

WELCOME TO THE CITY OF HAMILTON

Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F)

August 18, 2020 – Planning Committee Meeting

Background

- City Council, at the July 7, 2020 meeting, directed staff to prepare a Temporary Use By-law, effective to December 31, 2020, for temporary amendments to Zoning By-law No. 05-200 for certain commercial zones which would allow outdoor commercial patios in side and/or rear yards abutting a residential zone or D5 Zone or D6 Zone, subject to certain conditions.

Background (cont'd)

Zones include:

- Downtown Zones - Central Business District (D1) Zone, Prime Retail Streets (D2) Zone, Mixed Use (D3) Zone, and Local Commercial (D4) Zone
- Commercial Zones - 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, and Arterial Commercial (C7) Zone
- Transit Oriented Corridor Zones - Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, and Mixed Use High Density (TOC4) Zone

Zoning By-law 05-200 By-law Current Location Requirements for Outdoor Commercial Patios

- Allows a patio in a front yard if only the rear lot line abuts a residential zone or D5 or D6 Zone or is separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway.

Proposed Zoning By-law 05-200 By-law Changes

Temporary Use By-law exemptions until December 31, 2020:

- Would allow a patio in a rear or side yard of a lot that abuts a residential zone or D5 or D6 Zone provided:
 - The outdoor commercial patio is setback at least 5 metres from any residentially zoned property; and,
 - The patio does not obstruct a driveway or parking aisle or fire route.

Other Temporary Use By-laws – Outdoor Entertainment on Outdoor Commercial Patios

- Temporary Use By-laws and amendments to the Noise By-law to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios, for six urban pilot project areas and the rural area are in effect until May 1, 2022

Other Temporary Use By-laws – Outdoor Entertainment on Outdoor Commercial Patios

These areas include:

- Downtown Hamilton,
- Hess Village,
- Downtown Dundas,
- James Street North,
- James Street South/Augusta Street,
- Upper James Street (Stone Church to Rymal Road);
- Some properties (predominantly golf courses) within the Rural area.

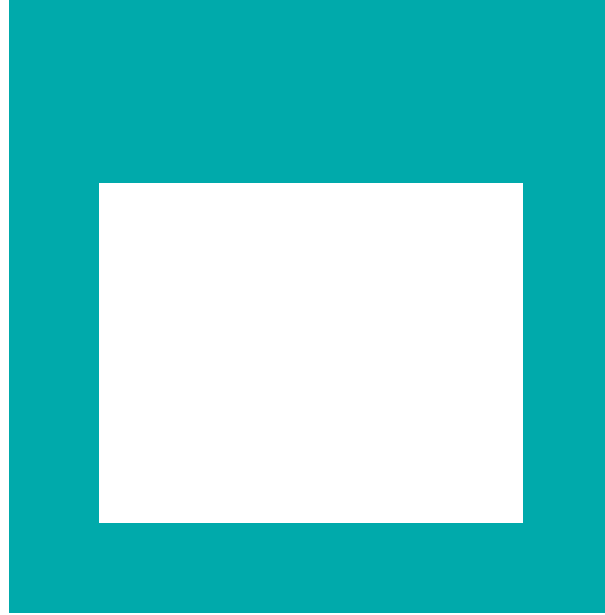
Recommendation

Pass a Temporary Use By-law, effective to December 31, 2020, for temporary amendments to Zoning By-law No. 05-200 for certain commercial zones which would allow outdoor commercial patios in side and/or rear yards abutting a residential zone or D5 Zone or D6 Zone, provided:

- The outdoor commercial patio is setback at least 5 metres from any residentially zoned property; and,
- The patio does not obstruct a driveway or parking aisle or fire route

Recommendation

- This Temporary use By-law:
 - does not exempt patio owners from other requirements such as seating capacity;
 - is a separate By-law to the 2019 Temporary Use By-laws that allow entertainment on patios in select locations within the City; and,
 - does not exempt patio owners or patrons from the City's Noise By-law.



THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE