

Authority: Item 8.1, Planning Committee Minutes 26-003 (PED26001)
CM: March 4, 2026 Ward: 3
Written approval for this by-law was given by Mayoral Decision MDE-2026-06
Dated March 4, 2026

Bill No. 045

CITY OF HAMILTON

BY-LAW NO. 26-045

**To amend Zoning By-law No. 6593 with respect to lands located at
338 and 338 ½ Cumberland Avenue, Hamilton**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 6593 (Hamilton) was enacted on the 25th day of July, 1950, and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951;

AND WHEREAS Council approved Item 8.1 of Planning Committee Minutes 26-003, at its meeting held on March 4, 2026;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 6593 as follows:

1. That Sheet No. E34, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from “D/S-476” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified and “JJ” (Restricted Light Industrial) District to “DE/S-1843-‘H’” (Low Density Multiple Dwellings) District, Modified, Holding, for the lands known as 338 and 338 ½ Cumberland Avenue, the extent and boundaries of which are shown on Schedule “A” to this By-law.

2. That notwithstanding Section 2.(2)(J)(xi) – MISCELLANEOUS DEFINITIONS – TECHNICAL as it relates to the definition of “Lot”, and in addition to Section 2.(2)(J)(xii) – MISCELLANEOUS DEFINITIONS – TECHNICAL as it relates to the definition of “Lot-Line”, for the purpose and the regulations of the “DE/S-1843-‘H’” (Low Density Multiple Dwellings) District, Modified, Holding, including but not limited to the lot area, lot frontage, lot depth, lot coverage, landscape area, and building setbacks, shall be from the property boundaries of the lot shown on Schedule “A” and not the individual property boundaries of any lots created by registration of a Condominium Plan, Part Lot Control, or Consent.
3. That the “DE/S-1843” (Low Density Multiple Dwellings) District, Modified regulations, as contained in Section 10A of Zoning By-law No. 6593, are modified to include the following special requirements:
 - (a) That notwithstanding Section 10A.(2), no building shall exceed three storeys, and no structure shall exceed 12.0 metres in height.
 - (b) That notwithstanding Section 10A.(3)(i), a front yard depth of at least 4.5 metres shall be provided and maintained.
 - (c) That notwithstanding Section 10A.(3)(ii)(c), for a multiple dwelling, a side yard width of at least 1.5 metres shall be provided and maintained along the westerly lot line measuring 34.66 metres.
 - (d) That notwithstanding Section 10A.(3)(ii)(c), for a multiple dwelling, a side yard width of at least 42.0 metres shall be provided and maintained along the easterly lot line measuring 30.48 metres.
 - (e) That notwithstanding Section 10A.(3)(iii), a rear yard depth of at least 20.0 metres shall be provided and maintained.
 - (f) That Section 10A.(4)(iii) shall not apply.
 - (g) That in addition to the regulations contained in Section 18.(3)(vi), an enclosed noise buffer shall be permitted to encroach a maximum of 1.5 metres into a required rear yard. For the purpose of this regulation, an enclosed noise buffer shall be defined as “an enclosed area outside the exterior wall of a building such as an enclosed balcony specifically intended to buffer one or more windows of noise sensitive spaces”.
 - (h) That Section 18A(1)(c) shall not apply.
 - (i) That notwithstanding Section 18A(7), every required parking space, other than a parallel parking space shall have dimensions not less than 2.8 metres wide and 5.8

metres long.

- (j) That notwithstanding Section 18A(11)(a), the boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 1.0 metre from the adjoining residential district boundary.
 - (k) That notwithstanding Section 18A(12)(a), for every parking area referred to in subsection 11, there shall be provided and maintained between the boundary of the parking area and the residential district, a landscaped area with a minimum width of 1.0 metre.
4. That notwithstanding Section 18A(25), where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses beyond a front yard depth of 6.0 metres, and not less than 1.5 metres within a front yard depth of 6.0 metres.
 5. That the “DE/S-1843-‘H’” (Low Density Multiple Dwellings) District, Modified, Holding “H” symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
 - (i) That a signed Record of Site Condition has been submitted to the Ministry of the Environment, Conservation and Parks (MECP), including an acknowledgement of receipt of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, to the satisfaction of the Director of Development Planning;
 - (ii) That a revised Noise Study, peer reviewed at the owner’s expense, shall be submitted and approved, to the satisfaction of the Director of Development Planning. All mitigation measures and warning clauses are to be secured through the Site Plan Control process; and,
 - (iii) That conditional Site Plan approval be granted, to the satisfaction of the Director of Development Planning.
 6. 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 modified “DE/S-1843” (Low Density Multiple Dwellings) District, Modified provisions, subject to the special requirements referred to in Section Nos. 2, 3 and 4 of this By-law.
 7. 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 4th day of March, 2026

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-22-049



This is Schedule "A" to By-law No. 26- 045

Passed the 4th day of March, 2026

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 26- 045

to Amend By-law No. 6593

Subject Property

338 and 338 1/2 Cumberland Avenue

 Change in zoning from "D/S-476" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, and "JJ" (Restricted Light Industrial) District Zone to a site specific "DE/S-1843-H" (Low Density Multiple Dwellings) District, Modified, Holding

Scale:
N.T.S

File Name/Number:
ZAC-22-049

Date:
January 26, 2026

Planner/Technician:
DM/RS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT