

## 502.05 Classification of Non-conforming Uses

### A. Classifications

1. The relevant authority shall classify lawfully established non-conforming uses for the purpose of determining whether to permit substitution or expansion, subject to the requirements of the Rural Code. The classification of any use or structure shall be optional and shall be based on an application. The application shall include information necessary to determine that the use was lawfully established and to gather any other findings that may be required.

#### a. Class I.

Class I non-conforming uses are designated by the relevant authority after determining that:

- i. The existing non-conforming use was legally established;
- ii. The proposed expansion or substitution of the non-conforming use would not be detrimental to public health, safety or welfare;
- iii. The proposed expansion or substitution would not be inconsistent with the aims of Vision 2030 and would not preclude or interfere with the implementation of any applicable plan district; or
- iv. No useful purpose would be served by strict application of regulations with which the use or structure does not conform.

#### b. Class II

Class II non-conforming uses include any lawfully established non-residential use that involves the storage, use or generation of hazardous materials, processes, products, wastes or other activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odour, smoke, vibration or other conditions that would be incompatible with surrounding uses.

## 502.06 Changes and Substitutions of Non-conforming Uses

### A. Regulations

1. No lawful non-conforming use shall be substantially expanded or changed in character without the approval of the relevant authority. This requirement shall not apply to a change of ownership, tenancy or management where the new use is in the same classification as the previous use, as defined in the Rural Code and the use is not expanded.
  - a. **Change from non-conforming to permitted use**  
Any non-conforming use may be changed to a use that is permitted in the base district in which it is located and complies with all applicable standards for such a use.
  - b. **UPC development approval/Municipalities permit to legalise use**  
Any use that is non-conforming solely by reason of the absence of a UPC/Municipalities approval may be changed to a conforming use by obtaining the required approval.

### c. Substitutions

The UPC/Municipalities may allow substitution of a Class II non-conforming use with a Class I non-conforming use, or substitution of a Class I non-conforming use with another Class I non-conforming use, subject to written approval. The approval may consider the following:

- i. The proposed new use shall be more compatible with the purposes of the base district than the non-conforming use it replaces;
- ii. The proposed new use shall not be more detrimental than the existing use to the health, safety, peace, comfort or general welfare of persons residing in the surrounding area, or be detrimental to the neighbourhood because of noise, traffic generation, odours, dust, glare, vibrations or other effects; and
- iii. The proposed new use shall comply with all applicable regulations or shall obtain a variance to the regulations, consistent with the requirements of the Rural Code.

## 502.07 Expansion of Non-conforming Uses

### A. Regulations

1. **Within a structure that conforms to the Rural Code.**  
A Class I non-conforming use in a conforming structure may expand the floor area that it occupies on the plot, provided that the purpose of the expansion is to allow the continued operation of the use in a safe and secure manner and that no structural alteration is proposed for the purpose of the expansion, subject to approval from the UPC or relevant Municipalities.
  - a. A non-conforming use may not be expanded to occupy all or a part of another structure or another plot that it did not occupy on the effective date of the Rural Code.
  - b. The expansion of the non-conforming use shall not exceed 50% of the area that the non-conforming use legally occupied on the effective date of the Rural Code, or when it was first declared a non-conforming use.
2. **Within a structure that does not conform to the Rural Code.**  
A non-conforming use in a non-conforming structure may expand its occupancy and floor area subject to the requirements of Section 502 and subject to approval from the UPC/Municipalities.