

**Authority:** Item 7, Planning Committee  
Report 19-007 (PED16155(b))  
CM: May 8, 2019  
Ward: City Wide

**Bill No. 104**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

**To Amend Zoning By-law 05-200, as amended by By-law No. 17-255,  
Respecting Pilot Project for Entertainment on Outdoor Commercial Patios  
generally located in the areas of Upper James Street between Stone Church Road  
and Rymal Road and 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;

**AND WHEREAS** By-law 17-255 added a temporary use allowing for entertainment on outdoor commercial patios on certain lands located along Upper James Street between Stone Church Road and Rymal Road and lands generally located in Downtown Dundas;

**AND WHEREAS** that temporary use expires on June 22, 2019;

**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,

**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 the period of time that the temporary use in By-law No. 17-255 is in effect be extended to May 1, 2022.
2. That Schedule "E" – Temporary Use of By-law 05-200 is amended as follows:
  - (i) renumbering the Temporary Use Number from "3" to "4";
  - (ii) deleting the following text:

"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, SE

570) Zone, Mixed Use Medium (C5) Zone, Mixed Use Medium (C5, SE 318) Zone, and described as:

and replacing it with the following text:

“Section 4.20 d) of this By-law shall not apply for a period running until May 1, 2022 for those lands zoned Neighbourhood Commercial (C2) Zone, Mixed Use Medium Density (C5) Zone, and Mixed Use Medium Density Pedestrian Focus (C5a) Zone, and described as:”.

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 8th day of May, 2019.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

CI-17-C