storage to a banquet facility. Additional costs will

also be incurred by the owner for upgrades to the building and servicing to permit the increase in occupancy load.

Staffing: N/A

Legal: In the event that Council's decision regarding the application is appealed to the Local Planning Appeal Tribunal (LPAT), legal costs could be incurred by the Town.

Public Engagement Matters:

The Zoning By-law Amendment application notice was circulated to relevant government agencies and Town Departments as well as property owners within 120 metres of the subject lands in accordance with Planning Act regulations. An open house occurred on June 4, 2019 and a public meeting was held on June 10, 2019. At both meetings no concerns were brought forward from the public. The comments received from external agencies and Town departments are as follows:

- Niagara Region has advised that they do not object, in principle, to the proposed Zoning By-law Amendment application to permit a banquet facility on the subject property. However, prior to approval, staff require that the applicant submit additional information to address the servicing requirements to accommodate the proposed use.

As a result of the above comment, the applicant has indicated that the washrooms in the immediately adjacent Peach Market building will be utilized. Regional staff confirmed acceptance of this.

Conclusion:

As outlined in this report, staff are of the opinion that this application is consistent with Provincial Policy, conforms to the Growth Plan for the Greater Golden Horseshoe and conforms to the Regional Official Plan.

Staff is further satisfied that the development is consistent with the Official Plan as it is a proposal that will conform with the Specialty Agriculture designation in allowing for the growth of agriculture-related uses and on-farm diversified uses.

Staff recommend that Zoning By-law application PLZBA20190043 be approved and that Zoning By-law Amendment attached as appendix B to this report be adopted.

Respectfully submitted,

Matt Bruder, MCIP, RPP
Associate Director of Planning and Development

Appendices:

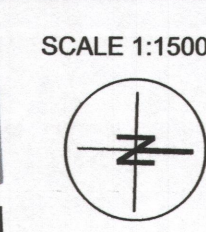
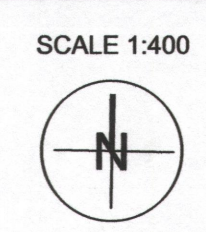
Appendix A Site Plan
Appendix B Zoning By-law Amendment

Notification:

Notification of the decision will be in accordance with the requirements of the Planning Act.

Report Approval:

Report has been approved by the Director of Planning and Development and the Chief Administrative Officer.

seal

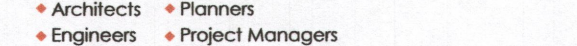
Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.

Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.

All construction to be in accordance with the current Ontario Building Code and all applicable Ontario regulations.

All drawings and related documents remain the property of Quartek Group Inc., all drawings are protected under copyright and under contract.

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LEGAL DESCRIPTION
Part of Lot 1, Concession 2
(Geographic Township of Clinton)
Town of Lincoln
Regional Municipality of Niagara

MUNICIPAL ADDRESS
4490 Victoria Avenue, Vineland Station

project title

Peach Country Farm Market

TOWN OF LINCOLN

drawing title

SITE PLAN

drawn by **JR** designed by **TO**

scale date

AS NOTED 07 Feb 2019

job number	issue
17312	D

drawing number
17312-SP

3. AND THAT This By-law shall become effective from and after the date of passing thereof.

By-law read a first time this 22nd day of July, 2019.
By-law read a second time this 22nd day of July, 2019.
By-law read a third time and finally passed 22nd day of July, 2019.

MAYOR: SANDRA EASTON

CLERK: JULIE KIRKELOS

DRAFT

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2019-XX-ZXXX

This By-law involves a parcel of land located on the west side of Victoria Avenue to the south of Greenlane Road. The lands are composed of part of Lots 1 and 2, Concession 2, Clinton, being Parts 1 and 2 of Plan 30R-1574.

The By-law adds the Agricultural (A-XX) Zone to include a banquet facility as a permitted use within the former agricultural building on the property.

CN: 3-5-02-03
PLZBA20190043
Applicant: Chester and Phyllis Kowalik
PD-53-19

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