

# CITY OF HAMILTON

## MOTION

Council: July 7, 2020

**MOVED BY COUNCILLOR S. MERULLA.....**

**SECONDED BY COUNCILLOR J. FARR.....**

### **Extension of the Temporary Outdoor Patio Program**

WHEREAS on May 13, 2020, Hamilton became one of the first cities in Canada to temporarily permit outdoor dining on streets, sidewalks, and parking areas on public and private lands through the approval of a motion allowing the creation of temporary “Outdoor Dining Districts” and temporary outdoor patios;

WHEREAS the City’s program has already approved 68 Outdoor Dining Districts and temporary outdoor patios across the City;

WHEREAS the Council direction to permit temporary outdoor patios on private parking lots waived any requirement for site plan review for such locations and waived enforcement of any zoning provisions related to parking supply, but still required the temporary outdoor patios to meet all other applicable zoning;

WHEREAS the City’s zoning does not permit commercial outdoor patios in side or rear lots abutting residentially zoned properties;

WHEREAS there have been a small number of businesses that have been unable to establish temporary outdoor patios because of the zoning restriction regarding abutting residentially zoned lands;

WHEREAS the City wants to provide for as many businesses as possible to participate in the Outdoor Dining Districts and temporary outdoor patio program, while minimizing any potential adverse impacts on neighbouring residential properties; and

WHEREAS the COVID-19 pandemic creates an urgent need to support the City’s culinary scene;

**THEREFORE BE IT RESOLVED:**

- (a) That staff be directed to prepare a Temporary Use By-law effective to December 31, 2020 for consideration at a statutory public meeting of the Planning Committee, and give the required notice, for temporary amendments to the Zoning By-law that would allow temporary outdoor commercial patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone on lands zoned as follows:

- (i) Downtown Central Business District (D1) Zone
- (ii) Downtown Prime Retail Streets (D2) Zone
- (iii) Downtown Mixed Use (D3) Zone
- (iv) Downtown Local Commercial (D4) Zone
- (v) Community Commercial (C2) Zone
- (vi) Community Commercial (C3) Zone
- (vii) Mixed Use High Density (C4) Zone
- (viii) Mixed Use Medium Density (C5) Zone
- (ix) Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
- (x) District Commercial (C6) Zone
- (xi) Arterial Commercial (C7) Zone
- (xii) Mixed Use (TOC1) Zone
- (xiii) Local Commercial (TOC2) Zone
- (xiv) Mixed Use High Density (TOC4) Zone

Subject to the following conditions:

1. The patio is setback at least 5 metres from any residentially zoned property.
  2. The patio does not obstruct a driveway or parking aisle or fire route.
- (b) That Council direct staff to immediately suspend the enforcement of the zoning by-law provisions prohibiting commercial outdoor patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone, where the conditions listed in (a) above have been met, and that the suspension of enforcement continue until either the temporary use zoning by-law comes into force or until the duration stipulated for the temporary use zoning by-law expires