

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

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

To Amend By-law No. 05-200

As amended by By-law No. 20-181

**Respecting an Addition to and an Extension of the  
Temporary Use By-law for Outdoor Commercial Patios**

**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** By-law No. 20-181 added a temporary use by-law to provide temporary relief from the locational requirements and to permit entertainment on outdoor commercial patios for certain commercial zones within the City of Hamilton;

**AND WHEREAS** that temporary use expires on December 31, 2020;

**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 WHEREAS** there are some additional changes required to Temporary Use T-6 to add an additional provision respecting parking spaces;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the period of time the Temporary Use By-law No. 20-181 is in effect shall be extended to October 31, 2021.
2. That By-law No. 20-181 be further amended by deleting and replacing subsection 6)b) of Temporary Use T-6 as follows:

To Amend By-law 05-200, as amended by By-law No. 20-181  
Respecting an Addition to and an Extension of the  
Temporary Use By-law for Outdoor Commercial Patios

"6)b) In addition to the provisions of Section 4.20 and Section 5c), an outdoor commercial patio:

- i) shall be setback a minimum of 5.0 metres from any residential zone;
- ii) shall not obstruct a driveway, parking aisle or fire route; and,
- iii) may occupy required parking spaces."

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    day of October, 2020.

---

Fred Eisenberger  
Mayor

---

Andrea Holland  
City Clerk

To Amend By-law 05-200, as amended by By-law No. 20-181  
Respecting an Addition to and an Extension of the  
Temporary Use By-law for Outdoor Commercial Patios

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members      Report No.: PED20135(a) Date: 10/06/20

Ward(s) or City Wide: City Wide      (MM/DD/YYYY)

Prepared by: Joanne Hickey-Evans      Phone No: 1282

*For Office Use Only, this doesn't appear in the by-law*