

Explanation of the Purpose and Effect of  
By-law 500YU-26

The subject lands are located at the northeast intersection of York Road, and Concession 6 Road, and are described as 263 Concession 6 Road, Town of Niagara-on-the-Lake, more particularly described as Part of Township Lot 135 Niagara Part 1 as in 30R512; Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the southerly portion of subject lands to permit additional agricultural-related uses associated with local farm operations, and to add a “Holding (H)” symbol to the “Rural (A) – Site Specific Zone” to prohibit future development or site alteration until such time private servicing requirements are addressed. The purpose of this By-law is also to rezone the northerly portion of the subject lands to provide environmental protection for the existing woodlot feature on the subject lands.

Effect

The effect of this By-law is to rezone the subject lands from “Rural (A) Zone” to “Rural (A) Holding (H) Zone - Site Specific Zone” on the southerly portion, and to rezone the northerly portion from “Rural (A) Zone” to “Open-Space (OS) - Site Specific Zone” in order to:

- Provide site-specific permissions for agricultural-related uses related to local farm operations including:
  - Agricultural Equipment Storage
  - Agricultural Market
  - Farm Produce Storage Building
- Permit the existing single-detached dwelling and associated accessory structure(s) to remain; and
- Provide protection to the existing woodlot on the subject lands.

<i>Owner:</i>	Parth Patel
<i>File Number:</i>	ZBA-18-2024
<i>Report Number:</i>	CDS-26-005
<i>Assessment Roll Number:</i>	262702001903705

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. 500YU - 26**

263 Concession 6 Road

Roll 262702001903705

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) Holding (H) Zone - Site Specific Zone" on the southerly portion, and to rezone the northerly portion from "Rural (A) Zone" to "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:

263 Concession 6 Road – Open-Space (OS) - Site Specific Zone

In lieu of the corresponding provisions of section 18.1, only the following use is permitted within the Open Space (OS) – Site Specific Zone:

- a) Conservation management activities and uses

263 Concession 6 Road – Rural (A) Holding (H) Zone - Site Specific Zone

In addition to the permitted uses under Section 4.1(a) of Zoning By-law 500A-74, as amended, the following additional uses shall be permitted on the lands zoned "Rural (A) Holding (H) Zone - Site Specific Zone" shown on 'Map A' attached hereto:

- a) Agricultural-related uses to local farm operations as follows:
  - *Agricultural Equipment Storage*

- *Agricultural Market*

Prohibited Uses:

The following additional uses shall be prohibited on the lands zoned “Rural (A) Holding (H) Zone - Site Specific Zone” shown on ‘Map A’ attached hereto:

- a) A large subsurface sewage disposal system; and
- b) A dwelling unit.

3. For the purposes of this amending By-law only and for the land zoned “Rural (A) Holding (H) Zone - Site Specific Zone” shown on ‘Map A’ attached hereto, the following definitions shall apply:

- a) *Agricultural Equipment Storage* means premises where new or used farm machinery/equipment are stored or displayed for the purposes of sale or hire to agricultural operations and where such machinery/equipment is intended for agricultural operations that are common within the local specialized crop area, and shall include the storage and sale of farm machinery/equipment and accessories directly related thereto, including business administration uses accessory thereto, but does not include the repair and service of farm machinery/equipment and accessories, and nor shall it include the storage, display or sale of lawn mowers, snow blowers, non-agricultural machinery, parts not directly related to agricultural production equipment, toys, clothing, or other merchandise catering to a broad consumer market.
- b) *Agricultural Market* shall mean “a building/structure and land used only for the retail sale of fresh fruit and vegetables, processed fruit and vegetables, including frozen fruit, nuts, honey, maple syrup products, flowers, plants and bedding plants from local farm operations including business administration uses accessory thereto. The retail sale of dairy products, hand-crafted products and baked goods baked on the premises is permitted provided the same are accessory to the products described above. The sale of the following products is not permitted: clothing, meat, frozen foods, paper products, coffee, housewares, breakfast cereals, tobacco products, magazines, newspapers, soap, detergents, pharmaceutical products, lottery tickets and similar items.
- c) *Farm Produce Storage Building* shall mean “building/structure for the storage (including temperature-controlled storage) of fresh fruit and vegetables, processed fruit and vegetables, including frozen fruit, nuts, honey, maple syrup products, flowers, plants and bedding plants from local farm operations, including business administration uses accessory thereto,.”
- d) *Large Subsurface Sewage Disposal System* shall mean “an individual subsurface sewage disposal system with total daily design sanitary sewage flows greater than 10,000 Litres/Day.

- e) *Small Subsurface Sewage Disposal System* shall mean means “an individual subsurface sewage disposal system with total daily design sanitary sewage flows of less than 10,000 Litres/Day, located wholly within the boundaries of the lot or parcel of land on which are located the residence(s), building(s) or facility/ies which they serve, and are subject to the requirements of Part 8 of Division B (O.Reg. 350/06) of the Building Code under the Building Code Act, 1992.”
4. In addition to the corresponding provisions of Schedule F to Zoning By-law 500A-74, as amended, the following provisions shall apply to the subject lands zoned “Rural (A) Holding (H) Zone - Site Specific Zone” shown on ‘Map A’ attached hereto:
- The maximum gross leasable floor area for the *Agricultural Equipment Storage* use shall be 1,950 square metres
  - The maximum gross leasable floor area for the *Agricultural Market* use shall be 186 square metres
  - The maximum gross leasable floor area for the *Farm Produce Storage Building* use shall be 1,860 square metres
5. For the purposes of this By-law, the total maximum lot coverage for all buildings and structures shall be 15% (as per Schedule F to Zoning By-law 500A-74, as amended) on the subject lands shown on ‘Map A’ attached hereto:
- The agricultural-related uses identified in paragraph 2 shall occupy no more than 5% of the total maximum lot coverage on the lands shown on Map ‘A’ attached hereto.
6. In addition to the corresponding provisions of Section 3.19 of Zoning By-law 500A-74, as amended, the following provisions shall apply to the subject lands zoned “Rural (A) Holding (H) Zone - Site Specific Zone” shown on ‘Map A’ attached hereto:
- Off-street parking shall be provided at the following rates:
    - Minimum of one (1) parking space per 185 square metres of Farm Produce Storage Building;
    - Minimum of one (1) parking space per 130 square metres of Agricultural Equipment Storage; and
    - Maximum of 50 parking spaces and 2 loading bays for all agricultural-related uses.
7. Notwithstanding Section 3.15 (d) of Zoning By-law 500A-74, as amended, a loading bay may be located within 80 feet (24.35 m) of a street line if the loading bay is wholly located within a building.
8. Development and site alteration of the subject lands identified as “Rural (A) Holding (H) Zone - Site Specific Zone” on ‘Map A’ attached hereto shall only be permitted

upon removal of the Holding (“H”) Symbol, requiring the approval of Niagara Region and Town staff of any proposed Small Subsurface Sewage Disposal System. Upon the submission of required documents related to private sewages system servicing, the “H” symbol of the By-law shall be removed.

9. All other provisions of Zoning By-law 500A-74, as amended, shall continue to apply to the subject lands.

10. 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.

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LORD MAYOR GARY ZALEPA

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TOWN CLERK GRANT BIVOL

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MAP 'A' ATTACHED TO BY-LAW 500YU-26 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 28th DAY OF APRIL, 2026.

**LORD MAYOR  
GARY ZALEPA**

**TOWN CLERK  
GRANT BIVOL**