

Explanation of the Purpose and Effect of
By-law 500YJ-24

The subject property is a parcel of land described as 976 York Road, Niagara-on-the-Lake, more particularly described as Part of Township Lot 135 Niagara Part 2 30R512; Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject property to permit a proposed Estate Winery with secondary uses, and rezone a portion of the lands with an existing watercourse for continued environmental uses.

Effect

The effect of this By-law is to rezone the subject property to “Rural (A) Site-Specific Zone” permitting an Estate Winery with secondary uses and including site-specific provisions pertaining to lot area, parking requirements, floor areas of secondary uses and outdoor event permissions. The “Open Space (OS) Site-Specific Zone” would allow for continued environmental uses within the existing watercourse buffer.

<i>Applicant:</i>	Michael Colaneri
<i>File Number:</i>	ZBA-12-2023
<i>Report Number:</i>	CDS-24-106
<i>Assessment Roll Number:</i>	262702001903710

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500YJ - 24**

976 York Road
Roll # 262702001903710

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 identified on Map 'A' (attached to and forming part of this By-law) from "Rural (A) Zone" to "Rural (A) Site-Specific Zone" and "Open Space (OS) Site-Specific Zone."
2. That Subsection 21.A, Special Exceptions of By-law 500A-74, as amended, is hereby further amended by adding the following:

976 York Road – Rural (A) Site-Specific Zone

1. In lieu of the permitted uses in Subsection 4.1 and Section 3.33, the following uses shall be permitted on the lands zoned "Rural (A) Site-Specific Zone" shown on Map 'A' attached hereto:
 - a) Rural Uses identified in Subsection 4.1(a) of the Rural (A) Zone excluding a home industry, animal hospital or kennel, and farm winery
 - b) One Estate Winery
 - c) Secondary uses to an Estate Winery as follows:
 - i. Retail Sale of Wine
 - ii. Interior Hospitality Areas (Ground Floor Hospitality and Mezzanine Hospitality Areas)
 - iii. Outdoor Hospitality Patio
 - iv. Commercial Kitchen and Food Preparation Area
 - v. Outdoor Event Area
 - vi. Office related to an Estate Winery

2. In lieu of the corresponding provisions of Section 3.33, and in addition to those provisions, the following provisions shall apply to the lands zoned “Rural (A) Site-Specific Zone” shown on Map ‘A’ attached hereto:
 - a) Minimum Lot Area – 10.1 hectares (25.2 acres)
 - b) Minimum Parking Requirements
 - i. 54 parking spaces for secondary uses, including 3 barrier-free parking spaces
 - ii. 2 bus parking spaces for secondary uses
 - iii. 6 parking spaces for employees
3. In lieu of the provisions of Section 3.33 – Secondary Uses – Subsection (d), the maximum total floor area of all Secondary Uses for the Estate Winery on the lands zoned “Rural (A) Site-Specific Zone” shown on Map ‘A’ attached hereto shall not exceed 1,156 m² with the maximum floor area of each individual Secondary Use as follows:
 - a) Retail Sale of Wine – 27 m²
 - b) Interior Hospitality Areas – 178 m² total
 - i. Ground Floor Hospitality Area – 128 m²
 - ii. Mezzanine Hospitality Area – 50 m²
 - c) Outdoor Hospitality Patio – 465 m²
 - d) Commercial Kitchen and Food Preparation Area – 36 m²
 - e) Outdoor Event Areas – 400 m²
 - f) Office (Winery-Related) – 50 m²
4. For the purpose of this site-specific by-law, the following provisions apply to the Outdoor Event Areas on the lands zoned “Rural (A) Site-Specific Zone” shown on Map ‘A’ attached hereto:
 - a) All outdoor activity, including amplified music, shall cease at 11:00 p.m.
 - b) A maximum number of twenty-four (24) outdoor events will be permitted each year, with only one (1) outdoor event being permitted per day.
 - d) An outdoor event tent shall be permitted between January 1st and December 31st (year-round).
 - f) A maximum of one (1) event and occupation of one event area is permitted at any one time.
 - g) Off-street parking for the outdoor event area is provided in accordance with Section 2(b) of this by-law.
5. For the purpose of this site-specific by-law, the following definitions shall apply to the lands zoned “Rural (A) Site-Specific Zone” shown on Map ‘A’ attached hereto:

Commercial Kitchen and Food Preparation Area – means a part of the building where food may be prepared and staged for the purpose of accommodating winery-related hospitality functions.

Interior Hospitality Areas – means a part of the building where wine and food may be served and includes the use of commercial cooking equipment on-site in the Commercial Kitchen and Food Preparation Area.

Outdoor Hospitality Patio – means a part or all of a patio with or without gazebos where wine and food may be served from the Commercial Kitchen and Food Preparation Area, but does not include any outdoor kitchen equipment, except for portable, non-fixed outdoor pizza oven and/or barbecue within the designated hospitality patio or outdoor event space, which may be permitted for the preparation of food to be consumed on site.

976 York Road – Open Space (OS) Site-Specific Zone

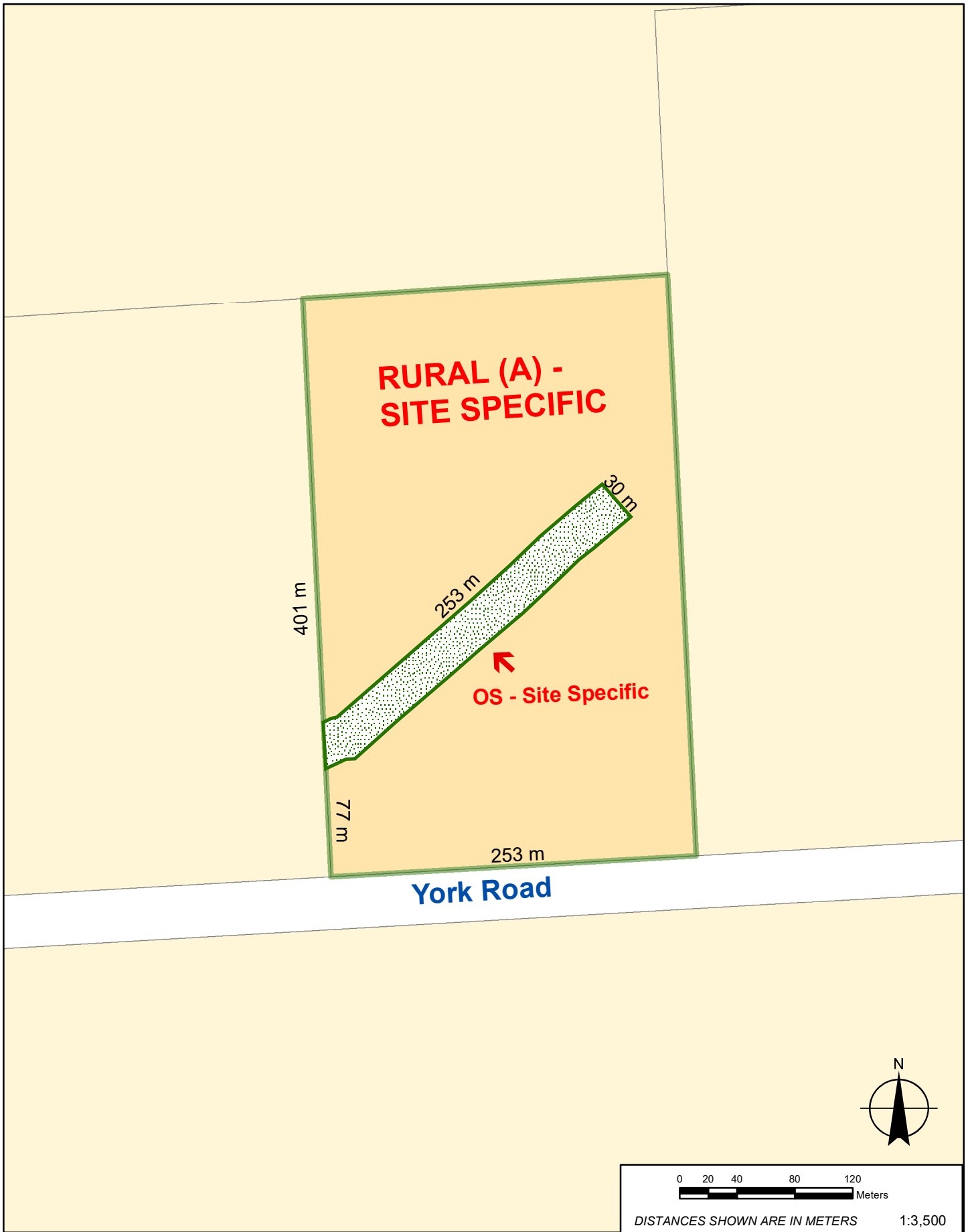
1. In lieu of the permitted uses and zone requirements under Section 18 – Open Space (OS) Zone, only environmental conservation uses, existing driveways and existing landscaped areas as of the date of passing of this by-law shall be permitted on the lands zoned “Open Space (OS) Site-Specific Zone” shown on Map ‘A’ attached hereto and the zone requirements do not apply.

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 30TH DAY OF JULY, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 500YJ-24 BEING AN AMENDMENT TO SCHEDULE "A" OF ZONING BY-LAW 500A-74, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30th DAY OF JULY, 2024.

**LORD MAYOR
GARY ZALEPA**

**TOWN CLERK
GRANT BIVOL**