

20.53 Residential / Limited Commercial (ZMU53) – Neighbourhood Village Centre (Hamilton) [Bylaw 10453, Jun 10/24]

20.53.1 Purpose

This **zone** provides for mixed-use **development** consisting of **apartment housing** and **commercial uses** and **community amenity space**. Additional **density** is provided to achieve, among other things, City objectives in respect to **affordable housing units** and **community amenity space**.

20.53.2 Permitted Uses

- **amenity space, community**
- **animal grooming**
- **child care**
- **education, commercial**
- **government service**
- **health service, minor**
- **housing, apartment**
- **library and exhibit**
- **office**
- **recreation, indoor**
- **recycling drop-off**
- **restaurant**
- **retail, convenience**
- **retail, general**
- **service, business support**
- **service, financial**
- **service, household repair**
- **service, personal**
- **studio**
- **veterinary service**

20.53.3 Secondary Uses

- **boarding and lodging**
- **community care facility, minor**
- **home business**

20.53.4 Permitted Density

1. The maximum **floor area ratio** is 0.4, together with up to an additional:
 - a) 0.1 **floor area ratio** provided that this additional **floor area ratio** is used entirely to accommodate indoor **amenity space**.
2. Notwithstanding Section 20.53.4.1, the reference to “0.4” is increased to a higher density of “1.5”, provided that:
 - a) the **owner** provides not less than 19 **affordable housing units** and the combined **habitable space** of the total number of **affordable housing units** comprises at least 10% of the total residential **floor area**;
 - b) the **owner** enters into a **housing agreement** with respect to the **affordable housing units** and registers the **housing agreement** against title to the **lot**, and files a notice in the Land Title Office; and
 - c) the **owner** uses a minimum of “0.07” **floor area ratio** for non-residential **uses** only.

3. An additional 0.1 **floor area ratio** shall be permitted if, prior to first occupancy of the **building**, the **owner**:
 - a) uses the additional 0.1 **floor area ratio** only for **community amenity space**; and
 - b) the **owner** grants to the **City** no less than 130.1 m² **community amenity space** facility, which shall be designed and constructed to the satisfaction of the **City** and provided to the **City** in the form of an **air space parcel** prior to occupancy of the **development**.

20.53.5 Permitted Lot Coverage

1. The maximum **lot coverage** is 55% for **buildings**.

20.53.6 Permitted Yards & Setbacks

1. The minimum **setbacks** are:
 - a) 1.5 m from Gilley Road;
 - b) 3.0 m from Smith Crescent;
 - c) 6.0 m from the west **property line**; and
 - d) 3.0 m from the north **property line**.
2. Common entry features, staircases and unenclosed **balconies** may project into any **setback**, except that for Gilley Road, for a maximum distance of 1.5 m.
3. Notwithstanding the above **setbacks**, enclosed parking **structures** may project into the **setbacks** provided that the **structure** includes transparent glazing, or is not visible from the exterior of the **building**, or is landscaped or screened by a combination of trees, shrubs, ornamental plants or lawn as specified by a Development Permit approved by the **City**.

20.53.7 Permitted Heights

1. The maximum **height** for **principal buildings** is 17.0 m (not to exceed four (4) **storeys**), except that the maximum **height** of **principal buildings** containing **community amenity space** and fronting onto Gilley Road is 20.0 m (not to exceed five (5) **storeys**).
2. The maximum **height** for **accessory buildings** and **accessory structures** is 6.0 m.

20.53.8 Subdivision Provisions/Minimum Lot Size

1. The minimum **lot width** is 40.0 m and minimum **lot depth** is 80.0 m.
2. The minimum **lot area** is 4,000 m².

20.53.9 Landscaping & Screening

1. **Landscaping** and **screening** shall be provided according to the provisions of Section 6.0.

20.53.10 On-Site Parking and Loading

1. On-site **vehicle** and bicycle parking and loading shall be provided according to the standards set out in Section 7.0.

20.53.11 Residential Rental Tenure

1. Subject to the provision of **affordable housing units** pursuant to Section 20.53.4.2 above, a minimum of 19 **dwelling units** shall be used only for **residential rental tenure**.

20.53.12 Other Regulations

1. With the exception of **housing, apartment**, the **uses** specified in Section 20.53.2 are only permitted where fronting onto Gilley Road and shall be located on the **first storey** of any **building**.
2. For the purpose of this **zone, community amenity space** shall include the following **uses**:
 - a) **library and exhibit**; and
 - b) **community policing office**.
3. In addition to the regulations listed above, the General Development Regulations in Section 4.0 and the Specific Use Regulations in Section 5.0 apply.

