

SECTION 32: AGRICULTURAL A ZONE

32.1 Permitted Uses

The following uses are permitted in the Agricultural A Zone:

- (1) agriculture;
- (2) conservation;
- (3) greenhouse;
- (4) kennel;
- (5) farm produce outlet accessory to an agricultural use;
- (6) nursery;
- (7) existing single detached dwelling;
- (8) help house, accessory to an agricultural use;
- (9) single detached dwelling;
- (10) wayside pits and quarries;
- (11) a home occupation, in accordance with the provisions of Section 6.21;
- (12) a group home, in accordance with the provisions of Section 6.24;
- (13) bed and breakfast establishment in accordance with the provisions of Section 6.27;
- (14) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 32.2.6.

32.2 Zone Provisions

32.2.1 Agriculture, Conservation, Farm Produce Outlet, Nursery, Kennel and Single Detached Dwelling

No person shall use any land or erect or use any building or structure in an Agricultural Zone, except in accordance with Section 6 General Provisions and with the following:

- (a) Minimum Lot Area (hectares) 4 or existing, whichever is less;
- (b) Minimum Lot Frontage (metres) 45 or existing, whichever is less;
- (c) Front Yard Setback:
 - (i) for a building used for residential purposes (metres) 7.5
 - (ii) for any other building (metres) 15

- (d) Minimum Rear Yard Setback (metres) 15 or existing, whichever is less;
- (e) Minimum Side Yard Setback - 15 metres or existing, whichever is less; except that the side yards for a building used for residential purposes shall be 7.5 metres or existing, whichever is less;
- (f) Exterior Side Yard Setback:
 - (i) for a building used for residential purposes (metres) 7.5
 - (ii) for any other building (metres) 15
- (g) Maximum Lot Coverage (percent of lot area) 10
- (h) Notwithstanding the provisions of Section 32.2.5(d), the following minimum distance separation requirements shall apply:
 - (i) the locating of any new single detached dwelling, excluding additions to existing single detached dwellings, shall be in accordance with the provisions of the Minimum Distance Separation Formula of the Agricultural Code of Practice;
 - (iii) the locating of any new livestock or poultry buildings, including additions to existing livestock or poultry buildings shall be in accordance with the provisions of the Minimum Distance Separation Formula of the Agricultural Code of Practice.
- (i) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

32.2.2 Greenhouse

- (a) Minimum Lot Frontage (metres) 45
- (b) Minimum Lot Area (hectares) 2.0
- (c) Minimum Setback Requirements:
 - (i) Front Yard Setback (metres) 15
 - (ii) Exterior Side Yard Setback (metres) 15
 - (iii) Interior Side Yard Setback and Rear Yard Setback - 6 metres, except:
 - (i) that where the yard abuts a Residential Zone or residential use, 15 metres is required,
 - (ii) that where ventilating fans exhaust into the yard facing the Residential Zone or residential use, 25 metres is required,

(iii) that if the existing residential use is greater than 40 metres from the yard into which ventilating fans are exhausted 15 metres is required;

- (d) Maximum Lot Coverage no maximum requirement
- (e) Maximum Building Height (metres) 9
- (f) Where a lot is created hereafter in an Agricultural Zone by severance for greenhouse purposes, in accordance with Section 4.6.2 of the Official Plan, a single detached dwelling, accessory to a greenhouse can be erected on said lot provided a minimum greenhouse floor area of 7,500 square metres has been erected.
- (g) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

32.2.3 Existing Single Detached Dwelling and/or lot having an area of less than 0.9 hectares or a lot frontage less than 45 metres.

- (a) Minimum Lot Area as existing
- (b) Minimum Lot Frontage as existing
- (c) Front Yard Setback (metres) 7.5
- (d) Rear Yard Setback (metres) 7.5
- (e) Interior Side Yard Setback - 3.0 metres, except for an existing single detached dwelling, 1.5 metres shall apply;
- (f) Exterior Side Yard Setback (metres) 7.5 or existing
whichever is less;
- (g) Maximum Lot Coverage - 10 percent, except for lots having a lot area of 0.4ha or less, 30 percent shall apply;
- (h) Maximum Building Height (metres) 10.5
- (i) Minimum distance separation requirements:
 - (i) single detached dwelling, excluding additions in accordance with the provisions of the Minimum Distance Separation Formula of the Agricultural Code of Practice;
 - (ii) livestock and poultry buildings, including additions.
- (j) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department.

32.2.4 Lots Created by Severance in an Agricultural Zone

Where a lot is created hereafter in an Agricultural Zone by severance in accordance with Section 4.6.2 of the Official Plan, no person shall use such lot or erect or use any building or structure thereon except in accordance with the applicable provisions of Section 6 General Provisions and with the following provisions:

- (a) Useable Minimum Lot Area for residential purposes - 0.4 hectare
 - (i) Environmental requirements: Every lot and use shall be in compliance with the applicable provisions of the Public Health Act and the Environmental Protection Act and the regulations made thereunder, and with all requirements of the Regional Niagara Public Health Department;
- (b) Minimum Lot Frontage (metres) 45
- (c) Front Yard Setback (metres) 7.5
- (d) Minimum Rear Yard Setback (metres) 7.5
- (e) Minimum Side Yard Setback (metres) 7.5
- (f) Minimum Exterior Side Yard Setback (metres) 7.5
- (g) Maximum Lot Coverage (percent of lot area) 15
- (h) Maximum Building Height (metres) 10.5
- (i) In all cases the residential lot shall comply with the Minimum Distance Separation Formula of the Agricultural Code of Practice, as amended from time to time.

32.2.5 Help House

No person shall erect or use any help house in an Agricultural Zone, except in accordance with the applicable provisions of Section 6 General Provisions and with the following provisions:

- (a) No lot shall contain more than one (1) help house;
- (b) No help house shall contain more than two (2) dwelling units;
- (c) Setbacks shall be in accordance with the provisions of Section 32.2.4, except that no help house shall be erected closer to an existing residential dwelling on the lot than 15 metres;
- (d) The locating of a farm help house on a separate lot removed from the principle farm operation shall comply with the Minimum Distance Separation Formula of the Agricultural Code of Practice, as amended from time to time.

32.2.6 Provisions for Accessory Buildings and Structures for Residential Uses in an A Zone

Accessory buildings and structures uses are permitted in an Agricultural Zone in accordance with the following provisions;

- (a) No accessory building or structure shall be used for human habitation;
- (b) (i) a private garage shall not be permitted in a front yard or a required side yard abutting a street,
- (ii) no other accessory building or structure shall be permitted in a front yard or a side yard abutting a street;
- (iii) maximum height (metres) 4.5
- (c) The minimum side yards shall be 15 metres or existing, whichever is less except that minimum side yards for purposes of Sections 32.2.3 and 32.2.4 shall be 0.9 metres;
- (d) The minimum rear yard shall be 15 metres or existing, whichever is less except that the minimum rear yard for purposes of Sections 32.2.3 and 32.2.4 shall be 0.9 metres;
- (e) Maximum lot coverage for all accessory buildings and structures shall not exceed five percent (5%) of lot area, or a maximum of 1,000 square feet, provided that an uncovered swimming pool shall not be counted in computing lot coverage.

32.3 Special Provisions

In accordance with Section 5.1.3 the following special provisions shall apply to those lands shown on the zoning schedules as having reference to the corresponding special provision number:

A-1 2677/2745 Merrittville Hwy., Part Twp. Lot 80

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-1 on Schedule A1 may be used as a golf course, including miniature golf.

A-2 West Side of Hwy. 406 Part Twp. Lot 79

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-2 on Schedule A1 may be used for Provincial Public Works yard.

A-3 2371 Merrittville Hwy., Part Twp. Lot 128

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-3 on Schedule A4 may be used for a speedway.

A-4 1802 Cataract Road, Part Twp. Lot 152

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-4 on Schedule A4 may be used as a construction trades establishment.

A-5 1732 Merrittville Hwy., Part Twp. Lot 193

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-5 on Schedule A4 may be used for and the following regulations apply thereto:

- (a) golf driving range; non-illuminated with a maximum number of tee-off platforms of 30.
- (b) 120 square metres clubhouse accessory to the golf driving range

A-6 South Side of Turner Road, East of Hwy. 406, Part Twp. Lot 188 & 189

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-6 on Schedule A3 may be used as C.H.S.C. Towers.

A-7 1848 Barron Road, Part Twp. Lot 122

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-7 on Schedule A3 may be used for a home industry in accordance with Section 6.22.

A-8 1945 Hwy. 20, Part Twp. Lot 146

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-8 on Schedule A3 may be used for a drive-in theatre.

~~A-9 1961 Kottmeier Road, Part Twp. Lot 147 Schedule A3
Merrittville Hwy., Part Twp. Lot 151 Schedule A4~~

~~Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-9 on Schedule A3 and A4 may be used for a grain elevator and grain drying facility.~~

Replaced by By-law 107-2008, Replaced by A-24

A-10 2155 Turner Road, Part Twp. Lot 191

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-10 on Schedule A4 may be used as a composting facility and subject to the following provisions:

- (a) the use of the subject site, or the operation of any equipment shall be in accordance with the provisions of a Certificate of Approval issued in accordance with the provisions of the Environmental Protection Act;
- (b) the composting facility shall be in accordance with the provisions of Section 6.12.2

and 6.12.3 of this By-law; and

- (c) shall not include the composting of:
 - (i) animal, fish and fowl waste or by-products, excluding manure;
 - (ii) domestic waste, excluding yard waste;
 - (iv) restaurant waste or by-products;
 - (v) food store waste, excluding fruits and vegetables; and
 - (vi) industrial waste or by-products, excluding sawdust and paper mill biosolids.

For the purpose of this section industrial waste or by-product shall not include waste or by products from wineries; fruit and vegetable processing establishments; or cereal grains processing establishments, excluding finished packed products.

A-11 1983 Merrittville Hwy., Part Twp. Lot 151 (Bouk Home)

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone lands indicated as A-11 on Schedule A4 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

A-12 2085 Kottmeier Road, Part Twp. Lot 124

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-12 on Schedule A3 may be used for an automobile recycling facility.

A-13 2880 Hwy. 20, Part Twp. Lot 160

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-13 on Schedule A4 may be used for a construction trades establishment in accordance with the applicable provisions of Section 6 General provisions and Section 21 Highway Commercial/Industrial HCI Zone.

A-14 1792 Hwy. 20, Part Twp. Lot 121

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-14 on Schedule A3 may be used for a construction trades establishment.

A-15 1700 Hwy. 20, Part Twp. Lot 120

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-15 on Schedule A3 may be used for a hotel/motel.

A-16 Twelve Mile Creek Tributary

Notwithstanding the provisions of the Agricultural A Zone, the lands indicated as A-16 on Schedule A1 and A4 shall only be used for agriculture not including buildings, and for the purpose of this section the width of the A-16 Zone shall be determined based upon an 18 metre setback from the centre line of the watercourse.

A-17 2908 and 3000 Cataract Road, Part Twp. Lot 60

Notwithstanding the provisions of the Agricultural A Zone in addition to the permitted uses of the A Zone, the lands indicated as A-17 on Schedule A1 may be used for maximum of two (2) single detached dwellings.

A-18 1914 Glover Road, Part Twp. Lot 183

Notwithstanding the provisions of the Agricultural A Zone, the lands indicated as A-18 on Schedule A3 may be used for a welding and fabrication shop and subject to the following provisions:

- (a) Maximum Building Coverage (square metres) 186
- (b) Open storage of good or materials is not permitted.

A(H)-19 1792 Highway 20, Part Twp. Lot 121

Notwithstanding the provisions of the Agricultural A Zone, the lands indicates as A-14 and A(H)-19 on Schedule A3 may be used for a golf driving range and a 9 hole par 3 golf course subject to the following special provisions:

- (a) Approval be obtained from the Regional Niagara Public Health Department regarding the adequacy of the existing on site private sewage system and private water supply services.
- (b) A traffic impact study as required by the Regional Niagara Public Works Department be prepared in order to determine the requirements for a left turn lane into the site and entrance way revisions to accommodate the par 3 golf course.
- (c) That the applicant enter into a Site Plan Agreement with the City of Thorold, to be registered on title to the subject lands.
- (d) An agreement be entered into between property owner and Ontario Hydro to address the use of Hydro lands by the golf course.
- (e) The applicant enter into a crossing agreement with the Trillium Railway Company.

A-20 Part 2, Reference Plan 59R-4827, 2318 Turner Road.

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-20 on Schedule A4 may be used for a Psychologist's office in accordance with the applicable provisions of Sub-Section 6.21 Home Occupation/Business, items 2 through and including 15.

A-21 1706 Merrittville Hwy; Part Twp. Lot 193

Notwithstanding the provisions of the Agricultural A Zone, in addition to the permitted uses (1) through to and including (7) , (10) and (14) of Section 32.1, the lands indicated as A-21 on Schedule A4 may be used for and the following provisions apply thereto:

- (a) One baseball diamond;
- (b) One soccer pitch;
- (c) Clubhouse and offices accessory to the permitted uses; Maximum floor area, leaseable 277 square metres
- (d) Minimum Lot Area (hectares) 3.78
- (e) Minimum Parking Spaces 50

A-22 2850 Cataract Road, Part Twp., Lot 60

Notwithstanding the provisions of the Agricultural A Zone in addition to the permitted uses of the A Zone, the lands indicated as A-22 on Schedule A1 may be used for one (1) single detached dwelling having no frontage on a public street.

A-23 Part Twp. Lot 147, Kottmeier Road

Notwithstanding the provisions of the Agriculture A Zone the lands indicated as A-23 on Schedule A3 shall be subject to the following special provision:

- (a) Minimum Lot Area (hectares) 3.58

A-24 1961 Kottmeier Road, Part Twp. Lot 147

Notwithstanding the provisions of the Agriculture A Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-24 on Schedule A3 may be used for:

- (a) a grain drying elevator and grain drying facility;
- (b) a farm produce market;
- (c) a farm service and supply establishment; and
- (d) a garden centre

subject to the following special provisions:

- (a) Minimum Lot Area (hectares) 1.79
- (b) Future development of the lands is subject to Site Plan Control.

A-25 1660 Cataract Road / 2511 Highway 20 (in favour of Free Gas Co Ltd)

Notwithstanding the provisions of the Agricultural “A” Zone, in addition to the permitted uses of the A Zone, the lands indicated as A-25 on Schedule A4 measuring 15.24 metres by 91.44 metres, may be used as a buffer in accordance with TSSA regulations and to facilitate safe traffic manoeuvres.

A-26 2705 Highway 20, Part Lot 159, Kottmeier Road (By-law No. 121-2017)

Notwithstanding the provisions of the Agricultural “A” Zone, in addition to the permitted uses, the lands indicated as A-26 on Schedule A4, may be used for a feed supply warehouse and a miscellaneous farm-related retail operation.