



# COMMUNICATION UPDATE

<b>TO:</b>	Mayor and Members City Council
<b>DATE:</b>	February 25, 2025
<b>SUBJECT:</b>	Extension of Temporary Use By-laws for Outdoor Commercial Patios and Temporary Tents
<b>WARD(S) AFFECTED:</b>	City Wide
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

The purpose of this Communication Update is to inform Council that the temporary permissions enacted through Temporary Use By-law No. 22-073 respecting Outdoor Commercial Patios and Temporary Use By-law No. 22-074 respecting Temporary Tents, both of which were set to expire on March 31, 2025, have been extended to February 28, 2027. The extension is to enable additional time to monitor the temporary permissions so that a fulsome evaluation of the merits of permitting the temporary permissions permanently in the Zoning By-law can occur.

## Outdoor Commercial Patios

In August 2020, in response to the COVID-19 pandemic and physical distancing requirements, City Council passed Temporary Use By-law No. 20-181 to permit outdoor commercial patios in a side or rear yard adjacent to Residential Zones or certain Downtown Zones, provided a minimum 5.0 metre setback from said Zone was maintained and there were no obstructions of parking aisles, driveways or fire routes. Subsequent amendments were passed which either extended or reintroduced the temporary permissions.

In April 2022, City Council approved removal of the prohibition of commercial entertainment and recreation on outdoor commercial patios from the City's Zoning By-laws. Instead, the Noise Control By-law was deemed the preferred method to regulate noise. The Noise Control By-law, along with the Noise Exemption Permit process and the use of fines under the Administrative Penalty By-law, are now the means to regulate noise on outdoor commercial patios. Further details are provided in [Report PED16155\(c\)](#).

Also in April 2022, the temporary permissions for outdoor commercial patios were reinstated for an additional three years, until March 31, 2025, to provide staff the opportunity to evaluate whether the temporary permissions for outdoor commercial patios could be appropriate on a permanent basis given the regulatory change relating to permitting

## **SUBJECT: Extension of Temporary Use By-laws for Outdoor Commercial Patios and Temporary Tents (City Wide) - Page 2 of 2**

---

commercial entertainment and recreation on outdoor commercial patios via the Noise Control By-law.

### **Temporary Tents**

On October 14, 2020, City Council passed Temporary Use By-law No. 20-214 to permit temporary tents for use by restaurants and certain institutions, including places of worship, hospitals, and educational establishments, for up to six consecutive months, under specific conditions, to help maintain physical distancing requirements enacted due to COVID-19. Zoning By-law No. 05-200 limits temporary tents to a maximum of five consecutive days.

The temporary tent permissions were subsequently extended and expanded to include additional commercial uses to facilitate the Province's COVID-19 response. Along with the temporary permissions for outdoor commercial patios, the temporary permission for tents was extended until March 31, 2025, to provide businesses with continued operational flexibility and to enable staff to continue to monitor the merits of enabling the temporary provisions permanently.

### **Temporary Use Extensions to 2027**

The available data collected over the past three years has been insufficient for staff to make a conclusive recommendation on whether to permanently permit the temporary permissions in Zoning By-law No. 05-200. Staff are proposing to extend the temporary permissions for outdoor commercial patios and temporary tents for an additional two years to gather a more robust dataset for evaluation. With this extension, staff from Planning, Economic Development, and Licensing and By-law Services will continue to monitor key data, including issuance of temporary tent permits and temporary patio permits, and any noise complaints related to temporary outdoor commercial patios, to make a well-informed recommendation that considers the interests of both local businesses and residents.

As permitted by the *Planning Act*, Council, at its meeting of August 12, 2022, through the passing of By-law No. 22-217, has delegated the authority to extend an existing temporary use by-law for lands within the City of Hamilton, to the Director of Planning and Chief Planner. As such, the two temporary use by-laws to extend the temporary permissions for temporary tents and Outdoor Commercial Patios were approved by the Acting Director of Planning and Chief Planner on February 20, 2025.

Prior to the expiration of Temporary Use By-law Nos: 25-027-PED and 25-028-PED, staff will report back to Planning Committee with a recommended action.

Please contact Emily Coe, Acting Manager, Zoning & Committee of Adjustment at [Emily.Coe@hamilton.ca](mailto:Emily.Coe@hamilton.ca) with any questions or comments.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe, and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.