

**“6.1 DOWNTOWN CENTRAL BUSINESS DISTRICT (D1) ZONE**

***Explanatory Note:** The D1 Zone represents the cultural, institutional, residential, and commercial make-up of Downtown Hamilton. The Zone provides for a wide variety of mixtures in stand-alone or mixed use buildings. The intent of the permitted uses and built form is to create a complete, vibrant, transit-oriented area where people come to live, work, and play.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D1 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

**6.1.1 PERMITTED USES**

Artist Studio  
 Beverage Making Establishment  
 Catering Service  
 Commercial Entertainment  
 Commercial Recreation  
 Commercial School  
 Community Garden  
 Conference or Convention Centre  
 Craftsperson Shop  
 Day Nursery  
 Duplex Dwelling  
 Dwelling Unit(s)  
 Educational Establishment  
 Exhibition Facility  
 Financial Establishment  
 Hotel  
 Laboratory  
 Lodging House  
 Long Term Care Facility  
 Medical Clinic  
 Motor Vehicle Rental Establishment  
 Multiple Dwelling  
 Office  
 Personal Services  
 Place of Assembly  
 Place of Worship  
 Repair Service  
 Restaurant  
 Retail  
 Retirement Home  
 Social Services Establishment  
 Tradesperson’s Shop

Transportation Depot  
 Urban Farm  
 Urban Farmers Market  
 Veterinary Service

**6.1.1.1 RESTRICTED  
 USES**

- i) In addition to Section 6.1.1, the following uses shall only be permitted in accordance with Section 6.1.3 and the following additional restrictions:

1. Parking Facility

In the case of a Parking Facility developed after the effective date of this By-law, such facility:

- A. shall only be contained within a building; and,
- B. 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 permitted uses, other than parking.
- C. in addition to 6.1.1.1 i) 1. B. above, any parking structure located above the ground floor shall be screened from view from the public sidewalk.

2. Microbrewery

A Microbrewery shall have a maximum Gross Floor Area of 700.0 square metres.

3. Motor Vehicle Rental Establishment

Any motor vehicles that are stored or parked for rental purposes shall only be located in an enclosed parking structure or a fully enclosed building.

## 4. Duplex Dwelling

A Duplex Dwelling shall only be permitted as a result of the conversion of an existing Single Detached Dwelling.

**6.1.2 PROHIBITED USES**

- i) Notwithstanding Section 6.1.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility  
 Dry Cleaning Plant  
 Motor Vehicle Dealership  
 Motor Vehicle Gas Bar  
 Motor Vehicle Service Station  
 Motor Vehicle Washing Establishment

- ii) Notwithstanding Section 6.1.1, the following uses are prohibited, except if considered an accessory use to another permitted use:

Amusement Arcade  
 Garden Centre

**6.1.3 REGULATIONS**

- a) Building Setback from a Street Line
- i) Maximum 4.5 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access;
- ii) Notwithstanding Section 6.1.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
- iii) Section 6.1.3 a) i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 6.1.3 c) ii) or iii) below.
- iv) Where a building(s) has been constructed and complies with Section 6.1.3 c) ii) or iii) below, additional buildings constructed on the subject property shall not be subject to

- Section 6.1.3 a) i) above, as it relates to the setback from a front lot line.
- v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to Section 6.1.3 a) i) above.
  - vi) Accessory buildings and structures shall not be subject to Section 6.1.3 a) i).
- b) Building Height
- i) Minimum 7.5 metres; and,
  - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule "F" – Special Figures.
- c) Built Form for New Development
- In the case of buildings constructed after the effective date of this By-law or additions to buildings existing as of the effective date of this By-law the following regulations shall apply:
- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,
  - ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall:
    1. be greater than or equal to 75% of the measurement of the front lot line; and,
    2. comply with Section 6.1.3 a) i) above.
  - iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall:
    1. be greater than or equal to 50% of the measurement of the front lot line and flankage lot line; and,
    2. comply with Section 6.1.3 a) i) above.
  - iv) Notwithstanding Section 6.1.3 c) ii) and iii) above, a driveway with a maximum width of

- 7.5 metres shall be permitted for ingress and egress.
- v) No parking or aisles shall be located between the required building façade and the front lot line or flankage lot line.
  - vi) A minimum of one principal entrance shall be provided:
    1. within the ground floor façade setback the least distance from a street; and,
    2. shall be accessible from the building façade with direct access from the public sidewalk.
  - vii) Notwithstanding the definition of a planting strip, a sidewalk shall be permitted where required by Section 6.1.3 c) vi) above.
- d) Outdoor Storage
- i) No outdoor storage of goods, materials, or equipment shall be permitted.
  - ii) Notwithstanding Section 6.1.3 d) i) above, the outdoor display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard.
- e) Maximum Lot Coverage 85%
- f) Minimum Amenity Area for Dwelling Units and Multiple Dwellings
- On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:
- i) An area of 4.0 square metres for each dwelling unit; and,
  - ii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.

- g) Green Roof for Multiple Dwelling      Notwithstanding Section 6.1.3 f) i) above, for every 0.5 square metres of Green Roof area provided, the required Amenity Area may be reduced by 1.0 square metre.

**6.1.4 URBAN FARM REGULATIONS**      In accordance with the requirements of Section 4.26 of this By-law.

**6.1.5 COMMUNITY GARDEN REGULATIONS**      In accordance with the requirements of Section 4.27 of this By-law.

**6.1.6 URBAN FARMERS MARKET REGULATIONS**      In accordance with the requirements of Section 4.28 of this By-law.

(By-law 18-114, May 9, 2018)