

2476 Old Montreal Rd is located within the **RI1 - Rural Institutional Zone**. Within this zone, the following uses are permitted.

**223. In the RI Zone:**

**Permitted Uses**

- (1) The following uses are permitted subject to:
  - (a) the provisions of subsection 223(2) to (4);
  - (b) a maximum of one ancillary **dwelling** unit or detached **dwelling** is permitted with a place of worship
  - (c) a maximum of 10 persons are permitted in a **group home**
  - (d) a **retail food store** is limited to a farmers' market  
**cemetery**  
**community centre**  
**community health and resource centre**  
**day care**  
**emergency service**  
**environmental preserve and educational area**  
**group home, see Part 5, Section 125**  
**library**  
**municipal service centre**  
**museum**  
**park**  
**place of assembly**  
place of worship  
**residential care facility**  
**retail food store**  
**retirement home**  
**retirement home, converted, see Part 5, Section 122**  
**rooming house**  
**school**  
**shelter, see Part 5, Section 134**  
**urban agriculture, see Part 3, see Section 82 (By-law 2017-148) (By-law 2018-206)**
  - (e) Despite (d), the use residential care facility is not permitted in the RI – Rural Institutional zone in the villages of Ashton, Burritt's Rapids, Carlsbad Springs, Cumberland, Dunrobin, Fallowfield, Fitzroy Harbour, Galetta, Kars, Kenmore, Kinburn, Marionville, Metcalfe, Munster, Navan, Notre Dame des Champs, Osgoode, Sarsfield, Vars, and Vernon. (By-law 2013-359)

The existing building would be deemed non-complying, as it does not meet the minimum setback requirements and is located on a lot that does not satisfy the minimum lot area requirements.

**Non-complying** means a **use of land** that is listed as a **permitted use** in the **zone** in which it is located, but which enjoys a limited immunity from the regulatory provisions of the by-law because the law analogous to Section 34.(9), *Planning Act (R.S.O. 1990)*, but applicable to the regulation of site conditions rather than use, protects the existing site conditions as long as those site conditions are not changed. (non respectueuse)

This means that the existing building may continue to exist in its current state, but any addition to the building would need to move towards complying with the current zoning by-law.

- (3) The construction of an addition to a building or a permitted projection into a yard of a building that does not comply with the provisions of this by-law is permitted without the need for a minor variance from the Committee of Adjustment provided that:
  - (a) where compliance of certain provisions has been met with the existing building, compliance must be maintained,
  - (b) any addition or a permitted projection into a yard to a non-complying building that proposes to expand the existing non-complying building envelope must move towards compliance with the zoning regulations such that the extent of the proposed addition falls at least halfway between the required provision and existing non-complying situation, and (By-law 2011-273)
  - (c) despite 3.(3)(b), any non-compliance with building height and required parking is not increased.

If the owner wishes to retain the building, but change its use, the following provision applies.

- (2) A permitted principal use, in a building or on a lot that does not comply with the regulatory provisions of this by-law, may change to another permitted use without the need for a minor variance from the Committee of Adjustment provided that the regulatory provisions are no more restrictive for the new use. (By-law 2018-155)