



Creative Cultural Industry in Industrial and Institutional Zones

Prepared for the City of Hamilton, Ontario
August 8, 2017

The Cotton Factory

270 Sherman Avenue North, Hamilton

Constructed in 1900 by the Imperial Cotton Company, The Cotton Factory supplied local and international markets with tarps, tents, sails, and other heavy textile goods. By 1972 most factory operations were shut down. In 2014, the factory was sold and repurposed into a creative cultural industrial complex. Today this three-storey mill boasts over 20,000 ft.² of workshops, galleries, office space, and studios for more than 60 tenants, including artists, painters, potters, photographers, curators, fashion and media designers, woodworkers, filmmakers, and other creative professionals. The Cotton Factory also has space for special events such as a series of Saturday night suppers during Pop Up Hamilton in July.

Source: The Cotton Factory, 2017
www.cottonfactory.ca

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1 INTRODUCTION

The City of Hamilton has created cultural plans and strategies to promote creative cultural industries, including economic action strategies, cultural plans, and industry specific strategies. Collectively, these documents recognize creative cultural industries as a vital component of Hamilton's quality of life and economic development. These documents promote using creative cultural industries to revitalize neighbourhoods, diversify the economy, build tourism, increase non-residential taxes, provide jobs, and ultimately to increase the quality of life for residents. However, the documents have also recognized potential barriers to the creative cultural industry, such as a lack of adequate facilities and City by-laws and regulations.

This report is prepared to support the creative cultural industry in the City of Hamilton. The purpose of this report is to identify barriers, if any, to establishing creative cultural industries in Industrial and Institutional zones and provide recommendation to amend the Zoning By-law to appropriately accommodate and support creative cultural industries in these zones.

1.1 ECONOMIC DEVELOPMENT STRATEGY 2010-2015

The Economic Development Strategy 2010-2015 identified six major economic clusters, including advanced manufacturing, agriculture and agri-business, clean technology, goods movement, life science, and creative industries. The report states that creative industries are "knowledge and labour-intensive, create employment and wealth and nurture creativity." According to the report, creative industries include music, design and digital media, film, video broadcasting, visual arts, performing arts, and festivals and events. This report focuses on music and performing arts, film, and digital media, as well as fashion.

1.2 ECONOMIC DEVELOPMENT ACTION PLAN 2016-2020

The updated Economic Development Action Plan 2016-2020 reaffirms creative cultural industries as a key industry in the City of Hamilton. The plan states that creative cultural industries will help the City to:

- Grow non-residential tax assessment and increase the number of living-wage jobs;
- Be the most diversified economy in Canada;
- Have the best workforce in Ontario;
- Have a thriving entrepreneurship and innovation; and
- Have vibrant commercial and cultural districts and places.

Major action items identified in the plan include the creation of a Creative Cultural Industry Sector Strategy and an Animation Strategy, the implementation of a Music Strategy and Cultural Plan and the review of zoning and other barriers to the establishment of creative cultural industries.

1.3 CULTURAL PLAN, 2013

The Cultural Plan, 2013 promotes a broad definition of culture within the City of Hamilton. The plan provides transformational goals to reinvent the city as a cultural city. The plan includes two relevant action items:

1. Identify municipal bylaws, licensing and zoning regulations that are barriers to cultural sector activities and remove impediments where possible; and
2. Recognize artists and creative workers as entrepreneurs and develop and provide tools/services to support them in collaboration with the Hamilton Small Business Enterprise Centre (SBEC) and other arts/culture service organizations.

1.4 MUSIC STRATEGY, 2013

The City of Hamilton has also created an industry-specific strategy for music. The Music Strategy, 2013 establishes a goal to “strengthen the local music industry” with an objective to “remove barriers to live music presentation” by “[identifying] and [examining] City by-laws and regulations that are barriers to the local music industry and mitigate where possible.”

1.5 CONTENTS OF THE REPORT

This report focuses on the music and performing arts, film, fashion, and digital media industries, which are of key interest to the City of Hamilton. This report explores all facets of these creative cultural industries including the process of producing creative cultural materials such as performances or showings of cultural material, the sale and distribution of created goods, the education or training of creative individuals, and other ancillary uses that directly support a creative industry.

This report will explore how the City of Hamilton Official Plan and Zoning By-law currently permits creative cultural industries, what components of the industries are and should be permitted and which ancillary components may be appropriate in industrial and institutional zones.

Section 2 presents the provincial policy framework and a high-level review of Official Plan policies related to creative cultural industries within the City of Hamilton.

Section 3 presents a best practice review of how other cities approach creative cultural industries within industrial and institutional zones. Eight cities were selected from across Canada and the United States, and their zoning by-laws were reviewed. Permitted uses within each zone were recorded, including if they were permitted by right or permitted with conditions, through a special

permit, or as an accessory/ancillary use. Where accessory uses are permitted, any limitations of their use are discussed. Prohibited creative cultural uses are also presented.

Section 4 presents a detailed review of Hamilton's Official Plan policies and Zoning By-law regulations and identifies opportunities within both planning documents where creative cultural industries could be further supported in industrial and institutional zones.

Section 5 presents alternative approaches that the City could take to address creative cultural industries in the Official Plan and Zoning By-law.

Section 6 presents a preferred recommendation on how the City of Hamilton could remove barriers from the Official Plan and Zoning By-law to appropriately permit creative cultural industries in industrial and institutional zones.

2 PLANNING FRAMEWORK REVIEW

The planning framework in the City of Hamilton is directed by municipal and provincial policy documents, including the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the City of Hamilton Official Plan.

2.1 PROVINCIAL POLICY STATEMENT, 2014

The Provincial Policy Statement, 2014 (PPS) does not explicitly speak to creative cultural industries, however it does contain policies that support those industries. The PPS promotes strong, livable and healthy communities that encourage and enhance human health and social well-being (1.1.1 a), and are economically and environmentally sound (1.1.1 b). A broad range of cultural and creative opportunities and venues promotes healthy and livable communities.

The PPS also promotes long-term economic development and competitiveness (1.3.1), as well as the protection and preservation of employment areas (1.3.2.1). Furthermore, the PPS states that long-term economic prosperity should be supported by promoting brownfield redevelopment and opportunities for sustainable tourism development (1.7.1 e, g). Supporting the creative cultural industry will promote Hamilton's economic development and competitiveness both locally and abroad. By appropriately permitting creative cultural industries in industrial areas it will protect and preserve employment areas.

2.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2017

The Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan) provides direction on managing growth in the Greater Toronto and Hamilton Area. It directs growth to existing built-up areas through intensification, including the redevelopment of brownfields and greyfield sites (2.2.2.4), and encourages the development of complete communities with a diverse mix of land uses and a range of and mix of employment types (2.2.1.4). The Growth Plan also promotes economic development and competitiveness by providing for an appropriate mix of employment uses, including industrial, commercial and institutional uses, and providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and retain and attract investment and employment (2.2.5.1). The Growth Plan defines Employment Area as "areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

Although the Growth Plan supports business and economic activities, which would include creative cultural activities, it is silent on specific cultural industries that are not specifically a manufacturing or office use. However, it could be interpreted that any creative cultural activity

that comprises processing, assembly, production, or office would be considered a component of Employment Areas. One aspect that must be determined is whether related activities such as performances, art displays, fashion shows, festivals or schools are an ancillary facility or activity permitted in an Employment Area.

2.3 CITY OF HAMILTON OFFICIAL PLAN, 2015

The City of Hamilton has established guiding principles, directions, and policies in the Urban Hamilton Official Plan (UHOP) to promote development within the urban area. The UHOP is guided by seven principles (A1.4), four of which are relevant to the promotion of the creative cultural industries, including:

1. Compact and healthy urban communities that provide opportunities to live, work, play, and learn;
2. A growing, strong, prosperous and diverse economy;
3. Financial stability; and
4. Strategic and wise use of infrastructure services and existing built environment.

The UHOP recognizes that creative cultural industries will help achieve these principles. Creative cultural industries are a vital part of health communities, because they provide entertainment and goods for residents and visitors as well as livable wage jobs. By promoting these industries, Hamilton is diversifying its economy. Furthermore, by supporting the development of creative cultural industries through infill, redevelopment, or adaptive reuse, existing built space and infrastructure will be effectively utilized.

The UHOP also establishes nine directions to guide development (A2.1), four of which are relevant to the promotion of creative cultural industries:

- Direction #1 Encourage a compatible mix of uses in neighbourhoods that provide opportunities to live, work, and play;
- Direction #2 Concentrate new development within existing built-up areas and within a firm urban boundary;
- Direction #5 Retain and attract jobs in Hamilton's strength areas and in targeted new sectors; and
- Direction #7 Maximize the use of existing buildings, infrastructure and vacant or abandoned land.

Similar to the Provincial Policy Statement and the Growth Plan, the UHOP directs communities to provide a range of employment opportunities and the intensification and/or redevelopment of areas within existing built-up area, such as industrial and institutional sites. Directive 5 explicitly seeks to retain and attract jobs in targeted new sectors, which the Economic Development Strategy identified to include the creative cultural industry. An in-depth review of specific Official Plan policies and Zoning By-law regulations are presented in Section 4.

3 REVIEW OF BEST PRACTICES

Cities were considered for the best practice review based on their status as cultural cities, particularly regarding music and performing arts, film, fashion, and digital media. Through reviewing cities in close proximity to the City of Hamilton and various cultural city rankings across North America, eight cities were selected: Toronto, St. Catharines, Vancouver, Victoria, Halifax, Austin, Nashville and Los Angeles. **Table 1** outlines the rationale for including each city and identifies the key creative cultural industries within each city (i.e. music & performing arts, film, fashion, and digital media).





Each city was then reviewed to determine what, if any, plans and strategies support and promote creative cultural industries. The Zoning By-laws for the most common and relevant industrial and institutional zones for each city were reviewed. Some zones were excluded from the review because they were specific to a particular land use, such as raw mineral extraction, radio transmitters, or hospitals, or were too minor or area specific in nature and therefore not city-wide.

Every city has strategies and plans that generally promote at least one of the four key creative cultural industries and most cities have at least one specific plan promoting a key creative cultural industry. This section will review the land uses listed in each city's Zoning By-law that are applicable to creative cultural industries.

Section 3 contains the best practice review for each city. Each city review begins with a brief review of the creative cultural status of the city and a review of the city's plans and strategies to support and promote creative cultural industries. Creative cultural related permitted uses and ancillary uses for the music & performing arts, film, fashion, and digital media industries are described and summarized in a table. The creative cultural related uses within industrial zones are described first and then the institutional zones. Various text boxes are also inserted to provide additional information on definitions, permits, and special provisions.

Appendix 3 contains a list of definitions for each creative cultural related use from the various by-laws that are permitted within industrial or institutional zones.

Table 1: List of Cities Reviewed and their Key Creative Cultural Industries

City	Rationale	Key Creative Cultural Industries			
					
Toronto, Ontario	Toronto has a well-established film and music presence in Canada and abroad, holds the most high-tech jobs in Canada, and is Hamilton’s largest local competition for creative individuals and businesses.	✓	✓		✓
St. Catharines, Ontario	St. Catharines has recently perused revitalizing the downtown area with the First Ontario Performing Arts Centre. It is also local competition with Hamilton for creative individuals and businesses.	✓			
Vancouver, British Columbia	Vancouver is Canada’s top film location and has the second most high-tech jobs. It is also a hub for music and fashion design.	✓	✓	✓	✓
Victoria, British Columbia	Victoria has a thriving music scene.	✓			
Halifax, Nova Scotia	Halifax is a music hub and also has a relatively large film presence.	✓	✓		
Austin, Texas	Austin is the music capital of the United States and has a growing “wearable technology” sector.	✓		✓	
Nashville, Tennessee	Nashville is widely known as a music city and has the highest density of music industry activity in the United States.	✓	✓		
Los Angeles, California	Los Angeles has one of the large film industries in the world. It is also a leading city in fashion and digital media.	✓		✓	✓

3.1 TORONTO, ONTARIO

The City of Toronto identifies itself as one of the most culturally open and best educated communities in the world.¹ The City employs over a third of all the cultural workers in Ontario.² Within Toronto, the cultural sector employs approximately 190,000 people or 14% of the City's workforce³ and generates about \$9 billion a year towards Canada's gross domestic product.⁴ According to Invest Toronto, Toronto is a global leader in the film and music industries.⁵ The City boasts over 18,500 musicians alone from over 150 countries, which can perform at over 540 live music venues and 75 core music festivals.⁶

3.1.1 Creative Cultural Industry Strategies & Plans

The City's Strategic Action Plan, 2013-2018 outlines a strategic action to "Invest in Culture." This action includes implementing the Arts and Culture Strategic Plan to "create a more vibrant cultural sector to increase employment in the arts, to improve the livability of the City and to make Toronto a larger presence on the world stage." A more vibrant cultural sector will be achieved by "supporting the development of creative clusters and emerging cultural scenes to foster job creation and economic growth" and "committing to the sustainment of Toronto's cultural sector, and its leadership as a global creative capital."

Toronto's Creative Capital Gains: An Action Plan for Toronto provides recommendations to improve creative cultural industries within the city. Key action items include:

- Protect industrial and commercial spaces for cultural industries by developing stronger policies during the review of the City's Official Plan as well as during the review of site-specific re-zoning applications;
- Review existing permit process for events to explore ways to streamline the process and make it more user-friendly for arts organizations, notably those that are youth-led;
- Develop a one-window online portal for event organizers to streamline the process for permits and services; and
- Promote and foster Toronto's screen-based, digital media, and music clusters.

The City of Toronto has also created strategic plans for their music and screen-based industries. Toronto's Music Strategy, 2016 establishes six major strategic areas, two of which are relevant to this report. The plan recommends supporting an environment friendly to music creators by, among others, providing affordable rehearsal and performance space. The plans also recommends that the City encourage the music industry by (1) considering the needs of the music community when updating or implementing new by-laws and regulations; (2) working to streamline regulations and permit processes, removing unnecessary bureaucracy, such as noise regulations, and valuing pre-existing music venues when development occurs nearby; and (3) acknowledging the need for

¹ City of Toronto, 2003

² Statistics Canada, 2001 Census

³ Statistics Canada, 2001 Census

⁴ Statistics Canada, 2001 Census

⁵ Invest Toronto, 2015.

⁶ Toronto Music Advisory Council, 2016.

musician loading zones within 100 feet of the entrance to major music venues located downtown in congested areas.

Toronto's screen-based industry peaked in 2000 and has since declined. In 2007, Toronto produced a strategic plan to reinvigorate the industry. The plan calls for policies and programs to be designed and aligned to support the enhanced sustainability of Toronto as the national centre of screen-based industry excellence, as well as using planning tools and incentives to lure dedicated studio developments. The plan also recommends securing Toronto's industrial lands for screen-based businesses

3.1.2 Industrial Zones

The City of Toronto's Zoning By-law 569-2013 establishes four industrial zones: Employment Light Industrial (EL), Employment Industrial (E), Employment Heavy Industrial (EH) and Employment Industrial Office (EO). The Employment Industrial Office zone is further divided between employment industrial uses (EO-e) and office or non-employment industrial uses (EO-o).

Music and Performing Arts

"Manufacturing use," which is broadly defined as "fabricating, processing, assembling, packaging, producing or making goods or commodities," is permitted in the Industrial Employment and Heavy Industrial zones (**Table 2**). Therefore, a wide range of music production is implicitly permitted within these two zones.

"Performing arts studios," for the rehearsal of performing arts, and "production studios," for the production of music, film, and live broadcasts (see **Definition Box 1**), are permitted in every industrial zone, except the Employment Heavy Industrial zone (**Table 2**).

"Places of assembly," which are defined broadly, are permitted in the Employment Industrial Office (EO-o) zone on lots with a floor space index of 2.0 or greater (**Table 2**).

However, an "entertainment place of assembly," which is defined as a premise "used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet," is not permitted in any industrial zone.

"Educational use" is defined broadly as a use for education or training purposes other than post-secondary schools, schools regulated under the Education Act, or religious schools, and therefore it would implicitly include music, performing arts, acting, and fashion schools. Educational uses are permitted in specific areas of the Employment Industrial Office zone (EO-o) (**Table 2**). Educational use is also permitted in the Light Industrial zone, but is restricted to technical and trade training and to a specific floor area.

Definition Box 1:

Performing Arts versus Production Studios – Toronto

Performing Arts Studio	means premises used for the rehearsal of performing arts, such as music, dance or theatre
Production Studio	means premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a production studio
Place of Assembly	means a premise used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purpose
Entertainment Place of Assembly	means premises used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet. An adult entertainment use, an eating establishment, a cabaret, or a nightclub is not an entertainment place of assembly

* Definitions may be condensed to highlight aspects related to creative cultural industries. See Appendix 3 for a full list of creative cultural use definitions

Film

On-site filming is permitted in any zone in Toronto, but a Filming Permit must be obtained from the Toronto Film, Television and Digital Media Office (**Table 2**) (see **Permit Box 1**).

Manufacturing, which is broadly defined, can be interpreted to implicitly permit a wide range of film production in two of the zones (**Table 2**).

Permit Box 1:

Filming Permit – Toronto

On-site filming is permitted in any zone in Toronto; however, a Filming Permit must be obtained from the Toronto Film, Television and Digital Media Office. The permit covers issues including insurance, traffic, parking for production vehicles only, removal of streetscape features, emergency services, and clean-up.

Fashion

“Apparel and textile manufacturing” is explicitly permitted within the Employment Industrial Office (EO-e) zone, employment use area; however, the floor area is limited (**Table 2**). Apparel and textile manufacturing, as well as any other fashion related manufacturing, is also implicitly permitted in the Industrial Employment and Heavy Industrial zones (**Table 2**), through the broad definition of manufacturing use.

Digital Media

“Computers, communications, electronics, or optical media manufacturing” is explicitly permitted within the Employment Industrial Office (EO-e); however, the floor area is limited (**Table 2**). “Software development and processing” is explicitly permitted within the employment uses area

of the Employment Industrial Office (EO-e) zone, as well as the Employment Light Industrial zone up to a specified floor area (**Table 2**).

Table 2: Toronto – Specific Creative Cultural Uses in Industrial Zones

Specific Creative Cultural Uses	EL	E	EH	EO	
				e	o
Studio, Performing Arts	✓	✓			✓
Studio, Production	✓	✓		✓	
Place of Assembly					C (1)
Place of Assembly, Entertainment					
On-Site Filming	P	P	P	P	P
Manufacturing Use	C	✓	✓	C	
Metal Products Manufacturing	C (2)	✓	✓	C (2, 3)	
Plastic Products Manufacturing	C (2)	✓	✓	C (2, 3)	
Apparel & Textile Manufacturing		✓	✓	C (2, 3)	
Computer, Communications, Electronics, or Optical Media Manufacturing				C (2, 3)	
Software Development and Processing	C (2)			✓	
Educational Use	C (4)				✓
Printing Establishments	C (5)	✓		✓	

✓ Permitted use

C Conditionally permitted

X Prohibited uses

P Permit required

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

(1) Most be located on a lot with a permitted floor space index of 2.0 or greater

(2) Interior floor area of the manufacturing use may not exceed 5,000m²

(3) Interior floor area of the manufacturing use may not exceed the floor space index as state on the zoning by-law map for a specific site

(4) Must be for technical or trade skill development and the total interior floor space used for educational use may not exceed the lesser of a floor space index of 0.5 or the permitted maximum floor space index of the site

(5) Interior floor area must not exceed 5,000m²

Supportive Uses

Any use that is “ancillary” to the primary use is permitted. “Retail stores” are explicitly permitted as an ancillary use in the Light Industrial and Employment Industrial Office (EO-o) zones, but with a limited floor area, and if the retail space is located within the building as the manufacturing use, the manufacturing area must be separated by a floor to ceiling wall which prohibits public access from the retail space (**Table 3**). However, since ancillary retail is not permitted in the same zones as the manufacturing of apparel and textile, ancillary retail of apparel and textiles is not permitted. “Retail services” are also permitted in Light Industrial and Employment Industrial Office (EO-e) zones, but are limited in size.

Offices are permitted by right in every industrial zone, except the Employment Industrial Office (EO-o) and the Employment Heavy Industrial zones (**Table 3**).

Table 3: Toronto – Supportive Uses in Industrial Zones

Supportive Uses	EL	E	EH	EO	
				e	o
Retail Store	A (1, 3)				A (1, 3)
Retail Service		✓ (3)		✓ (3)	
Offices	✓	✓			✓
Ancillary	✓	✓	✓	✓	✓

✓ Permitted use

C Conditionally Permitted

A Permitted as an ancillary use

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

- (1) Must be an ancillary use to a permitted industrial use and if the retail space is located with the manufacturing building the manufacturing area must be separated by a floor to ceiling wall
- (2) The total interior floor area of the retail use (including eating establishments and take-out establishments) may not exceed 20% of the gross floor area of the permitted manufacturing use
- (3) Interior floor area must not exceed the greater of 300m² or 10% of the gross floor area of the buildings on a lot to a maximum of 500m² but may not exceed 20% of the interior floor area of the manufacturing use

3.1.3 Institutional Zones

The City of Toronto has five institutional zones. Uses in the Institutional Hospital (IH) and Institutional School (ES) zones are restricted to uses directly related to hospitals and public or private schools respectively and are, therefore, excluded from any further review. The remaining three institutional zones are more permissive and are reviewed in more detail. These include the Institutional General (I), Institutional Education (IE) and Institutional Place of Worship (IPW) zones.

Music & Performing Arts

“Production studios” and “performing arts studios” are only permitted in the Institutional Education zone (**Table 4**).

“Places of assembly,” which are defined broadly, are permitted in the Institutional Education zone and are conditionally permitted up to a specified floor area in the Institutional General and Institutional Place of Worship zones (**Table 4**). However, an “entertainment place of assembly,” which is defined as a premise “used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet,” is not permitted in any institutional zone.

“Clubs,” are defined as non-profit organization that maintain a formal membership, are used for social, cultural, charitable, or community service purposes, generally limit attendance to their meetings, and are not a community centre, are permitted within Institutional General and Institutional Education zones (**Table 4**).

“Community Centres,” which are defined as being “operated by the government or a non-profit organization and provide community activities such as arts, crafts, charitable, and educational activities,” are permitted within all three institutional zones, but with conditions on the location and floor area in the Institutional Educational and Institutional Place of Worship zones (**Table 4**).

Film

The only film related uses permitted in institutional zones is on-site filming, which is permitted through the provision of a Filming Permit (**Table 4**).

Table 4: Toronto – Specific Creative Cultural Uses in Institutional Zones

Specific Creative Cultural Uses	I	IE	IPW
Studio, Performing Arts		✓	
Studio, Production		✓	
Place of Assembly	C (1)	✓	C (2)
Place of Assembly, Entertainment			
Club	✓	✓	
Community Centres	✓	C (3)	C (4)
On-Site Filming	P	P	P

✓ Permitted use

C Conditionally permitted

P Permit required

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

- (1) The interior floor area must not exceed 4,000m² or 75% of the area of the lot covered by all buildings on the lot
- (2) Must be located on a lot with a minimum floor space index value of 6.0 or greater
- (3) The gross floor must not exceed 5,000m²
- (4) Must be located on a lot that fronts a “Major Street” as defined by the City of Toronto and the gross floor area must not exceed 1,500m²

Supportive Uses

“Retail stores” are explicitly permitted within the Institutional General and Institutional Educational zones; however, their size is limited to between approximately 25m² to 500m² (**Table 5**).

“Offices” are generally not permitted in any institutional zone, unless they are associated with a secondary school, a hospital, or is a medical office (**Table 5**).

Table 5: Toronto – Supportive Uses in Institutional Zones

Supportive Uses	I	IE	IPW
Retail Store	C (1)	C (2)	A (3)
Office	C (4)	C (4)	C (4)
Ancillary	✓	✓	✓

- ✓ Permitted use
- C Permitted as a conditional use
- A Permitted as an ancillary use
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) The interior floor area of a retail space must not exceed to 465m² and the combined interior floor area used for retail, as well as eating establishments and take-out eating establishments, may not exceed 0.3 times the lot area
- (2) The interior floor area of a retail space must not exceed to 500m²
- (3) Must be associated with a place of worship
- (4) Must be associated with a secondary school, hospital, or medical office

3.2 ST. CATHARINES, ONTARIO

Over the past 12 years, the City of St. Catharines has promoted and supported its cultural sector.⁷ In 2008, the City Council committed to investing in the Performing Arts Centre in cooperation with Brock University, which opened in 2015.⁸

3.2.1 Creative Cultural Industry Strategies & Plans

St. Catharines' Strategic Plan, 2025 establishes goals and actions to become more economically, socially, environmentally, and culturally sustainable. Goals and actions related to creative cultural industries are focused on the pillar of cultural sustainability and include, among others:

- Embrace our diversity and celebrate our heritage and history by:
 - Prioritizing and implementing recommendations from the City's Cultural Plan;
- Increase support for the creative sector by:
 - Supporting interactive digital media, cultural infrastructure and capacity-building in the arts sector to encourage job creation, support cultural tourism and engage residents in cultural experiences; and
 - Completing the implementation and update of the Creative Cluster Master Plan; and
- Support cultural festivals and events.

The Cultural Plan 2020 establishes seven priorities to “leverage the opportunities culture offers the City of St. Catharines and its community partners.” Relevant priorities include:

- Cultivate the growth and development of the creative sector by, among others:
 - Evaluating the availability of sufficient and appropriate facilities for arts development and presentation, taking into consideration the future changes in downtown and their potential effect on pre-existing artist studios and shared creative spaces;
- Leverage culture to strengthen St. Catharines' distinct sense of place and community by, among others:
 - Fostering an environment to attract cultural and creative sector workers and businesses to St. Catharines and develop strategies for the development of creative mixed use spaces.

The Creative Clusters Master Plan seeks to revitalize downtown St. Catharines. The plan recommends a short-term objective to revise the Industrial and Mixed Industrial-Commercial designations in the Official Plan so that future professional service and office uses will be directed towards the downtown. The plan also calls for a revision of the permitted uses within the Downtown land use designations to reflect the office uses permitted by the Industrial and Mixed Industrial-Commercial designations. As a long-term object, the City will seek to attract more high-tech industries into the downtown and continue to shape St. Catharines as the Region's high-tech centre.

3.2.2 Industrial Zones

The City of St. Catharines' Zoning By-law 2013-283 establishes two relevant industrial related zones: Business Commercial Employment (E1) and General Employment (E2). The Agricultural

⁷ City of St. Catharines, (n.d).

⁸ City of St. Catharines, (n.d).

Commercial/Industrial (A3) zone was not reviewed since the permitted uses within the zone are restricted to agriculturally-related uses.

Creative Cultural Specific Uses

“Places of assembly,” which are broadly defined, are permitted in the Business Commercial Employment zone (E1) (**Table 6**).

“Light industry,” which is broadly defined as manufacturing, processing, assembly, or packaging of finished or previously prepared goods, repair and servicing, and storage supply and warehousing, is permitted in both Employment zones (**Table 6**). Therefore, a wide range of creative cultural production is implicitly permitted.

However, the industrial zones contain no explicit permissions for creative cultural industries.

Table 6: St. Catharines – Creative Cultural Uses in Industrial Zones

Creative Cultural Use	E1	E2
Place of Assembly / Banquet Hall	✓	
Industry, Light	✓	✓
Industry, Heavy		✓

✓ Permitted use

Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

Supportive Uses

“Retail stores” and “ancillary retail sales / display of products” are permitted as an ancillary use in both industrial zones (**Table 7**). “Offices” are permitted by right in the Business Commercial Employment (E1) zone, but is limited in floor area, while offices are only permitted in the General Employment zones as an ancillary use (**Table 7**).

Table 7: St. Catharines – Creative Cultural Uses in Industrial Zones

Supportive Use	E1	E2
Retail Store	A	A
Ancillary Retail Sales / Display of Products	✓	✓
Office	✓ (1)	A

✓ Permitted use

A Permitted as an ancillary use

Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

(1) Office is permitted to a maximum of 10,000m² gross lettable floor area

3.2.3 Institutional Zones

The City of St. Catharines has three institutional zones: Local Neighbourhood Institutional (I1), Community Institutional (I2) and Major Institutional (I3).

“Cultural facilities,” which are defined as “premises used for the purposes of educational entertainment including but not limited to museums, libraries, art galleries and community centres, and may include ancillary office, restaurant, retail and service commercial uses,” are also permitted in every institutional zone (**Table 8**). Office and retail, which are accessory to the primary use, are also permitted in every zone (**Table 8**).

“Places of assembly,” which are defined as “a room or rooms to accommodate gatherings of people for events including but not limited to trade shows,” among others, are permitted in the Community Institutional zone and as an accessory use in the Major Institutional zone.

Table 8: St. Catharines – Creative Cultural Uses in Institutional Zones

Specific Creative Cultural Use	I1	I2	I3
Cultural Facilities	✓	✓	✓
Retail Store	A (1)	A (1)	A (1)
Office	A (1)	A (1)	A (1)
Place of Assembly		✓	A

✓ Permitted use

A Permitted as an accessory use

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

(1) Only offices that are ancillary to a cultural facility is permitted

3.3 VANCOUVER, BRITISH COLUMBIA

Vancouver was designated the Cultural Capital of Canada in 2011.⁹ The creative sector in Metro Vancouver contributes \$5.24 billion to Canada's gross domestic product, which is 2.9% of British Columbia's provincial gross domestic product.¹⁰ The City contains approximate 8,200 artists, Canada's highest concentration of artists per capita¹¹ and 400 arts and cultural non-profit organizations.¹² The City has 6,400 arts and cultural events and performances which draw over 5 million people in attendance.¹³ To support the industry, the City has 131 artist studios and workshops and 26 media studios.¹⁴

3.3.1 Creative Cultural Industry Strategies & Plans

Vancouver's Economic Action Strategy, 2011 establishes a number of actions that promote creative cultural industries. These include:

- Identify and target sectors that require unique spaces and locations to prosper, and work with partners to produce them;
- Implement an expanded creative economy strategy that targets media studio growth in pre-production, production and post-production; and
- Explore other creative sub-clusters such as eco-apparel, recreation-apparel and lever opportunities for sector collaboration.

The City of Vancouver's Cultural Plan, 2008-2018, however, almost exclusively speaks to the promotion of and access to cultural experience and investing in publicly owned cultural facilities and says little about supporting and providing spaces for artist, performers, and actors.

The City of Vancouver also produced a Digital Strategy, 2003. The strategy includes the digital economy as one of the four pillars of a digitally connected city. Relevant goals and related strategies for Vancouver's digital economy include:

- Develop, attract and retain talent and business in the digital sector;
- Create a favourable regulatory environment that supports digital business opportunities by:
 - reviewing zoning bylaws to remove or minimize impediments to digital clusters districts;
- Encourage innovation through expanded support for the digital community and open government.

3.3.2 Industrial Districts

Like many cities in British Columbia, the City of Vancouver's Zoning and Development By-law 16-01 established geographic districts rather than land use zoning that cities in Ontario use.

⁹ Vancouver Economic Commission, 2011.

¹⁰ Statistics Canada, 2009

¹¹ Hill Strategies

¹² City of Vancouver Cultural Asset List 2012.

¹³ Canada Arts Database.

¹⁴ City of Vancouver Cultural Asset List 2012.

Therefore, within a single district a wide range of permitted uses are permitted to satisfy the needs of the area or neighbourhood.

The City of Vancouver has ten industrial districts, two of which are combined for their permitted uses. The industrial districts include: I-1 (light industrial); I-2 (general industrial), I-3 (high technology industrial); IC-1 & IC-2 (major street-mixed industrial); IC-3 (light industrial with live arts, theater, and residential uses); M-1, M-1A, and M-1B (light manufacturing); and M-2 (general manufacturing).

Music & Performing Arts

The City of Vancouver divides artist studios into two groups: “Artist Studio – Class A” and “Artist Studio – Class B.” “Artist Studio – Class A” is space for the production of music and performing arts, but excludes the use of amplification, film processing, or toxic materials. “Artist Studios – Class B” permits amplification, film processing, and toxic materials (see **Definition Box 2** for more detail). “Artist Studio – Class A” are permitted in every industrial district, except for one light manufacturing district where they are conditionally permitted (**Table 9**) (see **Special Provision Process Box 1**). “Artist Studio – Class B” are permitted in the general manufacturing and light industry districts and conditionally permitted in every other industrial district.

“Production or rehearsal studios” which are defined as spaces for the production or rehearsal of various creative cultural uses that do not involve the presence of an audience (see **Definition Box 2** for more detail), are permitted within every industrial district, except for one light industrial district where they are conditionally permitted (**Table 9**).

“Theaters” are only permitted in the one light industrial district and are conditionally permitted in two of the light manufacturing districts and a light industry district (**Table 9**) (see **Definition Box 2**). “Arts and cultural indoor events” are permitted in every industrial district, except in a light manufacturing district where they are conditionally permitted (**Table 9**). Arts and cultural indoor events, which are defined as visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, which occurs not more than three days per month in a building, are permitted in every industrial district except a light manufacturing district (see **Definition Box 2**).

“Clubs” and “community centers” are permitted within all four “industrial” districts (see **Definition Box 2**).

Definition Box 2:

Studios & Venues for Creative Cultural Events - Vancouver

Artist Studio – Class A	means the use of premises for the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, none of which involves amplified sound or one or more of the materials or processes specified under Artist Studio - Class B
Artist Studio – Class B	means the use of premises for the production of (a) dance or live music involving electronically amplified sound, (b) moving or still photography (excluding video) involving on-site film processing, (c) paintings, drawings, pottery or sculpture involving the use of fibreglass, epoxy and other toxic or hazardous materials or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics.
Production or Rehearsal Studio	means the use of premises for the production of motion pictures, videos, television or radio programs or sound recordings or for the rehearsal of dance, music or drama, but does not involve the presence of an audience and does not include Artist Studio - Class A, Artist Studio - Class B or Theatre
Theatre	means a facility for performing arts, motion pictures, other media arts or presentations before a live audience, excluding cabaret
Arts and Culture Indoor Event	means an event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, which occurs not more than three days per month in a building
Arts and Culture Outdoor Event	undefined
Club	means the use of premises by a non-profit society, association or corporation organized solely for the promotion of some common object and which is operated for club members and their guests only, but does not include Church, Hospital, Social Service Centre, Community Care Facility and Group Residence or premises used for residential or administrative purposes
Community Centre	undefined

* See Appendix 3 for a full list of creative cultural use definitions

Special Provisional Process Box 1:

Conditional Use – Vancouver

The City of Vancouver conditional permits numerous uses in each district. Unless otherwise stated in this report, the City of Vancouver’s conditional approval is based on the Development Permit Board’s approval which considers the intent of the Zoning By-law and all applicable policies, the submissions of any advisory group, property owner, or tenant, and the prohibition of bulk storage of restricted substances and materials.

“Photofinishing and photography studio” and “photofinishing and photography laboratories” are permitted in most industrial district, except for a few districts where they are conditionally permitted (**Table 9**) (see **Definition Box 3** and **Special Provisional Process Box 1**).

Various types of educational uses are permitted in the industrial districts, including “arts and self-improvement schools” and “vocational and trade schools” (**Table 9**) (see **Definition Box 4**). Arts and self-improvement schools are permitted in the major street industrial district, and are conditionally permitted in most other districts. Vocational or trade schools are permitted in the most industrial districts, and conditional permitted in the remaining industrial district.

The manufacturing of musical instruments is included in the definition of “Miscellaneous Products – Class B,” and are therefore permitted to be manufactured in every industrial district, except for a light manufacturing districts where they are conditionally permitted (**Table 9**).

Definition Box 3:

Photofinishing and Photography - Vancouver

Studio, photofinishing and photography	means the use of premises with a maximum floor area of 300 m ² for photofinishing or portrait photography
Laboratories, photofinishing and photography	means the use of premises for photofinishing or photography but does not include Photofinishing or Photography Studio

* Definitions may be condensed to highlight aspects related to creative cultural industries. See Appendix 3 for a full list of creative cultural use definitions

Definition Box 4:

Creative Cultural Schools - Vancouver

School, Arts and Self Improvement	means the use of premises for training or instruction other than as included in any other use in this By-law, including, but not limited to, training or instruction in drama, music, art, driving, cooking, sewing, language, or similar forms of self-improvement
Schools, Vocational and Trade	means the use of premises for training or instruction in particular vocations or trades, including, but not limited to, barbering, beauty culture, hairdressing, broadcasting, charm or modelling, salesmanship in a particular vocation or other trade or technical occupations or vocations, but does not include School - Elementary or Secondary or School - University or College

* Definitions may be condensed to highlight aspects related to creative cultural industries. See Appendix 3 for a full list of creative cultural use definitions

Fashion

The City of Vancouver explicitly permits a wide range of fashion related manufacturing including clothing, shoes and boots, textiles and knitted goods, leather products, and jewelry in most of the industrial districts (**Table 9**). **Table 9** lists which districts permit each type of fashion related manufacturing.

The sale of fashion articles may be conditionally permitted at farmers’ markets in every industrial district, only if they are included as an artisan craft (**Table 9**).

Digital Media

“Software manufacturing” and “electrical products or appliance manufacturing” are permitted in every industrial district, except the M-1A district (**Table 9**).

Table 9: Vancouver – Specific Creative Cultural Uses in Industrial Districts

Specific Creative Cultural Use	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3
Artist Studio – Class A (1)	✓	C	✓	✓	✓	✓	✓	✓	✓
Artist Studio – Class B (1)	C	C	C	✓	C	C	C	✓	C
Studio, Production or Rehearsal	✓	C	✓	✓	✓	✓	✓	✓	✓
Theater	C	C				✓	C		
Arts & Cultural Indoor Event	✓	C	✓	✓	✓	✓	✓	✓	✓
Club					C	✓	✓		
Community Centre		C				C			C
School, Art or Self-Improvement	C	C			✓	C	C		C
School, Vocational or Trade	✓	C	C	✓	✓	✓	✓	✓	C
Manufacturing, Miscellaneous Products – Class B (musical instruments)	✓	C	✓	✓	✓	✓	✓	✓	✓
Farmers’ Market (2)	C	C	C	C	C	C	C	C	C
Manufacturing, Clothing	✓	C	✓	✓	✓	✓	✓	✓	C
Manufacturing, Jewelry		C	✓	✓	✓	✓	✓	✓	C
Manufacturing, Leather Products	✓	C	✓	✓	✓	✓	✓	✓	C
Manufacturing, Shoes or Boots	✓	C	✓	✓	✓	✓	✓	✓	C
Manufacturing, Textiles or Knit Goods	✓	C	✓ (3)	✓	C	C		✓	C
Manufacturing, Software	✓	C	✓	✓	✓	✓	✓	✓	✓
Manufacturing, Electrical and Appliance Products	✓	C	✓	✓	✓	✓	✓	✓	✓

Specific Creative Cultural Use	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3
Studio, Photofinishing or Photography	C	C	✓	C	✓	✓	✓	✓	✓
Laboratories, Photofinishing or Photography	✓	C	✓	C	✓	✓	✓	✓	✓
Printing or Publishing	✓	✓	✓	✓	✓	✓	✓	✓	✓
Storage Warehousing	✓	C	C	✓	✓	✓	✓	✓	

✓ Permitted use

C Conditionally permitted

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

(1) Additional conditions apply to studios in relation to residential uses within industrial districts

(2) Subject to additional regulations governing farmers market

(3) Permitted on sites not less than 61.0 m. from any residential district, conditionally permitted if within 61.0 m. of any residential district.

Supportive Uses

Accessory uses are permitted in every industrial district; however, the floor area is limited and, if the accessory use is for retail, the retail space must be separated from the manufacturing use by a floor to ceiling wall that prevents access from the retail to the manufacturing space (**Table 10**).

“Retail store” are permitted in the major street-mixed industrial district and conditionally approved in three light manufacturing districts (**Table 10**); however, only retail as an accessory use is conditionally permitted in the two more districts (see **Special Provisional Process Box 1**). Retail in another light industrial district is restricted to the sale of art and handcrafted products only.

General “office” uses within industrial districts are permitted by right in the major street-mixed industrial districts and conditionally in all other districts. Office for advertising and ticketing agency among others are prohibited within most industrial districts, while only information technology offices are permitted within a light industrial district.

“Barber shop and beauty salons” are only conditionally permitted in a light manufacturing district and light industry district (**Table 10**) (see **Special Provisional Process Box 1**).

“Catering establishments” are permitted in every industrial district, except for the two of the light industrial districts where they are conditionally permitted (**Table 10**).

Table 10: Vancouver – Supportive Uses in Industrial Districts

Supportive Uses	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3
Retail Store	C	C		A	✓	C (1)		A	
Office	C	C	C (2)	C (2)	✓	C (2)	C	C (2)	✓ (3)
Barber Shop or Beauty Salon		C					C		
Catering Establishment	✓	C	✓	✓	✓	✓	✓	✓	C
Accessory Use	✓ (4, 6)	✓	✓ (5, 6)	✓ (4, 6)	✓ (4, 6)	✓ (4, 6)	✓ (4, 6)	✓ (4, 6)	✓ (4, 6)

- ✓ Permitted use
- C Conditionally permitted
- A Permitted as an accessory use
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Retail of art and handcrafted products only
- (2) Office use conditionally permitted, except for the office of advertising and ticketing agencies
- (3) Only information technology offices are permitted
- (4) The total floor area of an accessory must not exceed one-third of the gross floor area of the principal and accessory uses combined
- (5) The total floor area of an accessory must not exceed 25% of the gross floor area of the principal and accessory uses combined
- (6) The floor for retail use must be separated from all other uses by a wall which prevents access to all other uses

3.3.3 Institutional Uses

Various institutional uses are permitted within each district, including industrial districts. However, no institutional use, as defined by the Zoning and Development By-law, is explicitly related to creative cultural industries.

3.4 VICTORIA, BRITISH COLUMBIA

The creative cultural industry in Victoria employs approximately 4,700 people in Greater Victoria in 2013 or 4.8% of the City's workforce, which is higher than the national rates in 2013.¹⁵ The City boasts 122 arts organizations.¹⁶ In 2014, Victoria had 25 film and media production that generated \$8 million.¹⁷ In 2012, \$68 million was spent in the City for pre- and post-event spending for performing arts events; \$17 million was generated in property taxes, and almost \$140 million in economic activity was generated.¹⁸

3.4.1 Creative Cultural Industry Strategies & Plans

The City of Victoria's Strategy Plan, 2015-2018 establishes 13 objectives, including an objective to nurture the arts culture and learning capital. This objective, however, only contains outcomes and actions to financially support the arts and the creation of an Arts and Cultural Master Plan (underway at the time of this report).

The City of Victoria's Economic Action Plan envisions a Victoria where "artists and culture creators are featured in more shows, concerts, and other events and venues that attract a rich and diverse local and tourist audience." To achieve this vision, the plan establishes six key sectors: advanced education and research and development, ocean and marine sector experiential tourism, government, technology, and entrepreneurship, start-ups and social enterprise. While the creative cultural industry is not one of them, the technology sector could provide an avenue for the digital media industry to flourish. More broadly, the plan states that the arts and culture will be stimulated through the success of the key sectors. To this end, the plan establishes an increase in arts and culture offerings and products as a measure of success for the plan.

3.4.2 Industrial Districts

Similar to City of Vancouver, the City Victoria Zoning By-law 80-159 uses geographic districts to manage land use. The City of Victoria's four common industrial districts were reviewed, including the Limited Light Industrial (M-1), Light Industrial (M-2), Douglas-Blanshard Industrial (M2-1), and Heavy Industrial (M-3) districts.

Creative Cultural Uses

A number of permitted uses implicitly permit creative cultural activities. "Clubs," which are simply defined as "social or recreational clubs," are permitted in most industrial districts (**Table 11**). "Schools, including trade schools" are permitted in most industrial districts (**Table 11**).

"High tech" uses are permitted within two of the industrial districts (**Table 11**) (see **Definition Box 5**).

"Light Industry, including manufacturing, processing, assembly, testing, servicing and repair" is permitted in the Light Industrial zone, therefore a wide range of creative cultural production would be implicitly permitted (**Table 11**).

¹⁵ Victoria Foundation, 2016.

¹⁶ Victoria Foundation, 2016.

¹⁷ Victoria Foundation, 2014.

¹⁸ Victoria Foundation, 2013.

The manufacturing of dye stuffs and wool are explicitly permitted in the Heavy Industrial District, while dye works are explicitly permitted in most industrial districts (**Table 11**).

Definition Box 5:
High Tech – Victoria

High Tech	means the design, research, manufacture, testing, and servicing of commercial products, including computer software and hardware, in the fields of electronics, telecommunications, engineering, robotics, bio-technology, health care, and related industries
-----------	--

* See Appendix 3 for a full list of creative cultural use definitions

Table 11: Victoria – Specific Creative Cultural Uses in Common Industrial Districts

Specific Creative Cultural Uses	M-1	M-2	M2-1	M-3
Club	✓	✓		✓
Schools, including trade schools	✓	✓		✓
Dye Works	✓	✓		✓
Manufacturing of Dye Stuffs				✓
Manufacturing of Wool				✓
Light Industry, including manufacturing, processing, assembly, testing, servicing and repair		✓		
High Tech	✓		✓	
Printing and Publishing	✓	✓		✓
Warehouses	✓	✓		✓

✓ Permitted use

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

Supportive Uses

Retail use that is accessory to manufacturing, cleaning, storing, or otherwise handling products, is permitted in all common industrial districts, but the floor area is limited (**Table 12**).

Within the Limited Light Industrial (M-1) District, offices for professional services are permitted by right, while all other types of offices are permitted as an accessory use but only if the total floor area does not occupy more floor area than the principal use (**Table 12**). No office use is permitted in the other three industrial districts.

Table 12: Victoria – Supportive Uses in Common Industrial Districts

Supportive Uses	M-1	M-2	M2-1	M-3
Accessory Use, Retail	A (1)	A (2)	A (1)	A (2)
Accessory Use, Office	A (1)			
Professional Services	✓			

- ✓ Permitted use
- A Permitted as an accessory use
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Must be incidental to or normally associated with a principal use of manufacturing, cleaning, storing, or otherwise handling products and the total floor space does not occupy more floor space than is occupied by the principal use
- (2) Must be incidental to or normally associated with a principal use of manufacturing, cleaning, storing, or otherwise handling products and the accessory use floor space does not exceed 25% of the total building area

3.4.3 Institutional Districts

The City of Victoria has three districts that are related to institutional uses, the Songhees Institutional District (SI), Public Buildings District (PB), and the Cathedral Hill Precinct (Public Buildings) (CHP-PB). It is important to note that within the Public Buildings District all buildings must be not for profit.

“Clubs” are only permitted in the Songhees Institutional (SI) District (**Table 13**). Public buildings, are defined as “being used for non-commercial purposes and include art and cultural exhibits, community centres, and schools,” are permitted in all three institutional related districts (**Table 13**).

“Public assemblies” and “cultural exhibits and activities,” neither of which are defined in the zoning by-law, are permitted in the Public Building (PB) District (**Table 13**). The Cathedral Hill Precinct (CHP-BP) also permits public assemblies only if the building is not-for-profit.

There are no other permitted uses, including supportive uses, that are related to creative cultural industries within any of institutional district.

Table 13: Victoria – Specific Creative Cultural Uses in Institutional Districts

Specific Creative Cultural Uses	SI	PB	CHP-BP
Club	✓		
Public Buildings	✓	✓	C (1)
Public Assemblies		✓	C (1)
Cultural Exhibits and Activities		✓	

- ✓ Permitted use
- C Conditionally permitted
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Must be not-for-profit

3.5 HALIFAX, NOVA SCOTIA

There are about 2,000 artists and 8,500 cultural workers in Halifax, and in 2011, 1,856 people graduated from arts programs.¹⁹ The combination of information, cultural industries, arts, entertainment, and recreation in Nova Scotia generated \$1.24 billion toward the Province's gross domestic product and is the third largest private sector in the province.²⁰

3.5.1 Creative Cultural Industry Strategies & Plans

The City of Halifax's Economic Action Plan, 2016 contains goals, objectives, and actions to direct economic development. While the plan provides guidance in developing the arts and culture, the focus is on increasing access to the arts and culture. Furthermore, their Cultural Plan from 2006 is only currently being updated. Overall, Halifax does not appear to be promoting creative cultural industries as much as other cities.

5.5.2 Industrial Zones

The City of Halifax's Land Use By-law Halifax Mainland Edition 183 establishes three industrial zones: General Industrial (I-1), Radio Transmitter (I-2), and another General Industrial (I-3) zones. The Radio Transmitter zones was not review because it is strictly limited to radio or television transmitter stations.

Halifax has the most permissive industrial zones of any city reviewed. The City permits any industrial use within both general industrial zones and any commercial use within the I-3 zone. The only exception is for uses that would cause a nuisance or hazard to the public and other uses unrelated to creative cultural industries. Therefore, while limited creative cultural uses are explicitly permitted, a wide range of creative cultural uses are implicitly permitted in both general industrial zones.

Creative Cultural Uses

The only related use that is explicitly permitted is a "community facility" in the I-1 zone (**Table 14**). Community facilities are defined as "owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall. A community facility may also include, in combination with offices or facilities of a non-profit organization, a store for the sale or provision of donated merchandise."

Motion picture theaters are explicitly permitted in the I-1 zone, and implicitly in in the I-3 zone under to provision for "any commercial use" (**Table 14**).

¹⁹ Nova Scotia, 2014.

²⁰ Nova Scotia, 2014.

Table 14: Halifax – Specific Creative Cultural Uses in Industrial Zones

Specific Creative Cultural Uses	I-1	I-3
Community Facility	✓	
Motion Picture Theater	✓	✓ (2)
Any Industrial Use (1)	✓	✓
Any Commercial Use (1)		✓

✓ Permitted use

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

- (1) Excluding for uses that would cause a nuisance or hazard to the public and a few uses unrelated to creative cultural industries
- (2) Implicitly permitted through the permission of any commercial uses

Supportive Uses

Since commercial uses are generally permitted within industrial zones, a wide range of supportive uses are implicitly permitted. “Retail stores,” “rental stores,” and “offices” are explicitly permitted in the I-1 zone (**Table 15**) and are implicitly permitted in the I-3 zone since “any industrial/commercial enterprise” is permitted, with a few exceptions that are unrelated to creative cultural industries (**Table 15**).

Personal services are explicitly permitted in the I-1 zone and implicitly in the I-3 zone, which permits “any commercial use” (**Table 15**).

Accessory uses to primary commercial uses are permitted in the I-1 zone (**Table 15**). However, while accessory uses are permitted in most other zones, they are excluded from the I-3 zone.

Table 15: Halifax – Supportive Uses in Industrial Zones

Supportive Uses	I-1	I-3
Retail Store	✓	✓ (1)
Rental Store	✓	✓ (1)
Offices	✓	✓ (1)
Personal Services	✓	✓ (1)
Accessory Use, to a Permitted Commercial Use	C	

✓ Permitted use

C Conditionally permitted

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

- (1) Implicitly permitted through the permitted use of any commercial use (see **Table 14**)

3.5.2 Institutional Zones

The City of Halifax has two institutional zones, Parks and Institutional (P) and High Density University (U-2). No U-1 zone exists. However, the High Density University zone only permits university uses and accessory uses, it is not included in the following review.

“Community facilities” are permitted in the Parks and Institutional zone (**Table 16**). Schools for music, performing arts, actors, fashion, and digital media are not explicitly permitted (**Table 16**); however, “a hospital, public school, university, monastery, church, library, court of law, or other institutional of a similar type, either public or private” is permitted in the Parks and Institutional zone, therefore creative cultural schools may be permitted under the umbrella of “other institutional” uses (**Table 16**).

Table 16: Halifax – Specific Creative Cultural and Supportive Uses in Institutional Zones

Specific Creative Cultural and Supportive Uses	P
Community Facilities	✓
A hospital, public school, university, monastery, church, library, court of law, or other institutional of a similar type, either public or private	✓
Accessory Uses	✓

✓ Permitted use

Bold Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

3.6 AUSTIN, TEXAS

Austin is undoubtedly one of the most creative cultural cities in the world, particularly in regards to music. The City has identified more than 100 live music venues, multiple music festivals, over 1,500 music-related businesses and nearly 2,000 music arts as well as 32 theater venues. The City also boasts a large theater community that produces original works.²¹ It also has a growing film industry and a thriving digital media industry.²² Collectively the creative cultural industry generates \$4.3 billion in economic activity; a third of which is generated through tourism.²³

3.6.1 Creative Cultural Industry Strategies & Plans

The City of Austin's Comprehensive Plan: Imagine Austin recognizes that the "live music and arts scene is a cornerstone of the City's identity." However, it also acknowledges that the industry struggles with affordable and appropriately-sized performance and practice space.

The City of Austin's Cultural Master Plan, 2009 lays the foundation for supporting and promoting culture through the following relevant recommendations:

- Encourage the development of affordable and accessible cultural space of all types of studios, spaces for performance, exhibit, instruction, storage, rehearsal, offices, incubator spaces;
- Work with the City, school districts, university and private sector to encourage more low cost access to space for organization or creative industry business offices, and space for rehearsal, studios, exhibits, and performances;
- Develop policies and incentives... to encourage the private sector to develop and/or make available low-cost space in new construction or current existing facilities to creative individuals and organizations for rehearsals, studios, performance, or exhibit spaces and offices; and
- Identify sources and provide support and policies so that cultural and creative organizations and individuals can develop their own spaces.

In 2016, the City of Austin conducted a Creative Sector Needs Assessment. From the assessment, access to affordable performance and studio space was identified as a key barrier and threat to Austin's creative cultural industry.

The City of Austin also completed Current Impact and Opportunities, 2015 assessment report for the fashion and apparel industries. The report established the following strategic initiative:

- A Fashion Incubator or Incubators
 - An organization, housed within an academic institution, would be the most successful type of fashion sector incubator for Austin
- Austin as a Center of Apparel-Related Wearable Technology
 - The recent merging of fashion, health, and digital technology to produce "connected fitness" clothing in Austin creates the optimal time for the City to act as a convening force to bring stakeholders together.

²¹ Imagine Austin, 2012

²² Imagine Austin, 2012

²³ Economic Impact of the Creative Sector, 2012

In 2016, the City of Austin also produced a Music and Creative Ecosystem: Stabilization Recommendations report. The report identified the following priority areas, with recommendations:

- Preserve and increase the supply of available space;
- New development near existing music venues should be responsible for sound mitigation measures, similar to new music venues being responsible to mitigate sound in order to maintain acceptable sound levels. These factors should be considered during planning, zoning, and permitting processes; and
- Expand locations for by-right creative space development.

3.6.2 Industrial Zones

The City of Austin's Land Development Code, Chapter 25-2 establishes four industrial, or industrial related zones, including: Industrial Park (IP), Major Industrial (MI), Light Industrial (LI) and Research and Development (R&D).

Creative Cultural Uses

"Light manufacturing" and "custom manufacturing" is permitted in every industrial zone (**Table 17**), therefore a wide range of creative cultural production is implicitly permitted.

"Community events" are permitted in every industrial zone, provided they are located on City-owned land and are within a specific area of the City (**Table 17**).

"Theatres," which are defined to include motion picture theaters, are permitted in every industrial and institutional zone (**Table 17**). "Indoor entertainment" use, which is defined as "a predominantly spectator use conducted within an enclosed building: and includes meeting halls and dance halls, is also permitted in every industrial and institutional zone (**Table 17**). "Outdoor entertainment," which are defined as "a predominantly spectator use conducted in open, partially enclosed, or screened facilities" are permitted by-right in the Research and Development zone, while in all other industrial zones a conditional use permit is required (**Table 17**) (see **Special Provisional Process Box 2**).

Special Provisional Process Box 2: **Conditional Use Permit – Austin**

The City of Austin applies land use condition in two ways. The first, is to apply additional conditions or restrictions to a particular use. The second, is through a Conditional Use Permit (CUP), which developers must apply for. The approval of a CUP is based on the proposed use's appropriateness, built form, and compatibility and impact on the surrounding environment. Regarding outdoor events specifically, the CUP can be used limit the number and length of events, how many events can be amplified, how many people it can accommodate, and the sound levels.

“Software development” is explicitly permitted in the Industrial Park, Major Industrial, and Light Industrial zones, but is surprisingly not permitted in the Research and Development zone (**Table 17**).

Table 17: Austin – Specific Creative Cultural Uses in Industrial and Institutional Zones

Specific Creative Cultural Uses	Industrial Zones				Institutional Zone
	IP	MI	LI	R&D	P
Community Events	✓ (1)	✓ (1)	✓ (1)	✓ (1)	✓
Theater (including motion pictures)	✓	✓	✓	✓	(2)
Indoor Entertainment	✓	✓	✓	✓	(2)
Outdoor Entertainment	C	C	C	✓	(2)
Manufacturing, Light	✓	✓	✓	✓	(2)
Manufacturing, Custom	✓	✓	✓	✓	(2)
Software Development	✓	✓	✓		(2)
Warehousing and Distribution, General	✓	✓	✓	✓	(2)
Printing and Publishing	✓	✓	✓	✓	(2)

- ✓ Permitted use
- C Conditionally permitted
- A Permitted as an accessory use
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Permitted only on City-owned land and within a specific geographic area
- (2) Permitted as an accessory or temporary use.

Supportive Uses

“General retail sales (convenience),” which is defined to include the sale of apparel, jewelry, fabric, photography services, household electronic goods, and records, is permitted in most industrial zones (**Table 18**). “Professional offices” are also permitted in every industrial zone.

“Personal services” and “food preparation” businesses are also permitted in every industrial and institutional zone (**Table 18**).

“Commercial use,” which may be prohibited as a principal use, is permitted as an accessory use to the principal use in every industrial zone, provided it is operated primarily for the convenience of employees, clients, or customers of the principal use, is limited to 25% of the total floor area of the use, and is an integral part of the principal use (**Table 18**).

Table 18: Austin – Supportive Uses in Industrial and Institutional Zones

Supportive Uses	Industrial Zones				Institutional Zone
	IP	MI	LI	R&D	P
Retail Sales, General (Convenience)		✓	✓	✓	✓ (2)
Office, Professional	✓	✓	✓	✓	✓ (2)
Personal Services	✓	✓	✓	✓	✓ (2)
Food Preparation	✓	✓	✓	✓	✓ (2)

Accessory Commercial Use	✓ (1)	✓ (1)	✓ (1)	✓ (1)	✓ (2)
Accessory Industrial Use					✓ (2)

- ✓ Permitted use
- A Permitted as an accessory use
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Permitted only if operated primarily for the convenience of employees, clients, or customers of the principal use, occupy less than 25% of the total floor area of the use, and is an integral part of the principal use
- (2) Permitted as an accessory or temporary use.

3.6.3 Institutional Zone

The City of Austin has one institutional zone: the Public zone. The only creative cultural use that is permitted by right is a “community event” (**Table 17**). However, the Public zone also permits any type of commercial or industrial use as an accessory or temporary use (**Tables 17 & 18**).

3.7 NASHVILLE, TENNESSEE

Nashville is well known for its music industry. There are more than 180 recording studios, a symphony, 5,000 working musicians and another 51,000 music related jobs.²⁴ The density of Nashville's music industry activity is 20 to 30 times greater than that of Los Angeles.²⁵

3.7.1 Creative Cultural Industry Strategies & Plans

The City of Nashville's Economic Development (2013) background paper provided input to the planning process of NashvilleNext, a comprehensive 25-year plan for the city. The paper identifies the creative music and arts as a key industry sector that is "at the heart of Nashville's ability to establish a unique, premium role as a region thriving around a Knowledge City." The paper also poses these key questions to be considered during the NashvilleNext planning process:

- How do we provide a variety of jobs with varied skill levels for residents of Nashville and the region?
- What steps can be taken to support culture and the arts in Nashville?

Nashville has also completed a Music Industry Study which provides the following recommendations:

- Intentional acts by local public leaders to encourage and sustain new venues can increase the global recognition of Nashville's live music scene; and
- Nashville should grasp new media and technology, particularly film, to add to its cultural strengths.

3.7.2 Industrial Zones

The Nashville Code of Ordinances, BL2016-264, Chapter 17: Zoning establishes three industrial districts. These districts are similar to those found in Vancouver and Victoria, where a range of uses are permitted within a geographic area rather than a land use based zoning system. The three industrial districts are Industrial Warehousing/Distribution (IWD), Industrial Restrictive (IR), and General Industrial (IG).

Music & Performing Arts

"Light manufacturing" is permitted in every industrial district (**Table 19**). "Artisan manufacturing" is also conditionally permitted in every industrial district (**Table 19**) (see **Definition Box 6**). Therefore, a wide range of creative cultural production is permitted in industrial districts. As well, "multimedia production," which is defined as "a facility for the staging and recording of video or audio productions such as, but not limited to music commercials, programs and motion pictures," is explicitly permitted in every industrial district (**Table 19**) (see **Definition Box 6**).

²⁴ City of Nashville, 2017. <http://www.nashville.gov/>

²⁵ Nashville Area Chamber of Commerce & Music City Music Council, 2013

Definition Box 6:

Artisan, Light & Medium Manufacturing – Nashville

Manufacturing, Artisan	means the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacturing of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods; leather products: and, jewelry and clothing/apparel
Multimedia Production	means a facility for the staging and recording of video or audio productions such as, but not limited to music commercials, programs and motion pictures

* Definitions may be condensed to only illustrate aspects related to creative cultural industries. See Appendix 3 for full definitions.

“Theaters,” as well as “Rehearsal halls” which are defined as “an area for rehearsal of musical or artistic performances without the provision of spectator seating,” are permitted through the City’s special exception process in all industrial districts (**Table 19**) (see **Special Provisional Process Box 3**). However, “rehearsal halls” and “theaters” are limited to approximately 1,858m². “Convention centres” are permitted in every industrial district (**Table 19**).

“Temporary festivals” which are defined as “rides, games, food and amusements outside of permanent structures. The use shall have a duration of no more than ten days in a month” but could be used to showcase music and performing arts, are permitted in every industrial zone (**Table 19**).

Special Provisional Process Box 3:

Special Exceptions – Nashville

The City of Nashville permits land use in four ways: permitted by right, permitted with conditions, permitted as accessory, and permitted by special exception permit (SEP). For a use, such as rehearsal halls and theaters (**Table 19**), to be permitted in an industrial district a SEP must be obtained from the board of Zoning Appeals. For the Board of Zoning Appeals to approve a SEP the development must have a demonstrated need, comply with all ordinances, be integrated into adjacent areas, have design and architectural compatibility, protect natural and historic features, not adversely affect traffic, provide hazard protection, and any other condition deemed appropriate by the board, including hours of operation, permit expiry date, and more restrictive setbacks and other reasonable conditions to protect the public health, safety, and welfare.

“Radio/TV studios” are not defined but are permitted in every industrial district (**Table 19**).

“Vocational schools, “which are defined as” the offering of regularly scheduled instruction in technical, commercial or trade skills,” are permitted in any industrial zone (**Table 19**).

Film



Television studios are explicitly permitted in every industrial zone (**Table 19**). “Audio/video tape transfer,” which is defined as the “production of multiple copies of audio or visual tapes” is also explicitly permitted in every industrial district (**Table 19**).

Fashion

The manufacturing of clothing apparel, leather goods, and jewelry are explicitly included in the definition of “light manufacturing,” which is permitted in every industrial district (**Table 19**) “Artisan manufacturing” is also conditionally permitted in every industrial district (**Table 19**). The manufacturing of dye stuffs and raw materials are also explicitly listed in the definition of “medium manufacturing,” and are therefore conditionally permitted in two industrial districts (**Table 19**) (see **Definition Box 6**).

Digital Media

The manufacturing of electronic goods is including in the definition of light manufacturing, which is explicitly permitted in every industrial district (**Table 19**).

Table 19: Nashville – Specific Creative Cultural Uses in Industrial Districts

Specific Creative Cultural Uses	IWD	IR	IG
Rehearsal Hall	P (1)	P (1)	P (1)
Convention Center	✓	✓	✓
Theater	P (1)	P (1)	P (1)
Theater, Adult	P (2)	P (2)	P (2)
Festival, Temporary	✓	✓	✓
Radio/Television Studio	✓	✓	✓
School, Vocational	✓	✓	
Multimedia Production	✓	✓	✓
Audio/Video Tape Transfer	✓	✓	✓
Manufacturing, Artisan	C	C	C
Manufacturing, Light (including electrical goods, clothing, leather, jewelry)	✓	✓	✓
Manufacturing, Medium (including raw materials and dye stuffs)		C	C
Printing and Publishing	✓	✓	✓
Warehouse	✓	✓	✓

- ✓ Permitted use
- P Permitted through a Special Exception Permit
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Must not exceed 20,000ft² (~1,858m²)
- (2) Permitted within a certain are of the zone

Supportive Uses

Retail as an accessory use to a manufacturing or assembly use is conditionally permitted in every industrial district (**Table 20**). As well, the definition of artisan and light manufacturing includes the sale and distribution of products (see **Definition Box 6**). “General retail,” which is not accessory to a manufacturing or assembly use, is permitted by right in every industrial district, but is restricted to a gross floor area of approximate 232m² (**Table 20**).

General office use is permitted in every industrial district, but is limited to approximately 232m² in the General Industrial district (**Table 20**).

Table 20: Nashville – Supportive Uses in Industrial Districts

Supportive Uses	IWD	IR	IG
Retail, General	C (1)	C (1)	C (1)
Retail, Accessory to Manufacturing or Assembly	✓	✓	✓
Office, General	✓	✓	C (1)

✓ Permitted use

Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition

(1) For general office and retail the gross floor area must not exceed to 2,500ft² (~232m²), this does not include retail that is accessory to a manufacturing use.

3.7.3 Institutional zones

Various institutional uses are permitted within each district, including industrial districts. However, no institutional use specifically refers to a creative cultural industry.

3.8 LOS ANGELES, CALIFORNIA

Within Los Angeles County, 364,200 people are directly employed in the creative industry sector, while another 286,700 people are indirectly sustained by the creative sector.²⁶ The creative sector generates \$158 billion in economic output. Within the creative sector, the largest employers are entertainment, fashion, and publishing.²⁷ There are approximately 142,000 creative cultural firms in the Los Angeles County.²⁸ Within the City of Los Angeles in 2009, there were over 20,000 arts-related businesses employing over 95,000 people.²⁹

3.8.1 Creative Cultural Industry Strategies & Plans

The City of Los Angeles' pLAN: Transforming Los Angeles sets out aspirations for the City for 2035. While the plan includes the environment, economy and equity as the legs that support the City, there is no mention or subsequent strategies or initiatives to promote the creative cultural industry.

The Los Angeles County's Strategy Plan for Economic Development 2016-2020 establishes the entertainment & digital media and fashion & apparel as key cluster industries. The plan contains seven goals, including:

- Promoting a legislation, regulatory and policy environment that supports key clusters by, among others:
 - Modernize land use regulations, along with entitlement and permitting processes, that disproportionately disadvantage key regional traded clusters;
- Supporting a culture of entrepreneurship, invention and start-ups, by, among others:
 - Increasing access to affordable shared spaces for design and co-working, to assist entrepreneurs, inventors and makers.

3.8.2 Industrial Zones

The City of Los Angeles' Municipal Code, Chapter 1: General Provisions and Zoning No. 184,692 has six common industrial zones: Commercial Manufacturing (CM), Limited Industrial (M1), Restricted Industrial (MR1), Light Industrial (M2), Restricted Light Industrial (MR2), and Heavy Industrial (M3). The two restricted zones are used to protect industrial lands for unrelated commercial or non-industrial uses and are therefore less permissive to creative cultural uses (see **Tables 21, 22, 23, 24, & 25**).

Within the Municipal Code, the City has the most comprehensive list of permitted uses among the cities reviewed, including approximately 120 uses specifically related to the creative cultural industry; however, many uses overlap with each other and only a few are defined.

Music & Performing Arts

A wide range of music and the performing arts uses are permitted in the industrial zones (**Table 21**). Various studios and educational uses are permitted in all of the non-restricted industrial zones,

²⁶ Otis College of Art and Design, 2015.

²⁷ Otis College of Art and Design, 2015.

²⁸ Otis College of Art and Design, 2015

²⁹ Arts for LA, 2009.

including “recording studios,” “music schools and studios,” “music schools,” “dance rehearsals,” “dance schools,” “dance schools or academies,” “drama schools, colleges, or studios” and “drama schools,” none of which are defined (**Table 21**). “Sound scoring production” is permitted in all industrial zones (**Table 21**). “Dressing rooms and offices associated with studios or theaters” are not defined but are also explicitly permitted in every non-restricted industrial zone (**Table 21**).

“Auditoriums” and “concert halls,” with unlimited seating capacity are permitted in every non-restricted industrial zone, except the CM zone (**Table 21**). Within the Commercial Manufacturing zone, “concert halls” are permitted with seating up to 3,000 (**Table 21**). However, “auditoriums” are also permitted through a conditional use permit (CUP) up to 3,000 seats in one restrictive industrial zone and up to 25,000 seats in the other restrictive industrial zone (see **Special Provisional Process Box 4**).

Special Provisional Process Box 4:
Conditional Use Permit – Los Angeles

The City of Los Angeles applies land use conditions in two ways. The first is through applying general conditions to a particular use. The second is through applying additional conditions to a particular development through a Conditional Use Permit (CUP), which developers must apply for. The CUP process is more exhaustive and requires a public hearing and the criteria for approving a CUP include:

- (1) That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
- (2) That the project’s location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety; and
- (3) That the project substantially conforms with the purpose, intent, and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

“Theaters,” which are not defined, and “showcase theaters,” which are defined as theatres that provide live entertainment with seating up to 90 persons, employ less than five persons (exclusive of performers) and are non-profit and tax exempt, are permitted in every non-restricted industrial zone; unless they are “adult theaters,” in which case they are conditionally permitted (**Table 21**). “Travelling theater performances,” which are carried out under a canvas, are also permitted in every non-restricted industrial zone (**Table 21**).

“Clubs,” “community centres,” and “cultural centres,” none of which are defined, are permitted in every non-restricted industrial zone, except for cultural centres, which are not permitted in the Commercial Manufacturing zone (**Table 21**).

“Music stores” are explicitly permitted in every non-restricted industrial zone (**Table 21**). Similarly, “radio broadcasting studios” are permitted in every non-restricted industrial zone (**Table 21**).

“Musical instruments manufacturing” is explicitly permitted in all industrial zones (**Table 21**). The manufacturing of CD’s or cassettes are also permitted in every non-restricted industrial zone,

except the Commercial Manufacturing zone; however, the manufacturing of blank CD's or cassettes are only permitted in the Heavy Industrial zone (**Table 21**).

“Advertising studios” are permitted in every non-restrictive zone, except the Commercial Manufacturing zone (**Table 21**). “Printing establishments” and “publishing establishments” are permitted in every non-restrictive zone, except the Commercial Manufacturing zone (**Table 21**). “Printing wholesaling” and “publishing wholesaling” are permitted in every zone, while general “wholesaling” is conditionally permitted in every non-restrictive zone, except the Commercial Manufacturing zone (**Table 21**). “Warehousing” is permitted in every industrial zone (**Table 21**).

Table 21: Los Angeles – Music & Performing Arts Uses in Common Industrial Zones

Music & Performing Arts Uses	CM	M1	MR 1	M2	MR 2	M3
Recording Studio	✓	✓		✓		✓
Music School or Studio	✓	✓		✓		✓
Sound Score Production	✓	✓	✓	✓	✓	✓
Dance Rehearsal	✓	✓		✓		✓
Dance Studio or Academy	✓	✓		✓		✓
Drama School, College, or Studio	✓	✓		✓		✓
Music Schools, Dance Schools and Drama Schools	✓	✓		✓		✓
School, Trade, Technical, or Occupational	✓	✓		✓		✓
Dressing Rooms and Offices Associated with Adjacent Studio or Theater	✓	✓		✓		✓
Auditorium (unlimited seating)		✓		✓		✓
Auditorium (maximum 25,000 seats)		✓	P	✓		✓
Auditorium (maximum 3,000 seats)	✓	✓	P	✓	P	✓
Concert Hall (unlimited seating)		✓		✓		✓
Concert Hall (maximum 3,000 seats)	✓	✓		✓		✓
Theater	✓	✓		✓		✓
Theater, Showcase	✓	✓		✓		✓
Theater, Adult	C	C		C		C
Travelling Theatrical Performance (under canvas)	✓	✓		✓		✓
Dressing Rooms and Offices Associated with Adjacent Studio or Theater	✓	✓		✓		✓
Club	✓	✓		✓		✓
Community Centre	✓	✓		✓		✓
Cultural Centre		✓		✓		✓
Music Store	✓	✓		✓		✓
Radio Broadcasting Studio	✓	✓		✓		✓
Musical Instrument Manufacturing		✓	✓	✓	✓	✓
CD, DVD, Video Tape, or Cassette Blank Manufacturing				✓		✓
CD, DVD, Video Tape, or Cassette Manufacturing		✓		✓		✓
Advertising Studio	✓	✓		✓		✓

Music & Performing Arts Uses	CM	M1	MR 1	M2	MR 2	M3
Printing Establishment & Publishing Establishment	✓	✓		✓		✓
Printing Establishment & Publishing Establishment, Wholesale		✓	✓	✓	✓	✓
Wholesale	C (1)	C		C		C
Warehouse	✓	✓	✓	✓	✓	✓

- ✓ Permitted use
- C Permitted as a conditional use
- P Permitted through a Conditional Use Permit
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) Permitted as a public benefit or with limitations within the zone

Film

Film related uses are widely permitted in the industrial zones (**Table 22**). “Motion picture production,” “television production” and “video and other media productions,” which include outdoor sets, are permitted in every industrial zone, except the Commercial Manufacturing zone, but those that provide no outdoor sets are only permitted in the Commercial Manufacturing zone (**Table 22**). “Motion picture film and television reconstructions” are permitted in every industrial zone (**Table 22**).

“Motion picture film or television computer design, graphics, or animations” are only permitted through a conditional use permit in the Commercial Manufacturing zone (**Table 22**). An “animated cartoon studio” is permitted in every industrial zone (**Table 22**).

Drama and trades, technical, or occupational schools are permitted in every non-restricted industrial zone (**Table 21**).

“Motion picture film or television set and prop production” is only permitted in the Commercial Manufacturing zones (**Table 22**). Post-production uses, such as “film and video editing” and film related laboratories, are permitted in every industrial zone, while “motion picture and sound laboratories” and “motion picture and television video and audio processing” are only permitted in the Commercial Manufacturing zone through a conditional use permit (**Table 22**).

“Motion picture theaters,” “broadcasting studios” and “film exchanges” are permitted in every non-restricted industrial zone; however, “adult motion picture theaters” are conditionally only permitted.

DVD’s and video tapes manufacturing are permitted in every non-restricted industrial zone; however, the manufacturing of blank DVD’s and video tapes are only permitted in the Heavy Industrial zone (**Table 21**).

Table 22: Los Angeles – Film Uses in Common Industrial Zones

Film Uses	CM	M1	MR1	M2	MR2	M3
Motion Picture Production (including outdoor sets)		✓	✓	✓	✓	✓
Motion Picture Production (no outdoor sets)	✓					



Motion Picture Studio	P					
Television Production (including outdoor sets)		✓	✓	✓	✓	✓
Television Production (no outdoor sets)	✓					
Television Studio	P	✓	✓	✓	✓	✓
Motion Picture Film or Television Tape Reconstruction	✓	✓	✓	✓	✓	✓
Video and Other Media Production (including outdoor sets)		✓	✓	✓	✓	✓
Video and Other Media Production (no outdoor sets)	✓					
Animated Cartoon Studio	✓	✓	✓	✓	✓	✓
Motion Picture Film or Television Computer Design, Computer Graphics, or Animation	P					
Motion Picture Film or Television Set and Prop Production	P					
Film and Tape Editing		✓	✓	✓	✓	✓
Motion Picture Film or Television Tape Editing	✓	✓	✓	✓	✓	✓
Laboratory, Experimental, Film, Motion Picture, Research or Testing	✓	✓	✓	✓	✓	✓
Motion Picture Film or Television Sound Lab	P					
Motion Picture Film or Television Video and Audio Processing	P					
Motion Picture Theater	✓	✓		✓		✓
Adult Motion Picture Theater	C	C		C		C
Broadcasting Studio	✓	✓		✓		✓
Film Exchange	✓	✓		✓		✓
Drive-in Theater						

- ✓ Permitted use
- C Permitted as a conditional use
- P Permitted through a Conditional Use Permit

Fashion

Fashion related uses are widely permitted in the City of Los Angeles’ industrial zones. The manufacturing of raw fabric, including felt, fiber, cloth, textiles, leather, as well as rubber (e.g. for shoes and boots), are explicitly permitted in the Heavy Industrial zone, and to varying degrees in all other industrial zones (see **Table 23**).

The manufacturing of dye stuffs is only permitted in the Heavy Industrial zone, but dye works manufacturing is permitted in every industrial zone (**Table 23**). The shrinking, sponging, and waterproofing cloth and fabric (as well as dyeing fabric) is permitted in every non-restricted industrial zone, except the Commercial Manufacturing zone (**Table 23**). The manufacturing of garments, dresses, gloves, hat, shoes, knitted goods, silk screen printing, and jewelry are explicitly permitted in every industrial zone (**Table 23**). The manufacturing of clothing, however, is only permitted in every non-restricted industrial zone (**Table 23**).

Shops and stores for clothing, dress and dress making, shoe, hat making, jewelry, and other wearing apparel, as well as for tailoring and altering clothing, are explicitly permitted within every non-restricted industrial zone (**Table 23**). Fashion items may also be sold through other avenues,

such as mail order houses, import-export, or internet-based businesses, which are also permitted in every non-restricted industrial zone (**Table 23**).

“Photographer” businesses and “photo developing and finishing” are permitted in every non-restricted industrial zone (**Table 23**).

Table 23: Los Angeles – Fashion Uses in Common Industrial Zones

Fashion Uses	CM	M1	MR1	M2	MR2	M3
Studio, other than Dance, Drama, Karate, Motion Picture or Music (e.g. fashion or photography studio)	✓	✓	✓	✓	✓	✓
Felt Manufacturing, Burlap, Fur, Hair, or Wool						✓
Felt Manufacturing, Cotton				✓		✓
Felt & Fur Products Manufacturing	✓	✓	✓	✓	✓	✓
Fiber Manufacturing						✓
Fiber Products Manufacturing		✓	✓	✓	✓	✓
Cloth & Textile Manufacturing				✓	✓	✓
Garment or Carding or Previously Produced Fibrous Materials				✓		✓
Rubber Products Manufacturing		✓	✓	✓	✓	✓
Cloth & Textile Products Manufacturing	✓	✓	✓	✓	✓	✓
Dye Stuffs Manufacturing						✓
Dyeing Works Plant		✓	✓	✓	✓	✓
Cloth Shrinking, Sponging, or Waterproofing		✓		✓		✓
Fabric Shrinking, Sponging, Waterproofing or Dyeing		✓		✓		✓
Clothing Manufacturing, Garment Manufacturing, Dress Manufacturing	✓	✓	✓	✓	✓	✓
Glove Manufacturing, Hat Manufacturing, Shoe Manufacturing	✓	✓	✓	✓	✓	✓
Knitting Mill	✓	✓	✓	✓	✓	✓
Silk Screen Printing	✓	✓	✓	✓	✓	✓
Jewelry Manufacturing	✓	✓	✓	✓	✓	✓
Retail Store or Business (including Clothing Store, Wearing Apparel Store, Dress Shop, Shoe Store, Dressmaking Shop, Hat Making Store, Tailor Shop, Clothing Alterations Shop, Jewelry Store, & Jewelry Store, Second Hand)	✓	✓		✓		✓
Mail Order House	✓	✓		✓		✓
Import-Export Business	✓	✓		✓		✓
Internet Business	✓	✓		✓		✓
Farmer’s Market		C, P		C, P		C, P
School, Trade, Technical, or Occupational	✓	✓		✓		✓
Photographer & Photo Developing and Finishing	✓	✓		✓		✓

- ✓ Permitted use
- C Permitted as a conditional use
- P Permitted through a Conditional Use Permit

Digital Media

The City of Los Angeles permits a wide range of uses related to digital media. Computer graphic studios are permitted in every industrial zone (**Table 24**). “Computer software and other computer related products and services department and products” and “media related products and services development,” which include hardware, are permitted in every industrial zone except the Commercial Manufacturing zone, but those that do not produce hardware are only permitted in the Commercial Manufacturing zone (**Table 24**).

The “computer manufacturing”, “computer assembly” and “computer server equipment rooms” are permitted in every zone, while “computer support facilities” are permitted in every industrial zone except the Commercial Manufacturing zone (**Table 24**). “Computer retail” and “computer repair stores” are explicitly permitted in every non-restricted industrial zone. “Internet businesses” are permitted in every non-restricted industrial zone, except the Commercial Manufacturing zone (**Table 24**).

Table 24: Los Angeles – Digital Media Uses in Common Industrial Zones

Digital Media Uses	CM	M1	MR1	M2	MR2	M3
Computer Graphic Studio	✓	✓	✓	✓	✓	✓
Computer Software and other Computer Related Products and Services Department and Products (including hardware)		✓	✓	✓	✓	✓
Computer Software and other Computer Related Products and Services Department and Products (no hardware)	✓					
Media Related Products and Services Development (including hardware)		✓	✓	✓	✓	✓
Media Related Products and Services Development (no hardware)	✓					
Computer Manufacturing & Computer Assembly	✓	✓	✓	✓	✓	✓
Computer Assembly	✓	✓	✓	✓	✓	✓
Computer Server Equipment Rooms	✓	✓	✓	✓	✓	✓
Computer Support Facility		✓	✓	✓	✓	✓
Computer Store & Computer Repair	✓	✓		✓		✓
Internet Business		✓		✓		✓

✓ Permitted use

Supportive Uses

“Accessory use” is permitted in every industrial zone.

“Corporate headquarters or regional offices” are permitted in every industrial zone; however, “business or professional offices” and “office buildings” are permitted only in the non-restrictive industrial zones (**Table 25**). Within the two restrictive industrial zones, offices are either conditionally permitted or permitted as an accessory use (**Table 25**).

“Barber shop/hair dresser,” “beauty shop or parlor” and “beauty colleges” are permitted in every non-restricted industrial zone (**Table 25**). Food services, such as “cafeterias” and “catering establishments” are permitted in every industrial zone, while “catering shops” are only permitted in every non-restricted industrial zone (**Table 25**).

Table 25: Los Angeles – Supportive Uses in Common Industrial Zones

Supportive Uses	CM	M1	MR1	M2	MR2	M3
Accessory Use	✓	✓	✓	✓	✓	✓
Office			A (1)		C	
Office Building	✓	✓	A (2)	✓	C	✓
Office, Business or Professional	✓	✓		✓		✓
Office, Corporate Headquarters or Regional Home Office	✓	✓	✓	✓	✓	✓
Barber Shop/Hair Dresser, Beauty Shop or Parlor, & Beauty College	✓	✓		✓		✓
Cafeteria, Catering Establishment	✓	✓	✓	✓	✓	✓
Catering Shop	✓	✓		✓		✓

- ✓ Permitted use
- C Permitted as a conditional use
- Bold** Use is defined in the City’s Zoning By-Law, see Appendix 3 for definition
- (1) The total floor area of an office and showroom cannot exceed the total floor area of the primary use.
- (2) Only the office of industrial firms

3.8.3 Institutional Zones

The City of Los Angeles only has one institutional zone: Public Facilities (PF). There are no creative cultural uses in the permitted use list.

3.9 SUMMARY OF BEST PRACTICES

Even though creative cities were specifically reviewed, a wide range of approaches to permit creative cultural uses are used within industrial and institutional zones. Toronto, Vancouver, Halifax and Austin have the most permissive zoning by-laws while St. Catharines is the most restrictive.

3.9.1 Industrial Zones

There is a wide range in how cities permit creative cultural uses (Figure 1, see Appendix 1). Every city uses traditional permitted uses to implicitly permit a range of creative cultural uses. Manufacturing related uses are generally permitted by right in every industrial zone, and therefore a wide range of creative cultural uses which entail production and processing would be implicitly permitted. St. Catharines, for example, only explicitly permits places of assemble. Similarly, the only creative cultural use that Halifax explicitly permits is motion picture theatres.

On the other end of the spectrum, Los Angeles explicitly permits approximately 120 creative cultural uses. These uses are very detailed in terms of specific activities; however, many are duplicates or overlap with similar or identical uses.

Most cities fall between these extremes by implicitly permitting a wide range creative cultural uses while also explicitly permitting some specific creative cultural uses. Within creative cultural industries, music and performing arts are generally the most explicitly permitted creative cultural use, followed in descending order by fashion, digital media, and film.

Accessory retail and offices are widely permitted in industrial zones, although their size various between cities (Table 26). General retail, however, are permitted by right within only a few industrial zones of some cities. Other supportive uses, including personal services and catering, are permitted in a few city’s industrial zones.

Figure 1: Continuum of Permissions for Creative Cultural Industries



3.9.2 Institutional Zones

Creative cultural industry uses are generally more restricted in institutional zones than industrial zones (see Appendix 2). Generally, only venues that could provide space for the creative cultural performances may be permitted within some institutional zones of some cities.

Supportive uses are generally not permitted in institutional zones. Retail as an accessory use is only permitted in Toronto, while general retail is permitted in Austin and as well as conditionally in Toronto. Accessory offices are also only permitted in Austin.

Table 26: Restrictions for Creative Cultural Accessory Use in Industrial Zones

City	Accessory Retail	Accessory Office
Toronto	Retail must be accessory to a manufacturing use, and if the retail space is located within the building as the manufacturing use, the manufacturing area must be separated by a floor to ceiling wall which prohibits public access. Generally, the floor area may not exceed the greater of 300m ² or 10% of the gross floor area of the buildings on a lot and capped at 500m ² and cannot exceed 20% of the interior floor area of the manufacturing use.	Permitted by right.
St. Catharines	Ancillary retail of products that are manufactured or assembled on-site are permitted if the gross leasable floor area does not exceed 15% of any industrial use.	Office are permitted by right in one employment zone and permitted as an accessory use in the other.
Vancouver	Retail is permitted by right or with conditions in most districts. In those districts where accessory retail is permitted, the floor area may not exceed 25%-33% of the gross floor area of the primary and accessory uses combined, depending on the zone. If the retail use is within the same building as a manufacturing use, the retail space must be separated by a floor to ceiling wall which prohibits access to the manufacturing space.	Offices are conditionally permitted by right.
Victoria	Retail floor area may not exceed 50% of the primary use floor area or 25% of the total building area, depending of the district.	Office floor area may not exceed the area of the primary use.
Halifax	Only retail that is accessory to a permitted commercial use is permitted.	Offices must be accessory to another commercial use.
Nashville	Retail floor area may not exceed 2500ft ² (~232m ²).	Office floor area may not exceed the floor area of the primary use.
Austin	Retail floor area may not exceed 25% of the gross floor area of the primary and accessory uses combined.	Offices must be for the convenience of the employees, clients, or customers and the floor area may not exceed 25% of the gross floor area.
Los Angeles	Retail floor area is not restricted.	Permitted by right in most zones. In zones where only accessory offices are permitted, the floor area may not exceed the floor area of the primary use.

4 HAMILTON'S PLANNING FRAMEWORK

4.1 HAMILTON OFFICIAL PLAN

4.1.1 Policy Review

The City of Hamilton's Official Plan is divided between the Rural Hamilton Official Plan and the Urban Hamilton Official Plan. Only the Urban Hamilton Official Plan (UHOP), however, contains industrial and institutional designations; therefore, the Rural Hamilton Official Plan was not reviewed.

The UHOP contains specific policies regarding creative cultural industries. The UHOP recognizes that arts and culture enhance the City of Hamilton in many ways (B3.1.11). The Official Plan also acknowledges the importance of protecting Employment Areas for employment use (B3.1.1). Therefore, careful consideration must be given to permitting ancillary uses which support the primary creative cultural use or its employees rather than the community as a whole. To further promote employment, the City encourages the redevelopment of brownfields (B3.1.5). Creative cultural industries are particular suited to the re-use of old industrial spaces.

Employment Area are to provide a broad range of employment opportunities (B2.7.3) and promotes key industry clusters (E5.1.3). While the creative cultural industry is identified as a key industry cluster in the City's Economic Development Strategy, it is not explicitly mentioned but other key industry clusters are. A wide range of uses are permitted in Employment Areas, including manufacturing, tradesperson shops and offices (E5.2.4 & E5.3.2). Ancillary uses, which support the primary business or its employees, such as retail, conference and convention centres and personal services, are also permitted in Employment Areas (E5.2.4 & E5.3.2).

Within the institutional designation, permitted uses are restricted to traditional institutional uses (E6.2.2). While "cultural facilities" are permitted, they are limited to publicly owned facilities.³⁰ However, the Official Plan permits the re-use of institutional buildings for "community facilities/services"³¹ (E6.2.6), which includes "cultural facilities." Although "community facilities" can be privately owned, "cultural facilities" cannot.

³⁰ "Cultural facilities" are defined as "publicly owned and/or operated lands, buildings and structures used for the creation, production and dissemination of arts and culture. Cultural facilities include publicly owned and/or operated lands, buildings and cultural sites such as but not limited to museums, art galleries, exhibition facilities, and managed historical sites."

³¹ "Community facilities/services" are defined as "lands, buildings, and structures that support a high quality of life for people and communities by providing services for health, education, recreation, social or cultural activities, security and safety. Community facilities/services may include but not be limited to community and recreation centres, arenas, parks, health care facilities, day care centres, senior's centres, emergency medical services, fire services, police services, **cultural facilities**, places of worship, museums, schools, and libraries. Community facilities/services may be publicly or privately owned and/or operated."

4.1.2 Opportunities

The Urban Hamilton Official Plan does not explicitly recognize or promote creative cultural industry clusters in Employment Areas. The Institutional designation could also be interpreted to limit creative cultural facilities to publicly own facilities.

4.2 ZONING BY-LAW REVIEW

4.2.1 Industrial Zones

The City of Hamilton's Zoning By-law 05-200 establishes twelve industrial zones, including a research and development zone (M1), three business park zones (M2, M3, & M4), a general industrial zone (M5), a light industrial zones (M6), five zones related to the airport (M7 to M11) and an extractive industrial zone (M12).

The City of Hamilton broadly defines "Manufacturing" (see **Definition Box 7**), and it is permitted in most industrial zones (**Table 27**). This broad definition would implicitly permit a range of creative cultural industries that produce or process goods including music production, film production, fashion and clothing and digital media. "Computer, electronic and data processing," however, is explicitly permitted in the research and design zone and the industrial business park zones.

"Tradesperson's shops" are permitted in more than half of the industrial zones (**Table 27**) (see **Definition Box 7**). However, "Craftsperson's shops" are not permitted in any industrial zone; instead they are permitted in every downtown commercial zone, most of which also permit "tradesperson's shops." Not permitting "craftsperson's shops" would appear to restrict a range of creative cultural industries from industrial zones particularly those that are small industries.

"Conference or convention centres" are permitted in two business park zones, the light industrial zone, and an airport zone (**Table 27**) zones (see **Definition Box 7**). The definition of "conference and convention centre" could be interpreted to permit such uses as fashion shows and performance but it is not explicit.

"Trade schools" are permitted in most industrial zones (**Table 27**); however, this is unlikely to permit training for arts and culture. "Commercial schools" are only permitted in of the two airport zones (**Table 27**). The definition of "commercial schools" could including training of arts and culture activities but it is not explicit.

A number of creative cultural industry uses—such as studios, theatres, commercial entertainment, exhibition facility, places of assembly, and communication establishment (including broadcast production) are defined in the City's Zoning By-law, but are not listed as a permitted use in any industrial zone.

Definition Box 7:

Creative Cultural Uses - Hamilton

Manufacturing	means the use of land, building or structure, or part thereof, for the research, development, input, prototypical manufacturing, processing and printing of data and which may include the design, manufacturing and warehousing of electronic equipment or software
Computer, Electronic and Data Processing	means the use of land, building or structure, or part thereof, for the research, development, input, prototypical manufacturing, processing and printing of data and which may include the design, manufacturing and warehousing of electronic equipment or software
Tradesperson's Shops	means the use of land, building or structure, or part thereof, in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter's shop, contractor's shop, electrician shop, painter's shop, plumber's shop or other shops that provide an installation service
Craftsperson's Shop	mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities
Conference or Convention Centres	means an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility
School, Trade	mean the use of land, building or structure, or part thereof, in which specialized instruction in a skilled trade is provided and which may include but not be limited to construction, industrial and motive power trades and Commercial Motor Vehicle training and which is operated on a financial profit basis
School, Commercial	means places where academic, vocational or technical subjects are taught and which is operated on a financial profit basis but shall not include an Educational Establishment
Studio	mean an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, radio or television programs
Warehouse	means the use of land, building, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A warehouse shall not include a water management facility, salvage yard or towing establishment

* See Appendix 4 for a full list of creative cultural use definitions

Table 27: Hamilton – Specific Creative Cultural Uses in Industrial Zones

Creative Cultural Uses	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12
Manufacturing	✓	✓	✓	✓	✓	✓	✓			✓	✓	
Vulcanizing of Rubber or Rubber Products	A	A	X	X		X	A			A	X	
Laboratory	✓	✓	✓	✓	✓	✓				✓	✓	
School, Commercial										✓	✓	
School, Trade		✓	✓	✓	✓	✓		✓		✓	✓	
Conference or Convention Centre			✓	✓		✓		✓			✓	
Tradesperson’s Shop		✓	✓	✓	✓	✓				✓	✓	
Craftsperson’s Shop												
Computer, Electronic and Data Processing Establishment	✓	✓	✓	✓								

✓ Permitted use

A Permitted as an accessory use

X Prohibited Use

Bold Use is defined in the City’s Zoning By-Law, see Appendix 4 for definition

Supportive Uses

Accessory uses are permitted in every industrial zone (**Table 28**). The floor area of an accessory retail use is explicitly limited in size for most industrial zones. However, retail is permitted by right in the Research and Development and Airport Related Business zones and permitted in the Business Park Support zone provided it is located on the ground floor.

Office are permitted by right in most business park zones, light and general industrial zones and some airport zones (**Table 28**). Industrial administrative offices are also permitted in the General Business Park zone (**Table 28**).

“Personal Services” which are broadly defined are permitted in the Business Park Support, Airport Prestige Business and the light and general industrial zones (**Table 28**). They are also permitted as an accessory use in three of the airport zones. “Catering services” are also permitted in two airport industrial zones (**Table 28**).

Table 28: Hamilton – Supportive Uses in Industrial Zones

Supportive Uses	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12
Accessory Use	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Retail Establishment	✓ (1, 2)	A (2)	A (2)	A (2)	A (2)	A (2)	A (2)	✓	A	A (2)	A (2)	A
Office, General			✓	✓	✓	✓	✓			✓	✓	
Office, Industrial Administrative		✓	✓	✓	✓	✓	✓			✓	✓	
Personal Services	✓			✓	✓	✓		A (3)		A	A	
Catering Service							✓	✓				
Warehouse	✓	✓	✓	✓	✓	✓	✓			✓	✓	

✓ Permitted Use

(1) Must be located on the ground floor

(2) Gross floor area of accessory retail is limited to the lesser of 25% of the gross floor area of the principal use or 500m²

(3) Gross floor area is limited to 500m²

Bold Use is defined in the City's Zoning By-Law, see Appendix 4 for definition

4.2.2 Institutional Zones

The City of Hamilton has three institutional zones: Neighbourhood Institutional (I1), Community Institutional (I2) and Major Institutional (I3). No creative cultural use is permitted in any industrial zone. While accessory uses are permitted in every institutional zone, no accessory use is explicitly listed.

4.2.3 Opportunities

The City's industrial zones implicitly permit a range of creative cultural industries. However, in comparison to other cities, the City of Hamilton's Zoning By-law fails to explicitly identify creative cultural industries. Although this lack of recognition may not be an impediment for many creative cultural industries, it may not assist the City in promoting this industry cluster.

Many ancillary cultural activities, such as performances, rehearsals, art shows, fashion shows and training, are not explicitly permitted or prohibited. It may be of assistance for the City to be explicit on the range of ancillary uses permitted and prohibited. This explicit clarity may assist both perspective tenants as well as the City's by-law enforcement.

The City's institutional zones do not permit creative cultural industries as a primary use. The Zoning By-law is unclear whether secondary uses, such as performances, rehearsals, art shows, and fashion shows, would be permitted within institutional buildings, such as an operating place of worship or a school. This lack of clarity may impede some institutional buildings, such as places of worship, schools, or museums, from using their space for creative cultural accessory uses.

5 ALTERNATIVE APPROACHES

There are a number of alternative approaches that the City could use to address creative cultural industries in the City's Official Plan and Zoning By-law.

Industrial Zones

The first approach is to do nothing and to continue relying on the broad provisions of the employment area policies and zones to implicitly permit a range of creative cultural industries. This approach however does not help the City to promote creative cultural industries or give assurance to those creative industries that do not produce a tangible product but rather a digital or visual product that they will be permitted. This approach also does not address the ambiguous interpretation associated with ancillary activities such as rehearsals, art shows, fashion shows, and art training. Neither does this approach address the lack of permissions for creative cultural industries in institutional designations or zones.

A second alternative in industrial zones is to add broad terms or definitions to explicitly permit a broad range of creative cultural industries similar to approaches in Toronto, Nashville, or Vancouver. For example, broad terms such as "performing arts studio," "production studio," "artist studio," "craftsperson shop," "multimedia production," "computer and graphic design," "apparel and clothing manufacturing" and "software manufacturing" could be used to clarify the realm of creative cultural industries.

A third, far more explicit, approach would be to provide a full range of creative cultural terms and definitions similar to Los Angeles within a specific creative cultural industrial zone. Determining where that zone would be located, however, may present some challenges.

Ancillary Uses

Notwithstanding the approach the City may take with respect to principle uses, the City should clarify the realm of ancillary creative cultural uses permitted in the industrial zones. Clarifying that ancillary on-site retail sales also includes the sale of software, artisan products, fashion, and art based on the same restrictions for other manufactured goods would be beneficial. As well, the City may want to be explicit on other permitted ancillary uses such as rehearsal studios, studio shows, fashion shows, and other creative cultural indoor events directly related to the production of creative cultural goods.

Where the line blurs between a strictly ancillary use and a separate commercial entity is with visual performances such as music concerts, theatre and other visual arts. For these uses, the City could follow the approach taken by Austin, Texas where they permit a specific number of events each year and with specific restrictions on seating capacity. Conditions could also be included to require that publicly accessible space be separated from and restrict access to manufacturing areas, similar to the approach taken in Toronto. Conditions could also be added

to restrict the location of such ancillary performance space within proximity to sensitive land uses such as residential zones.

Another ancillary use that needs clarification is with regard to educational and training in creative arts. While “trade schools” are permitted in most industrial zones, they are limited to a skilled trade; however most creative arts are not considered a skilled trade. Commercial schools are only permitted in the two airport industrial zones. To add clarity, the City could additionally permit vocational training for creative art professions in the “trade schools” definition or alternatively add it to the “commercial school” definition and permit “commercial schools” in a broader range of industrial zones. However, in either approach, the zoning by-law should clearly indicate that classes in creative arts be for the general enjoyment of the population and that the education of children is not permitted in industrial zones.

Institutional Zones

In institutional zones, the production of creative cultural goods should continue to be prohibited and directed to industrial zones. Where greater flexibility should be considered is in the permission for performances, particularly as a secondary use within the Community Institutional (I2) and Major Institutional (I3) zones.

Many permitted uses within the I2 and I3 zones, such as places of worship and schools, are already designed to accommodate a range of performances, and therefore permitting creative cultural performances could be an effective use of existing built infrastructure. However, consideration needs to be given to ensure parking requirements can be met and that sound levels can be mitigated adjacent to sensitive residential areas.

The City could also follow the approach taken by Austin, Texas and permit a specific number of events each year and with specific restrictions on seating capacity within Institutional zones.

For buildings within the I2 and I3 zones that are no longer in use by their original occupant, converting the building for primary creative cultural performances, i.e., theater and music, would be appropriate provided parking and noise issues can be addressed. The City could permit the primary use in the Official Plan but require a rezoning to address these issues.

Alternatively, the City could permit the use in the Official Plan and the zoning by-law but restrict the use to the existing building requiring a rezoning to any expansion to the existing building.

For a fourth alternative, the City could permit the use in the Zoning by-law within secondary schools I2 and I3 zones and within all schools and places of worship within a mixed use corridor or along arterial roads.

6 RECOMMENDATIONS

Although the City's Official Plan does address Creative Cultural Industries implicitly the do-nothing option will not assist in furthering the creation of new industries nor as identified by a focus group convened by the City does it address concerns of clarity for lay people or timing of approvals.

It is recommended that the City focus on a few key changes to the zoning by-law to establish some 'quick wins' and address other more significant changes to the Official Plan and Zoning and in particular matters of ancillary uses through the City's Official Plan review and zoning by-law review.

For the Industrial zones, it is recommended that three new uses be added and defined. These uses cover three critical areas of Creative Cultural Industries. These additional uses include:

- Production Studio in the following Industrial Zones: 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 Light Industrial (M10) Zone; and, Airport Prestige Business (M11) Zone;
- Craftsperson Shop in following Industrial Zones: Research and Development (M1) Zone; Prestige Business Park (M3) Zone; Business Park Support (M4) Zone; and, Light Industrial (M6) Zone; and
- Performance Arts Theatre as a permitted use in the definition of 'Conference and Convention Centre'. This is to be achieved through the addition of a as a defined use and to permit this in connection with a 'Conference and Convention Centre'.

Production Studio will permit production of media and digital goods; Craftsperson Shop will permit production of more traditional artisan crafts and Performance Art and Music shows will permit production of live cultural events.

For Institutional Zones, permitting performance space in existing and former institutional buildings will greatly assist in promoting creative cultural in the City. However, because of the wide range of sizes, locations, and adjacent land uses and parking availability, it is recommended that the broader permission of such uses be considered through a more comprehensive review of the Official Plan and Zoning By-law. In the interim, it is recommended that Performance Art and Music shows be permitted through a Temporary Use Permit in the following Institutional Zones: Community Institutional (I2) Zone, and Major Institutional (I3) Zone.

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APPENDICES

APPENDIX 1: CREATIVE CULTURAL USES IN INDUSTRIAL ZONES

Appendix 1A: Best Practice – Music and Performing Arts Uses in Industrial Zones

Music and Performing Arts Uses	Toronto					Vancouver							Victoria				Ha.		Austin				Nash.			Los Angeles									
	EL	E	EH	EOe	EOo	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3	M-1	M-2	M2-1	M-3	I-1	I-2	IP	MI	LI	R&D	IWD	IE	IG	CM	M1	MRI	M2	MR2	M3		
Music Production (generally included in manufacturing or industrial use)																																			
Recording Studio																																			
Sound Score Production Studio																																			
Music Studio, unamplified																																			
Music Studio, amplified																																			
Studio (including dance, singing, acting, modeling)																																			
Production Studio																																			
Dressing Rooms and Offices Associated with Adjacent Studio or Theater																																			
Barber Shop/Hair Dresser																																			
Beauty Shop or Parlor																																			
School, Music																																			
School, Dance																																			
School, Drama																																			
School, Vocational or Technical																																			
School, Trade																																			
Auditorium (unlimited seating)																																			
Auditorium (maximum 25,000 seats)																																			
Auditorium (maximum 3,000 seats)																																			
Concert Hall (unlimited seating)																																			
Concert Hall (maximum 3,000 seats)																																			
Conference or Convention Centre																																			
Theater																																			
Adult Theater																																			
Travelling Theatrical Performance (under canvas)																																			
Temporary Festivals or Entertainment, Indoors																																			
Temporary Festivals or Entertainment, Outdoors																																			
Temporary Sales																																			
Place of Assembly																																			
Club																																			
Community Centre																																			
Cultural Centre																																			
Radio Broadcasting Studio																																			
Manufacturing (broadly defined)																																			
Musical Instrument Manufacturing																																			
Sound Equipment Manufacturing																																			
CD, DVD, Video Tape, or Cassette Blank Manufacturing																																			
CD, DVD, Video Tape, or Cassette Manufacturing																																			
Performing Arts Set and Prop Production																																			
Music Store																																			
Hotel																																			

 Permitted Use	 Implicitly Permitted	 Permitted with Conditions	 Prohibited Use	 Permitted as an Accessory Use
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Appendix 1B: Best Practice – Film Uses in Industrial Zones

Film Uses	Toronto					Vancouver					Victoria			Ha.	Austin			Nash.			Los Angeles													
	EL	E	EH	EOe	EOo	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3	M-1	M-2	M2-1	M-3	I-1	I-2	IP	MI	LJ	R&D	IWD	IE	IG	CM	MI	MR1	M2	MR2	M3	
Studio	Green	Green			Green																				Green	Green	Green							
Motion Picture Production (including outdoor sets)																																		
Motion Picture Production (no outdoor sets)																																		
Motion Picture Studio																																		
Television Production (including outdoor sets)																										Green	Green	Green						
Television Production (no outdoor sets)																										Green	Green	Green						
Television Studio																																		
Motion Picture Film or Television Tape Reconstruction																																		
Video and Other Media Production (including outdoor sets)																										Green	Green	Green						
Video and Other Media Production (no outdoor sets)																										Green	Green	Green						
On-Site Filming	Yellow	Yellow	Yellow	Yellow	Yellow																													
Animated Cartoon Studio																																		
Motion Picture Film or Television Computer Design, Computer Graphics, or Animation																																		
Dressing Rooms and Offices Associated with Adjacent Studio or Theater																																		
School, Drama																																		
School, Vocational or Technical						Green	Yellow	Yellow	Green	Green	Green	Green	Green	Yellow																				
School, Trade						Green	Yellow	Yellow	Green	Green	Green	Green	Green	Yellow																				
Beauty College																																		
Barber Shop/Hair Dresser							Yellow																											
Beauty Shop or Parlor							Yellow																											
Cafeteria																																		
Catering Service							Yellow	Green	Green	Green	Green	Green	Green	Yellow																				
Catering Shop							Yellow	Green	Green	Green	Green	Green	Green	Yellow																				
Kennel		Green																																
Stable, Livery																																		
Motion Picture Film or Television Set and Prop Production																																		
Motion Picture Film or Television Tape Editing																																		
Laboratory, Experimental, Film, Motion Picture, Research or Testing																																		
Motion Picture Film or Television Sound Lab																																		
Motion Picture Film or Television Video and Audio Processing																																		
Audio/Video Tape Transfer (Mass Copying)																																		
Theater, Motion Picture																																		
Theater, Adult Motion Picture																																		
Broadcasting Studio																																		
Film Exchange																																		
Exhibition Facility																																		
Drive-in Theater																																		
Manufacturing (broadly defined)		Green	Green													Green																		
CD, DVD, Video Tape, or Cassette Blank Manufacturing		Green	Green													Green											Yellow	Yellow	Yellow					
CD, DVD, Video Tape, or Cassette Manufacturing		Green	Green													Green																		
Firearm Manufacturing for the Entertainment Industry	Red	Red	Red	Red	Red																													
Firework/Pyrotechnic Manufacturing or Storage						Red	Red	Red	Red	Red	Red	Red	Red	Red				Green																
Video Store	Blue	Blue			Blue	Yellow	Yellow		Blue									Blue	Blue															

■ Permitted Use
 ■ Implicitly Permitted
 ■ Permitted with Conditions
 ■ Prohibited Use
 ■ Permitted as an Accessory Use

Fashion Uses	Toronto					Vancouver							Victoria				Ha.		Austin			Nash.			Los Angeles													
	EL	E	EH	EO-e	EO-o	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3	M-1	M-2	M2-1	M-3	I-1	I-2	IP	MI	LI	R&D	IWD	IE	IG	CM	M1	MRI	M2	MR2	M3					
Temporary Festivals or Entertainment, Outdoors																																						
Temporary Sales																																						
Exhibition Facility																																						
Farmer's Market																																						
Place of Assembly																																						
Club																																						
Community Centre																																						
Cultural Centre																																						
Mail Order House																																						
Import-Export Business																																						
Internet Business																																						
Parcel Delivery/Courier Service																																						
Parcel Delivery/Courier Service, Branch																																						
School, Vocational or Technical																																						
School, Trade																																						
Photographer																																						
Photofinishing or Photography Studio																																						
Photofinishing or Photography Laboratory																																						

Permitted Use
 Implicitly Permitted
 Permitted with Conditions
 Prohibited Use
 Permitted as an Accessory Use

Appendix 1D: Best Practice – Digital Media Uses in Industrial Zones

Digital Media Uses	Toronto					Vancouver					Victoria				Ha.		Austin			Nash.			Los Angeles													
	EL	E	EH	E0e	E0o	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3	M-1	M-2	M2-1	M-3	I-1	I-2	IP	MI	LI	R&D	IWD	IE	IG	CM	MI	MR1	M2	MR2	M3			
Computer Graphic Studio																																				
High-Tech Research and Development																																				
High-Tech Laboratory																																				
Software Development and Processing																																				
Computer Hardware Manufacturing																																				
Computer Related Products Manufacturing																																				
Software Manufacturing																																				
Computer Assembly																																				
Computer Server Equipment Rooms																																				
Computer Support Facility																																				
Computer Store																																				
Computer Repair																																				
Internet Business																																				
School, Vocational or Technical																																				
School, Trade																																				
School, Trade																																				

Permitted Use
 Implicitly Permitted
 Permitted with Conditions
 Prohibited Use
 Permitted as an Accessory Use

Appendix 1E: Best Practice – Supportive Uses in Industrial Zones

Supportive Uses	Toronto					Vancouver							Victoria				Ha.		Austin			Nash.			Los Angeles									
	EL	E	EH	E0e	E0o	M-1	M-1A	M-1B	M-2	IC-1 & IC-2	IC-3	I-1	I-2	I-3	M-1	M-2	M2-1	M-3	I-1	I-2	IP	MI	LI	R&D	IWD	IE	IG	CM	MI	MR1	M2	MR2	M3	
Accessory Use	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Yellow	Grey	Yellow	Yellow	Yellow	Green	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green
Retail, General	Blue	Grey	Grey	Grey	Blue	Yellow	Yellow	Grey	Blue	Green	Yellow	Grey	Blue	Grey	Grey	Grey	Grey	Grey	Grey	Green	Green	Grey	Green	Green	Yellow	Yellow	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Retail, Accessory	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Grey	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Office, General	Green	Green	Grey	Grey	Grey	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Blue	Grey	Grey	Grey	Green	Green	Grey	Grey	Grey	Grey	Green	Green	Yellow	Green	Green	Blue	Green	Yellow	Green	
Office, Business or Professional	Green	Green	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Office, Industrial Administrative	Green	Green	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Office, Corporate Headquarters	Green	Green	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Office, Ticketing or Advertising	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Red	Red	Grey	Red	Grey	Red	Red	Red	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Office, Accessory	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Office Building	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Advertising Studio	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Printing Establishment	Yellow	Green	Grey	Green	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Printing Establishment, Wholesale	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Publishing Establishment	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Publishing Establishment, Wholesale	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Wholesale	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Warehouse	Grey	Grey	Grey	Grey	Grey	Green	Yellow	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Parking Lot	Grey	Grey	Grey	Grey	Grey	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Parking Garage	Grey	Grey	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green

Permitted Use
 Implicitly Permitted
 Permitted with Conditions
 Prohibited Use
 Permitted as an Accessory Use

APPENDIX 2: CREATIVE CULTURAL USES IN INSTITUTIONAL ZONES

Appendix 2A: Best Practice – Music & Performing Arts Uses in Institutional Zones

Music & Performing Arts Use	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IPW	I1	I2	I3	SI	PB	CHP-BP	P	P
Recording Studio											
Sound Score Production Studio											
Music Studio, unamplified											
Music Studio, amplified											
Studio (including dance, singing, acting, modeling)											
Production Studio											
Dressing Rooms and Offices Associated with Adjacent Studio or Theater											
Barber Shop/Hair Dresser											
Beauty Shop or Parlor											
School, Music											
School, Dance											
School, Drama											
School, Vocational or Technical											
School, Trade											
Auditorium (unlimited seating)											
Auditorium (maximum 25,000 seats)											
Auditorium (maximum 3,000 seats)											
Concert Hall (unlimited seating)											
Concert Hall (maximum 3,000 seats)											
Conference or Convention Centre											
Theater											
Adult Theater											

Permitted Use	Permitted with Conditions
Implicitly Permitted	Permitted as an Accessory Use

Continued on next page

Music & Performing Arts Use	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IPW	I1	I2	I3	S1	PB	CHP-BP	P	P
Travelling Theatrical Performance (under canvas)											
Temporary Festivals or Entertainment, Indoors											
Temporary Festivals or Entertainment, Outdoors											
Temporary Sales											
Place of Assembly											
Club											
Community Centre											
Cultural Centre											
Radio Broadcasting Studio											
Manufacturing (broadly defined)											
Musical Instrument Manufacturing											
Sound Equipment Manufacturing											
CD, DVD, Video Tape, or Cassette Blank Manufacturing											
CD, DVD, Video Tape, or Cassette Manufacturing											
Performing Arts Set and Prop Production											
Music Store											
Hotel											

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15px; height: 15px; background-color: #4CAF50; border: 1px solid black;"></td> <td style="padding: 2px;">Permitted Use</td> </tr> <tr> <td style="width: 15px; height: 15px; background-color: #C8E6C9; border: 1px solid black;"></td> <td style="padding: 2px;">Implicitly Permitted</td> </tr> </table>		Permitted Use		Implicitly Permitted	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15px; height: 15px; background-color: #FFC107; border: 1px solid black;"></td> <td style="padding: 2px;">Permitted with Conditions</td> </tr> <tr> <td style="width: 15px; height: 15px; background-color: #2196F3; border: 1px solid black;"></td> <td style="padding: 2px;">Permitted as an Accessory Use</td> </tr> </table>		Permitted with Conditions		Permitted as an Accessory Use
	Permitted Use								
	Implicitly Permitted								
	Permitted with Conditions								
	Permitted as an Accessory Use								

Appendix 2B: Best Practice – Film Uses in Institutional Zones

Film Use	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IPW	I1	I2	I3	SI	PB	CHP- BP	P	P
Studio											
Motion Picture Production (including outdoor sets)											
Motion Picture Production (no outdoor sets)											
Motion Picture Studio											
Television Production (including outdoor sets)											
Television Production (no outdoor sets)											
Television Studio											
Video and Other Media Production (including outdoor sets)											
Video and Other Media Production (no outdoor sets)											
On-Site Filming											
Animated Cartoon Studio											
Motion Picture Film or Television Computer Design, Computer Graphics, or Animation											
Dressing Rooms and Offices Associated with Adjacent Studio or Theater											
School, Drama											
School, Vocational or Technical											
School, Trade											
Beauty College											
Barber Shop/Hair Dresser											
Beauty Shop or Parlor											
Cafeteria											
Catering Service											
Catering Shop											
Kennel											
Stable, Livery											
Motion Picture Film or Television Set and Prop Production											
Motion Picture Film or Television Tape Editing											

Permitted Use
 Implicitly Permitted
 Permitted with Conditions
 Prohibited Use
 Permitted as an Accessory Use

Continued on next page

Film Use	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IPW	I1	I2	I3	SI	PB	CHP- BP	P	P
Motion Picture Film or Television Tape Reconstruction											
Laboratory, Experimental, Film, Motion Picture, Research or Testing											
Motion Picture Film or Television Sound Lab											
Motion Picture Film or Television Video and Audio Processing											
Audio/Video Tape Transfer (Mass Copying)											
Theater, Motion Picture											Permitted Use
Theater, Adult Motion Picture											Permitted Use
Broadcasting Studio											
Film Exchange											
Exhibition Facility											
Drive-in Theater											
Manufacturing (broadly defined)											
CD, DVD, Video Tape, or Cassette Blank Manufacturing											
CD, DVD, Video Tape, or Cassette Manufacturing											
Firearm Manufacturing for the Entertainment Industry											
Firework/Pyrotechnic Manufacturing or Storage											
Video Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use

Permitted Use
 Implicitly Permitted
 Permitted with Conditions
 Prohibited Use
 Permitted as an Accessory Use

Appendix 2C: Best Practice – Fashion Uses in Institutional Zones

Fashion Use	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IPW	I1	I2	I3	SI	PB	CHP- BP	P	P
Studio											
Manufacturing (broadly defined)											
Felt Manufacturing											
Wool Manufacturing											
Cotton Manufacturing											
Fiber Manufacturing											
Tanning, Curing, or Storing of Raw Hides or Skins											
Synthetic Fabric Manufacturing											
Cloth Manufacturing											
Textile Manufacturing											
Leather Manufacturing											
Rubber Manufacturing (Vulcanizing)											
Felt Products Manufacturing											
Fiber Products Manufacturing											
Fur Products Manufacturing											
Garment or Carding or Previously Produced Fibrous Materials											
Rubber Products Manufacturing											
Cloth Products Manufacturing											
Textile Products Manufacturing											
Leather Products Manufacturing											
Dye Stuffs Manufacturing											
Dyeing Works Plant											
Cloth Shrinking, Sponging, or Waterproofing											
Fabric Shrinking, Sponging, Waterproofing or Dyeing											
Clothing Manufacturing											
Garment Manufacturing											
Dress Manufacturing											
Glove Manufacturing											
Hat Manufacturing											
Shoe Manufacturing											
Knitting Mill											
Silk Screen Printing											
By-Product: Rags & Cotton Waste											
Jewelry Manufacturing											
Retail Store or Business	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Clothing Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Wearing Apparel Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Dressmaking Shop	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Dress Shop	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Hat Making Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Shoe Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Tailor Shop	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Clothing Alterations Shop	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Jewelry Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Jewelry Store, Second Hand	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Barber Shop/Hair Dresser	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Beauty Shop or Parlor	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions				Permitted Use				Permitted Use
Auditorium (unlimited seating)											
Auditorium (maximum 25,000 seats)											
Auditorium (maximum 3,000 seats)											
Concert Hall (unlimited seating)											
Concert Hall (maximum 3,000 seats)											
Conference or Convention Centre											
Theater											
Theater, Adult											
Travelling Theatrical Performance (under canvas)											
Temporary Festivals or Entertainment, Indoors											
Temporary Festivals or Entertainment, Outdoors											
Temporary Sales											
Exhibition Facility											
Farmer's Market											
Place of Assembly	Permitted with Conditions	Permitted Use	Permitted with Conditions		Permitted Use	Permitted as an Accessory Use	Permitted Use	Permitted with Conditions			
Club	Permitted Use	Permitted Use					Permitted Use			Permitted Use	
Community Centre	Permitted Use	Permitted with Conditions	Permitted with Conditions							Permitted Use	
Cultural Centre				Permitted Use	Permitted Use	Permitted Use		Permitted Use		Permitted Use	
Mail Order House											
Import-Export Business											
Internet Business											
Parcel Delivery/Courier Service											
Parcel Delivery/Courier Service, Branch											
School, Vocational or Technical										Permitted Use	
School, Trade										Permitted Use	
Photographer											
Photofinishing or Photography Studio											
Photofinishing or Photography Laboratory											

Permitted Use	Implicitly Permitted	Permitted with Conditions	Prohibited Use	Permitted as an Accessory Use
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Appendix 2D: Best Practice – Digital Media Uses in Institutional Zones

Digital Media Uses	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IP W	I1	I2	I3	SI	PB	CHP- BP	P	P
Computer Graphic Studio											
High-Tech Research and Development											
High-Tech Laboratory											
Software Development and Processing											
Computer Hardware Manufacturing											
Computer Related Products Manufacturing											
Software Manufacturing											
Computer Assembly											
Computer Server Equipment Rooms											
Computer Support Facility											
Computer Store	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions								Permitted Use
Computer Repair											Permitted as an Accessory Use
Internet Business											Permitted as an Accessory Use
School, Trade											

Permitted Use
 Implicitly Permitted
 Permitted with Conditions
 Prohibited Use
 Permitted as an Accessory Use

Appendix 2E: Best Practice – Supportive Uses in Institutional Zones

Supportive Uses	Toronto			St. Catharines			Victoria			Halifax	Austin
	I	IE	IPW	I1	I2	I3	SI	PB	CHP- BP	P	P
Accessory Use	Permitted Use	Permitted Use	Permitted Use								Permitted Use
Retail, General	Permitted with Conditions	Permitted with Conditions	Permitted with Conditions								Permitted Use
Retail, Accessory											Permitted as an Accessory Use
Office, General											Permitted as an Accessory Use
Office, Business or Professional											Permitted Use
Office, Industrial Administrative											Permitted as an Accessory Use
Office, Corporate Headquarters											Permitted as an Accessory Use
Office, Accessory											Permitted as an Accessory Use
Office Building											Permitted as an Accessory Use
Advertising Studio											Permitted as an Accessory Use
Printing Establishment											Permitted Use
Printing Establishment, Wholesale											Permitted as an Accessory Use
Publishing Establishment											Permitted Use
Publishing Establishment, Wholesale											Permitted as an Accessory Use
Wholesale											Permitted as an Accessory Use
Warehouse											Permitted Use
Parking Lot											Permitted as an Accessory Use
Parking Garage											Permitted as an Accessory Use

Permitted Use	Implicitly Permitted	Permitted with Conditions	Prohibited Use	Permitted as an Accessory Use
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APPENDIX 3: LIST OF DEFINITIONS

Below are the definitions from of uses permitted in at least one industrial or institutional zone from the cities reviewed.

Accessory Use (Los Angeles): A use, which is customarily incidental to that of the main building or the main use of the land and which is located in the same zone or a less restrictive zone and on the same lot with a main building or main use. The relationship between the more restrictive zones and the less restrictive zones shall be determined by the sequence of zones set forth in Section 12.23 B. of this Code.

The garaging, maintaining or storage of any commercial vehicle on private property which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in the "R" Zones. The rental, storage, or storage for rental purposes of a commercial vehicle which exceeds a registered net weight of 5,600 pounds shall not be considered an accessory use in any zone more restrictive than the MR-1 Zone, except as approved by conditional use.

An accessory use shall also include the keeping of domestic animals, subject to other provisions of this article; and the keeping of wild animals, under an appropriate permit issued by the Department of Animal Services as provided for in Section [53.38](#) of the Code, but in no event including the following wild animals: bear, civet, coyote, eagle, eland, elephant, elk, giraffe, gnu, gorilla, hyena, hippopotamus, jaguar, leopard, lion, lynx, moose, orangutan, venomous reptile, puma, rhinoceros, sea lion, tiger, vulture, walrus, wart hog, wolf or yak.

The sale of not more than one dog or cat litter from a domestic household in a 12- month period shall be considered accessory to a residential use.

The noncommercial keeping of birds (not including fowl) without regard to their number shall be an accessory use in the RA, RE, RS, R1, RU and RZ Zones. However, if the Department of Animal Services determines that the keeping of birds or the keeping of a particular number of birds at a particular location constitutes a nuisance or a health or safety hazard, then the keeping of birds under those circumstances shall not be an accessory use.

For the purposes of this section, the occasional sale of birds which is incidental to the keeping of birds as a hobby, does not constitute a commercial use.

Garage and/or yard sales shall be considered accessory to a residential use, if the sale is only incidental to the individual's residential occupancy of the premises; and the sales are:

- a. confined to the sale of used items which were originally received or purchased for use in the household;
- b. restricted to a maximum of five sales events per calendar year as a means of disposing of used items originally received or purchased for use in the household;
- c. limited to not more than two consecutive days per event;
- d. limited to not more than ten days per calendar year total; and
- e. limited to the hours between 9 a.m. and 5 p.m.

For purposes of this section, the term accessory use shall not apply to any garage and/or yard sales where new goods or merchandise, or items that were not intended to be used in the household are offered or displayed for sale or exchange.

Accessory Use (Nashville): A use of land or of a building or portion thereof that is customarily incidental and subordinate to the principal use of the land or building and that is located on the same lot as the principal use.

Accessory Use (Vancouver): A use subordinate and incidental to the principal use(s) on the same lot.

Accessory Use (Victoria): A use that is normally incidental or normally associated with the principal use.

Ancillary Use (Toronto): A naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or structure.

Arts and Culture Indoor Event (Vancouver): An event of an artistic or cultural nature, including but not limited to visual, performing, media, literary, craft or interdisciplinary arts, for a maximum of 250 persons, which occurs not more than three days per month in a building.

Audio/Video Tape Transfer (Nashville): The production of multiple copies of audio or visual tapes from master copies.

Club (Toronto): A premise:

- a. operated by members of a non-profit organization that maintains formal membership and generally limits attendance at meetings to members; and
- b. used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and
- c. a community centre is not a club.

Club (Vancouver): The use of premises by a non-profit society, association or corporation organized solely for the promotion of some common object and which is operated for club members and their guests only, but does not include Church, Hospital, Social Service Centre, Community Care Facility and Group Residence or premises used for residential or administrative purposes

Club (Victoria): A premise of a social or recreational club.

Community Centre (Toronto): A premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A club is not a community centre. ("Community centre" is not defined)

Community Event (Austin): A use is a use described in Local Government Code Chapter 334 as permitted for an "approved venue project", except for a hotel, zoological park, museum, or aquarium. The use includes the sale of alcoholic beverages.

Community Facility (Halifax): A building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall. A community facility may also include, in combination with offices or facilities of a non-profit organization, a store for the sale or provision of donated merchandise.

Cultural Facility (St. Catharines): means premises used for the purposes of educational entertainment including but not limited to museums, libraries, art galleries and community centres, and may include ancillary office, restaurant, retail and service commercial uses.

Educational Use (Toronto): A premise for education or training, other than:

- a. a post-secondary school;
- b. a school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended; or
- c. a religious education use.

Event, Arts & Culture Indoor (Vancouver): See "Arts & Culture Indoor Event."

Event, Small Outdoor Music Event (Austin): See "Outdoor Music Event, Small."

Farmers' Market (Vancouver): An open air or fully or partly covered market, for the sale directly by producers or by their representatives who are involved in production, of: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

Festival, Temporary (Nashville): The provision of rides, games, food and amusements outside of permanent structures. The use shall have a duration of no more than ten days in a month.

Food Preparation (Austin): A use is the use of a site for the production of prepared food for wholesale distribution in a structure with not more than 5,000 square feet of gross floor area. The use includes wholesale bakeries, commercial kitchens, and specialty food processing or packaging shops, but excludes the on-site slaughter of animals and the commercial production of ice.

High Tech (Victoria): The design, research, manufacture, testing, and servicing of commercial products, including computer software and hardware, in the fields of electronics, telecommunications, engineering, robotics, bio-technology, health care, and related industries.

Indoor Entertainment (Austin): A predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

Indoor Event, Arts & Culture (Vancouver): See "Arts & Culture Indoor Event."

Industry, Heavy (St. Catharines): A premise used for:

- a. the manufacture or processing of products from raw materials;
- b. the production or use of flammable, explosive or other hazardous materials;
- c. outdoor processing of products and materials;
- d. warehouse or storage

Industry, Light (St. Catharines): A premise used for:

- a. the manufacture, processing, assembly, or packaging of finished parts or products from previously prepared materials;
- b. the repair or servicing of products.
- c. building supply storage and wholesale
- d. warehouse and storage Light Industry does not include obnoxious, dangerous or offensive trades.

Laboratory, Photofinishing and Photography (Vancouver): The use of premises for photofinishing or photography but does not include Photofinishing or Photography Studio.

Manufacturing (Toronto): A premise for fabricating, processing, assembling, packaging, producing or making goods or commodities, and it includes repair of such goods or commodities.

Manufacturing, Artisan (Nashville): The shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

Manufacturing, Clothing (Vancouver): The use of premises for the manufacturing of clothing or garments, including leather clothing, but does not include Plastic Products Manufacturing, Rubber Products Manufacturing or Shoes or Boots Manufacturing.

Manufacturing, Custom (Austin): A use of a site for on-site production of goods by the use of hand tools, domestic mechanical equipment not exceeding five horsepower, or a single kiln not exceeding 12 kilowatts, and the incidental sale of those goods. This use includes candle-making shops and custom jewelry manufacturing.

Manufacturing, Electrical Products or Appliances (Vancouver): The use of premises for the manufacturing or remanufacturing of small electrical appliances, both electrical and non-electrical major household appliances, lighting fixtures, table or floor lamps, radios, televisions, communications equipment, computer equipment, small component electrical or electronic equipment, electric wire or cable, or transmission cable, but does not include Batteries Manufacturing or Motor Vehicle Parts Manufacturing

Manufacturing, Jewelry (Vancouver): The use of premises for the manufacturing of jewelry, metal badges, silverware, or precious metal alloys or products, the cutting or polishing of industrial diamonds, plating with precious metals, lapidary work, or engraving on metals except for printing purposes.

Manufacturing, Leather Product (Vancouver): The use of premises for the manufacturing of luggage, handbags or small leather goods, but does not include Animal Products Processing, Clothing Manufacturing or Shoes or Boots Manufacturing.

Manufacturing, Light (Austin): A use is the use of a site for manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of the products, and incidental storage, sales, and distribution of the products. This use excludes basic industrial processing.

Manufacturing, Light (Nashville): The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; paper imprinting; household appliances; leather products; jewelry; food and bakery products; and, clothing apparel.

Manufacturing, Medium (Nashville): The processing and manufacturing of materials or products predominately from extracted or raw materials. These activities may include outdoor assembly and storage of products. Outdoor manufacturing of raw materials into compost, primarily for commercial resale, is a medium manufacturing activity. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical medium manufacturing uses include but are not limited to: alcoholic beverages; glue; carpet; porcelain products for bathroom and kitchen fixtures; bleaching products; vegetable gelatin; dye stuffs; welding; furniture; and sporting goods;

Manufacturing, Miscellaneous Products - Class B (Vancouver): The use of premises for the manufacturing of toys, games, bicycles, novelties, ornaments, decorations, brooms, brushes, scientific or professional equipment, dentures and dental supplies, eye glasses, contact lenses, orthopaedic and other health care devices, clocks, signs, displays, sporting goods, recreational equipment, musical instruments, office or artists' supplies other than paper products, marking devices, awnings, window shades, blinds, umbrellas, notions, or wax products not involving the manufacturing of wax.

Manufacturing, Shoes or Boots (Vancouver): The use of premises for the manufacturing of shoes or boots, including leather footwear, but does not include Plastic Products Manufacturing or Rubber Products Manufacturing.

Manufacturing, Software (Vancouver): The use of premises for manufacturing computer software in bulk, and includes copying, packaging, storing, and shipping

Manufacturing, Textiles or Knit Goods (Vancouver): The use of premises for the manufacturing of textiles, textile products or knit goods, including, but not limited to, carpets, mats, rugs, canvas products, cotton bags, jute bags, automobile fabrics, draperies, silk fabrics, linen fabrics, thread, cordage, twine or similar products, but does not include Clothing Manufacturing or Linoleum or Coated Fabrics Manufacturing.

Multimedia Productions (Nashville): A facility for the staging and recording of video or audio productions such as, but not limited to music commercials, programs and motion pictures.

Office (St. Catharines): A building or part thereof where administrative and clerical functions are carried out in the management of a business, profession, organization, or public administration, and includes medically related functions and services, but not a Hospital.

Office (Vancouver): building or part thereof where administrative and clerical functions are carried out in the management of a business, profession, organization, or public administration, and includes medically related functions and services, but not a Hospital.

Office, Corporate Headquarters or Regional Home Office (Los Angeles): The main administrative center or centers of one or more enterprises whose day-to-day functions is the retrieval and/or dissemination of information to a subsidiary and/or client business in and outside the City's jurisdiction, through the means of electronic or data processing.

Office, General (Nashville): The provision of executive, management, administrative or professional services, but not involving medical services.

Office, Industrial Administrative (Hamilton): An office for the management of administration of Manufacturing establishments.

Outdoor Entertainment (Austin): A predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.

Outdoor Music Event, Small (Nashville): The provision of live acoustic music using small portable sound systems outside of permanent structures on commercially-zoned property where the performers are located within one thousand feet of any residentially-zoned property. ("Large outdoor music events" are not defined)

Office, Professional (Austin): A use is the use of a site for the provision of professional or consulting services in the fields of law, architecture, design, engineering, accounting, or similar professions.

Photofinishing and Photography Studio (Vancouver): See "studio, photofinishing and photography."

Photofinishing and Photography Laboratories (Vancouver): See "laboratories, photofinishing and photography."

Place of Assembly (St. Catharines): A premise providing a room or rooms to accommodate gatherings of people for events including but not limited to trade shows, banquets, weddings and conventions, and does not include a Place of Worship.

Place of Assembly (Toronto): A premise used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purpose.

Place of Assembly, Entertainment (Toronto): A premises used to provide entertainment, such as a theatre, cinema, opera, concert hall or ballet. An adult entertainment use, an eating establishment, a cabaret, or a nightclub is not an entertainment place of assembly.

Printing and Publishing (Austin): A use is the use of a site for the bulk reproduction, printing, cutting, or binding of written or graphic material.

Printing and publishing (Nashville): The production and distribution of books, magazines, newspapers and other printed matter, including retail photocopying and blueprinting services, as well as record pressing and publishing, engraving and photoengraving.

Printing or Publishing (Vancouver): The use of premises for printing, lithographing, or silkscreen printing; for platemaking or engraving as allied to the printing or publishing industries; for the publishing and printing of newspapers, magazines, periodicals, books, almanacs, maps, guidelines, pamphlets, flyers, or similar matter; or for book binding and associated binding operations as allied to the printing or publishing industries; but does not include Print Shop.

Personal Services (Austin): use is the use of a site for the provision of periodically needed services of a personal nature. This use includes beauty or barber shops, seamstress or tailor services, shoe repair shops, and dry cleaning pick-up station services.

Public Building (Victoria): The non-commercial use of land, building and structures for art or cultural exhibits, cemetery, church, community centre, court of law, fire station, hospital, legislative chambers, library, outdoor recreation use, police station, recreation facility, or school.

Rehearsal Hall (Nashville): The provision of an area for rehearsal of musical or artistic performances without the provision of spectator seating.

Rehearsal Studio (Vancouver) See “Studio, Production and Rehearsal.”

Retail, General (Nashville): An establishment providing general retail sales, services or rental from the premises, of goods and/or services not specifically classified in another commercial activity type.

Retail Services (Toronto): A premise in which photocopying, printing, postal, or courier services are sold or provided.

Retail Sales, General (Convenience) (Austin): A use is the use of a site for the sale or rental of commonly used goods and merchandise for personal or household use, but excludes uses classified more specifically in this section. This use includes the provision of household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

Retail Store (St. Catharine): A building or part thereof where goods, wares, and new or used merchandise is offered for sale to the public.

Retail Store (Toronto): A premise in which goods or commodities are sold, rented or leased.

Retail Store (Vancouver): A building or part thereof where goods, wares, and new or used merchandise is offered for sale to the public.

School, Arts and Self Improvement (Vancouver): The use of premises for training or instruction other than as included in any other use in this By-law, including, but not limited to, training or instruction in drama, music, art, driving, cooking, sewing, language, or similar forms of self-improvement.

School, Vocational (Nashville): The offering of regularly scheduled instruction in technical, commercial or trade skills.

School, Vocational and Trade (Vancouver): The use of premises for training or instruction in particular vocations or trades, including, but not limited to, barbering, beauty culture, hairdressing, broadcasting, charm or modelling, salesmanship in a particular vocation, driving (commercial transport), piloting (commercial transport), woodworking, metalworking, construction or other trade or technical occupations or vocations, but does not include School - Elementary or Secondary or School - University or College.

Software Development (Austin): A use is the use of a site for development or testing of computer software packages including magnetic disks, tapes, and associated operating manuals. This use excludes printing, distribution, and software manufacturing.

Software Development and Processing (Toronto): A premise used for software development and testing, or for the collection, analysis, processing, storage or distribution of electronic data.

Storage Warehouse (Vancouver): The use of a wholly enclosed building, or portion thereof, for the storage of goods, material, machinery, or equipment, but not any storage that is ancillary to a principal use of premises, but does not include Cold Storage Plant or Grain Elevator.

Studio, Artist – Class A (Vancouver): The use of premises for the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, video, moving or still photography, none of which involves amplified sound or one or more of the materials or processes specified under Artist Studio - Class B.

Studio, Artist – Class B (Vancouver): The use of premises for the production of:

- a. dance or live music involving electronically amplified sound,
- b. moving or still photography (excluding video) involving on-site film processing,
- c. paintings, drawings, pottery or sculpture involving the use of fibreglass, epoxy and other toxic or hazardous materials or one or more of the following processes: welding, woodworking, spray painting, silk screening or fired ceramics.

Studio, Performing Arts (Toronto): A premise used for the rehearsal of performing arts, such as music, dance or theatre

Studio, Photofinishing and Photography (Vancouver): The use of premises with a maximum floor area of 300 m² for photofinishing or portrait photography.

Studio, Production (Toronto): A premise used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a production studio.

Studio, Production or Rehearsal (Vancouver): the use of premises for the production of motion pictures, videos, television or radio programs or sound recordings or for the rehearsal of dance, music or drama, but does not involve the presence of an audience and does not include Artist Studio - Class A, Artist Studio - Class B or Theatre.

Theater (Austin): The use of a site for presentation of plays, motion pictures, or other dramatic performances within a building.

Theatre (Vancouver): A facility for performing arts, motion pictures, other media arts or presentations before a live audience, excluding cabaret.

Theater, Adult (Nashville): An enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein.

Theater, Showcase (Los Angeles): A theater which meets all of the following criteria:

- a. seats 90 persons or less;
- b. is nonprofit and tax-exempt;
- c. provides live entertainment; and
- d. employs fewer than five persons (exclusive of performers).

Warehouse (Nashville): A facility used primarily for the bulk storage of goods and materials either for a private entity or the general public.

Warehousing and Distribution, General (Austin): A use is open-air storage, distribution, or handling of materials or equipment. This use includes monument or stone yards, grain elevators, and open storage yards.

APPENDIX 4: CITY OF HAMILTON ZONING BY-LAW DEFINITIONS

Accessory Use (Halifax): A use that is normally incidental, subordinate and exclusively devoted to a principal use and located on the same lot therewith

Catering Service (Hamilton): A use where food and beverages are prepared for consumption off-site, but are not served on the premises or for immediate take-out consumption.

Computer, Electronic and Data Processing Establishment (Hamilton): The use of land, building or structure, or part thereof, for the research, development, input, prototypical manufacturing, processing and printing of data and which may include the design, manufacturing and warehousing of electronic equipment or software.

Conference or Convention Centre (Hamilton): An establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

Laboratory (Hamilton): A building or part thereof, used for scientific or technical research, testing, evaluation or redevelopment.

Manufacturing (Hamilton): The production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility.

Office (Hamilton): A building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed and shall include but not be limited to an Industrial Administrative Office and a Surveying, Engineering, Planning or Design Business, but shall not include a Medical Clinic.

Personal Services (Hamilton): The provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment but shall not include a Dry Cleaning Plant or a Body Rub Parlour.

Retail Establishment (Hamilton): A structure, or part thereof, for the sale or rental of home furnishings and related supplies, materials or fixtures.

School, Commercial (Hamilton): A school where academic, vocational or technical subjects are taught and which is operated on a financial profit basis but shall not include an Educational Establishment.

School, Trade (Hamilton): The use of land, building or structure, or part thereof, in which specialized instruction in a skilled trade is provided and which may include but not be limited to construction, industrial and motive power trades and Commercial Motor Vehicle training and which is operated on a financial profit basis.

Studio (Hamilton): An establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, radio or television programs.

Tradesperson Shop (Hamilton): The use of land, building or structure, or part thereof, in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter's shop, contractor's shop, electrician shop, painter's shop, plumber's shop or other shops that provide an installation service.

Warehouse (Hamilton): The use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.

