

Members of Planning & Environment Planning Committee:

Further to the email and attachment sent yesterday for your consideration to allow the “legal non-conforming” retail store uses to be recognized in the anticipated zoning bylaw amendment to be considered by your committee on Tuesday October 7, I am providing the relevant section of the Official Plan that allows Council to approve uses which may not be specifically listed. In my previous correspondence I made mention of the long term retail store type uses which have occupied the building and the fact although the types of retail uses have changed over the years, the activity has operated in harmony with the surrounding neighbourhood. The planning staff have recommended refusal of a retail store as a permitted use solely on the basis it does not conform to the Official Plan. They do however recognize the long term existence of such retail store type uses and acknowledge the “legal non-conforming status”. I felt it is important to provide the relevant section of the Official Plan which allows Council to support such a request.

19.5. NON-CONFORMING USES

This Section pertains to legally-established uses that do not conform to the land use designations and policies of the Official Plan and Zoning By-law. It is neither practical nor appropriate to adopt land use designations and policies that will recognize non-conforming uses, all of the land uses in existence, or permitted by existing zoning, at the time of the adoption of the Plan. While the preferred approach to uses that do not conform to the Official Plan is to encourage their transition to, or replacement by, conforming uses, consideration must also be given to their varying degrees of acceptance and stability and to the hardship that may result. Where provision is made for their extension or enlargement.

- 19.5.1. Recognition in the Zoning By-law**
A legally established land use which does not conform to the Plan may be recognized as a permitted use in the Zoning By-law where Council is of the opinion that:
- Hazardous Substances
 - i) The use does not involve hazardous activities or substances that threaten the safety of the surrounding area.
 - Pollution
 - ii) The use does not contribute to air or water pollution problems.
 - Compatibility
 - iii) The use can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, and does not interfere with the development of conforming uses in the surrounding area.
 - Maintenance of Existing Role
 - iv) The long-term continuation and any potential expansion of the use will not detract from the general intent of the Official Plan.
 - Amendments
 - v) Recognition of the use in the Zoning By-law is not likely to result in proposals to amend the Plan to allow similar types of uses.

It is our respectful opinion that retail store uses do meet the above noted tests and again request your support to allow “retail store” as a permitted use in the proposed zoning for 609 William Street. I will be please to discuss this with you next week prior to the committee meeting.

Manager, Land Development



phone: (519) 657-5989
fax: (519) 690-0071
email: planner@tridongroup.com
website: www.tridongroup.com