

APPENDIX C

Section 24 Non-Conforming Buildings and Uses

24.1 Developments which are considered to be a non-conforming building or use shall be dealt with as provided for under the Municipal Government Act. For convenience, the Act's provisions are listed below:

- (a) if a development permit has been issued prior to a Bylaw or any Bylaw amendment coming into effect, and the Bylaw or amendment would result in the development authorized by the permit to be non-conforming, then the development permit continues to be in effect in spite of the Bylaw coming into force;
- (b) where a non-conforming use of land or building is discontinued for a period of six (6) consecutive months, any future use of the land or building must conform with the land use Bylaw then in effect;
- (c) a non-conforming use may be extended throughout a building but the building may not be enlarged or added to and no structural alterations may be made to it or in it, whether or not the building is non-conforming;
- (d) a non-conforming use of part of a lot may not be extended to any other part of the lot and no additional building may be constructed on the lot while the non-conforming use continues;
- (e) a non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - i) to make it a conforming building;
 - ii) for routine maintenance of the building if the Development Authority considers it necessary; or;
 - iii) in accordance with a land use Bylaw that provides minor variance powers to a Development Authority for the purposes of this Section.;
- (f) if a non-conforming building is damaged beyond seventy-five percent (75%) of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the land use Bylaw; and,
- (g) the land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.