

**Authority:** Item 8, Planning Committee  
Report: 20-011 (PED20135(a))  
CM: October 14, 2020  
Ward: City Wide

**Bill No. 214**

**CITY OF HAMILTON**

**BY-LAW No. 20-**

**To Amend By-law 05-200**

**Respecting Temporary Use By-law for Temporary Tents**

**AND WHEREAS**, the City of Hamilton's new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

**AND WHEREAS** it is appropriate to amend the temporary tent regulations in Zoning By-law No. 05-200 to allow tents for certain commercial and institutional uses, on a temporary basis, to be erected for longer periods of time to accommodate social distancing;

**AND WHEREAS** this regulation would apply to certain commercial lands and institutional lands within the City;

**AND WHEREAS** this permission is to be incorporated into a Temporary Use By-law to Zoning By-law No. 05-200, effective to October 31, 2021;

**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, 444-448, 480-482, 515-517, 549-550, 580-582, 612, 680, 753, 793, 819-820, 825, 827, 834, 859-862, 863-879, 871, 901-905, 906-913, 942-943, 945-958, 960-961, 988-990, 992-999, 1000-1001, 1033, 1036-1048, 1050-1051, 1079, 1080-1087, 1089-1092-1093, 1097, 1100, 1124, 1126-1146, 1149-1150, 1174-1180, 1181-1189, 1190-1999, 1200, 1205, 1228-1229, 1230-1242-1243, 1245-1254, 1258-1260, 1279-1281, 1284-1285, 1287-1295, 1298-1299, 1301-1306, 1311-1312, 1332-1334, 1336-1338, 1339-1341, 1342-1348, 1352, 1364, 1383-1392, 1394-1396, 1397-1399, 1403, 1405, 1433-1438, 1440, 1443, 1445, 1447-1449, 1450, 1452-1455, 1456-1457, 1482-1483, 1494, 1496-1504, 1505-1506, 1546-1552, 1591, 1593-1597, 1635-1636, 1639-1641, 1710-1711, 1747-1749, 1785-1786, 1819, 1884-1885, 1887, 1909-1912, 1932-1935, and 1956.
2. That Schedule "E" – Temporary Use of By-law 05-200 is amended by adding the following new Subsection:

**To Amend By-law No. 05-200  
Respecting Temporary Use By-law for Temporary Tents**

- “8. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3) 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, Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone, the following provisions shall apply for the period running to October 31, 2021:
- a) That notwithstanding Sections 3, 4.18 d), and 5c) the following provisions shall apply to temporary tents for restaurants (outdoor commercial patios), places of worship, hospitals and educational establishments:
1. the temporary use by-law shall not apply to the Residential Commercial (C1) Zone;
  2. the temporary tent shall not be in operation for more than 6 consecutive months;
  3. the temporary tent shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;
  4. notwithstanding Clause 3. above, the temporary tent shall be setback a minimum of 5 metres from a Residential Zone;
  5. the temporary tent shall not occupy areas devoted to barrier-free parking space(s) or loading space(s);
  6. the temporary tent shall not be used for human habitation; and,
  7. for the purposes of this Temporary Use by-law, a temporary tent shall not be considered as an accessory building.
3. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

PASSED and ENACTED this 14<sup>th</sup> day of October, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

CI 20-F