

Explanation of the Purpose and Effect of
By-law 500VO(1)-26

The subject lands are municipally known as 1096 Lakeshore Road, Niagara-on-the-Lake, and legally described as “Lots 133 and 134 M1 Except Part 1 on 30R10029 and Part 1 on 30R11540, Parts 2, 3 and 4 30R14955; M1 is not a Plan of Subdivision Within the Meaning of the Planning Act”, Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the subject lands by expanding the existing list of permitted uses for the “Special Exception 21.A.42 Konzelmann Zone” which currently applies to 1096 Lakeshore Road to include an “Outdoor Hospitality Area,” in addition to setting out site-specific requirements to regulate the “Outdoor Hospitality Area.” A “Holding (H)” symbol is included to require the issuance of Site Plan Approval by the Director of Planning, Building and Development Services prior to permitting the use, to ensure that the limits of the designated “Outdoor Hospitality Area” are clearly identified and to address matters including but not limited to parking, traffic flow internal to the site, vehicular entrance and exit points, pedestrian walkways, fire route, and landscape buffers.

Effect

The effect of this By-law is to rezone the subject lands at 1096 Lakeshore Road from “Special Exception 21.A.42 Konzelmann Zone” to “Special Exception 21.A.42 Konzelmann Holding Zone,” in addition to expanding the list of permitted uses to include an “Outdoor Hospitality Area” and setting out site-specific requirements and definitions to regulate the size of the outdoor hospitality area, number of events and guests permitted, parking, lighting, hours of operation, distance to property lines, and landscape buffers.

<i>Applicant:</i>	Konzelmann Vineyards Inc. (c/o Jim Reschke)
<i>File Number:</i>	ZBA-09-2025
<i>Report Number:</i>	PBDS-26-005
<i>Assessment Roll Number:</i>	262702001016400

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500VO(1)-26**

Konzelmann Vineyards Inc. – 1096 Lakeshore Road
Roll 262702001016400

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. That the lands identified as “Part 1” on Schedule “A” to By-law No. 500IR-94, as amended, are rezoned from “Special Exception 21.A.42 Konzelmann Zone” to “Special Exception 21.A.42 Konzelmann Holding Zone.”
2. That Section 3 of By-law No. 500IR-94, as amended, is hereby further amended by adding the following permitted use:
 - f) one (1) *Outdoor Hospitality Area*
3. That Section 3 of By-law No. 500IR-94, as amended, is hereby further amended by adding the following Subsections:

“3.1 Site-Specific Definitions

The following definitions shall apply to the subject lands zoned “Special Exception 21.A.42 Konzelmann Holding Zone:”

- a) **Outdoor Hospitality Area:** means a designated outdoor space secondary to an Estate Winery that is communal and available for use by guests of the Estate Winery for an *Outdoor Event*. Temporary tents without a foundation or platform which are only erected during the duration of an *Outdoor Event* are permitted. Alcohol and food may only be served as part of an *Outdoor Event*, but the use of commercial cooking equipment is prohibited.

- b) Outdoor Event:** means an organized, temporary gathering occurring outdoors for recreational or social activities that shall only occur within a designated *Outdoor Hospitality Area*.
- c) Wedding Ceremony:** means an *Outdoor Event* where the exchange of wedding vows between two people and an officiant may be witnessed by guests in attendance. Wedding rehearsals, pre-wedding photo shoots or similar activities carried out in preparation for a Wedding Ceremony are permitted on the property but shall not be considered an *Outdoor Event* for the purpose of this By-law.

3.2 Outdoor Hospitality Area – General Requirements

The following provisions shall apply to an *Outdoor Hospitality Area*:

- a) Maximum Land Area for an *Outdoor Hospitality Area*: 1,650 square metres
- b) Maximum occupant load of an *Outdoor Hospitality Area* is 132 people
- c) An *Outdoor Event* shall only be permitted between April 1st and October 31st of each year
- d) Hours of operation for an *Outdoor Event* shall be limited to between 10:00 a.m. and 8:00 p.m.
- e) A maximum number of twenty-four (24) *Outdoor Events* shall be permitted each year, with one event defined as one day
- f) No outdoor lighting shall be permitted
- g) Temporary event tents may be erected during the duration of an *Outdoor Event* and shall be removed within 24 hours after each *Outdoor Event* and are subject to any applicable requirements set out in the Ontario Building Code
- h) Permanent structures which do not exist as of the date of the passing of this By-law are not permitted within an *Outdoor Hospitality Area*
- i) An *Outdoor Hospitality Area* shall remain as a grass area. Additional permanent landscaping, including but not limited to hard surfacing, retaining walls, fountains, etc. shall be prohibited

3.3 Outdoor Hospitality Area - Parking Requirements

Off street parking for an *Outdoor Hospitality Area* shall be provided in accordance with the requirements of By-law 500A-74, as amended, as follows:

- a) Minimum Number of Parking Spaces: 1 per 45 square metres of land area which comprises an *Outdoor Hospitality Area*

- b) Maximum Number of Parking Spaces: 1 per 30 square metres of land area which comprises an *Outdoor Hospitality Area*

3.4 Outdoor Hospitality Area – Distance to Lot Lines

An Outdoor Hospitality Area shall be distanced from property lines as follows:

- a) Minimum Distance to Easterly Lot Line – 25 metres
- b) Minimum Distance to Northerly Lot Line – 15 metres
- c) Minimum Distance to Westerly Lot Line – 280 metres

3.5 Landscape Buffer Strip

A landscape buffer strip that is a minimum of 3.0 metres in width and a minimum of 50 metres in length comprised of coniferous plantings shall be provided along the easterly lot line to provide a visual screen for the *Outdoor Hospitality Area*.”

3.6 Special Exception 21.A.42 Konzelmann Holding (H) Provision

The “Outdoor Hospitality Area” and associated outdoor events shall not be permitted on the subject lands until such time as the Holding (H) symbol is removed. The Holding (H) symbol shall not be removed until such time as the landowner obtains Site Plan Approval from the Director of Planning, Building and Development Services.

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

READ A FIRST, SECOND AND THIRD TIME THIS 28th DAY OF APRIL 2026.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL