

Authority: Item 3, Planning Committee,
Report: 20-008 (PED20135)
CM: August 21, 2020
Ward: City Wide

Bill No. 181

CITY OF HAMILTON

BY-LAW No. 20-181

To Amend By-law 05-200

Respecting Temporary Use By-law for Outdoor Commercial Patios

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

AND WHEREAS the Council of the City of Hamilton passed a motion, at its meeting held on the July 7, 2020, directing staff to prepare a Temporary Use By-law, effective to December 31, 2020, for amendments to the Zoning By-law 05-200 to allow temporary outdoor commercial patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone on certain commercial lands within the City;

AND WHEREAS the Council of the City of Hamilton, at its meeting held on the August 21, 2020, directing staff to permit entertainment on outdoor commercial patios for certain areas zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and the City wide (P3) Zone, within the Downtown Secondary Plan Area and incorporate this permission into a Temporary Use By-law to Zoning By-law No. 05-200, effective to December 31, 2020;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan.

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 amended by adding the Temporary Use symbol to Maps 414-415, 444-447, 481-482, 516-517, 549-550, 580-582, 612, 680, 753, 793, 834, 859-862, 867-879, 871, 901-904, 906-913, 942-943, 946-958, 988, 990, 992-999, 1000-1001, 1038-1048, 1050-1051, 1079, 1083-1087, 1089-1092, 1097, 1100, 1124, 1126-1146, 1149-1150, 1174-1179, 1182-1188, 1190-1196, 1198-1999, 1200, 1205, 1228-1229, 1234-1242, 1245-1254, 1258-1260, 1280-1281, 1284-1285, 1287, 1289-1295, 1298-1299, 1301-1302, 1305-1306, 1311-1312,

**To Amend By-law 05-200
Respecting Temporary Use By-law for Outdoor Commercial Patios**

1339-1340, 1342-1348, 1352, 1383-1384, 1386, 1388-1389, 1394-1395, 1397-1399, 1403, 1405, 1433-1436, 1443, 1445, 1447-1448, 1450, 1452-1454, 1456-1457, 1482-1483, 1494, 1497-1503, 1505-1506, 1546-1549, 1552, 1591, 1593-1597, 1635-1636, 1639-1641, 1710-1711, 1747-1749, 1785-1786, 1819, 1887, 1911-1912, 1934-1935, and 1956.

2. That Schedule “E” – Temporary Use of By-law 05-200 is amended by adding the following new Subsection:

“6. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, Mixed Use High Density (TOC4) Zone, the following provisions shall apply for the period running to December 31, 2020:

- a) Section 4.20 (c) shall not apply.
- b) In addition to the provisions of Section 4.20, an outdoor commercial patio shall:
 - i) be setback a minimum of 5.0 metres from any residential zone; and,
 - ii) not obstruct a driveway, parking aisle or fire route.”

3. That Schedule “A” – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 698, 909-911, 951-954 and 994-995, as shown on Schedule “A”.

4. That Schedule “E” – Temporary Use of By-law 05-200 is amended by adding the following new Subsection:

“7. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, and the Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and the City wide (P3) Zone, the following provisions shall apply for the period running to December 31, 2020:

- a) Section 4.20 (d) shall not apply.

**To Amend By-law 05-200
Respecting Temporary Use By-law for Outdoor Commercial Patios**

5. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

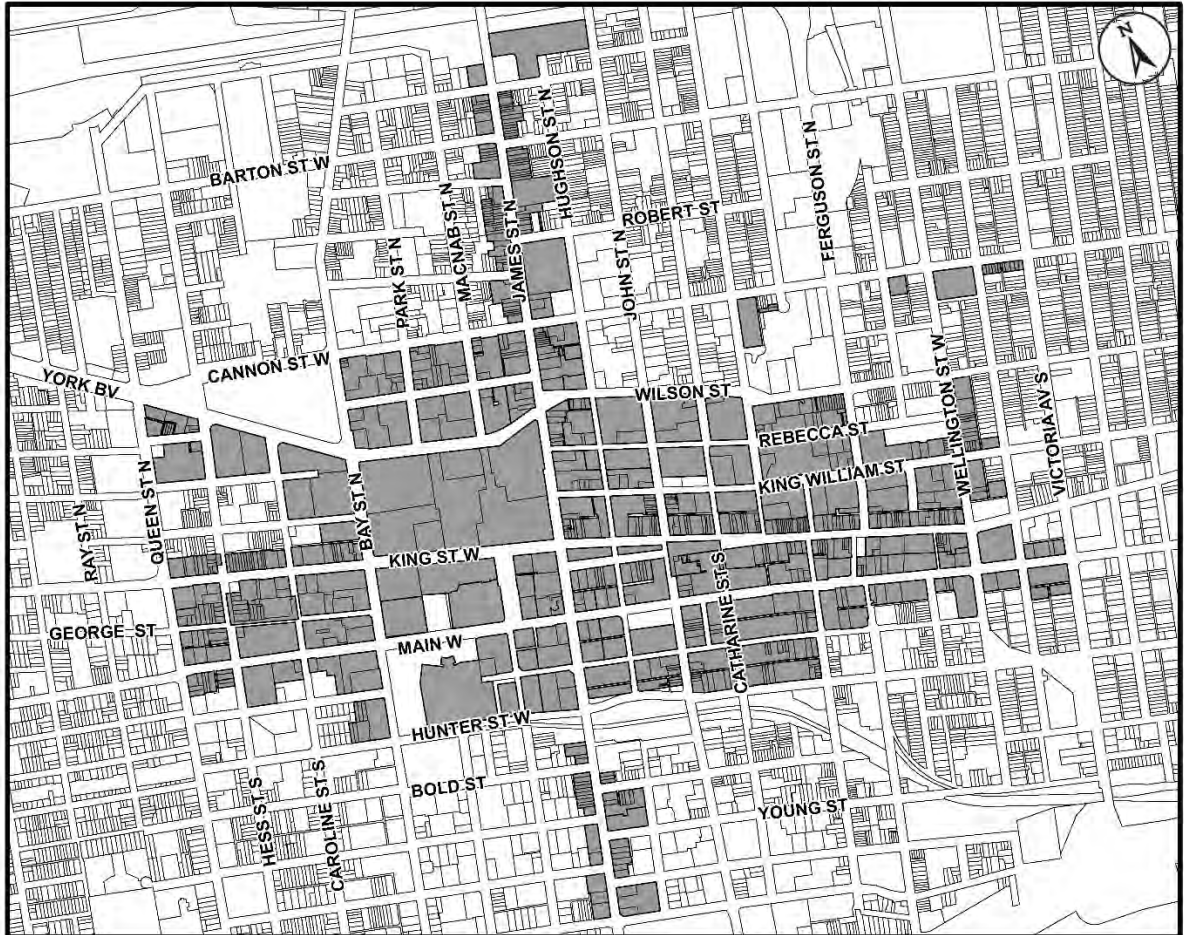
PASSED and ENACTED this 21st day of August, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CI 20-F

To Amend By-law 05-200
 Respecting Temporary Use By-law for Outdoor Commercial Patios



This is Schedule "A" to By-law No. 20-

Passed the day of, 2020

 Mayor


 Clerk

Schedule "A"

Map forming Part of
 By-law No. 20-_____

to Amend By-law No. 05-200
 Map 698, 909, 910, 911, 951, 952,
 953, 954, 994 and 995

Subject Property

 To add Temporary Use No. 7 (T7) to the Subject Lands

Scale:
 N.T.S

File Name/Number:
 CI-F-20

Date:
 August 19, 2020

Planner/Technician:
 JHE/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT