

**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:

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

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
<b>Property Address</b>	<b>Map Number</b>
1595 Upper James Street	1394

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1600 Upper James Street	1394
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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 22<sup>nd</sup> day of November, 2017.

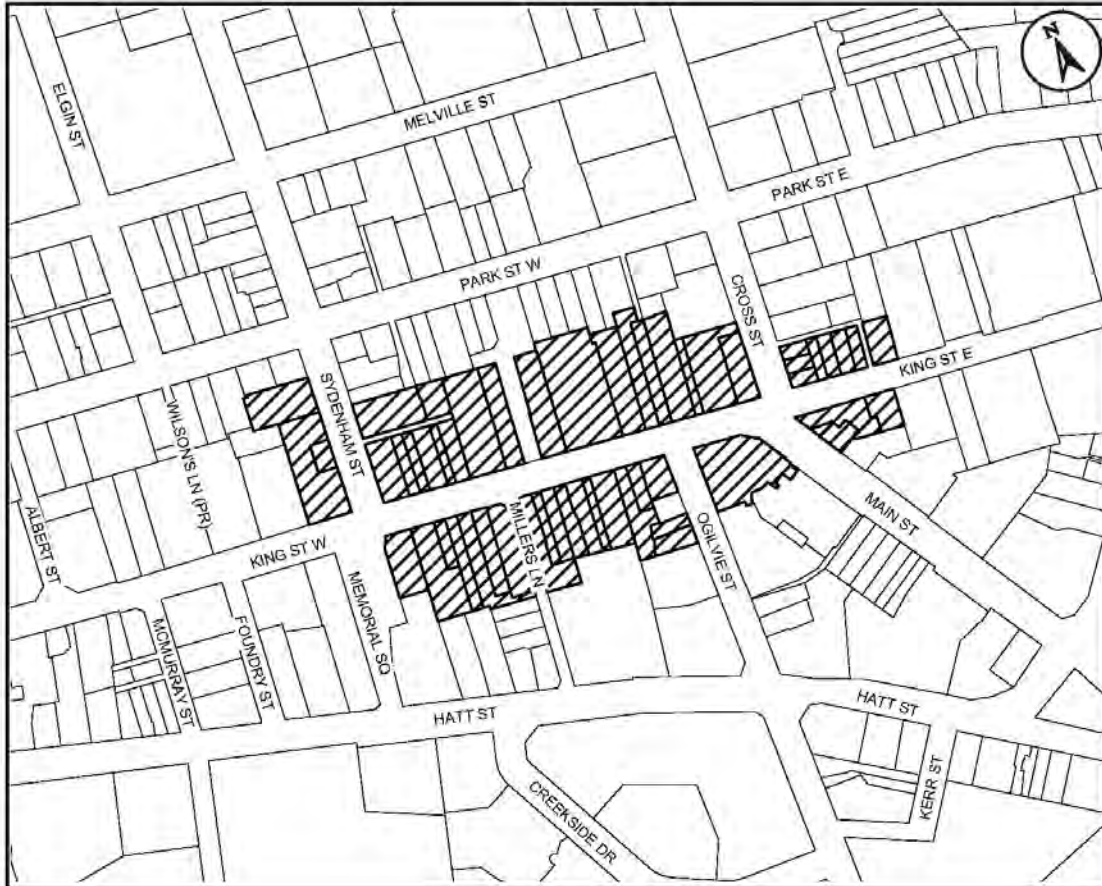
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F. Eisenberger  
Mayor

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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>
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<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 17-_____</p> <p>to Amend By-law No. 05-200 Maps 860 &amp; 861</p>	<p><b>Subject Property</b> Dundas Pilot Area</p> <p> To add Temporary Use No. (T3) to the subject lands</p>
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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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<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><b>Schedule "A-1"</b></p> <p>Map Forming Part of By-law No. 17-_____</p> <p>to Amend By-law No. 05-200 Maps 1342, 1343, 1394 &amp; 1395</p>		<p><b>Subject Property</b> 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><b>Hamilton</b></p>
<p>Date: May 8, 2017</p>	<p>Planner/Technician: TLJ/L</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		