

PROPOSED BY – LAW

_____, 2023

BY-LAW NUMBER ____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law 85-1, as amended,
known as the Zoning By-law for the City of Kitchener)

WHEREAS it is deemed expedient to amend By-law 85-1;

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

1. Subsection 2.3 of By-law Number 85-1 is hereby amended to add the portions of the below text that are highlighted in grey, and delete portions of the below text with a strikethrough:

“No change may be made in the type of use of any land covered by this By law or change in the type of use of any building on any such land without a Zoning (Occupancy) Certificate being issued by the Director of Planning to the effect that the proposed use is not contrary to this By law. A Zoning (Occupancy) Certificate shall be required for each use contained within a building containing multiple uses. Notwithstanding the above, no zoning (occupancy) certificate shall be required for a single detached dwelling with or without one additional dwelling unit (attached), ~~additional dwelling unit (detached)~~, duplex dwelling, semi-detached dwelling with or without one additional dwelling unit (attached), semi-detached duplex dwelling, ~~street townhouse dwelling~~, private home daycare or commercial parking facility.”

2. Section 2 of By-law Number 85-1 is hereby amended by adding the following new regulation:

“2.5 TECHNICAL REVISIONS TO THE ZONING BY-LAW

Technical revisions may be made to this By-law without the need for a Zoning By-law Amendment. Technical revisions means the correction of numbering, cross-referencing, grammar, punctuation or typographical errors, mapping errors, or revisions to format in a manner that does not change the intent of this By-law.”

3. Section 4.2 of By-law Number 85-1 is hereby amended by adding the following new definition in proper alphabetical order:

“**“Additional Dwelling Unit (Attached)”** means the use of a single detached dwelling, semi-detached house, or street townhouse dwelling where a separate self-contained dwelling unit is located within the principal building.”

4. Section 4.2 of By-law Number 85-1 is hereby amended by deleting the definition of “Driveway” and replacing it with the following new definition in proper alphabetical order:

“**Driveway**” means a vehicle route that provides access from a street or lane to a drive aisle, parking space, or parking lot.”

5. Section 4.2 of By-law Number 85-1 is hereby amended to add the portions of the below text in the definition of “Multiple Dwelling” that are highlighted in grey, and delete portions of the below text in the definition of “Multiple Dwelling” with a strikethrough:

“**Multiple Dwelling**” means a building containing ~~three~~**four** or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.”

6. Section 4.2 of By-law Number 85-1 is hereby amended to add the portions of the below text in the definition of “Parking Lot” that are highlighted in grey:

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

7. Section 4.2 of By-law Number 85-1 is hereby amended by adding the following new definition in proper alphabetical order:

“**Principal**” means, when used to describe a use, the primary use carried out on the lot or within a building or structure, and, when used to describe a building or structure, means the building or structure in which the primary use is conducted, or intended to be conducted.”

8. Section 5.22 of By-law Number 85-1 is hereby amended by inserting a new Subsection 5.22.1 thereto:

“5.22.1 ONE ADDITIONAL DWELLING UNIT (ATTACHED)”

One Additional Dwelling Unit (Attached) may be permitted in association with a Single Detached Dwelling, a Semi-Detached House or a Street Townhouse Dwelling in accordance with the regulations specified by the zone category and applying to Single Detached Dwelling, Semi-Detached House, or Street Townhouse Dwelling in which an Additional Dwelling Unit (Attached) are located and in addition to and as amended by the following:

- a) One Additional Dwelling Unit (Attached) shall only be located in the same building as a Single Dwelling, a Semi-Detached House, or a Street Townhouse Dwelling;
- b) An Additional Dwelling Unit (Attached) shall be connected to full municipal services.

5.22.1.1 ONE ADDITIONAL DWELLING UNIT (ATTACHED) AND DUPLEXES

- .1 A Duplex Dwelling shall be considered as a Single Detached Dwelling with One Additional Dwelling Unit (Attached) and a Semi-Detached Duplex House shall be considered as a Semi-Detached House with One Additional Dwelling Unit (Attached).
 - .2 New Duplex Dwellings or Semi-Detached Duplex House may be permitted in accordance with regulations set out in Section 5.22.1 One Additional Dwelling Unit (Attached).”
9. Section 5.22 of By-law Number 85-1 is hereby amended by inserting a new Subsection 5.22.2 thereto:

“5.22.2 TWO ADDITIONAL DWELLING UNITS (ATTACHED)

Two Additional Dwelling Units may be permitted in association with a Single Detached Dwelling, a Semi-Detached House, or a Street Townhouse Dwelling in accordance with the regulations specified by the zone category and applying to Single Detached Dwelling, Semi-Detached House, or Street Townhouse Dwelling 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 maximum number of Dwelling Units on a lot shall be three;
 - e) the minimum lot area shall be 395 square metres or in accordance with the minimum lot area specified by the zone category for the principal dwelling type, whichever is greater;
 - f) the minimum lot width shall be 13.1 metres or in accordance with the minimum lot width specified by the zone category for the principal dwelling type, whichever is greater;
 - g) the minimum landscaped area shall be 20%.”
10. Section 5 of By-law Number 85-1 is amended by inserting a new Subsection 5.33 thereto:

“5.33 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 business 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 5.33 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.”

11. Subsection 6.1.1.1 b) of By-law Number 85-1 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:

“b) Single Detached Dwellings with or without Additional Dwelling Unit(s), Semi-Detached Dwellings with or without Additional Dwelling Unit(s), and Duplex Dwellings with or without one Additional Dwelling Unit (Attached) or an Additional Unit (Detached); Residential Care Facility having less than 9 residents; and a Lodging House having less than 9 residents

On a lot containing a Single Detached Dwelling with or without Additional Dwelling Unit(s), Semi-Detached Dwelling with or without Additional Dwelling Unit(s), or Duplex Dwelling with or without one Additional Dwelling Unit (Attached) or an Additional Dwelling Unit (Detached); Residential Care Facility having less than 9 residents; or a Lodging House having less than 9 residents: (Amended: By-law 2021-040, S.9)

- i) The off-street parking required for such dwellings shall be located a minimum distance of 6 metres from the street line.

~~Notwithstanding the above, a Duplex Dwelling, Semi-Detached Dwelling containing two dwelling units, any principal dwelling with an Additional Dwelling Unit(s) (Attached) or Additional Unit (Detached), or a Residential Care Facility having less than 9 residents, all of which require a minimum of two parking spaces, shall be permitted to locate one of the required parking spaces on the driveway less than 6 metres from the street line and may be arranged in tandem. For any principal dwelling) or Additional Dwelling Unit (Detached), up to three required parking spaces may be arranged in tandem.~~ Notwithstanding the above, where two or three parking spaces are required, one of the required parking spaces shall be permitted to locate on the driveway less than 6 metres from the street line and up to three parking spaces may be arranged in tandem.”

12. Subsection 6.1.1.1 c) of By-law Number 85-1 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:

“c) Street Townhouse Dwellings with or without an Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached)

On a lot containing a Street Townhouse Dwelling with or without an Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached):

- i) The off-street parking required for such dwelling shall not be located within the minimum front yard or the minimum side yard abutting a street, except in the case

of a Street Townhouse Dwelling containing ~~two Dwelling Units or any Street Townhouse Dwelling containing an~~ Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached), in which case one required off-street parking space may be located in a driveway within the minimum front yard or minimum side yard abutting a street. (Amended: By-law 2021-040, S.12)

- ii)
 - a) A driveway shall be located leading directly from a street or lane to a parking space located a minimum distance of 6.0 metres from the street line and shall have a minimum width of 2.6 metres.
 - b) A driveway may be widened to a maximum of 65% of the lot width or 6 metres, whichever is the lesser.
 - c) A driveway and widening thereof may be used for the parking of vehicles provided that a parking space on the driveway or the widening meets the minimum length requirements of Section 6.1.1.2 d). (Amended: By-law 2018-125, S.13)
 - iii) Notwithstanding clause ii) above, on a corner lot an access driveway shall not be located closer than 9 metres to the intersection of the street lines abutting the lot. For the purpose of this subsection iii), where one or more parking spaces are provided with a setback of less than 12 metres, the driveway including any widening shall be deemed to be at least the same width as the parking spaces, for a minimum distance of 12 metres from the parking space, measured perpendicular to the end of the parking space closest to the street.
 - iv) In the case of a Street Townhouse Dwelling containing ~~two Dwelling Units and any Street Townhouse Dwelling with an~~ Additional Dwelling Unit(s) (Attached) or Additional Dwelling Unit (Detached), each additional required parking space may be arranged in tandem behind the first required space.
 - v) Within a front yard, side yard or side yard abutting a street, motor vehicles shall only be parked on a driveway conforming with Section 6.1.1.1.
 - vi) The driveway shall be comprised of a material that is consistent throughout the driveway and that is distinguishable from all other ground cover or surfacing, including landscaping or walkways, within the front yard, side yard or side yard abutting a street.”
13. Subsection 6.1.1.2 of By-law Number 85-1 is amended by inserting a new Subsection h) thereto:
- “h) 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.”

14. Subsection 6.1.2 a) of By-law Number 85-1 is amended by inserting “Additional Dwelling Unit (Attached) into Column 1 in proper alphabetical order with a corresponding “1 for each dwelling unit” in Column 2.
15. Sections 31.1, 32.1, 33.1, 42.1, 43.1, 44.1, 45.1, 46.1, 47.1, 47A.1, 53.1, 54.1, 55.1 of By-law Number 85-1 are hereby amended by inserting “Additional Dwelling Unit (Attached)” and “Additional Dwelling Unit (Detached)” into the existing list of permitted uses thereto in proper alphabetical order.
16. Sections 35.1, 36.1, 37.1, 38.1, 39.1, 40.1, 41.1 of By-law Number 85-1 are hereby amended by inserting “Additional Dwelling Unit (Attached)” into the existing list of permitted uses thereto in proper alphabetical order.
17. Sections 31.3, 32.3, 33.3, 42.2, 43.2, 44.3, 45.3, 47.2, 47A.3, 53.2, 54.2, 55.2 of By-law Number 85-1 are hereby amended by inserting the following new regulation thereto in proper numerical order:

“For Additional Dwelling Unit (Detached)

In accordance with regulations set out in Section 5.22 of this By-law.”

18. Sections 31.3, 32.3, 33.3, 36.2, 37.2, 38.2, 39.2, 40.2, 41.2, 42.2, 43.2, 44.3, 45.3, 47.2, 47A.3, 53.2, 54.2, 55.2 of By-law Number 85-1 are hereby amended by inserting following new regulation thereto in proper numerical order:

“For Additional Dwelling Unit (Attached)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.”

19. Section 35 of By-law Number 85-1 is hereby amended by inserting the following new subsection 35.5 thereto:

“35.5 For Additional Dwelling Unit (Attached)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.”

20. Sections 32.3, 33.3, 40.2, 41.2, 42.2, 43.2, 44.3, 45.3, 47.2, 47A.3, 53.2, 54.2, 55.2 of By-law Number 85-1 are hereby amended by inserting following new regulation thereto in proper numerical order:

“For Lots with Four to Ten Dwelling Units

4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33.”

- 21. Section 39.1 of By-law Number 85-1 is hereby amended by deleting “Multiple Dwelling” from the list of permitted uses thereto.
- 22. Section 39.2.4 of By-law Number 85-1 is hereby amended by deleting “Multiple Dwelling” from the title and deleting the following row thereto of the existing table:

“Maximum Number of Dwelling Units in Three Dwelling Units.”
a Multiple Dwelling

- 23. Section 39.2A of By-law Number 85-1 is hereby amended to read as follows:

“39.2A FOR ALL USES

| | |
|--|---|
| Maximum Number of Dwellings Per Lot | One plus Additional Dwelling Unit(s)” |
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- 24. Section 46 of By-law 85-1 is hereby amended by inserting the following new regulations thereto:

“46.4 For Additional Dwelling Unit (Detached)

In accordance with regulations set out in Section 5.22 of this By-law.”

46.5 For Additional Dwelling Unit (Attached)

One Additional Dwelling Unit (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

Two Additional Dwelling Units (Attached) may be permitted in accordance with regulations set out in Section 5.22.1 of this By-law.

46.6 For Lots with Four to Ten Dwelling Units

4 to 10 dwelling units on a lot provided without any non-residential use except permitted home business uses shall be permitted in accordance with the regulations in this Section as applicable and Section 5.33.”

- 25. Section 319 of “Appendix C – Special Use Provisions for Specific Lands” of By-law Number 85-1 is hereby deleted in its entirety.
- 26. Section 352 b) of “Appendix C – Special Use Provisions for Specific Lands” of By-law Number 85-1 is hereby deleted.

27. Section 470 c) of “Appendix C – Special Use Provisions for Specific Lands” of By-law Number 85-1 is hereby deleted.
28. 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