

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  
– City of Kitchener – Annual Update to Zoning By-law 85-1)

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. Section 2.1.4 is amended by replacing section 2.1.4 in its entirety with the following:

“.4 Failure to Comply

Where a person fails to comply with the provisions of sections 5.13, 5.6A2, 6.1, 6.3, 6.4, 6.5 and 40.2.5, 41.2.5, 42.2.5, 43.2.2, 44.3.5, 45.3.5, 46.3 and 47.2.2 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 4 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 5.5 is amended by replacing “9.9 square metres” with “15.0 square metres” in sections 5.5.2.a), 5.5.2.c), and 5.5.2.d).

4. Section 5.6.1 is amended by replacing section 5.6.1.b) with the following:

“b) 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 5.13 is amended by replacing section 5.13.2) j) with the following:

“j) 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 space for the home business,

non-resident employee, and/or dwelling unit may be arranged in tandem.”

6. Section 5 is amended by adding section 5.34 as follows:

“5.34 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.”

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

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Mayor

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Clerk