

Zoning By-Law Consolidation & Update

Backgrounder #6:

Legal Non-Conforming Uses

Background

A “legal non-conforming use” refers to a land use that is not consistent with what is permitted under an existing Zoning By-law (ZBL). These are created through the adoption of an updated or new ZBL. While it is intended that a legal non-conforming use is eventually converted to a use that is permitted under the new ZBL the existing uses are permitted to continue. For example, an existing auto repair shop that has existed for decades in what is now a residential area, would be able to continue to operate in its existing form. Occasionally, the land owner of an existing legal non-conforming use may wish to expand their use (e.g. business expansion). In these circumstances, an application would be made to the Committee of Adjustment to consider the minor enlargement, extension or alteration to the use. The Committee would then review the application based on a number of considerations such as: whether it is likely to create or aggravate any issues created by the use, whether the use is in accordance with Official Plan policies, and whether measures are taken to protect neighbouring uses and properties, among other considerations (subject to adoption of the draft OP).

Accounting for New Legal Non-Conforming Uses

Through the review of the ZBL, there may be new instances where existing uses do not conform with the intent of the updated OP and new zoning provisions, and therefore more legal non-conforming uses will be created. Through the ZBL update process, the project team would like to develop a record of known legal non-conforming uses by owners bringing this to our attention. In instances where a landowner believes that their land use should be deemed legal non-conforming and it has not been recorded through the ZBL update, the onus will be on the landowner to provide evidence of the property's non-conforming status, should they wish to expand or alter their use. Evidence requested will be subject to the City's discretion and may include the following:

- An owner's affidavit confirming the use;
- neighbour's affidavit(s) confirming the use;
- property survey;
- property deed;
- building permit(s);
- tax records;
- business licence(s), business records / receipts; or
- dated photograph(s) or aerial photo(s).



As we move through the ZBL consolidation and update, let us know about existing or new legal-non conforming uses in Belleville!

Contact us at:

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