

**Authority:** Item 8, Planning Committee  
Report: 20-011 (PED20135(a))  
CM: October 14, 2020  
Ward: City Wide

**Bill No. 215**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-215**

#### **To Amend By-law No. 05-200, as amended by By-law No. 20-181, Respecting an Addition to and an Extension of the Temporary Use By-law for Outdoor Commercial Patios**

**WHEREAS**, the City of Hamilton's new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

**AND WHEREAS** By-law No. 20-181 added a temporary use by-law to provide temporary relief from the locational requirements and to permit entertainment on outdoor commercial patios for certain commercial zones within the City of Hamilton;

**AND WHEREAS** that temporary use expires on December 31, 2020;

**AND WHEREAS** subsection 39(3) of the *Planning Act* provides that Council may by by-law grant further periods of time that the temporary use is in effect for a period not more than three years;

**AND WHEREAS** there are some additional changes required to Temporary Use T-6 to add an additional provision respecting parking spaces;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

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

1. That the period of time the Temporary Use By-law No. 20-181 is in effect shall be extended to October 31, 2021.
2. That By-law No. 20-181 be further amended by deleting and replacing subsection 6)b) of Temporary Use T-6 as follows:

“6)b) In addition to the provisions of Section 4.20 and Section 5c), an outdoor commercial patio:

- i) shall be setback a minimum of 5.0 metres from any residential zone;
- ii) shall not obstruct a driveway, parking aisle or fire route; and,

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- iii) may occupy required parking spaces.”
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.
  4. That this By-law comes into force in accordance with section 34 of the *Planning Act*.

**PASSED** this 14th day of October, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk