

AMENDMENT NUMBER 11
TO THE OFFICIAL PLAN OF THE
TOWN OF LINCOLN

Official Plan Amendment Number 11 was adopted by the Council of the Corporation of the Town of Lincoln by By-law No. 2022-XX, in accordance with the provisions of Section 17(22) of the Planning Act, R.S.O. 1990, and amendments made thereto on the 30th day of May, 2022.

Julie Kirkelos
Clerk

Sandra Easton
Mayor

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2022-38

**A BY-LAW TO ADOPT AMENDMENT NO. 11 TO THE
OFFICIAL PLAN FOR THE TOWN OF LINCOLN**

WHEREAS the Council of the Corporation of the Town of Lincoln in accordance with the provisions of The Planning Act, R.S.O. 1990, hereby enacts as follows:

1. That Amendment No. 11 to the Official Plan for the Town of Lincoln, being the attached text and schedule, is hereby adopted.
2. This By-law shall come into force and take effect on the date of its final passing.

PASSED AND ENACTED on the 30th day of May, 2022.

MAYOR: SANDRA EASTON

CLERK: JULIE KIRKELOS

AMENDMENT NUMBER 11
TO THE OFFICIAL PLAN FOR THE
TOWN OF LINCOLN

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment shall be known as Amendment Number 11 to the Official Plan of the Town of Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map identified as Schedule 'A'. The preamble does not constitute part of the actual amendment but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to permit the construction of a 2,719 square metre estate winery with 676 gross floor area of agri-tourism uses, as well as 10 units of short-term accommodations in the form of 1-storey detached cabins on the subject lands.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are municipally known as 3583 Zimmerman Road and are located on the west side of Zimmerman Road, the south side of Fly Road, and on the east side of Mountain Street. Legally, the subject lands are described as Part Lot 19, Concession 7 and Part 1 on 30R5462 and Part 1 on 30R10360.

1.5 BASIS OF THE AMENDMENT

The subject lands are regulated by the Specialty Agricultural and Natural Environmental policies in the Town's Official Plan. The Specialty Agricultural policies only pertain to areas outside of the provincially significant wetland and wooded features. Section 2.1.3. of the OP permits the construction of an agricultural, agricultural-related, and various on-farm diversified and agri-tourism land uses on lands subject to its policies. The Natural Environmental policies do not permit the erection of any buildings or site alterations within its confines. Within the 30.0 metre wide buffer around identified natural features, only site alterations pertaining to conservation, public infrastructure, or agricultural activities can occur.

This Official Plan Amendment is required as Section 2.1.5.4.3.3(h) limits the gross floor area of agri-tourism uses accessory to an estate winery to 235 square metres. The intent of this policy is to ensure that all proposals demonstrate that agri-tourism and all on-farm diversified land uses remain secondary to the agricultural and agricultural-related activities on a winery. The applicants have proposed a total gross floor area of 676 square

metres for all on-farm diversified and agri-tourism related land uses.

The proponents have demonstrated that the proposed agri-tourism uses will remain secondary to the agricultural and agricultural-related land uses on the subject lands. This opinion is based on demonstrating that the proposed lot coverage of the on-farm diversified land uses meets the 2.0% lot coverage criteria as provided by the Province's Guidelines for On-Farm Diversified Land Uses in the Prime Agricultural Area (Guidelines) document. While the proposed gross floor area is slightly above the recommended cap of 20% of the 2% lot coverage figure (1,256 square metres vs. 1,405 square metres or 22.3%) the proposed development still conforms to the Guidelines general intent. A holding provision (H) has been added to the site specific zoning designation to ensure that the majority of the arable area of the subject lands is used for grape growing. The holding provision will not be lifted until it is confirmed that vines have been planted on the majority of the arable lands and that a site plan agreement has been registered on title.

Section 2.1.5.4.2. only permits short-term accommodations in the form of a bed and breakfast on lands subject to the Specialty Agricultural policies. The Town's Official Plan also requires that bed and breakfast accommodations be in single detached dwelling, have no more than 6 guest rooms among other requirements outlined in Section 9.13. Town Planning staff are of the opinion that the proposed 10 guest rooms in one-storey cabins near the south-east corner of the subject lands is appropriate for the subject lands. This is on account of their small scale, ease of access to Mountain Street, and meeting the Province's lot coverage requirement for on-farm diversified land uses.

Further, the subject development has demonstrated that it will be altering any of the existing provincially significant land features on the subject lands. In addition, a 30.0 metre wide buffer area will be extended onto the arable lands from the edge of the natural features to ensure that non-agricultural related activities or site alterations can occur. The natural features and 30.0 metre buffer will be placed into an Environmental Conservation (EC) zoning regulation in accordance with policies from the Town, Region, and Niagara Peninsula Conservation Authority.

The amendment is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Regional Official Plan and the general intent of the Town's Official Plan.

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the explanatory text constitute Amendment Number 11 to the Official Plan of the Town of Lincoln.

2.2 DETAILS OF THE AMENDMENT

TEXT AMENDMENT

1. Subsection 2.1.6. is hereby amended by adding the following new subsection 2.1.6.8:
“Notwithstanding the gross floor area requirements of Section 2.1.5.4.3.3(h) of the Official Plan, a maximum gross floor area for agri-tourism uses of 676 square metres is permitted on lands known municipally as 3583 Zimmerman Road and legally described as Part Lot 19, Concession 7 and Part 1 on 30R5462 and Part 1 on 30R10360.
“Notwithstanding the requirements of Section 9.13 of the Official Plan, a maximum of 10 guest rooms in the form of 1-storey cabins shall be permitted on lands known municipally as 3583 Zimmerman Road and legally described as Part Lot 19, Concession 7 and Part 1 on 30R5462 and Part 1 on 30R10360.

2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment. Development of the lands will be subject to a Site Plan Agreement between the Town and the Owner.

AFFIDAVIT

**IN THE MATTER OF AMENDMENT NO. 11 TO
THE OFFICIAL PLAN OF THE TOWN OF
LINCOLN**

I, Julie Kirkelos, the Clerk of the Corporation of the Town of Lincoln, do hereby make oath and say as follows:

That the requirements for the giving of notice, and the holding of at least one Public Meeting as set out in Section 17(15) of the Planning Act, R.S.O. 1990 and the giving of the notice as set out in Section 17(23) of the Planning Act, R.S.O. 1990, have been complied with for Official Plan Amendment Number 11.

Julie Kirkelos
Town Clerk

SWORN before me at the Town of Lincoln in
the Region of Niagara this 30th day of May
2022.

A COMMISSIONER, ETC.

AFFIDAVIT

**IN THE MATTER OF AMENDMENT NO. 11 TO
THE OFFICIAL PLAN OF THE TOWN OF
LINCOLN**

I, Julie Kirkelos, the Clerk of the Corporation of the Town of Lincoln, do hereby make oath and say as follows:

The following persons or public bodies made oral submissions at the public meeting held on December 15, 2021:

Riley Griffin

Julie Kirkelos
Town Clerk

SWORN before me at the Town of Lincoln in
the Region of Niagara this 30th day of May
2022.

A COMMISSIONER, ETC.

AFFIDAVIT

**IN THE MATTER OF AMENDMENT NO. 11
TO THE OFFICIAL PLAN OF THE TOWN OF
LINCOLN**

I, Matt Bruder, the Director of Planning and Development of the Corporation of the Town of Lincoln, do hereby make oath and say as follows:

That Amendment No. 11 is consistent with the policy statements issued under subsection 3(1) of the Act, and that Amendment No. 11 conforms to or does not conflict with any provincial plan.

Matt Bruder, MCIP, RPP
Director of Planning and
Development

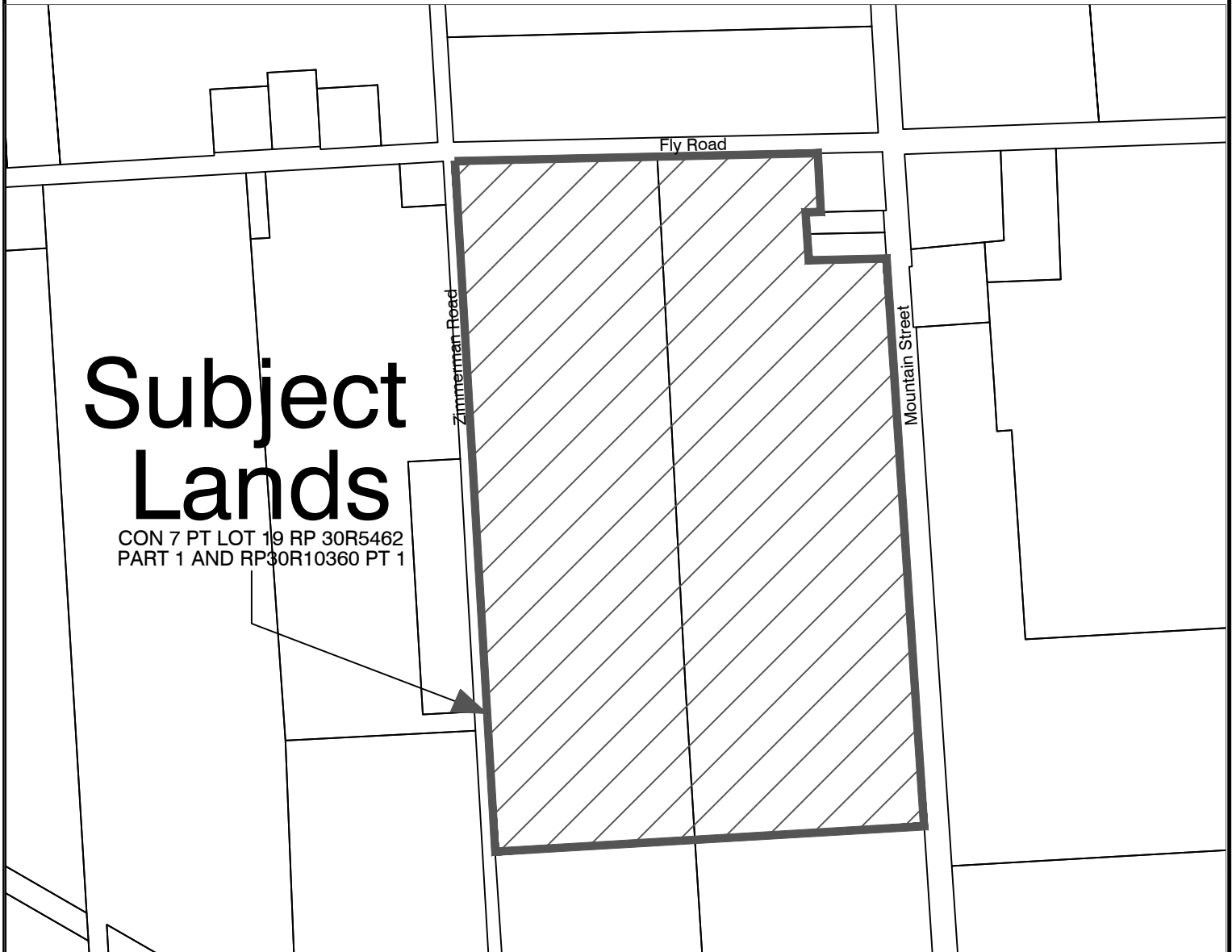
SWORN before me at the Town of
Lincoln in the Region of Niagara this 30th
day of May 2022.

A COMMISSIONER, ETC.

SCHEDULE 'A' - Official Plan Amendment No. 11



Metric Scale:
N.T.S.



This is Schedule 'A' to By-law No. 2022-38 passed the 30 day of
May, 2022.

MAYOR: SANDRA EASTON

CLERK: JULIE KIRKELOS