

CITY OF HAMILTON

BY-LAW NO. 21-143

To Amend Zoning By-law No. 05-200 with respect to an extension of the Temporary Use By-law for Outdoor Commercial Patios and an addition to and extension of the Temporary Use By-law for Temporary Tents

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. 20-214 amended the temporary tent regulations in Zoning By-law No. 05-200 to allow tents for restaurants and certain institutional uses in certain commercial and institutional zones within the City of Hamilton to be erected for longer periods of time to accommodate physical distancing;

AND WHEREAS the temporary use permissions of By-law Nos. 20-214 and 20-215 expire on October 31, 2021;

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 Step One of Ontario's Roadmap to Reopen includes permissions for outdoor uses and to facilitate the reopening plan, businesses may seek to erect temporary tents but in doing so, may not be able to meet the temporary use by-law provisions for temporary tents in Zoning By-law No. 05-200;

AND WHEREAS it is appropriate to amend the temporary tent regulations to allow tents on a temporary basis, to be erected for longer periods of time for an expanded range of uses in certain commercial zones, uses permitted in the Community Park (P2) Zone, the City Wide (P3) Zone, and certain commercial uses and accessory commercial uses permitted in certain industrial zones, to facilitate the Province's Roadmap to Reopen;

AND WHEREAS Council approved Item 6 of Report 21-012 of the Planning Committee, at the meeting held on August 13, 2021;

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 the period of time Temporary Use By-law No. 20-214 and Temporary Use By-law No. 20-181, as amended by Temporary Use By-law No. 20-215, are in effect shall be extended to December 31, 2021.
2. That Schedule “A” – Zoning Maps of Zoning By-law 05-200 is amended by adding the Temporary Use symbol to Maps 102, 118, 124, 142-143, 148, 172-173, 199-200, 310, 340, 380-381, 411, 413, 476, 523, 548, 611, 613, 642, 658-659, 739, 749-752, 776, 789-792, 817,821, 823-824, 828-833, 914-920, 959, 962, 991, 1002-1006, 1013, 1022, 1035, 1049, 1059, 1068, 1088, 1094-1096, 1098-1099, 1147-1148, 1159, 1201-1204, 1213, 1244, 1255-1257, 1296, 1309-1310, 1313, 1349, 1365, 1393, 1400-1401, 1404, 1439, 1441-1442, 1446, 1451, 1481, 1484-1493, 1495, 1525, 1528-1531, 1535-1542, 1545, 1548, 1570, 1573-1574, 1580-1581, 1584-1585, 1590, 1592, 1627-1629, 1634, 1637, 1671, 1676-78, 1717, 1784, 1883, 1908.
3. That Schedule “E” – Temporary Use Provisions is amended by deleting and replacing Temporary Use Provision T-8 as follows:
 - “8. Within the lands zoned Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone, City Wide (P3) Zone, Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone, Major Institutional (I3) Zone, Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, General Industrial (M5) Zone, Light Industrial (M6) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business (M11) Zone, Shipping and Navigation (Port Lands) (M13) Zone, Shipping and Navigation (East Port) (M14) 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, the following provisions shall apply for the period running to December 31, 2021:
 - a) That notwithstanding Section 3, 4.18 d), and 5.1 c) the following provisions shall apply to temporary tents for uses permitted in the Downtown Central Business District (D1) Zone, Downtown Mixed Use – Pedestrian Focus (D2) Zone, Downtown Mixed Use (D3)

Zone, Community Park (P2) Zone, City Wide (P3) 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, for places of worship, hospitals, and educational establishments in the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone, and personal services, restaurants, and retail, and accessory commercial uses to a permitted use in the Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, General Industrial (M5) Zone, Light Industrial (M6) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business (M11) Zone, Shipping and Navigation (Port Lands) (M13) Zone, Shipping and Navigation (East Port) (M14) Zone:

1. the temporary use by-law with respect to tents, 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.”
4. 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*.
 5. That this By-law comes into force in accordance with Sections 34 and 39 of the *Planning Act*.

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PASSED this 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

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