In accordance with OLT Case # OLT-24-000544, By-law No. 24-052-OLT-02 (To Amend Zoning By-law No. 05-200 Respecting Electric Vehicle Parking Requirements) was approved on June 5, 2026. Notwithstanding, Section 34 (1) (1.1.1) of the *Planning Act* does not permit the regulations of By-law No. 24-052-OLT-02 to be required as it pertains to the provision of electric vehicle supply equipment in connection with parking facilities.

The amendments to Section 1: Administration, of this Zoning By-law to implement By-law No. 24-052-OLT-02 are shown in red text. Section 1.12.7 is not enforceable and is accordingly crossed out.

CITY OF HAMILTON

BY-LAW No. 05-200

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of this By-law;

AND WHEREAS it is desired to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the said new comprehensive Zoning By-law will be enacted and come into force and effect in several stages;

AND WHEREAS this By-law is the first stage and is applicable to the Downtown area of the City, as hereinafter described and depicted;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 as amended by Official Plan Amendment No. 200 as adopted by the City of Hamilton by By-law No. 05-153.

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

1.1 TITLE OF BY-LAW

By-law No. 05-200 shall be cited as the Zoning By-law of the City of Hamilton, and herein may be referenced as “this By-law”.

1.2 EFFECTIVE DATE

This By-law No. 05-200 shall be deemed to have come into effect on the date of

the passing thereof by the Council of the City of Hamilton, subject to Final Approval of Official Plan Amendment No. 200.

1.3 AREA TO WHICH BY-LAW APPLIES

The provisions of this By-law shall apply throughout the City to the extent of all lands contained within the limits of the zone boundaries, as shown on the Zoning Maps forming Schedule "A" of this By-law.

1.4 SCOPE OF BY-LAW

Within the area to which this By-law applies, no person shall erect, alter, enlarge or use, or permit to be erected, altered, enlarged or used, any building or structure in whole or in part, nor use any land in whole or in part, except in accordance with the provisions of this By-law.
(By-law 10-076, April 14, 2010)

1.5 VALIDITY

Should any section, cause or provision of this By-law including any notation on the Zoning Maps, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

1.6 COMPLIANCE WITH APPLICABLE LAW

Nothing in this By-law shall relieve any person from the obligation to comply with any applicable Federal or Provincial statute, regulation or By-law of the City in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the City.

1.7 REPEAL OF EXISTING BY-LAWS

All the provisions of By-law No. 6593 of the former City of Hamilton, and all of the provisions of By-law No. 87-57 of the former Town of Ancaster, and all of the provisions of By-law No. 3581-86 of the former Town of Dundas, and all of the provisions of By-law No. 90-145-Z of the former Town of Flamborough, and all of the provisions of By-law No. 3692-92 of the former City of Stoney Creek, and all of the provisions of By-law No. 464 of the former Township of Glanbrook, and all subsequent amendments to any of said By-laws referenced hereto, insofar as they affect those lands within the limits of the zone boundaries so indicated in Schedule "A" of this By-law, shall be and the same are hereby repealed.

1.8 ADMINISTRATION

This By-law shall be administered by the City's General Manager of Planning and Economic Development.

1.9 ENFORCEMENT AND PENALTIES

a) This By-law shall be enforced by persons appointed by By-law of the City;

b) Every person who uses any land or erects or uses any building in any manner contrary to any requirement of this By-law, or who permits such use or erection, or who violates any provision of this By-law or permits a violation, is guilty of an offence and on conviction pursuant to the Provincial Offences Act is liable;

i) On a first conviction to a fine of not more than $25,000.00; and,

ii) On a subsequent conviction to a fine of not more than $10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted; and,

(By-law 10-076, April 14, 2010)

c) Where a corporation is convicted under Section 1, Subsection 1.9 (b) of this By-law, the maximum penalty that may be imposed shall be:

i) On a first conviction a fine of not more than $50,000.00; and,

ii) On a subsequent conviction a fine of not more than $25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted and not as provided for in Section 1, Subsection 1.9 (b) of this By-law.

1.10 REMEDIES

The contravention of any requirement of this By-law may be restrained by action of any ratepayer of the City pursuant to the provisions of the Municipal Act.

1.11 LEGAL NON-CONFORMING USES

No person shall use or permit the use of any land, building or structure or part thereof, or erect, repair, or alter or permit the erection, repairing or altering of any building or structure which is not in conformity with the provisions of this By- law, EXCEPT as follows:

a) The erection or use for a purpose prohibited by the By-law of any building for which a permit is required by and issued under the Building Code Act, prior to the effective date of this By-law, so long as the building when

erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act;

b) Where a building permit has been lawfully issued for the construction of a building prior to the effective date of this By-law and where the yard requirements for said building are found to be in contravention by no more than 0.03 m, the non-conforming yard shall be deemed to conform with the requirements of this By-law;

c) The repair or restoration of any existing building, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume, or site coverage of such building and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this By-law;
(By-law 10-076, April 14, 2010)

i) In addition to Section 1.11 c), the repair, restoration, or replacement of an existing porch, deck, balcony, unenclosed fire escape, or open stair of an existing Single Detached, Semi- Detached, Duplex, Street Townhouse, Triplex, or Fourplex Dwelling shall be permitted, provided that such repair, restoration, or replacement will not increase the height, area or volume, or site coverage of such structure.
(By-law No. 22-084, April 13, 2022)
(By-law No. 25-075, April 16, 2025)

d) Swimming pools, hot tubs, and accessory buildings, including but not limited to sheds, garages and gazebos on a lot containing a Single Detached, Semi-Detached, Duplex, Street Townhouse, Triplex, or Fourplex Dwelling which is prohibited by the applicable zoning by-law, but which was lawfully used for such purpose on the date of the passing of this By-law shall be permitted as follows:

i) the location and height complies with the applicable provisions of this By-law; and,

ii) this exemption shall not apply to the Open Space and Parks Classification Zones; or,
(By-law No. 17-240, November 8, 2017)
(By-law No. 25-075, April 16, 2025)

e) In accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990 c.P. 13, as amended, the addition of any porch, deck, balcony, unclosed fire escape or open stair to a Single Detached, Semi-Detached, Duplex, Street Townhouse, Triplex or Fourplex Dwelling which is prohibited by this

By-law, but which was lawfully used for such purpose on the date of the passing of the By-law, shall be permitted as follows:

i) the location complies with applicable provisions of this By-law; and,

ii) this exception shall not apply to the Open Space and Parks Classification Zones.

(By-law No. 17-240, November 8, 2017)
(By-law No. 25-075, April 16, 2025)

1.12 TRANSITION PROVISIONS

Complete Applications for a Building Permit

1.12.1 Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City, if the development or use complies, or the building permit application is amended to comply, with the provisions of the applicable former zoning by-law as it read immediately prior to the passing of the following By-laws:

1. Commercial and Mixed Use Zoning By-law No. 17-240, November 8, 2017
2. Downtown Zoning By-law 18-114, May 9, 2018
3. Residential Zones
    a. Low Density Residential By-law 22-197, August 12, 2022
    b. Low Density Residential By-law 24-051 and 24-052 April 10, 2024, save and except for those parts described in Clause 1.12.1.4.
    c. Low Density Residential By-law 25-075
    d. Mid Rise Residential Zones By-law No. 25-189
    e. Mid Rise Residential Zones By-law No. 26-178
4. The coming into force of those parts of By-law No. 24-052 approved by the Ontario Land Tribunal in a decision dated June 5, 2026, save and except for site specific appeals thereof.
5. Commercial and Mixed Use Zoning By-law No. 26-049

(By-law No. 24-137, July 12, 2024)
(By-law No. 24-052-OLT-02, June 5, 2026)
(By-law No. 25-075, April 16, 2025)
(By-law No. 25-189, October 08, 2025)
(By-law No. 26-049, March 4, 2026)
(NOT FINAL & BINDING, By-law No. 26-178, October 07, 2026)

Other Types of Complete Applications

1.12.2 Where a complete application was received by the City on or before

the date of passing of this By-law for the development or use of a lot or one or more buildings, approval may be granted in the context of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, for one or more of the following applications where they are consistent with the intent of the complete application:

1. Any application under Section 45 of the Planning Act;
2. Site plan control approval pursuant to Section 41 of the Planning Act;
3. Consent pursuant to Section 53 of the Planning Act;
4. Draft plan of subdivision pursuant to Section 51 of the Planning Act or a description under the Condominium Act, 1998, S.O. 1998, c.19;
5. Payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; and
6. A part lot control exemption pursuant to Section 50 of the Planning Act.

1.12.3 Where the development or use of a lot or one or more buildings qualifies under clause 1.12.2, a building permit shall be issued, subject to meeting all other requirements of a building permit, after final approval is received for all required applications if the development or use complies, or the building permit application or the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, and any amendments thereto.
(By-law No. 24-052-OLT-02, June 5, 2026)

1.12.4 Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.12.1 and 1.12.2 beyond the issuance of the final building permit upon which the exemptions are founded.

1.12.5 Clauses 1.12.1, 1.12.2, 1.12.3 and 1.12.4 are repealed in their entirety 10 years after the date of the passing of the By-laws listed in Section 1.12.1.
(By-law No. 24-137, July 12, 2024)

1.12.6 Minor Variances

Continuation of Approved Variances

1.12.6.1 During the 10 year period commencing on the date of passing of this By-law or date associated with amendments to the By-law provided in Section 1.12.1 above, and expiring on the date specified in Clause 1.12.5, a building permit may be issued in the context of the applicable former Zoning By-law as it read immediately prior to the passing of

this By-law for any development subject to one or more approved minor variances under the provisions of the applicable former Zoning By-law.

1.12.6.2 After the 10 year period in Clause 1.12.5 expires, minor variances approved under the provisions of the applicable former Zoning Bylaw may be relied upon only if the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the applicable former Zoning By-law.
(By-law No. 24-051, April 10, 2024)
(By-law No. 24-137, July 12, 2024)

~~**1.12.7 Approved Zoning – Electric Vehicle Parking**~~

~~1.12.7.1 If a Zoning By-law passed under Section 34 of the Planning Act came into force on or after April 10, 2019, and provided one of the following is received by the City no later than 3 years from the coming into force of those parts of By-law No. 24-052 identified in Clause 1.12.1.4, June 5, 2026:~~

~~1. A complete application for a building permit; or,~~
~~2. A complete application listed in Clause 1.12.2.1 to 1.12.2.6;~~

~~then approval of such application shall be granted in the context of the applicable former Zoning By-law as it read immediately prior to the coming into force of those parts of By-law No. 24-052 identified in Clause 1.12.1.4., being June 5, 2026.~~

~~1.12.7.2 Where the development or use of a lot or one or more buildings qualifies under Clause 1.12.7.1.2, a building permit shall be issued, subject to meeting all other requirements of a building permit, after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the coming into force of those parts of By-law No. 24-052 identified in Clause 1.12.1.e e., being June 5, 2026.~~

~~1.12.7.3 Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.12.7.1 beyond the issuance of the final building permit upon which the exemptions are founded.~~

~~1.12.7.4 Clauses 1.12.7.1, 1.12.7.2, and 1.12.7.3 are repealed in their entirety 10 years after the coming into force of those part of By-law No. 24-052 identified in Clause 1.12.1.4, being June 5, 2026.~~
(By-law No. 24-052-OLT-02, June 05, 2026)

PASSED and ENACTED this _____day of _____, 2005.

_____ _____

MAYOR CLERK