

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500A-74-##
1822 Niagara Stone Road**

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 500WK-13, 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 Map 'A' is attached to and forms part of this By-law
2. Section 2 of By-law 500WK-13 is amended by repealing & replacing the permitted uses and secondary uses with the following:

Permitted uses

- a) Farm distillery
- b) Micro-brewery
- c) The Uses permitted within the Rural (A) Zone

Secondary uses

- a) Agricultural Market
- b) Retail Sale of Alcohol
- c) Interior Hospitality Areas
- d) Outdoor Hospitality Patio (Lean-to area)
- e) Outdoor Event Area (lawn and tent areas)
- f) Commercial Kitchen

Prohibited Uses

a) Residential Use

3. 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 — means a part of the building where food may be prepared and staged for the purposes of accommodating brewery-related hospitality uses within established Secondary Use areas.

Farm Distillery - means a building associated with an agricultural use for the making of spirits on a small scale, from locally grown agricultural fruit and grain.

Micro-brewery - means a facility used for the production and retail sale of beer and ciders produced exclusively for consumption on or off site. The production process shall include the use of locally grown agricultural products, such as fruit, in keeping with the agricultural character of the area.

Interior Hospitality Areas — means parts of the building where wine and food may be served, as prepared in the on-site commercial kitchen.

Outdoor Hospitality Patio — means an outdoor area where food and alcohol are served, but does not include any outdoor kitchen equipment, except for a Pizza Oven, which may be permitted for the preparation of food to be consumed on-site.

Outdoor Event Area - means the area that is permitted to host outdoor events and may accommodate a temporary event tent.

4. The maximum combined floor area for all secondary uses shall be 1,073.0 m² (11,550.0 ft²), and shall be comprised of the following, none of which shall exceed:
- a. Interior Hospitality Areas600 m²
 - b. Commercial Kitchen.....30 m²
 - c. Outdoor Hospitality Patio..... 85 m²
 - d. Outdoor Event Area358 m²
 - e. Retail Sale of Alcohol Area....240.0 m²
 - f. Agricultural Market... 835 m²
5. The maximum floor area for production associated with the micro-brewery shall be 338.5 m².
6. The Outdoor Event Area shall be subject to the following provisions:
- a. A maximum of 125 guests shall be permitted at each event.

- b. No amplified music or public address system shall be permitted
- c. All outdoor activity shall cease by 11:00 p.m.
- d. A maximum of 24 events will be permitted per calendar year, with one (1) event defined as one day.
- e. Only one (1) event shall be held at any one time.
- f. The location of the Outdoor Event Area shall be identified in an approved Site Plan.
- g. All outdoor events catering to 75 or more persons shall employ the use of shuttle service for guest pick-up and drop-off from pre-determined off-site locations to facilitate transportation to and from the Subject Lands and may utilize existing parking areas.

Zone Requirements for Event Tent

- a. Event tent can remain erected from April 1 and October 31 each year and shall be removed within 24 hours of October 31 each year.
 - b. Setbacks:
 - i. Minimum side yard setback from East & West Line to event tent.....50 m (164.0 ft)
 - ii. Minimum side yard setback from Niagara Stone Road to event tent... 40 m (131.0 ft)
 - iii. Maximum building height (peak)..... 6.0 m (19.69 ft)
7. Repeal the existing zone requirements and replace them with the following provisions applicable to the Subject Lands:
- a) Minimum lot area 5.9 ha (14.5 ac)
 - b) Minimum side yard setback to East and West Line Road 2.5 m (8.2 ft)
 - c) Minimum side yard setback to Niagara Stone Road 6.0 m (19.7 ft)
 - d) Maximum lot coverage for all buildings 10%
 - e) Minimum loading bays 1
 - f) Minimum number of parking spaces 1 parking space for every 18.5 m² (199 square feet) of floor area devoted to the secondary use.
 - g) Minimum employee parking spaces 1 space per employee for the permitted uses on the Subject Lands
 - h) Accessible parking will comply with the Integrated Accessibility Standards under the Accessibility for Ontarians with Disabilities Act.
8. 75% of the land shall be planted and kept in agricultural production.
9. That Section 7 of By-law 500WK-13 is hereby repealed.
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 ____ DAY OF _____,
2023.

LORD MAYOR GARY ZALEPA

TOWN CLERK

Map A to Zoning By-law Amendment



 Existing Zoning: Rural (A) - Site Specific Zone
 Proposed Zoning: Rural (A) - Site Specific Zone