

PROPOSED BY – LAW  
\_\_\_\_\_ 2023  
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 for the City of Kitchener  
– City of Kitchener – Annual Update to Zoning By-law 2019-  
051)

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. Section 1 is amended by adding section 1.11 as follows:

“1.11 Failure to Comply

Where a person fails to comply with the provisions of sections 4.7, 4.14.9, and 4.15.8 of this by-law, the City may take such actions as necessary to effect compliance with those provisions at the person's expense, in accordance with section 446 of the Municipal Act.”

2. Section 3 is amended by replacing the definition of Artisan's Establishment with the following:

“Artisan's Establishment – means the use of a premises for the making, study, or instruction of a performing or visual art; or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, houseware/craft maker (including candles, soap, textiles, or similar household items) or tailor. Artisan's establishment shall not include an adult sex film theatre.”

3. Section 4.1 is amended to replacing “10 square metres” with “15.0 square metres” in section 4.1.b).

4. Section 4.14 is amended by replacing section 4.14.10.a) with the following:

“a) Steps and access ramps that do not exceed 0.6 metres above grade, at grade, or below grade, may be located within a *side yard* provided they are setback 0.5 metres from the closest property line.”

5. Section 4 is amended by adding Section 4.20 as follows:

**4.20 REDUCTION IN REGULATIONS RESULTING FROM PARKLAND**

1. If the dedication of land, to the City of Kitchener, for the purpose of parkland dedication results in non-compliance with regulations existing on the date

of the transfer of ownership, for *lot area*, *floor space ratio*, *lot width or yards*, a *building* or *use* shall be deemed to comply with such regulations only in the circumstances where a *building* or *use* is proposed to be developed in strict accordance with an approved site plan, which required the conveyance of land for parkland dedication; provided that no greater benefit shall be obtained than that which could be obtained based on the zoning in effect on the date of such land dedication.

2. If the dedication of land to satisfy parkland dedication requirements results in non-compliance with regulations not listed in 5.34.1 and existing on the date of the land transfer, the non-compliance with those regulations shall be deemed to comply where the *building* or *use* legally existed on the date of the land transfer.”

6. Section 4 is amended by adding Section 4.21 as follows:

**“4.21 REDUCTIONS IN REGULATIONS RESULTING FROM STREET WIDENING**

- a. If the acquisition of land, by registration on title on or after the date of the passing of this by-law, to widen a *street* or to provide a *corner visibility triangle* results in non-compliance with regulations existing on the date of acquisition and respecting *lot area*, *floor space ratio*, *lot width or yards*, a *building* or *use* shall be deemed to comply with such regulations only in the circumstances which follow:
  - i. where the *building* or *use* existed at the date of the acquisition;
  - ii. where a *building* or *use* is proposed to be developed by the same owner who conveyed the land for *street* widening or *corner visibility triangle*; or
  - iii. where a *building* or *use* is proposed to be developed in strict accordance with an approved site plan applied for by a previous owner, which required the conveyance of land for *street* widening or *corner visibility triangle*; and,
  - iv. subsections i) through iii) shall only apply provided that:
    - i. where the *lot* is rezoned after the acquisition of land for *street* widening or *corner visibility triangle*, no greater benefit shall be obtained than that which could be obtained based on the zoning in effect on the date of such acquisition; and,
    - ii. the provisions of this section shall not apply in circumstances where the conveyance of land for *street* widening or *corner visibility triangle* is a requirement of a subdivision of land approval.
- b. If the acquisition of land to widen a *street* or to provide a *corner visibility triangle* results in non-compliance with regulations not listed in subsection a) and existing on the date of acquisition, the non-compliance with those regulations shall be deemed to comply where the *building* or *use* legally existed on the date of the acquisition.”

7. The Additional Regulations for Minimum and Maximum Parking Requirements for Table

5-5 is amended by replacing subsection (1) with the following:

- “(1) 0 parking spaces are required for a home occupation use that is an office or indirect sales with no employees or clients to the premises, or for a home occupation within a single detached dwelling with an additional dwelling unit(s) attached or additional dwelling unit (detached), semi-detached dwelling with an additional dwelling unit(s) attached or additional dwelling unit (detached), street townhouse dwelling with an additional dwelling unit(s) attached or additional dwelling unit (detached), cluster townhouse dwelling, or multiple dwelling.

If the home business does not have a non-resident employee, or if the home business has one non-resident employee and is conducted in such a manner as to not attract customers, then the required parking spaces for the home business, non-resident employee, and/or dwelling unit may be arranged in tandem.”

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

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Mayor

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Clerk