

Authority: Item
Planning Committee
Report: 20- (PED20135)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW No. _____

To Amend By-law 05-200

Respecting Temporary Use By-law for Outdoor Commercial Patios

AND 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 the Council of the City of Hamilton passed a motion, at its meeting held on the July 7, 2020, directing staff to prepare a Temporary Use By-law, effective to December 31, 2020, for amendments to the Zoning By-law 05-200 to allow temporary outdoor commercial patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone on certain commercial lands within the City;

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 Schedule "A" – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 414-415, 444-447, 481-482, 516-517, 549-550, 580-582, 612, 680, 753, 793, 834, 859-862, 867-879, 871, 901-904, 906-913, 942-943, 946-958, 988, 990, 992-999, 1000-1001, 1038-1048, 1050-1051, 1079, 1083-1087, 1089-1092, 1097, 1100, 1124, 1126-1146, 1149-1150, 1174-1179, 1182-1188, 1190-1196, 1198-1999, 1200, 1205, 1228-1229, 1234-1242, 1245-1254, 1258-1260, 1280-1281, 1284-1285, 1287, 1289-1295, 1298-1299, 1301-1302, 1305-1306, 1311-1312, 1339-1340, 1342-1348, 1352, 1383-1384, 1386, 1388-1389, 1394-1395, 1397-1399, 1403, 1405, 1433-1436, 1443, 1445, 1447-1448, 1450, 1452-1454, 1456-1457, 1482-1483, 1494, 1497-1503, 1505-1506, 1546-1549, 1552, 1591, 1593-1597, 1635-1636, 1639-1641, 1710-1711, 1747-1749, 1785-1786, 1819, 1887, 1911-1912, 1934-1935, and 1956.

2. That Schedule "E" – Temporary Use of By-law 05-200 is amended by adding the following new Subsection:

"6. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community 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, Mixed Use (TOC1) Zone, Local Commercial (TOC2) Zone, Mixed Use High Density (TOC4) Zone, the following provisions shall apply for the period running to December 31, 2020:

- a) Section 4.20 (c) shall not apply.
- b) In addition to the provisions of Section 4.20, an outdoor commercial patio shall:
 - i) be setback a minimum of 5.0 metres from any residential zone; and,
 - ii) not obstruct a driveway, parking aisle or fire route."

3. That this By-law comes into force in accordance with Section 34 and 39 of the *Planning Act*.

PASSED and ENACTED this ____ day of _____, 2020.

Fred Eisenberger
MAYOR

Andrea Holland
CITY CLERK

CI 20-F