

BY-LAW NUMBER
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 2019-051, as amended,
known as the Zoning By-law 2019 for the City of Kitchener
– Implementation of Bill 13, Bill 109, and Bill 23)

WHEREAS it is deemed expedient to amend By-law 2019-051;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Subsection 1.8 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“Despite Subsection a), no Zoning Occupancy Certificate shall be required for a *single detached dwelling* with or without one *additional dwelling unit (attached)*, *semi-detached dwelling* with or without one *additional dwelling unit (attached)*, ~~*street townhouse dwelling*~~, ~~*additional dwelling unit(s) (attached)*~~, ~~*additional dwelling unit (detached)*~~, or *private home day care*.”

2. Section 3 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough in the following definitions:

“**Dwelling, Multiple** – means the use of a *building* containing ~~four~~^{three} or more *dwelling units*, and can include a *stacked townhouse dwelling* and *back-to-back townhouse dwelling*. A *multiple dwelling* is not a *street townhouse dwelling*, *mixed use building*, *cluster townhouse dwelling*, *single detached dwelling* with *additional dwelling units (attached)* or *semi-detached dwelling* with *additional dwelling units (attached)*.”

“**Parking Lot** – means an area located on a *lot* which contains four or more *parking spaces* and a minimum of one *drive aisle*.”

3. Subsection 4.12.2 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“Two *additional dwelling units (attached)* may be permitted in association with a *single detached dwelling*, a *semi-detached dwelling unit* or a *street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category and applying to *single*

detached dwellings, semi-detached dwellings, or street townhouse dwellings in which the two *additional dwelling units (attached)* are located and in addition to and as amended by the following:

- a) two *additional dwelling units (attached)* shall be connected to full municipal services;
- b) a maximum of one pedestrian entrance to the *principal building* shall be located on each *street line façade*, except where more pedestrian entrances are *existing*;
- c) no more than two *additional dwelling units (attached)* are permitted on a *lot*;
- d) the minimum *lot area* shall be 395 square metres or in accordance with Table 7-2, whichever is greater;
- e) the minimum *lot width* shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;
- f) the minimum *landscaped area* shall be 20%;
- g) ~~two *additional dwelling units (attached)* shall only be permitted in *existing buildings*;~~

~~additions to an existing *single detached dwelling* must be attached to the rear of *principal building* and shall not extend into any *side yard* farther than the extent of the *existing principal building* and provided such addition does not exceed 25 percent of the *existing building's building floor area*.~~

Unless otherwise provided for in this By-law, in any zone where two *additional dwelling units (attached)* are permitted, a *dwelling* with three (3) *dwelling units* shall also be permitted and considered a *single detached dwelling* with two *additional dwelling units (attached)* in accordance with regulations specified by the zone category and in this section.”

- 4. Subsection 4.12.3 o) of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“Despite Section 5.3.3 a) ii), where three *parking spaces* are required in accordance with Table 5-3, ~~two~~ *three parking spaces* may be *tandem parking spaces*; and,

- 5. Section 4 of By-law Number 2019-051 is amended by inserting new Subsection 4.12.4 thereto:

“4.12.4 Four to Ten Dwelling Units on a Lot

Four (4) to ten (10) *dwelling units* on a *lot* without any non-residential *use* except permitted *home occupation uses* shall be permitted in accordance with the regulations specified by the zone category for the *dwelling(s)* and shall have:

- a) a minimum of 20% *street line façade opening* which includes at least one (1) pedestrian entrance to the *principal building*;
 - b) a minimum 20% of the *front yard landscaped*, excluding surface walkways, patios, decks, playgrounds or pathways;
 - c) a minimum *driveway* width of 2.6 metres;
 - d) despite section 4.12.4 c), where a *driveway* is immediately adjacent to any *building* or *structure* on a *lot*, the *driveway* including any curbing shall be a minimum 3.0 metres wide.”
6. Section 5.3 of By-law Number 2019-051 is amended by inserting a new Subsection e) thereto:
- “e) Where a *parking lot* is provided for a development that does not require site plan approval pursuant to Section 41 of the Planning Act, the following regulations shall apply:
- i) The *parking lot* shall be setback a minimum of 1.5 metres from *side lot line* and *rear lot line*; and,
 - ii) The minimum *drive aisle* width shall be 6 metres.”
7. Section 5.3.3 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:
- a) On a *lot* containing a *single detached dwelling*, *semi-detached dwelling*, *street townhouse dwelling*, *additional dwelling unit(s) (attached)*, *additional dwelling unit (detached)*, *small residential care facility*, *lodging house* having less than 9 residents, or *home occupation*:
 - i) *Parking spaces* shall be located a minimum distance of 6 metres from a *street line*;
 - ii) Despite Subsection i), where two or more *parking spaces* are required, one *parking space* may locate on the *driveway* within 6 metres of the

front lot line or exterior side lot line and may be a tandem parking space; and,

Illustration 5-1: One Tandem Parking Space – Option A

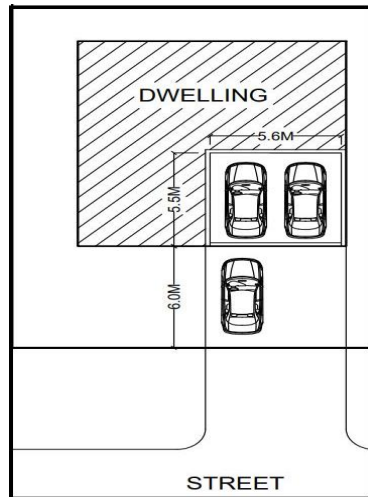
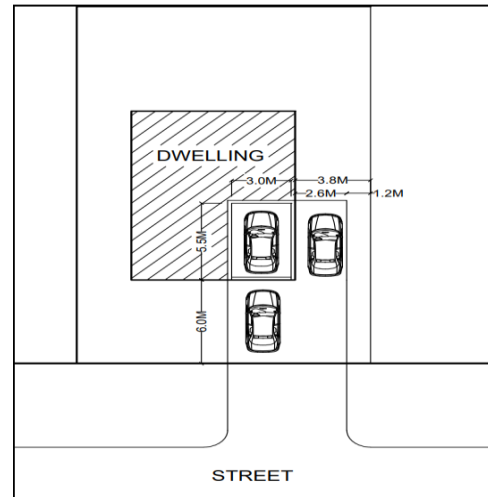


Illustration 5-2: One Tandem Parking Space – Option B



- iii) Despite Subsection ii) where three *parking spaces* are required on a *lot* that contains an ~~additional dwelling unit (attached)~~ and an ~~additional dwelling unit (detached)~~, one *parking space* may locate on the *driveway* within 6 metres of the *front lot line* or *exterior side lot line* and ~~two~~ **three** *parking spaces* may be *tandem parking spaces*; and
- iv) Not more than one *parking space* for a *home occupation* may be located in a *rear yard*, except in the case of a *corner lot*, a *through lot*, or a *lot* abutting a *lane*.

~~b) On a lot containing a street townhouse dwelling:~~

- ~~i) parking spaces shall be located a minimum distance of 6 metres from a street line.~~

eb) On a lot containing a *multiple dwelling, dwelling unit, cluster townhouse dwelling, lodging house* having 9 residents or more, or a *large residential care facility*:

- i) *parking spaces* shall not be located within the *front yard* or within the *exterior side yard*. In no case shall any *parking spaces* be located within 3 metres of the *front lot line, exterior side lot line* or *street line*; and,
- ii) despite Subsection i), *parking spaces, loading spaces, or drive aisles* located in an enclosed portion of a *building* entirely below *grade*, may have a minimum *setback* of 0 metres from a *front lot line, side lot line, and rear lot line*.

8. Table 7-1 of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey:

“Table 7-1: Permitted Uses within the Residential Zones

Use	RES-1	RES-2	RES-3	RES-4	RES-5	RES-6	RES-7
Residential Uses							
<i>Single Detached Dwelling</i>	✓	✓	✓	✓	✓		
<i>Additional Dwelling Units (Attached)(1)</i>	✓	✓	✓	✓	✓		
<i>Additional Dwelling Units (Detached)(2)</i>	✓	✓	✓	✓	✓		
<i>Semi-Detached Dwelling</i>			✓	✓	✓		
<i>Townhouse Dwelling – Street</i>				✓(3)	✓(4)		
<i>Townhouse Dwelling – Cluster (7)</i>					✓(4)	✓	
<i>Multiple Dwelling (7)</i>				✓(3)	✓	✓	✓
<i>Lodging House</i>				✓	✓	✓	✓
<i>Continuing Care Community</i>					✓	✓	✓
<i>Hospice</i>		✓	✓	✓	✓	✓	✓
<i>Residential Care Facility, Small</i>		✓	✓	✓	✓	✓	✓
<i>Residential Care Facility, Large</i>					✓	✓	✓
Non-Residential Uses							
<i>Artisan’s Establishment (5)</i>						✓	✓
<i>Community Facility (5)</i>						✓	✓
<i>Convenience Retail (5)</i>						✓	✓
<i>Day Care Facility (5)</i>						✓	✓
<i>Financial Establishment (5)</i>							✓
<i>Health Office (5)</i>							✓
<i>Home Occupation (6)</i>	✓	✓	✓	✓	✓	✓	✓
<i>Office (5)</i>						✓	✓
<i>Personal Services (5)</i>							✓
<i>Studio (5)</i>						✓	✓

Additional Regulations for Permitted Uses Table 7-1

- (1) Shall be permitted in accordance with 4.12.1 and 4.12.2.
- (2) Shall be permitted in accordance with 4.12.3.
- (3) The maximum number of *dwelling units* in a *dwelling* shall be 4.
- (4) The maximum number of *dwelling units* in a *dwelling* shall be 8.
- (5) Permitted non-residential uses must be located within a *multiple dwelling* (despite the definition of *multiple dwelling* in Section 3) and are limited in size in accordance with the regulations in Table 7-6.
- (6) Shall be permitted in accordance with 4.7.
- (7) 4 to 10 *dwelling units* on a *lot* provided without any non-residential use except permitted *home occupation uses* shall be permitted in accordance with the regulations in Table 7-5 or Table 7-6 as applicable and Section 4.12.4.”

9. “Additional Regulations for Multiple Dwellings and Non-Residential Uses Table 7-6” of By-law Number 2019-051 is amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“(1) A *multiple dwelling* ~~up to~~ **with 4** *dwelling units* shall have a minimum *lot width* of 15.0 metres.

(2) Combined total *Floor Space Ratio* of all uses on the *lot*.

(3) For ~~*multiple dwellings with 4 dwelling units or more*~~, each *dwelling unit* located at ground floor level shall have a patio area adjacent to the *dwelling unit* with direct access to such *dwelling unit*.

(4) The total *gross floor area* of all non-residential uses shall not exceed 25% of the total *gross floor area* on a *lot*.

(5) The maximum *building height* shall be 25 metres within 15 metres of a *lot* with a (RES-6) Medium Rise Residential Six Zone.

(6) The regulations within Table 7-6 shall not apply to an *existing multiple dwelling* on an *existing lot*.

(7) Individual *buildings* will not be required to achieve the minimum *floor space ratio* where there is an approved Urban Design Brief that includes a Master Site Plan that demonstrates the overall development can achieve the minimum *floor space ratio*.

(8) For lands identified in [Appendix D – Established Neighbourhoods Area](#), the minimum and maximum *front yard* shall be in accordance with [Section 7.6](#).

- (9) For lands identified in [Appendix C – Central Neighborhoods](#), the maximum *building height* shall be in accordance with [Section 7.5](#).
10. Site Specific Provision (223) of Section 19 of By-law Number 2019-051 is amended to delete the following:
- “c) an *additional dwelling unit (attached)* associated with a *semi-detached dwelling*;”
11. Site Specific Provision (226) of Section 19 of By-law Number 2019-051 is amended to delete the following:
- “*additional dwelling unit (detached)* and”
12. Site Specific Provision (232) of Section 19 of By-law Number 2019-051 is amended to delete the following:
- “c) *additional dwelling unit (attached)* in association with a *semi-detached dwelling*;”
13. Site Specific Provision (253) of Section 19 of By-law Number 2019-051 is amended to delete the following:
- “a) *additional dwelling unit (attached)*;
- b) *additional dwelling unit (detached)*;”
14. This By-law shall become effective only if Official Plan Amendment No. (Implementation of Bill 13, Bill 109, and Bill 23) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this day of , 2023.

Mayor

Clerk