



Zoning By-law

in the City of Hamilton

Introduction

Every municipality has policies about future land use. These policies are referred to as Official Plans. Zoning By-laws put these plans into effect and provide for their day-to-day administration. These by-laws contain specific details and requirements about land use and can be enforced legally. New construction or re-development (i.e. renovations) must comply with Zoning By-laws. If they do not comply, the City cannot issue a Building Permit.

Most municipalities have a comprehensive Zoning By-law that divides a municipality into different land uses or zones that are described through detailed maps. The Zoning By-law specifies the permitted uses (i.e. commercial, residential, industrial etc.) and the required standards (i.e. building size and location) in each zone.

We recommend that if you are thinking about new construction, renovating an existing building or just want to check if a use is permitted, you do your research and review the complete Zoning By-law at www.hamilton.ca/zoningbylaw05-200. To find out more about the City of Hamilton's zoning policies you can review the Official Plans at www.hamilton.ca/newofficialplan.

What is a Zoning By-law?

A Zoning By-law controls the use of land in a community. It regulates:

- how land may be used;
- where buildings and other structures can be located;
- the types of buildings (commercial, industrial, residential) that are permitted and how they may be used and
- the lot sizes and dimensions, parking requirements, building heights and setbacks from the street and other such regulations.

The purpose of a Zoning By-law is to:

- implement the objectives and policies of a municipality's Official Plan;
- provide a legal way of managing land use and future development;
- ensure development occurs in a responsible manner;
- confirm that the kind of use is suitable for a particular area and
- protect the public from possibly dangerous land uses.

What happens if I do not get a Building Permit?

If construction has started prior to the issuance of a Building Permit,

- Costly repairs may be required to gain compliance
- Removal of work done not in compliance with the Ontario Building Code and/or other applicable law may be required
- The Building Permit fee may be increased
- Legal action may be initiated by the Building Services Division to gain compliance

If you are not sure if a Building Permit is required for your project please contact the Building Services Division at 905.546.2720 and one of our staff will be happy to assist you.

What is the Building Permit process?

Application

Applying for a Building Permit is your first step before you begin any construction project. Building Permits may be applied for by the property owner, or by an agent on behalf of the owner such as the contractor or designer. Applications for Building Permits, along with fee schedules, are available at the Building Services Division's Offices and may also be downloaded at: www.hamilton.ca/building.

Please note: you can fill out the application at home, but most applications must be submitted in person as they require additional documentation.

Fees

Permit fees are required to be paid at the time of application. Building Permit fees are determined from By-law 08-161(as amended). For new buildings, the fee is based on a dollar amount per square metre of floor area.

Approvals

Before a Building Permit application can be accepted, it must be complete and approvals for all applicable laws must be in place. In most cases, plans will be required to reflect the construction details of the proposed work and all zoning information should be provided such as an up-to-date survey.

Drawings

When applying for a Building Permit you will need to submit a completed application form and two copies of the following drawings:

- Floor plans for each floor
- Elevations
- Cross sections
- Mechanical/structural/electrical plans or data
- Truss details

- Plot plan/survey or site plan and
- Grading plan (for new sub-divisions)

Can I do my own drawings?

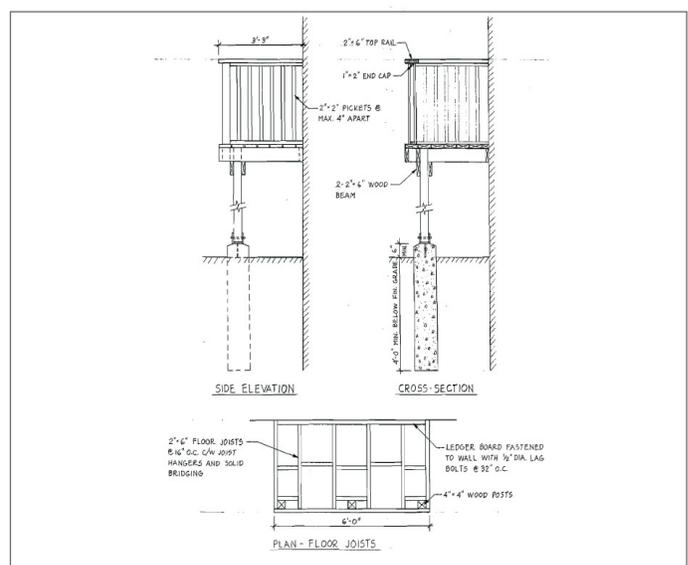
As the owner, you may design your own project and produce your own drawings. However, if you are not familiar with various government regulations, by-laws and Ontario Building Code requirements, you may wish to hire a qualified designer instead. Delays in the issuance of your permit can arise if your drawing and specification submissions are not complete or do not conform to the Ontario Building Code and/or Zoning By-Law.

Most designs for Building Permits, not completed by the owner, will require a designer registered and/or qualified under Division C, Part 3, Section 3.2 of the Ontario Building Code (an Architect or Engineer is exempt from this requirement). A designer is anyone who is responsible for the design, which may also include preparing the drawings for submission. You may wish to check with the Building Services Division to find out whether your project requires a qualified designer.

How do I know if a designer is qualified?

Qualified designers will have a Building Code Identification Number (BCIN). Qualifications may be verified on the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca. Please contact the Ministry at 416.585.6666 if you have any further questions regarding designers or qualifications.

Example of Design Requirements



A new comprehensive Zoning By-law (05-200) is currently in progress and is designed to replace each of the former municipalities' by-laws with one new set of Zoning By-laws that will apply to the entire City of Hamilton.

What types of services does the Building Engineering and Zoning Section provide?

The Building Engineering and Zoning Section provides a number of services for lawyers, real estate professionals, developers, builders, businesses owners and home owners. A Zoning Examiner/Code Correlator is trained to interpret the Zoning By-law. It is the role of an Examiner to review proposed development applications and advise staff and applicants regarding compliance with the Zoning By-law. Examiners also advise the public, City staff, Municipal Councillors and other public agencies of the current zoning of properties and permitted uses.

What is a Zoning Verification?

Zoning Verification is a process managed by the Building Engineering and Zoning Section that confirms or verifies the current zoning of a property. This process is initiated by submitting a Zoning Verification Application for a property that an owner is interested in buying, leasing or renting to determine if it is suited for the intended purpose or use. We highly recommend that all new business owners, as well as business owners who are relocating, request a Zoning Verification (written confirmation that their proposed use is permitted) for a potential property to ensure they can operate legally.

To request a zoning verification, you can go to:
www.hamilton.ca/zoningverification.

When is a Zoning Verification necessary?

A Zoning Verification may be necessary when:

- purchasing a property;
- purchasing or leasing land/building;
- buying or leasing a business;
- for obtaining a government issued license;
- for mortgage purposes;
- for insurance claims; or
- for your own information.

What is included in a Zoning Verification?

The Examiner reviews all Building Services Division's records to verify: the current use of the property, if the proposed use is permitted and what special approvals (i.e. Building Permits, City of Hamilton business licences, site plan approval etc.) are required to establish and approve the use. The Examiner also checks for outstanding items and orders that may affect the property.

These items could include:

- outstanding Building Permits;
- violations of the Ontario Building Code;
- Zoning By-law contraventions;
- violations to the City's Property Standards By-laws;
- compliance of the property with respect to development agreements including the release of securities (checked upon request) and
- surveys submitted with the request are reviewed and the applicant is advised if the survey meets the minimum requirements of the By-law for all the buildings and structures shown on the property.

How long does it take to obtain a Zoning Verification?

The Building Services Division offers two options for this service:

Regular:

Completed within **10 working days** of receipt of request.

Rush:

Completed within **2 working days** of receipt of the request.

Please note that the rush service will cost more than the regular service.



Understanding Building Permits *in the City of Hamilton*

The Building Services Division has several brochures that will help you with projects such as:

- Residential additions
- Accessory buildings (i.e. garages, gazebos etc.)
- Porches and decks
- Tents (more than 60 square metres) and air-supported structures

*For more information about the residential inspection process we recommend you review the **Residential Buildings Inspections brochure**, which will provide more details including a list of the required inspection stages.*

Important Contacts:

Call Before you Dig (24 hour service):

1.800.400.2255

Committee of Adjustment

(Minor Variances from Zoning By-Law):

905.546.4221

Conservation Authority:

Hamilton Region: 905.525.2181

Halton Region: 905.336.1158

Grand River: 519.621.2761

Niagara Peninsula: 905.788.3135

CP Rail:

1.800.766.7912

Electrical Safety Authority

(Electrical permits/inspections):

1.877.372.7233

Encroachments/Alley information:

905.546.2424 Ext. 4298

Historical Designations/Information:

905.546.2424 Ext. 1202 or Ext. 1220

Looking for additional Brochures and Applications?

All department brochures can be found at www.hamilton.ca/pedpublications

All department applications can be found at www.hamilton.ca/pedapplications

Information collected in the building permit application process, including personal information, is collected under the authority of the *Building Code Act*, 1992, S.O. 1992, Chap. 23 and is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56.

For more information, please call 905-546-2720 or email building@hamilton.ca

For more information contact:

Building Services Division

Planning and Economic Development Department

City Hall

71 Main Street West, 3rd Floor

Hamilton, Ontario, L8P 4Y5

Monday - Friday

8:30 a.m. - 4:30 p.m.

Phone: 905.546.2720

Email: building@hamilton.ca

Website: www.hamilton.ca/building



Hamilton

BUILDING SERVICES DIVISION
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT