

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  
– Annual Zoning By-law Update)

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 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:

**“Building Height** – means the vertical distance between the highest 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~~ *uppermost point of the building*. For all ~~uses~~ *buildings* except a *single detached dwelling* with or without *additional dwelling unit(s) (attached)* at no point shall the vertical distance between the lowest elevation of the finished ground immediately surrounding the perimeter of the *building* and ~~the uppermost point of the building~~ *the point to which height is measured as described by the regulations* exceed 110% of the maximum *building height* in the applicable zone.”

**“Storey** – means the portion of a *building* or *structure* that is situated between the ~~top~~ *surface of any floor and the top surface of the floor next above it; or if there is no floor above it, that portion between the top surface of the floor and the underside of the ceiling above it. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is a storey. For the purposes of calculating the minimum or maximum number of storeys, the ground floor and any storey above it shall be included as a storey.*”

**“Use, Public** – means the *use* of any land, *building*, or *structure* by, on behalf of, or in ~~partnership with~~, the Federal or *Provincial* governments, the *Region*, the Grand River Conservation Authority, or the *City*.”

2. Subsection 4.7.1 of By-law 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:

**“4.7.1 Regulations for Home Occupations**

- a) A *home occupation* shall only be permitted on a *lot* containing a ~~single detached dwelling (with or without an additional dwelling unit (attached) or additional dwelling unit (detached), semi-detached dwelling (with or without an additional dwelling unit (attached) or additional dwelling unit (detached), street townhouse dwelling (without an additional dwelling unit (attached) or additional dwelling unit (detached), cluster townhouse dwelling, or multiple dwelling~~ **dwelling unit**.
- b) A *home occupation* shall only locate in a **dwelling unit**.
- c) A *home occupation* shall only be operated by the persons resident in the *dwelling unit*.
- d) Outdoor storage shall not be permitted as part of a *home occupation*.
- e) A *home occupation* shall not include a noxious use.”

3. Table 4-2 of By-law 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:

**“Table 4-2: Permitted Home Occupation Uses**

**Permitted *home occupation* use on a lot containing a *single detached dwelling* or a *semi-detached dwelling unit* (without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*) (1)(2)(3)(4)**

<b>Home Occupation Use</b>	<b>First Home Occupation Use</b>	<b>Second Home Occupation Use</b>
<i>Artisan’s Establishment</i>	✓	
<i>Bed and Breakfast (5)(6)</i>	✓	
<i>Canine and Feline Grooming Establishment (5)(7)</i>	✓	
<i>Catering Service Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Health Office</i>	✓	
<i>Indirect Sales</i>	✓	✓
<i>Light Repair Operation</i>	✓	
<i>Office</i>	✓	✓
<i>Personal Services (8)</i>	✓	
<i>Private Home Day Care (11)</i>	✓	

**Permitted *home occupation* use in any **dwelling unit** within a ~~single detached dwelling with additional dwelling unit(s) (attached) or additional dwelling unit(s) (detached), semi-detached dwelling unit with additional dwelling unit(s) (attached) or additional dwelling unit(s) (detached), street townhouse dwelling with an additional dwelling unit(s) (attached) or additional dwelling unit(s) (detached), cluster townhouse dwelling, or multiple dwelling~~ (9)(10).**

Home Occupation Use	First Home Occupation Use	Second Home Occupation Use
<i>Artisan's Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Office</i>	✓	
<i>Indirect Sales</i>	✓	

**Additional Regulations for Permitted Home Occupation Uses Table 4-2.**

(1) A maximum of two *home occupations* shall be permitted on a *lot*. The total maximum *gross floor area* for all *home occupations* on a lot is 25 percent of the *gross floor area* of the *dwelling unit*. In no case shall the *gross floor area* for all *home occupations* exceed 50 square metres of *gross floor area*.

(2) A *home occupation* shall be conducted so as to not attract more than three customers or clients at any one time.

(3) Despite Section 4.7.1 b), an *artisan's establishment, office, or indirect sales home occupation*, that does not attract customers or clients to the *lot*, may locate in an *accessory building*.

(4) Despite Section 4.7.1 c), in addition to the resident, a *home occupation* may employ one non-resident employee.

(5) Only within a *single detached dwelling*.

(6) A maximum of two bedrooms is permitted within a *bed and breakfast*.

(7) A maximum of two dogs and two cats associated with the *canine and feline grooming establishment* are permitted at any one time, for a maximum of three hours on any given day during regular operating hours.

(8) Shall not include the cleaning of apparel.

(9) A *home occupation* shall be conducted so as to not attract more than one customer or client to the premises at any one time.

(10) A maximum of one *home occupation* shall be permitted within each *dwelling unit* to a maximum of 15 square metres of *gross floor area*.

(11) A *private home day care* is also permitted on a *lot* containing a *street townhouse dwelling* (without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*)."

4. Subsection 4.12.1 of By-law Number 2019-051 is amended by inserting a new subsections c) and d) thereto:

- “c) 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 *new additional dwelling unit (attached)*, where the *principal* entrance is not located on a *street line façade*.
- d) 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.”

5. Subsection 4.12.2 c) 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:

- “c) a minimum of one pedestrian entrance to the *principal building* is required to face a *street line*. Despite the foregoing, where *additional dwelling unit(s) (attached)* are being added to an *existing dwelling* which does not have a pedestrian entrance facing a *street line*, the minimum number shall be zero;”

6. Subsection 4.12.2 d) 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:

- “d) A maximum of two pedestrian entrances shall be permitted to face each *street line*, except where more pedestrian entrances are existing. Despite the foregoing, pedestrian entrances located *below grade*, and those leading to a balcony which does not connect to the ground shall be excluded;”

7. Subsection 4.12.2 f) of By-law Number 2019-051 is deleted.

8. Subsection 4.12.3 f) of By-law Number 2019-051 is deleted.

9. Section 4.12.4 of By-law Number 2019-051 is amended by inserting a new subsection e) thereto:

- “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*.”

10. Subsection 4.14.4 of By-law Number 2019-051 is deleted in its entirety and replaced with the following:

#### **“4.14.4 Porches and Decks**

Porches and decks, whether or not covered, shall meet the regulations required for the *building* with which it is associated in the applicable *zone*.

Despite the foregoing, in a *residential zone*:

- a) When located in a *front yard* or *exterior side yard*, an unenclosed porch or deck associated with an entrance to a *dwelling unit*, whether or not covered, may project into a required *front yard* or *exterior side yard* provided that the porch or deck:
- i. is located a minimum of 3 metres from a *street line* and the floor of the porch or deck does not exceed 1 metre in height above the ground. A cold room may be located beneath the porch or deck.
  - ii. has a minimum depth of 1.5m; or in the case of an existing porch or deck with a depth of less than 1.5 metres, the minimum depth shall be the existing depth.
  - iii. despite Subsection i) and ii), a porch or deck attached to the *principal building* of a *lot* or *structure* designated under the Ontario Heritage Act may be located or reconstructed within a required *front yard* or *side yard* provided that the *setback*, *gross floor area*, dimensions, and height do not exceed what legally existed on or before March 5, 2012.
- b) When located within a *rear yard*:
- i. an unenclosed and uncovered porch or deck that does not exceed 0.6 metres in height above the ground, may be located in the required *rear yard*.
  - ii. an unenclosed and uncovered porch or deck that exceeds 0.6 metres in height above the ground, may be located in a required *rear yard* provided that it is located a minimum of 4 metres from the *rear lot line*, and meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* type with which it is associated.
  - iii. A roof *structure* projecting from a *building* over an unenclosed porch or deck, shall be considered part of the *building* to which it is attached. A roof *structure* attached to the *principal building*, may project into a required *rear yard* provided that:
    - a. it is located a minimum of 4 metres from the *rear lot line*,
    - b. meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* in the applicable zone, and
    - c. the roof *structure* over the porch or deck has a maximum height of 5.5 metres to the peak and 3.0 metres to the underside of any fascia measured from the ground immediately surrounding the roof *structure* for any portion which projects into the required rear yard.
- c) When located within an *interior side yard*, an unenclosed and uncovered porch or deck that does not exceed 0.6 metres in height above the ground, may be located within a required *interior side yard*.
- d) despite subsections a), b) and c) for a *semi-detached dwelling* or *street townhouse dwelling* a porch or deck which is attached to the *principal dwelling*, and any permitted covering or roof *structure*, may be *setback* 0 metres from an *interior lot line* on which there is a shared common wall.”

11. Section 4.14.7 of By-law Number 2019-051 is deleted in its entirety and replaced with the following:

**“4.14.7 Patios**

- a) Any required private patio shall be a minimum of 11 square metres in size.
- b) An uncovered and unenclosed patio is permitted in any *yard*.
- c) A roof *structure* projecting from a *building* over an unenclosed patio, shall be considered part of the *building* to which it is attached.
- d) Despite Subsection c), in a *residential zone* a roof *structure* over an unenclosed patio, which is attached to the *principal building*, may be located within a required *rear yard* provided that it is *setback* a minimum of 4 metres from the *rear lot line*, meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* in the applicable zone, and the roof *structure* over the patio has a maximum height of 5.5 metres to the peak and 3.0 metres to the underside of any fascia.”

12. Section 4.14.8.2 of By-law Number 2019-051 is deleted in its entirety.

13. Section 4.14.10 of By-law Number 2019-051 is deleted in its entirety and replaced with the following:

**“4.14.10 Steps and Access Ramps**

Steps and access ramps may be permitted in any required *yard*, provided the maximum area of steps and access ramps located in a *front yard* or *exterior side yard* shall not exceed 40 percent of the area of the *front yard* or *exterior side yard*.

Despite the foregoing, in a *residential zone* the following shall apply:

- a) within a *front yard* or *exterior side yard* steps and access ramps, shall be located a minimum of 3.0 metres from a *street line* and 0.5 metres from an *interior side lot line* or *rear lot line*.
  - i) despite subsection a) uncovered steps and access ramps that are located at ground level may be *setback* a minimum of 0 metres to the *street line*.
  - ii) Despite subsection a) uncovered steps and access ramps that do not exceed 0.6 metres below ground level or 0.6 metres above ground level may be *setback* a minimum of 1 metre from the *street line*.
- b) within an *interior side yard* steps and access ramps, whether located at ground level, above ground level or below ground level shall be located a minimum of 0.5 metres from the closest *lot line*.
  - i) Despite subsection b) steps and access ramps that exceed 0.6 metres above ground level shall be located a minimum of 0.75 metres from the closest *lot line*, and portions of steps and access ramps that provide access above the

*ground floor storey* shall be located a minimum of 1.2 metres from the closest *lot line*.

- c) Within a *rear yard* steps and access ramps that exceed 0.6 metres above ground level shall be located a minimum of 0.75 metres from the closest *lot line*, and portions of steps and access ramps that provide access above the *ground floor storey* shall be located a minimum of 1.2 metres from the closest *lot line*.
- d) Despite Subsections a) and b) steps and access ramps located in a *front yard* or *interior side yard* leading to a principal entrance of a *semi-detached dwelling* or a *street townhouse dwelling* may be set back 0 metres from the *interior lot line* on which there is a shared common wall.
- e) A roof *structure* projecting from a *building* over steps or access ramps shall be considered a part of the building to which it is attached.
  - i) Despite Subsection e), a roof *structure* may project into a required *interior side yard* provided that it is located no closer to the *side lot line* than the steps or access ramp, and the roof *structure* has a maximum *height* of 5.5 metres to the peak and 3.0 metres to the underside of any fascia measured from the ground immediately surrounding the roof *structure*.
  - ii) Despite Subsection e), a roof *structure* may project into a required *rear yard* provided that it is setback a minimum of 4 metres from the *rear lot line*, is located no closer to the *side lot line* than the steps or access ramp, meets the *interior side yard* and *exterior side yard setback* regulations required for the *dwelling* in the applicable zone, and the roof *structure* has a maximum *height* of 5.5 metres to the peak and 3.0 metres to the underside of any fascia measured from the ground immediately surrounding the roof structure for any portion which projects into the required *side yard* or *rear yard*.”

14. Section 4.14 of By-law Number 2019-051 is amended by inserting a new subsection 4.14.11 thereto:

**“Section 4.14.11 Window Wells**

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

15. Section 4.15.7 a) of By-law Number 2019-051 is amended to add the text below following the first paragraph:

“Despite the foregoing, for any *public use* containing *dwelling units* that qualify as affordable housing as defined in the Provincial Planning Statement:

- a. a *dwelling* or *dwelling unit* shall be permitted by the applicable zone;
- b. despite the regulations of the applicable zone *residential uses* may occupy 100% of *gross floor area*, 100% of the *street line ground floor*, and no minimum or maximum number of dwelling units shall apply.
- c. minimum *parking space* requirements of Table 5-5 shall not apply.

16. Section 5.1 of By-law Number 2019-051 is amended to add the below text highlighted in grey:

**“5.1 APPLICABILITY**

a) The provisions of Section 5 herein shall only apply at such time as there is:

- i) A change in use or number of dwelling units; and/or,
- ii) An increase in *gross floor area* on the *lot*; and/or,
- iii) A change in the amount, size and/or location of *existing parking spaces*, *existing driveways*, or *existing drive aisles*.

b) Despite Subsection a) i), the provisions of Section 5 herein shall not apply to *existing parking spaces*, *existing driveways*, *existing garage projections*, *existing private garage width*, *existing loading spaces*, *existing stacking spaces* or *existing stacking lanes* on a *lot* where there is a change of use or increase in the number of *dwelling units* within an *existing building* or *existing structure* and:

- i) There is no increase in *gross floor area* on the *lot*; and,
- ii) The *Class B bicycle parking* and *Class C bicycle parking* provisions are complied with; and,
- iii) The number of *existing parking spaces* and *stacking spaces* that remain on the *lot* is equal to or greater than the minimum *parking spaces* and minimum *stacking spaces* required for the *new use* or *new number of dwelling units* in accordance with Table 5-5, 5-6 and Table 5-7.”

17. Section 5.4 f) of By-law Number 2019-051 is amended by adding the words “except in a RES-1 zone where it may be as wide as an attached garage.” following the word “width”.

18. Table 5-2 of By-law Number 2019-051 is amended by adding additional regulation “(1)” following the regulation contained in column 2, row 2; column 2, row 3; and column 2, row 4; and to add new additional regulation (1) after Table 5-2 follows:

“(1) Notwithstanding the maximum *private garage width*, a storage alcove may be incorporated into an attached garage and may extend beyond the maximum *private garage width* provided that:

- a) the storage alcove is stepped back a minimum of 1.5 metres from the *street line façade* of the attached garage, with habitable interior space between the alcove and the *street line façade* of the building; and
- b) the entire width of the attached garage including both the vehicular parking area and the storage alcove shall not exceed 80% of the width of the *street line façade* at the ground level (measured from the centreline of an interior garage wall and the outside of an exterior wall).“



19. Table 5-3 of By-law Number 2019-051 is amended by adding additional regulation “(1)” following the regulation contained in column 2, row 2; column 2, row 3; and column 2, row 4; and to add new additional regulation (1) after Table 5-3 follows:  
“(1) Notwithstanding the maximum *private garage width*, a storage alcove may be incorporated into an attached garage and may extend beyond the maximum *private garage width* provided that:  
a) the storage alcove is stepped back a minimum of 1.5 metres from the *street line façade* of the attached garage; and  
b) the entire width of the garage including both the vehicular parking area and the storage alcove shall not exceed 80% of the width of the *street line façade* at the ground level (measured from the centreline of the interior garage wall to the outside of the exterior wall). “
20. Table 5-3 of By-law Number 2019-051 is amended by adding additional regulation “(2)” following the additional regulation contained in column 2, row 3; and to add new additional regulation (2) after Table 5-3 as follows:  
“(2) despite the maximum *private garage width*, where a *semi-detached dwelling unit* is located on a *lot* having a width between 7.5 metres and 8.0 metres, the maximum *private garage width* may be increased to a maximum of 60% of the front *façade* closest to the *street* at the ground level, and only as much is strictly necessary in order to provide an interior garage width of 3.0 metres.”
21. Additional Regulation (5) for Permitted Uses Table 7-2 of By-law Number 2019-051 is amended to add “or where one *additional dwelling unit (attached)* is added to a *single detached dwelling* without any *existing additional dwelling units (attached)* or *additional dwelling units (detached)*, where there is no increase to *existing gross floor area*” following the word “(attached)”.
22. Table 7-2 of By-law Number 2019-051 is amended by adding additional regulation “(7)” following additional regulation “(3)” contained in row 5, column 2; row 5, column 3; row 5, column 4; row 5, column 5; row 5, column 6, and to add new additional regulation (7), in the proper sequential order, after Table 7-2 as follows:  
“(7) despite the minimum *front yard* or *exterior side yard setback*, the vehicular entrance to any *private garage* shall be located a minimum of 6 metres from the *street line*”.
23. Additional Regulation (3) for Permitted Uses Table 7-3 of By-law Number 2019-051 is amended to add “or where one *additional dwelling unit (attached)* is added to a *semi-detached dwelling unit* without any *existing additional dwelling units (attached)* or *additional dwelling units (detached)*, where there is no increase to *existing gross floor area*” following the word “(attached)”.
24. Table 7-3 of By-law Number 2019-051 is amended by adding additional regulation “(5)” following additional regulation “(1)” contained row 5, column 4; row 5, column 5; row 5, column 6, and to add new additional regulation (5), in the proper sequential order, after Table 7-3 as follows:

“(5) despite the minimum *front yard* or *exterior side yard setback*, the vehicular entrance to any *private garage* shall be located a minimum of 6 metres from the *street line*”

25. Additional Regulation (4) for Permitted Uses Table 7-4 of By-law Number 2019-051 is amended to add “or where one *additional dwelling unit (attached)* is added to a *street townhouse dwelling unit* without any *existing additional dwelling units (attached)* or *additional dwelling units (detached)*, where there is no increase to *existing gross floor area*” following the word “(attached)”.

26. Table 7-4 of By-law Number 2019-051 is amended by adding additional regulation “(6)” following additional regulation “(1)” contained in row 6, column 5; row 6, column 6, and to add new additional regulation (6), in the proper sequential order, after Table 7-4 as follows:

“(6) despite the minimum *front yard* or *exterior side yard setback*, the vehicular entrance to any *building* used to accommodate off-street parking shall be located a minimum of 6 metres from the *street line*”

27. Table 7-4 of By-law Number 2019-051 is amended by adding additional regulation “(7)” following the regulation contained in row 3, column 5 and to add new additional regulation (7), in the proper sequential order, after Table 7-2 as follows:

“(7) despite the minimum *lot width* regulation, the minimum *lot width* for a *street townhouse dwelling* located on a *lot* or block which was created by Plan of Subdivision and which received Draft Plan approval prior to the effective date of this by-law shall be 5.5 metres.”

28. Table 7-4 of By-law Number 2019-051 is amended by adding additional regulation “(8)” following the regulation contained row 8, column 5; row 8, column 6, and to add new additional regulation (8), in the proper sequential order, after Table 7-4 as follows:

“(8) Despite the minimum *interior side yard* setback, for any portion of a wall located on an *interior side yard* having a common-wall, but not forming part of a common-wall, the *minimum interior side yard setback* shall be 1.2 metres.”

29. Subsection 7.6 of By-law Number 2019-051 is amended to add new subsection c) as follows:

“c) Despite subsection a) and b) where there are no changes to an *existing front yard setback* the *existing front yard* is the *established front yard*.”

30. Table 8-1 of By-law Number 2019-051 is amended by adding “Home Occupation” as a permitted use in column one in the correct alphabetical order and adding checkmarks (✓) to indicate that Home Occupation is a permitted use in the MIX-1, MIX-2, and MIX-3 zones.

31. Table 8-1 of By-law Number 2019-051 is amended by adding additional regulation “(9)” following the use “*Home Occupation*” in column one, and to add new additional regulation (9), in the proper sequential order, after Table 8-1 as follows:

“(9) shall be permitted in accordance with 4.7”

32. Section 18 of By-law Number 2019-051 is amended to add new section 18.6 as follows:

**“18.6 TRANSITION SUNSET CLAUSE – RES-3 & RES-4 ZONED LOTS**

Despite Section 18.3, Sections 18.1, 18.2 a), b) and d), and 18.6, as they apply to *lots* zoned RES-3 and RES-4, are automatically repealed on the seventh anniversary of the *effective date* of this By-law, and the provisions of Section 34(9) of the Planning Act shall thereafter apply in respect of any *buildings, structures, or uses* established or erected pursuant to any such complete application.”

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

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Mayor

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Clerk