

## 20.35 Residential / Limited Commercial (ZMU35) – Neighbourhood Village Centre (Hamilton) [Bylaw 9764, Sep 14/20]

### 20.35.1 Purpose

This **zone** provides for a mixed-use **development** consisting of **apartment housing** and **commercial uses** with a maximum **floor area ratio** of 0.40 that may be increased to 1.5 with a **density bonus** that would be used for rezoning applications in order to help achieve the **City's** affordable housing and **community amenity space** objectives.

### 20.35.2 Permitted Uses

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

### 20.35.3 Secondary Uses

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

### 20.35.4 Permitted Density

1. The maximum **floor area ratio** is 0.40 with a maximum additional 0.10 **floor area ratio** permitted provided that it is entirely used to accommodate **amenity space**.
2. Notwithstanding Section 20.35.4.1, the reference to “0.40” is increased to a higher **density** of “1.5”, if at the time **Council** adopts a zoning amendment bylaw to include the **owner's lot** in the ZMU35 zone, the **owner**:
  - a) pays \$49.50 per square meter of total residential **floor area** into the **Hamilton Area Plan community amenity capital reserve**; and
  - b) by the **owner**:
    - i) agrees to construct on the **lot**, to the satisfaction of the **City**, **affordable housing units** with a combined **habitable space** of at least five (5%) percent of the total residential **floor area**; and

- ii) has entered into a **housing agreement** with respect to the **affordable housing units** and registered the **housing agreement** against the title to the **lot**, and files a notice in the Land Title Office.

### 20.35.5 Maximum Lot Coverage

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

### 20.35.6 Yards & Setbacks

1. The minimum **setbacks** are:
  - a) 1.5 m from Gilley Road (north);
  - b) 3.0 m from Smith Drive (east);
  - c) 6.0 m from the west **property line**; and
  - d) 6.0 m from the south **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**.

### 20.35.7 Maximum Heights

1. The maximum **height** for **principal buildings** is 17.0 m, except for localized architectural raised roof elements that may extend to a maximum height of 20.0 m if included in a Development Permit approved by the **City**.
2. The maximum **height** for **accessory buildings** and **accessory structures** is 6.0 m.

### 20.35.8 Subdivision Provisions/Minimum Lot Size

1. The minimum **lot width** is 80.0 m and minimum **lot depth** is 80.0 m.
2. The minimum **lot area** is 12,000 m<sup>2</sup>.

### 20.35.9 Landscaping and Screening

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

### 20.35.10 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.

### 20.35.11 Other Regulations

1. With the exception of **housing, apartment**, the **uses** specified in Section 20.35.2 must be located on the **first storey** of the **building**.
2. 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.

