

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

17-158-OMB
Attachment 1



ISSUE DATE: July 11, 2017

CASE NO.:

PL120721

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 1800615 Ontario Inc.
Subject: Request to amend the Official Plan – Failure of the City of Hamilton to adopt the requested amendment
Existing Designation: Special Policy F
Proposed Designation: Medium Density Residential
Purpose: To permit the proposed draft plan of subdivision
Property Address/Description: 339 and 347 Fifty Road and 1317 and 1329 Barton Street
Municipality: City of Hamilton
Approval Authority File No.: OPA-11-005
OMB Case No.: PL120721
OMB File No.: PL120721
OMB Case Name: 1800615 Ontario Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 1800615 Ontario Inc.
Subject: Application to amend Zoning By-law No.3692-92 – Neglect of application by the City of Hamilton
Existing Zoning: Agricultural Specialty Zone
Proposed Zoning: Site specific R5 Zone, site specific RM2 Zone and block-specific Multiple Residential RM2 Zone
Purpose: To permit the development of the proposed draft plan of subdivision
Property Address/Description: 339 and 347 Fifty Road and 1317 and 1329 Barton Street
Municipality: City of Hamilton
Municipal File No.: ZAC-11-042
OMB Case No.: PL120721
OMB File No.: PL120722

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*,
R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 1800615 Ontario Inc.
 Subject: Proposed Plan of Subdivision - Failure of the City
 of Hamilton to make a decision
 Purpose: To permit the proposed plan of subdivision
 Property Address/Description: 339 and 347 Fifty Road and 1317 and 1329 Barton
 Street
 Municipality: City of Hamilton
 Municipal File No.: 25T201107
 OMB Case No.: PL120721
 OMB File No.: PL120750

BEFORE:

M.A. SILLS) Tuesday, the 11th
 MEMBER)
) day of July, 2017

THIS MATTER having come on for public hearing and the Board having allowed the appeals for the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision as outlined in its decision dated May 6, 2013 (“Decision”);

AND THE BOARD having been notified by the parties that the zoning for the related Storm Water Management pond was to be facilitated through a separate by-law and was omitted from the Decision;

AND THE BOARD having received a request on consent by the parties to amend the Decision to approve the by-law;

THE BOARD ORDERS that By-law 05-200 is hereby amended as set out in Attachment 1 to this order.

A handwritten signature in black ink, reading "Olga Hunwicks". The signature is written in a cursive style with a large initial 'O'.

SECRETARY

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Attachment 1

Appendix "F" (Page 1 of 3)

Authority:

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW No. [REDACTED]

**To Amend Zoning By-law No. 05-200
Respecting the Property Located at 339 and 347 Fifty Road and 1317 and
1329 Barton Street**

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 [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law conforms with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 1312 of Schedule "A" to Zoning By-law No. 05-200, is amended by incorporating the following:
 - (a) Conservation/Hazard Land (P5) Zone boundaries for the lands comprised of Block 1;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

Appendix "F" (Page 2 of 3)

2. 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.
3. That this By-law No. [REDACTED] 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.

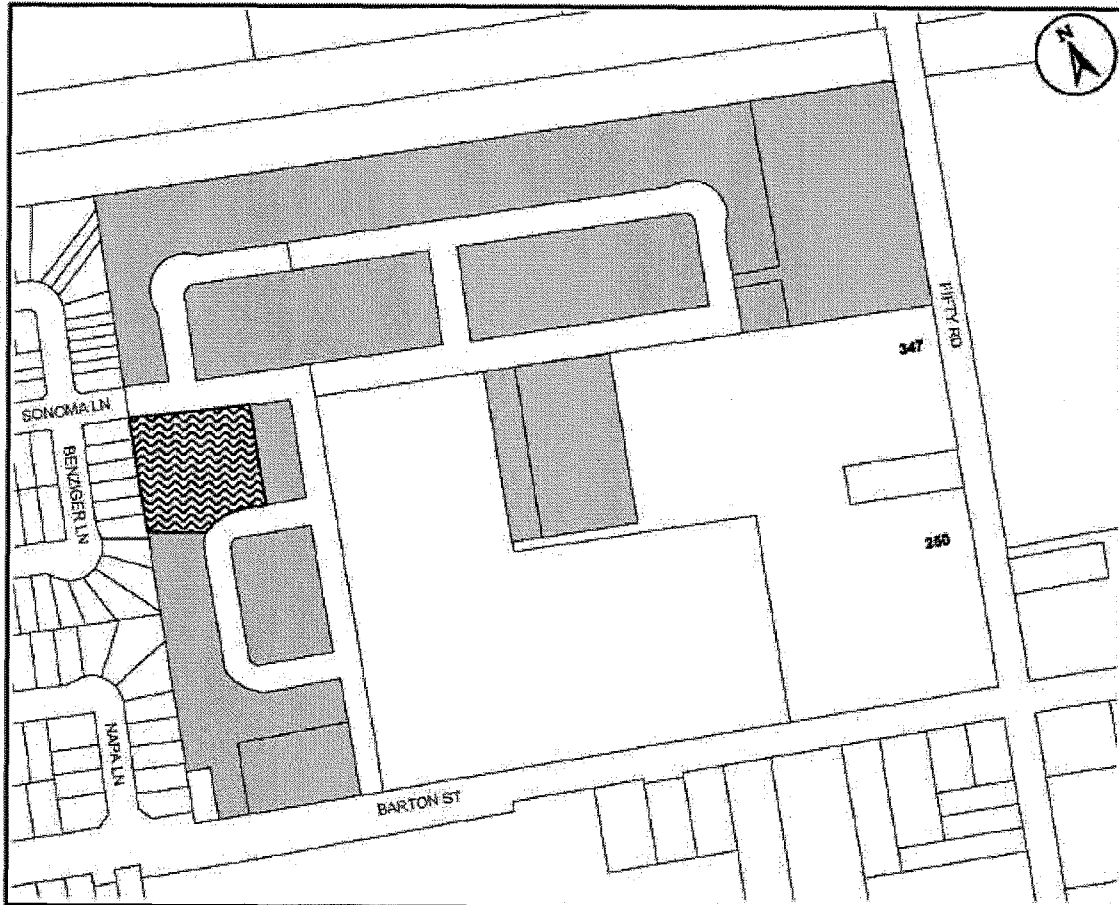
PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-11-042

Appendix "F" (Page 3 of 3)



This is Schedule "A" to By-Law No. 13-

Passed the day of, 2013

Mayor


Clerk


Schedule "A"

Map Forming Part of
By-Law No. 13-_____

to Amend By-law No. 05-200
Map 1312

Subject Property
339 - 347 Fifty Road and 1317 - 1329 Barton Street

 Block 1: Lands to be Zoned Conservation/Hazard Lands (PS) Zone

 Block 2: Refer to Zoning By-law 3692-92

Scale: N.T.S.	File Name/Number: Z4C-11-042/01A-11-005/251-201107	
Date: March 15, 2013	Planner/Technician: HT/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		