

By-law 500A-74

Definition --

2.32-1 Farm Winery: means a farm on which buildings and structures are used for the making of wines from fruit grown exclusively on site and subject to the following criteria:

- (1) all wines produced shall be made from fruit grown exclusively on site;
- (2) all wines produced are to be from fruit grown, crushed, and fermented on site;
- (3) all wines produced shall be bottled on site

(By-law 500IO-94)

Provision –

3.34 Farm Winery *(By-law 500IO-94)*

Within any Rural (A) Zone or Rural Residential (RR) Zone, a Farm Winery shall be permitted subject to the following provisions:

- (a) All wines produced shall be from fruit grown exclusively on the same lot as the farm winery.
- (b) The retail sale of wine shall be permitted subject to normal licensing requirements. The maximum floor area devoted to the sale of wine shall be 18.5 square metres (199 square feet) provided it does not conflict with any minimum requirement for licensing.

Definition --

2.29A-1 Estate Winery: means a lot on which buildings and structures are used for the making of wines produced from locally grown fruits and subject to the following criteria:

- (1) all wines produced shall be made from locally grown fruit;
- (2) all wines produced are to be from locally grown fruit crushed and fermented on site;
- (3) all Estate Wineries shall have the capability to bottle all the wine produced on site.

(By-law 500IO-94)

Provision –

3.33 Estate Winery *(By-law 500IO-94)*

In addition to the uses permitted in a Rural (A) Zone or Rural Residential (RR) Zone, Estate Wineries may be permitted subject to a site specific zoning by-law amendment and the following guidelines:

- (a) The minimum acreage for an Estate Winery shall be established in the site specific amendment to the Zoning By-law and shall generally be a contiguous lot of at least 8 hectares (20 acres) the majority of land being in full vineyard production. This acreage is required to provide a rural setting for the winery, land for the ponding of waste water and associated vineyards. Proposals for lesser acreage will be considered where it is demonstrated that the proponent can comply with the other guidelines and that the reduced area will not jeopardize the rural image of an Estate Winery.

- (b) Off-street parking for an Estate Winery shall be provided at the rate of one (1) parking space per employee.
- (c) Minimum lot frontage shall be 45 metres (147.6 feet).
- (d) Minimum building setback from all property lines shall be 15 metres (49.2 feet).
- (e) Maximum lot coverage for all buildings is 15%.
- (f) Maximum building height 11 metres (36 feet).

Secondary Uses

The following secondary uses may be permitted in a site specific zoning by-law for an Estate Winery:

- (a) The retail sale of wine.
 - (b) A hospitality room as defined in the Zoning By-law.
 - (c) An agricultural market as defined in the Zoning By-law.
 - (d) The maximum total floor area for all secondary uses shall generally be limited to 400 square metres (4,305 square feet) with each individual secondary uses not exceeding 139.3 square metres (1,500 square feet).
 - (e) The off-street parking requirement for all secondary uses shall be one (1) parking space for every 18.5 square metres (199 square feet) of floor area devoted to the secondary use.
-

Definition --

2.2 Accessory Use: means a use of lands or buildings which is incidental and subordinate to the principal use of lands and buildings.

There are no definitions or provisions for secondary uses or occasional uses in 500A-74.

By-law 4316-09

Definition --

FARM WINERY or COTTAGE WINERY means a farm on which buildings and structures are used for the making of wines from fruit grown exclusively on site.

Provision –

6.16 FARM WINERIES OR COTTAGE WINERIES

Farm wineries associated with and part of an agricultural operation shall be permitted provided that:

- (a) All wines produced shall be made from fruit grown exclusively on the site that are also crushed and fermented on site;
- (b) All wines shall be bottled on site;
- (c) Off street parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements;
- (d) Secondary uses shall be limited to the retail sale of wine which shall not exceed 18.5 m² of floor area, and shall comply with the licensing requirements of the Provincial government;
- (e) Shall comply with the following lot requirements and building setbacks:

(1)	Minimum lot area on existing lot of record	4.0 ha (10 ac)
(2)	Minimum lot area for a new lot	16.18 ha (40 ac)
(3)	Minimum lot frontage	60.0 m (200 ft)
(4)	Minimum front yard	15.0 m (49.2 ft)
(5)	Minimum interior side yard	15.0 m (49.2 ft)
(6)	Minimum exterior side yard	15.0 m (49.2 ft)
(7)	Minimum rear yard	15.0 m (49.2 ft)
(8)	Maximum building height	10.5 m (34.45 ft)

- (f) Outside winery operations and the storage of goods and materials, including refuse containers, shall be fully screened from view of adjacent properties by means of fencing and /or landscaping features.
- (g) See Section 6.31 for Niagara River Commission's requirements for access onto and signs along the Niagara River Parkway.
- (h) Any additional value added uses such as a hospitality patio shall be subject to a zoning by-law amendment pursuant to Section 34 of the Ontario Planning Act and a site plan control agreement pursuant to Section 41 of the Ontario Planning Act. *(as amended by 4316AR-13)*

Definition --

ESTATE WINERY means a use on an agricultural operation on which buildings and structures are used for the making of wine produced from locally grown fruits.

Provision –

6.13 ESTATE WINERIES

Estate wineries shall be subject to a site specific amendment to the Zoning By-law, and in accordance with the following:

- (a) Seventy-five per cent (75%) of the lands shall be planted and kept in vineyard production;
- (b) All wines produced shall be made from locally grown fruit that is crushed and fermented on site;
- (c) All estate wineries shall have the capability to bottle all the wine produced on site;
- (d) Off street parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements;
- (e) Secondary uses shall be permitted in accordance with the following:
 - (1) Permitted secondary uses shall be restricted to the retail sale of wine, hospitality room, an outdoor special event tent and an agricultural market;
 - (2) The maximum total floor area for all secondary uses shall be limited to 400 m² (4,306 ft²) with each individual secondary use not exceeding 140 m² (1,507 ft²);
 - (3) That exclusive of any special event or outdoor event, a maximum of one mobile food truck may be permitted to operate in any outdoor event area if:
(as amended by 4316AR-13)
 - (i) It is located in an approved outdoor event area
 - (ii) It is limited to one (1) twenty-four (24) hour period per week;
- (f) Shall comply with the following lot requirements and building setbacks:

(1)	Minimum lot area on existing lot of record	8.09 ha (20 ac)
(2)	Minimum lot area for a new lot	16.18 ha (40 ac)
(3)	Minimum lot frontage	60.0 m (200 ft)
(4)	Minimum front yard	15.0 m (49.2 ft)
(5)	Minimum interior side yard	15.0 m (49.2 ft)
(6)	Minimum exterior side yard	15.0 m (49.2 ft)
(7)	Minimum rear yard	15.0 m (49.2 ft)
(8)	Maximum building height	11 m (36 ft)
(9)	Minimum setback from the Niagara River Parkway	60.96 m (200 ft)
(10)	On lots fronting on the Niagara River Parkway, the building face shall not exceed 75% of the lot frontage. (as amended by 4316J-11)	

(11)	Maximum lot coverage for all buildings (as amended by 4316J-11)	15%
------	---	-----

- (g) Outdoor events shall comply with the following provisions: *(as amended by 4316J-11)*
- (1) All outdoor activity shall cease at 10:00 p.m.
 - (2) No amplified music shall be permitted.
 - (3) Event tents will be removed within twenty-four (24) hours of the event.
 - (4) An outdoor event tent shall be permitted between May 1st and October 31st of each year.
 - (5) A maximum number of twenty-four (24) events will be permitted each year.
 - (6) A maximum number of seventy-five (75) guests are permitted for each event.
 - (7) A maximum of one (1) event is permitted at any one time.
 - (8) Off street parking for the outdoor special event is to be provided on-site in accordance with the requirements of Section 6.39, Parking Space Requirements;
- (h) Outside winery operations and storage of goods and materials including refuse containers shall be fully screened from view of adjacent properties by means of fencing and / or landscaping features;
- (i) The location for bus parking shall be provided at the rear of the building;
- (j) See Section 6.31 for Niagara Parks Commission's requirements for access onto and signs along the Niagara River Parkway; and,
- (k) Shall be subject to a Site Plan Control Agreement pursuant to Section 41 of the *Ontario Planning Act*.

Definition --

EVENT, OUTDOOR means an event held in the open air for profit or non-profit; but does not include a special event as defined herein and shall not include garage sales, yard sales, flea markets or other occasional uses. *(as amended by 4316AR-13)*

EVENT, SPECIAL means an event that may occupy all or part of a privately owned property or Town owned property and may result in the disruption of the local flow of traffic. A special event may include a parade, festival, filming, running event, procession or any other activity that includes one or more of the following: *(as amended by 4316AR-13)*

- (a) Street closures
- (b) Fireworks or pyrotechnics
- (c) Live entertainment
- (d) Temporary structures or tents
- (e) Service of food or alcohol
- (f) Large volumes of vehicular or pedestrian traffic
- (g) Parking demand in excess of on-site capacity
- (h) Service of food, including mobile food trucks

A special event shall not include garage sales, yard sales, flea markets or other occasional uses. A special event shall be counted as an outdoor event for the purposes of this by-law.

No provisions for the above.

Definition –

OCCASIONAL USE means a use which only occurs for a maximum duration of four (4) consecutive weeks or a total of twenty-eight (28) days per year.

Provision –

6.34 OCCASIONAL USES

The following zones and uses shall be permitted to have occasional uses as indicated:

- (a) Where an auditorium, public hall, church or school exists in any zone, auction sales, bake sales, craft sales, bingo, benefit dances, blood donor clinics, car washes, festivals, Christmas tree sales, plant and produce sales, shows, concerts and banquets shall be permitted as an occasional use; *(as amended by 4316J-11)*
- (b) Garage sales shall be permitted on any residential property, with a maximum number of three (3) garage sales being conducted on any one property in any calendar year. A single garage sale shall consist of a maximum of two (2) consecutive days;

- (c) Notwithstanding the definition of occasional use, construction trailers on building sites shall be permitted provided they are removed upon building completion or final inspection, whichever comes first;
 - (d) Notwithstanding the definition of occasional use, a real estate sales office shall be permitted on a construction site until building completion or final building inspection, whichever comes first;
 - (e) Any occasional use shall be located and designed to avoid interference with the normal use of the abutting streets or with internal on-site vehicle circulation and loading activities;
 - (f) Any occasional use shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour or pollution of any kind; and
 - (g) Despite Section 6.37, Outdoor Storage, all of the above mentioned occasional uses shall be permitted out of doors.
-

Definition --

SECONDARY USE means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

Provision –

6.49 SECONDARY USES

Secondary uses shall be permitted for a use that conforms to the zone in which it is located in accordance with the following:

- (a) The secondary use shall not exceed twenty-five (25%) of the gross floor area of the main building of the principal use, with the exception of a bed & breakfast or country inn establishment.
- (b) The secondary use is subordinate to the principal permitted use.
- (c) Shall be compatible with and not hinder or interfere with surrounding agricultural operations.
- (d) On-site parking shall be provided in accordance with the requirements of Section 6.39, Parking Space Requirements in addition to the parking requirements for the principal use.