

Ontario Land Tribunal

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**Tribunal ontarien de
l'aménagement du territoire**

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**23-198-OLT Attachment
23-199-OLT Exhibit 2**

ISSUE DATE: October 12, 2023

CASE NO.: PL170858

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

Applicant and Appellant: 2417985 Ontario Inc. & 2417972 Ontario Inc.
Subject: Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation: Freelon Settlement Area
Proposed Designated: Site specific to allow proposed development
Purpose: To permit the construction of a 20 lot residential subdivision
Property Address/Description: 34 11th Concession Rd E & 1800 Highway 6
Municipality: City of Hamilton
Approval Authority File No.: PHOPA-14-001
OMB Case No.: PL170858
OMB File No.: PL170858
OMB Case Name: 2417985 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: 2417985 Ontario Inc. & 2417972 Ontario Inc.
Subject: Application to amend Zoning By-law No. 90-145-Z - Neglect of the City of Hamilton to make a decision
Existing Zoning: R2 & R2-1(H)
Proposed Zoning: Site specific to allow proposed development
Purpose: To permit the construction of a 20 lot residential subdivision.
Property Address/Description: 34 11th Concession Rd E & 1800 Highway 6
Municipality: City of Hamilton
Municipality File No.: ZAR-15-002
OMB Case No.: PL170858
OMB File No.: PL170859

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

Applicant and Appellant: 2417985 Ontario Inc. & 2417972 Ontario Inc.

Subject: Proposed Plan of Subdivision - Failure of the City of Hamilton to make a decision
Purpose: To permit the construction of a 20 lot residential subdivision.
Property Address/Description: 34 11th Concession Rd E & 1800 Highway 6
Municipality: City of Hamilton
Municipality File No.: 25T-201403
OMB Case No.: PL170858
OMB File No.: PL170860

BEFORE:

BLAIR S. TAYLOR) On this 12th day
VICE-CHAIR) of October, 2023

THIS MATTER having come before the Tribunal on consent by all Parties, requesting that the Order of the Tribunal issued on August 29, 2019 with respect to OLT Case number PL170858 for the lands known municipally as 34 11th Concession Road East & 1800 Highway 6, Hamilton (the “Subject Lands”), be amended;

AND THE TRIBUNAL having reviewed the filed materials and evidence submitted by the City, including the Affidavit of Alana Fulford sworn September 22, 2023, which provided a revised Official Plan Amendment and a revised Zoning By-law Amendment at Exhibits “C” and “D”,

THE TRIBUNAL ORDERS that the Zoning By-law Amendment and Official Plan Amendment approved by the Tribunal in its Order on August 29, 2019 with respect to the Subject Lands be amended, and the instruments be revised as attached to this Order.

“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

23-198-OLT

Rural Hamilton Official Plan Amendment No. 24

The following text, together with Appendix "A" – Volume 2: Map 7 – Freelon Rural Settlement Area Plan attached hereto, constitutes Official Plan Amendment No. 24 to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate lands and create a Site Specific Policy within the Freelon Rural Settlement Area Plan to permit the development of 20 lots for single detached dwellings.

2.0 Location:

The lands affected by this Amendment are known municipally as 34 11th Concession Road East and 1800 Highway 6, in the former Town of Flamborough.

3.0 Basis:

The basis for permitting this Amendment is to facilitate the approval of the proposed development by the Ontario Land Tribunal in Case No. PL170858.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans and Rural Settlement Areas

Text

4.1.1 Chapter A – Rural Settlement Areas

- a. That Volume 2: Chapter A.3.0 – Flamborough Rural Settlement Area Plans, Section 3.4 – Freelon Rural Settlement Area Plan be amended by adding a new Section entitled "3.4.6 – Site Specific Areas" and a new Site Specific Area, as follows:

Rural Hamilton Official Plan Amendment No. 24	Page 1 of 3	 Hamilton
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“3.4.6 Site Specific Areas

3.4.6.1 Notwithstanding Policy C.5.1.1 c) of Volume 1, for the lands located at 34 11th Concession Road East and 1800 Highway 6, designated “Settlement Residential” and identified as “Site Specific Area 1” on Map 7 – Freelon Rural Settlement Area Plan, a total of 20 residential lots ranging from 0.2 ha to 0.35 ha in lot area shall be permitted.”

Maps and Appendices

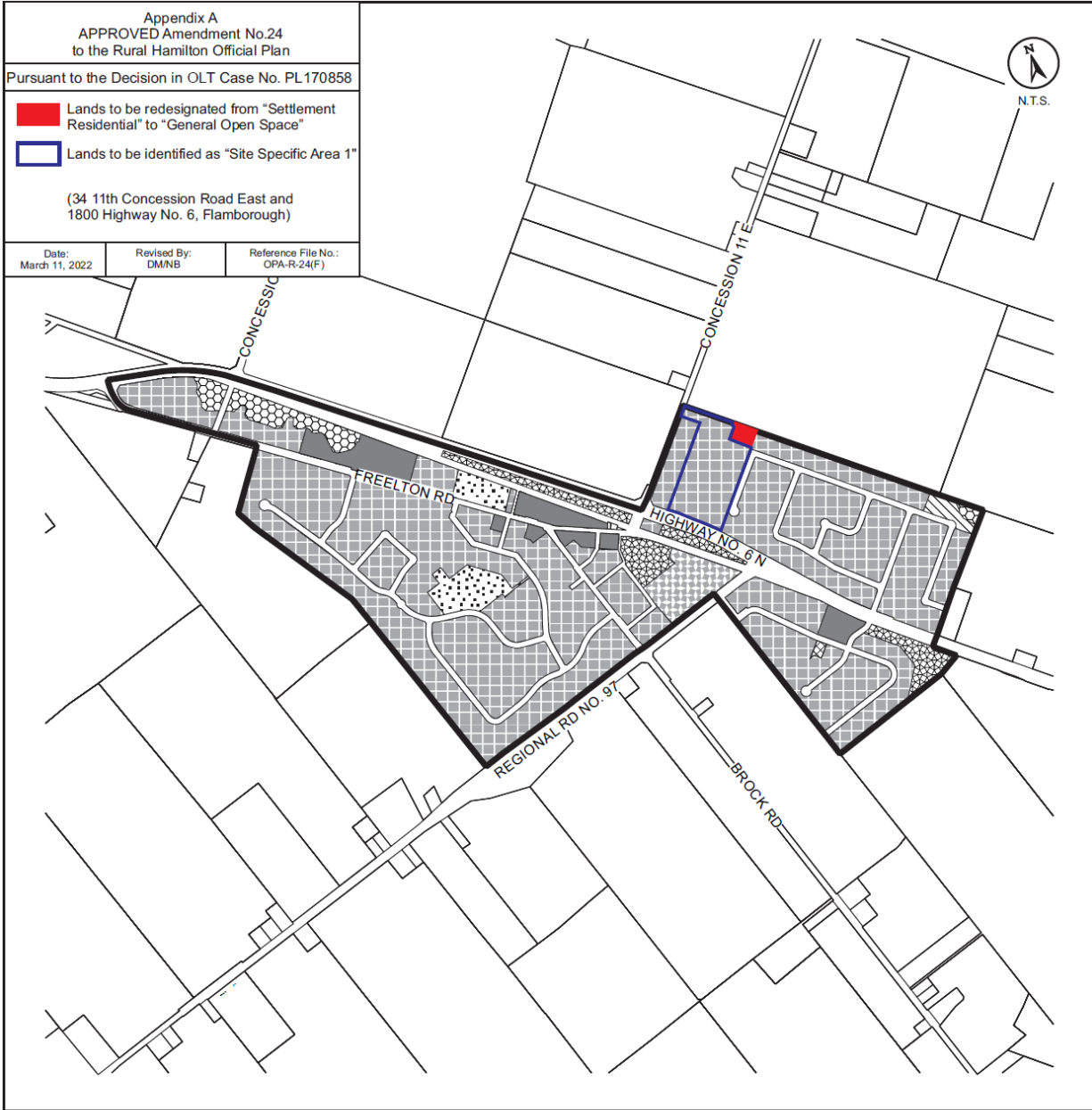
4.1.2 Map

- a. That Volume 2: Map 7 – Freelon Rural Settlement Area Plan be amended by:
- i) redesignating lands from “Settlement Residential” to “General Open Space”; and,
 - ii) identifying the subject lands as “Site Specific Area 1”,
- as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Plan of Subdivision will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 23-198-OLT, pursuant to Decision / Order of the Ontario Land Tribunal issued in Case No. PL170858.



<p>Legend</p> <p> Settlement Area Boundary</p> <p>LAND USE DESIGNATIONS</p> <p> Settlement Residential</p> <p> Settlement Commercial</p> <p> Settlement Institutional</p>	<p>Open Space and Parks Designations</p> <p> Community Park</p> <p> General Open Space</p> <p> Natural Open Space (Hazard Lands)</p> <p> Parkette</p> <p> Neighbourhood Park</p>	<p>Volume 2: Map 7 Freelon Rural Settlement Area Plan</p> <p>Rural Hamilton Official Plan Council Adoption: September 27, 2006 Ministerial Approval: December 24, 2008 Effective Date: February 2021</p> <div style="text-align: right;"> <p>Hamilton</p> </div>
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CITY OF HAMILTON
BY-LAW NO. 23-199-OLT

**To amend Zoning By-law No. 05-200 respecting lands located at 34 - 11th
Concession Road East and 1800 Highway No. 6, Flamborough**

WHEREAS the Ontario Land Tribunal in its Decision/Order No. PL170858, dated the 29th day of August, 2019, approved the amendment to Zoning By-law No. 05-200 as hereinafter provided;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan upon the adoption of Rural Hamilton Official Plan Amendment No. 24;

NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map Nos. 16 and 25 of Schedule “A” – Zoning Maps of Zoning By-Law 05-200 be amended by changing the zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1,779) Zone, and from the Settlement Residential (S1) Zone to the Conservation/Hazard Lands (P5) Zone, for the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to the By-law.
2. That Schedule “C” – Special Exceptions of Zoning By-law No. 05-200 is hereby amended by adding a special exception as follows:

“779 Within the lands zoned Settlement Residential (R1) Zone, identified on Map. Nos. 16 and 25 of Schedule “A” – Zoning Maps, and described as 34 - 11th Concession Road East and 1800 Highway No. 6, the following special provisions shall apply:

a) Notwithstanding Section 12.3.3 a) and b), the following regulations shall apply:

- | | | |
|-----|-------------------|--------------|
| i) | Minimum Lot Area | 0.2 hectares |
| ii) | Minimum Lot Width | 26.0 metres” |

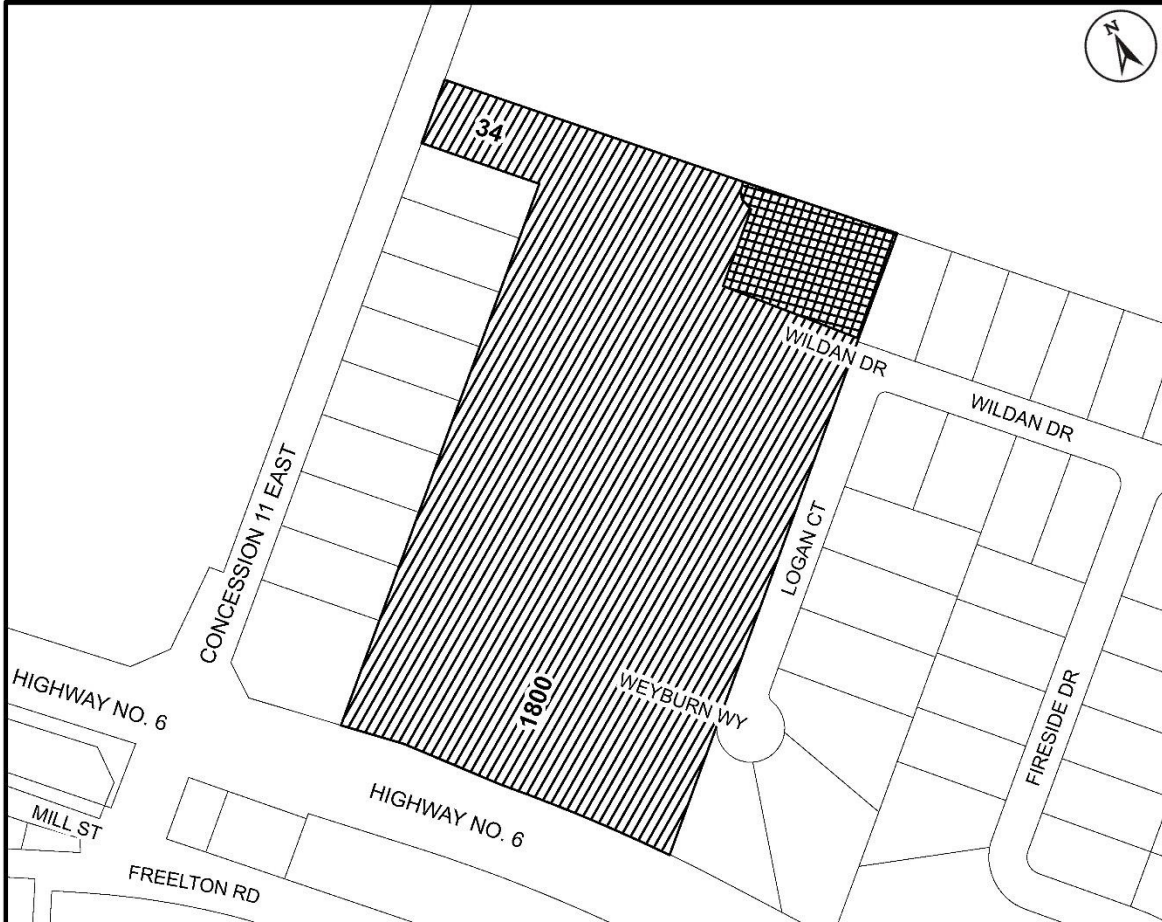
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Ontario Land Tribunal Act*.
4. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

**To amend Zoning By-law No. 05-200 respecting lands located at 34 - 11th
Concession Road East and 1800 Highway No. 6, Flamborough**

Pursuant to the Order/Decision of the Ontario Land Tribunal Issued on August 29, 2019
under Tribunal File No. PL170858

ZAR-15-002

To amend Zoning By-law No. 05-200 respecting lands located at 34 - 11th Concession Road East and 1800 Highway No. 6, Flamborough



This is Schedule "A" to By-law No. 23 - 199-OLT
Passed the ...12th... day of ...October....., 2023

Mayor



Clerk

Schedule "A"

Map forming Part of
By-law No. 23-199-OLT

to Amend By-law No. 05-200
Map 16 & 25

Subject Property
34 - 11th Concession Road East and 1800 Highway No. 6,
Flamborough (Ward 15)

-  Change in zoning from the Settlement Residential (S1) Zone to the Settlement Residential (S1,779) Zone
-  Change in zoning from the Settlement Residential (S1) Zone to the Conservation/Hazard Lands (P5) Zone

Scale: N.T.S	File Name/Number: PL170858
Date: March 15, 2022	Planner/Technician: AF/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

