

ISSUE DATE:

March 14, 2011



Ontario Municipal Board

PL070212

Commission des affaires municipales de l'Ontario

By-law No. 11-096

Losani Homes has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to the Regional Official Plan (ROPA-05-06) for the City of Hamilton for a redesignation of employment lands to residential to permit a subdivision proposal, which includes 144 lots, 5 blocks for single-detached dwellings and 10 blocks for townhouses, at a location municipality know as 1187 Barton Street, et al.

OMB File No. PL070212-O070056

OMB Case No. PL070212-O070056

Losani Homes has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to the Official Plan (OPA-5-25) for the City of Hamilton for a redesignation of employment lands to residential to permit a subdivision proposal, which includes 144 lots, 5 blocks for single-detached dwellings and 10 blocks for townhouses, at a location municipality know as 1187 Barton Street, et al.

OMB File No. PL070212-O070063

OMB Case No. PL070212-O070056

Losani Homes has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to Zoning By-law ZAC-05-128 of the City of Hamilton to rezone lands respecting 1187 Barton Street, et al. to redesignate employment lands to residential to permit a subdivision proposal, which includes 144 lots, 5 blocks for single-detached dwellings and 10 blocks for townhouses.

OMB File No. PL070212-Z070002

OMB Case No. PL100547-O070056

IN THE MATTER OF subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Losani Homes
Subject:	Draft Plan of Subdivision No. 25T-2005-26
Property Address/Description	1187 Barton Street, et al.
Municipality:	City of Hamilton
OMB Case No.:	PL070212-S070034
OMB File No.:	PL070212-O070056

BEFORE:

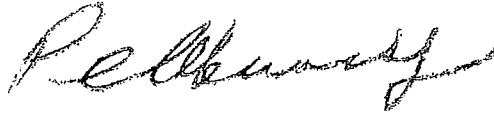
M. C. DENHEZ
Member

Monday, the 14th day
of March, 2011

Losani C
R...

THE BOARD ORDERS that the Jan. 31, 2011 Decision/Order is hereby amended by replacing the original Attachment "2" with the attached Attachment "2" and by the addition of the attached Attachment "6" (conditions of draft approval).

In all other respects the Jan. 31, 2011 Decision/Order remains the same.

A handwritten signature in black ink, appearing to read "P. Kelly", is written in a cursive style.

SECRETARY

Attachment "6"

**CITY OF HAMILTON
BY-LAW No.**

**To Amend Zoning By-law No. 05-200,
Respecting the Property Located at 1187, 1199, 1211, 1217, 1227 and 1239
Barton Street, Stoney Creek**

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 it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law No.05-200, came into force on May 25, 2005;

AND WHEREAS Zoning By-law 10-128, New Comprehensive Industrial Zones, enacted May 26, 2010, but appealed to the Ontario Municipal Board, re-zoned the subject lands to the Prestige Business Park (M3) Zone;

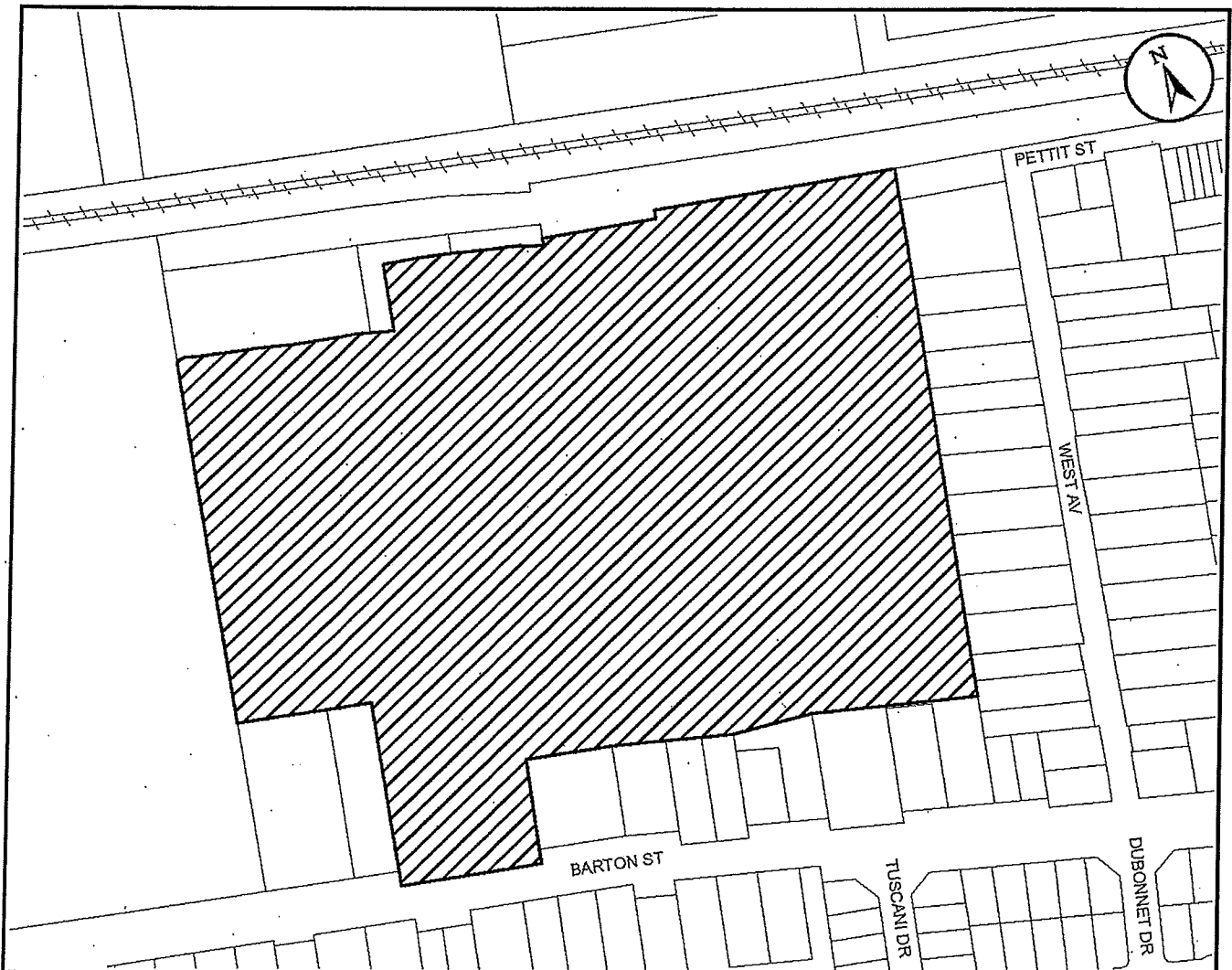
AND WHEREAS the Council of the City of Hamilton, in adopting Item 12.2 of Report 10-014 of the Economic Development and Planning Committee at its meeting held on the 15th day of June, 2010, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS the Ontario Municipal Board has issued an Order that Zoning By-law 05-200, be amended as hereafter provided;

AND WHEREAS this by-law will be in conformity 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, upon approval of Official Plan Amendment No. 162;

NOW THEREFORE the Ontario Municipal Board Orders as follows:

1. That Schedule "A", Map Nos. 1258 and 1133 of to Zoning By-law No. 05-200, are amended by removing the property located at 1187, 1199, 1211, 1217, 1227 and 1239 Barton Street, the extent and boundaries of which are attached to this By-law as Schedule "A";



This is Schedule "A" to By-Law No. 10-
 Passed the day of, 2010

 Clerk


 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 10-_____

to Amend By-law No. 05-200
 (Maps 1258 & 1311)

Subject Property
 1187, 1199, 1211, 1217, 1227 and 1239 Barton Street

 Lands to be removed from By-law No. 05-200

Scale:
 N.T.S.

File Name/Number:
 ZAC-05-128

Date:
 August 12, 2010

Planner/Technician:
 DY/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT