

Explanation of the Purpose and Effect of
By-law 500YF-23

The subject lands are municipally known as 823 Line 6 Road, and legally described as Part of Niagara Township Lots 82 and 103 and part of the road allowance between Lots 82 and 103, being Part 2 on Reference Plan 30R2659, except Part 1 on Reference Plan 30R-4836, Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit a proposed Estate Winery, including a retail area, tasting areas, a hospitality area, and a restaurant.

Effect

The effect of this By-law is to rezone a portion of the subject lands to “Rural (A) – Site Specific Zone” with site-specific provisions pertaining to the following:

- Lot area
- Lot area to be planted in full vineyard production
- Setbacks;
- Floor area of the secondary uses; and
- the use of commercial cooking equipment.

<i>Applicant:</i>	Big Head Wines Inc., Andrzej Lipinski, Janina Lipinski
<i>File Number:</i>	ZBA-14-2022
<i>Report Number:</i>	CDS-23-129
<i>Assessment Roll Numbers:</i>	262702002019602

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500YF-23**

823 Line 6 Road; Roll 262702002019602

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 500A-74, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES THEREON.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule “A” of By-law 500A-74, as amended, is further amended by changing the zoning of the subject lands from “Rural (A) Zone” to “Rural (A) – Site Specific Zone” as identified on Map A (attached to and forming part of this By-law).
2. That Subsection 21.A, Special Exceptions of By-law 500A-74, as amended, is hereby further amended by adding the following:

823 LINE 6 ROAD

1. Notwithstanding the permitted uses under Section 4 – Rural (A) Zone and Section 3.33, the following uses shall apply to the lands shown on Map A attached hereto:

Permitted uses:

- a) one Estate Winery

Secondary uses to an Estate Winery:

- a) Retail sale of wine
- b) Hospitality (wine tasting) area
- c) Restaurant/wine bar

2. In lieu of the corresponding requirements under Section 3.33 – Estate Winery and Schedule F, and in addition to those provisions, the following zone requirements shall apply to an Estate Winery on the subject lands shown on Map A attached hereto:
 - a) Minimum lot area – 8 hectares (20 acres)

Minimum lot area to be planted in full vineyard production – 75% of the lot area

- g) Minimum easterly side yard setbacks:
 - i. Estate Winery building – 7.0 metres
 - ii. Crush pad – 1.0 metres
 - iii. Canopy roof – 1.9 metres
- h) Minimum northerly side yard setback:
 - i. Estate Winery building – 8.0 metres

3. In lieu of the provisions of Section 3.33 – Secondary Uses – Subsection (d), the following provisions shall apply to the subject lands shown on Map A attached hereto:

Maximum combined gross leasable floor area of all secondary uses shall be 400 square metres, with the maximum gross leasable floor area of any individual secondary use not exceeding 200 square metres.

4. Notwithstanding the definition of “hospitality room” provided under Section 2.41B, commercial cooking equipment shall be permitted in the restaurant (kitchen).

3. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 25th DAY OF JULY, 2023.

LORD MAYOR GARY ZALEPA

ACTING TOWN CLERK
SHAUNNA ARENBURG