

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



25-057-OLT Attachment 1
25-058-OLT Attachment 2

ISSUE DATE: March 21, 2025

CASE NO(S): OLT-23-000795

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

Applicant/Appellant:	499 Mohawk Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment To permit a residential development consisting of eight multiple dwellings ranging in height from 25-storeys to 8-storeys and townhouses
Description:	
Reference Number:	UHOPA-23-001
Property Address:	499 Mohawk Road East
Municipality/UT:	Hamilton/Hamilton
OLT Case No:	OLT-23-000795
OLT Lead Case No:	OLT-23-000795
OLT Case Name:	499 Mohawk Inc. v. Hamilton (City)

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

Applicant/Appellant:	499 Mohawk Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision To permit a residential development consisting of eight multiple dwellings ranging in height from 25-storeys to 8-storeys and townhouses
Description:	
Reference Number:	ZAC-23-001
Property Address:	499 Mohawk Road East
Municipality/UT:	Hamilton/Hamilton
OLT Case No:	OLT-23-000797
OLT Lead Case No:	OLT-23-000795

Heard: March 17, 2025, in writing

APPEARANCES:**Parties**

499 Mohawk Inc.

City of Hamilton

CounselP. Harrington
M. Helfand

P. Krysiak

DECISION DELIVERED BY C. HARDY AND ORDER OF THE TRIBUNAL

BACKGROUND

[1] This Decision and Order relate to a written Motion to consider a settlement proposal concerning appeals brought pursuant to s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”) from the failure of the City of Hamilton (“City”) to render decisions within the prescribed timelines regarding applications for an Official Plan Amendment (“OPA”) and Zoning by-law Amendment (“ZBA”) (together referred to as the “applications”). The appeals were filed by 499 Mohawk Inc. (“Appellant”) regarding lands municipally known as 499 Mohawk Road East (“subject property”).

[2] The subject property is approximately 3.9 hectares in size with 196.2 metres (“m”) of frontage along Mohawk Road East and 117.5 m of frontage along Upper Sherman Avenue. The subject property is currently improved with a one-storey commercial strip mall with surface parking. The Urban Hamilton Official Plan (“UHOP”) designates the subject property as *Neighbourhoods* in Schedule E – Urban Structure and *District Commercial* in E-1 – Urban Land Use Designations. The City Zoning by-law No. 05-200 (“City ZBL”) zones the subject property as “District Commercial” (C6).

[3] The areas to the north and west of the subject property are existing neighbourhoods with one-storey and two-storey single detached residential dwellings. Upper Sherman Avenue is located east of the subject property and consists of a five-lane roadway identified in the UHOP as a minor arterial road and further east are a mix

of detached residential dwellings and commercial buildings. South of the subject property is Mohawk Road East, which is a five-lane roadway identified in the UHOP as a major arterial road and further south are a mix of apartment buildings and a gas station with an auto centre.

[4] At the first Case Management Conference (“CMC”) convened on November 15, 2023, the Tribunal granted Participant status to 15 individuals. A second CMC was convened on March 19, 2024, wherein a 10-day hearing of the merits was scheduled to commence on March 10, 2025. The Parties engaged in several mediation sessions and without prejudice discussions which led to the Appellant, with the consent of the City, requesting that the hearing be reduced to five days commencing on March 17, 2025. As a result of the Parties continued hard work and positive communications, the Tribunal was advised that the Parties had reached a settlement that was endorsed by City Council on March 5, 2025.

SETTLEMENT

[5] The Appellant filed a Settlement Motion Record on March 13, 2025, together with the Notice of Settlement Motion, the Affidavit of Roxy Shiell sworn on March 11, 2025, with composite exhibits, the Affidavit of Matt Johnston sworn on March 11, 2025, with composite exhibits and a draft Order. The Settlement Motion Record was entered as **Exhibit 1** to the proceedings.

[6] Ms. Shiell is a registered professional planner with over 10 years of experience in planning and urban design matters. She is a Principal with Bousfields Inc. and the Tribunal qualified her to provide written opinion evidence on urban planning matters, on consent of the Parties. Mr. Johnston has been a registered professional planner in Ontario since 2006 and has over 20 years of land use planning experience. He is a Principal with UrbanSolutions Planning & Development Consultants Inc. and the Tribunal qualified him to provide written opinion evidence on land use planning, on consent of the Parties.

Proposed Settlement

[7] In October 2022, the Appellant filed an OPA and ZBA to facilitate the development of built forms ranging from three-storey townhouse blocks to 25-storey residential buildings (“original proposal”). The original proposal was deemed complete by the City on November 21, 2022. As a result of various public meetings and circulations of the original proposal, the Appellant received several public comments, City department comments and agency comments. On August 11, 2023, the Appellant appealed the City’s non-decision on the applications to the Tribunal.

[8] In an effort to address the comments received on the original proposal, the Appellant and the City engaged in a number of without prejudice discussions, in addition to Tribunal-led mediation. The continued efforts and positive discussions among the Parties resulted in a settlement recommendation being presented to City Council on March 5, 2025.

[9] The revisions to the original proposal resulted in a proposal comprised of a mix of low-rise, mid-rise and high-rise buildings which include three 20-storey buildings, two 16-storey buildings, one 14-storey building, seven 3-storey townhouse blocks and three 3-storey back-to-back townhouse blocks. The buildings propose a total of 1,850 dwelling units with 1,912 parking spaces and 1,054 square metres (“m²”) of commercial space. (“proposed development”).

[10] The proposed ZBA includes the use of a Holding Provision to secure commitments relating to affordable residential housing units and further updated studies relating to final design matters.

[11] To facilitate the proposed development, an OPA and ZBA are required substantially in the forms set out in **Attachment 1** and **Attachment 2**. The OPA is required to redesignate the subject property from *District Commercial* to

Neighbourhoods under the E-1 – Urban Land Use Designations of the UHOP. The *Neighbourhoods* designation would permit a maximum height of 20 storeys. The ZBA is required to rezone the subject property from “District Commercial” (C6) to a site specific “Transit Oriented Corridor Mixed Use Medium Density” (TOC1,) and provide site specific provisions for items such as increased building height, reduced yard setbacks and balcony projections.

Evidence

[12] Ms. Shiell prepared an Affidavit in support of the settlement, which was filed as Tab 2 in **Exhibit 1**. Mr. Johnston prepared an Affidavit in support of the settlement, which was filed as Tab 3 in **Exhibit 1**. In their affidavits, both experts provided detailed contextual, planning, and urban design rationale in support of the proposed development.

[13] Mr. Johnston provided a detailed analysis of the proposed development against relevant policies and concluded that the OPA and ZBA that will facilitate the proposed development will have sufficient regard for matters of Provincial interest set out in s. 2 of the Act, are consistent with the Provincial Planning Statement, 2024 (“PPS”), implement the goals of the UHOP and implement the intent of the City ZBL.

[14] In his written Affidavit, Mr. Johnston reviewed s. 2 of the Act in its entirety and it was his opinion that approval of the OPA and ZBA would have regard for matters of Provincial interest as outlined in s. 2. Some examples Mr. Johnston pointed to include s. 2(j), noting that the proposed development will significantly contribute to ensuring that a range of dwelling types are made available in the community. Mr. Johnston also opined that this would improve the range of housing and residential densities available. The provision of 1,054 m² of commercial space has regard for s. 2(k) as it will contribute to employment opportunities in the area and Mr. Johnston opined that the employment opportunities would be provided in a more efficient, compact, mixed-use format.

[15] Mr. Johnston explained that the PPS guides appropriate development while protecting resources of Provincial interest, public health and safety and the quality of the natural and built environment. It was Mr. Johnston's opinion that the OPA and ZBA are consistent with the policies of the PPS. He opined that the close proximity of the subject property to parks, open space and other amenities combined with the planned amenities in the proposed development, will serve the long-term needs of the community pursuant to s. 2.1 of the PPS. Further, the approach taken by the City and the Appellant through the comprehensive review of the OPA and ZBA with input from the public and relevant stakeholders ensures a coordinated approach to the planning of the subject property.

[16] In his affidavit, Mr. Johnston explained that the UHOP was amended through the approval of UHOP Amendment 167 on November 4, 2022 ("OPA 167"). It is Mr. Johnston's opinion that the proposed development, which is facilitated by the ZBA, conforms with the UHOP as amended by OPA 167. In his written affidavit, he provided a very detailed and helpful review of the relevant policies of the UHOP. In particular, Mr. Johnston analyzed the definition of "compatibility/compatible" in the UHOP and opined that the proposed development can exist in harmony within the area of the subject property which was demonstrated by the various reports and studies filed with the applications. He explained that the Holding Provision included in the ZBA requires many of the studies to be revised to demonstrate that no adverse impacts will result from the proposed development.

[17] Ms. Shiell noted that the OPA and ZBA which will facilitate the proposed development conform to the urban design policies of the UHOP as the proposed height, form and setbacks are compatible with the physical context of the surrounding area. Further, the proposed loading, vehicle access and parking is appropriate and desirable from an urban design perspective as they will be shielded from both the public realm and adjacent sensitive uses to mitigate potential impacts. Ms. Shiell opined that the proposed development constitutes appropriate intensification of an underutilized site located in a *Neighbourhood* designation along two arterial roads which are well served

by transit. The proposed development appropriately transitions to adjacent sensitive uses through the use of setbacks and stepbacks, which also mitigate shadow impacts.

[18] In her written Affidavit, Ms. Shiell recommended that the Tribunal allow the appeal as it was her opinion that the OPA and ZBA which will facilitate the proposed development are appropriate and desirable from an urban design standpoint.

Participant Concerns

[19] As noted above, 15 Participants were granted status at the first CMC. Seven of the Participants filed statements in accordance with the deadline set out in the Procedural Order which governed the proceedings. In their written affidavits, both Ms. Shiell and Mr. Johnston addressed the concerns raised in the seven Participant statements filed with the Tribunal. The concerns raised include *inter alia* built form, visual impacts, setbacks, shadow impacts, wind impacts, traffic, parking, lack of on-site open/green space, infrastructure capacity and destruction of existing trees and landscaping.

[20] Ms. Shiell explained that the proposed tall buildings are setback from adjacent low-rise residential a minimum of 40 m, which exceeds that required by the Tall Buildings Guidelines. In addition, the tallest buildings are situated away from adjacent low-rise dwellings to ensure that they are within the 45-degree angular plane. All of this combines to limit issues related to access to sunlight, skyviews and potential shadow impacts. Mr. Johnston also addressed these concerns and noted that the massing locations, setbacks from property lines and use of stepbacks are regulated in the ZBA to ensure that the site design is secured, thereby mitigating any privacy impacts to the surrounding properties.

[21] Ms. Shiell opined that the Holding Provision included in the ZBA responds to concerns related to wind and shadow impacts as new studies will be required confirming no adverse impacts to the surrounding area.

[22] Mr. Johnston noted that the Holding Provision also requires a revised Transportation Impact Study meaning that the proposed development will not be permitted to proceed until it has been demonstrated that it will not result in unacceptable traffic impacts. Further, he explained that the number of proposed parking spaces exceeds that required in the City ZBL and this excess parking combined with existing transit options will mitigate any parking on adjacent streets.

[23] In his written affidavit, Mr. Johnston spoke to infrastructure capacity concerns explaining that it would be addressed through the future site plan process. He did note that the Holding Provision requires revised assessments which will ensure that the municipal infrastructure can support the proposed development without adverse impacts to the surrounding neighbourhood.

[24] Ms. Shiell explained that concerns related to lack of green or open space have been addressed in the revisions as the proposed development will incorporate a 3,000 m² outdoor open space supported by an additional 8,100 m² of other amenity space throughout the subject property. Ms. Shiell and Mr. Johnston noted that this amounts to approximately 6.0 m² of amenity space per unit, which exceeds that required in the City ZBL.

[25] Ms. Shiell and Mr. Johnston opined that the OPA and ZBA that will facilitate the proposed development will contribute to the achievement of the City's planning objectives, satisfy all requisite legislative tests, overall are representative of good planning and are in the public interest.

ANALYSIS AND DISPOSITION

[26] The Tribunal accepts the uncontested opinion evidence of Ms. Shiell and Mr. Johnston and finds that the proposed OPA and ZBA have appropriate regard for matters of provincial interest pursuant to s. 2 of the Act.

[27] Based on the evidence, the Tribunal finds that the design of the proposed development encourages a sense of place and provides public spaces of high quality which are safe, accessible, attractive and vibrant.

[28] The proposed OPA and ZBA are consistent with the PPS as they will facilitate the intensification of an underutilized site which is well served by existing infrastructure and is located in an urban area. The proposed instruments conform with and implement the policies of the UHOP and will facilitate a development that will contribute to the provision of a wide range of housing types and densities through a site specific ZBA. Further the Tribunal was persuaded by the opinions of Ms. Shiell and Mr. Johnston that the ZBA prescribes built forms and a site configuration that is compatible with the surrounding area regarding use, scale and character, and when combined with the OPA, represent good planning.

[29] In considering the matter, the Tribunal accepts the opinions of both experts that the OPA and ZBA which will facilitate the proposed development represent appropriate intensification of a currently underutilized site and incorporates a compatible built form which transitions to existing sensitive uses. The setbacks and the parking exceed those required in the City ZBL and the subject property has been planned to situate the tallest buildings away from sensitive uses in order to mitigate any potential impacts.

[30] The detailed concerns raised by the Participants were fully read and considered by the Tribunal. The Tribunal appreciated the thorough review that the experts conducted to address the concerns raised by the Participants. The opinions offered by

the experts were persuasive and the Tribunal finds that the concerns raised by the Participants have been adequately mitigated by the site design and through the use of the Holding Provision in the ZBA. Further, many of the concerns raised will be addressed through the site plan approval process.

[31] The Tribunal finds that the OPA and ZBA which facilitate the proposed development represent good land use planning in the public interest. The Tribunal will allow the appeal and approve the OPA and ZBA for the reasons set out above.

ORDER

[32] **THE TRIBUNAL ORDERS THAT** the appeals are allowed in part and:

- a) Amendment No. 227 to the Urban Hamilton Official Plan is modified as set out in **Attachment 1** to this Order. The Tribunal Orders that Amendment No. 227 to the Urban Hamilton Official Plan is approved as modified; and
- b) Directs the Municipality of the City of Hamilton to amend Zoning By-law No. 05-200 as set out in **Attachment 2** to this Order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to this by-law for record keeping purposes.

[33] The Tribunal Member may be spoken to if any issues arise implementing this Order.

"C. Hardy"

C. HARDY
VICE CHAIR

Ontario Land Tribunal

Website: www.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.

ATTACHMENT 1
BY-LAW NO. 25-057-OLT

Urban Hamilton Official Plan
Amendment No. 227

The following text, together with:

Appendix "A"	Volume 1: Schedule E-1 – Urban Land Use Designations
Appendix "B"	Volume 3: Map 2 – Urban Hamilton Site Specific Key Map

attached hereto, and constitutes Official Plan Amendment No. 227 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands from "District Commercial" to "Neighbourhoods" and to establish a new Site Specific Policy within the Urban Hamilton Official Plan, to permit a mixed use development with a maximum height of 20 storeys, containing a minimum of 17 affordable dwelling units.

2.0 Location:

The lands affected by this Amendment are known municipally as 499 Mohawk Road East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan, as it contributes to an appropriate range of housing options, makes efficient use of land and existing infrastructure, and contributes to development of transit-supportive densities;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Planning Statement, 2024.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “District Commercial” to “Neighbourhoods”, as shown on Appendix “A”, attached to this Amendment.

4.2 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

Text

4.2.1 Chapter C – Urban Site Specific Policies

- a. That Volume 3: Chapter C – Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

“UHN-39 Lands located at 499 Mohawk Road East, former City of Hamilton

- 1.0 For lands designated “Neighbourhoods” and located at 499 Mohawk Road East, Hamilton, the following policies shall apply:

- α) Notwithstanding Policy E.3.5.8 of Volume 1, additional height up to a maximum of 20 storeys may be permitted, provided compliance with criteria a) through e) of Policy E.3.5.8 of Volume 1 is demonstrated.

- b) A minimum of 17 *affordable* dwelling units shall be provided.”

Maps and Appendices

4.2.2 Maps

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-39, as shown on Appendix “B”, attached to this Amendment.

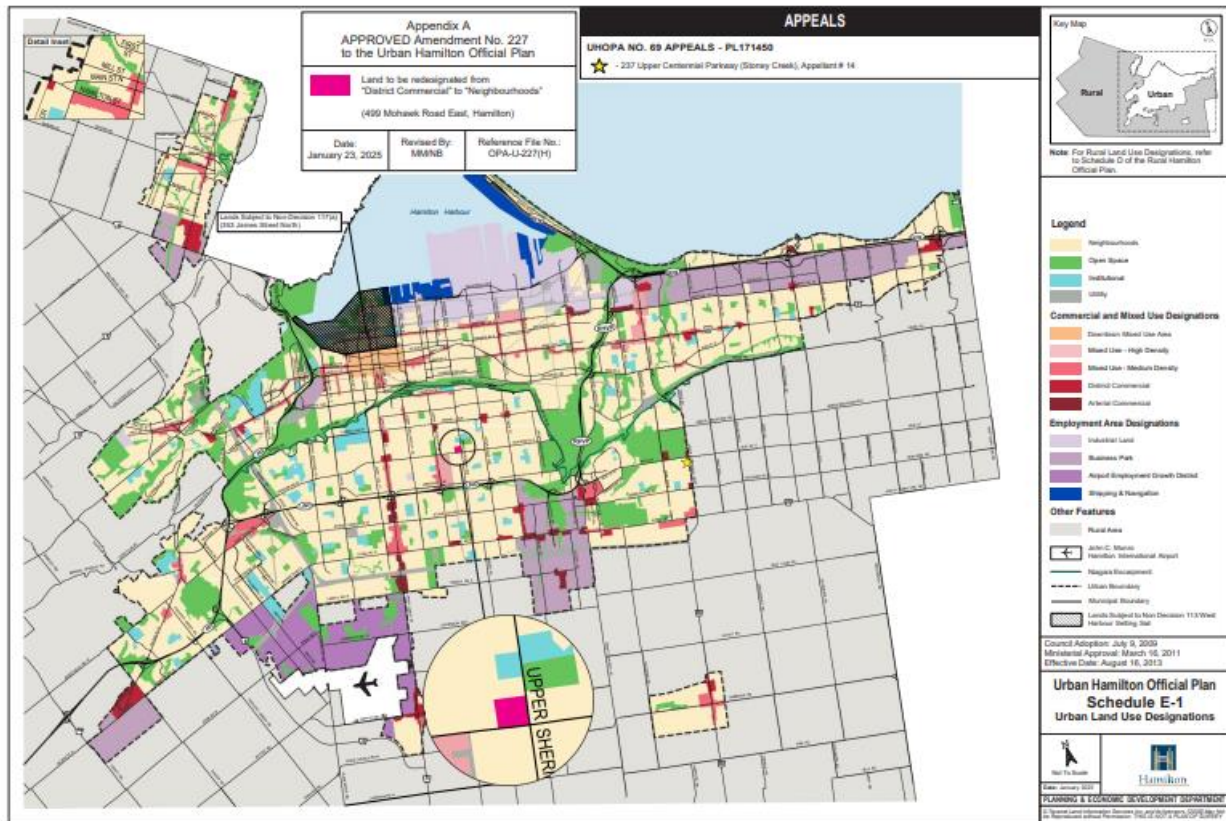
5.0 Implementation:

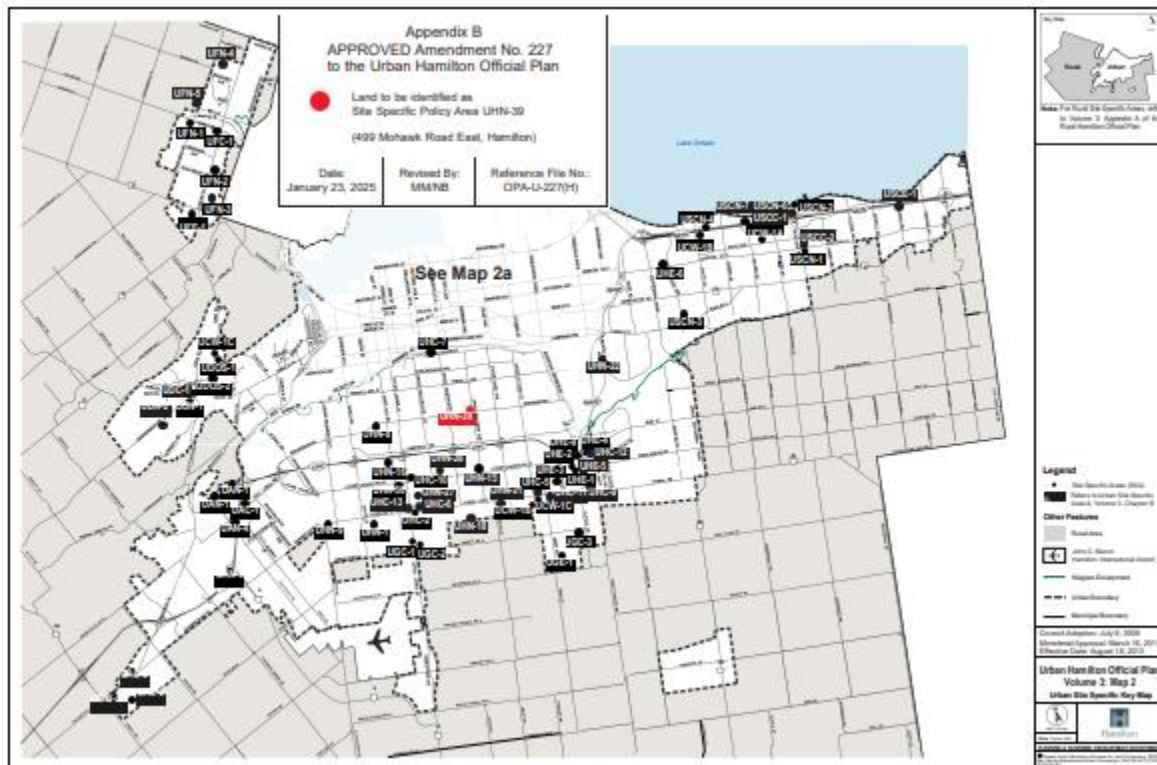
An implementing Zoning By-Law Amendment and Site Plan approval will give effect to the intended uses on the subject lands.

25-057-OLT

This Official Plan Amendment is Schedule "1" to By-law No. ____ pursuant to the Decision / Order of the Ontario Land Tribunal issued in Case No. OLT-23-000795 on the 21th day of __, 2025.

March





ATTACHMENT 2

CITY OF HAMILTON BY-LAW NO. 25- 058 -OLT

To amend Zoning By-law No. 05-200 with respect to lands located at 499 Mohawk Road East, Hamilton

WHEREAS the City of Hamilton's new comprehensive Zoning By-law being Zoning By-law No. 05-200 came into force on May 25, 2005;

AND WHEREAS the Ontario Land Tribunal, in its Decision/Order No. OLT-23-000795, dated the 21st day of March 2025, approved the amendment to Zoning By-law No. 05-200 (Hamilton), as herein provided;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 227;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. That Schedule "A" -Zoning Maps, Map Nos. 1186 and 1240 is amended by changing the zoning from the District Commercial (C6) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 926, H193) Zone, for the lands known as 499 Mohawk Road East, 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:

"926. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map Nos. 1186 and 1240 of Schedule "A" - Zoning Maps and described as 499 Mohawk Road East, Hamilton, the following special provisions shall apply:

 - a) Notwithstanding Section 4.6 d), 4.6 e), and 4.35 the following regulations shall apply:
 - i) Permitted Yard Encroachments

No part of any required yard shall be obstructed except as follows:

 - A) A porch, deck or canopy may encroach into any required yard to **a maximum of 3.0 metres.**

- B) A balcony may encroach into any required yard to a maximum of .2.0 metres.
- b) In addition to Section 11.1.1 and notwithstanding Sections 11.1.2 i), 11.1.3 a), b), c), d), and g) iii) and v), the following regulations shall apply:
- i) A Semi-Detached Dwelling and Street Townhouse Dwelling shall also be permitted.
 - ii) Notwithstanding Section 11.1.1, the following uses are prohibited, even as an accessory use: Drive-Through Facility, Duplex Dwelling, Motor Vehicle Dealership, Motor Vehicle Gas Bar, Motor Vehicle Rental Establishment, Motor Vehicle Service Station, Motor Vehicle Washing Establishment, and Single Detached Dwelling.
 - iii) Building Setback from a Street Line Minimum 3.0 metres for ground floor residential units facing a street.
 - iv) **Minimum Rear Yard** 6.5 metres.
 - v) **Minimum Interior Side Yard** 6.5 metres.
 - vi) **Minimum Separation Distance Between Buildings**
 - A) 3.0 metres for any portion of a building to a maximum of 11.0 metres in height.
 - B) 15.0 metres for any portion of a building greater than 11.0 metres in height to a maximum of 40.0 metres in height to any portion of another building greater than 11 metres in height to a maximum of 40 metres in height.
 - C) 25.0 metres for any portion of a building greater than 40.0 metres in height to any portion of another building greater than 40 metres in height.

- | | | |
|-------|---|---|
| vii) | Minimum Building Setback from a Property Line | In addition to the above, for the lands identified on Figure No. 44 of Schedule F - Special Figures minimum building setbacks from a property line shall be in accordance with Figure No. 44. |
| viii) | Minimum Building Stepback | For the lands identified on Figure No. 44 of Schedule F - Special Figures minimum building stepbacks shall be in accordance with Figure No. 44. |
| ix) | Maximum Building Height | 11 metres, except for lands identified on Figure No. 44 of Schedule F - Special Figures maximum building height shall be in accordance with Figure No. 44. |
| x) | Balcony Projections | In addition to the above, a balcony may project to a maximum of 2.0 metres. |
| xi) | Maximum Floor Plate | 750.0 square metres for any portion of a building greater than 40.0 metres in height. |
| xii) | Minimum Gross Floor Area for Commercial Uses | 1,000.0 square metres. |
| xiii) | Percentage of Two and Three Bedroom Units Within Dwelling Units(s), Mixed Use and Multiple Dwelling | <p>A) A minimum of 23.0 percent of the Dwelling Unit(s), Mixed Use and Multiple Dwellings shall be units with two or three bedrooms.</p> <p>B) Where the application of b) viii) A) above results in a numeric fraction, the fraction shall be rounded down to the nearest whole number.</p> |
| xiv) | Percentage three Bedroom Units Within Dwelling Units(s), Mixed Use and Multiple Dwelling | <p>A) A minimum of 3.1 percent of the Dwelling Unit(s), Mixed Use and Multiple Dwellings shall be units with three bedrooms.</p> <p>B) Where the application of b) ix) A) above results in a numeric fraction,</p> |

the fraction shall be rounded down
to the nearest whole number.

3. That Schedule "D" - Holding Provisions be amended by adding the additional Holding Provision as follows:

"193. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOG1, 926) Zone, identified on Map Nos. 1186 and 1240 of Schedule "A" - Zoning Maps and described as 499 Mohawk Road East, Hamilton, no development shall be permitted until such time as:

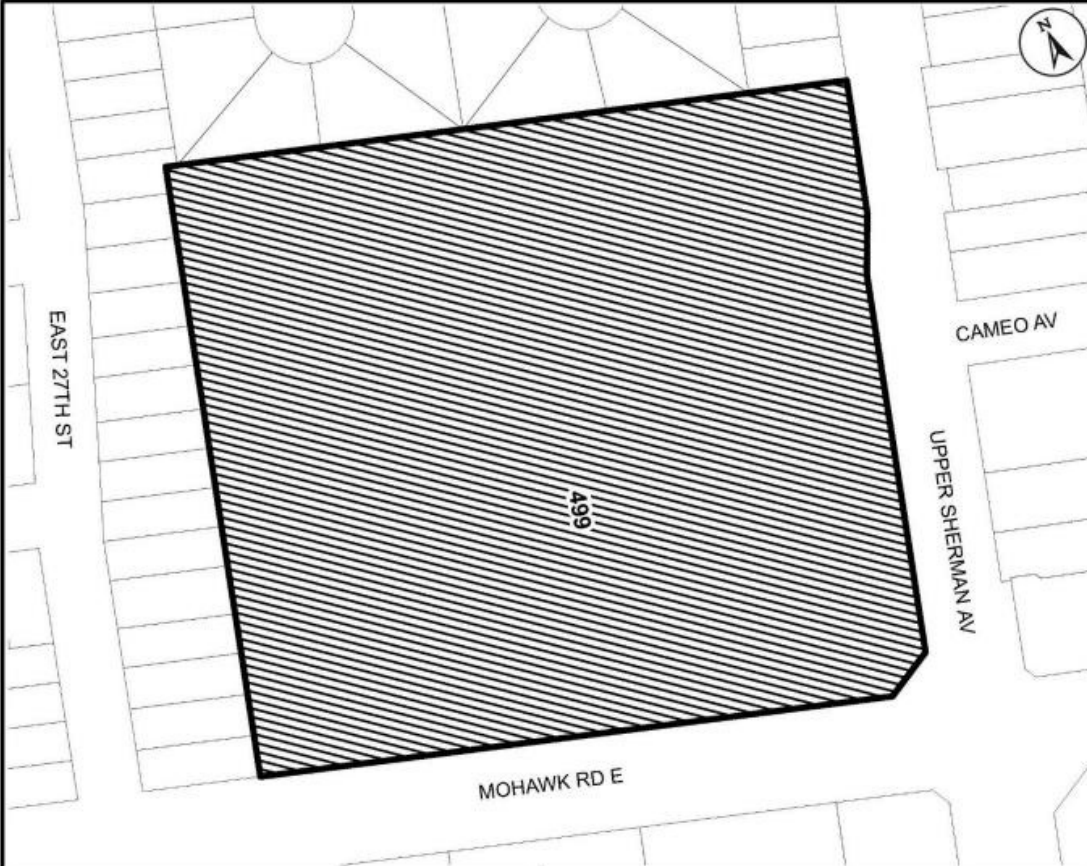

- a) That the Owner enter into and register an agreement with the City to provide 17 dwelling units, in compliance with the definition of "affordable" in the Urban Hamilton Official Plan, to the satisfaction of the Director of Development Planning.
- b) That the Owner submit and receive approval of an updated Pedestrian Wind Assessment completed by a licenced professional Engineer, in the Province of Ontario, to the satisfaction of the Director of Heritage and Urban Design.
- c) That the Owner submit and receive approval of an updated Watermain Hydraulic Analysis Report to identify the modelled system pressures, servicing options and fire flow at pressure districts No. 5 and No. 6 under various boundary conditions and demand scenarios, including but not limited to, improvement to the existing watermains on Mohawk Road East (pressure district No. 6) and Upper Sherman Avenue (pressure district No. 5), to service the proposed development, to the satisfaction of the Director of Development Engineering.
- d) That the Owner make satisfactory arrangements with the City's Growth Management Division and enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that the upgrades are required to the municipal infrastructure to support this development according to the Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Development Engineering.
- e) That the Owner submit and receive approval of an updated Transportation Assessment demonstrating that the adjacent road network has sufficient capacity to accommodate the proposed development, including any transportation system improvements required to support the development, which will be installed entirely at

the Owner's cost, to the satisfaction of the Manager of Transportation Planning.

- f) That the Owner submit and receive approval of an updated Sun/Shadow Study, to the satisfaction of the Director of Heritage and Urban Design.
 - g) That the Owner submit and receive approval of an updated Noise Impact Study, to the satisfaction of the Director of Development Planning."
- 4. That Schedule "F" - Special Figures is amended by adding Figure No. 44 attached hereto as Schedule "B".
 - 5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 926, H193) Zone, subject to the special requirements referred to in Section Nos. 2, 3 and 4 of this By-law.
 - 6. That this By-law No. 25-058-OLT 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.

APPROVED this 21st day of March, 2025

ZAC-23-001 and UHOPA-23-001

	
<p>This is Schedule "A" to By-law No. 25-058-OLT</p> <p>Passed the 21st day of March, 2025</p>	
<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>	
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 25-058-OLT</p> <p>to Amend By-law No. 05-200 Map 1186 & 1240</p>	
<p>Subject Property</p> <p>499 Mohawk Road East, Hamilton</p> <p> Change in Zoning from the District Commercial (C6) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 926, H193) Zone</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-23-001 & UHOPA-23-001</p>
<p>Date: January 23, 2025</p>	<p>Planner/Technician: MM/NB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
