



Hamilton

Planning and Economic
Development Department

Memorandum

Date: June 10, 2019

To: Chair and Members
Open for Business Sub-Committee

From: Ed VanderWindt
Director, Building and Chief Building Official
Planning and Economic Development Department

Subject: **Continuous Improvement Team Process Review -
Zoning Review of Tents and Temporary Structures for Building
Permits – Case Study No. 25**

BACKGROUND

The role of the Planning and Economic Development Department / Public Works Department Continuous Improvement Team (CIT) is to review select case studies after they have been through the approval process to identify any lessons learned and opportunities for process improvements.

OBSERVATIONS AND ISSUES

Article 1.4.1.3. of the *Ontario Building Code (OBC)*, identifies that a zoning by-law made under section 34 *Planning Act* is an applicable law which is required to be in compliance prior to the acceptance and issuance of a building permit. To streamline the building permit application review and approval process, the building division allows for the acceptance of a building permit application while zoning by-law compliance is completed concurrently with the review for OBC compliance. This allows for a faster application turn-around time instead of a sequential process that would have required clearance of zoning by-law compliance prior to building permit application submission.

In addition to the building permit application fee, there is an associated Applicable Law Review fee for review of compliance with the seven zoning by-laws within the City of Hamilton. However, the Building Division recognizes there are some instances and type of building permit applications where zoning by-law review is not necessary; especially in the cases of recurring or annual applications. In those cases, omitting the Applicable Law Review fee should be considered.

OUTCOME

The Building Division has adopted a policy where the Applicable Law Review is not applied towards the construction and installation of tents and other temporary structures. The policy addresses the situation of requiring zoning by-law compliance review for recurring or annual applications using the same installation and location.

The Applicable Law Review fee is not applied to building permit applications for the following one-time or annually recurring temporary structures:

- Where a previous building permit has been issued for the same use; it is the same size and location; and the zoning of the property has not changed:
 - **Tents**
 - **Garden Centres**
 - **Stages**
- Where it is accessory to a single or two-family dwelling
 - **Tents**

EV:do