



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 386 Wilcox Street, Hamilton (PED22079) (Ward 3)
<b>WARDS AFFECTED:</b>	Ward 3
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Amended Zoning By-law Amendment Application ZAC-22-009, by MHBC Planning on behalf of Stelco Inc.**, for a further modification to the General Industrial (M5, 433) Zone to the General Industrial (M5, 433, H123) Zone to add a Holding Provision on lands located at 386 Wilcox Street (Hamilton), as shown on Appendix “A” to Report PED22079, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended, and complies with the Urban Hamilton Official Plan;
- (c) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provisions as follows:

“123. Notwithstanding Section 9.5 and Special Exception No. 433 of this By-law, within the lands zoned General Industrial (M5, 433) Zone identified on

Map Nos. 749, 750, 751, 789, 790, 791, 830, 831, 832, 872, 873, 874, 915 and 916 of Schedule “A” – Zoning Maps and described as 386 Wilcox Street, development shall be restricted in accordance with the following:

- (i) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (M5, 433) Zone;

- (ii) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (M5, 433) Zone and the following regulations:

- (1) New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- (2) Issuance of Demolition Permits shall be permitted, to the satisfaction of the Chief Building Official;
- (3) Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres as set out in a) above, to the satisfaction of the Chief Building Official;
- (4) Site remediation and earthworks shall be permitted, to the satisfaction of the Director of Growth Management;

- (iii) Conditions for Holding Provision Removal

The Holding Provision shall, upon Application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision, provided that the following conditions have been satisfied for such portion of the lands:

- (1) The Owner submits and receives approval of a Concept Plan for the lands, to the satisfaction of the Director of Planning and Chief Planner. The Concept Plan shall include the following:

- (aa) Precincts and the distribution of land uses and buildings within each precinct;
  - (bb) Road and rail network;
  - (cc) Phasing;
- (2) The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands to the satisfaction of the Director of Growth Management and Director of Transportation and Parking. Furthermore, the Owner shall develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan to the satisfaction of the Director of Growth Management and Director of Transportation and Parking;
- (3) The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan, to the satisfaction of the Director of Growth Management;
- (4) The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control all to the satisfaction of the Director of Planning and Chief Planner, Director of Transportation and Parking and Director of Growth Management.

## **EXECUTIVE SUMMARY**

The purpose of this Application is to amend the City of Hamilton Zoning By-law No. 05-200, on lands municipally known as 386 Wilcox Street, to add a Holding Provision requiring the completion and implementation of a Master Planning process for the long term redevelopment of the subject lands, as shown on Appendix “A” attached to Report PED22079.

The Applicant received approval of two Consent Applications (HM/B-21:97 and HM/B-21:98) on November 25, 2021. The purpose of Consent Application HM/B-21:97 is to create a new parcel for long-term lease purposes in excess of 21 years and the severed lands will be used for steel manufacturing operations. The purpose of Consent Application HM/B-21:98 is to sever 31.78 hectares of land for industrial purposes and to retain 287.12 hectares of land for long term redevelopment. As part of the approved

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Consent Application conditions for HM/B-21:98, the Owner is required to receive approval of a Zoning By-law Amendment Application to add a Holding Provision.

The Holding Provision in the amending Zoning By-law includes requirements for the submission and approval of a Concept Plan, Master Servicing Plan, Joint Use Agreement and Implementation Strategy and includes regulations for the interim use of the lands prior to the Holding Provision being lifted.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP).

**Alternatives for Consideration – See Page 12**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an Application for an amendment to the Zoning By-law.

**Report Fact Sheet**

Application Details	
Owner:	Stelco Inc. c/o Paul Simon
Applicant/Agent:	MHBC Planning c/o Dana Anderson
File Number:	ZAC-22-009
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>To amend the zoning on the subject lands to add a Holding Provision that will establish specific conditions that the Owner is required to satisfy before development may occur on the subject lands.</p> <p>The conditions required to be addressed as part of the Holding Provision include the following:</p> <ul style="list-style-type: none"><li>• The Owner submit a Concept Plan which shall include the following:<ol style="list-style-type: none"><li>1. Precincts and the distribution of land uses and buildings within each precinct.</li></ol></li></ul>

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Application Details	
Proposal (Continued):	<p>2. Road and rail network; and, 3. Phasing.</p> <ul style="list-style-type: none"> <li>The Owner shall provide a Master Servicing Plan, including a Transportation Master Plan, for the retained and severed portion of the lands and develop a Terms of Reference to complete the Master Servicing Plan and Transportation Master Plan;</li> <li>The Owner enter into and register on title a Joint Use Agreement and/or Development Agreement (if required) to implement the Master Servicing Plan; and,</li> <li>The Owner submits and receives approval of an Implementation Strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan, may be implemented through additional <i>Planning Act</i> approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or Applications for Site Plan Control;</li> </ul> <p>While the Holding Provision is in place, development on the subject property would be restricted by the following criteria:</p> <ul style="list-style-type: none"> <li>New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres;</li> <li>Issuance of Demolition Permits shall be permitted;</li> <li>Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres; and,</li> <li>Site remediation and earthworks shall be permitted.</li> </ul>
Property Details	
Municipal Address:	386 Wilcox Street (see Location Map attached as Appendix “A” to Report PED22079).
Lot Area:	326.27 ha (806.24 ac).
Servicing:	Full municipal services.
Existing Use:	General Industrial uses.

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<b>Application Details</b>	
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	“Employment Areas” on Schedule E – Urban Structure and “Industrial Land” on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	General Industrial (M5, 433) Zone.
Zoning Proposed:	General Industrial (M5, 433, H123) Zone.
Modifications Proposed:	<p>To add a Holding Provision for the subject lands as outlined on page 4 of this Report.</p> <p>The Applicant requested permission for new development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings while the Holding Provision would be in place. The wording submitted by the Applicant allowed no new buildings or expansions to existing buildings greater than 1,000 m<sup>2</sup>. Staff modified the wording to state that expansions to existing buildings and structures and new construction would be permitted up to a maximum of 1,000 m<sup>2</sup> for the entire property.</p>
<b>Processing Details</b>	
Received:	December 14, 2021
Deem Incomplete:	January 13, 2022
Deemed Complete:	January 31, 2022
Notice of Complete Application:	Sent to 17 property owners within 120 metres of the subject lands on February 10, 2022
Public Notice Sign:	Sign Posted: February 16, 2022 Sign Updated: March 9, 2022
Notice of Public Meeting:	Sent to 17 property owners within 120 metres of the subject lands on March 18, 2022.
Public Comments:	There were no comments received.
Processing Time:	112 days.

## **BACKGROUND**

### **Consent Application HM/B-21:97**

Consent Application HM/B-21:97 was heard and approved with conditions by the Committee of Adjustment on November 25, 2021. The purpose of the Application is to create a new parcel for long-term lease purposes in excess of 21 years and the severed lands will be used for steel manufacturing operations. The Application was heard in conjunction with application HM/B-21:98.

### **Consent Application HM/B-21:98**

Consent Application HM/B-21:98 was approved with conditions by the Committee of Adjustment on November 25, 2021. The purpose of the Application is to sever a parcel for the conveyance of 31.78 hectares of land for industrial purposes and to retain 287.12 hectares of land for industrial and employment uses. As part of the approved Consent Application conditions, the Owner was required to receive approval of a Zoning By-law Amendment Application to add a Holding Provision.

### **Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	General Industrial Uses	General Industrial (M5, 433) Zone

#### **Surrounding Land Uses:**

North	Lake Ontario	N/A
South	Industrial Uses	General Industrial (M5) Zone and Shipping and Navigation (Port Lands) (M13, H23) Zone
East	Industrial Uses	General Industrial (M5) Zone
West	Waterfront and Port Uses and Lake Ontario	General Industrial (M5) Zone and Shipping and Navigation (Port Lands) (M13, H23) Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS) (2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

As the Application for Zoning By-law Amendment complies with the Official Plan, it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Employment Uses" on Schedule "E" – Urban Structure and designated "Industrial Uses" on Schedule "E-1" – Urban Land Use Designations.

The following policies, amongst others, apply to the proposal.

- "F.1.8.1 Council may use the Holding "H" symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased development and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the "H" symbol;
- F.1.8.2 A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:



- (a) Where development is contingent upon other related matters occurring first, such as but not limited to:
  - (i) Completion of required site or area specific studies which are to be specified in the by-law;
- (b) Where phasing is necessary in order to ensure orderly development and/or achieve one or more objectives of this Plan;

F.1.8.3 Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an existing use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.”

The Application was submitted to add a Holding Provision to a parcel of land approximately 287.12 ha in size (identified as Block 1 in Appendix “B” of Report PED22079) to establish specific conditions that the Owner would be required to satisfy before any development could occur on the subject lands.

The Holding Provision was identified as a condition of the approved consent (HM/B-21:98) on November 25, 2021 in order to ensure appropriate long term development of the subject lands. The Holding Provision requires that the Owner submit:

- A Concept Plan (showing precincts and distribution of land uses and buildings within each precinct, road and rail network and phasing);
- A Master Servicing Plan, including Transportation Master Plan, for the retained and severed portion;
- To enter into and register on title a Joint Use Agreement and/or Development Agreement (if required); and,
- An Implementation strategy to illustrate how the Concept Plan and Master Servicing Plan, including a Transportation Master Plan may be implemented through additional *Planning Act* Approvals.

The proposed Holding Provision allows for interim development to a maximum of 1,000 m<sup>2</sup> either as an addition/alteration to an existing building or structure or as new development.

Therefore, Staff are satisfied that the proposed Holding Provision is appropriate as it will require the completion of necessary studies, agreements and phasing in order to confirm any future proposed development meets the objectives of the UHOP and ensures orderly development and to ensure that servicing and design criteria established in the UHOP have been achieved.

## **Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned General Industrial (M5, 433) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED22079. The Applicant is requesting to add a Holding Provision to the (M5, 433) Zone which is further discussed in the Analysis and Rationale Section of the Report.

The owner will need to submit a Zoning By-law Amendment Application to remove the Holding Provision with all the required studies at a future date.

## **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	Development Engineering has no objections with the proposed zoning by-law provided the Holding Provision is in place with the noted conditions. In order to ensure that the appropriate master planning process takes place ahead of any major development Applications being submitted for the retained lands, the implementation of a Holding Provision on the retained lands has been included as a condition of consent for Application HM/B-21:98.	The conditions associated with the Holding Provision have been updated from the approved Consent decision by Development Engineering Approvals to reflect their requirements and are included in the proposed Zoning By-law Amendment.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 17 property owners within 120 metres of the subject property on February 10, 2022, requesting comments on the proposed Zoning By-law Amendment Application.

As the Holding Provision is a result of the approval of Consent Application HM/B-21:97 and HM/B-21:98 which was subject to a public hearing, no additional public consultation was identified for the Zoning By-law Amendment Application.

A Public Notice Sign was posted on the property on February 16, 2022, and updated on March 9, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given on March 18, 2022, in accordance with the requirements of the *Planning Act*.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- (1) The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow Plan; and,
  - (ii) The proposed development complies with the UHOP policies to implement a Holding symbol to limit the use of a property to achieve orderly development and to ensure that servicing and design criteria established in the UHOP have been achieved.
- (2) The subject lands are currently zoned General Industrial (M5, 433) Zone in Zoning By-law No. 05-200. The proposed Zoning By-law Amendment seeks to add a Holding Provision to the subject lands in order to assess that the long term development of the lands achieves multiple objectives and ensures orderly development. Staff are satisfied that the studies identified can be submitted and reviewed through a Holding Removal Application in order to review future development concepts for the subject lands.

In addition to the Holding Provision, there is some development that can occur while the Holding Provision is in place:

- New development, including the establishment of uses permitted by the (M5,433) Zone, and additions or alterations to existing buildings shall be permitted to a maximum of 1,000 square metres, in accordance with the provisions of Zoning By-law No. 05-200;
- Issuance of Demolition Permits shall be permitted;
- Relocation of existing buildings and structures on site shall be permitted provided there is no increase in Gross Floor Area with the exception to additions and alterations up to a maximum of 1,000 square metres; and,
- Site remediation and earthworks shall be permitted.

Demolition, relocation of existing buildings, site remediation and / or earthworks will be subject to applicable building code and / or Site Alteration By-law requirements.

The permitted uses identified within the General Industrial (M5, 433) Zone would be located within existing buildings with an opportunity to increase the Gross Floor Area by a maximum of 1,000 m<sup>2</sup>, either as a new build or additions to the existing buildings. The Applicants have requested the ability to relocate existing buildings

on-site as long as it does not represent an increase in the Gross Floor Area (not including the 1,000 m<sup>2</sup>) so they can continue to use the site for permitted uses within the existing Gross Floor Area.

Staff are satisfied that the exceptions would allow for continuation of the current uses. Therefore, Staff support of the Zoning By-law Amendment.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject lands could be used in accordance with the General Industrial (M5, 433) Zone which permits a range of Industrial uses. The conditions laid out in the approved Consent Application (HM/B-21:97 and HM/B-21:98), attached as Appendix “C” to Report PED22079, would be unable to be satisfied so the consent Applications would lapse.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

### **Built Environment and Infrastructure**

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law Amendment

Appendix "C" – Committee of Adjustment Decision

AB:sd