

# PLANNING JUSTIFICATION REPORT

## Zoning By-law Amendment

**Frank and Marietta Commisso**  
**564 & 556 Kemp Road East**

PART OF LOT L, EAST GORE, TOWN OF GRIMSBY, THE REGIONAL  
MUNICIPALITY OF NIAGARA



File No. 124121

January 2025



**Contents**

1.0 Introduction ..... 1

2.0 Summary of Findings ..... 2

3.0 Site and Neighbourhood Context ..... 3

4.0 Proposed Development..... 4

5.0 Planning Context..... 6

6.0 Required Approvals..... 8

7.0 Planning Policy..... 9

8.0 Town Of Grimsby Zoning By-law No. 14-45..... 15

9.0 Site Servicing, Grading & StormWater Management ..... 16

10.0 Discussion..... 16

11.0 Public Consultation Strategy ..... 17

12.0 Conclusions and Planning Justification ..... 18

Appendix “A” – Policy Review ..... 19

Appendix “B” – Draft Zoning By-law Amendment..... 23

1.0

INTRODUCTION

D.G. Biddle and Associates Limited has been retained by Frank and Marietta Comisso to provide professional consulting services in support of an application to amend the Town of Grimsby Zoning By-law No. 14-45 to remove the restriction on weddings and special events (“special events”) use, remove the restriction on the 2% lot coverage of the existing winery use, add wines sales and tasting uses as an on-farm diversified and winery as an agricultural related use. The subject property is municipally addressed as 564 & 556 Kemp Road East and legally described as Part of Lot L, East Gore, Town of Grimsby, in the Regional Municipality of Niagara.

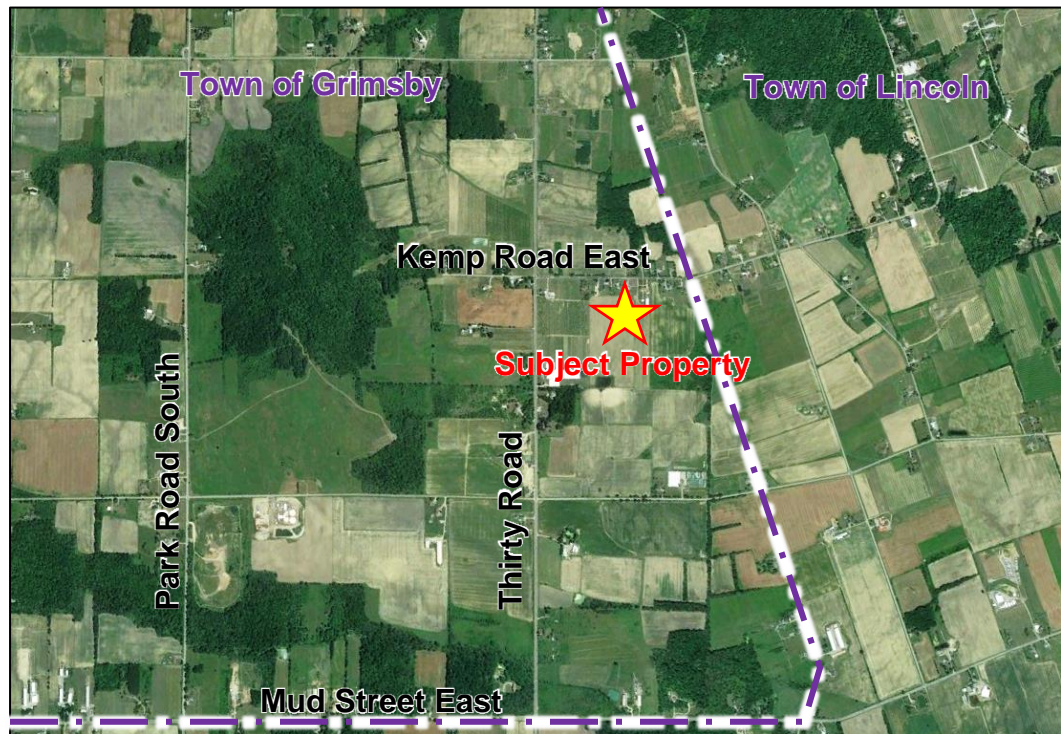


Figure 1: Location of subject property in the Town of Grimsby

Document	Requested Amendments
Town of Grimsby Zoning By-law No. 14-45	A) Amend Zoning By-law Schedule “17-B” to modify the Speciality Crop (SC) Exception Zone “333” to remove the previously excluded weddings and special events use, remove 2% area limit for the winery use, add wines sales and tasting uses as an on-farm diversified and winery as an agricultural related use.

This Planning Justification Report will evaluate the proposed amendment based on conformity with the applicable planning legislation, provincial and local planning policy and will ensure compatibility with surrounding uses. The winery use will be evaluated against the agri-related and on farm-diversified uses definitions provided by the Ontario Ministry of Agriculture, Food and Rural Affairs to justify the requested lot coverage amendment to the winery use. Further, this report will provide comment on the integration of the proposed development into the existing area and demonstrate compatibility with adjacent uses while mitigating potential adverse impacts on surrounding areas.

## **2.0 SUMMARY OF FINDINGS**

The proposed amendment is in conformity with the overarching provincial planning policy and is consistent with the permissions of the land use designations of the Niagara Region and the Town of Grimsby Official Plans. The amendment will assist the property owner in diversification of farm operation revenue and will help to address the viability of the agricultural production.

An amendment to the Town of Grimsby Zoning By-law is required to add wines sales and tasting uses as an on-farm diversified and winery as an agricultural related use, remove the restriction on the special events use and remove the cap on the permitted area occupied by a winery in accordance with the Ministry of Agriculture, Food and Rural Affairs Guidelines. The requested amendment will enable the subject lands to address the policies of Provincial Planning Statement, the Niagara Region Official Plan and the Town of Grimsby Official Plan with regard to achieving healthy, integrated and viable rural areas.

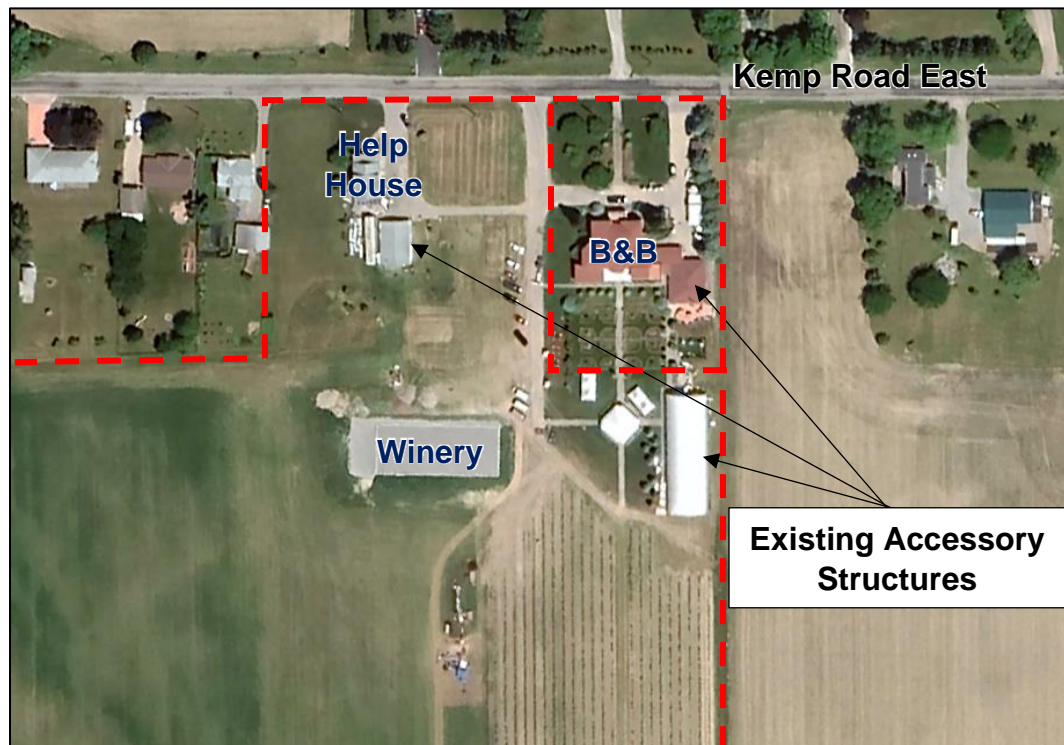
The proposed amendment is in conformity with applicable planning policy and demonstrates further merit as described herein:

- The winery use will be secondary to primary agricultural use and will not occupy any land that is currently used for agricultural purposes.
- The proposed amendment will rely on existing private infrastructure.
- The proposed amendment will have a minimal impact on existing residential and agricultural uses in the area.
- The proposed amendment will ensure long term viability of agricultural production.

## 3.0 SITE AND NEIGHBOURHOOD CONTEXT

### 3.1 SITE CONTEXT

The subject site consists of two properties located on the south side of Kemp Road East, approximately 500m east of Thirty Road. The combined properties have a frontage of 135.6m (445 ft.) on Kemp Road, a depth of approximately 416.3m (1,366 ft.), and an area of 12.73ha (31.46 acres).



**Figure 2: Site Context**

The property is generally flat. There are several trees along the east border of the property. There are three primary buildings on site including a bed and breakfast which is integrated into the property owners' primary residence, a help house and a winery building. There are several accessory structures including two storage garages and a storage building. The rest of the property further south is used for agricultural purposes. The properties are accessed by three driveways off Kemp Road East. The site includes several pedestrian walkways that connect existing buildings and roadways. There are no other significant features on site.

### 3.2 SURROUNDING CONTEXT

Surrounding land uses include agricultural and rural residential uses to the north, east and west; and strictly agricultural uses to the south. The broader neighbourhood to the north, south and east consists of primarily speciality

crop agricultural uses. Lands to the west includes speciality crop agricultural and environmental protection lands.



**Figure 3: Surrounding Context**

## 4.0 PROPOSED DEVELOPMENT

The current agricultural use is proposed to continue as the primary use of the combined properties.

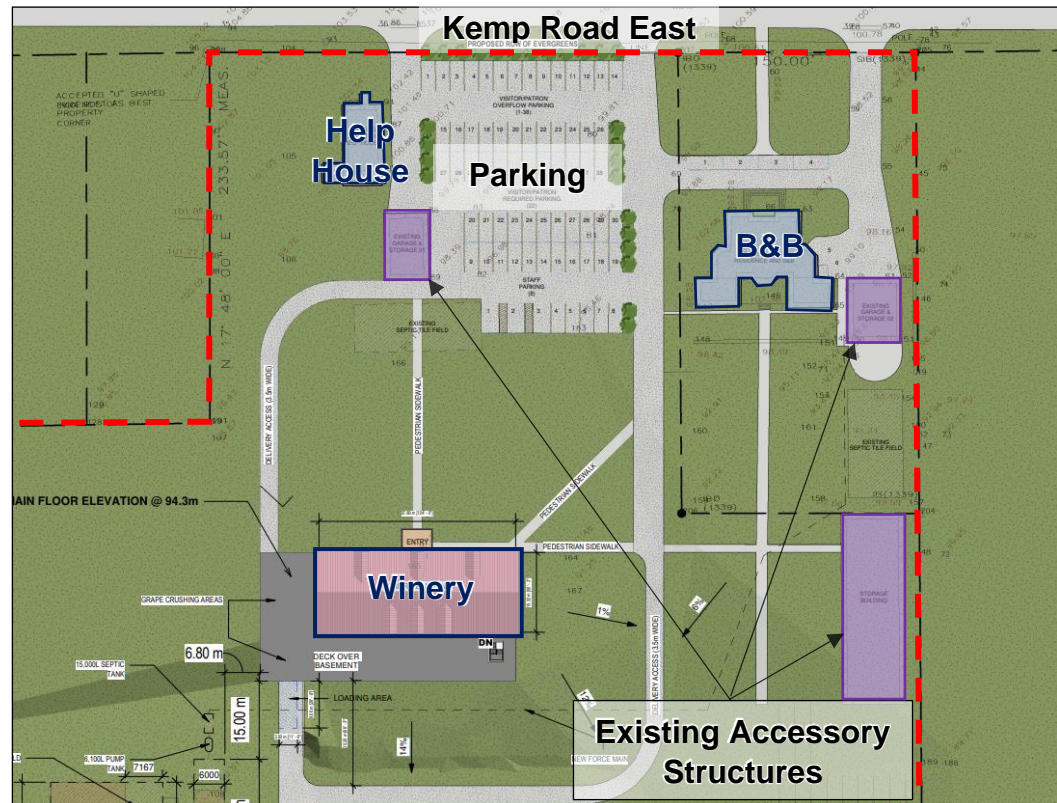
The existing secondary uses (bed and breakfast and winery) and the proposed new secondary uses (special events, restaurant and retail store) are classified as “agriculture-related uses” and “on-farm diversified uses” by the OMAFRA Guidelines, as further described within Section 7.3.1 of this Report.

The help house and agriculture buildings are accessory to the agricultural use (i.e. normally and naturally associated with and subordinate to the primary use). There are no proposed changes to these uses or buildings.

The OMAFRA Guidelines consider the winery use an agriculture-related use. The winery use, an existing use within the existing winery building, will continue.

The existing bed and breakfast is an on-farm diversified use. The bed and breakfast is located within the primary residence of the property owners. There are no proposed changes to the residence/bed and breakfast building.

The proposed new uses include a restaurant and retail store associated with the winery and the hosting of special events. These uses are all classified as on-farm diversified uses by the OMAFRA Guidelines. The new uses will be located within the existing winery building, except that on occasion special events may be located outside of the winery building.



**Figure 4: Site Plan**

No modification to the site or construction of new buildings will occur for the purpose of the proposed amendment. The requested amendment will not affect current condition on the site but rather introduce flexibility to any possible future expansion of the use.

The proposed changes require an amendment to the zoning by-law to remove the restriction on the wedding and special event use, to remove the 2% area requirement for the agricultural related winery use, add wines sales

and tasting uses as an on-farm diversified and winery as an agricultural related use.

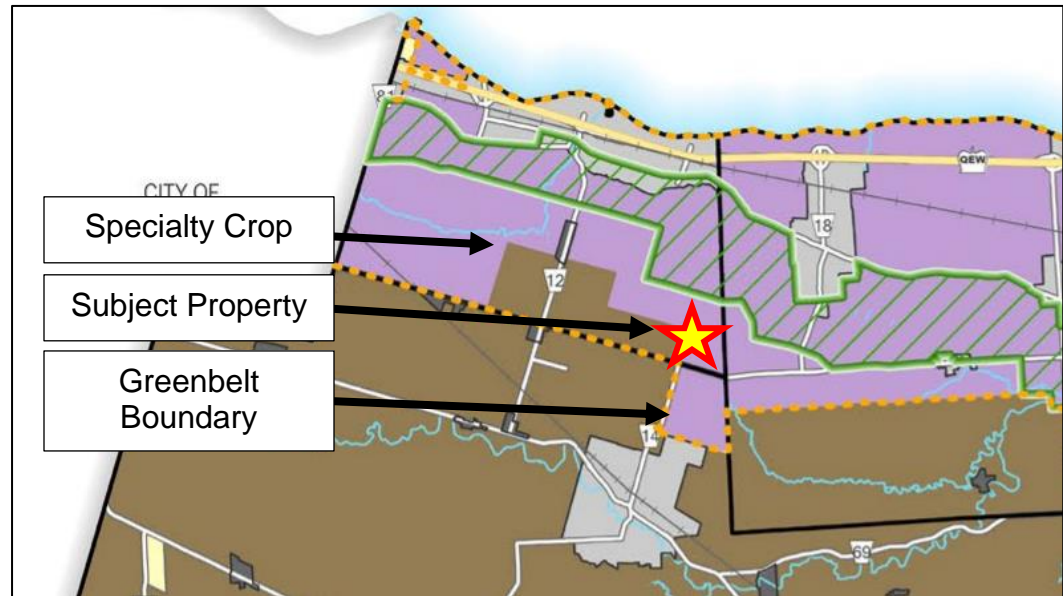
**Table 1: Site Statistics**

<b>564 &amp; 556 Kemp Road East</b>	
Property Area	127,305m <sup>2</sup>
Agriculture-related Uses Area	5,905.12m <sup>2</sup>
On-Farm Diversified Uses Area	1,446.61m <sup>2</sup>
Parking Spaces Required	30
Staff Parking Spaces Provided	8
Visitor Parking Spaces Provided	22
Overflow Visitor Parking Spaces Provided	38

## 5.0 PLANNING CONTEXT

The subject lands benefit from the **Specialty Crop Area** permissions of the Niagara Region Official Plan and the Town of Grimsby Official Plan.

### 5.1 NIAGARA REGION OFFICIAL PLAN



**Figure 5: Niagara Region Official Plan, Schedule F "Agricultural Land Base" excerpt**

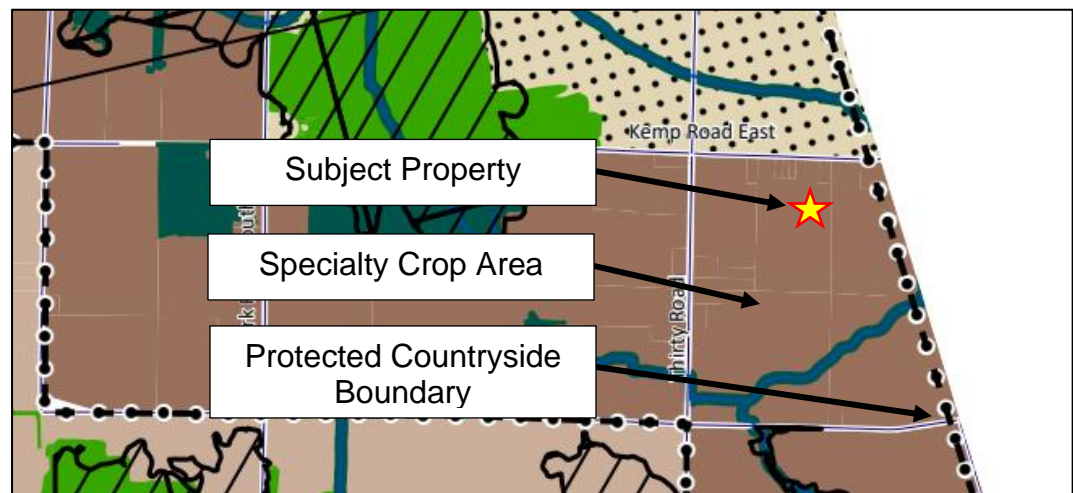


The Niagara Region Official Plan designates the area in and around the subject property as **Specialty Crop Area**. The speciality crop area land use designation permits primarily agricultural, agricultural-related and on-farm diversified uses. The property is located within the **Greenbelt Area Boundary**.

Having evaluated the proposed development against the land use policies of the Niagara Region Official Plan, we have determined that the proposed amendment is appropriate in the context of the land use permissions and existing surrounding uses.

**5.2 TOWN OF GRIMSBY OFFICIAL PLAN**

The subject site is located within the **Countryside** municipal structure designation and **Specialty Crop – Niagara Peninsula Tender Fruit and Grape Lands** land use designation of the Town of Grimsby Official Plan. The Countryside designation permits a full range of agriculture uses, agricultural-related uses and related accessory (secondary) uses. The Specialty Crop land use designation permits primarily agricultural and agriculture-related uses and accessory (secondary) uses. Kemp Road East is a **Local Road**.

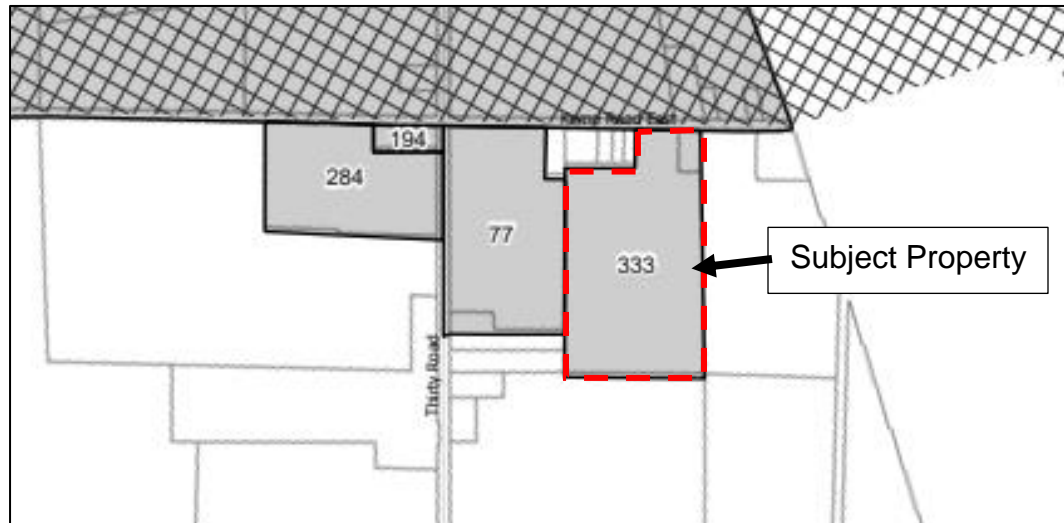


**Figure 6: Town of Grimsby Official Plan, Schedule B “Land Use” excerpt**

Having evaluated the proposed amendment against the land use policies of the Town of Grimsby Official Plan, we have determined that the proposed amendment is appropriate in the context of the land use permissions and the existing surrounding uses.

### 5.3 TOWN OF GRIMSBY ZONING BY-LAW

The Town of Grimsby Zoning By-law No. 14-45 classifies the subject lands as Speciality Crop (SC) Exception “333” Zone. The SC Zone permits agricultural, commercial greenhouse and medical cannabis growth uses. The SC Zone also permits a number of accessory uses including agri-tourism, bed and breakfast, help-house and others. The site-specific exception “333” permits a winery use subject to an area limit of 2% of the farm parcel to a maximum size of 1 hectare. Exception “333” also prohibits the wedding and special event uses.



**Figure 7: Town of Grimsby Zoning By-law 14-45, Schedule 17-B excerpt**

The proposed zoning amendment requests to remove the prohibition on the weddings and special events use, remove the 2% area limit for the winery use, add wines sales and tasting uses as an on-farm diversified and winery as an agricultural related use

The Draft Zoning By-law for the proposed change of the permitted uses and their specifications is attached to this report as Appendix “B”.

## 6.0

### REQUIRED APPROVALS

The following approvals are required to implement the proposed modification of uses at 564 & 556 Kemp Road East:

### **6.1 ZONING BY-LAW AMENDMENT**

A Zoning By-law Amendment is required to remove the prohibition on special events and the 2% area limit for winery use, add wines sales and tasting uses as an on-farm diversified and winery as an agricultural related use.

## **7.0 PLANNING POLICY**

The planning policy justification for the proposed amendment is based on a review of the applicable policies in the Provincial Planning Statement 2024, the Greenbelt Plan 2017, OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas 2016, the Niagara Region Official Plan 2022, the Town of Grimsby Official Plan 2012 and other local planning policy.

### **7.1 PROVINCIAL PLANNING STATEMENT (2024)**

On August 20<sup>th</sup>, 2024, the Ministry of Municipal Affairs and Housing issued a new Provincial Planning Statement. The Ministry-issued Provincial Planning Statement has come into effect on October 20<sup>th</sup>, 2024. After coming into effect, the 2024 Statement replaces both the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019).

*The Provincial Planning Statement 2024 “provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.”*

The vision for the Provincial Planning Statement is grounded in the following selected principles that provide the basis for decisions on how land is developed, and resources, infrastructure, public health and safety are managed and protected. The goals of the Provincial Planning Statement will be achieved through the following directions:

- Plan development where infrastructure and transportation are available and supportive to promote a strong and competitive economy that is investment ready.
- Promote the long-term viability of rural areas through the focus of growth, development, vitality and regeneration.
- Protect agricultural lands, the environmentally sensitive areas, public health and safety.

The proposed amendment meets and/or addresses relevant policies of the Provincial Planning Statement as described herein:

- The uses will rely on private infrastructure as available on site.
- The special events and winery uses will be compatible with and not obstruct the existing or proposed agricultural operations on site or in the immediate area.
- The uses will not remove any land that is currently used for agricultural purposes.
- The special events and winery uses will help diversify the farm operation income which helps to ensure long term viability of agricultural production.

The MMAH-issued 2024 Provincial Planning Statement policies for agricultural lands are addressed by the proposed amendment as further described in Appendix “A”.

## **7.2 GREENBELT PLAN (2017)**

The Greenbelt Plan 2017 “*identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape.*” and “*builds on the Provincial Policy Statement (PPS) to establish a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity.*”

The vision for the Greenbelt Plan is grounded in the following selected principles that provide the basis for guiding decisions on where and how future growth should be accommodated and what must be protected for current and future generations. The goals of the Provincial Planning Statement will be achieved through the following directions:

- *Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;*
- *Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in southcentral Ontario will be organized;*
- *Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and*
- *Builds resilience to and mitigates climate change.*

The subject site is located within the **Protected Countryside** and **Speciality Crop Area (Niagara Peninsula Tender Fruit and Grape Area)**

designations. Protected Countryside and Speciality Crop Areas are designed to maintain long-term agricultural uses.

The proposed amendment meets and/or addressed relevant policies of the Greenbelt Plan as described herein:

- The special events and winery uses are compatible with and do not obstruct the existing or proposed agricultural operations on site or the immediate area.
- The uses will not remove any land that is currently used for agricultural purposes.
- The specialty events and winery uses will help diversify the farm operation income which helps to ensure long term viability of agricultural production.

The 2017 Greenbelt Plan policies for agricultural lands are addressed by the proposed amendment as further described in Appendix “A”.

### **7.3 GUIDELINES ON PERMITTED USES IN ONTARIO’S PRIME AGRICULTURAL AREAS (2016)**

Ontario Ministry of Agriculture, Food and Rural Affairs’ (OMAFRA) Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (the “OMAFRA Guidelines”) 2016 provides guidance on agricultural, agriculture-related and on-farm diversified uses as described in Provincial Planning Statement and limitation of non-agricultural uses in prime agricultural areas.

#### **7.3.1 AGRICULTURE USE, AGRICULTURE-RELATED USE AND ON-FARM DIVERSIFIED USE**

The OMAFRA Guidelines describe uses based on their relationship to agricultural practices and recommends permission criteria and impact assessment of those uses.

An “**Agricultural Use**” includes uses that are normally associated with agriculture such as planting and raising crops and orchards or fostering livestock. Agricultural uses include accessory uses normally and naturally associated with agriculture practices such as storage of crops and feed (for farm use only) and accommodation for farmer and farm workers, for example.

An “**Agriculture-related Use**” is a farm-related commercial or industrial use that adds to the vitality and economic viability of prime agricultural areas because it is directly related to and services farm operations in the area as a primary activity (OMAFRA Guidelines, Section 2.2). These uses will include grain drying, flour mill and livestock yard, for example. The existing winery is considered by the OMAFRA Guidelines as an agriculture-related

use as the winery uses grapes from the local area and adds value through the processing of this crop.

An “**On-farm Diversified Use**” is a use related to agriculture, supportive of agriculture or able to co-exist with agriculture without conflict which is 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 (OMAFRA Guidelines, Section 2.3). These uses are secondary to the principle agricultural use and can include a farm market, home occupation or home industry, or a petting zoo and corn maze, among others. The proposed wedding and special events use is an on-farm diversified use. The proposed bed and breakfast use is also an on-farm diversified use. Though the winery is an agriculture-related use, the restaurant and retail components of the winery are considered on-farm diversified uses.

The proposed amendment includes removal of the restriction of weddings and special events, and a re-instatement of the winery use as an agriculture-related use. The special events use is consistent with the policies of the Guidelines and falls under the on-farm diversified use criteria.

### 7.3.1 OMAFRA GUIDELINES CRITERIA FOR AGRICULTURE-RELATED USES AND ON-FARM DIVERSIFIED USES

The following criteria is used to determine the agricultural use category. The criteria are applicable to the amendment in the manner prescribed below:

**Table 2: Agriculture-related use criteria - Winery Use**

Criteria	Comment
1. Farm-related commercial and farm-related industrial uses	The winery use includes on-farm, small-scale industrial processing of grapes and on-farm commercial space for retail of the produced value-added products.
2. Shall be compatible with and shall not hinder surrounding agricultural operations	The effect of the use on surrounding agricultural operations is negligible. All the processes are operated indoors and do not generate excess noise or odour. On-site private servicing is sufficient to support the use. The staff required is minimal. All the parking is located on site. The site will maintain its primary agricultural use and character.

3. Directly related to farm operations in the area	The winery utilizes the grapes that are grown on site and in the area.
4. Supports agriculture	The winery use supports viability of the on-site and local area farm operations.
5. Provides direct products and/or services to farm operations as a primary activity	The primary use of the winery is to serve the farm operations and add value to the product grown on site and from the local area.
6. Benefits from being in close proximity to farm operations	The location of the winery use provides more effective and efficient operations due to reduced transportation distance and decreased risk of spoilage.

In accordance with the Guidelines the winery use is considered an agricultural-related use. There is no restriction on the area occupied by such uses as described in the Guidelines. However, on-farm diversified uses are recommended to occupy no more than 2% of the area to a maximum of 1ha, which could be applicable to the retail and restaurant use within the winery building. The amended uses will occupy the existing winery building and will comply with the coverage regulations as summarized in the table below:

**Table 4: Site Coverage**

564 & 556 Kemp Road East	Existing (Currently Defined)	Proposed
Property Area	127,305m <sup>2</sup>	127,305m <sup>2</sup>
Agricultural-related Uses Area	4,080m <sup>2</sup> (3.2%)	5,905m <sup>2</sup> (4.6%)
On-farm Diversified Uses Area	2,162m <sup>2</sup> (1.7%)	1,447m <sup>2</sup> (1.1%)
Agricultural	121,063m <sup>2</sup> (95.1%)	119,953m <sup>2</sup> (94.3%)

**7.4 NIAGARA REGION OFFICIAL PLAN (2022)**

The subject property is located within the **Greenbelt Area Boundary** of the Greenbelt Plan and benefits from the **Specialty Crop Area** land use designation of the Niagara Region Official Plan. The speciality crop area land use designation permits primarily agricultural, agricultural-related and on-farm diversified uses.

The relevant directions within Policy 4.1 – The Agricultural System identifies the following objectives:

- 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;*
- j) *recognize and control changes to existing uses to ensure a viable agricultural system.*

The proposed amendment meets and or addresses the relevant policies of the Niagara Region Official Plan as described herein:

- The special events and winery uses will be compatible with and not obstruct the existing or proposed specialty crop area use on site or immediate area.
- The uses will not remove any land that is currently used for agricultural purposes.
- The uses are necessary for diversification of the farm operation income which ensures long term viability of agricultural production.

The Niagara Region Official Plan policies for agricultural lands are addressed by the proposed amendment as further described in Appendix “A”.

## **7.5 TOWN OF GRIMSBY OFFICIAL PLAN (2012)**

The Town of Grimsby Official Plan identifies the subject property for the **Specialty Crop** land use designations. The Countryside designation permits a full range of agricultural, agricultural-related and related accessory (secondary) uses. Specialty Crop land use permits primarily agricultural, agriculture related uses and accessory (secondary) uses. The property is located in the **Specialty Crop – Niagara Peninsula Tender Fruit and Grape Lands** within the Greenbelt Plan Area. The property is located within as **Countryside** boundary. Kemp Road East is a **Local Road**.

### **7.5.1 COMPATIBILITY**

The development lands are located within the **Specialty Crop** designation of the Official Plan. The OP directs the lands within the Countryside designation to preserve specialty crop areas, maintain the viability of farming and preserve the rural farm character.



The special events and winery uses are compatible with existing surrounding agricultural and rural residential uses. Properties along Kemp Road East directly to the north and west consist primarily of detached residential dwellings. Lands immediately to the east and south include agricultural lands. The development in the area is limited to these two uses. The amended uses are consistent with the existing neighbourhood and will reinforce rural character and agricultural production while introducing new revenue for the farm. The special events use is compatible with the existing agricultural and residential uses. The existing winery is compatible with the surrounding residential and agricultural uses. No alteration to the physical built form of the winery use is associated with the proposed amendment.

**7.6 CONFORMITY WITH POLICY**

The proposed amendment satisfies the relevant policies of the Provincial Planning Statement 2024, the Greenbelt Plan 2017, Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas 2016, the Niagara Region Official Plan 2022, and the Town of Grimsby Official Plan 2012 as described in detail within Appendix “A”.

**8.0 TOWN OF GRIMSBY ZONING BY-LAW NO. 14-45**

Both properties at 564 & 556 Kemp Road East are located within the Specialty Crop (SC) Site Specific Exception “333”. The existing winery use is permitted within the SC “333” Zone subject to an area limit of 2% of the farm parcel up to a maximum size of 1 hectare. The weddings and special events use is specifically excluded from the permitted uses under the applicable exception zone. All of the related performance standards will remain unaffected and are described in the table below. Please note that bed and breakfast and help house uses do not have a specific performance standards prescribed to them, but rather follow a general provisions of section 4.17 and 4.20 respectively, thus they have not been included in the zoning compliance analysis.

**Table 5: Zoning Compliance for Accessory Buildings**

Regulation for Accessory Building in Agricultural Zones	Required	Existing Winery Building	Garage Storages	Storage Building
Maximum Lot Coverage	5%	0.5%	0.1%	0.35%
Minimum Setback from Front Lot Line	12m	96m	31m	88m

Minimum Setback from Interior Side Lot Line	3m	77.8m	3.2m	3.2m
Minimum Setback from Rear Lot Line	3m	165.6m	33m	150m
Maximum Height	4.5m peaked roof, 3m flat roof	<4.5m	<4.5m	<4.5m

**9.0 SITE SERVICING, GRADING & STORMWATER MANAGEMENT**

The site servicing, grading and stormwater management facilities will remain as currently present on site. The proposed amendment relies on private water and septic services. Should the existing services be determined to be deficient, such services will need to be expanded, or other appropriate arrangements made to accommodate the proposal.

**10.0 DISCUSSION**

The existing winery use is permitted within the Specialty Crop Exception “333” Zone; however, the winery use area is limited to 2% of the area of the property to a maximum of 1 hectare. The requested site-specific Zoning By-law amendment is requested to allow for any future expansion of the winery use on the site beyond the 2% area limit. The request is supported by the policy of the OMAFRA Guidelines as the Guidelines do not include criteria for a maximum area limit for agriculture-related uses as they do for on-farm diversified uses. The use is directly related to primary agricultural use and provides a value-added product from the grapes grown on site and in the area. In accordance with the Guidelines, the 2% area requirement is only applicable to the on-farm diversified uses. No changes to the current winery building are proposed in relation to this amendment. An amendment is required to bring the property in conformity with the Guidelines and allow for a flexibility in any future changes of the winery production on site.

The wedding and special event use is currently prohibited by the Specialty Crop Exception “333” Zone. The requested site-specific Zoning By-law amendment will remove this restriction from the excluded uses. There are no provincial, regional or local policies that supports the restriction of this type of use on agricultural lands. On the contrary the Grimsby Official Plan section 9.20.168 identifies special events facilities as a marketing, value

added agri-tourism use. The OMAFRA Guidelines also supports the definition of special events as on-farm diversified use, which is permitted within the subject Specialty Crop and Protected Countryside land use designations. The purpose of the requested amendment is to bring the property into conformity with the higher order policy and allow for future flexibility for the use of the land.

The amended uses should be sensitive to adjacent land uses. The policies of the “Special Event Guidelines” of the Town of Grimsby (2019) and “Special Events Set-Up Guidance” provided by the Niagara Region website and Noise By-law 11-22 of the Town of Grimsby will be a primary guidance for the management of possible future events and prevention of any negative impacts on the existing residential dwelling.

The proposed development is within the Protected Countryside designation and will assist the property owner in diversification of farm operation revenue and will help to address the growing challenges of agricultural production.

The removal of the restriction on special events permissions will not create any physical changes to the site. The proposed zoning by-law amendment will allow the property to be used for the same on-farm diversified uses as other farms within the Town of Grimsby.

The parking could be accommodated through the existing visitor/patron parking area. The events would occur primarily indoors, no more than 10 times a year and will be subject to the applicable “Special Event Guidelines” of the Town of Grimsby (2019) and “Special Events Set-Up Guidance” provided by the Niagara Region website.

## **11.0 PUBLIC CONSULTATION STRATEGY**

It is the owners’ intent to rely on the Town of Grimsby public consultation process to engage with the public regarding the subject Zoning By-law Amendment application. The Town of Grimsby will mail out public meeting notices to all property owners within 120m of the subject properties. The owner will install a public notice sign on the site as per the Town of Grimsby protocol.

**12.0 CONCLUSIONS AND PLANNING JUSTIFICATION**

The proposed development satisfies the relevant policies of the Provincial Planning Statement (2024), the Greenbelt Plan (2017), the Niagara Region official Plan (2022) and the Town of Grimsby Official Plan (2012).

This report has reviewed the proposed use of the subject site against the relevant provincial, regional and municipal planning policy and concluded that the winery, weddings and special events uses are appropriate for the site and surrounding area from a land use planning perspective.

It is the opinion of the writer that the proposed development as outlined in this Planning Justification Report, is consistent with the Provincial Policy initiatives and current Regional and Municipal planning policy and represents good planning.

Respectfully submitted,  
**D.G. BIDDLE & ASSOCIATES LIMITED**  
**ENGINEERS AND PLANNERS**

Prepared by:



Lisa Klets, BURPI  
Junior Planner

Reviewed by:



Michael J. Fry, M.C.I.P., R.P.P.  
Manager, Planning Team

## APPENDIX “A” – POLICY REVIEW

### Policy Review

#### Provincial Planning Statement (2024)

Policy No.	Policy Text	Analysis
Policy 2.5.1 – Rural Areas in Municipalities	Healthy, integrated and viable <i>rural areas</i> should be supported by: <ul style="list-style-type: none"> <li>a) building upon rural character, and leveraging rural amenities and assets</li> <li>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;</li> <li>f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;</li> <li>h) providing opportunities for economic activities in <i>prime agricultural areas</i>, in accordance with policy 4.3.</li> </ul>	The proposed amendment supports healthy, integrated and viable rural areas by: <ul style="list-style-type: none"> <li>• Introducing uses that are secondary and compatible with the primary agricultural use;</li> <li>• Providing compatibility with the surrounding agricultural and rural residential dwellings;</li> <li>• Providing diversification of economic base; and</li> <li>• Introducing uses that are necessary for diversification of the farm operation income which ensures long term viability of agricultural production.</li> </ul>
Policy 4.3.1.2 – Agriculture	As part of the agricultural land base, <i>prime agricultural areas</i> , including <i>specialty crop areas</i> , shall be designated and protected for long-term use for agriculture.	The amended winery use is secondary to the primary agricultural use of the property.
Policy 4.3.2.1 – Agriculture	In <i>prime agricultural areas</i> , permitted uses and activities are: <i>agricultural uses</i> , <i>agriculture-related uses</i> and <i>on-farm diversified</i> uses based on provincial guidance. Proposed <i>agriculture-related uses</i> and <i>on-farm diversified</i> uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.	The amended winery use is considered an agricultural related use in accordance with the Ministry of Agriculture, Food and Rural Affairs Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas.
Policy 4.3.2.3 – Agriculture	New land uses in <i>prime agricultural areas</i> , including the creation of lots and new or expanding livestock facilities, shall comply with the <i>minimum distance separation formulae</i> .	No additional structures are proposed at this time. Existing buildings and structures conform to the Minimum Distance Separation Formulae.

#### Greenbelt Plan (2017)

Policy No.	Policy Text	Analysis
Policy 1.2.2.1 – Protected Countryside Goals	To enhance our urban and rural areas and overall quality of life by promoting the following matters within the Protected Countryside: <p><b>1. Agricultural Viability and Protection</b></p> <ul style="list-style-type: none"> <li>a) Protection of the <i>specialty crop area</i> land base while allowing agriculture-supportive <i>infrastructure</i> and value-added uses necessary for sustainable <i>agricultural uses</i> and activities;</li> <li>d) Provision of the appropriate flexibility to allow for <i>agricultural</i>, <i>agriculture-related</i> and <i>on-farm diversified uses</i>, <i>normal farm practices</i> and an evolving agricultural and rural economy;</li> </ul>	The proposed amendment promotes agricultural viability and protection by: <ul style="list-style-type: none"> <li>• Introducing uses that are secondary and compatible with the primary agricultural use; and</li> <li>• Introducing uses that are necessary for diversification of the farm operation income which ensures long term viability of agricultural production.</li> </ul>

Policy 3.1.2.1. – Specialty Crop Area	All types, sizes and intensities of <i>agricultural uses</i> and <i>normal farm practices</i> shall be promoted and protected and a full range of <i>agricultural uses</i> , <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> shall be compatible with and shall not hinder surrounding agricultural operations.	The amended winery use is described as agricultural related use. The use is limited in size and contained indoors which limits any negative impacts on surrounding agricultural operation.
Policy 3.1.2.2 – Specialty Crop Area	Lands shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These non-agricultural uses are generally discouraged in <i>specialty crop areas</i> and may only be permitted after the completion of an <i>agricultural impact assessment</i> .	The proposed amendment is consistent with the Official Plan designation of the property.
Policy 3.1.2.4 – Speciality Crop Area	New land uses, including the creation of lots (as permitted by the policies of this Plan), and new or expanding livestock facilities, shall comply with <i>the minimum distance separation formulae</i> .	No additional structures are proposed at this time. Existing buildings and structures conform to the Minimum Distance Separation Formulae.
Policy 3.1.2.5 – Speciality Crop Area	Where <i>agricultural uses</i> and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the <i>Agricultural System</i> , based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.	The amended winery use is described as agricultural related use. The use is limited in size and contained indoors which limits any negative impacts on surrounding agricultural operation.
<b>Niagara Region Official Plan (2022)</b>		
<b>Policy No.</b>	<b>Policy Text</b>	<b>Analysis</b>
Policy 4.1.1.2 – Region’s Agricultural Land Base	<i>Prime agricultural areas</i> and <i>specialty crop areas</i> , as shown on Schedule F, shall be protected for long-term use for agriculture. <i>Prime agricultural areas</i> are areas where <i>prime agricultural lands</i> predominate. <i>Specialty crop areas</i> shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through seven lands within the <i>prime agricultural area</i> , in this order of priority.	The amended uses do not interfere with the primary use of the land for agriculture.
Policy 4.1.7.3 – A Resilient Agricultural Economy	<i>Agricultural uses</i> , <i>agriculture-related uses</i> and <i>on-farm diversified uses</i> are permitted in the following areas: a. <i>specialty crop areas</i> ; b. <i>prime agricultural areas</i> ; and c. <i>rural lands</i> .	The proposed amendment is consistent with the subject Specialty Crop Areas.
Policy 4.1.7.5 – A Resilient Agricultural Economy	<i>Agriculture-related uses</i> and <i>on-farm diversified uses</i> shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan.	The proposed amendment is consistent with the following documents as further described above.
Policy 4.1.7.6 – A Resilient Agricultural Economy	<i>On-farm diversified uses</i> shall be: a. located on a farm; b. secondary to the principal agricultural use of the property; c. limited in area; and d. <i>compatible</i> with, and shall not hinder, surrounding agricultural operations.	The removed restriction on special event use falls in the on-farm diversified category under the following criteria: <ul style="list-style-type: none"> <li>The amended use is located on a 31.46 acres property, where approximately 29.9 acres are used for cultivation of grapes;</li> </ul>

		<ul style="list-style-type: none"> <li>• The use will not remove any land that is currently used for agricultural purposes. The agricultural use will continue to be the primary use of the site;</li> <li>• The use will be limited to existing building and will not exceed 2% area limit; and</li> <li>• The use effect on surrounding agricultural operations is negligible. All the operations are provided infrequently and indoors. On site private servicing is sufficient to support the use. The use requires additional parking which can be accommodated on site.</li> </ul>
Policy 4.1.7.7 – A Resilient Agricultural Economy	<p>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>. The following criteria shall be considered when reviewing applications for proposed <i>agriculture-related uses</i>:</p> <ol style="list-style-type: none"> <li>whether the proposed activity is more appropriately located in a nearby <i>settlement area</i> or on <i>rural lands</i>;</li> <li>whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;</li> <li>the extent to which the use is <i>compatible</i> with the existing farming operation and surrounding farming operations;</li> <li>whether the scale of the activity is appropriate to the site and farming operation;</li> <li>whether the use is consistent with and maintains the character of the agricultural area;</li> <li>the use does not generate potentially conflicting off-site impacts;</li> <li>the activity does not include a new residential use;</li> <li>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;</li> <li>the use does not require significant improvements to <i>infrastructure</i>; and</li> <li>the use complies with all other applicable provisions of this Plan.</li> </ol>	<p>The amended on-farm diversified use of special events is appropriate in specialty crop area for the following reasons:</p> <ul style="list-style-type: none"> <li>• The location of the amended use is appropriate and necessary for diversification of the farm operation income which ensures long term viability of agricultural production;</li> <li>• The amended use does not interfere with the primary use of the land for agriculture;</li> <li>• The amended use is limited in size, are infrequent and contained indoors;</li> <li>• All the events are to be held in accordance with the applicable “Special Events Guidelines”. All of the operation are to be indoors. Additional sounds proofing will be installed to mitigate the noise effect on surrounding residential properties. No additional lighting will be installed or trespassed on neighbourhoods’ property. All of the parking is to be contained on site, with a dedicated area for parking overflow;</li> <li>• The amended use does not include any new residential uses;</li> <li>• Existing private servicing is sufficient to support the use.</li> <li>• No improvements to off-site infrastructure or utilities will be required; and</li> <li>• The amended use is compatible with other policies of the Official Plan.</li> </ul>
<b>Town of Grimsby Official Plan (2012)</b>		
<b>Policy No.</b>	<b>Policy Text</b>	<b>Analysis</b>
Policy 2.3.5.4 – The Countryside	The Town shall encourage a full range of agriculture uses, agricultural-related uses and <i>secondary uses</i> within the Countryside, and subject to the other policies of this Plan, permit them in the land use designations and zoning by-law.	The amended winery use is considered an agricultural-related use in accordance with the Ministry of Agriculture, Food and Rural Affairs Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. The wedding and special events is considered an on-farm diversified use and will be secondary to the primary agricultural use.
Policy 2.3.5.5 – The Countryside	Home industries, home occupations, farm gate sales, fruit and vegetable markets and other activities which produce value-added agricultural products from the farm operation shall be permitted throughout the Countryside in order to assist the farming community supplement their incomes as per the policies of this plan.	The amended winery use is classified as value-added production.
Policy 3.3.1.9 – Rural and Agricultural Areas	<i>Prime agricultural areas</i> shall be protected for long-term use for agriculture.	The amended uses do not interfere with the primary use of the land for agriculture.

<p>Policy 3.3.2.1 – Specialty Crop Area – Tender Fruit and Grape Lands</p>	<p>The following uses shall be permitted within the Specialty Crop Area designation, delineated on Schedule B:</p> <ul style="list-style-type: none"> <li>a) <i>Agricultural uses</i>;</li> <li>b) One single detached residence as an accessory use to an agricultural operation;</li> <li>c) Uses secondary to <i>agricultural uses</i> including: <ul style="list-style-type: none"> <li>a. Home occupations wholly within a dwelling unit,</li> <li>b. Home industries subject to Sections 3.3.1.6 and 3.3.2.11,</li> <li>c. <i>Bed and Breakfasts</i>,</li> <li>d. Farm holidays and farm tours, and</li> <li>e. Help-house subject to Section 3.3.1.4,</li> </ul> </li> <li>d) Agricultural related uses including farm-related commercial, farm-related industrial uses and farm markets subject to Sections 3.3.2.8 and 3.3.1.3.</li> </ul>	<p>The amended uses are classified as on-farm diversified and agricultural related uses on accordance with the Ministry of Agriculture, Food and Rural Affairs.</p>
<p>Policy 3.3.2.8 – Specialty Crop Area – Tender Fruit and Grape Lands</p>	<p>Agricultural related uses shall only be permitted in the <i>Specialty Crop Areas</i>-Tender Fruit and Grape Lands designation, through site specific rezoning, when it is clearly demonstrated that:</p> <ul style="list-style-type: none"> <li>a) The use is small scale, and directly related to and required in close proximity to the farm operation it is servicing;</li> <li>b) The use cannot reasonably function in a nearby Urban Settlement Area or Hamlet Settlement, or there are no suitable locations within these areas;</li> <li>c) The proposed water and sewage disposal systems are feasible;</li> <li>d) The use is compatible with and supportive of the agricultural community;</li> <li>e) The use is compatible with and does not hinder surrounding agricultural operations; and</li> <li>f) The use is in compliance with the minimum distance separation formulae.</li> </ul>	<p>The amended winery agricultural related use complies with the regulation of Specialty Crop Area by:</p> <ul style="list-style-type: none"> <li>• Locating within the specialty Crop Area; and</li> <li>• Implementing efficient land use patterns through small scale and compact wine production that utilizes the grapes grown on the farm and in the area; and</li> <li>• Providing compatibility with the surrounding agricultural and rural residential dwellings.</li> </ul>



**APPENDIX “B” – DRAFT ZONING BY-LAW AMENDMENT**

THE CORPORATION OF THE TOWN OF GRIMSBY  
BY-LAW No. 25-XX  
A BY-LAW TO AMEND BY-LAW 14-45, AS AMENDED  
(556 & 564 Kemp Road East)

Whereas the Council of the Town of Grimsby deems it expedient to amend the By-law No. 14-45, as amended:

Therefore, the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Table 9 Permitted Use, Lot, Building and Structure Exceptions of Section 6.0 Rural and Agricultural Zones Specialty Crop of By-law 14-45, as amended is hereby further amended by removing and adding the content as identified on Table “A” to this By-law.

Read a first time this XX day of XXX, 2025

Read a second and third time and finally passed this XX day of XX, 2025

\_\_\_\_\_  
J.A. Jordan, Mayor

\_\_\_\_\_  
V. Steele, Town Clerk

**Table ‘A’ to By-law 25-XX**

Site Specific	By-law #	Address	Zone	Additional Permitted Uses	Excluded Uses	Lot, Building and Structure Exceptions
333	25-XX	556 and 564 Kemp Road East	SC	Winery as agricultural related use,  Wine Sales as on-farm diversified use,  Hospitality/Wine Tasting as on-farm diversified use.	<del>Weddings and Special Events</del>	<del>The on-farm diversified use of the winery is limited to 2% of the farm parcel up to a maximum size of 1 hectare</del>