

**Authority:** Item 7, Planning Committee  
Report: 22-005 (PED20135(c))  
CM: April 13, 2022  
Ward: City Wide

**Bill No. 073**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-073**

#### **To Amend Zoning By-law No. 05-200 with Respect to a Temporary Use By-law for Outdoor Commercial Patios**

**WHEREAS** By-law No. 20-181 amended the outdoor commercial patio regulations in Zoning By-law No. 05-200 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** By-law No. 20-215 amended By-law No. 20-181 to provide additional temporary relief from the locational requirements for outdoor commercial patios in certain commercial zones and to extend the period of time the by-law was in effect;

**AND WHEREAS** By-law No. 21-143 amended By-law No. 20-181, as amended by By-law Nos. 20-215, to extend the period of time the by-law was in effect;

**AND WHEREAS** the temporary use permissions expired on December 31, 2021;

**AND WHEREAS** it is appropriate to reinstate the temporary locational permissions for outdoor commercial patios to support local businesses by increasing operational flexibility;

**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** Council approved Item 7 of Report 22-005 of the Planning Committee, at the meeting held on April 13, 2022;

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

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 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 No. 05-200 is amended by reinstating Temporary Use Provision 6 as follows:
  - "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 March 31, 2025:
    - a) Section 4.20 c) shall not apply.
    - 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 passage of this By-law in accordance with the *Planning Act*.

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

**PASSED** this 13<sup>th</sup> day of April, 2022.



N. Nann  
Acting Mayor

CI 20-F(4)



J. Pilon  
Acting City Clerk