

**Authority:** Item 6, Planning Committee  
Report: 17-017 (PED17174)  
CM: October 25, 2017  
Ward: 1, 2, 3, 4, 5, 6, 7, 8, 9,  
10, 11, 12, 13  
**Bill No. 220**

## **CITY OF HAMILTON**

### **BY-LAW NO. 17-**

#### **To Amend Zoning By-law 05-200 Respecting Creative Industries in the Industrial and Institutional Zones**

**WHEREAS**, the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14;

**WHEREAS**, the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

**WHEREAS**, Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

**WHEREAS**, the Council of the City of Hamilton, in adopting Item 6 of Report 17-017 of the Planning Committee, at its meeting held on the 25<sup>th</sup> day of October, 2017, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

**WHEREAS** this By-law conforms with the Urban Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Section 3: DEFINITIONS of By-law 05-200 is hereby amended as follows:

1.1. That the definition of Conference and Convention Centre be amended so that it shall read as follows:

“Shall mean an establishment, which is not a hotel, where facilities are provided for such activities as, but not limited to, meetings, seminars, workshops, social gatherings cultural events and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.”

1.2. That the definition of Studio be amended so that it shall read as follows:

**“ Artist Studio**

Shall mean a workplace of an artist and shall include but not limited to a painter, sculptor or photographer.”

- 1.3. That the definition of Commercial School be amended so that it shall read as follows:

**“Commercial School**

Shall mean

- a) an establishment used for the study or instruction study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling and which is operated on a financial profit basis; and,
- b) 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.

- 1.4. That the following definitions be added:

**“Production Studio**

Shall mean the use of land, building or structure or part thereof,

- a) used for creation and production of motion pictures or audio or video recordings and the associated warehousing, prop and set design and storage.
- b) Digital media uses such as animation studio, and associated software development and processing.

But shall not include the mass reproduction of film.”

2. That Section 4: GENERAL PROVISIONS of this By-law 05-200 is hereby amended as follows:

- 2.1. That Section 4.18 Temporary Uses is amended by adding the following clause:

- “e) Temporary Performance Arts Theatre within an existing Educational Establishment or Place of Worship, in a Community Institutional (I2) Zone, and Major Institutional (I3) Zone for a maximum of two consecutive days and shall not be subject to parking requirements.

3. That Section 5: PARKING of By-law 05-200 is hereby amended as follows:

3.1. That Section 5.6 c) v. is amended by adding the following parking requirement:

Production Studio	1 for each 200.0 square metres of gross floor area, which accommodates such use.
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4. That Section 9: INDUSTRIAL ZONES of this By-law 05-200 is hereby amended as follows:

4.1. That Section Subsection **9.1.1 Permitted Uses** of **9.1 Research and Development (M1) Zone**, be amended by adding:

- (a) Craftsperson Shop
- (b) Artist Studio
- (c) Production Studio.

4.2. That Subsection **9.2.1 Permitted Uses** of Section **9.2 General Business Park (M2) Zone**, be amended by adding:

- (a) Craftsperson Shop
- (b) Artist Studio
- (c) Production Studio.

5. That Subsection **9.3.1 Permitted Uses** of Section **9.3 Prestige Business Park (M3) Zone**, be amended by adding:

- (a) Craftsperson Shop
- (b) Artist Studio
- (c) Production Studio.

6. That Subsection **9.4.1 Permitted Uses** of Section **9.4 Business Park Support (M4) Zone**, be amended by adding:

- (a) Craftsperson Shop
- (b) Artist Studio
- (c) Production Studio.

7. That Subsection **9.5.1 Permitted Uses** of Section **9.5 General Industrial (M5) Zone**, be amended by adding:

- (a) Craftsperson Shop
- (b) Artist Studio
- (c) Production Studio.

8. That Subsection **9.6.1 Permitted Uses** of Section **9.6 Light Industrial (M6) Zone**, be amended by adding:

- (a) Craftsperson Shop
- (b) Artist Studio
- (c) Production Studio.

9. That Subsection **9.10.1 Permitted Uses** of Section **9.10 Airport Light Industrial (M10) Zone**, be amended by deleting:
  - (a) Commercial School
10. That Subsection **9.11.1 Permitted Uses** of Section **9.11 Airport Prestige Business (M11) Zone**, be amended by deleting:
  - (a) Commercial School
11. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
12. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**PASSED** this 25<sup>th</sup> day of October, 2017.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk