

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



17-240-OLT-06 Attachment 1

ISSUE DATE: May 22, 2024

CASE NO(S).:

OLT-21-001799

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1826210 Ontario Inc.
Appellant:	Centurion (Dundas) Holdings Ltd
Appellant:	Marz Homes Holdings Inc
Appellant:	Ministry of Municipal Affairs; and others
Subject:	Proposed Official Plan Amendment No. 69
Description:	Official Plan Amendment to amend policies within the Commercial and Mixed Use Designations and update mapping within the Urban Hamilton Official Plan
Municipality:	City of Hamilton
Municipal Reference No.:	OP-69
OLT Case No.:	OLT-21-001799
Legacy Case No.:	PL171450
OLT Lead Case No.:	OLT-21-001799
Legacy Lead Case No.:	PL171450
OLT Case Name:	Centurion (Dundas) Holdings Ltd. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1804487 Ontario Inc.
Appellant:	1826210 Ontario Inc.
Appellant:	2294643 Ontario Inc.
Appellant:	2531083 Ontario Inc.; and others
Subject:	By-law No. 17-240
Description:	Zoning By-law Amendment is to introduce Commercial and Mixed Use Zones and a Utility Zone, to establish mapping and text within the City of Hamilton Zoning By-law No. 05-200
Municipality:	City of Hamilton
Municipal Reference No.:	17-240

OLT Case No.:
Legacy Case No.:
OLT Lead Case No.:
Legacy Lead Case No.:

OLT-21-001806
PL171451
OLT-21-001799
PL171450

BEFORE:

J. INNIS)
MEMBER)

C. I. MOLINARI
MEMBER

Wednesday, the 22nd
day of May, 2024

THESE MATTERS having come before the Tribunal for a settlement hearing on October 10, 2023 and the Tribunal having issued an Interim Decision on December 4, 2023 approving the site-specific Zoning By-law Amendment (“ZBA”) to the City of Hamilton (“City”) Zoning By-law 17-240 and withholding its Final Order pending confirmation that the Urban Hamilton Official Plan (“UHOP”) had been amended to bring the ZBA into conformity therewith;

AND THE TRIBUNAL having received confirmation on consent of the Parties that the UHOP has been amended to bring the ZBA into conformity and no appeals have been filed;

AND THE TRIBUNAL being advised by the Parties that modifications have been made to the ZBA, at the request of the City and with the consent of the Appellant;

AND THE TRIBUNAL having received a request jointly from the Parties for the Tribunal to issue its Final Order, approving the ZBA, as modified;

NOW THEREFORE THE TRIBUNAL ORDERS that the modified version of the Zoning By-Law Amendment attached to this Order as Attachment 1 is approved.

"Euken Lui"

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca

Telephone: 416-212-6349

Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**CITY OF HAMILTON
BY-LAW NO. 17-240-OLT-06**

**To Amend Zoning By-law No. 05-200 Respecting Lands
Located at 3011 Homestead Drive, Glanbrook**

WHEREAS the Ontario Land Tribunal, in its Decision/Order No. OLT-21-00179, dated the 22 day of May, 2023 approved the amendment to Zoning By-law No. 05-200, as herein provided;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. That Schedule “A” – Zoning Maps, Map No. 1711 is amended by changing the zoning from the District Commercial (C6, 580) Zone to the District Commercial (C6, 580, 871) Zone, for the lands known as 3011 Homestead Drive, the extent and boundaries of which are shown on Schedule “A” to this By-law.

2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:

“871. Within the lands zoned District Commercial (C6) Zone, identified on Map No. 1711 of Schedule “A” – Zoning Maps and described as 3011 Homestead Drive, Glanbrook, the following special provisions shall apply:

a) In addition to Section 3: Definitions, the following definition shall apply:

Self-Storage Facility	Shall mean the use of buildings or structures, or part thereof, for the storage of items that are enclosed in individual storage units for a fee.
-----------------------	---

b) Section 5.2 h) shall not apply.

c) In addition to Section 5.6 c), the following shall apply:

i) if two or more permitted uses are located on the lot, parking shall be provided at a minimum quantity of 1 space per 50.0 square metres of gross floor area, and;

To Amend Zoning By-law No. 05-200 Respecting Lands
Located at 3011 Homestead Drive, Glanbrook

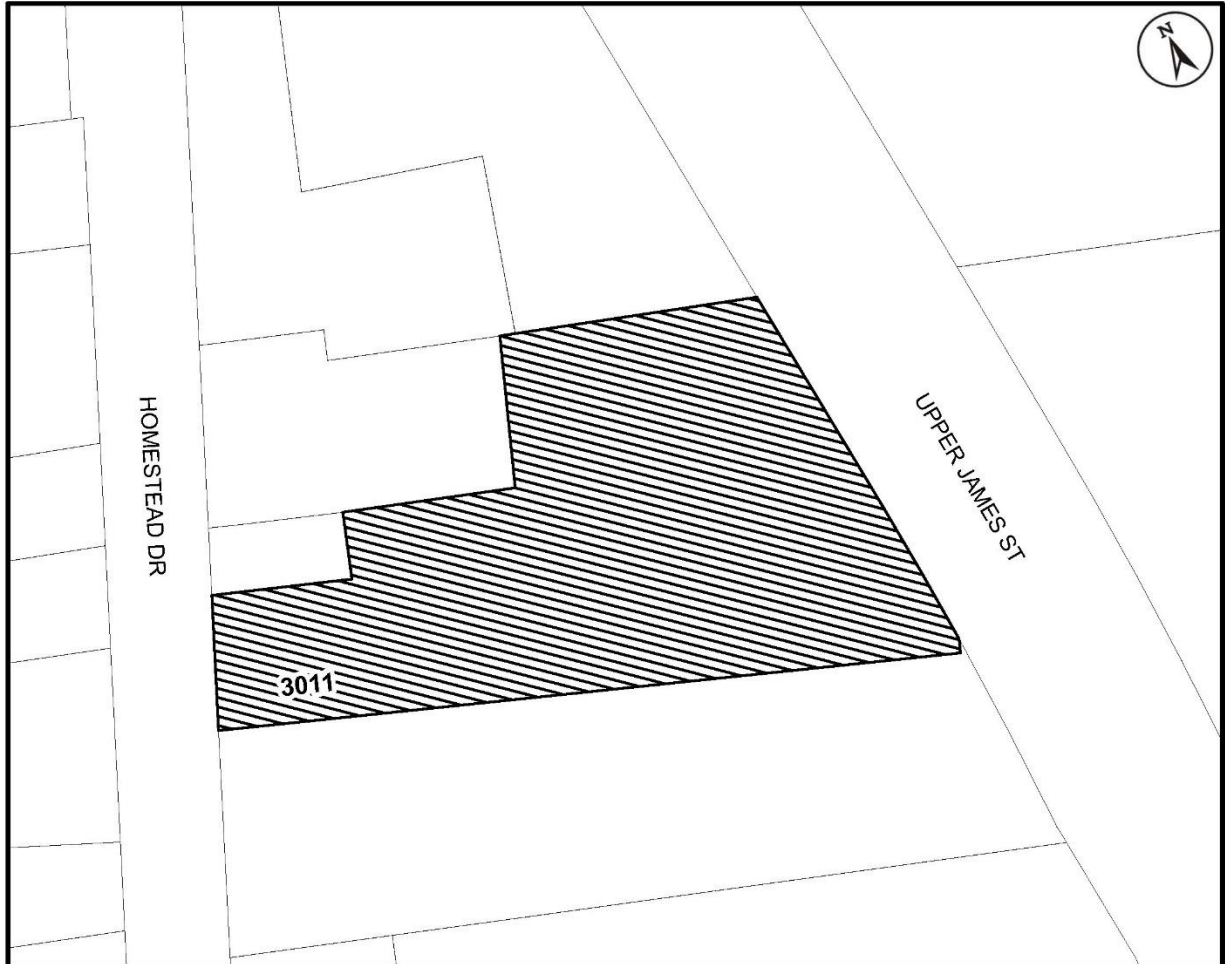
- ii) a Self-Storage Facility shall require parking at a rate of 1 space per 30.0 square metres of gross floor area for the Office portion of such use only.
- d) In addition to Subsection 10.6.1, the following uses shall be permitted in accordance with the regulations of Subsection 10.6.3 and Section e) below:
 - i. Contractor's Establishment
 - ii. Computer, Electronic and Data Processing Establishment
 - iii. Planned Business Centre
 - iv. Production Studio
 - v. Research and Development Establishment
 - vi. Self-Storage Facility
 - vii. Surveying, Engineering, Planning or Design Business
 - viii. Trade School
 - ix. Tradesperson's Shop
- e) Notwithstanding Subsection 10.6.3 a) i), ii), b) i), and c) ii), the following regulations shall apply:



i) Building Setback from a Street Line except where a visibility triangle is required for a driveway access	A. Minimum 3.0 metres to the lot line abutting Homestead Drive, and; B. Minimum 1.5 metres to the lot line abutting Upper James Street.
ii) Minimum Rear Yard	1.5 metres
iii) Minimum Interior Side Yard	A. 4.0 metres abutting a Residential or Institutional Zone or lot containing a residential use B. Notwithstanding iii) A. above, a minimum 2.0 metres shall be required for the interior side yard abutting the property to the south.

To Amend Zoning By-law No. 05-200 Respecting Lands
Located at 3011 Homestead Drive, Glanbrook

3. That this By-law No.17-240-OLT-06 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

To Amend Zoning By-law No. 05-200 Respecting Lands
Located at 3011 Homestead Drive, Glanbrook



<p>17-240-OLT-06</p> <p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the ..22nd.. day of ..May....., 2023</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>	
<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 17- <u>240-OLT-06</u></p> <p>to Amend By-law No. 05-200</p> <p>Map 1711</p>		<p>Subject Property</p> <p>3011 Homestead Drive, Glanbrook</p> <p> Change in zoning from District Commercial (C6, 580) Zone to District Commercial (C6, 580, 871) Zone</p>	
<p>Scale:</p> <p>N.T.S</p>	<p>File Name/Number:</p> <p>OLT-21-001799</p>	 <p>Hamilton</p>	
<p>Date:</p> <p>July 28, 2023</p>	<p>Planner/Technician:</p> <p>AF/VS</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			