



## **PURPOSE OF A ZONING COMPLIANCE REVIEW APPLICATION**

A Zoning Compliance Review is an application completed by the Zoning Review Section of the Planning Division. There are various purposes for a Zoning Compliance Review, as noted below:

- **Applicable Law Review**  
A detailed review of a development proposal to determine zoning compliance with the applicable Zoning By-law.
- **Committee of Adjustment - Clearance of Zoning Conditions**  
Formally clear conditions imposed by the Zoning Review section for an approved consent/land severance application.
- **Determination of a Legally Established Non-Conforming Use**  
A review of supporting documentation and evidence to determine and confirm if the existing use of a property can be deemed legally established non-conforming.
- **In Support of a Site Plan or Zoning By-law Amendment Application**  
Required by the Development Planning Division as part of the City of Hamilton's response to the Province's Bill 13 & Bill 109. Please refer to the Terms of Reference here:  
<https://www.hamilton.ca/sites/default/files/2023-02/pedguidelines-zoning-compliance-review-nov2022.pdf>
- **In Support of a Minor Variance Application**  
A detailed review which will determine all necessary minor variances that are required for a development proposal prior to formal application for minor variance.
- **In Support of a Building Permit Application**  
A detailed review of a development proposal to determine zoning compliance with the applicable Zoning By-law prior to formal application for building permit. This may be required by the Building Division prior to a building permit application for certain properties within the City of Hamilton, as part of the City of Hamilton's response to the Province's Bill 23.

## **WHAT WILL YOU RECEIVE**

Upon completion of the Zoning Compliance Review application, you will receive the following via email:

- A Zoning Compliance Letter outlining what parts of the Zoning By-law have been met (comply) and those that do not meet the Zoning By-law (non-complying).
- Stamped and signed drawings to be submitted in support of a future application.

For the purposes of a Building Permit Application, all the requirements of the Zoning By-law must comply. If some part of the development does not comply, drawings may need to be updated or minor variances may be required (see below for further information). This may require another Zoning Compliance Review application and that additional fees to be paid.

**Drawings can not be further altered if the Zoning Compliance Review is required prior to another application.**

## **WHAT IS A MINOR VARIANCE?**

A minor variance is relief from the regulations of the Zoning By-law where a proposed use or structure does not conform to the required regulations.

All development proposals must meet the regulations of the applicable Zoning By-law. Whenever changes are made to a particular site and the zoning regulations cannot be complied with, you will need a minor variance or amendment to the Zoning By-law to legalize the situation.

For more information on applying for a minor variance, please visit <https://www.hamilton.ca/build-invest-grow/planning-development/committee-adjustment-delegated-consent-authority/minor> or contact [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca).

## **HELPFUL INFORMATION**

Zoning Compliance Review Application: <https://www.hamilton.ca/build-invest-grow/planning-development/zoning/zoning-compliance-review>

Zoning By-law No. 05-200: <https://www.hamilton.ca/build-invest-grow/planning-development/zoning/zoning-by-law-05-200>

Zoning By-laws for the Former Communities: <https://www.hamilton.ca/build-invest-grow/planning-development/zoning/zoning-by-laws-former-communities>

Interactive Zoning Mapping: <https://www.hamilton.ca/build-invest-grow/planning-development/zoning/interactive-zoning-mapping>

## **QUESTIONS?**

General Zoning Information: [zoninginquiry@hamilton.ca](mailto:zoninginquiry@hamilton.ca) or 905-546-2424 extension 2719

General Planning Information: [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca) or 905-546-2424 extension 1355

General Building Division Information: [building@hamilton.ca](mailto:building@hamilton.ca) or 905-546-2424 extension 2720

Committee of Adjustment: [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or 905-546-2424

## ZONING COMPLIANCE REVIEW APPLICATION – APPLICANT CHECKLIST

**NOTE: All submitted plans shall be legible in order for staff to complete their review.**

### **Applicable Law Review / Application in Support of a Building Permit or Minor Variance Application**

- Site Plan – showing parking layout, landscaped areas, planting strips, fencing, buildings and other structures (refer to attached example)
- Elevation plans (refer to attached example)
- Floor plans (if applicable) (refer to attached example)

### **Determination of Legally Established Non-Conforming Status**

- Ensure documentation such as tax records, business records, photographs, statutory declarations, etc. is being submitted. The application will not be accepted if there are only statutory declaration(s); there must be other accompanying documentation.

### **Clearance of Conditions – Land Severance Application**

- A copy of the Notice of Decision for the subject property, including the conditions; refer to these conditions to determine the submission requirements, as follows:

#### **Condition relating to confirming zoning compliance:**

- A survey prepared by an Ontario Land Surveyor (O.L.S.) showing the following information, where applicable: lot area and lot frontage of both the lands to be conveyed and the lands to be retained; location of all buildings and structures in relation to the newly created lot lines on both the lands to be conveyed and the lands to be retained; the total lot coverage on both the lands to be conveyed and the lands to be retained; and the location of all parking spaces on both the lands to be conveyed and the lands to be retained

#### **Condition relating to final approval of a minor variance:**

- A copy of the approved minor variance application including the final & binding notification

**Condition relating to building permit/demolition permit:**

Applicant shall ensure that any required building/demolition permit(s) have been applied for, and are at minimum at "Review" status, prior to application for Zoning Compliance Review

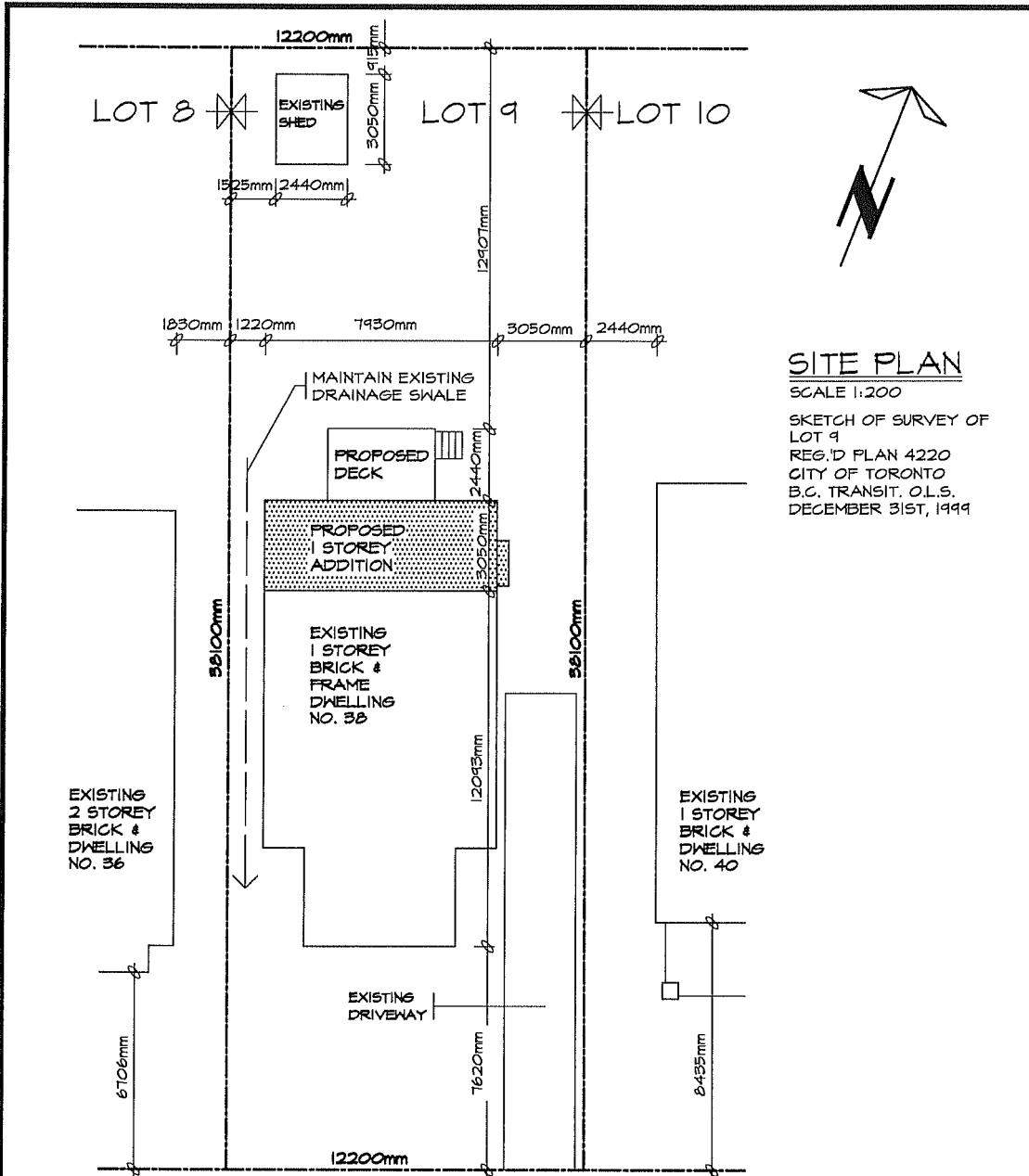
**Application in Support of a Zoning By-law Amendment**

- Formal Consultation document or waiver
- Survey of the subject lands
- Draft Zoning By-law Amendment **in Word format**
- Scaled and detailed concept plan – in accordance with the City's guidelines for Concept Plans:
  - A north arrow
  - The boundaries and dimensions of the lands
  - The location of any easements affecting the lands
  - The lot area
  - The proposed land uses
  - The location of all existing buildings to be retained and all proposed buildings and structures on the lands and their setbacks from property lines
  - The ground floor area of all proposed buildings and structures
  - Parking spaces, aisles and parking space dimensions
  - Garbage enclosure and collection areas
  - The location of natural features and associated buffers (e.g. watercourses, wooded areas)
  - Amenity areas and dimensions
  - Landscaped areas and planting strips and dimensions
  - Any proposed site features (i.e. retaining walls, storm water management facilities, etc.)
  - Internal circulation systems (road and walkway routes)
  - Access driveways and walkway connections to external sidewalks and adjacent lands and dimensions
  - A Site Statistics table showing the as-of-right requirements and the proposed standards (including lot area, total units, total gross floor area, setbacks, height, vehicular parking space, vehicular parking dimensions, long-term bicycle parking, short-term bicycle parking, accessible parking spaces, accessible parking dimensions, amenity

area, landscaped area, and any other applicable standards based on the as-of-right zoning provisions, etc.)

**Application in Support of a Site Plan Application**

- Survey of the subject lands
- Scaled and detailed site plan (refer to attached example)
- Elevations, if applicable (refer to attached example)
- Parking plans, if applicable
- Floor plans, if applicable (refer to attached example)
- Landscape plan, if applicable



**SITE PLAN**

SCALE 1:200

SKETCH OF SURVEY OF  
LOT 9  
REG.'D PLAN 4220  
CITY OF TORONTO  
B.C. TRANSIT. O.L.S.  
DECEMBER 31ST, 1999

**KHALMUR CRESCENT**

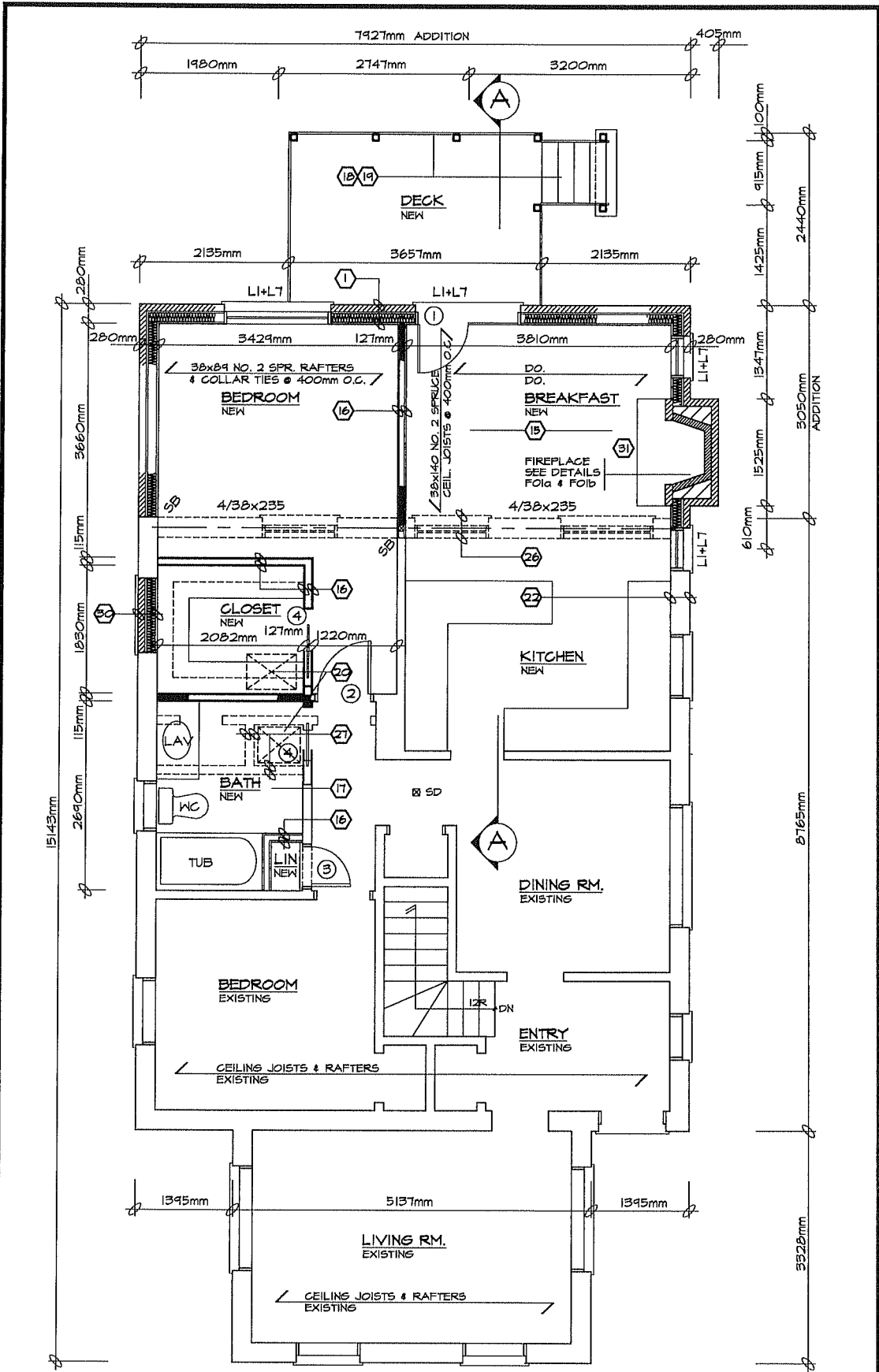
ZONING	LOT NO:		PLAN NO:	LOT AREA		LOT FRONTAGE		LOT DEPTH	
R2 Z0.6	LOT 9		4220	580.64m <sup>2</sup>		12200mm		38110mm	
DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED	%	SETBACKS	EXISTING	PROPOSED
LOT COVERAGE	86.52m <sup>2</sup>	24.15m <sup>2</sup>	110.65m <sup>2</sup>	19.0	-----		FRONT YARD	7620mm	7620mm
GROSS FLOOR AREA	86.52m <sup>2</sup>	24.15m <sup>2</sup>	110.65m <sup>2</sup>	19.0	348.39m <sup>2</sup>	60.0	REAR YARD	18390mm	12907mm
LANDSCAPED AREA	-----	-----	-----				INTERIOR SIDE (east)	3050mm	3050mm
NO. OF STOREY HEIGHT	1 STOREY 4550mm	1 STOREY 4550mm	1 STOREY 4550mm		10000mm		INTERIOR SIDE (west)	1220mm	1220mm
WIDTH	7930mm	7930mm	7930mm		-----		EXTERIOR	-----	-----
DEPTH	12043mm	3050mm	15143mm		17000mm				
PARKING	-----	-----	-----		-----				

NOTE: ZONING RESTRICTIONS VARY IN EVERY MUNICIPALITY. CONTACT YOUR LOCAL MUNICIPAL OFFICE FOR SPECIFIC SETBACKS AND OTHER LIMITATIONS IN YOUR AREA.

**TACBOC**  
STANDARD DETAIL

TITLE  
**SAMPLE DRAWING**  
SITE PLAN

DWG. NO.  
**A03a**  
2007

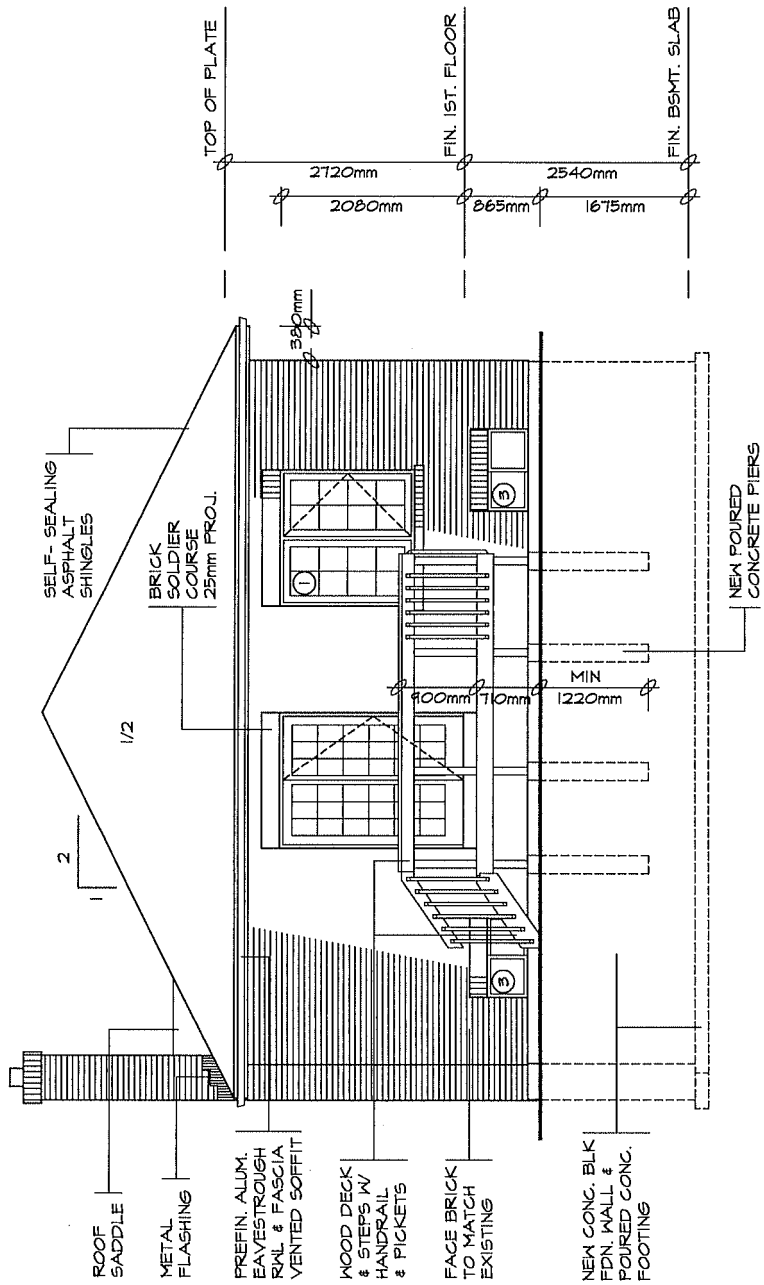


**GROUND FLOOR PLAN**  
SCALE 1:50

<b>TACBOC</b> STANDARD DETAIL	TITLE
	SAMPLE DRAWING
	GROUND FLOOR PLAN

DWG. NO.  
**A03c**  
2007





**NORTH ELEVATION**

SCALE 1:50

**TACBOC**  
STANDARD DETAIL

TITLE  
SAMPLE DRAWING  
ELEVATION

DWG. NO.  
**A03d**  
2007