



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 16, 2024
<b>SUBJECT/REPORT NO:</b>	Housekeeping Amendments to the Urban Hamilton Official Plan Regarding 3011 Homestead Drive, Glanbrook (PED24003) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Alana Fulford (905) 546-2424 Ext. 4771
<b>SUBMITTED BY:</b>	Shannon McKie Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That City Initiative CI-23-M – Housekeeping Amendments to the Urban Hamilton Official Plan, to create a Site Specific Policy Area for the District Commercial designation in the Mount Hope Secondary Plan for lands located at 3011 Homestead Drive, Glanbrook (see Appendix “A” attached to Report PED24003), be approved on the following basis:

- (a) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED24003, be adopted by Council;
- (b) That the draft Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### EXECUTIVE SUMMARY

The purpose of the Urban Hamilton Official Plan Amendment is to create a Site Specific Policy Area for the lands located at 3011 Homestead Drive, Glanbrook to allow the following uses in addition to the uses permitted in the District Commercial designation:

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- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

The proposed Urban Hamilton Official Plan amendment facilitates an Oral Decision of the Ontario Land Tribunal on October 10, 2023, and subsequent Interim Order of the OLT on December 4, 2023, associated with the subject lands as a part of the outstanding Commercial and Mixed Use Zoning appeals (PED16100(c)).

**Alternatives for Consideration – See Page 7**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an Official Plan Amendment to the Urban Hamilton Official Plan. Notice of this Amendment has been circulated to property owners within 120 metres of the subject lands, as required by the *Planning Act*.

**HISTORICAL BACKGROUND**

Zoning By-law No. 05-200 was first passed by Council in 2005 and represents the new comprehensive Zoning By-law for the City of Hamilton following amalgamation. Rather than replacing the zoning by-laws of the former municipalities at once, Zoning By-law No. 05-200 is a "living document" where new uses have been added over time to replace the former Community Zoning By-laws.

In November 2017, City Council approved By-law No. 17-240, a City-wide amendment to Zoning By-law No. 05-200 to bring forward the City's new Commercial and Mixed Use Zones. The By-law was accompanied by Urban Hamilton Official Plan Amendment No. 69, which allowed for the implementation of the new zoning. Official Plan Amendment No. 69 did not change the designation of 3011 Homestead Drive as the Mount Hope

Secondary Plan had established the District Commercial designation on the subject lands.

The Commercial and Mixed Use By-law No. 17-240 and Official Plan Amendment No. 69 were appealed by over 20 different parties to the Ontario Land Tribunal. The appeal associated with 3011 Homestead Drive was settled by Oral Decision of the Ontario Land Tribunal on October 10, 2023, and subsequent Interim Order of the Tribunal on December 4, 2023. As a result of the Ontario Land Tribunal Interim Decision, the District Commercial (C6, 580) Zone is to be modified to add the following uses:

- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

A housekeeping amendment is required to the Urban Hamilton Official Plan to align the District Commercial designation with the Ontario Land Tribunal Interim Decision.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2019, as amended). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement and conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the Urban Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

Although there are no direct policies within the Provincial plans respecting Housekeeping Amendments, the proposed amendment is proposed to facilitate an Ontario Land Tribunal decision that has been determined to implement the Provincial

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policy framework, and as such, the proposed amendments are consistent with Section 3 of the *Planning Act*, consistent with the Provincial Policy Statement, and conform to the Growth Plan.

Based on the foregoing, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2020); and,
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**Urban Hamilton Official Plan**

The subject lands are designated "Neighbourhoods" on Schedule "E" – Urban Structure and designated "District Commercial" on Schedule "E-1" – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject lands are also located within the Airport Influence Area on Schedule "F" – Airport Influence Area and identified at between 35 and 40 Noise Exposure Forecast as shown in Appendix "D" – Noise Exposure Forecast Contours and Primary Airport Zoning Regulation Area. Further, the lands are designated "District Commercial" on Map B.5.4-1 Land Use Plan of the Mount Hope Secondary Plan.

The District Commercial designation of Volume 1 of the Urban Hamilton Official Plan, and the equivalent policies of the Mount Hope Secondary Plan apply to the subject lands. A Site Specific Policy area is required to allow the following uses in addition to the uses permitted in the District Commercial designation in the Mount Hope Secondary Plan:

- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

The policies of the Urban Hamilton Official Plan, Volume 1, Chapter F – Implementation, provide direction for housekeeping amendments to the Plan, as follows:

“Official Plan Amendments

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) To update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five year review or other appropriate time through a City initiative; or,
- b) To update and streamline administration or municipal planning policies.

F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) The impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) The impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

Pursuant to Policy F.1.1.4, staff are initiating an Official Plan Amendment to update municipal planning policies to implement the Ontario Land Tribunal Interim Order issued on December 4, 2023. The proposed changes meet the criteria set out in F.1.1.5 as they are minor in nature and improve policy interpretation.

**Zoning By-law No. 05-200**

The subject lands are to be zoned District Commercial (C6, 580, 871) Zone upon Final Order of the Ontario Land Tribunal. The proposed uses are to be included in Special Exception No. 871 and the Official Plan Amendment is necessary to have regard for the Ontario Land Tribunal interim order thereby eliminating a discrepancy between the Urban Hamilton Official Plan and the implementing Zoning By-law.

The Tribunal requires that the parties bring back a final form of the Zoning By-law Amendment, which is anticipated to be confirmed with the Tribunal pending the adoption of this draft Official Plan Amendment required to implement the Zoning By-law Amendment. Staff note that the draft Zoning By-law Amendment set out as Attachment 1 to the Tribunal’s Interim Order contains technical errors, which the parties will work to revise for final submission and approval by the Ontario Land Tribunal.

## **RELEVANT CONSULTATION**

Consultation has been undertaken with staff in the Legal Services to confirm the implementation requirements as a result of the Ontario Land Tribunal Interim Order issued December 4, 2023. Notice of the amendment was circulated to adjacent property owners on December 22, 2023.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The purpose of the Official Plan Amendment is to add a Site Specific Policy Area in the Mount Hope Secondary Plan to the lands located at 3011 Homestead Drive, Glanbrook to allow the following additional commercial and prestige industrial uses in the District Commercial designation:

- Contractor's Establishment;
- Computer, Electronic and Data Processing Establishment;
- Planned Business Centre;
- Production Studio;
- Research and Development Establishment;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop; and,
- Self-Storage Facility.

The additional uses facilitate the Ontario Land Tribunal Interim Order issued on December 4, 2023. The effect of the Official Plan Amendment is that the applicable land use designation and implementing zoning will be aligned and permit a range of uses that are appropriate for the future development of the land.

The additional prestige industrial uses proposed to be added are consistent with business uses described within the Employment Area Designation of the Urban Hamilton Official Plan but share characteristics of form and function with the retail uses permitted in the District Commercial Designation. Additionally, the proposed commercial uses align with the intended development of the surrounding area. No new sensitive land uses are proposed by the amendments. Therefore, Planning staff are satisfied that the additional uses are appropriate as they do not conflict with or interfere with the planned function and development of the surrounding lands for general commercial uses permitted through the District Commercial designation and implementing Arterial Commercial (C7, 580, 871) Zone.

**ALTERNATIVES FOR CONSIDERATION**

Planning Committee may choose not to approve the proposed amendment which will result in a conflict between the zoning on the property which has been approved in principle by the Ontario Land Tribunal, and the land use designation permissions.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to PED24003 – Location Map

Appendix "B" to PED24003 – Draft Urban Hamilton Official Plan Amendment

Appendix "C" to PED24003 – Ontario Land Tribunal Interim Order No. OLT-21-001799

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