

Authority: Item 7, Planning Committee
Report: 22-005 (PED20135(c))
CM: April 13, 2022
Ward: City Wide

Bill No. 074

CITY OF HAMILTON

BY-LAW NO. 22-074

To Amend Zoning By-law No. 05-200 with Respect to a Temporary Use By-law for Temporary Tents

WHEREAS By-law No. 20-214 amended the temporary tent regulations in Zoning By-law No. 05-200 to allow temporary tents for restaurants and certain institutional uses in certain commercial and institutional zones within the City of Hamilton to be erected for longer periods of time to accommodate physical distancing requirements as a result of COVID;

AND WHEREAS By-law No. 21-143 amended By-law No. 20-214 to allow temporary tents to be erected for longer periods of time for an expanded range of uses in certain commercial zones, uses permitted in the Community Park (P2) Zone, the City Wide (P3) Zone, and certain commercial uses and accessory commercial uses permitted in certain industrial zones, to facilitate the Province's Roadmap to Reopen, and further, extended the period of time the by-law was in effect;

AND WHEREAS the temporary use permissions expired on December 31, 2021;

AND WHEREAS it is appropriate the reinstate the temporary tent regulations that permit temporary tents for certain uses and in certain zones to be erected for longer periods of time to improve operational flexibility for businesses and institutional uses;

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 Council approved Item 7 of Report 22-005 of the Planning Committee, at the meeting held on April 13, 2022;

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

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 102, 118, 124, 142-143, 148, 172-173, 199-200, 310, 340, 380-381, 411, 413, 414-415, 444-448, 476, 480-482, 515-517, 523, 548-550, 580-582, 611-613, 642, 658-659, 680, 739, 749-753, 776, 789- 793, 817, 819-821, 823-825, 827-833, 834, 859-862, 863-879, 871, 901-905, 906-920, 942-943, 945-959, 960-962, 988-990, 991-999, 1000-1006, 1013, 1022, 1033, 1035-1049, 1050-1051, 1059, 1068, 1079, 1080-1088, 1089-1096, 1097-1099, 1100, 1124, 1126-1150, 1159, 1174-1180, 1181-1189, 1190-1999, 1200-1204, 1205, 1213, 1228-1229, 1230-1244, 1245-1257, 1258-1260, 1279-1281, 1284-1285, 1287-1296, 1298-1299, 1301-1306, 1309-1313, 1332-1334, 1336-1338, 1339-1341, 1342-1349, 1352, 1364-1365, 1383-1393, 1394-1396, 1397-1401, 1403-1405, 1433-1439, 1440-1443, 1445-1449, 1450-1455, 1456-1457, 1481-1495, 1496-1504, 1505-1506, 1525, 1528-1531, 1535-1542, 1545-1552, 1570, 1573-1574, 1580-1581, 1584-1585, 1590-1597, 1627-1629, 1634-1637, 1639-1641, 1671, 1676-1678, 1710-1711, 1717, 1747-1749, 1785-1786, 1819, 1883-1885, 1887, 1908-1912, 1932-1935, and 1956.
2. That Schedule “E” – Temporary Use of By-law No. 05-200 is amended by reinstating, with modifications, Temporary Use Provision 8 as follows:
 - “8. That notwithstanding Section 3, 4.18 d), and 5.1 c) the following provisions shall apply to temporary tents for uses permitted in the Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone, City Wide (P3) Zone, Neighbourhood 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, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Mixed Use High Density – Pedestrian Focus (TOC4) Zone, for places of worship, hospitals, and educational establishments in the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone, and personal services, restaurants, and retail, and accessory commercial uses to a permitted use in the Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, General Industrial (M5) Zone, Light Industrial (M6) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business (M11) Zone, Shipping and Navigation (Port Lands) (M13) Zone, Shipping and Navigation (East Port) (M14) Zone, for the period running to March 31, 2025:

- a) The temporary use by-law with respect to tents, shall not apply to the Residential Commercial (C1) Zone;
 - b) The temporary tent shall not be in operation for more than six consecutive months;
 - c) The temporary tent shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;
 - d) Notwithstanding Clause 3 above, the temporary tent shall be setback a minimum of 5 metres from a Residential Zone;
 - e) The temporary tent shall not occupy areas devoted to barrier-free parking space(s) or loading space(s);
 - f) The temporary tent shall not be used for human habitation; and,
 - g) For the purposes of this Temporary Use by-law, a temporary tent shall not be considered as an accessory building.”
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passage of this By-law in accordance with the *Planning Act*.
4. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

PASSED this 13th day of April, 2022.

N. Nann
Acting Mayor

J. Pilon
Acting City Clerk

CI 20-F(4)