

Authority: Item 9, Planning Committee
Report 19-004 (PED18210(a))
CM: April 10, 2019
Ward: 1, 2

Bill No. 066

CITY OF HAMILTON

BY-LAW NO. 19-066

To Amend Zoning By-law No. 05-200, Respecting Lands Located within Barton Tiffany (Hamilton)

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, S.O. 1999, Chap. 14;

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 19-004 of the Planning Committee, at its meeting held on the 10th day of April, 2019, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the *Planning Act* on June 1, 1982.

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

1. That Map No. 867 and 868 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by amending the following zone:
 - a) Downtown Mixed Use – Pedestrian Focus (D2) Zone the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A":
2. That Schedule "C" of By-law 05-200 is amended by repealing and replacing Special Exception 442 to include amended uses and regulations as follows:

"442. Notwithstanding Section 6.2, on those lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Maps 867 and 868 of Schedule "A" – Zoning Maps and described as:

Property Address	Map Number
Part of 271 Bay Street North	868
Part of 128 Barton Street West	868
239, 259 Caroline Street North, 175 Stuart Street	868
249 Hess Street North	868
Part of 242 Queen Street North	868
Part of 243, 245 Queen Street North	867, 868
107 Stuart Street	868
Part of 232 Stuart Street	867, 868
26 Tiffany Street	868
28 Tiffany Street	868
30 Tiffany Street	868
32, 36 Tiffany Street	868

The following provisions shall apply:

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within the Downtown Mixed Use – Pedestrian Focus (D2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the following prescribed regulations.

a) PERMITTED USES

- Artist Studio
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Conference or Convention Centre
- Craftsperson Shop
- Financial Establishment
- Medical Clinic
- Office
- Personal Services
- Performing Arts Theatre
- Production Studio
- Recreation
- Restaurant
- Retail
- Tradesperson's Shop

b) RESTRICTED USES

i) In addition to Section a) PERMITTED USES the following uses shall only be permitted in accordance Section c) and the

following additional restrictions:

A) Commercial Parking Facility

- 1) Shall only be contained within a building; and,
- 2) With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for uses listed in Section a), other than parking.

B) Production Studio

- 1) The soundstage/warehousing associated with a Production Studio shall only be permitted in conjunction with office and retail use(s).
- 2) The soundstage/warehousing associated with a Production Studio shall only be contained within the building of the site.

C) Permitted Uses in the portion of the Building abutting the Street

Notwithstanding Section a), the portion of the building(s) that is within the minimum and maximum building setback from a street line shall be limited to the following uses:

Artist Studio
Commercial Entertainment
Commercial Recreation
Commercial School
Craftsperson Shop
Financial Establishment
Medical Clinic
Office
Personal Services
Performing Arts Theatre
Production Studio
Recreation
Restaurant
Retail

c) PROHIBITED USES

- i) Notwithstanding Section a), the following uses are prohibited even as an accessory use:

Dwelling Unit(s)
Drive Through Facility
Hotel

- ii) Notwithstanding Section a), the following uses are prohibited except as an accessory use:

Garden Centre
Dry Cleaning Plant

- iii) Notwithstanding Subsection a), a Production Studio shall be prohibited on the following properties:

271 Bay Street North
107 Stuart Street
26 Tiffany Street
28 Tiffany Street
30 Tiffany Street
32, 36 Tiffany Street

d) REGULATIONS

- | | | |
|------|---|---|
| i) | Building Setback from a Street Line | A) Minimum 3.0 metres; and,
B) Maximum 4.5 metres.
C) Clause d)i)A) shall not apply for any portion of a building that exceeds the requirement of Clause d)ix)A). |
| ii) | Minimum Rear Yard | 6.0 metres abutting a Residential Zone property line; |
| iii) | Minimum Interior Side Yard | 3.0 metres abutting a Residential Zone property line; |
| iv) | Maximum Building Height | 15.0 metres; |
| v) | Maximum Gross Floor Area for each Retail Unit | 6,000 square metres; |
| vi) | Maximum Lot Coverage for Retail Uses | 20 percent; |
| vii) | Maximum Floor Area Ratio for Retail Uses | 0.2; |

- | | | |
|-------|---|---|
| viii) | Maximum Gross Floor Area for Office Uses within each Building | 3,000 square metres; |
| ix) | Built Form for New Development | <p>In the case of buildings constructed or alterations to the exterior of existing buildings, excluding any alterations to façade, fenestration or doors, after the effective date of this By-law:</p> <ul style="list-style-type: none">A) For an interior lot, corner lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 25% of the measurement of the front lot line and shall exclude access driveways and lands within a required yard.B) No parking, driveways or aisles shall be located between a building façade and the public streetC) A minimum of one principal entrance shall be provided:<ul style="list-style-type: none">1) within the ground floor façade that is set back is closest to a street; and,2) shall be accessible from the building façade with direct access from the public sidewalk; and,3) A walkway shall be permitted in a Planting Strip where required by the Bylaw. |
| x) | Maximum Gross Floor | 2,000 square metres |

Area for Soundstage/
Warehouse associated
with a Production Studio

- xi) Minimum Gross Floor Area of Permitted Uses in Conjunction with the Soundstage/Warehouse associated with a Production Studio

For every 1.0 square metres of gross floor area dedicated to a soundstage/warehousing associated with a Production Studio, a minimum of 1.0 square metres of gross floor area must be dedicated to any use identified in Subsection a).
- xii) Minimum Distance of soundstage/warehousing associated with a Production Studio from a Public Street

The soundstage/warehousing associated with a Production Studio shall be no closer than 40.0 metres from a Downtown Multiple Residential (D6) Zone.
- xiii) Visual Barrier Requirements

A visual barrier is required along any yard abutting a Downtown Residential (D5) or Downtown Multiple Residential (D6) Zone, except where a building is located or the area used for an access driveway, in accordance with Section 4.19 of this By-law.
- xiv) Outdoor Storage

 - A) No outdoor storage of goods, materials or equipment shall be permitted.
 - B) Notwithstanding Clause xi) A), the display of goods or materials shall be permitted.
- xv) Accessory Buildings

In accordance with the requirements of Section 4.8 of this By-law.
- xvi) Parking

 - A) In accordance with the requirements of Section 5 of this By-law.
 - B) Notwithstanding Subsection

5.1a)v)a), parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 4.0 metres of a street line.

C) Notwithstanding Subsection 5.1a)v)b), a 4.0 metre wide planting strip and visual barrier being required and permanently maintained between the street line and the parking spaces or aisle.

3. That Schedule “D” – Holding Provisions of By-law 05-200 be amended by amending Holding Provision No. 44:

“44. That notwithstanding Section 6.2 and Special Exception No.442 of this By-law, on those lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on maps 867 and 868 of Schedule “A” – Zoning Maps no development shall be permitted until such time as:

- (i) A Vibration Study, prepared by a qualified Professional Engineer, completed to the satisfaction of the Director of Planning, Planning and Economic Development Department.
- (ii) An Urban Design Brief and Campus Masterplan, to the satisfaction of the Director of Planning, Planning and Economic Development Department.

That notwithstanding Section 6.2 and Special Exception No.442 of this By-law, on those lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on maps 867 and 868 of Schedule “A” – Zoning Maps no development of a Production Studio shall be permitted until such time as:

- (i) A Traffic Management Plan, to the satisfaction of the Director of Transportation Planning and Parking, Planning and Economic Development Department.

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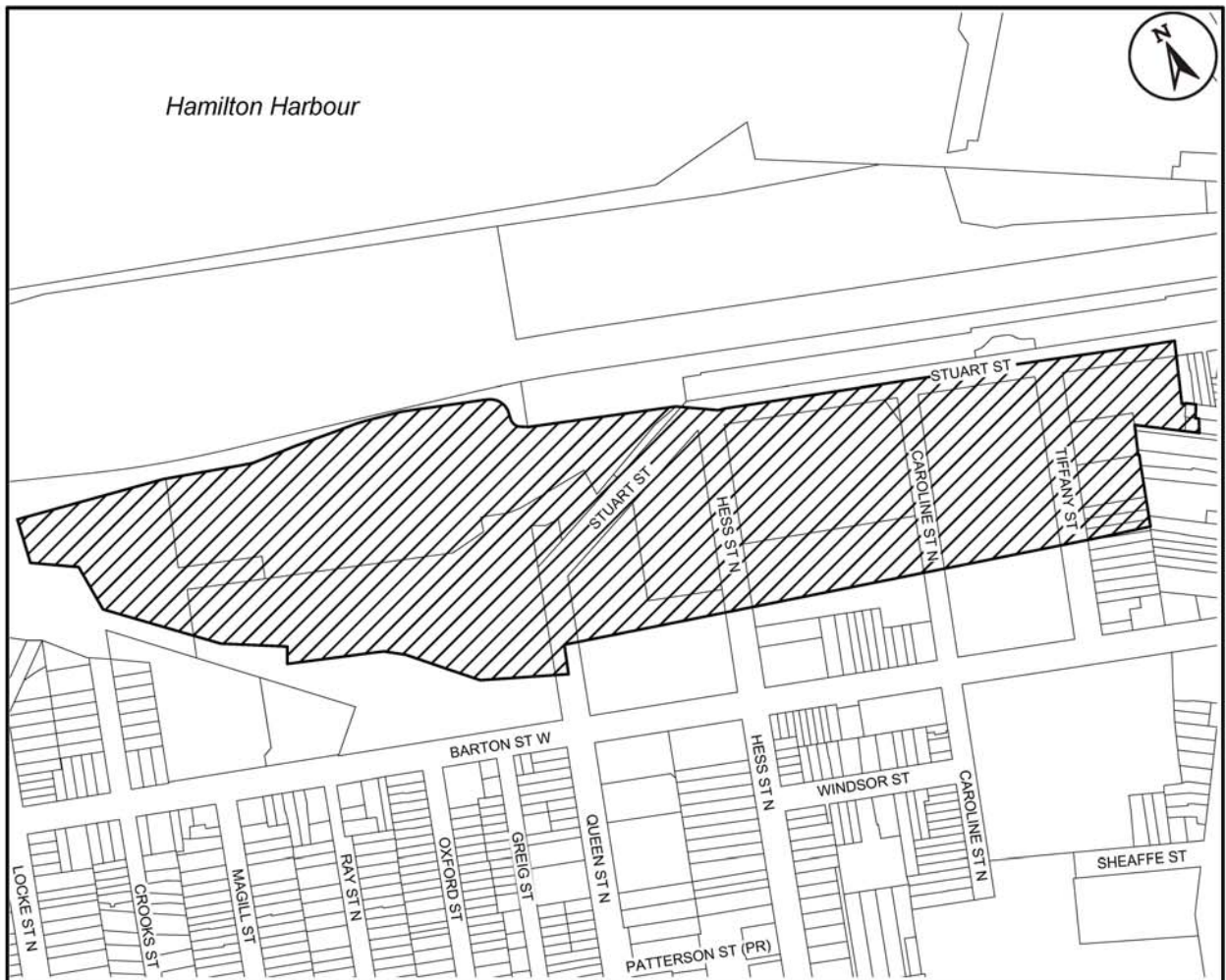
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 10th day of April, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Production Studio



This is Schedule "A" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 867 & 868</p>		Subject Property Amendment to the Downtown Mixed Use Pedestrian Focus (D2, 442, 44) Zone, Modified, with a Holding Provision
Scale: N.T.S.	File Name/Number: Production Studio	 Hamilton
Date: Jan. 31, 2019	Planner/Technician: EJ/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		