

Authority:

Ward: 7, 8, and 13
Bill No.

CITY OF HAMILTON

BY-LAW NO. XXX

To Amend Zoning By-law 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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Respecting Lands Located in the (former) Town of Dundas and (former) City of
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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 |

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| Property Address | Map Number |
|---|------------------|
| 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 |

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| Property Address | Map Number |
|-------------------------|------------|
| 1595 Upper James Street | 1394 |
| 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 October xx, 2017.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

To Amend Zoning By-law 05-200
 Respecting Lands Located in the (former) Town of Dundas and (former) City of
 Hamilton



| | |
|---|--------------------------------------|
| This is Schedule "A" to By-law No. 17- Passed the day of, 2017 | ----- Mayor ----- Clerk |
|---|--------------------------------------|

| | |
|--|--|
| <h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 17-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 860 & 861</p> | Subject Property Dundas Pilot Area To add Temporary Use No. (T3) to the subject lands |
|--|--|

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

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| | | | | | | |
|---|--|--|----------------------|------------------------------|---|--|
| This is Schedule "A" to By-law No. 17- Passed the day of, 2017 | | ----- Mayor ----- Clerk | | | | |
| <h2 style="margin: 0;">Schedule "A-1"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 17-_____</p> <p style="margin: 10px 0 0 0;">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> | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Scale: N.T.S.</td> <td style="padding: 2px;">File Name/Number: OCP - Pilot Project (Upper James)</td> </tr> <tr> <td style="padding: 2px;">Date: May 8, 2017</td> <td style="padding: 2px;">Planner/Technician: TL/AL</td> </tr> </table> | Scale: N.T.S. | File Name/Number: OCP - Pilot Project (Upper James) | Date: May 8, 2017 | Planner/Technician: TL/AL | <p style="margin: 0;">Hamilton</p> <p style="margin: 0; font-size: 8px;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p> | |
| Scale: N.T.S. | File Name/Number: OCP - Pilot Project (Upper James) | | | | | |
| Date: May 8, 2017 | Planner/Technician: TL/AL | | | | | |

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For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Planning

Report No.PED16100(c): Date: 10/03/2017

Ward(s) or City Wide: Ward: 1-13,15

(MM/DD/YYYY)

Prepared by: Timothy Lee

Phone No: X1249

For Office Use Only, this doesn't appear in the by-law