

# Ontario Land Tribunal

Tribunal ontarien de l'aménagement  
du territoire

**26-019-OLT Schedule 1**

**26-020-OLT Schedule 2**

**26-021-OLT Schedule 3**



**ISSUE DATE:** January 12, 2026

**CASE NO(S).**

OLT-25-000008

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

Applicant/Appellant: Lewis 286 Development Inc.  
Subject: Request to amend the Official Plan – Refusal of request  
Description: To facilitate the development of 309 residential units  
Reference Number: UHOPA-24-007  
Property Address: 286 Lewis Road  
Municipality/UT: Hamilton/Hamilton  
OLT Case No: OLT-25-000008  
OLT Lead Case No: OLT-25-000008  
OLT Case Name: Lewis 286 Development Inc. v. Hamilton (City)

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

Subject: Application to amend the Zoning By-law – Refusal of application  
Description: To facilitate the development of 309 residential units  
Reference Number: ZAC-24-022  
Property Address: 286 Lewis Street  
Municipality/UT: Hamilton/Hamilton  
OLT Case No: OLT-25-000009  
OLT Lead Case No: OLT-25-000008

**PROCEEDING COMMENCED UNDER** section 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Subject: Proposed Plan of Subdivision - Refusal by Approval Authority

Description: To facilitate the development of 309 residential units  
 Reference Number: 25T-202402  
 Property Address: 286 Lewis Street  
 Municipality/UT: Hamilton/Hamilton  
 OLT Case No: OLT-25-000010  
 OLT Lead Case No: OLT-25-000008

**Heard:** October 2, 2025 and December 8, 2025  
 by Video Hearing

### **APPEARANCES:**

#### **Parties**

#### **Counsel**

Lewis 286 Development Inc.

J. Meader  
 M. de Jong  
 N. Smith

City of Hamilton

A. Biggart

2546058 Ontario Limited

C. Harris

### **DECISION DELIVERED BY C. HARDY AND ORDER OF THE TRIBUNAL**

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#### **INTRODUCTION**

[1] This Decision and Order relate to appeals brought pursuant to ss. 22(7), 34(11) and 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“*Planning Act*”) from a refusal by the City of Hamilton (“City”) to approve applications for an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBA”) and Draft Plan of Subdivision (“DPS”) (together referred to as the “applications”). The appeals were filed by Lewis 286 Development Inc. (“Appellant”) regarding the property municipally known as 286 Lewis Road (“subject property” / “site”).

[2] The Hearing was the first event in the proceedings, and as such, the Tribunal confirmed that proper notice had been circulated. The Tribunal was in receipt of the Affidavit of Service of Victoria Peacock affirmed on September 2, 2025 providing

notice of the revised Hearing dates. The Tribunal confirmed with Counsel that there were no known issues with notice and marked the Affidavit of Victoria Peacock as **Exhibit 1**.

[3] Although no formal motion nor request was made to the Tribunal to consolidate the OPA, ZBA and DPS, the Tribunal confirmed with the Parties that there was no objection to the Tribunal administratively consolidating the three appeals under Tribunal File No. OLT-25-000008 pursuant to Rule 16.1 of the Tribunal's *Rules of Practice and Procedure*.

[4] Several events which took place leading up to the Hearing provide context to the requests made by the Parties on the first day of the Hearing.

[5] On July 31, 2025, the Tribunal issued an administrative Order approving the Procedural Order ("PO") which would govern the proceedings leading up to the Hearing. Subsequently, the Parties requested amendments to the commencement date of the Hearing and to the deadlines for deliverables set out in the PO. Despite the amended deliverables deadlines, the City failed to file any documents in advance of the Hearing.

[6] On September 16, 2025, the Tribunal received a Party Status Request form from 2546058 Ontario Limited ("2546058") which was marked as **Exhibit 2** to the proceedings. On September 17, 2025, the Tribunal was advised that Counsel for the City had been replaced.

[7] A six-day hearing of the merits commenced on October 2, 2025. At the commencement of the Hearing, the Parties jointly advised the Tribunal that they were actively engaged in productive discussions to resolve all of the issues in the appeal. As such, the Parties requested an adjournment to allow discussions to continue.

[8] In addition, on the first day of the Hearing, and with the consent of the Parties, Counsel for 2546058 requested that the Tribunal delay consideration of its Party

status request. The Tribunal was advised that 2546058 and the Appellant were also engaged in productive discussions that might resolve the concerns raised by 2546058 in its Party Status Request form.

[9] The Tribunal granted the Parties' requests and deferred consideration of the party status request of 2546058. and adjourned the proceeding to allow the Parties additional time to engage in discussions to resolve some or all of the issues in the appeal.

[10] During the intervening months leading up to the adjourned Hearing dates, the Parties continued to have productive discussions and were able to resolve all of the issues in dispute.

## **SETTLEMENT**

[11] At the commencement of the Hearing to consider the settlement proposal, the Tribunal granted Party status to 2546058 on consent of the Parties. Counsel for 2546058 advised the Tribunal that its issues had been resolved with the Appellant and 2546058 was supportive of the Minutes of Settlement that had been filed with the Tribunal.

[12] With the consent of the City and 2546058, Stephanie Mirtitsch, a Registered Professional Land Use Planner retained by the Appellant, was affirmed by the Tribunal to provide expert opinion evidence in land use planning. Ms. Mirtitsch prepared an affidavit in support of the settlement, which was entered as **Exhibit 3** to the proceedings.

[13] The Parties filed Minutes of Settlement which were executed on December 5, 2025 ("MOS"), and marked as **Exhibit 5**. Counsel for the Appellant reviewed the MOS with the Tribunal, acknowledging that, while the Tribunal cannot approve MOS, it was important to mark the MOS as an exhibit as they detail a nuance to the settlement proposal. The MOS explain that the City had adopted Official Plan

Amendment 247 (“OPA 247”), which at the time of the hearing to consider the settlement proposal, was not yet in force and effect. The Parties advised the Tribunal that the appeal period for OPA 247 would conclude on December 23, 2025, following which the Parties would advise the Tribunal if any appeals had been received.

[14] The Parties requested that the Tribunal issue an Order allowing the appeals in part and approving the following instruments, all of which are attached to this Decision and Order:

- OPA, attached as Schedule 1
- ZBA to amend 05-200, attached as Schedule 2
- ZBA to amend 3692-92. attached as Schedule 3
- DPS, attached as Schedule 4
- Draft Plan Conditions, attached as Schedule 5

[15] The City and 2546058 are supportive of the proposed settlement and did not present any evidence during the hearing to consider the settlement proposal.

### **Site and Area Context**

[16] The subject property is approximately 7.89 hectares in size with frontage of approximately 317 metres (“m”) on Lewis Road and 150 m on Highway No. 8. The site is vacant, with the exception of one single detached dwelling which is proposed to be demolished as part of the redevelopment. The subject property is located in the Fruitland-Winona area, which is planned for residential development pursuant to the Fruitland-Winona Secondary Plan (“FWSP”).

[17] The surrounding land uses include low-density residential to the north, vacant agricultural land planned for residential development to the east, an elementary school and limited commercial uses with some vacant agricultural land planned for redevelopment to the west, and farmland and a single detached dwelling to the south.

[18] The subject property is located in the Designated Greenfield Area, within the Urban Boundary and designated Neighbourhoods in the City of Hamilton Urban Official Plan (“UHOP”). The site is currently designated “Low Density Residential 2”, “Low Density Residential 3”, and “Medium Density Residential 2” on Map B.7.4-1 – Land Use Plan Map of the FWSP.

[19] The subject property is currently zoned Agricultural Specialty (AS) and Rural Residential (RR) pursuant to the Stoney Creek Zoning By-law 3692-92 (“SC by-law”). The City’s Comprehensive Zoning By-law 05-200 (“City by-law”) came into effect on May 25, 2005, and as a result, the subject property is required to be zoned under both by-laws, therefore, two ZBAs are required to facilitate the development of the site.

### **Proposed Settlement**

[20] Ms. Mirtitsch explained that the DPS as set out in Schedule 4 proposes to redevelop the subject property as a plan of subdivision for a maximum of 322 residential units. The DPS includes:

- seven street townhouse blocks;
- two multiple residential townhouse blocks;
- one stormwater management (“SWM”) block;
- one servicing corridor / walkway block;
- one future development block;

- three road widening blocks;
- two reserve blocks; and
- two new public roads, identified as Street A and Street B.

[21] Street A is proposed to be a collector road and Street B is proposed to be a local road.

[22] To facilitate the proposed settlement, an OPA and two ZBAs are required substantially in the forms set out in Schedules 1, 2 and 3 respectively. To be clear, there is no amendment required to the parent UHOP and the proposed OPA will amend the secondary plan, that being the FWSP.

[23] The intent of the draft OPA is to redesignate the subject property to by removing Low Density Residential 2 in its entirety and re-designating the subject property as Low Density Residential 3 and Medium Density Residential 2. The draft OPA also proposes a site-specific policy for the Medium Density Residential 2 block to permit a maximum density of 90 units per hectare. Ms. Mirtitsch explained that, because the appeal period for OPA 247 was still open at the time of the Hearing, the Parties presented the Tribunal with two draft OPAs, one of which would amend the Official Plan as amended by OPA 247 and the other of which would amend the Official Plan as it existed prior to the adoption of OPA 247. Ms. Mirtitsch opined that both versions meet the legislative tests and are appropriate for approval by the Tribunal.

[24] The ZBA to the City by-law proposes to bring the majority of the proposed development into the City by-law, including the street townhouse blocks as Low Density Residential (R1-XX) and the stormwater management block as Conservation/Hazard Lands (P5). The ZBA to the SC by-law proposes to rezone the two multiple residential townhouse blocks to Residential Multiple 3 (RM3-XXa, RM3-XXb) to permit the proposed multiple residential development with site-specific provisions.

## **Evidence and Analysis**

[25] In her affidavit, Ms. Mirtitsch provided comprehensive contextual and planning rationale in support of the settlement proposal and the implementing planning instruments.

[26] It is Ms. Mirtitsch's opinion that the applications have appropriate regard for matters of provincial interest set out in s. 2 of the *Planning Act*. In particular, the applications provide for the orderly development of safe and healthy communities while making use of existing infrastructure and contributing to the provision of a range and mix of housing types. In her *viva voce* evidence, Ms. Mirtitsch highlighted that the applications will contribute to a walkable community with sidewalk connections provided to Lewis Road and the proposed Street A and Street B to encourage active transportation.

[27] With respect to the DPS, Ms. Mirtitsch opined that the DPS has appropriate regard for the criteria set out in s. 51(24) of the *Planning Act*, noting that the site is designated for residential uses and can be adequately serviced by municipal services. Upon review of s. 51(25) of the *Planning Act*, it was Ms. Mirtitsch's opinion that the Draft Plan Conditions are reasonable and would be appropriate for approval by the Tribunal.

[28] In Ms. Mirtitsch's opinion, the applications are consistent with the policies set out in the Provincial Planning Statement, 2024 ("PPS") for a variety of reasons, including being supportive of active transportation, and the achievement of complete communities through a range and mix of housing types such as the proposed mix of townhouse dwellings, which is in accordance with the objectives and policies of the UHOP and FWSP.

[29] In reviewing the UHOP and the FWSP, Ms. Mirtitsch explained that no amendment to the UHOP is required as the site is already designated Neighbourhoods and permits the proposed applications. The OPA is seeking to

amend the FWSP to apply a consistent range of densities, while proposing a site-specific policy on the Medium Density Residential 2 block to permit a maximum density of 90 units per hectare. The increased density for this block meets the intent of the FWSP density permissions. Ms. Mirtitsch opined that the applications conform to the UHOP and FWSP.

[30] Ms. Mirtitsch reviewed the Block 3 Servicing Strategy (“B3SS”) in her *viva voce* evidence, as the site is located in a B3SS area. The intent of the B3SS is to outline a servicing strategy for the development of the FWSP. Relying on the Agreed Statement of Facts of the Engineers marked as **Exhibit 7**, she opined that the applications have consideration for the B3SS and that the DPS has been designed to meet the intent of the B3SS.

[31] The Tribunal commends the Parties on working collaboratively to reach a revised proposal. In considering the matter, the Tribunal accepts Ms. Mirtitsch’s opinion that the applications will facilitate a compatible form of development in an area with existing infrastructure and services. There is a need for additional housing options in the City and the Province, and the settlement proposal is a form of appropriate intensification which will assist the City in achieving its intensification targets.

[32] The Tribunal was persuaded that the applications will facilitate development of the site, which is in an area in transition, with building densities and heights that are compatible with the surrounding area. The proposed development will introduce a range and mix of housing types that are needed in the City, while maintaining a low rise built form.

[33] On January 5, 2026, the Tribunal was informed by the Parties that OPA 247 was appealed. The Tribunal accepts Ms. Mirtitsch’s evidence that both OPAs meet the legislative tests, and the Tribunal will approve the OPA set out in Schedule 1 which amends the in-force Official Plan as it existed prior to the adoption of OPA 247.

[34] The Tribunal accepts Ms. Mirtitsch's evidence and opinions and similarly finds that the proposed settlement is an appropriate and desirable use of the Subject Property, and that the OPA, ZBA and DPS are consistent with the PPS, conform with the UHOP and FWSP and have appropriate regard for matters of provincial interest as set out in s. 2 of the Act and overall represent good land use planning. The Tribunal considered the information and materials that the City received in relation to the applications

## **ORDER**

[35] **THE TRIBUNAL ORDERS THAT** 2546058 Ontario Limited is granted Party status in the proceedings.

[36] **THE TRIBUNAL ORDERS THAT** the appeal pursuant to s. 22(7) of the *Planning Act* is allowed in part and the Fruitland-Winona Secondary Plan for the City of Hamilton is amended as set out in **Schedule 1** of this Order. The Tribunal Orders that the Official Plan is approved as modified.

[37] **THE TRIBUNAL ORDERS THAT** the appeal pursuant to s. 34(11) of the *Planning Act* is allowed in part and directs the municipality to amend By-law 05-200 as set out in **Schedule 2** of this Order and By-law 3692-92 as set out in **Schedule 3** to this Order. The Tribunal authorizes the municipal clerk of the City of Hamilton to assign a number to each of the by-laws for record-keeping purposes.

[38] **THE TRIBUNAL ORDERS THAT** the appeal pursuant to s. 51(39) of the *Planning Act* is allowed and the draft plan shown on the plan prepared by MHBC Planning Urban Design & Landscape Architecture dated October 1, 2025 comprising Part of Lot 6, Concession 2, Saltfleet, Part 1 ON 62R18968, set out in **Schedule 4** of this Order is approved subject to the fulfillment of the conditions set out in **Schedule 5** of this Order.

[39] **AND, THE TRIBUNAL ORDERS THAT** pursuant to subsection 51(56.1) of the *Planning Act*, the City of Hamilton shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision for the purposes of subsection 51(58) of the *Planning Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

*“C. Hardy”*

C. HARDY  
VICE-CHAIR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://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.

## **SCHEDULE 1**

### **Urban Hamilton Official Plan Amendment No. 245**

The following text, together with Appendix “A” - Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan Map attached hereto, constitutes Official Plan Amendment No. 245 to the Urban Hamilton Official Plan.

#### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend the Fruitland-Winona Secondary Plan by redesignating portions of the subject lands from Low Density Residential 2 to Low Density Residential 3, from Low Density Residential 3 to Medium Density Residential 2, and to add a new Site Specific Policy Area to establish a minimum net residential density of 60 units per hectare and a maximum net residential density of 90 units per hectare.

#### **2.0 Location:**

The lands affected by this Amendment are known municipally as 286 Lewis Road, in the former City of Stoney Creek.

#### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, as it represents an appropriate built form and density that is compatible with the surrounding area; and,
- The Amendment is consistent with the Provincial Planning Statement, 2024.

#### **4.0 Actual Changes:**

##### **4.1 Volume 2 – Secondary Plans**

**Text**

#### 4.1.1 Chapter B.7 –Stoney Creek Secondary Plans – Section B.7.4 – Fruitland-Winona Secondary Plan

- a. That Volume 2: Chapter B.7 –Stoney Creek Secondary Plans, Section B.7.4 – Fruitland-Winona Secondary Plan be amended by adding a new Site Specific Policy, as follows:

##### **“Site Specific Policy – Area Q**

B.7.4.18.17 For lands identified as Site Specific Policy – Area Q on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan Map, designated Medium Density Residential 2, and known as 286 Lewis Road, the following policy shall also apply:

- a) Notwithstanding Policy B.7.4.4.6 b), the net residential density shall be greater than 60 units per hectare and shall not exceed 90 units per hectare.”

### **Maps**

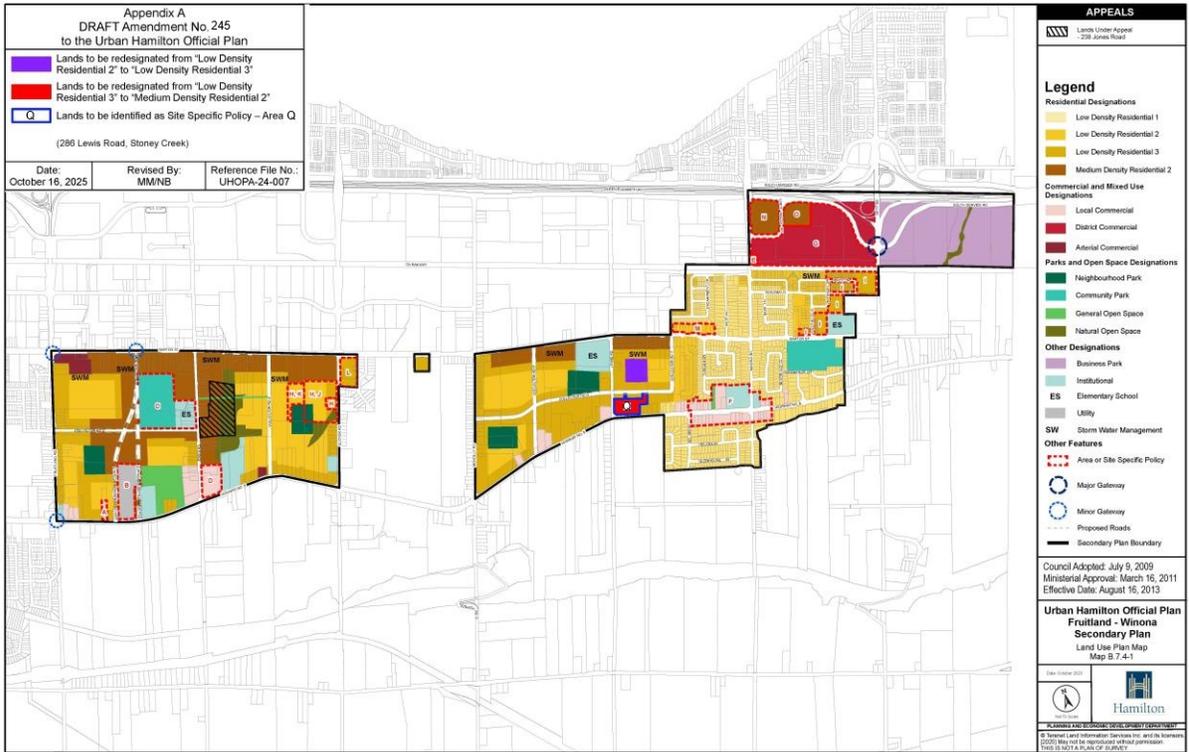
#### 4.1.2 Map

- a. That Volume 2: Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan Map be amended, as shown on Appendix “A”, attached to this Amendment.

### **5.0 Implementation:**

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

This Official Plan Amendment is Schedule “1” to By-law No. 26-019-OLT, pursuant to the Decision / Order of the Ontario Land Tribunal issued in Case No. OLT-25-000008 on the 12<sup>th</sup> day of January, 2026.



**SCHEDULE 2**

**Authority:** Item,  
CM:  
Ward: 10

**Bill No.**

**CITY OF HAMILTON****BY-LAW NO. 26-020-OLT**

**To Amend Zoning By-law No. 05-200 with respect to lands located at 286 Lewis Road, Stoney Creek**

**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 for Case No. OLT-25-000008 dated the 12th day of January 2026 approved the amendment to Zoning By-law No. 05-200, as herein provided;

**AND WHEREAS** thi By-law conforms to the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 245;

**NOW THEREFORE** the Ontario Land Tribunal amends Zoning By-law No. 05-200 as follows:

1. That Map Nos. 1310, 1311, 1363, and 1364 of Schedule "A" – Zoning Maps are amended by adding the Conservation / Hazard Lands (P5) Zone and Low Density Residential (R1, 962) Zone for a portion of the lands known as 286 Lewis Road, 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:  

"962. Within the lands zoned Low Density Residential (R1, 962) Zone, identified on Map Nos. 1310, 1311, 1363, and 1364 of Schedule "A" – Zone Maps and described as 286 Lewis Road, the following special provisions shall apply:

- a) That notwithstanding Sections 4.6 d), e), and f) the following regulations shall apply:
- d) i) A porch, deck or canopy may encroach into any required yard to a maximum of 3.0 metres; and,
  - ii) A minimum setback of 0.3 metres shall be provided from an unenclosed porch or deck to the hypotenuse of a daylight triangle.
- e) A balcony may encroach into a required front yard a maximum of 2.0 metres, and may encroach into a required rear yard a maximum of 3.0 metres; and,
- f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.9 metres. No such feature shall have a width greater than 3.0 metres;
- b) That notwithstanding Section 4.23 d) the following regulation shall apply:
- |    |   |  |
|----|---|--|
| d) | Setback from a Conservation/Hazard Land (P5) Zone | All buildings and structures located on a property shall have a minimum setback of 1.2 metres from a P5 Zone boundary, which is determined by flood and fill line mapping as prepared by the Conservation Authority having jurisdiction and amended from time to time. |
|----|---|--|
- c) Sections 4.35 a) and b) shall not apply.
- d) That notwithstanding Sections 15.1.2.3 a), c), e), f), g) and h), and in addition to Section 15.1.2.3 d), the following regulations shall apply:

a)	Minimum Lot Area for each Dwelling Unit		160.0 square metres for each dwelling unit.
c)	Minimum Setback from the Front Lot Line		4.5 metres, except for 5.8 metres to an attached garage.
d)	Minimum Setback from a Side Lot Line		0.5 metres from the hypotenuse of a daylight triangle.
e)	Minimum Setback from a Flankage Lot Line		2.3 metres.
f)	Minimum Setback from a Rear Lot Line		6.0 metres.
g)	Maximum Building Height		13.5 metres.”

3. 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 Conservation/Hazard Land (P5) Zone and the Low Density Residential (R1, 962) Zone subject to the special requirements referred to in Section No. 2 of this By-law.
4. 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.

That this By-law No. 26-020-OLT shall come into force and be deemed to come into force in accordance with Sub-section 34(26) of the Planning Act and as described in Decision/Order No. OLT-25-000008, dated the 12th day of January, 2026.



This is Schedule "A" to By-law No. 26-020-OLT  
 Passed the 12th day of January, 2026

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 Mayor  
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 Clerk

**Schedule "A"**  
 Map forming Part of  
 By-law No. 26-020-OLT  
 to Amend By-law No. 05-200  
 Maps 1310, 1311, 1363 & 1364

**Subject Property**  
 286 Lewis Road

-  Lands to be added to Zoning By-law 05-200 as Conservation / Hazard Lands (P5) Zone
-  Lands to be added to Zoning By-law 05-200 as Low Density Residential (R1, 962) Zone
-  Lands subject to 3692-92

Scale:  
 N.T.S

File Name/Number:  
 ZAC-24-022 & UHOPA-24-007 &  
 25T-202402

Date:  
 September 18, 2025

Planner/Technician:  
 MM/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**SCHEDULE 3**

**Authority:** Item,  
CM:  
Ward: 10

**Bill No.**

**CITY OF HAMILTON  
BY-LAW NO. 26-021-OLT**

**To Amend Zoning By-law No. 3692-92  
with respect to lands located at 286 Lewis Road,  
Stoney Creek**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Stoney Creek” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December 1992, and approved by the Ontario Land Tribunal on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Ontario Land Tribunal, in its Decision/Order for Case No. OLT-25-000008 dated the 12th day of January 2026 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 upon adoption of Official Plan Amendment No. 245;

**NOW THEREFORE** the Ontario Land Tribunal amends Zoning By-law No. 3692-92 as follows:

1. That Map No. 7 of Schedule “A”, appended to and forming part of Zoning By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Agricultural Specialty “AS” Zone to the Multiple Residential “RM3-80” Zone, Modified and to the Multiple Residential “RM3-81” Zone, Modified for the lands

known as 286 Lewis Road, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection No. 6.10.7 "Special Exemptions", of Section No. 10, Multiple Residential "RM3" Zone to Zoning By-law 3692-92 (Stoney Creek), be amended by adding a new Special Exemption "RM3-80", as follows:

**"RM3-80 286 Lewis Road, Schedule "A", Map No. 7**

1. For the purposes of regulations contained within Sections 6.10 and 4.19 and within this By-law, the boundary of the subject lands zoned "RM3-80" shall be deemed to be the lot lines for this purpose and the regulations of the "RM3-80" Zone, and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control
2. Notwithstanding Part 2 – Definitions as it relates to the definitions of "Dwelling – Maisonette", "Highway", "Street", "Lot Line – Flankage", and "Lot Line – Front" of Part 2 – Definitions, on those lands zoned "RM3-80" by this By-law, the following definitions shall apply:
  - (a) "Dwelling – Maisonette" means back-to-back townhouse dwellings, containing not more than sixteen dwelling units.
  - (b) "Lot Line – Flankage" means any lot line abutting a street, except the Lot Line – Front.
  - (c) "Lot Line – Front" means the Westerly lot line abutting a street having a length of 72.73 metres.
3. In addition to the provisions of Subsection 4.19.1 and notwithstanding the provisions of paragraph (d) of Subsection 4.19.1, on those lands zoned "RM3-80" by this By-law, the following shall apply:
  - (d) Yard Encroachments
    1. Stairs may project into any required yard to a maximum of 3.5 metres;
    2. A porch, deck or canopy may project into any required front yard to a maximum of 2.0 metres or into a required rear yard to a maximum of 4.5 metres; and,
    3. Balconies may project into a required front yard to a

maximum of 2.0 metres and may project into a required rear yard or side yard to a maximum of 2.0 metres.

4. Notwithstanding the provisions of paragraphs (c), (d), (f), (h), (i), (j), (k), (l) and (m) of Subsection 6.10.3, on those lands zoned "RM3-80" by this By-law, the following shall apply:

(c) Minimum Front Yard	3.0 metres, except 5.8 metres to the garage.
(d) Minimum Side Yard and Flankage Yard for Maisonettes and Townhouses	2.0 metres.
(f) Minimum Rear Yard for Maisonettes and Townhouses	6.0 metres, except 2.0 metres to an end wall.
(h) Minimum Distance Between Buildings on the Same Lot	<ol style="list-style-type: none"> <li>1. 12.0 metres between front walls; and,</li> <li>2. 2.4 metres between end walls of a block townhouse and/or a block maisonette unit.</li> </ol>
(i) Maximum Density	65.0 units per hectare.
(j) Maximum Building Height	13.5 metres.
(k) Maximum Lot Coverage	Shall not apply.
(l) Minimum Privacy Area	<ol style="list-style-type: none"> <li>1. Each townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit with a minimum depth of 3.5 metres; and,</li> <li>2. No privacy area shall be required for a maisonette unit.</li> </ol>

- (m) Minimum Landscaped Open Space
1. 20 percent, except that a landscaped strip shall not be required between privacy areas and any lot line, nor adjacent to any portion of any lot that abuts a street.
5. Notwithstanding the provisions of paragraphs (a) 1., (d), and (e) of Subsection 6.10.5 and paragraph (c) of Subsection 6.1.8, on those lands zoned “RM3-80” by this By-law, the following shall apply:
- (a) Minimum Number of Parking Spaces
- 2 parking spaces, and 0.2 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
- (b) Minimum Setback Between a Parking Space and Any Dwelling Unit Located on the Same Lot
- Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.2 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.
6. In addition to Subsection 6.1.12, on those lands zoned “RM3-80” by this By-law, the provisions shall apply to a “Dwelling – Maisonette”.
3. That Subsection No. 6.10.7 “Special Exemptions”, of Section No. 10, Multiple Residential “RM3” Zone to Zoning By-law 3692-92 (Stoney Creek), be amended by adding a new Special Exemption “RM3-81”, as follows:

**“RM3-YYB      286 Lewis Road, Schedule “A” Map No. 7**

1. For the purposes of regulations contained within Sections 6.10 and 4.19 and within this By-law, the boundary of the subject lands zoned “RM3-81” shall be deemed to be the lot lines for this purpose and the regulations of the “RM3-81” Zone, and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control.

2. In addition to the permitted uses of Section 6.10.2, on those lands zoned “RM3-81” by this By-law, a “Dwelling – Stacked Townhouse” shall be a permitted use.
3. Notwithstanding Part 2 – Definitions as it relates to the definition of “Dwelling – Stacked Townhouse”, “Highway”, “Street”, “Lot Line – Front”, and “Lot Line – Rear”, on those lands zoned “RM3-81” by this By-law, the following definitions shall apply:
  - (a) “Dwelling – Stacked Townhouse” means a building other than a townhouse dwelling, or apartment dwelling containing more than three (3) attached dwelling units that are divided horizontally and/or vertically, each with an entrance that is independent or through a common vestibule.
  - (b) “Lot Line – Front” means the lot line adjacent to Highway No. 8.
  - (c) “Lot Line – Rear” means the northerly lot line measuring 32.0 metres adjacent to Street ‘A’.
4. Notwithstanding the provisions of Subsection 4.13, on those lands zoned “RM3-81” by this By-law, the following shall apply:
  - (a) Daylight Triangles
    1. Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 1.8 metres from the hypotenuse of the daylight triangle; and,
    2. Stairs and walkways shall be permitted to project no closer than 0.5 metres from the hypotenuse of the daylight triangle.
5. In addition to the provisions of Subsection 4.19.1 and notwithstanding the provisions of paragraph (d) of Subsection 4.19.1, on those lands zoned “RM3-81” by this By-law, the following shall apply:

## (d) Yard Encroachments

1. Stairs may project into any required yard to a maximum of 3.0 metres; and,
2. Balconies, canopies, unenclosed porches and decks may project into any required yard to a maximum of 2.0 metres.

6. Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), (i), (j), (k), (l) and (m) of Subsection 6.10.3, on those lands zoned "RM3-YYB" by this By-law, the following shall apply:

## (c) Minimum Front Yard

4.0 metres.

## (d) Minimum Side Yard

1.8 metres, except 3.0 metres for a flankage yard

## (f) Minimum Rear Yard

2.5 metres.

## (i) Maximum Density

90 units per hectare.

## (j) Maximum Building Height

13.5 metres.

## (k) Maximum Lot Coverage

Shall not apply.

## (l) Minimum Privacy Area

1. Each townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit with a minimum depth of 6.0 metres;
2. Each maisonette unit shall have a privacy area on an attached balcony with a minimum area of 5.0 square metres; and,
3. No privacy area shall be required for a

stacked townhouse unit.

(m) Minimum Landscaped Open Space

25 percent, including privacy areas, except that landscaped strips shall not be required between privacy areas and any lot line, nor adjacent to any portion of any lot that abuts a street,

7. Notwithstanding the provisions of paragraphs (a) 1., (d), and (e) of Subsection 6.10.5 and Paragraph (c) of Section 6.1.8, on those lands zoned "RM3-81" by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces

2 parking spaces and 0.2 visitor parking spaces for each maisonette, stacked townhouse, and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.

(b) Minimum Setback Between a Parking Space and Any Dwelling Unit Located on the Same Lot

Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.2 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage

8. In addition to Subsection 6.1.12, on those lands zoned "RM3-81" by this By-law, the provisions shall apply to a "Dwelling - Maisonette" and a "Dwelling – Stacked Townhouse".
4. 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 Multiple Residential "RM3" Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.
5. 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*.

**PASSED** this 12th day of January, 2026

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A. Horwath  
Mayor

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M. Trennum  
City Clerk



This is Schedule "A" to By-law No. 26-021-OLT  
 Passed the **12th** day of **January**....., 2026

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 Mayor  
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 Clerk

**Schedule "A"**

**Map forming Part of  
 By-law No. 26-021-OLT  
 to Amend By-law No. 3692-92**

- Subject Property**  
 286 Lewis Road
-  Block 1 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Multiple Residential "RM3-80" Zone, Modified
  -  Block 2 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Multiple Residential "RM3-81" Zone, Modified
  -  Lands subject to By-law No. 05-200

Scale: N.T.S	File Name/Number: ZAC-24-022 & UHOPA-24-007 & 25T-202402	
Date: September 18, 2025	Planner/Technician: MM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



## SCHEDULE 5

### **Special Conditions for Draft Plan of Subdivision Approval for 25T-202402**

That this approval apply to the Draft Plan of Subdivision, prepared by MHBC Planning Urban Design & Landscape Architecture dated October 1, 2025, and certified by Rob McLaren, O.L.S., dated October 1, 2025, consisting of seven street townhouse blocks (Blocks 1-7), three road widening blocks (Blocks 13-15), two multiple residential blocks (Blocks 8 and 9), two 0.3 metre reserve blocks (Block 16-17), one stormwater management block (Block 10), one servicing corridor/walkway block (Block 11), one future development block (Block 12), and two public rights-of way ("Street A" and "Street B"), be received and endorsed by City Council with the following special conditions:

#### **Development Engineering**

1. The owner shall agree to include in all agreements of purchase and sale and/or lease of residential units, the following warning clauses:
  - a. "Purchasers of units in Blocks 1 and 2 abutting the stormwater management facility block are advised that their lot/block may include a retaining wall and drainage swale within the rear yard amenity spaces which will be the purchaser's responsibility to maintain in perpetuity."
  - b. "Purchasers of units within Blocks 1, 2 and 3 fronting on Street B are advised that despite the inclusion of an adequate storm sewer inlet pipe into the stormwater management facility, the public road is designed in accordance with City's standard to accommodate an overland emergency spillway for upstream storm water management pond and surface flooding on the public road is expected during a severe storm event."
  - c. "Purchasers are advised that on-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for each dwelling is provided and intended for the purposes of parking vehicles."
  - d. "Purchasers of two westerly units within Block 1 are advised that due to the orientation of the driveways the purchasers may share the driveway ramp within the right of way."
2. The owner acknowledges that the storm water management design shall include filter media-landscaped based Low Impact Development (LID) techniques on Block 8 and Block 9 as shown on the draft plan and in accordance with the Fruitland Winona Subwatershed Master Plan and the City and MECP Guidelines as applicable at the time of implementation. Further, the

future owners of these two blocks will be responsible to maintain, develop and implement a compliance and performance monitoring plan for all LID systems proposed within Block 8 and Block 9 for a minimum of 5 years, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.

3. The owner shall agree that, if required, a secondary temporary access shall be designed and constructed at the cost of the owner. Any temporary secondary access would be required to meet City standards to the satisfaction of the Director of Growth Management, the Manager of Transportation Planning, and the Chief Development Engineer. Any temporary secondary access would be required to be removed and restored to the satisfaction of the City once the extension of Street A to the east is available. The subject development will not exceed a limit of 100 units until the secondary temporary access is built. The limit of 100 units shall exclude any units which have driveways fronting onto Lewis Road.
4. That, **prior to registration of the final plan of subdivision**, the owner agrees, at their expense, to remove or relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Lewis Road, and Highway No. 8 to the satisfaction of the Director of Growth Management and Chief Development Engineer. For clarity, any relocations already contemplated as part of the Lewis Road urbanization project shall not be considered the sole responsibility of the owner under this condition; the owner shall only be responsible for additional relocations or any temporary works required solely as a result of the subdivision works.
5. That, **prior to registration of the final plan of subdivision**, the owner agrees to provide the City with a minimum of 12 metre wide SWM facility frontage on street B as shown on the Draft Plan dated September 9, 2025, to accommodate the storm sewer inlet, overland flow route and maintenance access road for the proposed SWM facility in accordance with City's standard, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
6. That, **prior to registration of the final plan of subdivision**, the owner agrees to dedicate servicing / walkway Block 11, to provide a minimum of 4 metre easement over the southwest corner of Block 1, to create the 10 metre width for sanitary and watermain servicing corridor in accordance with City's standards, all of which is to the satisfaction of the Director of Growth Management and Chief Development Engineer.
7. That, **prior to registration of the final plan of subdivision**, the owner agrees to dedicate adequate lands for the Stormwater Management Facility (Block 10) subject to an approved stormwater management design, to the

satisfaction of the Director of Growth Management and Chief Development Engineer.

8. That, **prior to registration of the final plan of subdivision**, the owner shall pay any outstanding charges/best efforts recoveries, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
9. That, **prior to registration of the final plan of subdivision**, the owner shall include in the engineering design and cost estimate schedule provisions for the full construction of Street A and Street B including grading and servicing and intersection improvements at Street A and Lewis Road, all at the owner's expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
10. That, **prior to registration of the final plan of subdivision**, the owner agrees to the following related to temporary turning circles for the termini of Streets 'A' and 'B':
  - a. construct at its own cost, any and all temporary turning circles in locations to the satisfaction of the Director, Growth Management and Chief Development Engineer;
  - b. transfer sufficient lands, to the City upon which temporary turning circles will be located upon to the satisfaction of the Director, Growth Management and Chief Development Engineer. The City agrees to stop- up, close and convey such lands back to the owner when they are no longer required for the temporary turning circle;
  - c. convey 0.3 metre reserves to the City, adjacent to the lands abutting temporary turning circle locations; to the satisfaction of the Director, Growth Management and Chief Development Engineer; and,
  - d. maintain the temporary turning circles in place until Street A and/or Street B are extended in accordance with City standards.

All to the satisfaction of the Director of Growth Management and Chief Development Engineer.

11. That, **prior to registration of the plan of subdivision**, the owner agrees that they will perform all required Winter Maintenance activities on all Public Highways within the registered Plan in accordance with Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways under the *Municipal Act, 2001* (MMS) until the criteria for municipal Winter Maintenance activities are met. Additionally, the owner commits to submitting an application to the City for assuming Winter Maintenance responsibilities before September 15th, including the following criteria:

- a. Sites are easily accessible;
- b. Roads are free of all construction debris and have at least the base course asphalt completed;
- c. Trucks can enter and exit without backing up; and,
- d. Utility chambers are either ramped at a minimum of 2 meters from each chamber or set to grade.

All to the satisfaction of the Manager of Roadway Maintenance.

12. That, **prior to registration of the final plan of subdivision**, the owner agrees that prior to the installation of the permanent Street Name Signs by the City, the owner shall install temporary street name signs, consisting of a painted and legible sign on wooden backing, fastened securely to a post 2.6 metres above ground level (to bottom of sign) shall be erected at all street intersections within the subdivision immediately following base course asphalt placement. The signs shall be visible from both directions (i.e. double sided). The street name signs shall be maintained until such time as all boulevard grading has been completed, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
13. That, **prior to registration of the final plan of subdivision**, the owner agrees to design, install and energize the street lighting system, entirely at the owner's expense, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
14. That, **prior to registration of the final plan of subdivision**, the owner shall pay for the future urbanization costs for the frontage of Lewis Road and Highway No. 8 based on the City's "New Road Servicing Rate" in effect at the time of payment in accordance with the City's financial policies, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
15. That, **prior to registration of the final plan of subdivision**, the owner agrees that Blocks 1 and 2 shall not be developed until such time as the stormwater management facility design including shape, footprint and the outlet structure have been approved by the City, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
16. That, **prior to registration of the final plan of subdivision**, the owner agrees that until an application for Waste Collection Services has been submitted and approved as per the City of Hamilton Waste Requirements for the Design of New Developments and Collection, the owner shall make the

appropriate arrangements for the collection and disposal of household waste, entirely at owner's expense, all to the satisfaction of the Manager of Waste Collection.

17. That, prior to preliminary grading, the owner shall submit a detailed stormwater management report prepared by a qualified Professional Engineer including the following parameters:
  - a. Demonstrate how stormwater quality, quantity including erosion controls for the subject development will be handled through a centralized storm water management facility in accordance with the Block 3 Servicing Study for Fruitland Winona Secondary Plan Policy, City of Hamilton Drainage policy, City of Hamilton Current Comprehensive Development Guidelines and the MECP Stormwater management Planning and Design Manual (2003).
  - b. Verify that the proposed storm water management facility Block 10 shall be of sufficient size with shape/geometry acceptable to the City to adequately accommodate an ultimate facility, including maintenance access road and decanting areas as per City of Hamilton current Comprehensive Guidelines and Financial Policies Manual.
  - c. The stormwater management facility shall be designed to control post development flow rates up to and including a 100-year design storm to the allowable flow rates including erosion threshold listed in the Block 3 Servicing Study.
  - d. Demonstrate an appropriate minor and major system storm outlet in the interim and ultimate conditions for all external drainage areas along the entire perimeter of the subject development.
  - e. The storm water management design shall demonstrate a suitable storm outlet including an emergency spillway from the storm water management facility to Watercourse # 9 in accordance with the Block 3 Servicing Study and the Fruitland Winona Sub-Watershed Master Plan.
  - f. Include within the engineering design drawings and cost estimate schedules, a landscape design of the Stormwater Management Facility as per City of Hamilton Landscape Design Guidelines for stormwater management facilities (May 2009).

Furthermore, that prior to assumption, the owner agrees:

- g. To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Director of

Growth Management and Chief Development Engineer, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility.

- h. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operation manual.
- i. To construct, operate, and maintain at the owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of Environment's approval, throughout servicing of all stages of the registration of the draft plan and development of all registered lots and blocks, or until such time as determined by the Director of Growth Management and Chief Development Engineer.
- j. To remove sediment from the stormwater management facility attributed to the development, carry out a survey and verify volumetric capacity of the stormwater management facility, prior to release of the owner's Operation and maintenance responsibilities for the stormwater management facility.

All to the satisfaction of the Director of Growth Management and Chief Development Engineer.

- 18. That, **prior to preliminary grading**, the owner shall demonstrate that the interim and ultimate conditions grading plan is consistent with the intent of the Block 3 Servicing Study for the Fruitland Winona Secondary Plan and in accordance with the City standards, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
- 19. That, **prior to preliminary grading**, the owner shall demonstrate the proposed grading will not result in adverse impacts on the existing properties along the perimeter of Blocks 1, 2, 8, 9, 10 and 11, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
- 20. That, **prior to preliminary grading**, the owner shall notify the abutting and downstream land owner(s) whose properties are traversed by Watercourse 9 from Barton Street to Arvin Avenue, of a proposed storm water management outfall, and impending storm water management facility construction, in accordance with the Block 3 Servicing Study and the Fruitland Winona Sub-Watershed Master Plan, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.

21. That, **prior to preliminary grading**, the owner acknowledges that the pre-grading works shall not be permitted within the subject lands until the necessary storm sewer works within the Lewis Road right of way have been completed and in operation, or a suitable storm sewer outlet, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
22. That, **prior to preliminary grading**, the owner agrees to provide a revised Functional Servicing Report (FSR) as part of the first submission of the detailed subdivision engineering design drawings, signed and sealed by a qualified, licensed professional engineer, to include a comprehensive grading, servicing and drainage area plan for entire area east of Lewis Road identified in the Block Servicing study report, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
23. That, **prior to preliminary grading**, the owner shall prepare and submit a Construction Management Plan and Report that provides:
  - a. Details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes, etc.
  - b. Location and maximum dimensions of stockpiling.
  - c. Identification of any required sidewalk and/or lane closures and the estimated length of time for such closures.
  - d. Details on heavy truck routing.
  - e. Alternate arrangements of any City or school bus routing and stop locations that may be impacted.
  - f. Procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as contractor/agent contact information so that the City can direct the work to be completed as necessary.

All to the satisfaction of the Director of Growth Management and Chief Development Engineer.

24. That, **prior to preliminary grading**, the owner agrees to provide an Excess Soil Management Plan to demonstrate how the development will comply with O.Reg. 406/19, addressing registration, assessment, sampling, and analysis,

characterization, source/destination, reporting and tracking requirements, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.

25. That, **prior to preliminary grading**, the owner shall submit an updated Functional Servicing Report (FSR) at the detailed engineering stage to demonstrate that sufficient capacity exists within the sanitary sewer system, including downstream infrastructure, to support the development. Any required upgrades identified through the FSR shall be completed in accordance with the City's financial policies and to the satisfaction of the Director of Development Engineering and Chief Development Engineer.
26. That, **prior to preliminary grading**, the owner shall submit an updated Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, address the impacts of the pond bottom elevation below the groundwater table, and the owner further agrees to undertake any mitigative works, as recommended in the Hydrogeological Report and as accepted by the City, including any recommended monitoring. If, in the opinion of the project expert, it is required, the report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented if:
  - a. An aquifer is breached during construction.
  - b. Groundwater is encountered during any construction within the subdivision including but not limited to, house and pond construction.
  - c. A basement is located below groundwater table.
  - d. Water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted.
27. That, **prior to preliminary grading**, the owner, through a geotechnical engineer or other qualified professional, shall check if any existing wells which provide potable water supply to other properties located within 500 metre radius of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and monitor wells for a period of one year after the completion of construction. If any problem arises, the monitoring program shall be extended, and the owner shall address and resolve all issues, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
28. That, **prior to preliminary grading**, the owner shall submit a watermain hydraulic analysis at the subdivision engineering submission stage. Any

required upgrades identified through the Water Hydraulic Analysis shall be completed in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual and to the satisfaction of the Director of Development Engineering and Chief Development Engineer.

29. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provision for the installation of a concrete sidewalk on both sides of Street A and Street B, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
30. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provision for installation of a 13.0 metre pavement radii along the inside curb line and 15 metre radii along the outside curb line at the 90- degree end of Street B, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
31. That, **prior to servicing**, the owner shall prepare and submit an on-street parking plan showing:
  - a. the location of driveways based on achieving on-street parking for 40% of the total dwelling units fronting on Street A and Street B;
  - b. the driveway aprons and curb openings for all lots;
  - c. the pairing of driveways (where required);
  - d. where lots in the subdivision abut a park entrance or a public walkway, as the case may be;
  - e. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; and,
  - f. parking on one side of the street only.

All to the satisfaction of the Director of Growth Management and Chief Development Engineer.

32. That, **prior to servicing**, the owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be situated to ensure that the driveways are completely located within their own lot frontages and the driveway aprons shall not cross in front of adjacent lots. Further, all end units with daylighting triangles shall have the driveway located on the internal side of the lot or block where feasible, all to

the satisfaction of the Director of Growth Management and Chief Development Engineer.

33. That, **prior to servicing**, the owner shall daylight sanitary sewer, watermain and all other utilities on Lewis Road and Highway No. 8 within the limits of the development which are likely to be impacted by the proposed development, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
34. That, **prior to servicing**, the owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout the construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works to be completed as necessary, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
35. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provision for the construction of a 1.5 metre high black vinyl coated heavy duty chain-link fence along the entire perimeter of the storm water management facility except where the pond abuts Lewis Road and Street B or walkway connections, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
36. That, **prior to servicing**, the owner shall submit an updated geotechnical report including the pavement design recommendations and implement the report's final recommendations in accordance with City's standard to address any previous City comments and to confirm the design of the proposed liner within the Stormwater Management Pond, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
37. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedules the construction of a minimum 2-metre-wide east-west concrete pedestrian walkway within Block 11 at the owner's expense, all to the satisfaction of the Director of Growth Management, Chief Development Engineer and the Director of Heritage and Urban Design.
38. Should the owner choose to proceed with the development of the subject Draft Plan prior to the urbanization of Lewis Road from Highway No. 8 to Barton Street by the City and the owner of 262 McNeilly Road, the owner agrees to install, at their sole cost, a temporary sidewalk from Highway No. 8 to Barton Street, including any other related temporary infrastructures and servicing required to support the development; all works shall be completed in accordance with City standards and to the satisfaction of the Director of

Growth Management and Chief Development Engineer. Further, the owner agrees that Block 5 will not be developed until the storm sewer is extended along the entire frontage of Block 5 and a permanent driveway ramp is installed for each unit within Block 5 in accordance with City standards.

39. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedules permanent pavement marking and signage plans for all internal streets of the subdivision including, stop signs, stop bars, pedestrian crossings, etc. upon placement of surface course asphalt, entirely at the owner's costs, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.

### **Planning**

40. That, **prior to registration**, the owner agrees to include the following warning clauses for Blocks 5, 6, and 8 in all purchase and sale and / or lease agreements, and registered on title, in accordance with the Noise Study prepared by HGC dated April 5, 2024, to the satisfaction of the Director of Planning and Chief Planner:

#### **Warning Clause "A":**

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria."

#### **Warning Clause "B":**

"This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation and Parks' noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP publication NPC-300.)"

#### **Warning Clause "D":**

"Purchasers are advised of the proximity of adjacent commercial/institutional facilities, the sound from which may at times be audible."

41. That, **prior to registration**, the owner agrees to include the following warning clauses for Blocks 5, 6, and 8 in all purchase and sale and / or lease

agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

**Warning Clause "C":**

“This unit has been supplied with a central air conditioning system which allows windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the noise criteria of the Municipality and the Ministry of the Environment, Conservation and Parks.”

42. That, **prior to registration**, the owner shall submit a revised Concept Plan for Block 8 demonstrating how the proposal implements the recommendations of the Air Drainage Review, prepared by SLR Consulting (Canada) Ltd. dated August 27, 2025. The owner further agrees to implement the recommendations of the Air Drainage Review, prepared by SLR Consulting (Canada) Ltd. dated August 27, 2025, at the time of future site plan application for Block 8, to the satisfaction of the Director of Planning and Chief Planner.
43. That, **prior to preliminary grading and/or servicing**, the owner shall prepare and implement a revised Tree Protection Plan (TPP) to the satisfaction of the Director of Heritage and Urban Design. The TPP is to be prepared by a tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010). Removal of trees is not to occur until this condition has been satisfied. The TPP is to include the following:
  - a. Provide compensation (1 for 1) for all trees 10 cm DBH or greater that are proposed to be removed.
  - b. The owner is to be aware of *Migratory Birds Convention Act, 1994* and *Endangered Species Act, 2007* (or equivalent) and agrees that the removal of any vegetation is to occur during October 1 to March 30 by placing notations on the Tree Protection Plan relating to birds and bats.
    - i. Birds: In the event that removals are proposed outside of the shall have a qualified biologist conduct a nest search of the vegetated area prior to any vegetation removal. City of Hamilton Natural Heritage Planning staff will be made aware of the timing of the nest search and will attend if available. If an active nest(s) is found, the tree will not be removed until the nest is no longer active. If active nest(s) are not found, the tree(s) should be removed within 72 hours of the nest survey.

- ii. Bats: In the event that tree removal is proposed during the restricted bat roosting period, the owner shall consult with the Ministry of Environment, Conservation, and Parks (MECP) to determine the appropriate approach for tree(s) that have been identified as potential bat habitat. Trees with bat habitat potential are to be determined following Ministry of Conservation, Energy and Parks (MECP) recommended survey protocols.
  - c. Prior to the approval of the Tree Protection Plan, permission to remove trees from the adjacent property from the owner is to be provided.
  - d. Verification of Tree Protection Letter, prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) is to be provided. This is to confirm that all tree protection measures have been installed in accordance with the Tree Protection Plan.
- 44. That, **prior to registration**, the owner shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the approved Tree Protection Plan to the satisfaction of the Director of Heritage and Urban Design. The Landscape Plan is to include the locations of Carolina Wren boxes within the existing hedgerow/park/stormwater management facility as outlined in the Species Habitat Assessment prepared by Myler Ecological Consulting June 14, 2024.
- 45. That, **prior to preliminary grading and/or servicing**, the owner shall submit a Vibration Monitoring Plan, prepared by a qualified Professional Engineer, which addresses the mitigation of potential construction and vibration impacts to the adjacent protected heritage property at 265 Lewis Road (Lewis House), including periodic monitoring of the building throughout construction, to be prepared at the cost of the owner and submitted to the satisfaction and approval of the Director of Planning and Chief Planner. Should a peer review of the Vibration Monitoring Plan be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.
- 46. That, **prior to registration**, the owner shall agree that prior to the submission for Site Plan approval, the owner shall submit an updated Urban Design Brief, to the satisfaction of the Director of Heritage and Urban Design.

### Legislative Approvals / Staging of Development

47. That, **prior to registration**, the owner and agent work with Legislative Approvals / Staging of Development staff to finalize municipal addressing, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

### Transportation Planning

48. That, **prior to servicing**, the owner shall submit a revised Transportation Assessment, to the satisfaction of the Manager of Transportation Planning.
49. That, **prior to servicing**, the owner shall design Street A from Lewis Road to its easterly temporary terminus and Street B from Street A to its easterly temporary terminus. The concepts shall be to the satisfaction and approval of the satisfaction of the Manager, Transportation Planning. The final drawings shall be to the satisfaction and approval of the Manager of Transportation Operations.
50. That, **prior to servicing**, the owner shall submit detailed traffic sign and pavement marking plans. The concepts shall be to the satisfaction and approval of the Manager, Transportation Planning. The final drawings shall be to the satisfaction of the Manager of Transportation Planning and the Manager of Transportation Operations.
51. That, **prior to registration**, the owner dedicate a 12.19 metre by 12.19 metre daylighting triangles at Lewis Road and Street A as per the Fruitland-Winona Secondary Plan to accommodate protect for future roundabout installation at this intersection, to the satisfaction of the Manager of Transportation Planning. Notwithstanding, the City will consider reducing the daylighting triangle requirements to the Urban Hamilton Official Plan daylighting triangle requirements of 9.14 metres by 9.14 metres for Collector road to Collector road intersections pending submission, review and approval by the Manager of Transportation Planning of a single-lane roundabout functional design demonstrating the reduced daylighting triangles will sufficiently accommodate the required roundabout design. Any modification as a result of such reduced daylighting triangle requirements shall be shown on the final plan for registration to the satisfaction of the Manager of Transportation Planning.
52. That, **prior to registration**, the owner dedicate a 12.19 metre by 12.19 metre daylighting triangle at Highway No. 8 and Lewis Road as per the Council Approved Urban Hamilton Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, Daylighting Triangles 4.5.7, to the satisfaction of the Manager of Transportation Planning.

53. That, **prior to registration**, the owner dedicate a 9.14 metre by 9.14 metre daylighting triangles at Street A and Street B as per the Council Approved Urban Hamilton Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, Daylighting Triangles 4.5.7, to the satisfaction of the Manager of Transportation Planning.
54. That, **prior to registration**, the Owner dedicate approximately 3.5 metres to the right-of-way on Highway No. 8 to achieve the ultimate right-of-way width of 36.576 metres as per the Council Approved Urban Hamilton Official Plan: Schedule C-2 – Future Right-of-Way Dedications, to the satisfaction of the Manager of Transportation Planning. A survey conducted by an Ontario Land Surveyor and the Applicant's expense will determine the ultimate dimensions for right-of-way dedications. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the required dedications.
55. That, **prior to registration**, the owner dedicate approximately 3.1 metres to the right-of-way on Lewis Road to achieve the ultimate right-of-way width of 26.213 metres as per the Council Approved Urban Hamilton Official Plan: Schedule C-2 Future Right-of-Way Dedications, to the satisfaction of the Manager of Transportation Planning. A survey conducted by an Ontario Land Surveyor and the Applicant's expense will determine the ultimate dimensions for right-of-way dedications. The Ontario Land Surveyor is to contact Geomatics and Corridor Management to confirm the required dedications.
56. That, **prior to registration**, the owner dedicate 26.213 metres right-of-way for Street A to achieve the Council Approved Urban Hamilton Official Plan Collector road right-of-way width as per Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2, to the satisfaction of the Manager of Transportation Planning.
57. That, **prior to registration**, the owner dedicate 20.117 metres right-of-way for Street B to achieve the Council Approved Urban Hamilton Official Plan Collector road right-of-way width as per Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2, to the satisfaction of the Manager of Transportation Planning.

**General**

58. That, **prior to registration of the plan of subdivision**, the owner shall pay cash in lieu of the parkland dedication to the value of the land as of the day before Draft Plan Approval.

**Alectra Utilities**

59. That, **prior to registration**, the owner shall agree, in words satisfactory to Alectra Utilities Corporation, to grant to Alectra Utilities Corporation any easements that may be required for electrical services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Alectra Utilities Corporation facilities or easements, the owner shall be responsible for the relocation of such facilities or easements.

**Enbridge Gas Inc.**

60. That, **prior to registration**, the owner acknowledges and agrees to provide any easement(s) or agreements(s) as deemed necessary by Enbridge Gas Inc. to service this new development and the owner further agrees and acknowledges to provide such easement(s) and agreements(s) at no cost to Enbridge Gas Inc., to the satisfaction of Enbridge Gas Inc.

**Bell Canada**

61. That, **prior to registration**, the owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
62. That, **prior to registration**, the owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the owner shall be responsible for the relocation of any such facilities or easements at their own cost.

**Canada Post**

63. That, **prior to registration**, the owner shall agree to include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- a. That the home / business mail delivery will be from a designated Centralized Mail Box.
  - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

64. That prior to registration, the owner agrees to:
- a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
65. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

#### **NOTES TO DRAFT PLAN APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

#### **Recycling and Waste Disposal**

2. An "Agreement for On-site Collection of Municipal Solid Waste" must be completed and executed for this building to receive municipal waste collection.
3. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Municipal Solid Waste" is finalized, and municipal collection services are initiated.

4. Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities.