

Authority: Item 11, Planning Committee
Report 17-017 (PED16100(c))
CM: October 25, 2017
Ward: 7, 8, 13

Bill No. 255

CITY OF HAMILTON

BY-LAW NO. 17-255

To Amend Zoning By-law No. 05-200 Respecting a Pilot Project for Entertainment on Outdoor Commercial Patios located along Upper James Street between Stone Church Road and Rymal Road and lands generally located in Downtown Dundas

WHEREAS, the City of Hamilton's new comprehensive Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

WHEREAS, this By-law adds a Temporary Use respecting a pilot project for entertainment on outdoor commercial patios in By-law 05-200 and, applying to certain lands located within along Upper James Street between Stone Church Road and Rymal Road and lands generally located in Downtown Dundas of the City, as hereinafter described and depicted; and

WHEREAS, this By-law conforms with the Urban Hamilton Official Plan in accordance with the provisions of the *Planning Act*;

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

1. That Schedule "A" – Zoning Maps of Zoning By-law 05-200 is hereby amended by adding the Temporary Use symbol to maps 860, 861, 1342, 1343, 1394, 1395 attached in Schedule "A, A1" of this By-law.
2. That Schedule "E" – Temporary Use By-law 05-200 is hereby amended by adding the following Subsection the Commercial and Mixed Use Zones to the existing Temporary Use (T3) Zone:
 - "3. Section 4.20 d) of this By-law shall not apply for a maximum period of nineteen (19) months from the date of passing of the Zoning By-law Amendment, being October 25, 2017 for those lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail (D2) Zone, Downtown Prime Retail (D2, 451) Zone, Downtown Mixed Use (D3) Zone, Settlement Commercial (S2) Zone, Open Space (P4) Zone, Open Space (P4, 80) Zone, Open Space (P4, 115) Zone, Open Space (P4, 164) Zone, Neighbourhood Commercial (C2) Zone, Mixed Use Medium (C5,SE 570) Zone, Mixed Use Medium Pedestrian Focus (C5a, SE570) Zone, Mixed Use Medium (C5) Zone, Mixed Use Medium (C5, SE318) Zone, and described as:

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| Property Address | Map Number |
|---|------------|
| 1 Cross Street | 861 |
| 3 Cross Street | 861 |
| 5 Cross Street | 861 |
| 1 King Street East | 861 |
| 2, 8 King Street East | 861 |
| 3 King Street East | 861 |
| 5 King Street East | 861 |
| 7 King Street East | 861 |
| 11 King Street East | 861 |
| 10, 12 King Street East | 861 |
| 1, 3, 5 King Street West and 2, 4, 6 Cross Street | 861 |
| 2 King Street West | 861 |
| 7, 9 King Street West | 861 |
| 10 King Street West | 861 |
| 11 King Street West | 861 |
| 12, 14, 16 King Street West | 861 |
| 13, 15, 17 King Street West | 861 |
| 18, 20 King Street West | 861 |
| 19 King Street West | 861 |
| 21 King Street West | 861 |
| 22, 24 King Street West | 861 |
| 25, 27, 29 King Street West | 861 |
| 26 King Street West | 861 |
| 28 King Street West | 861 |
| 32, 34 King Street West | 861 |
| 33 King Street West | 861 |
| 37 King Street West | 861 |
| 38 King Street West | 860, 861 |
| 40 King Street West | 860 |
| 41, 43A King Street West | 861 |
| 44 King Street West | 860 |
| 46 King Street West | 860 |
| 48 King Street West | 860 |
| 49 King Street West | 860 |
| 50, 52 King Street West | 860 |
| Property Address | Map Number |

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| | |
|---|-------------------|
| 51, 53, 55, 57 King Street West | 860 |
| 56 King Street West | 860 |
| 58, 60 King Street West | 860 |
| 59, 61 King Street West | 860 |
| 62 King Street West | 860 |
| 63 King Street West | 860 |
| 65, 67, 69 King Street West | 860 |
| 66 King Street West | 860 |
| 70 King Street West | 860 |
| 71 King Street West | 860 |
| 75 King Street West | 860 |
| 77 King Street West | 860 |
| 83 King Street West | 860 |
| 3, 11 Main Street | 861 |
| 8 Ogilvie Street | 861 |
| 10 Ogilvie Street | 861 |
| 49, Rymal Road East | 1394, 1395 |
| 6, 8 Sydenham Street | 860 |
| 9, 11 Sydenham Street | 860 |
| 16 Sydenham Street | 860 |
| 1375 Upper James Street | 1343 |
| 1379 Upper James Street | 1343 |
| 1389 Upper James Street | 1343 |
| 1400, 1408, 1414, 1416, 1428 Upper James Street | 1342, 1343 |
| 1405 Upper James Street | 1342, 1343 |
| 1425, 1441 Upper James Street | 1342, 1343 |
| 1471 Upper James Street | 1342, 1343 |
| 1489, 1495 Upper James Street | 1342, 1394, 1395 |
| 1505, 1515 Upper James Street | 1394, 1395 |
| 1508 Upper James Street | 1342, 1394 |
| 1527 Upper James Street | 1394 |
| 1545 Upper James Street | 1394, 1395 |
| 1550, 1576 Upper James Street | 1394 |
| 1565 Upper James Street | 1394, 1395 |
| 1587, 1591, 1599 Upper James Street | 1394 |
| 1588 Upper James Street | 1394 |
| Property Address | Map Number |
| 1595 Upper James Street | 1394 |

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| | |
|-------------------------|------|
| 1600 Upper James Street | 1394 |
|-------------------------|------|

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
3. That this By-law comes into force in accordance with Section 39 of the *Planning Act*.

PASSED this 22nd day of November, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

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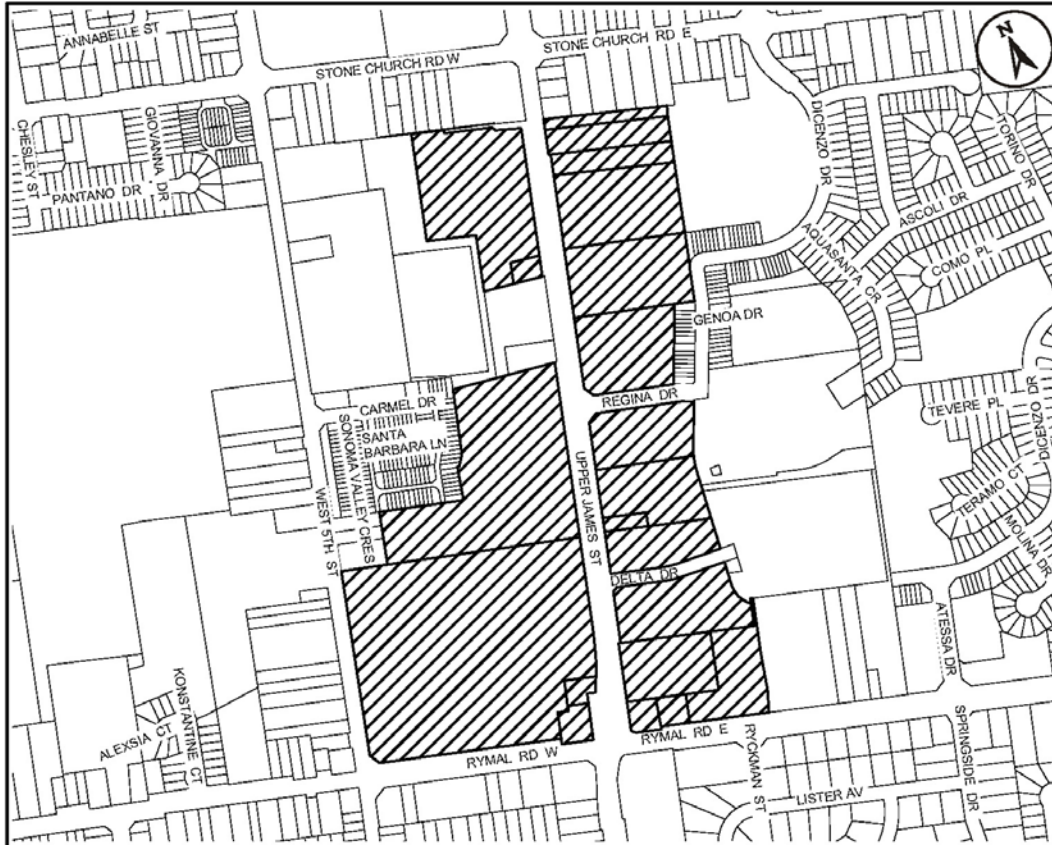
| | |
|--|---|
| <p>This is Schedule "A" to By-law No. 17-</p> <p>Passed the day of, 2017</p> | <p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p> |
|--|---|

| | |
|---|--|
| <p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map Forming Part of By-law No. 17- _____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Maps 860 & 861</p> | <p>Subject Property</p> <p>Dundas Pilot Area</p> <p> To add Temporary Use No. (T3) to the subject lands</p> |
|---|--|

| | |
|--|---|
| Scale: N.T.S. | File Name/Number: OCP - Pilot Project (Dundas) |
| Date: May 8, 2017 | Planner/Technician: TLJAL |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | |



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| <h2>Schedule "A-1"</h2> <p>Map Forming Part of By-law No. 17-_____</p> <p>to Amend By-law No. 05-200 Maps 1342, 1343, 1394 & 1395</p> | | <p>Subject Property Upper James Pilot Area</p> <p> To add Temporary Use No. (T3) to the subject lands</p> |
| <p>Scale: N.T.S.</p> | <p>File Name/Number: OCP - Pilot Project (Upper James)</p> | <p>Hamilton</p> |
| <p>Date: May 8, 2017</p> | <p>Planner/Technician: TL/AL</p> | |
| <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p> | | |