

SECTION 17 - RURAL AGRICULTURAL ZONE- RA (BY-LAW 2972 AND 9349)

The following provisions shall apply in all RURAL AGRICULTURAL ZONES RA:

No *PERSON* shall *HEREAFTER USE* any *BUILDING, STRUCTURE* or land nor *ERECT* any *BUILDING* or *STRUCTURE* except in accordance with the following provisions:

17.1 USES PERMITTED

17.1.1 Residential:

A SINGLE-DETACHED DWELLING

BED & BREAKFAST

17.1.2 Agricultural:

All Agricultural *USES* permitted in the A Zone; **(By-law 2000-59)**

Sod *FARMS* **(By-law 2000-59)**

17.1.3 Other:

A PLACE OF WORSHIP,

campgrounds;

KENNEL **(By-law 2000-59)**

17.2 AREA REQUIREMENTS

17.2.1 Minimum Separation Distance:

New *DWELLING UNITS* shall be separated from *EXISTING* animal operations in accordance with the Minimum Distance Separation (M.D.S.) I Requirements, or 300 metres, whichever is greater, excepting *FARM* buildings under the same ownership; and new and expanded animal operations must be separated from *EXISTING DWELLING UNITS* only in accordance with the Minimum Distance Separation (M.D.S.) II Requirements.

17.2.2 *LOT FRONTAGE:*

Minimum - 60 metres

17.2.3 *LOT AREA:*

Minimum - 2 hectares

17.2.4 *YARD Requirements:*

FRONT YARD - minimum 12 metres

REAR YARD - minimum 12 metres

SIDE YARD - minimum 6.0 metres

Minimum Distance Separation (M.D.S.) I or II Requirements must also be satisfied.

In addition to the above minimum *YARD* requirements the following *USES* shall be a minimum distance of 50 metres from a *DWELLING UNIT* on an adjacent *LOT* or 44 metres from a *LOT LINE* where no *DWELLING UNIT* exists on an adjacent *LOT*: *COMMERCIAL GREENHOUSES*, custom welding for the repair of *FARM* machinery, sawmills, *VETERINARY CLINICS* and grain dryers.

17.2.5 GROSS FLOOR AREA of DWELLING UNIT:

Minimum - 88 square metres

17.2.6 BUILDING Coverage:

Maximum - 10 percent of the *LOT AREA*,

except *COMMERCIAL GREENHOUSE FARMS*, which shall be governed by the Minimum *YARD* Requirements

17.3 LOTS Undersize

A *LOT* held under separate ownership on the date that this By-law was passed by COUNCIL which has insufficient *LOT FRONTAGE* or *LOT AREA* to permit the Owner or Purchaser of the *LOT* to comply with the provision of this By-law, then notwithstanding other provisions of this Section, a one-family *DWELLING* may be erected thereon and occupied provided that the other *YARD* requirements and the following provisions shall apply:

LOT AREA minimum with municipal piped water supply - 2,000 square metres

minimum without municipal piped water supply - 4,000 square metres

LOT FRONTAGE minimum 18 metres

LOT COVERAGE maximum 30 percent

YARD Requirements:

FRONT YARD - minimum 12 metres

REAR YARD - minimum 7.5 metres

SIDE YARD - minimum 2.4 metres

Minimum Separation Distance:

New *DWELLING UNITS* on lots undersize shall be separated from *EXISTING* livestock operations in accordance with the Minimum Distance Separation (M.D.S.) I Requirements.

17.4 EXCEPTIONS TO ZONE LAND USE

17.4.1 Deleted.

17.4.1A NOTWITHSTANDING anything contained in Section 17.1 (By-law 9349) of this By-law, the lands described below and any *BUILDINGS* thereon may be used as an Orange Lodge:

COMMENCING at the north-east angle of *LOT 21* in Concession III of the Township of Crowland, now in the City of Welland,

THENCE westerly along the northern limit of *LOT 21* a distance of 21.3336 metres;

THENCE southerly parallel to the easterly limit of said *LOT* a distance of 33.528 metres;

THENCE easterly parallel to the northerly limit of said *LOT* a distance of 21.336 metres more or less to the easterly limit of said *LOT* a distance of 33.528 metres more or less to the point of commencement. **(By-law 2972)**

(SOUTH WEST CORNER OF CAMBRIDGE ROAD AND BROWN ROAD - 21.336 METRES X 33.528 METRES)

17.4.2 The following lands, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Welland, formerly in the Township of Pelham, in the County of Welland, and being composed of part of *LOT 1*, Concession 13 of the said Township, and being more particularly described as follows:

COMMENCING at an iron bar planted by Robert Funk O.L.S. in May of 1959 marking the north-western angle of the said *LOT*;

THENCE N 88° 35' E along the northern limit thereof 124.267 metres to the place of beginning of the lands hereby described and being also the north-eastern angle of the lands described in instrument number 94985;

THENCE continuing N 88° 35' E along the said northern limit 19.812 metres;

THENCE southerly parallel to the western limit of the said *LOT* 215.494 metres to the southern limit of the lands of the grantors;

THENCE S 89° 0' 30" W along the said southern limit of the grantors' lands 19.812 metres;

THENCE northerly parallel to the said western limit 215.494 metres to the place of beginning, be given a special exemption from said By-law 2667 as amended by By-law 2972 to allow the construction of a *SINGLE-DETACHED DWELLING* with *YARD* requirements and *LOT AREA* as specified in Section 17.3 of the said By-law 2667. **(By-law 3278)**

(61 CHANTLER ROAD)

- 17.4.3** NOTWITHSTANDING the provisions of By-law Number 2667 that the following lands, namely:

In the City of Welland, County of Welland being composed of part of Township *LOT* Number 1, Concession 11 for the Township of Pelham, now the City of Welland, more particularly described as follows:

COMMENCING at south-east angle of *LOT*;

THENCE north along the east limit, 116.738 metres to place of commencement of hereinafter described parcel;

THENCE west parallel with the south limit of *LOT*, 71.323 metres more or less;

THENCE south parallel with the east limit of *LOT*, 52.730 metres more or less;

THENCE east parallel with the south limit of *LOT*, 71.323 metres more or less to a point in the east limit of *LOT*;

THENCE north along east limit, 52.730 metres more or less to place of beginning may be used for the purposes as set out in Section 21 (C3) of By-law 2667 provided, that the requirements of Section 22.2 (C4) of By-law 2972 amending By-law 2667 are complied with. **(By-law 3384 and 5666)**

(681 SOUTH PELHAM ROAD - ALSO SEE: 8.2.7 - PARCEL 2, 8.2.7 - PARCEL 8, 17.4.4)

- 17.4.4** Notwithstanding the provisions of By-law 2667 that the following lands, namely:

In the City of Welland, in the Regional Municipality of Niagara, formerly in the Township of Pelham, and being composed of part of *LOT* 1, Concession 11 and designated as Parts 1, 2 and 4 on Reference Plan 59R-2861, may be used for the purposes as set out in Section 21 (C3) of By-law 2667 provided that the requirements of Section 22.2 are complied with. **(By-law 6863)**

(681 SOUTH PELHAM ROAD - ALSO SEE: 8.2.7 - PARCEL 2, 8.2.7 - PARCEL 8, 17.4.3)

- 17.4.5** Notwithstanding the provisions of Section 18, certain lands on the west side of River Road, being composed of part of the original Road Allowance between *LOTS* 22 and 23, Concession 3 and part of Lots 22 and 23, Concession 3, in the former Township of Crowland, now in the City of Welland, more particularly described in Schedule "B" of By-law 7853, shall be given an exemption to allow the *USE* of the said lands for the purposes of a *FRATERNAL ORGANIZATION*, being the Auberge Richelieu.

(565 RIVER ROAD)

- 17.4.6** Lands on the north side of Townline Road, south side of Netherby Road, Part *LOT* 13, Concession 5, former Township of Humberstone, now City of Welland, to be used only on a site specific basis as a motorcycle raceway. **(By-law 9349)**

(MOTORCYCLE CLUB ON DESCRIBED LANDS - NO ADDRESS)

- 17.4.7** Lands on the north side of Forks Road, easterly part of *LOT 26*, Concession V, former Township of Humberstone, now City of Welland, shall only be used for the purposes of a radio broadcasting station and transmission towers. **(By-law 9349)**

(C-HOW RADIO STATION ON DESCRIBED LANDS - NO ADDRESS)

- 17.4.8** **RA-X1 ZONE** (By-law 10065, 1999-179) (HOLDING SYMBOL "H" REMOVED BY BY-LAW 10421)

1. That Schedule "A" to By-law 2667 be and the same is hereby amended as follows:
2. That Part of *LOTS 259, 260 and 260 B.F.* and Part of the road allowances between *LOTS 260 and 260 B.F., LOTS 259 and 260, LOTS 259 and 259 B.F.;* and *LOTS 259 B.F. and 260 B.F.,* former Township of Thorold, designated as Part 1 Plan 59R-7999, shown on Schedule "A" attached to By-law 10065 as "Change to H-RA-X1 ZONE" and "Change to H-O2-X1 ZONE" is hereby rezoned H-RA-X1 ZONE and H-O2-X1 ZONE.
3. That Part of Lot 1, Concession 14, former Township of Pelham known municipally as 105 South Pelham Road and shown on Schedule "A" to By-law 1999-179 as "Change to RA-X1 Zone" is hereby rezoned RA-X1 Zone.
4. That the *USES* permitted in the RA-X1 ZONE shall be the *USES* permitted in the Rural Agricultural Zone (RA) and the following *USES*:

 a *GOLF COURSE*;

ACCESSORY USES to a *GOLF COURSE*.
5. Any development in the RA-X1 ZONE shall comply with the Area Requirements of Section 17.2 - Rural Agricultural Zone.

(425 COLBECK DRIVE AND 105 SOUTH PELHAM ROAD - ALSO SEE 28.3.5)

- 17.4.9** **RA-X2 ZONE** (By-law 11023)

1. That Part of *LOT 28*, Concession 4, former Township of Humberstone, now in the City of Welland, more particularly described as Part 3 Plan 59R-5060 known municipally as 501 Forks Road and shown on Schedule "A" of By-law 11023 as "Change to RA-X2 ZONE" is hereby rezoned RA-X2 ZONE.
2. The *USES* permitted in the RA-X2 ZONE shall be limited to a *SINGLE DETACHED DWELLING* and *ACCESSORY* thereto.
3. The provisions for the RA-X2 ZONE shall be those of the RA ZONE save and except the following:

Minimum <i>LOT FRONTAGE</i>	49.9 metres
Minimum <i>LOT AREA</i>	0.21 hectares

(501 FORKS ROAD)

17.4.10 RA-X3 ZONE (By-law 11023)

1. That Part of *LOT 28*, Concession 4, former Township of Humberstone, now in the City of Welland more particularly described as Parts 1 and 2, Plan 59R-5060 known municipally as 503 Forks Road and shown on Schedule "A" of By-law 11023 as "Change to RA-X3 ZONE" is hereby rezoned RA-X3 ZONE.
2. The *USES* permitted in the RA-X3 ZONE shall be limited to a *SINGLE-DETACHED DWELLING*, *EXISTING* barn and *ACCESSORY* thereto.
3. The provisions for the RA-X3 ZONE shall be those of the RA ZONE save and except the following:

Minimum <i>LOT AREA</i>	0.485 hectares
<i>FRONT YARD</i> Setback	2.5 metres
<i>REAR YARD</i> Setback	7.1 metres
Maximum <i>BUILDING</i> Coverage	15 percent of <i>LOT AREA</i>

(503 FORKS ROAD)

17.4.11 RA-X4 ZONE (By-law 2001-21)

1. That Part of Lot 32, Concession 4, Former Township of Humberstone, now in the City of Welland known municipally as 933 Forks Road and shown on Schedule "A" of By-law 2001-21 as "Change to RA-X4 Zone" is hereby rezoned RA-X4 Zone;
2. The uses permitted in the RA-X4 Zone shall be the uses permitted in the RA Zone and a courier service, cartage operation, warehouse and a trucking operation;
3. The provisions for the RA-X4 Zone shall be those of the RA Zone save and except the following:

Minimum Front Yard Setback	6.8 metres only for the existing 2 storey single-detached dwelling
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(933 FORKS ROAD)

17.4.12 RA-X5 ZONE (By-law 2005-50)

1. That Part of Lot 1, Concession 14, former Township of Pelham, now in the City of Welland known municipally as 594 Gaiser Road and shown on Schedule "A" attached to By-law 2005-50 as "Change to RA-X5 ZONE" is hereby rezoned RA-X5 ZONE;
2. The uses permitted in the RA-X5 ZONE shall be those permitted in the RA ZONE;
3. The provisions of the RA ZONE shall be those provided for in the RA ZONE

save and except as follows:

Minimum *LOT AREA* 0.7 hectares

Maximum *LOT COVERAGE* for an Existing *ACCESSORY BUILDING* 75% of *GROSS FLOOR AREA* of the main *BUILDING*

(594 GAISER ROAD)

17.4.13 RA-X6 ZONE (By-law 2007-96)

1. That Part Lot 24 and Part of the Road Allowance between Lots 24 and 25, Concession 5, former Township of Humberstone, now in the City of Welland and shown on Schedule "A" attached to By-law 2007-96 as "Change to RA-X6 ZONE" is hereby rezoned RA-X6 ZONE;
2. That the uses permitted in the RA-X6 ZONE shall be those permitted in the RA ZONE;
3. That the provisions for the RA-X6 ZONE shall be those permitted in the RA ZONE save and except as follows:

Minimum *LOT FRONTAGE* 0 metres

(NORTH OF FORKS ROAD, EAST OF HIGHWAY 58)