

CITY OF HAMILTON

NOTICE OF MOTION

Planning Committee: June 15, 2021

MOVED BY COUNCILLOR J. FARR

SECONDED BY COUNCILLOR

Extension of Support for Businesses Operating Outdoors

WHEREAS, the City of Hamilton is committed to supporting our local businesses as they try to navigate and respond to the challenges of the COVID pandemic;

WHEREAS, the Mayor’s Task Force on Economic Recovery has recommended the City consider options to support local businesses through actions that facilitate placemaking, outdoor activities, and animation of commercial streets;

WHEREAS, on August 21, 2020 City Council through Report PED20135 approved Temporary Use By-law 20-181 to modify zoning standards with respect to where outdoor patios for restaurants, cafes, and similar uses could be located in order to facilitate the Outdoor Dining Districts Program;

WHEREAS, on October 14, 2020 City Council through Report PED20135(a) approved Temporary Use By-law 20-214 to allow temporary tents (not to be used for human habitation) for restaurants, places of worship, hospitals and schools for up to 6 consecutive months instead of the otherwise permitted five consecutive days;

WHEREAS, all of the Temporary Use By-laws, and therefore the special provisions for patios and for temporary tents, are currently set to expire on October 31, 2021;

WHEREAS, on June 7, 2021, the Province announced that Ontario will move into Step One of the Roadmap to Reopen as of Friday, June 11, which includes permission for outdoor fitness classes, outdoor personal training, and the opening of concert venues, theatres and cinemas outdoors for the purpose of rehearsing or performing a recorded or broadcasted concert, artistic event, theatrical performance or other performance with no more than 10 performers;

WHEREAS, these outdoor uses may seek to erect temporary tent structures, which may require Building Permits, and which will therefore need to meet all applicable zoning; and,

WHEREAS the current Temporary Use By-laws for the erection of temporary tents do not apply to these other outdoor uses;

THEREFORE BE IT RESOLVED

- (a) That staff be directed to prepare the appropriate Public Meeting notice under the *Planning Act* and associated report for Planning Committee to consider the following Zoning By-law 05-200 amendments at a future statutory public meeting:
 - (i) The necessary amendments to Temporary Use By-law 20-214 and other temporary use by-laws as necessary to include temporary tents associated with outdoor retail, commercial, entertainment, arts, and recreational uses as well as ancillary uses to existing permitted uses for up to 6 consecutive months and within required parking spaces; and,
 - (ii) The necessary amendments to the existing Temporary Use By-laws to extend the permissions for patios and temporary tents through to December 31, 2021;
- (b) That Council direct staff to immediately suspend the enforcement of the current zoning by-law provisions that were modified by the existing Temporary Use By-laws as they relate to outdoor retail, commercial, entertainment, arts, and recreational uses as well as ancillary uses to existing permitted uses, and that the suspension of enforcement continue until such time as Council has considered the requested amendments to the Temporary Use By-laws.