

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



24-016-OLT Appendix 1
24-017-OLT and 24-018-OLT Appendix 2

ISSUE DATE: January 22, 2024

CASE NO(S):

OLT-22-004814

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

Applicant/Appellant: Losani Homes (1998) Ltd. & 1080992 Ontario Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To Facilitate the development of 38 single detached dwellings
Reference Number: UHOPA-17-005
Property Address: 11, 19, 20, 21, 23, 27 & 30 Lakeside Drive (Lakeside Dr. & 81 Waterford Crescent, Stoney Creek)
Municipality: City of Hamilton
OLT Case No.: OLT-22-004814
OLT Lead Case No.: OLT-22-004814
OLT Case Name: Losani Homes (1998) Ltd. and 1080992 Ontario Inc. v. Hamilton (City)

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

Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To Facilitate the development of 38 single detached dwellings
Reference Number: ZAC-17-015
Property Address: 11, 19, 20, 21, 23, 27 & 30 Lakeside Drive (Lakeside Dr. & 81 Waterford Crescent, Stoney Creek)
Municipality/UT: City of Hamilton
OLT Case No.: OLT-22-004815
OLT Lead Case No.: OLT-22-004814

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

Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision

Description: To Facilitate the development of 38 single detached dwellings

Reference Number: 25T-201703

Property Address: 11, 19, 20, 21, 23, 27 & 30 Lakeside Drive (Lakeside Dr. & 81 Waterford Crescent, Stoney Creek)

Municipality/UT: City of Hamilton

OLT Case No.: OLT-22-004816

OLT Lead Case No.: OLT-22-004814

Heard: November 24, 2023, by Video Hearing

APPEARANCES:

Parties

Losani Homes (1998) Ltd. & 1080992 Ontario Inc.
City of Hamilton

Counsel

Jennifer Meader
Brian Duxbury

MEMORANDUM OF DECISION DELIVERED BY GREGORY J. INGRAM AND ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION AND BACKGROUND

[1] Losani Homes (1998) Ltd. and 1080992 Ontario Inc. (“Applicant/Appellant”) filed applications with the City of Hamilton (“City”) to request an Urban Hamilton Official Plan Amendment (“OPA”), a Zoning By-law amendment (“ZBA”) and a draft plan of subdivision (“DPS”) as per s. 22(7), 34(11) and 51(34) of the *Planning Act* (“Act”) for the property municipally known as 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81

Waterford Crescent (“Subject Lands”). Due to the City’s failure to make a decision within the timeframe prescribed by the Act on the applications, (“Applications”) the Applicant/Appellant submitted an Appeal to the Tribunal.

[2] The OPA proposed the removal of linkage identification from the Subject Lands as per Volume 1: Schedule B – Natural Heritage System.

[3] The City of Hamilton is updating their Comprehensive Zoning By-law in parts, and therefore the Appellant sought amendments under the City of Stoney Creek By-law No. 3962-92 to rezone the Subject Lands from Neighbourhood Development, Single Residential zones (R2, R3, R3-4) to Single Residential R3-46 and modified Single Residential zones R3-47, R3-48, R3-48 (H), R3-49. The Appellant also proposed that a portion of the Subject Lands be added to the Conservation/Hazard (P5) Zone under the City of Hamilton Zoning By-law No. 05-200.

[4] The DPS proposed to develop lots for 38 single detached dwellings.

[5] The Applications were submitted to the City in December of 2016, and declared complete on January 17, 2017. On July 5, 2023, a public meeting was held where staff recommended approval of the Applications.

[6] Case Management Conferences (“CMC”) were held in April and June of 2023 regarding this Appeal. At the second CMC, the Procedural Order was approved, and a five (5)-day Hearing was scheduled for November 20, 2023.

[7] Participant status was granted to Glen and Ulrike Cleland and Romesh Galagoda both of whom own properties adjacent to the Subject Lands. The Participants expressed concerns related to the following:

- a. Drainage and Stormwater Management;

- b. Natural Heritage and Environmental Concerns;
- c. Impact on the enjoyment of their Properties; and
- d. Access to Municipal Services.

[8] The Tribunal was notified of a Settlement in principle between the Parties on Thursday, November 16, 2023, pending approval by the City Council at their meeting on November 22, 2023. Counsel for the Appellant requested that the Tribunal release all but the final day scheduled for this Case, in order to present evidence in support of the Minutes of Settlement (“MOS”) agreed to by the Parties.

LOCAL AND SURROUNDING AREA CONTEXT

[9] The Subject Lands are “approximately” 2.6 hectares in size and are currently vacant. The land uses surrounding the Subject Lands are primarily low-density residential with the Lake Ontario shoreline to the north of the properties. There is a range and mix of housing types along with various lot widths, sizes and building heights.

[10] Lakeside Drive is a gravel road with single detached homes. Other streets in the area are paved and have a mix of housing types and lot sizes.

PROPOSED SETTLEMENT

[11] Counsel for the Appellant, on the consent of the City, confirmed that a Settlement Proposal was reached and requested that it be heard by the Tribunal. It was also requested that the Tribunal approve an OPA, two ZBA and the conditions agreed to related to the DPS.

[12] In accordance with Rule 12 of the *Tribunal's Rules of Practice and Procedure*, the Tribunal convened the proceedings as a hearing on the terms of the Settlement Proposal.

[13] The Settlement is based on the details found in the MOS marked as **Exhibit 1** and a summary is provided below.

[14] Regarding the OPA, it is proposed that Volume 1: Schedule B- Natural Heritage System be amended by removing the 'linkage' identifications from the Subject Lands to permit single detached dwellings. It is noted that the removed linkages will be compensated elsewhere within the Subject Lands and protected through the implementation of the proposed ZBA and DPS. Specific details are outlined in Schedule A of the MOS.

[15] Regarding the ZBAs, the MOS reflects the zoning changes outlined in Paragraph 3 above with additional details for specific zones within the Subject Lands. For example, changes were added related to dwelling and driveway setbacks and easement widths between lots to allow for greater access to rear yards. In consideration of the P5 Hazards Zone designation, rear yard setbacks were included. Specific details are outlined in Schedule B of the MOS.

[16] A Revised DPS is included as Schedule C in the MOS. The DPS includes 35 lots for detached dwellings, a temporary turning circle, seven blocks for future development, a future linkage block, 0.3 meter reserve blocks, a public right-of-way block and public roads (Lakeside Drive and Cove Crescent extensions).

[17] Schedule D of the MOS outlines the Special Conditions for the Proposed Development related to development engineering, development and growth planning, transportation, conservation, and municipal services.

LEGISLATIVE CONTEXT

[18] On this appeal, the Tribunal must be satisfied that the proposed OPA and ZBAs are representative of good planning and in the public interest. Concerning the specific legislative tests to be met, the Tribunal must be satisfied that the proposed OPA and ZBA are consistent with the Provincial Policy Statement, 2020 (“PPS”), and conform with or do not conflict with A Place to Grow: Growth Plan for the Greater Golden Horseshoe Area (“Growth Plan”). Additionally, the proposed OPA and ZBAs must conform with the applicable Official Plans and have regard to matters of Provincial interest as set out in s. 2 of the Act, and to the information and materials that the municipality received concerning the matters under s. 2.1(2) of the Act. Finally, the Tribunal must be satisfied that the revised DPS has regard to the criteria set out at s. 51(24) of the Act, and that the proposed Conditions of Approval are reasonable under s. 51(25) of the Act.

HEARING

[19] As evidence at the hearing, the Tribunal received the following Exhibits, which were identified during the hearing:

- **Exhibit 1:** Minutes of Settlement;
- **Exhibit 2:** The Document Book including Witness Statements of David Aston; and
- **Exhibit 3:** City of Hamilton Planning Staff Report. Pg. 197-267 Municipal Submission to Tribunal.

[20] In support of the proposed OPA, ZBAs, and DPS, the Appellant asked that David Aston, a Registered Professional Planner in the Province of Ontario, be qualified in land use planning. Upon review and acknowledgement of his Expert Duty Form, the Tribunal qualified Mr. Aston as requested, and with the consent of the City.

[21] Mr. Aston provided a comprehensive contextual and planning rationale in support of the Proposed Development. He opined that the proposed OPA, ZBAs, and DPS which would facilitate the Proposed Development, satisfy all requisite legislative tests described above. He is also in complete support of the Special Conditions outlined in the MOS. He noted that the City Planning Staff Report (**Exhibit 3**) indicates support for the Development Proposal.

EVIDENCE

[22] Mr. Aston opined that the proposed Applications have regard for matters of Provincial interest as set out in s.2 and s. 51(24) of the Act . Specifically, he proffered that the development of the Subject Lands serves to naturally complete the development of an area already surrounded by single, detached dwellings of similar size lots and scale. In considering the DPS, he opined that the proposal is in a settlement area that permits a range of residential land uses and provides connections to the nearby community and helps to complete the plan for the area by connecting to existing roads.

[23] Regarding natural resources and flood control, Mr. Aston opined that building outside of the floodplain and the construction of a shoreline wall addresses these considerations. He indicated that a block of land has been proposed to link the remaining forested areas and that a restoration plan will be part of the conditions of draft approval.

[24] In the context of the PPS, Mr. Aston opined that the site can be fully serviced with existing and planned municipal infrastructure based on a Functional Servicing Report completed by AJ Clarke and Associates Ltd. He proffered that given the size of the water and sewage infrastructure proposed consideration for properties adjacent to the Subject Lands to connect is possible.

[25] Regarding the Growth Plan, Mr. Aston proffered that the infill development proposed makes use of an underdeveloped parcel of land and completes the Neighbourhood while assisting the City in achieving the minimum density targets set out in the Growth Plan.

[26] Mr. Aston opined that is necessary to remove the linkages through the OPA as they are remnant natural areas intended to connect two core areas. He indicated that compensation planting with a linkage block is addressed through a condition of the DPS. The Subject Lands are designated low density and the proposed development complies. In consideration of the Stoney Creek ZBA and the City of Hamilton ZBA, Mr. Aston opined that the site-specific performance standards are appropriate for the development and maintain the intent of the zoning By-laws. He provided a review of the surrounding area to demonstrate the compatibility of the proposed development with existing uses and highlighted the benefits gained by linking existing roadways in the proposed plan.

ANALYSIS AND DISPOSITION

[27] The Tribunal, in having heard uncontroverted expert opinion evidence in the area of land use planning in support of a settlement among the Parties, is satisfied that the OPA, ZBAs, DPS, Special Conditions, Minutes of Settlement and the Proposed Development they facilitate, have appropriate regard for matters of provincial interest, are consistent with the PPS, conform with the Growth Plan and OPA, represent good planning and are in the public interest.

[28] The Tribunal finds that the concerns raised by the Participants in their Status Request Applications have been addressed through the MOS, and in particular in the Special Conditions for the DPS.

Bill 150

[29] Since the conclusion of the Hearing held by the Tribunal, and before the issuance of this Decision, the Tribunal reached out to the Parties to seek input if the passing of Bill 150, *Planning Statute Law Amendment Act, 2023*, which enacts the *Official Plan Adjustments Act, 2023* (“OPAA”), which received Royal Assent on December 6, 2023, had any impacts on the potential outcome of this matter. Counsel for Losani Homes (1998) Ltd. & 1080992 Ontario Inc. responded to the Tribunal on behalf of the Parties and indicated that Bill 150 does not impact the matter that was heard.

ORDER

[30] **THE TRIBUNAL ORDERS** that the Appeals are allowed in part, and the proposed Official Plan Amendment and Zoning By-law Amendments attached hereto as Appendix 1 and 2 respectively, and forming part of this Order, are approved;

[31] **THE TRIBUNAL ORDERS** that the Appeal is allowed and the draft plan shown on the plan prepared by Nicholas P. Muth dated on April 29, 2022, is approved as set out in Appendix 3 and subject to the fulfillment of the special conditions set out in Appendix 4 to this Order;

[32] **AND THE TRIBUNAL ORDERS** that pursuant to s. 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 s. 51(58) of the *Planning Act*. If 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.

“Gregory J. Ingram”

GREGORY J. INGRAM
MEMBER

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.

Appendix 1
BY-LAW NO. 24-016-OLT
Urban Hamilton Official Plan
Amendment No. 173

The following text, together with Appendix “A” – Volume 1: Schedule B – Natural Heritage System attached hereto, constitutes Official Plan Amendment No. 173 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to remove the “Linkage” identifications from the subject lands to permit the development of 35 lots for single detached dwellings.

2.0 Location:

The lands affected by this Amendment are known municipally as 11 and 19 Lakeside Drive and 81 Waterford Crescent, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design policies of the Low Density Residential use categories of the Neighbourhoods designation.
- The function of the removed Linkages will be compensated elsewhere within the subject lands which will be protected in perpetuity through the implementing Zoning By-Law Amendment and Draft Plan of Subdivision and through dedication to the City of Hamilton.
- The proposed development will be compatible and complementary with the existing and planned development in the immediate area.
- Adequate servicing and transportation capacity are available for the proposed uses.

- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule B – Natural Heritage System be amended by removing the “Linkage” identifications from the subject lands, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule “1” to By-law No. passed on the

___th day of ___, 2023.



Appendix 2

**CITY OF HAMILTON
BY-LAW NO. 24-017-OLT
To Amend Zoning By-law No. 3692-92**

Respecting Lands Located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, 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 Hamilton” 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 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 173.

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

1. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - a) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-46a" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 1);
 - b) by changing the zoning from the Single Residential "R2" Zone to the Single Residential "R3-46a" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 2);
 - c) by changing the zoning from the Single Residential "R2" Zone to the Single Residential "R3-46b" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 3);
 - d) by changing the zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-46a" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 4);
 - e) by changing the zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-47" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 5);
 - f) by changing the zoning from the Single Residential "R3" Zone to the Single Residential "R3-47" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 6);
 - g) by changing the zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-47" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" (Block 7);

- h) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 8);
 - i) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-48(H)” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 9);
 - j) by changing the zoning from the Single Residential “R3” Zone to the Single Residential “R3-49” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 10);
 - k) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-38” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 11); and,
 - l) by changing the zoning from the Single Residential “R3-4” Zone, Modified to the Single Residential “R4-38” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 12).
2. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential “R3” Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption “R3-46a” and “R3-46b”, as follows:

“R3-46a” and “R3-46b” 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule “A” Map No. 2 (Blocks 1, 2, 3, and 4)

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential “R3” Zone, on those lands zoned “R3-46a” and “R3-46b” by this By-law, the following shall apply:

(a) Minimum Lot Area

Interior Lot - 370 square metres

Corner Lot - 400 square metres

(c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage on lands identified as "R3-46a". 3.5 metres to the dwelling, except 5.5 metres to an attached garage on lands identified as "R3-46b".

(d) Minimum Side Yard

Interior Lot - 1.2 metres on the side with the garage and 0.6 metres on the other side.

Corner Lot - 1.2 metres on the side with the garage and 2.3 metres on the flankage yard, except that an attached garage or attached carport fronting the flankage lot line shall not be located within 5.5 metres of the flankage lot line.

(e) Minimum Rear Yard - 6.0 metres

(g) Maximum Lot Coverage - 62 percent

For the purposes of this special provision, where a lot zoned "R3-46b" is also partially zoned (P5), as per Zoning By-law No. 05-200, the lands zoned (P5) that comprise part of the lot may be used for the calculation of Minimum Lot Area, Minimum Rear Yard, and Minimum Interior Side Yard.

3. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-47", as follows:

"R3-47" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Blocks 5, 6, and 7)

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, on those lands zoned "R3-47" by this By-law, the following shall apply:

- (a) Minimum Lot Area - 355 square metres
- (b) Minimum Lot Frontage - 11.0 metres
- (c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.
- (d) Minimum Side Yard - 1.2 metres on the side with the garage and 0.6 metres on the other side.
- (e) Minimum Rear Yard - 6.0 metres
- (g) Maximum Lot Coverage - 62 percent

In addition to Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, those lands zoned "R3-47" by this By-law shall not apply to corner lots.

4. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-48", as follows:

"R3-48" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Block 8)

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, on those lands zoned "R3-48" by this By-law, the following shall apply:

- (a) Minimum Lot Area
 - Interior Lot - 330 square metres
 - Corner Lot - 370 square metres
- (c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.
- (d) Minimum Side Yard

Interior Lot - 1.2 metres on the side with the garage and 0.6 metres on the other side.

Corner Lot - 1.2 metres on the side with the garage and 2.3 metres on the flankage yard, except that an attached garage or attached carport fronting the flankage lot line shall not be located within 5.5 metres of the flankage lot line.

(e) Minimum Rear Yard - 6.0 metres

(g) Maximum Lot Coverage - 62 percent

5. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-48(H)", as follows:

"R3-48(H)" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Block 9)

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R3-48(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R3-48" Zone provisions in Section 4 above, upon completion of the following:

(a) That the final grading on Lot 35 has been approved and it can be clearly demonstrated how the turning movements can be successfully managed, to the satisfaction of the Director, Growth Management.

6. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R3-49", as follows:

"R3-49" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Block 10)

Notwithstanding the provisions of Paragraphs (c), (d), (e), and (g) of Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, on those lands zoned "R3-49" by this By-law, the following shall apply:

(c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.

(d) Minimum Side Yard - 1.2 metres on the east side and 2.2 metres on the west side.

(e) Minimum Rear Yard - 6.0 metres

(g) Maximum Lot Coverage - 62 percent

In addition to Subsection 6.4.3 of Section 6.4, Single Residential "R3" Zone, those lands zoned "R3-49" by this By-law shall not apply to corner lots.

7. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-38", as follows:

"R4-38" 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Schedule "A" Map No. 2 (Blocks 11 and 12)

Notwithstanding the provisions of Paragraphs (c), (d), (e), and (g) of Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone, on those lands zoned "R4-38" by this By-law, the following shall apply:

(c) Minimum Front Yard - 3.5 metres to the dwelling, except 6.0 metres to an attached garage.

(d) Minimum Side Yard - 1.2 metres on the side with the garage and 0.6 metres on the other side.

(e) Minimum Rear Yard - 6.0 metres

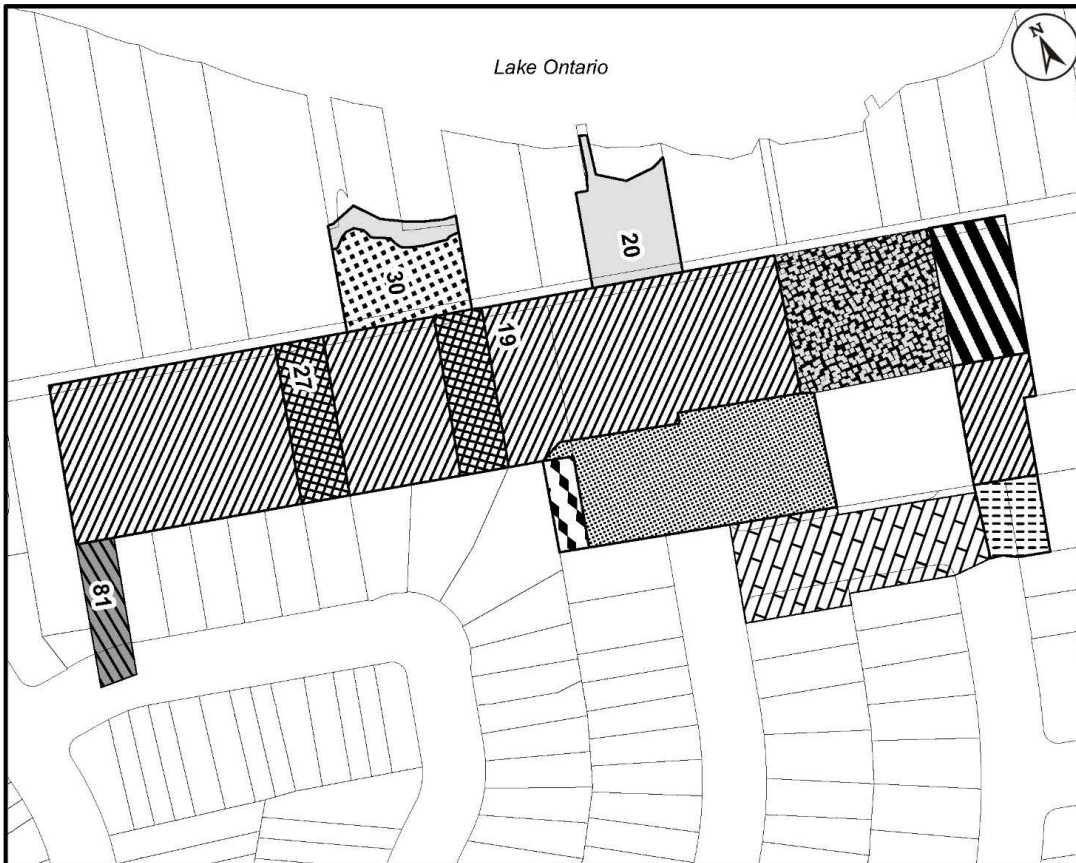
(g) Maximum Lot Coverage - 62 percent

In addition to Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone, those lands zoned "R4-38" by this By-law shall not apply to corner lots.

8. 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 Single Residential "R3" Zone and the Single Residential "R4" Zone, subject to the special requirements referred to in Sections 2 through 7 of this By-law.

9. 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*.

APPROVED this XX day of XX, 2023.










This is Schedule "A" to By-law No. 24-017-OLT
 Passed the day of, 2022

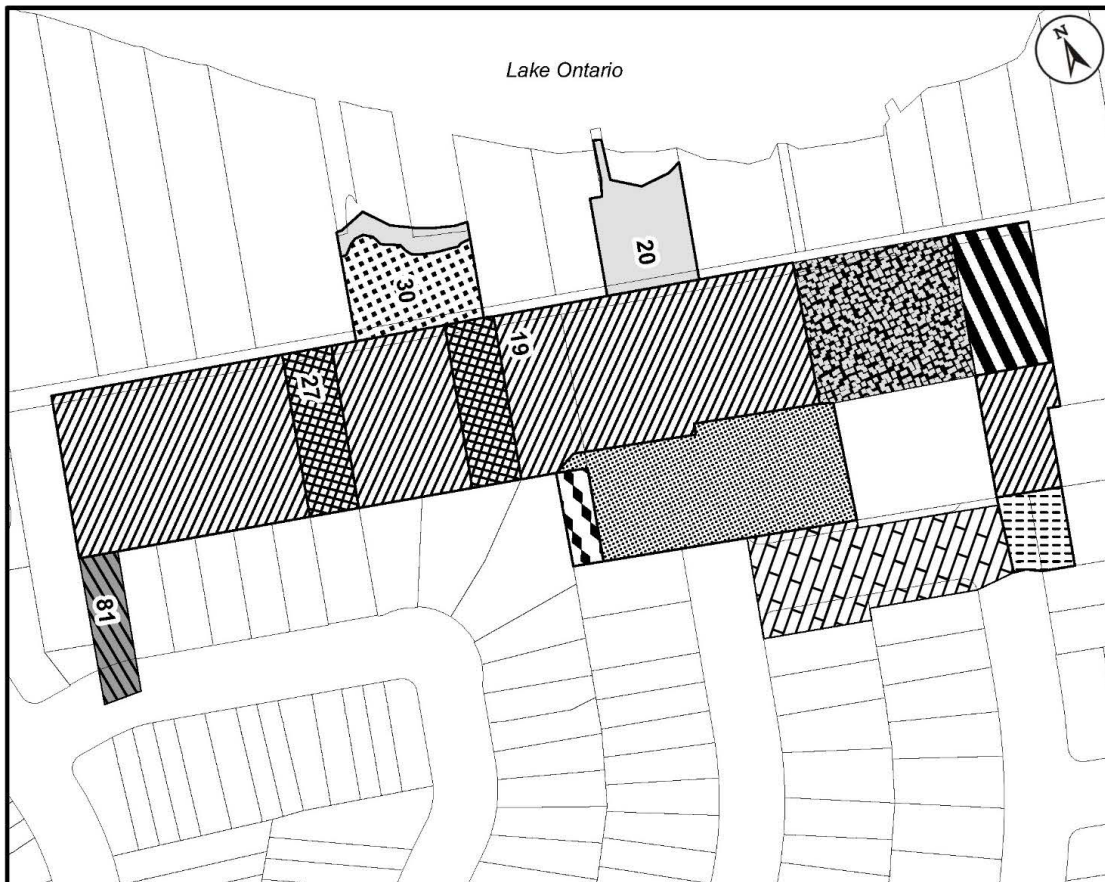
 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 24-017-OLT
to Amend By-law No. 3692-92
Map 1 of 2

- Subject Property**
 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent
-  Block 1 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-46a" Zone, Modified
 -  Block 2 – Change in zoning from the Single Residential "R2" Zone to the Single Residential "R3-46a" Zone, Modified
 -  Block 3 – Change in zoning from the Single Residential "R2" Zone to the Single Residential "R3-46b" Zone, Modified
 -  Block 4 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-46a" Zone, Modified
 -  Block 5 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-47" Zone, Modified
 -  Block 6 – Change in zoning from the Single Residential "R3" Zone, Modified to the Single Residential "R3-47" Zone, Modified
 -  Block 7 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R3-47" Zone, Modified








Scale: N.T.S	File Name/Number: ZAC-17-015 & 25T-201703 & UHOPA-17-005	
Date: November 7, 2023	Planner/Technician: TV/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



This is Schedule "A" to By-law No. 24-017-OLT
 Passed the day of, 2022

 Mayor

 Clerk

<h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 24-017-OLT</h3> <h3>to Amend By-law No. 3692-92</h3> <p>Map 2 of 2</p>		<p>Subject Property 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent</p> <ul style="list-style-type: none">  Block 8 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-48" Zone, Modified  Block 9 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-48(H)" Zone, Modified  Block 10 – Change in zoning from the Single Residential "R3" Zone to the Single Residential "R3-49" Zone, Modified  Block 11 – Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R4-38" Zone, Modified  Block 12 – Change in zoning from the Single Residential "R3-4" Zone, Modified to the Single Residential "R4-38" Zone, Modified  Refer to By-law 05-200
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-17-015 & 25T-201703 & UHOPA-17-005</p>	
<p>Date: November 7, 2023</p>	<p>Planner/Technician: TV/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

CITY OF HAMILTON
BY-LAW NO. 24-018-OLT

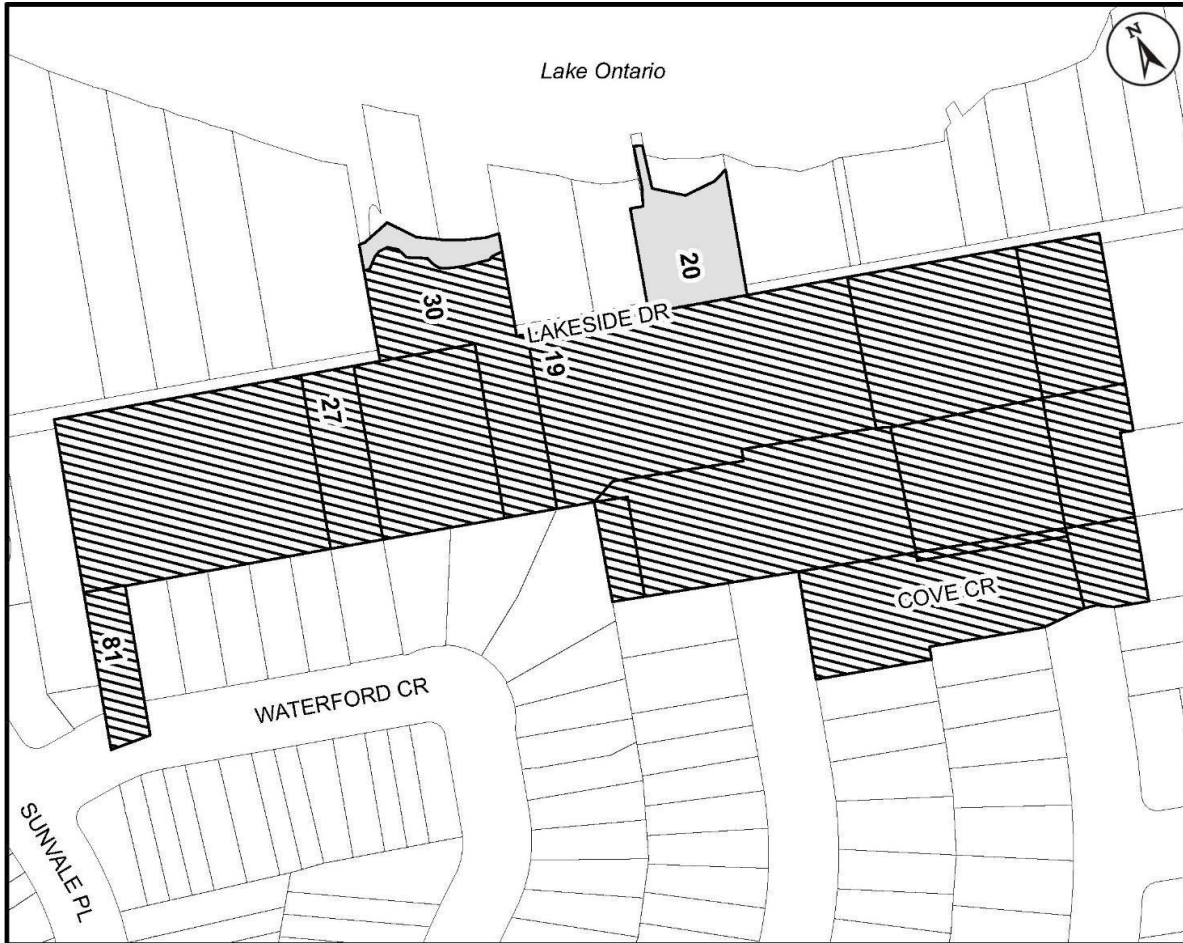
To Amend Zoning By-law No. 05-200 with respect to lands located at 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent, Stoney Creek

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 173.

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

1. That Map Nos. 1101 and 1150 of Schedule “A” – Zoning Maps are amended by adding the Conservation/Hazard Land (P5) Zone to the lands identified in the Location Map attached as Schedule “A” to this By-law.

PASSED and ENACTED this XX day of XXX, 2023.





This is Schedule "A" to By-law No. 24-018-OLT
 Passed the day of, 2022

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 24-018-OLT
to Amend By-law No. 05-200
Map 1101 & 1150

Subject Property
 11, 19, 20, 21, 23, 27 and 30 Lakeside Drive and 81 Waterford Crescent

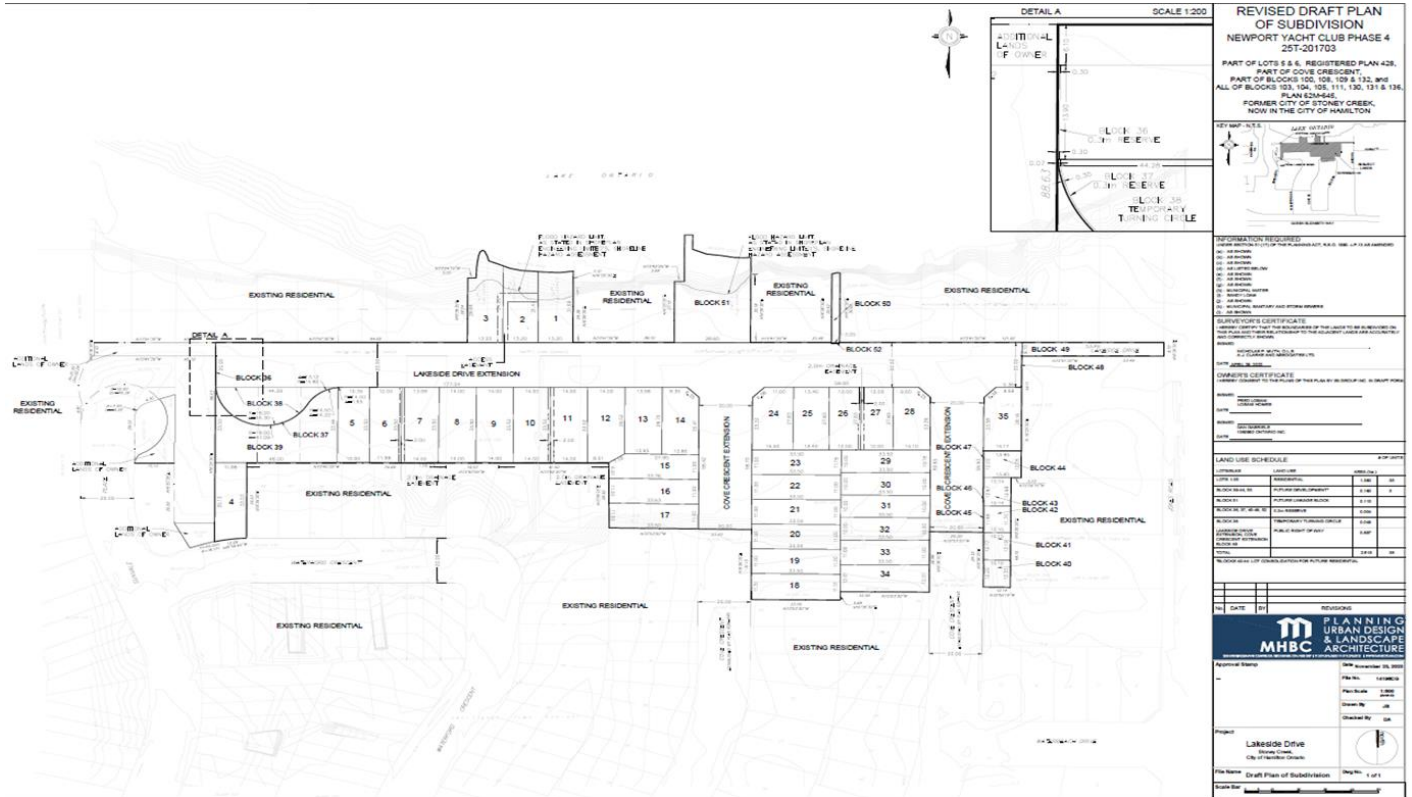
 Lands to be zoned Conservation / Hazard Land (P5) Zone
 Refer to By-law 3692-92

Scale: N.T.S	File Name/Number: ZAC-17-015 & 251-201703 & UHOPA-17-005
Date: May 19, 2022	Planner/Technician: TV/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix 3 Draft Plan of Subdivision for Subject Lands



Appendix 4

Conditions of Approval for the Draft Plan of Subdivision for the Subject Lands

Special Conditions for Draft Plan of Subdivision Approval for 25T- 201703

That this approval for the Draft Plan of Subdivision, 25T-201703, prepared by MHBC, and certified by Nicholas P. Muth, O.L.S., dated November 6, 2023, consisting of 35 lots for single detached dwellings (Lots 1-35); a temporary turning circle (Block 38); seven future development blocks (Blocks 39-44 and 50); a future linkage block (Block 51); 0.3 m reserve blocks (Blocks 36, 37, 45-48, and 52); a public right of way block (Block 49); and, public roads (Lakeside Drive and Cove Crescent extensions), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, prior to servicing, the Owner shall include in the Engineer's design and cost estimates for the provision of a 1.5 m concrete sidewalk in the following locations:
 - a. North and south sides of Lakeside Drive, including around the cul-de-sac;
 - b. The east side of the east leg of Cove Crescent, including an extension to the existing sidewalk located at 15 Cove Crescent; and,
 - c. The west side of the west leg of Cove Crescent;

all to the satisfaction of the Director, Growth Management and the Manager of Transportation Planning.

2. That, prior to servicing, the Owner shall include in the Engineer's design and cost estimates for the provision of reconstructing and reorientation of the driveway apron of 149 Cove Crescent, between the sidewalk and curb, and curb depression such that the apron is perpendicular to the proposed road and curb depression is centered on the existing garage, to the satisfaction of the Director, Growth Management.

3. That prior to registration of the plan of subdivision, the Owner shall provide evidence of best efforts to obtain a 4.5m x 4.5m daylight triangle from the owner of 2 Lakeside Drive for the Northwest corner of the future Lakeside Drive and Jones Road.
4. That prior to registration of the plan of subdivision, the Owner agrees to service all utilities within the draft plan lands including Cove Crescent and Lakeside Drive, without the requirement of the installation of any utilities or relocating utilities within Block 49, to the satisfaction of the Director of Growth Management and the Chief Development Engineer, all to the satisfaction of the Director, Growth Management.
5. That prior to servicing, the Owner shall include in the Engineer's design and cost estimate schedules for the provision of a 1.5 m tall black vinyl chain link fencing along the east and west property limits of Block 51, to the satisfaction of the Director of Growth Management.
6. That prior to registration of the plan of subdivision, the Owner agrees to register a 4.0 m maintenance easement between Lot 1 and Lot 2, or between Lot 2 and Lot 3, as agreed to between the Owner and the City. Furthermore, the Owner agrees to register a 6.0 m easement along the rear of Lots, 1, 2 and 3 above the hazard limit to provide access to permit maintenance of the proposed retaining wall/shoreline protection, to the satisfaction of the Director of Growth Management.
7. That prior to registration of the plan of subdivision, the Owner shall provide a 6.0 m wide easement to maintain the existing City watermain within Block 49, all to the satisfaction of the Director of Growth Management and the Chief Development Engineer.
8. That, prior to servicing, the Owner shall include in the Engineer's design and cost estimates for the provision of municipal services to the existing homes along the north side of proposed Lakeside Drive, to the satisfaction of the Director, Growth Management.

9. That, prior to servicing, the Owner shall demonstrate that they have all necessary clearances and approvals that may be required for the proposed encroachment beyond the flood hazard limit by all pertinent agencies (Conservation Authority, Ministry of Natural Resources, etc.), to the satisfaction of the Director, Growth Management.
10. That, prior to servicing, The Owner shall submit the Geotechnical Report complete with recommendations regarding the shallow cover over the proposed storm sewer. Furthermore, the Geotechnical Report shall be submitted with first submission of the detailed engineering design, to the satisfaction of the Director, Growth Management.
11. That, prior to registration of the plan of subdivision, that the Owner agrees to transfer to the City 0.3 m reserves in the following locations:
 - a. The east and west limits of the proposed Lakeside Drive right-of-way, excluding the existing 6.0m laneway; and;
 - b. Blocks 42 to 44 (inclusive) and Block 50; all to the satisfaction of the Director, Growth Management.
12. That prior to servicing, subject to satisfying Condition 34, the Owner shall include in the Engineer's design and cost estimate schedules for upgrading the existing sanitary sewer along Cove Crescent to Waterbeach Drive, and Waterbeach Drive to Jones Road if required, including road reconstruction, all to the satisfaction of the Director of Growth Management.
13. That, prior to registration of the plan of subdivision, the Owner shall agree to transfer to the City and designate as public highway Block 38 for the purpose of a turning circle at the west end of the proposed Lakeside Drive ROW. If at a future date the Sunvale Place road connection to Lakeside Drive is completed through a future development application and the City deems that the turning circle is no longer

required, then upon completion of the road connection, associated removals and restoration, the City would agree to start the process to stop-up, close and transfer Block 38 to the Owner when the lands are no longer required by the City, and the Owner has demonstrated that all costs related to the removal of the turning circle have been paid, to the satisfaction of the Director, Growth Management.

14. That, prior to registration of the plan of subdivision, the Owner acknowledges that Block 39 shall remain undevelopable until such a time as the extension of Sunvale Place to Lakeside Drive is completed. Further, should the extension of Lakeside Drive to Sunvale Place not ultimately be completed that Block 39 will continue to be undevelopable, to the satisfaction of the Director, Growth Management.
15. That, prior to registration of the plan of subdivision, the Owner shall agree that Block 50 shall be considered undevelopable until such a time as it is merged with an adjacent property and a suitable grading plan is submitted, to the satisfaction of the Director, Growth Management.
16. That, prior to servicing, the Owner shall include in the Engineer's design and cost estimates for the provision of a new watermain in the standard location within the ROW and removal or abandonment of the existing watermain where the existing 6m laneway will be replaced with a full municipal road. The watermain construction, commissioning, all associated removals, abandonment, restoration, etc. shall be at the Developer's sole cost, to the satisfaction of the Director, Growth Management.
17. That, prior to registration of the plan of subdivision, the Owner shall demonstrate how a minimum of 40% on-street parking, based on the number of proposed and existing lots, will be provided for the existing and proposed lots fronting proposed Lakeside Drive and proposed Cove Crescent, while also providing 1:1 compensation for the loss of the eight existing neighbourhood on-street parking

spaces from the portion of Cove Crescent to be removed, to the satisfaction of the Director, Growth Management.

18. That, prior to servicing, the Owner's Engineer shall submit for approval a satisfactory Construction Staging and Access Plan. The Plan shall be as part of a complete first submission detailed engineering package and demonstrate how access will be maintained to the existing residents during all stages of construction, to the satisfaction of the Director, Growth Management.
19. That, prior to registration of the plan of subdivision, the Owner agrees that Lot 4 shall be undevelopable until such a time as a grading design demonstrates how the proposed grading and drainage will reconcile with the adjacent properties to the east and west, to the satisfaction of the Director, Growth Management.
20. That, prior to servicing, the Owner shall submit an updated stormwater management report prepared by a qualified professional engineer to demonstrate how stormwater runoff quantity and quality controls will be handled in accordance with City and MECP standards which shall include the following: a. The Owner shall design and construct the minor and major conveyance system to convey uncontrolled flows from the subject development including all external drainage areas from the south side of the subject development to Lake Ontario at their own cost, to the satisfaction of the Director, Growth Management and the Hamilton Conservation Authority.
21. That prior to registration, of the plan of subdivision, the Owner shall agree to regularly inspect and maintain the existing approx. 6 m gravel access between Jones Road and approx. 54 m west of Jones Road at no cost to the City in perpetuity, until such time as the City deems it is no longer required, or to the satisfaction of the Director of Growth Management.

22. That, prior to registration of the plan of subdivision, the Owner shall agree to regularly inspect and maintain the existing approx. 6 m gravel access between the west limit of the proposed subdivision and approximately 46 m west of the proposed western subdivision limit in perpetuity, until such a time as the City deems it is no longer required, to the satisfaction of the Director, Growth Management.

23. That prior to registration of the plan of subdivision, the Owner shall agree in writing to transfer Block 49 to the City and dedicate it as a municipal ROW upon request and within 45 days advanced written notice from the City. The Owner shall be responsible for all associated costs to dedicate and transfer, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

24. That, prior to preliminary grading, the Owner shall submit a grading design that adequately addresses the following:
 - a. The large boulevard and driveway apron slopes exceeding 7%;
 - b. Shall obtain written permission from the existing residents to reconstruct the existing driveways on private lands such that the reconstructed driveway and apron together do not exceed the maximum permitted slope;
 - c. Shall be responsible for 100% of all costs to obtain the necessary permissions from the adjacent Owners, removals, reconstruction, and restoration; and,
 - d. The Owner shall include a detailed removals and restoration plan in their first detailed submission outlining all of the required works including any associated regrading and landscaping on the private lots that may result from the removals and reconstruction; all to the satisfaction of the Director, Growth Management.

25. That, prior to servicing, the Owner shall include in the Engineering Design and Cost schedule provision for the removal of the temporary portion of Cove Crescent, as well as any removals, transitional road work and regrading, to the satisfaction of the Director, Growth Management.
26. That, prior to registration of the plan of subdivision, the Owner shall prepare a reference plan and obtain from the City, for nominal consideration and at the sole expense of the Owner, the lands to be transferred in accordance with Condition 25 of Schedule "C" of the Harbours of Bayview Estates, Phase 2 subdivision agreement dated July 25, 1989, being the temporary portion of Cove Crescent located in the vicinity of Blocks 103, 104 and 105 on Plan 62M-645 for the development of future Lots 18, 19, 20, 32, 33, and 34, all to the satisfaction of the Director, Growth Management and the City Solicitor.
27. That, prior to servicing, the Owner shall include in the Engineer's design and cost estimates provision for the servicing to all existing properties (up to front property line) with frontage onto the proposed ROW as well as 2, 4, and 6 Lakeside Drive, to the satisfaction of the Director, Growth Management.
28. That prior to registration of the plan of subdivision, subject to satisfying Condition 34, the owner shall pay for the urbanization of future Lakeside Drive extension (approximately 54 m) based on the City's "New Road Servicing Rate" in effect at the time of payment in accordance with City's financial policies, to the satisfaction of Director of Growth Management and Chief Development Engineer.

Development Planning:

29. That, prior to preliminary grading, the Owner shall submit a revised Tree Protection Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees, including trees within the City owned rights-of-

way, and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.

30. That, prior to preliminary grading, the Owner shall submit a Landscape Plan prepared by a certified Landscape Architect (OALA) to the satisfaction of the Director of Planning and Chief Planner, which outlines the following:
- a. The placement of compensation trees required for the removal of any tree (10 cm DBH or greater) as per an approved Tree Protection Plan; and,
 - b. Trees and shrubs shall be planted within Block 51 to replicate the function of the Linkages. The plant material is to be comprised exclusively of native species and is to include deciduous and coniferous trees as well as shrubs. The minimum caliper size for deciduous trees is 50 mm DBH while the minimum height for coniferous trees is 1.5 metres.
31. That prior to registration of the plan of subdivision, the Owner shall agree in writing to dedicate Block 51 to the City of Hamilton, and further agree that Block 51 shall not contribute to parkland dedication, to the satisfaction of the Director of Planning and Chief Planner.

Growth Planning:

- [33] That prior to registration of the plan of subdivision, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management.

Transportation Planning:

33. That prior to servicing, the Owner shall submit a conceptual pavement markings and traffic signage plan for the subject lands, to the satisfaction and approval of the Manager of Transportation Planning.

34. That prior to servicing, the Owner will use reasonable commercial efforts to determine the feasibility of the coordination and construction of the Lakeside Drive extension (54 metres) and servicing with the development of 515 Jones Road in lieu of the design and construction set out in Condition 12, and if feasible to confirm and proceed with coordination of the final servicing design of the Lakeside Drive Extension, at the sole cost and expense of the Owner and the owner of the 515 Jones Road lands as agreed among them, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

35. 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.

Hamilton Conservation Authority:

36. That, prior to preliminary grading and/or servicing, the Owner shall prepare and implement an erosion and sediment control plan, grading plan, and drainage plan for the Subject Lands, all to the satisfaction of the Hamilton Conservation Authority.

37. That, prior to preliminary grading and/or servicing, the Owner shall prepare and implement a detailed design of the proposed retaining wall / shoreline protection, to the satisfaction of the Hamilton Conservation Authority.

38. That, prior to preliminary grading and/or servicing, the Owner shall obtain a permit from the Hamilton Conservation Authority under Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 prior to any watercourse or shoreline alteration, construction and/or grading activities within HCA's Regulated Area, to the satisfaction of the Hamilton Conservation Authority.

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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. The property owner must contact the City by email wastemanagement@hamilton.ca or by telephone 905-546- CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirement