

PROPOSED BY – LAW

_____, 2024

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. Section 4.2 of By-law Number 85-1 is amended to add the following sentence to the definition of “Building Height”:

“Despite the foregoing, for an additional dwelling (detached), the height shall be measured in accordance with s. 5.22.1 f) and 5.22.1 g) and at no point shall the vertical distance between the lowest elevation of the finished ground immediately surrounding the perimeter of the building and the point to which height is measured as described by the regulations exceed 110% of the maximum permitted building height.”

2. Section 5.6A of By-law Number 85-1 is amended to add new subsection 5.6A.6 as follows:

“5.6A.6 Window Wells

Window wells may project into any required yard, provided that they are located a minimum 0.5 metres to the closest lot line.”

3. Section 5.8 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:

Notwithstanding anything else in this By-law, the City or any of its local boards as defined in The Municipal Affairs Act, The Regional Municipality of Waterloo, ~~Kitchener-Wilmot Hydro Inc.~~ **Enova Power Corp.**, communications or transportation systems owned or operated by or for the citizens and any agency of the Federal or Provincial Government, including Hydro One, **or an organization on behalf of or in partnership with the aforementioned, a public service provider,** may, for the purposes of the public service, use any land or erect or use any building in any zone subject to the use or building being in compliance with the most restrictive regulations contained in such zone and the parking requirements of Section 6.1 for such use and subject to there being no outdoor storage of goods, materials or equipment in any yard abutting a Residential Zone. Any buildings erected or used

in a Residential Zone under the provision of this Section shall be designed so as not to intrude into the residential character of the area. For any public service use that includes *dwelling units* that qualify as *affordable housing* as defined in the Provincial Planning Statement the following shall apply: a dwelling or dwelling unit must be permitted by the zone; residential uses may be located on the ground floor; no minimum or maximum number of dwelling units shall apply; and, parking requirements of Section 6.1.2 shall not apply. This exemption for use in any zone, however, shall not apply to any land or building used by any transportation, communications, telephone or electrical utility company for executive or administrative offices, or retail purposes, or any land or building used by any local school board for secondary school purposes.

4. The title to Section 5.13.3 to By-law 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:

~~“.3 Home Businesses permitted in Duplex Dwellings, Multiple Dwellings, Semi Detached Houses containing two dwelling units and Street Townhouse Dwellings, or on any lot containing an Additional Dwelling Unit (Detached) or an Additional Dwelling Unit (Attached) a Dwelling Unit not specified in 5.13.1”~~

5. The title to section 5.13.4 to By-law 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:

~~“.4 Regulations for Home Businesses in Duplex Dwellings, Multiple Dwellings, Semi Detached Houses containing two dwelling units and Street Townhouse Dwellings, or on any lot containing an Additional Dwelling Unit(s) (Detached) or Additional Dwelling Unit(s) (Attached) a Dwelling Unit not specified in 5.13.1:”~~

6. Section 5.22 f) of By-law Number 85-1 is amended to add the words “or sidewalk” following the phrase “provided from a street”.

7. Section 5.22.1 d) of By-law Number 85-1 is deleted.

8. Section 5.22.2 of By-law Number 85-1 is amended to add new subsection b) as follows:

“b) Despite the definition of Dwelling Unit, one Additional Dwelling Unit (Attached) may have the required private entrance through the living space of the principal unit excluding a bathroom or bedroom, as may be permitted by the Ontario Building Code.”

9. Section 5.22.3 b) of By-law Number 85-1 is amended to add the sentence “Despite the foregoing, where Additional Dwelling Unit(s) (Attached) are being added to an existing Single Detached Dwelling, Semi-Detached Dwelling or Street Townhouse Dwelling which does not have a pedestrian entrance facing a street line, the minimum number shall be zero;” following the word “line”.

10. Section 5.22.3 c) of By-law Number 85-1 are amended to add the sentence “Despite the foregoing, pedestrian entrances located below grade, and those leading to a balcony which does not connect to the ground shall be excluded;” following the word “existing”.
11. Section 5.22.3 d) of By-law Number 85-1 is deleted.
12. Section 5.33 of By-law Number 85-1 is amended to add new subsection e) as follows:

“e) An unobstructed walkway that is a minimum 1.1 metres in width, shall be provided from a street or sidewalk to the principal entrance of each Dwelling Unit or to a common entrance providing access to each Dwelling Unit.”

PASSED at the Council Chambers in the City of Kitchener this
day of _____, 2025.

Mayor

Clerk