

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020- XX

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT Schedule 'A' Map 'C10' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 6, Part of Lot 3, Part 1 on 30R-7794, in the Township of West Lincoln, known municipally as 3651 Sixteen Road, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'C10' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law by further amending the Agricultural site specific 97 zone 'A-97.'
3. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by amending site specific 97 as follows in Part 13.2:

A-97

Permitted Uses:

As per the parent zone, plus:

A home occupation, including a winery that processes grapes grown locally, and a retail store for the sale and tasting of wine.

Regulations:

As per the parent zone, except:

Maximum gross floor area for home occupation: 60m² within the existing dwelling, along with an accessory patio; and,

Minimum area of the lot to be planted and used for vineyard production: 2 hectares or less if authorized by AGCO

4. THAT, Part 2 of the Zoning By-law 2017-70, as amended, is hereby amended by adding the following definitions:

AGRICULTURAL MARKET means a secondary use to an agricultural operation that includes a building used for the retail sale of fresh fruit and vegetables, processed fruit and vegetables, including frozen fruits, nuts, honey, maple syrup products, flowers, plants and bedding plants that are products grown locally and from the property. The retail sale of dairy products, hand crafted products and baked goods baked on the premises are permitted provided the same are secondary to the products described above. The sale of clothing, meat, frozen foods other than frozen fruit, paper products, coffee, house wares, breakfast cereals, tobacco products, magazines, newspapers, soap, detergents, pharmaceutical products, lottery tickets, furniture and home furnishings is prohibited.

HOSPITALITY ROOM means part or all of a building where wine and food may be served, but does not include the use of commercial cooking equipment on site in the preparation of food.

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

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

5. THAT, Part 3 of the Zoning By-law 217-70, as amended, is hereby amended by adding

the following Section as 3.5 and changing the following existing section numbers accordingly:

3.5 ESTATE WINERY

In addition to the uses permitted in an A (Agricultural) or an AR (Agricultural Related) or RuR (Rural Residential) 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), with the majority of the 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) Gross floor area maximum shall not exceed 500m² with not more than 200m² of that area being retail and hospitality area and not exceeding a total lot coverage of all buildings and structures of 15%;
- (c) Off-street parking for an Estate Winery shall be provided at the rate of one (1) parking space per employee and shall be depicted on an approved site plan;
- (d) Minimum lot frontage shall be 45 metres;
- (e) Minimum building setback from all property lines shall be 15 metres;
- (f) Maximum building height is 11 metres;
- (g) Breweries and distilleries shall be subject to these same provisions and considered by rezoning.

3.5.1 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) Permission for special events as defined in the Zoning By-law.
- (e) The maximum total floor area for all secondary uses shall generally be limited to 400 square metres with each individual secondary uses not exceeding 140 square metres.
- (f) The off-street parking requirement for all secondary uses shall be one (1) parking space for every 18.5 square metres of floor area devoted to the secondary use.

6. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Table 11:

Uses	Zones where Permitted		
Principal Uses			
Farm Winery ⁽⁴⁾⁽⁵⁾⁽⁶⁾	A		AR

⁽⁴⁾ All wines produced shall be from fruit grown predominately on the same lot as the farm winery, with a minimum lot area of 3.2 hectares;

⁽⁵⁾ The retail sale of wine shall be permitted subject to normal licensing requirements. The maximum floor area shall not exceed 200m² and the area devoted to the sale of

wine shall be not more than 18.5m² provided it does not conflict with any minimum requirement for licensing.

⁽⁶⁾ Subject to site plan control.

7. THAT Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Table 13:

Uses	Zones where Permitted									
Principal Uses										
Farm Winery ⁽⁴⁾⁽⁵⁾⁽⁶⁾	RuR									

⁽⁴⁾ All wines produced shall be from fruit grown predominately on the same lot as the farm winery, with a minimum lot area of 3.2 hectares;.

⁽⁵⁾ The retail sale of wine shall be permitted subject to normal licensing requirements. The maximum floor area shall not exceed 200m² and the area devoted to the sale of wine shall be not more than 18.5m² provided it does not conflict with any minimum requirement for licensing.

⁽⁶⁾ Subject to site plan control.

8. THAT all other provisions of By-law 2017-70 continue to apply.
9. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
28th DAY OF SEPTEMBER, 2020.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2020-XX

Location:

This By-law involves all lands zoned Rural Residential, Agricultural and Agricultural Related. This By-law also specifically involves a parcel of land legally known as Concession 6, Part of Lot 3, Part 1 on 30R-7794, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 3651 Sixteen Road.

Purpose & Effect:

To provide the Township of West Lincoln with clear policies for estate and farm wineries and to amend the site specific provision 97 for 3651 Sixteen Road to allow for a retail store for the sale of locally grown grapes.

Public Consultation:

The Public Meeting was held on November 11th, 2019. The Township received verbal and written comments from 1 property owner/business operator regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-015-19

Applicants: Township of West Lincoln

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