

SECTION 7: RESIDENTIAL FIRST DENSITY R1A ZONE

7.1 Permitted Uses

The following uses are permitted in Residential First Density R1A Zone:

- (1) single detached dwelling;
- (2) a home occupation, in accordance with the provisions of Section 6.21;
- (3) a group home, in accordance with the provisions of Section 6.24;
- (4) accessory buildings and structures to the foregoing permitted uses and in accordance with the provisions of Section 6.25.

7.2 Zone Provisions

No person shall use any land or erect or use any building or structure in a Residential First Density R1A Zone, except in accordance with Section 6 General Provisions and with the following:

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| (a) Minimum Lot Area (square metres) | 550 |
| (b) Minimum Lot Frontage (metres) | 18.0 |
| (c) Front Yard Setback (metres) | 7.5 |
| (d) Rear Yard Setback (metres) | 7.5 |
| (e) Interior Side Yard Setback (metres) | 1.2 * |

* except

- (i) where there is one storey containing no habitable rooms 0.9 metres shall be provided, and
- (ii) where there is no attached garage or carport 3.0 metres shall be provided on one side.

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| (f) Exterior Side Yard Setback (metres) | 4.5 |
| (g) Maximum Lot Coverage (percent of lot area) | 35 |
| (h) Maximum Building Height (metres) | 11 |

7.3 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:

R1A-1 2248 Centre Street

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-1 on Schedule A10 may be used as a butcher’s shop which includes abattoir, processing, wholesaling and retailing, and shall be subject to the following provisions:

- (a) Interior Side Yard Setback (metres) 10
- (b) Rear Yard Setback (metres) 3

R1A(H)-2 1440 Barron Road.

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A(H)-2 on Schedule A10 may be used as an automobile recycling facility.

R1A-3 71 Ross Street

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-3 on Schedule A12 may be used as a dog grooming business conducted in the garage.

**R1A-4 80 Canby Street (Ross Home)
48 Canby Street (Camp Home)
28 South Street South (Elliot Home)**

Notwithstanding the provisions of the Residential First Density Zone R1A, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-4 on Schedule A12 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

R1A-5 Undersized Lots North side Canby Street

Notwithstanding the provisions of the Residential First Density Zone RIA, the lands indicated as RIA-5 on Schedule A12 shall be subject to the following provision:

- (a) Minimum Lot Frontage (metres) 7

R1A-6 241 St. David’s Road West

Notwithstanding the provisions of the Residential First Density R1A Zone and Section 5.1.4, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A(H)-6 on Schedule A6 may be used for a place of worship subject to the following provisions:

- (a) Minimum Lot Frontage as existing
- (b) Front Yard Setback as existing
- (c) Interior Side Yard Setback (metres) 7.5
- (d) Rear Yard Setback (metres) 7.5

- (e) Maximum Lot Coverage (percent of lot area) 35
- (f) Minimum Landscaped Open Space (percent of lot area) 20
- (g) Maximum Building Height (metres) 11
- (h) Lands subject to the symbol (H) shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, provided the following occurs:
 - (i) adequate servicing including sanitary sewers, storm sewers, stormwater management facilities and waterlines can be provided to the lands to the satisfaction of Regional Niagara and the City of Thorold;
 - (ii) the provisions of Section 7.15.1 of the Official Plan are satisfied;
 - (iii) development or redevelopment of the subject site requires the applicant enter into a Site Plan Agreement with the City of Thorold, to be registered on title.

R1A-7 1330 Egerter Road

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A(H) - 7 on Schedule A12 shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, providing the following occurs:

- (i) The provisions of Section 5.1.4 of this By-law are satisfied;
- (ii) A warning clause be included in all Offers to Purchase and Sale Agreements by the developer of the lands to prospective purchasers advising of the abutting industrial zones and activities;
- (iii) A three metre high earth berm be erected along the east side of Egerter Road, with said berm being appropriately landscaped;
- (iv) Development of the lands be subject of a subdividers agreement pursuant to Section 51(26) of the Planning Act.

R1A-8 Lots 40, 44, 44A, Plan M-10, East side of South Street South

Notwithstanding the provision of Residential First Density Zone R1A, the lands indicated as R1A-8, on Schedule A12 shall be subject to the following provision:

- (a) Minimum Lot Frontage (metres) 6.7

R1A-9 Lot 21, Plan M-28, Gainer Street

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands indicated as R1A-9 on Schedule A10 shall be subject to the following provisions:

- (a) Minimum Lot Frontage (metres) 24.08

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| (b) Minimum Lot Area (Hectares) | 2.40 |
| (c) Minimum Setback from CN line (metres) | 60 |
| (d) Minimum natural vegetative buffer from watercourse (metres) | 15 |

R1A(H)-10 1210 Kottmeier Road

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A(H)-10 on Schedule A3 shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, providing the following occurs:

- (i) The provisions of Section 5.1.4 (a) of this By-law are satisfied;
- (ii) Development proceed by plan of subdivision approval;
- (iii) The draft plan of subdivision will address the normal subdivision requirements and include the following matters:
 - (a) a tree saving plan
 - (b) a 10 metre undisturbed buffer around the forested area
 - (c) development of a restrictive covenant for the remainder of the woodlot
 - (d) development of a stormwater management plan and a site drainage plan.
 - (e) compliance with the Regional Tree Preservation By-law.
 - (f) noise assessment related to highway and rail operations, if required.

R1A-11 Island Street (Lot 8, Registered Plan M-5, Reference Plan 59R-13522)

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A (H)-11 on Schedule A-12 shall not be used, nor any building or structure used, altered or erected until the (H) is removed by amendment, pursuant to the provisions of the Planning Act, provided the following occurs:

- (i) The provisions of Section 5.1.4(a) of the By-law are satisfied;
- (ii) A Development Agreement be registered on title which will address the following:
 - (a) lot drainage
 - (b) driveway accesses
 - (c) servicing
 - (d) trees

- (e) fencing
 - (f) sump pits
 - (g) noise control measures and warning clauses
- (iii) Approval of requisite consent applications.

Holding Provision removed, Parts 1-5, Plan 59R-13522 by By-law 61-2008, June 17, 2008.

R1A-12 245 St. David's Road West, Abbeyfield Seniors Residence

Notwithstanding the provisions of the Residential First Density R1A Zone, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-11 on Schedule A6 may be used for a Retirement Home to a maximum of seventeen (17) units, which is defined as:

a residence providing accommodation primarily for persons or couples with limited physical disabilities brought on by age for which some degree of physical assistance is required where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but, where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care may be provided.

and subject to the following special provision:

- (a) Parking Spaces Requirement 0.47 spaces for each dwelling unit for a total of 8 parking spaces.

R1A-13 Plan M5, Lot 31, Misener Street

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A-13 on Schedule A12 shall not be used, nor any building or structure used, altered or erected until a Development Agreement is registered on title.

R1A(H)-14 Plan M5, Lot 31, Misener Street

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands identified as R1A(H)-14 on Schedule A12 shall not be used, nor any building or structure used, altered or erected until the (H) is removed, pursuant to the provisions of the Planning Act, provided the following occurs:

- (i) The provisions of Section 5.1.4(a) of the By-law are satisfied;
- (ii) Future development will proceed by Plan of Subdivision approval and a Subdivision Agreement registered on title.

R1A-15 Part Lot 4, Registered Plan M9, Part 6 Plan 59R-4330 (Carl Street)

Notwithstanding the provisions of the Residential First Density R1A and notwithstanding General Provision Section 6.26 ■Requirement for Municipal Services, the lands indicated as R1A-15 on Schedule A12 may be used for the construction of one (1) single detached dwelling on private services subject to the following;

- (a) Interior Side Yard Setback (metres) 9.0

(applicable to the south and southeast property lines)

R1A-16 38 South Street South (The O'Brien House)

Notwithstanding the provisions of the Residential First Density R1A Zone, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-16 on Schedule A12 are designated as a historical structure and may be used as a Bed and Breakfast Establishment.

R1A-17 Allanport Road

Notwithstanding the provisions of the Residential First Density R1A Zone, the lands indicated as R1A-17 on Schedule A12 shall be subject to the following provisions:

- (a) Minimum Lot Area (metres) 2227 m²
- (b) Minimum Lot Frontage (metres) 36.5 m
- (c) Minimum Front Yard Setback (metres) 15 m
- (d) Minimum Northerly Interior Side Yard Setback (metres) 1.2 m
- (e) Minimum Southerly Interior Side Yard Setback (metres) 7.5 m
- (f) Minimum Rear Yard Setback (metres) 20 m
- (g) Maximum Lot Coverage (percent of lot area) 15

In addition to the provisions of Section 6.25, the following setback provisions shall apply to those lands indicated as R1A-17 on Schedule A12:

- (h) An accessory building or structure shall have the following setbacks:
 - (i) A southerly interior side yard setback. 7.5 m
 - (ii) A northerly interior side yard setback. 0.9 m
 - (iii) A rear yard setback. 0.9 m

In addition, all development on the lands indicated as R1A-17 on Schedule A12 shall be in accordance with the Tree Saving Plan signed by John A. Morley and Associates dated November 15, 2012.

R1A-18 74 Elgin Street

Notwithstanding the provisions of Section 7.2 of the Residential First Density R1A Zone, the lands indicated as R1A-18 on Schedule A7 shall be subject to the following special provisions:

- a) Minimum Lot Area (square metres) 430
- b) Minimum Lot Frontage (metres) 11
- c) Minimum Front Yard Setback (metres) 7.4
- d) Minimum Interior Side Yard Setback (metres) 0.9 on one side

- where there is no attached garage or carport shall be provided on one side. 2.2 metres
- e) Maximum Lot Coverage (percent of lot area) 30%
- f) Maximum Building Height (metres) 8.5 measured from grade to peak
- g) For new a new residential dwelling, an attached garage or carport is required.

R1A-19 86 Canby Street

Notwithstanding the provisions of the Residential First Density R1A Zone and section 6.24.1, in addition to the permitted uses of the R1A Zone, the lands indicated as R1A-19 on Schedule A12 may be used as a group home housing up to eight (8) residents.

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